

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM(M) 181/2026 CrIM(446/2026)

MOHAMMAD YOUSUF KHAN

..... Petitioner(s)

Through: Mr. Zahid Hussain Dar, Advocate.
with Mr. Zahi Afzal and Mr.
Naveed Bukhtair, Advocates.

V/s

MOHAMMAD YASEEN MALLA

..... Respondent(s)

Through:

Coram:

Hon'ble Mr. Justice Sanjay Dhar, Judge

ORDER

15.04.2026

The petitioner, has challenged order dated 11.03.2026, passed by the learned Judicial Magistrate 1st Class (Munsiff) Pampore, whereby in a complaint filed by the respondent against the petitioner under Section 138 of Negotiable Instruments Act, cognizance of offence has been taken and process has been issued against him.

Learned counsel for the petitioner has submitted that the petitioner is residing beyond the territorial limits of the learned trial Magistrate and therefore, it was incumbent upon the learned Magistrate, to undertake enquiry under Section 202 Cr.PC, which has not been done in this case.

Issue notice to the respondent subject to taking of necessary steps by the petitioner within one week.

In the meantime, proceedings in the impugned complaint pending before the learned trial Magistrate shall remain stayed.

List on 30.05.2026.

(Sanjay Dhar)
Judge

SRINAGAR

15.04.2026

Aasif