

CIRCULAR ORDERS

OF

THE HIGH COURT OF JUDICATURE

AT

ALLAHABAD

(SUPPLEMENT)

(FROM 1st APRIL, 2011 TO SEPTEMBER, 2016)

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CHAPTER-I JUDICIAL OFFICERS

1. ANNUAL CONFIDENTIAL REPORTS

(i) Annual Remarks

C.L. No.07/2014/Cf.(C) Allahabad 04.03.2014.

I am directed to request that the Annual Remarks about the work and conduct of the Officers of Your Judgeship for the year 2013-2014 may kindly be sent to the Court in requisite proforma latest by 15th of April, 2014.

In this connection, I am to emphasize that the following instructions as contained in various Circular letters issued by the Court from time to time may be followed strictly in recording the annual remarks in respect of the Officers working in your Judgeship:-

- (a) The annual remarks should be recorded by you in respect of the Officers whose work and conduct was seen by you for at least three months or more during the aforesaid year.
- (b) To avoid the confusion, Full name of the Officer with his/her designation about whom report is being sent, should be mentioned along with No. I, II & III, if any attached to his/her name.
- (c) In case the annual remarks in respect of any Officer is adverse/critical, wholly or in part, the whole of the remarks should necessarily be communicated to the Officer concerned and a note to that effect should be incorporated at the end of the annual remarks before dispatching the same to the Court.
- (d) While recording annual remarks about Additional District & Sessions Judges you should also express your specific opinion about the quality of their judicial work in column No.I(f), in this connection please refer to Court's Circular Letter No. 60/81, dated September 19, 1981.
- (e) While recording annual remarks about officers of the rank of Civil Judge (Sr. Div.)/C.J.M. & Civil Judge (Jr. Div.)/J.M., you should mention specifically in Column No. 1(g) whether or not the officer was provided with stenographer. (Refer to Court's G.L. No. 1/IV-h-14/90 dated 08.11.1990 and G.L. No. 28/IV-h-14/90 dated 08.11.1990 and G.L. No. 28/IV-h-14/96 dated June 1, 1996.

(ii) Recording of annual remarks in respect of probationers of civil judge (Jr. Div.)

C.L. No.08/2014/Cf.(C), Allahabad 05.03.2014.

I am directed to inform you that the Hon'ble Court has been pleased to order that the first Annual Confidential Remarks of newly appointed Addl. Civil Judges (Junior Division) shall be written by the Director of the Institute of the Judicial Training Research, Lucknow after assessing the performance during training period.

I am, therefore, to request you to kindly ensure the strict compliance of the aforesaid order of the Hon'ble Court.

(iii) Annual remarks for the year 2013-2014.

C.L. No.08/2013/Cf.(C), Allahabad, dated March 06th, 2013.

I am directed to request that the Annual Remarks about the work and conduct of the Officers of Your Judgeship for the year 2012-2013 may kindly be sent to the Court in requisite proforma latest by 15th of April, 2013.

In this connection, I am to emphasize that the following instructions as contained in various Circular letters issued by the Court from time to time may be followed strictly in recording the annual remarks in respect of the officers working in your judgeship:-

- (a) The annual remarks should be recorded by you in respect of the Officers whose work and conduct was seen by you for at least three months or more during the aforesaid year.
- (b) To avoid the confusion, full name of the officer with his/her designation about whom report is being sent, should be mentioned along with No. I, II & III, if any attached to his/her name.
- (c) In case the annual remarks in respect of any officer is adverse/critical, wholly or in part, the whole of the remarks should necessarily be communicated to the officer concerned and a note to that effect should be incorporated at the end of the annual remarks before dispatching the same to the court.
- (d) While recording annual remarks about Additional District & Sessions Judges you should also express your specific opinion about the quality of their judicial work in column No. I(f), in this connection please refer to Court's Circular Letter No. 60/81, dated September 19, 1981.
- (e) While recording annual remarks about officers of the rank of Civil Judge (Sr. Div.)/C.J.M. & Civil Judge (Jr. Div.).J.M., you should mention specifically in Column No. 1(g) whether or not the officer was provided with

stenographer (Refer to Court's C.L. No. 1/IV-h-14/90, dated 08.11.1990 and C.L. No. 28/IV-h-14/96, dated June 1, 1996.

(iv) Care and caution to be observed in writing Annual Confidential Remarks.

C.L. NO.15/2014/Cf(C) dated: Allahabad 27.05.2014

Upon consideration of one of the suggestions made by the Hon'ble Judges who participated in a conference held on 14-15 April, 2012 at National Judicial Academy, Bhopal on the subject "Enhancing Quality, Efficiency and Timeliness of Adjudication and Sharing of Experiences" pertaining to care and caution to be observed in writing Annual Confidential Remarks, the Hon'ble Court has desired to impress upon all the District and Sessions Judges to observe absolute care and caution while recording Annual Confidential Remarks of the Officers under their Administrative control as that would have positive impact on raising quality of judgments and increasing efficiency in timely adjudication.

I am therefore to request you to kindly observe these norms in their right spirit.

(v) Annual Remarks for the year 2011- 2012.

C.L.No 16/ 2012 Cf. (C) Allahabad Feb. 29, 2012

I am directed to request that the Annual Remarks about the work and conduct of the Officers of Your Judgeship for the year 2011-2012 may kindly be sent to the Court in requisite proforma latest by 15th of April, 2012.

In this connections, I am to emphasize that the following instructions as contained in various Circular letters issued by the Court from time to time may be followed strictly in recording the annual remarks in respect of the Officers working in your Judgeship:-

- (a) The annual remarks should be recorded by you in respect of the offices whose work and conduct was seen by you at least three months or more during the aforesaid year.
- (b) To avoid the confusion, Full name of the Officer with his/her designation about whom report is being sent, should be mentioned along with No. I, II & III, if any attached to his/her name.
- (c) In case the annual remarks in respect of any Officer is adverse/critical, wholly or in part, the whole of the remarks should necessarily be communicated to the officer concerned and a note to that effect should be incorporated at the end of the annual remarks before dispatching the

same to the Court.

- (d) Which recording annual remarks about Additional District Judges and Additional Sessions Judges you should also express your specific opinion about the quality of their judicial work in column No. I.(f), in this connection please refer to Court's Circular Letter No. 60/81, dated September 19, 1981.
- (e) While recording annual remarks about. Chief Judicial magistrate, Additional Chief Judicial magistrate and Civil Judges (Junior Division), you should mention specifically in Column No. 1(g) whether or not the officer was provided with stenographer. (Refer to Court's G.L. No 1/ IV-h- 14/90 dated 08.11.1990 and G.L. No. 28/IV-h-14/96 dated June 1, 1996).

2. CONDUCT IN GENERAL

(i) Name plates and light on private cars.

Directions regarding use of beacon lights on the top of the vehicles by Judicial Officers.

C.L. No.20/Admin. 'G-II' Dated: Allahabad 25.07.2014.

I am directed to state that Hon'ble Court has issued following guidelines pertaining to use of beacon lights on the top of the vehicles by Judicial Officers.

1. No use of beacon light whatsoever will be permitted on a private vehicle of a Judicial Officer.
2. On official vehicles where beacon light is permitted by the guidelines laid down by the Supreme Court, the beacon light shall be uncovered only when the officer concerned is in occupation of the car.
3. In cases covered by 2 above, when the officer is not sitting in the car, the beacon light shall be covered by a beacon cover.
4. Only District Judges and officers of Higher Judicial Services equivalent to District Judges and Chief Metropolitan Magistrate/Chief Judicial Magistrates will be entitled to use a beacon light in view of the notification dated 10 March, 2014.
5. No Judicial Officer in the District Judiciary or in the Registry would be entitled to use a red beacon light either on official vehicles or on personal vehicles; and
6. Since the judgment of the Supreme Court delivered in the Abhay Singh vs. State of U.P. Special Leave Petition (Civil) No. 25237 of 2010 is binding on all courts, tribunals and authorities in the country, this judgment will override previous judgments and order of the High Court.

I am, therefore, to request you to kindly circulate the aforesaid circular letter to all the Judicial Officers working under your supervision and control for their guidance and strict compliance.

संख्या-354(1)/30-4-2014, तददिनांक।

प्रतिलिपि संयुक्त निदेशक, मुद्रण एवं लेखन सामग्री, उत्तर प्रदेश, राजकीय मुद्रणालय ऐशबाग, लखनऊ को अधिसूचना की अंग्रेजी की प्रति सहित इस आशय के साथ प्रेषित कि कृपया इस अधिसूचना को दिनांक 10 मार्च, 2014 के असाधारण गजट के विधायी परिशिष्ट, भाग-4, खण्ड (क) (सामान्य परिनियम नियम) में प्रकाशित करने का कष्ट करें। कृपया प्रकाशित अधिसूचना की 500-500 प्रतियां परिवहन अनुभाग-4, उ0प्र0 सचिवालय, बापू भवन, कक्ष संख्या-320 को तत्काल उपलब्ध करा दी जाये।

UTTAR PRADESH SHASAN PARIVAHAN ANUBHAG-4

In pursuance of the provisions of clause(3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of notification no. 354 /XXX-4-14-8(1)/2013, dated March 10, 2014.

NOTIFICATON No-6/ 354 /XXX-4-14-8(1)/2013

Lucknow Dated: March 10, 2014

In exercise of powers under sub-rule (2) of rule 108 of Central Motor Vehicles Rules, 1989 and in suppression of notification no 1772/30-4-2007-25p/77 dated 23 August, 2007 and notification no 2008/30-4-2008-25p/77 dated 15 October, 2008 the Governor specifies and directs that any vehicle carrying following Officers of the State anywhere in the State at the time of duty, shall be permitted to use blue light on the middle part of the roof of the vehicle:-

- 1- Chairman, Board of Revenue,
- 2- Industrial Development Commissioner,
- 3- Agriculture Production Commissioner,
- 4- All Principal Secretary/Secretary
- 5- All Director General of Police/Additional Director General of Police,
- 6- All Divisional Commissioners
- 7- Inspector General of Police (Zone)
- 8- Dy. Inspector General of Police (Range)
- 9- District Judge and Officers of Higher Judicial Services equivalent to District Judge.
- 10- District Magistrate
- 11- Senior Superintendant of Police/ Superintendant of police (in charge of District)
- 12- Chief Medical Officer.

- 13- Additional District Magistrate/City Magistrate/Dy. Collector/Executive Magistrate (posted in District)
- 14- Inspector in charge/Station House Officer/Circle Officers/Additional Superintendant of Police (posted in Districts)
- 15- Officers posted in Transport, Excise & Commercial Tax Department while on enforcement duty & Enforcement officers of the Forest Department (in forest area)
- 16- Chief Metropolitan Magistrate/Chief Judicial Magistrate as per order of Hon'ble High Court Allahabad, Lucknow bench in Writ Petition no 3648 (M/B)/2006

Note-

- (1) Officers of other States of above categories shall be permitted to use light in U.P. while on Government duty.
- (2) In case the vehicle fitted with blue light on top front is not carrying the dignitaries, then such blue light shall not be used and be covered by a black cover.
- (3) Red light shall be permissible to the high dignitaries only on Government Vehicles.

(ii) Regarding grant of permission to judicial officers for doing higher studies.

C.L. No. 35/IV-h-16/Admn(A), dated 04.11.2011.

I am directed to say that if any Judicial Officer during the course of his/her service, requests to pursue higher studies, he/she has to apply for grant of 'Study Leave' as per rules which will be subject to the discretion of Hon'ble The Chief Justice for appropriate decision.

I am, therefore, to request you to kindly circulate it amongst all the judicial officers posted in your judgship as well as the officers working on deputation, for information and strict compliance.

3. POSTING AND TRANSFER

(i) Annual General Transfer, 2014.

C.L. No. 31/DR(S)/2013, Dated: Allahabad September 25, 2013.

I am directed to say that in the matter of transfer and posting of the Judicial Officers, the Court has decided that on completion of normal tenure of posting i.e.

(i) three years tenure in the district (ii) two years tenure in an outlying court or at Sonbhadra upto **May 31st, 2014**, the Judicial Offices shall be transferred subject to the following norms:

- (I) The officer will not be posted in his home town.
- (II) He will not be posted to a district where he was earlier posted within 6 years.
- (III) He will not be posted to any district falling in the zone in which he was earlier posted within 3 years.
- (IV) He will not be posted to any adjoining district of the other zone.
- (V) That bar on re-posting of an officer in the zone will not apply in cases in which the officers had been posted for a short period of less than 6 months.

I am to add that the officer transferred/posted on his own request, is not entitled for any T.A. under Rule 42 of Chapter-IV of F.H.B. Volume-III.

Officer posted in your Sessions Division may kindly be advised accordingly. These norms shall not, however, be applicable to the District Judge, except no. (1).

In this connection it is also pointed out that the court has divided the State of U.P. into 7 zones and also formulated guide-lines in the matter transfer and postings which are enumerated in Appendix “A” annexed herewith alongwith proforma of application.

This proforma regarding transfer duly filled in, be forwarded to the Section Officer (Services) on or before 30th day of November, 2013.

**DIVISION OF U.P. IN ZONES COMPRISING DISTRICTS AS
FORMULATED BY ADMINISTRATIVE COMMITTEE**

(i)	KANPUR ZONE	Kanpur Nagar, Ramabai Nagar (Kanpur Dehat), Jhansi, Lalitpur, Hamirpur, Jalaun at Orai, Banda, Fatehpur, Mahoba, Unnao and Chitrkoot.
(ii)	GORAKHPUR ZONE	Gorakhpur, Deoria, Basti, Maharajganj, Siddharthnagar, Faizabad, Sultanpur, Pratapgarh, Kushi Nagar at Padrauna, Ambedkarnagar at Akbarpur, Sant Kabir Nagar and CSM Nagar.
(iii)	BAREILLY ZONE	Bareilly, Pilibhit, Rampur, Budaun, Bijnor, Shahjahanpur, Moradabad, Jyotiba Phule Nagar and Sambhal.
(iv)	AGRA ZONE	Agra, Aligarh, Mathura, Farrukhabad, Etah, Etawah, Mainpuri, Firozabad, Hathras, Kannauj, Auraiya and Kasganj.
(v)	LUCKNOW ZONE	Lucknow, Hardoi, Raebareili, Gonda, Sitapur, Bahraich, Barabanki, Lakhimpur Kheri, Shrawasti at Bhinga and Balrampur.

(vi)	ALLAHABAD ZONE	Allahabad, Varanasi, Mirzapur, Sonhadra, Ghazipur, Ballia, Mau, Azamgarh, Jaunpur, Bhadohi at Gyanpur, Chandauli and Kaushambi.
(vii)	MEERUT ZONE	Meerut, Muzaffarnagar, Saharanpur, Ghaziabad, Bulandshahar, Baghpat, Gautam Budh Nagar, Hapur and Shamli.

GUIDELINES FOR TRANSFER OF JUDICIAL OFFICERS OTHER THAN DISTRICT JUDGES

- (I) Judicial Officers will be due for transfer on completion of 3 years tenure at headquarter or 2 years tenure in an outlying courts, or at Sonbhadra.
- (II) No home town district be choiced by the officer.
- (III) No choice of station where the officer has been posted during last 6 years be given.
- (IV) No choice of station within a zone in which the officer has been posted within 3 years be given.
- (V) No choice of adjoining stations of other Zone be given.
- (VI) That bar on re-posting of an officer in the Zone will not apply in cases in which the officer had been posted for a short period of less than 6 months.
- (VII) The officers who are serving beyond normal tenure of their posting at the same station may also send their choice of station.
- (VIII) The officers applying for stay/premature transfer may indicate choice of stations.

(ii) C.L. No. 28/ DR(S)/2012, Dated: September 18, 2012.
RE: Annual Transfer, 2013

I am directed to say that in the matter of transfer and posting of the Judicial Officers, the Court has decided that on completion of normal tenure of posting i.e. (i) three years stay in the district including Additional Chief Judicial Magistrate (Railways) (ii) two years stay in an outlying court or at Sonbhadra upto July 31st, 2013, the Judicial Officers shall be transferred subject to the following norms:

- (I) The officer will not be posted in his home town.
- (II) He will not be posted to a district where he was earlier posted within 6 years.
- (III) He will not be posted to any district falling in the zone in which he was earlier posted within 3 years.
- (IV) He will not be posted to any adjoining district of the other zone.
- (V) The bar on re-posting of an officer in the zone will not apply in cases in

which the officers had been posted for a short period of less than 6 months.

I am to add that the Officer transferred/posted on his own request, is not entitled for any T.A. under Rule 42 of Chapter- IV of F.H.B. volume- III.

Officer posted in your Sessions Division may kindly be advised accordingly. These norms shall not, however, be applicable to the District Judge, except no (I).

In this connection it is also pointed out that the Court has divided the State of U.P. into 7 zones and also formulated guide-lines in the matter of transfer and postings which are enumerated in Appendix “A” annexed herewith along with proforma of application.

This proforma regarding transfer duly filled- in, be forwarded to the Deputy Registrar (Services) on or before 30th day of November, 2012.

DIVISION OF U.P. IN ZONES COMPRISING DISTRICTS AS FORMULATED BY ADMINISTRATIVE COMMITTEE

(i)	Kanpur Zone	Kanpur Nagar, Ramabai Nagar (Kanpur Dehat), Jhansi, Lalitpur, Hamirpur, Jalaun at Orai, Banda, Fatehpur, Mahoba, Unnao and Chitrakoot
(ii)	Gorakhpur Zone	Gorakhpur, Deoria, Basti, Maharajganj, Siddharthnagar, Faizabad, Sultanpur, Pratapgarh, Kushi Nagar at Padrauna, Ambedkarnagar at Akbarpur, Sant Kabir Nagar and CSM Nagar
(iii)	Bareilly Zone	Bareilly, Pilibhit, Rampur, Budaun, Bijnor, Shahjahanpur, Moradabad, Jyotiba Phule Nagar and Sambhal.
(iv)	Agra Zone	Agra, Aligarh, Mathura, Farrukhabad, Etah, Etawah, Mainpuri, Firozabad, Hathras, Kannauj, Auraiya and Kanshi Ram Nagar
(v)	Lucknow Zone	Lucknow, Hardoi, Raebareli, Gonda, Sitapur, Bahraich, Barabanki, Lakhimpur Kheri, Shrawasti at Bhinga and Balrampur.
(vi)	Allahabad Zone	Allahabad, Varanasi, Mirzapur, Sonhadra, Ghazipur, Ballia, Mau, Azamgarh, Jaunpur, Bhadohi at Gyanpur, Chandauli and Kaushambi
(vii)	Meerut Zone	Meerut, Muzaffarnagar, Saharanpur, Ghaziabad, Bulandshahar, Baghpat, Gautam Budh Nagar, Hapur and Shamli.

Guidelines for Transfer of Judicial Officers other than District Judges

- (I) Judicial officers will be due for transfer on completion of 3 years stay at headquarter including, Additional Chief Judicial Magistrate (Railways), 2 years stay in an outlying courts, or at Sonbhadra.
- (II) No home town district be choiced by the Officer.
- (III) No choice of station where the officer has been posted during last 6 years be given.
- (IV) No choice of station within a zone in which the officer has been posted within 3 year be given.
- (V) No choice of adjoining stations of other Zone be given.
- (VI) The bar on re-posting of an officer in the Zone will not apply in cases in which the officer had been posted for a short period of less than 6 months.
- (VII) The officers who are serving beyond normal tenure of their posting at the same station may also send their choice of station.
- (VIII) The officers applying for stay/premature transfer may indicate choice of stations.

(iii) Posting per interse-seniority

Final seniority of the officers of Higher Judicial Service Cadre.

No. 258/DR(S)/2011 Dated: Allahabad 01.08.2011.

The Hon'ble Court was pleased to constitute a Committee comprising Hon'ble Mr. Justice D.P. Singh, Hon'ble Mr. Justice Shishir Kumar and Hon'ble Mr. Justice Sudhir Agarwal. The Committee was constituted to consider the matter of compliance of judgment dated 13.9.2010 of Hon'ble Apex Court passed in civil appeal No.1312 of 2005. Ashok Pal Singh and others v. Uttar Pradesh Judicial Service Association and others and connected appeals and to submit its report. The final report dated 14.07.2011 of Hon'ble Committee determining final seniority of officers of Uttar Pradesh High Judicial Service has been accepted by Hon'ble Full Court in its meeting held on 30.07.2011.

