

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



S.B. Criminal Miscellaneous (Petition) No. 4957/2017

Gaduli W/o Ramjas, R/o Khajuriya, Police Station Sadar, District Tonk, Raj.

----Petitioner

Versus

1. State of Rajasthan Through PP.
2. Gangabishan Gurjar S/o Shri Devalal Gurjar, R/o Ghans, Police Station Sadar, District Tonk, Raj.

----Respondents

Connected With

S.B. Criminal Miscellaneous (Petition) No. 4967/2017

Ramkishan S/o Bhanwarlal, R/o Ghans, Police Station Sadar, District Tonk, Raj.

----Petitioner

Versus

1. State of Rajasthan Through PP.
2. Gangabishan Gurjar S/o Shri Devalal Gurjar, R/o Ghans, Police Station Sadar, District Tonk, Raj.

----Respondents

For Petitioner(s)	:	Mr. Amit Sharma for Mr. Sandeep Jain
For Respondent(s)	:	Mr. Shree Ram Dhakar, PP with Mr. Anirudh Singh

JUSTICE ANOOP KUMAR DHAND

Order

30/04/2026

1. By way of filing both the instant petitions, a challenge has been led to the impugned order dated 28.09.2016, passed by the Additional Chief Judicial Magistrate, Tonk, by which charges have

been framed against the petitioners under Sections 420, 468, 471 & 120B IPC.

2. Aggrieved by the aforesaid order, a revision petition was submitted by the petitioners before the Court of Sessions Judge, Tonk, however, the same was also rejected vide impugned order dated 08.06.2017.

3. Learned counsel for the petitioners submits that the petitioners have not committed any offence whatsoever. In spite of the above, they have been falsely booked in the instant case and charge-sheet has also been submitted against them. No ground is made out to frame charges against petitioner, hence, under these circumstances, interference of this Court is warranted.

4. *Per contra* learned Public Prosecutor opposed the prayer made by the counsel for the petitioners and submitted that on the basis of the evidence collected against the petitioners, charge-sheet was submitted and upon finding a *prima facie* case against them, charges have been framed. Hence, under these circumstance, interference of this Court is not warranted and both the instant petitions are liable to be rejected.

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

6. Perusal of the record indicates that it is the allegation of the prosecution that certain documents were fabricated and used as genuine by the petitioners. Upon finding *prima facie* case against the petitioners, charge-sheet for the offence under Sections 420, 467, 468, 471 & 120B IPC, was submitted against them and thereafter, charges were framed by the Trial Court. Whether the petitioners committed any offence or not, this fact would be

appreciated by the Trial Court at the appropriate stage. Meticulous examination of the accused is not permissible at the stage of framing of charge. Charges can be framed against any accused on the basis of strong suspicion.

7. The Courts below have not committed any error in passing the orders impugned. Accordingly, both the petitions stand rejected.

8. Stay application(s) and all pending application(s), if any, also stand rejected. However, the petitioners would be at liberty to take all available defence and grounds at the appropriate stage of the trial before the Trial Court and it is expected from the Trial Court to decide the matter, strictly in accordance with law on the basis of the evidence of both sides, without being influenced by any of the observations made by this Court.

(ANOOP KUMAR DHAND),J