

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

S.B. Criminal Revision Petition No. 701/2026

1. Mohan Ram S/o Padma Ram, Aged About 42 Years,
Resident Of Mornavada, Khedapa, District Jodhpur Raj.
2. Deva Ram S/o Padma Ram, Aged About 44 Years,
Resident Of Mornavada, Khedapa, District Jodhpur Raj.
3. Girdhari Ram S/o Padma Ram, Aged About 40 Years,
Resident Of Mornavada, Khedapa, District Jodhpur Raj.

-----Petitioners

Versus

1. State Of Rajasthan, Through Pp.
2. Om Prakash S/o Revatram, Resident Of Mornavada,
Khedapa, District Jodhpur Raj.

-----Respondents

For Petitioner(s)	:	Mr. Kan Singh Oad
For Respondent(s)	:	Mr. Ramesh Dewasi, PP

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

01/07/2026

Issue notice.

Learned Public Prosecutor accepts notice on behalf of the respondent No.1. Service of notice upon the respondent No.1 is therefore, complete.

Issue notice to the respondent No.2 only.

Learned counsel for the petitioners submitted that a Head Constable of Police Department is not competent to investigate offences punishable with imprisonment for seven years or more. He submitted that in the present case, Head Constable of P.S. Khedapa after conducting investigation in relation to the FIR No.167/2024 dated 24.07.2024 lodged at Police Station Khedapa

has submitted police report (challan) under Section 193 of BNSS against the petitioners- accused persons for the offences punishable under Sections 189(2), 190, 324(5), 115(2), 307, 329(3), 118(1), 118(2), 117(2) and 109 BNS. Learned counsel submitted that the offences are punishable with imprisonment extending beyond ten years and, therefore, the investigation ought to have been conducted by the officer superior to the rank of Head Constable.

The matter requires consideration.

Issue notice of the stay application as well.

In the meanwhile and till further orders, criminal trial in Criminal Case No.96/24 (Sessions Case No.20/24) pending before learned Additional Sessions Judge, Jodhpur District shall remain stayed.

(KULDEEP MATHUR),J