COMPENDIUM OF GENERAL LETTERS, CIRCULARS & ORDERS (CRIMINAL)

JUDICIAL ACADEMY JHARKHAND

This book is also available on official website of Judicial Academy Jharkhand "www.jajharkhand.in"

COMPENDIUM OF GENERAL LETTERS, CIRCULARS & ORDERS (CRIMINAL)

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Justice S.J. Mukhopadhaya
Judge
Supreme Court of India

सत्यमेव जयते

March 7, 2014

MESSAGE

I am glad to know that the Judicial Academy Jharkhand under the dynamic leadership of Chief Justice of Jharkhand High Court R. Bhanumathi is going to publish a "Compendium of General Letters, Circulars and Orders (Civil & Criminal)" Chief Justice, who is also the Patron-in-Chief of the Academy has taken initiatives for the betterment of State Judiciary from the day one of her elevation.

I applaud the efforts taken towards the publication of this Compendium. On its publication, this Compendium would be of great help to the Judicial Officers as well as the Staff Members of the Judiciary. The vision of incorporating the General Letters, Circulars and Orders of both the Patna High Court and the Jharkhand High Court makes it unique and more pragmatic.

At this juncture, I would also like to suggest the Judicial Academy Jharkhand to include this Compendium as one of the topics in the training programmes organized for the Judicial Officers and Staff Members of the Judiciary.

I wish Judicial Academy Jharkhand every success in all its endeavours.

Sudhansu Jyoti Mukhopadhaya.

(SUDHANSU JYOTI MUKHOPADHAYA)

Justice M.Y. Eqbal
Judge
Supreme Court of India

Dated, the 7th March, 2014

MESSAGE

It is a great satisfaction for me to appreciate the praiseworthy efforts of Judicial Academy Jharkhand for the publication of ***"Compendium of General Letters, Circulars and Orders (Civil & Criminal)"*** *under the patronage of esteemed sister* ***Justice R. Banumathi****, Chief Justice of High Court of Jharkhand and her team members.*

In fact, this compendium was long awaited need for all the members of District & Subordinate Judiciary including Judicial Officers and Ministerial Staff as well. I have had an occasion to come across with such situations when important circulars and administrative orders of the High Court, necessary for the governance of justice in the District & Subordinate Judiciary, were not in notice of either Judicial Officers or Ministerial Staff.

I am sure that this compilation will go a long way in achieving the targets of Justice Delivery System and for smooth functioning of the District Judicial Administration across the State of Jharkhand. Having gone through the salient features of the compendium, I find it highly adoptable guidelines for each and every one who is concerned with the administration of District & Subordinate Judiciary in dispensation of justice.

It's also heartening to note that the Academy has been endeavouring in publishing very productive and fruitful books and after publication of three books, this is fourth one in continuation in order to update the knowledge and skill with a handy ready reckoner for Judicial Officers and staff members of the Courts.

I extend my greetings to the Academy and good wishes for the Jharkhand Judiciary under the able guidance of Hon'ble Mrs. ***Justice R. Banumathi****, Chief Justice, High Court of Jharkhand whose extraordinary commitment for upkeeping the glory of judiciary is known to me during my earlier association with Her.*

(JUSTICE M.Y. EQBAL)

Justice R. Banumathi
Chief Justice
High Court of Jharkhand

सत्यमेव जयते

7th March, 2014

MESSAGE

I am happy to note that Judicial Academy Jharkhand has taken initiative in publishing "Compendium of General Letters, Circulars and Orders on Civil and Criminal" which was a long standing demand of the Judicial Officers and Staff Members of the District Courts.

The present Compendium is a compilation of all important general letters, instructions, circulars and orders on various subjects relating to Civil and Criminal matters issued from time to time by the High Court of Judicature at Patna and also issued by the High Court of Jharkhand after its creation. The compilation is brought out to update the knowledge of the Judicial Officers and staff members of the District Judiciary.

This compilation will certainly help the Judicial Officers and the Court Staff of the District Judiciary to enhance the level of their performance. I wish the Judicial Officers and Staff Members make full use of the compilation in the day to day discharge of their duties.

I congratulate the Judicial Academy Jharkhand for making the compilation with precision and for enriching the knowledge of its users.

RBanumathi

(R.BANUMATHI)

Place : Ranchi

Justice D.N. Patel
Judge
High Court of Jharkhand

सत्यमेव जयते

Dated the 4th March, 2014

MESSAGE

The initiative of the Judicial Academy, Jharkhand in publishing the "Compendium on General Letters, Circulars and Orders (Civil & Criminal)" is certainly a commendable step in a right direction for awareness among the Judicial Officers and other stakeholders, like staff of District Courts. This Compendium is a compilation of important letters and circulars, issued by the High Court for placid functioning of the District Courts.

Being deeply involved and busy with judicial work, the Judicial Officers are not able to keep in memory the nuances of the important circulars and orders of the High Court.

It is commendable that the Academy, in addition to its main goal of imparting training to Judicial Officers, has taken pain to bring this book, which would serve as a ready-reckoner and guide for the Judicial Officers as well as staff members in performing their important functions effectively.

I congratulate the Director, Judicial Academy, Jharkhand and other officers and staff for their strenuous efforts in bringing out such a useful book.

(D.N. Patel)

Justice N.N. Tiwari
Judge
High Court of Jharkhand

सत्यमेव जयते

MESSAGE

It is heartening to learn that the Jharkhand Judicial Academy has prepared a compendium on "General Circular and Orders (Civil & Criminal)" to be published for general circulation to the courts.

This compendium contains letters and circulars issued by the High Court from time to time for smooth functioning of Civil Courts which are in the form of practice guidelines and will be extremely useful for the Presiding Officers and staff of the Court. It would help them to function efficiently and effectively. Compiling the circulars and orders in the form of a book is a highly commendable job and the Judicial Academy deserves high appreciation for accomplishing this task.

I congratulate the Director of the Judicial Academy and all others who have contributed in nicely arranging the matters, at one place and for publishing the same in the form of a book.

N Tiwari

(Narendra Nath Tiwari)
Judge,
Jharkhand High Court,
Ranchi

Justice R.R. Prasad
Judge
High Court of Jharkhand

Dated the 4th March, 2014

MESSAGE

It gives me immense pleasure to note that the Judicial Academy, Jharkhand, has been publishing a Compendium of general orders and circulars issued by the Hon'ble Patna High Court as well as Hon'ble Jharkhand High Court for the use of the Officers and Staffs working in the Sub-ordinate Courts.

This Compendium would be quite useful for the Officers in handling the matters related to judicial proceedings as also the administration of the Civil Courts, quite efficiently and efficaciously.

The Academy in its efforts to gear up Judicial Administration would certainly be achieving its objectives.

I wish it to be a great success.

(Justice R.R. Prasad)

Justice Prashant Kumar
Judge
High Court of Jharkhand

सत्यमेव जयते

MESSAGE

It gives me immense pleasure to know that the Judicial Academy, Ranchi is going to publish a Compendium of General Letters, circulars & Orders (Civil).

I hope and trust that the said compendium would be quite useful both in administrative and judicial side for the officers and staff of Sub-ordinate Courts.

I convey my best wishes for successful publication of the Compendium.

(Prashant Kumar)
Judge, Jharkhand High Court

Justice Pradip P. Bhatt
Judge
High Court of Jharkhand

सत्यमेव जयते

Dated -03-2014

MESSAGE

The Compendium of General Letters, Instructions, Circulars and Orders on various subjects relating to Civil and Criminal Issues by the High Court of Judicature, at Patna and the High Court of Jharkhand, respectively, is first of its kind.

The Compendium of General Letters, Instructions, Circulars and Orders relating to administration of justice will be very useful to the judiciary, its officers and staff members.

On the occasion of releasing the first edition of Compendium, I appreciate the efforts made by the Judicial Academy for preparation and publication of such a Compendium.

(P.P. Bhatt, J.)

Justice H.C. Mishra
Judge
High Court of Jharkhand

सत्यमेव जयते

Ranchi, the 7th of March, 2014

MESSAGE

It is heartening to note that the Judicial Academy Jharkhand is coming up with yet another very useful book titled as "Compendium on General Letters, Circulars and Orders (Civil and Criminal)".

I have been informed that this Compendium is the compilation of general letters, circulars and orders issued by the Patna High Court and Jharkhand High Court, which shall be very useful for the Judicial Officers, and the members of staff in their day to day work, both in civil and criminal sides.

Yet heartening is to note that the Compendium also includes the old circulars and orders issued by the (Patna High Court right from the year 1917 itself. Such old circulars and orders though may not have much relevance in the changed scenario, but their importance cannot be denied and even in the present era, useful guidelines may be taken from them in day to day work of the High Court and the Civil Courts. This apart old circulars and orders have their own historic values and they are valuable assets in the archive.

I have no doubt that this Compendium shall prove its worth and shall provide useful guidelines to the Judicial Officers and the members of the staff.

My heartiest congratulations to the Director, Judicial Academy, Jharkhand, and his entire team for bringing out this useful Compendium.

28/1/2014

(Justice H.C. Mishra)

Justice D.N. Upadhyay
Judge
High Court of Jharkhand

MESSAGE

It is laudable to note that Judicial Academy Jharkhand is going to accomplish a long awaited expectations of Judicial Officers and Staff of District and Subordinate Judiciary across the State by publishing a ***"Compendium of General Letters, Circulars and Orders on Civil and Criminal"****.*

The initiative taken by the Judicial Academy is very productive in the right direction by compiling all important letters, circulars and orders issued by the Patna High Court as also by the High Court of Jharkhand to facilitate the Judicial Officers and Staff Members of District and Subordinate Court to discharge their work more efficiently and effectively in the administration of justice.

I am happy to appreciate the Director, Judicial Academy Jharkhand and his team members for their strenuous efforts for this publication under the able guidance of Her Lordship Hon'ble Mrs. ***Justice R. Banumathi****, Chief Justice of the High Court of Jharkhand.*

I wish all success for the efforts taken by the Judicial Academy Jharkhand.

(D.N. Upadhyay, J.)

Justice Aparesh Kumar Singh
Judge
High Court of Jharkhand

सत्यमेव जयते

MESSAGE

It is hearting to know that the Judicial Academy, Jharkhand has once again taken endeavour to prepare ***"Compendium of General Letters, Circulars & Orders (Civil) & Compendium of General Letters, Circulars & Orders (Criminal)"****. It is a compilation of general instruction on various subjects, relating to both civil and criminal side issued from time to time for effective and efficient functioning of the Subordinate Judiciary. As a matter of fact, the compilation begins from a general letter issued on 16th January, 1917 by the Registrar of the High Court of Judicature at Patna with a copy to all the District Judges and the Judicial Commissioner, Chotanagpur as well. The efforts and the pains taken to prepare such compendium spread over a period of nine decades are to be appreciated by one and all. I sincerely hope that the Compendium shall prove to be of immense help to the Subordinate Judiciary in its functioning.*

I convey my best wishes to the Judicial Academy, Jharkhand in all such endeavours for strengthening the functioning of Judicial Institution within the State.

Aparesh Kumar Singh

Justice Aparesh Kumar Singh

Justice S. Chandra Shekhar
Judge
High Court of Jharkhand

सत्यमेव जयते

MESSAGE

The proposed publication of "Compendium of General Letters, Circulars and Orders" appears to be a very useful compilation. I find that it contains various Circulars including the one dated 16.01.1917. There are other general letters containing instructions/guidelines for granting adjournment, production of prisoners, disposal of old cases etc. I am sure this Compendium would be very useful for judicial officers . I appreciate the endeovour and hard work done by the Director, Judicial Academy.

(Shree Chandrashekhar, J.)

Justice Amitav K. Gupta
Judge
High Court of Jharkhand

सत्यमेव जयते

Dated, the 7th March, 2014

MESSAGE

It is a great endeavour on part of the Judicial Academy Jharkhand in taking initiative in publishing "Compendium on General letters, Circulars and Orders(Civil and Criminal)" which was a long standing demand of the Judicial Officers and staff members of the district Courts.

The effort taken by the Academy, in compiling all important general letters, circulars and orders issued from time to time by the High Court for the smooth functioning of the District Courts, is highly commendable.

In recent past the Academy has published three books and the present book is the 4th in continuation, with an aim to update the memory of the Judicial Officers and staff members of courts regarding the important letters, circulars and orders issued by the High Court from time to time.

It is indeed a moment when I could not restrain myself from appreciating the efforts of the Judicial Academy in achieving a distinctive milestone.

I congratulate the Director, Judicial Academy Jharkhand and his team members, for providing such a unique book to the Judicial Family.

(Amitav K. Gupta)

Contents

GENERAL LETTER NO. 1 OF 1934.

From

I.G. Shearer, Esqr., I.C.S.,
Registrar of the High Court of Judicature at Patna

To

All District Magistrates and Deputy Commissioners.

Dated Patna, the 16th November, 1934.

Sir,

I am directed to refer to rule 10 at page 98 of the General Rules and Circular Orders, Criminal, Volume I, which provides that in calculating the duration of cases before the magistrate, time must be counted from the date of apprehension of-the accused or of his appearance in Court whichever was the earlier. The rule does not specifically mention cases in which there are several accused persons, but it is obviously intended that in such cases the duration should be calculated from the date on which the first accused to be apprehended or to appear in Court is apprehended or appears in Court. The High Court has noticed that in certain subordinate Courts the duration .is counted from the date of apprehension or appearance of the last accused and that owing to this incorrect procedure, cases which according to the correct mode of computation, are pending over three months or over one month arc not so entered in Parts I and II respectively of the quarterly statements submitted by the subordinate Courts in form (S)3. I am, therefore, to request you to satisfy yourself in future, especially during inspections, of the accuracy of the quarterly statements in this respect. The subordinate Courts may also be instructed that in pending cases in which there are several co-accused an explanation of delay should be given whenever there is an interval of over three months or one month as the case may be, from the date on which the first accused to be apprehended or to appear in Court was apprehended or appeared in Court.

2. A practice exists in some Courts of calculating the interval of two months mentioned in rule 41 at page 18 of the General Rules and Circular Orders, Criminal, Volume I, from the date of apprehension of the last accused and not from that of the first. I am to request you to see that the practice where it exists is discontinued and that an explanation of delay is submitted by the committing Magistrate whenever the interval between commitment and the apprehension of any of the accused persons exceeds two months.

I have the honour to be,
Sir,
Your most, obedient servant,
I. G. SHEARER
Registrar.

Memo No. V-1-1934-Cr.

Copy forwarded to the District Magistrate /Deputy Commissioner of Sessions Judge / Judicial Commissioner for information and guidance.

By order of the High Court,
N. C. RAY,
Assistant Registrar.

Patna High Court,
Dated / the December, 1934.

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General Letter No. 1 of 1935.

From

H. R. MEREDITH, Eqr., I.C.S.,
Registrar of the High Court of Judicature at Patna.

To,

All Sessions Judges, The Judicial Commissioner of Chotanagpur

Sir,

I am directed to invite your attention to rule 62 at page 24 of the Court's General Rules and Circular Orders, Criminal, Volume I and to say that, it has come to the notice of the Court that there is at present a lack of uniformity in the manner in which the rule is observed by the subordinate courts. Although under the rule the selection of material exhibits for despatch to the High, Court, is to be made by the Sessions Judge himself, the work is often left to subordinates with the result that in some cases all material exhibits irrespective of their importance or bulk are sent to the High Court and in others none at all are sent, unless an intimation is given by the Court that they are required. The Court, therefore, desire to impress on all Sessions Judges that at the time of conducting the trial they should carefully consider this matter in each case and prior to forwarding the record pass a specific order on the order-sheet as to which material exhibits, if any, are to be forwarded therewith.

I have honour to be,
Sir,
Your most obedient Servant,
H. R. MEREDITH,

Memo No. V-8-34.-Cr.

Copy forwarded to the Sessions Judges of / Judicial Commissioner of Chotanagpur for information and guidance and for communication to the Courts subordinate to him.

By order of the High Court,
N. C. RAY,
Assistant Registrar

Patna, The January, 1935

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General Letter No. 1 of 1936.

From

H.R. MEREDITH, Esqr, I.C.S.,
Registrar of the High Court of Judicature at Patna.

To

All Sessions Judges and The Judicial Commissioner of Chotanagpur.

Dated Patna, the 21st January, 1986.

Sir,

I am directed to say that it has come to the notice of the Court that some Sessions Judges do not exercise a sound discretion in selecting under the provisions of rule 62 at page 24 of the Court's General Rules and Circular Orders, Criminal, Volume I, material exhibits for transmission to the High Court. The Court, therefore, desire to impress on all Sessions Judges that in applying the rule and the instructions in General Letter No. 1 of 1935 (Criminal), the personal attention of the presiding Judge or if he has left the station, of the Sessions Judge, is essential and in particular all blood-stained weapons, garments and other articles which are relied upon by the prosecution to prove the identity of the murderer or his victim are to do among the exhibits to be sent to this Court with the record of a Death Reference case.

I have the honour to be,
Sir,
Your most obedient servant,
H.R. MEREDITH,
Registrar.

Memo No. V-l-1936-Cr.

Copy forwarded to the Sessions Judge of/Judicial Commissioner of Chota Nagpur for information and guidance and for communication to and guidance of the Courts subordinate to him,

By order of the High Court,
KHALILUR RAHMAN,
Assistant Registrar.

Patna,
The 31st February, 1936
High Court, English Department (Criminal).

***

General Letter No. 1 of 1940.

From

S. K. Das, Esqr., I.C.S, Registrar of the High Court of Judicature at Patna

To

All District Magistrates and Deputy Commissioners of Bihar and Orissa
(Excluding Ex-Madras Area).

Dated Patna, the 19th March, 1940.

Sir,

I am directed to say that a question has been raised if the dates of adjournment of a case, after it has been transferred to another Magistrate for trial, should be entered in column 6 of the Register in form No. (R) 1 at page 39 of Volume II of the Court's General Rules and Circular Orders, Criminal, in accordance with the instructions contained in footnote 4 of the form. On a consideration of the views expressed by the District Officers and having regard to the provisions of rules 10 and 11 at page 98 of Volume I of the General Rules and Circular Orders, Criminal, the Court consider that in such cases it will be sufficient if dates of adjournment are entered in column 6 of the Register (R) I only up to the date of such transfer. Subsequent dates of adjournment should be entered in the column of remarks in the Register in form No; (R) 3 in the Court to which the case is transferred, as required by footnote 2 of the said Register.

I have the honour to be,
Sir,
Your most obedient servant,
S. K. Das.
Registrar,

Memo No. IX-24-1939 (Civil)

Dated Patna, the May, 1940.

Copy forwarded to the District Magistrate / Deputy Commissioner of for information and guidance and for favour of communication to the courts subordinate to him.

By order of the High Court,
E K. Nag,
Assistant Registrar.

High Court, English Department (Criminal)

***

General Letter No. 2 of 1940.

(CRIMINAL)

From

S. K. Das., Esqr, I.C.S.,
Registrar of the High Court of Judicature at Patna

To

All District and Sessions Judges of Bihar and Orissa, including the agency District and

Sessions Judges of Gary am and Koraput and the Judicial Commissioner of Chota Nagpur.

Dated, Patna the 8th August, 1940.

Sir

I am directed to refer to the instructions in note 2 at the foot of Part II of Quarterly Statement B in form no. (S)4 at pages 69 and 70 of the Court's General Rules and Circular Orders, Criminal, Volume II, and to say that the explanations received do not often make it clear how many of the cases are more than two months old and how many more than one month old. As this information is required for judging the state of the file, I am to request that you will be so good as to note in future the number of cases which are two months old and also of those which are only one month old in the last column of the said statement.

I have the honour to be,
Sir,
Your most, obedient servant
S.K. DAS,
Registrar.

Memo No. X-l-1940. Cr.

Dated Patna the September, 1940

Copy forwarded to the District & Sessions Judge of / Judicial Commissioner of / Agency District and Sessions Judge of for information and guidance and for communication to and guidance of the courts subordinate to him.

By order of the High Court,
P. K. NAG,
Assistant Registrar,

High Court English Department (Criminal).

***

General Letter No. 1 of 1941.

(CRIMINAL)

From

H. Whittaker. Esqr., I.C.S., Registrar of the High Court of Judicature at Patna,

To

All District Magistrates And All Deputy Commissioners of Bihar and Orissa.

Dated Patna, the 21st November, 1941.

Subject - Procedure to be followed in criminal cases in noting the attendance of witnesses in the Witness Register when the witnesses present on the date fixed for trial are not examined.

Sir,

It has recently been brought to the notice of the Court that the procedure followed in noting the attendance of witnesses in the Witness Register [Form No. (R) 8 / (Criminal)] is not uniform.

Thus, in some districts, if a case in the general file cannot be taken up for trial on the day the witnesses appear, no entries are made in the Witness Register in respect of the witnesses in attendance : a mere list of the hazri of such witnesses is kept with the record of the case. In other districts, however, appropriate entries are made in the Witness Register in respect of all such witnesses, and on the day the case is transferred to the file of another Magistrate for trial further entries are made in the same Witness Register showing that they have been discharged "without examination".

This diversity of practice not only makes the provincial figures regarding the detention and discharge of witnesses with or without examination unreliable; it renders inter-district comparisons difficult.

I am accordingly directed to request that in future the appropriate columns of the Witness Register [(R) 8] should be filled up strictly in accordance with the instructions noted below :-

(i) Entries in respect of witnesses in attendance should invariably appear in the Witness Register of some court or other.

(ii) If on the day of witnesses first appear the case in which they have appeared is transferred by the Subdivisional Officer either to his personal file or to some other court for trial, entries in respect of such witnesses should be made in the Witness Register of the trial court.

(iii) When the Subdivisional Officer, for some reason or other, does not transfer a case for trial on the day the witnesses first appear, entries in respect of such witnesses should be made in the Subdivisional Officer's Witness Register.

(iv) If on a subsequent date a case mentioned in (iii) above is transferred to some other court for trial, the "discharge" columns in the Witness Register of the Subdivisional Officer, ordinarily reserved for entries in respect of the witnesses entered in accordance with (iii) above, should be left blank except for a note underlined and dated in ink to the effect that the case in which these witnesses had appeared has

been so transferred.

(v) The number of witnesses dealt with as in (iv) above should not be counted for the purpose of compiling Annual Table I [Form (8)4 at page 98 of the Court's General Rules and Circular Orders, Criminal, Volume II].

(vi) When another Magistrate receives a case from the Sub divisional Officer for trial, the witnesses in attendance in the day of the transfer should be entered in the Witness Register of the trying Magistrate, and opposite each such entry a note within brackets should be made showing the date or dates of the appearance of such witnesses before the Subdivisional Officer prior to transfer of the case.

