

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

Crl R No. 65/2026

Khursheed Ahmad Malik

... Petitioner(s)

Through: -

Mr Shabir Ahmad, Advocate with
Mr Aasif Ali, Advocate.

V/s

Mushtaq Ahmad Mir & Anr.

... Respondent(s)

CORAM:

Hon'ble Mr Justice Yash Paul Bourney, Judge.

(ORDER)

05.10.2026

01. Heard learned Counsel appearing for the Petitioner.
02. The instant Criminal Revision Petition is directed against the Order dated 15th of September, 2026 passed by the learned Principal Sessions Judge, Kupwara in an application filed by the accused/ Respondents herein, whereby two Complaints titled “**Khursheed Ahmad Malik v. Mushtaq Ahmad Mir**” (File No. 76A) and “**Khursheed Ahmad Malik v. Mushtaq Ahmad Mir & Anr.**” (File No.119), pending adjudication before the learned Chief Judicial Magistrate, Handwara have been withdrawn from the said Court and transferred to the Court of learned Judicial Magistrate 1st Class, Handwara, primarily on the allegations of impropriety of proceedings having been conducted in undue haste.
03. From the perusal of the record, it transpires that two criminal Complaints titled “**Khursheed Ahmad Malik v. Mushtaq Ahmad Mir**” (File No. 76A) and “**Khursheed Ahmad Malik v. Mushtaq Ahmad Mir & Anr.**” (File No.119) for the commission of offence punishable under Section 138 of the Negotiable Instruments Act were filed and pending adjudication before the learned Chief Judicial Magistrate, Handwara, since the year 2024. However, in both these Complaints, the proceedings stood culminated and were finally heard and were posted for appropriate orders on 9th of September, 2026.

04. It further appears from the record that after the conclusion of the arguments, the accused/ Respondents herein have gone to file the application seeking transfer of the aforesaid two Complaints from the Court of learned Chief Judicial Magistrate, Handwara to any other Magistrate of competent jurisdiction.

05. Though, it is another matter whether the accused/ Respondents herein had any genuine cause to project in the application seeking transfer of the Complaints, yet the fact remains that they have faced the proceedings all along and have come to file the application seeking transfer of the Complaints only when the matter stood reserved for appropriate orders by the learned Chief Judicial Magistrate, Handwara. In such circumstances, it was writ large that the said application had been filed by the accused/ Respondents herein only with the purpose to derail and delay the culmination of proceedings. Therefore, there was no occasion with the Court below to intervene.

06. In the above background, this Court is of the considered opinion that there was no justification for withdrawing these Complaints from the files of the learned Chief Judicial Magistrate, Handwara and transferring the same to the Court of any other Magistrate. Therefore, there is no need to keep this Petition alive before this Court simply for issuing notice to the other side. As such, the present Criminal Revision Petition is **allowed** and the Order impugned dated 15th of September, 2026 is hereby set aside. Resultantly, the record of both the Complaints titled “**Khursheed Ahmad Malik v. Mushtaq Ahmad Mir**” (File No. 76A) and “**Khursheed Ahmad Malik v. Mushtaq Ahmad Mir & Anr.**” (File No.119), if already transferred, shall be sent back to the learned Chief Judicial Magistrate, Handwara, who having already heard and reserved the same for orders, shall dispose of the same expeditiously, preferably within a fortnight.

07. **Disposed of.**

(Yash Paul Bourney)
Judge

SRINAGAR

October 5th, 2026

“TAHIR”