



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Criminal Writ Petition No. 2597/2024

Girdhar Singh Sodha S/o Khinv Singh Sodha, Aged About 47
Years, R/o Jaisinghdhar, P.s. Gadra Road, Dist. Barmer (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary To The
Government, Home Department, Secretariat, Jaipur.
2. Special Operation Group, Through Superintendent Of
Police, Jaipur.

-----Respondents

For Petitioner(s)	:	Ms. Priyanka Borana
For Respondent(s)	:	Mr. Deepak Choudhary, GA-cum-AAG Mr. Shriram Choudhary, AGA

HON'BLE MR. JUSTICE FARJAND ALI

Order

10/02/2025

1. The instant Criminal Writ Petition has been preferred on behalf of the petitioner/accused of a case, seeking the indulgence of this Court for issuance of certain directions for conducting consolidation of trials in the matter filed against the petitioner facing charges of cheating, misappropriation of property, criminal conspiracy along with some other charges.

2. Briefly stating, the facts of the case as narrated in the petition are that the petitioner was chairperson of Navjeevan Credit Cooperative Society, which is a multi-state credit cooperative society and registered at the Central Registrar Cooperative, New Delhi. The society carried out its operations in



various States including the State of Rajasthan and was operative without any default or glitch. Thousands of investors/depositors/members were registered from various parts of the State and even from the other States. According to the petitioner, due to the worldwide recession in 2019, the society failed to honor some of its payments to investors, and in the same context, some of the investors raised issues regarding non-payment of their dues and also alleged mismanagement and misappropriation of funds of the society. Upon which after a preliminary enquiry got conducted by the Additional Superintendent of Police, SOG, an FIR No.19/2019 came to be registered at Police Station, S.O.G, Jaipur on 20.07.2019.

3. Subsequent to the lodging of the FIR by SOG, a news had pervaded among the investors and people related to the petitioner or his company and thus incited with the above, there came a flood of lodging of FIR's by different people at different places across the State of Rajasthan and beyond the state boundaries. Till date a large number of criminal cases have been registered against the petitioner by way of lodging FIR's at different places however the cause of action, truth, substance, nature of the transaction, the act of the accused, and nature of allegation & charge in all the cases are the same or identical and the only difference was that cases were lodged by different people at different places. The society has business spread over various States of the Country and is also involved in transactions with various shareholders, depositors, and investors running into large



amounts of money therefore, it has resulted in the registration of numerous FIR's on the ground that the society was not able to honor the assurance of repayment to the depositors when it became due. It is also a fact that in the State of Rajasthan itself, several FIR's were lodged against the petitioner as well the Society in various districts and continued to be registered by individual investors even though after registration of the FIR by SOG, the petitioner has been taken into custody and the operation of the society have been restrained and thus incapacitating him to make payments to the depositors whose payment became due thereafter.

4. As per the facts mentioned above in this present Writ Petition the petitioner is accused in several cases based on multiple FIR's under alleged offences of cheating, criminal breach of trust, forgery, criminal conspiracy, and other offences under Section 420, 406, 409, 467, 468, 469, 471, 477-A, 201, 120-B of IPC etc. and under Section 4/22 of the **BUDS Act (Banning of Unregulated Deposit Schemes Act), 2019**. In criminal proceedings arising out of these FIRs, some cases are triable by Magistrate and some are triable by sessions court under the **BUDS Act** including offences under IPC across the State. In many districts, trial proceedings are initiated and are at different stages and FIR against the petitioner in the abovementioned provisions of the law are still getting registered for the same cause of action rendering it a continuing offence making the entire criminal proceedings inconvenient for the courts as well as the parties.



Counsel for the petitioner in their submission before this Court also made a prayer for clubbing the trials which actually arose out of the one and the same cause of action.

5. Counsel for the petitioner reiterated the issue mentioned in the petition seeking relief and protection of the petitioner's fundamental rights. She further submits the grievance of the petitioner and his inability to defend himself in numerous cases filed against him at different parts of the State of Rajasthan. It is evident from the facts of the case that the accused/petitioner travel from one place to another only to mark his presence and thus, wasting time only in roaming which made him unable to contest his case properly.

6. On the other hand learned AAG though opposes the plea raised in the petition, but at the same time does not dispute or refute the fact and submission that a large number of cases are lodged against the petitioner and he has to move from one place to the other just to mark his appearance. He, though not in express terms but with timidity accepts that due to the high number of cases in transit, effective proceeding could not be done and now 5 years and more has elapsed after commencement of the case against the accused but nothing fruitful has been achieved till now.



7. Heard and considered the submissions made at the Bar by the learned counsel for the parties and perused the material as made available to this Court.

8. While going through the niceties of the matter it is observed that the petitioner/accused is facing prosecution in various districts as a result of the registration of multiple FIRs across the state for the same or like cause of action. Though the petitioner is said to be on bail at this moment, but the fact remains that by lodging of FIR under the alleged offences, an arrest has been considered as a primary step of investigation making the petitioner being transferred under custody from one police station or court to another which is just a procedural step and has nothing to contribute to the actual investigation which is also likely to put the accused in transit for an unlimited period which also hampers the trial by unnecessary delays by shifting accused from one jail to another and that has also burdened the state agency in continuous lodging him to jail and presenting him before one court to another at a different place. It is also pertinent that the procedure ought to be commenced in accordance with Cr.P.C. which is very difficult in the case of these many FIR's where the accused is facing trials as well as investigation in plenty of cases. In the different trials in various districts, the entire judicial proceeding is very cumbersome and perhaps may end with the life of the accused. Free and fair trial, the right to defend, and the right to be heard are rights of every individual, and the protection of these rights is the duty of this court being a constitutional



court. Salient requirements of a fair trial are one without undue delay, smoothness of trial, and convenience of the parties. The right to speedy trial flowing from Article 21 of the Constitution encompasses all the stages such as investigation, inquiry, trial, appeal, revision, and re-trial.



9. Multiple FIR shall be subject to investigation followed by a trial in every case in the Courts of Judicial Magistrate at the district block level as well as in Sessions divisions arising out of the same cause of action shall not solve the purpose of criminal prosecution and this trial shall be prolonged which is against the spirit of law causing injustice to the parties. It violates the fundamental rights of both parties guaranteed under the Constitution of India, particularly when the substance of the accusation, the accused, the cause of action, and the nature of the evidence are the same and more particularly in one case lodged by SOG in respect of operating the society and defrauding the members of the society is also running simultaneously. Precisely it can be said that the case lodged by SOG encompasses within its investigational area all the acts of the accused which includes the grievance of every individual who in any manner connected with society or feels defrauded whether the case got lodged by him or not. A single transactional activity by the accused by forming a Society and luring the public to invest their money in it and thereby allegedly duping/cheating/defrauding/swindling several person is the crux, essence, and basic substance of each of the cases lodged at the hands of different people at different areas of



the State of Rajasthan. Owing to the plethora of cases; the judicial proceeding is not moving ahead resultantly neither of the party is getting justice due to the procrastination of the Judicial proceeding at each and every place. Subjecting an accused to an endless round of proceedings in diverse courts when the gravamen of the allegation in each of the FIRs is not different then multiplicity of the cases cannot be approved to be justifiable on the part of the State. Despite, the fact that one FIR has been lodged by the Special Operation Group of the state police covering the mischievous act of the accused and the grievance of each and every person claimed to have been victimized still filing of numerous cases has subjected the petitioner to multiple investigations across the country stemmed from the same set of charge and as such the machinery of the criminal justice has been relentlessly employed against the petitioner as a consequence of which he has been trapped in a vicious cycle of the criminal process where in fact the process has itself became the punishment. A serious question would arise as to whether the proceeding against the accused shall be called as prosecution or it would be a persecution. Whether it's a persecution or be it a prosecution but in anyway it must come to an end within a reasonable period.

