

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 2878/2026

Shyam Kumar S/o Sohan Lal

-----Petitioner

Versus

State of Rajasthan & Anr.

-----Respondents

For Petitioner(s)	:	Mr. Anirudh Tyagi
For Respondent(s)	:	Mr. Manvendra Singh Shekhawat, P.P., with Mr. Shubham Saini

HON'BLE MR. JUSTICE ANUROOP SINGHI
Order

07/05/2026

The present criminal miscellaneous petition has been filed by the petitioner challenging the order dated 18.04.2026 passed by the learned Additional Chief Judicial Magistrate, Dataramgarh (Sikar) in CIS No.351/2025 arising out of FIR No.278/2023 and FR No.100/2025, registered at Police Station Khatushyamji, District Sikar, for the alleged offences punishable under Sections 420, 467, 468, 471, 120-B and 506 of IPC, 1860, primarily on the ground that the learned trial Court while directing the Investigating Officer to conduct further investigation, has travelled beyond its jurisdiction so as to direct the manner in which the investigation is to be carried out by the Investigating Officer.

Mr. Anirudh Tyagi, learned counsel for the petitioner, in support of his submissions, submits that any such direction issued by the learned trial Court to the Investigating Officer with respect to the manner in which the investigation is to be conducted is *dehors* the powers available to the learned trial Court.

In support of the aforesaid submissions, learned counsel for the petitioner has relied upon the judgments passed by the Hon'ble Supreme Court in ***Abhinandan Jha & Ors. Vs. Dinesh Mishra, AIR 1968 SC 117, M.C. Abraham & Anr. Vs. State of Maharashtra & Ors.***, reported in ***AIRonline 2002 SC 789***, judgment dated 18.04.2023 passed by this Court at Principal Seat, Jodhpur, in ***S.B. Criminal Miscellaneous (Petition) No.1799/2023***, titled as ***Dinesh Soni & Anr. Vs. State of Rajasthan & Anr.***, and judgment dated 07.02.2026 passed by this Court at Principal Seat, Jodhpur, in ***S.B. Criminal Miscellaneous Petition No.7453/2025***, titled as ***Mahaveer Vs. State of Rajasthan & Anr.***

Learned counsel for the petitioner, by relying upon the aforesaid judgments, submits that while the Courts have the authority to initiate or monitor investigation to ensure that the same is fair and in accordance with law, they cannot take over the role of the Investigating Officer, interfere with the mode and manner of investigation or specify as to how the investigation is to be conducted.

Learned counsel further submits that no separate written application was filed by the complainant seeking further investigation in the matter and in absence of the same, no further investigation could have been ordered.

To buttress the aforesaid submissions, learned counsel for the petitioner has further relied upon the judgment dated 30.09.2024 passed by the Hon'ble Supreme Court in ***SLP Criminal No.4360/2022***, titled as ***K. Vadivel Vs. K. Shanthi & Ors., 2024 INSC 746***.

Taking note of the above, issue notice to the respondents, returnable within six weeks.

Learned Public Prosecutor appears on behalf of the State.

Hence, notice be filed for respondent No.2.

List the matter on 28.07.2026.

In the meanwhile, the effect and operation of the order dated 18.04.2026, shall remain stayed.

(ANUROOP SINGHI),J

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