

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Revision Petition No. 1342/2007

Krishi Upaj Mandi Samiti, Sujangarh through Secretary, Krishi
Upaj Mandi Samiti, Sujangarh, District Churu.

-----Petitioner

Versus

1. Banwari Lal S/o Tiku Ram, by caste Jat, R/o Nalia Baas,
Sujangarh, District Churu.
2. Lichman Ram S/o Bharu Ram, by caste Jat, R/o Nimbi Jodha,
Tehsil Ladnu, District Nagaur.
3. State of Rajasthan

-----Respondent

For Petitioner(s)	:	Mr. Mohd. Amaan
For Respondent(s)	:	Mr. Shailendra Gwala, for respondents No.1 & 2 Mr. Vikram Singh Rajpurohit, PP

HON'BLE MR. JUSTICE MANOJ KUMAR GARG

Order

16/07/2025

Instant criminal revision petition under Section 397/401 Cr.P.C. has been filed by the petitioner/complainant against the judgment dated 11.07.2007, passed by learned Addl. Sessions Judge Sujangarh, District Churu, in Criminal Revision No.14/2007, whereby the learned Judge has allowed the revision filed by the respondents No.1 & 2 against the order dated 23.07.2004 passed by learned Judicial Magistrate (First Class) No.1, Sujangarh, District Churu, in original criminal case No.82/2002 and discharge the accused-respondents No.1 & 2 from the offence punishable under Sections 28(1) and 28(2) of Rajasthan Agriculture Produce Market Act, 1961.

Brief facts of the case are that a complaint lodged before the Judicial Magistrate at Sujangarh, against the respondents No.1 & 2 concerning alleged violation related to market fee, amount to Rs.1,726/-. Subsequently, cognizance was taken against them on 10.04.2002 under Sections 28(1) and 28(2) of Rajasthan Agriculture Produce Market Act, 1961. Thereafter, respondents No.1 & 2 filed an application on the ground that the cognizance was initiated beyond the statutory period prescribed under Section 468 of Cr.P.C. The Court, after hearing the submissions of both the parties, dismissed the application vide order dated 23.07.2004. Feeling aggrieved by the said order, respondents No.1 & 2 filed a revision petition before the Court below, which was allowed vide order dated 11.07.2007 whereby cognizance order was set aside and the respondents No.1 & 2 were discharged from the offence. Being aggrieved by the order dated 11.07.2007 petitioner has filed this revision petition.

Counsel for the petitioner submits that the learned revisional court has committed gross error in setting aside the order of cognizance passed by the trial court against the accused-respondents No.1 & 2 for offence under Sections 28(1) and 28(2) of Rajasthan Agriculture Produce Market Act, 1961 as there is ample evidence against them for committing the offence. Counsel submits that at the stage of taking cognizance, only prima facie case has to be seen, but the learned revisional court did not abide by the said principle and wrongly set aside the order of cognizance. Thus, the order of revisional court deserves to be quashed and set aside.

Learned counsel for the respondents No.1 & 2 have opposed the prayer made by the counsel for the petitioner and submitted that now the amount has been deposited by the respondents. Counsel submits that learned revisional court has considered each and every aspect of the matter and rightly passed the order. The order of revisional court is a detailed and reasoned order and thus, the same does not warrant any interference from this Court.

Heard the learned counsel for the parties and perused the order impugned as well as material available on record.

On perusal of the impugned revisional order, it is apparent that the revisional court has passed a detailed reasoned order considering each and every aspect of the matter. It is also found that now the amount has been deposited by the respondents to the petitioner. This Court observes that the learned revisional court, after considering all the facts and circumstances of the case as well as material available on record has rightly set aside the order of cognizance passed by the trial court against the accused-respondents for offence under Sections 28(1) and 28(2) of Rajasthan Agriculture Produce Market Act, 1961.

In the facts and circumstances of the case, no interference is called for in the impugned revisional order. The present revision petition is dismissed. Stay application is also dismissed.

Record of the trial court be sent back immediately.

(MANOJ KUMAR GARG),J