

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM(M) 427/2026
CrIM(982/2026)

Aijaz Ahmad Bhat.

...Petitioner(s)

Through: Mr. Faisal Javied, Advocate.

Vs.

Nisar Ahmad Malik.

...Respondent(s)

Through:

CORAM:

HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE.

ORDER

01.07.2026

1. The warp and woof of the grievance as projected by the petitioner is that the learned Principal Sessions Judge, Shopian while passing the impugned order dated 9th August, 2024 has committed patent illegality by contravening the mandate of Section 142 (2) (a) (b) of the Negotiable Instruments Act, 1881 (NI Act).
2. According to the learned counsel for the petitioner, the respondent-complainant has no account in the J&K Bank Branch Unit Main Shopian, therefore, mere presentation of cheque in the said branch would not confer territorial jurisdiction on the court of learned Chief Judicial Magistrate, Shopian, in whose jurisdiction said bank is situate.
3. However, to the contrary, while sailing through the impugned order, it transpired that the learned Sessions Judge has specifically observed in Para 9 of the impugned order dated 9th August, 2024 that the respondent/complainant-Mr. Nisar Ahmad Malik is having saving bank account bearing No. 0016040100012600 with the J&K Bank Business Unit Shopian since

7th September, 2002 i.e. prior to the issuance of the cheques by the petitioner-accused.

4. Since the entire controversy hinges on the interpretation of the Section 142 of the NI Act, therefore, it is deemed proper to first get the details of account bearing No. 0016040100012600.

5. In view of the above, let the Manager, J&K Bank Branch Unit Main Shopian to submit the details of the bank account bearing No. 0016040100012600, more particularly delineating the fact as to under whose name the said account is being operated.

6. List again on 6th July, 2026.

7. Registrar Judicial to communicate this order forthwith to the Manager, J&K Bank Branch Unit Main Shopian.

(SHAHZAD AZEEM)
JUDGE

SRINAGAR:

01.07.2026

"Hamid"