10. Dealing with the identical issue where the trial had been protracted for an unreasonable period, an elaborate discussion has been made by this Court while deciding the S.B. Criminal Misc. Bail Application No.5916/2023 in **Lichhman Ram @ Laxman**



Ram Vs. State the relevant part that would be apt to reproduce here which reads as under:

7. This Court feels that the nature and gravity of offence and availability of material in support thereof are not the only factors to be taken into account while considering a bail application. The fact that trial is to be concluded within a reasonable period of time is imperative while considering grant of bail to an accused. It is settled principle of criminal jurisprudence that there is presumption of innocence at the pre-conviction stage and the objective for keeping a person in jail is to ensure his presence to face the trial and to receive the sentence that may be passed. This detention is not supposed to be punitive or preventive in nature. An accused is considered to be innocent until he or she or they are proven guilty in the court of law.

8. As per the fundamental rights granted to every citizen/person by the Constitution of India, the accused cannot be expected to languish in custody for an indefinite period if the trial is taking unreasonably long time to reach the stage of conclusion. An undertrial prisoner, who is waiting for the trial to complete and reach a conclusion about his guilt for the alleged crime, is not only deprived of his right to a speedy trial but his other fundamental rights like right to liberty, freedom of movement, freedom of practising a profession or carrying on any occupation, business or trade and freedom to dignity are also hampered.

9. Life without liberty is like a body without soul. Freedom is the open window through which pours the sunlight of the human spirit and human dignity. Personal liberty of the accused is sacrosanct and quintessential to the very spirit and structure of a civilisation. Jeremy Bentham, the great English jurist, postulated that the greatest happiness of the greatest number is the end of law. The concept of civil liberty is embedded in individualism. This simply means that the purpose of the state is to help every individual in reaching their highest development and evolving into the best personality, thereby reaching a point where law and



state are not required by the society. Thus, when personal liberty of an individual is threatened, his development is in peril which is a matter of great concern. Sir William Blackstone has deftly observed on page 134 of the first volume of his book, '**Commentaries on the Laws of England**' that,

"Personal liberty consists in the power of locomotion, of changing situation or moving one's person to whatsoever place one's own inclination may direct, without imprisonment or restraint unless by due process of law".

Justice cannot be presumed to have been administered merely on passing of a judgment of conviction and order of sentence or a judgment of acquittal; rather administration of justice shall be deemed to have been completed when the trial is concluded within **a reasonable period of time** and the accused as well as the complainant/victim are not made to wait for years on end to know the result of the trial.

10. One of the founding fathers and the Third President of them United States of America, Thomas Jefferson, has rightly said that, "Rightful liberty is unobstructed action, according to our will, within limits drawn around us by the equal rights of others." Though the victim/complainant party has the right to seek justice against an accused person but that does not mean that the right of the accused to a fair trial can get hampered. A fair trial is one which is concluded within a reasonable period of time.

11. It is not just a fundamental right but also a human right of every accused as incarceration for an indefinite period pending trial is in contravention of the universal rights that are imperative for us all sans any kind of discrimination. Justice P.N. Bhagwati has embodied the spirit of the aforementioned observation in **Maneka Gandhi Vs. Union of India (UOI) and Ors.** reported in AIR 1978 SC 597 in the following words:

"The expression 'personal liberty' in Article 21 is of the widest amplitude and it covers a variety of rights which go to constitute the personal liberty of man and some of them



have raised to the status of distinct fundamental rights and given additional protection under Article 19.”

12. No one is unaware of the fact that justice delayed is justice denied. On one hand, if a victim has to wait for years to see the perpetrator get his due and on the other hand, if the accused is innocent and it is so decided that he was not guilty for the crime as alleged by the prosecution, then there is no justifiable answer that can put out the fire that has been burning in the minds of the parties since the very inception of the criminal proceedings.

13. A petition for issuance of a writ of habeas corpus was filed in **Hussainara Khatoon & Ors. Vs. Home Secretary, State of Bihar, Govt. of Bihar, Patna** reported in 1979 SCR (3) 169, praying for the release of a large number of men, women and children that were languishing in jails in Bihar for offences which if found guilty, were punishable by a sentence of not more than few months. Following the creative deliverance passed in the case of **Maneka Gandhi (supra)** which expanded the scope of interpretation under Article 21 of the Constitution of India, the right to a speedy trial was interpreted as being implied in the broad gamut of rights that are borne out of right to life and personal liberty enshrined under Article 21. Justice Bhagwati further expressed his anguish over the fact that the bail system of India works on the rusty assumption that monetary loss will deter an accused from fleeing from justice and thus, it operates harshly against the poor and indigent persons of the society. The burden of the period of detention falls on the innocent people who are the members of the family of the accused. **A set of guidelines were issued by the Apex Court in this case to ensure that the courts subordinate to each of the High Courts take lesser time to reach a legitimate conclusion in a trial and that there should be greater access to bail along with humane living standards for the under-trials**

14. Subsequent to **Hussainara Khatoon (supra)**, Hon'ble the Supreme Court held that the right to speedy trial is available at all the stages, be it the stage of investigation or



*inquiry, trial, appeal, revision and even retrial, in **Abdul Rehman Antulay & Ors. Vs. R.S. Nayak & Ors.**, reported in AIR 1992 SC 1701. In addition to the above, it was also held that a time limit cannot be set for the conclusion of trial as there are many factors that impact the right to speedy trial and the facts and circumstances of each case need, to be considered separately. An order for conclusion of trial within a fixed time is possible in specific cases where the circumstances and nature of offence demand it but a fixed time limit for all the trials cannot be imposed.*

15. In the case of **Sanjay Chandra v. CBI**, reported in AIR 2012 SC 830, Hon'ble the Supreme Court had observed that as the investigation is complete and charge sheet has already been filed by the investigating agency, there remains no necessity to keep the accused in custody for further investigation. Being cognizant of the fact that the alleged offences were such that if proved, they could cause peril to the Indian economy, still Hon'ble the Supreme Court upheld the right of an under-trial prisoner to be released on bail. In S.B. Criminal Miscellaneous IV Bail Application No.14677/2021 titled as **Banwari Meena v. State of Rajasthan**, this Court has passed an elaborate order in similar context holding that it is a well-established canon of criminal law that there is presumption of innocence at the pre-conviction stage and the, objective for keeping a person in jail is to ensure his presence to face trial and to receive the sentence that may be passed. This detention is not supposed to be punitive or preventive in nature. In another case titled **Savanta v. State of Rajasthan** (S.B. Criminal Miscellaneous VII Bail Application No. 3701/2022), this Court has held that over-incarceration of undertrial prisoners, beyond reasonable period of time, is violative of their fundamental right to a fair and speedy trial. Any trial that is deemed fair should conclude in a reasonable period of time.

16. While keeping an accused detained, the opportunity to the prosecutor to lead evidence can only be given for a reasonable period. The wider connotation of the phrase 'reasonable period' be understood to be one year because



the case is classified as a sessions case which would mean that the like cases should commence and conclude within a session, that is, one year. Even if an elastic interpretation of the expression 'reasonable period' is taken on the pretext of certain unavoidable circumstances, then it can only be doubled and even in that situation, trial has to be completed within two years while keeping an accused in custody. Suffice it would to say that for the purpose of determination as to whether the accused is guilty or not, only a reasonable period can be awarded to the prosecutor if the accused is behind the bars. The cases which are classified as session case are purposefully directed to be heard by senior officer of District Judge Cadre looking to his experience and rank/grade/post. In criminal jurisprudence prevalent in India, there is a presumption of innocence working in favour of the accused until he is proven guilty in the trial. The trial is conducted for the purpose of affording an opportunity to the prosecutor to prove the charge and only for the purpose of proving guilt or adducing evidence on record, an unreasonable period of time cannot be granted as the same infringes the fundamental rights of an accused which are otherwise guaranteed by the Constitution of India. While entertaining a bail plea, the court of law is required to take into account the above-mentioned aspect of the matter as well besides the gravity of offence and quantum of sentence. After pondering over the legal provisions made in the code of Criminal Procedure, the law enunciated by Hon'ble the Supreme Court through plethora of judicial pronouncements and upon deliberation of bail jurisprudence, it is understood that the only thing which a court of law is to ascertain while entertaining a bail plea is whether the accused should be allowed to come to the court to attend the judicial proceeding from his home and he may be allowed to remain with his family and within the society on the specific condition that on the stipulated date of the hearing of the case, he will willfully attend the court proceeding or he is such a person that even in the pending trial, he should be detained, should not be allowed to visit his family and should be lodged at a specified place of





detention so that on the day of hearing, he may be brought to the court from the jail. In other words, it is to be decided whether he may be allowed to eat, sleep and live with his family like a man ordinarily does or he may be allowed to eat, sleep and live in the jail. It all boils down to this that whether the Court wishes to allow the accused to come to the court to attend the proceedings from his home upon furnishing his bonds and surety of independent person(s) or the court thinks that he cannot be allowed to roam free and therefore, he should be detained so that he may be brought before the court on the day fixed for the hearing. This Court is of the considered view that this is the only thing which is to be thought over and to be ascertained while entertaining a bail plea. The main object of keeping a person behind the bars pending trial is nothing more but to ensure a smooth, unhindered, fair and speedy trial and that he may be present to receive the sentence as may be passed.

