



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



S.B. Criminal Miscellaneous (Petition) No. 4218/2023
URN: CRLMP / 8145U / 2023

Pavan Kumar Son of Arjun Lal Meena, Resident of B-91, Shubh Aangan Colony, Raipura, Kota (Raj). Presently Inspector Abhay Command, Kota City.



-----Petitioner

Versus

State of Rajasthan, Through P.P

-----Respondent

For Petitioner(s) : Mr. R.K. Gouttam
Mr. G.S.Gouttam
Ms. Sakshi Meena
Ms. Aarti Bai Meena
For Respondent(s) : Mr. M.S. Shekhawat-PP

JUSTICE ANOOP KUMAR DHAND

Order

20/07/2026

1. The instant misc. petition is listed before this Court in pursuance of the directions issued by the Hon'ble Apex Court in the case of **Vijay Kumar and Ors. Vs. State of Rajasthan** (Petition for Special Leave to Appeal (Crl.) No. 773/2026, decided on 15.01.2026), wherein the Hon'ble Apex Court observed that in various matters, interim orders have been passed in criminal revision petitions and petitions filed under Section 482 Cr.P.C., as a result of which trial relating to serious offences such as murder, rape, dacoity, dowry death, etc., could not proceed and remained stalled/held up due to the passage of considerable time.
2. Directions have been issued to this Court and other High Courts to take up such like matters which are pending since long,



on priority and decide the same expeditiously without deferring the hearings to subsequent dates.

3. By way of filing the instant criminal misc. petition, a challenge has been led to the impugned order dated 01.05.2023, passed by the Court of Special Judge, POCSO Act, 2012 and Child Rights Protection Commission Act, 2005 No. 4, Kota in Session Case No. 54/2021, by which the accused has been acquitted and a direction has been issued to the State Government to pay a compensation of Rs. 3,00,000/- to the accused and thereafter, recover the same from the Investigating Officer i.e. Mr. Udaylal, the then Sub-Inspector of Police Station Kotwali, District Kota City and the Pavan Kumar, the then Police Inspector, SHO Police Station, Kotwali District Kota City, i.e. the petitioner along with the then Superintendent of Police, Kota City and a copy of the same has been sent to the District Collector for compliance of the aforesaid order.

4. Learned counsel for the petitioner submits that the petitioner has not investigated the matter and he was not involved in the arrest of the accused. Counsel submits that at the time when the matter was registered, the petitioner was suffering from COVID-19 but overlooking the said material aspect of the matter, the impugned directions have been issued for recovery of the amount of compensation from the petitioner along with other Investigating Officer and the concerned Superintendent of Police. Counsel submits that the aforesaid order has been passed without issuing any notice to the petitioner and without affording any opportunity of hearing to him. Hence, under these circumstances, the order





impugned passed by the Court below is not sustainable in the eyes of law and the same is liable to be quashed and set aside.

5. Per contra, learned Public Prosecutor opposed the arguments raised by counsel for the petitioner.

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

7. Perusal of the record indicates that on 31.08.2020, the FIR No. 144/2020 was registered by the complainant with the Police Station Kotwali, Kota for the offence under Section 376 IPC and after investigation, charge-sheet was submitted against the accused-Anis Khan for the offences under Sections 376(2)(I) and 376(2)(n) IPC and cognizance was taken against the accused by the Court of Additional Chief Judicial Magistrate. Thereafter, the case was committed to the Court of learned Special Judge POCSO ACT, 2012 and Child Right Protection Commission Act, 2005 No. 4, Kota wherein charges were framed against him for the offence under Sections 376(2)(n) and 376(2) (I) IPC and after trial, he has been acquitted vide impugned judgment dated 01.05.2023 by giving him the benefit of doubt.

8. Before parting with the impugned judgment, the Trial Court was of the view that on account of his arrest, he remained in jail for a period of more than one year due to which he was deprived of the opportunity to earn his livelihood and also suffered from physical and mental agony. The Trial Court further observed that his arrest in the aforesaid case has spoiled his image in the society, hence, the Court was of the opinion that he is entitled to get a compensation of Rs. 3,00,000/- and accordingly, a direction was issued to the State Government to pay the same to the





accused and recover the same from the above stated Officers as mentioned in para 1 of this order, which includes the petitioner.

9. Perusal of the impugned judgment indicates that before passing the aforesaid direction, neither any notice nor any opportunity of hearing was provided to the petitioner to get his explanation.

10. It is the settled proposition of law that before passing any adverse order against a person, the authorities concerned including the Judicial Court is supposed to follow the principles of natural justice i.e., *audi alteram partem*. However, in the instant case, the aforesaid due process was not followed by the Trial Court, hence, the principles of natural justice have been violated. On this count alone, the direction issued in the concluding part of the impugned judgment, qua the petitioner, stands quashed and set aside and the matter is remitted to the Special Judge for passing a fresh order, after issuing notice to the petitioner, providing due opportunity of hearing to him and after taking into count the explanation so furnished by the petitioner.

11. With the aforesaid observations and directions, the instant criminal misc. petition stands disposed of. Stay application and all pending application(s), if any, also stand disposed of.

12. Let a copy of this order be sent to the learned Special Judge, POCSO Act, 2012 and Child Rights Protection Commission Act, 2005 No. 4, Kota for necessary compliance.

(ANOOP KUMAR DHAND),J

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