

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

[Through Virtual Mode]

**CRM (M) No. 7/2025 c/w
Crl R No. 41/2024**

Dated: 3rd of December, 2025.

Ali Mohammad Wani and Anr.

... Petitioner(s)

Through: -

Ms Syed Ainain Qadiri, Advocate in CRM (M) No. 7/2025; and
Mr Mohsin-ul-Showkat Qadri, Sr. AAG in Crl R No. 41/2024.

V/s

Union Territory of Jammu & Kashmir and Ors.

... Respondents

Through: -

Mr Mohsin-ul-Showkat Qadri, Sr. AAG in CRM (M) No. 7/2025; and
Ms Syed Ainain Qadiri, Advocate in Crl R No. 41/2024.

CORAM:

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

(JUDGMENT)

Crl R No. 41/2024:

01. By this Criminal Revision Petition, the Petitioner-Union Territory of J&K, through Anti-Corruption Bureau, Kashmir, has assailed the validity of Order dated 27th of February, 2024 passed by the Court of learned Special Judge, Anti-Corruption Bureau, Anantnag in a case titled '**State (now UT) of J&K through VOK (now Anti-Corruption Bureau) v. Ali Mohammad Wani & Ors.**' in connection with FIR No. 13/2013 registered by Police Station VOK (now Anti-Corruption Bureau) for the commission of offence punishable under Section 5 (2) of the Prevention of Corruption Act.

02. Since, the Revision Petition is hit by limitation, as such, an application (CrlM No. 1442/2024) seeking condonation of delay has also been moved alongside the Revision Petition. The Respondent Nos. 1 and 2 have filed their Objections to the application resisting the averments made therein. However, during the course of arguments, the learned Counsel appearing on behalf of Respondent Nos. 1 and 2 has submitted that she has no objection in case the application seeking condonation of delay is allowed and the main Revision Petition is taken on board today itself, to be decided finally.

03. In view of above, the application seeking condonation of delay in filing the Revision Petition is **allowed** and the Revision Petition is taken on board. CrlM No. 1442/2024 is **disposed** of, accordingly.

04. In the Revision Petition, the Petitioner-UT of J&K has contended that the Police Station VOK (now Anti-Corruption Bureau), Kashmir received information from reliable sources to the effect that the officers/ officials of Regional Transport Office, Kashmir, by abuse of their official position, have fabricated false records regarding sale and purchase of stolen vehicles against huge consideration amounts, resultantly, an FIR bearing No. 13/2003 came to be registered at Police Station VOK (now ACB), Srinagar, Kashmir and investigation was swung into action.

05. During the course of investigation, it is stated that since the issuance of driving licences/ registration certificates in violation of rules and regulations as well as grabbing of license fees paid by various applicants for issuance of driving licences had come to fore, which being two distinct acts, as such, charge sheet was split into Para-A and Part-B. Accordingly, the charge sheet is stated to have been laid before the Trial Court of learned Special Judge, Anti-Corruption Court, Anantnag on 14th of October, 2005, whereafter, charges were framed against the accused on 25th of June, 2007 and the Prosecution was directed to adduce evidence.

06. Subsequently, all the PWs, except PW Nos. 7, 28, 29 and 30, are stated to have been examined with respect to part-A of the charge sheet, whereas, in relation to part-B of the charge sheet, all the PWs, except PW Nos.3 and 15, were examined before the closure of the Prosecution evidence vide Order dated 27th of February, 2024. It is this Order dated 27th of February, 2024 which has been called in question by the Union Territory of J&K through the medium of the present Criminal Revision Petition, stating therein that the same has been passed by the Trial Court in hot haste, without application of mind and without appreciating the day-to-day proceedings of the case, more particularly the Order dated 12th of October, 2023 when the defense Counsel refused to examine PW Nos. 28 and 31, who were present in the Court and asked the Court to first summon other witnesses in the case.

07. In the Petition, it is also stated that the accused persons had approached this Court with a Petition bearing CM (M) No. 71/2023 seeking direction to the Trial Court for speedy and expeditious disposal of the trial of the aforesaid case and that this Court, in terms of Order dated 26th of April, 2023, disposed of the said Petition with a direction to the Trial Court to expedite the trial of the case and conduct the same without any further delay, as expeditiously as possible, preferably within a period of three months. Resultantly, the Prosecution is stated to have been directed to ensure the presence of PWs on each hearing, and accordingly, Prosecution cooperated in the matter and ensured presence of PWs on every date of hearing. The examination of Prosecution witness, namely, M. A. Mir, figuring as PW No. 31 in Part-A and PW No. 16 in Part-B of the charge sheet was completed on 27th of February, 2024, however, on the same date, the Trial Court closed the right of Prosecution to adduce further evidence without examining the aforementioned unexamined Prosecution Witness and passed the Order impugned.

08. Mr Mohsin-ul-Showkat Qadri, the learned Senior Additional Advocate General, submits that when the impugned Order dated 27th of

February, 2024 was passed by the Trial Court, closing the Prosecution evidence, there were only four witnesses left to be examined and that those witnesses are very important for just disposal of the case. He, at this stage, submits that he shall feel satisfied in the event the present Petition is disposed of with a direction to the learned Trial Court to grant some more time to the Prosecution to lead the rest of the evidence.

09. Learned Counsel appearing for the Respondents, on the other hand, has conceded to this proposition, provided that a time bound direction is passed to the Trial Court to conclude the recording of Prosecution evidence within certain time period.

10. In view of above, this Petition is **allowed** and the impugned Order passed by the Trial Court is set aside. The Trial Court is, however, directed to examine all the left-over witnesses by the end of this month (December, 2025). The matter shall be taken up by the Trial Court on 10th of December, 2025, irrespective of the fixation of any date by it, and the examination of these witnesses, as undertaken by the learned Counsel for the Petitioner, shall be concluded by or before 31st of December, 2025.

11. **Disposed** of on the above terms, along with connected CrlM(s).

CRM (M) No. 7/2025:

12. In this Petition, filed under Section 528 of the Bhartiya Nagarik Suraksha Sanhita (2023) read with Article 227 of the Constitution of India, the Petitioners seek quashment of the proceedings pending before the Court of learned Additional District & Sessions Judge (Special Judge, Anti-Corruption Bureau), Anantnag in case titled '**State through VOK v. Ali Mohammad Wani & Ors.**'.

13. Learned Counsel appearing for the Petitioners submits that having regard to the Order passed in Crl R No. 41/2024 hereinabove, she, at

this stage, shall not press this matter any further. Accordingly, the Petition shall stand **disposed** of as not pressed.

14. Copy of this Judgment, besides being forwarded to the Trial Court for information and compliance, shall be placed across both these connected Petitions.

(M. A. CHOWDHARY)
JUDGE

SRINAGAR
December 3rd, 2025
"TAHIR"

i. Whether the Judgment is approved for reporting? Yes/No.

