

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

S.B. Criminal Misc(Pet.) No. 8306/2024

Mahendra Ram Jat S/o Gena Ram Jat, Aged About 38 Years, R/o
Hal Hc 578 Rpl, Pratapgarh.

-----Petitioner

Versus

State Of Rajasthan, Through Pp

-----Respondent

For Petitioner(s)	:	Mr. SK Bhati
For Respondent(s)	:	Mr. Vikram Rajpurohit, Dy.G.A. with Mr. Ravindra Mr. Tej Karan Charan, CI, Police Station Dowara, Dungarpur Mr. Praveen Tak, CI, Police Station Chhoti Sadari

HON'BLE MR. JUSTICE FARJAND ALI

Order

05/02/2025

1. After hearing the learned counsel for the parties and the CI - Tej Karan Charan and Praveen Tak and churning of the facts emanating from FIR Nos.98/2024, 32/2024 and 295/2024, it comes to fore that in fact the disclosure of co-accused Amrit Banwari was made in FIR No.98/2024, in which, he made confession regarding complicity of the petitioner in facilitating the transportation of narcotic substances. The mobile phone of accused - Amrit Banwari was also seized in FIR No.98/2024. The impugned FIR No.295/2024 is essentially and majorly based upon the disclosure made by the co-accused in FIR No.98/2024. In view of the judgment passed by Hon'ble the Supreme Court in the case of ***Amitbhai Anilchandra Shah Vs. CI & Anr.*** reported in **2013 AIR SCW 2353** whether continuation of fresh investigation based

on a revelation come true in previous FIR is permissible or not, is a serious question. Learned counsel for the State seeks some time to argue on the above question.

2. List the matter on 27.03.2025.

3. In the meantime, nothing would preclude the Police Agency to continue further investigation under sub-clause (8) of Section 173 of Cr.P.C. in connection of FIR No. 98/2024 of Police Station Choti Sadri, District Pratapgarh. They are permitted to seek case diary of the above case and commence further investigation in the matter. They are further at liberty to take on record some material of FIR No.32/2024 also in the case diary of FIR No.98/2024 while conducting further investigation.

(FARJAND ALI),J

54-divya/-