

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal misc. (Petition) No. 1678/2018
CNR: RJHC020503472018 | URN: CRLMP / 2680U / 2018

Jaswant Singh Chhajer S/o Late Shri Chatter Singh Ji, R/o
Bhanwar Bari, Bijay Nagar, District Ajmer.

-----Petitioner

Versus

1. State Of Rajasthan Through PP
2. Smt. Kamla Devi W/o Late Shri Amar Singh R/o Beawar Road, Bijainagar, Tehsil Masuda, District Ajmer, Raj. (Since Deceased) through her legal representative:-

2/1 Amit Chhajer adopted son of Amar Singh, R/o 105, Bhanwar Badi, Hospital Road, Bijaynagar Baral-2, Bijaynagar, Ajmer (Rajasthan)-305624

-----Respondents

For Petitioner(s)	:	Mr. Swadeep Singh Hora
For Respondent(s)	:	Mr. Vijay Singh Yadav, PP Mr. Onkar Singh Rajpurohit, PP Mr. Jai Prakash Gupta

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

07/08/2026

1. Instant misc. petition is filed by petitioner accused Jaswant Singh aggrieved from order dated 23-2-2018 in Criminal Revision No. 151/2015 passed by learned Additional Sessions Judge No. 1, Beawar, which was filed to challenge order dated 02-11-2015 in Criminal Case No. 245/2008 under Section 216 of CrPC.
2. During course of argument, it has been brought to the notice of this Court that recently Hon'ble Supreme Court in case of **Directorate of Revenue Intelligence Vs. Rajkumar Arora;**

2025 INSC 498 has considered scope and power under Section 216 of CrPC and held that same cannot be invoked to delete charges already framed against any accused rather it can be used to add or alter the existing charges.

3. Learned counsel for petitioner candidly admits that corresponding Section 239 of BNSS will have same scope as laid down by Hon'ble Supreme Court in case of **Directorate of Revenue Intelligence Vs. Raj Kumar (supra)**. He submits that he preferred this misc. petition under Section 482 of CrPC to quash the proceedings and liberty be granted to him to withdraw the instant petition and file a fresh petition to challenge the criminal proceedings instituted against the petitioner, which is pending before the trial court.

4. Having considered the submission, the misc. petition filed under Section 482 of CrPC is disposed of as withdrawn with liberty as aforesaid.

5. Misc. application, if any, stands disposed of.

6. Interim order is hereby vacated.

(ASHOK KUMAR JAIN),J