

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)

ORDER No. 24
Dated Guwahati, the 24th April 2013

In supersession of all previous orders, the Hon'ble Gauhati High Court has been pleased to introduce the following Action Plan for reduction in pendency of five years and longer pending cases, for the period with effect from 01.05.2013 to 31.12.2013.

**A. FOR THE COURTS OF DISTRICT & SESSIONS JUDGES AND
ADDITIONAL DISTRICT & SESSIONS JUDGES**

1. All five years and longer pending cases shall be disposed of before the end of the Action Plan, giving top priority and holding day-to-day trial. Hearing of such cases shall not ordinarily be adjourned beyond fifteen days.
2. All the cases of Under Trial Prisoners (UTPs), where the UTP is in custody for more than two years and where charge sheet have been filed shall be disposed of holding day-to-day trial. All such cases shall be identified forthwith, and a report of such cases shall be forwarded to the Hon'ble High Court.
3. All Criminal Appeals pending for more than one year and all Criminal Revisions pending for more than six months shall be disposed of, holding day-to-day trial, before the end of the Action Plan.
4. Revision petitions filed challenging order passed in Section 125 Cr.P.C. proceedings, guardianship petitions and petitions seeking custody of children shall always be disposed of within a period six months from the date of filing.

**B. FOR THE COURTS OF CIVIL JUDGE / MUNSIFF /
JUDICIAL MAGISTRATE**

1. Civil Courts shall dispose of all five years and longer pending suits, execution petitions, miscellaneous cases etc., and the Judicial Magistrates shall dispose of all five years and longer pending cases before the end of the Action Plan.
2. All cases of Under Trial Prisoners, where the accused is in judicial custody for more than six months, shall be disposed of within the next three months.
3. Judicial Magistrates dealing with NI Act cases shall dispose of all five years and longer pending cases, if any, within the next three months and shall always dispose of such cases within a period of six months from the date of institution.

4. Judicial Magistrates must dispose of all petitions filed under Section 125 Cr.P.C within a period of six months, from the date of the filing.
5. The presiding officers of civil courts must dispose of Caveat filed under section 148-A CPC within the stipulated period of ninety days.
6. Judicial Magistrates shall not pass order for further remand of accused in judicial custody mechanically. Before passing an order for further remand, the Judicial Magistrate shall see that if the period of detention already undergone is longer than the probable punishment, which may be given on conviction, in the facts and circumstances of a particular case. Instead of remanding again to judicial custody, the accused shall be released.
7. Judicial Magistrates shall dispose of all one-year old petty cases holding lok adalat/holiday court within the next three months. The Judicial Officers shall resort to the provisions of Section 258 Cr.P.C. for disposing of such cases.
8. In appropriate cases, the criminal courts shall resort to the provisions of Section 309 Cr.P.C. and see that the enquiry or trials are concluded expeditiously. The Courts shall not grant adjournments either to the defense or to the prosecution whenever such prayer is made. Even if the adjournment is granted, necessary cost shall be awarded to the other party. In fit and appropriate cases, no adjournment shall be granted and the proceedings shall be stopped.

C. SPECIAL JUDGES (CBI COURTS)/SPECIAL JUDGE COURT, ASSAM.

At least fifteen oldest pending cases under the Prevention of Corruption Act shall be disposed of by each court.

D. MOTOR ACCIDENT CLAIMS TRIBUNALS

Judicial Officers working exclusively in such tribunals shall dispose of all five years and longer pending cases. The Presiding Officers shall ensure submission of **Accident Information Report** by the Police as per the direction of the Hon'ble Supreme Court.

For making the judicial system free of five years and longer pending cases, all the Judicial Officers shall try to dispose of the four years and longer pending cases before the period of Action Plan so that the same may not add to the back log of old pending cases at the end of the Action Plan.

All the Judicial Officer shall try to dispose of one old pending case on each working day.

