

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 840/2024
CrlM No. 1726/2024

Shokit Hussain

.... Petitioner/Appellant(s)

Through:- Mr. M. R Qureshi, Advocate

V/s

Zeeshan Javed Rana

.....Respondent(s)

Through:-

CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE

ORDER

08.11.2024

The petitioner has challenged complaint filed by the respondent against him alleging commission of offences under Sections 499 read with 500 IPC pending before the Court of learned Special Mobile Magistrate Electricity, Jammu. Challenge has also been thrown to order dated 15.01.2024 passed by the learned trial Magistrate whereby cognizance of offences has been taken and process has been issued against the petitioner.

Learned counsel for the petitioner submits that during the enquiry under Section 202 of Cr.PC, it was revealed that the Face book account in the name of the petitioner actually belonged to one Imtiaz Ahmed, who had created it from a registered mobile number belonging to his aunt and used by him. It has been contended that despite the inquiry revealing that the Face book account from which alleged defamatory statements were circulated in social media did not belong to the petitioner, learned trial Magistrate has proceeded to issue process against him which shows non-application of mind on its part.

Issue notice to the respondent subject to the petitioner's taking necessary steps within a week's time.

List on 24.12.2024.

Meanwhile, subject to objections from other side and till next date of hearing, the proceedings in the impugned complaint pending before the learned trial Magistrate shall remain stayed.

(Sanjay Dhar)
Judge

Jammu:

08.11.2024

Tarun/PS