I am further to say that all consequential issues pertaining to fixation of seniority shall be subject to the order of the Hon'ble Supreme Court in the pending matter.

I am, therefore, to request you kindly to inform the officers accordingly and request them to download the aforesaid final seniority list from the official website of the High Court Allahabad.

(iv) Determination of seniority of the officers of Higher Judicial Service Rank.

No. 200/DR(S)/2011 Dated: Allahabad 24.05.2011.

In continuation of earlier Court's letter No. 85/DR(S)/2011, dated 03.03.2011, the undersigned has been directed to request you to kindly apprise all the subordinate officers (Members of the Higher Judicial Service) that they may file objections with regard to factual inaccuracy or discrepancies in the report/seniority list enclosed with this letter by 30th of May, 2011 by 5:00 p.m. positively by any mode including e-mail (services@allahabadhighcourt.in). No cognizance would be taken of any objections received beyond the prescribed time limit.

Kindly treat it as most urgent.

4. LEAVE

Recess/detention certificate during the summer vacation of the Officers of U.P. Nyayik Sewa (vacation department)

C.L.No. 20/2011-Admin.(A-II): Dated 13.05.2011.

I am directed to say that the Court has been pleased to pass orders making following amendments on the above subject :-

“Officers of U.P. Nyayik Sewa will be allowed 10 days recess during summer vacation (in one stretch and not in part) and they will not be required to furnish detention certificates.”

All the arrangements made by the Court by issuing Circular/General letters earlier on the above subject may kindly be treated as superseded to this extent.

All the Judicial Officers concerned may kindly be informed accordingly.

5. RESIDENTIAL ACCOMODATIONS

Retention of the official residence by the Judicial Officers after their transfer/ retirement/death

C.L. No. 34/Admin. (B-1) Sec., Dated: 09.10.2013.

In supersession of Court's Circular Letter No. 1/Admin (B-1) Section, Dated 06.01.2010, on the above subject, I am directed to say that in compliance of the judgment and order dated 5th July, 2013 passed in Civil Appeal No. 4064 of 2004 (S.D. Bandi Vs. Divisional Traffic Officer, KSRTC & others), the Court has been pleased to frame the following guidelines, for retaining houses by Judicial officers:-

GUIDE LINES

Norms for filing and processing of representations of Judicial Officers for retention of official residence after transfer/retirement/death

- 1) The District Judges must ensure strict compliance of these Guidelines and any default must be immediately brought to the notice of the Court by Fax/Speed Post.
- 2) In supersession of all Court's Circulars on the subject, a Judicial Officer or his family member(s) on transfer/retirement/death, as the case may be, shall not retain official residence (houses belonging to Judicial Department, houses in the pooled housing scheme and allotted houses), beyond 30 days from the date of transfer/retirement/death and any default in this behalf shall constitute misconduct.
Provided that Hon'ble the Chief Justice or Judge nominated by Hon'ble the Chief Justice may after recording sufficient reasons permit retention of the official residence on the same terms and conditions for a period of one more month on payment of rent as provided in the G.O. No. R-2/32-2-9R4/69/85, dated 2nd January, 1992 but in no case the retention shall be allowed beyond two months.
- 3) A Judicial Officer who desires to retain the official residence beyond 30 days must submit his representation to the High Court through the District Judge of the Judgeship where he is posted well in advance so as to give sufficient time for processing of the representation.
- 4) In case of transfer, a copy of the representation must also be sent to the District Judge of the Judgeship from where the Judicial Officer has been transferred.
- 5) Amongst others, the following information must be included in the representation:-
 - (a) In the case of transfer, the date of notification by which the Judicial Officer was transferred, the date he handed over charge and the date when he took charge at the transferred place.

- (b) In the case of transfer, the Judicial Officer must also mention whether he has been allotted any official accommodation at the transferred place and whether its possession has been given to him.
 - (c) In the case of retirement/death, the date of retirement/death must be mentioned.
 - (d) The reason and the period for which the Judicial Officer desires to retain the official accommodation.
- 6) Upon receipt of the representation the concerned District Judge(s) should forward it to the High Court within three days by Fax/Speed Post with their comments. The comments must mention whether the concerned Judicial Officer has been allotted an official accommodation at the transferred place and whether any other Judicial Officer of the Judgeship from where the said officer has been transferred requires the accommodation in his possession.
 - 7) In case of retirement/death, the representation must also be forwarded by the District Judge to the High Court by Fax/Speed Post within three days with comments which should mention whether any Judicial Officer in the Judgeship requires the said accommodation.
 - 8) On receipt of the aforesaid representation and comments from the District Judge(s), the High Court Officer must process the representation with expedition so that it is placed before the Nominated Judge/Hon'ble the Chief Justice with the comments within three days.
 - 9) Upon receipt of the orders from Hon'ble the Chief Justice, the office must promptly send the communication by fax/speed post to the concerned District Judge for information and compliance of the order.
 - 10) The District Judge, upon receipt of the order from the High Court, must ensure that service of the order is made upon the Judicial Officer at once and information about compliance/non-compliance of the order should be sent to the High Court by Fax/speed Post.
 - 11) Mere pendency of the representation will not be made a ground to retain the official accommodation beyond the prescribed period of 30 days and the consequences enumerated in Clause 2 will follow if the Judicial Officer retains the official accommodation without any order of Hon'ble the Chief Justice or the Judge nominated by Hon'ble the Chief Justice.

I am, therefore, to request you to kindly circulate the aforesaid Court's guidelines amongst the Judicial Officers posted in your Judgeship for their information and strict compliance.

6. TRAINING

Guidelines for sending Training Programme by Training institutes and application for exemption, if any, to be sent by Judicial Officers.

C.L. No.34/DR(S)/2012 , Dated: December 22, 2012.

I am directed to say that Hon'ble Court has been pleased to pass the following orders:

1. "All the Judicial Officers who are nominated by the Hon'ble Court for different training programmes are ordinarily required to undergo training as ordered by the Hon'ble Court.
2. All the District Judges and judicial officers in judgeship and the officer posted on deputation subordinate to the High Court of Judicature at Allahabad are informed that if any nominated officer seeks exemption he is to send his exemption application at the earliest preferably within three days after receipt of Court's nomination letter.
3. The District Judges while forwarding the letter of exemption of any officer will first satisfy himself about genuineness or otherwise of the reason shown by the officer in his exemption application and he will endorse his satisfaction on the application while recommending.
4. Exemption application normally has to accompany relevant papers to support the grounds (medical, marriage etc.) duly issued by competent authority in that connection. If there is no supportive paper of the ground for exemption, then separate cogent reason will have to be assigned for the satisfaction of this Court".

I am therefore to request you kindly to ensure the compliance of the aforesaid orders of the Hon'ble Court.

7. Grant under 13th Finance Commission

No.7450-Admn.G-II Section, Allahabad: Dated: 29.4.2011.

I have been directed to say that Hon'ble Court has directed that apart from books already provided by the Director General (Prosecution), General Rules (Criminal) may be provided to the Public Prosecutors by the IJTR, Lucknow.

I have also been directed to say that apart from other subject, the training of Public Prosecutors about Effective Legal Writing may be taken up by the IJTR, Lucknow and the training of Public Prosecutors at IIM, Lucknow be accordingly modified.

I have been further directed to say that the part of the training of public prosecutors has been carried out by the Director General (Prosecution). A part of the training is to be carried out by the Director, IJTR, Lucknow. The High Level Monitoring Committee may take appropriate decision for implementing it.

8. Issuance of health card/authority letter/identification letter

C.L. No. 19/IV-f-116/2014 dated: Allahabad 22.7.2014

While enclosing a copy of Judicial Officers Revolving Fund Niyamavali-2012 along with Government's order dated 17.06.2013 and a copy of Uttar Pradesh Government Servants (Medical Attendance) Rules, 2011 as amended in 2014 concerning the above mentioned subject, I have been directed to apprise you that if any judicial officer-ex-judicial officer including yourself wants to avail facility of medical treatment for himself or his dependents at S.G.P.G.I., he may get himself enrolled in S.G.P.G.I. and obtain a Central Registration Number, required to be entered by head of office, while issuing him a health card/authority letter/identification letter, necessary for availing the facility of treatment on a request made by him by furnishing all relevant information on prescribed format given in appendix-'A' under Rule 6(a) of the Uttar Pradesh Government Servants (Medical Attendance) Rules, 2011.

I am, therefore to request you to kindly bring these details of the scheme to the knowledge of all the judicial officers working under your administrative control and to take necessary steps, if required by them.

9. Directions for keeping the closed files regarding a complaint against Judicial Officer on his/her personal file maintained under Rule-429 (1) of G.R. (Civil), Vol-I.

C.L. No. 08/Admin. 'G-II' Dated: Allahabad 10.02.2015

It has been reported in several Vigilance Bureau enquiries that the provisions contained in Chapter XVI of G.R. (Cril) Vol. 1 are not properly complied with. It

has also been found that directions of the Hon'ble Court regarding processing of complaints are not being observed properly. Administrative correspondence regarding a complaint against particular officer of the district is not kept in the file of that particular officer, maintained in the administrative office of that judgeship.

Even after sufficient directions issued in this regard vide C.L. No. 83/Xf-21 dated 31st May, 1971 and C.L. NO. 5/Admn. (B) Vig. Dated 23rd March, 1971, no uniform practice has been found for keeping the files of administrative correspondence regarding complaint. This result into great difficulty in locating all the complaints made against the particular officer in a particular district and leads to corrupt practice.

Reiterating the above-mentioned C.L. No. 83/XF-21 dated 31st May, 1971 and C.L. NO. 5/Admn. (B) Vig. Dated 23rd March, 1971, I am directed to request you that directions contained therein shall strictly be adhered to and you are to ensure that all closed files regarding a complaint against judicial officer be kept on his/her personal file, maintained under Rule 429 (a) of G.R. (Civil), Vol. I.

I am, therefore, to request you to personally ensure compliance of above mentioned G.L. and C.Ls. and of the directions contained in the instant circular letter.

Annexure

[19] COMPLAINTS AGAINST OFFICERS

C.L. NO. 4/Xf-21 dated 4th March, 1952

All complaints against Judicial Offices should be referred to the Court for directions.

C.L. NO. 83/Xf-21 dated 31st May, 1971.

While forwarding complaints against Judicial Officers to the Court, District Judges should give their comments also and enquire into the complaints and take suitable action in the matter.

C.L. No. 5/Admn. (B) Vig. Dated 23rd March, 1971.

On all complaints against an officers or a member of the staff sent for enquiry and report, the District Judges should send complete report. It should invariably be to the point, thorough and objective. Whenever necessary the record should also be perused while sending the report and corrupt and inefficient officers/ officials should not be shielded. A clear opinion should always be expressed on the allegations made. If the allegations made are in respect of a pending or it decided case the opinion should be expressed in clear words but without being too critical of judicial independence of an officer has not to be curbed in any way. What has to be seen is whether the order passed is or is not reasonable and also whether it was passed after taking into consideration all the facts and circumstances of the case.

10. Modal code of conduct in connection with the visits of Hon'ble Judges.
C.L. No. 25/ Admin. G-II Dated 28-9-2016

Reiterating the marginally quoted Circular Letters I am directed to communicate that no Judicial Officer will attend Hon'ble Judges on the road side on any day. However, if some Hon'ble Judge visits the district on any holyday or beyond the court hours, the Judicial Officer may welcome the Hon'ble Judge at the Guest House.

1. C.L. No 20/ Admin, G-1 Dated 15.9.2008
2. C.L. No. 12/ PS(RG) dated 13.1.2011

You are, therefore, requested to circulate a copy of the instant circular letter amongst all the Judicial Officers working under your supervision and control and to ensure strict compliance of the same in letter and spirit.

11. Quantum of Work for Judicial Officers
G.L. No. 05 /IV-h-14/2016 Dated 18.2.2016

With reference to Court's General Letter Nos. 1/IV-h-14/90, Dated 8-11-1990; 28/IV-h-14/96, dated 1.6.1996; 25/IV-h-14/06 dated 12.7.2006 and 24/IV -h-14/07, dated 19.5.2007, on the above subject, I am directed to say that the Hon'ble Court after consideration and detailed deliberation in the matter has been pleased to make some amendment(s) modification(s) deletion in the standard of work prescribed under the General Letter aforesaid. the revised minimum standard of work in contained in Schedules 'A', 'B', 'C' and 'D' annexed to this letter.

This modified standard will come into effect from 01.04.2016 (the new assessment year i.e. 2016-17)

The contents of this General letter including those of the annexed Schedules, may kindly be brought to the notice of all the Officers working under your administrative control for their guidance and compliance.

Annexure

(1) Cases under section 6(1) of the Criminal Law Amendment Act, 1952 and Essential Commodities Act, 1956, **The Food Safety and Standards Act, 2006** are triable by Special Judges. These cases should not be classed as Sessions Trials. A note, however, should be made in the return of the time spent over such cases with details as to their number and nature.

(2) All Sessions Trials which are tried together, in which evidence is recorded only once and which are disposed of by one judgment will be counted as only one case for purpose of counting the number of days taken in their disposal.

(3) The time devoted to part heard Sessions Trials will be accounted for only in that financial year in which such cases are concluded.

In part heard cases which are not concluded in the same financial year, the Presiding Officer may make a note in the statement of out-turn indicating the precise work done and the time spent therein. In the case of an officer other than the District Judge, the District Judge shall vouch the correctness of the note by countersigning the same.

(4) **Special Judge of Court having original jurisdiction of cases under Gangster Act, N.D.P.S. Act, Dacoity Affected Area Act, Electricity Act and Prevention of Children from Sexual Offences Act shall get out-turn of one day in a month as miscellaneous.**

(B) Criminal Appeals, Revisions and References:

1. Represented Criminal Appeals:-

(i)	Criminal Appeals against the orders of Magistrates including cases of conviction under Sections 363, 408, 409, 466, 468, 471, 477 and 477A, IPC	2 per day
Note:- Criminal Appeals arising out of the same judgement or order will, for purposes of disposal, be counted as one appeal.		
2	Jail Appeals and Criminal Revisions admitted and heard after notice to State Counsel.	4 per day
3	Criminal Revisions dismissed after hearing counsel for the applicant at admissions stage	6 per day
Note:- (i) This minimum out-turn has been fixed on the assumption that all Jail Appeals and Criminal Revisions will not be admitted as a matter of course. (ii) Jail Appeals in which the State Counsel is not heard, will not count towards disposal.		
4	References under Section 122 Cr.P.C.	8 per day
5	For disposing cases under the chapter XXI-a of Cr.P.C. relating to plea bargaining	10 cases per day

SCHEDULE 'B' CIVIL WORK

(A) Regular Suits:-

1	Suits valued up to Rs. 25,000/- and Petitions Hindu Marriage Act.	2 ½ days per contested cases after full trial.
2	Suits above Rs. 25,000/-	3 ½ days per contested suit after full trial.
3	Cases decided ex-parte (except the cases dismissed in default).	8 cases per day.

Note:

(1) In civil suits taking more than four days, credit will be given for the actual number of days taken, but a note shall be made in the remarks column of the statement of out-turn of work giving the valuation of the suit, the number of witnesses examined by each party, the number of pages of oral evidence recorded, the number of documents proved, the time devoted in recording evidence and the time devoted in arguments.

(2) Suits for partition and accounts decided at the stage of preliminary decree will be treated as decided after full trial, and in case of further contest at the stage of final decree, the pressing officer will be allowed further credit of half of the time allowed at the stage of the preliminary decree in the cases.

(3) For disposal of cases under Section 89 of the Code of Civil Procedure officer may claim out turn of work equal to one fourth (1/4) of the prescribed standard for the case concerned, if the case would have been decided on merit.

The officer may also claim out run of one day for each 20 cases referred for disposal under section 89 of the Code of Civil Procedure, 1908, if the reference has been made by following the procedure laid down in sub section 1 of Section 89 of the Code of Civil Procedure.

(B) Small Causes Suits:

1	Suits decided after full trial by District Judges in exercise of powers u/s 25(2) of the Bengal Agra and Assam Civil Courts Act or Ejectment Small Cause Suits decided by Judges Small Causes Courts after full trial. Provided that only half of the prescribed standard shall be counted in cases in which the relief of ejectment is refused on account of deposit made u/s 20(4) of	2 days per contested cases after full trial.
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	U.P. Act. No. 13 of 1972 there being no contest thereafter.	
2	Other S.C.C. Suits after full trial.	5 contested cases per day
3	Small Cause suits decided otherwise	20 suits per day
(C) Other Civil Cases decided after full trial:		
1	Original suits cognizable by District Judges and not falling in the above categories and Zila Parishad or Municipal Board/Municipal Corporation Election petitions.	3 ½ days per contested suit after full trial
2	Petitioner under the Indian Divorce Act, Special Marriage Act and Election Petition relating to Kshetera Samitis, Town Area and Notified Areas. Application u/s 28 of U.P. Act No. 21 of 1971	2 ½ days per contested cases after full trial.
3	Petitions for letters of administration, probate and Succession Certificates under Indian Succession Act, Land Acquisition References. Applications under Section 21 of U.P. Act NO. 13 of 1972 and references under Section 7 of U.P. Muslim Waqf Act, 1960 and disputes under Waqf Act, 1995. Note: Separate LA claims made by different sets of claimants in land acquisition proceedings under the same notification will not be treated as separate cases but only one case.	1 ½ days per contested cases after full trial.
4	Application u/s 28 of U.P. Act No. 21 of 1971	5 cases per day
5	Motor Accidents Claims cases Note: The cases arising out of one and same accident decided upon same defence evidence shall be treated as one case, but 25% additional quota shall be provided for each additional case on account of	1 ½ days for contested case

	different facts of each case as well as difference in calculation for quantum of compensation.	
6	(a) Proceedings under Section 9 of the Arbitration and Conciliation Act, 1996 after full contest.	5 cases per day
	(b) Proceedings under Section 34 of the Arbitration and Conciliation Act, 1996 after full contest.	2 days per case
	(c) Cases dismissed in default or decided ex-parte	No credit
(D) APPEALS		
1(a)	Regular Appeal from decrees in suits passed by Civil Judges (SD or JD), decided after contest.	1 ½ day for contested appeal
1(b)	Appeals under Section 22 of U.P. Act No. 13 of 1972 decided after contest	1 day per contested appeal
2	Execution and insolvency appeals, regular appeal in suits decided under Order XVII Rule 3 CPC and ceiling Appeals under U.P. Act No. 1 of 1961 and decided after contest Appeals under the Payment of Wages Act of U.P. Public Premises (Eviction of Unauthorized Occupants) Act, decided after contest and other miscellaneous appeals decided after contest.	2 contested appeals per day
3	Appeals under the U.P. Nagar Mahapalika Adhiniyam 1959, Second Appeals under Section 476 of U.P. Mahapalika Adhiniyam and other Miscellaneous appeals dismissed at admission stage after hearing counsels.	10 per day
<u>Note:</u> If appeal is decided by remanding the case back to trial court, standard shall be counted half of the prescribed standard.		
(E) REVISIONS:		
1	Revisions under section 25 of Provincial Small Cause Courts Act	2 Contested Revisions per day

	decided after full contest, revisions under section 115 CPC decided after full contest and Revision under section 18 of U.P. Act No. 13 of 1972 decided after full contest (including Revisions u/s 89 of U.P. Panchayat Raj Act)	
2	Revisions dismissed at the admissions stage after hearing counsel	8 Revisions per day.
<p>Note: If any contested suit is compromised or withdrawn after close of evidence, the suit will not be treated as decided after full trial, but half of the time prescribed for such cases will be counted towards standard. Similarly, suit decided on contest only on questions of interest or costs or both will be counted as half of the standard prescribed after full trial. (2) Appeals or revisions decided on compromise or withdrawn will be counted towards standard at the rate of 20 cases per day.</p>		
(F) MISCELLANEOUS WORK: Judicial officers having miscellaneous work will be entitle to adjustment for the time devoted in the manner provided below:-		
1.	Judge Small Causes Court having more than 1000 suits, Civil Judges (S.D.) having more than 300 sits, parent courts of Civil Judge (S.D.) and Civil Judge (J.D. and District Judge	1 ½ day in a week
2	Other Civil Judges (SD or JD), Judges Small Causes Court or other Addl. Civil Judges (SD or JD)	1 day in a week
3	Miscellaneous work may be normally fixed on Saturday. Where a day and a half is permissible, work may also be fixed for another half a day on any other day of the week. Insolvency cases may be fixed on Fridays.	
4	Execution cases in which objections under Section 47 CPC or under Order 21, Rule 58 or under Order 21, Rule 90 or under order 21, Rule 98 of CPC are disposed by the officer. Note:- Other execution cases would be counted as Misc. work with no credit in out-turn.	4 per day
5	Reference to A.D.R. Centres at any stage of trial in any matter	25 cases per day

