

**IN THE COURT OF
PRINCIPAL SESSIONS JUDGE ANANTNAG.**

CNR No.	JKANO10003682024
Date of Order	25.07.2025

In the case of :-

Jalil Ahmad Magray Vs Mst. Shamshada & Ors

(Petitioner)

(Respondents)

Matter taken up suo-moto for expunging the observation, made in the order dated 09.07.2025, while exercising the Revisional jurisdiction in the above titled case.

Coram : ***Tahir Khurshid Raina***
 (UID No. JK00055)

O R D E R

1. A famous phrase attributed to ***William Ellery Channing***, goes like this: ***“Error is discipline through which we advance”***. It means that making mistakes is a crucial part of learning and personal growth. That, identifying the mistakes committed and attempting to correct the same is not a reflection of failure or incompetence, but rather a path to progress - a reflection of maturity, perseverance and growth.
2. A Judge is also a human being and fallible to commit a mistake. However, there is a caveat-such a mistake by the Judge in discharge of his duty must be a bonafide mistake, an inadvertent error. It is in

recognition of this fallibility of the Judge to commit an error as a human being, our judicial institution carries a hierarchy of the courts, culminating at the level of the Hon'ble Supreme Court of India. This hierarchy exists to avoid any injustice or perpetuation of illegality. The moral of the story is: ***“A Judge too can make a mistake and shouldn't shy away from accepting the same”.***

3. The preface to my concern is in the context of the order dated 09.07.2025, passed by this court while exercising Revisional jurisdiction in the case titled ***Jalil Ahmad Magray V/S Mst Shamshada Bano.*** While setting aside the order impugned dated **15.12.2023**, passed by the court of Ld. Judicial Magistrate Ist. Class, Aishmuqam, this court has made an observation about the author of the order impugned which reads as follows:

“It is astonishing to note that how come a Judicial Magistrate, who is an appointee of 2024, and has got a full length training in the judicial academy, will miss to note such an important mandate of the Apex Court in such a litigation which is invariably being filed in the Magisterial courts”.

- 4.** Later, it has been brought to the notice of this court that the said observation is factually incorrect in the context of the present Presiding Officer of the said court, for the simple that he is not the author of the impugned order. The Presiding Officer who is the actual author of the said order is not the 2024 appointee to whom the observation relates.
- 5.** The concern conveyed to this court was well taken, and accordingly record was called and perused. It was found that the said observation made in context of the present Presiding Officer was totally misplaced, as he was not the author of the impugned order.
- 6.** I recollected the kind of feelings this court had while recording the said observation in the order. They were purely in the context that a lot of painstaking efforts were made by our Judicial academy during the training of our fresh batch of Judicial Officers to make them fully abreast with the latest legal skills and acumen- to deal with the matters in their respective courts confidently, especially in context of those issues which get invariably filed in the Magisterial Court including the subject matter of revision, relating to non-compliance with the mandate of the judgment of the Hon'ble Supreme

Court, delivered in case titled- **Rajesh Versus Neha (2021)**.

7. Therefore, under the bonafide impression that the present incumbent in the Office is 2024 batch Judicial Officer who had made this mistake on account of lack of preliminary knowledge on the subject, this court made the said observation-but inadvertently missed to see the introductory details of the impugned order. Said observation, if has reached to the real author, may hold good in his case (as he happened to be senior to the present incumbent), ***but was purely misplaced in the context of the present incumbent, holding the Office of the Judicial Magistrate 1st class, Aishmuqam.***
8. This court acknowledges the inadvertent mistake committed by it. Here, this court is reminded of the Latin Legal maxim “***Actus curiae neminem gravabit***”----- **means-an act of the court shall prejudice no man.** That no one should suffer on account of the mistakes or even oversight made by the court.
9. Accordingly, propriety demands from this court to set the record straight, and to ensure that the unrelated

observations in context of the present incumbent in the office of JMIC Ashmuqam, do not continue to haunt him. Therefore, to meet the ends of justice, this court **expunges** the said observations from the order passed in the above titled Revision petition. This court wishes the said Judicial Officer all success in his life and career ahead.

- 10.** Let this order be made part of the record in this court and also be sent to the concerned court through a Special Messenger of this court to ensure it is made part of the record in the said court as well.
- 11.** With these observations, the matter taken suo-moto is disposed of accordingly.

Announced.
25.07.2025

Principal Sessions Judge
Anantnag