(vii) In submitting the explanations required by the footnote to Table, I, Form (8) 14 at page 98 of the Court's General Rules and Circular, Orders, Criminal, Volume II, the Court concerned may indicate, where necessary, the extent of the responsibility of the Sub divisional Officer for the detention of witnesses.

I have the honour to be
Sir, Your most obedient servant,
H. WHITTAKER, Registrar.

***

No. 1881-1907

FROM

THE REGISTRAR, HIGH COURT OF JUDICATURE AT PATNA.

To

ALL DISTRICT JUDGES OF BIHAR INCLUDING THE J. C. OF CHOTANAGPUR AND DISTRICT MAGISTRATES AND DY. COMMISSIONERS OF BIHAR.

The 25th April 1944.

I am directed to forward a copy of letter no. 3520F, dated the 28th March, 1944, from the Under-Secretary to the Government of Bihar, Finance Department, Patna and to say that the Court direct 'that as a temporary measure, the operation of rule (1) 59 at page 98/ (2) 45 at page 64 of the Court's G.R. and C.O. (1) Civil/(2) Criminal Vol. I shall remain suspended and except in case of confidential records, which should be destroyed; by burning as at present the destruction of useless records shall be effected by tearing them into quarter sheets. You may appoint as extra peon for 15 days once a quarter if necessary, for tearing the paper.

2. The torn records should be sold in the manner indicated in the letter of the Government of Bihar.

I have the honour to be,
Sir, Yours most obedient Servant,
ILLEGIBLE, Registrar.

***

General Letter no. 4 of 1944.

(Criminal)

From

A. Salisbury, Esqr. Registrar of the High Court of Judicature at Patna

To

All District Magistrates and Deputy Commissioners of Bihar and Orissa and The Agents to the Provincial Government of Orissa in Ganjam and Koraput.

Dated Patna, the 13th May, 1944.

Sir,

I am directed to refer to rule 23, page 100, of the General Rules and circular orders, Criminal, Volume I, which provides for submission to this court of quarterly returns by District Magistrates to gather with clear and concise explanations concerning delays with District Magistrates remarks thereon. A number of instances have come recently to the notice of the Court in which there were inordinate delays in the submission of these returns. In one district the quarterly statements for the 3rd and 4th quarters of 1943 were received in March, 1944 without any explanations of delay, and the explanations of cases delayed in the 1st and 2nd quarters of 1943 were received in January, 1944 without any comment by the District Magistrate. In another district the explanations of cases delayed in the 3rd quarter of 1943 were received in January, 1944 and those in the 4th quarter of 1943 in March, 1944.

The Court recognise that under the abnormal conditions now prevailing, Magistrates are working under a considerable strain. But returns so belated serve no useful purpose. The Court accordingly direct that in future District Magistrates should give their personal attention to the submission of quarterly returns. These should be sent together with their comments on the explanations of delay within one month of the end of the quarter to which they relate. Any further delay will be referred to the provincial Government for such action as they consider necessary. In view, however, of the present abnormal conditions (in one district of orissa 284 cases in part I were pending over 3 months at -the end of the third quarter of 1943. The corresponding figures for 3 of the district of Bihar at the end of the 4th quarter of 1943 were 220,197 and 114), the Court have decided to relax as a temporary measure the operation of rule 23 at page 100 of the General Rule and Circular orders Criminal Volume I. For the remaining quarters of 1944 and for the four quarter's of 1945, explanations of cases in part I and part II of the statement need only be submitted when they have remained pending for more than 5 months and 3 months, respectively man the date of institution. Accordingly the statements for the rest of 1944 and for the whole of 1945 should show in column 19 of part I the number of cases pending over 5 months instead of cases pending over 3 months out of those shown in column 18 and in the remarks column of part II the number of cases (including cases of dispute as to immovable property under Chapter XII, Cr.) C. P. pending over 3 months instead of cases pending over one month.

I have, etc.
A. SALISBURY, Registrar.

***

General Letter no. 8 of 1944

(Criminal)

FROM

A. Salisbury. Es. I.C.S.,
Registrar of the High Court of Judicature at Patna.

To

All District Magistrates and Deputy Commissioners of Bihar and Orissa, and
The Agents to the Provincial Government of Orissa in Ganjam and Koraput.

Dated, Patna the 3rd November, 1944.

Sir,

It has come to the notice of the Court that, in some districts records in criminal cases are destroyed according to the date of disposal in trial courts, which is contrary to rule 40 at page 61 of the Courts General Rules and Circular Orders, Criminal, Volume I. I am directed to draw your attention to the above rule and to say that records are to be destroyed according to the date of disposal by appellate and revisional courts.

I have the honour to be,
Sir, Your most obedient servant,
A. SALISBURY, Registrar.

***

General Letter No. 1 of 1949.

(Criminal)

From

B. P Jamuar, Esqr, Barrister-at-Law,
Registrar of the High Court of Judicature at Patna.

To

All the Sessions Judges of Bihar And
The Judicial Commissioner of Chotanagpur.

Dated, Patna, the 2nd January, 1949

Sir,

I am directed to say that recent High Court inspections have shown that in sessions cases commitment orders are not put up immediately before the Sessions Judge as and when they re-received but after Several months. It appears that the importance of fixing dates immediately on the receipt of the commitment order is not realised in many judgeships.

The Court consider the practice to be undesirable and direct that, in future, all commitment orders should be put up immediately on receipt for taking prompt action.

Yours faithfully,
B. P. Jamuar, Registrar

Memo No. _____
XLVIB-5-1948

Dated, Patna the January, 1949.

Copy forwarded to the Sessions Judge of/Judicial Commissioner of/ Deputy Commissioner of/District Magistrate of for information and guidance.

By order of the High Court
S. C. LALA, Assistant Registrar

[High Court, English Department, (Criminal)].

Note : Related instructions at Pg. - 13, 18, 44

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General Letter no. 3 of 1952

(Criminal)

From

S. N. IMAM, Esqr., Barrister-at-Law,
Registrar of the High Court of Judicature at Patna.

To

All the District Magistrates and The Deputy Commissioners of Bihar.

Dated Patna, the 6th May, 1952

Sir,

It has come to the notice of the Court that some magisterial courts omit to enter the case number in original depositions although a space has been provided for it in the prescribed form of deposition [Form No. (J) 12]. They also do not mention the case number when putting exhibit marks on documents. Considerable inconvenience is felt when copies of such depositions and exhibits are filed for reference in other cases.

The Court direct that, in future, magisterial courts invariably mention the case number in the original depositions and on exhibited documents,

Yours faithfully
S. N. IMAM, Registrar,

Memo No.
XLIXD-5-1952

Copy forwarded to the Sessions-Judge / District Magistrate / Judicial Commissioner / Deputy Commissioner for information and guidance and for favour of communication to and guidance of the court's subordinate to him.

By order of the High Court,
S. C. LALA, Assistant Registrar

High Court, English Department, (Criminal)
The June, 1963

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General Letter No. 5 of 1952.

(Criminal)

From

M. Yahya, Esqr., M.A., B.L.,
Registrar of the High Court of Judicature at Patna.

To

All the District Magistrates, Deputy Commissioners and. Sessions Judges of Bihar, and the Judicial Commissioner of Chotanagpur.

Dated, Patna, the 13th November, 1952

Sir,

In inviting a reference to paragraph 2 of General Letter No. 3 of 1914 of the High. Court of Calcutta, I am directed to say that the Court has noticed in many cases that the instructions given therein are not strictly followed by the District Magistrate or the Sessions Judge while forwarding explanations of delay in accordance with Rule 23 at page 100'and Rule 41 at page 18 of the Court's General Rules and Circular Orders, Criminal, Volume I, and, that such explanations are forwarded more or less in a routine way.

The Court considers that if the submission of such explanations is to have any practical value, the District Magistrate and the Sessions Judge should subject them to a close scrutiny on certain fundamental points and give suitable directions to the Magistrates concerned, when necessary. The Court realises that if there is a large number of explanations it may, be difficult to examine each explanation separately and in detail an examination of that nature will require time and labour which may not be worth it. It is, however, expected that the examination of explanations will be greatly facilitated if the Magistrates submit the same in a clear and concise manner as required by the note to Rule 23 at page 100 of the Court's General Rules and Circular Orders, Criminal, Volume I, and the examination is made on the basis of the following cardinal points :-

(i) Is there any flagrant case of delay by the Magistrate which requires special notice ?

(ii) If so, is the delay due to the fault of the Magistrate or any other public officer, e.g. police officer; C.S.I., or A.P.P. ? and

(iii) Is it necessary to draw the attention of the Magistrate to, or bring to the notice of the High Court, any persistent cause of delay such as habitual non-attendance of police witnesses, haphazard adjournment of cases, irregularity of procedure, failure to enforce attendance of witnesses, etc.

I am to say, further ,that the Court has reasons to believe that the failure of police officers to attend on the dates fixed is a fruitful cause of delay. To prevent this the scheme which has been worked out by the Sessions Judges of Shahabad and some other districts in consultation with the Superintendents of police and under which certain days in the week are fixed for the examination of police officers of particular police-stations, may be adopted with advantage or it may be possible to adopt a similar scheme, with changes

to suit local conditions, so an to obviate the necessity of frequent adjournments for the attendance of police officers.

In this connection, I am to invite your attention to the instructions contained in the Government of Bihar, Political Department (Police Branch), letter no. Misc. 76/50-PPR 160, dated the 28th September, 1950, a copy of which was sent to you (in separation districts) along with Government letter no. 4595 P. P., dated the 21st June, 1951, with Court's letter no. 3879-83, dated the 30th June, 1951. The question of the non-attendance of police witnesses and the reasons for such non-attendance were again considered in Government letter no. 7987, dated the 19th November, 1951, a copy of which was sent to the District and Sessions Judges of all separation districts with the Court's letter no. 7181-86, dated the 28th December, 1951. From several explanations which the Court has had occasion to examine recently, it appears that the instructions contained in the letters referred to above are not followed in practice. The Court considers that if those instructions are strictly followed, one of the main causes of delay in the disposal of criminal cases will be removed therefore, any wilful or avoidable departure from those instructions should be brought to the notice of the Court by the District Magistrate or the Sessions Judge (as the case may be), while dealing with the explanations submitted to them by subordinate Magistrates.

Another frequent cause of delay is the failure to issue processes in time and also the failure to have timely reports of execution of processes. It should be possible to remove this recurrent cause of delay by introducing a system of check, both with regard to the issue and service return of processes, in consultation with the authorities concerned.

Yours faithfully,
M. YAHYA, Registrar

Memo No. V-5-1952-Cr.

Copy forwarded to the Sessions Judge / Judicial Commissioner / District Magistrate / Deputy Commissioner for information and guidance and for favour of communication to and guidance of the courts subordinate to him.

HIGH COURT,
English Department,
(Criminal).
The 13th November, 1952

By order of the High Court,

G. M. MISRA,
2nd Assistant Registrar

***

General Letter No. 6 of 1952

(Criminal)

From

M. Yahya, Esqr., M.A., B.L.,
Registrar of the High Court of Judicature at Patna,

To

All Sessions Judges (including the Judicial Commissioner of Chotanagpur), District Magistrates (including the Additional District Magistrate of Saharsa) and Deputy Commissioners in Bihar.

Dated Patna, the 26th November, 1952.

Sir,

I am directed to say that the Court have had under consideration whether the comments made by Sessions Judges and District Magistrates on the explanations of delay, forwarded, to this Court under rule 4-1 at page 18 and, rules 23 and 23A at page 100 of the Court's General Rules and Circular Orders, Criminal Volume I, should be communicated by them to the Magistrates concerned immediately after they are made or after receipt of the final comments made on these explanations by this Court.

An enquiry made on the point reveals that the practice in this respect is not uniform. In some districts the comments are communicated to the Magistrates concerned immediately after they are made without waiting for the comments of this Court; in other districts they are communicated after they have been endorsed by this Court, and in some they are not communicated at all.

With a view to secure uniformity of practice in the matter the Court are pleased to make the following directions :-

(i) All District Magistrates, and Sessions Judges in separation districts may take action in respect of an 'unsatisfactory explanation with regard to delay in commitment, as contemplated by rate 41 at page 18 of the Court's General Rules and Circular Orders (Criminal) Volume I : but they must communicate all further comments made by the Court to the Magistrates concerned.

(ii) All District Magistrates, and Sessions Judges in separation districts, should communicate their comments on the explanations submitted under rules 23 and 23A at page 100 of the Court's General Rules and Circular Orders (Criminal), Volume I to the Magistrates concerned as soon as they are made, and should also communicate any further comments made thereon by the Court.

English Department (Criminal)

Yours faithfully
M. YAHYA
Registrar.

Memo No. V-2-52 Cr.

Copy forwarded to the Session Judges / Judicial Commissioner / District Magistrate / Deputy Commissioner of for information and guidance.

High Court, Patna
English Department, (Criminal)
The 26th November, 1952.

By order of the High Court
G.M. MISRA
2nd Assistant Registrar.

Note : Related instructions at Pg. - 10, 18, 44

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General Letter No. 3 of 1953.

(Criminal)

From

M. Yahya Esqr., MA.,B.L.,
Registrar of the High Court of Judicature at Patna.

To

All the District Magistrates, Deputy Commissioners, and Session Judge of Bihar, including the Judicial Commissioner, of Chotanagpur.

Dated Patna, the 16th March, 1953.

Sir,

I am directed to say that while examing the explanations of delay submitted by the Magistrates in accordance with rule 23 at page 100 and rule 41 at page 18 of the Court's General Rules and Circular Orders (Criminal), Volume I, the Court have noticed that the most common causes of dely in disposal of cases are :-

(a) Non-attendance of witnesses, particularly police and medical witnesses on the dates fixed;
(b) Non-issue of processes by the bench-clerks;
(c) Non-service of processes by the Nazarat and the police staff;
(d) Non production of the accused on the /.dates fixed
(e) Unnecessary adjournments asked for by the prosecuting staff; arid
(f) Haphazard and unmethodical fixing of cases by the Magistrates for the dates on which they are not free.

The Court consider that these causes of delay can be removed to a considerable extent if the District Magistrates or the Sessions Judges, as the case may be, carefully scrutinize the explanations submitted by the Magistrates and take necessary steps to remove the causes of delay mentioned therein. As for instance, where there has been non-issue of processes by the bench-clerk or non-service of summons by the Nazarat staff, they may take suitable steps against the persons at fault and pass necessary orders to see that the persons responsible for issue and service of processes perform their duties properly. Similarly, if there is delay on .the part of police officers in attending the courts or in serving processes issued to them, they can take up the matter with the Superintendent of Police and solve the difficulties in this respect. The comments so far received from the

District Magistrates and the Sessions Judges show .that they are not taking such interest in the matter as the Court would like them to take. In most cases the comments recorded by them are colourless and do not indicate what steps, if any, they have taken to remove the causes of delay disclosed by the explanations.

The Court, therefore, direct that, in future, the District Magistrates and the Sessions Judges while forwarding the explanations under rule 23, page 100 and rule 41, page 18, of the Court's General Rules and Circular Orders, (Criminal), Volume I, should carefully scrutinize those explanations and take necessary steps with regard to the causes of delay mentioned therein. They should also state briefly the comments recorded by them the steps taken by them for removing the causes of delay as disclosed by those explanations.

Yours faithfully,
M. YAHYA, Registrar.

Memo No. V-3-53

Copy forwarded to the District Magistrate, Deputy Commissioner, Sessions Judge of Judicial Commissioner for information and guidance and for favour of communication to and guidance of the courts subordinate to him.

High Court,
English Department, (Criminal)
Patna, the April. 1953.

By order of the High Court,
G.M. MISRA,
2nd Assistant Registrar.

***

General Letter no. 4 of 1953.

(Criminal)

From

M. Yahya, Esqr., M.A., B.L.,
Registrar of the High Court of Judicature at Patna.

To

All the District Magistrates and the Deputy Commissioner of Bihar, and the Sessions Judges of Patna, Gaya, Shahabad, Saran, Muzaffarpur and Monghyr.

Dated Patna, the 20th March, 1953

Sir,

I am directed to refer to Rule 23 at page 100 of the Court's General Rules and Circular Orders (Criminal), Volume I which provides for the submission of explanations of delay, with the comments of District Magistrates thereon, where a case has remained pending for more than three months. Due to the congestion in criminal files, the operation of this rule was temporarily relaxed by General Letter No. 4 of 1944 (Criminal) and explanations of delay of cases of Part I were required to be submitted where they had remained pending for more than 5 months instead of 3 months, and the life of this general letter has been extended from year to year. It has since been noticed by the Court that the congestion in the criminal files has further increased, and a fairly large number of the cases which remain pending at the end of the quarter are more than one year old. The

Court view this state of affairs with concern and are anxious to see that the cases pending for over a year are dispensed of as quickly as possible. With this end in view they have amended the form of the quarterly statement (S) 3 by adding one more column to showing separately the number of cases which are pending for over a year. The Court accordingly direct that the explanations of delay with respect to these cases should be indicated by putting in the words more than, one year old in brackets against the number of the case, and the District Magistrates and the Sessions Judges while recording their comments on these explanations should scrutinise the explanations more carefully and indicate in their comments the steps taken by them to remove the causes of delay in the disposal of cases disclosed by the explanations.

Yours faithfully
M. YAHYA,

Memo No. V-3-1953

Copy forwarded to the District Magistrate, Deputy Commissioner of, Sessions Judge for information and guidance and for favour of communication to and guidance of the courts subordinate to him.

High Court,
English Department,
(Criminal)
Patna the April, 1953,

By order of the High Court,
G. M. MISRA
2nd Assistant Registrar

***

General Letter No. 5 of 1954

(CRIMINAL)

From

NASIRUDDIN KHAN, Esqr., B.L.,
Registrar of the High Court of Judicature at Patna.

To

All District Magistrate, and Deputy Commissioners in Bihar including the Additional Deputy Commissioner of Dhanbad and the Sessions Judges of Patna, Gaya, Shahabad, Saran, Monghyr and Muzaffarpur.

Dated Patna, the 25th March, 1954.

Sir,

I am directed to say that the Court have had under consideration the question whether the Register of Petitions and Court-fees in form no. (R) 9 prescribed in the Court's General Rules and Circular Orders, Civil, Volume II, for the Civil Courts, should also be introduced in the Criminal Courts in place of form No. 19 of Schedule XXXII of the Board of Revenue, as prescribed under the instructions on the body of form No. (R) 1 at page 45 of the Court's General Rules and Circular Orders, Criminal, Volume II. After due consideration the Court have come to the, conclusion that the existing form No. 19 of the Board of Revenue should be retained and a note regarding the number of the case in which

the document is filed should be made in the remarks column of the register.

The Court desire that the above noted instructions may be communicated to the courts subordinate to you.

Yours faithfully,
NASIRUDDIN KHAN,
Registrar.

Memo no. IX-G-53

Copy forwarded to the Sessions Judge and Judicial Commissioner, District Magistrate, Deputy Commissioner for information and guidance and for communication to and guidance of the courts subordinate to him.

High Court,
English Department (Criminal)
The May, 1954

By order of the High Court,
J. NARAYAN,
1st Assistant Registrar,

***

General Letter no. 6 of 1954

(CRIMINAL)

From

Nasiruddin Khan, Esqr., B.L.
Registrar of the High Court of Judicature at Patna.

To

All District Magistrates and Deputy Commissioners in Bihar including
The Additional Deputy Commissioner of Dhanbad.

Dated Patna, the 6th September, 1954

The usual practice of the Court is that the revision application of a convicted person sentenced to imprisonment, is not taken up for admission nor his prayer for bail taken up for hearing until he has surrendered. In Criminal Revision No. 1448 of 1953 the application in revision of accused Hanuman Prasad Agarwala was taken up for hearing and bail granted to him on the 10th November 1953, on the understanding that he had surrendered. It, however, later came to the notice of the Court that accused Hanuman Prasad Agarwala had deliberately failed to surrender before his application in revision was taken up for admission and bail granted by the Court. He actually surrendered on the 11th November 1953, and was released on bail that very day in pursuance of the bail order passed by the Court. He did so with the object that the bail order would arrive in time and he would thus be saved from going to jail. As a result of an enquiry conducted into the matter, the Court found that a fraud had been committed upon them and accordingly, the bail order in favour of Hanuman Prasad Agarwala was cancelled.

In order to prevent the recurrence of the kind of fraud, which was committed on the Court in the case referred to above, the Court are pleased to direct that the Magistrate

concerned should ascertain whether on the day on which an accused person surrenders before him he has already, previous to his surrender, obtained an order for bail from the Court in case the accused be found to have obtained a bail order from the Court, previous, to his surrender, the Magistrate should obtain, necessary orders from the Court whether or not the bail order should be given effect to.

I am to say that the above instructions should be strictly followed in future.

Yours faithfully,
NASIRUDDIN KHAN, Registrar.

Memo No. XLIXD-29-54

Copy forwarded to the District Magistrate Deputy Commissioner, Sessions Judge of Judicial Commissioner for information and guidance and for communication to and guidance of the courts subordinate to him.

High Court
English Department, (Criminal)
The December, 1954

By order of the High Court,
J. NARAYAN,
1st Assistant Registrar.

***

General Letter no. 1 of 1956.

(Criminal)

From

H. K. Chaudhuri, Esqr., M.A., B.L.,
Registrar of the High Court of Judicature at Patna,

To

All the Sessions Judges (including the Judicial Commissioner of Chotanagpur), and all the District Magistrates and Deputy Commissioner (including the Additional Deputy Commissioner of Dhanbad) in the State of Bihar.

Dated Patna, the 3rd March, 1956

Sir,

I am directed to say that it has come to the notice of the Court that the explanations of delay in commitment of the accused in some sessions cases have not been received though the commitment orders were passed more than two years ago. It appears that rule 41 at pages 16-17 of the Court's General Rules and Circular Orders, Criminal, Volume I, is hot being strictly followed in some districts. I am, accordingly to request you to impress upon all Magistrates the imperative necessity of submitting the necessary explanation at, the time of notifying the commitment whenever there is an interval of more than two months between the apprehension and the commitment of the accused.

The Court further desire that all such explanations of delay with your respective remarks or opinion thereon should be duly and invariably forwarded to this Court along with the sessions statement as provided by rule 41 aforesaid at pages ,16-17 of the Court's General Rules and Circular Orders, Criminal, Volume I.

Yours faithfully,
H. K. CHAUDHURI, Registrar

Memo No. V-l-50 Cr.

Copy forwarded to the Sessions Judge / Judicial Commissioner / District Magistrate of Deputy Commissioner for information and guidance and for favour of communication to and guidance of the courts subordinate to him.

High Court,
English Department,
(Criminal)
The April, 1956.

