Regular Cause List
Serial No. 15

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case:- Crl LP(S) No. 27/2026
CrlM No. 2166/2026

UT of J&K .....Petitioner(s)

Through: Mr. Ravinder Gupta, AAG.

Vs

Sohan Lal ..... Respondent(s)

Through:

Coram: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

ORDER
(21.10.2026)

1. The court of the learned Principal Sessions Judge, Samba in a criminal case on file No. **04/Special Challan of 2018** came to convict the respondent as a sole accused purportedly on account of his voluntary judicial confession made before the trial court itself and, thus, sentenced the respondent for a Simple Imprisonment of "Three Days" alongwith a fine of **Rs. 20,000/-** on account of possession of 1.200 kilogram of Poppy Straw.

2. The sentence of simple imprisonment pronounced and served upon the respondent was already an undergone period during the course of investigation, as such, that left only the sentence of fine of **Rs. 20,000/-** was and is to be served by the respondent.

3. The order of conviction came to be announced by the Principal Sessions Judge, Samba on **30.12.2025.**

4. It has taken the petitioner-UT of J&K a time lag of 182 days to come to realization and act that the outcome needs to be challenged in an appeal for which condonation of delay is being sought through **CrlM No. 2166/2026**.

5. In the name of sufficient cause for the delay, the application is stating that the matter was examined and forwarded to the Government for filing of the appeal and after considering the matter at various levels, sanction came to be granted by the Department of Law, Justice and Parliamentary Affairs vide Government Order No. **4898-JK(LD) of 2026** dated **15.04.2026** and that has led to filing of the present petition on **29.08.2026** that too with defects attending the file.

6. This Court is not convinced that the time consumed by the Department of Law, Justice and Parliamentary Affairs, Government of UT of J&K is higher than the mandate of law of limitation.

7. The court of the Principal Sessions Judge, Samba had pronounced the order in the presence of the Public Prosecutor representing the UT of J&K. Therefore, if the concern of the UT of J&K was that the sentence imposed upon the respondent was very light and lenient, then the time had started running against the UT of J&K from the very date of pronouncement of order dated **30.12.2025** and, therefore, it should not have taken the UT of J&K time length of 182 days of delay in processing the case for examination of one and half page order of the Principal Sessions Judge, Samba announcing the conviction of the respondent.

8. Accordingly, this Court is not inclined to grant indulgence in condonation of delay application which is, accordingly, **dismissed**.

(RAHUL BHARTI)
JUDGE

JAMMU
21.10.2026
Shivalee

HIGH COURT OF JAMMU & KASHMIR AND LADAKH