

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

S.B. Criminal Miscellaneous (Petition) No. 5295/2026

CNR: RJHC010608082026

URN: CRLMP / 9496U / 2026

Vishnu Dutt S/o Late Shri Mangilal, Aged About 48 Years,
Resident Of 1 K.s.p., Shereka, Tehsil Tibbi, District Hanumangarh
Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Pramod Kumar S/o Rajendra Sharma, R/o Village Pohadka, Police Thana Elnabaad, District Sirsa, Haryana.
3. Vinod Kumar S/o Rampratap, R/o Chak 9 K.s.p., Tehsil Tibbi, District Hanumangarh Rajasthan.
4. Krishna Alias Bagri S/o Hari Singh, R/o Kandhran, Police Thana Hamirvaas, District Churu, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Vipul Dharnia

For Respondent(s) : Mr. Vikram Rajpurohit, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

17/07/2026

The instant Criminal Miscellaneous Petition has been preferred by the petitioner under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, assailing the order dated 06.06.2026 passed by the learned Sessions Judge, Hanumangarh, in Sessions Case No. 41/2015 (CIS No. 56/2017), whereby the application preferred by the petitioner/complainant under Section 311 of the Code of Criminal Procedure, 1973 (corresponding to Section 348 of the Bharatiya Nagarik Suraksha Sanhita, 2023)

seeking summoning/recalling of material witnesses has been rejected.

Learned counsel for the petitioner has challenged the order dated 06.06.2026 on the ground that the learned Trial Court has erroneously rejected the application preferred under Section 311 Cr.P.C. It is submitted that the petitioner had sought recalling of five material witnesses for their further examination, as their evidence is essential for a just decision of the case. However, the learned Trial Court rejected the said application without properly appreciating the necessity of their examination.

This Court has perused the impugned order. Prima facie, the order appears to proceed on certain factual assumptions which do not find support from the material available on record. The learned Trial Court has also observed that the matter is fixed for final arguments. However, considering that the trial pertains to an offence punishable under Section 302 IPC and that the power under Section 311 Cr.P.C. is intended to ensure a just decision of the case, this Court deems it appropriate to examine the legality and propriety of the impugned order.

Issue notice to the respondents, returnable on 27.07.2026.

Learned Public Prosecutor accepts notice on behalf of respondent No. 1–State.

Issue notice to respondent Nos. 2 to 4. Notices be given *dasti* for service through their respective counsel appearing before the learned Trial Court.



[CRLMP-5295/2026]

Till the next date of hearing, the learned Trial Court shall not pronounce the final judgment in Sessions Case No. 41/2015 (CIS No. 56/2017).

(BALJINDER SINGH SANDHU),J

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