

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Writ Petition No.72/2014

Banwari Lal Basniwal S/o Late Shri Prabhu Ram Basniwal, R/o Plot No. 72, Ram Nagar, Laxmi Nagar, Kotputli, District Jaipur (Rajasthan).

-----Accused-Petitioner

Versus

1. The State of Rajasthan through the Secretary, Department of Home, Government Secretariat, Jaipur (Rajasthan).
2. The Station House Officer, Police Station Anti Corruption Bureau, Jaipur (Rajasthan).
3. Ramesh Kumar Sharma S/o Shri Mahaveer Prasad Sharma, R/o Village Dasa Ki Dhani, Tehsil And District Sikar.

-----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No.3858/2023

Vimla Devi W/o Shri Goverdhan, Aged About 63 Years, R/o Tapadiya Bagichi, Station Road, Sikar (Raj.)

-----Accused-Petitioner

Versus

1. State Of Rajasthan, Through The Learned Public Prosecutor.
2. Ramesh Kumar Sharma S/o Shri Mahaveer Prasad Sharma, R/o Village Dasa Ki Dhani, Tehsil And District Sikar.

-----Respondents

For Petitioner(s)	:	Mr. Mahesh Gupta Mr. Habeebur Rahman for Mr. Jiya-UR-Rahman
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP Mr. Namo Narayan Meena for Mr. Harendra Singh

JUSTICE ANOOP KUMAR DHAND

Order

28/04/2026

1. In both these petitions i.e. Criminal Writ Petition No.72/2014 and Criminal Misc. Petition No.3858/2023, a challenge has been led to the impugned FIR No.83/2014 registered with ACB Check Post Sikar Police Station ACB Jaipur for the offences under Sections 13(1)(d)(2) of the Prevention of Corruption Act, 1988 and under Sections 420, 467, 468, 471 & 120B IPC.

2. Learned counsel for the petitioner-Banwari Lal Basniwal submits that the petitioner was posted as the Sub-Divisional Officer/Magistrate (for short "SDM") and he is not responsible for the change made in the order sheet, if any, in the application submitted by Vimla Devi against Kishan and others under Section 251(a) of the Rajasthan Tenancy Act before the SDM, hence, under these circumstances, the petitioner is not liable to be prosecuted for the above stated offences.

While counsel appearing on behalf of the petitioner-Vimla Devi submits that she has not gained any benefit from the change made in the order sheet, if any, hence, under these circumstances, she is also not liable to be prosecuted, hence, interference of this Court is warranted.

3. *Per contra*, learned Public Prosecutor opposed the prayer and submitted that an application was submitted by Vimla Devi under Section 251(a) of the Rajasthan Tenancy Act, wherein an order sheet was drawn and the parties were directed to maintain status-quo, but later on, the said order was changed by drawing the second order sheet on the same day i.e. on 30.05.2012. Learned counsel submits that the aforesaid act on behalf of the accused persons falls within the purview of the offence as stated herein above. After Investigation, *prima facie*, case was found to be

proved against the accused persons, hence, under these circumstances, interference of this Court is not warranted and both the petitions i.e. criminal misc. petition and criminal writ petition are liable to be rejected.

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

5. Perusal of the allegations levelled in the impugned FIR reveals commissions of cognizable offence. The correctness of the allegations cannot be adjudicated or examined by this Court by conducting fishing and roving inquiry to find out the truth behind the allegations while exercising inherent powers contained under Section 482 Cr.P.C. as certainly this task has been assigned to the Investigating Officer, who has already found the *prima facie* case against the accused persons.

6. In the considered opinion of this Court, the petitioners can take all the grounds, which have been taken before this Court and all available defence at the appropriate stage of the trial, before the Trial Court.

7. With the aforesaid observations, both the criminal misc. petition and criminal writ petition stand disposed of. Stay applications as well as all pending applications, if any, stand disposed of.

(ANOOP KUMAR DHAND),J