

DBNO.
1830/02.06.2020

Office of the District & Sessions Judge, Sheikhpura.

Order No 68/(G) /2020.

Dated 09.06.2020.

In view of direction given by Hon'ble High Court's through letter No. 25067-25103/A.D.(Misc.)-IV-116(PF-C)-2016, Dated 01.06.2020 with regard to functioning of District/Sub-Divisional Court through virtual/physical mode during the prevailing Pandemic COVID 19, it is ordered that from 02.06.2020 to till the lockdown continues, the Court of District & Sessions Judge and one (1) Court each in the cadre of District Judge (Entry Level)(ADJ) and Special Court (ADJs), Civil Judge (Sr. Division) and Civil Judge(Jr. Division), will run in physical mode, on rotational basis, while remaining courts will conduct their proceedings through virtual Court Proceeding.

For the convenience of all stake holders the roster of Physical Court proceeding and Virtual Court Proceeding(for conducting the Court work is enclosed herewith this order in separate sheet) will be as follows tabular form. All other Court which are not functioning as physical Court on any date that court will work as Virtual Court on that dates. All Court will do the work of their own Court and they will sign the order sheet daily of their own Court.

Sl. No.	Name of the Court	Physical Court Proceeding Day/Date	Virtual Court Proceeding Day/Date	Timing of Physical Court
1.	District & Sessions Judge	Daily	-NA-	10:00 A.M to 12:30 P.M
2.	Principal Judge(Vacant Court)	Daily	-NA-	-Do-
3.	Additional District & Sessions Judge 1 st -cum-Special Judge	Daily	-NA-	07:00 A.M to 09:30 A.M
4.	Additional District & Sessions Judge 2 nd -cum-Special Judge	Daily	-NA-	07:00 A.M to 09:30 A.M
5.	Additional District & Sessions Judge 3 rd -cum-Special Judge	Daily	-NA-	10:30 A.M to 01:00 P.M

	Special Judge						
6.	CJM-cum-A.S.J II-cum-Sub Judge II	23,4 June	Rest working days	08:00 A.M to 10:30 A.M			
7.	A.C.J.M I-cum-A.S.J I-cum-Sub Judge I	5,6,8 June 12,15,16 June 20,22,23 June 27,29,30 June	Rest working days	08:00 A.M to 10:30 A.M			
8.	A.C.J.M IInd-cum-Sub Judge IInd (Vacant Court)	-DO-	-DO-	08:00 A.M to 10:30 A.M			
9.	S.D.J.M (Vacant Court)	-DO-	Rest working days as same as Munstif-cum-J.M I st Class	08:00 A.M to 10:30 A.M			
10.	Munstif-cum-J.M Ist	2,3,4, June 12,15,16 June 24,25,26 June	Rest working days	08:00 A.M to 10:30 A.M			
11.	Sri Radhe Shyam, J.M I st Class-cum-A.M III	5,6,8 June 17,18,19 June 27,29,30 June	Rest working days	10:00 A.M to 12:30 P.M			
12.	Srimati Sonal Biswas J.M I st Class	9,10,11 June 20,22,23 June	Rest working days	08:00 A.M to 10:30 A.M			
13.	J.J.B	Members of J.J.B -NA- will work on Daily basis and will work physical as well as virtual mode		07:00 A.M to 09:30 A.M			

Further, the Judicial Officer may conduct the proceeding mentioned (categorization of Court work is enclosed herewith in separate sheet) for conducting such proceedings, at present, the Judicial Officers as well as the supporting staffs (Bench Clerks, Deposition Writers) will work through their own electronic gadgets (smart phones, laptops, I-pad, tablet etc).

In view of the recommendation of the Hon'ble High Court, Patna the Bench Clerk, Deposition Writers & Judicial Officers who conducting the Judicial Proceeding, up-to the level of District & Sessions Judge, be allowed payment/enhanced payment for recharging their SIMs with adequate data plan per month in advance for uninterrupted and smooth functioning of virtual courts in following manner:-

- (a) Bench Clerk: Rs. 500/=
- (b) Deposition Writers: Rs. 600/=
- (c) Judicial Officer of the rank of Civil Judges Jr. Division and Sr. Division: Rs. 750/=
- (d) Addl. District & Sessions Judge: Rs. 1000/=
- (e) Principal Judge, Family Court: Rs. 1200/=
- (f) District & Sessions Judges: Rs. 1500/=

Further, the Bench Clerk, Deposition Writers & Judicial Officers who conducting the Judicial Proceeding, shall submit their respective mobile number to the office of Nazarat, Civil Court, Sheikhpura. So that their respective recharge bill of their mobile bill may be reimbursed.

Further, for the smooth functioning of the Virtual Court, the System Officer is hereby directed to prepare a requisition with respect to required infrastructure such as (Laptops, Smart Phones, headphonses, I-pad etc) for all the Judicial Officers as well as their supporting ministerial staff and submit the same to the office of undersigned within one week from the date of issuance of this order. So that the undersigned will further report to the Registrar General, Patna High Court.

