

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

S.B. Criminal Miscellaneous (Petition) No. 6187/2025

Sharvan S/o Shri Mana Ram, Aged About 22 Years, R/o Kharad
Ps Dhorimana District Barmer

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. Devi D/o Achla Ram, R/o Dudapur Udasar Tehsil
Dhorimana District Barmer

-----Respondents

For Petitioner(s)	:	Mr. Hapu Ram Vishnoi
For Respondent(s)	:	Mr. Vikram Singh Rajpurohit, PP Mr. R.J. Punia for complainant Mr. Deep Singh, CI, PS Dhorimana, District Barmer

HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Order

24/04/2026

1. Mr. R.J. Punia, has put in appearance on behalf of the respondent No.2-complainant.
2. Hence service is complete.
3. In pursuance of order dated 23.04.2026, SHO concerned is present in person. Under his instructions, learned State Counsel submits that due to some inadvertent facts, order of the learned trial Court could not be mentioned in the factual report. He submits that though explanation submitted by the concerned SHO is not convincing but in the facts and circumstances of the case, he is advised to remain careful in future while furnishing the factual report before this Court.

4. Learned counsel for the petitioner submits that impugned order dated 15.04.2025 passed by the learned Magistrate is not sustainable in the eye of law as after submission of the result of investigation, learned trial Magistrate has no authority or power to sent back the matter to the Investigating Agency for re-investigation. Counsel submits that there is no provision under Cr.P.C. to conduct re-investigation. To buttress his contention, he has placed the judgment passed by the co-ordinate Bench of this Court in S.B. Criminal Revision No.825/2013.

5. Learned State Counsel as well as learned counsel for the complainant vehemently opposes the submissions made by the learned counsel for the petitioner. They submit that learned trial Magistrate has not passed the order of re-investigation and simply for verification of the investigation conducted earlier, file has been sent back to the concerned Police Station.

6. I have considered the rival submissions made at the bar and perused the material available on record.

7. From bare perusal of the order, it would reveal that an application was submitted by the concerned Assistant Prosecution Officer (APO) saying that original file is required for verification of the investigation conducted earlier and by considering the prayer made by the Investigating Agency, the said application was accepted and file was sent back for the verification of the investigation conducted earlier.

8. In view of above, I do not find any illegality in the impugned order passed by the learned trial Magistrate. The judgment relied upon by the counsel for the petitioner was passed totally in the

different factual matrix and does not applicable to the present facts and circumstances of the case.

9. Hence this Criminal Misc. Petition stands dismissed.

10. However, it is made clear that neither re-investigation nor further investigation shall be conducted in this matter in the garb of impugned order dated 15.04.2025 passed by the learned Additional Judicial Magistrate No.2, Barmer and Investigating Agency only shall verify the earlier investigation and submit the result of investigation before the concerned Court within a period of four weeks.

11. If any further investigation is required in this matter, Investigating Agency shall file an appropriate application to seek permission from the learned trial Magistrate to conduct the further investigation.

(ANIL KUMAR UPMAN),J