By order of the High Court
T. C. ROY,
2nd Assistant Registrar.

Note : Related instructions at Pg. - 10, 13, 44

***

General Letter no. 2 of 1956.

(Criminal)

From

H. K. Chaudhuri, Esqr., M.A., B.L., Registrar of the High Court of Judicature at Patna,

To

All District Magistrates and Deputy Commissioners in Bihar including the additional Deputy Commissioner of Dhanbad and the Sessions Judge of Patna, Gaya, Shahabad, Saran, Monghyr and Muzaffarpur.

Dated, Patna, the 12th March 1956.

Sir,

It has been brought to the notice of the Court that certain documents from the record of a case investigated by the Special Police Establishment of the Government of India were found missing while the trial of the case was going on in the court of the Special Magistrate of Ranchi. Inspite of vigorous search the documents could not be traced, and by way of explanation it was reported by the Deputy Commissioner of Ranchi that in view of the fact that the record of the case travelled from court to court and a very long time had elapsed, it was not possible to fix the responsibility for the loss.

In order to obviate chances of such loss in future, it is necessary that the Bench Clerks should be made to feel that they themselves are wholly responsible for the safety of the record of every criminal case and that their explanation that they are not responsible for the loss of the documents because the record had passed through Several courts before it came into his custody will be considered as satisfactory as it should be the duty of every Bench Clerk to verify immediately on receipt of a record as to whether the contents noted in the table of contents and the order-sheet of the case are on the file or not. If he discovers that any of the documents is not there, he should, immediately bring the matter to the notice of the presiding officer concerned and send a report to that effect also to the court concerned. The ministerial officer handing over or sending the record of a criminal case

should invariably obtain an acknowledgment from the Bench Clerk concerned that the records are in order and that the contents have been duly received by him.

I am directed to request that the above instructions of the Court should be strictly followed in future.

Yours faithfully,
H. K. CHAUDHURI, Registrar.

Memo No. XLIXD-25-55.

Copy forwarded to the District. Magistrate /Deputy Commissioner of Sessions Judge / Judicial Commissioner for information and guidance and for communication to and guidance of the courts subordinate to him.

High Court,
English Department (Criminal).
The May, 1956

By order of the High Court,
D. P. SINHA,
First Assistant Registrar.

***

General Letter no. 5 of 1956.

(CRIMINAL)

From

Anant Singh, Esqr,,
Registrar of the High Court of Judicature at Patna,

To

All District Magistrates and Deputy Commissioners in Bihar including the Additional
Deputy Commissioner of Dhanbad.

Dated Patna, the 14th July, 1956

Subject - Cancellation of Court-fee stamps and strict observance of rules in respect thereof.

Sir,

I am directed to refer to rules 21 to 26 at pages 85 to 87 of the Court's General Rules and Circular Orders, Criminal, Volume I, on the subject noted above. As several instances of omission to follow these rules have been brought to the notice of the Court with the result that in some districts, Court-fee stamps were removed from the petitions and sold to stamp vendors at the end of the day in the Magisterial and Revenue Courts, I am to request you to draw the attention of the courts subordinate to you to the provision of these rules and to impress upon them the importance of their strict observance.

Yours faithfully,
ANANT SINGH,
Registrar.

Memo No. XLIXD-46-55.

Copy forwarded to the District Magistrate / Deputy Commissioner of Sessions

Judge / Judicial Commissioner for information and guidance and for communication to and guidance of the courts subordinate to him.

By order of the High Court,
C. N. TIWARY,
First Assistant Registrar.

HIGH COURT,
English Department
(Criminal)
The November, 1956.

***

GENERAL LETTER NO. 1 OF 1957

(CRIMINAL)

From

Anant Singh, Esqr.,
Registrar of the High Court of Judicature at Patna,

To

All District Magistrates and Deputy Commissioners in Bihar.

Dated Patna, the 18th January 1957

Subject - Writing of table of contents of the records in the office of the Subdivisional Magistrate before the transfer of the case to the trying Magistrate.

Sir,

I am directed to say that it has been brought to the notice of the Court that the records received by the trial courts from the Subdivisional Magistrate are not arranged according to the instructions laid down at page 47 of the Court's General Rules and Circular Orders, Criminal, Volume I and the table of contents given below rule 27 at page 55 of the Court's General Rules and Circular Orders, ibid, remain blank. Consequently the Bench Clerks of the transferee courts receiving those records feel difficulty in checking whether all the papers have been received or some of them are wanting, and are thus unable to-follow the instructions contained in the Court's General Rule No. 2 of 1956 (Criminal).

I am, therefore, to request that the Subdivisional Officers should be directed to see that the records are properly arranged in accordance with the provisions rule 6 at pages 47 to 49 of the Court's General Rules 'and Circular Orders, Criminal, Volume I and the table of contents in every case is filled in properly before they are transferred to the trying magistrates.

The above instructions should .be strictly followed in future.

Yours faithfully,
ANANT SINGH
Registrar.

Memo No. - XLIXD-32 56.

The March 1957

Copy forwarded to the District Magistrate/Deputy Commissioner/ Sessions Judge/ Judicial Commissioner for information and guidance and for communication to and guidance of the courts subordinate to him.

By order of the High Court,
C. N. TIWARY,
First Assistant Registrar.

High Court, English Department, (Criminal).

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General Letter No. 9 of 1957

(CRIMINAL)

From

Anant Singh, Esq., B.A., B.L.,
Registrar of the High Court of Judicature at Patna.

To

All the Sessions Judges and the Judicial Commissioner of Chotanagpur in Bihar.

20th, Asvina 1879.
Dated Patna, the _____
12th October, 1957.

Sir,

I am directed to say that it has come to the notice of .the Court that Sessions and Additional Sessions Judges, While awarding the sentence of imprisonment for life, do not sometimes, specify if the sentence is rigorous or simple and this omission is bound to create complications subsequently.

The Court accordingly direct that while passing Sentence of imprisonment for life in future, Sessions Judges and Additional Sessions Judges should invariably specify whether, the imprisonment awarded is rigorous or simple.

Yours faithfully,
ANANT SINGH,
Registrar,

Memo No. V-5-57,

Kartika, 1879.
The _____
November, 1957.

Copy forwarded to the Sessions Judge / Judicial Commissioner / District Magistrate / Deputy Commissioner for information end guidance and for communication to and guidance of the courts subordinate to him.

By order of the High Court,
T. C. ROY,
2nd Assistant Registrar

High Court, English Department (Criminal).

***

General Letter No. 11 of 1957.

(CRIMINAL)

From

Anant Singh, Esq., B.A., B.L.,
Registrar of the High Court of Judicature at Patna,

To

All the Sessions Judges in Bihar and the Judicial Commissioner of Chotanagpur and all the District Magistrates and Deputy Commissioners in Bihar.

7th Kartika, 1879.
Dated Patna, _____
29th October, 1957

Sir,

I am directed to say that it has come to the notice of the Court that the instructions contained in the Court's. General Letter Nos. 5 of 1952 and 3 of 1953 (Criminal) are not generally followed by the District Magistrates or the Sessions Judges while forwarding the explanations of delay in accordance to rule 23 and the note thereunder at page 93 and rule 41 at pages 16 and 17 of the Court's General Rules and Circular Orders Criminal, Vol. I.

I am, therefore, to draw your attention to the instructions contained in the aforesaid General Letters and to see that they are strictly followed.

The Court also direct that the District Magistrates or the Sessions Judges, while scrutinising the explanations of delay, should try to remove the Various causes of delay, as far as possible; they should draw the attention of the Superintendent of Police in case of late submission of charge sheet and also of the magistrates where they have failed to take adequate steps for securing the attendance of witnesses.

Yours faithfully,
ANANT SINGH,

Memo No. XI-13-57 Cr.

January, 1958.

The _____
Pausa-Magha, 1879

Copy forwarded to the Sessions Judge / Judicial Commissioner / District Magistrate / Deputy Commissioner for information and guidance and for favour of communication to and guidance of the courts subordinate to him.

By order of the High Court,
T. C. ROY,
2nd Assistant Registrar.

High Court, English Department, (Criminal).

***

General Letter No. 12 of 1957

(CRIMINAL)

From

Anant Singh, Esq., B.A, B.L.,
Registrar of the High Court of Judicature at Patna,

To

All the Sessions Judges of Bihar / the Judicial Commissioner of Chotanagpur.

11th Kartika, 1897.

Date Patna, the _____
2nd November, 1957.

Sir,

I am directed to say that instances have come to the notice of this Court that the disposal of sessions cases are delayed because some Sessions Judges do not fix dates for trial in their own courts or transfer the cases immediately to the courts of Additional Sessions Judges on receipt of the commitment orders.

I am, therefore, to draw your attention to the instructions given in rule 20 at page 11 of the Court's General Rules and Circular Orders, Criminal, Vol. I, and General letter No. 1 of 1949 (Criminal) for their strict compliance and to request you to fix dates in the sessions cases in your own courts, and, if your diary is full, transfer them to the other Sessions Courts promptly, ordinarily within a week, on receipt of the commitment proceedings.

Yours faithfully,
ANANT SINGH,
Registrar.

Memo No. V-4-57.

November, 1957.

The _____

Kartika, 1879.

Copy forwarded to the Sessions Judge / Judicial Commissioner / District Magistrate / Deputy Commissioner for information and guidance.

By order of the High Court,
T. C. ROY,
2nd Assistant Registrar.

High Court, English Department (Criminal).

Note : Related instructions at Pg. - 66

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General Letter No. 13 of 1957

(CRIMINAL)

From

Anant Singh, Esq., B.A., B.L.,
Registrar of the High Court of Judicature at Patna,

To

All the Sessions Judges in Bihar, the Judicial Commissioner of Chotanagpur and
All the District Magistrates, and the Deputy Commissioners in Bihar.

Dated Patna, 11th Kartika 1879 / 2nd November 1957

Sir,

I am directed to say that recent inspections have shown that Committing Magistrates often make undue delay in notifying commitment proceedings to the Court of Session. This appears to have resulted in unnecessary delay in disposal of cases.

I am accordingly to invite your attention to note 1 to rule 15 at page 10 of the court's General Rules and Circular Orders, Criminal, Vol. I and to request you to see that the instructions contained there are strictly followed. The Committing Magistrates should avoid delay in notifying the commitment proceedings to the Court of Session, and in case of delay of more than a week, they must invariably furnish their explanation for the delay.

Yours faithfully,
ANANT SINGH
Registrar.

Memo No. V-4-57

The, November, 1957 Kartika, 1879

Copy forwarded to the Session Judge, Judicial Commissioner, District Magistrate, and Deputy Commissioner for information and guidance and for communication to and guidance of the courts subordinate to him.

By order of the High Court,

High Court
English Department,
(Criminal)

T. C. ROY,
Second Assistant Registrar.

***

General Letter No. 2 of 1961

(CRIMINAL)

From

Shambhu Prasad Singh, Esqr., B.L.,
Registrar of the High Court of Judicature at Patna

To

All the Sessions Judges in Bihar and The Judicial Commissioner of Chotanagpur, Ranchi

Dated the 12th Asadha, 1883/3rd July 1961

Sir,

I am directed to say that it has been brought to the notice of the Court that much difficulty is experienced because of the fact that there is no prescribed register of requisitions from the copying Department for the Courts of Judicial Magistrates. The rules in the Bihar Records Manual also do not prescribe any such register.

The Court, therefore, desire that until further orders the Judicial Magistrates may be directed to maintain a register of requisitions from the Copying Department, similar to the register in Form No. (R)17, at Page 100 of General Rules and Circular Order, Civil Volume, II.

The above instructions may be followed strictly by all concerned.

Yours faithfully,
S. P. SINGH,
Registrar

Memo No. XLXD-5-61

The 16th Bhadra, 1883 / 7th September 1961

Copy forwarded to the Sessions Judge, Judicial Commissioner and Deputy Commissioner of..... for information and guidance and for communication and guidance of the Courts subordinate to him.

High Court, English Department, (Criminal)

By order of the High Court,
V. MISHRA,
First Assistant Registrar

***

General Letter No. 4 of 1961

(CRIMINAL)

From

S.P. Singh, Esqr., B.L.
Registrar of the High Court of Judicature at Patna.

To

The Sessions Judges of Patna, Gaya, Shahabad, Darbhanga, Saran, Champaran, Purnea, Muzaffarpur, Monghyr, Bhagalpur, and Hazaribagh.

Dated the 19th Sravana 1883 / 10th August 1961

Sir,

I am directed to say that it has been brought to the notice of the Court that the Judicial Magistrates do not maintain the Registers of letters received and issued. No such register has been prescribed by the Court for the use of Criminal Courts. On the civil side, however, Registers Nos. 60 and 61, at pages 49 and 50 of the Register and Return Manual 1932, prescribed by the Board of Revenue, are maintained in accordance with Rule 5, at page 178 of G.R. and C.O., Civil, Vol. I.

The Court have, therefore, decided that the Registers of letters received and issued may also be maintained by the Judicial Magistrates the aforesaid forms, prescribed by the Board of Revenue. The Judicial Magistrates may be directed accordingly.

The above instructions may be followed strictly by all concerned.

Yours faithfully,
S. P. SINGH,
Registrar.

Memo No. XLIXD-6-61

The _____ Pausa, 1883 / January 1962

Copy forwarded to the Sessions Judge of..... for information and guidance and for communication to and guidance of the Courts subordinate to him.

By order of the High Court,

High Court,
English Department,
(Criminal)

V MISHRA,
First Assistant Registrar.

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General Letter No. 5 of 1961

From

Shambhu Prasad Singh, Esqr., B. L.,
Registrar of the High. Court of Judicature at Patna,

To

All Sessions Judges and all District Magistrates and Deputy Commissioners in Bihar.

Dated Patna, the 6th Bhadra 1883 / 28th August 1961

Sir,

The Court have had under consideration the question whether a Register of cases in which proceedings have been stayed should be maintained in the Criminal Courts similar to the register maintained in the Civil Courts in Form no. (R) 41 at page 131 of the Court's General Rules and Circular Orders, Civil, Volume II.

After due consideration the Court have come to the conclusion that it is not necessary to maintain a separate register for the purpose in the Criminal Courts. The fact whether the proceedings in a case have been stayed can be known at a glance if a note to this effect is made in red ink in the remarks column of the Trial Register in Form no. (R)3, at page 47 of the Court's General Rules and ; Circular Orders, Criminal, Volume II.

The Court, therefore, direct that, in future such a note should, invariably be made in the remarks column of the Trial Register (R)3 Criminal in, red ink.

The above instructions should be strictly followed by all concerned.

Yours faithfully,
S. P. SINGH
Registrar

Memo No. IX-25-59

The _____ *Magaha, 1983 / January, 1962.*

Copy forwarded to the Sessions Judge, Judicial Commissioner, District Magistrate, and Deputy Commissioner of..... for information and guidance and for information to and guidance of the courts Subordinate to him.

By order of the High Court,

High Court,
English Department
(Criminal)

V MISHRA
First Assistant Registrar

***

GENERAL LETTER NO. 6 OF 1962.

(CRIMINAL)

From

Shambhu Prasad Singh, Esqr., B.L.,
Registrar of the High Court of Judicature at Patna,

To

All sessions Judges in Bihar and The Judicial Commissioner of Chotanagpur, Ranchi.

1st Bhadra, 1884.

Dated Patna, the _____

23rd August., 1962.

Sir,

I am directed to say that it has been brought to the notice of the Court that cases pending at the close of previous year are not always brought forward in red ink in the Trial Register (R)3, at page 47 of the General Rules and Circular Orders, Criminal, Volume II, on account of the absence of any rules or instructions on the point.

The Court, after due consideration of the matter, have been pleased to direct that all cases pending at the close of the year may be brought forward in the Trial Register in Form No. (R) 3 of the current year and writing in red ink on the first few pages. The old cases should be entered serially in the order in which they are entered in the year from which they are brought forward and the original T.R. number of the case should be noted in column 1 of the register of the current year. The serial number should be noted below the old entry, showing the old number. The 'entry should be brought forward in full and final result should be noted against both the original entry as well as the new entry.

The Court, direct that the above instructions should be followed strictly by all concerned.

Yours faithfully,
S. P. SINGH, Registrar.

Memo. No. XLIXD-26-61 .

Pausa, 1884.

The _____

January, 1963.

Copy forwarded to the Sessions Judge, Judicial Commissioner, Deputy Commissioner for information and guidance and for communication to and guidance of the Courts subordinate to him.

By order of the High Court,

HIGH COURT,
English Department,
(Civil),

VISHWANATH MISHRA,
First Assistant Registrar,

***

General Letter No. 1 of 1964

(CRIMINAL)

From

Shambhu Prasad Singh, Esq., B.L., Registrar of the High Court of Judicature at Patna,

To

All Sessions Judges in Bihar, and The Judicial Commissioner of Chotanagpur, Ranchi and all District Magistrates
and Deputy Commissioners.

9th Magha 1885

Dated Patna, the _____

29th January 1964

I am directed to say that it has been brought to the notice of the Court that the instructions contained in Rule 3A at page 2 of the Courts General Rules and Circular Orders, Criminal, Vol. I, are not being strictly followed by the Courts in as much as difficulty is being experienced by the parties and their lawyers in ascertaining the dates to which the cases fixed for the day are adjourned, and also in knowing the cases fixed for the following day. To obviate this difficulty and to ensure that the lists are duly prepared and posted each, evening, the Court, direct that the following procedure regarding the preparation and publication of the lists, hereafter called 'cause lists', should strictly be followed by all concerned in your Judgeship / District-

"A bound book of printed cause list forms in Form No. (M) 98 as introduced by Circular Order No. 3 of 1962 (Criminal), with perforated pages will be kept, by the Peshkar. Each evening the Peshkar will prepare six copies of the list in this book with the help of carbon papers showing therein the cases fixed for the next date. They will be called advance cause lists. As six carbon copies cannot be prepared in one writing, they may be prepared in two writings. One copy will be posted on the Court notice board, and two copies will be sent to the Bar and Mukhtear Associations for being posted on, their notice boards. The remaining three copies will be kept by the Peshkar for his next day's use. The following evening the Peshkar will fill in the adjourned dates in the three advance copies which have remained with aim in the book. He will then post one of these three copies on the Court notice board taking down the copy that was posted in the preceding evening and will send the other two copies to the Bar and Mokhtear's Associations for publication. This will enable the lawyers and parties to know the dates to which the case of that day have been adjourned. Over and above that the Peshkar, will again prepare his six copies of advance cause lists for the next day in the same manner as before. Thus, each evening he has to prepare six copies of advance cause lists and to fill in the adjourned dates in three copies.

In order to ensure that the cause lists are sent to the Bar and Mokhtears' Association timely, the Court direct, that each subordinate court sending the cause fists to the two Associations, should maintain a Despatch Register through which the lists should

be sent and in which dated signatures of the recipients should be obtained.

Bound books of printed cause list forms and pen carbon papers should be obtained from the Superintendent, Government Press, Gulzarbagh, Patna.

Yours faithfully, S. R SINGH, Registrar.

Memo No. XLIXD-49-1962

Chaitra, 1886

The _____

April, 1964

Copy forwarded to the Sessions Judge, Judicial Commissioner, District Magistrate, Deputy Commissioner for information and guidance and for favour of communication to and guidance of the Courts subordinate to him.

High Court, English Department (Cri.)

By order of the High Court, V. MISHRA, First Assistant Registrar.

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No. 5739-71.

From

Shambhu Prasad Singh, Esqr., B.L., Registrar of the High Court of Judicature at Patna.

To

All the District and Sessions Judges in Bihar, The Judicial Commissioner of Chotanagpur, Ranchi. All the District Magistrates and The Deputy Commissioner in Bihar.

Dated Patna, the 1st June, 1964.

Sir,

I am directed to say that the Court have had often occasions to notice irregularities in the matter of issuing certified copies from the records of the Courts of Judicial (Stipendiary and Honorary) Magistrates. For instance, an entire File 'A1 of the record of a criminal case of the court of an Honorary Magistrate was removed to the copying department Without the order of the Magistrate and was lying there for a longtime. Such irregularities have mostly been due to the insufficiency of the copying rules, both in the court's G.R. and C.O. (Criminal) Volume land the Bihar Records Manual. The question of having appropriate and sufficient rules has already been taken up by the court in, consultation with the State Government and it has been decided that to amend suitably the various provision of the Bihar Records Manual relating to the issue of certified copies. The Court have, therefore, after careful consideration, decided that until the Government issue correction slips to Rule 288 of the Bihar Records Manual, the relevant rules of the Court's G. R. and C. O. (Civil) Volume I, should be followed in issuing certified copies of the records of the courts of the Judicial Magistrates as well.

Yours faithfully, S. P. SINGH, Registrar.

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General Letter No. 3 of 1964

(CRIMINAL)

From

Shambhu Prasad Singh, Esqr,
Registrar of the High Court of Judicature at Patna,

To

All the Sessions Judges in Bihar, including the
Judicial Commissioner of Chotanagpur, Ranchi, and
All the District Magistrates and Deputy Commissioners in Bihar.

26th Asadha, 1886

Dated Patna, the _____
17th July, 1964

Sir,

I am directed to say that it has come to the notice of the Court that diverse practice prevails in the Subordinate Courts in the matter of totaling and giving serial numbers of entries in the Court Fees register prescribed for criminal courts in Form No. 19 of Schedule XXXII of the Board of Revenue. The diversity in practice appears to be due to the fact that there is no direction either in the form or in the rules, of the Court for totaling and giving serial numbers. In order to make the practice uniform it has been decided that the following note may be added in manuscript or typewritten at the foot of the Aforesaid form before using the same.

"This Register is meant to show in detail every document filed, bearing court-fee stamps, except certified copies the stamp on which should be entered in the Register of the court or office which issue them. At the time the stamps are first punched, a serial number should be entered in every document (including certified copies issued) immediately below the stamps and in column I of this Registrar in the remaining columns of which will be entered the amount of the fees for affidavits from other fees' for entry in column 6 the letter 'A' should be added to the serial number of document' given in column 1 to the affidavits. The entries in columns 2 and 3 will be totaled daily, and the result entered in columns 5, 6 and 7 and initialed daily by the Presiding Officer. The entries in the latter three columns should also be totaled monthly.

The monthly total is to be carried forward to the next month and so on.

I am, further to say above said that the serial numbers of entries in the above said Court-Fees register should be given on monthly basis. They should be changed in the beginning of each month.

The above instruction should be strictly followed in future by all concerned.

Yours faithfully
S.P. SINGH,
Registrar.

Memo No. XLIXD-48-1933

Asvina 1886

The _____

October, 1964

Copy forwarded to the Session Judge, Judicial Commissioner, District Magistrate, Deputy Commissioner for information and guidance and for communication to and guidance of the courts subordinate to him.

