

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No.10332/2022

Omprakash S/o Kesar Mal, R/o Sarano Ki Dhani, Village Devpura
Tankarda, Tehsil Chomu, Police Station Kaladera, District Jaipur.

-----Petitioner

Versus

1. State Of Rajasthan, Through P.P.
2. Amit Kumar S/o Amar Singh, R/o 69, Rajendra Nagar,
Vaishali Nagar, Jaipur (Raj).

-----Respondents

For Petitioner(s)	: Mr. Mukesh Kumar Saini
For Respondent(s)	: Mr. Jitendra Singh Rathore, PP

JUSTICE ANOOP KUMAR DHAND

Order

04/05/2026

1. By way of filing the instant criminal misc. petition, a challenge has been led to the impugned order dated 07.09.2021 passed by the Court of the Senior Civil Judge and the Additional Chief Judicial Magistrate, Chomu District Jaipur in Criminal Case No.276/2021 by which charges have been framed against the petitioner under Sections 420, 447, 427 and 120B IPC.
2. Learned counsel for the petitioner submits that an agreement to sell was executed between the parties and when the terms and conditions of the aforesaid agreement were not followed by either side, a legal notice was issued after partition of the subject land, for the purpose of registration of the sale deed, but instead of performing the terms and conditions of the subject sale deed, the instant case has been lodged against the petitioner, as if the petitioner has trespassed over his own land. He submits

that the petitioner is in possession of the subject land, hence, under these circumstances, no *prima facie* case is made out against the petitioner, to frame charges against him for the above alleged offence, hence, interference of this Court is warranted.

3. *Per contra*, learned Public Prosecutor opposes the prayer and submits that at the time of framing of charges, only *prima facie* case is required to be seen. He submits that charges can be framed even on strong suspicion and the defence of the accused cannot be looked upon at this stage.

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

5. Considering the arguments put forward by both the sides, this Court is of the view that at the stage of framing of charges, only *prima facie* case is required to be seen and the charges can be framed even on strong suspicion. Hence, under these circumstances, this Court is of the opinion that the petitioner would be at liberty to take all available defence at the appropriate stage of the trial and the same would be considered and looked into by the court below in accordance with law.

6. Accordingly, the instant criminal misc. petition stands disposed of. Stay application as well as all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J