Serial No. 08
Regular Cause List

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

CrlM No. 2292/2026 in
CRM (M) No. 1002/2026
CrlM No. 2293/2026

Adil Ismail Modi

… Petitioner(s)

Through: -
Mr Waseem Ramzan Lone, Advocate with
Ms Tabasum Rahim (Sibgat), Advocate.

V/s

Syed Tajamul Bukhari

… Respondent(s)

CORAM:

HON'BLE MR JUSTICE SHAHZAD AZEEM, JUDGE.

(ORDER)

23.11.2026

ORAL:

CrlM No. 2292/2026:

01. This is an application moved by the Applicant/ Petitioner seeking exemption from filing the certified copies of legal demand notice and postal tracking report.

02. For the reasons stated in the application coupled with submissions made at the Bar, the instant application is **allowed** and the Applicant/ Petitioner is exempted from filing the certified copies of the legal demand notice and postal tracking report.

03. CrlM No. 2292/2026 is, accordingly, **disposed** of.

CRM (M) No. 1002/2026; CrlM No. 2293/2026:

04. The Petitioner has assailed the proceedings and also the cognizance Order dated 10th of February, 2026 passed by the Court of learned Sub-Judge, Srinagar in a Complaint under Section 138 of the Negotiable Instruments Act titled **"Syed Tajamul Bukhari V. Adil Ismail Modi".**

05. Although, the Petitioner has taken various grounds assailing the impugned Order of cognizance as well as the proceedings pending

before the Trial Magistrate, however, when this matter came up for consideration, the learned Counsel for the Petitioner has restricted his submission to the contention that the cognizance Order was passed by the Magistrate while ignoring the fact that the demand notice was never served upon the Petitioner-accused, and that there is an endorsement of the Postal Department to the effect that "addressee left without instruction". Learned Counsel submits that once the demand notice has not been received and there is such an endorsement by the Postal Department, the cognizance taken by the Trial Magistrate is bad in law and suffers from jurisdictional error.

06. Heard learned Counsel for the Petitioner.

07. Admittedly, the cognizance Order was passed by the Trial Magistrate in February 2026, that is about nine months ago. Therefore, at this stage, relegating the parties back to that point would entail a loss of precious judicial time, particularly when this issue can still be proved and rebutted by leading cogent evidence during the trial.

08. In view of the above circumstances, this Petition is taken on board and is **disposed** of with a direction to the Trial Magistrate to proceed in the matter while taking note of the fact urged by the Petitioner regarding endorsement of the Postal Department that the Petitioner-accused was never served with the demand notice, which goes to the root of the case. The Trial Magistrate is directed to frame a specific point for determination on the issue of receipt of demand notice, and to permit the parties to lead the evidence on this point. Thereafter, keeping in view the point raised by the Petitioner, the Trial Magistrate shall proceed to deal with the matter in accordance with law, expeditiously.

(SHAHZAD AZEEM)
JUDGE

SRINAGAR
November 23rd, 2026
"TAHIR"

Tahir Manzoor Bhat
I attest to the accuracy and
authenticity of this document
25.11.2026