High Court,
English Department, (Criminal)

By order of the High Court,
J. MISHRA, First Assistant Registrar.

***

No. 10846-62

From

Shambhu Prasad Singh, Esqr., B.L.,
Registrar of the High Court of Judicature at Patna.

To

All the District and Sessions Judges in Bihar Including The Judicial Commissioner of Chotanagpur, Ranchi And The Peripatetic District and Sessions Judges North Bihar Circle, Muzaffarpur, South Bihar Circle, Patna.

Dated Patna, the 4th November, 1964

Subject - Whether the plea of the accused u/s 243 Cr. PC. should be recorded in the order-sheet or on the Form on which the statement of an accused is recorded under section 342 Cr. P.C.

Sir,

In inviting a reference to Court's Letter No. 5515-31, dated the 21st May, 1964,1 am directed to say that the Court have had under consideration whether the plea of the accused under section 243 Cr.P.C. should be recorded in the prescribed form or in the order sheet itself, on a point of doubt raised by the Peripatetic District and Sessions Judge, South Bihar Circle. In order to achieve a uniform pattern of practice regarding the procedure to be followed, the Court after careful consideration of the matter, have come to the conclusion that the plea of the accused under-section 243 Cr.P.C. should be recorded in the prescribed form (M) / 3 at page 100 of the Court's G.R. and C.O. (Cr.) Volume II and only the facts should be noted in the order-sheet.

I am, therefore, to request you to see that in future the above procedure is strictly followed by all concerned.

Yours faithfully,
(Sd.) S. P. SINGH,
Registrar.

***

No. 2237-69

From

Shambhu Prasad Singh, Esqr., B.L., Registrar of the High Court of Judicature at Patna.

To

The District and Sessions Judge of Judicial Commissioner of Chotanagpur, Ranchi, District Magistrate of Deputy Commissioner of

27th Magha, 1886.

Dated Patna, the _____

16th February, 1965.

Subject - Entry of the Fine records in the Diaries maintained by the Courts as also the procedure to be adopted about the keeping outer-foils of Fine cheque with the respective records.

Sir,

I am directed to say that system of starting fine records in the form of an order-sheet was placed on a permanent footing under courts General Letter-No.2 of 1969 (Criminal). Although the instruction regarding maintenance of fine records a good deal of improvement over the previous system it is considered that unless these records are vigorously pursued, no useful purpose would be served as is evident from the non-realisation of fines in a very large number of cases throughout the State. Sometimes the fine records are not put up at all for months and even years together resulting in lapse of huge amount of fines. This puts the State Exchequer to heavy loss.

The Court have considered this aspect of the question and think that the optimum benefit of the system can be achieved if fine records are posted in the Court's Diary. Accordingly, the Court direct that henceforth, fine records should be entered in the Court's Diary and posted in it like any other case. They need not, however, be shown on the Daily cause Lists.

The practice of attaching the outer-foils of fine cheques with the case records When the fines are paid and with the fine records when they are not paid though mostly observed, is sometimes missed. The practice is useful and should, therefore, be followed.

The above two instructions should be strictly followed in future by all concerned.

Yours faithfully,
(Sd) S. P. SINGH,
Registrar.

***

General Letter No. 8 of 1965.

(CRIMINAL)

From

SYED WASIUDDIN, ESQR., B. L.,
REGISTRAR OF THE HIGH COURT OF JUDICATURE AT PATNA.

To

ALL THE DISTRICT AND SESSIONS JUDGES IN BIHAR INCLUDING
THE JUDICIAL COMMISSIONER OF CHOTANAGPUR, RANCHI AND
ALL THE DISTRICT MAGISTRATES AND THE DEPUTY COMMISSIONERS IN BIHAR.

21th Sravana, 1887
Dated Patna, the _____
18th August, 1965

Sub :- Communicating to the Forensic science laboratory the results of trials in which the examination of exhibits at the Laboratory helped in the investigation of cases.

Sir,

I am directed to say that as observed by the Government of India the state Government have brought to the notice of the Court that in order to enhance the value of the services rendered by the forensic science Laboratories it will be useful if suitable instructions are issued by the Court to all law courts to Communicate the results of trials to:-

(1) Forensic science laboratory, Bihar, Patna.

(2) Forensic science laboratory, west Bengal, Calcutta.

(3) Central forensic science laboratory Calcutta.

(4) Serologist and chemical examiner to the Government of India, Calcutta.

The Court have considered the suggestion in all its aspects and are of opinion that the investigation reports of the laboratories are at, times helpful to the Courts and hence it will be useful for the laboratories to be apprised of the decision of the Courts so that they may improve in their work. Even if the report be not helpful the necessary information may act as corrective measure.

The Court, therefore, direct that the magistrates who have no stenographers for the present cause relevant extracts from their judgements to be sent to the Forensic science Laboratories concerned. The Court of session may get extra copy prepared for the purpose which may be sent accordingly to the laboratories concerned. Copies of Judgments may be sent only in those cases where the work of the laboratory has been appreciated or adversely commented upon or some suggestions have been made for further improvements. In cases where there has not been anything special to note only intimation of the result of the cases should be sent to the laboratories concerned.

I am to request that the above instructions should be strictly followed in future by all concerned.

Yours faithfully,
S.WASIUDDIN,
Registrar.

Memo No. XLIXD-56-62

Sravana. 1887
The _____
August, 1965.

District and Sessions Judge
_____
Copy forwarded to the Judicial Commissioner
_____
District Magistrate
_____
Deputy Commissioner

for information and guidance and for favour of communication and guidance of the Court subordinate to him.

By order of the High Court,
MADAN MOHAN SAHAI,
First Assistant Registrar.

HIGH COURT. Administrative Department (Criminal).

***

No. 11392 -407 / XLIXD-80-64

From

Syed Wasiuddin, Esqr., B.L.
Registrar of the High Court of Judicature at Patna.

To

The District and Sessions Judge
The Judicial Commissioner of Chotanagpur, Ranchi.

22nd October, 1965
Dated Patna, the _____
Asvina, 1887(S)

Subject - Examination of, the suggestion about submission of progress report of old fine records by the Magistrates to the Sessions Judges at the time of preparation and submission of quarterly balance sheets.

Sir,

I am directed to say that the Court have had under consideration the Suggestion, about submission of progress report of old fine records by the magistrates to the Sessions Judges at the time of preparation and submission of quarterly balance sheets. An almost similar suggestion was also made in the minutes of inspection of Hon'ble K. Singh (as he

then was). Both the above suggestions were made due to the fact that the question of non-realisation of criminal fines is a big problem in almost all the districts of the State. The various notes of inspection reveal the hevy accumulation of outstanding fines which to a great extent is due to the apathy of the magistrates. The Court, therefore, after due consideration of the matter have come to the conclusion that henceforth, the Sessions Judges should obtain a progress report from each court in a proforma (copy enclosed), and send a consolidated report to this Court for examination by the 15th of the mouth following the end of the previous quarter.

I am, therefore, to request that the above instructions of the Court should be followed, in future by all concerned.

An acknowledgement is requested.

Yours faithfully,
S. WASIUDDIN, Registrar.

Memo. No. 11408-9

Dated, 22nd October, 1965

Copy forwarded to the Peripatetic District and Sessions Judge, North Bihar Circle, Muzaffarpur / South Bihar Circle, Patna for information.

By order of the High Court,
M. M. SAHAI,
1st Assistant Registrar,

***

PROFORMA FOR PROGRESS REPORT ON CRIMINAL FINES

Name of Court	Amount of outstanding fines for realisation at the end of the previous quarter	Amount of old fine realised	Balance (Difference 2 and 3)1
1	2	3	4

N. B. — Difference in the amounts of balance columns (4) and (7), if remitted, written off, struck off or stayed.

Amount of the fine imposed during the quarter	Amount of new fine realised	Balance (Difference of columns 5 and 6)	Amount of fine pending for realisation (Total of columns 4 and 7)	Total no. of fine records pending over six months	Remarks
5	6	7	8	9	10

Any should be explained by giving the amount of fines

Note : Related instructions at Pg. - 39, 40

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No. 6833-48
IX-20-66

From

Syed Wasiuddin, Esqr., B.L.,
Registrar of the High Court of Judicature at Patna.

To

The District and Sessions Judge of
The Judicial Commissioner, Chotanagpur, Ranchi.

Dated, Patna the 18th July, 1966.

Sir,

I am directed to say that it has been noticed, by the court that, there is no uniform practice obtaining in the Magisterial Courts on the Judicial side in respect of maintenance of guard files in absence of any specific rule on the subject in the Court's G. R. and C. O. or any instruction issued in this regard by the Court.

The Court have recently issued General Letter No. 10 of 1904 (Civil) for the maintenance of guard files in the Subordinate Courts on the Civil side.

To have uniformity in practice in the Subordinate Courts on the Criminal side, the Court directed that the instructions contained in the Court's General Letter No. 10 / 964 (Civil) should be followed mutatis mutandis in the criminal courts on the Judicial side also.

The above instructions should be strictly followed in future by all concerned.

Yours faithfully,
S. WASIUDDIN,
Registrar.

Memo No. 6849-50

Dated, Patna the 18th July, 1966.

Copy forwarded to the Peripatetic District and Sessions Judge, North Bihar Circle, Muzaffarpur / South Bihar Circle, Patna for information.

By order of the High Court,
(Sd.) S. N. GANGULI, Second Assistant Registrar.

***

No. 7899-93

From

Syed Wasiuddin, Esq,. B.L.
Registrar of the High Court of Judicature at Patna.

To

The District and Sessions Judge of
The Judicial Commissioner of Chotanagpur, Ranchi
The District Magistrate of
The Deputy Commissioner of

8th August, 1966.
Dated Patna,the _____
17th Saravana, 1888

Subject - Examination of question whether the dates of Fine records should be carried forward in the Diary even when the realization of Fine has been stayed by the Appellate Court.

Sir,

In inviting a reference to the Court's letter no, 2237-69, dated 16th February 1965,1 am directed to say that the Court have had under consideration the question of carrying forward the dates of fine records in the Diary where the fine has been stayed by the Appellate Court.

The Court have, considered the matter and after careful consideration have come to the conclusion that cases stayed by the Appellate Court should also be adjourned from one date to another showing the dates in the order sheets in the fine records and in the Court's diary like any other case. This procedure has a definite advantage because no fine record will then be ever missed. Of course, the dates should not be fixed at shorter intervals. Usually such stayed cases should be adjourned for a month.

I am, therefore, to request you to see that in future the above instructions of .the Court are strictly followed by all concerned.

Yours faithfully,
A. K. SINHA, For Registrar.

Note : Related instructions at Pg. - 36, 40

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No. 4928-60

From

Syed Wasiuddin, Esqr., Registrar of the High Court of Judicature at Patna,

To

The District and Sessions Judge of— Judicial Commissioner of Chotanagpur, Ranchi
District Magistrate of— Deputy Commissioner of—

Dated Patna, the 10th May 1967.

Subject - Examination of the Rules with regard to Fines in the Court's G.R. & C. 0. (Criminal), Vol. I and maintenance of Fine registers by Sessions Judges.

Sir,

I am directed to say that the Court have had under consideration the following three questions regarding maintenance of Fine Registers, viz.,

(i) Whether Sessions Courts should themselves realise the fines for have it realised through the committing Magistrates or the Collector.

(ii) If the fine is not realised by the Collector then ' whether the Fine Register should be maintained separately or the fines realised by the Sessions Court should be entered in the common Fine Register.

(iii) Whether Sessions Courts should also maintain a Fine Register in Form no. (A) 17-A for other districts.

Prior to introduction of the Separation even distress Warrants for realisation of fine used to be issued through the Collector. But now District and Sessions Judges have been made responsible for realization of Criminal fine imposed by the Cr. Courts in the Judicial side. Therefore, it is proper that fines imposed by Sessions Judges should also be realised by the machinery of Sessions Courts. Of course in exceptional cases the Sessions Court can still issue a warrant through the Collector of the district authorising him to realize the amount by execution according to the Civil process against the moveable or immovable property or both, of the defaulter.

Further in view of provision of Sections 380 and 389 Cr.P.C. the Warrant for realisation of fines imposed by the Sessions Court should be issued by the Sessions Court concerned and not by the committing Magistrates and Fine Cheque should be also prepared by the Sessions Court itself so each Sessions Court should maintain a separate register of fines in Form No. (A) 17 and fines realized by Sessions Court should be entered in the general register of fines. Further as all the District Judges have got the powers of an Additional District Magistrate they should execute the distress warrant sent from other districts also for realization of fines and a separate register in Form No. (A) 17-A should be maintained in the office of each District and Sessions Judge.

I am to request that in future the above instructions should be strictly followed by all concerned.

Yours faithfully,
Sd./- S. Wasiuddin, Registrar.

Note : Related instructions at Pg. - 36, 39

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No. 5019-34

From

Syed Wasiuddin, Esqr., B.L. Registrar of the High, Court of Judicature at Patna,

To

The District and Sessions Judge of The Judicial Commissioner of Chotanagpur, Ranchi.

Dated Patna, the 11th May 1967

Subject - Monthly inspection of diaries of the Magistrate by the Sessions Judges.

Sir,

It has been brought to, the notice of the Court that at certain places the Sessions Judges did not monthly scrutinise the diaries of the Munsif Magistrates and the Judicial Magistrates because there was no provision for it in the Court's G.R. & C.O. (Criminal), Vol. I and also because the Magistrates hold courts on the clearance days also. On the civil sides courts are not held on clearance days and as such the diaries are conveniently sent to the District and Sessions Judge by the courts at Sadar as well as the courts at the outlying station.

After due consideration of the matter the Court have come to the conclusion that no inconvenience will be felt by the criminal courts in sending their diaries to the Sessions Judge on clearance day or on any Saturday even though clearance day is not observed by the Magistrates. The Bench Clerks of the Magisterial courts should copy the relevant entries of the diary on a separate sheet of paper for carrying out the courts work in respect of the date or dates on which the diaries are sent to the Sessions Judge. The entries should be filled up in the diaries when they are received back after inspection.

I am to request, that in future the above procedure should be strictly followed by all concerned and the diaries of the Magisterial courts should be inspected by the Sessions Judge regularly every month.

Yours faithfully,
(Sd.) S. Wasiuddin, Registrar.

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General Letter No. 4 of 1967

(CRIMINAL)

From

Syed Wasiuddin, Esqr., B.L.,
Registrar of the High Court of Judicature at Patna.

To

All the District and Sessions Judges in Bihar, including the Judicial Commissioner of Chotanagpur, Ranchi and all the District Magistrates and Deputy Commissioners in Bihar.

19th Vaisakh, 1889 (S)
Dated Patna, the _____
19th May, 1967

Sir,

I am directed to say that it has come to the notice of the Court that no note is made in the Register in Form No. (R) 9 Criminal about the dates fixed in the cases in which processes are issued as there is no separate column for it with the result that it cannot be said by looking at the register whether the processes are returned to the courts concerned before the dates fixed in the cases.

The Court after due consideration have come to the conclusion that in order to away with the present difficulty the dates fixed in the cases concerned may be noted in the Remarks column of the Register in future.

I am to request that the above instructions should be strictly followed by all concerned.

Yours faithfully,
S. WASIUDDIN,
Registrar.

Memo. No. XLIXD 59-66

Vaisakh, 1889
The _____
May, 1967

Copy forwarded to the District and Sessions Judge, Judicial Commissioner, District Magistrate, Deputy Commissioner for information and guidance and for favour of communication to and guidance of the Courts subordinate to him.

By order of the High Court,

High Court,
Administrative Department,
(Criminal)

S. N. GANGULI,
Second Assistant Registrar.

***

General Letter No. 5 of 1967

(CRIMINAL)

From

Syed Wasiuddin, Esqr., B.L.,
Registrar of the High Court of Judicature at Patna.

To

All the District and Sessions Judges in Bihar Including the Judicial Commissioner of Chotanagpur, Ranchi and all the District Magistrates and Deputy Commissioners in Bihar.

27th Sravana, 1889

Dated Patna, the _____
18th August, 1967

Subject.- Exemption of Public Analyst from attending court under Prevention of Food Adulteration Act, 1954.

Sir,

The State Government have brought to the notice of the Court that notwithstanding the instructions contained in letter No. 15863/ L.S.-G dated 12th October 1949 from the Secretary, L.S.-G. Department, Government of Bihar to all Commissioners of Divisions, local officers are still summoning the Chemical Analyst for giving, evidence in their courts in cases under the Prevention of Food Adulteration Act as a result of which the work of the Laboratory suffers considerably. They have accordingly suggested that the courts may be directed to avoid summoning the Public Analyst to their courts unless very essential. While making suggestions the attention of the court has also been drawn to the provision laid down in Section 13(5) of the Prevention of Food Adulteration Act according to which the report of the Public Analyst in itself is the proof of the matter stated therein unless it is superseded by the report of the Director of Central Food Laboratory.

The court after due consideration of the matter have come to the conclusion that no general rule can be laid down instructing the trying courts to; desist from summoning the Public Analyst for giving evidence in the court as it Would mean fettering the judicial discretion of the subordinate courts. The Court, however, desire that the trying courts should exercise their discretion judiciously while Summoning the Public Analyst for evidence, giving due consideration to the provisions contained in Section 13(5) of the Prevention of Food Adulteration Act referred to above as also to the inconvenience, dislocation of work and harassment caused to the Public Analyst. Summons issued to the Public Analyst if any, should be sent to him sufficiently in advance of the date fixed for his appearance.

The above directions should be strictly followed by all concerned, in future.

Yours faithfully,
SYED WASIUDDIN, Registrar.

Memo No. XLIXD-25-67

Chaitra, 1891
The _____
April, 1969

Copy forwarded to the District and Sessions Judge, Judicial Commissioner, District Magistrate, Deputy Commissioner for information and guidance and for communication to and guidance of the Courts subordinate to him.

By order of the High Court,

High Court,
Administrative Department,
(Criminal)

AWADH KISHORE SINHA
First Assistant Registrar.

***

General Letter No. 6 of 1967

(CRIMINAL)

From

Syed Wasiuddin, Esqr., B.L.
Registrar of the High Court of Judicature at Patna

To

All the District and Sessions Judges in Bihar, including The Judicial Commissioner of Chotanagpur, Ranchi, All the District Magistrates and Deputy Commissioners in Bihar and The Peripatetic District and Sessions Judges , North and South Bihar Circles.

Dated Patna, the 9th Kartika, 1889(S) / 31st October 1967

Subject.- Instructions regarding speedy disposal of criminal cases in the Subordinate Courts.

Sir,

The Court view with grave concern the steady increase in the pendency of Sessions, cases and criminal appeals in the superior courts in the State, as will be clear from the statement given below:

Pending on		Sessions cases including references under section 123 Cr.P.C.	Criminal appeals
1-1-1965	–	1,754	5,157
1-1-1966	–	2,241	5,950
1-1-1967	–	2,493	7,230
1-1-1968	–	2,776	7,583

1. The Court are also equally concerned with, the heavy increase in the pendency of criminal cases in the files of all Magistrates in the State. Very few criminal cases are disposed of within six months, and the number of criminal cases pending more than a year and more than two years is indeed very disquieting.
2. The Court are fully conscious of the fact that one of the reasons for this increase in the pendency is the inadequacy of judicial strength. The Court are taking necessary action with a view to increase the number of Additional Sessions Judges and Magistrates.
3. But, at the same time, recent inspections have shown that the Judicial Officers have not seriously grappled with the problem of pendency, have generally followed a policy of drift, and have allowed the criminal cases to be dealt with in the same leisurely and dilatory manner in which civil litigation is conducted in law courts. Amongst the various causes for the increase in the pendency, the following may be enumerated :-
   (i) The ignorance on the part of the Sessions and their Subordinate Judicial Officers of many of the provisions of the General Rules and Circular Orders, (Criminal) and the instructions contained in the General Letters and Circular

Orders issued by the High Court in the past regarding the expeditious way of hearing and disposing of criminal cases.

(ii) Even though some Judicial Officers are familiar with the rules and instructions, they have shown an attitude of indifference and disinclination to see that those are strictly complied with not only by themselves but by their Subordinate Officers.

(iii) The omission on the part of the Sessions Judge to meet regularly the District Magistrate and the Superintendent of Police in conferences, as suggested in Court's circular letter no. 644 / 76 of 1961, and the consequent failure to ensure the prompt attendance of official witnesses before the Criminal Courts.

(iv) The fixing of Sessions cases without proper care, specially in outlying subdivisions and their cancellation at short notice for in adequate reasons.

(v) Undue delay on the part of the Committing Magistrates in completing the commitment proceeding and in promptly sending the orders of commitment and the necessary papers to the Sessions Judge.

(vi) The failure of the Sessions Judge in his administrative capacity as the head of the Judicial Administration of the judgeship in creating a sense of urgency amongst all concerned with a view to ensure a substantial reduction in the pendency.

4. Recent inspections have shown that in many judgeships, specially in outlying subdivisions, the volume of the General Rules and circular orders (Criminal) in use does not contain the latest correction slips. The General Letters and Circular Orders of the High Court, specially the older ones, remain buried in the Record Room, and neither to Judicial Officer nor his staff is aware of the same. The Sessions Judge of every judgeship must, first, examine whether all copies of the General Rules and Circular Orders (Criminal) either of his office or of the Subordinate Courts are kept up to date, and all the General Letters and Circular Orders are properly kept in the Guard File. He should also become himself very familiar with these rules and instructions, and insist on all Subordinate Judicial Officers becoming equally familiar. During his circuit in out-lying subdivisions and surprise inspections, he should make it a special point of questioning the other Judicial Officers with a view to ascertain their proficiency in this respect. This caution specially applies to Junior Judicial Officers posted at the station for the first time. They have no knowledge of the old General Letter and Circular Orders, and nobody requires them to send for the Guard Files and read the same carefully.

5. Once all Judicial Officers become fully conversant with the rules and instructions of the High Court regarding criminal cases, there should be no difficulty in their making determined efforts to comply with the same. The attitude of indifference and disinclination to enforce these rules and instructions strictly should be severely discouraged, and glaring instances, where an officer, through negligence, has failed to follow the instructions of the High Court, should be reported to the Court for

disciplinary action. Wherever the rules and instructions fix a period during which certain classes of cases should be disposed of or returns should be submitted, the Sessions Judge should very strictly enforce compliance, and permit relaxation only for exceptional reasons.

