



High Court of Jharkhand NEWSLETTER

Volume : 2

Issue : 1*



- New High Court Premises of High Court of Jharkhand
- Judicial News and Events
- Legal Services to the Poor Inmates in the Jail
- Development of Law
- Order and Notifications
- E-Court Project Status
- Human Resources in District and Subordinate Judiciary
- Judicial Work and Statistics of High Court and District & Sub-Ordinate Court of Jharkhand



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*This issue comprises two quarters (January-March, 2013 & April-June, 2013)

“Law is a pledge that the citizens of a state will do justice to one another”
Aristotle.

AFFIRMATION

We all trust and believe that the discipline of law essential for the authoritative and peaceful resolution of all disputes and conflicts, for ensuring orderly development of society, for maintaining Rule of law, for promoting social Justice, for safeguarding liberty and protecting basic human rights and fundamental freedoms.

We make an assertion to commit ourselves to this declaration

Members of Judicial Fraternity
of
Jharkhand Judiciary

“A small leak can sink a great ship.”
Benjamin franklin

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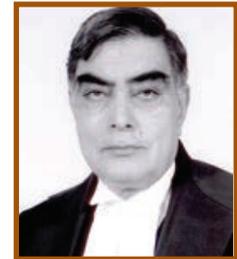
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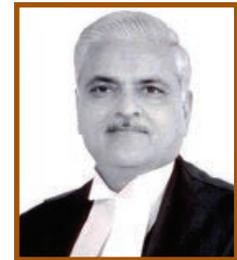
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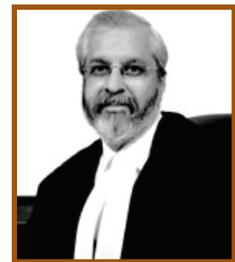
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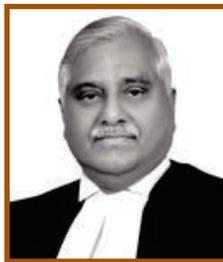
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From the Pen of Chief Justice



The path to success or achieving a goal is never easy. Every task or goal has its unique challenges and road blocks.

It's human tendency to analyse past versus present in the glimpse of future. Success in the past serve as a source of inspiration and helps us in keeping good spirit. Despite repeated failures and all sorts of adversities, one should not give up hope and continue to work hard with Never Say Die spirit. Showing a positive attitude during stressful times at any point of time in our life will make a big difference.

*In this backdrop, I must say that this is the time not to repeat the "**vision of justice**" as perceived by the founding fathers of the Constituion of India and set out in the Preamble, Fundamental Rights and Directive Principles of State Policy. Rather it is the time to act upon intensively to translate the vision into reality. The pious obligation for the same is on the legislative, executive and judiciary collectively.*

*The constitution of India enjoins upon the District and Subordinate Courts, High Courts and the Supreme Court of India to **sustain the society, to maintain social order and to ensure the well being and progress of the humanity** by ensuring timely, quality and responsive justice.*

The timely disposal of a case hinges upon enactments, flux of cases, awareness, strength of Judges, infrastructure, and other ancillary factors, whereas the quality and responsiveness depends upon the ability, skill and knowledge of a Judge. I am personally more adhered to maintain the quality and responsiveness of justice. For this, I believe that a Judge should have adequate time for reading various kinds of books and journals and to equip herself or himself to impart justice impartially with quality. Judicial Education and Training, including Seminars, Conferences, Symposium, Colloquium, Workshop etc., have become part and partial of judiciary to sharpen the knowledge and skill of a judicial member to deliver quality and responsive justice which every judicial member must take it seriously.



One of the requirements to ensure quality and responsiveness in the delivery of justice is to have sufficient time for a Judicial Officer and this can be achieved only by increasing the strength of Judges in District and Subordinate Judiciary. This will not only help in maintaining timeliness, but will definitely enhance all the three attributes, namely, the quality, responsiveness and timely justice.

*It is very heartening to note that the **Ministry of Law & Justice, Government of India** and **National Court Management System of Supreme Court of India** have equally advocated to double the present strength of Judges in District and Subordinate Courts in coming five years. Now only the time factor is very crucial to implement such proposal. The delay in increasing the strength of Judges would have a long lasting negative impact in discharging our promises and assurances.*

I am an optimist and I always hope for the best. My two and half years association with Jharkhand Judiciary have been memorable and unforgettable. I received constant support and encouragement from the brother and sister judges of High Court of Jharkhand, Judicial Officers, Members of Bar, Staffs and each and every member of Judicial fraternity in the administration of Justice. I am content that I have done my best. For me case management is an individual skill as to how to organise the various activities of the day in an effective, productive and successful manner. It is always an innovation about challenging conventional wisdom and breaking new ground. If a judge works with vision and vitality he/she can do a lot for the masses.

I have observed tremendous potential in the District and Subordinate Judiciary of the State of Jharkhand. The need is to harness them. My appeal to all the members of Jharkhand Judiciary to ignite your potential and use it for the delivery of justice to all sections of the society. There has always been a hundreds of valid explanations for not achieving the target, but, it is always wise and prudent to deliver by containing the hurdles.

Before parting with, I may give some suggestions, which, in my humble opinion, can be useful for enhancement of speedy justice to the poor as well as to all stake holders.

I suggest that one Law Advisory Commission/Committee is required to be constituted by the Hon'ble Supreme Court of India, which may look into the issues relating to laws, which are now outdated or worn out by the time and are not in consonance with the scheme for effective and timely administration of justice. For decades,



I raised the issues for changes in several laws in various Conferences/ Seminars/Symposiums organized by the National Judicial Academy, The State Judicial Academies, the Bar Council of India, the State Bar Councils of State of Jharkhand and State of Rajasthan. A few of the issues, which I raised are :-

- (i) To include so-called Justice Delivery System to above 60% of population of India, i.e., agriculturists (who depend only on the income from agriculture), whose Justice Delivery System in some or most of the State are in the hands of those Officers (named as Court as per the statutory provisions), but, manned by Officers, who were never Law Graduate nor had any training as is given to the Judicial Officers nor have they any experience of deciding the disputes like declaration, injunction, possession, partition, mortgage etc. The total hierarchy for the Land Revenue Laws is in the hands of non-judicial members, which, in my opinion, is absolutely contrary to the scheme of having justice through Judicial System, which in contrast to decisions providing that even Tribunal cannot function without Judicial Member even in matters dealing with transfer postings, promotions, increments and all service matters of the Government Servants;*
- (ii) Prescribing of 12 years of limitation for adjudication, irrespective of limitation for filing of Civil Suits, the Chapter XXI of the Civil Procedure Code requiring the winner of the litigation to file an Execution Petition for getting relief in place of having any obligation on judgment debtors to submit a petition before the Court, which granted decree and to obtain a Certificate of Satisfaction of the Decree;*
- (iii) A provision in the Civil Procedure Code requiring issuance of notice of application under Section 5 of the Limitation Act to the opposite party without examining the merit of the appeal or revision before the Court can dismiss the appeal or revision on merit in contrast to right of the Appellate or Revisional Court to dismiss the appeal or revision on merit without notice to the other party;*
- (iv) Provision under Section 37 of the Code of Civil Procedure providing sending two notices to the party in contrast to one notice only in major litigations.*



Not only above, but, in my opinion, more serious issues are not addressing to the consequences of framing of new laws and amendment in laws creating huge burden upon the Courts like the right to appeal has been given to the victim in criminal cases, but, till today, even Courts including High Courts are not in position to take up the appeals against acquittals in 10 to 25 years in various High Courts.

These are a few examples only for which I am raising alarms for last 25 years as an Advocate, as a Judge or even as a Chief Justice and, therefore, I want to put it on record as my probably last submission as the Chief Justice, obviously, as Chief Justice of the High Court of Jharkhand.

Good Luck and Bright Future for Jharkhand Judiciary.

Date : 27th July, 2013
Ranchi

Prakash Tatia
Chief Justice

Foreword...



*In the recent past, the Judicial Reforms in Jharkhand has entered into a new era under auspices of My Lord **Justice Prakash Tatia**, the Chief Justice of High Court of Jharkhand. His Lordship's slogan **24x7 for the Jharkhand Judiciary** has had an everlasting impact in the overall work to identify our strengths and weaknesses. The outcome in revamping the Case Management System may be appreciated from the comparative statistics of Judicial Work in the Pendency Reduction Drive of Ministry of Law & Justice, Government of India as given below in the tabular form:-*

Sl. No.	Particulars	High Court of Jharkhand		District & Subordinate Courts	
		2011	2012	2011	2012
01	Disposal of Pending Cases more than one year and less than five years	7.45%	26%	5.56%	13%
02	Disposal of Pending Cases more than five years and less than ten years	5.04%	5%	9.85%	23%
03	Disposal of Pending Cases more than ten years	5.99%	7%	8.97%	32%

Under the guidance of His Lordship, the Chief Justice Prakash Tatia, the District and Subordinate Judiciary has come up with a strong data base. In result we have learnt as to how to analyse ourselves with the Judicial Output in order to grow progressively and successively by the optimum delivery in dispensation of justice. His Lordship has shown the path to each member of the Judiciary to self-introspect himself/herself to channelize his/her work in a crystalised and strategic manner in order to enhance justice by maintaining quality, responsiveness and timeliness. The process of self-introspection provides us gain more information, knowledge and intellect.

*We are fortunate enough to get sparkling ideas and directive guidelines of My Lord **Justice Prakash Tatia**, Chief Justice, High Court of Jharkhand in the Case Management as His Lordship is one of the members of the **Advisory Committee** of the Apex Body of Case Management System of the country, namely, **National Court Management System** of Supreme Court of India along with Their Lordships, Hon'ble Mr. **Justice R.M. Lodha** and Hon'ble Mr. **Justice H.L. Dattu**, Judges of Supreme Court of India under the overall supervision and control of His Lordship, Hon'ble Mr. **Justice P. Sathasivam**, Chief Justice of India. The frequent monitoring of the working of each Court of District and Subordinate Judiciary of Jharkhand by His Lordship, the Chief Justice has given a new impetuous in a number of areas. To name a few amongst them, are: -*



- **e-communication** : A direction has been given to each Judicial Officer to interact directly on e-mail with the Assistant Registrar (Judicial) of High Court of Jharkhand to know the status of a case pending in the High Court so that the main case pending in his or her Court could proceed accordingly.
- **Priority of old cases in disposal** : A continuous list of “20 Old Cases” for each Court and “20 Oldest Cases” of each Judgeship to be maintained in order to give priority in disposal of such cases.
- **Decentralization of cognizance taking power of Chief Judicial Magistrate** : Cognizance taking power has been vested amongst all the Judicial Magistrates of a Judgeship depending upon the case load of Police Stations and the Court in equitable manner so that the efficiency of the Court could be maintained.
- **G.R. Cases (Police Criminal Cases) pending investigation** : A direction has been given not to include such cases in the overall pendency of a Court, but, to remain vigilant in the completion of the investigation within a reasonable timeframe.
- **Complaint Cases (Court Criminal Cases)** : An impression has been cast upon the Court to forward complaint cases under Section 156(3) of the Cr. P.C. for registration and investigation where technicalities and intricacies in the investigation are involved.
- **Pending Final Form (FF) for acceptance/protest** : A direction has been given to include such cases in the overall pendency of a Court and to dispose them off regularly without delay.
- **Physical Verification of Case Records** : A direction has been given to each Court to verify the records of the case, physically to ensure correct statistical data being sent monthly, quarterly and yearly.
- **Special Courts in District & Subordinate Judiciary**: About 12 Courts have been opened in the various Districts to deal with the cases related to offences against women including, rape, kidnapping, murder etc.
- **Holiday Family Courts** : An exclusive Holiday Family Court has been opened in the District of Ranchi to resolve the matrimonial disputes by facilitating the parties to attend the Court in Holidays including Sundays.
- **A Special Bench of Criminal Appeals on Saturday-(Non Court Working Day)**: In the High Court of Jharkhand, a Special Division Bench of Criminal Appeals is holding the Court on Saturdays to hear the Criminal Appeals of the marginalized Sections of the Society including the poor inmates in Jail, Women, Senior Citizen, Sick and Disabled
- **A Special Bench for District & Subordinate Courts' Stay Matters in the High Court of Jharkhand** : A direction has been given to list the cases on priority basis before a Specially Designated Bench in which the proceedings of the District & Subordinate Courts have been stayed.
- **A Special Bench for some specific nature of cases in the High Court of Jharkhand** : A Special Bench has been constituted to deal with cases related to murder, kidnapping, rape, dacoity and also Special Bench for Anti Corruption Law Cases including CBI, Vigilance, N.D.P.S. Cases, Outlawed Maoist/ Extremist Cases.
- **Constitution of Task Force Committee** : A direction has been given to re-constitue Task Force Committee in District and Subordinate Judiciary for service of summons, execution of warrant of arrest etc, issued against witnesses / accused.
- **Supply of copy of documents as referred under section 173 of Cr.P.C.** : A judicial order has been passed by Hon'ble **Chief Justice Prakash Tatia** directing Director General of Police of the State of Jharkhand to see that sections 172, 173, 207 and 208 of Cr.P.C. be complied with strictly.

Similarly, a number of initiatives in the administration of justice have been taken in the field of infrastructure and other logistic supports, such as: -



- Foundation of **New Premises of High Court of Jharkhand** after obtaining about 167 acres of lands on 9th February, 2013;
- After finalization of architectural layouts and designs for the proposed **New High Court Premises**, boundary wall measuring 5.25 k.m. has been fully constructed;
- Commencement of construction work of **Judicial Academy Jharkhand** in full swing in 2012;
- Foundation Laying Ceremony of 5 **ADR Centres** in the districts of East Singhbhum (Jamshedpur), Seraikella-Kharsawan, Koderma, Deoghar, Hazaribagh;
- Inauguration of **New District Court Building** at Simdega on 14-15th July, 2012;
- Inauguration of **Video Conferencing Hall** of the High Court of Jharkhand on 21st May, 2012;
- Inauguration of **Judges' Guest House** of High Court of Jharkhand;
- Inauguration of **Six Judges' Bungalows** of High Court of Jharkhand on 05.01.2013;
- Provided a space for **Senior Advocate Lounge** in the premises of the High Court of Jharkhand;
- Provided a building temporarily for **Jharkhand State Bar Council**;
- Foundation laying of the Building of **District Bar Association, Gumla**;
- Initiatives has been taken for the construction of the **building for each District Bar Association** across the 22 Judicial districts in the premises of District Courts with the commencement from the district of Gumla, Jharkhand.;
- Provided an **exclusive lift** for the Advocates and Litigants under the category of **Old and Senior Citizens**;
- **3 Information Centres** have been constructed in all the three directions of the High Court of Jharkhand for the litigants to have any particular enquiry right from filing of the case till the disposal of the cases.

*A **noble step** has been taken by the High Court of Jharkhand in the reform of the inmates of the Jail under the guidance of Hon'ble the Chief Justice Prakash Tatia by assigning important and substantive stationary work of the High Court of Jharkhand to the Central jail, Hazaribagh for printing of thousands and thousands of Fly Leaves, Board Files and various Forms of District and Subordinate Courts. It has been agreed upon by the Jail Authority to involve the **women inmates** of Jail in the process of printing and 10% of the amount earned by the inmates of the Jail are contributed towards the **Victim Compensation Fund** thereby making a provision for suitable compensation being paid to the victims of the crimes. On earlier occasions, such works were also assigned to RINPAS.*

*A number of **major decisions** have been taken by creating a number of posts for the Judicial Officers in each cadre of District and Subordinate Courts including Superior Judicial Services, Civil Judge (Senior Division), Civil Judge (Junior Division), which now figures as 572 Judicial Officers and consequently, the Ministerial Staff in the District and Subordinate Judiciary have also been increased by creating posts in the various cadres, such as Assistant, Stenographers, Peons, Drivers etc. up to 3974 across the 22 Judicial Districts.*

*In pursuance of the resolution of **National Court Management System** of Supreme Court of India and the decision of the Ministry of Law and Justice, Government of India to double the strength of Judges in District and Subordinate Courts, a prompt action has been taken by the High Court by resolving and sending letter to the Government of Jharkhand to*



double the strength in the ratio of 50% in the first year, 20% in the second year and 10% each in the three successive years.

In order to strengthen the working of Jharkhand Judiciary, a number of Committees have been constituted with the active participation of Hon'ble Judges. Some of the fruitful committees constituted are: -

- Committee for **Monitoring, Analysing and, time to time, suggesting Measures** to the Chief Justice in the **Matter of Case Management and Statistics of the High Court**
- Committee to advise the **NCMS Committee of Supreme Court of India**
- Committee to look into the matters of the various issues relating to different cadres of the Judicial Officers, including identifying the Cadre Requirement, Future Requirement of Posts and necessary amendment in the Rules relating to the Judicial Officers AND for Suggesting Measures for Rationalisation of Work in Subordinate Courts to the Chief Justice in the matter of Case Management of Subordinate Courts
- Committee to monitor and control effectively and for timely disposal of cases of CBI, POTA and out-lawed Maoist/Extremists related cases pending in Subordinate Courts
- Draft Committee (Committee to monitor various projects under 13th Finance Commission)
- Judge designate for remarks/comments/suggestions on the statistics of matters relating to crime against women
- Committee to implement the resolutions passed in CJs - CMs Conferences held at New Delhi on 5th to 7th of April, 2013

*From the above facts, it is palpably clear that Jharkhand Judiciary has travelled a long path in enhancing timely justice by taking suitable measures and by providing adequate infrastructures. The determined efforts of His Lordship Hon'ble Mr. **Justice Prakash Tatia**, Chief Justice, High Court of Jharkhand has really been commendable and a Torch Bearing for all of us. I sincerely believe to upkeep the level of commitment high towards judicial work will be most befitting and highest regards for His Lordship in the coming days.*

This Newsletter in hand is also a reminder of His Lordship's efforts under whose guidance, the first issue of Newsletter was published. I acknowledge with a feeling of thankfulness and appreciation the collective efforts of the Team of Editorial Board, compilers and supporting staff. I extend my heartiest thanks to all of them who are concerned in getting this newsletter published.

With Best Wishes.
27th July, 2013, Ranchi

Justice D. N. Patel
Judge, High Court of Jharkhand
&
Executive Chairman,
Jharkhand State Legal Services Authority



High Court of Jharkhand
NEWSLETTER

**NEW HIGH COURT PREMISES
OF
HIGH COURT OF JHARKHAND**

FOUNDATION LAYING CEREMONY OF NEW HIGH COURT PREMISES

On 9th February, 2013 (Saturday) at Dhurwa, Ranchi

Foundation Laying ceremony of New High Court Premises a milestone in the development of High Court took place on 9th Feb'2013 in the august presence of :



His Excellency, **Dr. Syed Ahmed**, Governor of Jharkhand, Hon'ble Mr. **Justice Altamas Kabir**, Chief Justice of India, Hon'ble **Dr. Ashwani Kumar**, Union Minister of Law & Justice, Government of India, Hon'ble Mr. **Justice G.S. Singhvi**, Hon'ble Mrs. **Justice Gyan Sudha Misra**, Hon'ble Mr. **Justice S.J. Mukhopadhyaya**, Hon'ble Mr. **Justice M.Y. Eqbal**, Judges of Supreme Court of India, Hon'ble Mr. **Justice Prakash Tatia**, Chief Justice, High Court of Jharkhand, Hon'ble Mr. **Justice Tapen Sen**, Judge, Calcutta High Court, Hon'ble Mr. **Justice B.P. Singh** & Hon'ble Mr. **Justice S.B. Sinha**, Former Judges of the Supreme Court of India, Former Judges of Patna High Court and High Court of Jharkhand, Shri **Anil Kumar Sinha**, Advocate General, State of Jharkhand, Shri **Rajiv Ranjan**, Chairman, State Bar Council, Shri **Madhukar Gupta** & Shri **K. Vijay Kumar** – Advisors to His Excellency, the Governor of Jharkhand, Shri **S.K. Choudhary**, Chief Secretary, Government of Jharkhand; Principal Secretary, Building Construction Division; Development Commissioner, Jharkhand, Director General of Police, Jharkhand, Ranchi, Deputy Commissioner, Ranchi.



A few golden words delivered on this auspicious occasion by the Hon'ble Mr Justice Prakash Tatia, Chief Justice, High Court of Jharkhand (in brief):-



For any institution to function smoothly and efficiently, it should have infrastructure. The concept of infrastructure plays a vital role in a civilized society. Inadequate infrastructure of Judicial System drastically hampers cozy and conducive work culture and delivery of output is significantly hampered.

We all are acquainted with this fact that Indian Judicial System has expanded rapidly in the last three decades reflecting the Indian Judicial System more viable and humane. It is estimated that the number of Judges and

Courts have expanded *six folds* while the number of cases expanded *twelve folds*. The Judicial System is set to continue to expand significantly over the next three decades and with a conservative estimate it is likely to rise at least about 15 crore of cases which require at least 75,000 Courts across the country. Addressing these challenges, we require substantive infrastructure to make the Justice Delivery System in the country more stronger in order to ensure quality, timeliness and responsiveness of the Courts.

I am happy to bring to your kind notice that the proposed *New High Court Complex* with *20 Court Rooms and Chambers* having *CJ Court Room of 80' x 65'* and *Judges' Court Rooms of 65' x 40'* with a dedicated separate secretariat for the Chief Justice and each Judge. Further there is a provision for expanding up to 40 Court Rooms, High Court Judges Bungalows with sufficient number of Conference and Committee Rooms, including one Big Conference Room of 2000 sq. ft. and one Video Conference Room of 1200 sq. ft. and six Judges Committee Meeting Rooms, and an *Auditorium having capacity of 850 people*. Further the various *High Court Offices and Sections* are in a separate block including Administrative, Accounts, Legal, Rules & Statistics, server room etc. and having easy access and connectivity with the Court Rooms. The Ground



Coverage Area of High Court Complex is 2,20,000 sq. ft., i.e., 3% of High Court area.

There will be *Public Utility Services* including Canteen, Post Office, Bank, ATM, Railway Reservation Counter, Modern Spacious Dispensary, etc.

The entire building complex including 500 Advocate Chambers, will have a premises spread over an area of about 168 acres of land with a boundary wall having total length of



5.25 k.m. It will have library, meeting room and adequate space for staff members, typists, stamp vendors, separate parking zones for Advocates, High Court Staff, litigants and general public.

One building of the complex has been demarcated exclusively for the *Offices of Advocate General and Government Advocates* in an area of 10,000 sq. ft. with Conference Room, Library and various Sections.



Apart from this, a separate block has been provided for State Bar Council having an area of about 18,200 sq. ft. including Chambers for its Chairman, Secretary, Committee Room, Library, Multipurpose Hall, exclusive parking etc.;

A separate barrack for security personnel; three tier security check post; *Service Block; Guest House*; and many more are the distinguished features for the proposed New High Court Building complex which is estimated to be constructed at the cost of about Rs.460 crore.

The another striking feature of the New High Court Complex is that it is proposed to be constructed keeping in view climatic factors, site features, *environment friendly approaches* including plantation & landscaping, proximity of complementary activities, rain water harvesting system, water body all around the building, solar panels for utilization of alternative (renewable) energy resources, preservation of natural topsoil found at execution stage and all the elements to control the environmental pollution had been followed meticulously.

Infrastructure is the backbone of any institution and High Court of Jharkhand also needs a suitable infrastructure to accommodate all its constitutional and statutory activities to reach out to the people at large in need of justice. The present working place of the High Court is not adequate and we are facing great difficulties in discharging our constitutional obligations, and thereby in achieving our goal while we are likely to get new Judges for the functioning of a few more Courts very soon.

The absence of appropriate infrastructure undermines the very system itself and also leads to avoidable misgivings. And ultimately our concerted efforts succeeded in securing about 168 acres of land for the construction of New Building for the High Court of Jharkhand where the Government of Jharkhand positively responded by sanctioning the requisites provision for the construction of New High Court Building.



The National Court Management System Committee of the Supreme Court of India has also taken into account and after collecting the relevant statistical data, needful guidelines have been circulated for the infrastructure of District & Subordinate Judiciary, which is the justice at the grass root level.

Thank you, thank you very much.



GOLDEN MOMENTS OF FOUNDATION LAYING CEREMONY OF NEW HIGH COURT PREMISES

9th February, 2013

Some of the **Golden Moments** captured of the Special Events in the history of High Court of Jharkhand.





MILESTONES IN THE INFRASTRUCTURE OF JHARKHAND JUDICIARY

The Judicial infrastructure needs to be improved to speed up the delivery of Justice. Special emphasis was given for construction of proper and spacious Court buildings and the residential quarters for the Officers and Staffs. Inadequate manpower in Subordinate Judiciary, particularly Assistants and Stenographers is one of the reasons for crippling the Judiciary. This deficiency is being diligently addressed to in the State of Jharkhand.

In the **District of Chatra** which is one of the backward District and was hard-Pressed for Judicial infrastructure, a new Court building consisting of 22 Court rooms and adequate provision for office and other utilities was constructed and inaugurated on 18.06.2011 by Hon'ble the Chief Justice.

In the **District of Pakur** which is situated in north-eastern extreme end of the State, there was a dire need of Court rooms for smooth functioning of Justice delivery system. 12 Court rooms with adequate space for office and other utilities required for a District Court was constructed and was inaugurated on 15.10.2011 by Hon'ble the Chief Justice.

In the **Sub-Division of Madhupur** in Deoghar District, there was pressing need for Court rooms since a decade. The litigants were raising great hue and cry for functioning of Sub-Divisional Court there. Their long cherished dream was fulfilled after the completion of Sub-Divisional Court Building at Madhupur, Deoghar. The new Court Building consisting of 12 Court Rooms along with space for office and other utilities required for a Sub-Divisional Court was inaugurated by Hon'ble the Chief Justice on 21.05.2012. It not only helped the litigants but also the lawyers practicing nearby.

The **Judgeship of Simdega** which is a bordering Judgeship of this State, was badly in need of adequate Court halls. A new Court building consisting of 8 Court rooms, proper space for office and other utilities required for a District Court was constructed and was inaugurated on 15.07.2012 by Hon'ble the Chief Justice.

