

**IN THE HIGH COURT OF JAMMU AND KASHMIR
AT SRINAGAR**

(Through Video Conferencing)

EMG-CrIM No. 16-A/2020
EMG-CrIM No. 17-A/2020
In WP (CrI) No.250/2019

Parveez Ahmad Bhat

..... Petitioner(s)

Through: -

Mr N. A. Ronga, Advocate *(On Voice Call from his residence)*

V/s

Union Territory of JK & Ors.

..... Respondent(s)

Through: -

Mr B. A. Dar, Sr. AAG *(On Voice Call from his residence)*

CORAM:

Hon'ble Mr Justice Ali Mohammad Magrey, Judge *(On Video Conference from Srinagar wing)*

ORDER
04.05.2020

EMG-CrIM No.17-A/2020:

This application is filed with a prayer that the applicant may be allowed to file the accompanying CrIM No.16-A/2020 without enclosing therewith the requisite Stamp Paper, Court fee, etc.

For the reasons mentioned in the application, coupled with submissions made at the Bar, the instant application is ***allowed*** and the applicant is permitted to file the CrIM No.16-A/2020 without enclosing therewith the requisite Stamp Paper, Court fee, etc. It is, however, directed that the said deficiency shall be immediately made good by the applicant, as and when the prevailing lockdown period, announced by the Government, comes to an end.

CrIM ***disposed*** of as above.

EMG-CrIM No.16-A/2020:

By this motion, the applicant, brother of the detainee-Parvez Ahmad Bhat S/o Ali Mohammad Bhat R/o Ghalibabad, Shalteng, HMT, Srinagar, is seeking rectification of error having crept in paragraph No.1 of the judgment dated 31st of March, 2020 passed by this Court in WP (CrI) No.250/2019 to the extent of mentioning District Magistrate, Budgam, instead of District Magistrate, Srinagar.

Having heard the learned counsel for the applicant and gone through the pleadings on record, what transpires is that the detention order in question was, in fact, issued by District Magistrate, Budgam instead of District Magistrate, Srinagar and, accordingly, the applicant had arrayed District Magistrate, Budgam, as a party respondent in the main petition, being respondent No.2. That being so, this application is *allowed* by providing that in the judgment dated 31st of March, 2020 passed by this Court in WP (CrI) No.250/2019, instead of 'District Magistrate, Srinagar', '***District Magistrate, Budgam***' shall be read, wherever mentioned therein.

Before parting, I may hasten to add here that it is very sad that the jail authorities have not released the detainee despite his order of detention having been quashed by this Court vide judgment dated 31st of March, 2020, more so when there is no error in the operative portion of the judgment qua detention order number, particulars of detainee, etc. The detainee has been unnecessarily detained even after his order of detention was quashed by this Court on a small error crept in the said judgment which should not have been done. Be that as it may, now that the application is filed for rectification of the aforesaid error

and same having been allowed, the jail authorities concerned are expected to release the detenue without any further delay.

CrIM *disposed* of as above.

This order shall form part of judgment dated 31st of March, 2020 passed by this Court in WP (CrI) No. 250/2019.

Registry to send copy of this order to the learned appearing counsel for the parties as well as to the jail authority concerned, where the detenue is lodged, through e-mail.

(Ali Mohammad Magrey)
Judge

SRINAGAR

May 4th, 2020

"TAHIR"

N0:-84-86/C-19/RJS

Dated:-04.05.2020

Copy of Hon'ble Court Order forwarded to Superintendent Shiv Ram Central Jail Varanasi (U.P) as also to learned appering counsel for the parties through email for information and compliance.

SD/-
Registrar Judicial