

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

S.B. Criminal Misc(Pet.) No. 8938/2025

Gangabishan Singh S/o Sh Laxmi Narayan, Aged About 76 Years,
Behind Nagar Nigam, Rawato Ka Mohalla, Ps Sadar, District
Bikaner.

----Petitioner

Versus

1. State Of Rajasthan, Through Public Prosecutor
2. Madan Singh S/o Laxmi Narayan, Behind Nagar Nigam
Rawato Ka Mohalla Ps Sadar Bikaner
3. Sharda Kanwar W/o Madan Singh, Behind Nagar Nigam
Rawato Ka Mohalla Ps Sadar Bikaner
4. Ram Singh Asi Investigation Officer, Ps Sadar Bikaner
Through Superintendent Of Police Bikaner

----Respondents

For Petitioner(s)	:	Mr. Virendra Kumar Sharma Ms. Ayushi Parihar
For Respondent(s)	:	Mr. Vikram Rajpurohit, PP

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

23/03/2026

The present criminal miscellaneous petition has been filed challenging the order dated 07.09.2021 passed by the learned Chief Judicial Magistrate No. 2, Bikaner in FIR No. 492/2016, whereby the negative final report submitted by the Investigating Agency was accepted. The petitioner is also aggrieved by the order dated 04.02.2025 passed by the learned Additional Sessions Judge No. 5, Bikaner in Criminal Revision Petition No. 55/2023, whereby the revision petition preferred against the aforesaid order was dismissed.

Learned counsel for the petitioner submits that the Investigating Agency, despite filing a negative final report, has

clearly indicated that offences against the accused-respondent under Sections 420, 467, 468, 471, and 120-B IPC were made out.

It is submitted that upon perusal of the negative final report, a protest petition was filed and the matter was argued at length. It is further submitted that the material available on record clearly discloses the commission of offences; however, the learned Magistrate, by the impugned order, illegally accepted the negative final report. Learned counsel further submits that the revisional Court also failed to properly consider the facts of the case and the sufficient material available on record to take cognizance, and wrongly dismissed the revision petition.

He, therefore, prays that the impugned orders be set aside and cognizance be directed to be taken against the respondent.

Learned Public Prosecutor has vehemently opposed the submissions made by learned counsel for the petitioner.

This Court has considered the arguments advanced by learned counsel for the petitioner and has gone through the impugned orders dated 07.09.2021 and 04.02.2025.

Upon filing of the negative final report, the learned Magistrate took cognizance of the protest petition filed by the petitioner and examined the matter in detail. Upon consideration of the material on record, the learned Magistrate found that no *prima facie* offence under Sections 420, 467, 468, 471, and 120-B IPC was made out. Consequently, the protest petition was dismissed and the negative final report was accepted.

The learned revisional Court also considered all the averments raised by the petitioner in detail and, based on the material available on record, found that no case for taking cognizance of the alleged offences was made out. There are concurrent findings of fact recorded by both the Courts below. The material on record has been properly appreciated by the learned Magistrate as well as the revisional Court, and it has been rightly concluded that no case for taking cognizance is made out. The order of the learned Trial Court as well as the order of the Revisional Court discloses reasons and analysis of the relevant considerations and reflects conscious application of mind.

Further, Section 397(3) of the Code of Criminal Procedure enacts a clear prohibition against entertaining a second revision at the behest of the same party. This restriction is intended to ensure finality in decisions, maintain procedural discipline, and avoid multiple proceedings that may delay the administration of criminal justice.

The inherent powers under Section 528 of the BNSS can be invoked only to rectify patent illegality, jurisdictional transgression, or manifest miscarriage of justice. In the present case, no such exceptional or extraordinary circumstance has been demonstrated. The petitioner has not been able to point out any perversity, arbitrariness, material irregularity, or jurisdictional infirmity in the concurrent orders passed by the Courts below. All the averments raised have already been duly considered and addressed by both the Courts.

Hence, in view of the specific bar against a second revision, coupled with the absence of any manifest illegality or miscarriage of justice, this Court finds no ground to interfere with the impugned orders dated 07.09.2021 and 04.02.2025.

Consequently, the criminal miscellaneous petition stands dismissed.

All pending applications, if any, stand disposed of.

(BALJINDER SINGH SANDHU),J

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