The **Sub-divisional Courts at Bermo in Tenughat** was not having any building of its own. The Courts were running in the houses constructed for the purpose of site-office of Tenughat Dam Project in the sixties. Needless to mention that 15 Court Rooms with adequate provision for offices and other utilities in a three storied structure is almost complete and is ready for inauguration.

A decent accommodation and a proper residential office for each of the Judicial Officers is equally important for proper and efficient dispensation of Justice. Equal importance was given for construction of proper and adequate number of residential houses for the Judicial Officers.



In the Sub-Division of Tenughat where there was no residential Quarter constructed for the Judicial Officers and the Judicial Officers were left with no option but to stay in the old dilapidated asbestos roofed houses constructed for accommodating the personnel engaged for construction of Tenughat Dam in the sixties, 12 numbers of quarters with three bedrooms and a drawing room were constructed and the Judicial Officers are accommodated therein.

Similarly, at the **Headquarter of Bokaro District** earlier, no quarter was constructed for accommodation of the Judicial Officers. Construction of 16 units of four-room quarters was completed and is ready to be occupied by the Judicial Officers.

In the Chatra Judgeship, Officers were facing great hardship in their old quarters for which four units of quarters were constructed and possession was handed over to Judicial Officers.

In the **District of Dumka**, 12 units of Officers' quarters have been constructed and possession was handed over to the Officers.

In the District of **East Singhbhum at Jamshedpur**, there was acute shortage of quarters for Judicial Officers. 30 units of Officers' quarters are almost complete at Jamshedpur situated adjacent to the Court premises.

Similarly, 12 units of Officers quarters are near to completion at Jamtara District, 8 units of Officers quarters are almost complete in Pakur District and is likely to be handed over by end of this year. In Ranchi District 3 blocks totaling 18 quarters of Officers are about to be completed. Besides these, 12 units of Officers quarters are almost complete in Garhwa District and is likely to be handed over by the end of this year.

In addition, 3 units of Officers quarters are also being constructed at Ramgarh. 8 units of Officers quarters are to be constructed at Pakur District and 12 units of Officers quarters are to be constructed at Dhanbad District for which foundation has been laid out.

In several Judgeship adequate and spacious Hazats were not available for accommodating male and female under-trial prisoners thereby causing inconvenience in proper functioning of the Courts. This was causing unnecessary delay in the proceedings of the trials in Courts. This deficiency was eradicated by constructing adequate and spacious Hazat in the Districts of Chatra, Palamu, Hazaribag, Latehar, Sahibganj and Dumka. In the **district of Godda and Jamtara, the process of construction of Hazats are almost complete**. Besides construction of Court Hazats are under process at Garhwa and Seraikella.

Absence of Malkhana in the Judgeships was another shortcoming which was causing difficulty in proper and timely dispensation of Justice in Criminal trial. This loophole was plugged by establishing and making functional Malkhanas in the Judgeships of Bokaro, Godda, Latehar, Pakur and Sahibganj. Separate Malkhana is under construction in the district of East Singhbhum at Jamshedpur.

Conducting **Criminal trial through video conferencing** is a major step in expeditious trial of hardened criminals, particularly those criminals who are facing trial in several Districts of the Country simultaneously. Facility for conducting trial through video conferencing was inaugurated by Hon'ble the Chief Justice at Madhupur. Trial Court Room with Video Conferencing facility is almost complete in Ranchi Judgeship. Each and every Civil Courts of the State has been equipped with the video conferencing system so as to facilitate in dealing with the production of under-trial prisoners.

The provisions for accommodation of the witnesses in the premises of the Court is also a vital aspect in proper dispensation of Justice. To accommodate litigants in the Judgeship of Jamtara, a witness shed was constructed.



High Court of Jharkhand

NEWSLETTER

JUDICIAL NEWS & EVENTS

FIRST EXECUTIVE-JUDICIARY MEET ON THE ROLE OF STAKEHOLDERS IN THE CRIMINAL TRIAL AND INVESTIGATION IN THE STATE OF JHARKHAND



involving serious offences the, **First Executive – Judiciary Meet** was organized under the leadership of Hon'ble the Chief Justice Prakash Tatia of High Court of Jharkhand on 9th March, 2013, wherein altogether 419 participants which included Senior Judicial Officers, Superintendent of Police of all the districts, Deputy Superintendent of Police of all the districts, Inspectors, Sub-Inspectors, Civil Surgeons, Doctors, Public Prosecutors and Additional Public Prosecutors of High Court and Civil Courts had participated.



Quick and Fair **Criminal Investigation and Trial** is the backbone of Criminal Justice System which maintains the “**Social Order**”. The stakeholders of the system including the investigating agency, prosecuting agency and the Court play equally important role to ensure fair, timely and inexpensive justice.

With an idea to facilitate sharing of knowledge, experience and views of different stakeholders of Criminal Justice System on the intricacies of inordinate delay in investigation and trial of cases



The inaugural session was addressed by Hon'ble the Chief Justice followed by the introductory speech of Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand, special address by Hon'ble Mr. Justice Sandeep Mehta, Judge, Rajasthan High Court and concluded with the vote of thanks by Hon'ble Mr. Justice N. N. Tiwari, Judge, High Court of Jharkhand. The session was also addressed by Sri Madhukar Gupta and Sri K. Vijay Kumar, Advisors to H.E. to the Governor of Jharkhand.



In his welcome speech Hon'ble Mr. **Justice D. N. Patel** while emphasizing the need for the present meet said that it is high time for all the stake holders of criminal justice delivery system to work out solution to the problem relating to criminal investigation and trial. Lordship further pointed out that in Jharkhand it is common practice to use Clerk of an Advocate as a witness to prove the post mortem report, F.I.R., Inquest Report etc. He hoped that meet will provide an opportunity for introspection to all the stake holders to overcome these difficulties.

In his special address Hon'ble Mr. **Justice Sandeep Mehta**, Judge, Rajasthan High Court said that investigation is the backbone of entire criminal justice system and courts are still the only medium for redressal of grievances and emphasized that dialogue between different stake holder is required to address the various issues, for speedy and efficient justice. He also emphasized on the need of appointment of case officer and said that if the case forwarded under section 156(3) Cr.PC. for registration of F.I.R. remain pending then the court may take appropriate action against the police officer. He further said that it is the duty of the court to direct the I.O. to produce the F.S.L. report on the record before disposal of the case.



Sri K. Vijay Kumar, Advisors to H.E. to the Governor of Jharkhand was of the view that it is necessary to plug the lacunae in the Justice Delivery System with collective efforts of all. On the other hand Sri Sri Madhukar Gupta, Advisor to H.E. to the Governor of Jharkhand stressed on the need to enforce the rule of law and for timely action in institution of cases, speedy investigation and quick disposal of the cases.

On conclusion of the deliberations the meet led to "The Way Forward" which is summarised as below:-

"The best way to go forward with a system is to encourage dialogue between the stakeholders of the system for better understanding, growth and delivery."

Justice Prakash Tatia
Chief Justice
High Court of Jharkhand

Accordingly, His Lordship, Hon'ble Mr. **Justice D.N. Patel**, Judge, High Court of Jharkhand conceived the idea to organize "**First Executive-Judiciary Meet on the Role of Stakeholders in the Criminal Trial and Investigation**" to make the system vibrant on the call of Hon'ble the Chief **Justice Prakash Tatia**, who perceived that in the administration of Criminal Justice, the greatest challenge is to balance the rights of the accused criminals against society's interest by ensuring the timely conviction of the true offender.

Denial of a fair trial is as much injustice to the accused as is to the victims and the society. Fair trial would mean effective investigation, diligent prosecution and responsive Court proceedings in the atmosphere of judicial wisdom. If the witnesses get threatened or are forced by any one or otherwise to give false evidence in the Court, it is the failure of the system. The non-examination of material witnesses is also a denial of the fair trial.

The one day Programme of First Executive-Judiciary Meet on the Role of Stakeholders in the Criminal Trial and Investigation was held in three technical sessions with one introductory cum inaugural session from 11.00 a.m. to 05.30 p.m. in the State of Jharkhand on 9th March, 2013 (Saturday) at RDCIS Auditorium, SAIL, Shyamali, Ranchi. The dedication, willingness and cheerfulness of the participants were uplifting.

The meet has been highly successful and the members of all the three components, namely, Investigating Agency, Prosecuting Agency and Judicial Officers grossly participated who are the key stakeholders of equal importance having equal obligations under the law to ensure speedy justice. To be able to achieve the objective of fair and speedy criminal trial, it is felt necessary to articulate the **Conclusive Guidelines**, which comprise the perception of the functionaries, comprehends the essential elements of the idea of timely and fair justice and constructs a systematic programme of action for expediting the process of justice.

His Lordship, Hon'ble the Chief Justice **Prakash Tatia** viewed that there is an urgent need to make the Criminal Justice System commensurate to the unprecedented developments taking place in technology, economy and polity of the nation. As such, the Way Forward in hand is to focus on certain points in the Criminal Justice System, namely,

(I) ROLE AND DUTY OF INVESTIGATING WING

- (i) Separation of investigation from prosecution: Most of the problems of both the wings would be resolved automatically with the separation of investigation from prosecution. To begin with, the Government of Jharkhand may get it **implemented** in letter and spirit in a few districts and not mere **notification** to that effect.
- (ii) Each Investigating Officer be provided a mobile phone. There is an urgent need to modernize police stations with internet accessibility and connectivity. A State wide code be provided to each Police Station disclosing the details about its jurisdiction, number and name of officers, staff etc. List of the code be provided to the High Court, each District & Subordinate Court and the Office of Public Prosecutors. Further, various practical measures need to be considered. These include technologically equipped interrogation norms, mobile forensic vans, statement of witnesses (under Section 161 of the Code of Criminal Procedure be videographed by the police). A Data Base System should be developed in every police station and all the police stations should be inter se connected.





the concerned SP/SSP shall direct the head of the Police Station to submit report regarding the course and progress of investigation intermittently.

- (v) In case the FIR is a computerized copy, then evidence to prove the computerized copy of the FIR be also brought on record to prove the computerized copy.
- (vi) The investigation should be completed within the period prescribed in the Cr.P.C. for different nature of offences.
- (vii) Whether the accused is named in the FIR or he was arrested from the spot or later on? – **(a)** If accused is not the named accused in FIR, whether TIP (Test Identification Parade) of the accused to ascertain his identity was held and if not how his identity has been established; **(b)** the identity of the accused must, by way of evidence, needs to be established properly and beyond doubt.
- (viii) Every effort needs to be made to collect scientific evidence, wherever the same is possible. Collection of finger prints, foot prints or any other article from the place of occurrence, if scientifically proved, pertains to the accused or not, it will help to connect the accused with the crime. Scientific evidence, collection of which, generally is avoided by the Investigating Officer, while, as a matter of fact, helps a lot in arriving at correct conclusion regarding culpability or innocence of the accused.
- (ix) Sincere efforts need to be made by the Investigating Officer to recover the weapon of the offence or any other incriminating articles. Further **(a)** weapon of the offence, in case of recovery, is having blood stains or not, must be mentioned in the Recovery Memo; **(b)** Recovery memo needs to be got signed from public witness too if the recovery has been effected in the presence of public witnesses; **(c)** sketch of recovered weapon needs to be prepared at the place of recovery and thereafter weapon should be sealed; **(d)** weapon needs to be deposited in the malkhana and entry of depositing in malkhana should be placed on file; **(e)** opinion of doctor or expert as to whether the injury on the person of the deceased/injured could be caused by that weapon and whether blood stains found on the weapon is human blood and connects to the deceased/injured; **(f)** true copy of the relevant extracts of Malkhana Register alongwith a copy of FSL (Forensic Science Laboratory) having specimen seal impression on it, need to be placed on record and Malkhana Incharge be examined under Section 161 Cr. P.C. and be cited as witness alongwith original registers.
- (x) During investigation, mandatory provisions of the special Acts, were applicable to that particular offence, necessarily needs compliance and violation or non-compliance of mandatory provisions may prove fatal for prosecution case.
- (xi) A site plan of the place of occurrence and of recovery of case property needs to be prepared during investigation and non-preparation of the same may amount to necessary elimination of corroborating evidence. Oral as well as documentary evidence with regard to possession/ ownership of the accused must be collected as the same will help to prove the exclusive possession of the accused in respect of

(iii) Every Station House Officer (Officer-in-Charge) of a Police Station will ***promptly and without delay ensure registration*** of all first information reports including any complaint sent under Section 156(3) of the Code of Criminal Procedure by the Court. If delay is there, how the delay has been explained. Undue delay in lodging the FIR may affect the prosecution adversely and erode the confidence of the people in system.

(iv) A copy of the FIR should also be forwarded to the Superintendent of Police of the concerned and

case property recovered. Every care should be taken to establish or to prove that weapon of offence or stolen/robbed articles were recovered from the exclusive possession of the accused. To establish the status of the recovered article, TIP of recovered article needs to be conducted, which will help to prove that the recovered property is stolen or robbed property.

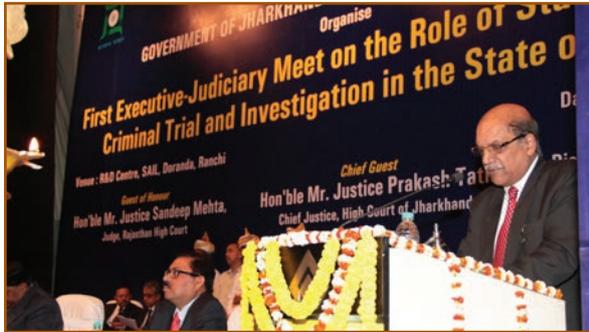
- (xii) Viscera of deceased, as observed invariably in every case though there is no necessity to preserve viscera in cases where no symptom of poisoning are found in postmortem report. Further, as observed in many cases, the name of the doctor, who prepared the injury report or the postmortem report, is not clear. It is, thus, warranted to get details of name and address of the doctor (present and permanent) clearly in block letters in every injury report and postmortem report.
- (xiii) Generally in case of murder, victim died after some time or after few days of the occurrence, and the IO during investigation, only collects his postmortem report and do not adhere to collect the injury report/ treatment record. Such practice needs to be addressed immediately and in case of death, injury report and treatment report including death summary be collected during investigation.

- (xiv) Dying declaration is a material evidence and conviction can be based solely upon dying declaration. Therefore, every precaution should be there to bring on record the evidence that the deceased at the time of making the dying declaration was in a fit mental and physical condition to make the statement and he/she had made the statement and for that a certificate about his/her fitness may be obtained from the doctor/subscriber of the statement and the witnesses of the statement needs to be cited as Prosecution Witnesses.



- (xv) During investigation, effort should always be made to collect chain of evidence. On conclusion of investigation, evidence collected needs to be impartial and fair analysis by the IO/SHO/Supervisory Officer. If the material collected is not sufficient to establish the guilt of the accused and some points need further investigation, the same may be done and if no further investigation is necessary and the material collected is not sufficient to bring home the guilt, then it will be appropriate to prepare the report under Section 169 read with Section 173 (Final Form) of Cr. P.C. and to route the same to the Court. But, if the material collected is sufficient to prosecute the accused, chargesheet needs to be prepared. In case of submission of chargesheet, the following points needs to be kept in mind: -
 - (a) IO to specify the evidence and role of each accused in the chargesheet and in case it is based on circumstantial evidence alone, then each and every circumstance and how the same are completing the chain confirming the guilt of accused should be explained;
 - (b) List of witnesses be prepared carefully so as to avoid possibility of non-incorporation of any material evidence in the list;
 - (c) At what particular point, a competent witness will prove, be noted down against his/her name.
 - (d) Before submitting the chargesheet, it should be ensured as to whether the name of all witnesses are mentioned in the list of prosecution witnesses along with the police number, if they are police personnel.

- (xvi) The previous involvement and conviction of record of accused needs to be collected and concerned clerk of record thereof needs to be cited as witnesses along with the record of the list of Prosecution Witnesses.
- (xvii) The copies of the statements recorded under Section 161 Cr.P.C. needs to be placed on judicial file as well as on police file and while recording said statement under Section 161 Cr.P.C., separate record of statement needs to be prepared.
- (xviii) Case Diary is a privileged document under Section 172 Cr. P.C. and access of accused to Case Diary is not permitted in ordinary circumstances, so practice of furnishing of case diary in the police



paper to the accused needs to be curtailed and all the documents relied upon by the prosecution and statements recorded under Section 161 or 164 Cr.P.C. have to be placed on judicial record with chargesheet. Photocopy of all the documents placed on judicial file including report under Section 171 Cr. P.C. must also be placed on police file and the submission of chargesheet must accompany with multiple copies of the police paper in tune with the number of accused to avoid any delay in handing over those papers to the accused persons.

(xix) The name, occupation and detailed postal addresses with mobile number, if possible, of all the chargesheet prosecution witnesses and accused should be clearly mentioned in the chargesheet.

- (xx) Shortcomings during the investigation is invariably observed, inter alia, in (a) murder case, (b) rape cases, (c) dowry death cases, (d) dacoity & extortion, (e) kidnapping, (f) abatement to suicide, (g) cases under NDPS Act, (h) cases under Unlawful Activities Prevention Act, (i) Arms Act.

(II) THE ROLE AND DUTIES OF THE PROSECUTORS

- (i) The Public Prosecutors be equipped electronically at par with the facilities provided to the Judicial Officers by e-Court Committee. They should be provided at least basic infrastructure including premises, mobile, laptop with broadband internet facility, data card, adequate furniture and all sorts of logistic support for the staff and running the office smoothly. The PPs be further provided a library fund for law books and journals, electronic as well as hard copy with a fixed monetary limit and that may be deposited in the office library at the time of demitting the Office. A work friendly atmosphere is urgently needed for better output and effective delivery.
- (ii) There is a need to empower the Directorate of Prosecution for effectively supervising the work of PPs/APPs. There must be an intensive training and Periodical Review Meeting with the Prosecutors. Reorientation of the Prosecutors is urgently required – The strategy for such reorientation is to be formulated by the Department of Home, Government of Jharkhand in consultation with Judicial Academy Jharkhand and a plan of action should be published providing speakers/training modules. The dates of such programme shall be published within the period of four months from the date of the meet, i.e., 9th March, 2013. It is suggested that such speakers/motivators must include lawyers, Hon'ble Sitting Judges, Academicians, Managers, Computer Professionals, Judicial Officers and Sociologists to sensitise the public prosecutors.



- (iii) The Prosecutors should ensure that only the original document should be presented in the Courts during the course of Trial and the evidence in the form of certified/carbon copy can be brought only when absence of original is explained in terms of the Evidence Act.
- (iv) The Prosecutors should also ensure that all the witnesses of the Case Diary must be examined in the Court irrespective of the fact as to whether they have been mentioned in the chargesheet or not, if their statement has been recorded under Section 161 Cr.P.C.
- (v) The Prosecutors should ensure that non-examination of the IOs/ Medical Officers and other experts should not take place and with the help of the Court or through Head of the Prosecution or Head of the concerned Department at District Level or at State Level should ensure their presence.
- (vi) Vacancies of PPs/APPs should be filled up promptly without any delay and the number of PPs/APPs should be in the right tune with the number of Criminal Courts holding trial.
- (vii) The Prosecutors should ensure that only a competent person, having requisite knowledge of handwriting/signature of witness be examined to formally prove the same. It is generally found that incompetent witnesses in the nature of Clerks, who hardly have any occasion to work with the concerned person, or having observed the concerned person's writing, are examined to formally and meaninglessly prove the important documents, which is highly deprecated and, therefore, should be immediately discontinued.

(III) ROLES AND DUTIES OF THE COURTS

- (i) In the administration of Criminal Justice, the Courts should not be a mere spectator and should effectively exercise its power enshrined under Sections 293, 294 and 296 Cr. P.C. at appropriate time for speedy justice.
- (ii) The Courts should ensure the presence of accused and all the witnesses at the stage of framing of charge and during trial respectively. In achieving this, the Investigating Officers and the Prosecutors should cooperate each other and with the Courts also.
- (iii) The Courts should exercise its power under Section 165 of the Evidence Act, whenever it feels in the interest of justice to bring the truth on record.
- (iv) The Courts should also ensure that no undue benefit of faulty investigation be passed to the accused and can seldom exercise powers under Section 173(8) of Cr.P.C. for directing further investigation, if the Court is convinced that due to faulty investigation, the actual culprits have been let off.

(IV) FORENSIC SCIENCE LABORATORY

- (i) A Mobile Forensic Science Laboratory comprising two or three districts must be urgently required to make available scientific investigation for Investigation Officers.
- (ii) All the posts in Forensic Science Laboratory should be filled up by competent and trained persons, so that Forensic Science Laboratory Reports can be sent correctly within time in Court and can help the Investigating Officers in finding the truth of the case.

(V) MEDICAL EXAMINATION REPORT

- (i) The Doctors in the hospital need to submit the report, which must be *comprehensive* in all respect so that the Court of Law must not feel difficulties in appreciating the medico legal evidence.
- (ii) The doctor must ensure his/her timely presence in the Court to adduce evidence and there should be a list of doctors available on the website so that the prosecuting agency should not have any difficulty to find out their address and in communication to them for the date of examination in the Court.



SENSITIZATION WORKSHOP FOR PARA LEGAL

at Nyaya Sadan, Ranchi
on 10th March, 2013

Organised by : *Jharkhand State Legal Services Authority*

Jharkhand State Legal Services Authority under the auspices of National Legal Services Authority organized a *“Sensitization Workshop for Para Legal”* on 10th March, 2013 at Nyaya Sadan, Ranchi.

The said sensitization programme was organized for Para Legal Volunteers deputed at different Legal Aid Clinics of different districts of Jharkhand for making them aware about their role in Legal Aid Services and makes them familiar with different Legal Aid Services Schemes.

Hon’ble Mr. Justice Prakash Tatia, Chief Justice, Jharkhand High Court and Patron-in-Chief, JHALSA, Hon’ble Mr. Justice D.N.Patel, Judge, Jharkhand High Court and Executive Chairman, JHALSA, Hon’ble Judges of Jharkhand High Court attended the said programme and addressed the Participants.



Sri B.K. Goswami, Member Secretary, JHALSA in the opening remarks highlighted in brief the provision of Legal Aid Services and schemes of NALSA. The set of 31 booklets on different Laws were distributed among the participants Para Legal Volunteers.



TRAINING COURSE OF SECRETARIES OF DLSA & SDLSC

at Nyaya Sadan, Ranchi
on 10th March, 2013

Organised by : *Jharkhand State Legal Services Authority*

Jharkhand State Legal Services Authority under the auspices of National Legal Services Authority organized a “*Training Course of Secretaries*” of District Legal Services Authorities and Sub-Divisional Legal Services Committees of Jharkhand on 10th March, 2013 at Nyaya Sadan, Ranchi.

Hon’ble Mr. Justice Prakash Tatia, Chief Justice, Jharkhand High Court and Patron-in-Chief, JHALSA, Hon’ble Mr. Justice D.N.Patel, Judge, Jharkhand High Court and Executive Chairman, JHALSA, Hon’ble Judges of Jharkhand High Court attended the said programme and addressed the Participants.



The Secretaries of all 22 District Legal Services Authorities and 4 Sub-Division Legal Services Committees across the State were present in the programme. During the said programme Hon’ble the Chief Justice – cum - Patron-in Chief, JHALSA and Executive Chairman, JHALSA interacted with the Secretaries and also gave them necessary directions for implementing all Legal Aid Services Schemes at the grassroots level in their district and for providing effective and quick Legal Aid Service to the needy and down trodden people.



SEMINAR ON ROLE OF POLICE PERSONNEL IN MOTOR VEHICLE ACCIDENT CASES

at Nyaya Sadan, Ranchi
on 10th March, 2013

Organised by : *Jharkhand State Legal Services Authority*

Jharkhand State Legal Services Authority under the auspices of National Legal Services Authority organized a “*Seminar on Role of Police Personnel in Motor Vehicle Accident Cases*” on 10th March, 2013 at Nyaya Sadan, Ranchi.

The Target group of the seminar included the Judicial Officers, Police Officers and officials of Insurance Companies.



The occasion was graced by **Hon’ble Mr. Justice M.Y.Eqbal, Judge, Supreme Court of India, Hon’ble Mr. Justice Prakash Tatia, Chief Justice, Jharkhand High Court and Patron-in-Chief, JHALSA, Hon’ble Mr. Justice D.N.Patel, Judge, Jharkhand High Court and Executive Chairman, JHALSA,** Hon’ble Judges of Jharkhand High Court a. The Hon’ble Judges highlighted the specific provisions of MV Act viz. Sec 140, 158(6), 166 so that the benefits of the Act could be availed by the beneficiaries without any delay.



CRICKET LEAGUE

25th January, 2013

The High Court of Jharkhand organized a **Cricket League** on 25th, January, 2013. Hon'ble Mr. Justice Prakash Tatia, Chief Justice, High Court of Jharkhand and Hon'ble Judges of High Court of Jharkhand enjoying the cricket league with active participation. Seen in the pictures are their lordships **Chief Justice Prakash Tatia, Justice D.N.Patel, Justice R.R.Prasad, Justice P.P.Bhatt and Justice Aparesh Kumar Singh.**



**THE WINNING TEAM RECEIVING TROPHY FROM THE GRACIOUS HANDS OF
HON'BLE THE CHIEF JUSTICE PRAKASH TATIA**

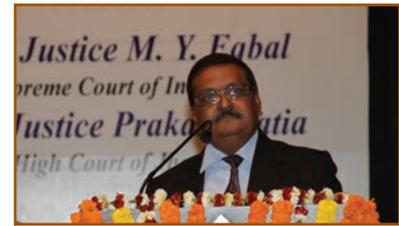




SEMINAR OF JHARKHAND STATE BAR COUNCIL

9th February, 2013

A seminar organised on 9th Feb'13 by the Bar Council of Jharkhand on the topic "**Issues and challenges before the bar in maintaining the Rule of Law**". The seminar was inaugurated and headed by Hon'ble Mr. **Justice Altmas Kabir**, Chief Justice of India. (as Hislordship then was)



SEMINAR OF NUSRL

9th February, 2013

A Seminar organised by the National University of Study and Research in Law on 9th Feb'13 on the topic "**Economic reforms, Economic Liberation and foreign Direct Investments**"



INAUGURATION OF HOLIDAY FAMILY COURT

2nd March, 2013

A Family Court was inaugurated in the Civil Court, Ranchi by **Hon'ble Mr. Justice M.Y. Iqbal, Judge, Supreme Court of India** on 2nd March '13.