6. One of the very common reasons given by all Judicial Officers for undue delay in trial is the failure on the part of the prosecution to produce witnesses, specially official witnesses, such as the Police officials, the Magistrates and the medical officers, on the dates fixed. If these witnesses do not appear, the Judicial Officers adopt an attitude of helplessness, mechanically adjourn the cases to some other date, and think that their responsibility is over. It is this attitude more than the absence of the witnesses that is responsible for unnecessary adjournments. As soon as an official witness is absent on a particular date, the Judicial Officer should report the full particulars to the Sessions Judge, inform him about the next date, fixed in the trial, and request the latter to write or speak to the District Magistrate or the Superintendent of Police or the Civil Surgeon, as the case may be, and ensure the attendance of the witness on the next date. The Sessions Judge should also persuade the Superintendent of Police and the District Magistrate to issue instructions to all their subordinate officials requiring them to attend Criminal Courts on the dates fixed, and, if unable to attend due to unforseen reasons, to give prompt intimation to the Court concerned either through the C.S.I., A.RR or RE of the reasons for their absence and the next date on which they would be able to attend. If this information reaches the Court in time, the Court can easily post the case for the date so mentioned, and thus avoid further adjournments. The periodical conferences among the Sessions Judge, the District Magistrate and the Superintendent of Police required by Court Circular Letter no. 644-76, dated the 16th May 1961 should be hold regularly, and, in such conferences, the difficulties felt by the Criminal Courts in proceeding with criminal trials should be brought to the notice of the District Magistrate and the Superintendent of Police for effective action. Glaring cases of indifference may be reported by the Sessions Judge to the High Court, and the Court will take up the matter with the Government. Adequate instructions have already been issued both by the Government and the High Court, and the main problem at present is to see that those instructions are properly obyed by the subordinate officials.

7.(a) In some judgeships, it was noticed that Judges do not commence the sessions trial on the dates fixed for reasons which are not satisfactory. This evil is found when the sessions trial is fixed in an outlying subdivision, as permitted by section 9(2), Criminal Procedure Code. At the last moment, the Additional Judge or Assistant Sessions Judge cancels the tour for some reasons or other, thereby not only causing inconvenience to the parties but also giving them an impression that, on the next date fixed for trial, they need not appear because there is no certainty that the Judge would commence the trial. Once a date is fixed even in outlying subdivisions, the Judge concerned should make it a point of going there on that date and commencing the trial reasons such as "slight indisposition" or "preoccupation with administrative work at headquarters", etc., should not be given for avoiding the tour. Unless all

Judges and Magistrates make it absolutely clear to the Bar and the litigants that they will attend Court and take up the hearing of a case on, the date fixed, they cannot expect these persons to be ready on the next adjourned date.

7.(b) Holding of Circuit Court in outlying subdivisions cannot be avoided in view of section 9(2), Criminal Procedure Code but it can be reduced to the minimum if the Judge concerned would carefully consult the parties and the lawyers before deciding on holding the circuit. Such circuit sittings are generally unsatisfactory because some working days are lost in transit, and, at the place of circuit on some days, the Judge does not have adequate work due to the collapse of the Sessions case and, even when he returns to the headquarters, he has to remain idle for some days because no ready case is available. If the parties agree and the number of witnesses to be examined is not very great, it may be more to the convenience of the parties to have the Sessions trial at the headquarters of the judgeship.

8. Rule 41, Chapter VII, Part I of the General Rules and Circular Orders, Criminal, Volume I, requires commitment proceedings to be ordinarily completed in two months, and, if there is delay, the Magistrate is required to submit an explanation to the High Court through the Sessions Judge concerned. In many instances, undue delay has been noticed in completing the commitment proceedings. Note 2 to rule 15, Chapter VI, Part I of the General Rules and Circular Orders, Criminal, Volume I, requires the commitment order to be sent to the Sessions ordinarily within seven days after the passing of the order of commitment. It was noticed in one judgeship that there were instances of delay of four months, six months and even one year between the date of passing of the order of commitment and the date of its receipt in the Sessions Judge's office. As Committing Magistrates are directly subordinate to the Sessions Judge, such delays must be atributed solely to the ineffective nature of the control exorcised by the Sessions Judge over them. He should, by frequent personal exhortation, see that the time limit fixed in the rules is strictly enforced.

9. As soon as a Judicial Officer is posted to a station, his first duty is to carefully examine the pendency, specially of one year old and two-year old cases, send for the members of the Bar and the prosecuting agency, discuss with them the peculiar problems which may arise in particular cases, and then plan a target for their disposal. He should thereafter be very firm in controlling the proceeding in Court, in refusing to grant adjournments save and except in the interests of justice, and in using all coercive processes permitted by law to secure the attendance of witnesses and the accused if the personal intervention of the Sessions Judge with the District Magistrate and the Superintendent of Police is found ineffective. In many cases, it was noticed that no PR. bond is taken from the witnesses after their examination-in-chief. The result is that their further attendance could not be secured without issue of fresh summons, and many unnecessary adjournments are thereby caused. It was also noticed that, though the accused is on bail, he fails to appear on some dates, and, instead of taking steps to forefeit the bail bond and issuing a non-bailable warrant of arrest for his production, the trying Magistrate mechanically adjourns the case and summons him once, again. This only reveals weakness on the part of

the trying Magistrate in controlling cases in his Court.

10. The superior Courts should devote, special attention to the disposal of the older sessions cases, specially those more than one-year old. The ideal to be achieved should be that a sessions commitment of one quarter is disposed of in the next, quarter. Though it may take some time to reach this target, nevertheless, if determined efforts are made by 11 Judges, there may be no Sessions cases more than one year old Within the next six months.

11. The heavy pendency of criminal appeals in the files of the Judges is also very unsatisfactory. The main reasons for the delay seem to be the unnecessary adjournments granted either because the Judge was busy with sessions or the parties wanted the same. By proper arrangement of the diary and firmness in granting adjournment, It should be possible for the Judge to see that no Criminal Appeal is pending more than six months.

12. In conclusion, the Court wishes to emphasise once again that the Sessions Judge, is the head of the judicial administration of the judgeship, and on his personality, tact, resources and ability rests the efficient functioning of that branch of administration. He is the District Magistrate so far as the Munsif Magistrates and the Judicial Magistrate under him are concerned, and, as required by Rule 9, Preliminary, of the General Rules and Circular Orders, Criminal, Volume the must maintain a watchful and intelligent control over their proceeding and see that business is transacted with due despatch. Such control is specially necessary in respect of Junior Judicial Officers, who, due to their inexperience, may not know how to post cases in their diaries, how to conduct proceedings in Court and how to behave with the members of the Bar and also how to write a judgment. It was noticed that on some days, the Magistrates did no work or inadequate work mainly because the posting of cases in the diary was not done properly, and, when the few cases that were posted were adjourned for some reason or other, the Magistrates had no other work to do. Such a state of affairs in the file of a Magistrate, who has more than 500 cases pending in his file, only shows lack of forethought in posting cases.

13. The Court hope and trust that, with the willing co-operation of all concerned, an appreciable reduction in the pendency will be shown in the next six months.

Yours faithfully,
S. WASIUDDIN,
Registrar.

Note : Related instructions at Pg. - 10, 13, 18

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General Letter No. 9 of 1967.

(CRIMINAL)

From

Syed Wasiuddin, Esqr., B.L., Registrar of the High Court at Patna.

To

All the District and Sessions Judges in Bihar (including the Judicial Commissioner of Chotanagpur, Ranchi).
And
All the District Magistrates and Deputy Commissioners in Bihar.

30th Agrahayana, 1889.
Dated Patna, the _____
21st December, 1967

Sir,

I am directed to say that recent inspections of Civil Courts have shown that in case of an accused imprisoned for life, the date on which. His imprisonment will ordinarily terminate has not been mentioned in column 10 of Register (R) 5, criminal, though the words "for life" have been mentioned in some cases. Practice obtaining in different Judgeships has also been found not uniform. The Court have, therefore considered what should be the proper entry in column 10 of the register mentioned above in respect of cases where the accused have been sentenced to life imprisonment.

In order to provide a check on return of lapsed Jail warrants by the Jail Department as well as to attain uniformity of practice the Court directs that, in future, in column 10 of register (R) 5 (Cri.) the words "life imprisonment" should be mentioned and it should be also mentioned that this term of imprisonment ordinarily will terminate on (date), the date to be mentioned being based on the calculation of the period of 20 years.

Yours faithfully,
S. WASIUDDIN.
Registrar.

Memo. No. XLIXD-20-66

Dated the _____
December 1967

Copy forwarded to the Sessions Judge /Judicial Commissioner/District Magistrate/ Deputy Commissioner for information and guidance and for communication to and guidance of the Court subordinate to him.

By order of the High Court,
A. K. SINHA,
First Assistant Registrar.

High Court,
Administrative Department
(Criminal.)

***

General Letter No. 1 of 1968.

(CRIMINAL)

From

Syed Wasiuddin, Esqr., B.L., Registrar of the High Court at Patna

To

All the Sessions Judges in Bihar Including
The Judicial Commissioner of Chotanagpur and all the District Magistrates and the
Deputy Commissioners in Bihar.

21st Pusa, 1889

Dated Patna, the _____
11th January, 1968

Sir,

It has been brought to the notice of the Court that final orders passed in cases disposed of by Judicial and Munsif Magistrates are not noted in the General and the complaint registers (R) 1 and (R)2, Criminal, maintained in the offices of sub-divisional officers with the result that relevant columns remain unfilled and at times & large number of cases is shown to be pending when figures of pendency are called for from the State or the District authorities. The practice of filling up toe columns obtaining in different Judgeships. Districts is also not uniform.

The Court directs that; to ensure timely and regular filling up of relevant columns in register (R)l and (R)2 by a uniform practice in all the subordinate courts, in future Bench clerks of trying courts should send every month lists, in duplicate, of disposed,of criminal cases indicating therein case number, names of parties, sections, dates of disposal and results of cases and obtain signature of the person receiving that same on duplicate copies which should be preserved in the offices of trying magistrates for future reference. The above instructions should re strictly followed in future.

Yours faithfully,
S. WASIUDDIN
Registrar.

Memo. No. XLIXD-2-64

The _____ *1968*

Copy forwarded to the Sessions Judge/Judicial Commissioner of District Magistrate, Deputy Commissioner for information and guidance and for communication to arid guidance of the Courts subordinate to him.

High Court,
Administrative Department
(Criminal)

By order of the High Court,
A, K. SINHA,
First Assistant Registrar.

***

No. 3048-80

From

Syed Wasiuddin, Esqr., B.L., Registrar of the High Court of Judicature at Patna,

To

The District and Sessions Judge of
The Judicial Commissioner of Chotanagpur, Ranchi
The District Magistrate of
The Deputy Commissioner of

6th March, 1968

Patna the _____

16th Phalguna, 1889.

Subject - Records in which surrender action has to be taken should also be entered in the Court's Diary.

Sir,

In continuation of the Court's letter no. 2237-69, dated the 16th February 1965 and the Court's letter no. 7899-931, dated the 8th August 1966. I am directed to say that the Court, have not considered the matter noted above and decided that henceforth, cases in which surrender action has to be taken should also be entered in the Court's diary.

I am, therefore, to request that this instruction of the Court should be strictly followed in future by all concerned.

Yours faithfully,
(Sd.) S. WASIUDDIN, Registrar

Memo No. 3081-82

Dated the 6th March 1968

Copy forwarded to ED.S.J., N.B. Circle, Muzaffarpur/ED.SJ., S.B. Circle, Patna.

(Sd.) A. K. SINHA, First Assistant Registrar.

***

No. 4729-44

From

Syed Wasiuddin, Esqr, B.L.,
Registrar of the High Court of Judicature at Patna,

To

The District and Sessions Judge of
The Judicial Commissioner of Chotanagpur, Ranchi.

Dated Patna, the 28th March 1968.

Subject.- Sending of Police Case Diary to the Public Prosecutor promptly.

Sir,

I am directed to say that it has been brought to the notice of the Court that undue

delay is made in sending the Police case diary to the Public Prosecutor causing thereby much inconvenience to him in attending to the criminal cases promptly.

The Court, therefore, after due consideration of the matter direct that attention of the Superintendent of Police may be drawn to the provisions of Rule 267 of the Police Manual in case delay in sending of case diary to the Public Prosecutor is noticed by the Sessions Judge at any time.

Yours faithfully,
(Sd.) SYED WASIUDDIN, Registrar.

***

No. 8582-98

From

Shri Chandrika Prasad Sinha, Esqr., B.Sc., B.L.,
Registrar of the High Court of Judicature at Patna,

To

The District Magistrate
_____ of
The Deputy Commissioner

Dated Patna, the 3rd July, 1969 / 12th Asadha, 1891.

Sir,

I am directed to say that the Court have in their General Letter, no. 1 of 1964 (Criminal) issued instructions regarding preparation and posting of the cause lists in the Courts of the Magistrates. It has been brought to the notice of the Court that the instructions contained in the aforesaid General Letter are not being followed by the Executive Magistrates and copies of the cause lists are not sent to the Bar and Mokhtears' Association. As a result much difficulty is being experienced by the parties and their lawyers in ascertaining the dates to which the cases fixed for the day are adjourned and also in knowing the cases fixed for the following day.

I am, therefore, to request you to see that the instructions contained, in the aforesaid General Letter are strictly followed by the Executive Magistrates in future.

Yours faithfully,
C.P. SINHA, Registrar.

Memo No. 8599-115

Copy forwarded to —

Dated, Patna the 3rd July 1969/12th Asadha, 1891

The Sessions Judge of —
The Judicial Commissioner of
Chotanagpur, Ranchi for information.

By order of the High Court,
D.P. SINHA,
1st Assistant Registrar.

***

General Letter No. 2 of 1969

(CRIMINAL)

From

Chandrika Prasad .Sinha, Esq., B.Sc., B.L.,
Registrar of the High Court of Judicature at Patna,

To

All the Sessions Judges in Bihar including
the Judicial Commissioner of Chotanagpur, Ranchi and
all the District Magistrates and the Deputy Commissioners in Bihar.

Dated Patna, the 3rd Bhadra, 1891/25th August, 1969.

Sir,

I am directed to say that it has been brought to the notice of the Court that the Subdivisional Magistrates transfer cases to the courts of the Judicial and Munsif-Magistrates without having regard to the number of cases pending in their files, resulting in unequal distribution, of cases to the magistrates at the initial stage. This is probably due to the fact that there is no material in the office of the Subdivisional Magistrates to know the state of files pending in the courts of the Magistrates.

With a view to avoid such unequal distribution of cases and to have uniformity in practice, the Court direct that the Judicial and Munsif Magistrates should send to the Subdivisional Magistrates on, the 1st and 16th of each month a report regarding the number of cases pending in their files. If the 1st or the 16th day of a particular month be a holiday, the report should be submitted on the next working day.

The Subdivisional Magistrates should also see that they transfer the cases to the files of the Judicial and Munsif-Magistrates keeping in view the number of cases pending in those files.

The above instructions should be strictly followed in future by all concerned.

Yours faithfully,
C. P. SINHA,
Registrar

Memo No. XLIXD-37-64

Copy forwarded to Sessions Judge, Judicial Commissioner, District Magistrate and Deputy Commissioner for information and guidance and for communication to and guidance of the courts subordinate to him.

By order of the High Court,

High Court,
Administrative Department
(Criminal)

D.P.SINHA,
First Assistant Registrar.

***

No. 11074-90

From

Chandrika Prasad Sinha, Esqr., B.Sc., B.L.,
Registrar of the High Court of Judicature at Patna,

To

The District Magistrate, The Deputy Commissioner.

Dated Patna, the 26th August 1969/4th Bhadra 1891

Subject - Writing of table of contents of the records in the offices of the Subdivisional Magistrate before the transfer of the case to the trying Magistrate.

Sir,

I am directed to say that the Court have in their General letter no. 1 of 1957 (Criminal) issued instructions directing the Subdivisional Magistrates to see that the records are properly arranged and the table of contents is filled in properly in every case before it is transferred to the trying Magistrate. It has been brought to the notice of the Court that the instructions contained in the aforesaid General Letter are not being followed in spite of the directions of the State Government in the Appointment Department in their memo, no. 15204A, dated the 16th December 1963 (copy enclosed for reference). As a result, much difficulties are experienced by the Bench Clerk of the transferee courts in checking the contents of the records received by them.

I am, therefore, to request you to see that the instructions contained hi the Court's General Letter no. 1 of 1957 (Criminal) are strictly followed in the office of the Subdivision at Magistrate in future.

Yours faithfully,
C. P. SINHA,
Registrar

GOVERNMENT OF BIHAR,
APPOINTMENT DEPARTMENT
Memo No. II / C3-7017 / 63A-15204

To

All District Magistrates (Including Deputy Commissioners),
All Subdivisional Magistrates.

Patna, the 25th Agrahana, 1885(S) / 16th December 1963.

Subject.- High Court's General Letter no. 1 of 1957 (Criminal)

The undersigned is directed to say that it has been brought to the notice of Government that the instructions .contained in High Court's General Letter no 1 of 1957 (Criminal) copy enclosed regarding writing of table of contents of the records before transfer of cases to the trying Magistrate, it is not being followed strictly, by the Subdivisional Magistrate Government have been pleased to order that these instructions should be followed strictly in future and responsibility for Violation of orders should be fixed whenever it comes to the notice of the Magistrates / Inspecting authorities.

SUBHANKAK JHA,
Under-Secretary to Government.

Memo No. II / C3-7017 / 63A-15204

Patna, the 25th Agrahayna, 1885(S) / 16th December 1963.

Copy forwarded to all Commissioners of Divisions, the High Court, Patna, for information (with reference to letter no. 19049, dated the 3rd October 1963).

(-) For High Court only.

By order of the Governor of Bihar,
SHUBHANKAR JHA,
Under-Secretary to Government,

Memo No. 11091-107 / XLIXD-14-69

Dated the 26th August 1960.

Copy forwarded to the Sessions Judge, Judicial Commissioner of Chotanagpur, Ranchi for information.

By order of the High Court,
(Sd.)
ILLEGIBLE,
1st Assistant Registrar.

***

General Letter No. 5 of 1969

(CRIMINAL)

From

Chandrika Prasad Sinha, Esq:, B.Sc., B.L.,
Registrar of the High Court of Judicature at Patna,

To

All the Sessions Judges in Bihar including
The Judicial Commissioner of Chotanagpur, Ranchi.

Dated Patna, the 26th Kartika, 1891 (S) /17th November 1969

Sir,

I am directed to say that under section 373 of the Code of Criminal Procedure, in cases tried by the Court of Sessions, the Court is required to forward a copy of the judgment to the District Magistrate. It has been noticed that while sending copy of judgment in. Sessions Cases to the District Magistrate, the Court of Sessions in some cases does not send copy of judgment to the Committing Magistrates with the result that no note about the result of the Sessions Cases is made in the remarks column of the Trial Register in Form (R) 3 of the Committing Court.

The Courts therefore, direct that the Court of Sessions, while sending a copy of judgment to the District Magistrate under section 373 Cr.P.C., should send a copy of judgment to the Committing Magistrate also. On receipt of the copy of judgment from the Court of Sessions, the Committing Magistrate should see that the result of Sessions Case is noted in the remarks column of the Trial Register in form (R)3 of the Committing. Court against the relevant entry.

The above instructions should be strictly followed by all concerned.

Yours faithfully,
C.P. SINHA,
Registrar.

Memo No. XLIXD-32-65

Copy forwarded to the Sessions Judge, Judicial Commissioner, District Magistrate, and Deputy Commissioner for information and guidance and for communication to and guidance of the Courts subordinate to him.

By order of the High Court,

High Court
Administrative Department
(Criminal)

D. P. Sinha
First Assistant Registrar.

***

No. 2374-409.

Dated the 23rd February 1970.

To

All the District and Sessions Judges in Bihar including the Judicial Commissioner of Chotanagpur, Ranchi and all the District Magistrate and the Deputy Commissioners in Bihar,

Sir,

I am directed to say that the Court in their letter No. 2679-711, dated the 26th February 1965 had issued directions for maintenance of an unauthorised register for showing the number of witnesses examined and discharged with a view to facilitating compilation of the Annual statement in form (s) 14 Criminal. The said register was introduced on an experimental basis for one year. The maintenance of the aforesaid register has proved useful for compilation of the Annual statement and as such the Court have been pleased to decide that the unauthorised register should be maintained by all the Courts on a permanent basis.

The above instructions should be brought to the notice of all concerned.

Yours faithfully,
C. P. SINHA, Registrar.

***

General Letter No. 1 of 1970.

(CRIMINAL)

From

C. N. Tiwary, Esq., B. L.,
Registrar of the High Court of Judicature at Patna,

To

All the District and Sessions Judges in Bihar including the Judicial Commissioner of
Chotanagpur, Ranchi

19th Chaita, 1892.
Dated Patna, the _____
9th April, 1970.

Sir,

I am directed to say that at present there is no uniform practice with regard to the deposit in the Record Room of the records of cases in which the accused persons are absconding. In some judgeships such records are sent to the Record Room after the magistrate has been able to record the evidence of witnesses under Section 512 Cr. P. C. whereas in other judgeships, the records are deposited in the Record Room even without recording the evidence under Section 512 Cr. P. C., if the Magistrate finds that the attendance of witnesses cannot be secured in spite of all possible efforts having been made.

The Court have fully examined the matter and are of the view that the, records relating to the absconding accused persons should ordinarily be consigned to the Record Room after the evidence of witnesses under section 512 Cr.P.C. has been recorded. Such records may, however, be deposited in the Record Room even without recording the evidence under Section 512 Cr.P.C., if in spite of all efforts made by the Magistrates to secure the attendance of Witnesses, the .witnesses do not turn up within a reasonable time. In such cases, the Magistrate should first obtain an order of the Sessions Judge for the deposit of the record into the Record Room explaining to him (Sessions Judge) the steps taken .in the case to secure the attendance of the witnesses. The records should be despatched to the Record Room after an order of the Sessions Judge in this regard has been obtained.

The above instructions should be strictly followed by all concerned.

Yours faithfully,
C. N. TIWARY,
Registrar

***

No. 714

From

Chandra Narain Tiwary, Esqr.,
Registrar of the High Court of Judicature at Patna.

To

The District and Sessions Judge of Darbhanga.

Dated Patna the 18th January, 1971.

Sir,

I am directed to invite a reference to your letter No. 7240, dated the 23rd July 1968 requesting the Court to consider whether there should be some provision for making entries regarding the life of criminal records on their title page like the records of civil cases.

