

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

S.B. Criminal Misc(Pet.) No. 2296/2026

Ashok Kumar S/o Shri Ugamaram, Aged About 46 Years,
Resident Of Jasrana, Police Station Kuchaman City, District
Nagaur, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Public Prosecutor.
2. Ram Pal S/o Shri Pemaram, Aged About 68 Years,
Resident Of Jasrana, Police Station Kuchaman City,
District Nagaur, Rajasthan.

-----Respondents

For Petitioner(s)	:	Mr. Mohammed Muneer Dhera
For Respondent(s)	:	Mr. Ramesh Dewasi, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

25/03/2026

Counsel for the petitioner has challenged the order of cognizance dated 02.12.2025, by which, cognizance against the petitioner has been taken for offence under Section 304 IPC and Section 136 of the Electricity Act.

Counsel for the petitioner raised an argument that the learned trial court erred in taking cognizance for the offences alleged, as the charge-sheet does not disclose any such cognizable offence committed by the petitioner.

The main contention in this petition is that there is a shadow upon the time of death of deceased as in the first complaint filed by the grand-father of deceased, no time is mentioned. He, however, submits that in the FIR the time mentioned is between

8:00 to 8:20 am. He submits that after 23 days of the incident, the statements have been recorded of the mother, father and 'Dadi', wherein they stated the time of incident to be 6:00 am. He submits that the same is absolutely an after-thought. In view of the same, it is highly doubtful.

He submits that as per the report of Ajmer Vidyut Vitran Nigam Limited (AVVNL), there was shutdown from 07:00 to 09:00 am, therefore, he submits that as per the version of FIR if the incident had happened between 08:00 to 08:20 am, then the same is absolutely false and concocted. He further submits that in the claim/suit filed, mother and father of the deceased mentioned time of incident to be 08:00 am.

This Court has considered the submissions made and has gone through the documents placed on record.

The averments of the petitioner solely is on the basis of the fact that since the time of incident mentioned in FIR as 08:00 to 08:20 am, there was a shutdown, the entire incident is falsified.

This ground of the petitioner is completely unsustainable. It is settled law that an FIR is not an encyclopedia and it is only a first information regarding the incident and the investigation into the offence thereafter follows. From the investigation, it reveals that the medical evidence was thereafter collected and in the post-mortem report, it has come that the girl died due to electrical shock and apart from that, the persons who had gone to save her had also received electrical shocks. It is also revealed from the medical record that the girl was taken to hospital at around 06:30

am, which is recorded in the charge-sheet filed against the petitioner.

In view of the same, the main contention raised by the counsel does not have any force, and at best it can be said that there is contradiction in the timing of incident in the FIR and the statements recorded, and the petitioner can have benefit of the same in the trial. But, however, it cannot be stated that no case of cognizance is made out against the petitioner.

The law on this point is no more res integra that at the stage of taking of cognizance, only a prima facie case is required to be made out from the material available on record and the evidence is not to be meticulously appreciated/evaluated, as would be done during trial. The Hon'ble Supreme Court in ***Kallu Nat @Mayank Kumar Nagar v. State of U.P. & Anr., 2025 INSC 930*** has observed that at the stage of taking cognizance/issuing process, the Court is only required to be prima facie satisfied that sufficient grounds exist to proceed and the scope of inquiry remains limited. The same view has been reiterated in ***Bhushan Kumar v. State (NCT of Delhi), (2012) 5 SCC 424*** and ***Sonu Gupta v. Deepak Gupta, (2015) 3 SCC 424***.

In view of the observations made above and upon perusal of the material on record, I am satisfied that the trial court has not committed any error in taking cognizance, and the record discloses a prima facie case against the petitioner.

In view of the same, this Court does not find any ground to interfere in the order of cognizance dated 02.12.2025.

Accordingly, the criminal misc. petition is dismissed.

Stay application and all pending applications, if any, stands disposed of accordingly.

It is made clear that the observations made hereinabove shall have no adverse bearing on the case of petitioner in trial.

(BALJINDER SINGH SANDHU),J

67-Sanjay/-