

**HIGH COURT OF JAMMU AND KASHMIR**  
**AT JAMMU**

SLAA 1/2016 c/w CONCR No.01/2016

Date of order: 30.11.2017

---

State of J&K                      vs                      Naushad Khan

---

**Coram:**

**Hon'ble Mr Justice Badar Durrez Ahmed, Chief Justice**  
**Hon'ble Mr Justice Sanjeev Kumar, Judge.**

---

**Appearance:**

For the appellant(s)                      :    Mr S.S.Nanda, Sr. AAG.

For the Respondent(s)                      :

---

i) Whether approved for reporting in                      Yes/No  
Law journals etc.:

ii) Whether approved for publication                      Yes/No  
in press:

---

**SLAA 1/2016 & CONCR No.01/2016**

1        From the various orders passed on these applications, it appears that the State is either not interested in pursuing this matter or unable to locate the respondent, who has been acquitted by the trial Court by virtue of the judgment dated 02.07.2014 of the charge under Section 302 RPC.

2        On 18.05.2016, this Court had directed issuance of notice to the respondent, executable through the concerned SSP. The notice (as recorded in the next order dated 27.01.2017) was returned with the report that the respondent's whereabouts were not traceable. Accordingly, fresh notice was directed to be issued, executable through the SSP Jammu. On 19.04.2017, as the notice was yet not served on the respondent, the learned counsel for the State was directed to provide the complete address of the respondent within two weeks and it was directed that

the fresh notice be issued to the respondents thereafter, executable through the Station House Officer of the concerned Police Station. The previous order had not been complied with by the appellant-applicant, inasmuch the fresh particulars of respondent were not provided.

3 On 06.09.2016, this Court once again directed that the needful be done in terms of the order dated 19.04.2017 within three weeks and directed the listing of the matter in the week commencing 03.10.2017. Even thereafter, the same was not done. As such, the Court directed, on 05.10.2017, that fresh particulars in terms of the previous order be furnished within a period of two weeks positively. That has also not been done.

4 In these circumstances, we are constrained to conclude that the State is not interested in pursuing these applications. In any event, unless and until the respondent is served, the entire exercise of examining the applications would be pointless. Therefore, we are disposing of these applications with liberty to the State to seek revival of the same, in case they locate the respondent.

5 Both the applications stand disposed of as above.

**(Sanjeev Kumar) (Badar Durrez Ahmed)**  
**Judge Chief Justice**

**Jammu**  
**30.11.2017**  
**Sanjeev**