17. Courts should not lose sight of the fact that pre-conviction detention has some punitive implications and the purpose of detention before conviction is to secure their presence at the trial and ensure their personal attendance in cases where necessity dictates their arrest and jail is the exception not the rule.

*18. The Hon'ble Supreme Court has recently passed a judgment in Criminal Appeal No(s). 1525 of 2021 titled as **Ashim @ Asim Kumar Haranath Bhattacharya @ Asim Harinath Bhattacharya @ Aseem Kumar Bhattacharya v. National Investigation Agency** vide order dated 01.12.2021 wherein looking to the aspect that the fundamental right of the undertrial prisoner to have a timely trial was getting violated due to long and, indefinite period of incarceration, the trial court was directed to grant the benefit of post-arrest bail in favour of the appellant.*

11. After the discussion over procrastination of the Judicial Proceedings while keeping the accused detained, now the other aspect of the case would be whether clubbing or consolidating



several cases into one is permissible in law. Consolidation of cases is not a foreign thing, the analogy can be taken from the statutory provision, Section 219 of the Criminal Procedure Code (Cr.P.C) which provides:

219. Three offences of same kind within year may be charged together. (1) *When a person is accused of more offences than one of the same kind committed within the space of twelve months from the first to the last of such offences, whether in respect of the same person or not, he may be charged with, and tried at one trial for, any number of them not exceeding three.* (2) *Offences are of the same kind when they are punishable with the same amount of punishment under the same section of the Indian Penal Code (45 of 1860) or of any special or local laws: Provided that, for the purposes of this section, an offence punishable under Section 379 of the Indian Penal Code (45 of 1860) shall be deemed to be an offence of the same kind as an offence punishable under Section 380 of the said Code, and that an offence punishable under any section of the said Code, or of any special or local law, shall be deemed to be an offence of the same kind as an attempt to commit such offence, when such attempt is an offence.*

Section 219(1), states that if a person is accused of committing three similar offences within a year, all of the offences may be charged and tried at the same time. Section 219(2) discusses offences of a similar nature that are also punishable with a similar degree of punishment, this section on charge joinder is not persuasive in nature, it only allows joint trial of charges in certain circumstances. The specific provision in the code of criminal



procedure speaks about more than one offence of the same kind within a year by an accused then they can be charged with and tried upto three of those offences in one trial. This provision would apply whether the offences were committed by the same person or not, it doesn't matter. This provision allows clubbing of 3 criminal cases if committed within a year and the nature of the offence is the same. The express provision made in the criminal procedure code restricts the consolidation of cases up to total number of three. What to do if the nature of the charge is the same, the accused is the same, the primary cause of action is the same, the nature of accusation in all cases is the same and they are committed within one year but the cases are more than three; there is no express provision in this regard but there is a mechanism or permissibility of clubbing/joining the different cases. This means the law recognizes clubbing or consolidation of a particular number of cases against the accused where the nature of the crime is the same, however, it limits and restricts its ambit only upto three cases if committed within one year. In this case, the nature of the accusation and the accused are the same in every FIR but the place of registration is different and widely spread in 16 districts. So, the law does have a mechanism for consolidation, but no express provision is provided to deal with the issue related to multiple cases. It is silent on this issue where more than 250 cases in 16 different districts are registered against a particular accused arising out of the same accusation. Still, when there is no remedy under any statutory provision, then the Doctrine of ***Ubi Jus Ibi Remedium***, comes into play.



12. ***Ubi Jus Ibi Remedium***, is a Latin term which means; 'wherever there is right, there is remedy'. It simply gives us a meaning that if there is any violation of the legal right, then the law provides a remedy to the affected person. Everyone including the accused has a right to have a good legal remedy by the competent Court for the acts which violate his fundamental rights and human rights which are guaranteed to every citizen by the Constitution of India. Hon'ble the Supreme Court in the case of **Arnab Ranjan Goswami v. Union of India** while dealing with the issue of a multiplicity of proceedings and harassment to the Accused, Hon'ble Apex Court held as:-

32. Article 32 of the Constitution constitutes a recognition of the constitutional duty entrusted to this Court to protect the fundamental rights of citizens. The exercise of journalistic freedom lies at the core of speech and expression protected by Article 19(1)(a). The Petitioner is a media journalist. The airing of views on television shows which he hosts is in the exercise of his fundamental right to speech and expression Under Article 19(1)(a). India's freedoms will rest safe as long as journalists can speak truth to power without being chilled by a threat of reprisal. The exercise of that fundamental right is not absolute and is answerable to the legal regime enacted with reference to the provisions of Article 19(2). But to allow a journalist to be subjected to multiple complaints and to the pursuit of remedies traversing multiple states and jurisdictions when faced with successive FIRs and complaints bearing the same foundation has a stifling effect on the exercise of that freedom. This will effectively destroy the freedom of the citizen to know of the affairs of governance in the nation and the right of the journalist to ensure an informed



society. Our decisions hold that the right of a journalist Under Article 19(1)(a) is no higher than the right of the citizen to speak and express. But we must as a society never forget that one cannot exist without the other. Free citizens cannot exist when the news media is chained to adhere to one position. (emphasis supplied) Further, this Court reiterated the role of courts in protecting personal liberty and ensuring that investigations are not used as a tool of harassment: 60. [...] Courts must be alive to the need to safeguard the public interest in ensuring that the due enforcement of criminal law is not obstructed. The fair investigation of crime is an aid to it. Equally it is the duty of courts across the spectrum - the district judiciary, the High Courts and the Supreme Court - to ensure that the criminal law does not become a weapon for the selective harassment of citizens. Courts should be alive to both ends of the spectrum - the need to ensure the proper enforcement of criminal law on the one hand and the need, on the other, of ensuring that the law does not become a ruse for targeted harassment. Liberty across human eras is as tenuous as tenuous can be. Liberty survives by the vigilance of her citizens, on the cacophony of the media and in the dusty corridors of courts alive to the Rule of (and not by) law. Yet, much too often, liberty is a casualty when one of these components is found wanting.

61. [...] The doors of this Court cannot be closed to a citizen who is able to establish prima facie that the instrumentality of the State is being weaponized for using the force of criminal law. Our courts must ensure that they continue to remain the first line of defense against the deprivation of the liberty of citizens. Deprivation of liberty even for a single day is one day too many. We must always be mindful of the deeper systemic implications of our decisions.

13. In the case of **Mohammed Zubair Vs. State of NCT of Delhi and Ors.** Hon'ble Supreme Court further reiterated:-



22. As regards the prayer for quashing of the FIRs, an essential aspect of the matter which must be noticed at this stage is that the investigation by the Special Cell of the Delhi Police in FIR No. 172/2022 pertains to offences of a cognate nature to those which have been invoked in the FIRs which have been lodged before the Police Stations in Uttar Pradesh. Before this Court can embark on an enquiry as to whether the FIRs should be quashed, it is appropriate that the Petitioner pursues his remedies in accordance with the provisions of Article 226 of the Constitution and/or Section 482 of the Code of Criminal Procedure. However, a fair investigative process would require that the entirety of the investigation in all the FIRs should be consolidated and entrusted to one investigating authority. The overlap in the FIRs, emanating as they do from the tweets of the Petitioner, only goes to emphasize the need for a consolidated, as opposed to piece-meal investigation by a diverse set of law enforcement agencies.

23.