A major step in accessing Justice has been taken by opening **Holiday Family Court** to facilitate the family members to resolve their disputes in Holidays as per their convenience.



INAUGURATION OF ELEVATOR

11th March, 2013

Hon'ble the Chief Justice Prakash Tatia inaugurated the **Elevator for Lawyers and Litigants** coming under the category of Senior Citizens and old persons. Seen in the pictures are Their Lordships Hon'ble the Chief Justice Prakash Tatia, Justice D.N. Patel, Justice R.R. Prasad, Justice Jaya Roy, Justice Prashant Kumar and Justice Harish Chandra Mishra on the occasion of inaugurating the elevator.





FAREWELL OF HON'BLE MR. JUSTICE ALOK SINGH

19th February, 2013

A bid farewell was extended to **Hon'ble Mr. Justice Alok Singh** on His Lordship's transfer to the High Court of Uttarakhand. Seen in the pictures given below are, **Hon'ble the Chief Justice Shri Prakash Tatia** presenting memento to Hon'ble Mr. Justice Alok Singh and their Lordships Hon'ble Justice D.N. Patel, Justice N.N. Tiwari, Justice P.P. Bhatt expressing a warm reception.



OATH OF HON'BLE MR. JUSTICE S. CHANDRESHEKHAR

17th January, 2013

Hon'ble the Chief Justice Prakash Tatia administered the oath to Hon'ble Mr. Justice Shree Chandrashekhar as an Additional Judge of the High Court.



OATH OF HON'BLE JUDGES AS PERMANENT JUDGE IN THE HIGH COURT OF JHARKHAND

17th January, 2013

Hon'ble the Chief Justice Prakash Tatia administered the oath to Hon'ble Mr. Justice Prashant Kumar as a Permanent Judge of the High Court.



On 31st January, 2013

His Lordship, **Hon'ble the Chief Justice Prakash Tatia** administered the oath to Hon'ble Mr. Justice P.P. Bhatt, Hon'ble Mr. Justice Harish Chandra Mishra and Hon'ble Mr. Justice Dhruv Narayan Upadhyay as seen in the pictures given below





INAUGURATION OF HIGH COURT EMPLOYEES CO-OPERATIVE SOCIETY LTD.

12th June, 2013

Inauguration of **High Court Employees' Co-operative Society Ltd. [HCECSL]** office by Honorable Chief Justice **Mr. Justice Prakash Tatia**, on 12.06.2013

Objectives of the Society

1. To raise funds for business of the Society.
2. To provide facilities for the exercise of Thrift and Savings.
3. To grant loans and advances to Members.
4. To accept loans, grants, subsidies, assistance and concessions from internal and external sources subject to any law from the time being in force.
5. To constitute various funds for the welfare of the Members and the Society.
6. To purchase, take on lease or in exchange or otherwise acquire land, buildings or any movable or immovable property necessary for the business of the Society and for Holiday Homes.
7. And Generally to do all such other things as are incidental or conducive to the attainment of its objectives.





High Court of Jharkhand

NEWSLETTER

DEVELOPMENT OF LAW

DEVELOPMENT OF LAW

(1) Direction to streamline the working of Court of Commissioner, Commercial Taxes

In the case of *Tata Hitachi Construction Machinery Company Limited Vs. The State of Jharkhand through the Commissioner-cum-Secretary, Commercial Taxes Department, Ranchi & Ors.* [W.P.(T) No.392 of 2013 with W.P.(T) No.393 of 2013, D/o-05.03.2012]. A Division Bench of this Court [**Prakash Tatia, C.J. & Jaya Roy, J.**]. Underlining the root cause behind compulsion of the litigating parties in approaching the High Court due to passage of sudden, harsh, garnishee order by the Assessing Authority, while appeals and revisions preferred by the parties against the previous assessment orders are still pending before the Court of Commissioner, Commercial Taxes, it is observed that the highest quasi Judicial Court of the State does not follow the healthy practice of fixing a date for hearing the appeal/revision filed before it, nor there is any mechanism to inform the clients about defective petitions, leading to unnecessary pendency of the appeals/revisions; it is directed to immediately start the time tested practice of fixing date for hearing/ removal of defect etc. of appeal/revision at the time of filing itself, so that the matters are taken up and disposed of in a regular fashion warding off unnecessary filing of writ petitions before the High Court

(2) Return of benefit taken under overruled legal position

In the case of *M/s OTS Ltd. Vs. Commissioner of Central Excise, Jamshedpur*, [Tax Case No.06/2003, D/o-05-03-2013], a Division Bench of this court (**Prakash Tatia, C.J and P.P. Bhatt, J.**) while deciding the question that whether the Tribunal was justified in ordering recovery of the tax amount from the applicant service provider held that one who gets the benefit because of the order of the Court and that order is set aside, he is bound to restore the benefit from whom he got. The applicant who got the benefit of the judgement of the Supreme Court delivered in the case of *Laghu Udyog Bharati & Others* (supra) cannot take the plea that upon ceasing of the effect of such judgement, he is not bound to restore the position and to return the benefit which it obtained under that overruled legal position.



(3) The Bihar Agricultural Produce Markets Act, 1960 – levy of market fee on milk product

In the case of *Gujrat Co-operative Milk Marketing Federation Limited & Anr. Vs. The State of Jharkhand & Ors.* reported in 2013 (1) JLJR 481, a Division Bench of this court (**Prakash Tatia, C.J. and Jaya Roy, J.**) while dealing with a case that whether the milk or milk product of the petitioner are covered under entry no.9 of clause 8 of the schedule appended to the Bihar Agricultural Produce Markets Act, 1960 held that fee is leviable on the commodity and its product and not on the trade name. Mentioning of the trade name in the Schedule, will make the law absolutely unworkable because of the plain and simple reason that same and similar products may be produced by several manufactures and in that situation, all products of their trade name will be required to be mentioned in the Schedule which is not possible. Therefore, in Schedule, it is sufficient to give the generic or commercially known name of the commodity and all their products covered under Section 2 (1)(a) of the Act of 1960 and are subject to levy of market fee. It is held that Amul Cheese, Amul Cheese Sprayed as well as Sagar Tea Coffee, Amul Shreekhanda, Amul Whole Milk Powder, Sagar Skimmed Milk, BalAmul, Amulya, Amul Spray are the milk products. The Amul Chocolate is an independent and separate product and the respondents cannot levy the fee over Amul Chocolate.

(4) Non residential use of residential area “permissible to what extent”

In the case of *Dr. S.S. Narnolly Vs. The State of Jharkhand & Ors.* reported in 2013 (1) JLJR 375, a Division Bench of this court (**Prakash Tatia, C.J. and P.P. Bhatt, J.**) while dealing with a petition where construction of Maruti showroom and service station namely Premsons Motor Udyog in residential area, was challenged, held that all land uses permissible under clause – A “Residential” clearly indicates that only those commercial activities are allowed in residential area which may have direct connection with the facilities, convenience and service to the residents of the locality, just like nursery, kinder garden high school, clinics, social and cultural institutions, retail shopping and community facilities, neighbourhood recreational uses including clubs and in special appeal permission, permissible uses are places of worship, professional, commercial and Government offices, service uses and retail shops with condition that this should be of neighbourhood character and they should be located in shopping centres or shall be earmarked as such in zonal development plan obviously prepared, hotels, hospitals, sanatoria not treating contagious diseases or mental patients, non-commercial poultry and cattle farms, institutions of higher learning, bus depots, railway passenger and freight station, petrol filling stations, service and storage yards, taxi and scooter stands. All these uses have direct relation with comfortable living of the resident of the area. Wherever there is any chance of overcrowding or nuisance, caution has been mentioned in the column, providing for permission. Therefore, grant of a service station of large number of cars of a dealer having an agency of sale of cars with facilities of painting and denting with employees of 100 persons without taking care of those employees’ parking space who (high ranking) may come with cars or scooters which may be in large number and without taking care of possibility of coming of vehicles of customers for servicing and repairing and their movements in residential area is contrary to rules and scheme and while granting permission the Table – 7 under clause 23.2 prescribing requirement of space for car parking off-street has been ignored, which certainly vitiates the permission granted by the R.R.D.A to respondent no.6 for establishing and running service garage of cars in the property in dispute. It is held that construction permission granted to respondent no.6 is contrary to the bye-laws framed by the Ranchi Regional Development Authority in 2001. The only relief granted to the petitioner is that respondent no.6 is directed to close its service, painting and denting activities in the disputed plot within a period of one year from the date of this order.



(5) Entitlement of medical reimbursement of the Donor in case of Liver Transplantation

In the case of *Krishna Kumar Vs. The State of Jharkhand & Ors.* reported in 2013 (1) JLJR 607, a Division Bench of this court (**Prakash Tatia, C.J and Jaya Roy, J.**) while dealing with a case where the Claim of medical reimbursement of donor of liver rejected on the ground that he is not the dependent of the Govt. Servant, held that the complete process of transplantation of the lever in the body of the petitioner includes the process of operation from the body of the petitioner's brother and both are not only inseparably related to each other but the operation of the petitioner's brother was the foundational treatment for the treatment of the petitioner. It is further held that not only the family member of the patient-employee is entitled to the reimbursement but also anybody who may not have relation to the patient-employee, would also be entitled to reimbursement of medical expenses.

(6) Collection of market fee through agent

In the Case of *Machhali-Patha-Anda-Ewam-Sag-Sabji Bikreta Sangh, Deoghar & Ors. Vs. Baidhynath Dham Prasadi (Pera, Ilaichi Dana, Chura) Bikreta Snagh, Deoghar & Others* reported in 2012 (4) JLJR 277, a Full Bench of this court (**Prakash Tatia, C.J. & R.R. Prasad, J. & Aparesh Kumar Singh, J.**) while hearing a question referred by a Single Bench "Whether the Market Committee can collect market fee through agent or not?" held that the market committee can collect the market fee through its authorized person. It is further held that there appears from the Rule 82 of the Rule of 1960 that such decision can be taken by the Market Committee, whether such fee collection should be by its officer or staff or through any person authorized by the Committee, which depends upon the need of committee, and, therefore, it depends upon the decision of the committee which is taken after considering various facts and working condition of the marketing area under the Market Committee. If there is any State policy then it can be according to State policy but there is no bar against the committee to decide on this issue, rather each marketing committee has been given discretion to decide according to its need, how market fee be collected.

(7) Complainants and Victims right to Appeal U/S 372 and 378 of the Code of Criminal Procedure

In the case of *Vivekan and Pathak & Ors versus State of Jharkhand & Others*, reported in 2013 (1) JLJR 1, a Division Bench of this Court (**D.N. Patel and Prashant kumar, JJ**) while considering the application of the petitioners, which was preferred U/S 378 of the Code of Criminal Procedure for getting Special Leave to Appeal against the Judgment and order dated 1.12.2011 passed by the learned Judicial Magistrate, 1st Class, Ranchi on the ground that there is provision for statutory appeal under the newly inserted proviso to Section 372 of the Code of Criminal Procedure, held that when the victim and the complainant are the same person(s), then the complainants have a right to prefer statutory appeal under section 372 of the Code of Criminal Procedure and, therefore, the Special Leave to Appeal cannot be granted in the facts and circumstances of the present case. Whenever the statutory appeal is provided, the parties have to avail the statutory right to prefer an appeal. It was further held that in the fact of present case and looking to both the aforesaid provisions i.e section 372 and 378(4) of the Code of Criminal Procedure, when the complainant is not the victim like in the case, an officer of the Income-tax Department, or the Labour Department or the Food Adulteration Department, etc, though they have preferred the complaint case, but, the victims are somebody else,



in those cases, application under section 378(2) of the Code of Criminal procedure is tenable at law, because they have no right to prefer the statutory appeal under the provision of section 372 of the Code of Criminal Procedure. Whereas, the cases in which the complainant and the victim are the same person, then they have to avail the statutory remedy by way of appeal instead of preferring an application for getting Special Leave to Appeal directly to the High court.

(8) Public post cannot be given as an inheritance

In the case of *Bholanath kumar versus The State of Jharkhand & Ors*, reported in 2012(4) JCR 430 (Jhr), a Single Bench of this Court (**D.N. Patel, J.**) while dealing with the case of the Petitioner, who is seeking appointment on the post of Chowkidar mainly on the ground that his father was also a Chowkidar, now retired, and therefore, he should be given the post of Chowkidar held that the petitioner cannot claim as a matter of right the post of Chowkidar otherwise, it will amount to violation of Article 16 of the Constitution of India. Public at large has to offered the post and the petitioner has to compete with the other. No public post can be given to any person as an inheritance. The petitioner's claim upon the post in question is only on the ground that he is son of his father, who was also a Chowkidar. Such type of public post cannot be given to the petitioner as an inheritance.

(9) Tendering and withdrawing of resignation is a vested right of the employee

In the case of *Kumar Satyendra Prasad versus the Coal India Limited & Others* [W.P.(S) No. 880 of 2010], a Single Bench of this Court (**D.N. Patel J.**) held that withdrawal of resignation is also a vested right of the employee as tendering of voluntary resignation and if the tendered resignation is withdrawn before the employer has accepted the same, the same shall have no effect at all and the employee shall continue in service even if subsequent to such withdrawal, the employer accepts the original resignation tendered by passing the subsequent withdrawal. Similarly, it has also been held that if the resignation is tendered with effect from certain date, but, is withdrawn before that date, again, the employer does not have the option to accept the same on an earlier date or with effect from a date earlier to that mentioned in the resignation letter. The law is laid down underlining the ground reality, which may be faced by the employee in a developing economy like India including the unequal bargaining power he has vis-à-vis employer like large public sector undertaking.

(10) Value of related witness in Criminal Trial

In the case of *Dabloo Linda versus The State of Jharkhand*, reported in 2013 (1) JLR 511, a Division of this Court (**D.N. Patel and S. Chandrashekhar, JJ**) while dealing with a criminal Appeal held that whenever the attempt of rape is committed inside the house and upon resistance of the prosecutrix, the accused are committing murder in the house, mostly the witnesses will be close relatives. Merely because they are close relatives, that does not mean that the depositions given by brother, father and mother should be discarded by this court or should be brushed aside straightly. Whenever close relatives are giving their depositions before the learned trial Court, their deposition should be viewed with circumspection and closely.



(11) Recovery of salary is not tenable, when there is no fraud, mistake and misrepresentation done by the employee.

In the case of *Arun Kumar versus Jharkhand State Electricity Board & Ors*, reported in 2013 (1) JCR 152 (Jhr), a Single Bench of this Court (**D.N. Patel, J.**) while considering the case of the petitioner, who has challenged the order dated 12.03.2008, 11.07.2006 and 11.08.2006 respectively, whereby the salary paid to the petitioner has been ordered to be withdrawn and order of recovery has also been passed by the respondents held that if the salary is paid by mistake by the respondent authority to its employee, the same cannot be recovered, especially when the employee has already been retired. The employee is never fetching salary/wages on his own. Salary bill is to be prepared. Thereafter, it is to be sanctioned by high ranking officers. Thereafter salary is to be paid to the concerned employee. Mistake in calculation of salary, if any, lies on the part of the respondents. No action has been taken by the respondent Board against its own employees, who are high ranking officers and who have done the mistake and sanctioned the bills of salary.

(12) Industrial Dispute Act,1947- Proceeding under Section 33C(2) of the I.D. Act is akin to an execution proceeding

In the Case of *Bipin Bihari Jha v. M/s T.R.F. Limited* reported in 2013(1) JLJR 127 a Single Bench of this Court (**Narendra Nath Tiwari, J.**), while dismissing the Writ Petition and upholding the order of the Labour Court held that proceeding under Section 33C(2) of the I.D. Act is akin to an execution proceeding. It does not provide for adjudication of any controversy regarding any right between the parties. The, 'computation' as envisaged in the Act, has to be made on the basis of existing right to money or benefit, which has been previously adjudicated upon and settled between the parties. The Court has no jurisdiction to adjudicate any disputed issue under Section 33C which comes within the domain of the dispute to be referred to under the provisions of Section 10 of the I.D. Act.

(13) Banking Law-Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act,2002

In the case of *M/s Bharat Minerals Grinding Industries Vs. The State of Jharkhand & Ors.*, [WP(C) – 1779 of 2011, D/o – 08-08-2012], a Single Bench of this Court, (**Narendra Nath Tiwari, J.**), while considering the question, whether the Respondent-Bank can take an action under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act,2002 without disposing the representation /objection in response to the notice under Section 13(2) of the said Act, held that Section 13(3-A) of the said Act provides for consideration of representation/objection filed by the borrower and the communication of reason for non-acceptance of the representation by the secured creditor to the borrower. The said provision is in consonance with the principle of natural justice and is intended to provide an opportunity to the borrower to represent against the notice under section 13(2) of the Act. The provision is mandatory in nature and it has to be complied with. The said provision cannot be bypassed, saying that the reply of the secured creditor was already known to the borrower. The compliance of the said provision must be obvious on record. The reason for not accepting the representation/objection has to be communicated to the borrower within one week of receipt of representation/objection by the secured creditor.



(14) Difference between rejection/return of plaint under Order VII Rule 11 and Order XIV Rule 2

In the case of *Jamshedpur Cooperative Housing Building Society Ltd. versus Sarju Bhagat & Anr.* [M.A. 317 of 2006] D/o-16.08.2012, A Single Bench of this Court [**Narendra Nath Tiwari, J.**] held that the Trial Court erred in dismissing the suit as barred in view of Section 4 read with Section 57 of Bihar & Orissa Cooperative Societies Act on a petition under Order VII, Rule 10 filed by the defendant immediately after service of notice of the plaint, when even the issues were not settled/ framed as instead of passing an order under Order VII Rule 11 (d) based on the statement in the plaint itself which would have been proper course to be taken by the Court below leaving the scope open for the plaintiff in agitating the dispute again before appropriate forum/Court; the Trial Court has passed an order under Order XIV Rule 2(2) which can be done only after the issues are settled including preliminary issue, which shall attract disqualification under Section 11 of Code of Civil Procedure.

(15) Jurisdiction of Tribunal for reappraisal of evidences

In the case of Employers in relation to the management of *N.K. Area of M/s Central Coal Fields Limited. v. Workman Nizamuddin Ansari* reported in (2012) 4 JCR 156 (Jhr), a Single Bench of this court (**Narendra Nath Tiwari, J.**) while deciding an question, whether under section 11A of the Industrial Dispute Act, Tribunal has authority or jurisdiction to reappraise the evidences, particularly when it was already found that the domestic enquiry was fair and proper, held that on plain reading of Section 11A of the I.D. Act, it is clear that on reference of any Industrial Dispute relating to discharge or dismissal of a workman to a Labour court or Tribunal, if it was found that discharge or dismissal was not justified, the court or the Tribunal by its award may set aside the order of discharge or dismissal and direct reinstatement of the workman on such term and conditions, as it thinks fit, or give such other relief as the case may be and may award any lesser punishment in view of discharge or dismissal.

(16) Industrial Dispute Act, 1947 - Section 33 vis-a-vis Section 33-A

In the case of *Steel Authority of India Ltd., Bokaro v. The Presiding Officer, Labour Court, Bokaro & Anr.* Reported in 2012 (4) JCR 275, a Single Bench of this court (**Narendra Nath Tiwari, J.**) considered the question when there is no violation of Section 33 of the Industrial Dispute Act, 1947, than, whether application filled under Section 33-A of the Act by the concerned workman is maintainable? This Court held that in view of the admitted position, even if it is assumed that there was change in condition of service by the said order of promotion dated 01-03-1972, there was no proceeding pending as the Reference case was of 1973. In view of the said admitted fact, Section 33 cannot be said to be attracted in the instant case. In absence of ingredients of Section 33, an application under Section 33-A is not maintainable.

(17) Review of earlier judgment of co-ordinate bench – not permissible

In the case of *Champa Devi and anr. –vs- State of Jharkhand and anr.* [Cr.M.P. No. 277 of 2013, (D/o 02.4.2013)] a Single Bench of this court (**R.R. Prasad, J.**) while dealing with a question whether a finding can be reviewed by another Bench of co-ordinate jurisdiction in a second quashing application, held that the Code of Criminal Procedure does not authorize the High Court to review



its judgment or order passed either in exercise of his appellate, revisional or original jurisdiction. Such power cannot be exercised under cloak of Section 482 Cr. P.C., since the provision as contained in Section 362 of the Cr. P. C. operates a bar for reviewing not only its judgment, but also its final order except in cases of clerical or arithmetical errors.

(18) Applicability of Section 73 of the Cr.P.C.

In the case of *Rajesh Prasad Singh versus the State of Jharkhand* [Cr. M.P. No.743 of 2013] and analogous cases, D/o – 21.03.2013, a Single Bench of this Court [**R.R. Prasad, J.**] held that the Court in exercise of its powers under Section 73 Cr.P.C. cannot issue warrant of arrest only for helping and assisting the prosecution/police in investigation, rather, shall have to ensure that at least one of the three pre-conditions, i.e., escaped convict, proclaimed offender or a person who is an accused of a non-bailable offence, evading arrest; is fulfilled. The warrant of arrest issued by the Vigilance Court was quashed as the record does not disclose that the petitioner was an accused evading arrest, as admittedly he has been responding and replying the telephone calls made by the investigating officer.

(19) Cognizance of Case under Section 2(f) and 4(d) of Explosive Substance Act, 1908

In the case of *Kamal Sheikh & Anr. Versus State of Jharkhand through Vigilance* [Cr. M.P. No.2041 of 2012] D/o – 19.03.2013. A Single Bench of this Court [**R.R. Prasad, J.**] while dealing with a case under Section 2 of the Explosive Substance Act, held that as per Section 2 (a) of the Act detonator is never the substance which itself causes explosion, rather, it is a device used to trigger an explosive device which has been kept in category of explosives under Section 4(d) of the Explosives Act, and, therefore, an offence under Section 9 (b)(i)(b) of the Explosives Act is made out. The order taking cognizance was quashed and the matter was remanded back to the Court below for passing a fresh order in accordance with law on the point of cognizance.

(20) Departmental Proceeding vis – a – vis Criminal Proceeding

In the case of *Ajay Kumar Singh–vs- C.B.I through S.P, Dhanbad and others* [Cr.M.P. No.1765 of 2011, (D/o- 09.4.2013)] a Single Bench of this court (**R.R. Prasad, J.**) while dealing with the case of the petitioner who has filed the petition for quashing the criminal proceeding on the ground that a departmental proceeding and criminal proceeding for the same charge, the petitioner has been inflicted with the minor punishment of ‘censure’ and the disciplinary authority has not found any element of criminality in the charge, held that criminality or no criminality is to be found out by the trial court on the basis of evidences collected during investigation and exoneration in the departmental proceeding ipso facto would not lead to exoneration or acquittal in criminal case, when charge-sheet has already been submitted for the alleged offences.

(21) Meaning of “Complainant” under the Jharkhand Bovine Animals Prohibition of Slaughter Act, 2005

In the case of *Md. Salim and Ors versus State of Jharkhand and Anrs,* [Cr.M.P. No. 1552 of 2012] a Single Bench of this court (**R.R. Prasad, J.**) while hearing a quashing matter filed on the ground that the complainant effecting search and seizure and launching prosecution not being an Inspector of Police, rather being an Inspector of an N.G.O. known as SPCA, Jharkhand was never authorized to



do so, held that since there was a violation under the Prevention of Cruelty to Animal Act, the search and seizure effected can be said to be in connection with the offence under the Prevention of Cruelty to Animal Act, 1960 and therefore, launching prosecution by the complainant under the Jharkhand Bovine Animals Prohibition of Slaughter Act, 2005 also is not illegal as the offences thereunder are cognizable and anyone can set the law in motion.

(22) Discharge under Section 376 I.P.C. set aside [Rape on the assurance of marriage]

In the case of *Purnima Kumari versus the State of Jharkhand*, a Single Bench of this Court [**R.R. Prasad, J.**], while setting aside discharge of accused under Section 376 I.P.C., held that the factual aspect as to whether since inception of making promise of marriage to the informant/victim by the accused, he was having deceptive intent or he developed it subsequently; is a question of fact, which can be adjudged only in course of trial and, therefore, the discharge of the accused under Section 376 I.P.C. at the stage of framing of charge itself is bad in law and fit to be set aside.

(23) Protection u/s 197 of the Cr.P.C to the public servant

In the case of *Sharad Akhouri Versus The Central Bureau of Investigation through S.P. C.B.I* reported in 2012 (3) JCR 657 (Jhr) a Single Bench of this court (**Mrs. Jaya Roy, J.**) while dealing with a case u/s 409/419/420/467/468/471 and 477 of IPC and Sec.13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 held that for quashing entire criminal proceeding including cognizance taken against the petitioner, the protection given u/s 197 Cr. P.C to the public servant has certain limits and it is available only when the alleged act done by the public servant in discharge of his official duty. Impugned order cannot vitiate and quashing application is dismissed.

(24) Sec.7, 13 (i) (d) and 13 (2) of Prevention of Corruption Act, 1988

In the case of *Gangadhar Dubey versus The State of Jharkhand*, reported in 2012 (4) JLJR 60, a Single Bench of this court (**Mrs. Jaya Roy, J.**) while considering the matter under Sec.7, 13 (i) (d) and 13(2) of Prevention and Corruption Act, 1988, held that there is no illegality in the order of sanction and witnesses clearly proved the demand, acceptance and recovery of money. Prosecution has proved its case against the accused appellant beyond all reasonable doubt. It is further held that the accused/appellant is more than 78 years of age and he is suffering from various ailments hence considering the age and ill health, sentence modified to period already undergone.

