

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Criminal Miscellaneous (Petition) No. 2461/2020

Chhagan Lal S/o Shri Ram Lal, Aged About 52 Years, R/o Indra Colony, Nanda Ji Ki Dhani, Village Nandala, Ps Nasirabad Sadar, Dist. Ajmer, Raj.

-----Petitioner

Versus

State of Rajasthan, Through PP

-----Respondent

For Petitioner(s)	:	None present
For Respondent(s)	:	Mr. Jitendra Singh Rathore, PP with Ms. Neha Goyal

JUSTICE ANOOP KUMAR DHAND

Order

27/04/2026

1. By way of filing the instant petition, a challenge has been made to the impugned order dated 06.11.2019, passed by the Court of Additional Chief Judicial Magistrate, Nasirabad, District Ajmer, by which the application submitted by the petitioner under Section 173(8) Cr.P.C. for sending the case to the Investigating Agency for further investigation has been rejected.
2. Inquest No. 23/2018 was registered with Police Station Nasirabad Sadar, District Ajmer under Section 174 Cr.P.C. on account of unnatural death of one-Himanshu, who died due to drowning in water. The aforesaid inquest report was registered on 13.09.2018 and enquiry was made thereupon.
3. Thereafter, the complainant-petitioner lodged FIR No. 379/2018 with Police Station Nasirabad Sadar, District Ajmer under Section 302 IPC. After investigation, the Police submitted

Final Report (Negative) on the ground that the deceased Nishant and Himanshu passed away due to drowning. It was found that the deceased were trying to swim in water after consuming beer and smoking cigarette and when they reached near the Nadi i.e. deep water, they could not maintain themselves due to having no knowledge of swimming and died on account of drowning in the water. The matter was investigated by the Investigating Agency from all four corners and it was found that it was an accidental death for which no third person is responsible and accordingly, Final Report (Negative) was submitted before the Court of Additional Chief Judicial Magistrate Nasirabad, District Ajmer on 13.03.2019.

4. At this stage, an application was submitted by the petitioner under Section 173(8) Cr.P.C. for sending the matter for further investigation. The learned Magistrate summoned the case diary and perused the statements of Chhaganlal, Prahalad, Devilal, Tejaram, Shivjiram, Jaiprakash, Vinod, Rahul, Salim, Himmat, Samir, Smt. Santosh Kiran and Smt. Sangita. On the basis of the aforesaid, the learned Magistrate came to the definite conclusion that the matter is not required to be sent for further investigation and accordingly, the application submitted by the petitioner under Section 173(8) Cr.P.C. was rejected vide impugned order dated 06.11.2019.

5. This Court find no error in the impugned order passed by the learned Magistrate as the learned Magistrate, on the basis of the investigation conducted by the Police and on the basis of the statements of the witnesses, has passed a cogent and reasoned order which does not require any interference of this Court. This

Court finds no illegality in the order impugned which warrants any interference of this Court and the instant petition is liable to be and is hereby rejected.

6. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

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