

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 2339/2023

Narendra @ Mohit Son Of Shri Mahendra Singh, Resident Of
Gudavali Police Station Kumher District Bharatpur.

----Petitioner

Versus

1. State of Rajasthan, Through The P.P.
2. Lakhan Singh Son of Shri Hubblal, Resident of Nagla
Kalyan Police Station Chiksana, District Bharatpur.

----Respondents

For Petitioner(s)	:	Mr. Abhishek Choudhary for Mr. Harendra Singh
For Respondent(s)	:	Mr. Jitendra Singh Rathore, PP

JUSTICE ANOOP KUMAR DHAND

Order

23/04/2026

1. The instant misc. petition is listed before this Court in pursuance of the directions issued by the Hon'ble Apex Court in the case of **Vijay Kumar and Ors. Vs. State of Rajasthan** (Petition for Special Leave to Appeal (Crl.) No. 773/2026, decided on 15.01.2026), wherein the Hon'ble Apex Court observed that in various matters, interim orders have been passed in criminal revision petitions and petitions filed under Section 482 Cr.P.C., as a result of which trial relating to serious offences such as murder, rape, dacoity, dowry death, etc., could not proceed and remained stalled/held up due to the passage of considerable time.
2. Directions have been issued to this Court and other High Courts to take up such like matters which are pending since long,

on priority and decide the same expeditiously without deferring the hearings to subsequent dates.

3. By way of filing the instant petition, a challenge has been led to the impugned order dated 15.11.2022 passed by Special Judge, POCSO Act 2012 & Commission for Protection of Child Rights Act, 2005, No.1, District Bharatpur, in proceedings arising out of FIR No.132/2015 and FR No.4/2016, registered with Police Station Chiksana, District Bharatpur for the offences punishable under Section 376 IPC and Section 3/4 of POCSO Act.

4. Learned counsel for the petitioner submits that a false and fabricated case was lodged against the petitioner by the prosecutrix at Police Station Chiksana, District Bharatpur. The matter was thoroughly investigated by the Investigating Agency and no case was found to be proved against the petitioner, therefore, Final Report (Negative) was submitted against the petitioner. He further submits that now, cognizance has been taken against the petitioner by the learned Magistrate on the basis of the protest petition without there being any evidence against him. Hence, under these circumstance, interference of this Court is warranted.

5. *Per contra* learned Public Prosecutor oppose the prayer.

6. Heard and considered the submissions made at the Bar and perused the material available on record.

7. Perusal of the record as well as the statements of the prosecutrix recorded under Section 161 and 164 of Cr.P.C. as also the allegations levelled in the FIR and the protest petition reveals commission of cognizable offence. This fact is not in dispute that after investigation police has submitted Final Report (Negative) in

favour of the petitioner which was opposed by the prosecutrix by way of filing a protest petition and thereafter, the statements of the prosecutrix were recorded as CW-1 and on the basis of the evidence available on the record, cognizance has been taken against the petitioner for the abovestated offences by finding a *prima facie* case against him.

8. It is the settled preposition of law, that at the stage of taking cognizance, only a *prima facie* case is required to be seen. The meticulous examination of the evidence of the witnesses and the defence of the accused is not required to be looked into and appreciated at this initial stage of taking cognizance.

9. In the considered opinion of this Court, the Court below has not committed any error in passing the order impugned which warrants any interference of this Court. This Court finds no error in the order impugned, hence, the instant petition is liable to be and is hereby rejected.

10. Stay application and all pending application(s), if any, shall also stand dismissed.

(ANOOP KUMAR DHAND),J