Serial No.01
Regular Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT SRINAGAR

CRM(M) No. 937/2026
CrlM No. 2126/2026

Nadeem Ahmad Mayor (Qasba) **…Petitioner(s)**

Through:
Mr. Showkat Ali Khan, Advocate.

V/s.

Sajad Haider Ansari **...Respondent(s)**

Through:

CORAM:
Hon'ble Mr Justice Shahzad Azeem, Judge.

ORDER
21.11.2026

ORAL:

01. The petitioner has invoked the extraordinary jurisdiction of this Court under Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, seeking setting aside of order dated 18.05.2024 passed by learned Chief Judicial Magistrate, Srinagar, in an application under Section 143 A of Negotiable Instruments Act, whereby petitioner was directed to pay 20% of the cheque amount, as an interim compensation.

02. Without touching the merits of the case and grounds of challenge taken by the petitioner, it needs to be taken into consideration that the petitioner has placed on record copy of the petition bearing CRM(M) No. 376/2024 filed under Section 482 of the Criminal Procedure Code, challenging the order dated 23.201.2024, whereby cognizance was taken by the learned Magistrate, besides the same order dated 18.05.2024, whereby interim compensation was granted by the Magistrate in exercise of power under Section 143A of Negotiable Instruments Act.

03. The contention of learned counsel for the petitioner is that though the impugned order dated 18.05.2024 was subject matter of challenge in CRM(M) No. 376/2024 also, but the Court, while finally disposing of the said petition vide order dated 14.10.2026, has considered

one aspect of the matter of taking of cognizance/validity of the notice and did not return any finding so far as the grant of interim compensation is concerned. Therefore, he submits that under these circumstances, he has maintained this petition in exercise of inherent powers of this Court to deal with the issue which was not dealt with in the earlier round of litigation.

04. Heard learned counsel for the petitioner.

05. Admittedly, the order dated 18.05.2024 was subject matter of earlier round of litigation. However, the order dated 14.10.2026 passed in CRM (M) No. 376/2024 did not contain any reference of the challenge insofar as same pertains to the order dated 18.05.2024. Therefore, it can be only under two circumstances: first, the ground was pressed, but the Court did not think it proper to consider the same, or the same was not pressed by learned counsel for the petitioner.

06. In a case involving similar facts and circumstances, the Hon'ble Supreme Court in **"Mohd. Akram Ansari v. Chief Election Officer & Ors**" reported as **"(2008) 2 SCC 95"**, held that a presumption operates in law that the Judge has duly considered all points urged before him and where a party contends that he has raised a plea which has not been dealt with in the impugned judgment, its open to him to file an application before the same learned Judge (or Bench), which delivered the impugned judgment and if he satisfies the Judge (or Bench) that the other points were in fact raised, but were not dealt with in the impugned judgment, its open to the Court concerned to pass appropriate orders.

07. Having regard to judgment passed in Mohd. Akram Ansari's case *(supra)*, the petitioner has to file appropriate application and not the second petition on the same set of facts.

08. In view of the above, this petition is **dismissed** with the liberty to the petitioner to move an appropriate application, if so advised.

(Shahzad Azeem)
Judge

SRINAGAR:
21.11.2026
"HAMID"

Abdul Hamid Bhat
I attest to the accuracy and
authenticity of this
document