

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

S.B. Criminal Writ No. 768/2018

1. Shakti Prakash S/o Late Shri Krishna Vallabh B/c Kayastha, R/o New Colony, Bundi, Raj.
2. Rajkumar S/o Bhairav Prakash Mathur B/c Kayastha, R/o New Colony, Bundi, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through P.p.
2. Lokesh Thakur S/o Late Shri Bhikam Singh B/c Rajput, R/o New Colony, Bundi, Raj.

----Respondents

For Petitioner(s)	:	Mr. S.S. Hora with Mr. Rajpal Dhankhar
For State	:	Mr. Sudesh Saini, PP
For Complainant(s)	:	Mr. Madhusudan Purohit

HON'BLE MR. JUSTICE PANKAJ BHANDARI

Judgment / Order

05/02/2019

1. Petitioners have preferred an application (6100/22/01/2019) with a prayer that the stay order may be extended till disposal of the present Criminal Writ Petition.
2. It is contended by counsel for the petitioners that in the complaint filed by the complainant, petitioners were not arrayed as accused. It is also contended that complainant in the complaint posed himself as Vice President of the District Cricket Association, Bundi, whereas he is not the Vice President.
3. It is also contended that as per Section 19 of the Rajasthan Sports (Registration, Recognition and Regulation of Associations) Act, 2005 returns of the State Level Sports Association of the District Level Association is to be submitted to the State Level Sports Association and State Level Associations are required to submit their returns to the Rajasthan State Sports Council.

4. It is contended that the writ petition poses important questions of law which are to be decided at the time of final hearing. Hence, stay order be extended till disposal of the Criminal Writ Petition.

5. Counsel for the complainant-respondent has opposed the application. His contention is that funds were transferred to the Association which have not been accounted for notice under Section 91 of Cr.P.C. was also given to the accused treasurer and treasurer has not submitted accounts. Hence, the Court was justified in taking cognizance against the present petitioners as well as treasurer.

6. I have considered the contentions.

7. In "**Govind Puri vs. Laxmi Narayan & Anr.**" 2013(4) RLW 3195 (Raj.), Rajasthan High Court has held that while exercising powers under Section 91 of the Cr.P.C., documents cannot be summoned from the accused as that would amount to directing the accused to give evidence against himself which is violative of his right against self incrimination as guaranteed under Article 20(3) of the Constitution of India.

8. Be that as it may, the Criminal Writ Petition poses important questions including fact that petitioners have not been arrayed as accused in the complaint filed by the respondent No.2.

9. In view of the same, this Court deems it proper to confirm the stay order qua the petitioners till disposal of the present Criminal Writ Petition.

10. Application (6100/22/01/2019) is accordingly allowed.

(PANKAJ BHANDARI),J.