(25) Provision contained u/s 5(2) r/w 5(1)(d) corresponding to u/s 13(2) r/w 13(1)(d) of the P.C Act, 1988

In the case of *Ram Nathpandey & Ors. versus The State of Jharkhand through CBI* reported in 2013 (1) JCR 453 (Jhr), a Single Bench of this court (**Mrs. Jaya Roy, J.**) while dealing with section 409/477-A of IPC and section 5(2) r/w 5(1)(d) corresponding to u/s 13(2) r/w 13(1)(d) of the P.C Act, 1988, held that after scrutinizing the entire evidence carefully it find that except the D.Ts signed by the appellants concerned, there is no other material which can prove that these appellants on the basis of the aforesaid D.Ts received explosives and other materials from the Kesargarh Colliery and the same were taken away from the Kesargarh Colliery to the outside. Nothing has come in the evidence. The prosecution has failed to prove the charges beyond all reasonable doubt against the appellants. Impugned judgement set aside and appeal allowed.



(26) Section 7,13(2) and 13(1)(d) of the Prevention of corruption Act

In the case of *Vakil Sharan Singh versus The State of Jharkhand through CBI* [Criminal Appeal No.57 of 2007] a Single Bench of this court (**Mrs. Jaya Roy, J.**) while considering a case under section 7,13(2) and 13(1)(d) of the Prevention of corruption Act, held that the facts which have come on the records of the case and the evidence of the witnesses clearly shows that before submitting compliant petition, trap team was constituted by the CBI without any verification against the accused and there are various contradictions in the evidence of the witnesses regarding demand, acceptance and recovery of the amount and also held that prosecution has not been able to prove the aforesaid charges and giving benefit of doubt, set aside the impugned judgement of conviction and order. The appellant is acquitted.

(27) Exoneration in the departmental proceeding – not entitled for quashing of the criminal case

In the case of *Shyam Kishore Prasad versus CBI*, reported in 2013 (1) JCR 778 (Jhr), a Single Bench of this court (**Mrs. Jaya Roy, J.**) while dealing with section 419, 420, 468, 471, 406, 409 and 120 B of IPC and section 13(2) r/w section 13(1)(d) of the Prevention of corruption Act, 1988 held that the entire criminal case against the petitioner cannot be quashed on the ground that the petitioner has been exonerated in the departmental proceeding from the same charge. Criminal Revision application is dismissed.

(28) Delayed Writ petition – must not necessarily be dismissed

In the case of *Rajendra Sharma Vs. State of Jharkhand & Ors.* reported in 2012 (4) JCR 13 (Jhr) a Single Bench of this court (**Prashant Kumar, J.**) while dealing with a delayed writ petition held that it is not mandatory that whenever there is delay, the court must necessarily refuse to entertain a writ application. It depends upon the fact of each case. It is further held that if by entertaining the writ petition right accrued to a third person is likely to be disturbed, then the writ application may be dismissed on the ground of delay. Thirdly, if the writ application has already been admitted and the case of petitioner is positively good, then the rule that the delay may defeat the right of a party can be relaxed. It is further held that once the respondent no.2 has become functus officio by passing final order in a departmental proceeding then it is not open for him to pass another order of punishment for the same charges.

(29) Significant omission to state a fact will amount to contradiction

In the case of *State of Jharkhand Vs. Janeshwar Paswan & Ors.* reported in 2012 (4) JLJR 337, a Division Bench of this court (**D.N. Patel and Prashant Kumar, JJ**) while deciding a death reference held that omission to state a fact or circumstance will amount to contradiction if the same appears to be significant. Informant in FIR given a definite statement that identity of the persons who entered in his house with co-accused was not known to him, however later he identified them. Such omission is significant and will amount to contradiction. It is further held that for proving a charge of murder, it is necessary for the prosecution to prove the homicidal death of deceased. Prosecution failed to prove the charge beyond reasonable doubt hence conviction set aside.



(30) Section 4 (h) of the Bihar Land Reform Act, 1950

In the case of *Baduruddin Ansari & Ors. Vs. State of Jharkhand & Ors.* reported in 2012 (3) J C R 510 (Jhr) a Single Bench of this court (**Prashant Kumar, J.**) while dealing with a case u/s 4 (h) of the Bihar Land Reform Act, 1950 held that the Additional collector is an adjudicatory authority; he is required to apply his independent mind on entire subject. It is further held Additional collector should give notice to the petitioners and give them opportunity of hearing before passing the order. The notice given by the Circle officer before making recommendation for cancellation of jamabandi is not sufficient compliance of the provisions of sec.4 (h) of the Bihar Land Reform Act. Impugned order cancelling Jamabandi quashed with direction to hand over possession to the petitioner and liberty to proceed afresh in accordance with law.

(31) Alternative remedy available – extraordinary jurisdiction under Ar. 226 cannot be invoked

In the case of *Mintu Kashyap Vs. The State of Jharkhand & Ors.* [W.P. (Cr.)No.153of 2012], a Single Judge of this court (**Prashant Kumar, J.**) while dealing with a case under section 12 of Jharkhand Control of Crime Act held that if there is an alternative remedy the court should impose a self-restraint upon themselves and insist that aggrieved party should exhaust the remedy provided by law before invoking discretionary extraordinary jurisdiction under Article 226 of the Constitution of India. It is also held that as per Jharkhand Control of Crime Act, 2002, it is proper for the petitioner to surrender in pursuance of the order of detention and after service of ground he shall submit a representation and after scrutiny of the representation the Advisory Board shall pass the order.

(32) Power to transfer cases u/s 407 of the Cr.P.C, 1973

In the case of *Gautam Mandal & Ors. Vs. State of Jharkhand & Anr.* reported in 2013 (1) JLJR 569, a Single Bench of this court (**Prashant Kumar, J.**) while dealing with a case u/s 407 of the Cr.P.C held that this court has jurisdiction to transfer a case from the court of S.D.J.M Raj Mahal to the court of S.D.J.M, Godda instead of directing to return of complaint for filing before proper court.

(33) Applicaiton for maintenance pendent lite– what should be looked into

In the case of *Ashim Ghosh Versus Smt. Seema Ghosh* reported in 2013 (1) JLJR 202, a Singal Bench of this Court (**P. P. Bhatt, J.**) while dealing with a writ application filed against the order passed u/s 24 of the Hindu Marriage Act held that the Court cannot be bogged down to intricacies of a protracted trial for fixing maintenance pendent lite and expenses of the proceedings. Otherwise, the very object of the section would be frustrated which is that a party is not handicapped in prosecuting his or her case. But, then in deciding the application under Section 24 of the Act, the court has to act in accordance with sound judicial principles and cannot act in an arbitrary fashion to the prejudice of either of the parties. The following principles would appear to be relevant for the purpose:

- (1) position and status of the parties;
- (2) reasonable wants of the claimant (towards food, clothing, shelter, medical attendance and treatment, education and the like);
- (3) income of the claimant;
- (4) income of the opposite party;
- (5) number of persons opposite party is obliged to maintain.



(34) Amendment application – liberal approach should be taken

In the case of *Om Prakash Agrawal Versus Kamla Prasad Gupta* reported in 2013 (1) JLJR 106, a Single Bench of this court (**P.P. Bhatt, J.**) while dealing with a case under order VI Rule 17 of the Civil Procedure Code held that the liberal view /approach should be taken by the Court while dealing with the amendment application to avoid any multiplicity of proceedings.

(35) Amendment application – typographical error cannot be refused

In the case of *Sita Devi Jaiswara Vs. Shankar Ram Jaiswara & Ors.* Reported in 2012 (4) JLJR 176 (Jhr), a Single Bench of this Court (**P.P. Bhatt, J.**) in a matter relating to typographical mistake relying on pronouncement of Hon'ble Apex Court held that belated application for amendment of typographical error cannot be refused if it is found that it is necessary for deciding the real controversy between the parties and it can be allowed on payment of costs. Further held that in view of Section 16(2)(b) of C.P.C. (Amendment) Act, 2002 making newly added proviso to Order VI Rule 17 prospective, i.e., not applicable to any pending trial from before 01.07.2002; and the instant trial is prior to the cut off period, proviso is not applicable.

(36) Entitlement to the benefit of new VRS Scheme

In the case of *Dinesh Chandra Mishra & Ors. Vs. Project and Development India Ltd., Dhanbad & Others* reported in 2012 (4) JLJR 273 while dealing with a claim of the petitioner for benefit under revised VRS Scheme who retired in old VRS Scheme a single Bench of this court (**P.P. Bhatt, J.**) held that the petitioner is not eligible and entitled to get the benefits under the modified / revised VRS scheme once the VRS is accepted and they are relieved.

(37) Alteration in document admitted in evidence – not permissible

In the case of *Ramesh Chandra Dubey & Anr. Versus Kamal Singh Surana & Anr.* reported in 2013 (1) JLJR 92, a Single Bench of this Court [**P.P. Bhatt, J.**] while dealing with a provision under Order VIII Rule 4 held that once the document is admitted in evidence, the parties cannot make any alteration without permission of the Court and, accordingly, deprecated the action of the plaintiff in taking away the exhibited deed on another excuse and getting the Deficit Court Fee and Stamp Duty paid under Registration Act.

(38) Jurisdiction to take cognizance of the offence u/s 498A

In the case of *Awdhesh Kumar & Ors. Vs. The State of Jharkhand & Anr.* Reported in 2013 (1) JLJR 496, a Single Bench of this court (**H.C. Mishra, J.**) in a quashing petition filed on the ground that the court at Tenughat has no jurisdiction to take cognizance of the offence u/s 498A of IPC as the general allegation is made against the brother-in-law and sister-in-law, held that offence against the petitioner is a continuing offence and the court at her parents' house also has the jurisdiction to entertain the complain case.



(39) Provisions contained in special legislation vis-a-vis general punishment

In the case of *Pancham Singh Vs. State of Jharkhand & Anr.* Reported in 2013 (1) JLJR 570, a Single Bench of this court (**H.C. Mishra, J.**) while dealing with a case under sec.23 of Mines and Minerals (Development and Regulation) Act, 1957 and under sec.138 of the Negotiable Instrument Act, 1981 held that the provisions contained in special legislation will certainly take precedence over the general punishment prescribed in penal code and the provision of penal code would have no application in the matter of transportation of minerals in contravention of the provisions of MMDR Act, or rule or even regulation made therein. There is a clear bar under the MMDR Act for taking cognizance of any offence punishable under the Act or any rules made there under except upon complaint before the Magistrate.

(40) Case of Medical negligence – gross negligence is only punishable

In the case of *Dr. S. R. Malusare Vs. The State of Jharkhand & Anr.* Reported in 2012 (3) JLJR 366 a single Bench of this court (**H.C. Mishra, J.**) while dealing with a case of medical negligence held that the act complained against the doctor must show negligence or rashness of such a highest degree so as to indicate a mental state which can be described as totally apathetic towards the patient and only such 'gross' negligence is punishable.

(41) Right of maintenance of second wife under section 125 of Cr.P.C, 1973

In the case of *Ram Kumar Sabu Vs. Rita Devi & Anr.* Reported in 2012 (3) JLJR 46 a Single Bench of this court (**H.C. Mishra, J.**), while dealing with a maintenance petition filed by a second wife u/s 125 of the Criminal Procedure Code, 1973, held that Section 125 Cr.P.C. states about the provision of maintenance to the wife who is unable to maintain herself, which clearly means that the wife should be legally wedded wife. It is equally well settled that even the illegitimate child is entitled for maintenance under Section 125 Cr.P.C., but the woman, who is not legally married, is not entitled to maintenance under Section 125 Cr.P.C.

(42) Work done in personal capacity by the Managing Director – Compliant by company not entertained

In the case of *The New India Assurance Co. Ltd. Daltonganj Vs. State of Jharkhand & Anr.* Reported in 2013 (1) JCR 103, a Single Bench of this court (**H.C. Mishra, J.**) while dealing with a quashing matter held that where the letter written by the opposite party to the Managing Director of the company was in his personal capacity and not against the company, the Magistrate would be justified in dismissing the complaint of the company in exercise of his power under section 203 of Cr.P.C., holding that the complaint having been filed by another employee of the Company is not maintainable as the cause of action is personal.

(43) Any observation that a particular offence is made out in revision may cause prejudice to the accused

In the case of *Nasim Ansari Vs. The State of Jharkhand & Ors.* reported in 2013 (1) JCR 357 (Jhr), a Single Bench of this court (**D.N. Upadhyay, J.**) while dealing with a quashing matter held that at the



time of exercising revisional jurisdiction, the concerned court should always refrain from giving such observations that particular offence has been made out or not, else it may prejudice the parties before the Court below.

(44) Misuse of power by the public servant should not be allowed

In the case of *Sheo Bachan Singh Vs. The State of Jharkhand and Ors* [W.P. (Cr.) No. 186 of 2010, D/O – 5.12.2012], a single Bench of this Court (**D.N. Upadhyay, J.**) while dealing with a quashing matter noted that the protection is given to the Public Servant against institution of possibly vexatious criminal proceeding for offences alleged to have been committed by them while they are acting or purporting to act as Public Servants. The policy of the legislature is to afford adequate protection to public servants to ensure that they shall not be prosecuted for anything done by them in the discharge of their official duties without reasonable cause but then such protection has to be considered within certain limits. It should be available only when the alleged act done by the public servant is reasonably connected with the discharge of his official duty and is not merely a cloak for doing the objectionable act. If in doing his official duty, he acted in excess of his duty, which constitutes offence, the excess will not be considered to protect him from criminal prosecution. We have to keep in mind that in the garb of discharge of official duty no public servant should be allowed to commit offence.

(45) Power of the Court under Section 319 (2) Cr.P.C.

In the case of *Ram Tabal Chaurasia versus the State of Jharkhand & Anr.* [Cr. M.P. No.679 of 2007] D/o – 31.08.2012, a Single Bench of this Court [**D.N. Upadhyay, J.**] while dealing with a quashing matter against order of a Sessions Court issuing non-bailable warrant of arrest to ensure the appearance of newly added accused in exercise of power under Section 319 Cr.P.C., it is held that as the purpose is to secure the attendance of the accused in the Court only, after discussing the law on this point, the order of the Trial Court was modified by setting aside the non-bailable warrant of arrest and summon was ordered to be issued.

(46) Section 33(c) of the Indian Forest Act

In the case of *Tulsi Singh & Ors. Vs. State of Jharkhand & Ors.* [Cr.M.P No.612 of 2009, D/o-31-08-2012], a Single Bench of this court (**D.N. Upadhyay, J.**) while dealing with case u/s 33 of the Indian Forest Act, 1927 held that it is clear that the notification declaring the Forest land as protected forest u/s 30 of the Indian Forest Act shall remain effective for the period of thirty years only from the date of notification therefore the petitioner cannot be prosecuted under section 33(c) of the Indian Forest Act, after lapse of thirty years' period since notification, i.e., after the period of validity of said notification unless renewed.

(47) No Criminal proceeding for Civil dispute

In the case of *Sanjeev Kumar Vs. State of Jharkhand & Anr.* reported in 2013 (1) JCR 428 (Jhr), a Single Bench of this court (**D.N. Upadhyay, J.**) while hearing a quashing application held that if there was any business dispute with regard to articles supplied, that may be taken recourse to in civil dispute.



(48) Fair play in action is sine qua non in the matter of blacklisting

In the case of *Dilip Kr. Jaiswal Vs. State of Jharkhand* reported in 2012 (4) JCR 28, a Single Bench of this court (**Aparesk Kumar Singh, J.**) while hearing a writ petition where the petitioner who is a government contractor has been blacklisted, held that the order of blacklisting has serious and adverse consequences on the person upon whom it is inflicted and the power should not be exercised in the manner which is arbitrary and unreasonable. It has also been held that the State in its action is required to be fair and act without discrimination. The order of blacklisting cast serious stigma on his reputation, character and personality and fair play in action is sine qua non before such action is to be taken by the Respondent- State or its instrumentality.

(49) Selling of Lottery – not prohibited in State of Jharkhand

In the case of *Sunil Kumar Jain Vs. The State of Jharkhand & Ors.* reported in 2012 (4) JLJR 43, a Single Bench of this court (**Aparesk Kumar Singh, J.**) while dealing with a case where the petitioner has been restricted to carry on the business of selling and marketing of online lottery in the State of Jharkhand, held that activity of carrying out lottery business in the State of Jharkhand is not regulated at the moment by any valid law by means of any State legislation or any Union law prohibiting the same. In the circumstances, the impugned action of the respondent authorities to prevent the petitioner from carrying out such activity is unsustainable in law.

(50) Eviction of encroachers can only be made in accordance with law

In the case of *Kamal Kishore & Ors. Vs. The state of Jharkhand & ors.* reported in 2012 (4) JLJR 122, a Single Bench of this court (**Aparesk Kumar Singh, J.**) while dealing with a case under section 3 of the Bihar Public Land Encroachment Act, 1956 held that even though the petitioners are encroachers over the public land, their eviction can only be made in accordance with law by initiating a proceeding in proper manner before the competent authority as provided under the Act. It is further held that when the proceedings under the BPLE are concluded finally against the unauthorized occupants and the unauthorized occupants are evicted from the Government land or property, it is the responsibility of the respondent authorities to ensure that no further encroachment over the said public land is made by the encroachers and such situation does not arise again and again which is clearly against the larger public interest.

(51) Rule 5(3) read with 11 of B.S.F (Tenure of Posting and Deputation) Rules, 2000

In the case of *Upendra Kumar Vs. The Union of India & Ors.* reported in 2013 (1) JCR 709, a Single Bench of this court (**Aparesk Kumar Singh, J.**) while dealing with Rule 5(3) read with 11 of B.S.F (Tenure of Posting and Deputation) Rules, 2000 held that member of the Force placed in low medical category may be considered for posting from battalion deployed in extreme hard or harsh area to battalion deployed in normal area or static formation keeping in view the recommendation of the Medical Board whose tenure may exceed three years on account of the injuries suffered in operations or on duty. The petitioner cannot claim a legal right to continue at a particular place permanently even on the basis of the medical disability on the recommendation of the Medical Board. The petitioner, who has been placed in the category of the disability, as per the Rules, can be permitted to be posted in sedentary duty or job in normal area or static formation.



(52) Service of notice is necessary before cancellation of mining lease

In the case of *Sadban Chandra Ghosh Vs. State of Jharkhand & Ors.* reported in 2013 (1) JCR 539 (Jhr), a Single Bench of this court (**Aparesh Kumar Singh, J.**) while dealing with a case where mining lease of the petitioner was cancelled without any notice, held that before termination of mining lease of a lessee statutory notice is the requirement of law and there must be valid service of notice upon the lessee before proceeding for termination of lease after completion of statutory period of 30 days.

(53) Service Law - Retiral benefits withheld on the ground of pendency of criminal case

In *Awadhesh Prasad Vs. Jharkhand State Electricity Board, Ranchi & Ors.*, reported in [2013 (1) JLJR 604], a Single Judge of this Court (**Shree Chandrashekhar, J.**) held that the department has no power under Rule 97 (2) of the Jharkhand Service Code to withheld pensionary benefits of a Government servant on the ground of pendency of criminal case.

Further, Rule 99 of the Jharkhand Service Code deals with suspension only and it does not extend any power to the department to withheld pensionary benefits.

(54) Second proceeding under Rule 43(b) of Jharkhand Pension Rules for the same misconduct- not permissible

In *Bachoo Singh Vs. State of Jharkhand & Ors.*, reported in [2013 (2) JLJR 65], a Single Judge of this Court (**Shree Chandrashekhar, J.**) while dealing with the question “whether a second proceeding under Rule 43(b) of Jharkhand Pension Rules can be initiated against a Government servant for the misconduct for which he was already punished”, held that Rule 43 of Jharkhand Pension Rules does not contemplate a second enquiry for the same misconduct.

(55) Dismissal on the ground of conviction in criminal case where departmental proceeding was abandoned- After acquittal in criminal case- reinstatement in service ordered

In *Anwarul Haque Vs. Steel Authority of India Limited & Ors.*, reported in [2013 (2) JLJR 75], a Single Judge of this Court (**Shree Chandrashekhar, J.**) while allowing the case of the petitioner who was dismissed from service on the ground of conviction in criminal case, held that since order of conviction has been set aside, petitioner was entitled for reinstatement in service because there was no finding of proved misconduct recorded in the departmental proceeding, as the departmental proceeding was abandoned. It was further held that plea of loss of confidence in the employees cannot be subjective and needs to be examined in view of the pleadings on record. Plea of loss of confidence must be alleged and proved.

(56) Proceeding under Rule 43(b) of Jharkhand Pension Rules- not maintainable if initiated in respect of an event which took place more than four years before institution of the proceeding

In *Bal Krishna Dubey Vs. The State of Jharkhand & Ors.*, reported in [2013(2) JLJR 129], a Single Judge of this Court (**Shree Chandrashekhar, J.**) while dealing with a case in which the petitioner was alleged to have committed misconduct prior to the year 1996 and superannuated with effect from



31.01.2004 held that no proceeding under Rule 43(b) of Jharkhand Pension Rules can be initiated in respect of an event which took place more than four years before institution of proceeding under Rule 43 (b) of Jharkhand Pension Rules.

(57) Non-supply of enquiry report and no show-cause notice issued- serious prejudice caused to the petitioner, penalty order passed

In “*Bharat Prasad Verma Vs. The State of Jharkhand & Ors.*”, reported in [2013 (2) JLR 168], a Single Judge of this Court (**Shree Chandrashekhar, J.**) while dealing with a case in which the delinquent officer was not supplied with a copy of the enquiry report and no show-cause notice was issued to him before the penalty order was passed, held prejudice has been caused to the petitioner, order of penalty quashed.



High Court of Jharkhand

NEWSLETTER

**ORDERS
&
NOTIFICATIONS**

ORDERS & NOTIFICATIONS

HIGH COURT OF JHARKHAND,

RANCHI

O R D E R

No. 19/CJS

Dated, the 10th of January, 2013

It is observed that certified copy of the orders/judgments etc. supplied from various District & Subordinate Courts are mostly illegible.

In this view of matter, the Registrar General, High Court of Jharkhand is directed to issue letter directing the Principal District Judges of every District including Principal Judicial Commissioner to ensure that good legible certified copies of the orders/judgments etc. are issued from their respective Districts so that the typed copy of the certified copy is not required at all for reading the certified copy of the order issued from the concerned District Court.

Further, let a direction be also issued to all the District Courts that typographical mistakes, viz., name and number of police stations, name of the accused, reference of the Court, G.R. number etc. are not correctly mentioned in the certified copy of order causing a substantive delay by the Higher Court where the impugned order is challenged.

It is a matter of concern and all the District Courts are supposed to act promptly in this regard.

Sd/-
(Prakash Tatia)
Chief Justice



HIGH COURT OF JHARKHAND,

RANCHI

O R D E R

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 noteworthy cases related to the heinous crimes of sexual assault vide (1996) 2 SCC 384 [State of Punjab versus Gurmit Singh & Others] and (2004) 5 SCC 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.

Sd/-
(Prakash Tatia)
Chief Justice

HIGH COURT OF JHARKHAND

RANCHI

O R D E R

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.

Sd/-
(Prakash Tatia)
Chief Justice

HIGH COURT OF JHARKHAND, RANCHI

O R D E R

No. 22/CJS /06/R&S

Dated: Ranchi the 7th March, 2013

The Hon'ble Court has passed Order that all the Tied-up Matters or Part Heard Matters or Cases in which Judgement/Order were reserved but not pronounced, wherein Hon'ble Judges have superannuated/ transferred, those matters will be listed before the Regular Roster Bench of the respective Division Bench or Single Bench

By Order of the Court,
Sd/-
A.V.Singh
Registrar General



HIGH COURT OF JHARKHAND: RANCHI

O R D E R

No. 07/R&S

Dated: Ranchi the 3rd April, 2013

The Hon'ble Court has been pleased to direct that copies of all Petitions related to Narcotics Drugs and Psychotropic Substances Act which are filed before this Court be served upon the Assistant Solicitor General, High Court of Jharkhand, Ranchi as well as the State of Jharkhand, if the State is also party.

By Order of the Court,
Sd/
A.V.Singh
Registrar General

HIGH COURT OF JHARKHAND, RANCHI

O R D E R

No. 24/CJS /08/R&S

Dated: Ranchi the 4th April, 2013

I am directed to communicate that the Hon'ble Court have directed all the Principal District & Sessions Judges including the Principal Judicial Commissioner, Ranchi to furnish the details of G.R. cases pending investigation and a consolidated comprehensive report in detail forthwith.

While furnishing the report it is to be kept in mind, inter alia, those G.R.Cases in which neither Challan (Charge Sheet) nor FF has been submitted giving details about (a) G.R.Number with date (b) Police Station. In cases where challan (Charge-sheet) has been submitted in Part, that may be indicated clearly.

The Hon'ble Court have further directed to furnish information in detail about the Complaint Case forwarded under Section 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 F.I.R. and whether Challan (Charge Sheet)/ F.F. filed or not.

All such information be sent to this Court in Proforma enclosed (2 Sheets) regularly in every quarter commencing on 1st quarter of 2013. The report of first quarter ending on 31st March be sent by 15th April, the Second quarter ending on 30th June be sent by 15th of July, the third quarter ending on 30th September be sent by 15th of October and the last quarter ending on 31st December be sent by 15th of January, 2014.

By Order of the Court,
Registrar General I/c



No. 01/R&S

Dated: Ranchi the 18th June, 2013

Hon'ble the Chief Justice has been pleased to constitute a Committee of Hon'ble Judges of this Court; names mentioned below to prepare a complete Scheme for establishing the Indian Law Reports Jharkhand Series Section in the Hon'ble High Court so as to publish the same.

- | | | |
|----|-------------------------------------------|---------|
| 1. | Hon'ble Mr. Justice D.N.Patel | Chaiman |
| 2. | Hon'ble Mr. Justice N.N.Tiwari | Member |
| 3. | Hon'ble Mr. Justice Harish Chandra Mishra | Member |
| 4. | Hon'ble Mr. Justice Aparesh Kumar Singh | Member |
| 5. | Hon'ble Mr. Justice S. Chandrashekhar | Member |

The Registrar General, High Court of Jharkhand will assist the above mentioned Committee.