The Court after due consideration of the matter have come to the conclusion that it will not be possible to make such provisions with regard to, criminal records as in the case of civil records in view of the fact that the period for which file A and File B of criminal case records are to be preserved will not be the same in all cases. The instructions contained in rule 150 at pages 51 - 53 of the Criminal Court Rules with regard to destruction of criminal records are quite exhaustive and if those instructions are strictly followed there can be no confusion in the matter of destruction of records of criminal courts. Moreover, necessary directions have already been given in rules 134 and 135 at page 46 of the Criminal Court Rules for entering in column 5 of the table of contents, the period for which the papers are to be preserved. Rule 147 Ibid further lays down that a list in Form No. (R) 13 shall accompany all records sent by Magistrates to the District Record Room and list in Form No. (R) 14 shall accompany all records sent to the Sessions Judge's Record Room. Column 13 in Form No. (R) 13 and column 10 in Form No. (R) 14 contains the date of destructions. Note I below rule 149 at page 51 of the Criminal Court Rules says that care should be taken to correct classifications of records as shown in the lists when it becomes necessary owing to the conviction being modified or set aside by higher court.

Yours faithfully,
C. N. TIWARY,

Memo no. 715-33

Dated the 18th January, 1971

Copy forwarded to the District and Sessions Judge / Judicial Commissioner of Chotanagpur/Peripatetic District and Sessions Judge in continuation of this Court's letter no. 10761-77, dated 11th September 1968 for his information.

By order of the High Court,
R. K. SARAN,
First Assistant Registrar.

***

General Letter No. 4 of 1972

(CRIMINAL)

From

Dilip Kumar Sinha, Esqr.,
Additional Registrar of the High Court of Judicature at Patna,

To

All the District and Sessions Judges in Bihar
Including the Judicial Commissioner of Chotanagpur, Ranchi.

7th Asvina, 1894

Dated Patna, the _____

29th September 1972

Sir,

I am directed to say-that the Court have had under consideration the suggestion whether the procedure followed in Civil cases with regard to filling up of table of contents and marking of order sheets should be followed in Criminal cases also.

After due consideration, the Court have come to the conclusion that order sheets in Criminal cases should be marked in Roman figures and other papers in file 'A' should be given separate numerical figures. When the documents are filed by a party with the list in form (M) 22-A then only that list, should be numbered and entered in the table of contents of file 'B' and there is no need of page numbering the attached documents and their entry in the table of contents of file 'B'. In event the case is transferred from one Court to another at the evidence -stage then the Bench clerk of the Court where the case had been originally pending should attach with the depositions ready recorded a list showing the number of witnesses examined and the number of pages covered by the depositions. The adoption of the above procedure will remove the difficulties which were being so far experienced in following General Letter No. 1 of 1957.

The above instructions should be strictly followed.

Yours faithfully,
D. K. SINHA, Additional Registrar.

Memo. No. XLIXD-20-67

Copy forwarded to District and Sessions Judge, Judicial Commissioner for information and guidance and for favour of communication to and guidance of the Courts subordinate to him.

High Court,
Administrative Department
(Criminal)

By order of the High Court,
R. N. PRASAD,
Third Assistant Registrar.

Asvina 1894

The _____

September 1972

***

General Letter No. 2 of 1973

(CRIMINAL)

From

Awadh Kumar Lal, Esqr., M.Sc., B.L.,
Additional Registrar of the High Court of Judicature at Patna,

To

All the District and Sessions Judges in Bihar including the
Judicial Commissioner of Chotanagpur and all the District Magistrates and
Deputy Commissioners in Bihar.

6th, Srawna, 1895

Dated Patna, the _____

28th July 1973

I am directed to say, that the Court have had under consideration the question, whether it is possible to grant long adjournments in criminal cases in which accused persons are on bail so that such cases may be heard on the date fixed and the accused, do not suffer harassment by having to appear at short intervals while the case is not ready.

The court have, after due consideration of the matter, arrived at the conclusion that it is not only possible to grant long adjournments in criminal cases in which an accused person is on bail, but also highly desirable. Even in those cases pending before Magistrates, where an accused person is not on bail it is possible, and also desirable wherever necessary, to grant long adjournments for hearing of the cases, provided that the requirement of proviso to sub-section (1A) of Section 344 of Code of Criminal Procedure for remand of the accused is complied with by fixing intermediate dates for his production before the Magistrate. The Court, however, wish to make it clear that the above instructions for granting long adjournments in cases in which accused are in custody should not be construed to imply that the Magistrates should not make their best efforts to conclude the trial of accused persons in custody within the shortest time possible.

The above instructions should be strictly followed in future.

Yours faithfully,
A. K. Lal,
Additional Registrar.

***

No. 644-62

From

Manoranjan Prasad, Esqr.,
Registrar of the High Court of Judicature at Patna.

To

All the District and Sessions Judges in Bihar including
the Judicial Commissioner of Chotanagpur, Ranchi.

Dated, Patna the 13th January, 1977

Sir,

I am directed to say that it has been brought to the notice of court that sometimes more than one Sessions case is fixed for the same date which leads to inconvenience.

The Court, therefore, direct that in future ordinarily, more than one Sessions case should not be fixed for the same date.

The above instruction should be followed by all concerned.

Yours faithfully,
M. PRASAD
Registrar.

***

No. 3136

From

Shri Manoranjan Prasad,
Registrar of the High Court of Judicature at Patna.

To

The District and Sessions Judge, Dhanbad.

Dated, Patna, the 12th March, 1977

Sir,

With reference to your letter no. 592 Cr., dated the 1st February 1977,1 am directed to say that though it is not possible to avoid altogether fixing of part heard sessions cases on dates on which another sessions case is fixed from before, this should be avoided as far as possible.

Yours faithfully,
MANORANJAN PRASAD,
Registrar.

Memo No. 3137-54

Dated Patna, the 12th March, 1977

Copy forwarded to all the other Sessions Judges in Bihar, including the Judicial Commissioner of Chotanagpur, Ranchi for information and guidance in continuation of the Court's letter no. 644-62, dated the 13th January, 1977.

By order of the High Court.
(Sd.) ILLEGIBLE,
3rd Assistant Registrar.

***

No. 12949 / 753

From

Binodanand Singh, Esq., B. A. B. L.
Registrar of the High Court of Judicature at Patna,

To

All the District and Sessions Judges including the
Judicial Commissioner of Chotanagpur, Ranchi.

Dated Patna, the 4th November, 1978.

Sir,

I am directed to say that the Court in their letter no. 7688, dated the 18th of August, 1958 to the District and Sessions Judge of Saran, Chapra, copy of which was forwarded to all the District and Sessions Judge, including the Judicial Commissioner, Ranchi, District Magistrates and Deputy Commissioners under memo no. 7689-718, dated 18th August 1958/27th May 1980 had approved of the practice of maintenance of Court's diary in Criminal Courts in Form No. (R) 8 (Civil) with column 3 of the Court's diary in the aforesaid form subdivided into four parts. The Court have noticed that in maintaining the diary there is no uniformity in the manner of showing witnesses in the four subdivided parts of column 3.

The Court, therefore, after careful consideration of the matter reiterate their approval of the maintenance of the Court's diary in form no. (R) 8 (Civil) in the Courts of the Magistrates, but further direct that column No. 3 of the diary should now be divided into five sub-columns instead of four under the following heads :-

Sub-column no. (1)-Number of witnesses examined in Chief.

Sub-column no. (2)-Number of witnesses discharged only after examination in Chief.

Sub-column no. (3)-Number of witnesses cross examined.

Sub-column no. (4)-Number of witnesses examined and cross examined.

Sub-column no. (5)-Number of witnesses discharged after cross examination.

The above instructions should be strictly followed in future by all concerned.

Yours faithfully,
(Sd.) ILLEGIBLE, Registrar.

Memo No. 12976-13006

Dated Patna, the 4th November 1978.

Copy forwarded to all the District Magistrate and Deputy Commissioners in Bihar for information and guidance and for communication to and guidance of the courts subordinate to him.

By order of the High Court,
R. N. BHATTACHARJEE,
Third Assistant Registrar,

***

General Letter No. 1 of 1979

(CRIMINAL)

From

Binodanand Singh, Esq., Registrar of the High Court of Judicature at Patna,

To

All the Sessions Judges in Bihar including the Judicial Commissioner of Ranchi and all the District Magistrates and the Deputy Commissioners in Bihar.

24th March, 1979

Dated Patna, the _____

3rd Chaitra, 1901

Subject - Withdrawal of certain category of cases of undertrial prisoners.

Sir,

I am directed to say that it has come to the notice of the Supreme Court in Writ Petitions filed by the under-trial prisoners that thousands of under-trial prisoners are confined in the jails of Bihar for long periods and the court have directed to release the prisoners concerned on P. R. bonds.

Further the State Government have also given anxious consideration to the matter of undertrial prisoners and have decided to withdraw certain category of cases with the consent of the courts and have issued instruction to the District. Magistrates. The Government further desire that subordinate courts should hear the withdrawal petitions immediately as soon as they are filed by the Public Prosecutors, irrespective of the date fixed.

I am therefore, to say that the court, therefore, consider it desirable that all applications for withdrawals whenever filed by the public prosecutors should be heard and disposed of immediately as soon as they are filed irrespective of the date fixed from before for putting up the case record. This would help expedite intended progress in the matter.

The above instructions should be followed strictly.

Yours faithfully,
RAMADHAR SINGH, for Registrar.

Memo No. 742-807-XI-2-79

Chaitra, 1901

The _____

26th March, 1979

Copy forwarded to the District and Sessions Judge, District Magistrate, Deputy Commissioner for information and guidance and for communication to and guidance of the courts subordinate to him.

High Court, Administrative Department (Criminal).

By order of the High Court,
RAMADHAR SINGH, Second Assistant Registrar

***

General Letter No. 2 of 1979

(CRIMINAL)

From

Binodanand Singh, Esq., B.L., Registrar of the High Court of Judicature at Patna,

To

All the Sessions Judges in Bihar, including
the Judicial Commissioner of Chotanagpur, Ranchi.

Dated Patna, the May, 1979

Sir,

It has been brought to the notice of the Court that columns 7 and 8 of Magistrates General Registrar of cases cognizable by the police in form No. (R) 2 maintained in the Courts of Chief Judicial Magistrates and Sub divisional Judicial Magistrates are not filled up regularly. When a register has been prescribed it is necessary that the same is maintained properly for which filling up of all the columns is a must and it is only then that it serves the purpose for which it has been prescribed.

The Court, therefore, while superseding the instructions contained in their G. L. No. 1 of 1968 (Criminal), direct that the Bench clerks of all the Courts of Judicial Magistrates should send every month to the Chief Judicial Magistrates or the Subdivisional Judicial Magistrates, as the case may be, a list in duplicate of Criminal cases disposed of during the preceding month, indicating the number of the case, the names of the parties, sections, dates of disposal and the results of cases.' The Bench clerks of the Courts sending the lists should obtain signatures of the persons receiving the same on duplicate copies which should be preserved by them. The Courts of the Chief Judicial Magistrates or Subdivisional Judicial Magistrates, as the case may be, should fill up columns 7 and 8 of the Register in Form No. (B) 2 every month on receipt 01 the aforesaid lists.

The above instructions should be strictly followed in future.

Yours faithfully,
BINODANAND SINGH, Registrar.

Memo No. XLIXD-3-79

The _____ 1979

Copy forwarded to the Sessions Judge, Judicial Commissioner, District Magistrate, Deputy Commissioner for information and guidance and for communication to and guidance of the Courts subordinate to him.

By order of the High Court,
R. N. Bhattacharjee,
3rd Assistant Registrar

High Court,
Administrative Department (Criminal)

***

General Letter No. 3 of 1979

(CRIMINAL)

From

Binodanand Singh, Esq.,
Registrar of the High Court of Judicature at Patna,

To

All the Sessions Judges in Bihar including the Judicial Commissioner, Ranchi and all the District Magistrates paid the Deputy Commissioners in Bihar.

28th May, 1979

Dated Patna, the _____

7th Jyaistha 1901

Sir,

It his come to the notice of the Court that the provisions of section 167(2) of the Code of Criminal Procedure are not strictly complied with by the Magistrates in the State.

I am, therefore, to request you to direct all the Magistrates to submit monthly reports to the Sessions Judges stating whether the provisions of section 167(2) of the Code of Criminal Procedure are being strictly complied with or not and the Sessions Judges in their turn should take suitable action on the reports.

Yours faithfully,
B. SINGH,
For Registrar.

Memo No. 7076-7143-XI-2-79

28th May, 1979

The _____

7th Jyaistha 1901

Copy forwarded to the District and Sessions Judge, Judicial Commissioner, Ranchi, District Magistrate, Deputy Commissioner for information and guidance and for communication to and guidance of the Courts subordinate to him.

By order of the High Court,
R. SINGH,
Second Assistant Registrar.

High Court,
Administrative Department

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No. 7844-72

From

Binodanand Singh Esq., B.L.,
Registrar of the High Court of Judicature at Patna,

To

All the District and Sessions Judges in Bihar including
The Judicial Commissioner of Chotanagpur, Ranchi.

Dated Patna, the 29th June, 1979

Subject.- Consideration of the question as to whether a general letter may be issued to all District Judges including the Judicial Commissioner, Ranchi to the effect that Sessions Cases on being committed to the Court of Sessions, may immediately be transferred to the different courts of competent jurisdiction for expeditious trial and disposal in accordance with law.

Sir,

I am directed to say that the court have carefully considered the question relating to above noted subject and have decided that for strict compliance of the instructions contained in Rule 39 at page 13 of the Criminal Court Rules, Vol. I and General Letter No. 12 of 1957 (Criminal) the Sessions Judges should submit monthly report to this court showing under appropriate heads the number of commitment cases received in a week and the number of such cases transferred to different sessions courts in the week following.

I am therefore, to request you to see that the above instructions are strictly followed by all concerned in future.

Yours faithfully, Sd. B.N. SINGH, Registrar.

Note : Related instructions at Pg. - 24

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General Letter No. 1 of 1980

(CRIMINAL)

From

Binodanand Singh, Esq., B.L., Registrar, High Court of Judicature at Patna,

To

All the District and Sessions Judges in Bihar, including the Judicial Commissioner of Chotanagpur Ranchi.

Dated, Patna the 1st February 1980.

Sir,

I am directed to say that the Court have had under consideration the question as to how column no. 3 of the register of Sessions Cases (R) 23 should be filled in after the coming into force of the new code of Criminal Procedure. Prior to 1st April 1974, i.e. before

the new code of Criminal Procedure, came into force, the age of the accused in column 3 of the Register was shown on the basis of that indicated in the order of commitment, passed by the Committing Magistrate.

On careful consideration of the matter, the Court have decided that column no. 3 of the register of Sessions Cases (R) 23 should now be filled in with reference to the age of the accused, as given in the judgment passed by the Sessions Court.

The above instruction should be strictly followed in future.

Yours faithfully,
BINODANAND SINGH, Registrar.

Memo No. XLIXD-16-78,

The 1st February 1980/13th Magh, 1901.

Copy forwarded to the District and Sessions Judge and Judicial Commissioner for information and guidance and for communication to and guidance of the Courts subordinate to him.

High Court,
Administrative Department
(Criminal)

By order of the High Court,
NOORUDDIN AHMAD,
Third Assistant Registrar.

***

No. 2788-816

From

Shri Binodanand Singh, Registrar of the High Court of judicature at Patna,

To,

All the District and Session Judges in Bihar including
the Judicial Commissioner of Chotanagpur, Ranchi.

Dated Patna, the 12th March, 1980.

Sir,

I am directed to say that the Court have had under considerations the question whether the Magistrates should write orders on the in itself and read them out to the lawyers. The Court have considered the question and are of the view that necessary instructions in this connection has already been issued in the Court's General Letter no. 1 of 1950 (Criminal).

The Sessions Judge should therefore, see that the instructions contained in the aforesaid General Letter are strictly followed by all the magistrates. The Magistrates may also be directed to carefully read the orders drafted by the Bench Clerk before signing them so as to ensure that the orders have been correctly and clearly drafted.

The Session's Judge should also make the New courts aware of the old General Letters and circular orders issued by the Court from time to time.

The above instructions should be strictly followed in future.

Yours faithfully.
B. N. SINGH, Registrar.

***

General Letter No. 3 of 1981.

(CRIMINAL)

From

Binodanand Singh,Esq., B. L.,
Registrar of the High Court of Judicature at Patna.

To

All the District and Sessions Judges in Bihar Including
The Judicial Commissioner, Ranchi.

24th Chait, 1903,
Dated Patna, the _____
14th April, 1981,

Sir,

I am directed to say that the Court have had under consideration the question as to what kind of order should be noted in column No. 6 of the register in Form No. (R) 1, Criminal.

The Court after due consideration of the matter direct that a note of the order taking cognizance and transferring cases to other Courts as also the order regarding enquiry under section 202 Cr.P.C. should be entered in column no. 6 of the register in Form No. (R) 1, Criminal.

The above instruction should be strictly followed in future by all concerned.

Yours faithfully,
Binodanand Singh,
Registrar.

Memo No. XLIXD-12-81

Copy forwarded to the District and Sessions Judge/Judicial Commissioner/District Magistrate/Deputy Commissioner of for information and guidance and for communication to and guidance of the Courts subordinate to him.

By order of the High Court;
Nooruddin Ahmad,
3rd Assistant Registrar.

High Court, Administrative Department (Criminal).

***

General Letter No. 5 of 1981

(CRIMINAL)

From

Shri Binodanand Singh, Esqr, B. L.,
Registrar of the High Court of Judicature at Patna

To

All the District & Sessions Judges in Bihar including
The Judicial Commissioner of Chotanagpur, Ranchi.

28th Baisakh, 1903

Dated Patna, the _____
18th May, 1981,

Sir,

I am directed to say that the Court have considered the question as to whether Additional Chief Judicial Magistrate or any Judicial Magistrate should entertain bail applications on holidays at their residence as also accept the bail bonds, if the bail order is received from the Superior Court during the holidays, and have decided that Judicial Magistrates should accept the bail bonds even after the Court hours at their residence in case a bail order is received from Superior Court on a date after which the Court would remain closed for some holidays.

I am, therefore, to request you to direct the Judicial Magistrates under you to accept the bail bonds even after the Court hours at their residence, in case a bail order is received from superior Court, on a date after which the Court would remain closed for some holidays.

Yours faithfully,
BINODANAND SINGH,
Registrar.

Memo No. _____
XLIXD-28-80

The _____ *1981*

Copy forwarded to the Sessions Judge/Judicial Commissioner of for information and guidance and for communication to and guidance of the Courts subordinate to him.

By order of the High Court,
N.AHMAD,
Assistant Registrar III.

High Court, Administrative Department,
(Criminal).

***

General Letter No. 1 of 1982

(CRIMINAL)

From

Shri Bageshwari Prasad Griyaghey,
Registrar of the High Court of Judicature at Patna.

To

All the District and Sessions Judges in Bihar
(including) The Judicial Commissioner of Chotanagpur, Ranchi

8th, Chaitra 1904

Dated Patna, the _____

29th March, 1982

Sir,

It has been brought to the notice of the Court that there is no uniformity of practice in maintaining the register of complaint cases in Form No. (R) 1 Criminal, in different Judgeships and equal number of registers are not being maintained for complaint cases.

The Court have considered the matter and are of the view that for uniformity of practice the following seven volumes of complaint register in Form No. (B) 1 should be maintained :-

(1) Register of General Complaints.

(2) Register of complaints by Government servants.

(3) Register of complaints filed under the Excise Act and the Forest Act.

(4) Register of complaints filed under the Food Adulteration Act and the Essential Commodities Act.

(5) Register of complaints filed by the .District Board.

(6) Register of complaints filed by the Municipality and filed under any other Act.

(7) Register of complaints.

The above instructions should be strictly followed in future by all concerned.

Yours faithfully,
B. P. GRIYAGHEY
Registrar.

***

General Letter No. 2 of 1982

(CRIMINAL)

From

Shri Bageshwari Prasad Griyaghey
Registrar of the High Court of Judicature at Patna.

To

All the District and Sessions Judges in Bihar (including)
The Judicial Commissioner of Chotanagpur, Ranchi.

13th Chaitra, 1904
Dated the, Patna _____
5th April, 1982

Sir,

I am directed to say that the Court in their General Letter No.2 of 1936 (Civil) had issued instructions to submit with the quarters returns to statement in Form No. (S)7-C showing the number of applicant on for inspection and the income derived therefrom. The Court have, however, not prescribed any form of application for inspection and register for inspection of records for criminal cases like Form Nos. (M) 41 and (R) 23 respectively prescribed in respect of Civil cases with the result that the applications for inspection of records filed in Magisterial Courts remain unaccounted and consequently no statement in Form No. (S) 7-C showing the number of application for inspection of records in criminal cases and the income derived therefrom is submitted to this Court.

The Court have consideration this aspect of the matter and direct that in the court of Magistrates also the application for inspection of records should be filed in Form No. (M) 41 (Civil) and a register in Form No. (R) 23 (Civil) should also be maintained for showing the number of applications for inspection of records filed in those Courts. The number of applications for inspection of records filed in the Magisterial Courts and the income derived therefrom should also be included in the quarterly Statement in Form No.(S)7-C.

The above instructions which are in continuation of the instructions contained in Court's General Letter No. 8 of 1963 (Civil) should be strictly followed in future by all concerned.

Yours faithfully,
B. R GRIYAGHEY, Registrar.

Memo No. XLIXD-27-69

Copy forwarded to the Sessions Judge/Judicial Commissioner/District Magistrate/ Deputy Commissioner of for information and guidance and for information and guidance of the Courts subordinate to him.

High Court,
Administrative Department (Criminal)

By order of the High Court,
N. AHMAD Assistant Registrar III.

***

General Letter no. 5 of 1982

(CRIMINAL)

From

Shri B.P. Griyaghey.
Registrar of the High Court of Judicature at Patna.

To

All the District and Sessions Judges in Bihar including
The Judicial Commissioner of Chotanagpur, Ranchi,
All the District Magistrates and Deputy Commissioners.

15th Asadh, 1903

Dated Patna, the _____
6th July, 1982.

Sir,

I am directed to say that amended Rule 244 (a) at page 87 of the Criminal Court Rules, Vol. 1 provides that when convenient, the Sessions Judges should visit the Courts of Judicial and Executive Magistrates (excluding District Magistrates). The rule further lays down that their inspection of these Courts should be of general character and directed rather to Judicial than to executive matters they should sit with the Subordinate Magistrates concerned, advise them in matters of procedure, and consider generally their conduct of the proceedings before them. They should also examine some of their, records and scrutinize the orders passed by them at various stages of trials e.i., orders admitting to bail, for issue of summonses to, and warrants for the purest of witnesses, for adjournments, and so forth. In practice, however, the Sessions Judges are not inspecting the Courts of Executive Magistrates after coming into force of the new Cr.P.C.

The Court, after careful consideration of the matter, direct that Sessions Judges should also inspect the Courts of Executive Magistrates in the same manner as they inspect the Court of Judicial Magistrates. The above direction should be strictly followed in future.

Yours faithfully,
B. P GRIYAGHEY
Registrar.