CONTESTED INTERLOCUTORY APPLICATION AND PRELIMINARY ISSUES FINALLY DISPOSED OF AFTER HEARING BOTH THE PARTIES IN PENDING SUITS:		
1(a)	Applications for appointment of receiver, application for permission to sue as Indigent person, application for substitution of legal representatives deceased person, plaint rejected under order VII Rule 11 of CPC (On application of Defendant) and applications for amendment of pleadings under order VI Rule VII CPC	10 contested applications decided after hearing both the parties (may be in same or in different suits) per day.
1(b)	Temporary injunction applications	6 contested applications per day decided after hearing of both the parties.
2	Preliminary Issues	Every 5 contested preliminary issues decided after hearing both parties (n different suits and not in same suit)
SCHEDULE 'C'		
Quantum of disposal per working day for Chief Judicial Magistrates, Chief Metropolitan Magistrate, Additional Chief Judicial Magistrates, Additional Chief Metropolitan Magistrates, Judicial Magistrates, Metropolitan Magistrates, and Civil Judges (J.D.) exercising powers of Judicial Magistrates 1 st Class.		
(A) WARRANT CASES:-		
(I)	Cases in which the accused is convicted or acquitted after full trial under Section 363, 377, 408, 409, 467, 468, 471, 477 and 277A, IPC	2 days for one case
(II) Cases in which the accused is convicted or acquitted after full trial:		
(a)	Essential Commodities Act/ The Food Safety and Standards Act, 2006	2 cases per day
(b)	Arms Act	3 cases per day
(c)	Prevention of Food adulteration Act	2 cases per day
(d)	Excise Act	4 cases per day
(e)	Cases triable by Spl. Chief Judicial Magistrate	3 cases per day
(f)	Other local and Special Acts.	5 cases per day
(iii)	Other cases (including cases under	1 case per day

	Section 3 of the Railway Property (unlawful possession), Act 1966 in which the accused is convicted or acquitted after full trial.	
(iv)	Cases in which the accused is either discharged under Section 249 Cr.P.C. or convicted under Sections 241 or 246 (3) Cr.P.C.	12 cases per day
(v)	Cases in which the accused is discharged under Section 239 or 245 Cr.P.C.	5 cases per day
(vi)	Cases in which the accused is discharged under Sec. 249 Cr.P.C. without any evidence having been recorded	No credit
(vii)	Cases which are compounding under Section 320 Cr.P.C. take place after some evidence having been recorded.	8 cases per day
(viii)	Cases under Section 299 Cr.P.C.	12 Cases per day
	Note:- Where all public witnesses of fact turn hostile and trial ends in acquittal	Half of the quantum of disposal prescribed for trial after full contest
	(B) SUMMON CASES:-	
(i)	Cases decided after full trial u/s 125 Cr.P.C.	1 ½ case per day
(ii)	Cass in which the accused is convicted u/s 252 Cr.P.C.	12 cases per day
(iii)	Cases in which the accused is acquitted u/Ss. 256, 257, 258, Cr.P.C. after some evidence has been recorded.	12 cases per day
(iv)	Cases in which the accused is acquitted u/s 256, 257, 258, Cr.P.C. without any evidence having been recorded.	No credit
(v)	Cases decided after full trial	1 ½ case per day
(vi)	Cases including cases under Section 125 Cr.P.C. dismissed in default	No credit
(vii)	Cases dismissed u/s 203, Cr.P.C.	12 cases per day
(viii)	Cases under Section 125, Cr.P.C. decided ex-parte.	10 cases per day

Note:	Where all public witnesses of fact turn hostile and trial ends in acquittal	Half of the quantum of disposal prescribed for trial after full contest.
	(C) SUMMARY TRIAL CASES:-	
(A)	Appealable cases	
(i)	Warrant cases	6 cases per day
(ii)	Summons cases:	6 cases per day
(B)	Non appealable cases:	
(i)	Warrant cases	12 cases per day
(ii)	Summons cases	12 cases per day
(C)	Cases where the accused pleads guilty at the commencement of the trial.	30 cases per day
Note: Cases triable summarily will not be given benefit of warrant case or summons cases even if the Magistrates try them as regular summons or warrant cases except cases in which the accused is either a public servant or member of an elected public body.		
Note:	Where all public witnesses of fact turn hostile and trial ends in acquittal	Half of the quantum of disposal prescribed for trial after full contest.
(D)	Appeals against conviction by Magistrate II nd Class	5 cases per day
(E)	Criminal Misc. Cases entered in Registers in Form Nos. 11 and 12 G.R. (Criminal)	12% for C.J.Ms./ C.M.Ms., for the rest of the officers 8% of the actual working days in a month.
(F)	Bails and Remands	On day in a month
(G)	Sessions Enquiry on complaint u/s 202(2)	8 cases per day.
(H)	Committal of cases to the Court of Sessions	24 cases per day

Note:- In criminal proceedings where action under section 340 Cr.P.C. is drawn against the hostile informant or other witnesses for false prosecution or for giving false evidence and is decided, an additional out turn of 5 cases per day shall be applicable.

Note:- The statement of out-turn of work will be submitted in proforma Annexure-I.

SCHEDULE 'D'

GENERAL

- (1) Judicial Officers are expected to inspect their offices once in a quarter. A District Judge is expected to inspect each subordinate court once in a year. The total time spent in inspection will be noted in the remark column of the statement.
- (2) In calculating working days the following will be excluded:
 - (a) Days on which courts are closed for the whole day or half day due to holidays or other causes.
[Vide Court's CL. No. 26/1994, dated 15.3.1994 it has been directed that officers should be asked to claim only for half day instead of the whole day on which the courts are closed for half day due to sad demise of advocates or other causes as mentioned in sub para 2(a) of Schedule 'E' (Now renumbered as Schedule 'D') in calculating their working days in their out turn of quarterly statements]
 - (b) Days on which the presiding officer is on earned leave or on casual leave.
 - (c) Days devoted to miscellaneous work, and
 - (d) Days spent in inspection of the office of subordinate courts.
- (3) Credit will be given to District Judges for administrative work and work connected with admissions and bail and legal aid work & Lok Adalats.
 - (a) In districts having not more than 20 courts 15%
 - (b) In districts having not more than 30 courts and 20%
 - (c) In districts having more than 30 courts 25%
- 3(a) Credit will be given to the senior most Additional District and Sessions Judge for administrative work.

(i)	In judgeships having not more than 20 Courts	1 day per month
(ii)	In judgeships having not more than 30 courts	1.5 days per month
(iii)	In judgeships having more than 30 Courts	2 days per month

- (4) Credit will be given to the Member/Secretary of the District Legal Services Authority in their quota to the tune of 25%. He shall, however, make a reference in the quarterly statement of out-turn duly verified by the District Judge.

Note:- As presently the Secretaries, District Legal Services Authorities are not assigned judicial work and they are not required to give any quota, therefore, there is no necessity of granting any additional quota to them. However, in case the Secretaries, District Legal Services Authorities are made to discharge judicial

functions they will be entitled to 25% of the actual work done as additional quota for the work of District Legal Services Authority.

(5) The standard prescribed herein is intended to represent the minimum amount of work expected from the officers and in most cases the Court expects that it, in fact, exceeded.

(6) The merit of an officer will be judged by the quality of his work. The offices, therefore, in no circumstances will escape from quality for the sake of quantity.

(7) If the work of any officer falls short of the prescribed standard, the circumstances will be clearly stated in the remarks column of the statement of out-turn of work. A statement giving the number of cases under each head pending on 1st of each month during the financial year will be attached. Another statement giving details of cases heard but not concluded will be given in accordance with instructions given in Note-1 of Schedule-A under the head session trials and Note-1 of Schedule-B under head regular suits.

(8) Chief Metropolitan Magistrate and Chief Judicial Magistrate provided with a stenographer will give disposal at the enhanced quota of 120%. Chief Judicial Magistrate having no stenographer will note in red ink at the top of the statement of out-turn of work: "Without a Stenographer".

(9) **Civil Judges (J.D.)**, Metropolitan Magistrates, Judicial Magistrates and **Civil Judges (J.D.)** exercising powers of Judicial Magistrate 1st Class provided with a Stenographer will give disposal at the enhanced quota of 120%. It will be noticed in red ink at the top of the statement of out-turn of work "With a Stenographer" or "Without a Stenographer".

(10) The statement of out-turn of work will be submitted to the Court at the end of every quarter beginning from April 1, 1990. For preparation of such statement guidance may be had from Court's C.L. NO. 2/IV-h-14 dated January 29, 1955.

(11) The Statement of out-turn of work will bear the name and designation of the official who prepares the same and also the official who checks the same.

(12) It will be the personal responsibility of the Presiding Officer concerned to see that the statement, so submitted is absolutely correct.

(13) The District Judge should ensure that the statements are properly and correctly prepared. Severe action should be taken against officials preparing wrong statements.

(14) District Judges should expedite disposal of miscellaneous appeals, revisions and other cases in which proceeding before the lower court have been stayed.

(15) Presiding Officer should expedite disposal of applications for the ad interim injunction, attachment and appointment of receiver. Tie bound interim orders should not be extended for more than a month after filing of the objection unless the defendants themselves seek adjournment.

(16) Presiding Officers should expedite civil miscellaneous cases of the nature of Section 47 CPC, Order 21 Rule 58 CPC, Order 21 Rules 97 and 100 CPC, Order 21 Rules 89 and 90 CPC etc., so as to expedite disposal of old executions cases.

(17) Presiding Officers should expedite disposal of old case, Presiding Offices should not give long dates when adjourning old cases. Short dates after a week or two should be normally given. A list of 100 oldest cases may be prepared at the beginning of every quarter and the cases may be disposed of on priority basis.

(18) District Judges will check up the statements submitted in compliance of Administrative Judges' Circular Letter No. 8 of 1976 to ensure that Presiding Offices are disposing of a fair number of old cases and are not giving preference to new cases A specific mention should be made in the Confidential Remarks regarding this presiding Officers found habitually not paying due attention to display of old cases may not be considered fit for promotion or confirmation.

(19) The District Judge should ensure that judgements are delivered expeditiously and in case of delay the Presiding officer should be asked to expedite.

ANNEXURE-I

STATEMENT SHOWING OUT TURN OF THE PRESIDING OFFICER OF THE MAGISTERIAL COURT OF THE DISTRICT FOR THE QUARTER ENDING

1	Name and designation of the Presiding Officer.
2	Cases in which the accused was convicted or acquitted after full trial u/ss 363, 408, 409, 466 to 468, 471 & 477A IPC
3	Cases in which the accused was convicted or acquitted after full trial under:- (a) Essential Commodities Act/ The Food Safety and Standards Act, 2006 (b) Arms Act (c) Prevention of Food Adulteration Act (d) Excise Act (e) Cases triable by Spl. Chief Judicial magistrate (f) Other LOocal and Special Acts
4	Other cases in which the accused was convicted or acquitted after full trial.
5	Cases in which the accused was discharged u/s 239 or 249 Cr.P.C. or convicted u/s 241 or 246(3) Cr.P.C.
6	Cases in which the accused was discharged u/s 245 Cr.P.C.

7	Cases in which compounding u/s 320 Cr.P.C. took place after some evidence having been recorded.
8	Cases u/s 299 Cr.P.C.
9	Appealable cases
10	Non appealable cases
11	Cases under Section 125 Cr.P.C.
12	Cases in which accused was convicted u/s 252 Cr.P.C.
13	Cases in which accused was acquitted u/Ss 256, 257 & 158 Cr.P.C. after some evidence.
14	Cases decided after full trial.
15	Cases dismissed u/s 203 Cr.P.C.
16	Appealable cases.
17	Non appealable cases.
18	Appealable cases – Warrant cases
19	Non-Appealable cases
20	Appealable cases – Summons cases
21	Non-Appealable cases
22	Cases where the accused pleaded guilty at the commencement of the trial
23	Cases under U.P. Motor Vehicle Act etc. in which the accused pleaded guilty
24	Appeals against conviction by Magistrate-II Class
25	Sessions enquiry on complaint under Section 202 (2) Cr.P.C.
26	Cases in which appeal lies under Section 378 Cr.P.C.
27	Number of days devoted to the disposal of criminal miscellaneous cases, bails and remands.
28	Number of days devoted to inspections
29	Number of days on casual and other leave.
30	Actual number of working days
31	Number of days according to the standard
32	Remarks.

CHAPTER-II STAFF

1. APPOINTMENTS

Adjustment of all Class III, Steno & IV employees of erstwhile 156 ex-cadre courts in Family courts/regular courts.

C.L. No. 26/Ve-4/Admin. 'D' Sec. Dated: Allahabad 31st August, 2013.

In continuance of courts letter No. 5782/Admin.(D) Section, dated 01.04.2011 on the above subject, I am directed to say that after careful consideration, Hon'ble the Court has been pleased to allow ex-cadre Class-III and Class IV employees (including Stenographers), after discontinuation/abolition of Ex-Cadre Courts, to work on ad hoc basis in the family courts in accordance with G.O. No. 883/Saat-Nyay-2-2013-58G/2001, dated 23.05.2013 or against the available vacancies in regular cadre in the District Judgeships. For this purpose all the District Judges are directed to adjust Ex-cadre employees in the aforesaid manner and immediately report about the surplus employees, so they may be posted in other districts.

However, it is made clear that the status, pay-scale and other emoluments of such ex-cadre class III employees shall continue to be the same till further decisions/orders.

2. RECRUITMENT

(i) Age Limit

Regarding extension of upper age limit for recruitment to all Class III and Class IV posts in all judgeships subordinate to the Hon'ble High Court of Judicature at Allahabad.

C.L. No. 11/VIIb-104-104/Admin 'D' Section, Dated: 15.3.2013.

While enclosing a copy of Government's Notification No. 18/II/81-Ka-2-2012 dated 06/06/2012, I am directed to say that Hon'ble the Court has been pleased to resolved that the aforesaid G.O. dated 06/06/2012 for extension of upper age limit be adopted for recruitment to all Class III and Class IV posts in all judgeship subordinate to the Hon'ble High Court of Judicature at Allahabad.

You are, therefore, requested to keep in view the aforesaid Courts order in connection with the recruitment of Class III and Class IV posts in your Judgeship.

3. ABSORPTION OF EMPLOYEES

**Absorption of employees of the Driver cadre into Class-III Clerical cadre.
C.L. No. 01/Ve-4/Admin (D) Section, Dated Allahabad: 09.01.2013.**

I am directed to inform you that aforesaid matter was placed before Hon'ble Administrative Committee and after careful consideration of the case, it has been resolved that the cadre of Drivers being a separate cadre having pay scale of Class III post, does not qualify to be considered for promotion/absorption to other Class III cadre.,

I am therefore to request you kindly rectify the decision, if taken contrary to the Service Rules providing for recruitment to Class III cadres.

4. TRAINING

Grants under 13th Finance Commission.

No. 19384/Admn.G-II Section, Allahabad : Dated 21.12.2011.

I am directed to say that Court Managers are to be appointed soon in the Hon'ble High Court as well as in the courts subordinate to Hon'ble High Court.

I have been also directed to say that training to the Court Managers about the Case Management, Court Management will be given at IJTR, Lucknow and Army Institute of Management, NOIDA.

Therefore, I am directed to request you to prepare a module and syllabus for training of Court Managers along-with period in consultation with the Army Management Institute, NOIDA in the light of draft rules (copy enclosed).

You are therefore directed to kindly comply the orders of the Hon'ble Court.

5. Matter relating to sending Non-Gazetted employees on deputation to foreign service (other department) and relieving of certain employees of Class III and Class IV of the District Courts for deputation in Armed Forces Tribunal, Regional Bench, Lucknow

C.L. No. 32/VII-b104/Admin. D Section: Dated: 14-10-2011

I am directed to say that after careful consideration upon the matter referred above, the Court has been pleased to reject sending non gazette employees on

deputation basis to foreign services (other department) and also relieving certain employees of Class III and Class IV of the District Courts for deputation in Armed Forces Tribunal, Regional Bench Lucknow.

I am, therefore, to request you to make strict compliance of aforesaid directions of the Court.

CHAPTER-III

STATEMENTS AND RETURNS

Matter regarding printing/writing full names of the Presiding Officers in clear and legible handwriting just below their initials on the Statements.

C.L. No. 20 /Admin. E-II Section Allahabad/ Dated 06.07.2012.

I have been directed to say that as observed, while signing the statements, the Presiding Officers put their short initials only and their names are not legible on the Statements being sent to Hon'ble High Court/Administrative Judges.

It is, therefore, requested to direct the Presiding Officers of your respective District that henceforth, before sending the Statement of Hon'ble High Court/Administrative Judges, full names of the Presiding Officers shall be printed/written in clear and legible handwriting just below their initials to avoid the inconvenience caused to their Lordships.

CHAPTER-IV COPIES

1. INSTRUCTIONS REGARDING PREPARATION OF COPIES

- (i) Supply of Copy of orders through Photostat, which are generated by computers.**

C.L. No. 01/ 2011/Admin. ‘G-II’, Dated 04.1.2012.

In continuation of Court’s Circular Letter No. 24/VIIb-104/Admin.(G) dated March 1, 1990 and C.L. No. 50 /VIIb-104/Admin.(G) dated September 21, 1992, I am directed to say, on the above subject, that the Hon’ble High Court has increased the cost to be charged for issuance of urgent copy through Electro Photo state Copier from Rs One (Rs.1) per page to Rupees Two (Rs. 2) per page.

The aforesaid Circular letters should be deemed modified to the extent as above.

I am further directed to say that amount received against this head may be utilized for computer stationery and photocopying.

I am therefore to request you to comply with this Circular Letter and to bring its contents to the notice of all concerned with immediate effect.

2. PREPARATION OF COPIES

- (i) Issuance of certified copies of the judgments.**

Providing certified copies of judgment to the convicts in Jail.

C.L. No. 42/Admin.“G-II”, Dated: Allahabad 07.12.2013.

- | |
|---|
| 1. C.L. No. 94/VII-b-35
date. 17 th Sep.1953 |
| 2. C.L. No. 75/VIII-a-51
dt. 3 rd Dec. 1960 |
| 3. C.L. No. 23/VII-b-35
dt. 28 th Feb. 1961. |
| 4. C.L. No. 128/IX-f-69
Admin.(G) dt. 20 th
Nov. 1978. |
| 5. C.L.No.78/VII-b-47
dt.21 st May, 1971 |
| 6. C.L.No.21/VII-b—35,
dt.9 th March,1951. |

Hon’ble Court has observed that even after provisions under Section 363 of the Code of Criminal Procedure, rule 146 and 152 of General Rule (Criminal) and various Circular Letters given in the box, the directions of supplying certified copy of the judgment to convicts in jail are still not complied with in letter and spirit.

I am, therefore, directed to request you to issue directions to ensure that the certified copy of the judgment to the convict in jail shall be supplied free of cost and in shortest possible time.

The Jail Superintendents should verify that every convict suffering sentence in jail has received a certified copy of the judgment of conviction for filing an appeal. If a convict has not received a copy of the judgment of conviction, the Jail Superintendent should immediately communicate with the

Registrar or the Administrative Officer of the concerned District Court and ensure that copy of judgment is delivered to the convict expeditiously.

If the Jail Superintendent or any other officer duly authorized applies for a certified copy of the judgment on behalf of a convict, the same shall be issued to him, free of cost and on priority basis.

I am, therefore, to request you to kindly issue directions in this regard to all concerned and to all the Judicial Officers working under your supervision and control for their guidance and compliance in letter and spirit.

(ii) Issuance of copies of records for being used in different judicial proceedings

C.L. No.13 /Admin. 'G-II' Dated Allahabad 17.03.2015

Hon'ble Court has noticed with serious concern on the practice of obtaining copies of records without following proper procedure. This practice is not only illegal but also causes loss of revenue, as regards realization of court fee.

Hon'ble Court has directed, in this regard, to strictly comply with the procedure enshrined in the Chapter XV of General Rules (Criminal), any lapse in complying with this direction shall be taken seriously.

