

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(M) No. 245/2026
CM No. (3768/2026)

Nisar Ahmad Bhat

...Applicant(s)/Petitioner(s)

Through: Mr. Khursheed Bhat, Advocate

VERSUS

Tahira Begum

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
03.07.2026

1. The respondent as a complainant pursued her criminal complaint against the petitioner for commission of offence under section **138** of the Negotiable Instruments Act, 1881 before the Court of Learned Chief Judicial Magistrate, CJM Handwara which resulted in conviction of the petitioner by virtue of a judgment dated **04.12.2025** whereby the petitioner was sentenced to simple imprisonment for a term of two years, along with compensation equivalent to double the remaining cheque amount payable to the complainant that is the respondent.

2. The Chief Judicial Magistrate, CJM Handwara, in his judgment of conviction dated **04.12.2025**, is missing out to mention the remaining cheque amount double of which is meant to be payable to the respondent. This is a very sorry reflection on the state of application of mind on the part of the Chief Judicial Magistrate delivering the judgment of conviction and retaining a suspense as to how much is the remaining cheque amount double of which is to be payable from the end of the petitioner as a convict.
3. Be that as it may, the petitioner preferred a conviction appeal under section **374** of the Code of Criminal Procedure, 1973 before the appellate court of Additional Sessions Judge, Handwara which has resulted in dismissal in terms of order dated **21.04.2026**.
4. During the course of appeal, the petitioner is reported to have been admitted to bail. Without forfeiting the bond, personal as well as surety, the petitioner is still without being in state of imprisonment and from that state is coming

forward to challenge the outcome of appeal through the medium of this petition under **Article 227** of the Constitution of India.

5. This Court calls upon learned counsel for the petitioner to first place on record copy of the bail order as well as suspension of sentence, if any, ordered by the Appellate Court of Additional Sessions Judge, Handwara lasting the pendency of his appeal.

6. Let requisite be placed on record.

7. List on **06.07.2026**.

(RAHUL BHARTI)
JUDGE

SRINAGAR

03.07.2026

Akshil Dev

