

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

S.B. Criminal Miscellaneous (Petition) No. 2507/2026

Punamchand S/o Udyodas, Aged About 67 Years, R/o Outside
Uston Ki Bari, Near Harsholav Pond, Chhota Ranisar Bas, Bikaner
Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Sawai Swami @ Sawai Singh S/o Leeladhar Swami, Aged
About 22 Years, Resident Of Outside Uston Ki Bari, Near
Harsholav Pond, Chhota Ranisar Bas, Bikaner.
3. Leeladhar Swami S/o Udhodas, Aged About 48 Years,
Resident Of Outside Uston Ki Bari, Near Harsholav Pond,
Chhota Ranisar Bas, Bikaner.
4. Chief Manager (H.r.), Neyveli Lignite Corporation Limited,
Barsinghsar, Tehsil And District Bikaner.
5. Chairman And Managing Director, Neyveli Lignite
Corporation Limited, Barsinghsar, Tehsil And District
Bikaner.
6. Chief Manager, Neyveli Lignite Corporation Limited,
Barsinghsar, Tehsil And District Bikaner.

-----Respondents

For Petitioner(s) : Mr. Sameer Khan

For Respondent(s) : Ms. Sonu Manawat, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

29/04/2026

The instant Criminal Miscellaneous Petition has been
preferred by the petitioner under Section 528 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (BNSS), challenging the order

dated 06.11.2025 passed by the learned Special Judge (SC/ST Cases) and Additional Sessions Judge, Bikaner in Criminal Revision No. 44/2018.

Learned counsel for the petitioner has challenged the order dated 11.10.2018 passed by the learned trial Court, whereby the protest petition was rejected and the negative final report was accepted, as well as the order passed by the revisional Court. It is contended that the allegations in the present case pertain to an acquisition that took place in the year 1999. The company had promised to provide employment to one member of the affected family. However, in the present case, the job was given to the son of the agriculturist on the basis of an adoption, whereas the same, according to the petitioner, ought to have been given to him. It is further submitted that the investigation was not conducted fairly, and material placed on record by the petitioner, which warranted consideration while taking cognizance, has been ignored.

Per contra, learned Public Prosecutor submits that there is no illegality or error in the impugned orders.

This Court has considered the submissions advanced by learned counsel for the parties. The dispute raised by the petitioner pertains to acquisition proceedings of the year 1999 and the subsequent grant of employment to a family member, which was admittedly provided in the year 2014. The controversy essentially relates to *inter se* disputes between family members regarding entitlement to such employment, particularly in light of

an adoption said to have been effected through a registered adoption deed.

In the considered opinion of this Court, the dispute is predominantly civil in nature, involving determination of rights arising out of adoption and entitlement to employment benefits. Such issues are more appropriately adjudicated by a competent civil court and do not constitute sufficient grounds for initiation of criminal proceedings.

The learned trial Court, after detailed consideration of the negative final report and the material placed on record by the complainant, rightly concluded that no case for taking cognizance was made out and proceeded to accept the final report. The revisional Court has also independently examined the matter and found no ground for interference. There are concurrent findings of fact recorded by both the courts below, and the petitioner has failed to demonstrate any perversity, illegality, or jurisdictional error warranting interference by this Court.

Section 438(3) of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 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.

The petitioners have already avail remedy of revision before the Sessions Court and upon failure therein has attempted to

reopen the same issue before this Court by way of filing this misc. petition which in view of the embargo imposed by Section 438(3) is not maintainable.

Hence, in view of the observations made above no case for interference is made out. The petition being devoid of merit, is accordingly dismissed.

All pending application(s), if any, shall stand disposed of.

(BALJINDER SINGH SANDHU),J