

# **HIGH COURT OF UTTARAKHAND**

## **STANDARD OPERATING PROCEDURE (S.O.P.)**

### **(For Hearing through Video Conferencing in Subordinate Courts)**

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1. For hearing of the urgent matters in the Subordinate Courts, through video conferencing, and matters connected thereto, the Standard Operating Procedure (S.O.P.), formulated as under, shall apply with the High Court of Uttarakhand Notification No.87/UHC/Admin.B/2020, Dated 12.04.2020, and the Schedule appended thereto.
2. The hearing through video conferencing and matters connected thereto, shall be dealt with, in the following manners:-

#### **For institution of fresh cases for urgent and immediate relief:**

- Advocate shall send the synopsis of the case showing urgency of the matter and brief facts on the e-mail of the Court concerned, displayed on the website of district Court concerned. Synopsis submitted till 11:30 AM shall be processed same day and those received after 11:30 AM, shall be processed on the next working day. Application must contain the contact details of the party and the advocate concerned.
- Official concerned shall forward the said Synopsis by e-mail to the Presiding Officer Synopsis (nominated by the District Judge concerned), who shall peruse the synopsis and intimate the official concerned same day, whether there is urgency and the Court is ready to hear the matter. On receiving the said message, the official concerned shall intimate the Advocate concerned to send the Plaint through e-mail with an application for exemption from filing duly affirmed affidavit in the prevailing circumstances and in case, the court fees cannot be arranged in view of the lockdown, an undertaking that court fees in the matter shall be deposited within 3 days of lifting of lockdown. Affidavit would have to be paid after the normalcy resumes. Application must also contain the consent that the matter may be taken up through video-conferencing mode.
- After receiving the plaint, the official concerned shall scrutinize the same, make required entries in CIS and shall forward the same to the Presiding Officer concerned (nominated by the District Judge) along with his report and shall receive instructions from the Presiding Officer about the time of hearing, which shall be intimated to the Advocate concerned.
- On the date & time so fixed, hearing shall be conducted in the manner, as prescribed in the Notification No. 87 dated 12.04.2020.
- After the hearing, Presiding Officer shall pass the order and after his/her signature, same shall be uploaded on the website.

**For matters relating to remand, bail, release of property, recording of statements under section 164 Cr.P.C. and other matters necessary for investigation:**

- For the first remand, accused is produced before the Court concerned/Remand Magistrate. Thereafter, subsequent remands are given through video-conferencing. At the time of first remand, when the accused is produced before the Magistrate, all necessary precautions shall be taken for social distancing.
- Bail application may be submitted to the e-mail of the court, which shall be processed by the official concerned and shall be placed before the Presiding Officer concerned (nominated by the District Judge) after making required entries, who shall direct to call a report from the Police Station concerned and the Prosecution Officer. Such reports shall be called through e-mails within the time prescribed by the Presiding Officer and after receiving of the same, shall be placed before the Presiding Officer. Presiding Officer shall intimate the time of hearing, which shall be intimated to the Advocate concerned and the Prosecution Officer through e-mail and thereafter, at the time so fixed, hearing shall be done through video-conferencing and the order shall be uploaded on the website in the like manner, as above.
- If the bail application is submitted at the time of first remand, same may be dealt with, as in normal course, but thereafter, course of e-mail and video-conferencing would have to be adopted. If the bail application is sent through jail, same may be sent through Superintendent of Jail through e-mail, thereafter, same course, as mentioned above shall be adopted for the hearing.
- Matters of release of vehicles may be deferred till the lifting of lockdown, as even if order for release is passed, this is of no use, till the lockdown is in continuance.
- In fixing the conditions for grant of bail, the Presiding Officer should take into consideration the law laid down by the Hon'ble Supreme Court in the matter of 'Hussainara Khaton & Ors. vs Home Secretary, State of Bihar' 1979 AIR 1360, 'Moti Ram & Ors. vs State of M.P.' 1978 AIR 1594 and 'Sanjay Chandra vs CBI' (Date of Judgement: 23.11.2011).
- In bailable offences, accused may be released on furnishing a Personal Bond. In non-bailable offences, conditions may be imposed taking into consideration the gravity of offences. Particulars of sureties shall be submitted by the Advocate through e-mail, mentioning the complete details, as mentioned in the usual course, along with copy of identity proof, residential address and copy of documents of property/FD etc., which is being proposed to be kept as surety. If the Advocate undertakes to accept the sureties on his responsibility, same may be

