

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

S.B. Criminal Writ Petition No. 1232/2026

Ganpatram S/o Shri Gopram, Aged About 20 Years, Resident Of
Balaupkhand, Tehsil Bilara, District Jodhpur, Rajasthan

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department
Ofhome Affairs, Government Of Rajasthan, Jaipur.
2. The Superintendent Of Police, Jodhpur Rural.
3. The Sho, Police Station Bilara Jodhpur Rural.
4. The Head Of Forest Force, Department Of Forest,
Government Of Rajasthan Jaipur.
5. The Principal Chief Conservatr Of Forest, Jaipur
6. The District Forest Officer, Jodhpur Rural.
7. Smt. Sangita Vishnoi W/o Dineshpal, Regional Forest
Officer, Bilara, Jodhpur Rural, Rajasthan

-----Respondents

For Petitioner(s)	:	Mr. Raju Ram
For Respondent(s)	:	Mr. SriRam Choudhary, P.P.

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

25/03/2026

1. The present writ petition has been filed challenging the FIR
No.27/2026 dated 18.02.2026 for the offences under Section
3/25 of Arms Act, 1959 as revised in 2019.
2. The limited grievance of the petitioner is that initially, the
petitioner was arrested in connection with FIR No.9/83/2025
registered by the Regional Forest Officer for various offences
under the Forest Act. It appears that during the course of
arrest, an unlicensed arm allegedly recovered from the

possession of the petitioner and for the said recovery, the present FIR is registered.

3. The arguments of the learned counsel for the petitioner is that second FIR should not have been registered and he cannot be arrested. Such an action amounts to double jeopardy and violation of Article 22 of the Constitution of India. It is also his argument that since he has already been arrested in the FIR relating to forest offence, he cannot be again arrested in relating to something which is recovered while taking the petitioner into custody as a fresh cause of action for issuance of fresh FIR.
4. Learned Public Prosecutor opposes the submissions made by learned counsel for the petitioner and it is his argument that the present FIR is relating to under different offence under different enactment, though the recovery was made while petitioner was arrested relating to forest offence, which is a different matter. In the forest offence FIR, there is no offence registered under Section 3/25 of the Arms Act for illegal possessing of the arms which is unlicensed. Therefore, he seeks dismissal of the writ petition.
5. Having gone through the contentions of both the parties, the FIR registered by the forest officials in connection with the offences allegedly committed relating to the forest offences. The petitioner failed to demonstrate before this Court that the forest officials who are empowered to prosecute the offenders for offences under Forest Act are also entitled to deal with the offences relating to other enactments. In absence of such a power, the recovery of arms unlicensed, it

gives a different cause of action for a different offences and the present FIR was basing on the recovery of unlicensed arms and the regular Police Station is empowered to proceed with possession of unlicensed arms. This Court finds no illegality in issuing the FIR.

6. The contention with regard to violation of Article 22 of the Constitution of India is unsustainable. It is not a case of double jeopardy, it is a case of threshold of investigation and it is a different exercise of powers by the different officials relating to different enactments.
7. In view of the overall facts and circumstances of the case, there is no substance in the present Criminal Writ Petition and the same is, therefore, dismissed being devoid of merit.
8. Misc. application(s), if any, stand disposed of.

(MUNNURI LAXMAN),J