Memo. No. XLIXD-53-65

Copy forwarded to the Sessions Judge / Judicial Commissioner / District Magistrate / Deputy Commissioner of information and guidance and for communication to and guidance of the Courts subordinate to him.

By order of the High Court,
N. AHMAD,
Assistant Registrar. III.

High Court,
Administrative Department
(Criminal).
The.....

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No. 18400-28

From

Shri B. E Griyaghey, Registrar of the High Court of Judicature at Patna.

To

All the District and Sessions Judges in Bihar, including The Judicial Commissioner of Chotanagpur, Ranchi.

Dated, Patna, the 27th August, 1982

Sir,

I am directed to say that the Court in their letter no. 955-83, dated the 25th December 1981 forwarded, a copy of Supreme Court orders dated the 10th September 1981 passed in Writ Petition no. 1344 of 1981 containing directions with regard to non-requirement of further appearance of accused persons released on bail in Magisterial Courts till the submission of final form and directed that the principles and directions contained in the said orders should be strictly followed.

The Court again impress upon the Subordinate Courts that the aforesaid directions of the Supreme Court should be strictly followed.

Yours faithfully,
B. P. GRIYAGHEY, Registrar.

***

No. 5825

From

Vikramaditya Prasad, Registrar of the High Court of Judicature at Patna
Ranchi Branch, Ranchi

To

District & Sessions Judges Jamshedpur, Dhanbad, Hazaribagh, Chaibasa, Daltonganj, Gumla, Bokaro, Giridih including Judicial Commissioner, Ranchi

Sub : Transmission of Case Diary, Post Mortem Report, Antecedent Report from the Lower Courts to The High Court.

Sir

I am directed to inform you that in quite a good number of cases inspite of requisitions sent to your judgeship in the names of the concerned officers and reminders thereafter including the express reminder, the Case Diary, Post Mortem Report, Antecedent Report etc, which have been called for from the Court concerned are not being sent promptly. It has been noticed that in many cases even after a lapse of four months the requisitions have remained uncomplied. Many a times the compliance has been found to be incomptete, for example when the Case Diary and Post Mortem Report both have been called only the Case Diary has been sent and not the Post Mortem Report. All these delay the disposal of the petitions pending before the Court to the annoyance of Hon'ble Benches and also to the litigants.

I am, therefore, directed to request you to impress upon all the Officers of your Judgeship to take personal pains in sending the Case Diary, Post Mortem Report, Antecedent Report etc. promptly and they should also see that the compliance is made in full and not in Part.

(Vikramaditya Prasad), Registrar

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No. 3554-95

From

B.N.P. Singh, Registrar General,
High Court of Judicature at Patna

To

The District & Sessions Judge

Dated, Patna the 16th March, 2000

Sub : Regarding taking cognizance of the offence under the Dowry Prohibition Act, either by the C.J.M. or S.D.J.M., in view of the notification of the State Government designating the court of Sub-divisional Magistrate in each District Headquarters as Special Court to try the above cases.

Sir,

With reference to your letter no. 210 dated the 20th January, 2000 on the subject noted above, I am directed to say that the Court on consideration of the matter have been pleased to decide that with reference to Section 7 of the Dowry Prohibition Act, 1961, offences shall be tried by the designated court and the cognizance may be taken by either, in context.

This is for information and necessary action.

Yours faithfully,
Sd/- B.N.P. Singh, Registrar General

Memo No. 3554-95

Dated, Patna the 16th March, 2000

Copy forwaded to All the District & Sessions Judges of Bihar (excluding D.J. Gaya) and the Judicial Commissioner, Ranchi for information and the needful with reference to court's letter no. 19776-817/Apptt. dated XXVII-6-98 dated 13.12.99.

By order of the High Court,
Registrar General

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No. 3838-79

From

Bal Krishna Jha, Registrar (Administration) High Court of Judicature at Patna.

To

All the District and Sessions Judges, Bihar Including the Judicial Commissioner

Dated, Patna the 21st July, 2000

Sub : Recommendation of CCFS concerning amendment in the provision of Sub-section (3, of Section 13 of PFA At, 1954).

Sir,

I am directed to send herewith a copy of letter No. F. No. P. 15025/35/2000 (PH) F date 6.6.2000, received from the Additional Director General of Health, Directorate General of Health Services, New Delhi, on the subject mentioned above and to request you to forward the same to all the court concerned under your respective Judgeship for strict compliance in accordance with the recommendation of the Committee (Central Committee for Food Standards) by the court concerned.

Encl. :- As stated above.

Yours faithfully,

Registrar (A)

Memo No. 3080-3106

Dated 27.7.2000

Copy forwarded to the All A.J.C., Ranchi, C.J.M., S.D.J.M. all Sub-Judge All J.M., Munsif, and Addl. Munsif for information and needful and Judge-in-Charge, Khunti, Lohardaga for information & needful with a request to inform other Judl. Officers posted there.

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No. 1403-31/Apptt.

From

Vishnudeo Narayan, Registrar General
Jharkhand High Court, Ranchi

To

All the District & Sessions Judges in Jharkhand including Judicial Commissioner, Ranchi All the Chief Judicial Magistrates in Jharkhand.

The 17th Day of May, 2001

Sir

I am directed to say that often it comes to the notice of the court that some officers take cognizance of the offences in Criminal Cases under those Sections which are mentioned in the Charge-sheet or complaint petition but in fact the F.I.R. and materials in the Case-Diary or the Complaint petition and Statement of witnesses recorded during enquiry u/s 202 Cr.P.C. do not make out a Prima facie case under those sections. The order taking cognizance are passed by such offices without application of mind and in a patent mechanical exercise of power. This causes much inconvenience and harassment to the Litigant public and it becomes difficult for the prosecution/compalinant to prove cases under those sanctions.

The Court after due consideration of the matter has been pleased to direct to the all the Judicial Officers of the State to be careful in future while taking cognizance of a Criminal Case. Cognizance in Criminal Cases should be taken only under those Sections under which a prima facie case is actually made out on the basis of the F.I.R. and materials available in the Case Diary of complaint petition and statement of witnesses recorded during enquiry U/s 202 Cr.P.C.

The above instructions be circulated amongst all the Judicial Officers of the Judgeship for information and needful.

(Vishnudeo Narayan)

Registrar General)

***

No. 3640-61/Apptt.

From

Ibrar Hassan, Registrar General, High Court of Jharkhand, Ranchi

To

All the District & Sessions Judges of State of Jharkhand including the Judicial Commissioner, Ranchi

Sub : Trial of cases under the Mines Act, 1952 by the Judicial Magistrate of 1st Class.

Sir,

I am directed to inform that the court have been pleased to resolve that the cases under Mines Act, 1952 be tried by every Judicial Magistrate. 1st Class, though at present such cases are being tried by the Chief Judicial Magistrates at some stations.

The District and Sessions Judges of Dhanbad, Hazaribagh and Pakur are further directed to ensure that they make special arrangement by deputing 3/4 Judicial Magistrates, 1st class, with instruction to them to clear the backlog of such cases within six months.

Yours faithfully,
Registrar General

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No. 0544

Dated 1.7.2002

From

Ibrar Hassan, Registrar General
High Court of Jharkhand, Ranchi

To

The Commissioner-cum-Secretary, Government of Jharkhand
Department of Health, Medical Education and Family Welfare, Ranchi

Madam,

With reference to your letter No. 3/Court-8-1/2002. 91(HC) dated 28.6.2002, I am directed to say that the Court have been pleased to recommend that the Chief Judicial Magistrate, Ranchi by designation be included in the Board of visitors to be formed by the State Mental Authority, Department of Health of Government of Jharkhand, Ranchi.

Yours faithfully,
Sd/- Ibrar Hassan, Registrar General

Memo No. 4266-67/Apptt.

Copy forwarded to the Secretary, Law (Judicial) Department, Govt. of Jharkhand, Ranchi and Judicial Commissioner, Ranchi, for information and necessary action.

Registrar General

***

General Letter No. 1 OF 2003

Dated 06.03.2003

From :

Ibrar Hassan, Registrar General,
High Court of Jharkhand, Ranchi

To

All the District and Sessions Judges of
The State of Jharkhand including Judicial Commissioner, Ranchi

Sir

I am directed to say that it has come to the notice of the Court that in spite of receipt of the acquittal order of this Court by the Lower Court the release orders are not issued by some Courts in time as a result of which the accused persons unneccesarily languish in Jail.

I am therefore directed that henceforth all the Courts below should ensure that no sooner an order of acquittal is received, the acquitted persons must be released from Jail forthwith without further delay. The Court below should also ensure that conviction register is properly maintained.

The above instructions should be strictly followed in future by all concerned.

Yours Faithfully

Registrar General

Memo No. 2034-91

Dated 22.3.2003

Copy forwarded to Sri ..... for information and needful.

Registrar

Civil Courts, Ranchi

***

No. 1080/Vig-Cell

To,

All the District & Sessions Judges
including, Judicial Commissioner, Ranchi.

Subject: - Regarding examination of witnesses.

Sir,

It has come to the notice of the Court that some Presiding Officers do not examine the witnesses who turn up in their Courts. The Court, after consideration of the matter, have been pleased to direct all the District & Sessions Judges, including Judicial Commissioner,

Ranchi, to ensure that all the Presiding Officers within their districts examine all the witnesses who turn up and do not create a situation where any witnesses has to return without he/she being examined.

Kindly inform all the Presiding Officers of your district accordingly and ensure that the direction of the Hon'ble Court is complied with by all concerned.

Yours faithfully,

Registrar General.

Memo no. 4569-4625

Dated 2-6-03

Copy forwarded to All Judl. Officer, Ranchi/Khunti for information and needful with request to comply the direction of the Hon'ble Court.

Registrar

Civil Courts, Ranchi

***

No. 4760-81/Apptt.

To

All the District and Sessions Judges,
Additional District and Sessions Judges including
the Judicial Commissioner, Additional Judicial Commissioners, Ranchi and
Additional Judicial Commissioners, Khunti

Sir,

I am directed to enclose herewith a copy of Government's Notification issued vide Memo No. A/Court-Gathan-3/2003-1160/J dated 23.5.2003 both in Hindi as well as English texts relating to Narcotic Drugs and Psychotropic substances Act, 1985 for your information and necessary action.

Encl : As above (3 sheets)

Yours faithfully,
Registrar General

Memo no. 5755-76

Dated 4.7.2003

Copy forwarded to for information and needful.

Registrar

Ranchi

झारखण्ड सरकार
विधि (न्याय) विभाग
अधिसूचना

राँची, दिनांक 23 मई, 2003

एस0ओ0–.....दिनांक.....का अंग्रेजी में निम्नलिखित अनुवाद, झारखण्ड राज्यपाल के प्राधिकार से इसके द्वारा प्रकाशित किया जाता है, जो भारत के संविधान के अनुच्छेद–348 के खण्ड–3 के अधीन अंग्रेजी भाषा में उसका प्राधिकृत पाठ समझा जायगा।

(संचिका संख्या–ए0/कोर्ट–गठन–3/2003–1160/जे0)
झारखण्ड राज्यपाल के आदेश से
(तारकेश्वर प्रसाद)
सरकार के सचिव

NOTIFICATION

S.O. ..... dated ..... In exercise of the powers conferred by Sub-section (1) of Section-36 read with clause-(a) by sub-section(1) of Section 36-A of the Narcotic Drugs and Psychotropic Substances Act, 1985 (Act-61 of 1985) and in consultation with the High Court of Judicature at Ranchi, the State Government is pleased to designate all the Courts of District and Sessions Judges, Additional District and Sessions Judges including the Courts of the Judicial Commissioner and Additional Judicial Commissioners, Ranchi as Special Courts within their respective territorial Jurisdictions for speedy trail and disposal of cases under the Narcotic Drugs and Psychotropic substances Act, 1985.

2. This Notification shall be come into force with immediate effects.

(File No. A./Court-Gathan-3/2003-1160/J.)
By the order of the Governor of Jharkhand
(Tarkeshwar Prasad)
Secretary to the Government

Memo No. A./Court-Gathan-3/2003-1160/J., Ranchi

Dated 23 May, 2003

Copy forwarded to the Suprintendent, Government Press, P.O.-Doranda, Ranchi, with requests to publish the extra Ordinary Gazette. Dated 24.5.03 and send 50 (Fifty) copies to the Law Department.

Secretary to the Government

Memo no. A./Court-Gathan-3/2003-1160/J., Ranchi

Dated 23 May, 2003

Copy forwarded to the Registrar General of the High Court, Jharkhand, Ranchi.

Secretary to the Government

Memo no. A./Court-Gathan-3/2003-1160/J., Ranchi

Dated 23 May, 2003

Copy forwarded to Personnel, Administrative Reforms and Rajbhasha Department, Jharkhand, Ranchi/Finance Department, Jharkhand, Ranchi/Home Department, Jharkhand, Ranchi/All District and Sessions Judges (including Judicial Commissioners/ All Divisional Commissioner/All Deputy Commissioners, for information and necessary action.

Secretary to the Government

झारखण्ड सरकार,

विधि (न्याय) विभाग

अधिसूचना

राँची, दिनांक 23 मई, 2003

नारकोटिक ड्रग्स एण्ड साइकोट्रोपिक सबस्टेनसेल एक्ट, 1985 (अधिनियम-61) की धारा-36 की उपधारा-(1) के साथ पठित धारा-36 की उपधारा-(1) के खण्ड-(क) द्वारा प्रदत्त उक्तियों का प्रयोग करते हुए उच्च न्यायालय, राँची के परामर्श से राज्य सरकार न्यायायुक्त एवं अपर न्यायायुक्तों, राँची के न्यायालयों सहित राज्य के सभी जिला एवं सत्र न्यायाधीशों तथा अपर जिला एवं सत्र न्यायाधीशों के न्यायालयों को अपनी क्षेत्रीय अधिकारिता के अंतर्गत 'दी नारकोटिक ड्रग्स एण्ड साइकोट्रोपिक सबस्टेनसेज एक्ट, 1985 के अंतर्गत मुकदमों के त्वरित विचारण एवं निष्पादन हेतु विशेष न्यायालय के रूप में अभिहित करती है।

यह अधिसूचना तत्कालिक प्रभाव से प्रभावी होगा।

(संचिका संख्या-ए0/कोर्ट-गठन-3/2003-1160/जे0)

झारखण्ड राज्यपाल के आदेश से

(तारकेश्वर प्रसाद) सरकार के सचिव

ज्ञाप संख्या-ए0/कोर्ट-गठन-3/2003-1160/जे0, राँची, दिनांक 23 मई 2003

प्रतिलिपि-अधीक्षक, राजकीय मुद्रालय, पो0-डोरण्डा, राँची, को अग्रसारित करते हुए अनुरोध किया जाता है कि दिनांक 24.5.03 के 'असाधारण गजट' में प्रकाशित कर गजट की 50 (पचास) प्रतियाँ विधि विभाग को भेज दें।

सरकार के सचिव

ज्ञाप संख्या–ए0/कोर्ट–गठन–3/2003–1160/जे0, राँची, दिनांक 23 मई, 2003

प्रतिलिपि:– महानिबंधक, उच्च न्यायालय, झारखण्ड, राँची, को सूचनार्थ एवं आवश्यक कार्रवाई हेतु अग्रसारित।

सरकार के सचिव

ज्ञाप संख्या–ए0/कोर्ट–गठन–3/2003–1160/जे0, राँची, दिनांक 23 मई, 2003

प्रतिलिपि:– आर्थिक, प्रजातन्त्रिक सुधार एवं राजभाषा विभाग, झारखण्ड, राँची/वित्त विभाग, झारखण्ड राँची/ गृह विभाग, झारखण्ड, राँची/सभी जिला एवं सत्र न्यायाधीश (न्यायायुक्त, राँची, सहित)/सभी प्रमंडलीय आयुक्त/सभी उपायुक्त को सूचनार्थ एवं आवश्यक कार्रवाई हेतु अग्रसारित।

सरकार के सचिव

***

No. 1 / 2003

From

Sarju Prasad
I/C Registrar General
High Court of Jharkhand, Ranchi

To

All the District & Sessions Judges
of the State of Jharkhand including
Judicial Commissioner, Ranchi

Sir

I am directed to say that it has come to the notice of the Hon'ble Court that by the order of a Bench of the Hon'ble Court one accused was granted bail in B.A. No. 6022 of 2003 and was directed to be released on bail to the satisfaction of the Presiding Officer of the court where the case was pending at that time, but in the meantime the case was transferred to some other court and the transferee court did not accept the bail bond, ultimately the accused had to remain in jail despite of the fact that he was granted bail by the Hon'ble Court. The Hon'ble Court felt that the action of the transferee court is hypertechnical. The transferee court ought to have accepted the bail bond.

Therefore, I am directed to issue this General Letter that in such circumstances the transferee court must accept bail bond and order for release of the accused.

This direction should be strictly followed henceforth and it should be brought to the notice of all the Judicial Officers of your Judgeship.

Yours faithfully

Registrar General, IC

Memo no. 196-251

Dated 8.1.04

Copy forwarded to All Judl. Officers, Ranchi / Khunti for information and needful with a request to comply the direction of the Hon'ble Court at once.

Registrar

Civil Courts, Ranchi

***

No 9306-27/Apptt.

Dated 15.04.04

From

Brahmeshwar Nath Pandey
Registrar General, High Court of Jharkhand, Ranchi

To

All the District and Sessions Judges of Jharkhand State
including the Judicial Commissioner, Ranchi

Sir

I am directed to enclose herewith a copy of Notification issued by the State Government in the Department of Personnel, Administrative Reforms & Rajbhahasha, Jharkhand, Ranchi vide Memo no. 6/Stha.Shakti-07-16/2004 Ka 5366 dated 27.09.2004 wherey all the Courts of Subdivisional Judicial Magistrates in the State of Jharkhand have been designated as "Employees' State Insurance Courts" wherein and whereunder all the Subdivisional Judicial Magistrates have been vested with the powers to try cases in terms of Section 74 of the Employees' State Insurance Act, 1948.

You are, therefore, requested to inform all the S.D.J.M.s under your Judgeship accordingly.

Encl. : As above (One sheet)

Yours faithfully,

Registrar General

झारखण्ड सरकार,

कार्मिक, प्रशासनिक, सुधार तथा राजभाषा विभाग।

अधिसूचना

राँची, दिनांक 25 सितम्बर, 2004

संख्या–6/स्था.शक्ति–07–16/2004ता0 5366/कर्मचारी राज्य बीमा अधिनियम–1948 की धारा–7 के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए झारखंड के राज्यपाल, झारखंड उच्च

न्यायालय, राँची की अनुशंसा के अनुसार राज्य के सभी अवर प्रमंडलीय न्यायिक दंडाधिकारियों के न्यायालयों को उनके कार्य क्षेत्र के अंतर्गत कर्मचारी राज्य बीमा से संबंधित मामले से ट्रायल हेतु कर्मचारी बीमा न्यायालयों की शक्ति प्रदान करते हैं।

झारखण्ड राज्यपाल के आदेश से

(नित्य शंकर चटोपाध्याय)
सरकार के उप सचिव

ज्ञापांक–6/स्था.शक्ति–07–16/2004का05366/राँची, दिनांक 26 सितम्बर, 04

प्रतिलिपि : अधिक्षक, राजकीय मुद्रणालय डोरंडा, रांची को झारखंड राजपत्र के आगामी अंक में प्रकाशनार्थ प्रेषित।

सरकार के उप सचिव

ज्ञापांक–6/स्था.शक्ति–07–16/2004का05366/राँची, दिनांक 27 सितम्बर, 04

प्रतिलिपि:–महानिबंधक, झारखंड उच्च न्यायालय, राँची को उनके पत्रांक–3654 दिनांक 10.9.04 के प्रसंग में/सचिव, विधि (न्याय) विभाग, झारखंड, राँची/सचिव, श्रम नियोजन एवं प्रशिक्षण विभाग, झारखंड, राँची/सभी जिला एवं सत्र न्यायाधीश को सूचना एवं आवश्यक कार्रवाई हेतु प्रेषित।

सरकार के उप सचिव

ज्ञापांक–6/स्था.शक्ति–07–16/04का0 5366/राँची, दिनांक 27 सितम्बर, 04

प्रतिलिपि:–जिला एवं सत्र न्यायाधीशों से आग्रह है कि अपने स्तर से सभी अवर प्रमंडलीय न्यायिक दंडाधिकारियों को इसकी सूना प्रेषित करने की कृपा करें।

सरकार के उप सचिव

***

No. 240-61/Admn. Misc.

Dated 13.05.2005

From

D.K. Sinha, Registrar General I/C
High Court of Jharkhand, Ranchi

To

All the District and Sessions Judges of the State including
Judicial Commissioner, Ranchi

Sir,

I am directed to forward herewith a photocopy of this Courts Order dated 10-05-2005 passed in W.P (Cr) 149/05 (Court on its motion Vs. The State of Jharkhand) for

information to the concerned and necessary action.

Please acknowledge the receipt.

Encl. : Photocopy of courts order No. 4 dt. 10-05-2005 (Two Sheets)

Yours faithfully,
Registrar General I/C

In the High Court of Jharkhand at Ranchi

W.P. (Cr.) 149 of 2005

Court On Its Own Motion — Petitioner

Versus

The State of Jharkhand — Respondent

CORAM : **HON'BLE THE CHIEF JUSTICE HON'BLE MR. JUSTICE RAMESH KUMAR MERATHIA**

For the Appellant/Petitioner : .....

For the Respondent/Opp. Party : M/s A.K. Sinha, Advocate General, R.R. Mishra, G.P. II

4. **10.5.2005** Learned Advocate General assisted by Mr. Rajiv Ranjan Mishra, learned G.P. II submits that pursuant to the order passed by us on 27th April, 2005, the girl in question, Ms. Sumitra Kumari, has since been released from the Probation Home at Hatia.

While we record the aforesaid fact, we also feel that certain directions are required to be given so that this kind of situation can be avoided in future.

Let this matter stand over till 1st of August, 2005.

In the meantime, the concerned authorities of the Social Welfare Department/ Home Department, Government of Jharkhand, are directed to ensure that proper forward diaries are maintained regarding production of those children, who are in conflict with the law before the respective Chief Judicial Magistrates/Addll. Chief Judicial Magistrates.

(2) There should be separate records maintained for each child and the same should contain reports about the medical status, status of the decision after hearing and the dates when he/she is required to be produced before the Magistrate.

(3) The State should also try to make arrangement for some legal advice to be available so that the children as also the staff are made aware of how the Probation Homes are required to be properly maintained and run.

(4) There should be proper communication between the inmates of the Home and their relatives, in the event they can be traced.

