

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 6262/2017

Ram Kanwar Meena S/o Shri Gopal Meena, R/o Khawaraniji, Nilkha, Tehsil Jamwaramgarh, Police Station Jamwaramgarh, District Jaipur, Raj., Through Next Friend Gopal Meena S/o Shri Nathu Ram Meena, R/o Khawaraniji, Nilkha, Tehsil Jamwaramgarh, Police Station Jamwaramgarh, District Jaipur, Raj.

-----Petitioner

Versus

1. State Of Rajasthan Through PP.

-----Respondent

2. Nathu S/o Mool Chand, aged about 42 years, R/o Khawaraniji, Nilkha, Tehsil Jamwaramgarh, Police Station Jamwaramgarh, District Jaipur, (Rajasthan)

-----Complainant-Respondent

For Petitioner(s) : Mr. Suresh Sahni,
Mr. R.M. Sharma

For Respondent(s) : Mr. Amit Kumar Gupta, P.P.

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

07/05/2026

1. This criminal miscellaneous petition has been filed by the petitioner (Child Conflict with Law) through Next Friend with a challenge to the order dated 18.09.2017 passed by the Juvenile Justice Board No. I, Jaipur, whereby the application filed by the petitioner for re-summoning the witness PW- 1, Nathu, for the purpose of his re-examination, was dismissed.

2. Learned counsel for the petitioner submits that the witness Nathu was examined as PW- 1 before the Additional

District and Sessions Judge No. 2, Jaipur in Sessions Case No. 45/2014 qua the co-accused in the criminal case arising from the same FIR and during his examination he has not supported the prosecution story and he was declared hostile. Learned counsel further submits that during the examination before the Juvenile Justice Board, witness PW- 1, Nathu, has deposed the facts contrary to his version before the Regular Court and, therefore, he is required to be re-summoned for re-examination.

Learned counsel for the petitioner has placed before this Court the copy of the statements of the witness Nathu recorded before the Regular Court and so also before the Juvenile Justice Board.

3. Learned Public Prosecutor on the other hand submits that while submitting the application for re-summoning the said witness, no cogent evidence has been shown by the applicant-petitioner.

4. Considered the submissions made by the learned counsel for the petitioner as well as the learned Public Prosecutor and also perused the material made available on record, including the statements of the witness, Nathu.

5. Copy of the statements of the witness, Nathu, recorded before the Regular Court and so also before the Juvenile Justice Board, are taken on record.

6. The FIR No.124/2014 was registered at Police Station Jamwaramgarh, District Jaipur, for offence punishable under Section 302 of IPC. The case of the petitioner, being the juvenile, was being considered by the Juvenile Justice Board whereas, the case of the other co-accused was being tried by the Additional

District and Sessions Judge No. 2, Jaipur District, Jaipur. During the trial of the co-accused, the witness, *Nathu*, who is the father of the deceased, was examined as PW-1, before the Regular Court where he has not supported the prosecution story and has been declared hostile.

7. During the cross-examination of PW-1, *Nathu*, he stated that he had not told the police that *Ramkishan*, *Kalu*, etc. had put his son to death. The said witness PW- 1, who is the father of the deceased, was also examined before the Juvenile Justice Board. When the petitioner came to know about the statement of the said witness, recorded before the Regular Court, he moved an application before the Juvenile Justice Board for re-summoning the said witness for re-examination, as there is a divergent version of the said witness PW- 1 before the Juvenile Justice Board and before the Regular Court, during the trial of the co-accused.

8. Taking into consideration the divergent version of the said witness, i.e., PW-1, *Nathu*, who is a material witness and the father of the deceased, this Court is of the view that the ends of justice would be met if he is re-summoned for re-examination, particularly in view of the material fact that he has turned hostile before the Regular Court during the trial of the co-accused, who are major.

9. Taking into consideration the overall facts and circumstances of the case, the provisions of Section 311 of the Cr.P.C., and in the interest of justice, this Court is of the opinion that this is a fit case for exercising its inherent jurisdiction.

10. Accordingly, this criminal miscellaneous petition is allowed and the order dated 18.09.2017 passed by the Juvenile Justice Board No. I, Jaipur is set aside.

11. The application filed by the petitioner for re-summoning PW- 1, Nathu, for re-examination, is allowed. The Juvenile Justice Board shall issue summon to PW- 1, Nathu, for his re-examination.

12. Since this case is an old criminal case, the Juvenile Justice Board is expected to conclude the proceedings, as early as possible, following the above order.

(GANESH RAM MEENA),J