

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

**CRM(M) 482/2026
CrIM(1102/2026)**

Mohammad Ashraf Sheikh.

...Petitioner(s)

Through: Mr. Imtiyaz Ahmad Sofi, Advocate.

Vs.

**Union Territory Through Police Station VOK
& Others.**

...Respondent(s)

Through:

CORAM: HON'BLE MR. JUSTICE SHAHZAD AZEEM, JUDGE.

ORDER

15.07.2026

1. Keeping in view the controversy involved in the matter, this petition is taken on Board for disposal at this state.
2. The petitioner has invoked the jurisdiction of this Court under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking setting aside of the order dated 30th June, 2026 passed by the court of learned Special Judge, Anti-Corruption, Srinagar (the Trial Court) in an application seeking direction to the prosecution for providing the copies of relevant documents/documentary evidence seized and produced in criminal file No. 21/B titled *State of J&K through VOK Srinagar vs Mohd. Ashraf Sheikh & Ors.*
3. The precise case set up by the petitioner is that he is facing trial before the Trial Court and which is pending for the cross examination of the IO. It is submitted by the learned counsel for the petitioner that the prosecution did not provide him the complete paper book/record of the challan, therefore, he is not in a position to effectively defend himself and cross-examine the prosecution witnesses.

4. It is further stated that an application dated 25th June, 2026 came to be filed by the petitioner before the Trial Court, seeking supply of relevant record/material seized during the investigation, so that he may effectively cross-examine the witnesses.

5. On finding that no order is passed by the Trial Court, the petitioner was compelled to file another application on 29th June, 2026, praying therein for supply of the relevant documents/ documentary evidence collected and relied upon by the prosecution in the case, but the Trial Court vide impugned order dated 30th June, 2026 after taking note of the factual background of the case went on to note that neither the petitioner has mentioned the specific document of which copy is required to him, nor applied for the certified copies of the same, therefore, proceeded to dispose of the application, with a liberty to the petitioner to peruse the record as same being voluminous, running over hundred pages.

6. Heard and considered.

7. The primary purpose of supplying the documents filed with the police report to the accused is to ensure a fair trial, upholding the principles of natural justice and enabling the accused to effectively prepare and present his defence. This is a fundamental safeguard rooted in Article 21 of the Constitution of India, being one of the facets of right to have a fair trial. It is also noteworthy that Section 230 of BNSS enjoins upon the court to supply the copy of police report and other documents to the accused free of cost.

8. It is also true that Section 230 of BNSS provides that if the court is satisfied that if such document is voluminous, accused can be allowed to inspect it or furnish copies thereof, through electronic means.

9. The decision can be arrived by the court to allow the accused to inspect the documents, if in its wisdom, the same is voluminous. Nonetheless, at first place, the court has to make all endeavor to ensure a fair trial and same cannot be comprehended without supplying the accused the relevant material/document which the prosecution is going to prove to bring home the charge against him.

10. It is seen that if the application of the petitioner was too general to be considered, the trial court has equally turned down the plea of the petitioner on general and vague grounds that the accused can only be allowed to inspect the record and it is inexpedient in public interest to provide the copies, as he failed to apply for the certified copies of the relevant record.

11. It goes without saying that it is the duty of the court to provide documents to the accused free of cost and the court cannot insist the accused to get the certified copies of the relevant record, which is beyond the pale of the jurisdiction of the trial court.

12. On testing the impugned order on the touchstone of law, same does not sustain, therefore, the impugned order dated 30th June, 2026 is set aside and the learned Trial Court is directed to issue relevant documents/record, if necessary in electronic form, after receiving fresh application from the petitioner incorporating therein the specific/relevant documents required for preparing his defence before the trial court.

13. The petition is accordingly **disposed of** along with connected application in the manner indicated above.

(SHAHZAD AZEEM)
JUDGE

SRINAGAR:

15.07.2026

"Hamid"