

ROUTINE ORDER WRITING

Writing a good routine order in a criminal case is crucial for clarity, efficiency, and ensuring justice. While the specific format and content may vary slightly depending on the court and jurisdiction within India, here are key elements and best practices:

I. Essential Components of a Routine Order:

1. **HEADING ,Court Details:**

- Name of the Court (e.g., Court of the Judicial Magistrate First Class, Sessions Court, etc.)
- District and State
- Case Number (e.g., Criminal Case No. / Year, FIR No. / Police Station / Year)

2. **Parties:**

- Name of the Complainant/Prosecution (e.g., State of [State Name] OR [Complainant's Name])
- Vs.
- Name(s) of the Accused with parentage and address (as per record). If multiple accused, list them clearly with serial numbers.

3. **Date of Order:**

- Clearly mention the date on which the order is passed.

4. **Presence:**

- Who is present in court:
 - Learned Public Prosecutor/Prosecuting Officer for the State.
 - Learned Counsel for the Accused (mention name of counsel, if known).
 - Accused (present/absent, if absent, reason).

5. **Brief Background/Purpose of the Hearing:**

- Concisely state why the case is listed today (e.g., for evidence, arguments on an application, framing of charge, appearance of accused, etc.). This sets the context.

6. **Orders/Directions:**

- This is the core of the routine order. Each direction should be clear, unambiguous, and actionable.
- **Common routine orders include:**
 - **Adjournment:** If the case is being adjourned, clearly state the next date and the purpose for which it is fixed (e.g., "Case stands adjourned to [Date] for prosecution evidence.").
 - **Summoning Witnesses:** If witnesses need to be summoned, specify their names (if available) and the type of summons (e.g., "Issue fresh summons to PW-1 and PW-2 for their appearance on the next date.").
 - **Issuing Warrants:** If a non-bailable warrant (NBW) or proclamation is to be issued against an absent accused, clearly state the type and the reason.
 - **Filing Documents:** Directions for parties to file documents (e.g., "Learned counsel for accused to file Vakalatnama.").

- **Disposing of Applications:** If a minor application is being disposed of by the routine order, mention the application number and the brief decision.
- **Production of Accused:** If the accused is in custody, direct the jail authorities to produce them on the next date.
- **Reporting Compliance:** Directing police/investigating agency to submit compliance reports.
- **Remand/Custody/Bail:** Orders related to bail bonds, judicial custody (JC), or police custody (PC) extensions.
- **Recording of Evidence:** If evidence is recorded, briefly mention "PW-1 examined and cross-examined. Further evidence on next date."

7. Reasoning (Brief):

- For any significant direction (e.g., adjournment for a specific reason, grant/denial of a minor prayer), a brief reason should be provided. For instance, "As the summons to PW-1 remained unserved, fresh summons be issued."

8. Signature and Designation:

- Signature of the Presiding Officer.
- Full Name and Designation of the Presiding Officer (e.g., Judicial Magistrate First Class, Additional Sessions Judge).

II. Best Practices for Writing Good Routine Orders:

1. Clarity and Simplicity:

- Use plain and concise language. Avoid jargon where simpler terms suffice. The order should be easily understood by all parties involved, including the accused, lawyers, and administrative staff.
- Avoid lengthy sentences.

2. Accuracy:

- Ensure all factual details (case number, names, dates) are accurate. A single error can lead to complications.
- Refer to correct legal provisions if necessary, but avoid quoting entire sections unless absolutely essential.

3. Brevity:

- Routine orders should be to the point. Include only necessary information and directions. Unnecessary details or discussions should be avoided.

4. Objectivity:

- The order should reflect the court's directions impartially. Avoid any subjective views or personal opinions.

5. Logical Flow:

Organize the order logically. Start with the identification of the case and parties, then the purpose of the hearing, followed by the specific directions, and finally the next date.

6. Consistency:

- Maintain consistency in terminology and formatting throughout the order and across different orders in the same case.

7. Action-Oriented:

Each direction should be a clear instruction for what needs to be done. Use active voice.

8. Reference to Previous Orders (if applicable):

- Sometimes, it's helpful to briefly refer to a previous order if the current order is a consequence of it (e.g., "Pursuant to the order dated [previous date], the accused is produced today.>").

9. Compliance with Legal Provisions:

- Ensure the orders passed are in accordance with the provisions of the Code of Criminal Procedure, 1973 (CrPC), and other relevant laws.

Beyond the general principles, the "art" in an Indian criminal court order involves understanding the specific stakeholders and the purpose for which they will read the order.

