RAJASTHAN HIGH COURT
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HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Criminal Miscellaneous (Petition) No. 3890/2025
CNR: RJHC010433232025 | URN: CRLMP / 6779U / 2025

Rajasthan High Court
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Kishan Khatik S/o Nathu Lal Khatik, Aged About 65 Years, R/o Nimachkheda, P.s. Ambamata, District Udaipur (Raj.)

----Petitioner

Versus

1. State Of Rajasthan, Through Pp
2. The Superintendent Of Police, Udaipur
3. The SHO, P.S. Ambamata, Udaipur

----Respondents

For Petitioner(s) : Mr. Pradeep Choudhary
For Respondent(s) : Mr. Prem Singh Panwar, PP

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

Conclusion of Arguments &
Reserved on : 28/10/2026
Pronounced on : 04/11/2026

1. The present petition has been filed being aggrieved by the letter dated 19.08.2014 whereby the history-sheet of the petitioner has been directed to be re-opened by Superintendent of Police, Udaipur.

2. The details of the cases registered against the petitioner are as under:-

Sr. No.	FIR No.	Police Station	Offences	Result/Status
1.	88/1980	Bhupalpura	380 IPC	Convicted 27.02.1992
2.	148/1981	Bhupalpura	147, 149, 452 IPC	Under Trial

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3.	49/1985	Bhupalpura	307, 324 IPC	Acquitted 30.11.1986
4.	102/1982	Bhupalpura	392, 147, 323 IPC	Under Trial
5.	87/1984	Bhupalpura	147, 148, 149, 307, 435, 323 IPC	Convicted 23.02.1992
6.	87/1984	Govardhanvilas	392, 365 IPC	Acquitted 29.04.1997
7.	12/1985	Delwara	354, 447, 341 IPC	Under Trial
8.	13/1985	Delwara	394, 354, 324, 323 IPC	Under Trial
9.	72/1985	Dhanmandi	420, 323 IPC	Acquitted 09.08.1989
10.	108/1985	Bhupalpura	307, 365, 342, 34 IPC	Convicted 27.06.1997
11.	98/1986	Pratap Nagar	307, 341, 323 IPC	Acquitted 15.02.1994
12.	53/1988	Ambamata	452, 323 IPC	Convicted 08.08.1995
13.	286/1992	Ambamata	147, 148, 307 IPC	Acquitted 22.06.1995
14.	169/1994	Ambamata	19/54, Excise Act	Under Trial
15.	325/1997	Pratap Nagar	19/54, Excise Act	Under Trial
16.	152/1998	Nai	451, 323 IPC	Under Trial
17.	38/2001	Nai	447, 34 IPC	Under Trial
18.	313/2012	Ambamata	143, 447, 427, 467, 471, 120B, 34 IPC	Acquitted 20.06.2024
19.	279/2013	Ambamata	420, 384, 387, 120B IPC	Under Trial

3. Learned counsel for the petitioner submitted that earlier history-sheet of the petitioner was opened however, the same came to be closed on 06.10.2008. Subsequently, when FIR No.313/2012 came to be lodged against the petitioner and proceedings under Section 110 Cr.P.C was initiated, history-sheet was reopened vide the impugned letter. He further submitted that although there are 19 cases registered against the petitioner, however, the last case came to be registered in the year 2013 and thereafter, no cases have been registered against the petitioner.

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3.1. While relying upon the judgment passed by a Coordinate Bench of this Court in ***Sanjay v. State of Rajasthan & Ors.; S.B. Criminal Misc. Petition No.792/2016*** and connected matters (decided on 23.01.2023), learned counsel submitted that although more than ten cases stood registered against the petitioner and continuance could be justified at the discretion of the competent authority, however, as per the said judgment where all such cases are ten years old, such entry cannot sustain.

3.2. Further, while relying upon the judgment passed by a Coordinate Bench of this Court in ***Gul Mohammad Khan v. State of Rajasthan; S.B. Criminal Writ Petition No.1657/2026*** (decided on 05.06.2026), learned counsel submitted that continuance of the history-sheet of the petitioner is required to be quashed as per Rules 4.12 and 4.13 of the Rajasthan Police Rules, 1965 (hereinafter referred to as 'Rules of 1965') as there are no cases registered against the petitioner in the last more than ten years.

3.3. Based on the above submissions, learned counsel prayed that the impugned letter dated 19.08.2014 whereby history-sheet was re-opened against the petitioner may be quashed and the concerned police authorities be directed to delete petitioner's name from the surveillance register maintained by them.

4. Learned Public Prosecutor opposed the submissions made by learned counsel for the petitioner and submitted that the history-sheet was re-opened vide letter dated 19.08.2014 by the Superintendent of Police, Udaipur, after due consideration of the petitioner's criminal antecedents and the material available on

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record. He contended that nineteen criminal cases had been registered against the petitioner between 1980 and 2013 and the re-opening of history-sheet was not dependent solely upon the petitioner's conviction in the cases concerned.