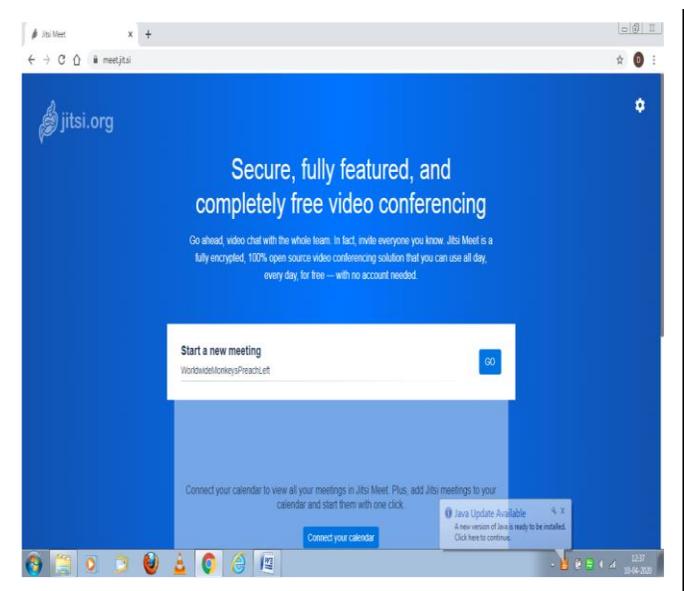
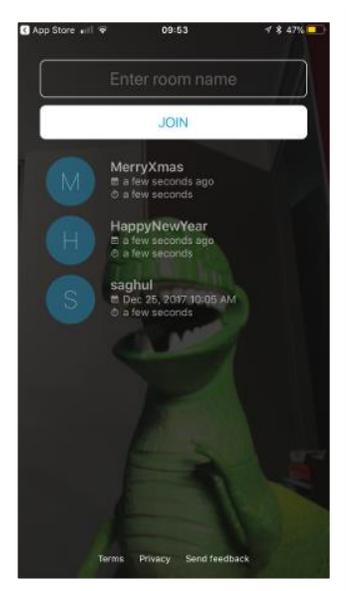
accepted and the release order may be issued. If the surety is a Government servant, same may be accepted and in the same manner, decision would be taken.

- Application for recording of statements under Section 164 Cr.P.C. should be submitted by the Investigating Officer concerned on the e-mail of the Court, which shall be placed by the official concerned before the Presiding Officer and after obtaining his instructions, he shall inform the Investigating Officer. Statement should be recorded taking into consideration all the precautions and social distancing guidelines. Like-wise, application for conducting the investigation should be submitted by the Police through e-mail along with the copy of relevant papers, necessary for taking decision by the Presiding Officer and the order passed by the Presiding Officer shall be communicated through e-mail.
- For facilitating the smooth function, a helpline number shall be given, (Landline number of Administrative Office may be given), which will be displayed on the website of the Court concerned and name & contact details on In-charge, Computers (Nodal Officer of the e-Courts Project) shall be displayed.

### 3. USER MANUAL FOR VIDEO CONFERENCING BY 'JITSI MEET'

#### ❖ STEP-1

The advocate/party should have Smartphone(mobile)/Tablet/Laptop/Desktop Computer having **Internet Connection** (minimum 2 MBPS), **Web camera** (internal/external, adequate resolution 1 MP or above), **Speaker** and **Microphone** (internal/external). The advocate/party, shall necessarily download & install the "**Jitsi meet**" in his Android/iOS **mobile/tab**. The said app is available on **Google play store/Apple** store free of cost. The advocate/party using Desktop/Laptop for video Conferencing need not to install any software, and he is only required to open URL "**https://meet.jit.si/**" by Chrome browser.



