

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 1394/2024
URN: CRLMP / 2914U / 2024

1. Sunil Gupta S/o Shiv Narayan, Resident Of Sabji Wali Gali, Purana Sahar, Police Station Kotwali, District Dholpur.
2. Satayam Gupta S/o Sunil Gupta, Resident Of Sabji Wali Gali, Purana Sahar, Police Station Kotwali, District Dholpur.

----Petitioners

Versus

1. State Of Rajasthan, Through P.p.
2. Rahul Gupta S/on Anil Kumar Gupta, R/o Purani Sabji Gali, Purana Sahar, Dholpur, Kotwali, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Rinesh Kumar Gupta with Mr. Saurabh Pratap Singh
For Respondent(s)	:	Mr. Rajesh Choudhary,GA cum AAG Mr. Manvendra Singh Shekhawat, P.P. Mr. Dheeraj Singhal (through Video Conferencing)

JUSTICE ANOOP KUMAR DHAND
Order

21/07/2026

1. The instant petition has been preferred against the impugned order dated 24.08.2023 passed by the Court of Special Judge, SC/ST (Prevention of Atrocities) Cases, Dholpur in Sessions Case No.149/2022, whereby charges have been framed against the petitioners under Section 302 IPC read with Section 120B IPC, & Section 201 IPC read with Section 120B IPC.
2. Learned counsel for the petitioners after arguing the matter for sometime, has withdrawn the petition submitted by the petitioner No.2 Satayam Gupta. He further submitted that so far as the petitioner No.1 is concerned, there is no iota of evidence

against which connects him with the alleged incident. He further submits that instant case is based on circumstantial evidence and there is no circumstantial evidence which connects him with the alleged incident. He further submitted that simply on the basis of the confession of the co-accused, he has been falsely implicated and charge-sheet has been submitted against the petitioner No.1 in the instant matter. Hence, interference of this Court is warranted.

3. Per contra, learned Public Prosecutor as well as counsel appearing on behalf of the complainant submitted that the deceased was the real brother of the petitioner-Sunil Gupta and on account of a property dispute between them, conspiracy was hatched and a contract killer was hired and thereafter his murder was caused by the contract killer. Learned counsel further submits that as per the FSL and DNA report, the articles were recovered at the instance of the accused and the blood stains found on the spot are matching with the blood of the deceased. Learned counsel submit that after finding a *prima facie* case against the petitioner, charges have been framed against the petitioner & it was argued that at the stage of framing of charge, a *prima facie* case is required to be seen. Hence, under these circumstances interference of this Court is not warranted and the instant petition is liable to be rejected.

4. Heard and considered the submissions made at bar and perused the material available on record.

5. Considering the arguments raised by learned public prosecutor as well as counsel appearing on behalf of the complainant and after perusal of the impugned order and the

material available on record it indicates that the deceased Anil Gupta has been murdered on the fateful day. The evidence came on record reflects that a conspiracy was hatched by the accused persons after reconnoitering the areas where the deceased used to go and thereafter a contractor was hired and the alleged incident was given the shape. Taking into count, the material available on record, the petitioners along with other co accused persons have been charge-sheeted. Finding a *prima facie* case against them, the Court below has frame charges against the petitioners for the above offences by passing a reasoned and cogent order. In the considered opinion of this Court the Court below has not committed an error in passing the order impugned which warrant any interference of this Court.

6. Accordingly, this Court finds no merit and substance in the instant petition and the same is liable to be and hereby rejected.

7. Stay application and all pending application stands dismissed, before parting with this order, it is made clear that whatever has been observed hereinabove, has been observed for the purpose of deciding the instant petition submitted against the order of framing of charge. The Trial Court is expected to decide the matter on the basis of the evidence available on record, without being influenced by any of the observations made by this Court.

8. It is a settled preposition of law that at the stage of framing of charge, only a *prima facie* is required to be seen and the meticulous examination of the evidence and the appreciation of the statements of the witnesses is not required to be done at this



stage of framing of charge and the evidence produced by the prosecution and would be appreciated by the learned Trial Court.

(ANOOP KUMAR DHAND),J