Further, Nodal Officer will prepare a report with regard to the requirement of human resource for running virtual Court with the help of System Officer, Civil Court,

Sheikhpura and thereafter submit the same to the office of undersigned within a week from the date of issuance of this order. So that the undersigned will further report to the Registrar General, Patna High Court.

Further, Nodal Officer is directed to ensure for creation of at least two (2) virtual Courts in the Judgeship of Sheikhpura. In this regard, Nodal Officer directed to System Officer for creation of above said virtual court with the infrastructure/equipment which they presently have at their disposal. So that the lawyers who may not have such facilities to participate in virtual proceedings.

Further, in view of the direction given by the Hon'ble High Court, it is ordered that after the lockdown is over, **50 % Courts** will function physically and **50 % through** virtual mode depending upon the infrastructure and subject to discretion of the undersigned (District & Sessions Judge).

Further, the physical court timing would be in morning of summer court hours of **2 1/2 hours a day**, while remaining Courts may start functioning at least an hour after the physical court proceedings are over. The virtual Court shall work from **11:30 to 12:30 PM**. The proceeding of virtual court shall be conducted from the chamber of the respective judicial officers.

Further, the judicial Officers and supporting staffs conducting the physical court proceeding shall not be burdened with running of virtual court on the same day. Such Physical Courts shall conduct the proceedings mentioned in **category (II) and (III) only**. List of work enclosed with at the end of this order.

Further, the concerned presiding officer of their respective court shall ensure that Court Rooms used for physical running of court shall be with minimum sitting arrangement. Nazir is directed to ensure proper/routine sanitization is done in such Court Rooms.

Further, all the Public Prosecutors, Additional Public Prosecutors, Special Public Prosecutors, District Prosecution Officer, Government Pleader, Assistant Government Pleader is requested to submit their e-mail addresses to the Office of undersigned at once. So that their e-mail addresses may be uploaded by the System Officer, Civil Court, Sheikhpura on the official website of District Court, Sheikhpura in order to facilitate them by sending e-copies of the brief.

Further, Nodal Officer shall function as a help line and shall ensure that Virtual Courts are running properly. For the present, Nodal Officers is exempted from his quarterly assessment for the aforesaid period.

All concerned are hereby requested to maintain the social distancing and further requested that all advocates, Advocate clerks, litigants, police men, staffs of this Judgeship, should wear mask/towel on their face. For the next month fresh arrangement will be communicated later on. For regulation and restriction regarding entry in the premises of Civil Court a separate order will be passed after due consultation with bar and other stake holder of judiciary.

This order will come into force with immediate effect from 02.06.2020. Communicate to all concerned for information and needful and a copy of this order be pasted on the Notice Board of Civil Court, Sheikhpura for information to the Civil Court Staffs. The System Officer, Civil Court, Sheikhpura is directed to upload this order on the website of the Civil Court, Sheikhpura for information of all concerned.

SD/-
District & Sessions Judge,
Sheikhpura.

Dated 02.06.2020.

Memo No 816-840/2020.

Copy forwarded to:-

1. All Courts situated in this Judgeship.
2. District Magistrate, Sheikhpura.
3. Superintendent of Police, Sheikhpura.
4. S.D.M, Sheikhpura
5. Jail Superintendent, Sheikhpura.
6. Judge I/C (Accounts), Civil Court, Sheikhpura.
7. Judge I/C (Administration), Civil Court, Sheikhpura.
8. Judge I/C (Nazarat), Civil Court, Sheikhpura.
9. Judge I/C (Record Room), Civil Court, Sheikhpura.
10. Judge I/C (Copying Department), Civil Court, Sheikhpura.
11. Nodal Officer, Civil Court, Sheikhpura.
12. General Secretary, District Bar Association, Sheikhpura.
13. System Officer, Civil Court, Sheikhpura.

For information & needful.

(J. D. O.)
D.D.O.
Civil Court, Sheikhpura.
Date 02.06.2020.

CATEGORY-(I)

The matters which can be taken up in the absence of Litigants and Advocates:

Sl. No.	Proceedings	Illustrations
1.	Cases fixed for cognizance order	Where charge-sheet has been submitted the Courts can take cognizance or pass appropriate orders.
2.	Cases fixed for acceptance of Final Report and Final From where service report from informant has been received.	If there is no protest filed on behalf the informant and informant fails to appear on proper service of notice on the date fixed, the Court may pass appropriate order. [If service report is available of any date prior to lockdown period].
3.	Cases fixed for commitment	Only in cases where Police Report/ Copies of Statements and other documents has already been supplied with u/s 207 or 208, as the case may be.
4.	Cases which are being disposed of with the aid of section 203 and 204 Cr. P.C.	Where the process of inquire evidence and hearing has been completed.
5.	Cases in which hearing is completed and judgment can be delivered.	
6.	Direction for Police to comply the procedure u/s 207 of Cr.PC	
7.	Direction to police with regard to compliance u/s	

156(3) of Cr. P.C.		
Compliance of Hon'ble High Court's order regarding supply of case Diary.		
Release of accused		

CATEGORY-(III)

The matters which can be taken up in the virtual presence of Advocates with the consent of opposite party

- All application/petition must bear a certificate to the effect that prior information to the PPs/APPs/SPPs/Opposite party/Ld. Advocate for informant or complainant as the case may be has already been made through their e-mail addresses/whatsapp.

