

**(2026) 08 J&K CK 0751**

**In the Jammu And Kashmir High Court, Jammu Bench**

**Case No : CRM(M) No. 471/2022, CrIM No. 965/2022**

Mohd. Farooq Bhatt

APPELLANT

Vs

Mohd. Bashir and others

RESPONDENT

**Date of Decision : 04-08-2026**

**Acts Referred:**

Code of Criminal Procedure — Section 482, Section 145

**Citation : (2026) 08 J&K CK 0751**

**Hon'ble Judges : M A Chowdhary, J**

**Bench : Single Bench**

**Advocate :** Mr. M A Bhat, Advocate for the petitioner; Ms. Shazia Asaf, Advocate vice Mr. Eishaan Dadhichi, GA for R-1 & 2; Mr. R.P Sharma, Sr. Adv. with Mr. Rohit Verma, Advocate for the contesting respondents

**Final Decision : Disposed of**

## Judgement

01. Learned Sr. Counsel for the contesting respondents submits that the petitioner has filed this petition under Section 482 Cr.PC against an order dated 10.12.2021 passed by the learned Executive Magistrate, 1stClass (Tehsildar) Surankote, in terms of Section 145 Cr.PC, in respect of the land falling under Khasra Nos. 1407, 1409, 1412 & 1571, situated at Village Bufliaz (Mastandara), Tehsil Surankote, whereas the petitioners had an alternate and efficacious remedy of filing a criminal revision petition before the Court of Sessions.

02. Learned counsel for the petitioner has fairly conceded that the petitioner should have exercised the right of filing revision petition before the Court of Sessions, though on the point of lack of jurisdiction, this petition is also maintainable before this Court.

03. In view of the submissions made by the learned counsel for the parties, this Court is of the considered opinion that the petitioner should have exercised the right of filing revision petition against the order passed by the learned Magistrate in terms of Section 145 Cr.PC, before the Court of Sessions. The petition is,

accordingly, disposed of, with liberty to the petitioners to prefer a revision petition before the local Sessions Court.

04. In view of the pendency of this petition, the interim direction passed by this Court vide order dated 14.06.2026, whereby the impugned order dated 10.12.2021 was stayed and extended from time to time. It is provided that till the application for interim relief is considered by the Court of Sessions, it is ordered that the said interim direction shall continue to remain in operation. The petitioners shall move the Court of Sessions within a period of two weeks from the date of this order, failing which interim direction shall stand revoked, automatically.

05. Petition is, accordingly, *disposed of*, alongwith connected application(s).