

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No.6114/2025

Rahul Nehra S/o Shri Satish Kumar Nehra, Aged About 42 Years, R/o 4/107, Third Floor Kabadi Wali Gali, Subhash Nagar, District West Delhi 110027, Presently Proprietor Rishu Jewelers, Address 3387-B, Bajar Sitaram Delhi 110006, Aadhar Address - 107, Third Floor Block-4, Subhash Nagar, Tagore Garden. S.o. West Delhi 110027.

----Petitioner

Versus

1. State Of Rajasthan, Through P.p.
2. Bablu Kumar S/o Lalbabu, R/o 38, Ranjit Nagar, Near Atta Chakki, Sarhad Road, Tiripari Town, Patiala, Punjab, Presently Manager, Kalyan Jewelers, Ajmer Road, Vidhayakpuri, Jaipur City (South).

----Respondents

For Petitioner(s)	:	None present
For Respondent(s)	:	Mr. Amit Punia, PP

JUSTICE ANOOP KUMAR DHAND
Order

10/12/2025

1. Dr. Mithlesh Kumar, Adv. submits that he has no instructions as the petitioner has taken file of the instant case from his office to engage some other counsel.
2. No one has put in appearance on behalf of the petitioner.
3. By way of filing the instant criminal misc. petition, a prayer has been made to quash the impugned FIR No.136/2025 registered with the Police Station Vidhayak Puri, District Jaipur City (South) for the offence under Section 305(a) BNS, 2023.
4. The grounds taken in the instant petition indicate that the petitioner has been implicated as an accused on the basis of a confession made by the co-accused. It has been stated in the petition that the petitioner cannot be implicated as an accused on the basis of confessional statement of the co-accused and the

same is hit by Sections 25 & 26 of the Evidence Act, hence, interference of this Court is warranted.

5. *Per contra*, learned Public Prosecutor opposes the prayer made by learned counsel for the petitioner and submits that the allegations levelled in the FIR reveals commission of a cognizable offence and after thorough investigation from all the corners, the Police has submitted charge-sheet against the petitioner and all co-accused persons under Sections 305-A and 317(2) BNS, 2023 before the competent Court of law. Learned counsel submits that, under these circumstances, interference of this court is not warranted and the instant misc. petition is liable to be rejected.

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

7. This Court while exercising its inherent jurisdiction contained under Section 528 BNSS, 2023 cannot adjudicate at this stage, as to whether a person can be implicated as an accused on the basis of confessional statement of co-accused made under Section 27 of the Evidence Act or as to whether such confessional statements are hit by Sections 25 & 26 of the Evidence Act or not.

8. These facts are required to be adjudicated by the Trial Court, at the appropriate stage of the trial. Such defence of the accused cannot be appreciated by this Court at such an initial stage.

9. This Court finds no merit and substance in the instant misc. petition and the same is hereby rejected.

10. Stay application as well as all applications (pending, if any) stand disposed of.

(ANOOP KUMAR DHAND),J