1. **For the Next Presiding Officer:**

- **The Chain of Custody (of the file):** A good order helps the next judge (who might be different due to transfer, leave, etc.) quickly grasp the case's history. Each order is a chronological link.
- **Clarity on Previous Directions:** If an order from three months ago directed "NBW against A-2 returnable by today," the current order must clearly state whether the NBW was executed, returned unexecuted, or not received.
- **Purpose of Next Hearing:** The "for what purpose" the case is fixed is critical for efficient case management. "For PE" (Prosecution Evidence), "For DE" (Defence Evidence), "For final arguments," "For orders" – these guide the next listing.

2. **For the Lawyers (Prosecution & Defence):**

- **Anticipating Next Steps:** Lawyers rely on the order to prepare for the next hearing. If it says "PW-3 to be cross-examined," they know to prepare questions for that witness.
- **Client Communication:** They use the order to inform their clients (accused, complainant) about the case's progress and what to expect.
- **Compliance:** If the order directs "Learned counsel for accused to file Vakalatnama within 7 days," it's a clear mandate for them.

3. **For Court Staff (Peshkar, Copying Department, Process Servers):**

- **Issuance of Processes:** This is where the accuracy of the order directly impacts action. If the order says "Issue fresh summons to PW-1 for 15.07.2025," the Ahlmad needs that exact detail to prepare the summons.
- **Preparation of Case File:** For the next date, the staff needs to know what applications are pending, which witnesses are to be present, and what documents need to be on record.
- **Statistical Data:** Orders feed into the court's overall case management system and statistical reporting.

4. **For Police/Investigating Agencies:**

- **Executing Warrants/Summons:** "SHO concerned to ensure production of accused" or "SP to ensure service of summons on witnesses" are direct commands for the police.
- **Filing Compliance Reports:** Orders often direct the police to file progress reports on investigation, service of processes, or execution of warrants.

The "art" truly lies in making each order a self-contained, yet interconnected, piece of the larger puzzle, ensuring that justice is not just done, but also *seen* to be done efficiently and transparently.

Orders must be clear and unambiguous, leaving no room for misinterpretation.

- They should be based on proper application of the law and evidence.
- Orders should be recorded in the official language of the court and kept in the court records.
- A slipshod consideration or cryptic order or decision without due reflection on the issues raised in a matter may render such decision unsustainable.

What is required of any judicial decision is due application of mind, clarity of reasoning and focused consideration.

Principles suggested by SC cases (cont.) Union of India v. Jai Prakash Singh, (2007) 10 SCC 712 (Para 7) •

Reasons introduce clarity in an order which indicate application of mind. Reasoning substitutes subjectivity with objectivity. •

Failure to give reasons amounts to denial of justice.

Reasons are live links between the mind of the decision-taker to the controversy in question and the decision or conclusion arrived at. •

Reasons are all the more necessary when an order is amenable to further avenue of challenge.

Absence of reasons renders it virtually impossible for the courts to perform their appellate function or exercise the power of judicial review in adjudging the validity of the decision. •

Another rationale of a reasoned order is that the affected party can know why the decision has gone against him.

Judgment/Order writing is an art by itself and cannot possibly be acquired in any perfection without adequate knowledge, long practice and experience.

III. Example Template (Simplified):

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,---CRIMINAL
CASE NO. [NUMBER] OF [YEAR]**

STATE OF JHARKHAND Vs. [ACCUSED NAME], S/o [FATHER'S NAME], R/o [ADDRESS]

Date: [DD.MM.YYYY]

Present:

- Learned APP for the State.
- Learned Counsel, [Advocate's Name], for the Accused.
- Accused [Accused Name] is present on bail.

Order:

The case is listed today for prosecution evidence. Learned APP submits that PW-1 is present today. PW-1, [Witness Name], is examined in chief and partly cross-examined. Learned counsel for the accused prays for an adjournment to complete the cross-examination of PW-1. Prayer allowed.

Case stands adjourned to [NEXT DATE] for further cross-examination of PW-1 and prosecution evidence.

(Signature) [FULL NAME] Judicial Magistrate First Class

Key Considerations for Specific Situations

While the general format remains, certain situations demand specific attention in your routine order:

1. When the Accused is Absent

If the accused isn't present, your order needs to clearly state why and what action is being taken:

- **"Accused [Name] is absent without any intimation/application."**
- If on bail: "Issue Bailable Warrant (BW) in the sum of Rs. [Amount] with one surety of like amount against accused [Name] for their presence on the next date." (This is usually the first step for a bailable offense or if they've missed an earlier date.)
- If BW fails or offense is serious: "Issue Non-Bailable Warrant (NBW) against accused [Name] for their presence on the next date."
- If NBW also fails or accused is absconding: "Issue Proclamation under Section 82 CrPC against accused [Name]. File compliance report by the next date." (This is a more serious step, indicating the accused is evading arrest.)
- If surety is absent: "Issue notice to surety of accused [Name] to show cause why their bond should not be forfeited."

