HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc(Pet.) No. 2277/2026

Smt. Rekha Devi W/o Shri Pawan Kumar Gaur, Aged About 41 Years, Resident Of C-377, Sanjay Colony, Tehsil And District Bhilwara, Rajasthan.

----Petitioner

Versus

1. R.k. Enterprises, Jhabak Bhawan, Near Lic Office, Bhopalganj, Bhilwara Through Its Authorized Signatory, Rakesh Jhabak S/o Late Shri Dalchand Jhabak.
2. Rakesh Jhabak S/o Late Shri Dalchand Jhabak, Resident Of 1F-32, Old Housing Board, Shastri Nagar, Bhilwara, Authorized Signatory R.k. Enterprises.
3. State Of Rajasthan, Through Its Public Prosecutor.

----Respondents

For Petitioner(s)	:	Mr. Himanshu Bumb
For Respondent(s)	:	Mr. Pawan Bhati, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

25/03/2026

The present criminal misc. petition has been filed by the petitioner under Section 528 of BNSS challenging the order dated 29.08.2025 passed by the learned Special Magistrate, N.I. Act Cases No.4, Bhilwara by which the application under Section 311 was allowed and order dated 27.01.2026 passed by learned Session Judge, Bhilwara by which revision petition has been filed by the petitioner against the order dated 29.08.2025 has been dismissed.

Learned counsel for the petitioner submits that while allowing the application of the accused under Section 311 Cr.P.C.

he has been again called for cross-examination. He submits that there was no ground to allow the application and same is only the abuse of process of the court.

This Court has gone through the order dated 29.08.2025 as well as order dated 27.01.2026 and has considered the arguments raised by the petitioner. The learned trial Court has allowed the application under Section 311 Cr.P.C. while exercising its discretion. The trial Court while considering the application of 311 Cr.P.C. can always call witness for re-examination if it is found that the same is required for just and valid adjudication of the case. The grounds raised by the petitioner has duly examined by the revisional court and in the interest of justice the cost has been enhance from Rs.2,500 to Rs.5,000.

Section 397(3) of the Code of Criminal Procedure enacts a clear prohibition against entertaining a second revision at the behest of the same party. The object underlying this statutory restraint is to ensure finality in adjudication, to maintain procedural discipline, and to prevent multiplicity of challenges that would otherwise impede the expeditious administration of criminal justice.

In the case in hand, the petitioner has not been able to point out any perversity, arbitrariness and material irregularity or jurisdictional infirmity in the concurrent orders passed by the court below. No exceptional or extraordinary circumstances has been demonstrated which compels exercise of extraordinary powers by this Court under Section 528 BNSS.

The order of the learned trial Court discloses reasoned analysis of the relevant consideration and reflects conscious application on mind. The learned revisional Court has also upon independent examination of the matter has concurred with the reasoning and has found no case for interference in the findings of the Court below. The orders under challenge cannot be characterized as capricious or perverse.

In view of the statutory bar against the second revision coupled with absence of any manifest illegality or miscarriage of justice, this Court finds no basis to interfere in the orders impugned dated 29.08.2025 passed by the learned trial Court as well as dated 27.01.2026 passed by the revisional Court. Consequently, the present petition being devoid of merits is dismissed.

However, it is directed that no unnecessary adjournment shall be granted at the behest of the accused to cross-examine the complainant if he is present for cross-examination.

(BALJINDER SINGH SANDHU),J

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