I am, therefore, directed to request you to circulate the above-mentioned direction amongst all the Judicial Officers working under your supervision and control and to ensure strict compliance in letter and spirit.

3. According permission for purchase of generator, FAX Machine, photostat machine, coolers and such other items required for better functioning of the Court.

C.L. No. 06/Admin. 'B-VI' Section: Dated: Allahabad 21.2.2013.

In continuation of Court's Circular Letter No. 169/VIII-b-281, dated November 21, 1977, No. 77/VIII-b-231/Admin. (G), dated December 20, 1991, No. 2/Admin. (B-II), dated October 3, 2001 and No. 1/Admn.(B_1), dated September 12, 2001, I am directed to say that the Court has been pleased to permit you to purchase Generator, FAX Machine, Photostat Machine, Coolers and such other items required for better functioning of the Court, from the examination fund, deposition fund and savings out of the amount received from supply of copies through Electro – photo stat copier.

I am, therefore, to request you to kindly send your request for purchase of aforesaid item(s) out of the aforesaid fund(s) available in your Judgeship, to this Hon'ble Court accordingly whenever it is required, for its consideration.

4. Download final order of the cases from official website of High Court proceedings in which have been terminated by the High Court.

C.L. No. 12/Admin. 'G-II' Dated: Allahabad 17.03.2015

Hon'ble Court has taken a serious note over large pendency caused by non-availability of status reports of the case, in which proceedings have been stayed by the Hon'ble Court. Moreover the information received in enquiries of such cases, serves no useful purpose because it only provides status of the cases whether they are **pending** or **decided**.

In this regard, instead of old practice of inquiry, Hon'ble Court has directed that to acquire the current status of the case, wherein proceedings have been terminated by Hon'ble Court, the officers of the District Court may download the copy of the final order from the official website of the High Court and after getting it verified by the System Officer, place it on record and proceed with the case further in accordance with the directions, if any, contained in the final order.

I am, therefore, directed to request you to circulate a copy of the instant circular letter to all the Judicial Officers and to the System Officer and to issue sufficient directions to comply with the directions of the Hon'ble Court contained in the instant circular letter by all concerned in letter and spirit.

CHAPTER-V INSPECTION

INSPECTION BY OFFICER- IN-CHARGE

Modification of Circular Letter No. 71/VI-f-79 Dated 31.10.1964

C.L. No. 22/Admin. 'G-II' Dated: Allahabad 16.09.2016

Upon Consideration of the reference received from the District Judges of Shahjahanpur, Banda, Fatehpur and Lalitpur as to whether in the absence of the District Judge, the Incharge District Judge may make annual inspection of the subordinate courts and office or not, the Hon'ble Court has resolved that already vide Circular Letter No. 71/IV-f-79, dated 31.10.1964, a communication has been made that the inspection of the subordinate courts and offices should be made by the District Judges or the officiating District Judges themselves, and not by the Additional District Judges or other officers holding charges of the work of the District judges in their absence or for any other reason as required in rule 610 Chapter XXVI of General Rule (Civil) 1957, Volume 1.

Further, it is resolved that the District Judges mentioned in the above Circular Letter would include the incharge District Judges who can make inspection subject to prior approval of High Court and to that extent, the above Circular Letter, No 71/IV-f-79, Dated 31.10.1964, shall stand modified. Therefore, I am directed to request you to kindly circulate a copy of this letter among all the Judicial Officers, under your administrative control for their information and necessary compliance.

CHAPTER-VI COMMUNICATIONS

1. COURIER SYSTEM

(i) Transmission of Dak through Courier

C.L.No.10, 2012/Admin-“G-II” Section, dated 25.01.2012.

In view of the new State of Uttrakhand having been established and new District having been carved out, out of the existing ones, resulting in change in the number of District in the State of U.P. the Hon'ble Court is of the view that the earlier Circular Letter No. 10/Admin 'G' dated 11.1.1997, needs to be superseded and a new circular Letter issued for introducing efficient Courier system so as to ensure expeditious compliance of Hon'ble Court's orders.

Therefore, in supersession of the earlier Circular Letter dated 11.01.1977, I have been directed to say that the District Judges shall send a Courier from their Judgeships to the Hon'ble High Court at Allahabad and its Lucknow Bench on the days fixed for each month as mentioned in the chart annexed to collect the Dak from the Hon'ble High Court to be taken back to the District and also to get all the Dak of the District received in the Hon'ble High Court.

2. COMMUNICATION BY JUDICIAL OFFICERS

(i) Communication to the High Court

Providing the personal file number and I.D. number in future correspondences with the High Court by subordinate judicial officer.

C.L. No. 18/2012/Admin A-II, Dated: Allahabad, May14, 2012.

I am directed to say that while deliberating over the mechanism for uploading the application received from judicial Officers, it has been directed that all the Judicial Officers shall mention their personal file number and I.D. number in future correspondences with the Hon'ble High Court and any correspondence without their personal file number and I.D. Number shall not be entertained from 01.06.2012

You are therefore, requested to kindly bring the contents of this circular letter to the knowledge of all the Judicial Officers under your control for their information and strict compliance.

CHAPTER-VII MISCELLANEOUS ADMINISTRATIVE

1. MONITORING CELL MEETINGS

Information regarding functioning of Courts in the subordinate judiciary

G.L. No. 08/Admn.'G': Dated: Allahabad 18.02.2011.

Upon consideration of the grievances raised by the Bar Council of U.P. regarding various issues pertaining to the functioning of the subordinate Courts, the Hon'ble Court has been pleased to issue following directions:

1. The District & Sessions Judges shall constitute a Committee comprising the District & Sessions Judge, the senior most Additional District & Sessions Judge and one more judicial officer suitable in the discretion of the District & Sessions Judge preferable the Chief Judicial Magistrate. The District & Sessions Judge shall also induct in the said committee the President/General Secretary of the Bar Association and in case there are more than one Bar Association in the judgeship, such induction would be made after discussion by the District & Sessions Judge with such Bar Association regarding the person to be inducted. Further if the Bar Association do not agree upon the mode of representation on the Committee, the association having the largest number of Members would have its President/General Secretary represented. The said Committee should be compact and be constituted immediately and the information of the same be communicated to the Registrar General after discussion with the office bearer of the Bar Association/Associations. The said Committee shall refrain from entertaining disputes which do not relate to functioning of the Court for consideration.

2. The District & Sessions Judges shall strictly ensure that all the judicial officers observe working hours in Court and in case any judicial officer is found defaulting, strict action be taken against the concerned officer under intimation to the Registrar General. If even thereafter the Bar raises complaint about officers not working during court hours, the District & Sessions Judge himself would be held responsible for not maintaining discipline, if the said complaint is found to be correct.

3. By judicial order dated 11.01.2011, the grievance of Bar Association regarding not filling up the post of Public Prosecutor/Assistant Public Prosecutor has been noted and the Government has been directed to ensure appointment of sufficient number of Public Prosecutor/Assistant Public Prosecutors. The District & Sessions Judges shall render information regarding number of still

existing/required vacancies of Public Prosecutor/Assistant Public Prosecutor within fifteen days from the receipt of this letter.

4. The District & Sessions Judges shall report within seven days as to whether Special Judicial Magistrate can preside over Morning/Evening court in their respective areas till such Courts are made functional properly.

5. The District & Sessions Judges shall hold the meeting of judicial officers working in their respective jurisdiction and will impress upon them the need for expeditious disposal of cases in view of huge pendency.

I have been, therefore, directed to requested you to kindly make compliance as directed above and submit your report/information as desired by the Hon'ble Court well within time.

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2. DISCLOSURE OF SENSITIVE INFORMATION WITH REGARD TO SOME OF THE INTELLIGENCE ORGANIZATIONS.

**Disclosure of Sensitive information with regard to some of the
Intelligence Organizations of the Government.**

C.L. No.35/Admin. "G-II" Dated: Allahabad 10.10.2013.

I am directed to request you that if there is a case relating to Intelligence Organizations of the Government, such as R&AW, any sensitive information with regard to such organizations shall not be disclosed.

If necessary, the proceedings of such cases may be held in camera and in any event, the names of the officers concerned and the information relating to them shall not be included in their judgments nor the same shall be published on the website.

I am, therefore, to request you to kindly circulate the aforesaid directions to all the Judicial Officers working under your supervision and control for their guidance and strict compliance.

3. APPEAL FOR CONTRIBUTION OF ONE DAYS'S SALARY TO BE DEPOSITED IN THE PRIME MINISTER'S NATIONAL RELIEF FUND

- (i) Appeal for contribution of one day's salary to be deposited in the Prime Minister's National Relief Fund for the welfare and rehabilitation of affected population and development of the affected area.**

C.L. No. 15/Admin. G-II dated: Allahabad 26.07.2013

You would certainly be aware of the recent wrath of nature in Uttarakhand. The cloud burst and unprecedented flood and land sliding caused loss of thousands of lives and damage to property worth millions and lacs of people displaced as well. A gigantic effort is required to be made on the part of all citizens for rehabilitation on the displaced people, involving reconstruction, and repair of infrastructure particularly of roads, buildings, health, housing and Community Centres.

The Hon'ble Judges of the High Court have decided to contribute Rs. 5000/- or more voluntarily to the Prime Minister's National Relief Fund for the welfare and rehabilitation of the affected people and the development of the affected area. All the Officers/Officials of this High Court at Allahabad and its Bench at Lucknow are also contributing their one day's salary for the purpose as well.

I am, therefore, directed to request you to kindly make an appeal to all the Judicial Officers and the staff working under your administrative control kindly to contribute their one day's salary to the Prime Minister's Relief Fund for this noble cause. A certificate may be made available to the Officers/Officials so contributing the amount to enable them to claim exemption under Section 80G of Income tax Act.

I am further to say that the amount so collected may be transmitted by **Bank Draft** in the name of **Prime Minister's National Relief Fund** to the Hon'ble Court in a lump sum by **16th August, 2013**, so that the amount collected from various judgeships may in-turn be transmitted to the Prime Minister's National Relief Fund by the Hon'ble Court.

I am, therefore, to request you to kindly circulate the aforesaid instructions of the Hon'ble Court to all the Judicial Officers and staff working under your supervision and control.

4. FAMILY PLANNING

Priority in disposal of the Cases of HIV Positive litigants.

C.L. No. 25 /Admin. “G-II” Dated: Allahabad 03.8.2012

There is a growing concern about the problems faced by HIV positive people while approaching courts for justice. The long-drawn legal process coupled with the fear of public identification, discourages them from filing cases. There is then a need to reform the existing procedures in order to make it more conducive for people living with HIV to opt for legal redress. As time is of great essence for people living with HIV court should treat the cases involving them on a priority basis in order that justice does not elude them.

Upon consideration of the D.O. No. 1511/42/2012- Jus(M) dated 21 May, 2012 of Minister of Law and Justice, Govt. of India, Hon’ble court has resolved that priority be given for disposal of cases of HIV positive litigants.

Therefore, I am directed to request you to give priority in disposing of the cases of HIV positive litigants while keeping the identity of HIV positive person(s) confidential so as to make it conducive for HIV positive people to opt for legal redress.

I am to request you to kindly ensure that the above directions are complied with by all the concerned under your administrative control, in letter and spirit.

Non-compliance of the Rule No.-5 “Weekly List for Cases” of the General Rule (Criminal), 1977

C.L. No. 38/2011/Admin. G-II Section, Dated: Allahabad 08-12-2011

It has come to the knowledge of Court that a weekly list of cases fixed for hearing is not being posted/displayed on the last working day of the previous week in some conspicuous place in every court house, in accordance with Rule No.5 of the General Rules (Criminal), 1977.

Therefore, you are requested to ensure the compliance of provisions contained in aforesaid rule by displaying the weekly list of cases on the notice board of every court house in your judgeship.

5. To prevent functioning of Kangaroo Courts within the jurisdiction of District Courts

Letter No.4107 /2015/Main ‘A’/J.R.I. Dated:25.03.2015

It is to inform you that the Hon’ble Court has taken a serious view of the matter pertaining to functioning of Kangaroo Courts in the State of Uttar Pradesh. I

am directed to request you to kindly send your report in regard to the existence of kangaroo courts' within your jurisdiction.

I am further directed to request you to kindly coordinate with the Senior Superintendent of Police/Superintendent of Police of your district to ensure that strict action be taken against the prevalence of such Kangaroo Courts.

I am, also directed to request you to send your report in the matter to the Hon'ble Court on a half yearly basis by 30 June and 30 December commencing from 2015.

CHAPTER-VIII CIVIL CASES

1. APPEALS

Compliance of the judgment and order dated 18.2.2013 of Hon'ble Court (Hon'ble Mr. Justice S.U. Khan) passed in Writ-C No.-8481 of 2013, Anil Kumar Jain Vs. Smt. Kamla Devi and another.

C.L. No. 13/Admin. G-II dated: Allahabad 09.04.2013

The Hon'ble Court (Hon'ble Mr. Justice S.U. Khan) while hearing writ-C No. 8481 of 2013, Anil Kumar Jain Vs. Smt. Kamla Devi and another, noticed that the record of the lower court was summoned by the appellate court for disposing of Misc. Civil Appeal due to which no proceedings could take place in the original suit for 12 long years. The court has deprecated this practice and has been pleased to direct that in no Misc. Civil Appeal or Civil Revision under Section 115 CPC, the file of the trial court shall be summoned. The party filing the Misc. Appeal or Revision shall file such documents which are available on the file of the trial court and on which he wants to place reliance through affidavit. Similarly respondent may also file copies of all such documents which are available on the file of the trial court and on which they want to place reliance through affidavit.

Upon consideration of the above judgment and order the Hon'ble court has resolved to circulate the copy of the same among all the District and Sessions Judges with the request to kindly impress upon all the judicial offices working under their administrative control to follow strictly the instructions contained in the said judgment. Where record is required and called for, the same should be returned forthwith if the proceedings in the court below is not stayed.

Therefore, enclosing herewith the copy of the above-mentioned judgment and order, you are requested to kindly circulate the same among all concerned for necessary compliance in letter and spirit.

2. SUMMONSES AND PROCESSES

(i) Service of summons/judicial processes etc. outside India in Criminal/Civil & Commercial matters

C.L. No. 36/VII-C-6/Admin. (F)/ Dated: Allahabad 05-11-2011

In continuation of earlier court's circular letter no.21/VIIC-6/Admin. (F) Dated 19.10.2004 and another court's circular letter no. 44/VIIC-6 Admin (F) dated 19.10.20106 on the above subject I am enclosing a copy of Central Government Office Memorandum F.No. 12(77) 10 Judl Government of India Ministry of Law and Justice Department of Legal Affairs (Judicial Section) Shastri Bhawan, New Delhi dated 18.08.2011 for your information and necessary action with the request to kindly bring the contents of circular letter to the notice of all the Judicial officers in your judgship for their guidance and necessary strict compliance.

**F.No.12(77)10 Judl
Government of India
Ministry of Law and Justice
Department of Legal Affairs
(Judicial Section)**

**Shastri Bhawan, New Delhi
Dated 18.8.2011**

Office Memorandum

Sub.: Service Abroad of Judicial and Extra-judicial Documents under the Hague Convention of 1965/Mutual Legal Assistance Treatise/Reciprocal arrangements with foreign countries in Civil and commercial Matters-regarding

The undersigned is directed to refer to the subject cited above and to state that this Department is the Central authority for service of summons/notices in foreign countries under the provisions of the above Agreements.

2. It has been observed by this Department that a large numbers of documents received from the various courts are incomplete in one respect or the other and it gets quite difficult to process those documents to the foreign countries for service.

3. It is therefore requested to all Registrar Generals of Supreme Court/High Courts to circulate the following information to the courts within their jurisdiction with the direction to ensure the particulars of documents before sending the summons to this Department:-

S. No.	Particulars of information	
1.	Summons/Notices in duplicate shall be issued providing 3 months time in advance this to Department for affecting the service in foreign countries	
2.	Full address of the party and translation of the documents in the official language of requesting country wherever necessary.	
3.	The Central Authority, USA has authorized to receive the summons/notices under Hague Convention of 1965 to an agency, Process Forward International The Notice/Summons for USA may therefore be sent directly by the Court to Process Forwarding International, 633 Yeslter Way, Seattle, WA 98104, USA along with the required fee etc. (details available at www.hcch.net)	
4.	Ministry of Home Affairs is the nodal ministry and Central Authority for seeking and providing the mutual legal assistance in <u>criminal law matters</u> Ministry of Home Affairs receives all kind of such requests, examines and takes appropriate action(as per circular no. T4410/14/2006 dated 30.04.2010 of Ministry of External Affairs).	
5.	The Central Authorities in Canada are charging a cost of Rs. \$ 50.00 Canadian for the process of service under the Hague Convention of service Abroad of Judicial and Extra Judicial Matters, 1965. The payment accompanying the documents to the served must be in the form of a traveller's cheque or a cheque, in the amount of Can \$50 per request. The travelers cheque or cheque must be drawn on a <u>Canadian Bank</u> . The details may be seen at www.hcch.net	
6.	Consulate General of India in Sydney has informed that the Sheriff's Office of NSW levies a fee of AUD 54 for serving summons through their office. The fee could be remitted in favour of the Consulate General of India, Sydney and the details of the 'Head of Account' under which such	

	payment has to be debited be provided for making necessary action. (details available at www.hcch.net).	
7.	This Department process the service of summons/notices in civil and commercial matters issued by an Indian court for service on a person residing in a foreign country with which there is any reciprocal arrangement. The list of member State/non-member State may be seen at www.hcch.net	

4. Since the member of requests from various courts on the subject has increased to manifold, the incomplete documents received in this regard will be returned to the court concerned with a copy of this circular.

5. This issues with the approval of Hon'ble MLJ.

(M.A. Khan Yusufi)
Joint Secretary and Legal Adviser

(ii) Compliance of guidelines/orders of Hon'ble Supreme Court passed in Petition for Special Leave to Appeal (Civil) No. 33729 of 2010—Subodh Kumar Gupta Vs Alpana Gupta & Ors.

C.L. No. 34/2011/Admin. 'G-II' Dated: Allahabad 22-10-2011

I have been directed to inform you that the aforesaid matter was listed before the Registrar Court of Hon'ble Supreme Court on 19.07.2010 when the Court inter alia passed the following Order:-

“.....the Process Server to see that notices are served either in person or even by affixing the same at the given address as and when any litigant is requesting such Court to help them to confirm dasti service upon the concerned respondent, whose address is following within jurisdiction of such Court. If any litigant refused to accept the notice process server has to file proper report after affixing the notice at the given address as provided under CPC.”

Therefore, you are requested to kindly circulate this letter to all the Judicial Officers working under your supervision and control for their information and necessary compliance.

CHAPTER-IX CRIMINAL CASES

1. Bail

(i) C.L. No. 32/Admin. “G-II’ Dated: Allahabad 26-09-2013

To decide applications for regular bail at the earliest in cases where interim bail has been granted.

While enclosing herewith a copy of judgment and order dated 06.05.2013, passed by Hon’ble Court (Hon’ble Mr. Justice Kalimullah Khan) in Transfer Application (Criminal) NO. 160 of 2013 titled Km. Manisha Vs. State of U.P. & Another, I am directed to say that upon its consideration Hon’ble Court has expressed its displeasure concerning delay in disposal of regular bail application and on extending interim bail unnecessarily again and again without any proper ground and sometimes even without appearance of the accused before court.

Thus Hon’ble Court has directed that in case an interim bail is granted in any matter, the court must not grant adjournment for disposal of such bail application except on very pressing grounds, for the reasons to be recorded in writing and must dispose of the same at the earliest.

I am, therefore, to request you to kindly circulate the aforesaid instructions of the Hon’ble Court to all the Judicial Officers working under your supervision and control for strict compliance of the order of Hon’ble Court in letter and spirit.

(ii) Strict compliance of the provisions of Section 437-A, Cr.P.C.

C.L. No. 12/Admin. G-II dated: Allahabad 15.03.2013.

