

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CRM(M) No. 174/2024

Mohd. Azam

.....Appellant(s)/Petitioner(s)

Through: Mr. Vishal Sharma, Adv.

vs

Union Territory of J&K and others

..... Respondent(s)

Through: Mr. Eishan Dadhichi, GA for Nos. 1 and 2
Mr. Anmol Sharma, Adv. for No. 3

Coram: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER
18.03.2024

Issue notice to the respondents. Mr. Eishan Dadhichi, GA accepts notice on behalf of respondent Nos. 1 and 2 and Mr. Anmol Sharma, Adv. accepts notice on behalf of respondent No. 3.

Reply be filed by next date of hearing. Status report with regard to the investigation of the case shall also be filed by respondent No. 2 by next date of hearing. In case, the Investigating Officer approaches the Judicial Magistrate for re-recording of the statement of the victim, the same shall be dealt with by the said Magistrate in accordance with law. Needless to mention that there is no legal bar in re-recording of statement of a witness/victim under Section 164 of the CrPC.

Learned counsel for respondent No. 2 has submitted that learned Sessions Judge, Poonch vide his order dated 15.03.2024, while granting bail to the accused had directed that investigation of the case be handed over to DIG Poonch Rajouri Range, as according to the learned Sessions Judge, the present Investigating Officer has not fairly conducted the investigation. It is made clear

that while the present Investigating Officer needs to be divested of his duty to investigate the instant case, however, it shall be open to the DIG Poonch Rajouri Range to either take up the investigation himself or appoint some other officer of proven integrity as Investigating Officer of the case.

Be listed on 20.04.2024.

(SANJAY DHAR)
JUDGE

Jammu
18.03.2024
Rakesh