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4.1. He further submitted that under Rules 4.4 and 4.9 of the Rules of 1965, the competent authorities were empowered to initiate surveillance and open a history-sheet upon satisfaction of the prescribed conditions. He argued that conviction was not an indispensable prerequisite for such action and that the petitioner's antecedents, considered cumulatively, provided sufficient justification for the impugned decision. He submitted that the Superintendent of Police had exercised the powers vested in him after examining the relevant material and the letter did not suffer from any illegality or infirmity.

4.2. He contended that the petitioner's criminal activities had continued over a considerable period and that his antecedents warranted continued surveillance in the interest of maintaining public order and preventing further criminal activity. Therefore, no interference is warranted in the re-opening of the history-sheet of the petitioner and the present petition deserves to be dismissed.

5. Heard learned counsel for the parties and perused the material on record.

6. It would first be appropriate to refer to the Rules 4.4, 4.9, 4.12 and 4.13 of the Rules of 1965 and examine the legal position governing the opening and continuance of a history-sheet as per the said rules.

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RAJASTHAN HIGH COURT सत्यमेव जयते

The Rules 4.4 and 4.9 of the Rules of 1965 read as under:-

"**4.4. Surveillance Register No.8** -

(1) In every police station, other than those of the railway station, other than those of railway police, a Surveillance Register shall be maintained in form 4.4(1).

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(2) In part I of such register shall be entered the names of persons commonly resident within or commonly frequenting the local jurisdiction of the police station concerned, who belong to one or more of the following classes:-

(a) All persons who have been proclaimed under Section 87, Code of Criminal Procedure.

(b) All released convicts in regard to whom an order under Section 565, Criminal Procedure Code, has been made.

(c) All convicts the execution of whose sentence is suspended in the whole, or any part of whose punishment has been remitted conditionally under Section 401, Criminal Procedure Code.

(d) All persons restricted under Rules of Government made under Section 8 of the Rajasthan Habitual offender Act, 1953.

(3) In part II of such register may be entered at the discretion of the Superintendent:-

(a) Persons who have been convicted twice, or more than twice, of offences mentioned in Rule 2.2;

(b) **persons who are reasonably believed to be habitual offender or receivers of stolen property whether they have been convicted or not**;

(c) persons under security under Sections 109 or 110, Code of Criminal procedure;

(d) convicts released before the expiration of their sentences under the prisons Act and Remission Rules without imposition of any conditions

Note:- This rule must be strictly construed, and entries must be confined to the names of persons falling in the four classes named therein.

4.9. History sheet when opened -

(1) A history sheet, if one does not already exist, shall be opened in form 4.9 for every person whose name is entered in the surveillance register, except conditionally released convicts.

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(2) **A history sheet may be opened by, or under the written orders of, a police officer not below the rank of Inspector for any person not entered in the surveillance register who is reasonably believed to be habitually addicted to crime or to be aider or a better such persons.**

(3) the Government Railway Police will maintain the history sheets of criminals known or suspected to operate on the railway in accordance with police Rule 4.8. They will open history sheets themselves for criminals living in railway premises who have been absent for their original homes so long that the railway premises may be regarded as their permanent resident. They may also open history sheets for wandering strangers reasonably believed to be habitually addicted to crime on the railway, whose original homes cannot be traced.

4.12 Treatment of history sheets and personal files. -

(1)- **The history sheet of a person who is no longer addicted to crime shall be transferred to his personal file.** Under no circumstances shall the history sheet of person who is undergoing sentence be relegated to his personal file.

(2) The history sheet and personal file of a person who takes up his residence permanently in another police station jurisdiction shall be transferred to such police station.

(3) The history sheet and personal file of a person who dies shall be destroyed.

(4) All disposal actions referred to in this rule shall be taken in accordance with the order of a gazetted officer.

4.13 Personal files, maintenance and disposal of. -

(1) The starting of a personal file should always be the first stage in compiling the record of a suspect. As soon as suspicious have come into record regarding an individual to an extent which indicates that he is addicted to crime or is the associate of criminals. such record should be tabulated to form the foundation of a personal file subsequently, all information obtained about such person, whether in his favour or against him. shall be added to his file. The personal file shall form the main material be which superior officers will be guided as to whether to open a history sheet or not, It follows that a personal file must be maintained for every person of whom a history

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RAJASTHAN HIGH COURT सत्यमेव जयते

sheet exists. On such file, bad character rolls, papers relating to information sheets etc., shall be recorded. (See rule 4.17(7)(b) in this connection)

(2) All personal files shall be paged and indexed.

(3) (a) The personal files of persons for whom history sheets have been opened shall be given the same serial number as the history sheet and kept separately in a bundle.

(b) The personal files of persons for whom no history sheet exists shall be kept in a separate bundle. These files shall not be numbered, but a list of them shall be kept in the bundle and they shall be arranged according to villages.

(4) To prevent the under accumulation of useless personal files, the Superintendent may, at his discretion, order the destruction of the personal file of any person of whom a history sheet does not exist when such person has been of **good behaviour continuously for seven years** and the up-keep of his personal file appears unnecessary."

