

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

CRM(M) No.1088/2025

Neha Chawla

.....Petitioner(s)

Through: Mr. Arjun Chawla, Advocate

Vs

Union Territory of J&K and another

..... Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE MOHD. YOUSUF WANI, JUDGE

ORDER
28.10.2025

1. Heard.

2. The short grievance of the petitioner being agitated by her through the medium of the instant petition filed in terms of provisions of Section 528 BNSS corresponding to the Section 482 of the repealed Code of Criminal Procedure read with the provisions of Article 227 of the Constitution of India, is that a case FIR bearing No.107/2022 came to be registered with the Police Station, Janipur, Jammu on her complaint regarding commission of some offences by the respondent No.2/accused. That during the investigation of the case, the respondent No.2/accused filed an application for release of seized articles viz. mobile of Brand name Samsung & Model name Galaxy A-22 along with two working sim cards having number 7780843567 (JIO) and 9906150023 (Airtel) in his favour, which came to be dismissed by the Court of learned Judicial Magistrate 1st Class (Sub-Judge) Jammu vide its order dated 08.01.2025. That aggrieved by the said order dated 08.01.2025 of the learned Magistrate, the

respondent No.2/accused has preferred a Revision Petition bearing No.31/2025 which is presently pending disposal before the Court of learned 1st Additional Sessions Judge, Jammu. That the petitioner being the complainant in the case FIR, approached the learned Revisional Court with her application with the prayer that she may also be arrayed and impleaded as a party respondent in the pending revision being a necessary party, so that she can also put forward her submissions which may facilitate the Court to dispose of the case more effectively. That the learned Revisional Court has not been addressing the said application.

3. I have heard the learned counsel for the petitioner, who submitted that the petitioner being the complainant and the victim in the case FIR concerned has an established legal right to be heard in the matter.

4. The learned counsel for the petitioner in support of his contentions placed reliance on the authoritative judgments of the Hon'ble Supreme Court cited as '*Aparna Bhat & Ors. Vs. State of Madhya Pradesh & Anr.*' (Criminal Appeal No.329/2021 decided on 18.03.2021, '*Jagjeet Singh & Ors. Vs. Ashish Mishra @ Monu & Anr.*' (Criminal Appeal No.632/2022 decided on 18.04.2022) and '*Ms. X Vs. The State of Maharashtra and Anr.*' (Criminal Appeals No.822-823 of 2023 decided on 17.03.2023) as also on the order of this Court passed in '*Bilal Ahmad Mir Vs. UT through P/S Sopore*' (CrIa(S) No.7/2023 dated 14.05.2024);

Law in regard to the impleadment of a victim to participate in the criminal proceedings has been settled by the Hon'ble Apex Court in case titled as "Jagjeet Singh and others versus Ashish Mishra alias

Monu and another reported in (2022) 9 SCC 321” wherein a specific recognition has been accorded to the rights of a victim for having participatory rights in a criminal prosecution in the following words:- That victims “..... cannot be expected to be sitting on the fence and watching the proceedings from afar” That victims have “..... a legally vested right to be heard at every step post the occurrence of an offence ...; (they have) unbribled participatory rights from the stage of investigation till the culmination of the proceedings in an appeal or revision ”; and that the mere presence of the state “ ... does not tantamount to according a hearing to a “ victim” of the crime”.

5. In the backdrop, this Court is of the opinion that the matter can be disposed of even at this stage by passing of the appropriate orders which are not likely to prejudice the rights of any of the parties. Accordingly, the instant petition is ***disposed of*** at this stage with the direction to the learned Revisional Court i.e. Court of learned 1st Additional Sessions Judge, Jammu to expeditiously address the pending application of the petitioner already made by her in the pending revision petition seeking her impleadment in the matter being the complainant as well as the first informant and the victim of the concerned case FIR No.107/2022 registered with Police Station, Janipur, Jammu.

6. A copy of this order shall be forwarded to the learned Revisional Court for information and compliance.

7. ***Disposed of.***

(Mohd. Yousuf Wani)
Judge

Jammu
28.10.2025
Shammi