24. We also order and direct that the Petitioner shall be entitled to the protective order of interim bail which has been granted by this Court not only in respect of the FIRs which have already been registered, but also in respect of the FIRs which will hereafter be registered on the same subject matter in regard to the tweets which have been put out by him.

14. In the case of **N.V. Sharma Vs. Union of India and Ors.** the Hon'ble Supreme Court emphasized the need and importance of consolidation of cases:-

8. Since this Court has taken cognizance of the serious threat to the life and liberty of the petitioner and specific instances in relation thereto have been cited in our previous order dated 19.07.2022, besides those contained in the additional affidavit filed by the petitioner today, we direct that all the FIRs, referred to above in para 1, shall be transferred to the Delhi Police and clubbed for the purpose



of investigation. The Delhi Police shall ensure that the first FIR No. 683 dated 28.05.2022 along with FIR No. 140 of 2022 dated 08.06.2022 registered by Delhi Police, IFSO Unit are treated as the lead cases and investigated together along with the other FIRs/complaints registered in different parts of the country. It is made clear that in the peculiar facts and circumstances of the case, these FIRs/complaints i.e. FIR No. 683 dated 28.05.2022 and FIR No. 140/2022 dated 08.06.2022, be collectively treated as the first FIR in this sequence. Both these FIRs shall be investigated together by the IFSO Unit of the Delhi Police.

9. Learned senior counsel for the State of West Bengal, Dr. Menaka Guruswamy, urges that the nature of the case is such that a specialized and specific approach is necessary and it would be appropriate to form an SIT to collectively investigate the various FIRs. Since the IFSO Unit of Delhi Police is itself a specialized agency, the concerns of the learned senior counsel would be suitably assuaged by directing that the IFSO Unit shall investigate all the FIRs/complaints. Given this, we do not consider it necessary, at this stage, to contemplate whether an SIT is required for the purpose of investigation of the allegations contained in the FIRs.

10. The IFSO Unit of the Delhi Police shall be at liberty to collect and gather any information from the State Agencies if so required, for the purpose of conducting a thorough investigation and taking it to its logical conclusion

11. The interim directions issued by this Court on 19.07.2022 shall continue to operate till further orders.

12. MA No. 1238 of 2022 is allowed and the order dated 01.07.2022 stands modified to the limited extent enumerated above.

13. The investigation of any subsequent FIRs/complaints which are registered in the future in respect of the same 'Times Now' broadcast of 26.05.2022, shall also stand transferred to the IFSO Unit of the Delhi Police.

14. As far as the primary prayer of the petitioner is concerned, we reiterate our earlier view that she has got an equally effective alternative remedies under the law. The



petitioner shall, thus, be at liberty to pursue such prayers by approaching the High Court of Delhi under Article 226 of the Constitution of India or Section 482 of CrPC, as the case may be in respect of the FIRs/complaints which have already been registered or which may be registered in the future. We say so also for the reason that a part of the cause of action has arisen in favour of the petitioner within the territorial jurisdiction of High Court of Delhi.

15. We clarify and make clear that we have not expressed any opinion on the merits of the allegations contained in the various FIRs

16. for the removal of any doubt, we emphasize that the directions issued hereinabove, shall also extend to any other FIRs/complaints which may be registered/entertained against the petitioner hereinafter in respect of the same subject matter. Should such an eventuality arise, the investigation of those FIRs/complaints shall also stand transferred to the IFSO Unit of the Delhi Police for the purpose of investigation.

15. It was further established in the Case of **Navika Kumar Vs. Union of India (UOI) and Ors.** where it was held:-

5. We have heard learned Counsel for the respective parties and considered the order passed by this Court dated 10.08.2022 in Miscellaneous Application No. 1238/2022 in Writ Petition (Criminal) No. 239/2022 by which with respect to the aforesaid FIRs/complaints except two FIRs arising out of the same incident/occurrence, namely, Newshour Debate telecasted on times Now on 26.05.2022, the investigation/s is/are transferred to IFSO unit of Delhi Police. The FIRs/complaints which are transferred to IFSO unit of Delhi Police, in which the Petitioner is also a co-Accused, there cannot be two investigating agencies with respect to the same FIRs/complaints arising out of the same incident/occurrence with respect to different co-Accused. On the aforesaid ground as well as on the ground of parity, the FIRs/complaints, referred to hereinabove, are also required



to be transferred to IFSO unit of Delhi Police so far as the Petitioner is concerned being co-Accused.

6. At this stage, it is required to be noted that by the aforesaid order dated 10.08.2022 in the case of Accused Nupur Sharma, this Court has also passed an order that investigation of any subsequent FIRs/complaints which are registered in future in respect of the same incident/occurrence, namely, Newshour Debate telecasted on Times Now on 26.05.2022 shall also stand transferred to IFSO unit of Delhi Police.

7. Taking into consideration the order passed by this Court dated 10.08.2022 in the case of Accused Nupur Sharma passed in Miscellaneous Application No. 1238/2022 in Writ Petition (Criminal) No. 239/2022, we dispose of the present writ petition with the following directions: i) all FIRs/complaints, referred to hereinabove in paragraph 2 and 2.1 are ordered to be transferred to the IFSO unit of Delhi Police; ii) first FIR No. 683 dated 28.05.2022 along with FIR No. 140 of 2022 dated 08.06.2022 registered by Delhi Police, IFSO Unit are to be treated as lead cases and investigated together along with the other FIRs/complaints, referred to hereinabove, in which the Petitioner is the co-Accused, which are already ordered to be transferred to IFSO unit of Delhi Police; iii) IFSO unit of Delhi Police shall be at liberty to collect and gather any information from the concerned State agencies, if so required, for the purpose of conducting a thorough investigation and taking it to its logical conclusion; iv) no coercive action shall be taken against the Petitioner pursuant to the aforesaid FIRs/complaints and for the FIRs/complaints which may be entertained in future pertaining to the telecast dated 26.05.2022 on Times Now, for a period of eight weeks from today so as to enable the Petitioner to approach the concerned Court/Delhi High Court for appropriate relief; and v) the investigation of any subsequent FIRs/complaints which are registered in future in respect of the same Newshour Debate telecasted on Times Now on 26.05.2022 shall also stand transferred to IFSO unit of Delhi police.





8. As far as the primary prayer in terms of prayer (a) in the writ petition is concerned, the Petitioner shall be at liberty to pursue such prayer by approaching the High Court of Delhi Under Article 226 of the Constitution of India or Section 482 of the Code of Criminal Procedure. As and when such proceedings are instituted by the Petitioner, the same shall be considered in accordance with law and on their own merits. We clarify and make it clear that we have not expressed any opinion on the merits of the allegations contained in the various FIRs/complaints.

16. In an identical legal and factual situation, hon'ble the High Court of M.P. in the case of **Okendra Singh Vs. The State of Madhya Pradesh and Ors.** held that:-

6. As far as the contention of the petitioner that in the case of *Rajesh Syal (supra)* in paragraph 7 Hon'ble the Supreme Court has held that different people alleged to be defrauded by the respondent and the company and each of the offence is distinct one and cannot be regarded to be constituting single series of facts/transaction is concerned, the same again reflects poor understanding of fact at the end of the State. In the present case, all the FIRs reveal the incident to be the same which had taken place at Jamburi Maidan in the intervening night of 07.01.2023 and 08.01.2023. Thus, when there is single incident then ratio of law laid down in the case of *Rajesh Syal* will not too be applicable because in that case different persons were defrauded at different places and therefore, each of the complainants had right to lodge FIR as per his individual transaction.

7. Therefore, I am of the considered view that taking this fact into consideration Hon'ble the Supreme Court in the cases of *Mohammed Zubair*, *Navika Kumar*, and *N.V. Sharma (supra)* has shown indulgence of clubbing the FIRs. and has directed to carry out one single investigation. Hon'ble the Supreme Court in *Mohammed Zubair (supra)* has made clear observation in paragraph 24 that such acts need for a consolidated as opposed to piece-meal



investigation by a diverse set of law enforcement agencies I am of the opinion that in view of the judgments of Hon'ble the Supreme Court in the cases of Mohammed Jabair, Navika Kumar, and N.V. Sharma (supra), the petitioner's case being on the identical footing it is directed that State Authorities may get the investigation carried out by any one of the investigators of their choice but there will be a consolidated investigation in the matter of FIRs registered in Case Crime No. 0030/2023 at police station-Piplani, district-Bhopal, Case Crime No. 0006/2023 at police station-Selan, district-Ratlam, Case Crime No. 0040/2023 at police station Piplani, district-Bhopal, Case Crime No. 0018/2023 at police station-Misrod, district Bhopal, Case Crime No. 0010/2023 at police station, Jeerapur, district-Rajgarh.

