

135
Supp

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CRM (M) No. 787/2024

CrlM No. 1820/2024

Tushar YadavraoMuthal

..... Petitioner (s)

Through: Mr. Mihir Puranik, Adv.
V/s

Farooq Ahmad Khan

..... Respondent(s)

Through:

Coram:

Hon'ble Mr. Justice Sanjay Dhar, Judge.

ORDER

27.12.2024

The petitioner has challenged complaint filed by the respondent against him alleging commission of offence under Section 138 on Negotiable Instruments Act which is stated to be pending before the court of learned Judicial Magistrate 1st Class (2nd Additional Munsiff) Srinagar. Challenge has also been thrown to the order whereby process has been issued against the petitioner.

Learned counsel for the petitioner has submitted that the petitioner/accused is a resident beyond the jurisdiction of the learned trial Magistrate, as such, it was incumbent upon the learned Magistrate to hold an inquiry under Section 202 Cr.PC before issuing process against the petitioner. In this regard learned counsel has relied upon the judgment of Supreme Court in case of Suo Motu Writ petition (Crl.) NO. 2 of 2020 reported in (2021) 16 SCC 116.

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

List on 05.03.2025.

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

(Sanjay Dhar)
Judge

SRINAGAR

27.12.2024

Aasif