



Government of Jammu and Kashmir
Department of Law, Justice and Parliamentary Affairs
Civil Secretariat, Srinagar

O.M. No. LD (Lit)/2017-follow-up/SC

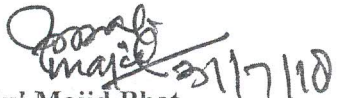
Dated: 30.07.2018

Subject: Criminal Appeals Nos. 1375-1376 of 2013 titled Asian Resurfacing of Road Agency Pvt. Ltd. & Anr. v/s Central Bureau of Investigation—regarding vacation of Stay orders.

Hon'ble Supreme Court of India in the Criminal Appeals Nos. 1375-1376 of 2013 (and other clubbed matters) titled Asian Resurfacing of Road Agency Pvt. Ltd. & Anr. v/s Central Bureau of Investigation vide its judgment dated 28th of March, 2018 has observed as under:-

“The challenge to an order framing charge should be entertained in rarest of rare cases only to correct a patent error of jurisdiction and not to re-appreciate the matter. Even where such challenge is entertained and stay is granted, the matter must be decided on day-to-day basis so that stay doesn't operate for an unduly long period. Though no mandatory time limit may be fixed, the decision may not exceed two-three months normally. If it remains pending longer, duration of stay should not exceed six months unless extension is granted by a specific order, as already indicated. Mandate of speedy justice applies to the PC Act cases as well as other cases where at trial stage proceeding are stayed by the higher court i.e the High Court or a Court below the High Court, as the case may be. In all pending matters before the High Court or other courts relating to PC Act or all other civil or criminal cases, where stay of proceeding in a pending trial is operating, stay will automatically lapse after six month from today unless extended by a speaking order on above parameters. Same course may also be adopted by civil and criminal appellate/revisional courts may, on expiry of above period, resume the proceeding without waiting for any other intimation unless express order extending stay is produced”

In this connection, it is hereby enjoined to take necessary steps in consultation with the concerned Law officers/Standing counsels and get the cases pending in courts of law disposed of in accordance with the ratio laid down by the Hon'ble Supreme Court in the judgment referred supra.


Abdul Majid Bhat
Law Secretary

Administrative Secretary