17. Being a Constitutional Court and custodian of the law, this Court is duty-bound and rather expected to see that the accused may be prosecuted and not be persecuted without a finding of guilt. A persecution is rooted in discrimination and bias, leading to unjust treatment or abuse, while prosecution is part of the justice system, aiming to uphold law and order by legally addressing alleged crimes. The motive behind persecution is often prejudice, targeting individuals for their identity or beliefs. Prosecution, however, is driven by the need to enforce legal statutes and is supposed to be free from personal or societal biases. Victims of persecution suffer due to intolerance and hostility, which can lead to social, psychological, or physical harm. In prosecution, the accused face trial in a court of law, where their guilt or innocence is determined based on evidence. Persecution can result in a range of human rights violations, including denial of freedom of expression. Prosecution, when conducted fairly, is a key



component of the legal system ensuring justice and accountability. Statutory provision provides for prosecution but it is the duty of this Court that a person only be prosecuted and not persecuted.

18. Petitioner/accused is entitled to enjoy the rights guaranteed under the Constitution of India which includes the right of the accused to be safeguarded from vexatious trial. They have the right to defend themselves in a free atmosphere and the court of law is expected to ensure fair and smooth trial which would include the convenience of the parties, especially the investigator, victim, and the accused. Repetition of the same process of investigation and inquiry that has already been done concerning the main cause of action would not serve any purpose rather it would infringe the right of the accused to have a speedy trial. Due to the lodging of umpteen number of cases by the state machinery, the accused has been trapped in a vicious cycle of the process of Criminal justice and without fruitful progress in any of the cases, in fact, the process has become a punishment for the accused. What is reflected from the material made available to this court is that owing to the multiplicity of the FIR, most of the time of the petitioner is consumed in transit and he has not been able to engage a lawyer of his choice to contest his case which is guaranteed by the law as well as the Constitution. In common prudence, it can be assumed that there are around 220 working days in the Court of Law and a large number of cases are pending against the petitioner in different courts of the State and the same is making it difficult for the accused to manage and contest, and



the same would be a tedious task which would result in the travesty of justice.

19. The right to a free and fair trial of, every accused encompasses within it, the inherent right to be heard without prejudice to ensure that no bias hinders achieving justice. This right also includes the right to a speedy trial under Article 21, as held in **AR Antulay v. RS Naik and Another**. This was further elaborated upon in **Hussainara Khatoon v. Home Secretary, State of Bihar**, where the court held that the state cannot avoid its constitutional obligation to provide a speedy trial by taking the defense of administrative inability. Here it is observed that if the accused is transferred from one Police Station to another or from one jail to another on every FIR being registered for the same cause of action trial for the same shall be initiated in every Court at different places in the State of Rajasthan then the same shall only prolong the procedure and shall not solve the purpose behind this mechanism to secure the ends of justice. The victim and the accused both will suffer the agony and at the end, neither of them would feel that justice is done to them.

20. The right to appear and to watch the trial is envisaged under Section 273 of Cr.P.C. and as per which the accused has a right to remain present during the trial to witness the production of evidence and documents in the court. This provision has not been meant for the appearance of the accused as a mute spectator but to inspect, analyze, and scrutinize the entire proceeding in



defense at various stages of procedure. A trial may proceed without the accused only if it is expressly stated that he should not be present at the time of a particular statement or if he is deliberately absent. Here, if the petitioner moves from one court to another for marking his presence in the stages of the trial/judicial proceeding then the accused would have to remain traveling every day from district to district and jail to court or court to jail which may leave him in total ruins and doing so would be detrimental to his right to defend properly, as to what time he could spare to confer with his lawyer & what opportunity would he get to bring on record something to rebut the charge.

21. The inherent powers are vested in this court under section 482 of Cr.P.C. by which it can be said that the Court of law is expected to impart Justice and Justice only and for this purpose alone it is established. Since, the establishment of the Courts, it possesses all the powers necessary to do justice or to serve the ends of justice. The power of doing justice is inherent and imbibed in the Courts. The express provision under Section 482 Cr.P.C. only recognizes and preserves the powers of the Court already inherent in it. The express provision under section 482 CrPC enables the High Court to make an order necessary to prevent the abuse of the process of court and law. The High Court can exercise its power to secure the ends of justice. The above provision makes it abundantly clear that wherever the need may arise and there is no express provision in statute; this court can exercise powers vested in it so as to meet the ends of justice. When there is no



provision in Cr.P.C or any other statute to cover up the circumstances as appearing in this case which are discussed in the preceding paras then this court should not hesitate to pass an order which is necessary to serve the cause of justice and at the same time to prevent the abuse of process of law and courts which is being done in this case by making the petitioner to travel from one place to the other for long 5 years without effective process. Here in this case the Ends of Justice would meet if an order of consolidation of the cases is passed otherwise it may result in a travesty of justice and prevention of which is a duty-bound task of this court. This Court is suppose to ensure that no party to the lis fails to have a right to a fair trial; a fair trial which would not only mean deciding the case in accordance with the law but also encompasses a fair right to defend the case within a reasonable period. What should be the reasonability of the conclusion of a trial has not been expressly provided in the statute, However, right from the very inception, it is expected from the courts to complete the Judicial proceeding at the earliest. Article 21 of the Constitution of India engulfs within its ambit the right to have a speedy trial which includes speedy investigation and culmination of judicial proceedings and the law in this regard has further been elaborated and enunciated in **Vakil Prasad Singh Vs. State of Bihar (2009) 3 SCC 355** where Hon'ble Apex Court held:

15. It is, therefore, well settled that the right to speedy trial in all criminal persecutions is an inalienable right under Article 21 of the Constitution. This right is applicable not only to the actual proceedings in court



but also includes within its sweep the preceding police investigations as well. The right to speedy trial extends equally to all criminal prosecutions and is not confined to any particular category of cases. In every case, where the right to speedy trial is alleged to have been infringed, the court has to perform the balancing act upon taking into consideration all the attendant circumstances, enumerated above, and determine in each case whether the right to speedy trial has been denied in a given case. Where the court comes to the conclusion that the right to speedy trial of an accused has been infringed, the charges or the conviction, as the case may be, may be quashed unless the court feels that having regard to the nature of offence and other relevant circumstances, quashing of proceedings may not be in the interest of justice. In such a situation, it is open to the court to make an appropriate order as it may deem just and equitable including fixation of time frame for conclusion of trial.

16. Tested on the touchstone of the broad principles enumerated above, we are convinced that in the present case appellant's constitutional right recognised under Article 21 of the Constitution stands violated. It is manifest from the facts narrated above that in the first instance investigations were conducted by an officer, who had no jurisdiction to do so and the appellant cannot be accused of delaying the trial merely because he successfully exercised his right to challenge an illegal investigation. Be that as it may, admittedly the High Court vide its order dated 7 th September, 1990 had directed the prosecution to complete the investigation within a period of three months from the date of the said order but nothing happened till 27 th February, 2007 when, after receipt of notice in the second petition preferred by the appellant complaining about delay in investigation, the



Superintendent of Police, Muzaffarpur directed the Deputy Superintendent of Police to complete the investigation. It was only thereafter that a fresh chargesheet is stated to have been filed on 1st May, 2007. It is also pertinent to note that even till date, learned Counsel for the State is not sure whether a sanction for prosecuting the appellant is required and if so, whether it has been granted or not. We have no hesitation in holding that at least for the period from 7th December, 1990 till 28th February, 2007 there is no explanation whatsoever for the delay in investigation. Even the direction issued by the High Court seems to have had no effect on the prosecution and they slept over the matter for almost seventeen years. Nothing could be pointed out by the State, far from being established to show that the delay in investigation or trial was in any way attributable to the appellant. The prosecution has failed to show any exceptional circumstance which could possibly be taken into consideration for condoning a callous and inordinate delay of more than two decades in investigations and the trial. The said delay cannot, in any way, be said to be arising from any default on the part of the appellant. Thus, on facts in hand, in our opinion, the stated delay clearly violates the constitutional guarantee of a speedy investigation and trial under Article 21 of the Constitution. We feel that under these circumstances, further continuance of criminal proceedings, pending against the appellant in the court of Special Judge, Muzaffarpur, is unwarranted and despite the fact that allegations against him are quite serious, they deserve to be quashed.