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7. In ***Sanjay*** (supra), after examining Rules 4.4 and 4.9 of the Rules of 1965 and the facts of the matters before it, a Coordinate Bench of this Court formulated criteria for assessing the justification for maintaining an entry in the surveillance register or declaring as a history-sheeter. It observed that continuance could be justified where a person had three consecutive convictions and was a habitual offender, subject to the stated exclusion relating to convictions fifteen years old or older. As an alternative, the Court held that where more than ten cases stood registered against a person, irrespective of their outcomes, continuance could be justified at the discretion of the competent authority, however, where all such cases were ten years old, that criterion would not sustain the entry. These criteria provide material guidance in assessing surveillance, but the reference to the discretion of the competent authority remains significant. The numerical threshold

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RAJASTHAN HIGH COURT सत्यमेव जयते

cannot be read in isolation from the applicable Rules of 1965 or as eliminating the need for a lawful exercise of discretion. The decision thus underscores the importance of examining not merely the existence of criminal cases, but also their number, recency and the surrounding circumstances. It does not, however, support the proposition that acquittal, compromise or the absence of conviction invariably bars the opening or continuance of a history-sheet in every case.

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7.1. Further, in the case of ***Gul Mohammad*** (supra), a Co-ordinate Bench of this Court held that the definition of "habitual offender" under the Rajasthan Habitual Offenders Act, 1953, requiring three convictions, cannot be mechanically imported into Rule 4.4(3)(b) of the Rules of 1965, which also covers persons reasonably believed to be habitual offenders, whether convicted or not. Relying upon the judgment in the case of ***Dhanji Ram Sharma v. Superintendent of Police, North District, Delhi Police; AIR 1996 SC 1766*** and ***Laxmi Narayan Meena v. State of Rajasthan; S.B. Civil Writ Petition No.13591/2014*** (decided on 05.01.2017), the Court clarified that conviction is not an indispensable prerequisite, but the belief must be founded on reasonable grounds and not mere suspicion. Therein, since the last case registered against the petitioner was of the year 2019 and in the latest FIR of the year 2024, negative Final Report was filed, the Court observed that the case of the petitioner was required to be considered under Rules 4.12(1) and 4.13(4) of the Rules of 1965 which respectively provide that history sheet of a person who is no longer addicted to crime shall be transferred to

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his personal file and if a person has been of good behavior continuously for seven years, his personal file may be ordered to be destructed.

7.3. The criteria formulated in the case of ***Sanjay*** (supra), and subsequently in ***Gul Mohammad Khan*** (supra), are relevant to the assessment of continuance, but the number of cases cannot be treated as a substitute for lawful and reasoned exercise of discretion. The nature and recency of the cases, their outcomes, any subsequent criminal involvement and the material actually considered by the competent authority must be assessed in their entirety.

8. Upon consideration of the rival submissions and the judgments discussed herein-above, this Court finds that the question of continuance of the history-sheet and surveillance entry requires reconsideration by the competent authority in light of the principles laid down in the aforesaid decisions so also the Rules 4.12 and 4.13 of the Rules of 1965. Although there are nineteen cases registered against the petitioner however, the latest case is reflected to be of year 2013 and no case is reported to be registered thereafter, therefore, this warrants a fresh assessment of whether the petitioner’s continued surveillance remains justified. The number of cases registered against the petitioner, by itself, cannot be determinative, rather the nature of the allegations, the outcome and present status of the criminal proceedings, the recency of the cases and the material bearing upon the petitioner’s alleged habitual criminal activity are all relevant considerations.

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8.1. The judgments discussed above make it clear that the exercise of powers under the Rules of 1965 must be assessed in the light of the applicable criteria and the material relevant to the individual concerned. While conviction is not an indispensable prerequisite under Rule 4.4(3)(b) of the Rules of 1965, the requisite belief must be founded on reasonable grounds. Further, the justification for continuance of a history-sheet must be assessed in light of the relevant circumstances, including subsequent developments in the criminal proceedings.

9. In view of the above, this Court deems it appropriate to remit the matter to the Superintendent of Police, Udaipur, for reconsideration in accordance with law and the applicable provisions of the Rules of 1965. While undertaking such consideration, the Superintendent of Police, Udaipur shall examine the petitioner's criminal antecedents, the outcome and present status of the cases registered against him, the relevant material on record and the justification for continuance of the history-sheet and surveillance entry, and shall pass a reasoned order after due application of mind.

10. The petitioner shall be at liberty to submit a representation before the Superintendent of Police, Udaipur alongwith relevant documents within a period of two weeks from today. The Superintendent of Police, Udaipur shall consider such representation and the accompanying documents objectively and pass an appropriate order in accordance with law, preferably within a period of eight weeks from the date of receipt of such representation.

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11. Accordingly, the present criminal misc. petition is **disposed of**.

12. It is clarified that this Court has not expressed any opinion on the merits of the allegations underlying the criminal cases or on the entitlement of the petitioner to have the history-sheet closed.

13. Pending application(s), if any, stand(s) disposed of.

(SUNIL BENIWAL),J

RAKESH MATHUR

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