

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

CRM(M) no. 373/2024

Davinder Kour Aujla

....Petitioner(s)/Appellant(s)

Through :- Mr. Parnav Kohli, Sr. Advocate with
Mr. Aftab Malik, Advocate

V/s

UT of J&K

....Respondent(s)

Through :- Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE VINOD CHATTERJI KOUL, JUDGE

ORDER

27.11.2024

01. Learned counsel for the petitioner submits that the defense of the petitioner is that he had resigned from the company prior to the abetment of the loan by the company, for which he is being accused. He submits that the charges in this case have yet to be framed. His contention is that, at the time of considering the case for framing charges, the trial court is required to take this aspect into consideration, and therefore, he must be heard on this point.

02. Mrs. Monika Kohli, learned Sr. AAG, submits that the plea taken by the petitioner will be considered at the time of considering the case for charge/discharge.

03. Learned counsel for the petitioner further submits that this petition can be disposed of at this stage by directing that the plea raised by the petitioner may be considered at the time when the case is heard for the framing of charges or

discharge, and the petitioner be allowed to rely upon any permissible legal provisions at that stage.

04. In view of the submissions made by learned counsel for the parties, this petition is disposed of at this stage by providing that the trial court shall take into consideration the defense of the petitioner/accused, which is that he had resigned from the company prior to the loan being granted in favor of the company.

05. The trial Court shall decide the matter in accordance with the law. In the event that the petitioner is aggrieved by any decision, he shall be at liberty to approach this Court again.

06. Disposed of accordingly.

(Vinod Chatterji Koul)
Judge

Jammu:
27.11.2024
Javid Iqbal