22. The Code of Criminal Procedure makes classification of cases concerning the forum of trial, some cases are classified as triable



by the Magistrate, and some are triable by the Court of Sessions. The definition of the Session Case is not expressly provided but in common parlance, it is interpreted that a session case ought to have commenced, adjudicated, and concluded within a year. For example, the Financial Session of the year or the Academic Session of the year. If a Session case is commenced on the 1st of April 2023 then it must be concluded by the 31st of March 2024.

23. While considering the rights of the accused, this Court also needs to consider a smooth and flawless trial, preventing errors in the criminal proceedings in every corner. If, in any case, the present situation sustains, it shall result in miscarriage of justice. Conducting so many trials simultaneously as well as investigations at the same time where the accused and the nature of charge is the same, shall be burdensome, causing disturbance to the administration and procedural laws and would infringe the fundamental rights of the accused as well. It would be pertinent to mention here the most important aspect of this case is that, in many of the cases, the trial has not been commenced yet. From the facts and circumstances mentioned above it can be speculated or presumed that conclusion of the trials against the accused/petitioner in all the cases would take decades. The average life expectancy of a human being, in general prudence, is 70 to 80 years. The present age of the petitioner is already around 47 years, and more than 133 cases are pending against him. Can a Constitutional Court may allow an accused to let die in prison while battling with vicious cycle of the criminal procedure without



hope of a culmination of trial? No, never. Therefore, this court feels that the place and forum of trial/inquiry investigation of the cases should be transferred and the total number of cases be clubbed together in some groups, based on the geographical status of their lodging, then the purpose of speedy as well as fair trial can be achieved and the ends of justice be secured.

24. Now coming to another legal aspect of the matter as to whether the High Court can pass an order of transfer of the criminal cases for trial to other Courts which do not have territorial jurisdiction to try the offence but otherwise it's competent to try such offence. The answer to this legal proposition is bestowed under Section 407 of Cr.P.C. which provides authority to the High Court to transfer cases and appeals within its own jurisdiction from one Court to another and envisages as under:-

407. Power of High Court to transfer cases and appeals.

(1) Whenever it is made to appear to the High Court -

- (a) that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto; or
 - (b) that some question of law of unusual difficulty is likely to arise; or
 - (c) that an order under this section is required by any provision of this Code, or will tend to the general convenience of the parties or witnesses, or is expedient for the ends of justice,
- it may order -

- (i) that any offence be inquired into or tried by any Court not qualified under Sections 177 to 185 (both inclusive), but in other respects competent to inquire into or try such offence;



(ii) that any particular case or appeal, or class of cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction;

(iii) that any particular case be committed for trial to a Court of Session; or

(iv) that any particular case or appeal be transferred to and tried before itself.

(2) The High Court may act either on the report of the lower Court, or on the application of a party interested, or on its own initiative :

Provided that no application shall lie to the High Court for transferring a case from one Criminal Court to another Criminal Court in the same sessions division, unless an application for such transfer has been made to the Sessions Judge and rejected by him.

(3) Every application for an order under sub-section (1) shall be made by motion, which shall, except when the applicant is the Advocate-General of the State, be supported by affidavit or affirmation.

(4) When such application is made by an accused person, the High Court may direct him to execute a bond, with or without sureties, for the payment of any compensation which the High Court may award under sub-section (7).

(5) Every accused person making such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.

(6) Where the application is for the transfer of a case or appeal from any subordinate Court, the High Court may, if it is satisfied that it is necessary so to do in the interests of justice, order that, pending the disposal of



the application, the proceedings in the subordinate Court shall be stayed, on such terms as the High Court may think fit to impose :

Provided that such stay shall not affect the subordinate Court's power of remand under Section 309.

(7) Where an application for an order under sub-section (1) is dismissed, the High Court may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of compensation to any person who has opposed the application, such sum not exceeding one thousand rupees as it may consider proper in the circumstances of the case.

(8) When the High Court orders under sub-section (1) that a case be transferred from any Court for trial before itself, it shall observe in such trial the same procedure which that Court would have observed if the case had not been so transferred.

(9) Nothing in this section shall be deemed to affect any order of Government under Section 197.

By exercising power provided under Section 407 of Cr.P.C. for the general convenience of the parties and to serve the ends of justice, this Court deems it appropriate to pass an order of consolidation of cases.

25. This Court is also aware of the inconvenience that is going to be caused to the different complainants in contesting their case at a different place, but at the same time, this court also considers the rights of the accused to defend properly in large number of cases simultaneously at different places. When comparing both on the scale of Justice, the right of the accused of multiple cases is more substantial than the inconvenience caused to the complainant, in the given circumstance. For example, if one trial is



initiated in Kota and another one in Sri Ganganagar which is around 732 kilometers, so much administrative burden and inconvenience will be caused to the entire judicial system/state machinery in making necessary arrangements to produce the accused before the courts.

26. Considering every aspect of the case at hand, this Court deems it just and proper to issue certain directions to the trial Courts about the cases arising out of the same or identical cause of action against accused/petitioner. It is thus deemed appropriate to consolidate trials/inquiry of criminal cases pending against the petitioner in nearby districts. All the pending cases can be divided into some groups based on their approach and geography. A bunch/group of cases of nearby district/town/city should be prepared and trial/inquiry of that group can be directed to be done at a bigger and more convenient place for all the stakeholders. The cases triable by the Judicial Magistrate shall be consolidated and transferred to the Courts of the Chief Judicial Magistrate at Districts mentioned below for their further trial/Judicial proceeding. It is hereby directed to the investigating agency that the chargesheet concerning the cases mentioned below must be submitted to the Courts authorized by this order if in any case chargesheet has not been filed yet.

27. As an upshot of the discussion made herein above, this court directs clubbing/consolidation of all the 133 cases in the following manner:



(a) The District and Sessions Judge, Jodhpur, is directed to make necessary arrangements by calling the files/entire record from the places where they are pending presently, to immediately send all the material of the cases mentioned below to the Court of Chief Judicial Magistrate, Jodhpur, District, for further trial. The particulars of the cases are as follows:

S. No.	FIR No.	POLICE STATION, DISTRICT	CASE NO.	Pending at
1.	536/2019	Mahamandir, Jodhpur	7589/2022	ACMM-3, Jodhpur Metro
2.	20/2020	Mahamandir, Jodhpur	1000/2022	ACMM-3, Jodhpur Metro
3.	350/2019	Bilara, Jodhpur	126/2020	ACJM, Bilara, Jodhpur
4.	39/2020	Bilara, Jodhpur	406/2022	ACJM, Bilara, Jodhpur
5.	113/2019	Bhopalgarh, Jodhpur	715/2022	ACJM, Pipar City, Jodhpur
6.	137/2019	Luni, Jodhpur	4610/2021	ACMM-4, Jodhpur Metro
7.	457/2019	Mahamandir, Jodhpur	1001/2022	ACMM-3, Jodhpur Metro
8.	359/2019	Pratap Nagar, Jodhpur	5117/2021	CJM ACJM JM, Jodhpur Metro
9.	517/2019	Pratap Nagar, Jodhpur	5113/2021	CJM ACJM JM, Jodhpur Metro
10.	409/2021	Pratap Nagar, Jodhpur	3424/2022	CJM ACJM JM, Jodhpur Metro
11.	355/2019	Pratap Nagar, Jodhpur	5118/2021	CJM ACJM JM, Jodhpur Metro

