

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

S.B. Criminal Revision Petition No. 1736/2025

1. Gopal Sharma Alias Gopal Alias Joli S/o Shri Nandanlal Sharma, Aged About 48 Years, Resident Of 1808, Dampiar Nagar, Police Station Kotwali, Mathura, District Mathura, Uttar Pradesh
2. Naveen Kumar S/o Shri Ajay Kumar Poeia, Aged About 35 Years, Resident Of 491/1, Radhika Vihar, Police Station Kotwali, Mathura, District Mathura, Uttar Pradesh

-----Petitioners

Versus

1. State Of Rajasthan, Through Pp
2. Shri Praveen Tak S/o Shri Ambalal, S.i. The Then Station House Chhoti Sadari, District Pratapgarh Raj.

-----Respondents

For Petitioner(s)	:	Mr. Vikas Baliya, Sr. Advocate Mr. Sachin Saraswat
For Respondent(s)	:	Mr. Surendra Bishnoi, PP

HON'BLE MR. JUSTICE FARJAND ALI

Order

04/02/2026

1. Learned counsel for the State submits that reply has been filed. However, the same is not on record.
2. Office shall trace the same and tag it along with file appropriately.
3. List the matter after four weeks.

S.B. Criminal Misc. Stay Petition No.11273/2025:-

4. Heard learned counsel for the parties.
5. The submission made at the behest of the petitioner that there is not even an iota of evidence to show or suggest the culpability of the petitioner or his active participation in commission of crime has a substance. As per the case of prosecution, a fire arm weapon came to be recovered from person

"A" and when he was interrogated, he made disclosure about procurement of the same by one "B" and then the "B" confessed about facilitation of "C" and when "C" was interrogated he named the petitioner for purchasing the fire arm.

6. A pertinent question was asked by this Court to the prosecutor as to who will come in the witness box to allege the petitioner that he was instrumental in providing the fire arm weapon to the person who was apprehended by the police. This Court received no satisfactory explanation. The statement of Investigating Officer would be at the most fall within the category of hearsay evidence because he could not be a witness of the fact, but whatever would be recited by him before the learned trial court would be an information supplied to him by someone else. Since there was no instantaneous and spontaneous disclosure, therefore, applicability of doctrine of *res gestae* would also be a serious question to ponder.

7. In view of the availability of strong arguable case in favour of the petitioner, the stay application is allowed and it is ordered that till disposal of the revision petition all further proceeding in connection with Sessions Case No.111/2025 before learned Addl. Sessions Judge, Chhoti Sadri, District Pratapgarh qua the petitioner shall remain stayed.

8. It is made clear that the learned trial court may proceed against other accused persons.

(FARJAND ALI),J