

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

S.B. Criminal Miscellaneous (Petition) No. 3415/2026

Kailash Chandra Jat S/o Dhukal Lal Jat, Aged About 33 Years, R/o Holirda, Akola, 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

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For Petitioner(s) : Mr. S.K. Bishnoi

For Respondent(s) : Mr. Ramesh Dewasi, PP

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**HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU**

**Order**

**29/04/2026**

The present misc. petition under Section 528 BNSS has been filed by the petitioner for quashing of FIR No.74/2026, registered at Police Station Badliyas, District Bhilwara for the offence under Sections 303(2) of BNS and Sections 4, 21 of the Mines and Minerals (Development & Regulation) Act, 1957.

It is also submitted that directions be issued to the I.O. to comply with the provisions of Section 35(3) BNSS, as he is not complying with the same.

So far as the contention raised regarding compliance of Section 35(3) BNSS is concerned, Hon'ble Apex Court in ***Satender Kumar Antil Vs. 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 present criminal misc. petition is disposed of.

The stay petition as well as all pending application(s) stand disposed of.

**(BALJINDER SINGH SANDHU),J**

78-deep/-