

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

Case:- LPAOW No. 78/2017

Noor-ul-Hassan Parray

.... Appellant

Through: Mr. Sunil Sethi, Sr. Advocate with
Mr. Parimoksh Seth and Mr. Mohsin Bhat,
Advocates.

Vs

State of J&K and others

.....Respondents

Through: Mrs. Monika Kohli, Sr. Advocate with
Ms. Sagira Jaffar, Assisting Counsel.
Mr. P. N. Raina, Sr. Advocate with
Ms. Deeksha Handoo, Advocate.

**Coram: HON'BLE MRS. JUSTICE SINDHU SHARMA, JUDGE
HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE**

ORDER
31.07.2025

Per: Rahul Bharti-J

1. In this Letters Parent Appeal, judgment dated 26.07.2017 passed by the learned Single Bench is being assailed by the appellant.
2. By virtue of said judgment dated 26.07.2017, the learned Single Bench has in fact disposed of three cases all preferred by the appellant.
3. First of three cases to be preferred by the appellant was the petition No.233/2013 under section 561-A of the J&K Code of Criminal Procedure, 1933 AD ("**Cr.PC**" in short) thereby seeking

quashment of an **FIR No. 361/2012** registered by the Police Station Anantnag.

4. While the aforesaid petition under section 561-A Cr.PC was pending adjudication, the appellant had come forward with Bail Application No. **50/2016** in relation to **FIR No.361/2012**.

5. Lastly, the appellant filed writ petition OWP No.1274/2016 whereby the appellant came to question grant of sanction by the Govt. for prosecution of the appellant by reference to the criminal case related to FIR No. 361/2012.

6. By virtue of a common judgment dated 26.07.2017, the learned Single Bench came to direct that since during the pendency of petition under section 561-A Cr.PC, the investigation of the case had come to be completed, as such, it simply required the State to file a final report in terms of section 173 of J&K Cr.PC and, accordingly, disposed of the said petition under section 561-A Cr.PC.

7. With respect to the bail application of the appellant, the learned Single Bench came to direct the appellant to surrender himself to the custody of the competent court and thereby seek bail from the said court.

8. Insofar as writ petition OWP No.1274/2016 is concerned, the learned writ court came to observe that the sanction granted for prosecution of the appellant can be questioned by him before the trial court before whom final police report under section 173 Cr.PC

had come to be filed, as such, the writ petition also disposed of without adjudication on merits.

9. In the present Letters Patent Appeal, the appellant is restricting the challenge only with respect to the outcome of the writ petition OWP No. 1274/2016 filed by him whereby the grant of sanction was being impugned, meaning thereby the disposal of petition under section 561-A Cr.PC as well of Bail Application No. 50/2016 was left unquestioned by the appellant and both being criminal side jurisdiction matter.

10. In view of this status of the case, we are not inclined to accept the plea of Mr. Sunil Sethi, learned Sr. Advocate for the appellant that since the matter has been referred for the Full Bench's consideration of maintainability of letters patent appeal against adjudication done by the High Court on its criminal side jurisdiction, as such, this Letters Patent Appeal be also referred for adjudication before the larger Bench.

11. The submission of Mr. Sunil Sethi, learned Sr. Advocate for the appellant may not hold good as the challenge in the present Letters Patent Appeal to the impugned judgment is in the context of disposal of the appellant's writ petition OWP No. 1274/2016 and that means an Intra-court appeal is maintainable under clause 12 of the Letters Patent to be heard by the Division Bench and, therefore, this Letters Patent Appeal would continue to be heard by the Division Bench. Accordingly, let it be posted on **27.10.2025**.

(RAHUL BHARTI)
JUDGE

(SINDHU SHARMA)
JUDGE