By Order of the Court,
Sd/-
Anant Vijay Singh
Registrar General



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग III -खण्ड 4

PART II - Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

नई दिल्ली, मंगलवार, अप्रैल 2, 2013/चैत्र 12, 1935 (शक)

NEW DELHI, TUESDAY, OCTOBER 20, 2009/ASVINA 28, 1931

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 2nd April, 2013/Chaitra 12, 1935 (Saka)

The following Act of Parliament received the assent of the President on the 2nd April, 2013, and is hereby published for general information:—

THE CRIMINAL LAW (AMENDMENT) ACT, 2013 No. 13 OF 2013

[2ndApril, 2013]

AN ACT further to amend the Indian Penal Code, the Code of Criminal Procedure, 1973, the Indian Evidence Act, 1872 and the Protection of Children from Sexual Offences Act, 2012.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Criminal Law (Amendment) Act, 2013.
- (2) It shall be deemed to have come into force on the 3rd day of February, 2013.

Short title and commencement

CHAPTER II

AMENDMENTS TO THE INDIAN PENAL CODE

45 of 1860

2. In the Indian Penal Code (hereafter in this Chapter referred to as the Penal Code), in section 100, after clause Sixthly, the following clause shall be inserted, namely:—

Amendment of section 100.

"*Seventhly.*—An act of throwing or administering acid or an attempt to throw or administer acid which may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such act."

Insertion of new sections 166A 166B

3. After section 166 of the Penal Code, the following sections shall be inserted, namely:—



Public servant
disobeying
direction under
law

"166A. Whoever, being a public servant,—

- (a) knowingly disobeys any direction of the law which prohibits him from requiring the attendance at any place of any person for the purpose of investigation into an offence or any other matter, or
- (b) knowingly disobeys, to the prejudice of any person, any other direction of the law regulating the manner in which he shall conduct such investigation, or
- (c) fails to record any information given to him under sub-section (7) of section 154 of the Code of Criminal Procedure, 1973, in relation to cognizable 2 of 1974 offence punishable under section 326A, section 326B, section 354, section 354B, section 370, section 370A, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509,

shall be punished with rigorous imprisonment for a term which shall not be less than six months but which may extend to two years, and shall also be liable to fine.

Punishment for
non-treatment
of victim

166B. Whoever, being in charge of a hospital, public or private, whether run by the Central Government, the State Government, local bodies or any other person, contravenes the provisions of section 357C of the Code of Criminal Procedure, 1973, 2 of 1974 shall be punished with imprisonment for a term which may extend to one year or with fine or with both."

Amendment of
section 228A. 4.

In section 228 A of the Penal Code, in sub-section (/), for the words, figures and letters "offence under section 376, section 376A, section 376B, section 376C or section 376D", the words, figures and letters "offence under section 376, section 376A, section 376B, section 376C, section 376D or section 376E" shall be substituted.

Insertion of new
sections 326A
and 326B. 5.

After section 326 of the Penal Code, the following sections shall be inserted, namely:—

Voluntarily
causing
grievous hurt
by use of acid,
etc.

'326A. Whoever causes permanent or partial damage or deformity to, or bums or maims or disfigures or disables, any part or parts of the body of a person or causes grievous hurt by throwing acid on or by administering acid to that person, or by using any other means with the intention of causing or with the knowledge that he is likely to cause such injury or hurt, shall be punished with imprisonment of either description for a term which shall not be less than ten years but which may extend to imprisonment for life, and with fine:

Provided that such fine shall be just and reasonable to meet the medical expenses of the treatment of the victim:

Provided further that any fine imposed under this section shall be paid to the victim.

Voluntarily
throwing or
attempting to
throw acid.

326B. Whoever throws or attempts to throw acid on any person or attempts to administer acid to any person, or attempts to use any other means, with the intention of causing permanent or partial damage or deformity or burns or maiming or disfigurement or disability or grievous hurt to that person, shall be punished with imprisonment of either description for a term which shall not be less than five years but which may extend to seven years, and shall also be liable to fine.

Explanation 1.—For the purposes of section 326A and this section, "acid" includes any substance which has acidic or corrosive character or burning nature, that is capable of causing bodily injury leading to scars or disfigurement or temporary or permanent disability.



Explanation 2. – For the purposes of section 326A and this section, permanent or partial damage or deformity shall not be required to be irreversible.'.

- 6. In section 354 of the Penal Code, for the words "shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both", the words "shall be punished with imprisonment of either description for a term which shall not be less than one year but which may extend to five years, and shall also be liable to fine" shall be substituted. Amendment of section 354.

- 7. After section 354 of the Penal Code, the following sections shall be inserted, namely: – Insertion of new sections 354A, 354B, 354C and 354D.

'354A. (1) A man committing any of the following acts –

- (i) physical contact and advances involving unwelcome and explicit sexual overtures; or
- (ii) a demand or request for sexual favours; or
- (iii) showing pornography against the will of a woman; or
- (iv) making sexually coloured remarks,

Sexual harassment and punishment for sexual harassment.

shall be guilty of the offence of sexual harassment.

- (2) Any man who commits the offence specified in clause (i) or clause (ii) or clause (iii) of sub-section (1) shall be punished with rigorous imprisonment for a term which may extend to three years, or with fine, or with both.

- (3) Any man who commits the offence specified in clause (iv) of sub-section (1) shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

354B. Any man who assaults or uses criminal force to any woman or abets such act with the intention of disrobing or compelling her to be naked, shall be punished with imprisonment of either description for a term which shall not be less than three years but which may extend to seven years, and shall also be liable to fine. Assault or use of criminal force to woman with intent to disrobe.

354C. Any man who watches, or captures the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image shall be punished on first conviction with imprisonment of either description for a term which shall not be less than one year, but which may extend to three years, and shall also be liable to fine, and be punished on a second or subsequent conviction, with imprisonment of either description for a term which shall not be less than three years, but which may extend to seven years, and shall also be liable to fine. Voyeurism.

Explanation 1. – For the purpose of this section, "private act" includes an act of watching carried out in a place which, in the circumstances, would reasonably be expected to provide privacy and where the victim's genitals, posterior or breasts are exposed or covered only in underwear; or the victim is using a lavatory; or the victim is doing a sexual act that is not of a kind ordinarily done in public.

Explanation 2. – Where the victim consents to the capture of the images or any act, but not to their dissemination to third persons and where such image or act is disseminated, such dissemination shall be considered an offence under this section.

354D. (1) Any man who –

Stalking



Public servant
disobeying
direction under
law

- (i) follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or
- (ii) monitors the use by a woman of the interact, email or any other form of electronic communication,

commits the offence of stalking:

Provided that such conduct shall not amount to stalking if the man who pursued it proves that—

- (i) it was pursued for the purpose of preventing or detecting crime and the man accused of stalking had been entrusted with the responsibility of prevention and detection of crime by the State; or
- (ii) it was pursued under any law or to comply with any condition or requirement imposed by any person under any law; or
- (iii) in the particular circumstances such conduct was reasonable and justified.

2 of 1974

- (2) Whoever commits the offence of stalking shall be punished on first conviction with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and be punished on a second or subsequent conviction, with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.'

8. For section 370 of the Penal Code, the following sections shall be substituted, namely:—

'370. (1) Whoever, for the purpose of exploitation, (a) recruits, (b) transports, (c) harbours, (d) transfers, or (e) receives, a person or persons, by—

First.— using threats, or

Secondly.— using force, or any other form of coercion, or

Thirdly.— by abduction, or

Fourthly.— by practising fraud, or deception, or

Fifthly.— by abuse of power, or

Sixthly.— by inducement, including the giving or receiving of payments or benefits, in order to achieve the consent of any person having control over the person recruited, transported, harboured, transferred or received,

commits the offence of trafficking.

Explanation 1.— The expression "exploitation" shall include any act of physical exploitation or any form of sexual exploitation, slavery or practices similar to slavery, servitude, or the forced removal of organs.

Explanation 2.— The consent of the victim is immaterial in determination of the offence of trafficking.

- (2) Whoever commits the offence of trafficking shall be punished with rigorous imprisonment for a term which shall not be less than seven years, but which may extend to ten years, and shall also be liable to fine.
- (3) Where the offence involves the trafficking of more than one person, it shall



be punishable with rigorous imprisonment for a term which shall not be less than ten years but which may extend to imprisonment for life, and shall also be liable to fine.

- (4) Where the offence involves the trafficking of a minor, it shall be punishable with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, and shall also be liable to fine.
- (5) Where the offence involves the trafficking of more than one minor, it shall be punishable with rigorous imprisonment for a term which shall not be less than fourteen years, but which may extend to imprisonment for life, and shall also be liable to fine.
- (6) If a person is convicted of the offence of trafficking of minor on more than one occasion, then such person shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.
- (7) When a public servant or a police officer is involved in the trafficking of any person then, such public servant or police officer shall be punished with imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

370A. (1) Whoever, knowingly or having reason to believe that a minor has been trafficked, engages such minor for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than five years, but which may extend to seven years, and shall also be liable to fine.

Exploitation of a trafficked person.

(2) Whoever, knowingly by or having reason to believe that a person has been trafficked, engages such person for sexual exploitation in any manner, shall be punished with rigorous imprisonment for a term which shall not be less than three years, but which may extend to five years, and shall also be liable to fine.'

9. For sections 375,376,376A, 376B, 376C and 376D of the Penal Code, the following sections shall be substituted, namely:—

Substitution of new sections for sections 375, 376, 376A, 376B, 376C and 376D.

'375. Aman is said to commit "rape" if he—

Rape.

- (a) penetrates his penis, to any extent, into the vagina, mouth, urethra or anus of a woman or makes her to do so with him or any other person; or
- (b) inserts, to any extent, any object or a part' of the body, not being the penis, into the vagina, the urethra or anus of a woman or makes her to do so with him or any other person; or
- (c) manipulates any part of the body of a woman so as to cause penetration into the vagina, urethra, anus or any part of body of such woman or makes her to do so with him or any other person; or
- (d) applies his mouth to the vagina, anus, urethra of a woman or makes her to do so with him or any other person,

under the circumstances falling under any of the following seven descriptions:—

First, — Against her will.

Secondly. — Without her consent.



Thirdly.—With her consent, when her consent has been obtained by putting her or any person in whom she is interested, in fear of death or of hurt.

Fourthly.—With her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married.

Fifthly.—With her consent when, at the time of giving such consent, by reason of unsoundness of mind or intoxication or the administration by him personally or through another of any stupefying or unwholesome substance, she is unable to understand the nature and consequences of that to which she gives consent.

Sixthly.—With or without her consent, when she is under eighteen years of age.

Seventhly.—When she is unable to communicate consent.

Explanation 1.—For the purposes of this section, "vagina" shall also include *labia majora*.

Explanation 2.—Consent means an unequivocal voluntary agreement when the woman by words, gestures or any form of verbal or non-verbal communication, communicates willingness to participate in the specific sexual act:

Provided that a woman who does not physically resist to the act of penetration shall not by the reason only of that fact, be regarded as consenting to the sexual activity.

Exception 1.—A medical procedure or intervention shall not constitute rape.

Exception 2.—Sexual intercourse or sexual acts by a man with his own wife, the wife not being under fifteen years of age, is not rape.¹.

Punishment for
Rape

376. (1) Whoever, except in the cases provided for in sub-section (2), commits rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than seven years, but which may extend to imprisonment for life, and shall also be liable to fine.

(2) Whoever,—

- (a) being a police officer, commits rape—
 - (i) within the limits of the police station to which such police officer is appointed; or
 - (ii) in the premises of any station house; or
 - (iii) on a woman in such police officer's custody or in the custody of a police officer subordinate to such police officer; or
- (b) being a public servant, commits rape on a woman in such public servant's custody or in the custody of a public servant subordinate to such public servant; or
- (c) being a member of the armed forces deployed in an area by the Central or a State Government commits rape in such area; or
- (d) being on the management or on the staff of a jail, remand home or other place of custody established by or under any law for the time being in force or of a women's or children's institution, commits rape on any inmate of such jail, remand home, place or institution; or



- (e) being on the management or on the staff of a hospital, commits rape on a woman in that hospital; or
- (f) being a relative, guardian or teacher of, or a person in a position of trust or authority towards the woman, commits rape on such woman; or
- (g) commits rape during communal or sectarian violence; or
- (h) commits rape on a woman knowing her to be pregnant; or
- (i) commits rape on a woman when she is under sixteen years of age; or
- (j) commits rape, on a woman incapable of giving consent; or
- (k) being in a position of control or dominance over a woman, commits rape on such woman; or
- (l) commits rape on a woman suffering from mental or physical disability; or
- (m) while committing rape causes grievous bodily harm or maims or disfigures or endangers the life of a woman; or
- (n) commits rape repeatedly on the same woman,

shall be punished with rigorous imprisonment for a term which shall not be less than ten years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, and shall also be liable to fine.

Explanation. – For the purposes of this sub-section, –

- (a) "armed forces" means the naval, military and air forces and includes any member of the Armed Forces constituted under any law for the time being in force, including the paramilitary forces and any auxiliary forces that are under the control of the Central Government or the State Government;
- (b) "hospital" means the precincts of the hospital and includes the precincts of any institution for the reception and treatment of persons during convalescence or of persons requiring medical attention or rehabilitation;
- (c) "police officer" shall have the same meaning as assigned to the expression "police" under the Police Act, 1861;
- (d) "women's or children's institution" means an institution, whether called an orphanage or a home for neglected women or children or a widow's home or an institution called by any other name, which is established and maintained for the reception and care of women or children.

376A. Whoever, commits an offence punishable under sub-section (1) or sub-section (2) of section 376 and in the course of such commission inflicts an injury which causes the death of the woman or causes the woman to be in a persistent vegetative state, shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to imprisonment for life, which shall mean imprisonment for the remainder of that person's natural life, or with death.

Punishment for causing death or resulting in persistent vegetative state of victim

376B. Whoever has sexual intercourse with his own wife, who is living separately, whether under a decree of separation or otherwise, without her consent, shall be punished with imprisonment of either description for a term which shall not be less

Sexual intercourse by husband upon his wife during separation.



than two years but which may extend to seven years, and shall also be liable to fine.

Explanation.—In this section, "sexual intercourse" shall mean any of the acts mentioned in clauses (a) to (d) of section 375.

376C. Whoever, being—

- (a) in a position of authority or in a fiduciary relationship; or
- (b) a public servant; or
- (c) superintendent or manager of a jail, remand home or other place of custody established by or under any law for the time being in force, or a women's or children's institution; or
- (d) on the management of a hospital or being on the staff of a hospital,

Sexual
intercourse
by a person in
authority.

abuses such position or fiduciary relationship to induce or seduce any woman either in his custody or under his charge or present in the premises to have sexual intercourse with him, such sexual intercourse not amounting to the offence of rape, shall be punished with rigorous imprisonment of either description for a term which shall not be less than five years, but which may extend to ten years, and shall also be liable to fine.

Explanation 1.—In this section, "sexual intercourse" shall mean any of the acts mentioned in clauses (a) to (d) of section 375.

Explanation 2.—For the purposes of this section, Explanation 1 to section 375 shall also be applicable.

Explanation 3.—"Superintendent", in relation to a jail, remand home or other place of custody or a women's or children's institution, includes a person holding any other office in such jail, remand home, place or institution by virtue of which such person can exercise any authority or control over its inmates.

Explanation 4.—The expressions "hospital" and "women's or children's institution" shall respectively have the same meaning as in Explanation to sub-section (2) of section 376.

376D. Where a woman is raped by one or more persons constituting a group or acting in furtherance of a common intention, each of those persons shall be deemed to have committed the offence of rape and shall be punished with rigorous imprisonment for a term which shall not be less than twenty years, but which may extend to life which shall mean imprisonment for the remainder of that person's natural life, and with fine:

Provided that such fine shall be just and reasonable to meet the medical expenses and rehabilitation of the victim:

Provided further that any fine imposed under this section shall be paid to the victim.

376E. Whoever has been previously convicted of an offence punishable under section 376 or section 376A or section 376D and is subsequently convicted of an offence punishable under any of the said sections shall be punished with imprisonment for life which shall mean imprisonment for the remainder of that person's natural life, or with death.'

In section 509 of the Penal Code, for the words "shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both", the words "shall be punished with simple imprisonment for a term which may extend to three years, and also with fine" shall be substituted.

Gang rape

Punishment for
repeat offenders

Amendment of 10.
section 509.



CHAPTER III

AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE, 1973

11. In the Code of Criminal Procedure, 1973 (hereafter in this Chapter referred to as the Code of Criminal Procedure), in section 26, in the proviso to clause (a), for the words, figures and letters "offence under section 376 and sections 376A to 376D of the Indian Penal Code", the words, figures and letters "offence under section 376, section 376A, section 376B, section 376C, section 376D or section 376E of the Indian Penal Code" shall be substituted. 2 of 1974.
45 of 1860
12. In section 54A of the Code of Criminal Procedure, the following provisos shall be inserted, namely: –
 "Provided that, if the person identifying the person arrested is mentally or physically disabled, such process of identification shall take place under the supervision of a Judicial Magistrate who shall take appropriate steps to ensure that such person identifies the person arrested using methods that person is comfortable with:
 Provided further that if the person identifying the person arrested is mentally or physically disabled, the identification process shall be videographed."
13. In section 154 of the Code of Criminal Procedure, in sub-section (1), the following provisos shall be inserted, namely: – Amendment of
Section 154
 "Provided that if the information is given by the woman against whom an offence under section 326A, section 326B, section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509 of the Indian Penal Code is alleged to have been committed or attempted, then such information shall be recorded, by a woman police officer or any woman officer:
 Provided further that –
 (a) in the event that the person against whom an offence under section 354, section 354 A, section 354B, section 354C, section 354D, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509 of the Indian Penal Code is alleged to have been committed or attempted, is temporarily or permanently mentally or physically disabled, then such information shall be recorded by a police officer, at the residence of the person seeking to report such offence or at a convenient place of such person's choice, in the presence of an interpreter or a special educator, as the case may be;
 (b) the recording of such information shall be videographed;
 (c) the police officer shall get the statement of the person recorded by a Judicial Magistrate under clause (a) of sub-section (5A) of section 164 as soon as possible."
14. In section 160 of the Code of Criminal Procedure, in sub-section (/), in the proviso, for the words "under the age of fifteen years or woman", the words "under the age of fifteen years or above the age of sixty-five years or a woman or a mentally or physically disabled person" shall be substituted. Amendment of
Section 160
15. In section 161 of the Code of Criminal Procedure, in sub-section (3), after the proviso, the following proviso shall be inserted, namely: – Amendment of
Section 161
 "Provided further that the statement of a woman against whom an offence under section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509 of

45 of 1860

45 of 1860



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the Indian Penal Code is alleged to have been committed or attempted shall be recorded, by a woman police officer or any Woman officer."

16. In section 164 of the Code of Criminal Procedure, after sub-section (5), the following sub-section shall be inserted, namely:— Amendment of Section 164

"(5A) (a) In cases punishable under section 354, section 354A, section 354B, section 354C, section 354D, sub-section (7) or sub-section (2) of section 376, section 376A, section 376B, section 376C, section 376D, section 376E or section 509 of the Indian Penal Code, the Judicial Magistrate shall record the statement of the person against whom such offence has been committed in the manner prescribed in sub-section (5), as soon as the commission of the offence is brought to the notice of the police:

Provided that if the person making the statement is temporarily or permanently mentally or physically disabled, the Magistrate shall take the assistance of an interpreter or a special educator in recording the statement:

Provided further that if the person making the statement is temporarily or permanently mentally or physically disabled, the statement made by the person, with the assistance of an interpreter or a special educator, shall be videographed.

(b) A statement recorded under clause (a) of a person, who is temporarily or permanently mentally or physically disabled, shall be considered a statement in lieu of examination-in-chief, as specified in section 137 of the Indian Evidence Act, 1872 such that the maker of the statement can be cross-examined on such statement, without the need for recording the same at the time of trial". 1 of 1872

- Amendment of Section 173 17. In section 173 of the Code of Criminal Procedure, in sub-section (2), in sub-clause (h) of clause (0, for the words, figures and letter "or 376D of the Indian Penal Code", the words, figures and letters " 376D or section 376E of the Indian Penal Code" shall be substituted. 45 of 1860

- Amendment of Section 197 18. In section 197 of the Code of Criminal Procedure, after sub-section (1), the following Explanation shall be inserted, namely:—

"*Explanation.* — For the removal of doubts it is hereby declared that no sanction shall be required in case of a public servant accused of any offence alleged to have been committed under section 166 A, section 166B, section 354, section 354 A, section 354B, section 354C, section 354D, section 370, section 375, section 376, section 376A, section 376C, section 376D or section 509 of the Indian Penal Code." 45 of 1860

- Insertion of new section 198B 19. After section 198A of the Code of Criminal Procedure, the following section shall be inserted, namely:—

Cognizance of offence "198B. No Court shall take cognizance of an offence punishable under section 376B of the Indian Penal Code where the persons are in a marital relationship, except upon prima facie satisfaction of the facts which constitute the offence upon a complaint having been filed or made by the wife against the husband." 45 of 1860

- Amendment of Section 273 20. In section 273 of the Code of Criminal Procedure, before the Explanation, the following proviso shall be inserted, namely:—

"Provided that where the evidence of a woman below the age of eighteen years who is alleged to have been subjected to rape or any other sexual offence, is to be recorded, the court may take appropriate measures to ensure that such woman is not confronted by the accused while at the same time ensuring the right of cross-



Amendment of Section 309 21.

examination of the accused." In section 309 of the Code of Criminal Procedure, for sub-section (7), the following sub-section shall be substituted, namely: –

"(7) In every inquiry or trial the proceedings shall be continued from day-to-day until all the witnesses in attendance have been examined, unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded:

Provided that when the inquiry or trial relates to an offence under section 376, section 376A, section 376B, section 376C or section 376D of the Indian Penal Code, the inquiry or trial shall, as far as possible be completed within a period of two months from the date of filing of the charge sheet."

Amendment of Section 327 22.

In section 327 of the Code of Criminal Procedure, in sub-section (2), for the words, figures and letter "or section 376D of the Indian Penal Code", the words, figures and letters "section 376D or section 376E of the Indian Penal Code" shall be substituted.

Insertion of new sections 357B and 357C 23.

After section 3 57A of the Code of Criminal Procedure, the following sections shall be inserted, namely:-

Compensation to be in addition to fine under section 326A or section 376D of Indian Penal Code

"357B. The compensation payable by the State Government under section 357A shall be in addition to the payment of fine to the victim under section 326A or Section 376D of the Indian Penal Code.

Treatment of victims.

357C. All hospitals, public or private, whether run by the Central Government, the state Government, local bodies or any other person, shall immediately, provide the first-aid or medical treatment, free of cost, to the victims of any offence covered under section 326A, 376, 376A, 376B, 376C, 376D or section 376E of the Indian Penal Code and shall immediately inform the police of such incident."

45 of 1860 24.

In the First Schedule to the Code of Criminal Procedure, under the heading "I.OFFENCES UNDER THE INDIAN PENAL CODE", –

(a) after the entries relating to section 166, the following entries shall be inserted, namely: –

1	2	3	4	5	6
166A	Public servant disobeying direction under law	Imprisonment for minimum 6 months which may extend to 2 years and fine	Cognizable	Bailable	Magistrate of the first class
166B	Non-treatment of victim by hospital	Imprisonment of 1 year or fine or both	Non - cognizable	Bailable	Magistrate of the first class

(b) after the entries relating to section 326, the following entries shall be inserted, namely: –

1	2	3	4	5	6
326A	Voluntarily causing grievous hurt by use of acid, etc.	Imprisonment for not less than 10 years but which may extend to imprisonment for life and fine to be paid to the victim.	Cognizable	Non-bailable	Court of Session
326B	Voluntarily throwing or attempting to throw acid.	Imprisonment for 5 years but which may extend to 7 years and with fine	Cognizable	Non-bailable	Court of Session



(c) for the entries relating to section 354, the following entries shall be substituted, namely: –

1	2	3	4	5	6
354	Assault or use of criminal force to women with intent to outrage her modesty	Imprisonment of 1 year which may extend to 5 years, and with fine	Cognizable	Non-bailable	Any magistrate
354A	Sexual harassment of the nature of unwelcome physical contact and advances or demand or request for sexual favours, showing pornography	Imprisonment which may extend to 3 years or with fine or with both	Cognizable	Bailable	Any magistrate
	Sexual harassment of the nature of making sexually coloured remark	Imprisonment which may extend to 1 year or with fine or with both	Cognizable	Bailable	Any magistrate
354B	Assault or use of criminal force to women with intent to disrobe	Imprisonment of not less than 3 years but which may extend to 7 years and with fine	Cognizable	Non-bailable	Any Magistrate
354C	Voyeurism	Imprisonment of not less than 1 year but which may extend to 3 years and with fine for first conviction	Cognizable	Bailable	Any Magistrate
		Imprisonment of not less than 3 years but which may extend to 7 years and with fine for second and subsequent conviction	Cognizable	Non-bailable	Any Magistrate
345D	Stalking	Imprisonment up to 3 years and with fine for first conviction	Cognizable	Bailable	Any Magistrate
		Imprisonment up to 5 years and with fine for second and subsequent conviction	Cognizable	Non-bailable	Any Magistrate

(d) for the entries relating to section 370, the following entries shall be substituted, namely: –

1	2	3	4	5	6
370	Trafficking of person	Imprisonment of not less than 7 years but which may extend to 10 years and with fine	Cognizable	Non-bailable	Court of Session
	Trafficking of more than one person	Imprisonment of not less than 10 years but which may extend to imprisonment for life and with fine	Cognizable	Non-bailable	Court of Session
	Trafficking of a minor	Imprisonment of not less than 10 years but which may extend to imprisonment for life and with fine	Cognizable	Non-bailable	Court of Session
	Trafficking of more than one minor	Imprisonment of not less than 10 years but which may extend to imprisonment for life and with fine	Cognizable	Non-bailable	Court of Session



1	2	3	4	5	6
	Person convicted of offence of trafficking of minor on more than one occasion	Imprisonment for life which shall mean the remainder of that person's natural life and with fine	Cognizable	Non-bailable	Court of Session
	Public servant or police officer involved in trafficking of minor	Imprisonment for life which shall mean the remainder of that person's natural life and with fine	Cognizable	Non-bailable	Court of Session
370A	Exploitation of a trafficked child	Imprisonment of not less than 5 years but which may extend to 7 years and with fine	Cognizable	Non-bailable	Court of Session
	Exploitation of a trafficked person	Imprisonment of not less than 3 years but which may extend to 5 years and with fine	Cognizable	Non-bailable	Court of Session

(e) for the entries relating to sections 376, 376A, 376B, 376C and 376D, the following entries shall be substituted, namely:—

1	2	3	4	5	6
376	Rape	Rigorous imprisonment of not less than 7 years but which may extend to imprisonment for life and with fine	Cognizable	Non-bailable	Court of Session
	Rape by a police officer or a public servant or member of armed forces or a person being on the management or on the staff of jail, remand home or other place of custody or women's or children's institution or by a person on the management or on the staff of a hospital, and rape committed by a person in a position of trust or authority towards the person raped or by a near relative of the person raped.	Rigorous imprisonment of not less than 10 years but which may extend to imprisonment for life which shall mean the remainder of that person's natural life and with fine	Cognizable	Non-bailable	Court of Session
	Person committing an offense of rape and inflicting injury which causes death or causes the woman to be in a persistent vegetative state	Rigorous imprisonment of not less than 20 years but which may extend to imprisonment for life which shall mean the remainder of that person's natural life or with death	Cognizable	Non-bailable	Court of Session
	Sexual intercourse by husband upon his wife during separation	Imprisonment for not less than 2 years but which may extend to 7 years and with fine	Cognizable (but only on the complaint of the victim)	Bailable	Court of Session
	Sexual intercourse by a person in authority	Rigorous imprisonment for not less than 5 years but which may extend to 10 years and with fine	Cognizable	Non-bailable	Court of Session

1	2	3	4	5	6
	Gang rape	Rigorous imprisonment of not less than 20 years but which may extend to imprisonment for life which shall mean the remainder of that person's natural life and with fine to be paid to the victim	Cognizable	Non-bailable	Court of Session
	Repeat offenders	Imprisonment for life which shall mean the remainder of that person's natural life or with death			
	Exploitation of a trafficked person	Imprisonment of not less than 3 years but which may extend to 5 years and with fine	Cognizable	Non-bailable	Court of Session

- (f) in entry relating to section 509, in column 3, for the words "Simple imprisonment for one year, or fine, or both," the words and figure "Simple imprisonment for 3 years and with fine " shall be substituted.

