

CH.MANAVENDRANATH ROY
REGISTRAR GENERAL



HYDERABAD
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ROC.NO.1013/S0/2018

Dt.14.11.2018

To
All the Unit Heads in both the States of
Telangana and Andhra Pradesh
High Court of Judicature at
Hyderabad.

Sub: High Court of Judicature at Hyderabad - Letter received from the Assistant Registrar, Supreme Court of India, New Delhi forwarding certified copy of the order dated 22.10.2018 passed in W.P. (Civil) No.749 of 2018 with regard to Juveniles in Conflict - As directed forwarding the same for compliance - Reg.

Ref: D.No.23760/2018 SEC-PIL-W, dated 26.10.2018 of Assistant Registrar, Supreme Court of India.

Adverting to the above subject and reference cited, as directed I am to forward herewith a copy of order dated 22.10.2018 of Hon'ble Supreme Court of India passed in W.P.(Civil) No. 749 of 2018, wherein the Hon'ble Apex Court has issued certain directions as under :

We direct all the Trial Courts to consider the possibility of pruning the list of witnesses in consultation with the Public Prosecutor as well as the Defence counsel so that the number of witnesses required to be examined can be reduced at the threshold.

Similarly, the Trial Courts should consider the application of Section 309 of the Cr.P.C. and ensure whenever the witness is summoned and he or she appears, the witness is examined and is not made to go back home without being examined or cross examined.

R.NO 8730
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Through SPEED POST

All Communications Should be
Addressed to Registrar by
Designation and not by Name. Pin
Code - 110201.

D. No. 23760/2018
SEC-PIL-W
SUPREME COURT OF INDIA
NEW DELHI
26th October, 2018

From:

The Assistant Registrar,
Supreme Court of India, New Delhi.

To,

- 1 THE REGISTRAR GENERAL,
HIGH COURT OF JUDICATURE AT
HYDERABAD FOR THE STATE OF
TELANGANA AND THE STATE OF
ANDHRA PRADESH,
DISTRICT- HYDERABAD, ANDHRA
PRADESH
- 2 THE REGISTRAR GENERAL,
GAUHATI HIGH COURT,
DISTRICT- GUWAHATI, ASSAM
- 3 THE REGISTRAR GENERAL,
HIGH COURT OF JUDICATURE AT
PATNA,
DISTRICT- PATNA, BIHAR
- 4 THE REGISTRAR GENERAL,
HIGH COURT OF JUDICATURE AT
BOMBAY,
DISTRICT- MUMBAI,
MAHARASHTRA
- 5 THE REGISTRAR GENERAL,
HIGH COURT OF CHHATTISGARH AT
BILASPUR,
DISTRICT- BILASPUR,
CHHATTISGARH
- 6 THE REGISTRAR GENERAL,
HIGH COURT OF DELHI AT NEW
DELHI,
NEW DELHI
- 7 THE REGISTRAR GENERAL,
HIGH COURT OF GUJARAT AT
AHMEDABAD,
DISTRICT- AHMEDABAD, GUJARAT

PID: 304684/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)

PID: 304685/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)

PID: 304686/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)

PID: 304687/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)

PID: 304688/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)

PID: 304689/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)

PID: 304690/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)



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- 8 THE REGISTRAR GENERAL,
HIGH COURT OF HIMACHAL
PRADESH AT SHIMLA,
DISTRICT- SHIMLA, HIMACHAL
PRADESH . PID: 304691/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)
- 9 THE REGISTRAR GENERAL,
HIGH COURT OF J & K AT JAMMU,
JAMMU & KASHMIR PID: 304692/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)
- 10 THE REGISTRAR GENERAL,
HIGH COURT OF JHARKHAND AT
RANCHI,
DISTRICT- RANCHI, JHARKHAND PID: 304693/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)
- 11 THE REGISTRAR GENERAL,
HIGH COURT OF KARNATAKA AT
BENGALURU,
DISTRICT- BANGALORE,
KARNATAKA PID: 304694/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)
- 12 THE REGISTRAR GENERAL,
HIGH COURT OF KERALA AT
ERNAKULAM,
DISTRICT- ERNAKULAM, KERALA PID: 304695/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)
- 13 THE REGISTRAR GENERAL,
HIGH COURT OF M.P PRINCIPAL
SEAT AT JABALPUR,
DISTRICT- JABALPUR, MADHYA
PRADESH PID: 304696/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)
- 14 THE REGISTRAR GENERAL,
HIGH COURT OF ORISSA AT
CUTTACK,
DISTRICT- CUTTACK, ORISSA. PID: 304697/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)
- 15 THE REGISTRAR GENERAL,
HIGH COURT OF PUNJAB &
HARYANA AT CHANDIGARH,
CHANDIGARH. PID: 304698/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)
- 16 THE REGISTRAR GENERAL,
HIGH COURT OF JUDICATURE FOR
RAJASTHAN AT JODHPUR,
RAJASTHAN. PID: 304699/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)
- 17 THE REGISTRAR GENERAL,
HIGH COURT OF SIKKIM AT
GANGTOK, SIKKIM. PID: 304700/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)
- 18 THE REGISTRAR GENERAL,