(b) The District and Sessions Judge, Rajsamand, is directed to make necessary arrangements by calling the files/entire record from the places where they are pending presently, to immediately send all the material of the cases mentioned below to the District and Sessions Court, Udaipur. The District and Sessions Court, Udaipur, will then transfer it to the Court of Chief Judicial Magistrate, Udaipur, District, for further trial. The particulars of the cases are as follows:



S. No.	FIR No.	POLICE STATION, DISTRICT	CASE NO.	Pending at
1.	322/2022	Raj Nagar, Rajsamand	501/2022	CJM, Rajsamand

(c) The District and Sessions Judge, Sri Ganganagar, is directed to make necessary arrangements by calling the files/entire record from the places where they are pending presently, to immediately send all the material of the cases mentioned below to the Court of Chief Judicial Magistrate, Sri Ganganagar, for further trial. The particulars of the cases are as follows:

S. No.	FIR No.	POLICE STATION, DISTRICT	CASE NO.	Pending at
1.	60/2021	Kotwali, Ganganagar	4574/2022	CJJM, Ganganagar
2.	367/2019	Suratgarh, Ganganagar	752/2022	MJM Court, Suratgarh Taluka
3.	364/2019	Suratgarh, Ganganagar	753/2022	MJM Court, Suratgarh Taluka
4.	177/2019	Karanpur, Ganganagar	352/2021	ACJM, Karanpur

(d) The District and Sessions Judge, Udaipur, is directed to make necessary arrangements by calling the files/entire record from the places where they are pending presently, to immediately send the entire material of the cases mentioned below to the Court of Chief Judicial Magistrate, Udaipur, District for further trial. The particulars of the cases are as follows:

S. No.	FIR No.	POLICE STATION, DISTRICT	CASE NO.	Pending at
1.	500/2019	Hiran Magri, Udaipur	6392/2021	CJM ACJM JM, Udaipur
2.	565/2019	Pratap Nagar, Udaipur	2002/2021	ACJM, Udaipur



(e) The District and Sessions Judge, Jaipur, is directed to make necessary arrangements by calling the files/entire record from the places where they are pending presently, to immediately send all the material of the cases mentioned below to the Court of Chief Judicial Magistrate, Jaipur, District, for further trial. The particulars of the cases are as follows:

S. No.	FIR No.	POLICE STATION, DISTRICT	CASE NO.	Pending at
1.	19/2019	S.O.G. Jaipur	Aug-2023	Jaipur Metro
2.	87/2020	Jothwada, Jaipur	30192/2021	CMM ACMM, Jaipur Metro
3.	546/2019	Bajaj Nagar, Jaipur	16150/2021	CMM ACMM MM, Jaipur Metro
4.	602/2019	Bajaj Nagar, Jaipur	16715/2021	CMM ACMM MM, Jaipur Metro
5.	702/2019	Bajaj Nagar, Jaipur	16718/2021	CMM ACMM MM, Jaipur Metro
6.	786/2019	Bajaj Nagar, Jaipur	15812/2021	CMM ACMM MM, Jaipur Metro
7.	24/2021	S.O.G., Jaipur	N/A	CMM ACMM MM, Jaipur Metro

(f) The District and Sessions Judge, Pali, is directed to make necessary arrangements by calling the files/entire record from the places where they are pending presently, to immediately send all the material of the cases mentioned below to the District and Sessions Court, Jodhpur. The District and Sessions Court, Jodhpur, will then transfer it to the Court of Chief Judicial Magistrate, Jodhpur, District, for further trial. The particulars of the cases are as follows:

S. No.	FIR No.	POLICE STATION, DISTRICT	CASE NO.	Pending at
1.	137/2019	Takhatgarh, Pali	394/2023	ACJM JM AJM, Sumerpur Taluka
2.	180/2019	Takhatgarh, Pali	393/2023	ACJM JM AJM, Sumerpur Taluka
3.	292/2019	Kotwali, Pali	1140/2021	JM Pali
4.	271/2019	Marwar Junction,	Jan-2021	JM Taluka



		Pali		
5.	308/2019	Marwar Junction, Pali	Feb-2021	JM Taluka

(g) The District and Sessions Judge, Barmer, is directed to make necessary arrangements by calling the files/entire record from the places where they are pending presently, to immediately send all the material of the cases mentioned below to the District and Sessions Court, Jodhpur. The District and Sessions Court, Jodhpur, will then transfer it to the Court of Chief Judicial Magistrate, Jodhpur, District, for further trial. The particulars of the cases are as follows:

S. No.	FIR No.	POLICE STATION, DISTRICT	CASE NO.	Pending at
1.	302/2022	Kotwali, Barmer	1505/2022	CJM AJM, Barmer
2.	470/2019	Kotwali, Barmer	756/2021	CJM AJM, Barmer
3.	2/2021	Siwana, Barmer	633/2021	JM, Siwana
4.	3/2021	Siwana, Barmer	631/2021	JM, Siwana
5.	11/2021	Siwana, Barmer	632/2021	JM, Siwana
6.	12/2021	Siwana, Barmer	630/2021	JM, Siwana

(h) The District and Sessions Judge, Jalore, is directed to make necessary arrangements by calling the files/entire record from the places where they are pending presently, to immediately send all the material of the cases mentioned below to the District and Sessions Court, Jodhpur. The District and Sessions Court, Jodhpur, will then transfer it to the Court of Chief Judicial Magistrate, Jodhpur, District, for further trial. The particulars of the cases are as follows:

S. No.	FIR No.	POLICE STATION, DISTRICT	CASE NO.	Pending at
1.	60/2021	Kotwali, Jalore	1070/2023	CJM ACJM JM, Jalore



(i) The District and Sessions Judge, Hanumangarh, is directed to make necessary arrangements by calling the files/entire record from the places where they are pending presently, to immediately send all the material of the cases mentioned below to the District and Sessions Court, Sri Ganganagar. The District and Sessions Court, Sri Ganganagar, will then transfer it to the Court of Chief Judicial Magistrate, Sri Ganganagar, for further trial. The particulars of the cases are as follows:

S. No.	FIR No.	POLICE STATION, DISTRICT	CASE NO.	Pending at
1.	246/2019	Sangariya, Hanumangarh	1222/2022	ACJM MJM, Sangariya

(j) The District and Sessions Judge, Bhilwara, is directed to make necessary arrangements by calling the files/entire record from the places where they are pending presently, to immediately send all the material of the cases mentioned below to the District and Sessions Court, Udaipur. The District and Sessions Court, Udaipur, will then transfer it to the Court of Chief Judicial Magistrate, Udaipur, District, for further trial. The particulars of the cases are as follows:

S. No.	FIR No.	POLICE STATION, DISTRICT	CASE NO.	Pending at
1.	270/2020	Gulabpura, Bhilwara	Jun-2024	ACJM, Gulabpura
2.	273/2020	Gulabpura, Bhilwara	May-2024	ACJM, Gulabpura
3.	313/2020	Gulabpura, Bhilwara	15/2024	ACJM, Gulabpura

(k) The District and Sessions Judge, Sirohi, is directed to make necessary arrangements by calling the files/entire record from the



places where they are pending presently, to immediately send all the material of the cases mentioned below to the District and Sessions Court, Jodhpur. The District and Sessions Court, Jodhpur, will then transfer it to the Court of Chief Judicial Magistrate, Jodhpur, District, for further trial. The particulars of the cases are as follows:

S. No.	FIR No.	POLICE STATION, DISTRICT	CASE NO.	Pending at
1.	185/2019	Swaroopganj, Sirohi	317/2021	JM, Pindwara Taluka
2.	395/2019	Pindwara, Sirohi	322/2021	JM, Pindwara Taluka

28. In accordance with the observations made by this Court as mentioned above for consolidation of cases and a speedy trial, it is further directed that the cases registered under **the BUDS Act**, along with other charges against the accused/petitioner, under the same or identical cause of action, the details whereof are provided hereinbelow, shall be forwarded to the Court of the District and Sessions Judge, Jodhpur, District, authorizing it as forum entitled and competent to try the following cases in consolidated manner. Accordingly, instructions are issued to the respective District and Sessions Court to make necessary arrangements to do the needful. It is hereby directed to the investigating agency that the chargesheet concerning the cases mentioned below must be submitted to the Courts authorized by this order, if in any case it is not filed yet.

