

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

CRM (M) No. 404/2021

Ram Niwas

.....Appellant/Petitioner(s)

Through :- Mr. Suresh Kumar, Advocate

v/s

Union Territory of J&K and another

.....Respondent(s)

Through :- Mr. Aseem Sawhney, AAG

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

The present petition has been filed by the petitioner for quashing order dated 13.07.2021 passed by the learned Presiding Officer, Fast Track Court (POCSO Cases), Jammu in case, titled, Union Territory of J&K vs Ram Niwas, whereby the learned Presiding Officer has handed over the challan to respondent No. 2 on the motion filed by respondent No. 2 under section 80 of the Border Security Force Act, 1968(for short the Act), on the ground that respondent No. 2 had earlier exercised its right in terms of section 80 of the Act and subsequently, the respondent No. 2 cannot re-exercise the said right under section 80 of the Act.

Notice.

Mr. Vishal Sharma, ASGI accepts notice on behalf of the respondent No. 2. He shall file detailed status report by the next date.

List on 13.08.2021.

Meanwhile, till next date before the Bench, no final order shall be passed.

**(Rajnish Oswal)**  
**Judge**

JAMMU  
29.07.2021  
Rakesh