The Hon’ble Court (Hon’ble Mr. Justice Ravindra Singh and Honn’ble Mr. Justice Anil Kumar Agarwal) while hearing Criminal Appeal No. 2874 of 2011 Santosh Vs. State of U.P. and another filed against the judgment and order dated 8.3.2011 passed by the Additional Sessions Judge, Court No. 2, Mathura in sessions trial No. 374 of 2007 connected S.T. No. 374-A of 2007 and S.T. No. 355 of 2007, noticed that the trial court had not obtained the bail bonds under Section 437-A of Cr.P.C. of the accused who had been acquitted despite the said section having been come into force on 2.11.2010, to ensure his appearance before the higher court as and when such court issued notice in respect of any appeal or petition. Therefore, deprecating the tendency of trial courts or appellate courts not obtaining the bail bonds of the accused to ensure their appearance before the higher

court as and when such court issued notice in respect of any appeal or petition, filed against the judgment of the respective courts, a direction has been issued for issuing a circular letter to all the District and Sessions Judges for ensuring strict compliance of the provisions of the above-mentioned section by all courts under their administrative control.

Earlier a similar lapse, had been noticed by the Hon'ble Court [Hon'ble Mr. Justice Yatindra Singh and Hon'ble Mr. Justice Ram Surat Ram (Maurya)] in Criminal Appeal NO. 5201 of 2007 Nannu and others Vs. State of U.P., Criminal Appeal NO. 5929 of 2007, Lallu Vs. State of U.P. and Criminal Appeal No. 5985 Gabbu Vs. State of U.P. along with the lacuna in the text of form No. 45 not being in consonance with the newly inserted provision mentioned in Section 437-A and vide judgment and order dated 13.2.2012 the Hon'ble Court amended/modified the text of existing proforma as to bring it in conformity with the said section and left it to the discretion of Hon'ble High Court on the administrative side to consider issuing a uniform format of the bail bonds in the light of newly added Section.

Upon consideration of the said judgments and orders passed in the above mentioned Criminal appeals, the Hon'ble Court has desired to make it imperative that, the trial court as well as the appellate court while deciding cases resulting in acquittal, must obtain bail bonds of the accused as well as of the sureties on prescribed proforma enclosed herewith for their appearance before the higher court as and when such court issues notice in respect of any appeal or petition filed against the judgment of the respective court in strict compliance of the provisions made in the section 437-A of Cr.P.C.

Therefore, enclosing here with the copies of the judgments and orders passed in the above-mentioned criminal appeals and the modified proforma of form No. 45 (both English and Hindi version), I am to request you to kindly impress upon all the Judicial Officers under your administrative control to adhere to the directions mentioned therein in letter and spirit and use the aforesaid proforma in the light of the provisions in Section 476 of the Code of Criminal Procedure.

As enclosed.

Appendix-4 **Form No. 45**

Bail & bail – bond for attendance before officer in charge police station or Court
[See Section 436, 436A, 437, 437A, 438 (3) & 441]

I,(name), of(place) having
been arrested or detained without warrant by officer in charge of
.....police station (or having been brought before the Court of

.....) charged with the offence of and required to give security for my attendance before such officer or Court on condition that I shall attend such officer or Court on every day on which any investigation or trial is held with regard to such charge and after conclusion of the trial & delivery of the judgment shall attend the higher Court as and when such a higher Court issues notice within a period of 6 months from the date of judgment on any appeal or Petition filed against the judgment and in case of my making default herein I bind myself to forfeit the Government the sum of Rs.

Signature

I hereby declare myself (or we jointly & severally declare ourselves & each of us) surety (or sureties) for the above said (name) That he shall attend the officer in charge ofPolice station or the Court of on every day on which any investigation into the charge is made or any trial on such charge is held, that he shall be, and appear, before such officer or Court for the purpose of such investigation or to answer the charge against him (as the case maybe) and after the conclusion of the trial and delivery of the judgment shall attend higher Court as and when required within a period of 6 months from the date of judgment on any appeal or Petition filed against the judgment and in case of his making default herein I hereby bind myself (or we hereby bind ourselves) to forfeit to Government the sum of Rs.

Signature

Appendix – 5

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2. RELEASE ORDER

- (i) **Compliance of the direction given by Hon'ble High Court in Criminal Appeal No. 4072 of 2005, Chandrama @ Magram Yadav & Another vs. State.**

C.L. No. 03/Admin. 'G-II' Dated: Allahabad 16.01.2013

In continuation of C.L. No. 114/VIIb-47 of 1978, C.L. No. 124 of 1979 and C.L. No. 73 of 1982, I am directed to say that it is the duty of the officer to fill up all required information in a release order instead of asking a convicted person who is in prison or his pairokars to put down all details in the release order which is to be issued by the Court. The release order must contain every detail for reference or proper identification purposes when being sent to the Jail Superintendent. Thus it is directed by Hon'ble Court that all the courts of the State which are issuing the release orders or which are likely to issue release orders, they must incorporate all the details as per above mentioned circular letters.

Hon'ble Court has also expressed its anguish over increasing number of correction applications being filed in the High Court due to some subordinate courts insisting upon the pairokars of prisoners to get full description of offences, crime number and Section of I.P.C. and other Acts incorporated in the bail orders which are being passed by Hon'ble Court in spite of a Case No. or S.T. No. of the trial court having been mentioned in them for proper reference and identification.

Thus it is directed by Hon'ble Court that if there is sufficient reference of the concerned case or S.T. No. in which bail is being granted by this Court any insistence on the part of courts below for also getting other details incorporated in the bail order, cannot be held to be justified. From the reference of the Case/S.T. Number other details can be ascertained by the subordinate courts from their own record which normally remains available with them and in case any uncertainty still exists in the mind of any Presiding Officer he may ask for any other information to be furnished by the applicant instead of rejecting his application for want of those details in the bail order of the Court and forcing him to get the same corrected.

I am, therefore, to request you to kindly circulate above mentioned judgment dated 12.09.2012 (copy enclosed herewith) passed in Criminal Appeal No. 4072 of

2005, Chandrama @ Magram Yadav & Another Vs. State, amongst all the Judicial Officers working under your supervision and control for their guidance and necessary compliance.

3. PRIVILEGES OF LEGISLATURES

- (i) **Compliance of the direction given by Hon'ble Supreme Court vide order dated 10.03.2014, in Criminal Misc. Case No. 536 of 2011- Public Interest Foundation & Ors. vs. Union of India & Anr.**

C.L. No.17/Admin.'G-II' Dated: Allahabad 04.07.2014

Keeping in view, the growing criminalization in politics due to long delay in trials, Hon'ble Apex Court in above-noted case, has directed that in relation to sitting MPs and MLAs who have charged framed against them for the offences which are specified in Section 8(1), 8(2) and 8(3) of Representation of the People Act, 1951, the trial shall be concluded as speedily and expeditiously as may be possible and in no case later than one year from the date of the framing of charge(s).

In such cases, as far as possible, the trial shall be conducted on a day-to-day basis.

If for some extraordinary circumstances the concerned court is being not able to conclude the trial within one year from the date of framing of charge(s), the court concerned shall submit the report to the Hon'ble Chief Justice, explaining those special reasons clearly for which the above time limit could not be adhered to and the conclusion of the trial was delayed so that Hon'ble The Chief Justice may issue appropriate directions to the court concerned for extending the time for conclusion of the trial.

I am, therefore, to request you to kindly circulate the aforesaid direction of the Hon'ble Court to all the Judicial Officers working under your supervision and control for their information and necessary compliance.

- (ii) **Compliance of the direction given by Hon'ble Supreme Court vide order dated 10.03.2014, in Writ Petition (Civil) NO. 536 of 2011- Public Interest Foundation & Ors. Vs. Union of India & Anr.**

C.L. No. 02/Admin. 'G-II' Dated: 06.01.2015

In continuation of Court's earlier Circular Letter No. 17 dated 04.07.2014 regarding expeditious disposal of cases in relation to sitting MPs and MLAs who

have charges framed against them for the offences which are specified in Section 8(1), 8(2) and 8(3) of Representation of the People Act, 1951, I am directed to say that the Ministry of Home Affairs Government of India has requested the State Governments to direct the Directorate of Prosecution to identify such cases and to move an application before the Judicial Magistrate/Session Judge concerned through the Public Prosecutor to seek their trial on day to day basis in compliance of the directions of Hon'ble Supreme Court in the subject Writ Petition.

Reiterating the directions of Court's earlier Circular Letter no. 17 dated 04.07.2014, I am further directed to say that the District Judge concerned shall personally monitor to ensure disposing of such cases in no case later than one year from the date of framing of charge(s) under the intimation of this Court.

I am, therefore, to request you to kindly circulate the aforesaid directions of the Hon'ble Court to all the Judicial Offices working under your supervision and control and to ensure strict compliance.

4. MEDICO LEGAL REPORT

(i) Forensic Science Laboratory

Compliance of the order dated 20.01.2014 passed by Hon'ble Supreme Court in Criminal Appeal No. 259 of 2009, titled Joshinder Yadav vs. State of Bihar.

C.L. No.14/Admin. G-II dated: Allahabad 27.05.2014.

While deciding the above mentioned Criminal Appeal (copy of the judgment enclosed herewith), Hon'ble the Supreme Court has noticed that in several cases where poisoning is suspected, the prosecuting agencies are not taking steps to obtain viscera report. In this regard Hon'ble Supreme Court has directed that in such cases immediately after the post-mortem, the viscera should be sent to the Forensic Science Laboratory (FSL). The prosecuting agencies should ensure that the viscera, in fact, is sent to the FSL for examination and the FSL should ensure that the viscera is examined immediately and the report is sent to the investigating agencies/court post haste. If the viscera report is not received the concerned court must ask for explanation and must summon the concerned officer of the FSL to give an explanation as to why the viscera report is not forwarded to the investigating agency/court. The court must ensure that it is brought on record.

I am, therefore, to request you to kindly circulate the aforesaid judgment/order of the Hon'ble Supreme Court, to all the Judicial Officers working under you supervision and control, highlighting those aspects which require compliance by them.

5. CHARGE-SHEETS AND FINAL REPORTS

- (i) Compliance of the directions given by Hon'ble Court (Hon'ble Mr. Justice Sudhir Kumar Saxena in Criminal Misc, Case No.2520 of 2012 (482 Cr.PC.)- Pradeep Kumar Shrivastava Vs. State Of Uttar Pradesh and others regarding expeditious disposal of final reports.**

C.L. No. 31 /2012/Admin. 'G-II' dated: Allahabad 11.12.2012.

The Hon'ble court (Hon'ble Mr. Justice Sudhir Kumar Saxena) while dealing with the Criminal Misc. Case No. 2520 of 2012 (482 Cr.PC)- Pradeep Kumar Shrivastava v. State of Uttar Pradesh and others came across shocking pendency of final reports owing to indifference on the part of Magistrates and has been pleased to direct the Chief Judicial magistrates and the Magistrates working under them to dispose of the final reports pending before them on priority basis, if possible, within the period of 3 months from the date of their submission and further directed that the Sessions Judges may impress upon the Chief Judicial Magistrates and other Magistrates to first priorities those cases chronologically the older getting precedence over the subsequently filed cases, lying further stress upon monitoring of the service of notice upon the informants in the monthly monitoring cell meetings with a view to ensuring that the cases in which the parties were served, were not adjourned in routine manner.

Therefore, enclosing a copy of the judgment and order dated 27.7.2012 passes by the Hon'ble Court in the above mentioned case I have been directed to request you to kindly circulate the copy of the said judgment among all the Chief Judicial Magistrates and other Judicial Magistrates working under your administrative control for strict compliance of the same.

6. EVIDENCE

- (i) Guidelines for recording Statement of women witnesses or victims under Section 164 of the Code of Criminal Procedure.**

C.L. No. 24/Admin. G-II dated: Allahabad 27.08.2013

I am directed to say that Hon'ble Court has issued following guidelines in respect of precautions to be taken while recording statements of women witnesses or victims under Section 164 of the Code of Criminal Procedure:-

- (i) Statement of women witnesses or victims under Section 164 of the Code of Criminal Procedure, if possible, should invariably be recorded by a lady Judicial Magistrate.
- (ii) Statement of women witnesses or victims under Section 164 of the Code of Criminal Procedure, may be recorded in camera (not necessarily in chamber).

Provided that the presiding Judge may, if he thinks fit, or on an application made by such witness or victim, allow any particular person to remain present in court room.

- (iii) The statement of a lady witness, if she wishes, may be recorded in the presence of a person (preferably a female) of her wish/choice so that she may feel secured.

I am, therefore, to request you to circulate above-mentioned guidelines to all the judicial officers working your supervision and control for information and strict compliance.

(ii) Directions in connection with recording evidence of a medical practitioner

Order dated 18.10.2010 passed by Hon'ble Supreme Court in Civil Appeal No. 8981 of 2010 (Arising out of SLP (C) No. 10383 of 2007) titled Raj Kumar v. Ajay Kumar & Anr.

C.L. No. 20/ Admin. 'G-II' Dated: Allahabad 26.08.2016

Reiterating the marginally quoted G.L. and Circular Letters and referring to the

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|---|
| 1. G.L. No. 7/VIIIa-5 Dated 7 th August, 1951 |
| 2. C.L. No. 45/ VIII a-5 Dated 24 th March, 1971 |
| 3. C.L. No. 82/ VII b-52 Dated 23 rd September, 1968 |
| 4. C.L. No. 19/ VIII a-84 Dated 24 th April, 1967 |
| 5. C.L. No. 5 Dated 16 th January, 1965 read with |
| 6. C.L. No. 53/ VII-6-52 Dated 4 th October, 1960 |
| 7. C.L. No. 88/ VIII b-52 Dated 4 th November, 1980 |

above-mentioned order of Hon'ble Apex Court, I am directed to apprise you the following directions in connection with recording of evidence of medical practitioners:

1. Efforts should be made to record the evidence of the treating Doctors on commission, after ascertaining their convenient timings.

2. If the Doctors attend the Court for giving evidence, their evidence may be recorded without delay, ensuring that they are not required to wait.

3. The Doctors may be given specific time for attending the court for giving evidence instead of

requiring them to come at 10.30 am or 11 am and wait in the Court Hall. They may be summoned to attend at a time when the court thinks it will be able to examine them keeping in mind the convenience of the doctors.

4. Steps should also be taken that that Medical Practitioners do not have to wait standing outside the courtroom for want of furniture.
5. In cases where the certificates are not contested by the respondents, they may be marked by consent, thereby dispensing with the oral evidence.
6. While issuing summons to a Medical Practitioner full particulars of the case in which he is to be examined should be furnished by the court concerned so as to enable him to come prepared with the case.
7. The Medical Practitioner should be relieved as soon as practicable to avoid dislocation of his work.
8. Frequent summoning of a Medical Practitioner and that too at short notice shall be avoided as far as possible.
9. The summons to the Government Doctors should be routed through the Chief Medical Officer of the district and should be issued well in advance so as to reach at least a week before.

I am, therefore, directed to request you to circulate a copy of the instant Circular Letter amongst all the Judicial Officers working under your supervision and control and to ensure compliance of the same in letter and spirit.

7. CASES OF JUVENILE

- (i) **Regular visit of Presiding Juvenile Board Magistrates from the other districts whose children are lodged in the home in another district.**

C.L. No. 16/Admin. G-II dated: Allahabad 26.07.2013

I am directed to say that Hon'ble Court has resolved that the Magistrates presiding the Juvenile Justice Board of the district where the observation Home is located shall visit Home once in a month and draft an inspection memo, while the Magistrates presiding Juvenile Justice Board of neighbouring districts from where the Juveniles are lodged in Observation Home of other district shall visit officially such Home quarterly to supervise upkeep of the inmates belonging to their districts preferably on a day when the court is not functioning and draft an inspection memo so that he can obtain first hand information of the children belonging to his district in that Juvenile Home and can address their problems, and also make suggestions for the better running of the Home.

I am, therefore to request you to circulate instructions to the Magistrates presiding the Juvenile Justice Board of your district to comply with the above-said directions of Hon'ble Court in letter and spirit.

- (ii) Regarding use of the provisions under Section 309 and 327 of the Code of Criminal Procedure during the trial of cases involving heinous crimes such as rape.**

C.L. No. 09, Main-B/Admin.(A-3): Allahabad: Dated: 08/3/2013

I have been directed to draw your attention to the use of the provisions under Section 309 and 327 of the Code of Criminal Procedure, since the general impression has been that even in the trial of accused involved in heinous crimes, these provisions are not being invoked and used, as scrupulously as they should be. Instead, adjournments are being given even in trial of such serious cases at par with other cases as a norm.

Therefore you are suggested to adhere to these provisions in trial of cases involving heinous crimes such as rape. This has become imperative as continuing delay in dispensation of justice in such cases, may erode the faith of people in the credibility of criminal justice system. The need of the hour then is to respond by conducting trials without adjournment as far as possible and by bringing culprits to justice in the shortest possible time.

- (iii) Compliance of the direction given by Hon'ble High Court in Criminal Appeal No. 4072 of 2005, Chandrama @ Magram Yadav & Another Vs. State.**

C.L. No. 03/Admin. 'G-II' Dated: Allahabad 16.01.2013.

In continuation of C.L. No. 114/VIIb-47 of 1978, C.L. No. 124 of 1979 and C.L. No. 73 of 1982, I am directed to say that it is the duty of the officer to fill up all required information in a release order instead of asking a convicted person who is in prison or his pairokars to put down all details in the release order which is to be issued by the Court. The release order must contain every detail for reference or proper identification purposes when being sent to the Jail Superintendent. Thus it is directed by Hon'ble Court that all the courts of the State which are issuing the release orders or which are likely to issue release orders, they must incorporate all the details as per above mentioned circular letters.

Hon'ble Court has also expressed its anguish over increasing number of correction applications being filed in the High Court due to some subordinate courts insisting upon the paikars of prisoners to get full description of offences, crime number and Section of I.P.C. and other Acts incorporated in the bail orders which are being passed by Hon'ble Court in spite of a Case No. or S.T. No. of the trial court having been mentioned in them for proper reference and identification.

Thus it is directed by Hon'ble Court that if there is sufficient reference of the concerned case or S.T. No. in which bail is being granted by this Court any insistence on the part of courts below for also getting other details incorporated in the bail order, cannot be held to be justified. From the reference of the Case/S.T. No., other details can be ascertained by the subordinate courts from their own record which normally remains available with them and in case any uncertainty still exists in the mind of any Presiding Officer he may ask for any other information to be furnished by the applicant instead of rejecting his application for want of those details in the bail order of the Court and forcing him to get the same corrected.

I am, therefore, to request you to kindly circulate above mentioned judgment dated 12.09.2012 (copy enclosed herewith) passed in Criminal Appeal No. 4072 of 2005, Chandrama @ Magram Yadav & Another Vs. State, amongst all the Judicial Officers working under your supervision and control for their guidance and necessary compliance.

(iv) Compliance of the direction given by Hon'ble Supreme Court vide order dated 10.03.2014, in Criminal Misc. Case No. 536 of 2011- Public Interest Foundation & Ors. vs. Union of India & Anr.

C.L. No.17/Admin.'G-II' Dated: Allahabad 04.07.2014

Keeping in view, the growing criminalization in politics due to long delay in trials, Hon'ble Apex Court in above-noted case, has directed that in relation to sitting MPs and MLAs who have charged framed against them for the offences which are specified in Section 8(1), 8(2) and 8(3) of Representation of the People Act, 1951, the trial shall be concluded as speedily and expeditiously as may be possible and in no case later than one year from the date of the framing of charge(s).

In such cases, as far as possible, the trial shall be conducted on a day-to-day basis.

If for some extraordinary circumstances the concerned court is being not able to conclude the trial within one year from the date of framing of charge(s), the court concerned shall submit the report to the Hon'ble Chief Justice, explaining

those special reasons clearly for which the above time limit could not be adhered to and the conclusion of the trial was delayed so that Hon'ble The Chief Justice may issue appropriate directions to the court concerned for extending the time for conclusion of the trial.

I am, therefore, to request you to kindly circulate the aforesaid direction of the Hon'ble Court to all the Judicial Officers working under your supervision and control for their information and necessary compliance.

- (v) **Compliance of the order dated 20.01.2014 passed by Hon'ble Supreme Court in Criminal Appeal No. 259 of 2009, titled Joshinder Yadav Vs. State of Bihar.**

C.L. No.14/Admin. G-II dated :Allahabad 27.05.2014

While deciding the above mentioned Criminal Appeal (copy of the judgment enclosed herewith), Hon'ble the Supreme Court has noticed that in several cases where poisoning is suspected, the prosecuting agencies are not taking steps to obtain viscera report. In this regard Hon'ble Supreme Court has directed that in such cases immediately after the post-mortem, the viscera should be sent to the Forensic Science Laboratory (FSL). The prosecuting agencies should ensure that the viscera, in fact, is sent to the FSL for examination and the FSL should ensure that the viscera is examined immediately and the report is sent to the investigating agencies/court post haste. If the viscera report is not received the concerned court must ask for explanation and must summon the concerned officer of the FSL to give an explanation as to why the viscera report is not forwarded to the investigating agency/court. The court must ensure that it is brought on record.

