

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

S.B. Criminal Revision Petition No. 253/2025

Monu S/o Sh. Sant Lal, Aged About 32 Years, R/o House No.
2220, Bhadra Road, Jawahar Nagar, Hisar, Haryana.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Suresh S/o Nihal Singh, R/o Village Channi Bari, Tehsil Bhadra, Dist. Hanumangarh.
3. Bhagwani Devi W/o Sadhu Ram, R/o Village Channi Bari, Tehsil Bhadra, Dist. Hanumangarh.
4. Radha W/o Late Banwari, R/o Village Channi Bari, Tehsil Bhadra, Dist. Hanumangarh.
5. Savitri W/o Nihal Singh, R/o Village Channi Bari, Tehsil Bhadra, Dist. Hanumangarh.
6. Nihal Singh S/o Chattar Singh, R/o Village Channi Bari, Tehsil Bhadra, Dist. Hanumangarh.
7. Chandrawati W/o Late Shiv Dayal, R/o Village Channi Bari, Tehsil Bhadra, Dist. Hanumangarh.
8. Kavita W/o Subhash, R/o Village Ninan,tehsil Bhadra, Dist. Hanumangarh.

-----Respondents

For Petitioner(s)	:	Mr. Bharat Devasi
For Respondent(s)	:	Mr. Surendra Bishnoi, AGA Mr. Bhoop Singh Choudhary Mr. Manoj Choudhary

HON'BLE MR. JUSTICE FARJAND ALI**ORDER**

DATE OF CONCLUSION OF ARGUMENTS	05/03/2026
DATE ON WHICH ORDER IS RESERVED	05/03/2026
FULL JUDGMENT OR OPERATIVE PART	Full Order
DATE OF PRONOUNCEMENT	01/05/2026

BY THE COURT:-

1. By way of filing the instant revision petition, challenge has been laid to the order dated 18.01.2025 passed by the learned Additional Sessions Judge, Bhadra in Sessions Case No.7/2021 whereby the application preferred by the petitioner under Section 319 Cr.P.C. came to be rejected.

2. Shorn of unnecessary details, the brief facts of the case are that an FIR was lodged at the instance of the petitioner alleging that his sister had been murdered and thereafter hanged so as to obliterate the evidence of the offence. Admittedly, the petitioner was not an eye-witness to the occurrence and had no direct knowledge of the incident, having learnt about the same only after it had already taken place.

2.1. The matter was thoroughly investigated and, thereafter, a detailed police report under Section 173 Cr.P.C. came to be submitted. As per the investigation, the deceased Suman had been married to accused Naresh Kumar about ten years prior to the incident. Initially, she resided in the matrimonial home, but after some time, a separate accommodation was arranged away from the in-laws. The investigation further indicated that on the day of the occurrence, there had been a routine domestic discord

between the spouses involving verbal altercation and some physical scuffle. It was alleged that the husband had beaten and pushed the deceased before leaving for his work at village Badra. The circumstances emerging proximate to the time of occurrence suggested that thereafter the deceased was alone in the house and apparently committed suicide by hanging herself.

2.2. The investigating agency concurrently found no material against the other persons named in the FIR and exonerated them, whereafter charge-sheet came to be filed only against the husband of the deceased, namely Naresh Kumar.

2.3. After commencement of trial and examination of about fourteen witnesses, the petitioner moved an application under Section 319 Cr.P.C. seeking summoning of those persons who had been left out during investigation. The learned trial Court, upon due consideration of the material available on record, rejected the said application, giving rise to the present revision petition.

3. I have heard learned counsel for the parties and perused the impugned order as well as the record of the case.

4. An undisputed fact which emerges is that even earlier an application seeking identical relief had been moved by the petitioner, which came to be rejected by the trial Court vide order dated 01.07.2023. Thereafter, a second application of similar nature was filed and was dismissed as not pressed on 24.02.2024. Significantly, after rejection of the aforesaid two applications, no fresh or substantive material surfaced on record so as to strengthen the petitioner's claim.

4.1. The persons now sought to be summoned include the parents of the husband of the deceased, brother-in-law, sister-in-law Smt. Radha (*nani saas*) Chandrawati, (maternal aunt) and other relatives. Their names were very much available right from the inception of the case. Yet, no protest petition was filed when the charge-sheet came to be presented only against Naresh Kumar with a clear finding of exoneration qua the aforesaid persons, nor was any recourse taken under Section 193 Cr.P.C. at the relevant stage.

4.2. Petitioner Monu and P.W.2 Sonu, who are real brothers of the deceased, were examined during trial. Except for the statements of these two interested witnesses, no independent or corroborative material has surfaced indicating involvement of the proposed accused persons. It is noteworthy that the earlier applications seeking the same relief had also been considered after recording of these witnesses. Thus, no new circumstance has arisen thereafter warranting a different view.

4.3. By now, as many as eighteen witnesses stand examined and the trial appears to be at the verge of conclusion. The extraordinary power under Section 319 Cr.P.C. is to be exercised sparingly and only where strong and cogent evidence emerges during trial indicating involvement of a person not facing trial. Such satisfaction cannot rest upon mere suspicion or repetitive assertions unsupported by fresh evidence.

4.4. This Court is, therefore, of the considered view that no material of such quality exists so as to justify summoning of

additional accused persons to face trial along with Naresh Kumar.

The learned trial Court committed no illegality, perversity or jurisdictional error in rejecting the application under Section 319 Cr.P.C.

5. Consequently, the revision petition being devoid of merit stands dismissed. The stay petition also stands disposed of.

(FARJAND ALI),J

67-Mamta/-