Sl. No.	Proceedings	Illustrations
1.	Criminal Appeal cases already fixed for final arguments.	If parties consent, their cases may be heard and decided. [In case where conviction is upheld and appellant is on bail, Court may grant sufficient time, considering the lockdown- to surrender before the Court].
2.	Admission and hearing of revision applications & admission of criminal appeal.	Written Arguments through e-mail or hearing may be done through VC and thereafter may be passed accordingly. If required the Appellate Court/Revisionist Court may call for LCR from the Court below.
3.	All fresh (regular and anticipatory) bail applications.	A certificate with petition must be attached to the effect that prior information to the PPs/APPs/SPPs has already been made through their email/whatsapp.
4.	For all pending – regular or anticipatory bail/applications – concerned Advocate may file an application for urgency, furnishing details of his mobile number, whats-app number and e-mail addresses.	<p>For instance-</p> <ul style="list-style-type: none"> • In offences where punishment is upto 3 years-accused may be released on personal Bond for three months or till lockdown is over, whichever is earlier. • In offences where punishment is from 3 years upto 7 years- the accused persons can be released on 1 surety. <p>- The sureties need to send their photo of self attested copy of ADHAAR Card with an</p>

5.	Framing of charge in case wherein accused is in custody.	It may be done through dedicated VC connectivity between Courts and Jail. For example- application u/s 205, 311, 319, Cr.PC etc.	undertaking that he accepts to become a ballor of accused (with name) and documents relating to property mentioning thereupon the name and address of accused, PS Name and PS Case No., BP/ABP No., relation with accused- to the whatsapp no. of Virtual Hearing Facilitator (VHR), which will be accepted provisionally for 3 months till the lockdown, whichever is earlier. Post lockdown/post 3 months (whichever is earlier) the surety needs to be physically present in the Court for the confirmation of their Bail Bond.
6.	Miscellaneous applications wherein presence of parties are not required.	It may be done through dedicated VC connectivity between Courts and Jail.	
7.	Petitions/ Cases which can be disposed of with the aid of section 227, 232, 239, 245, 256, 257, 258, 321 of Cr.PC etc.	Prior notice must be served to the Pps/APPs/SPPs/Opposite party, as the case may be.	
8.	Applications with respect to section 451, 457 of Cr. PC.	Prior notice must be served to the Pps/ APPs/ SPPs/ Opposite party, as the case may be.	
9.	Cases of no evidence.	Once petition on behalf of prosecution is being filed for closures of its evidence process of section 313 can be followed by video-conferencing and after defense witness is closed, judgment may be pronounced.	
10.	Cases fixed for argument.	Prior notice must be served to the Pps/ APPs/SPPs/ Opposite party, as the case may be.	
11.	Recording of statement under section 313 Cr.PC, wherein accused is in custody.	By use of established dedicated video conferencing facility between Civil Courts and District Jails.	

In CIVIL CASES-

NOTE: All application/ petition must bear a certificate to the effect that prior information to the GP/ AGPs/ Defendant/Respondent/Opposite Party/Ld. Advocate for other side, as the case may be has already been made through their e-mail addresses/whatsapp.

Sl. No.	Proceedings	Illustrations
1.	Admission of pending civil suits & appeals.	<ul style="list-style-type: none"> • Written arguments may be invited by the Id. Advocates. • Particularly on the point of limitation Title Appeals can be decided.
2.	Framing of issues.	Proposed issues may be invited by the Id. Advocated, if required.
3.	Hearing on all miscellaneous application wherein physical presence of parties is not required.	As in the cases of ORDER I Rule 10, ORDER VI Rule 17, ORDER VII Rule 11, ORDER IX Rule 4, Rule 9, Rule 13, ORDER XXII Rule 4, ORDER XXXIX Rule 2 etc.
4.	Final argument in civil suits, appeals, miscellaneous cases and all matters of civil nature.	Written arguments may be invited by the Id. Advocates

CATEGORY-(iii)

The matters which could not be taken up in the Absence of Parties,

Sl. No.	Proceedings	Illustrations
1.	Inquiry/ Examination/ cross-examination of witnesses	In the matters whether it is civil or criminal
2.	Mediation/conciliation process in Civil and Criminal cases	For instance- Section 89 CPC and section 406, 420, 498-A, Cr.PC, section 138 NI Act, cases of Marital disputes etc.
3.	Conviction in Criminal Trial where accused is on bail.	-----
4.	Appointment of Commissioners	Under O 26 of CPC and section 284 of Cr. PC etc.
5.	Other instances where case could not proceeded in absence of parties.	-----