## ❖ STEP-2

The advocate/party will receive message through **SMS/E-mail/Whatsapp** about the details of **VC id-link** allocated for hearing in his matter. The message shall contain VC id-link, which will look like as under-



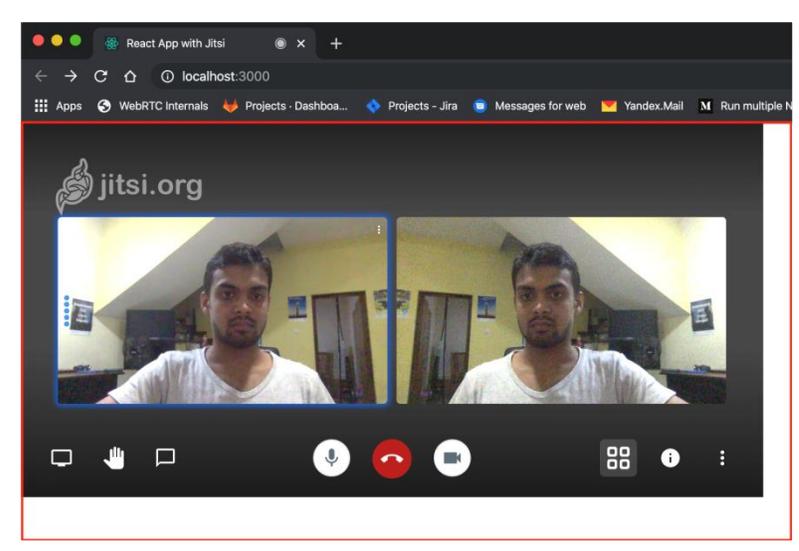
(The link <https://meet.jit.si/vctest07042020> is only for indicative purpose, while actual VC, the room name shall be allotted file number instead of 'vctest07042020'.)

## ❖ STEP-3

To join the Video Conferencing, the advocate/party will be required to click on the aforesaid link, while using mobile phone. He will paste/type the said link into the 'start a new meeting' text box of jitsi meet home page, while using laptop/Desktop. The advocate/party will be also required to allow JITSI to use microphone and camera of his mobile/tablet/laptop/desktop, while permission in this regard is desired by the software.

## ❖ STEP-4

Thereafter, the Advocate/party will be connected with Court concerned to participate in the hearing.



## 4. REQUIRED PROTOCOLS AND GUIDELINES:

- (1) The advocate/party is requested to preferably use Tablet/Laptop/Desktop. In case of any disconnection during the hearing, he may click the shared link again to resume the hearing.
- (2) Where mobile phone is used for video conferencing, the advocate/party is requested not to receive/reject calls in his mobile

phone, being used for the video conferencing, In the event, if by accidental slip, call is received, or the incoming call is rejected, VC gets muted. In such circumstance, the advocate/party will be required to disconnect the VC and click again the shared link to resume the video conferencing.

- (3)** Advocate/party will keep his microphone in mute mode while the Court is in session with other end.
- (4)** No person who is linked with Video conferencing will disconnect the VC by his own. Once the VC is over, the control room will do the needful to end the session.
- (5)** Advocate/party will ensure adequate lighting and power backup during the video conferencing. He will also ensure that the room, from which he is participating in the video conferencing, is also noise free.
- (6)** If due to any reason, the video conferencing gets disconnected, the same link may be clicked again or the video conferencing link may be retyped to resume the video conferencing. One link is applicable for entire video conferencing session, even if the session gets disconnected.
- (7)** For any enquiry, as regard the procedure formulated in the aforesaid Notification, Schedule and this SOP, other than the matters related to technical aspect of the video conferencing, the advocate/party may contact a judicial officer (nominated by the District Judge concerned) (whose contact details shall be shared on the website) through call/SMS/Whatsapp/telegram.
- (8)** If the advocates/party faces any technical issue in communication through the e-mail address given in the Notification/Schedule or in any matter relating to video conferencing, he may contact system officer of the district concerned (contact details shall be shared on the website).

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