(5) There should be proper arrangements for appointment of suitable staff, such as

Superintendent and Probation Officer, who should look into the different cases of the children. The Juvenile Justice Boards, when formed, and the Magistrates should be given proper training regarding the manner in which they are required to approach the cases involving children.

(6) The learned District & Sessions Judges of the Districts, where the Homes are situated, should arrange for periodical inspection of the records relating to children so that appropriate directions can be given regarding their release or otherwise, since we do not want a repetition of what has happened in the instant case.

Let a copy of this order be made available to the learned Advocate General, who is requested to see that the same is made available to the Social Welfare Department / Home Department, Government of Jharkhand. A copy of this order should also be communicated by the Registrar General to all the District & Sessions Judges in Jharkhand.

Sd/- (Altamas Kabir C.J.)
Sd/- (R.K. Merathia, J.)

***

No. 5995-6016/Apptt/

Dated 31st July 2006

From

Bijay Kumar Pandit, Registrar General
High Court of Jharkhand, Ranchi

To

All the District & Sessions Judges of Jharkhand State including
the Judicial Commissioner, Ranchi

Sir

I am directed to say that the Court have been pleased to clarify that a Judicial Magistrate 1st class of a Judgeship, apart from the Sub-divisional Judicial Magistrate, is empowered try cases under Section 498 (A) I.P.C., read with Section 3/4 of the Dowry Prohibition Act and Prevention of Food Adulteration (P.F.A.) Act and no separate order under Sub-Section (1) of Section 11 of Cr.P.C. is required to be issued for vesting such powers to try cases under Section 498 (A) I.P.C. read with Section 3/4 of Dowry Prohibition Act and Prevention of Food Adulteration (P.F.A.) Act.

Yours faithfully,

Registrar General

Memo No. 4285-86

Dated 2.8.06

Copy supply to S.D.J.M. Ranchi & Khunti, for needful.

***

No. 67-75 (R & S)

Dated 17.01.2007

From

S.K. Murari, Registrar General
High Court of Jharkhand, Ranchi

To

All the District and Sessions Judges
Including Judicial Commissioner, Ranchi

Sub : Instruction regarding disposal of Petty cases invoking the Provisions of Section 258 of Cr.P.C.

Sir,

It may be appreciated that Arrears Committee of Hon'ble the Supreme Court of India have been pleased to impress upon this court to consider the desirability of issuing necessary instructions to the Sub-ordinate judiciary to scrupulously follow the provisions of section 258 in appropriate matters.

It may also be appreciated that a report regarding pendency of petty cases pending before the courts of Magistrates in respect of all the Sub-ordinate courts were called for under it is courts memo no. - (811-832)(R & S) dated 09.11.06. Having perused the pendency figures of Policy cases it is manifest that fairly large number of such cases are pending in several judgeships of the state in which provisions of section 258 of Cr.P.C. can be invoked, as reported by you.

Keeping in mind the spirit of the observation made by Arrear Committee of Hon'ble the Apex Court, the Court deem appropriate to issue following guidelines :-

(1) The Judicial Magistrates of your Judgeship may be impressed upon to disposed of petty cases, specially challan cases pending before them invoking the provisions of Section 258 of Cr.P.C. as far as practicable and would give limited opportunity to the police to secure presence of the accused in the event the police falls and/or neglect to serve notice upon the accused.

(2) The Courts of Magistrates shall transmit a monthly as well as quarterly statement showing disposal of above petty cases immediately at the end of every month/ Quarter preferably before 10th day of the month / Quarter, so as to enable this Court to forward the quarterly progress report of the Arrears Committee in time.

This is for your kind information and compliance thereon.

Yours faithfully,

Registrar General

***

No. 1403-1424

Dated 5th April, 2008

From

S.K. Murari, Registrar General
High Court of Jharkhand, Ranchi

To

All the District & Session Judges of State of Jharkhand including
Judicial Commissioner, Ranchi

Sub : Direction for holding "Bal Lok Adalat".

Sir,

The Hon'ble Court have directed to all the District & Session Judges to ensure holding of "Bal Lok Adalat" periodically and pass orders releasing juveniles in accordance with law and send a report to this Court in time.

Copy of order dated 3.4.2008 passed in W.P.(PIL) 4177/2002 is enclosed herewith for information and necessary action.

Encl. : One (1) Sheet

Yours faithfully

(S.K. Murari)
Registrar General
Jharkhand High Court, Ranchi

In the High Court of Jharkhand at Ranchi

W.P. (PIL) No. 4177 of 2002

Bal Sakha — Petitioner

Versus

The State of Jharkhand & Ors. — Respondents

CORAM : **HON'BLE THE CHIEF JUSTICE HON'BLE MR. JUSTICE D.G.R. PATNAIK**

For the Appellant/Petitioner : M/s. Delip Jerath, F. Rahman

For the Respondent/Opp. Party : M/s. S.B. Gadodia, Advocate General, Rajiv Ranjan

59. **3.4.2008** It is now reported by both Delip Jerath, learned counsel appearing for the petitioner, as well as learned Advocate General that in pursuance of the order passed by this Court on 3.3.2008, "Bal Lok Adalat" was held successfully at the instance of the District & Sessions Judge, Dhanbad and in that process, 56 juveniles have been released.

It is now requested by both of them that this Court may give directions to all the District & Sessions Judges to conduct similar "Bal Lok Adalat" in respect of juvenile offenders to ensure that most of them are released in accordance with law.

Accordingly all the District & Sessions Judges would look into the matter to ensure holding of "Bal Lok Adalat" periodically and pass orders releasing juveniles in accordance

with law and send a report this Court.

Now the Advocate General seeks some time to file report with regard to the progress of other works and functioning of the Observation Homes.

Post this case on 21.4.2008.

Let copies of this order be given to the counsel appearing for the parties.

***

No. 544-65

Dated 14.08.2008

From

S.K. Murari, Registrar General
High Court of Jharkhand, Ranchi

To

All the District and Sessions Judges of the
State including the Judicial Commissioner, Ranchi

Sub : Supply of free copy of judgment of the Sessions Court to the Convicts confined in Jails.

Sir,

In enclosing herewith a copy of letter no. F-8267/SCLSC/94 dated 07-08-2008, received from the Secretary-cum-Joint Registrar, Hon'ble Supreme Court of India, on the subject noted above. I am directed to request you to ensure the supply of the authenticated copy of the judgment of Trial Court to the concerned superintendent of the Jail immediately after the pronouncement of the judgment.

Encl : As above

Yours faithfully

Registrar General

Supreme Court Legal Services Committee

(Constituted Under Sec.3A of the Legal Services Authorities Act, 1987)

Secretary :
R.S. SETH
Joint Registrar, Supreme Court of India

F-8267/SCLSC/94 7.8.2008

To

The Registrar General
High Court of Jharkhand
Ranchi-834002, Jharkhand

Sir

I am directed to write this letter to inform you that the jail petitions of the convicts

confined in various jails being forwarded to the Registry of the Supreme Court or Supreme Court Legal Services Committee are not accompanied by copy of Trial Court Judgment, sometimes even copy of the High Court Judgment.

Your kind attention is invited to this Court's order dated 18.8.1998 passed in Writ Petition (Criminal) No. 312 of 1994 (Supreme Court Legal Services Committee Vs. Union of India & Ors.) which inter-alia reads as under :-

> "i) that they will by issuing administrative orders/instructions ensure that every prisoner/convict is provided with free copy of the judgment of the Sessions Court or the High Court in her/his case or matter within 30 days of the pronouncement of such judgment and Superintendent of the Jail for forwarding the same to the petitioner."

In view of above, I am directed to request you to ensure that authenticated copy of the judgment of the High Court and of the Trial Court are forwarded to the Superintendent of the Jail, where the accused is confined in compliance with the directions in the above order. Appropriate instructions may also be issued to the concerned District Judges of the Districts falling under your jurisdiction to ensure that authenticated copy of the judgment of the Trial Court is furnished to the concerned Superintendent of the jail immediately after the pronouncement of the judgment. The Superintendents of the Jails have also been addressed separately requiring them to forward copies of judgments of the High Court and the Trial Court to the Supreme Court Legal Services Committee/Supreme Court Registry while forwarding the jail petitions of the convicts.

Yours faithfully,
(R.S. SETH), Secretary, SCLSC

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General Letter No. 3 OF 2009

Dated 11.09.09

From

Sri A.K. Gupta, Registrar (Adminstration)
Jharkhand High Court, Ranchi

To

All the District & Sessions Judge of the State of Jharkhand
including the Judicial Commissioner, Ranchi

Sub : Instructions regarding roster arrangement for the working of Criminal Courts during the ensuring Annual Vacation comencing from 18th September, 2009 to 3rd October, 2009 as a first part and 16th October, 2009 to 27th October, 2009 as a second part of the vacation of civil courts.

Sir,

I am directed to any that the roster arrangements for the ensuring Annual Vacation to dispose of urgent matters on the Criminal side of the Civil Courts be made in the following manner :-

(a) At the District Headquarters, the Chief Judicial Magistrate or the Additional Chief Judicial Magistrate or in absence of either of them, the Sub-divisional Judicial Magistrate should be detained in each half of the vacation.

(b) In addition to the Chief Judicial Magistrate or the Additional Chief Judicial Magistrate or the Sub-divisional Judicial Magistrate, at least one Magistrate of the 1st Class should be detained at the District Headquarters in each half. If there be more than one 1st Class Magistrate at any station, the vacation maybe divided amongst them and each may be detained for equal number of days as far as possible.

(c) At the Sub-divisional Headquarters where Additional Chief Judicial Magistrate is posted, he may be detained in one half, and the Sub-divisional Judicial Magistrate or in his absence, the senior most Judicial Magistrate may be detained in another half.

(d) Where there is no Additional Chief Judicial Magistrate posted at the Sub-divisional Headquarters, the Sub-divisional Judicial Magistrate and the senior most Judicial Magistrate of the 1st Class may be detained in each half. If at any station the Court of Sub-divisional Judicial Magistrate is vacant, then the period of vacation should be divided between two senior Judicial Magistrates. Besides them, one more Judicial Magistrate should be detained in each half. If more Judicial Magistrates are available at a subdivision then the period of vacation may be divided equally between them as far as possible.

(e) The District & Sessions Judge may direct the Chief Judicial Magistrate to authorize Judicial Magistrate of the 1st Class under Section 192 (2) of Code of Criminal Procedure, 1973. (Power of making over of the cases to Magistrates).

I am, further, to say that you may grant leave of absence during the Annual Vacation to the Subordinate Judges and Munsifs not engaged in the magisterial work, but they should not be permitted to leave the Station till all the statements and returns have been submitted by them. They will have to certify that the information required for the annual returns/statements have been complied and furnished, up-to-date. They may also be asked to give their addresses before leaving the station. You are, further requested to see that necessary arrangements are made for submitting all kings of monthly and quarterly returns to the Court in time. You may, however, in your discretion grant leave to the Judicial Magistrates but you should detain such number of Judicial Magistrate including the Judicial Magistrate on probation, for doing the Criminal related file work during the vacation, as necessitated by state of Criminal file at the station.

You are requested to ensure the compliance of roster arrangement during the Annual Vacation and furnish the information to that effect to this Court at the earliest and to the Accountant General (A&E), Jharkhand, Ranchi, and other concerned department before the commencement of the vacation.

The directions mentioned above should be followed strictly.

Yours faithfully
Registrar (Administration)

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Jharkhand High Court, Ranchi

ORDER

No. 09/2011/R&S **Dated Ranchi, the 26th September, 2011**

It has come to the notice of the Court that the Statistical figures regarding pendency of cases forwarded by the Subordinate Courts includes Complaint Petitions which have been forwarded to the concerned Police Station for investigation under Section 156 (3) of the Code of Criminal Procedure. The Court is of the view that such Complaint Petitions are not to be included in the list of pending cases of the Court concerned.

The Court have been pleased to direct that Complaint Petitions which have been forwarded for investigation under Section 156 (3) Cr. P.C. be not included in the pendency figures of the concerned Courts and the statements regarding pendency be sent accordingly.

By Order,
Sd/-**P.R. Dash,** Registrar General

Memo No. 889-917/R&S **Dated Ranchi, the 26th September, 2011**

Copy forwarded to all the Principal District & Sessions Judges of the State including Judicial Commissioner, Ranchi with a request to communicate the aforesaid order to all concerned for strict compliance/ the Registrar (Vigilance) I/c. /the Registrar (Establishment)the Registrar (Administration) / the Joint Registrar-cum-P.P.S. to Hon'ble the Chief Justice and all Joint Registrars - Jharkhand High Court, Ranchi for information and necessary action.

Registrar General

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High Court of Jharkhand, Ranchi

ORDER

In Subordinate Courts, on receipt of FIR from the concerned Police Station, they are being entered in GR Register. However, entry in GR Register is not a case registered in a Court and, therefore, shall not be treated to be a case pending in the Court.

Therefore, the Trial Courts are directed to give separate statement of GR Cases while submitting monthly statistics and they may not be included in the category of pending cases. However/the Trial Courts shall separately give the number of GR Cases pending at the end of the month and number of GR Cases wherein final form/chargesheets have been submitted.

Dated, the 21st October, 2011 **Chief Justice**

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High Court of Jharkhand, Ranchi

ORDER

All the Courts of Principal District Judge, Principal Judge, Family Courts and Subordinate Courts are directed to undertake the exercise of physical verification of all the pending cases and give the complete number of the pending cases and also indicate

that how much number of cases have been excluded from the number of pending cases after physical verification. This information be given Court-wise as welt as nature-wise under the civil and criminal headings. This exercise is to correct the statistics so that cases, wrongly shown as pending, be deleted, and cases, which have not been shown as pending, be added.

While doing so, specific care be taken not to include the G.R. Case, pending investigation, unless and until any challan has been filed or protest petition has been filed in that G.R. Case and FIR itself shaft not be treated as pending case, which is entered in the G.R. Register nor any complaint on which order under Section 156(3) has been passed and sent for investigation to the police station be treated as pending case.

This exercise may be completed by or before 15th March, 2012 and complete report be submitted to the Registrar General on or before 22nd March, 2012.

Chief Justice

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High Court of Jharkhand, Ranchi

ORDER

There is possibility that by some of Courts in some of its orders may have quoted top secret orders including sensitive materials passed by the Government pertaining to intelligence and security agencies. These orders may be uploaded on websites by the concerned Courts.

It is desired that names, designations and places of postings of the officers et the senior level are not required to be furnished for the reason of their security as such details will not only have adverse affects on operational efficiency of the organisation, but, also carry the potential of endangering the lives of the concerned officers. Further the Research and Analysis Wing has been exempted from the purview of Right to Information with a proviso of cases of corruption and human rights violation etc. It has been observed that there have been occasions where officers of RAW have approached judicial system including CAT and High Courts for redressal of their grievances. There have also been cases where private parties have won against this organisation on various matter; like property dispute etc. Processing of such cases in open Courts leads to revelation of unavoidable details on the part of the applicant both RAW employees or the Respondents, i.e., RAW itself. The decisions on such matters given by the Hon'ble Courts also contain details on service matters like names, seniority, promotion, gratuity, transfer etc. which are of sensitive nature.

After considering the matter, following steps for safeguarding the functional requirements and preventing unwanted disclosures of proceedings as also exposure of the intelligence/security agencies may be taken: -

1. In such matters, the law officers handling the judicial proceedings can claim privilege from disclosure of sensitive materials under Sections 123 and 124 of Evidence Act. Non-disclosure of functional details regarding name, designation and place of posting (present and in the past) of intelligence officers before the public may have to be highlighted. Sensitive materials may be furnished only to the Hon'ble Courts in sealed cover or the hearing may be held in camera.

2. The Courts may be sensitised for maintaining secrecy of the classified documents/ material pertaining to intelligence agencies in various proceedings in judicial courts. This may have to be ensured that orders of the Courts concerned may not reflect sensitive details and may be suitably edited before the details are released to the advocates or brought in public domain.

Dated, the 24th April, 2012 **Chief Justice**

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Jharkhand High Court, Ranchi

ORDER

No. 20/CJS **Dated, the 16th of January, 2013**

It is a general impression that even in the trial of the accused involved in heinous crimes, the important mandatory provisions under Sections 157, 309 and 327 of the Code of Criminal Procedure are not being invoked during the course of the trial by the Presiding Officers of the Court. In addition to such flaws, in conducting speedy and effective trial, adjournments are given even in trial of such serious cases at par with other cases as a norm in routine manner.

In the backdrop, the Registrar General is directed to issue letter drawing attention of all the Principal District Judges including the Judicial Commissioner, Ranchi with respect to the aforesaid provisions namely Sections 157, 309 and 327 of the Code of Criminal Procedure and impress upon them to adhere to these provisions for trial of cases involving serious heinous crimes such as rape. This has become imperative as continuing delay in dispensing of justice in such cases and the need of the hour is to respond by conducting trial without adjournment as far as possible and by bringing culprits to justice in the shortest possible time.

Further, the Registrar General is also directed to re-circulate, even if circulated earlier amongst all the Judicial Officers of the State of Jharkhand, two note worth cases related to the heinous crimes of sexual assault vide **(1996) 2 SCO 384 [State of Punjab versus Gurmit Singh & Others]** and **(2004) 5 SCO 518 [Sakshi versus Union of India & Others]** in order to facilitate them to conclude all trials of such heinous offences in the light of the law of the land as set out in the aforesaid two cases.

(Prakash Tatia), Chief Justice

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Jharkhand High Court, Ranchi

ORDER

No. 21/CJS **Dated : 2nd February, 2013**

The following shall be the guidelines for dealing with the matters relating to crime against women :-

(i) Any matter relating to offences against women shall be transferred to the Special Court forthwith;

(ii) Such Fast Track Court shall endeavour to see that such cases be decided strictly according to law within two months from the date of framing of charge;

(iii) Fast Track Court will take care of security of the witnesses;

(iv) Fast Track Court will also see and ensure to provide any medical assistance, if found necessary by the Court or if demanded by the victim;

(v) The Court Managers will give the monthly statement of each in tabular form consisting of date of registration of case in the Court, Offences under Section, the number of accused, date of framing of charge, total number of prosecution witnesses, number of prosecution witnesses examined in the month, date and number accused of recording of statement under Section 313; number of defence witnesses, if any examined with date; date of hearing of final arguments; date of pronouncement of judgment with summary of monthly statement of opening balance, new institution and closing balance for the month;

(vi) The Court Manager, with the approval of Judge concerned, submit the statistics to the Registrar (Administration) with copy to the Central Project Coordinator, High Court of Jharkhand in soft copy;

(vii) The Registrar (Administration) shall place above statistics before the Judge designated by the Chief Justice, who may put his remarks, comments or suggestions;

(viii) Above statistics will be placed before the Chief Justice.

(Prakash Tatia), Chief Justice

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High Court of Jharkhand, Ranchi

ORDER

No. 24/CJS **Dated : 4th of April, 2013**

The Principal District and Sessions Judges including Principal Judicial Commissioner, Ranchi are directed to furnish the details of GR cases pending investigation from all the Courts of their respective judgeship and a consolidated comprehensive report in detail be sent forthwith.

While furnishing the report it is to be kept in mind, inter alia, those GR cases in which neither Challan (Charge Sheet) nor FF has been submitted giving details about (a) GR number with date (b) police station. In cases where Challan (Charge Sheet) has been submitted in part, that may be indicated clearly.

Further they are also directed to furnish information in detail about the complaint case forwarded u/s 156 (3) Cr. P.C. to the concerned police station. Such information shall consist of date of complaint case filed in the Court, the date of registration of FIR and whether Challan (Charge Sheet)/FF filed or not.

All such information be sent to the High Court of Jharkhand regularly in every quarter commencing on 1st quarter of 2013 the report of 1st quarter ending on 31st March be sent by 15th April 2013, the 2nd quarter ending on 30th June be sent by 15th of July 2013, the 3rd quarter ending on 30th September be sent by 15th of October 2013 and the Last Quarter ending on 31st December be sent by 15th of January 2014.

(Prakash Tatia) , Chief Justice

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High Court of Jharkhand, Ranchi

ORDER

No. 28/CJS **Dated the 27th of September, 2013**

The Juvenile Justice (Care & Protection) Act, 2000 has been enacted, inter alia, for children in need of care and protection. The Act enjoins upon an the stake holders to provide juveniles' proper care, protection and treatment by catering to their developmental needs and by adopting a Chief Friendly Approach in the adjudication and disposition of matters in the best interest of the children and for their further rehabilitation.

In exercise of the power conferred under Section 68 of the Act and with a view to provide for better implementation and administration of the provisions of the Act, the Juvenile Justice (Care and Protection of Children) Rules, 2007, have been enacted, which, inter alia, provide for setting up of Child Welfare Committee In every district and its composition, functions and duties; Children's homes (Rule 29), Shelter Homes (Rule 31), rehabilitation and social reintegration (Rule 32) and After Care Organisation (Rule 38). The Rules also lay down standards of care for Institutions in the form of physical infrastructure in Observation Home, Special Home, Children's Home and Shelter Home (Rule 40) as also other allied matters relating thereto, such as clothing and bedding, sanitation and hygiene, nutrition and diet scale, medical care, mental health, education, etc.

Despite the aforesaid laudable objects and provisions of Act and Rules, it has been noticed and complains have been received from the various quarters by Hon'ble Mr. Justice P. Sathasivam, the Chief Justice of India about the proper and effective functioning of the Shelter Homes, Children's Homes, Special Home, After Care Organisation etc. as also the effectiveness in the working of Quid Welfare Committee at the District Level as a result of which a Juvenile or a Child is bereft not only of proper rehabilitation and reintegration, but, is also exposed to exploitation. The Parliament's envisioning in taking care of the needs of the Children, so that their rights are fully protected with the enactment of the Act and Rules seems, in effect, to be not bearing fruition to the optimum level.

In the backdrop, the Registrar General is directed to send instructions to all the stake holders and to the concerned officials and institutions for the proper and effective implementation of the Juvenile Justice (Care & Protection of Children) Act, 2010 and the Rules made therein.

Further, the Registrar General is also directed to be the convener of the meeting of the Committee constituted at High Court of Jharkhand level for suggesting remedial measures for the betterment of the conditions of Juvenile Homes and the inmates and allied matters comprising Hon'ble Mr. Justice N.N. Tiwari as a Chairman and Hon'ble Mr. Justice P.P. Bhatt as a Member. Further, the Member Secretary, JHALSA is also directed to assist the Registrar General in the said meeting with relevant facts, data, statistics and working of all kinds of Juvenile Institutions under the said Act and Rules. The Member Secretary shall place the minutes of the aforesaid Committee to the Executive Chairman of Jharkhand State Legal Services Authority for perusal and needful.

(D.N. Patel)
Acting Chief Justice

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