

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

Crl R No. 32/2026

Pronounced on : 22.06.2026

Uploaded on : 22.06.2026

Leela Saini

.....Applicant(s)/Petitioner(s)

Through :- Mr. Zulker Nain Sheikh, Advocate
(through virtual mode)

v/s

Pritam Saini & Ors.

.....Respondent(s)

Through :-

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

22.06.2026

1. The petitioner, who is the complainant/informant in FIR No. 142/2008 dated 30.05.2008 registered at Police Station Domana, Jammu, for the commission of offences punishable under Sections 307, 452, 354, 323 and 34 RPC, has called in question the order dated 22.12.2025 passed by the learned 1st Additional Sessions Judge, Jammu, whereby the prosecution evidence came to be closed.
2. The grievance projected by the petitioner is that the impugned order is non-speaking in nature and that the learned trial Court, instead of examining the relevance and necessity of the remaining prosecution witnesses, proceeded to close the evidence solely on account of the delay in conclusion of the trial. It has further been contended that such closure of evidence is likely to prejudice the prosecution case and may result in an undeserved acquittal of the accused despite the serious nature of the allegations involved.

3. Having heard learned counsel for the petitioner and upon consideration of the record, it emerges that the FIR in question was registered in the year 2008 and the challan is stated to have been presented in the year 2010. Despite the lapse of considerable time, the trial has yet not attained finality. It is also not in dispute that out of the fourteen witnesses cited by the prosecution, two have expired and the majority of the material witnesses have already been examined.
4. In the aforesaid backdrop, the order passed by the learned trial Court closing the prosecution evidence cannot, prima facie, be said to suffer from any patent illegality warranting interference. Nevertheless, learned counsel for the petitioner has strenuously urged that the learned trial Court had earlier exercised its jurisdiction under Section 540 Cr.P.C. and permitted the prosecution to examine the remaining witnesses, and that at least one such witness, namely PW-7, who is the Investigating Officer and the officer who unearthed the crime and conducted the investigation, is a material witness whose testimony is essential for a just and proper adjudication of the case.
5. Though this Court finds no substantial merit in the challenge laid to the impugned order, yet, having regard to the peculiar facts and circumstances of the case and in order to ensure that the prosecution case is not prejudiced on account of the protracted timeline of the proceedings, this Court deems it appropriate to modify the impugned order to a limited extent. Accordingly, the prosecution shall be afforded one final opportunity to examine PW-7, the Investigating

Officer, on the date to be fixed by the learned trial Court. The petitioner shall render all necessary assistance to the learned trial Court in securing the presence of the said witness and shall ensure that no further delay is occasioned in the matter.

6. ***With the aforesaid modification, the petition stands disposed of.***

(Sanjay Parihar)
Judge

JAMMU
22.06.2026
Manan

Whether the order is speaking : Yes
Whether the order is reportable : No

