

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

S.B. Criminal Miscellaneous (Petition) No. 7675/2018

Madan Lal Rajvanshi S/o Shri Girdhari Lal B/c Nat

-----Petitioner

Versus

State Of Rajasthan & Anr.

-----Respondents

For Petitioner(s) : Mr. Prahlad Sharma

For Respondent(s) : Mr. Prakash Thakuriya, PP

HON'BLE MR. JUSTICE KANWALJIT SINGH AHLUWALIA

Order

04/12/2018

Counsel for the petitioner has contended that petitioner was tried by the court of Judicial Magistrate Phagi, District Jaipur, for having fabricated the transfer certificate of 8th Class.

Counsel for the petitioner has contended that in the case resulting into trial bearing criminal case No.169/2016, case of the prosecution was that petitioner had not passed 8th Class, therefore, he was not eligible to contest the elections.

Counsel for the petitioner relying upon the judgment Annx.2 dated 23.08.2017 rendered by the court of Judicial Magistrate Phagi, District Jaipur, has submitted that once the petitioner was acquitted on the same allegation, present FIR is not maintainable.

Learned Public Prosecutor, prays for an adjournment to call the Investigating Officer.

Issue notice to the respondents for 01.02.2019.
Meanwhile, further proceedings arising out of impugned FIR shall remain stayed.

(KANWALJIT SINGH AHLUWALIA),J

Heena/144

RAJASTHAN HIGH COURT



सत्यमेव जयते