2. Recording Evidence

When evidence is being recorded, the order should reflect the proceedings accurately:

- "PW-[Number] [Witness Name] examined in chief. Cross-examination deferred at the request of learned counsel for accused." (State the reason for deferment, e.g., "for want of time," "on medical ground.")
- **"PW-[Number] [Witness Name] examined in chief and cross-examined. Discharged."**
- **"Further cross-examination of PW-[Number] [Witness Name] conducted today. Witness discharged."**
- If a witness isn't present: "PW-[Number] [Witness Name] is not present. Issue fresh summons to PW-[Number] for their presence on the next date."

- If witness has failed to appear multiple times: "Issue last and final opportunity summons/bailable warrant against PW-[Number] [Witness Name] for their appearance on the next date." (This conveys urgency to the witness.)

3. Handling Applications

For any application filed by either party, the order should briefly note it and the next action:

- **"An application under Section [Relevant Section, e.g., 313 CrPC for statement of accused / 91 CrPC for production of documents] filed by learned counsel for accused. Let a copy be supplied to learned APP. Put up for reply/arguments on [Next Date]."**
- If disposed of immediately: "Application for [brief description of application] filed by learned counsel for accused. Heard. The application is hereby allowed/rejected. (Provide a very brief reason if rejecting)."

4. During Framing of Charge / Section 313 CrPC Statements

These are critical stages, and the order needs to be precise:

- Framing of Charge: "Arguments on charge heard. Charge against accused [Name] under Section(s) [Relevant Section(s) of IPC/other law] read over and explained to them, to which they pleaded not guilty and claimed to be tried." (This signifies the start of the trial.)
- Section 313 CrPC Statement: "Accused [Name] is present. Statement of accused under Section 313 CrPC recorded today. Put up for defense evidence on [Next Date]."

5. When Granting/Refusing Bail

While a detailed bail order is separate, the routine order preceding it might mention:

- "Bail application of accused [Name] received/heard today. Put up for orders on [Date]."

Nuances Specific to Indian Criminal Justice System

1. CrPC Mandates: Many routine orders are direct consequences of the Code of Criminal Procedure, 1973.
 - Section 209 CrPC (Commitment of Case to Sessions): The order would explicitly state, "Case committed to the Court of Sessions under Section 209 CrPC. Accused to appear before the Ld. Principal Sessions Judge, Patna, on [Date]."
 - Section 207/208 CrPC (Supply of Documents): "Copies of police report and other documents supplied to accused today as per Section 207 CrPC."
 - Section 313 CrPC (Examination of Accused): "Statement of accused under Section 313 CrPC recorded today." The order doesn't detail the statement, just that it was recorded.
 - Section 294 CrPC (No formal proof of certain documents): "Documents admitted by defence under Section 294 CrPC."
2. **Bail Orders vs. Routine Orders:**
 - A routine order might state: "Bail application of accused [Name] heard. Put up for orders/orders pronounced today. Accused enlarged on bail on furnishing bail bonds of Rs. [Amount] with two sureties of like amount."

- However, the detailed reasoning for granting or rejecting bail is always in a separate, reasoned bail order, not the routine order. The routine order merely records the fact of the decision.
3. **Local Practices/High Court Rules (Jharkhand High Court):**
 - Courts in Jharkhand operate under the superintendence of the Jharkhand High Court. High Court Rules and Orders often prescribe specific formats, permissible abbreviations, and timelines. For example, rules regarding adjournments, number of opportunities for evidence, or specific endorsements on warrants.
 - Ahlmad/Peshkar Endorsements: In many Indian courts, the Ahlmad or Peshkar (court clerk) often makes a brief internal note on the file itself, in addition to the formal order, to quickly remind them of the next action (e.g., "Summons PW-1," "NBW A-2"). The formal order is the public record of this directive.
 4. **Handling Specific Witness Issues:**
 - Government/Official Witnesses: If a witness is a government official, the order might direct "concerned HOD (Head of Department) to ensure attendance of PW-[Number]." This is a common practice to ensure presence.
 - Reluctant Witnesses: For witnesses repeatedly failing to appear, the order might escalate from "fresh summons" to "bailable warrant," then "NBW," and finally "proclamation." Each step must be clearly articulated.
 5. **Case Management and Time Limits:**
 - "Last and Final Opportunity": This phrase, often seen in Indian court orders, signals the court's intent to proceed regardless of non-compliance if the party fails to act on the next date. "PW-4 not present. Last and final opportunity to prosecution to produce PW-4, failing which evidence shall be closed."
 - Expeditious Disposal: In compliance with directions from higher courts for speedy trials, routine orders often reflect the court's efforts to move the case forward, such as fixing short dates for evidence.