03
Regular

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CM(5285/2026) in **CM(M) 353/2026**
CM(5286/2026) Caveat 1890/2026.

Hakeem Zaffar Ahmad.

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

Through: Ms. Asma Rashid, Advocate.

VERSUS

Rattan Singh.

...Respondent(s)

Through: Mr. Asif Ahmad Bhat, Advocate.

CORAM:

HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE.

ORDER
19.08.2026

1. The needful which was solicited to be done at the end of the learned counsel for the petitioner in terms of an order dated **12.08.2026** has not been done to which effect Ms. Asma Rashid, learned counsel for the petitioner submits that it would take not less than one month to procure the certificate regarding the mental state of health of the petitioner, who is self-introducing himself as a psychiatric patient.
2. Despite this Court being willing to accommodate the learned counsel for the petitioner to come forward with a medical certificate certifying the exact mental state of health of the petitioner to the extent of disabling him from attending to all affairs of life including the legal affairs attending upon him, Ms. Asma Rashid, learned counsel for the petitioner is insisting to

engage this Court on the basis of medical certificate **No. PSY/MB/CERT/2026/180** dated **02.04.2026**, issued by the Medical Superintendent, Government Psychiatric Diseases Hospital, Kahtidarawaza, Rainawari, Srinagar, with the headline "Illness Certificate", with respect to the petitioner stating that he is a case of "Adjustment Disorder with Depressed Mood."

3. This Court cannot accommodate the petitioner to escape from the effects of order dated **30.06.2026** passed by the Court of Additional Sessions Judge, Srinagar, whereby the petitioner's plea for deferment of the criminal appeal proceedings in the form of an appeal against the judgment of conviction dated **10.09.2025** passed by the Court of Judicial Magistrate 1st Class (City Judge), Srinagar, has been declined.

4. The appeal is not a matter in which an appellant himself or herself is supposed to appear and argue.

5. Given the fact that, in his appeal, the petitioner was and is supposedly having assistance of Advocate Mr. Mehboob Sofi, therefore, there, was and is no disability on the part of Mr. Mehboob Sofi, learned Advocate, to represent the petitioners to argue the matter in the pending appeal before the Court of Additional Sessions Judge, Srinagar, and to invest his trust in the judgment of the appellate court of Additional Sessions Judge, Srinagar.

6. Therefore, this Court finds no illegality committed on the part of the Court of learned Additional Sessions Judge, Srinagar, in declining the petitioner's plea for deferment of the hearing of the appeal on the purported plea of being suffering from Adjustment Disorder with Depressed Mood. This Court cannot rule out that the depressed mood of the petitioner can be related to the fact that he has been convicted in a criminal case for commission of an offence under section 138 of the Negotiable Instruments Act, 1881 relating to an amount of **Rs. 40 lacs** of dishonoured cheque/s.

7. Accordingly, the present petition stands **dismissed** at its very inception stage.

(RAHUL BHARTI)
JUDGE

SRINAGAR
19.08.2026
Bisma Jan.