CHAPTER IV

AMENDMENTS TO THE INDIAN EVIDENCE ACT, 1872

- 1 of 1872 25. After section 53 of the Indian Evidence Act, 1872 (hereafter in this Chapter referred to as the Evidence Act), the following section shall be inserted, namely:—
- Insertion of 53A.
- 45 of 1860 "53A. In a prosecution for an offence under section 354, section 354A, section 354B, section 354C, section 354D, section 376, section 376A, section 376B, 45 of 1860. section 376C, section 376D or section 376E of the Indian Penal Code or for attempt to commit any such offence, where the question of consent is in issue, evidence of the character of the victim or of such person's previous sexual experience with any person shall not be relevant on the issue of such consent or the quality of consent."
- Evidence of character or previous sexual experience not relevant in certain cases.
26. For section 114A of the Evidence Act, the following section shall be substituted, namely:—
- Substitution of new section for section 114A.
- 45 of 1860 "114A. In a prosecution for rape under clause (a), clause (b), clause (c), clause (d), clause (e), clause (f), clause (g), clause (h), clause (i), clause (j), clause (k), clause (l), clause (m) or clause (n) of sub-section (2) of section 376 of the Indian Penal Code, where sexual intercourse by the accused is proved and the question is whether it was without the consent of the woman alleged to have been raped and such woman states in her evidence before the court that she did not consent, the court shall presume that she did not consent.
- Presumption as to absence of consent in certain prosecution for rape.
- 45 of 1860 *Explanation.*— In this section, "sexual intercourse" shall mean any of the acts mentioned in clauses (a) to (d) of section 375 of the Indian Penal Code.'.
27. For section 119 of the Evidence Act, the following section shall be substituted, namely:—
- Substitution of new section for section 119
- " 119. A witness who is unable to speak may give his evidence in any other manner in which he can make it intelligible, as by writing or by signs; but such writing must be written and the signs made in open Court, evidence so given shall be deemed to be oral evidence:
- Witness unable to communicate verbally. Amendment of section 146.

Provided that if the witness is unable to communicate verbally, the Court shall take the assistance of an interpreter or a special educator in recording the statement, and such statement shall be videographed."



28. In section 146 of the Evidence Act, for the proviso, the following proviso shall be substituted, namely: – Amendment of section 146.

45 of 1860

"Provided that in a prosecution for an offence under section 376, section 376A, section 376B, section 376C, section 376D or section 376E of the Indian Penal Code or for attempt to commit any such offence, where the question of consent is an issue, it shall not be permissible to adduce evidence or to put questions in the cross-examination of the victim as to the general immoral character, or previous sexual experience, of such victim with any person for proving such consent or the quality of consent."

CHAPTER V

AMENDMENT TO THE PROTECTION OF CHILDREN FROM SEXUAL OFFENCES ACT, 2012

Substitution of new sections for section 42.

29. For section 42 of the Protection of Children from Sexual Offences Act, 2012, the following sections shall be substituted, namely: – 32 of 2012

Alternate punishment.

"42. Where an act or omission constitutes an offence punishable under this Act and also under sections 166A, 354A, 354B, 354C, 354D, 370,370A, 375,376,376A, 376C, 376D, 376E or section 509 of the Indian Penal Code, then, notwithstanding anything contained in any law for the time being in force, the offender found guilty of such offence shall be liable to punishment under this Act or under the Indian Penal Code as provides for punishment which is greater in degree. 45 of 1860

Act not in derogation of any other law.

42 A. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force and, in case of any inconsistency, the provisions of this Act shall have overriding effect on the provisions of any such law to the extent of the inconsistency."

CHAPTER VI

MISCELLANEOUS

Repeal and saving

30. (1) The Criminal Law (Amendment) Ordinance, 2013 is hereby repealed. Ord. 3 of 2013

(2) Notwithstanding such repeal, anything done or any action taken under the Indian Penal Code, the Code of Criminal Procedure, 1973 and the Indian Evidence Act, 1872, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of those Acts, as amended by this Act. 45 of 1860
2 of 1974
1 of 1872

P.K.MALHOTRA,
Secretary to the Govt. of India.



High Court of Jharkhand

NEWSLETTER

LEGAL SERVICES TO THE POOR INMATES IN THE JAIL

LEGAL SERVICES THROUGH THE ADMINISTRATION OF JUSTICE IN THE CENTRAL JAIL,HAZARIBAGH

Hon'ble The Chief Justice has taken innovative measures for reform and welfare of the inmates of the jail. Under the leadership of His Lordship, steps were taken by this court for placing the orders for printing of different forms for the District Court of the state worth more than Rs.61,00,000/- and also file covers for the High Court of Jharkhand worth Rs.3,00,000/-with the Lok Nayak Jai Prakash Central Jail,Hazaribagh with a rider that the printing job can not be outsourced by the jail authority and the jail authority must involve the women inmates of the jail in the process of printing and supply of the forms and file covers. This will certainly address the much neglected women inmates of the jail who were not having any avenue to work inside the jail even if they so desired.

It is pertinent to mention here that 1/3rd of the amount earned by the inmates of the jail are deposited in “**Prisoner Welfare Fund**”. The Jail inmates are paid Rs. 46/- per day for skilled persons, Rs. 28/- per day for semi-skilled persons and Rs. 16/- per day for unskilled persons. Indeed it is a laudable step in the march of “Jail Reform” to bring the inmates of the Jail into the main stream of the country.





LEGAL SERVICES TO THE POOR INMATES IN THE JAIL

The Hon'ble Division Bench of Jharkhand High Court presided by **Hon'ble Mr. Justice D.N. Patel** sitting with **Hon'ble Mr. Justice S. Chandrashekhar** by order dated 04/03/2013 passed in LA. No.-1105 of 2013 in Criminal Appeal (DB) No.-1088 of 2012 had observed that due to poverty and poor economic conditions, the appellants could not file Criminal Appeal in time. It was further observed that it is the constitutional duty of the State under Articles 14 and 39A of the Constitution of India read with the provisions of Legal Services Authorities Act, 1987 to provide legal aid to these types of convicts who are in jail. It was further observed that the Central Jail authorities have failed to perform their duties and the proper registers are not being maintained in the jail to show the prisoners who had not preferred Criminal Appeals.

A direction was accordingly given to the Secretary, Department of Home as well as the I.G., Prison to verify the registers maintained by the Central Jails as to whether there is any convict in the jail who has not preferred any appeal after their conviction and especially because of their poor economic conditions. Further direction was also given to the Jailors of the Central Jails to provide data as to how many senior citizens and female convicts are in the Central Jails.

The Hon'ble Division Bench in the aforesaid matter vide order dated 06/03/2013 after noticing the various lacuna in the Jail administration, constituted Five Committees for five Central Jails consisting of lawyers including female lawyers.

A detailed report was accordingly submitted by the five Committees after visiting the Central Jails and the Hon'ble Division Bench vide order dated 17/04/2013 noticed the discrepancies pointed out by the five Committees including non-filing of Criminal Appeals by several prisoners.

The Hon'ble Court further directed the Registrar General, Jharkhand High Court to place the orders dated 04/03/2013, 06/03/2013 and 17/04/2013 along with reports of the five Committees who had visited the five Central Jails before Hon'ble the Chief Justice for taking decision to treat these reports and the various suggestions given therein as P.I.L. Accordingly Hon'ble the **Chief Justice Prakash Tatia** has been pleased to direct to treat the reports as P.I.L.

In pursuance of the order passed by the Hon'ble Court, several applications have been received from the five Central Jails numbering more than 250 and the same are being processed by the High Court Legal Services Committee for providing them legal aid under the Legal Services Authorities Act.

Further, in order to dispose of such criminal appeals, expeditiously, a special Division Bench has been constituted for hearing such Jail Appeals of marginalized sections of our society including women, Senior Citizen, sick and disabled on Saturdays, a Non-Court Working Day for the High Court. For this the State Government has also notified the special fee structure in the line of fee structure of panel lawyers of the Jharkhand State Legal Services Authority for the Public prosecutors. The notification issued by the Ministry of Home, Govt. of Jharkhand, Ranchi is as under :

झारखण्ड सरकार

गृह विभाग

संकल्प

विषय – माननीय झारखण्ड उच्च न्यायालय, राँची द्वारा क्रिमिनल अपील के सुनवाई हेतु अपर लोक अभियोजक को शनिवार (अवकाश दिवस) के लिए रू० ३,०००/- शुल्क निर्धारित करने के संबंध में।

माननीय झारखण्ड उच्च न्यायालय, राँची द्वारा शनिवार (अवकाश दिवस) को वैसे क्रिमिनल अपील पर अंतिम रूप से सुनवाई किया जाना है, जिसमें ट्रायल कोर्ट के द्वारा महिला, वृद्ध, बीमार एवं अशक्त (Infirm) व्यक्तियों को आजीवन कारावास की सजा दी गई हो। उल्लेखनीय है कि मानवीय झारखण्ड उच्च न्यायालय, राँची में शनिवार कार्य दिवस नहीं है। उक्त स्थिति में माननीय झारखण्ड उच्च न्यायालय, राँची में क्रिमिनल अपील में सरकार का पक्ष रखने हेतु झारखण्ड स्टेट लीगल सर्विस ऑथरिटी (संशोधित रेगुलेशन २०१३) की परिशिष्ट में निर्धारित शुल्क के सदृश प्रति निष्पादित केस (समेकित रूप से) रू० ३,०००/- देने का प्रस्ताव विचाराधीन था।

२. सम्यक विचारोपरान्त अपर लोक अभियोजकों को माननीय झारखण्ड उच्च न्यायालय, राँची में शनिवार के दिन क्रिमिनल अपील में सुनवाई होने पर सरकार का पक्ष रखने हेतु प्रति निष्पादित केस (समेकित रूप से) के लिए रू० ३,०००/- (तीन हजार) देने का निर्णय सरकार द्वारा लिया गया है।

३. यह व्यवस्था इस संकल्प के निर्गत होने की तिथि से प्रभावी होगा।

आदेश:- आदेश दिया जाता है कि इसे झारखण्ड राज्यपत्र में प्रकाशित किया जाय।

ह०/-

(एन० एन० पाण्डेय)

सरकार के प्रधान सचिव।

ज्ञापांक-३/विविध-१८/०८/२००६-...../

राँची, दिनांक / /

प्रतिलिपि – अधीक्षक, राजकीय मुद्रणालय, डोरण्डा, राँची को राजपत्र के अगामी अंक में प्रकाशित करने तथा उसकी १०० प्रतियाँ गृह विभाग, झारखण्ड, राँची को उपलब्ध कराने हेतु अग्रसारित।

ह०/-

सरकार के प्रधान सचिव।



High Court of Jharkhand
NEWSLETTER



High Court of Jharkhand

NEWSLETTER

E-COURTS PROJECT STATUS

E-COURTS PROJECT STATUS

“Progress made in Modernization & Computerization of Justice Delivery System, establishment of E-Courts and Video Conferencing facilities”.

1. Computerization of City Civil Court, Ranchi

Case Management Information System (CMIS Software) has been developed and implemented by NIC for Civil Court, Ranchi under the e-Courts Project with Red Hat Linux with Oracle 10 G Data Base. A website <http://civilcourtranchi.nic.in> has been developed for Ranchi Civil Court with website linking facility providing Centralized Filing, viewing facility of daily cause list and uploading of judgment. The site preparation work has also been completed in the Civil Courts Ranchi under the e-Courts Project. All the Computer Hardware is functional and are being maintained through AMC.

2. Distribution of Laptops & Laser Printer

Four hundred forty laptops (Model No- HP 6710/S) were received on the occasion of launching of first phase of E-Courts Project on 09.07.2007. Out of which 440 laptops (Model No- HP 6710/S) have been distributed amongst the Judicial Officers of Jharkhand Judiciary.

438 numbers of Laser Printer with 1314 cartridges (three for each set) have been distributed to Judicial Officers including Officers on special posts. Presently, all the newly appointed 64 Judicial Magistrate (Junior Division) & 8 A.D.J have also been provided with the facility of Laptop & Laser Printers under the e-Courts Project. As per the recommendation of Hon'ble E-Committee, Hon'ble Supreme Court of India Hard Disk & RAM of the said laptops has been upgraded for achieving optimum performance. The capacity of Hard Disk upgraded up to 320 GB and RAM increased up to 2.5 GB. The warranty of the aforesaid Laptops and Laser Printers already been expired hence, the same are maintained covering AMC in yearly basis.

3. Preparation of site of Judicial Service Center (JSC) and Computer Server Room (CSR) under the e-Courts Project.



As per the direction of Hon'ble E-Committee, the sites of Computer Server Room (CSR) and Judicial Service Center (CSR) have been prepared in 22 Civil Courts of the State of Jharkhand under the e-Courts Project. Presently, all the Computer Server Rooms are functional fully equipped with LAN and the concerned courts are using the same successfully.

4. Computerization of all the Civil Courts of the State of Jharkhand under e-Courts Project.

So far as the matter of Computerization of Civil Courts of the State of Jharkhand is concerned, it is submitted that Computer Hardware were supplied and installed in the judgeships of Bokaro, Chaibasa, Chatra, Deoghar, Dhanbad, Dumka, Garhwa, Gumla, Giridih, Godda, Hazaribagh, Jamtara, Jamshedpur, Koderma, Latehar, Lohardaga, Palamau, Sahibganj, Seraikella-Kharsawan and Simdega, Ranchi and Pakur.

a. Broadband connections

As per the norm & guidelines of Hon'ble E-committee, Supreme Court of India vide letter no. D.No.E.COM/Broadband/2008 dated 28th may 2008 has directed for providing the Broadband connectivity to Judicial Officers of the Sub-ordinate Judiciary. The facilities of Broadband in the residence of all the Judicial Officers have been provided under the e-Courts Project. For convenience of all the Officers, an Unlimited Plan 750 BB (Under Sulabh Plan) with incoming call facility is provided in each financial year through BSNL, Jharkhand. Presently, 400 Judicial Officers are availing the facility of Broadband Internet at their residences. This facility is being used for online Judicial Examination, disposal of work and other important use as required time to time.

b. e-mail Ids for all Judicial Officers under the domain of Indian judiciary.

The facility of email has been provided to all the Judicial Officers of the State of Jharkhand under the domain of indianjudiciary.gov.in and the same are functional. This facility has also been provided to newly recruited Judicial Officers under the e-Courts Project.

c. Digital Signature of Judicial Officers

The creation of digital signatures of Judicial Officers of Jharkhand is under the active consideration of National Informatics Center, New Delhi. The filled up forms collected from the Judicial Officers of various judgeships have been forwarded to NIC for creation of information database of Officers. As informed by the NIC, New Delhi fresh Digital Signature Tokens will be issued for creation of Digital Signatures of all judicial Officers.

d. DG Sets

The DG Sets of Kirloskar make have been supplied to all the Civil Courts of the State of Jharkhand under the e-Courts Project in order to provide power backups to the Computer Server Rooms. The recurring expenditures of fuel and maintenance of the same shall also be provided to all the judgeships of Jharkhand under the e-Courts Project.

e. Backlog Entry of Pending Cases in the Case Information system Software

The backlog entry of pending cases (Civil and Criminal) have been entered in the new Case Information System Software (CIS) in the judgeships of Bokaro, Chaibasa, Chatra, Deoghar, Dhanbad, Dumka, Garhwa, Gumla, Giridih, Godda, Hazaribagh, Jamtara, Jamshepur, Koderma, Latehar, Lohardaga, Palamau, Sahibganj, Seraikella-Kharsawan and Simdega. The work of backlog data entry has been entrusted to data entry operators of vendor a namely; IT Solution, Ranchi.

Presently, backlog entry of cases have been completed in the judgeships of Bokaro, Chaibasa, Dhanbad, Jamtara, Koderma, Gumla, Hazaribagh, Lohardaga, Sahibganj, Simdega, Dumka, Koderma, Latehar and Seraikella-Kharsawan. It has been directed to the judgeships where data entry work completed to start the online fresh filling of new cases through the CIS software from first week of February 2013. The National Informatics Center (NIC), Ranchi has also been directed to monitor the fresh filling of new cases of the judgeships of Jharkhand and provide their support to implement System in Civil Courts of Jharkhand.

f. Video Conferencing facility between Civil Courts and Jail.

Video Conferencing facility between all the Civil Courts including Sub divisional courts of the State and concerned Jails has been functioning throughout the State using JHARNET, State Wide Area Networks (SWAN). This facility has been provided by the (JAP IT) IT Department of the Jharkhand. The facility of multi point VC studio is available in the High Court of Jharkhand through which VC meeting are organized as required time to time. Utilizing the VC of High Court online trail has been done in presence of Hon'ble the Chief Justice of India, Hon'ble Supreme Court of India between Madhupur Court, Deoghar Jail and the High Court.

g. Implementation of new CIS Software for Jharkhand High Court.

A new Case Information System Software (CIS) has been implemented in the High of Jharkhand on 25th June 2012 through which following works are being done successfully:-

(xxi) Centralized Filling: -

- (a) Issuing Case Diary Number,
- (b) Online generation of Case Number,
- (c) Subject categorization,
- (d) Subject sub categorization,

(xxii) Cause list preparation: -

- (a) Case Proceedings,



(b) Slip entry made by concerned Sections,

(c) Cause list report generation,

(d) Uploading of Cause list in website,

(xxiii) Certified copies of orders / judgments have been made available through computer.

(xxiv) Training programme has been imparted amongst the staff of Judicial Sections of High Court for better utilization of new CIS.

12. Up gradation of new version of Ubuntu 12.4 Software:

The process of distribution of Ubuntu Software 12.4 DVDs in all the judgeships of the State of Jharkhand is under progress and the same will be upgraded in the Laptops of all Judicial Officers in this month.

13. Training of Judicial Officers on Ubuntu through the Master Trainers of Hon'ble E-Committee, Hon'ble Supreme Court of India.

The training on Ubuntu Software for the Computer Savvy Judicial Officers has been scheduled to be imparting on 24th and 25th of February 2013 and 2nd & 3rd March 2013 in the Judicial Academy, Ranchi through the master trainers of Hon'ble E-Committee. Two Judicial Officers from each judgeships of the State of Jharkhand have been nominated for the aforesaid training.



High Court of Jharkhand

NEWSLETTER

HUMAN RESOURCES DEVELOPMENT



IMPORTANT ADMINISTRATIVE DECISIONS TAKEN DURING THE TENURE OF HON'BLE MR. JUSTICE PRAKASH TATIA, IN THE CAPACITY OF HON'BLE ACTING CHIEF JUSTICE AND CHIEF JUSTICE OF THE HIGH COURT OF JHARKHAND, RANCHI

TOTAL NUMBER OF HON'BLE FULL COURT'S MEETING HELD:-	10
TOTAL NUMBER OF HON'BLE STANDING COMMITTEE'S MEETING HELD:-	20

Manpower is an essential ingredient for the smooth functioning of Judiciary. There was an acute shortage of manpower specially Assistants and Stenographers in every Judgeships of the State. With the efforts of Hon'ble the Chief Justice, this shortcoming was eradicated and the process for appointment was initiated under His Lordship's supervision in a very short span of time.

In the process, 294 Assistants were appointed in the various Civil Courts and 17 Stenographers were appointed in 2012.

Again for future requirement, when the strength of the Judiciary would be doubled, the process for sanctioning of additional manpower has already been advanced to the Law (Judicial) Department for their sanctioning so as to enable the Court for their timely appointment at the time of actual need.

To meet the future requirement of infrastructure of all the Civil Courts when the strength of the Judges would be doubled, and estimated requirement has already been obtained from the Judgeships of the State and the data collected in this regard is ready for being placed before Hon'ble the State Level Monitoring Committee for its execution by the State Government. Some of the decisions may be highlighted as under

1. 20.05.2011 Resolved for Establishment & commencement of 'Holiday Family Court' under 13th Finance Commissions Recommendation.
2. 29.07.2011 Concurrence over the names suggested by learned Advocate General for appointment of APP. In the High Court accorded.



3. 18.10.2011 Resolved that there is no need to delete Rule 7(b) of 'the Jharkhand Superior Judicial Service (Recruitment, Appointment & Conditions of Service) Rules, 2001.
6. 04.07.2011
 - [i] The 1st Addl. District & Sessions Judge, Jamshedpur and the District & Sessions Judge, Dumka ordered to be vested with the powers under Section 153 of the Electricity Act, 2003 for the trial and disposal of electricity cases.
 - [ii] The powers of Assistant Sessions Judge under sub Section (3) of Section 9 of the Code of Cr. P. C., 1973 (Act 2 of 1974) ordered to be vested with the C.J.Ms. And A.C.J.Ms. Of all the Civil Courts including the Sub-divisional Courts. The said powers also ordered to be vested with the Spl. Judges (Sub-judges), Economic Offences Dhanbad, Jamshedpur and Ranchi.
7. 25.07.2011 the Rules & Regulation apropos to the Recruitment, Pay, Tenure, Service Conditions of the Court Managers for the High Court and Subordinate Courts approved. Also approved the Draft of Advertisement for the posts of the Court Managers.
8. 27.07.2011 06 Officers of the Munsif Cadre posted at Ranchi, Dumka, Jamshedpur, Koderma and Deoghar Judgeships recommended for their appointment as Nyayadhikari of Gram Nyayalayas at Bundu, Mandar, Jarmundi, Bahragora, Jhumari Tilaiya and Madhupur; in addition to their present assignment.
12. 20.09.2011 The communication from the Subordinate Courts in relation to the Interim Order, its continuation and vacating by the High Court the Assistant Registrar (Judicial) authorised for replying the query through e-mail or Fax forthwith and must within 15 days from the date of such query. Thus, communication in that regard regulated.
14. 17.01.2012
 - [i] The posting of 13 Officers of the rank of Civil Judge (Sr. Divn.) as Chief Judicial Magistrate in different Judgeships ordered consequent upon promotion of 17 Officers of the rank of Civil Judge (Sr. Divn.) to the rank of District Judge.
 - [ii] All the District Judges-cum-Additional Sessions Judges-I of different Judgeships ordered to be vested with the powers of Trial of the cases arising out of the ST/SC (Prevention of Atrocities) Act.
 - [iii] The District Judges other than the Principal District & Sessions Judges in every Judgeships decided to be designated as the "District & Additional Sessions Judge". They shall use this nomenclature while passing Orders and Judgements. The "Principal District Judge" ordered to be designated as "Principal District & Sessions Judge".
16. 01.03.2012 The sending of recommendation to the State Government for establishment of an Observation Home for male Juvenile at Deoghar ordered.
17. 15.03.2012
 - [i] Altogether 37 Officers of the Civil Judge (Junior Division) ordered to be promoted to the rank of Civil Judge (Senior Division). Their posting also decided.
 - [ii] 06 (six) Officers of the rank of District & Sessions Judge ordered to be promoted and posted in the rank of Principal District Judge.



