

Received by email
Aqul
9/9/21



From

Registrar General
High Court of Uttarakhand
Nainital

e-mail only

To

All the District Judges,
State of Uttarakhand.

No. 4411 /U.H.C./Admn.B/Misc./2021, Dated: 09 September, 2021.

Subject: Expeditious disposal of cases u/s 138 of NI Act (Cheque Bounce Cases).

Sir,

Kindly find enclosed herewith the copy of letter dated 18.08.2021 of Hon'ble Mr. Justice R.C.Chavan, Vice Chairman, E-Committee, Supreme Court of India, whereby it has been informed that a Committee constituted for suggesting solutions for ensuring expeditious disposal of cases under Section 138 of the Negotiable Instrument Act (Cheque Bouncing cases) has consolidated suggestions received from the High Courts and Stakeholders and have decided to invite stakeholders' responses to the said suggestions on MyGov. Link to survey is: <https://www.mygov.in/mygov-survey/survey-speedy-disposal-cheque-bouncing-cases/>.

2. Further, the said Committee has requested to display the said link on District Courts' website and to circulate to Bar Associations and all the courts in the State with a request to display them on the notice boards.

Your good self is, therefore, requested to do the needful.

Encl: As above.

Yours faithfully,


(Dhyanjay Chaturvedi)
Registrar General

off a to comply


9/9/21

DISTRICT JUDGE
TEHRI GARHWAL

JUSTICE R.C. CHAVAN
VICE CHAIRMAN,
F-COMMITTEE,
SUPREME COURT OF INDIA
FORMER JUDGE, BOMBAY HIGH COURT



Room No. 814, 'B' Wing,
Additional Building Complex,
Supreme Court of India,
New Delhi - 110 001.
Telephone: :011-23112156
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August 18, 2021

Dear Registrar General,

The Honourable Supreme Court of India has constituted a Committee for suggesting solutions for ensuring expeditious disposal of cases under section 138 of the Negotiable Instruments Act (cheque bouncing cases). The Committee had received several valuable suggestions from your High Court as well as other High Courts and stakeholders. After consolidating suggestions received, the Committee decided to invite stakeholders' responses to the suggestions on MyGov.

(Link to Survey: <https://www.mygov.in/mygov-survey/survey-speedy-disposal-cheque-bouncing-cases/>.)

With the permission of the Hon. Chief Justice please display the link on High Court's, LSA's, and District Courts' websites and circulate to Bar Council, Bar Associations, and all the courts in the State with a request to display them on the notice boards. SLSA may also be requested to circulate the same to all Legal Aid Clinics in Law Colleges.

Since ultimately the suggestions will be implemented only through High Courts, may I request you to please send an action plan for implementing such suggestions as the High Court finds acceptable. Kindly recall that the Amici curiae in the PIL had requested all High Courts to prepare and share an action plan for disposal of these cases within six months of the institution. While the Committee will check with amici curie about the plan submitted by your High Court, it will be useful if you mail the action plan to me.

On the basis of information available on NJDG, we have prepared a spreadsheet showing institution / disposal / pendency and calculations of how many special courts will have to be set up under your High Court. It is annexed herewith. But may I also request you to please furnish the latest information about the institution, pendency, and disposal of cases under

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s.138 court-wise for the last three years, so that the number of additional courts that may be required to be established at various places could be worked out as per formula in judgment in *Imtiaz Ahmed vs State of UP* (CRIMINAL APPEAL Nos. 254-262 OF 2012). As per information made available to the Committee, in your State, special additional courts may have to be established at various places as shown in the enclosed spreadsheet. It may also be useful to have information about the availability of infrastructure, manpower, and the possibility of the State Government funding establishment of additional courts.

May I also request you to identify courts/judicial officers who were the fastest and slowest in disposing of these cases so that the causes of delay may be correctly diagnosed. I am sharing a google form link to gather some further inputs for studying the movement of cases through trial and appellate courts. Please provide the information.

(Link :- <https://forms.gle/kbuANV5CPsqNHXUk7I>)

Please consider if, with the permission of the Hon. Chief Justice, forms of templates of e-filing, summons to be sent, a plea to be recorded could be developed and sent to the Committee. Without any change in law, if some model procedure for dealing with these cases could be suggested by the High Court that too would help the Committee in finalizing recommendations.

With Warm regards,

A handwritten signature in black ink, appearing to be 'R.C. Chavan'.

(R.C.Chavan)

Encl :-Statistics of Institution, Disposal of cases and Special Courts setup.

The Registrar General,
High Court of Uttarakhand,

Uttarakhand

Registered 2020 (B)	Disposed 2020 (C)	Average Institution of JMFC cases in last two years i.e. 2019 and 2020 (D)	Number of JMFCs needed to clear Annual Flow of Cases with 1000 cases as disposal norm per year (NJ Flow = D/1000)	Number of JMFCs needed to clear Baclog in three years with disposal norm of 1000 cases per judge per year (NJ Backlog = A/(3*1000))	Additional JMFC Courts with 1000 cases as disposal norms = (NJ Flow + NJ Backlog - 1)
129	82	195	1.0	1	1
48	42	64	1.0	1	1
56	30	64.5	1.0	1	1
26	16	35.5	1.0	1	1
3697	1243	4680	5.0	8	12
1151	271	1769.5	2.0	3	4
0	1	2	1.0	1	1
260	153	353.5	1.0	1	1
40	24	101	1.0	1	1
31	27	42.5	1.0	1	1
125	91	139	1.0	1	1
1624	709	1869	2.0	3	4
148	69	167	1.0	1	1
7335	2758	9482.5	19.0	24	30

Uttarakhand

Number of JMFCs needed to clear Annual Flow of Cases with 1500 cases as disposal norm per year (N) Flow = D/1500	Number of JMFCs needed to clear Backlog in three years with disposal norm of 1500 cases per judge per year (N) Backlog = A/(3*1500)	Additional JMFC Courts with 1500 cases as disposal norms = (N) Flow + N) Backlog - 1)	Number of Appeal judges required for disposal norm of 600 per year N) Appeal = X/600	Number of Additional Appeal Judges required for disposal norm of 600 per year N) Appeal = X/600
1	1	1	0	0
1	1	1	0	0
1	1	1	1	0
1	1	1	1	0
4	5	8	1	0
2	2	3	1	0
1	1	1	1	0
1	1	1	1	0
1	1	1	1	0
1	1	1	0	0
1	1	1	1	0
2	2	3	1	0
1	1	1	1	0
18	19	24	10	0

Uttarakhand

Sr No.	State	District	Pending (A)	Pending Appeal (X)	Registered 2019	Disposed 2019
1	Uttarakhand	Almora	354	0	261	207
2	Uttarakhand	Bageshwar	45	0	80	99
3	Uttarakhand	Chamoli	110	2	73	65
4	Uttarakhand	Champawat	57	5	45	31
5	Uttarakhand	Dehradun	21013	43	5663	3070
6	Uttarakhand	Haridwar	6607	6	2388	975
7	Uttarakhand	Nainital	9	5	4	18
8	Uttarakhand	Pauri Garhwal	1109	29	447	369
9	Uttarakhand	Pithoragarh	177	12	162	101
10	Uttarakhand	Rudraprayag	54	0	54	53
11	Uttarakhand	Tehri Garhwal	323	7	153	160
12	Uttarakhand	Udham Singh Nagar	6414	18	2114	1085
13	Uttarakhand	Uttarkashi	424	22	186	103
			36696	149		6336