

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No.6902/2025

Rahul Sharma Son Of Shri Ashok Sharma

-----Petitioner

Versus

State Of Rajasthan & Another

-----Respondents

For Petitioner(s)	:	Mr. Aman Khandelwal
For Respondent(s)	:	Mr. Vivek Choudhary, PP

JUSTICE ANOOP KUMAR DHAND

Order

08/12/2025

1. Learned counsel for the petitioner submits that as per the allegations levelled in the impugned F.I.R., certain accused persons were playing online game of *satta* and on the basis of the aforesaid, the impugned F.I.R. has been registered against the petitioner under Sections 318 (4), 61(2)(a), Section 66(D) of the Information Technology Act, 2000 and Section 3 & 4 of the Rajasthan Public Gambling Ordinance, 1949 (for short, "the Gambling Act"). Counsel submits that so far as the offence under Sections 3 & 4 of the Gambling Act is concerned, the same is not cognizable hence, the impugned F.I.R. cannot be registered. Counsel submits that no F.I.R./complaint has been lodged by any private party with regard to cheating or fabrication of any documents, hence, under these circumstances, the impugned F.I.R. is not sustainable in the eye of law.

2. In support of their contention, he has placed reliance upon the judgment passed by the Co-ordinate Bench of this Court at

Principal Seat, Jodhpur in the case of **Sanjay Kumar Vs. State of Rajasthan** while deciding **S.B. Criminal Misc. (Pet.) No.3037/2022** on 11.10.2022.

3. Heard. The matter requires consideration.
4. Issue notice to the respondent No.2, returnable within a period of three weeks.
5. List these cases on 08.01.2026.
6. For a period of three weeks, no coercive action be taken against the petitioner.
7. Learned Public Prosecutor is directed to call for the factual report of the investigation conducted so far.
8. Office is directed to send a copy of this order to the respondent-complainant along-with notice and the respondent No.2 would be at liberty to move an application for vacation of this order, after service.

(ANOOP KUMAR DHAND),J