

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRMC No. 298/2017

Girdhari Lal

.... Petitioner/Appellant(s)

Through:- Mr. Abhimanyu Sharma, Advocate
Mr. H.L. Koul, Advocate

V/s

State of J&K

.....Respondent(s)

Through:- Ms. Nazia Afzal, Advocate vice
Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

ORDER
06.03.2026

1. Impugned in this petition filed under Section 561-A Cr.P.C is an order dated 29.04.2017 passed by the learned Ist Additional Sessions Judge, Jammu, ["the Trial Court"] in case titled "State through P/S Crime Branch Jammu Vs. Girdhari Lal", whereby the trial Court has accepted the objection of the petitioner herein to the maintainability of the challan/chargesheet before it on the ground of lack of territorial jurisdiction and has instead given a liberty to the Superintendent of Police, Crime Branch, Jammu to lay the chargesheet in competent Court of law in accordance with law.
2. The impugned order is challenged by the petitioner only on the ground that the learned trial Court, after having held that it lacked jurisdiction to try the case, ought not to have left it open to the investigating agency to lay the chargesheet before the competent Court of jurisdiction.

3. It is submitted by learned counsel appearing for the petitioner that the learned trial Court did not appreciate that even the Superintendent of Police, Crime Branch, Jammu, who is in-charge of Police Station Crime Branch, Jammu itself had no jurisdiction to investigate the matter.
4. Having heard learned counsel for the parties and perused the material on record, I am of the considered opinion that the order passed by the trial Court is perfectly legal and in consonance with law. As a matter of fact, it was insisted by the petitioner herein before the trial Court that, before deciding the issue of framing of charges on merits, the Court should decide the issue of jurisdiction. The arguments of the prosecution and the defence were, thus, limited to the point of jurisdiction of the trial Court. The trial Court accepted the plea of the petitioner and ruled in his favour. The trial Court was of the view that the Courts at Jammu had no jurisdiction to try the matter. The challan/chargesheet was, thus, returned to the Superintendent of Police, Crime Branch, Jammu, with a liberty to present it before competent Court of law.
5. From perusal of the impugned order, it clearly transpires that the trial Court has not even issued a direction for filing of the challan necessarily before the competent Court of jurisdiction but has instead left it open to the respondent herein to present it before the Court of competent jurisdiction.
6. The issue as to whether the Police Station, Crime Branch, Jammu had the jurisdiction to investigate the matter or not, was not agitated before the trial Court and, therefore, the trial Court had no occasion to return any finding on this aspect of the case.

7. Be that as it may, the aforesaid issue is still open for the petitioner to be raised before the Court before which, the challan, if any, is presented and the matter is taken up for framing of charge by the said Court.
8. Viewed from any angle, I find no legal infirmity or error of law in the order passed by the trial Court. For all these reasons, I find no merit in this petition and the same is accordingly, dismissed.

(SANJEEV KUMAR)
JUDGE

Jammu:
06.03.2026
Shafqat

