

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



S.B. Criminal Miscellaneous (Petition) No. 7290/2023

URN: CRLMP / 14419U / 2023

Mordhawaj @ Mona S/o Shri Keshavdev Sharma, aged about 32 Years, R/o Village Senthra, Post Dhormui, P.S. Chiksana, Tehsil and District Bharatpur (Raj).

----Petitioner/Accused

Versus

1. State of Rajasthan, through Public Prosecutor.
2. Satyaveer Singh S/o Shri Rambharoshi, aged about 40 Years, R/o Teen Thok Jagheena, P.S. Udyog Nagar, Bharatpur (Raj).

----Respondents/Complainant

For Petitioner(s) : Mr.Samarth Sharma with
Mr.Mritunjya Sharma

For Respondent(s) : Ms.Arti Sharma, PP

JUSTICE ANOOP KUMAR DHAND

Order

16/07/2026

1. The instant criminal misc. petition has been preferred against the impugned order dated 07.08.2023 passed by the Court of Special Judge, Dacoity Affected Areas, Bharatpur by which the charges under Sections 147, 148 & 302 IPC read with Sections 149, 109, 118 & 120B IPC have been framed against the petitioner.

2. Learned counsel for the petitioner submits that when the matter was thoroughly investigated, the involvement of the petitioner was not found to be proved, that is why, the investigation was kept pending against him under Section 173(8) Cr.P.C. and charge-sheet was submitted against Kunwarjeet,

Harpal Singh, Vishvendra Singh, Prabhav Singh, Kuldeep Singh, Rahul, Vijay Pal Singh @ Bhura & Kripal Singh.

3. Counsel submits that without there being any charge-sheet submitted against the petitioner, the charges have been framed against the petitioner under Sections 147, 148 & 302 IPC read with Sections 149, 109, 118 & 120B IPC vide impugned order dated 07.08.2023.

4. Counsel submits that after passing of the aforesaid order, supplementary charge-sheet was submitted against the petitioner. Counsel submits that neither cognizance can be taken nor charges can be framed against any accused like the petitioner in the instant case, without submission of any charge-sheet against him before the concerned Court, hence, the order impugned is not sustainable and is liable to be quashed and set-aside.

5. Per contra, learned Public Prosecutor opposed the prayer.

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

7. Perusal of the documents annexed with the instant petition indicates that the petitioner was not charge-sheeted and the investigation was kept pending against him under Section 173(8) Cr.P.C., in spite of above, the charges have been framed against the petitioner by the Court below by passing the impugned order in a cursory manner, which reflects that there is total non-application of mind.

8. Though, it is the settled proposition of law that at the stage of framing of charges, only *prima facie* case is required to be seen and the Courts are not required to pass detailed order, but at the same time, the Court is required to pass a reasoned order,

reflecting application of mind, but in the instant case, not a single reason has been assigned.

9. On this count alone, the impugned order dated 07.08.2023 is quashed and set aside qua the petitioner. The matter is remitted to the learned Trial Judge for passing a fresh reasoned order, on the basis of the evidence led by the parties and the documents available on record.

11. Needless to observe that the fresh order would be passed by the Court below expeditiously, as early as possible within a period of two months from the date of receipt of the certified copy of the order.

12. With the aforesaid observations and directions, the present petition stand disposed of. Stay application and all pending application(s) if any, also stand disposed of.

(ANOOP KUMAR DHAND),J