Serial No. 156
Supplementary list

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

CM(M) No. 350/2024

Yawer Mehraj Kaloo and Anr.

….. Appellant/petitioner(s)

Through: -
Mr. Ruaani Ahmad Baba, Advocate

V/s

UT of J&K through P/S Safa Kadal, Sgr.

….. Respondent(s)

Through: -
Mr. Mubashir Malik, Dy. AG
Mr. Jahangir Ahmad Dar, GA

CORAM:

HON'BLE MS JUSTICE MOKSHA KHAJURIA KAZMI, JUDGE

(ORDER)

13.09.2024

1. According to counsel for the petitioners, the respondent herein lodged an FIR no. 99/2010 against the petitioners for the offences under sections 148, 341, 336, 353 and 307 RPC, registered in Police Post Bagiyas, Chattabal, which culminated into presentation of challan before the court of Additional Sessions Judge, Srinagar and ever since the said date no effective proceedings are being conducted by the trial court resulting into delaying of trial of the case and in the process defeating the right of speedy trial of the petitioners.

2. Learned counsel for the petitioners would pray for disposal of the writ petition at this very stage with a direction to the trial court to conduct the speedy proceedings in the matter without any delay. Learned counsel for the petitioners strenuously avers that the delay in disposal of the proceedings tantamount to infringement and violation of the Constitutional right of a

Mohammad Yaseen Dar
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citizen guaranteed and enshrined by law of the land and further argued that the petitioners being citizens, seek speedy trial, therefore, it becomes imperative if this Court directs speedy trial of the case so that the interest of the parties would not be prejudiced.

3. Mr. Mubashir Malik, learned Dy. AG present in the Court enters appearance and waives notice on behalf of respondent and submits that he is not averse to the prayer made by the counsel for the petitioners.

4. The petition, having an overall view, given the submissions and prayer made by counsel for the petitioners, and keeping in view the ratio laid down by the Apex Court in case titled ***Asian Resurfacing of Road Agency Private Limited and Anr. Vs. Central Bureau of Investigation reported as 2018 AIR (SC) 2039***, is disposed of at the threshold with a direction to the learned trial court to proceed in the matter of trial arising out of FIR No. 99/2010, Police Post Bagiyas, Chattabal, as expeditiously as possible.

5. Disposed of alongwith connected CMs, if any.

6. Copy of this order be sent down.

(MOKSHA KHAJURIA KAZMI)
JUDGE

SRINAGAR
13.09.2024
"Mohammad Yasin Dar"

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