

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

S.B. Criminal Miscellaneous (Petition) No. 4681/2023

Suparas Raj Lodha S/o Shri Sudhraj Lodha, Aged About 64 Years, Proprietor - M/s Uma Plastopack, R/o Plot No. 1, Bhagat Ki Kothi, Vistar Yojna, New Pali Road , Jodhpur (Raj.)

-----Petitioner

Versus

1. Jawarilal S/o Shri Mangilal, R/o Plot No. 110, Evergreen Farmhouse, Bhakarasani, Jodhpur. R/o Plot No. 7-C-66, Kudi Bhagtasani Housing Board, Jodhpur (Raj.)
2. State Of Rajasthan, Through Pp

-----Respondents

For Petitioner(s)	:	Mr. Prashant Tatia
For Respondent(s)	:	Mr. Vikram Singh Rajpurohit, Dy.G.A.
For Complainant	:	Mr. Vikas Hedau

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

23/04/2026

The instant Criminal Misc. Petition under Section 482 of Cr.P.C. has been filed by the accused-petitioner against the order dated 07.06.2023 passed by learned Special Metropolitan Magistrate (N.I. Act Cases) No.3, Jodhpur Metropolitan in Criminal Original Case No.496/2021, whereby application under Section 65 of the Indian Evidence Act filed by the respondent No.1/complainant was allowed.

After arguing at some length, learned counsel for the respondent No.1/complainant submits that this petition may be accepted and liberty may be given to the respondent No.1/complainant to file fresh application under Section 65 of the Indian Evidence Act after giving required notice to the petitioner.

Learned counsel for the petitioner does not object the same.

In view of above, order dated 07.06.2023 passed by learned trial Court is quashed and set-aside.

Respondent/complainant would be at liberty to file fresh application under Section 63 of the Bharatiya Sakshya Adhiniyam, 2023 (BSA) (corresponding to Section 65 of the Indian Evidence Act) after serving the required notice to the petitioner.

It is made clear that if any such application is filed by the respondent No.1/complainant, the same may be decided strictly in accordance with law without being influenced by the observations made earlier in the impugned order dated 07.06.2023.

The instant petition is disposed of accordingly.

Stay application and pending application(s), if any, also stand disposed of.

(ANIL KUMAR UPMAN),J