21. 12.07.2012 [i] Altogether 28 Officers of the rank of Civil Judge (Senior Division) ordered to be recommended for promotion to the post of District & Additional Sessions Judge.
- [ii] The Six Special Courts (at Ranchi, Jamshedpur, Dhanbad, Hazaribagh, Dumka & Medininagar) to try the cases u/s. 153 of the Electricity Act ordered to be recommended to the State Government for continuation on permanent basis.
31. 03.03.2013 Holiday Family Courts under 13th Finance Commission's Recommendation made functional in 08 (eight) Judgeships [Bokaro, Deoghar, Dhanbad, Giridih, Hazaribagh, Jamshedpur, Palamau at Daltonganj and Ranchi] in the state of Jharkhand.
33. 07.03.2013 Ordered to move the State Government to Double the existing Strength of the Sub-ordinate Judiciary and for this purpose to Create 40 posts in superior Judicial Service, 60 posts in the Rank of Civil Judge (Senior Division) and 347 posts in the rank of Civil Judge (Junior Division) with equal No. Of Courts in one go.
34. 11.03.2013 Ordered to be recommended to the State Government for Creation of 03 Posts and Courts of District Judge and 01 post and Court of Civil Judge (Sr. Divn.) for Madhupur Sub-division of Deoghar Judgeship.
35. 21.03.2013 In view of the increase of 10% posts above board in all Cadre of Judicial Service, it was ordered to notify 116 vacancies (existing and future resultant) and to move the State Government for initiating the Recruitment Process upon them in the Cadre of Civil Judge (Jr. Divn.) in place of earlier recommended 98 vacancies. The roster points of different categories also recommended, after approval, to be sent to the State Government.
39. 12.06.2013 Ordered to Designate the Court of District & Additional Sessions Judge-1 of every Judgeship as the "Children's Court" under Section 25 of the 'Commissions for Protection of Child Right Act, 2005'.
40. 13.06.2013 In supersession of the "Jharkhand Judicial Service (Recruitment) Regulation, 2006" the "Jharkhand Judicial Service (Recruitment) Regulation, 2013" framed.
41. 20.06.2013 Upon the request of the State Government in the matter of Doubling the Strength in reviewing the requirement of creation of posts and Courts in Sub-ordinate Judiciary in one go it has been ordered to recommend that 50% of the requisitioned Posts and Courts be created in the first Year, 20% Posts and Courts in the Second Year and 10% Posts and Courts in each of the following three years.



**Statement showing Sanctioned Strength, Working Strength and Vacancies
in the Jharkhand Judiciary
as on 08.07.2013**

		Sanctioned Strength	Present Strength	Vacancy	Remarks
Suprior Judicial Service	PDJ	63	54	09	* Newly Appointed / Provisionally appointed Officers
	DJ	141	69+22* =141	50	
Total		204	145	59	
Civil Judge (Sr. Div.)		109	63	46	
Civil Judge (Jr. Div.)		259	143+**64 =207	=52	** Newly Appointed Probationary Munsif
Gross Total		572	415	157	

* include 6 posts of Nyayadhikari in the rank of JM

**Number of the Judicial Officers assigned with the non-Judicial works in the
State of Jharkhand (Subsequent compliance of the Minutes dated
02.07.2013 of Hon'ble the Standing Committee)**

Sl.No.	Rank/Code	Number of Officers
1.	Principal District Judge	11
2.	District Judge	5
3.	Civil Judge (Senior Division)	4
4.	Civil Judge (Junior Division)	6
Total		26



Human Resources in the High Court of Jharkhand (Non Judicial)

Name of the Post	No. of Posts as on 31st March 2011	No. of Posts Created by 30th June 2013	Total
Deputy Registrar	3	2	5
Assistant Registrar	14	28	42
Section Officer	36	70	106
Court Master	12	8	20
Secretary	12	8	20
Librarian	0	1	1
Asst. Librarian	0	1	1
Peon	98	24	24
Jamadar	29	16	16
Staff Car Driver	30	8	8
Total Posts	77	166	243

Appointments, Promotions and Recruitment in the High Court of Jharkhand (Non Judicial)

Name of the post Appointed as	No. of posts	Promoted as
Personal Assistants	10	
Typist	4	
Class IV	53	
Deputy Registrar	1	Joint Registrar
Court Master	1	Deputy Registrar
A. O	11	A.R
S. O	4	Court Master
Secretary	1	Sr. Secretary
Senior P. A	6	Secretary
P. A	6	Sr. P. A
S. O	4	A.R.
Peon	18	Jamadar
	119	

Recruitment (under Process) in 2013



Name of the post	No. of posts
Assistants	24
Typist	5
Asst. Librarian	1
Cashier	1
Legal Asst.	11
Drivers	10
	52

Information with regard to cadre of all the employees of District Court, their sanctioned Strength, Working Strength and Present Vacancies in each cadre

Cadre	Sanctioned Strength in each Cadre	Working Strength in each Cadre	Present Vacancies in each Cadre
Assistant	1838	1502	255
Stenos (Hindi & English)	388	266	20
Peon	1503	1059	444
Drivers	146	116	30
Contractual Driver for Family Court	2	2	0
Photo Copier	18	14	4
Daftari	24	16	8
Treasury Messenger	14	11	3
Process Server	23	11	12
Night Guard	8	6	2
Sweeper	9	6	3
Water Man	1	1	0
State Total	3974	3010	964

Human Resource in District and Subordinate Judiciary

No. of posts filled (Between May 2011 – July 2013)	Name of the Posts
346	Assistants
17	Stenographers

Appointment (under process)

No. of posts	Recruitment for
255	Assistants
157	Stenographers



High Court of Jharkhand
NEWSLETTER

**JUDICIAL WORK & STATISTICS
OF
HIGH COURT
&
DISTRICT & SUBORDINATE COURT
OF
JHARKHAND**



**ANNUAL (2012) AND QUATERLY (2ND 2013) STATEMENT
FOR
The High court of Jharkhand**

CASES INSTITUTED AND DISPOSED IN THE IN THE YEAR 2012

Name of the High Court	Year	Cases brought forward from the previous Quarter (Nos.)(Civil/Crl.)			Freshly instituted Cases (Nos.) Civil/Criminal			Disposed of cases (Nos.) (Civil/Criminal)			Pending cases at the end of the Year (Nos.)		
		CIVIL	CRL.	(Civ.+ Crl.)	CIVIL	CRL.	(Civ.+ Crl.)	CIVIL	CRL.	(Civ.+ Crl.)	CIVIL	CRL.	(Civ.+ Crl.)
JHARKHAND HIGH COURT	2012	31082	28465	59547*	11684	20756	32440	11072	18958	30030	31694	30263	61957

NOTE : *Opening figures changed due to physical verification of records.

STRENGTH OF JUDGES					
Total Strength	20	Total Working	11	Vacancy	9

**CASES INSTITUTED AND DISPOSED IN THE 2ND QUARTER OF THE YEAR 2013
ENDING AS ON 30TH JUNE 2013**

Name of the High Court	Quarter	Cases brought forward from the previous Quarter (Nos.)(Civil/Crl.)			Freshly instituted Cases (Nos.) Civil/Criminal			Disposed of cases (Nos.) (Civil/Criminal)			Pending cases at the end of the Quarter (Nos.)		
		CIVIL	CRL.	(Civ.+ Crl.)	CIVIL	CRL.	(Civ.+ Crl.)	CIVIL	CRL.	(Civ.+ Crl.)	CIVIL	CRL.	(Civ.+ Crl.)
JHARKHAND HIGH COURT	2nd	32587	30752	63339	4036	7086	11122	1248	4718	5966	35375	33120	68495

STRENGTH OF JUDGES					
Total Strength	20	Total Working	11	Vacancy	9



**ANNUAL (2012) AND QUATERLY (2ND 2013) STATEMENT
FOR
District & Subordinate Court in The State of Jharkhand**

CASES INSTITUTED AND DISPOSED IN THE IN THE YEAR 2012

Name of the State/ UT	Year	Cases brought forward from the previous Quarter (Nos.)(Civil/Crl.)			Freshly instituted Cases (Nos.) Civil/Criminal			Disposed of cases (Nos.) (Civil/Criminal)			Pending cases at the end of theYear (Nos.)		
		CIVIL	CRL.	(Civ.+ Crl.)	CIVIL	CRL.	(Civ.+ Crl.)	CIVIL	CRL.	(Civ.+ Crl.)	CIVIL	CRL.	(Civ.+ Crl.)
JHARKHAND	2012	58810	239716	298526*	20539	103977	124516*	15133	108644	123777	64216	235049	299265

NOTE : *Variation in the figures occurred due to physical verification of records done during February & March, 2012.

STRENGTH OF JUDICIAL OFFICERS					
Total Strength	503	Total Working	398	Vacancy	105

**CASES INSTITUTED AND DISPOSED IN THE 2ND QUARTER OF THE YEAR 2013
ENDING AS ON 30TH JUNE 2013**

Name of the State/ UT	Quarter	Cases brought forward from the previous Quarter (Nos.)(Civil/Crl.)			Freshly instituted Cases (Nos.) Civil/Criminal			Disposed of cases (Nos.) (Civil/Criminal)			Pending cases at the end of the Quarter (Nos.)		
		CIVIL	CRL.	(Civ.+ Crl.)	CIVIL	CRL.	(Civ.+ Crl.)	CIVIL	CRL.	(Civ.+ Crl.)	CIVIL	CRL.	(Civ.+ Crl.)
JHARKAND	2nd	64983	231641	296624	3686	25441	29129	3852	22649	26501	64816	234433	299249

STRENGTH OF JUDICIAL OFFICERS					
Total Strength	566	Total Working	394	Vacancy	172

COMPARITIVE CHART OF DISPOSAL AND PENDENCY OF CASES (CIVIL & CRIMINAL) WITH INSTITUTION

High Court of Jharkhand

YEAR	PENDENCY(As on 1st January)			INSTITUTION			DISPOSAL			PENDENCY(As on 31st December)			%age of Performance (N=J/D*100)
	CIVIL	CRL.	TOTAL	CIVIL	CRL.	TOTAL	CIVIL	CRL.	TOTAL	CIVIL	CRL.	TOTAL	
A	B	C	D	E	F	G	H	I	J	K	L	M	N
2009	28,959	24,405	53,364	9,716	17,020	26,736	8,205	16,689	24,894	30,470	24,736	55,206	47%
2010	30,470	24,736	55,206	9,917	19,368	29,285	7,943	16,092	24,035	32,453	28,012	60,465	44%
2011	32,453	28,012	60,465	10,576	18,269	28,845	7,967	17,522	25,489	35,062	28,759	63,821	42%
2012*	31,082	28,465	59,547	11,684	20,756	32,440	11,072	18,958	30,030	31,694	30,263	61,957	50%
2nd Qtr' 13**	32,587	30,752	63,339	4,036	7,086	11,122	1,248	4,718	5,966	35,375	33,120	68,495	9%

NOTE : The percentage of performance is on the basis of pendency vis-à-vis disposal
 : *Variation in the figures occurred due to physical verification of records done during February & March, 2012.
 : ** The performance calculated in the "N" column is on the basis of disposal of 2nd quarter only.

District and Subordinate Courts of Jharkhand

YEAR	PENDENCY(As on 1st January)			INSTITUTION			DISPOSAL			PENDENCY(As on 31st December)			%age of Performance (N=J/D*100)
	CIVIL	CRL.	TOTAL	CIVIL	CRL.	TOTAL	CIVIL	CRL.	TOTAL	CIVIL	CRL.	TOTAL	
A	B	C	D	E	F	G	H	I	J	K	L	M	N
2009	45,408	2,24,960	2,70,368	17,423	99,396	1,16,819	14,947	98,944	1,13,891	47,884	2,25,412	2,73,296	42%
2010	47,884	2,25,412	2,73,296	18,421	98,103	1,16,524	14,329	82,899	97,228	51,976	2,40,616	2,92,592	36%
2011*	52,066	2,34,743	2,86,809	17,826	1,02,323	1,20,149	15,078	99,665	1,14,743	54,814	2,37,401	2,92,215	40%
2012**	58,810	2,39,716	2,98,526	20,539	1,03,977	1,24,516	15,133	1,08,644	1,23,777	64,216	2,35,049	2,99,265	41%
2nd Qtr' 13***	64983	231641	296624	3686	25441	29129	3852	22649	26501	64816	234433	299249	9%

NOTE : The percentage of performance is on the basis of pendency vis-à-vis disposal
 : *Variation in the figures occurred due to physical verification of records done during February & March, 2012.
 : **Variation in the figures occurred due to later correction of records done by the judgship.
 : *** The performance calculated in the "N" column is on the basis of disposal of 2nd quarter only.



PRIORITY IN DISPOSAL OF “OLD CASES” AND “OLDEST CASES”

Reduction in Pendency of Cases in the District and Subordinate Judiciary of Jharkhand by the unending campaign of “20 Old Cases” on priority basis

Hon'ble the **Chief Justice Prakash Tatia** of High Court of Jharkhand took a number of methodological initiatives for enhancing timely justice. One of the major step is to prioritize 20 old cases by each court. In this process each court has been directed to identify 20 old cases of his/her court and focussing carefully and progressively to dispose them of at the earliest. It is a continuous process and the cases in the list are replaced by the new one coming under the category of old cases of the court either on disposal or on stay.

Similarly each district court identifies the “20 oldest cases” of the judgeships in order to ensure their timely disposal. The progress reports are sent by the 5th of every month from the District and Subordinate courts to the High Court of Jharkhand for their appraisal. The striking feature, in short, are given below No.

Summary

Phase of disposed cases under 20 old cases campaign	Total No. of cases
Cases disposed of between Aug'11-Dec'12(1 year 5 months)	11578
Cases disposed of between Jan'13-June'13(6 months)	5472

PROGRESS REPORT OF CAMPAIGN OF PRIORITY FOR "20 Old Cases" YEARWISE 2013

Sl. No.	Name of the State	Jan		Feb		Mar		April		May		Jun	
		Each Court	Judge-ship										
0	JHKD.	920	33	1161	67	915	56	723	40	906	43	847	57



**PROGRESS REPORT OF DISPOSAL IN "20 Old Cases" CAMPAIGN
(MONTHWISE) OF THE JUDGESHIPS IN THE STATE OF JHARKHAND (2013)**

Sl. No.	Name of the Judgeship	Jan		Feb		Mar		April		May		Jun	
		Each Court	Judge-ship										
1	Bokaro	95	0	76	2	71	1	78	2	63	2	56	2
2	Chaibasa	24	3	42	7	47	1	31	0	36	0	35	5
3	Chatra	18	0	24	0		1	8	0	12	0	25	1
4	Deoghar	47	0	38	1	49	3	31	1	67	0	89	2
5	Dhanbad	150	4	169	3	125	6	84	3	86	2	76	2
6	Dumka	23	1	31	4	32	3	37	2	25	2	32	5
7	Garhwa	40	0	39	0	39	0	26	0	24	0		
8	Giridih	55	0	55	0	45	0	37	0	15	1	39	1
9	Godda	22	1	21	2	10	0	17	0	17	1	16	1
10	Gumla	20	3	23	4	18	2	9	0	9	2	11	0
11	Hazaribagh	73	0	84	2	33	1	37	2	58	0	76	2
12	Jamshedpur	50	1	73	1	64	2	31	2	67	2	35	0
13	Jamtara	19	0	23	0	21	0	7	0	28	2	19	1
14	Koderma	20	4	44	0	26	1	27	2	24	1	24	1
15	Latehar	8	0	21	0	9	0	13	0	13	1	15	3
16	Lohardaga	31	3	46	3	28	3	20	2	28	0	27	1
17	Palamau	-	-	78	20	78	20	53	20	60	20	52	20
18	Pakur	19	0	16	0	2	0	9	0	9	0	11	4
19	Ranchi	118	3	162	8	132	4	95	0	186	4	125	0
20	Sahibganj	49	1	43	1	47	3	39	2	38	1	49	6
21	Seraikella	18	0	27	4	27	2	18	0	22	1	21	0
22	Simdega	21	9	26	5	12	3	16	2	19	1	14	0



**PENDENCY FIGURE IN THE STATE AS ON MAR' 12, DEC' 12 AND MAR' 13
OF "20 Old Cases" CAMPAIGN YEARWISE (2012-2013)**

Year of Case	Age in Years	Pendency as on Mar'12	Pendency as on Dec'12	Pendency as on Mar'13
1957	56	3	2	2*
1958	55	1	1	1*
1959	54	1	1	1*
1960	53	3	0	0
1961	52	4	1	0
1962	51	4	0	0
1963	50	2	0	0
1964	49	7	3	1
1965	48	6	3	2
1966	47	4	2	0
1967	46	7	4	1
1968	45	9	4	3
1969	44	14	11	2
1970	43	15	13	4
1971	42	22	8	0
1972	41	55	31	8
1973	40	22	14	3
1974	39	30	16	13
1975	38	21	12	2
1976	37	28	11	10
1977	36	36	21	18
1978	35	57	40	34

Year of Case	Age in Years	Pendency as on Mar'12	Pendency as on Dec'12	Pendency as on Mar'13
1979	34	45	18	14
1980	33	93	42	31
1981	32	54	38	9
1982	31	65	40	5
1983	30	90	68	35
1984	29	88	82	54
1985	28	150	120	60
1986	27	142	126	67
1987	26	146	121	69
1988	25	138	152	84
1989	24	219	150	50
1990	23	370	201	70
1991	22	346	236	46
1992	21	496	320	144
1993	20	453	357	149
1994	19	613	452	143
1995	18	870	457	143
1996	17	967	787	333
1997	16	1043	801	319
1998	15	1618	1157	455
1999	14	1799	1248	388
2000	13	2638	1735	662

Note- * - In the years 1957 & 1958, no. of cases shown are under stay order in Daltonganj Judgeship and in the year 1959, the shown figure is under stay order in Giridih Judgeship

FOCUSSING OLD CASES DISPOSAL IN DISTRICT & SUBORDINATE JUDICIARY OF STATE OF JHARKHAND

Sl.No.	District	Aug'11-Dec'12	Jan'13- Jun'13
1	Bokaro	964	439
2	Chatra	366	87
3	Chaibasa	347	215
4	Daltonganj	619	321
5	Deoghar	621	321
6	Dhanbad	1252	690
7	Dumka	404	180
8	Garhwa	354	168
9	Giridih	1010	246
10	Gumla	224	90
11	Godda	424	103
12	Hazaribagh	881	361
13	Jamshedpur	691	320
14	Jamtara	333	117
15	Koderma	378	165
16	Latehar	144	79
17	Lohardaga	427	180
18	Pakur	166	66
19	Ranchi	909	818
20	Sahibganj	523	265
21	Seraikella	331	133
22	Simdega	210	108
Grand Total		11578	5472



FOCUSSING OLD CASES DISPOSAL IN DISTRICT & SUBORDINATE JUDICIARY OF STATE OF JHARKHAND, BLOCKWISE

1ST BLOCK(FROM 1961-1970)

Year of Institution	Age in Years till 31st Mar'13	Total Pend-ency as on 31st dec'12	Dispo-sal as on 31st Mar'13	Pend-ency left over as on 31st Mar'13
1957	56	2	0	2
1958	55	1	0	1
1959	54	1	0	1
1960	53	0	0	0
1961	52	1	1	0
1962	51	0	0	0
1963	50	0	0	0
1964	49	3	2	1
1965	48	28	11	17
1966	47	6	2	4
1967	46	20	6	14
1968	45	24	8	16
1969	44	38	9	29
1970	43	34	8	26
Grand Total		158	47	111

Note- Figure regarding pendency in the years 1957-1960 are under stay order

2ND BLOCK (FROM 1971-1980)

Year of Institution	Age in Years till 31st Mar'13	Total Pend-ency as on 31st dec'12	Dispo-sal as on 31st Mar'13	Pendency left over as on 31st Mar'13
1971	42	42	15	27
1972	41	198	72	126
1973	40	32	8	24
1974	39	49	12	37
1975	38	20	6	14
1976	37	49	18	31
1977	36	61	14	47
1978	35	134	45	89
1979	34	50	17	33
1980	33	96	22	74
Grand Total		731	229	502

3RD BLOCK(FROM 1981-1990)

Year of Institution	Age in Years till 31st Mar'13	Total Pend-ency as on 31st dec'12	Dispo-sal as on 31st Mar'13	Pend-ency left over as on 31st Mar'13
1981	32	64	11	53
1982	31	50	6	44
1983	30	74	13	61
1984	29	90	6	84
1985	28	140	21	119
1986	27	180	19	161
1987	26	231	29	202
1988	25	226	24	202
1989	24	206	38	168
1990	23	281	43	238
Grand Total		1542	210	1332



4TH BLOCK(FROM 1991-2000)

Year of Institution	Age in Years till 31st Mar'13	Total Pend-ency as on 31st dec'12	Dispo-sal as on 31st Mar'13	Pend-ency left over as on 31st Mar'13
1991	22	308	48	260
1992	21	351	34	317
1993	20	365	30	335
1994	19	523	53	470
1995	18	531	95	436
1996	17	1016	124	892
1997	16	874	97	777
1998	15	1052	113	939
1999	14	993	104	889
2000	13	1299	181	1118
Grand Total		7312	879	6433

5TH BLOCK(FROM 2001-05)

Year of Institution	Age in Years till 31st Mar'13	Total Pend-ency as on 31st dec'12	Dispo-sal as on 31st Mar'13	Pend-ency left over as on 31st Mar'13
2001	12	1875	180	1695
2002	11	2225	185	2040
2003	10	3629	298	3331
2004	9	15409	353	15056
2005	8	5239	595	4644
Grand Total		28377	1611	26766

6TH BLOCK(FROM 2006-10)

Year of Institution	Age in Years till 31st Mar'13	Total Pend-ency as on 31st dec'12	Dispo-sal as on 31st Mar'13	Pend-ency left over as on 31st Mar'13
2006	7	6867	677	6190
2007	6	8615	864	7751
2008	5	11429	1128	10301
2009	4	16645	1605	15040
2010	3	20360	1961	18399
Grand Total		63916	6235	57681

7TH BLOCK(FROM 2011-13)

Year of Institution	Age in Years till 31st Mar'13	Total Pend-ency as on 31st dec'12	Dispo-sal as on 31st Mar'13	Pend-ency left over as on 31st Mar'13
2011	2	27176	2906	24270
2012	1	35850	3513	32337
2013	0		922	
Grand Total		63026	7341	55685



MONTHWISE INSTITUTION AND DISPOSAL OF CASES RELATED TO "CRIME AGAINST WOMEN" (A Special Drive running in the state of Jharkhand)

AT A GLANCE FIGURE IN STATE

Name of the State	Jan		Feb		Mar		April		May		Jun	
	INS	DIS	INS	DIS	INS	DIS	INS	DIS	INS	DIS	INS	DIS
JHKD.	0	12	1577	0	464	139	388	180	819	346	948	534

AT A GLANCE FIGURE OF THE JUDGESHIP IN THE STATE OF JHARKHAND

Sl. No.	Name of the Judgeship	Jan		Feb		Mar		April		May		Jun	
		INS	DIS	INS	DIS	INS	DIS	INS	DIS	INS	DIS	INS	DIS
1	Bokaro			4	0	2	1	5	7	67	35	69	33
2	Chaibasa			6	0	7	11	15	6	15	11	11	11
3	Chatra			7	0	11	0	6	4	22	3	12	10
4	Deoghar			99	0	12	3	14	4	14	18	32	28
5	Dhanbad			333	0	0	6	0	13	202	45	106	48
6	Dumka			10	0	21	5	19	0	15	9	35	24
7	Garhwa			214	0	44	2	13	5	100	35	72	59
8	Giridih			16	0	28	13	10	11	13	11	39	16
9	Godda			236	0	79	20	33	34	36	23	37	24
10	Gumla			109	0	10	9	5	3	8	0	31	3
11	Hazaribagh			106	0	51	0	14	9	125	9	124	48
12	Jamshedpur			148	0	59	7	16	9	26	26	124	48
13	Jamtara			33	0	51	0	63	4	33	23	25	27
14	Koderma			148	0	4	4	4	0	8	16	11	18
15	Latehar			9	0	3	7	6	1	11	6	16	4
16	Lohardaga			16	0	28	14	4	5	9	11	14	19
17	Palamau			16	0	6	9	9	0	12	4	15	21
18	Pakur			8	0	12	14	122	43	70	7	62	19
19	Ranchi		12	0	0	28	10	13	10	0	11	28	19
20	Sahibganj			44	0	5	0	6	12	13	17	60	46
21	Seraikella			12	0	3	4	10	0	13	17	19	16
22	Simdega			3	0	0	0	1	0	7	9	6	3



Progress Report of cases related to Offence against Women in The State of Jharkhand, "Special Court" functioning vide 11 Courts in 9 Judgeships (as on 30th June 2013)

Nature of Cases	At a Glance Report on Crime Against Women of the Special Courts in the Judgeships of the State			
	OB	INS	DIS	CB
Rape Cases(Case filed u/s 376 of IPC along with other Section)	1568	81	46	1603
Molestation Cases (Case filed u/s 354 of IPC along with other Sections)	23	0	0	23
Cases filed under Section 498A of IPC with or without Dowry(Prevention)Act,1961	237	8	4	241
Domestic Violence Act,2005	0	2	0	2
Immoral Traffic(Prevention)Act,1956	1	0	0	1
Indecent Representation of Women Act,1986	0	0	0	0
Pre-Natal Diagnostic Techniques Act,1994	0	0	0	0
Child Marriage Restrain Act,1929	0	0	0	0
Juvenile Justice Act(involving accused female juvenile)	0	0	0	0
Protection of Human Rights Act,1993(involving violation of Human Rights of Women)	0	0	0	0
Cases filed under prevention of Witch (Daain)Practices Act,1999	5	8	0	13
Protection of Children from Sexual Offences Act,2012	1	0	0	1
Others	754	64	28	790
Total	2589	163	78	2674

Note :- Duplication of figure should not be done

Cases filed u/s 376 with other Sections of IPC should be taken as Rape Cases

Cases filed u/s 354 with other Sections of IPC should be taken as Molestation Cases

Cases filed u/s498 A with other Sections of IPC and with or without Dowry Prevention Act should be taken together

Dowry Prevention Act should be taken together

Terms used for- 1.OB- Opening Balance (Pendency) 2. INS- Institution 3. DIS- Disposal 4. CB- Closing Balance (Pendency)

Report of cases related to Crime Against Women (Month : June 2013) (other than Special Court in the State of Jharkhand)

