

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous (Petition) No. 7941/2023

Vijay Sehra S/o Shri Prabhu Ram

-----Petitioner

Versus

State Of Rajasthan through PP and Anr.

-----Respondents

For Petitioner(s) : Mr. Tanveer Ahamad

For Respondent(s) : Mr. Atul Sharma, PP

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

17/05/2024

1. Instant Misc. petition under Section 482 Cr.P.C. has been filed by the petitioner, challenging the order dated 01.04.2023 passed in revision petition No.11/2022 by the Additional Sessions Judge, Dudu, dismissing the revision petition and affirming the order dated 10.12.2021 passed in case No.691/2021 by the Additional Chief Judicial Magistrate, Dudu whereby cognizance for offences under Sections 379, 384, 120-B IPC read with Section 21(4) of the MMDR Act, 1957 and Sections 54 and 60 of the Rajasthan Minor Mineral Concession Rules, 2017.

2. Counsel for petitioner states that petitioner was posted as Circle Officer at Police Station Dudu and cognizance for offences under Sections 379, 384, 120-B IPC read with Section 21(4) of the MMDR Act, 1957 and Sections 54 and 60 of the Rajasthan Minor Mineral Concession Rules, 2017, have been taken vide order dated 10.12.2021, without application of judicial mind and merely due to filing of charge-sheet, the Revisional Court also failed to exercise

its jurisdiction to correct the jurisdictional error in the order of taking cognizance. It has been submitted that there is no material on record to take cognizance against the petitioner and both impugned order suffers from manifest illegality as much as jurisdictional error.

3. List the matter on 19.07.2024.

4. In the meanwhile, order of cognizance dated 10.12.2021 qua petitioner shall remain stayed.

(SUDESH BANSAL), J