

SUPREME COURT OF AZAD JAMMU & KASHMIR

[Appellate Jurisdiction]

PRESENT:

Ch. Muhammad Ibrahim Zia, CJ.
Raja Saeed Akram Khan, J.

Cri. Appeal No.39 of 2018
(Filed on 5.10.2018)

Mohammad Ishaq Chughtai s/o Ali Akbar, r/o Chughtai
Muhallah, District Kotli.

.... APPELLANT

v e r s u s

Ehtesab Bureau, Azad Jammu & Kashmir, Muzaffarbad,
through Chief Prosecutor, Ehtesab Bureau, AJ&K,
Muzaffarbad.

.... RESPONDENT

[On appeal from the order of the High Court,
dated 7.9.2018 in Cri. Revision Petition No.2041/2018]

FOR THE APPELLANT: Mr. Muhammad Younas
Tahir, advocate.

FOR THE RESPONDENT: Sardar Amjad Aslam
Khan, Chief Prosecutor.

Date of hearing: 21.1.2019

JUDGMENT:

Raja Saeed Akram Khan, J.—The captioned appeal, by leave of the Court, arises out of the order passed by the High Court, on 7.9.2018, whereby, the revision petition filed by the appellant, herein, has been dismissed.

2. The brief facts of the case are that the respondent, Ehtesab Bureau, filed a reference before the Judge Ehtesab Court No.II, Mirpur, against the appellant, herein, and seven others, in the offences under sections 109, 201, 409, 420, 467, 468, 409 PC, sections 3/4 of the Ehtesab Commission Act, 1997 and 10/11 of the Ehtesab Bureau Act, 2001. During pendency of the reference, the appellant moved an application for grant of post-arrest bail on 2.8.2018, which was dismissed by the learned Judge Ehtesab Court vide order dated 9.8.2018. Feeling dissatisfied, the appellant filed a revision petition before the High Court, which has been dismissed through the order under appeal dated 7.9.2018, hence this appeal, by leave.

3. During the course of arguments, when the counsel for the appellant was confronted that on the strength of the material collected during the investigation, a supplementary reference has been filed and the appellant has got the remedy to seek relief before the trial Court including filing of an application under section 265-K, Cr.P.C., he very graciously opted not to press the appeal, while submitting that he has no objection if the appeal is disposed off with the direction that in case, the appellant approaches the trial Court, the application shall be decided expeditiously. On this, the learned Chief Prosecutor, Ehtesab Bureau, raised no objection.

In this state of affairs, we intend to dispose off this appeal while directing the trial Court to decide the application, if the appellant opts to file the same, within a period of one month, after providing fair opportunity of hearing. With these observations, the appeal is disposed off.

JUDGE

CHIEF JUSTICE

Mirpur
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