

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

Case:- CrIM No. 143/2024 in
CRMC No. 198/2012

Pankaj Saxena and another

.....Applicant(s)/Petitioner(s)

Through: Mr. Jasbir Singh Jasrotia, Advocate.

Vs

State of J&K

..... Respondent(s)

Through: Mr. Pawan Dev Singh, Dy. AG.

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(10.07.2024)

CrIM No. 143/2024

1. CrIM No. 143/2024 has been filed for seeking recall of an order dated 11.10.2023 by virtue of which petition CRMC No. 198/2012 came to be dismissed for non-prosecution.
2. CRMC No. 198/2012 was filed for seeking quashment of FIR No. 22/2012 registered with the Police Station Satwari.
3. A perusal of the order sheet would show that from the end of the petitioners, the present petition was being pursued with due indulgence as is born out from the proceedings of orders dated 19.07.2012, 05.04.2016, 12.04.2016, 04.12.2018, 26.03.2019, 09.08.2021, 31.08.2021, 21.11.2022, 28.12.2022 & 05.06.2023 when the case was heard in part.
4. Thus, before coming to suffer dismissal for non-prosecution, the case had been heard and that its disposal on merits ought to have taken place with or

without presence of learned counsel for the petitioners on the dates they came to be marked absent.

5. The petitioners are public servants who in the context of the present case was not meant to be personally present for the purpose of addressing of the arguments and that is how the default on the part of the counsel in pursuing the matter diligently at his end resulted in dismissal, the effect whereof is to befall upon the petitioners who may not be now at the positions at which they were when they came to petition this Court in the year 2012.

6. In the application, CrIM No. 143/2024, Mr. Jasbir Singh Jasrotia, learned counsel has admitted a lapse on his part in the matter of attending the case resulting in his dismissal.

7. Considering the fact that the petition under section 561-A CrPC (482 CrPC) was pending so long on the docket of this Court, it ought to have been disposed of on merits and not by default mode and, as such, in the interest of justice, this Court recalls the order dated 11.10.2023 and restores the petition CRMC No. 198/2012 to its original number thereby reviving the interim directions operating therein.

8. List the main matter CRMC No. 198/2012 on 14.08.2024.

(RAHUL BHARTI)
JUDGE

JAMMU
10.07.2024
Shivalee