Further, all the Judicial Officers shall adhere to the following directions:-

- i) Cases, involving social concern, shall be treated as a special category, and shall be put on fast track in order to dispose of such cases speedily, holding day-to-day trial.
- ii) In every case where there is a victim, the Court shall grant interim compensation to the victim as per the provision of section 357A of the Cr.P.C., irrespective of the fact whether the accused has committed the alleged crime or not. If there is a victim of a crime, interim compensation shall be granted to the victim by the court, even if the victim files no petition seeking interim compensation. Order granting final compensation as per the Scheme formulated by the State Government under Section 357A CR.P.C., shall be passed at the time of disposal of the case.
- iii) Weekly inspection of Civil and Criminal Nazarat be made by the respective Judge-in-charge to ascertain timely service of process and shall submit report to the concerned District & Sessions Judge.
- iv) Every District & Sessions Judge shall hold meeting every day at 09.30 A.M. for 15/20 minutes with the Judicial Officers of the district. The District & Sessions Judges shall guide the Judicial Officers within their jurisdiction, to increase the qualitative and quantitative output of the officers.
- v) The District & Sessions Judges and the Chief Judicial Magistrates shall hold meetings with the staff of their offices once in a month and evaluate their performance and shall motivate them to work sincerely so that the Courts can discharge their duties effectively.
- vi) The District & Sessions Judges shall hold monthly meeting with the Deputy Commissioners and the Superintends of Police of their respective districts for improving the justice delivery system. The District & Sessions Judges shall furnish the list of the cases, with the name of the concerned police stations, where the processes have not been served. In the next monthly meeting, the District & Sessions Judges shall obtain feedback from the District Police Authorities about the action taken relating to the service of processes of those cases intimation of which were given in the previous month. The minutes of the meeting shall be maintained in a separate register, copy of which shall be forwarded to the Registry, within one week thereafter.
- vii) Effort shall be made by all the Judicial Officers to fix those criminal cases, where the I.O. or the M.O. is same, on the same day, so that their evidences can be recorded in one day and if the case has to be adjourned due to circumstances beyond the control of the court or the parties or the advocates, on the next day. The possibility of examining the I.O. and the M.O. on a particular day shall be explored.

- viii) Care should be taken by the Judicial Officers not to neglect other cases while making extra effort for disposal of the old pending cases.
- ix) The Chief Judicial Magistrates/Judicial Magistrates shall make special effort to commit all Sessions triable cases immediately.
- x) A statement of the disposal of such cases in consolidated form, as on the last day of every month, shall be forwarded to the Hon'ble High Court before the 7th of the following month.
- xi) For achieving the target set forth above, every Judicial Officer shall draw up their own action plan taking into consideration the facts and circumstances of their respective courts/ stations.
- xii) **To evaluate the achievements made during the months of May, June and July, a meeting with the District & Sessions Judges and Chief Judicial Magistrates will be held on 10.08.2013, in the Gauhati High Court.**

By Order,

Sd/-

REGISTRAR (JUDL.)

Memo No. HC VI - 02/2012/188 /Stt, Dated: 24.04.2013

Copy to:

1. The Registrar (Vigilance /Admn.), Gauhati High Court, Guwahati.
2. The Jt. Registrar-cum-PPS to Hon'ble the Chief Justice, Gauhati High Court, Ghy.
3. The Joint Registrar _____, Gauhati High Court, Guwahati.
4. The Dist. & Sessions Judge, _____ District, Assam. He is requested to circulate the order amongst all judicial officers under his judgeship.
5. The Special Judge, Assam, Guwahati.
6. The Special Judge, CBI, Assam, Guwahati.
7. The Judge Designated Court, Guwahati.
8. The Principal Judge, Family Court No.1 Guwahati / No.2 Guwahati / Silchar.
9. The Presiding Officer, STAT & Member, MACT, Guwahati.
10. The Member, MACT, Guwahati / Barpeta / Dhubri / Nagaon / Nalbari / Silchar
11. The Presiding Officer, Labour court, Guwahati/Dibrugarh
12. The Presiding officer, Industrial Tribunal, Guwahati/Silchar/Dibrugarh
13. The Deputy Commissioner, Karbi-Anglong, Diphu/Dima Hasao, Haflong.
14. The Deputy Registrar _____, Gauhati High Court, Guwahati.
15. The Deputy Registrar, Gauhati High Court, Itanagar Bench, Naharlagun
16. The System Analyst, Gauhati High Court, Guwahati. He is directed to upload the above order in the High Court Website.
17. The Pvt. Secretary to Hon'ble Mr. / Mrs. Justice _____, Gauhati High Court, Guwahati.
18. The Superintendent (_____), Gauhati High Court, Guwahati.
19. The C.A. to the Registrar General, Gauhati High Court, Guwahati

*rec.
24.4.13*

REGISTRAR (JUDL.)