

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

S.B. Criminal Misc(Pet.) No. 4018/2025

1. Shubham Soni S/o Pannalal Soni, Aged About 24 Years,
R/o Gigraj Ji Ka Kunwa, Ratangarhk Dist. Churu.
2. Himanshu Swami S/o Pramod Swami, Aged About 24
Years, Resident Of Gigraj Ji Ka Kunwa Ratangarh District
Churu
3. Nikhil Tandon S/o Navveen Kumar, Aged About 35 Years,
Resident Of 74 New Keshav Nagar Udaipur

-----Petitioners

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s) : Mr. Pankaj Kumar Gupta

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

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

20/05/2025

1. Learned counsel for the petitioner submitted that as per the provisions provided under Section 55 of the Wildlife Protection Act, 1972, the cognizance of an offence under the Wildlife Protection Act can be taken on the complaint only by the persons empowered under Section 55 of the Act of 1972. It was submitted that in the present case, the cognizance was not taken on the complaint by the persons empowered under Section 55 of Act of 1972 and, therefore, the order of cognizance dated 22.04.2025 deserves to be quashed and set-aside by this Court.
2. Learned counsel has placed reliance upon the judgment passed by co-ordinate Bench of this Court in the case of '**Balram**

& Anr. Vs. State of Rajasthan' in S.B. Criminal Misc. Petition

No.1414/2008 decided on 28.08.2017.

3. Heard.

4. The matter requires consideration.

5. Issue notice to the respondent.

6. Learned Public Prosecutor accepts notice on behalf of respondent. Service of notice upon respondent is, therefore, complete.

7. List the matter after ten weeks.

8. In the meanwhile and till further orders, further proceedings in relation to criminal case no.1127/2025 pending before the Court of learned Additional Chief Judicial Magistrate, Ratangarh District Churu shall remain stayed.

(KULDEEP MATHUR),J

17-divya/-