

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

**CRM (M) No. 635/2026
CrlM No. 1462/2026**

Murtaza Fayaz

... Petitioner(s)

Through: -

Mr Rafi Ahmad Dar, Advocate.

V/s

HDFC Bank Ltd.

... Respondent(s)

CORAM:

HON'BLE MR JUSTICE SHAHZAD AZEEM, JUDGE.

(ORDER)

29.08.2026

01. Heard learned Counsel appearing for the Petitioner.
02. The Petitioner has challenged Order dated 17th of May, 2018 passed by the Court of learned Chief Judicial Magistrate, Pulwama, whereby the cognizance of offence under Section 138 of the Negotiable Instruments Act has been taken by the learned Magistrate.
03. The main ground urged by the Petitioner is that, while taking cognizance, the learned Magistrate did not comply with the mandate of Section 202 of the J&K Cr. P. C., in that, according to the Petitioner, the Magistrate did not record the statement of the Complainant or his witnesses and further the inquiry as mandated under Section 202 of the J&K Cr. P. C. is also not conducted.
04. On going through the impugned Order dated 17th of May, 2018, it appears that the learned Magistrate, while taking cognizance, has recorded the preliminary statement of the witnesses and has drawn the satisfaction before taking the cognizance. Therefore, it appears that the

Petitioner is reeling under complete misconception of facts and law, while directing the challenge against the impugned Order.

05. In view of above, the instant Petition is found to be misconceived and the same is, accordingly, **dismissed** along with connected CrIM.

(SHAHZAD AZEEM)
JUDGE

SRINAGAR

August 29th, 2026

"TAHIR"