I am, therefore, to request you to kindly circulate the aforesaid judgment/order of the Hon'ble Supreme Court, to all the Judicial Officers working under you supervision and control, highlighting those aspects which require compliance by them.

- (vi) **Compliance of order dated 18.12.2013, passed by Hon'ble Court in Criminal Misc. Writ Petition No. 1140 of 2013 titled Pappu Yadav @ Bhoo Prakash Vs. State of U.P. & Others.**

C.L. No.09/Admin. 'G-II' Dated: Allahabad 21.03.2014

While enclosing herewith a Photostat copy of order dated 18.12.2013, passed by Hon'ble Court in Criminal Misc. Writ Petition No. 1140 of 2013 titled Pappu Yadav @ Bhoo Prakash Vs. State of U.P. & Others and while referring to

the judgment delivered by Hon'ble Court in **Shiv Prasad Vs. State of U.P. And another**, report in **UP 1991 (28) ACC 487** and in **Sahab Singh Vs. State of U.P.** reported in **2003 (46) ACC 157** I am directed to state that Hon'ble Court has taken a serious note of the fact of not following the ratio laid down by the Court in above mentioned cases by the lower appellate courts and continuously deciding the appeals under Section 72(2) of U.P. Act No. IV of 1910 as criminal appeals against confiscation order.

Hon'ble Court has directed in this regard to comply with the **Govt. Notification NO. 4986 (E)/XIII-157, dated June 4, 1978 published in U.P. Gazette (Extra.) dated 4th June 1978** (enclosed herewith) and the judicial pronouncement made by the Hon'ble Court to register and decide the appeal against confiscation order, under Section 72(7) of the U.P. Act No. IV of 1910 as a civil appeal and not as a criminal appeal. Hon'ble Court has also desired in this regard that endeavour should preferably be made to decide these appeals by the District Judge himself.

I am, therefore, to request you to kindly circulate the aforesaid judgment/order of the Hon'ble Court, to all the Judicial Officers working under your supervision and control, highlighting those aspects which require compliance by them.

(vii) Proforma to be appended with complaint U/s 138 of Negotiable Instrument Act, 1881.

C.L. No.06/2014/Admin. 'G-II' Allahabad, dated 19.02.2014

I am directed to send herewith a proforma to be appended with the complaint u/s 138 of Negotiable Instrument Act, 1881 and to request you to ensure that the proforma be got filled up and taken alongwith the complaints so filed in your judgship.

I am, therefore, to request you that the aforesaid directions of the Hon'ble Court may kindly be brought to the notice of all the judicial officers working under your administrative control, to the member of the Bar and to further ensure its strict compliance.

PROFORMA

(to be appended with the Complaint U/s. 138 N.I. Act)

IN THE COURT OF _____

DISTRICT _____

1. Complainant :

- (in case company then specify the person authorized)
2. Respondent(s)/ Accused(s) :
(in case company then specify the person authorized/signatory of cheque)
A.
B.
C.
3. A) Amount of Cheque B) Date of
Cheque.....
C) Drawn on Bank D) Branch
.....
E) Payee Bank F) Branch
.....
4. Date of Dishonour :
5. Reasons for Dishonour :
6. Date of knowledge of Dishonour of Cheque :
7. Date on which Notice sent :
8. Date of Service (Actual)
(Deemed, if any)
9. Date of Filing Complaint :
10. Whether filed within the statutory Limitation Period : ☐ ☐
If NO then Delay Condoned on
11. Documents Filed (Please tick)
- | | |
|--------------------------------------|--------------------------|
| 1. Cheque | <input type="checkbox"/> |
| 2. Memo of Dishonour/Bank Intimation | <input type="checkbox"/> |
| 3. Copy of Legal Notice | <input type="checkbox"/> |
| 4. Copy of Postal Receipt | <input type="checkbox"/> |
| 5. Copy of A.D., if any | <input type="checkbox"/> |
| 6. Other (Please specify) | <input type="checkbox"/> |
- Date _____ Counsel for the Complainant _____

8. EXPEDITIONUS DISPOSAL

- (i) **Fast tracking of cases relating to women, juvenile and Prevention of Corruption Act, 1988.**

C.L. No. 23/Admin. G-II dated: Allahabad 22.08.2013.

A serious concern has been shown by the Hon'ble Apex Court over the mounting pendency of cases relating to offences against women, juveniles and

covered under the Prevention of Corruption Act, 1988 over a period of time, may be due to lack of deterrent effect on account of slow place of grinding of wheels of justice. An effective and expeditious dispensation justice would go a long way in arresting not only the arrears of cases but in alleviating the affliction of society from crime against women and children which otherwise would have a deleterious effect. Corruption is a malady which calls for preventive, punitive and reformatory approach. The punitive action against the guilty protects the society from potential offenders. Modern civil society is in great need of corruption free society, therefore delay in disposal of these cases would not help in arresting this evil.

Therefore, upon consideration of the matter, the Hon'ble court has desired that the cases relating to crime against women, juveniles and covered under the Prevention of Corruption Act be fast tracked and be taken up for hearing and disposal on priority basis.

I am therefore to request you to kindly direct the officers under your administrative control to take up the cases of the above category for hearing on priority basis and fast track their disposal.

I am further directed to request you to kindly send a consolidated monthly report of your judgeship regarding pendency and disposal of the cases of above nature every month which must reach the Hon'ble court by 7th day of the month following for being submitted to the Hon'ble apex court. The 1st such report must reach court from the month of August which should reach by 7th day in the month of September positively.

Kindly treat this as most urgent.

9. COMPLIANCE OF ORDERS OF SUPREME COURT AND HIGH COURTS

(i) Direction given by Hon'ble High Court in Criminal Appeal No. 17410 of 2011- Shaukin v. State of U.P.

Letter No. 18858-2011/Admin. 'G-II' dated: Allahabad 08.12.2011.

I am directed to send herewith a copy of order dated 11.10.2011, passed by the Hon'ble High Court in Criminal Appeal No. 17410 of 2011 – Shaukin v. State of U.P. and others with the request kindly to circulate the same amongst the Judicial Officers concerned for information and compliance.

(ii) Direction given by Hon'ble High Court in Criminal Appeal No. 74 of 2001 – State of U.P. v. Gauri Shanker.

Letter No. 18858-2011/Admin. 'G-II' dated: Allahabad 08.12.2011.

I am directed to send herewith a copy of order dated 24.08.2011, passed by the Hon'ble High Court in Criminal Appeal No. 74 of 2001 – State of U.P. v. Gauri Shanker with the request to kindly circulate the same amongst Judicial Officers working under your control for information and compliance.

(iii) Compliance of guidelines/Judgment of Hon'ble Supreme Court passed in Criminal Appeal No. 1758 of 2011- Raghuvansh Dewanchand Bhasin v. State of Maharashtra & Anr. Regarding guidelines by Court

C.L. No. 06/201/Admin. 'G-II' Dated: 19.01.2012

I am, directed to inform you that Hon'ble the Supreme Court, in the captioned matter, has framed following guidelines to be adopted in all cases where no-bailable warrants are issued by the Courts:-

The Guidelines

- (a) All the High Court shall ensure that the Subordinate Courts use printed and machine numbered Form No. 2 for issuing warrant of arrest and each such form is duly accounted for,
- (b) Before authenticating the Court must ensure that complete particulars of the case are mentioned on the warrant;
- (c) The presiding Judge of the court (or responsible officer specially authorized for the purpose in case of High Court) issuing the warrant should put his full and legible signatures on the process, also ensuring that Court seal bearing complete particulars of the Court is prominently endorsed thereon;
- (d) The court must ensure that warrant is directed to a particular police officer (of authority) and, unless intended to be open-ended, it must be returnable whether executed or unexecuted, on or before the date specified therein;
- (e) Every Court must maintain a register (in the format given below), in which each warrant of arrest issued must be entered chronologically and the serial number of such entry reflected on the top right hand of the process;
- (f) No warrant of arrest shall be issued without being entered in the register mentioned above and the concerned court shall periodically check/monitor the same to confirm that every such process is always returned to the court with due report and placed on the record of the concerned case;
- (g) A register similar to the one in clause (e) supra shall be maintained at the concerned police station. The Station House Officer of the concerned Police Station shall ensure that each warrant of arrest issued by the Court, when received is duly entered in the said register and is formally entrusted to a

responsible officer for execution;

- (h) Ordinarily, the Courts should not give a long time for return of execution of warrants, as experience has shown that warrants are prone to misuse if they remain in control of executing agencies for long;
- (i) On the date fixed for the return of the warrant, the Court must insist upon a compliance report on the action taken thereon by the Station House Officer of the Concerned Police Station of the Officer-incharge of the concerned agency;
- (j) The report on such warrants must be clear, cogent and legible and duly forwarded by a superior police officer, so as to facilitate fixing or responsibility in case of misuse;
- (k) In the event of warrant for execution beyond jurisdiction of the Court issuing it, procedure laid down in Sections 78 and 79 of the Code must be strictly and scrupulously followed; and
- (l) In the event of cancellation of the arrest warrant by the Court, the order cancelling warrant shall be recorded in the case file and the register maintained. A copy thereof shall be sent to the concerned authority, requiring the process to be retuned unexecuted forthwith. The date of receipt of the unexecuted warrant will be entered in the aforesaid register. A copy of such order shall also be supplied to the accused.

Format of the Register

Sl. No.	The number printed on the form used	Case title and particulars	Name & Particulars of the person against whom warrant of arrest is issued (accused / witness)	The officer / person to whom directed	Date of judicial order directing arrest warrant to be issued	Date of issue	Date of cancellation if any	Due date of return	Report returned on	The action taken as reported	Remarks

Therefore, while enclosing herewith a copy of the Order dated 09.09.2011 passed by the Hon'ble Supreme Court in the above mentioned case you are requested to kindly circulate this circular letter to all the judicial officers under your supervision and control for their information and necessary compliance.

- (iv) **Compliance of the directions given by Hon'ble Court in Criminal Appeal no. 6776 of 2007- Ajant Singh Vs. State of U.P. in respect of putting number of cases of special category like Gangster Act, SC & ST Act etc. and adopting correct procedure in initiations of proceedings under Section 446 Cr. PC.**

C.L. No. 05/ 2012/Admin. 'G-II' Dated 16.1.2012.

While deciding the above noted Criminal Appeal no. 6776 of 2007 Ajant Singh V. State of U.P. the Hon'ble Court has noticed that different practice is being followed in different Judgeship for putting number of cases like Gangster Act, SC & ST Act etc. and also that the Subordinate Courts are not following the correct procedure while initiating the proceedings under Section 446 of Cr. PC for recovery of the amount after forfeiture. It has been desired by the Hon'ble Court that uniform practice be followed throughout the entire State. With above object in mind the Hon'ble Court has observed that there are two types of Criminal cases which are to be tried by the Sessions Judge including Additional Sessions Judge and Special Judge. The First category of cases are Sessions trial under the Provisions of Indian Penal Code committed to the Court of Sessions by the Magistrate under the provisions of Section 209 Code of Cr. PC and in the second category there are cases which are to be tried under the provisions of enactment of the State Government and Central Government by which the cases are being filed directly before designated Special Judge like the Gangster Act/ SC & ST cases, Electricity Cases etc. The cases which are committed by the Magistrate are to be received in the officer Sessions Judge and all the cases which are committed to the court of Sessions are numbered in register maintained by the Sessions Judge whereas the cases of special category are not to be received in the officer of the Sessions Judge, but are to be received by the office of Special Judge (Gangster/SC & ST Act etc.) and these cases of special category which are not received after committal must be numbered as criminal cases and which are not received after committal must be numbered as criminal cases and not the Sessions trial. The procedure of Sessions trial and criminal cases is also different.

The Hon'ble Court further observed that most of the judicial officers are not following the correct procedure after forfeiture of the bail bonds and they are not putting separate number of misc. criminal cases while initiating proceedings under Section 446 Cr. PC for recovery of the amount of bail bonds and some of the judicial officers continue to pass orders regarding the recovery of amount under Section 446 Cr. PC in the file of Sessions trial. Whereas the law and rules provide that the proceedings under Section 446 Cr. PC must be registered separately and separate number must be put to such proceedings. It is highly improper to continue

recovery proceedings under Section 446 Cr.PC in the file of Sessions trial without putting separate misc. number of such file.

In view of the above observations of Hon'ble Court, I am directed to communicate that from now onwards all the cases pertaining to special category such as Gangster/SC& ST Act etc. shall not be registered as Sessions trial rather such cases shall be registered as 'Special Criminal Cases' so as to distinguish them from such category of cases which are being received after committal and further in drawing proceedings under Section 446 Cr.P.C., every such proceedings shall be registered as a separate misc. case.

Therefore, while enclosing a copy of the above noted judgment I am to request you to kindly bring the contents of this Circular letter to the notice of all the judicial officers working in the judgeship under your administrative control and to ensure that the direction given above are strictly followed by them.

(v) Directions issued by Hon'ble Supreme Court of India in Writ Petition (C) No. 75 of 2012 – Bachpan Bachao Andolan vs. Union of India & Ors.

C.L. No. 43/Admin. "G-II" Dated: Allahabad 07.12.2013

While enclosing herewith a Photostat copy of the order dated 10.05.2013 passed by Hon'ble Supreme Court in Writ Petition (C) No. 75 of 2012 titled Bachpan Bachao Andolan vs. Union of India and Ors., I am directed to say that in case of every missing child reported, there shall be an initial presumption of either abduction or trafficking, unless, in the investigation, the same is proved otherwise. The Magistrate, upon receipt of the information of such complaint, recorded under Section 155 Code of Criminal Procedure, shall proceed, in the meantime, to take appropriate action under Sub-Section (2).

I am, therefore, to request you to kindly circulate the aforesaid directions and the enclosed judgment/order of the Hon'ble Supreme Court to all the Judicial Officers working under your supervision and control, highlighting those aspects which require compliance by them.

(vi) Compliance of order dated 18.12.2013, passed by Hon'ble Court in Criminal Misc. Writ Petition No. 1140 of 2013 titled Pappu Yadav @ Bhoo Prakash Vs. State of U.P. & Others.

C.L. No.09/Admin. 'G-II' Dated: Allahabad 21.03.2014.

While enclosing herewith a Photostat copy of order dated 18.12.2013, passed by Hon'ble Court in Criminal Misc. Writ Petition No. 1140 of 2013 titled Pappu Yadav @ Bhoo Prakash Vs. State of U.P. & Others and while referring to the judgment delivered by Hon'ble Court in **Shiv Prasad Vs. State of U.P. And another**, report in **UP 1991 (28) ACC 487** and in **Sahab Singh Vs. State of U.P.** reported in **2003 (46) ACC 157** I am directed to state that Hon'ble Court has taken a serious note of the fact of not following the ratio laid down by the Court in above mentioned cases by the lower appellate courts and continuously deciding the appeals under Section 72(2) of U.P. Act No. IV of 1910 as criminal appeals against confiscation order.

Hon'ble Court has directed in this regard to comply with the **Govt. Notification NO. 4986 (E)/XIII-157, dated June 4, 1978 published in U.P. Gazette (Extra.) dated 4th June 1978** (enclosed herewith) and the judicial pronouncement made by the Hon'ble Court to register and decide the appeal against confiscation order, under Section 72(7) of the U.P. Act No. IV of 1910 as a civil appeal and not as a criminal appeal. Hon'ble Court has also desired in this regard that endeavour should preferably be made to decide these appeals by the District Judge himself.

I am, therefore, to request you to kindly circulate the aforesaid judgment/order of the Hon'ble Court, to all the Judicial Officers working under your supervision and control, highlighting those aspects which require compliance by them.

(vii) Compliance of guidelines/orders of Hon'ble Supreme Court passed in Criminal Appeal No. 963 of 2010- Damodar S. Parabhu v. Sayed Babalal H.

C.L. No. 04/2012/ Admin. 'G-II' Dated: Allahabad 16.01.2012.

I am directed to inform you that Hon'ble the Supreme Court, in the captioned matter, has framed following guidelines for a graded scheme of imposing costs on parties who unduly delay compounding of the offences as contemplated by Section 147 of the Negotiable Instruments Act, 1881 (for short "the Act") and also directed for controlling the filing of multiple complaints that are relatable to the same transaction under Section 138 of the Act:-

The Guidelines

- (a) That directions can be given that the Writ of Summons be suitably modified making it clear to the accused that he could make an application for compounding of the offences at the first of second hearing of the case and that if such an application is made, compounding may be allowed by the court without imposing any costs on the accused.
- (b) If the accused does not made an application for compounding as aforesaid

then if an application for compounding is made before the Magistrate at a subsequent stage, compounding can be allowed subject to the condition that the accused will be required to pay 10% of the cheque amount to be deposited as a condition for compounding with the Legal Services Authority, or such authority as the Court deems fit.

(c) Similarly, if the application for compounding is made before the Sessions Courts or a High Court in revision or appeal, such compounding may be allowed on the condition that the accused pays 15% of the cheque amount by way of costs.

(d) Finally, if the application for compounding is made before the Supreme Court, the figure would increase of 20% of the cheque amount.

Let it also be clarified that any costs imposed in accordance with these guidelines should be deposited with the Legal Services Authority operating at the level of the Court before which compounding take place. For instance, in case of compounding during the pendency of proceedings before a Magistrate's Court or a Court of Sessions, such costs should be deposited with the District Legal Services Authority. Likewise, costs imposed in connection with composition before the High Court should be deposited with the State Legal Services Authority and those impose in connection with composition before the Supreme Court should be deposited with the National Legal Services Authority.

Therefore, while enclosing herewith a copy of the Order dated 03.05.2010 passed by the Hon'ble Apex Court in the above mentioned case you are requested to kindly circulate this circular letter to all the Judicial Officers under you supervision and control for their information and necessary compliance.

(viii) Compliance of the direction given by Hon'ble High Court in Criminal Misc. (P.I.L.) Writ Petition No. 1797 of 2011- Mohammad Qasim Vs. Union of India and others

C.L. No. 18/Admin. 'G-II' Dated: Allahabad 27-04-2011

While enclosing herewith a copy of the order passed in the aforesaid Writ Petition, I am directed to communicate you that the direction contained in the order of Hon'ble High Court, be complied forthwith.

I am further directed to request you to kindly circulate the aforesaid Judgment/order of the Court to all the Judicial Officers working under your supervision and control for their guidance and necessary compliance.

(ix) Circulation of the copy of the Judgment dated 22nd November, 2010 passed by the Hon'ble Apex Court in Petition(s) for Special Leave to Appeal

Crl. No. 9507/2010 (Crl. MP No. 23051/2010) Rajbir @ Raju & Another Vs. State of Haryana

C.L. No. 11/2010 Admin. G-II Dated: Allahabad 07-03-2011

While enclosing a copy of the judgment & order dated 22.11.2010 passed by Hon'ble the Apex Court (Hon'ble Mr. Justice Markandey Katju and Hon'ble Justice Gyan Sudha Misra) in Special Leave Petition (Crl.) No. 9507 of 2010 (entitled Rajbir @ Raju & Another Vs. State of Haryana), I am directed to say that the Hon'ble Supreme Court has directed to ordinarily add section 302 I.P.C. to the charge of section 304-B I.P.C. So that death sentence can be imposed in such heinous and barbaric crimes against women.

I am, therefore, to request you to circulate the circular letter and copy of Judgment/Order of Hon'ble the Supreme Court to all the Judicial Officers under your administrative control for their information & guidance.

10. CRIME AGAINST WOMEN

- (i) Compliance of the direction given by Hon'ble Supreme Court in Writ Petition (Civil) No. 559 of 1994 – R.D. Upadhyay Vs. State of A.P. and others.**

C.L. No. 44/Admin. "G-II" Dated: Allahabad 07.12.2013

While enclosing herewith a copy of the order dated 01.08.2013 passed by Hon'ble Supreme Court in Writ Petition (Civil) No. 559 of 1994 titled R.D. Upadhyay Vs. State of A.P. & Ors., I am directed to say that Hon'ble Apex Court has expressed deep concern over the plight of women under trial prisoners and that of their children languishing in various jails with their mothers. Hon'ble Apex Court has directed to impress upon all the courts of the country dealing with cases of women prisoners whose children are in prison with their mothers to give priority to such cases and to decide their cases expeditiously.

