

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM(M)/280/2022

CrIM/864/2022

M/S HAZRATBAL FILLING STATION AND ANR. ...Petitioner(s)

Through: Mr. Zahid Hussain, Advocate with
Ms. Mehak Amin, Advocate.

Vs.

UNION TERRITORY THROUGH INSPECTOR LEGAL METROLOGY DEPARTMENT ...Respondent(s)

Through: Mr. T. A. Lone, Dy. AG.

CORAM:

HON'BLE MR JUSTICE MOHD YOUSUF WANI, JUDGE

ORDER

24.07.2026

1. Impugned in the instant petition filed under Section 482 of the Code of Criminal Procedure, (hereinafter referred to as the "Code" for short), corresponding to Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, (hereinafter referred to as the "BNSS" for short), is the order dated 11th May, 2022 passed by the Court of the learned 1st Additional Sessions Judge, Srinagar, (hereinafter referred to as the 'Revisional Court'), in Revision File No. 5, titled "UT of J&K through Inspector, Legal Metrology Department, Srinagar v. M/s Hazratbal Filling Station and Another," whereby the learned Revisional Court set aside the order dated 24th March, 2022 of the

learned Chief Judicial Magistrate, Srinagar, regarding the de-sealing of the fuel dispensing machine / apparatus.

2. An inspection squad of the Legal Metrology Department, UT of Jammu and Kashmir, is reported to have inspected the petrol pump of the petitioners on 15th November, 2021, during which they sealed the Tokhelm Fuel Dispensing Machine bearing No. M18230789, installed at the petrol pump.
3. The present petitioners thereafter approached the Court of the learned Chief Judicial Magistrate, Srinagar, seeking de-sealing of the said machine / apparatus, and an order dated 24th March, 2022 came to be passed by the Learned CJM, Srinagar, allowing the de-sealing of the machine.
4. Aggrieved by the said order dated 24th March, 2022 of the learned Chief Judicial Magistrate, Srinagar, the respondent assailed the same through a revision petition before the learned Revisional Court, and the learned Revisional Court, vide its order dated 11th May, 2022, set aside the order of the learned CJM.
5. The present petition came to be subsequently filed by the petitioners impugning the aforesaid order dated 11th May, 2022 of the learned Revisional Court.
6. As per the interim order dated 25th July, 2022 passed in the instant petition, the petitioners have been permitted to install a new fuel dispensing machine at the relevant site, with the direction to the respondents that they shall not interfere with the petitioners' running

of the new fuel dispensing unit on account of the pendency of the complaint that has been filed before the learned Chief Judicial Magistrate, Srinagar.

7. However, through the same order, the respondent was permitted to take over the custody of the sealed fuel dispensing machine on the condition that the same shall be produced before the learned Trial Magistrate as and when directed by the Court.

8. I have heard the Learned Counsel for the parties in respect of the matter.

9. Since the respondent-State has already filed a complaint against the petitioners in respect of the occurrence dated 15th November, 2021, on which date, during the discharge of official functions, the fuel dispensing machine / apparatus in question came to be sealed.

10. The sealed apparatus / machine constitutes a piece of evidence in the complaint filed by the respondent-State. It is needed to be produced before the learned Trial Magistrate in the course of the recording of the evidence and also as and when required by the learned Magistrate.

11. The said sealed machine / apparatus stands handed over to the respondent-State through the interim order dated 25th July, 2022, of this Court with the direction to preserve the same and produce the same before the learned Trial Magistrate as and when needed / directed.

12. The petitioners, with a view to run their business in a lawful manner, have been permitted through the said interim order of this Court dated 25th July, 2022 to install a new fuel dispensing apparatus / machine at the site, which is reported to have already been done.
13. The sealed machine / apparatus is also reported to have been taken into custody by the respondent-State through the Legal Metrology Department.
14. The petitioners have assailed the order of the Revisional Court dated 11th May, 2022 in the petition before this Court mainly on the ground that the order of the Chief Judicial Magistrate dated 24th March, 2022 was an interlocutory order and was not amenable to revision.
15. I have perused the order dated 24th March, 2022 of the learned Chief Judicial Magistrate, which, in the facts and circumstances of the case and especially the consequences thereof does not bear the trappings of an interlocutory order.
16. The order impugned in the instant petition dated 11th May, 2022, appears to be well within the law because the sealed fuel dispensing machine constitutes a piece of evidence in the prosecution case of the respondent, which was needed to be produced before the learned Trial Magistrate with the complaint or as and when needed / directed.
17. The petitioners, at the same time, are also entitled to carry on their business and run the petrol pump in accordance with the law.

18. The interim direction passed by this Court on 25th July, 2022 takes care of both the legal requirements.
19. The Learned Counsel for the parties mutually consented for making the said interim order of this Court absolute and the disposal of this petition accordingly.
20. Accordingly, with the consensus of the ld. Counsel for both the parties, the petition is disposed of on the basis of the interim order dated 25.07.2022 passed on this petition, which is made absolute.
21. Needless to mention that the learned Trial Magistrate is within his jurisdiction and competence to pass appropriate orders regarding the sealed / seized fuel dispensing machine during or at the conclusion of the trial of the complaint.
22. The respondent-State, through the Legal Metrology Department, is also within its powers to carry out routine checking of the petrol pump of the petitioners in accordance with the law.
23. The petition stands, accordingly, **disposed of**.

(MOHD YOUSUF WANI)
JUDGE

SRINAGAR
24.07.2026
"Hilal Ahmad"