

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

S.B. Criminal Miscellaneous (Petition) No. 6372/2018

Kaushal Kishore Rathore S/o Shri Nandlal Rathore B/c Teli, Aged
About 47 Years, R/o Kelwara, Tehsil Shahabad, District Baran,
Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through Pp.
2. Shyambabu Rathore S/o Shri Ganpatlal Rathore B/c Teli,
R/o Kelwara, Tehsil Shahabad, District Baran, Raj.

-----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 659/2015

Sabbir

-----Petitioner

Versus

State Of Rajasthan Through Pp

-----Respondent

For Petitioner(s) : Mr. Kapil Gupta

For Respondent(s) : Ms. Meenakshi Pareek, PP for State

HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA

Order

01/11/2018

In the present case, Registry is directed to send file of S.B.
Civil Writ Petition No.659/2015 instead of file of S.B. Criminal
Misc. Petition No.659/2015.

Sub Inspector, Rameshwar, P.S. Kelwada, District Baran is
present in court.

Learned Public Prosecutor, after instructions from Sub
Inspector Rameshwar, who is Investigating Officer of the case, has

submitted that the petitioner in the nomination form has made a wrong declaration regarding number of children. It is contended that petitioner has specified two children and in fact, petitioner was having three children. It is undeniable fact that at the time of filing of nomination, out of three children, one child had already died. Thus, at the time of filing of nomination form, only two children were surviving.

Learned counsel contends that furnishing of false information to public servant is offence punishable under Sections 177 and 182 IPC. Learned counsel submits that since the petitioner has not fabricated or forged any document and at the best he only submitted wrong information, thus, petitioner cannot be prosecuted for offences under Sections 193, 420, 468, 471 IPC.

Learned Public Prosecutor prays for adjournment to controvert the arguments raised by the learned counsel for the petitioner.

List on 18.01.2019. Till then, further proceedings in the court below shall remain stayed.

(KANWALJIT SINGH AHLUWALIA),J

Govind/

सत्यमेव जयते