

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C) 1364/2026

MOHAMMAD DILAWAR BHAT

..... Petitioner(s)

Through: Mr. Touseef Rasool Dar, Adv.
with Ms. Uzma Rashid, Adv.

UNION TERRITORY OF J AND K AND OTHERS..... Respondent(s)

Through:

Coram:

Hon'ble Mr. Justice Mohd Yousuf Wani, Judge

ORDER

25.06.2026

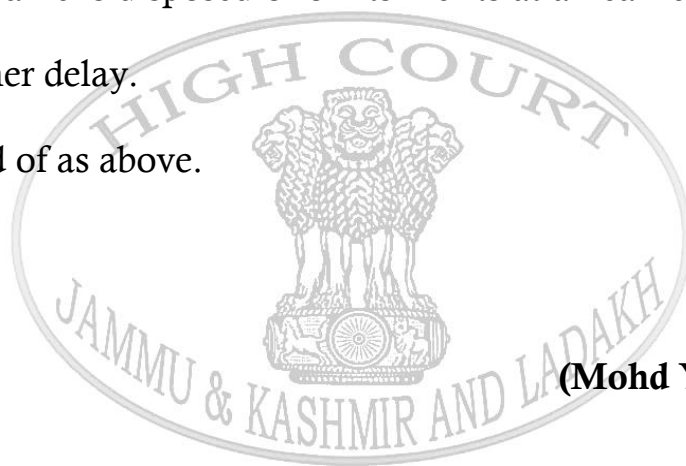
1. Heard learned counsel for the petitioner in respect of his prayer.
2. The case of the petitioner in nutshell is that he has been facing trial in a criminal case that allegedly culminated from the investigation in case FIR No. 18/2016 of Police Station Shaheed Gunj, Srinagar for commission of offences under Sections 371, 411, 109, 201 of Ranbir Penal Code, in the court of learned Judicial Magistrate (3rd Additional Munsiff), Srinagar w.e.f 2017 as a co-accused.

That despite lapse of about 10 years since the presentation of the final report/challan in case concerned before the trial court, the same is still at the infancy stage. That the learned trial court has not been exercising its powers in terms of Code of Criminal Procedure/BNSS for either procuring the attendance of absentee accused or for proceeding to record the evidence in their absence

by initiating proceedings under the provisions of Section 511 of the erstwhile J&K Code of Criminal Procedure corresponding to Section 299 of the repealed Central Code of Criminal Procedure (Section 335 BNSS). That he has been badly suffering on account of delayed trial of the case concerned which has proved oppressive against him. That he was a public servant and has already retired after reaching the age of superannuation but due to pendency of criminal case, his retirement benefits and pension have not been settled.

3. The petitioner (co-accused in the case FIR concerned) accordingly seeks issuance of direction in the nature of Mandamus for commanding upon the learned trial court to expedite the trial of the case in accordance with law so that the same is concluded at an earliest within a time frame.
4. Perused the petition in hand and the copies of the documents annexed with the same. A perusal of the said documents admittedly reveals that the case concerned is pending trial since August 2017
5. Having regard to the facts and circumstances of the case and especially the relief sought, this Court is of the opinion that the matter can be disposed of at this threshold stage by passing an appropriate direction regarding the expeditious trial of the case concerned.

6. Right to speedy trial is an integral part of Right to Life guaranteed under Article 21 of the Constitution of India.
7. Accordingly, the instant petition is disposed of at this threshold stage with the direction to the learned trial court to conduct an expeditious trial in the case concerned in accordance with law so that the same is disposed of on its merits at an earliest and without any further delay.
8. Disposed of as above.



(Mohd Yousuf Wani)
Judge

SRINAGAR

25.06.2026

Aasif