

S. No. 9
Regular Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case:- CRAA No. 95/2010

State of J&K

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

Through: Mr. Raman Sharma, AAG

Vs.

Ashwani Kumar and Ors.

...Respondent(s)

Through: Mr. Sumit Moza, Advocate.

Respondents are present in person.

CORAM:

HON'BLE MR. JUSTICE ATUL SREEDHARAN, JUDGE

HON'BLE MR. JUSTICE PUNEET GUPTA, JUDGE

ORDER

23.07.2024

Respondents are present in person. Their further appearance is dispensed with unless so specifically directed by this Court.

Record of the trial Court has not been received till date. The case is pending since 2010. On 03.03.2021, this Court had directed Mr. Aseem Sawhney, the then learned AAG to file the status of the proceedings before the learned trial Court i.e. Court of 1st Additional Sessions Judge, Jammu pertaining to the trial of co-accused persons who were absconding and subsequently taken into custody. The office note of 23.04.2021 reflects that the copy of the said order was conveyed to Mr. Aseem Sawhney, AAG vide dispatch No. 3200 dated 10.03.2021 but the status of proceedings in terms of the order had not been filed.

Thereafter, on 21.09.2022, this Court had directed that the scanned record of the trial Court be called for. Pursuant to that order, office note of

19.10.2022 reflects that the docket for the record had been dispatched to the learned trial Court vide dispatch No. 7244 dated 01.10.2022 but the same has not been received. Thereafter, is the office note dated 09.03.2023 which again reflects that the docket for the record was once again dispatched to the learned trial Court vide dispatch No. 9830 dated 02.01.2023 and yet the same was not received by this Court. Then again, the next office note is of 17.07.2023 where the office has noted that despite sending reminders, in terms of order dated 25.05.2023, the record has not yet been received.

The above facts reflect a very sorry state of affairs that is existing. The judicial order of this Court has not been complied with by the District Judiciary till date. The office notes reflect that time and again reminders have been sent to the learned District Court for dispatch of the scanned record pertaining to this case but the same has not been complied with even after the passage of two years.

Under the circumstances, learned Principal District Judge, Jammu is requested to carry out an enquiry forthwith into the conduct of the persons concerned in his Court and affix responsibility by identifying the person on account of whose negligence, the order passed by this Court has been pending compliance for the past two years. Thereafter, the learned Principal District Judge, Jammu is also requested to initiate action against the said persons on the administrative side for this gross neglect and place a report before this Court within 30 days from the date of this order, giving therein the cause for the delay as ascertained by him for non-compliance of the order passed by this Court and also the name and designation of persons responsible for this negligence.

