

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

S.B. Criminal Misc(Pet.) No. 2053/2026

1. Rinku Khatri W/o Sundar Khatri, Aged About 32 Years, R/o Gafur Bhatta, District Jaisalmer Raj.
2. Sundar Khatri S/o Bhagwan Das, Aged About 44 Years, R/o Gafar Bhatta, District Jaisalmer,rajasthan
3. Doulat Kumar S/o Bhagwan Das, Aged About 42 Years, R/o Dindayal Upadhyia Colony, District Jaisalmer,rajasthan

-----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Manoj Kumar Shurma, Aged About 30 Years, R/o Shri Laxminathji Saving And Credit Cooperative Society Ltd, Gaytri Marg, Gandhi Colony, District Jaisalmer,rajasthan

-----Respondents

For Petitioner(s) : Mr. B.R. Bishnoi

For Respondent(s) : Mr. Ramesh Dewasi, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

23/03/2026

Learned counsel for the petitioner submits that the offences involved in the present case are punishable with imprisonment of less than 7 years and, hence, compliance with the provisions of Section 35 BNSS is mandatory. However, the respondents are not comply with the same.

This Court has considered the arguments raised by the petitioner. The Hon'ble Apex Court, in ***Satender Kumar Antil v. Central Bureau of Investigation and Anr reported in 2026 INSC 115***, has clearly laid down that in cases where the offences are punishable with imprisonment of less than 7 years, compliance

with the statutory safeguards (including notice and procedural requirements) is mandatory.

In view of the same, this Court is not inclined to pass any further order.

Accordingly, the instant criminal miscellaneous petition is disposed of.

The stay petition as well as all pending application(s) stand disposed of.

(BALJINDER SINGH SANDHU),J