Hon'ble Court has directed in this regard that the District & Sessions Judge shall obtain quarterly returns from the Jail Superintendent in regard to number of women convicts who are lodged in jail either with children or without children mentioning the age of the child. The District Judges should ensure that on receipt of information necessary steps are taken for expeditious disposal of cases by informing the courts where these cases are pending.

I am, therefore, to request you to kindly issue necessary directions along with the aforesaid Judgment and order of the Hon'ble Supreme Court to all the

Judicial Officers working under your supervision and control to give priority to cases of women prisoners whose children are in prison with their mother and to decide such cases expeditiously.

(ii) Regarding use of the provisions under Section 309 and 327 of the Code of Criminal Procedure during the trial of cases involving heinous crimes such as rape.

C.L. No. 09, Main-B/Admin.(A-3): Allahabad: Dated: 08.3.2013

I have been directed to draw your attention to the use of the provisions under Section 309 and 327 of the Code of Criminal Procedure, since the general impression has been that even in the trial of accused involved in heinous crimes, these provisions are not being invoked and used, as scrupulously as they should be. Instead, adjournments are being given even in trial of such serious cases at par with other cases as a norm.

Therefore you are suggested to adhere to these provisions in trial of cases involving heinous crimes such as rape. This has become imperative as continuing delay in dispensation of justice in such cases, may erode the faith of people in the credibility of criminal justice system. The need of the hour then is to respond by conducting trials without adjournment as far as possible and by bringing culprits to justice in the shortest possible time.

(iii) Strict compliance of Sec. 309 of Cr.P.C.

C.L. No. 20/Admin. 'G-II' Dated: Allahabad 04.05.2015

In continuation of marginally quoted Court's earlier Circular Letters and in the light of Hon'ble Apex Court's orders passed in the cases of Akil alias Javed VS. State of NCT of Delhi, reported in 2012 (11) SCALE 709, in paras 27 to 36: State of UP Vs. Shambhu Nath Singh and others, reported in 2001 (4) SCC 667; Raj Deo Sharma Vs. State of Bihar, 1999 Cr.L.J. 4541 and Lt. Col. SJ. Chaudhari Vs. State (Delhi) Administration, (1984) 1 SCC 722, I am directed to state that the High Court is noticing disturbing trend in criminal trials, where Sessions cases are being

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| 1. C.L. No. 152/VIII-b-13, 28.10.1974 |
| 2. C.L. No. 58-50/Admn 'G', 23.11.1992 |
| 3. C.L. No. 54/VIIIb-18, 06.12.2000 |
| 4. C.L. No. 8/VIIIb-18, 07.02.2000 |
| 5. C.L. No. C-72/1990, 26.07.1990 |

adjourned, in some cases to suit convenience of counsels or because the prosecution or the defence is not fully ready and considers it necessary to draw the attention of all the Sessions Judges and Additional Sessions Judges once again to the provision of Section 309 of the Code of Criminal Procedure, 1973 and directs

them to adhere strictly to these provisions and instructions given below while granting adjournment in Sessions Cases:

- (1) Trial Judges are reminded of the need to comply with Section 309 of the Code in letter and spirit.
- (2) In every inquiry or trial the proceedings shall be held as expeditiously as possible, and in particular, when the examination of witnesses has once begun, the same 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: (Section 309 (1) Cr.P.C.)
- (3) When the inquiry or trial relates to an offence under Sections 376 to 376D of the Indian Penal Code (45 of 1860), the inquiry or trial shall, as far as possible, be completed within a period of two months from the date of commencement of the examination of witnesses. (Vide amendment by Act No. 5 of 2009 effective from 31.12.2009).
- (4)
 - (a) No adjournment shall be granted for the purpose only of enabling the accused person to show cause against the sentence proposed to be imposed on him. (vide Act No. 45 of 1978, effective from 18.12.1978).
 - (b) No adjournment shall be granted at the request of a party, except where the circumstances are beyond the control of that party;
 - (c) The fact that the pleader of a party is engaged in another Court, shall not be a ground for adjournment;
 - (d) where a witness is present in Court but a Party or his pleader is not present or the party or his pleader though present in Court, is not ready to examine or cross examine the witness, the Court may, if thinks fit, record the statement of the witness and pass such orders as it think fit dispensing with the examination in chief or cross-examination of the witness, as the case may be (vide amendment by Act No. 5 of 2009, effective from 1.11.2010).
- (5) Adjournment or postponement can only be made, in a proper case, on payment of sufficient costs on the party seeking the adjournment. When examination of witnesses has begun and the witnesses are in attendance, the trial may be adjourned without examining the witnesses only for special reasons (**i.e. for exceptional and not ordinary reasons**) to be recorded in writing.
- (6) The terms on which an adjournment or postponement may be granted include, in appropriate cases, the payment of costs by the prosecution or the accused. Strict action is to be taken against the defaulting party in case the trial is not conducted as expeditiously as possible, including by cancelling the bail of the accused or by imposing heavy costs commensurate with the loss of earning of the witness who appears for giving evidence in the case, and especially when the examination of the witnesses has once begun, the same has to be carried out on a

day to day basis unless all the witnesses in attendance are examined and unless the Court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded for a period it considers reasonable, and may by a warrant remand the accused if in custody for a period not exceeding fifteen days. (See explanation 2 to section 309 & Akil alias Javed Vs. State of NCT of Delhi, reported in 2012 (11) SCALE 709, in paras 27 to 36, State of U.P. Vs. Shambhu Nath Singh and others, reported in 2001 (4) SCC 667; Raj Deo Sharma Vs. State of Bihar, 1999Cr.L.J. 4541 and Lt. Col. S.J. Chaudhari Vs. State (Delhi) Administration, (1984) 1 SCC 722.

(7) Sessions cases should be disposed of within one year of their institution, the date of commitment being taken as the date of institution Cases pending for longer periods should be regarded as old cases in respect of which explanations should be furnished in the calendar statements and in the periodical returns.

(8) Sessions cases should be given precedence over all other work and no other work should be taken up on session's days until the sessions work for the day is completed. If for any reason, a case has to be adjourned or postponed, intimation should be given forthwith to both sides and immediate steps be taken to stop the witnesses and to secure their presence on the adjourned date.

(9) On receipt of the order of commitment the case should be posted for trial to as early a date as possible, sufficient time, say three weeks, being allowed for securing the witnesses. Sufficient time should be allowed for each case so that one case does not telescope into the next. Every endeavour should be made to avoid telescoping and for this, if necessary, the court should commence sitting earlier and continue sitting later than the normal hours.

I am, therefore, to request you to kindly circulate the aforesaid instructions of the Hon'ble Court to all the judicial officers working under your supervision and control for strict compliance for ensuring the expeditious disposal of Sessions cases.

11. JURISDICTION

(i) Compliance of the directions given by Hon'ble Court in Criminal Appeal No. 5005/2009, Smt. Manbhawati Pathak vs. State of U.P. read with Criminal Appeal No. 5298/2009, Shashi Ranjan Pandey vs. State of U.P.

C.L. No. 27/Admin. G-II dated: Allahabad 04.09.2013.

The Hon'ble Court while considering the above mentioned Criminal Appeals has noticed that the trial courts mostly manned by Additional Sessions

Judges are being described by them as Special Court (E.C. Act), N.D.P.S. Act etc. while pronouncing the judgments in sessions trials which is not in accordance with the provisions given in section 9 of Cr.P.C., as the court of sessions has to be manned by a Sessions Judge, jurisdiction of which may also be exercised by an Additional Sessions Judge. The said scheme of allocating the jurisdiction in Cr.P.C. does not recognize any Special Judge or any Special Sessions Judge in respect of session trials, therefore use of such designation creates great confusion as no such nomenclatures are assigned to a court of sessions which carries out sessions trials as per Chapter XVIII of the Cr.P.C. No Special Judge under any Act is empowered to try an offence which is shown triable by the court of sessions as per the schedule of the Cr.P.C., however it is true that the special court so constituted under an Special Act may have to be manned by either a Sessions Judge or an Additional Sessions Judge. Therefore the Hon'ble Court has directed that the officers be instructed not to describe their courts by names which creates confusion or which does not really reflect their constitution as per Cr.P.C. while delivering judgments in sessions cases.

Upon consideration of the above judgment and order of the Hon'ble Court, it has been resolved to circulate the copy of the said judgment among all the offices working under your administrative control for their necessary guidance and compliance.

Therefore, enclosing herewith a copy of the said judgment and order, I am to request you to kindly circulate a copy of the same among all the offices of your judgship for strict compliance of the same.

(ii) Expeditious disposal of the trial of SC/ST Cases

C.L. No. 12/Admin. 'G-II' Dated: Allahabad 28.04.2014

In continuation of Court's earlier circular letter **no. 07 dated 20.02.2007**, I am directed to request to impress upon all the Judicial Officers working under your administrative control to conclude all criminal trials including the trial of SC/ST Cases as early as possible with the help of Amended provision of Section 309 of Code of Criminal Procedure.

I am, therefore, to request you to kindly circulate the aforesaid direction of Hon'ble Court to all the Judicial Officers working under your supervision and control for their information and necessary compliance.

(iii) To ensure speedy trial of cases relating to atrocities on Scheduled Castes and Scheduled Tribes.

C.L. No. 7/2007/Admin. 'G' Dated: Allahabad 20.02.2007

The Government of India, Ministry of Home Affairs, New Delhi has nominated to the Court that the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the Ministry of Tribal Affairs, while considering the matter pertaining to atrocities on Scheduled Castes and Scheduled Tribes and patterns of social crimes towards them recommended as under:

“The Committee are aware that one of the terms of reference of the Malimath Committee was to suggest a round system of managing, on professional lines, the pendency of cases at investigation and trial stages and making the Police, the Prosecution and the Judicial accountable for delays in their respective domains. The Committee feel that the time taken in disposal of atrocity cases should be considerably cut short. The Ministry of Law and Justice should look into this matter and take necessary steps. The Committee hope that the Sessions Courts notified on special courts would given up top priority to atrocity cases which in the opinion of the Committee will help in bringing the pendency down.”

Therefore, in this regard while enclosing herewith a copy of D.O. No. 11017/60/2001-JUS(M), dated December 22, 2006 of Sri Rajiv Agarwal, Additional Secretary, Government of India, Ministry of Home Affairs, New Delhi, I am directed to request you to impress upon the concerned Courts to ensure speedy trial of cases pertaining to atrocities committed against Scheduled Casters and Scheduled Tribes, so as to minimize the pendency of such cases.

D.O. No. 11017/60/2001-JUS (M), dated December 22, 2006.

The Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes on the Ministry of Home Affairs, Ministry of Social Justice and Empowerment and Ministry of Tribal Affairs, while considering the matter pertaining to atrocities on SCs and STs and pattern of social crimes towards them recommended as under:

“The Committee are aware that one of the terms of reference of the Malimath Committee was to suggest a sound system of managing, on professional lines, the pendency of cases at investigation and trial stages and making the Police, the prosecution and the judiciary accountable for delays in their respective domains. The Committee feels that the time taken in disposal of atrocity cases should be considerably cut short. The Ministry of Law and Justice should look into this matter and take necessary steps. The Committee hope that the Sessions Courts notified as Special Courts would give up top priority to atrocity cases which in the opinion of the Committee will help in bringing the pendency down.”

2. The Government give an Action Taken Reply as under:-

“The recommendation of the Committee has been noted. The Government would endeavour to impress upon the Courts and the law enforcing agencies to ensure speedy trial of atrocity cases as to bring down the pendency.”

I shall, therefore, be grateful if the matter is placed before the Chief Justice of your High Court for such action as he deems fit.

12. PROFORMA TO BE APPENDED WITH COMPLAINT u/S. 138 OF NEGOTIABLE INSTRUMENT ACT 1881

Proforma to be appended with complaint U/s 138 of Negotiable Instrument Act 1881.

C.L. No.06/2014/Admin. ‘G-II’ Allahabad, dated 19.02.2014.

I am directed to send herewith a proforma to be appended with the complaint u/s 138 of Negotiable Instrument Act, 1881 and to request you to ensure that the proforma be got filled up and taken alongwith the complaints so filed in your judgship.

I am, therefore, to request you that the aforesaid directions of the Hon’ble Court may kindly be brought to the notice of all the judicial officers working under your administrative control, to the member of the Bar and to further ensure its strict compliance.

PROFORMA

(to be appended with the Complaint U/s. 138 N.I. Act)
IN THE COURT OF _____
DISTRICT _____

1. Complainant :
(in case company then specify the person authorized)
2. Respondent(s)/ Accused(s) :
(in case company then specify the person authorized/signatory of cheque)
A.
B.
C.
3. A) Amount of Cheque B) Date of
Cheque.....
C) Drawn on Bank D) Branch
.....
E) Payee Bank F) Branch
.....
4. Date of Dishonour :
5. Reasons for Dishonour :
6. Date of knowledge of Dishonour of Cheque :
7. Date on which Notice sent :
8. Date of Service (Actual)
(Deemed, if any)
9. Date of Filing Complaint :
10. Whether filed within the statutory Limitation Period : ☐ ☐
If NO then Delay Condoned on
11. Documents Filed (Please tick)
 1. Cheque ☐
 2. Memo of Dishonour/Bank Intimation ☐
 3. Copy of Legal Notice ☐
 4. Copy of Postal Receipt ☐
 5. Copy of A.D., if any ☐
 6. Other (Please specify) ☐

Date

Counsel for the Complainant

13. INVESTIGATION

(i) Compliance of guidelines/orders of Hon'ble Supreme Court passed in Petition for Special Leave to Appeal (Civil) No. 33729 of 2010—Subodh Kumar Gupta Vs Alpana Gupta & Ors.

C.L. No. 34/2011/Admin. 'G-II' Dated: Allahabad 22-10-2011

I have been directed to inform you that the aforesaid matter was listed before the Registrar Court of Hon'ble Supreme Court on 19.07.2010 when the Court inter alia passed the following Order:-

“.....the Process Server to see that notices are served either in person or even by affixing the same at the given address as and when any litigant is requesting such Court to help them to confirm dasti service upon the concerned respondent, whose address is following within jurisdiction of such Court. If any litigant refused to accept the notice process server has to file proper report after affixing the notice at the given address as provided under CPC.”

Therefore, you are requested to kindly circulate this letter to all the Judicial Officers working under your supervision and control for their information and necessary compliance.

(ii) Forwarding a surrender certificate of convict to Hon'ble the Apex Court

C.L. No. 12/Admin. G-II Section Dated: 11-03-2011

While enclosing herewith a copy of letter dated: 20.12.2010 of Sri A.I.S. Cheema, Secretary General, Supreme Court of India, I am directed to say that when a convict surrenders to undergo the term of imprisonment and informs the Court or the Jail Authorities that he has filed a petition before Hon'ble the Supreme Court, the Courts as well as the Jail Authorities concerned shall ensure that on the same day of surrendering, surrender certificate is furnished to the Registrar (Judicial-I), Supreme Court of India, New Delhi and a copy thereof be immediately faxed to him.

You are therefore, requested to communicate the contents of this circular letter to all the Judicial Officers/Courts subordinate to you and the Jail Authorities of your District to ensure strict compliance.

**A.I.S. Cheema
Secretary General
Supreme Court of India**

**C-1/33, Pandara Park,
New Delhi – 110 003
Tel No. 23384661
23385046
December 20, 2010**

Dear Sri Gupta,

Whenever a convict is sentenced to a term of imprisonment and he prefers a petition before the Hon'ble Supreme Court, it is required to be stated in petition whether he has surrendered as per Order XXI Rule 6 of Supreme Court Rules, 1966. Proof of surrender by such petitioner is one of the pre-condition for posting such petition for hearing unless the Hon'ble Court, on a written application for the purpose, orders to the contrary.

Ascertaining the veracity of proof of surrender, at times, takes a long time. Now, therefore, it is requested that when a convict surrenders to undergo the term of imprisonment and informs the Court or to the jail authorities that he has filed a petition before the Hon'ble Supreme Court, the Court as well as the jail authorities concerned be directed to ensure that on the same day of surrendering, surrender certificate is forward to the Registrar (Judicial-I), Supreme Court of India, and a copy is immediately faxed to him. Suitable directions may kindly be issued to all Courts of Sessions/Magistrates and Jailors.

**Yours faithfully,
(A.I.S. Cheema)**

14. Clubbing all the Motor Accident Claim Petitions arising from the same accident.

C.L. No. 07/Admin. 'G-II' Dated: Allahabad 06.02.2015

Hon'ble Court has noticed that on several occasions claim petitions under Motor Vehicles Act arising out of same accident are tried and decided by different courts separately resulting in conflicting findings/decisions.

In order to avoid such conflicting findings and decisions, it is directed by Hon'ble Court that all claim petitions arising from the same accident should be clubbed and tried together by the same court, as far as possible, may be by separate judgments.

I am, therefore, to request you to kindly circulate the aforesaid directions to all the Judicial Offices including Judges presiding over the Motor Accident Claims Tribunal, working under your supervision and control for their information and necessary compliance.

CHAPTER-X

JUDICIAL-MISCELLANEOUS

1. DIARY OF PRESIDING OFFICER

Preparation of a personal diary for observance of punctuality by the Judicial Officers

C.L. No.13/2014/Admin. G-II, Allahabad: Dated: 27.05.2014.

While enclosing herewith a proforma of personal diary for Judicial Officers, I have been directed to request you to circulate the aforesaid proforma amongst all the Judicial Officers working under your administrative control who shall maintain, in their own handwriting, aforesaid personal diary recording for each day of judicial work, the time of entry in the premises of the court, the time at which the officer assembled in the court and the time at which the officer rose from the dais. In the event the officer has been required to get up from the dais during the court hours (except for lunch recess), the reason therefore should also be recorded in the diary. The personal diary shall be made available to your goodself once in a month or as and when required by your goodself at earlier interval.

You are, therefore, requested to kindly comply with the order of the Hon'ble Court accordingly.

Personal Diary for Judicial Officer

Name of the Officer ID

Month Year

Date	Time of entry in the Chamber	Time of sitting on Dias	Lunch Break	Time of sitting on Dias after Lunch	Time of retirement in the Chamber	Duration when Officer was not on dias excluding lunch break and reasons for such absence	Substance of Judicial work done by the Officer	Remarks

2. PREPARATION, PRESERVATION AND DESTRUCTION OF RECORDS

(i) Safety of records in the cases where appeal or revision has been filed in the High Court

C.L. No. 09/2012/Admin "G-II" Section, Dated 20.1.2012.

I have been directed to say that upon consideration of the above mentioned subject the Hon'ble Court is of the view that on receipt of intimation from the High Court about the pendency of Government Appeal, Criminal Appeal or Revision, the Original record related thereto shall be segregated and safely kept apart for being transmitted to the High Court as and when required. The details or such segregated records shall be entered in a separate bound register to be placed before the District Judges/Officer-incharge record room in the 1st week of every month to tighten supervision in this regard.

I am, therefore, to request you to bring the contents of this Circular letter to the notice of all concerned in your judgeship to ensure strict compliance thereof.

(ii) Preservation of Subordinate Court Record

C.L. No. 22/Admin. 'G-II' Dated: Allahabad 06.06.2015

It has been frequently experienced by the Hon'ble Court that lower court records are lost, misplaced or destroyed for any reason. Due to this disposal of criminal appeals in the Hon'ble Court is hindered and sometimes the reconstruction of the record is also impossible.

I am therefore directed to request you to ensure that, before transmitting the lower court records (as detailed in Rule 25 to 29 of Chapter XVIII of the Rules of the Court) to this Court, the same shall be duly scanned and authentically preserved in server (as soft copy) so that in case of loss/destruction/misplacement of the same, the soft copy may be available for purpose of reconstruction.

You are, therefore, requested to ensure the strict compliance of the above mentioned directions with immediate effect.

Encl.: As above.

