

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

S.B. Criminal Misc(Pet.) No. 2375/2026

Mohhamad Ayyub Lohar S/o Mohhamad Ismile, Aged About 50
Years, R/o Village Bigod, District Bhilwara, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Superintendent Of Police, District Bhilwara
3. Station House Officer, Police Station Badliyas, District Bhilwara

-----Respondents

For Petitioner(s)	:	Mr. Suresh Kumar Bishnoi
For Respondent(s)	:	Mr. Anurag Jyani for Mr. Mahaveer Bishnoi, AAG

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

25/03/2026

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(3) 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 a notice under Section 35(3) of the BNSS, 2023 to an accused or any individual concerned, qua an offence punishable with imprisonment up to 7 years, is the rule.

In view of the principles laid down by the Hon'ble Apex Court, this Court is not required 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

106-deep/-