



Sr. No. 08

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case No.: CRR No. 17/2014
IA No. 13/2014

Date of Pronouncement:-30.01.2026
Uploaded on:- 31.01.2026

State of J&K. Appellant/Petitioner(s)

Through:- Mr. Pawan Dev Singh, Dy. AG.

V/s

Dhanwanter Singh and ors.Respondent(s)

Through:- None.

CORAM: HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE

ORDER

1. The instant criminal revision has been filed against the order dated 06.03.2014 (*hereinafter referred to as, "the impugned order"*) passed by the Sessions Judge, Jammu (*for short, "the trial Court"*) in an application titled, "***State Vs. Dhanwanter Singh and ors.***", by virtue of which, the application filed by the prosecution through Special Public Prosecutor for granting of police remand against respondent Nos. 1 to 3 for further investigation has been dismissed.
2. The facts leading to the filing of the instant petition are that the FIR No.100/2005 for commission of offences punishable under section 302, 307, 147,148 149, 323 RPC read with Section 3/25 Arms Act was registered with the Police Station and on completion thereof, a criminal challan titled "***State of J&K vs. Dilbagh Singh and others***" came to be presented before the trial Court.



The respondents 1 to 3 were also arrayed as accused in the said criminal challan. However, they absconded and were proceeded against under section 512 of the Cr.PC. According to the petitioner, since the respondents were not arrested during the investigation of the FIR No. 100 of 2005 before presentation of the challan, therefore, they were not subjected to any investigation/interrogation and the challan against them was presented in absentia.

3. It is stated that in the said challan, the trial Court has rendered the judgment of acquittal dated 19.08.2013 in favour of the accused, who were facing the trial and against the said acquittal, an Acquittal Appeal No.163/2013 titled, “***State of J&K vs. Dilbagh Singh and others***” has already been filed by the State before the Division Bench of this Court, in which the process has already been issued against the respondents in the said appeal and that after acquittal of the accused persons, who were facing trial in the afore-titled criminal challan, the respondent Nos. 1 to 3, who were absconders in the case filed an application before the trial Court for surrendering, which Court thereafter kept the application filed by the respondents 1 to 3 for arguments on charge and when the State came to know about the same, an application was filed by the prosecution for giving police remand of the respondents 1 to 3, as their custodial interrogation was required before filing the supplementary challan against them, as further investigation is required to be done to further cull out the specific role, which was



attributed to them in the commission of the heinous offence of murder.

4. It is further stated that the trial Court in its expediency, has dismissed the said application vide order impugned dated 06.03.2014 on absolutely non-existent grounds including on the ground that no request has been given by the police for the police remand.
5. The record of proceedings shows that revision was filed on 19.03.2014. Despite issuance of process, the respondents were never effectively served and for over ten years, no urgency was shown by the appellant for early disposal.
6. In FIR No. 100 of 2005, several accused were tried, while the present respondents were proceeded against under Section 512 CrPC as absconders. The co-accused were acquitted on 19.08.2013. The respondents later surrendered on 25.01.2014, were subsequently formally charged who after pleading not guilty had sought adoption of evidence recorded earlier.
7. The Public Prosecutor sought police custody of the respondents, which was declined by the trial court. Thereafter, the respondents admitted the earlier evidence and, in view of the acquittal of the co-accused on the same evidence, were acquitted on 19.03.2014.
8. In view of the subsequent acquittal of the respondents, the impugned order got merged into the final judgment, rendering the revision infructuous. No material was shown to indicate that the acquittal dated 19.03.2014 was separately challenged or not.



9. The record shows that the investigating agency neither had sought supplementary investigation nor requested police custody of the respondents. The Public Prosecutor, without such a request, had no independent authority to seek police remand under Section 167 CrPC.
10. Once the charge-sheet was filed against all accused, it implied that no further custodial interrogation was considered necessary, rendering the impugned order being perfectly in consonance with law. Accordingly, nothing survives in this revision petition. The same is, accordingly, **dismissed** alongwith connected application and the trial court record is directed to be sent back.

JAMMU
30.01.2026
Ram Krishan