Annexure

25. Paper book in criminal appeal – Copies to be included in the paper-book of a criminal appeal (other than a jail appeal which may be heard by a Judge sitting alone ¹(or an appeal under Section 341(1) of the Code of Criminal Procedure, 1973 or a reference under Section 366 of the Code of Criminal Procedure, 1973) or a case in which the accused has been called upon to show-cause why his sentence should not be enhanced shall unless otherwise ordered, to those of the following papers of such of them as may be on the record, namely –

(A) Papers relating to investigation-

- i. first information report;
- ii. confession or statement recorded under Section 164 of the Code of Criminal Procedure, ² (1973);
- iii. dying declaration;
- iv. injury report;
- v. report of post-mortem examination;
- vi. report of Chemical Examiner;
- vii. report of Serologist to Government of India;
- viii. record of identification proceedings, and
- ix. recovery list.

(B) Papers relating to magisterial enquiry –

- (i) statements of witnesses recorded by the Magistrate which have been brought on the record of the sessions Court;
- (ii) examination of accused and his written statement, if any; and
- (iii) charge framed against the accused.

(C) Papers relating to proceedings before the Sessions Court-

- (i) amended charge;
- (ii) Plea of accused;
- (iii) Statement of witnesses;
- (iv) Examination of accused and his written statement, if any;
- (v) Important exhibits other than those included under heard A and B; ³[and]
- (vi) ⁴[***)
- (vii) Judgment.

(D) High Court Papers-
Petition of appeal.

26. Paper-book in appeal [under Section 341(1) of the Code of Criminal Procedure, 1973]- Copies to be included in the paper-book of an appeal ⁵[under

¹ Subs. By Noti. No. 680/VIII-C-2, dt. 26.11.1980, published in U.P. Gazette, Part II, dt. 11.04.1981.

² Subs. By ibid.

³ Subs. By Noti. No. 680/VIII-C-2, dt. 26.11.1980

⁴ Omitted by Noti. No. 680/VIII-C-2, dt. 26.11.1980, published in U.P. Gazette, Part II, dt. 11.04.1981.

Section 341(1) of the Code of Criminal Procedure, 1973, shall unless otherwise ordered. Be those of the following papers or such of them as may be, on the record, namely –

- (i) Petition of appeal,
- (ii) Judgment or order under appeal;
- (iii) Application together with annexure, if any, made ⁶[under sub-section (1) or sub-section (2) of Section 340 of the Code of Criminal Procedure, 1973;
- (iv) Reply to such application;
- (v) Affidavit filed by parties relating to the charge;
- (vi) Evidence recorded at preliminary enquiry; and
- (vii) Complaint made in consequence of judgment or order under appeal.

27. Paper-book in Criminal Revision or Jail Appeal – Subject to Rule 25 the paper-book in criminal revision, jail appeal, or any other case not provided for shall, unless otherwise ordered, consist of High Court papers and such papers on the record of the court or courts be low as may be necessary.

Provided that a type written paper-book shall subject to any orders passed by the Chief Justice, be prepared in a case, which may be heard by Division Bench.

Where the copy of the judgment included in the High Court papers is not in English or in the language of the State, a translation of such judgment in English shall also be included in the paper book.

28. ⁷[* * *]

29. Paper-book in a Contempt of Court case - In a case of contempt of court copies to be included in the paper-book, shall, as nearly as may be, be of the following papers, namely-

- (i) Application or report or order with relevant annexures, if any, upon which notice was issued; and
- (ii) Copies of the following papers shall be added to the paper book from time to time as occasion arises, namely-
 - (a) Affidavit filed in the case;
 - (b) Orders passed by the Court.

(iii) Recording of statements and writing of judgments by the court of Sessions

C.L. No. 08/2012/Admin “G-II” Section, Dated 20.1.2012

I have been directed to say that the Hon’ble High Court has directed that all the statements be recorded by typing in the Sessions courts and all the judgments

⁵ Subs by ibid.

⁶ Subs by ibid.

⁷ Omitted by Noti. No. 620/VIII C-2 dt 26.11.1980.

must be typed written and should not be hand written so that it can be facilitated for photocopying of these papers to prepare paper books in the High Court.

I am, therefore, to request you to bring the contents of this Circular letter to the notice of all concerned in your judgeship to ensure strict compliance therefore.

- (iv) Compliance of order dated 12.08.2013 o Hon'ble Court in Government Appeal No. 6835/2007, State of U.P. vs. Rahees Ali and others; order dated 31.07.2013 in Govrnment Appeal No. 1866/1985 State of U.P. vs. Inamullah and others; order dated 31.07.2013 in Government Appeal No. 2111/1986, State of U.P. vs. Satyavati and others.**

C.L.No. 30/Admin. Dated: Allahabad 15.9.2013.

While considering the above mentioned appeals, the Hon'ble Court was distressed to note that the judicial record in all these appeals had been made over to the District Magistrate by the District Court on their being requisitioned and were never returned resulting in hampering of the disposal of these appeals for want of judicial record, while according to the provisions of Cr.P.C., the judicial record could be summoned only by a court of revision or appeal. If there was any need of any record for facilitating filing of an appeal, the State of U.P. should have obtained the copies of the records after observing due formalities of the Rules in that behalf.

Upon consideration of the matter, the Hon'ble Court has resolved that no judicial record would be transmitted to any executive authority rather only the inspection of the required record may be permitted within the court premises and copies of the records, if required, may be obtained as per rules.

Therefore enclosing copies of the above mentioned judgment, I am directed to request you to kindly impress upon all the judicial officers working under your administrative control to make strict compliance of the directions contained herein. Kindly treat this as most urgent.

- (v) Handling of Judicial records by outsiders and their assistance to the employees of the courts.**

C.L. No. 15/ 2012/ Admin. 'G-II' Dated 17-2-2012.

In continuation of earlier C.L. No 27/ Dated 15.9. 2004 and C.L. No 32/98 dated Allahabad 20th August, 1998, on the above subject, I am to say that the Hon'ble Court has directed to ensure that no outsider be allowed to handle any judicial record of the Court. I any employee is found to have permitted any outsider to handle any judicial record, or to have engage any outsider to assist him

in court work you have to take stern action against the defaulting employee under the intimation to the court.

The Hon'ble Court has further directed you to obtain written undertaking from the employees under their administrative control that he shall not permit any outsider to handle any judicial record or engage any outsider to assist him in court work.

I am, therefore, to request you that the aforesaid directions of the Court may kindly be brought to the notice of all concerned and be strictly complied with.

(vi) Prohibition of handling of judicial records by outsiders and their assistance to the employees of the courts.

C.L. No.28/Admin. 'G-II' Dated: Allahabad: 10.08.2015.

In continuation of earlier Circular Letter No. 27 Dated: 15.09.2004, Circular Letter No. 32 Dated Allahabad 20th August, 1998 and Circular Letter No. 15 dated 17.02.2012 on the above subject, I am directed to express Hon'ble Court's displeasure on continuous complaints of loss of records on account of their handling by outsiders, illegally engaged in District Courts, even after clear directions of Hon'ble Court in this regard.

In this connection, I am directed to reiterate the directions given in above-mentioned circular letters and direction of Hon'ble Court that no outsider shall be allowed to work in any court or office in your judgeship and to request you that if any employee is found to permit any outsider to handle any judicial record or to engage any outsider to assist him in court work, you have to take stern action against the defaulting employee under the intimation to this Court.

I am, therefore, to request you that the aforesaid directions of the Court may kindly be brought to the notice of all concerned and be complied with same in letter and spirit.

3. REQUISITION OF RECORDS

**(i) From High Court at Allahabad
Dispatch of records requisitioned by the High Court**

C.L. No. 07/2012/Admin "G-II" Section, Dated 20.1.2012

In continuation of Court's earlier Circular letter Nos. 37 dated 21.07.1960 and G.O. Dated 17.8.1972, I have been directed to say that upon consideration of the above mentioned subject, the Hon'ble Court is of the view that on any record

being requisitioned by Hon'ble Court, the same should be dispatched positively within a fortnight of the requisitions made for the records by the High Court.

I am, therefore, to request you to kindly communicate this direction to all concerned for strict compliance, treating it as the most urgent.

4. WITNESSES

(i) Diet money

For Attendance and payment of traveling expenses/diet money to the prosecution witnesses

C.L. No. 26, Dated 03.8.2012

In continuation of Court's C.L. No 100/VII e-52, Dated 28th July 1971 and C.L. No. 75/VII a-53, dated 27th November, 1948, I have been directed to say on the above subject that the Hon'ble Court has been pleased to direct that the signature of all the prosecution witnesses, appearing for evidence, be obtained on order sheet of the concerned cases, irrespective of the fact that their evidence is recorded on that day or not, any traveling allowance/diet money be paid to them for all the days when they attended the Court for the purpose of giving evidence or a certificate of attendance may be given to the government officials for the purpose of drawing traveling allowance from the concerned department.

I am, therefore, to request you to circulate this circular letter to all concerned and ensure strict compliance of aforesaid directions of the Hon'ble Court immediately.

(ii) Seeking appropriate budget from the Government under the head diet money to be paid to witnesses.

C.L. No. 45/Admin. (B-V) Section: Alld:/Dated: 11.12.2013

I am directed to say that the Court has been pleased to direct you to seek appropriate budget from the Government through High Court, Allahabad, under the head diet money to be paid to witnesses.

I am, therefore, to request you to kindly ensure seeking appropriate budget from the Government through this Court under the head diet money to be paid to witnesses.

5. LEGAL AID

Compliance of the direction given by Hon'ble Supreme Court in Criminal Appeal Nos. 1899-1900 of 2011 – Mohammed Ajmal

Mohammad Amir Kasab @ Abu Mujahid vs. State of Maharashtra (Para 484) regarding providing legal aid in case the accused has no means to engage a lawyer of his choice.

C.L. No. 02/Admin. 'G-II' Dated: Allahabad 15.01.2013

I am directed to say that Hon'ble Supreme Court in its judgment dated 29.08.2012 passed in Criminal Appeal Nos. 1899-1900 of 2011 – Mohammed Ajmal Mohammad Amir Kasab @ Abu Mujahid v. State of Maharashtra has observed that the right to access to legal aid, to consult and to be defended by a legal practitioner, arises when a person, arrested in connection with a cognizable offence, is first produced before a magistrate. Hon'ble Supreme Court accordingly, holds that it is the duty and obligation of the magistrate before whom a person accused of committing a cognizable offence is first produced to make him fully aware that it is his right to consult and be defended by a legal practitioner and, in case he has no means to engage a lawyer of his choice, that one would be provided to him from legal aid at the expense of the State. This is the right that flows from Articles 21 and 22(1) of the Constitution of India and needs to be strictly enforced.

Hon'ble Apex Court has, accordingly, directed all the magistrates in the country to faithfully discharge aforesaid duty and obligation. It has further been made clear by Hon'ble Apex Court that any failure to fully discharge the duty would amount to dereliction in duty and would make the concerned magistrate liable to departmental proceedings.

I am, therefore, to request you to kindly download a copy of the above mentioned judgment 29.08.2012 and bring the directions, contained therein to the notice of all concerned working under your supervision and control to strictly comply with the directions contained in said judgment.

6. DISPOSAL OF CASES BY THE FAST TRACK COURTS

Regarding fast tracking of trial of all pending rape cases at the trial as well as the appellate stage and their monitoring.

C.L.No. 04/Main-B/Admin.(A-3): Allahabad Dated: 05.2.2013.

Upon consideration of the D.O. letter dated 26.12.2012 of Dr. Ashwani Kumar, Hon'ble Minister for Law and Justice, Government of India, on the above noted subject, I have been directed to inform you that the Hon'ble Court has been pleased to direct you to kindly put on fast track and ensure expeditious disposal of all rape cases on priority by all the courts under your administrative control and to

send monthly statement showing pendency and disposal of such cases in your districts, to the Court, so that the matter may be monitored by the Hon'ble Committee.

I am therefore, to request you kindly to ensure the expeditious disposal of all rape cases on priority by all the Courts under your Administrative Control, by putting them on Fast Track.

I am further directed to request you to send the monthly report to the Court preferably within the 1st week of the month, so that the same may be placed before Hon'ble Committee, as desired.

7. JUDGMENTS

Preservation of Shorthand note book containing the dictation of judgments/orders

C.L. No. 24 Dated: 21.09.2016

Hon'ble Court has directed that Stenographers of all the Judgeships of the State shall preserve their shorthand note book containing the dictation of judgment /orders for a period of at least one year.

You are, therefore, requested to circulate a copy of the instant circular letter amongst all the concerned and to ensure strict compliance of the same in letter and spirit.

CHAPTER-XI LEGAL PRACTITIONERS

1. STRIKE/BOYCOTTING OF COURTS BY LAWYERS

**Frequent strikes and boycott of subordinate courts by the lawyers
C.L. No. 37/IIIb-36/Admin. 'G-I' Section, Dated: Allahabad 08-11-2011**

In continuation of C.L. No. 112/Admin.G dated 23.11.1994, C.L. No. 113/Admin.G 23.11.1994, C.L. No. 125/IXg-22/Admin. G dated 9.12.1994, C.L. No. 126/IIIb-36/Admin. G dated 9.12.1994, C.L. No. 20/IIIb-36/Admin.G. dated 9.5.1995, C.L. No. 50/IIIb-36/1997 dated 13.11.1997, C.L. No. 31/98 dated 20.8.1998, C.L. No. 37/98 dated 20.8.1998, C.L. No. 15/III-36Admin.G dated 30.3.2000, C.L. No. 35/IIIb-36/Admin.G dated October 4, 2004, C.L. No. 15/Admin. G, dated 13.4.2007, C.L. No. 72/2007/Admin.G Dated 13.12.2007, C.L. NO. 27/Admin. G-1 Section dated 12.12.2008, C.L. No. 10/2009/IIIb-36/Admin. G dated 7.4.2009, I have been directed to say that if the lawyers go on strike without any sufficient cause, such calls should not be entertained by the District Judge and the sufficient cause, such calls should not be entertained by the District Judge and the President, Secretary or other office bearers of the Bar Associations should be convinced by the District Judge not to proceed on strike. The District Judge will create an environment of work in the Judgeship after proper counseling and convincing the lawyers in this regard.

I have been further directed to say that in case of the strike by lawyers for local problem, the District Judge may be asked to immediately solve the problem with the cooperation and coordination of the office bearers of the Bar Associations. The District Judge may also form a redressal committee in the District consisting of senior most Judicial Officer as Chairman, some other senior Judicial Officer, C.J.M. and Civil Judge (Senior Division) as its members. The President and Secretary of the Bar Association should also be kept as ex-officio members of the said committee. The said committee should be sensitive towards the problems of the members of Bar and the staff of the Judgeship and should solve the problem in justifiable manner so that nobody can have any grievance against the judgeship.

You are, therefore, requested to kindly bring the contents of this circular letter to the notice of all concerned and ensure strict compliance with the intimation to the Court.

2. Effective implementation of Uttar Pradesh Advocate Welfare Stamps on Vakalatnamas

C.L. No. 26/2011/Admin. 'G-II' Dated: Allahabad 21-07-2011

By virtue of Section 9(1) of the Uttar Pradesh Advocates' Welfare Fund Act, 1974 (as amended) it has been made mandatory to affix Advocate Welfare Stamps of Rs. 10/- denominations on Vakalatnamas, being filed by Advocates in cases being instituted before all Courts, Tribunals, Authorities and persons. Government of Uttar Pradesh vide its letter No. 188/Seven-Nyaya-7-2011-155/90TC-A dated 30.03.2011 (**copy enclosed**) has brought to the notice of the Hon'ble Court that the Advocate Welfare Tickets are not being affixed in every court as provided in rules, resulting in lesser income to the Trustee Committee than it should actually accrue.

I am, therefore, directed to request you kindly to ensure compliance of the provisions as contained in the U.P. Advocates Welfare Fund Act, 1974 (as amended) as well as the directions contained in the marginally noted Circular Letters issued by the Hon'ble Court time to time in this regard. Kindly bring the contents of this Circular letter to the notice of all the Judicial Officers and other concerned for strict compliance.

उत्तर प्रदेश अधिवक्ता कल्याणकारी स्टैम्पों का वकालतनामा पर प्रभावी ढंग से लागू किया जाना
संख्या-188/उच्च न्याय..... न्याय अनुभाग-7(कल्याण निधि) लखनऊ: दिनांक 30 मार्च, 2011

उपर्युक्त विषयक शासन के पत्र संख्या-1248/सात-न्याय-7-99-127/90टी0सी0, दिनांक 30 नवम्बर, 1998, पत्र सं0-288/सात-न्याय-7-99-127/90, दिनांक 18 दिसम्बर, 1999, पत्र सं0-611/सात-न्याय-7-2001-8/2001, दिनांक 20 अप्रैल, 2001, पत्र संख्या-2316/सात-न्याय-7-2001-9/2001, दिनांक 30-07-2002, पत्र संख्या-1184/सात-न्याय-7/2002, दिनांक 10-2002 एवं पत्र संख्या-यू0ओ0 19/सात-न्याय-7-98-155/90टी0सी0, दिनांक 10 फरवरी, 2005 की ओर आपका ध्यान आकृष्ट करते हुए मुझे यह कहने का निदेश हुआ है कि उत्तर प्रदेश अधिवक्ता कल्याण निधि अधिनियम, 1974 (यथा संशोधित) की धारा-9(1) द्वारा सभी न्यायालयों, अभिकरणों, प्राधिकारियों एवं व्यक्तियों के समक्ष दाखिल होने वाले वादों में अधिवक्ताओं द्वारा लगाये जा रहे वकालतनामों पर रू0 10/- के अधिवक्ता कल्याण निधि स्टैम्प लगाना अनिवार्य कर दिया जाये। इन स्टैम्पों की बिक्री अधिनियम की व्यवस्था के अनुसार नोडल कोषागारों के माध्यम से की जाती है तथा इसका मुद्रण कलकत्ता सिक्योरिटी प्रिन्टर्स लि0, कानपुर से कराया जाता है। इनके वितरण की व्यवस्था भी मुद्रक द्वारा करायी जाती है तथा इनकी आपूर्ति नोडल अधिकारियों के माध्यम से सुनिश्चित की जाती है। शासन के संज्ञान में यह तथ्य लाया गया है कि अधिवक्ता कल्याणकारी टिकट प्रत्येक न्यायालयों में नियमानुसार लगाया नहीं जा रहा है, जिसके न्यासी समिति को वास्तविक रूप से जितनी आय प्राप्त होनी चाहिए, वह नहीं हो पा रही है।

2— अतएव इस संबंध में आपका ध्यान उत्तर प्रदेश अधिवक्ता कल्याण निधि अधिनियम, 1974 (यथा संशोधित) की धारा 9 की उपधारा (1) की ओर आकृष्ट करते हुए आपसे अनुरोध है कि कृपया उक्त उपबन्ध का अनुपालन सुनिश्चित करने के लिए कृपया सभी संबंधित को आवश्यक निर्देश निर्गत करने का कष्ट करें एवं निर्गत निर्देशों की एक प्रति शासन को भी उपलब्ध कराने का कष्ट करें।

भवदीय,

(के0के0 शर्मा)
 प्रमुख सचिव

3. Guidelines regarding constructions of Lawyers' Chambers, Court Building or the like from M.L.A./M.L.C./M.P. Fund

C.L. No. 292/Infrastructure Cell; Dated: May 10, 2011

I have been directed to say that the Hon'ble Court has been pleased to lay down following guidelines for all future constructions of Lawyers' Chambers, Court Building or the like from M.L.A./M.L.C./M.P. Fund over the land in premises of Civil Court:-

(I) Money under MLA/MLC/MP, Fund can be used for construction of Lawyers' Chambers subject to:

(a) In all matters detail information about the person giving the fund with the particulars of pending cases of any kind from his side or against him has to be furnished to this Court.

(b) On receipt of aforesaid information, it will be for this Hon'ble Court to accord permission or not; and it is thereafter, things are to move.

(II) Construction of Lawyers' Chambers only is to be permitted and not the Court Building or the like from the money to received.

(III) No plaque showing the name of MLA/MLC/MP be placed over the building.

(IV) In the event of pending cases of either of the nature in that Court or otherwise which can not foresee against such persons, in the function organized by Lawyers by giving him a seat on the Dias, or otherwise, out participation has to be avoided but that is left at the discretion of Judicial Officer or of this Hon'ble Court which may be felt appropriate at the relevant point of time.

Therefore, I am directed to request you to kindly inform all the Judicial Officers, Bar Associations in the judgeship under your administrative control and they be asked for strictly following the above mentioned guidelines.

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