

Supplementary list
Item No. 1

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

LPAOW No.78/2017, MP No.01/2017

Date of order: 17.08.2017

Noor-ul-Hassan Parray v. State and ors.

Coram:

Hon'ble Mr. Justice Alok Aradhe, Judge
Hon'ble Mr. Justice Sanjeev Kumar, Judge

Appearing counsel:

For the Appellant/petitioner(s) : Mr. Sunil Sethi, Sr. Advocate with
Mr. Mohsin Bhat, Advocate.

For the Respondent(s) :

i/ Whether to be reported in : Yes/No
Press/Media

ii/ Whether to be reported in : Yes/No
Digest/Journal

Heard on the question of admission.

Issue notice to the respondents on merit as well as MP No.01/2017.

List after the service is complete.

Learned Senior Counsel for the appellant submits that after completion of investigation in FIR No.355/2010, challan has been filed against 18 persons in which deceased 1 and 2 are arrayed as accused nos. 1 and 2. The cause of death shown in the FIR is firing by the CRPF personnel which defies the story of the complainant for which FIR No.361/2012 was investigated and the sanction was granted. It is further stated that the order granting sanction suffers from the vice of non application of mind and with regard to same incident, two first

information reports cannot be lodged. In support his submissions, learned Senior Counsel for the appellant has referred to the decision of the Supreme Court in the case of **Surender Kaushik and Ors. v. State of Uttar Pradesh, AIR 2013 SC 3614.**

In view of the aforesaid submissions and in the facts of the case, it is directed that the operation and effect of the order granting sanction is stayed, till next date of hearing.

(Sanjeev Kumar)
Judge

(Alok Aradhe)
Judge

Jammu
17.08.2017
Raj Kumar