Opening Figure of the Woman Related Cases in the State		Total Institution of Women related cases in the Month		Disposal		Total No.of Cases Related to Women in the State as closing balance	
Sec. 376 IPC with Other Secs.	Other than Sec 376 IPC	Sec. 376 IPC with Other Secs.	Other than Sec 376 IPC	Sec. 376 IPC with Other Secs.	Other than Sec 376 IPC	Sec. 376 IPC with Other Secs.	Other than Sec 376 IPC
2518	13044	178	739	121	400	2603	14198



**Pendency Reduction Drive July 2012-December 2012
for**

THE HIGH COURT OF JHARKHAND

Sr. No.	Particulars	No. of cases at the beginning of campaign i.e. on 01.07.2012 (a)	No. of cases added during the campaign period	No. of cases at the end of the campaign period i.e. on 31.12.2012 (b)	No. of cases reduced (c=a-b)	Reduction in percentage*	Rem
1	2	3	4	5	6	7	8
1	Pending cases more than one year and less than five years	26541	2895	22409	7027	26%	
2	Pending cases more than five year and less than ten years	17009	1516	17669	856	5%	
3	Pending cases more than ten years	3879	926	4549	256	7%	
	TOTAL	47429	5337	44627	8139	17%	

* This figure is revised after publishing the intrim report by High Court of Jharkhand

DISTRICT AND SUBORDINATE COURTS OF JHARKHAND

Sl. No.	Categories of Cases	No. Of cases at the beginning of the campaign month i.e on 1.7.2012(a)	No. Of cases added during the campaign month	No. Of cases at the end of the campaign month i.e on 31.12.2012(b)	No. Of cases reduced (c=a-b)	Reduction in Percentage*	Rem
1	Pending Cases more than 1 year less than 5 years	169870	30345	174872	25343	13.00%	
2	Pending Cases more than 5 year less than 10 year	47725	7542	42752	12515	23.00%	
3	Pending Cases more than 10 years	13631	2486	10953	5164	32.00%	
4	Total	231226	40373	228577	43022	16.00%	

* This figure is revised after publishing the intrim report by High Court of Jharkhand



**MONTHLY STATISTICAL REPORT (APRIL - JUNE 2013, CADRE WISE)
IN THE STATE OF JHARKHAND**

AT A GLANCE										
Sr. No.	Cadre	DISP	PEND	DISP	PEND	20 Old Case	Gross Disposal	Gross Pendency	No. of Courts in the State	No. of Disposal/ Court (2nd Qtr) in the State
		CRIMINAL		CIVIL		Gross Disp (2nd Qtr)				
1	Superior Jud.	6,299	46,011	2,874	27,064	747	9,173	73,075	409	76
2	Sr. Division	4,007	46,497	1,687	22,329	464	5,694	68,826		
3	Jr. Division	14,451	1,45,068	1,818	8,896	1,419	16,269	1,53,964		
Gross Total (State)		24,757	2,37,576	6,379	58,289	2,630	31,136	2,95,865		



REPORT ABOUT GR CASES AND COMPLAINT CASES UNDER 156(3) CR.P.C

Total No. of GR Cases in the State	25674
Total No. of Investigation pending under GR Cases	10640
Total No. of complaint Cases under 156(3)Cr.p.c in the State	7012
Total No. of Investigation pending under GR Cases	1068

REPORT OF COMPLAINT CASES UNDER 156(3)CR.P.C. IN THE JUDGESHIPS OF THE STATE OF JHARKHAND AS ON 31ST MAR'13

Sl. No.	Name of Judgeship	Total No. of Complaint Cases which were sent u/s 156(3)Cr.P.C	Total No. of such cases in which FIR instituted	Total No. of cases in which FIR not Instituted	Total No. of such cases in which Charge Sheet Submitted/FF	Total No. of such cases in which investigation Pending
1	Bokaro	268	48	220	3	36
2	Chaibasa	33	0	33	0	0
3	Chatra	129	6	123	6	79
4	Dhanbad	795	547	248	269	29
5	Deoghar	917	106	811	33	23
6	Dumka	68	11	57	11	9
7	Gumla	60	12	48	0	11
8	Garhwa	227	78	149	9	9
9	Giridih	1970	792	1178	0	489
10	Godda	134	30	104	13	1
11	Hazaribagh	218	57	161	11	48
12	Jamtara	130	69	61	3	0
13	Jamshedpur	354	25	329	11	102
14	Koderma	236	87	149	100	52
15	Latehar	19	7	12	1	10
16	Lohardaga	78	18	60	3	10
17	Palamu	264	62	202	25	76
18	Pakur	299	101	198	35	0
19	Ranchi	282	39	243	36	21
20	Seraikella	65	26	39	8	18
21	Simdega	21	5	16	1	0
22	Sahibganj	445	18	427	1	44
Total		7012	2144	4868	579	1067



REPORT OF GR CASES IN THE JUDGESHIPS OF THE STATE OF JHARKHAND AS ON 31ST MAR'13

Sl. No.	Name of Judgeship	Total No. of GR cases	Total No. of such cases in which Charge Sheet Submitted/FF	Total No. of such cases in which supplementary investigation Pending	Investigation pending
1	Bokaro	977	287	46	40
2	Chaibasa	750	84	84	748
3	Chatra	449	73	60	388
4	Dhanbad	4495	119	118	200
5	Deoghar	1762	115	12	1401
6	Dumka	398	25	19	56
7	Gumla	1068	120	57	118
8	Garhwa	555	0	0	423
9	Giridih	1970	792	0	489
10	Godda	464	94	44	201
11	Hazaribagh	646	646	73	513
12	Jamtara	280	48	0	25
13	Jamshedpur	2858	48	2	2349
14	Koderma	1065	300	35	586
15	Latehar	280	72	53	166
16	Lohardaga	260	40	40	187
17	Palamu	860	0	74	746
18	Pakur	470	91	89	191
19	Ranchi	3654	120	148	582
20	Seraikella	939	95	71	276
21	Simdega	255	0	53	10
22	Sahibganj	1219	157	75	945
Total		25674	3326	1153	10640



STATEMENT OF CASES IN THE SPECIAL COURTS OF THE JUDGESHIPS IN THE STATE OF JHARKHAND AS ON 31ST MAY, 2013

Name of the Judgeship	No. of P.O.T.A. Cases	cases under Sections 302, 307, 387, 395 etc. of I.P.C. read with Section 17 of the C.L.A.Act, Sections 3&4 of Explosive Substances Act and Provisions of U.(A.)P.A.	cases under Sections 3& 4 of Explosive Substance Act read with Section 17 of the C.L.A.Act and Provisions of U.(A.)P.A.	cases under Sections 25, 26, 27 & 35 of Arms Act read with Section 17 of the C.L.A.Act and Provisions of U.(A.)P.A.	C.B.I. Cases	State Vigilance Cases
Bokaro	0	45	9	16	0	0
Chaibasa	0	72	32	30	0	30
Chatra	0				0	0
Palamau	0	39	15	22	0	
Deoghar	0	7	0	0	0	0
Dhanbad	0	14	1	3	225	53
Dumka	0	0	15	4	0	35
Garhwa	0	12	3	3	0	0
Giridih	0	74	15	30	0	0
Godda	0	3	0	0	0	0
Gumla	0	5	2	2	0	0
Hazaribag	0	38	10	15	0	72
Jamshedpur	0	32	7	12	0	0
Jamtara	0	0	0	0	0	0
Koderma	0	0	0	0	0	0
Latehar	0	4	6	2	0	0
Lohardaga	0	6	9	14	0	0
Pakur	0	4	1	0	0	0
Ranchi	35	7	7	15	173	76
Sahibganj	0	0	0	0	0	0
Seraikella	0	26	3	8	0	0
Simdega	0	14	0	5	0	0
Total	35	395	135	181	398	266



**YEAR-WISE PENDENCY OF M.V. ACCIDENT
CASES FILED U/S 279, 337, 338 OR 304'A' OF
I.P.C. AS ON 31ST MAR'13**

Sl.No.	Name of the Judgeships	Total No. Of M.V.Act Cases in the Judgeship
1	Bokaro	900
2	Chaibasa	309
3	Chatra	254
4	Palamau	573
5	Deoghar	718
6	Dhanbad	1781
7	Dumka	788
8	Garhwa	484
9	Giridih	983
10	Godda	493
11	Gumla	338
12	Hazaribag	1401
13	Jamshedpur	1261
14	Jamtara	195
15	Koderma	435
16	Latehar	319
17	Lohardaga	268
18	Pakur	266
19	Ranchi	1970
20	Sahibganj	211
21	Seraikella	314
22	Simdega	124
Grand Total		14385



PROGRESS REPORT ON MOTOR VEHICLE ACCIDENT CLAIM CASES IN THE STATE OF JHARKHAND JUN'13

Judgeship	Opening Balance	Institution during the month	Disposal during the month	Pendency at the end of the month
Bokaro	437	10	6	439
Chaibasa	161	1	6	156
Chatra	238	1	3	236
Daltonganj	232	3	10	225
Deoghar	285	4	10	279
Dhanbad	1315	31	32	1314
Dumka	239	8	5	242
Garhwa	116	1	2	115
Giridih	331	7	5	333
Godda	236	6	1	241
Gumla	274	5	8	271
Hazaribag	916	26	45	897
Jamshedpur	578	25	11	592
Jamtara	31	0	0	31
Koderma	165	31	0	211
Latehar	60	0	0	60
Lohardaga	161	3	7	157
Pakur	228	1	3	226
Ranchi	1507		16	1671
Sahibganj	21	0	1	20
Seraikella	50	2	1	51
Simdega	114	7	2	119
Total	7695	172	174	7886

COMMUNICATION OF FINAL ORDER OF HIGH COURT TO THE LOWER COURTS AS ON 30TH JUNE, 2013

Sl.No	Category		Remarks
1	Total no. cases enquired from Subordinate Courts about their Status in Jharkhand High Court till June'13	1285	
2	Total no. cases whose status communicated to Subordinate Courts	1086	
	a) Cases Disposed of in the High Court	587	
	b) Cases Still Pending in the High Court	499	
3	Total no. cases pending for Compliance	199	
	a) Status /Order Awaited From PATNA High Court	41	
	b) Record Under Search in the High Court	31	
	c) For Compliance	53	
	d) Not Tally Cases	74	

REPORT RECEIVED FROM THE SUB-ORDINATE COURTS ABOUT 587 DISPOSED OFF CASES OF THE HIGH COURT

Sl.No		No.of Cases	Remarks
1	Cases disposed off in the Sub-Ordinate Courts	260	
2	Proceedings came into motion in sub-ordiante courts	111	
3	Status/Order/LCRs not received	112	
4	Record not found under Search	104	



587 DISPOSAL CASES OF HIGH COURT WHICH WERE COMMUNICATED TO THE SUB-ORDINATE COURTS AND PRESENT STATUS WAS CALLED FOR FROM THE SUB-ORDINATE COURTS.

Sl.No.	Name of the District	No.of Cases
1	Bokaro+Tenughat	58
2	Chaibasa	9
3	Chatra	4
4	Daltonganj	17
5	Deoghar	44
6	Dhanbad	192
7	Dumka	18
8	Garhwa	4
9	Giridih	35
10	Godda	38
11	Gumla	6
12	Hazaribagh	19
13	Jamshedpur	46
14	Jamtara	10
15	Koderma	4
16	Latehar	0
17	Lohardaga	5
18	Pakur	13
19	Ranchi	26
20	Sahebganj+Rajmahal	19
21	Seraikella	20
22	Simdega	0
Total No.of Cases		587

LIST OF PENDING CASES IN LOWER COURT IN WHICH IT IS REPORTED THAT EITHER LCR OR ORDER HAS NOT BEEN RECEIVED(112)

Sl.No.	Name of the District	No.of Cases
1	Bokaro+Tenughat	37
2	Chaibasa	5
3	Chatra	0
4	Daltonganj	2
5	Deoghar	6
6	Dhanbad	14
7	Dumka	2
8	Garhwa	0
9	Giridih	9
10	Godda	6
11	Gumla	1
12	Hazaribagh	1
13	Jamshedpur	13
14	Jamtara	1
15	Koderma	0
16	Latehar	0
17	Lohardaga	3
18	Pakur	3
19	Ranchi	4
20	Sahebganj+Rajmahal	3
21	Seraikella	2
22	Simdega	0
Total No.of Cases		112



**LIST OF CASES IN WHICH
IT IS REPORTED THAT CASE
RECORD NOT FOUND IN THE
SUB-ORDINATE COURTS OR
CASE RECORDS ARE UNDER
SEARCH(104)**

Sl.No.	Name of the District	No.of Cases
1	Bokaro+Tenughat	9
2	Chaibasa	1
3	Chatra	0
4	Daltonganj	5
5	Deoghar	3
6	Dhanbad	55
7	Dumka	0
8	Garhwa	1
9	Giridih	11
10	Godda	1
11	Gumla	0
12	Hazaribagh	5
13	Jamshedpur	6
14	Jamtara	0
15	Koderma	0
16	Latehar	0
17	Lohardaga	0
18	Pakur	1
19	Ranchi	5
20	Sahebganj+Rajmahal	1
21	Seraikella	0
22	Simdega	0
Total No.of Cases		104

**NO. OF CASES DISPOSED
OF IN SUBORDINATE
COURTS IN THE
MONTH OF
JUNE'13(260)**

Sl.No.	Name of the District	No.of Cases
1	Bokaro+Tenughat	8
2	Chaibasa	2
3	Chatra	4
4	Daltonganj	4
5	Deoghar	22
6	Dhanbad	106
7	Dumka	15
8	Garhwa	3
9	Giridih	9
10	Godda	24
11	Gumla	4
12	Hazaribagh	3
13	Jamshedpur	16
14	Jamtara	9
15	Koderma	2
16	Latehar	0
17	Lohardaga	1
18	Pakur	6
19	Ranchi	6
20	Sahebganj+Rajmahal	9
21	Seraikella	7
22	Simdega	0
Total No.of Cases		260



SPECIAL DRIVE FOR CASES AGAINST WOMEN -
CRIMINAL APPEAL (DB.) CASES FOR OFFENCE U/S 376 IPC.

Sl. No.	Year	Total No. of cases pending as on 31st Dec'12	Total No. of cases disposed during Jan'13-Mar'13	Total No. of cases pending as on 31st Mar'13
1	1993	1		1
2	1995	1		1
3	1996	2		2
4	1997	2		2
5	1998	4		4
6	2000	3		3
7	2002	2		2
8	2003	7		7
9	2004	26		26
10	2005	6	2	4
11	2006	10		10
12	2007	16		16
13	2008	18	1	17
14	2009	13		13
15	2010	8		8
16	2011	15		15
17	2012	9		9
Total		143	3	140

Sl. No.	Year	No. of cases(in custody) pending as on 31st Dec'12	Total No. of cases (Custody) disposed during Jan'13-Mar'13	No. of cases(in custody) pending as on 31st Mar'13
1	1993	0		0
2	1995	0		0
3	1996	0		0
4	1997	0		0
5	1998	0		0
6	2000	0		0
7	2002	0		0
8	2003	1		1
9	2004	17	1	16
10	2005	5		5
11	2006	4	1	3
12	2007	5	2	3
13	2008	8	1	7
14	2009	10		10
15	2010	6		6
16	2011	6		6
17	2012	7		5
Total		69	7	62



**CASE DETAILS WITH STATUS
AS ON 30TH JUNE'13 FOR
THE CASES (IN CUSTODY)**

2003		
Sl. No.	Case Status	Criminal Appeal No.
1	Disposed of on 17.6.13	392/03
2004		
Sl.No.	Criminal Appeal No.	
1	Pending	1146/04
2	Pending	1173/04
3	Pending	1218/04
4	Pending	1182/04
5	Pending	1199/04
6	Pending	114/04
7	Pending	1175/04
8	Pending	1177/04
9	Pending	1422/04
10	Pending	1172/04
11	Pending	1421/04
12	Pending	1157/04
13	Pending	1178/04
14	Pending	1772/04
15	Pending	1924/04
16	Pending	1696/04
17	Pending	1542/04
2005		
Sl.No.	Case Status	Criminal Appeal No.
1	Dismissed	1389/05
2	Dismissed	1311/05
3	Pending	10-05-13
4	Pending	685/05
5	Pending	1019/05
2006		
Sl.No.	Case Status	Criminal Appeal No.
1	Bail	396/06
2	Pending	1125/06
3	Pending	431/06
4	Pending	1533/06
2007		
Sl. No.	Case Status	Criminal Appeal No.
1	Bail	400/07
2	Pending	626/07
3	Bail	189/07
4	Pending	278/07
5	Pending	300/07

**CASE DETAILS WITH STATUS
AS ON 31ST MAR'13 FOR THE
CASES (IN CUSTODY)**

2008		
Sl.No.	Case Status	Criminal Appeal No.
1	Pending	949/08
2	Pending	396/08
3	Pending	190/08
4	Pending	1003/08
5	Pending	290/08
6	Disposed	1140/08
7	Bail	1068/08
8	Pending	784/08
2009		
Sl.No.	Case Status	Criminal Appeal No.
1	Pending	753/09
2	Pending	293/09
3	Pending	383/09
4	Pending	1132/09
5	Pending	137/09
6	Pending	511/09
7	Pending	319/09
8	Pending	45/09
9	Pending	316/09
10	Pending	321/09
2010		
Sl.No.	Case Status	Criminal Appeal No.
1	Pending	186/10
2	Pending	521/10
3	Pending	260/10
4	Pending	330/10
5	Pending	28/10
6	Pending	430/10
2011		
Sl.No.	Case Status	Criminal Appeal No.
1	Pending	197/11
2	Pending	334/11
3	Pending	519/11
4	Pending	428/11
5	Pending	415/11
6	Pending	580/11
2012		
Sl.No.	Case Status	Criminal Appeal No.
1	Pending	450/12
2	Bail	1043/12
3	Pending	1150/12
4	Pending	340/12
5	Pending	306/12
6	Bail	1010/12
7	Pending	329/12



High Court of Jharkhand
NEWSLETTER



High Court of Jharkhand

NEWSLETTER

NEWLY APPROVED FORMATS



FORMAT FOR MONTHLY STATEMENTS FOR EACH COURT

Format for Each Court																																																																																																																																																									
District	Name of the Judgeship																																																																																																																																																								
Monthly Statement of Judicial Works and Statistics of Each Court for the Month of																																																																																																																																																									
CRIMINAL																																																																																																																																																									
Nature of Cases	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Less than 5 yrs</td> <td style="width: 10%;">Cases related to offences, punishable more than 7 yrs</td> <td rowspan="2" style="width: 10%;">Pendency of the cases at the beginning of the month</td> </tr> <tr> <td>Between 5-10 yrs</td> <td>Case related to the Offences punishable upto 7 yrs</td> </tr> <tr> <td>More than 10 yrs</td> <td></td> <td></td> </tr> <tr> <td>Less than 5 yrs</td> <td></td> <td></td> </tr> <tr> <td>Between 5-10 yrs</td> <td></td> <td></td> </tr> <tr> <td>More than 10 yrs</td> <td></td> <td></td> </tr> <tr> <td colspan="3" style="text-align: center;">Total pendency</td> </tr> <tr> <td colspan="3">Institution/Addition of cases during the month/ cases received by transfer or remand from other courts or otherwise</td> </tr> <tr> <td colspan="3">Transfer or remand of the cases to other courts during the month</td> </tr> <tr> <td colspan="3">No. of accused examined u/s 313 Cr.P.C</td> </tr> <tr> <td colspan="3">Witnesses fully examined (Examined, Cross examined & Discharged) during month</td> </tr> <tr> <td colspan="3">No. of cases in which Charges Framed</td> </tr> <tr> <td colspan="3">Contested Cases</td> </tr> <tr> <td colspan="3">Uncontested Cases</td> </tr> <tr> <td colspan="3">No. of Bail Matters(BA/ABA)/DISPOSED OF</td> </tr> <tr> <td colspan="3">No. of Misc./IA** disposed of</td> </tr> <tr> <td colspan="3">No. of cases referred for disposal via ADR Mechanism including Plea Bargaining</td> </tr> <tr> <td colspan="3">Disposal of Cases through ADR* mechanisms including Plea Bargaining, Lok Adalat, Mediation, etc.</td> </tr> <tr> <td colspan="3">No. of cases forwarded for lodging FIR. u/s 156 (3) Cr.P.C.</td> </tr> <tr> <td colspan="3">No. of cases under which inquiry & further proceeding commenced</td> </tr> <tr> <td colspan="3">No. of cases in which Final Form/Protest petition Accepted</td> </tr> <tr> <td colspan="3">Less than 5 yrs</td> </tr> <tr> <td colspan="3">Between 5-10 yrs</td> </tr> <tr> <td colspan="3">More than 10 yrs</td> </tr> <tr> <td colspan="3">Total pendency</td> </tr> <tr> <td colspan="3">Pendency of Cases at the end of the month</td> </tr> <tr> <td colspan="3">No. of cases of which the proceedings stayed at the end of the month</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: center;">CIVIL</td> </tr> <tr> <td colspan="3">Nature of the Cases</td> </tr> <tr> <td colspan="3">Less than 5 yrs</td> </tr> <tr> <td colspan="3">Between 5-10 yrs</td> </tr> <tr> <td colspan="3">More than 10 yrs</td> </tr> <tr> <td colspan="3">Total pendency</td> </tr> <tr> <td colspan="3">Pendency of the cases at the beginning of the month</td> </tr> <tr> <td colspan="3">Institution/Addition of cases during the month/ cases received by transfer or remand from other courts or otherwise</td> </tr> <tr> <td colspan="3">Transfer or remand of the cases to other courts during the month</td> </tr> <tr> <td 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**FORMAT FOR MONTHLY STATEMENT REGARDING
CRIME AGAINST WOMEN FOR THE
JUDGESHIPS IN THE STATE OF JHARKHAND**

Format I										
Sl. No.	Date of Registration of Case in the Court	Offence u/s	No. of Accused	Date of Framing of Charge	Total No. of Prosecution Witnesses	No. of Prosecution witnesses examined in the Month	Date and No. of Accused of Recording of Statement u/s 313	No. of defence Witnesses (if any)		Date of Pronouncement of Judgement with reasons if not decided in two months from date of framing of Charge
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FORMAT FOR MONTHLY STATEMENT REGARDING CRIME AGAINST WOMEN FOR THE JUDGESHIPS IN THE STATE OF JHARKHAND

Format II				
Name of the Judgeship:-				
	Opening Balance of the Month (Pendency)	Instituion during the month	Disposal during the Month	Closing Balance for the Month (Pendency)
	1	2	3	4
Rape Cases(Case filed u/s 376 of IPC along with other Section)				
Molestation Cases (Case filed u/s 354 of IPC along with other Sections)				
Cases filed under Section 498A of IPC with or without Dowry(Prevention) Act,1961				
Domestic Violence Act,2005				
Immoral Traffic(Prevention)Act, 1956				
Indecent Representation of Women Act,1986				
Pre-Natal Diagnostic Techniques Act,1994				
Child Marriage Restrain Act,1929				
Juvenile Justice Act(involving accused female juvenile)				
Protection of Human Rights Act,1993(involving violation of Human Rights of Women)				
Cases filed under prevention of Witch (Daain)Practices Act,1999				
Protection of Children from Sexual Offences Act,2012				
Others				
Total				
Note:-Duplication of figure should not be done				
Cases filed u/s 376 with other Sections of IPC should be taken as Rape Cases				
Cases filed u/s 354 with other Sections of IPC should be taken as Molestation Cases				
Cases filed u/s498 A with other Sections of IPC and with or without Dowry Prevention Act should be taken together				
Dowry Prevention Act should be taken together				
Statement of Fast Track Courts designated for speedy trial of Rape Cases should be sent seperately				



MONTHLY REPORT FORMAT OF COMPLAINT CASES U/S 156 (3) CR.PC.

Sl No.	"Comp. Cases No. u/s 156 (3)Cr. P.C."	"When sent to concerned police Station for instution"	"Name of the Police Station"	"Whether Instutited or Not"	"If Instituted; Date of Registration of FIR with Sections invoked"	"Date of Submission of Charge Sheet / FF"	"If Investigation Pending; Since When"	Remarks
1								
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STATEMENT "20 OLD CASES" OF THE COURT OF.....
FOR THE MONTH OF.....

Sl. No.	Nature of the Case	Year	Status	Remarks	No. of Cases Disposed of in the Present month along with the case no. and year	No. of cases replaced due to disposal in the present month	%age of disposal in the present month	No. of cases (nature & year) with Stayed proceedings	No. of cases replaced due to Stayed proceedings	No. of cases transferred to other Court along with the case no. in detail	No. of cases (Nature & Year) replaced due to cases transfer to other Court
1	2	3	4	5	6*	7*	8	9**	10**	11***	12***
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NOTE- * - No. of Cases in column 6 & 7 shall be equal
 ** - No. of Cases in column 9 & 10 shall be equal
 *** - No. of Cases in column 11 & 12 shall be equal



**STATEMENT "20 OLDEST CASES" OF THE JUDGESHIP OF.....
FOR THE MONTH OF.....**

Sl. No.	Nature of the Case	Year	Status	Remarks	No. of Cases Disposed of in the Present month along with the case no. and year	No. of cases replaced due to disposal in the present month	%age of disposal in the present month	No. of cases (nature & year) with Stayed proceedings	No. of cases replaced due to Stayed proceedings	No. of cases transferred to other Judgeship along with the case no. in detail	No. of cases (Nature & Year) replaced due to cases transfer to other Judgeship
1	2	3	4	5	6*	7*	8	9**	10**	11***	12***
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NOTE - *- No. of Cases in column 6 & 7 shall be equal

**-. No. of Cases in column 9 & 10 shall be equal

***-. No. of Cases in column 11 & 12 shall be equal



High Court of Jharkhand
NEWSLETTER

Foundation Laying Ceremony of New High Court Building of High Court of Jharkhand
on 9th Feburary (Saturday), 2013



Proposed New High Court of Jharkhand Building and Residential Complex at Dhurwa, Ranchi, Jharkhand.

