Sr. No. 105

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

WP (Crl) No. 104/2026

Sohni Sudan .....Applicant(s)/Petitioner(s)

Through :- Mr. Waheed Chowdhary, Advocate

v/s

UT of J&K .....Respondent(s)

Through :- Mr. Bhanu Jasrotia, GA

CORAM: HON'BLE MS. JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

ORDER
05.10.2026

1. The petitioner has filed the instant petition, seeking a direction upon the respondent to take necessary steps for getting her statement re-recorded under Section 183 of BNSS, corresponding to Section 164-A of J&K CrPC, in connection with the investigation of FIR No. 0085/2024 dated 26.06.2024 for offence under Section 366 IPC registered with Police Station, Darhal.

2. It is pleaded in the petition that on an earlier occasion, when the statement of the petitioner was recorded before the concerned Magistrate, she was not in a proper state of mind. It is also pleaded that the petitioner was under constant threat and coercion at the time of recording her earlier statement, as such, in order to bring the true and correct facts to light, she now wants to get her statement re-recorded. It is further pleaded that the petitioner approached the Court of Learned Judicial Magistrate 1st Class (Sub-Judge, Nowshera), by way of an

application for re-recording her statement, but her application was not accepted. Hence, the present petition.

3. Heard learned counsel for the parties and perused the record.

4. Issue notice, which is waived by Mr. Waheed Chowdhary, Advocate on behalf of respondents, he states that he has no objection with respect to the prayer made by the petitioner seeking direction to re-record her statement under Section 183 of BNSS, 2023 before the Learned Judicial Magistrate 1st Class (Sub-Judge Nowshera).

5. The issue whether the statement of a witness, recorded under Section 164-A of the Code of Criminal Procedure (Corresponding to Section 183 of BNSS), can be re-recorded, has been dealt with by a Co-ordinate Bench of this Court in a petition titled ***Showkat Ali Vs. State of J&K and Anr*** (petition bearing 561-A No. 259/2014, decided on 04.09.2014), while considering the issue, Court has held that the Code does not contemplate any statutory bar against recording statement of a witness more than once. It was further held that in appropriate cases, there may be a necessity of recording such a statement more than once.

6. In the present case, the petitioner claims that she has made her earlier statement in a haste manner and that she now wishes to bring forth the true and correct facts by re-recording her statement before the concerned Chief Judicial Magistrate, Rajouri.

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7. Be that as it may, the instant petition is disposed of with a direction to the respondent to re-record her statement before the Learned Judicial Magistrate 1st Class (Sub-Judge) Nowshera, in light of the observations made hereinbefore.

(Moksha Khajuria Kazmi)
Judge

JAMMU
05.10.2026
Rahul Sharma

HIGH COURT
सत्यमेव जयते
OF JAMMU & KASHMIR AND LADAKH