Serial No. 170

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) No. 1107/2026

Date of pronouncement: 30.09.2026
Date of uploading: 30.09.2026

…..Appellant(s)/Petitioner(s)

1. **Som Raj,** S/O Faggu Ram
   R/O Panjgrian, Tehsil Rajpura
   District Samba

2. Jyoti Angural, W/O Som Raj
   R/O Panjgrian, Tehsil Rajpura
   District Samba

Through: Mr. Rohit Bharti, Advocate

vs

1. **Union Territory of J&K** through ….. Respondent(s)
   Station House officer, Ghagwal

2. Mona Sharma, W/O Vipin Kumar
   R/O Janipur Colony, Jammu

Through: Mr. Vivek Mattoo, Advocate vice
Mr. Vishal Bharti, Dy. AG

CORAM: HON'BLE MR. JUSTICE M A CHOWDHARY, JUDGE

ORDER (ORAL)
(30.09.2026)

1. Petitioners, through the medium of this petition under Section 528 of the Bharatiya Nagrik Suraksha Sanhita (BNSS), 2023, seek quashment of order dated 19.08.2026 passed by the Court of learned Chief Judicial Magistrate, Samba, in case titled *"State Vs. Som Raj & Anr."* arising out of FIR No. 69/2017 registered at Police Station Samba for commission of offences punishable under Sections 420, 323, 504 and 506 of IPC, whereby an application moved by the prosecution under Section 540 Cr.P.C. had been allowed to examine the leftover prosecution witnesses, on three dates only.

2. Learned counsel for the petitioners submits that the petitioners had been charge-sheeted on 18.02.2018 and only one witness out of 11

prosecution witnesses was examined by the prosecution till the date the evidence was closed in the year 2024 by the trial Court and that the petitioners had already suffered a long delay of prosecution in defending the case and granting further time by the trial Court, amounts to defeating their right to speedy trial.

3. Learned counsel for the petitioners, however, submits that the petitioners shall be satisfied, in case, this petition is disposed of at this stage with a direction to the trial Court to not to grant any further time to the prosecution and stick to the schedule of three dates granted by it, for examination of the witnesses by the prosecution, so that the case is not further delayed.

4. Learned counsel for the respondents has stated no objections to this plea, raised by the petitioners, for disposal of petition along with relief sought in his submissions.

5. Viewed thus, the petition is disposed of at this stage, with a direction to the trial Court, to strictly comply with its own impugned order whereby only three chances had been granted to the prosecution for examination of all the witnesses and the trial Court shall ensure that no further delay is caused, beyond the three dates.

6. This petition is, accordingly, ***disposed of*** on above terms, along with connected application(s).

(M A CHOWDHARY)
JUDGE

Jammu
30.09.2026
Vishal Sharma