

HIGH COURT OF JAMMU AND KASHMIR  
AT SRINAGAR

*EMG-CrIM No. 75-A/2020*  
*In EMG-CrIR No. 64-A /2020*  
*EMG-CrI (M) No. 76-A/2020*

Manzoor Ahmad Bhat & Anr.

...Petitioner(s)

Through: Mr Shuja Ul Haq, Advocate (Through video  
conference from his residence).

vs

Union Territory of JK & Anr.

...Respondent(s)

Through: Mr B.A. Dar, Senior AAG (Through voice call)  
for R-1.

**CORAM:**

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

**ORDER**  
29.05.2020

**EMG-CrI (M) No. 75-A/2020;**

*Mr Shuja Ul Haq, Advocate for Applicants.*

*Mr B.A. Dar, Senior AAG for Non-Applicant No. 1.*

The instant application has been filed by the applicants, seeking extension of time for affixing the stamp papers and the requisite court fee with the revision petition.

On the set of facts and the grounds urged, coupled with submission made, the instant application is allowed and the applicants are permitted to make good the deficiency as and when Registry starts working in the regular form. CrI(M) is accordingly *disposed* of.

**EMG-CrIR No. 64-A/2020; EMG-CrI (M) No. 76-A/2020;**

*Mr Shuja Ul Haq, Advocate for Petitioners.*

*Mr B.A. Dar, Senior AAG for Respondent No. 1.*

Notice in the main petition as well as in connected CrI (M).

Mr B.A. Dar, learned Senior AAG waives notice on behalf of Respondent No. 1. Objections by or before next date of hearing.

Registry shall serve the notice to the Respondent No. 2 through fastest mode available, returnable by or before next date of hearing.

List on 5<sup>th</sup> of June, 2020.

Mr Shuja ul Haq, learned counsel appearing for the petitioners submits that the case FIR No. 01/2020 under sections 109, 506 and 376 of RPC, was registered on the basis of aggressive approach adopted by the complainant-prosecutrix only to settle her claim of maintenance with the petitioners and her share in the property. Mr Shuja, learned counsel for the petitioners submits that the submission made by him is supported by the statement of the complainant recorded under section 164 of CrPC before the Judicial Magistrate 1<sup>st</sup> Class, Anantnag.

Admittedly, the final report under section 173 CrPC stands filed before Additional Sessions Judge (Fast Track Court), Pulwama, and the trial is pending. The trial court has rejected the bail to the petitioners on the ground that the challan has been filed within time and there is no illegality in filing the same.

Mr Shuja, learned counsel for the petitioners submits that the challan was filed beyond the stipulated period as provided under section 167 of CrPC, which entitles the petitioners to seek bail as a matter of right.

It is made clear that pendency of the instant petition shall not form an impediment for the trial court to proceed in the matter. It is, also, made clear that as and when prosecutrix approaches the trial court for having her statement recorded, same shall be facilitated in terms of the law and further course of action shall be adopted, depending on the statement of the prosecutrix. In view of the circular instructions issued by this Court, regulating the functioning of the subordinate courts, it may be possible for the trial court to conduct trial of the matter and for that, there shall be no difficulty.

The circulars issued from time to time during the lockdown period governing the functioning of the courts and the latest being issued on 28<sup>th</sup> of May, 2020, shall be adhered to by the trial court and in the event there is any confusion, the case shall be taken up for consideration under the orders of this Court and the statement of the prosecutrix shall be recorded by adhering to all the protocols and guidelines in the matter.

Registry to send copy of this order to the learned Additional Sessions Judge, Pulwama, copy whereof be made available to the learned appearing counsel for the parties through e-mail.

(Ali Mohammad Magrey)  
Judge.

SRINAGAR;  
29.05.2020  
*"Hamid"*

