



2026:JKLHC-JMU:1100

Serial No. 97

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

CRM(M) No. 385/2026

CrIM No. 677/2026

Azhar Khan and another

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

Through: Mr. Aseem Kumar Sawhney, Sr. Advocate
with
Mr. Kashif Malik, Advocate
Ms. Tehsina Bukhari, Advocate
Mr. Harsh Singh, Advocate.

vs

UT of J&K and others

..... Respondent(s)

Through: Mr.

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER

24.04.2026

1. The learned Special Mobile Magistrate (Passenger Tax Court) Jammu has not yet taken the cognizance of offence and issued the process against the petitioners but has only issued pre-cognizance notice in terms of proviso to Section 223(1) of BNSS, 2023, so as to afford opportunity of hearing to the accused before taking cognizance of the offence.
2. Accordingly, this petition is pre-mature at this stage and the same is disposed of with liberty to the petitioners that in the event learned Magistrate takes cognizance of offence and issues process against the petitioners, they shall be at liberty to approach this Court afresh.
3. **Disposed of.**

**(RAJNESH OSWAL)
JUDGE**

Jammu

24.04.2026

Sahil Padha

Whether the order is speaking: Yes/No.
Whether the order is reportable: Yes/No.