

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

**CRM(M) No.311/2024  
CrIM No.757/2024  
CrIM No.758/2024**

**Parvaiz Ahmad Wagay**

... Petitioner(s)

Through: -Mr. Umar Mir, Advocate.

Vs.

**Mohammad Altaf Wani**

...Respondent(s)

Through: -None

**CORAM:**

**HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE**

**ORDER**  
**04.06.2024**

**CrIM No.757/2024**

1. This is an application filed by the petitioner seeking exemption from filing of the certified copy of impugned order dated 31.05.2024.
2. For the reasons stated in the application, the same is allowed and the petitioner, for the time being is exempted from filing the certified copy of the impugned order. He shall, however, do the needful within a period of two weeks from today.
3. Application disposed of.

**CRM(M) No.311/2024**

1. The petitioner has challenged order dated 31.05.2024 passed by learned Additional Special Mobile Magistrate, Shopian, whereby in execution proceeding relating to award of Lok Adalat dated 08.12.2018, the petitioner has been sent to Civil Prison.
2. Learned counsel for the petitioner has submitted that provisions contained in Order 21 Rules 37, 38 and 39 have not been adhered to by learned executing Court while sending the petitioner to civil prison, inasmuch as, neither any show cause notice has been issued to him nor the decree holder has been asked to deposit the subsistence allowance.
3. Issue notice to the respondent subject to the petitioner taking steps within a week's time. In the mean time, the impugned order dated 31.05.2024 is stayed and it is directed that the petitioner be released from custody subject to furnishing bail and surety bonds in the amount of Rs.50,000/- each to the satisfaction of learned executing Court. It is further made clear that the learned executing Court shall be at liberty to proceed ahead with the execution petition in accordance with the procedure prescribed under law.
4. Be listed on 31.07.2024.

**(SANJAY DHAR)  
JUDGE**

**SRINAGAR**

**04.06.2024**

*Sarveeda Nissar*