

IN THE COURT OF JUDICIAL MAGISTRATE 1ST CLASS, / CITY
JUDGE, JAMMU

CNR No. JKJM030041772021

File No. 16/Cr. JSC D.O.I. 22-04-2021 D.O.O. 22-04-2021

Jugraj Singh S/o Jasbir Singh R/o Village Makhanpur Gujran, Simbal Camp,
Jammu

.....(Applicant)

Through:- Mr. Manpreet Singh Saini, Advocate

Versus

UT of J&K through SHO P/S Bahu Fort, Jammu

.....(Accused)

In The Matter Of:- Application u/sec. 156 (3) Cr. P.C directing the non-applicant for registering the FIR against the accused DySP Chekpal Sherawat of NIA, Jammu.

CORAM:- Manjeet Rai UID No. JK000128

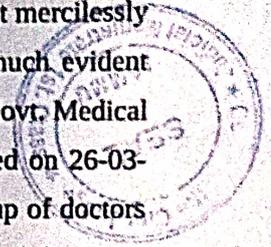
ORDER

The present application u/s 156 (3) Cr. P.C. filed by the applicant through his Ld. Counsel .seeking appropriate directions to the I/C P/S Bahu Fort, Jammu has been transferred to this court by Ld. CJM, Jammu for disposal under law.

It is averred in the application that on 25-03-2021 at about 1:30 PM, when the applicant had gone to the shop of Kasturi Nika Halwai at Mini Market Trikuta Nagar, Jammu to pick-up the food order and the DySP Chek Pal Sherawat along with two others officials, in civil clothes were standing outside the shop, the applicant wish them, the said DySP Chek Pal Sherawat asked the applicant to attend his NIA office at 04:30 PM on the same day but the applicant was busy and accordingly requested him that due to busy in delivery schedule as such cannot attend the office today but can come tomorrow. On 26-03-2021 the applicant went to the office of NIA Trikuta Nagar, Jammu at about 10:30 AM and after some time the mother, maternal uncle and elder brother of the applicant also came to the NIA office but the officials did not allow them to enter in the office premises and they remain waiting outside the office. The aforesaid DySP Chek PAI Sherawat was present in his office and confined the applicant in a room where two more officials of the NIA along with said DySP Chek Pal Sherawat were present. The said DySP Chek Pal Sherawat put some query to the applicant and accordingly, the applicant reply thereafter, the said DySP Chek Pal Sherawat bolted the room from inside and started to brutally assault the applicant with leather belt (Patta) as well as fists, kicks and blows for about 3/4 hours by giving some break and used the unparliamentarily and abusive language against the applicant though many times, the applicant became semi-conscious due to the

sd/-

severe and mercilessly assault committed by the aforesaid DySP Chek Pal Sherawat and the applicant sustained the serious injuries over the back of the neck as well as on back upper and lower part, over right arm, injuries over the right thigh, right hip, over posterior aspect of the left & right leg as well as the whole spine of the applicant was injured. The said DySP Chek Pal Sherawat mercilessly assaulted and caused the multiple serious injuries which is very much evident from the medical record. Accordingly, the applicant was shifted to Govt. Medical College and Associate Hospital Jammu where the applicant admitted on 26-03-2021 vide MLC No. 1592 and the applicant was examined by a group of doctors and after taking into consideration of the seriousness of the multiple injuries on the body of the applicant, the requisite medical treatment was provided to the applicant immediately, the applicant remained admitted since 26-03-2021 till 29-03-2021 and provided the treatment. The aforesaid DySP Chek Pal Sherawat wrongfully confined the applicant in a room and brutally assaulted the applicant for his no fault and took the law into his own hand whereas the said DySP Chek Pal Sherawat under law has no authority to assault the applicant, as such, he has committed the crime under law. The accused after committing the crime, threatened the applicant that he will kill in case the applicant or any other his family members lodged any complaint against him in police station but being the victim as well as innocent, law abiding citizen approached the concerned Police Station Bahu Fort, Jammu and immediately reported the matter with the concerned SHO Police Station Bahu Fort, Jammu, but the police has refused to initiate any legal action against the accused person and also declined to register the criminal case against the accused for the reason best known to them as such the applicant thereafter also approached the S P South Jammmu as well as SSP Jammu with written application/report dated 05-04-2021 but the said officers too have not taken any legal action/initiative against the accused.



Copy of order along with application and document forwarded to S.M.O Pk Bahu Fort Jammu for compliance

Judicial Magistrate 1st Class
JAMMU
CITY JUDGE

I have gone through the application as well as the photo copies of documents enclosed with the application. The applicant has complied with the provisions of sections 154 (1) and 154 (3) Cr.P.C. The application as well as photocopies of documents prima facie show that the allegations made against the accused are cognizable in nature which require investigation. Accordingly, in terms of section 156(3) Cr.P.C. SHO P/S Bahu Fort is directed to register FIR and investigate the case. The office is directed to forward the copy of this order, application and photocopies of documents enclosed with application to SHO P/S Bahu Fort for compliance through Ld. APP. The office is directed to keep the index in the office.

Announced:
22-04-2021

Ed -
City Judge/JMIC
Jammu.