(a) Necessary arrangements shall be made by calling the files/entire record from the places where they are pending



presently, to immediately send all the material of the cases mentioned below to the District and Sessions Court, Jodhpur, District, for further trial. The particulars of the cases are as follows:



S.NO	DISTRICT	Case No.	Pending in the Court
1.	Jodhpur	169/2022	ADJ No.1
2.	Jodhpur	241/2022	ADJ No.5
3.	Jodhpur	242/2022	ADJ No.5
4.	Jodhpur	243/2022	ADJ No.5
5.	Jodhpur	244/2022	ADJ No.5
6.	Jodhpur	245/2022	ADJ No.5
7.	Jodhpur	246/2022	ADJ No.5
8.	Jodhpur	247/2022	ADJ No.5

(b) The District and Sessions Judge, Bikaner, is directed to make necessary arrangements by calling the files/entire record from the places where they are pending presently, to immediately send all the material of the cases mentioned below to the District and Sessions Court, Jodhpur, District, for further trial. The particulars of the cases are as follows:

S.NO	DISTRICT	Case No.	Pending in the Court
1.	Bikaner	5/2022	ADJ No.4

(c) The District and Sessions Judge, Rajsamand, is directed to make necessary arrangements by calling the files/entire record from the places where they are pending presently, to immediately send all the material of the cases mentioned below to the District and Sessions Court, Jodhpur, District, for further trial. The particulars of the cases are as follows:

S.NO	DISTRICT	Case No.	Pending in the Court
1.	Rajsamand	2/2023	
2.	Rajsamand	3/2023	



3.	Rajsamand	4/2023	
4.	Rajsamand	5/2023	
5.	Rajsamand	6/2023	
6.	Rajsamand	7/2023	
7.	Rajsamand	8/2023	
8.	Rajsamand	9/2023	
9.	Rajsamand	10/2023	
10.	Rajsamand	11/2023	
11.	Rajsamand	12/2023	
12.	Rajsamand	13/2023	
13.	Rajsamand	14/2023	
14.	Rajsamand	15/2023	
15.	Rajsamand	16/2023	
16.	Rajsamand	17/2023	
17.	Rajsamand	18/2023	
18.	Rajsamand	19/2023	
19.	Rajsamand	20/2023	
20.	Rajsamand	21/2023	
21.	Rajsamand	22/2023	
22.	Rajsamand	23/2023	
23.	Rajsamand	24/2023	



(d) The District and Sessions Judge, Kota, is directed to make necessary arrangements by calling the files/entire record from the places where they are pending presently, to immediately send all the material of the cases mentioned below to the District and Sessions Court, Jodhpur, District, for further trial. The particulars of the cases are as follows:

S.NO	DISTRICT	Case No.	Pending in the Court
1.	Kota	239/2023	ADJ No.4
2.	Kota	238/2023	ADJ No.5
3.	Kota	225/2023	ADJ No.5
4.	Kota	235/2023	ADJ No.5
5.	Kota	236/2023	ADJ No.5
6.	Kota	237/2023	ADJ No.5
7.	Kota	240/2023	ADJ No.5
8.	Kota	241/2023	ADJ No.5
9.	Kota	242/2023	ADJ No.5
10.	Kota	243/2023	ADJ No.5
11.	Kota	244/2023	ADJ No.5
12.	Kota	279/2023	ADJ No.5
13.	Kota	287/2023	ADJ No.5
14.	Kota	288/2023	ADJ No.5
15.	Kota	289/2023	ADJ No.5



(e) The District and Sessions Judge, Ajmer, is directed to make necessary arrangements by calling the files/entire record from the places where they are pending presently, to immediately send all the material of the cases mentioned below to the District and Sessions Court, Jodhpur, District, for further trial. The particulars of the cases are as follows:

S.NO	DISTRICT	Case No.	Pending in the Court
1.	Ajmer	383/2022	ADJ No.5
2.	Ajmer	404/2022	ADJ No.5
3.	Ajmer	405/2022	ADJ No.5

(f) The District and Sessions Judge, Jaipur, is directed to make necessary arrangements by calling the files/entire record from the places where they are pending presently, to immediately send all the material of the cases mentioned below to the District and Sessions Court, Jodhpur, District, for further trial. The particulars of the cases are as follows:

S.NO	DISTRICT	Case No.	Pending in the Court
1.	Jaipur	582/2022	ADJ No.4
2.	Jaipur	581/2022	ADJ No.4
3.	Jaipur	580/2022	ADJ No.4
4.	Jaipur	579/2022	ADJ No.6
5.	Jaipur	466/2022	ADJ No.2
6.	Jaipur	433/2022	ADJ No.4
7.	Jaipur	432/2022	ADJ No.4
8.	Jaipur	431/2022	ADJ No.4
9.	Jaipur	430/2022	ADJ No.4
10.	Jaipur	419/2022	ADJ No.4
11.	Jaipur	20/2023	ADJ No.2
12.	Jaipur	22/2023	ADJ No.2
13.	Jaipur	23/2023	ADJ No.2
14.	Jaipur	47/2023	
15.	Jaipur	245/2023	
16.	Jaipur	136/2024	
17.	Jaipur	137/2024	
18.	Jaipur	138/2024	
19.	Jaipur	140/2024	
20.	Jaipur	141/2024	



21.	Jaipur	142/2024	
22.	Jaipur	143/2024	
23.	Jaipur	175/2024	
24.	Jaipur	176/2024	
25.	Jaipur	177/2024	
26.	Jaipur	255/2024	
27.	Jaipur	256/2024	

(g) The District and Sessions Judge, Alwar, is directed to make necessary arrangements by calling the files/entire record from the places where they are pending presently, to immediately send all the material of the cases mentioned below to the District and Sessions Court, Jodhpur, District, for further trial. The particulars of the cases are as follows:

S.NO	DISTRICT	Case No.	Pending in the Court
1.	Alwar	58/2021	ADJ No.2
2.	Alwar	59/2021	ADJ No.2
3.	Alwar	60/2021	ADJ No.2
4.	Alwar	61/2021	ADJ No.2
5.	Alwar	62/2021	ADJ No.2
6.	Alwar	63/2021	ADJ No.2
7.	Alwar	64/2021	ADJ No.2
8.	Alwar	65/2021	ADJ No.2
9.	Alwar	66/2021	ADJ No.2
10.	Alwar	67/2021	ADJ No.2
11.	Alwar	68/2021	ADJ No.2
12.	Alwar	69/2021	ADJ No.2
13.	Alwar	70/2021	ADJ No.2

29. The arrangement for continuing the trial/judicial proceeding has been made in accordance with above paras of this judgment so as to ensure effective fair and speedy trial/judicial proceeding of the cases pending against the petitioner. The cases triable by the magistrate have been directed to be tried by the Chief Judicial Magistrate as mentioned in the sub-para (a) to (k) of para 27 of this judgment. All the cases containing charges of the **BUDS Act** with offence of other statutes have been directed to be tried by



the District and Sessions Judge, Jodhpur, District Jodhpur. It is hereby directed that all the needful, as directed, shall be done as expeditiously as possible. The petitioner is on bail, thus, upon completion of the transfer of the cases, the court concerned shall intimate the petitioner the date on which the consolidate trial shall commence and the petitioner has to appear on that date. After doing all the needful in the matter, it is directed that sincere endeavors shall be made to conclude the trial/judicial proceedings. Meantime, if required, remand arrangements by the Court concerned is permitted.

30. If any case identical to the those clubbed through this order is left to be mentioned hereinabove, the same shall also be tried together with the aforementioned cases.

31. It is clarified that this Court has not expressed any opinion on the merits of the allegations contained in the various FIRs.

32. Accordingly, the instant writ petition is allowed; in aforementioned terms. All pending applications if any are disposed of.

33. A copy of this order be directly sent to the Registrar General, of this Court for ensuring compliance of this order by issuing necessary direction to the Courts concerned to do the needful as directed herein. After doing the needful, court concerned shall send a report, with particulars of the cases, to this court, which



shall be kept in this file. A copy of this order shall also be forwarded to the Director General of Police, Rajasthan for compliance of the order for issuance of direction to officers concerned for their future course of action.

(FARJAND ALI),J

80-Pramod/-

