

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

S.B. Criminal Miscellaneous (Petition) No. 6432/2019

Ashwani Kumar Sharma S/o Rajendra Prasad Sharma B/c
Brahmin

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s) : Mr. Suresh Pareek, Sr. Advocate
Mr. N.C.Sharma
For Respondent(s) : Mr. F.R.meena

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Order

31/01/2020

The petitioner by way of this petition assailing the order dated 22.1.2019 whereby Metropolitan Magistrate No.25, Chomu, District Jaipur has taken cognizance and has issued warrants of arrest against the petitioner for the offence u/s 420, 467, 468, 120-B IPC and Section 245 of Rajasthan Municipalities Act, 2009.

Learned Sr. Counsel appearing on behalf of the petitioner submits that the final report was submitted which was accepted by the concerned court on 24.3.2015 and the case was found to be false. It is submitted that an application was moved by Investigation Officer dated 11.1.2016. The court has wrongly granted permission for reopening the case. Although there was no such documents available. The statements which have come on record shows that the petitioner has purchased the plots in 2012 bearing Patta No.284 from Hanuman Sahai who had purchased the plots from Gopi Ram. In these circumstances, the dispute is of

civil nature and Learned Sr. Counsel submits that civil proceedings are under-going on which evidence of defendant is continuing

Keeping in above, learned counsel submits that the proceedings which have initiated against the petitioner ought to be stayed.

Learned PP is directed to submit status report with regard the enquiry which was conducted and keep ready for persual in the case.

In the meanwhile, effect and operation of the order dated 22.1.2019 passed by Metropolitan Magistrate No.25 as well as the order passed in revision dated 4.9.2019 passed by Addl. District & Session Judge No.20, Jaipur Metropolitan, Jaipur shall remain stayed.

(SANJEEV PRAKASH SHARMA),J

Anu/

