

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

S.B. Criminal Misc(Pet.) No. 3286/2025

Kartik Jain S/o Kailash Chandra Jain, Aged About 31 Years, R/o 94, Vidhut Nagar, Tehsil And District Bhilwara, Rajasthan. 311001

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Dwarika Prasad S/o Not Known, Aged About 55 Years, R/o Tasvariya Kala, Phulia Kala, Shahpura, Rajasthan.

-----Respondents

Connected With

S.B. Criminal Misc(Pet.) No. 3295/2025

Insaf Mohammad Assam S/o Mumtaj Mohammad Assam, Aged About 43 Years, R/o Bhilwara Road, Masjid Ke Pass, Nai Abadi, Mandalgarh, Bhilwara, Mandalgarh, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Superintendent Of Police, Bhilwara (Raj)
2. Station House Officer, Police Station Jahajpur, District Bhilwara (Raj)
3. Dwarka Prasad, Head Constable 1207, Police Station Jahajpur, District Bhilwara (Raj)

-----Respondents

For Petitioner(s) : Mr. Shiv Kumar Bhati
Mr. Bharat Gurjar
Mr. T.S. Champawat
Mr. Paramveer Singh

For Respondent(s) : Mr. Narendra Singh Chandawat, PP

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT
Order

21/08/2025

1. Learned counsel for both the petitioners contend that in the present case the allegations levelled against the petitioners for the offences punishable under Sections 112(2), 318(4) of BNS, Sections 66D, 66C of the IT Act and Section 13 of the Rajasthan Public Gambling Ordinance, 1949 (hereinafter referred to as 'the

RPGO') which have wrongly been foisted upon them. In support of their contentions, learned counsel have relied upon a judgment dated 11.10.2022 rendered by a Coordinate Bench of this Court in ***Sanjay Kumar Vs. State of Rajasthan [S.B. Criminal Misc. (Pet.) No.3037/2022]***, wherein the Coordinate Bench allowed the said petition and quashed the FIR with the observation that the offence under Section 66 of the Information & Technology (Amendment) Act is not made out against the accused.

2. Learned counsel for the petitioners have also placed reliance upon another judgment dated 08.08.1952 rendered by a Coordinate Bench of this Court in ***The State Vs. Pyarelal [Criminal Appeal No. 47 of 1951]***, and contended that the offence under Section 13 of the Rajasthan Public Gambling Ordinance, 1949 is not made out against the accused.

3. The matter requires consideration.

4. Issue notice of the misc. petition as well as the stay petition.

5. Learned Public Prosecutor accepts notice on behalf of respondent No.1. Let notice be issued to respondent No.2, returnable after three weeks.

6. Learned Public Prosecutor prays for and is granted two weeks' time to file reply.

7. In the meanwhile and till the next date of hearing, the petitioners shall not be arrested in connection with FIR No.107/2025 registered at Police Station Jahajpur, District Bhilwara.

(MUKESH RAJPUROHIT),J