HIGH COURT OF JUDICATURE AT
MADRAS AT CHENNAI,
TAMIL NADU.

PID: 304701/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)

19 THE REGISTRAR GENERAL,
HIGH COURT OF JUDICATURE AT
ALLAHABAD,
UTTAR PRADESH

PID: 304702/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)

20 THE REGISTRAR GENERAL,
HIGH COURT OF UTTARAKHAND AT
NAINITAL,
UTTARAKHAND.

PID: 304703/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)

21 THE REGISTRAR GENERAL,
HIGH COURT AT CALCUTTA,
WEST BENGAL.

PID: 304704/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)

22 THE REGISTRAR GENERAL,
HIGH COURT OF MANIPUR AT
IMPHAL,
MANIPUR

PID: 304705/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)

23 THE REGISTRAR GENERAL,
HIGH COURT OF MEGHALAYA,
MEGHALAYA

PID: 304706/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)

24 THE REGISTRAR GENERAL,
HIGH COURT OF TRIPURA AT
AGARTALA, TRIPURA.

PID: 304707/2018 (SEC PIL-
W)(W.P.(C) NO.749/2018)

WRIT PETITION (CIVIL) No. 749 OF 2018

IN RE: SPEEDY TRIAL OF
UNDERTRIAL PRISONERS

... Petitioner(s)

Versus

... Respondent(s)

Sir,

I am directed to forward herewith, a certified copy of the order of this Court, as contained in the record of proceeding dated 22nd October, 2018 passed by this Hon'ble Court in the matter above-mentioned for your information, necessary action and compliance.

In pursuance of directions contained in the said Order, I am to request you to circulate a copy of the Order dated 22.10.2018 to all the Trial Courts within your jurisdiction for information and compliance.

Please acknowledge receipt.

Yours faithfully,

[Handwritten Signature]
20/10/18

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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Writ Petition(s)(Civil) No(s). 749/2018

IN RE: SPEEDY TRIAL OF UNDERTRIAL PRISONERS

Date : 22-10-2018 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE DEEPAK GUPTA.

Amicus Mr. Gaurav Agrawal, Adv.

For Petitioner(s) By Courts Motion

Certified to be true copy

For Respondent(s) Mr. Aman Lekhi, ASG
Mr. R. Bala, Adv.
Ms. Suhasini Sen, Adv.
Ms. Aarti Sharma, Adv.

Handwritten signature
Assistant Registrar (Jr.)
Supreme Court of India

For States of Assam Mr. Shuvodeep Roy, Adv.
Mr. Somnath Banerjee, Adv.

Andhra Pradesh Mr. Guntur Prabhakar, Adv.
Ms. Prerna Singh, Adv.

Bihar Mr. M. Shoeb Alam, Adv.
Mr. Ujjwal Singh, Adv.
Mr. Mojahid Karim Khan, Adv.

Gujarat Ms. Hemantika Wahi, AOR
Ms. Jesal Wahi, Adv.
Ms. Puja Singh, Adv.
Ms. Vishakha, Adv.

Haryana ~~Mr. Sanjay Kr. Visen, Adv.~~
Mr. Shekhar Raj Sharma, Adv.

H.P. Mr. Abhinav Mukherji, Adv.
Mr. Divya Prakash Pandey, Adv.
Mr. Ambar Sachdeva, Adv.
Mr. Rahul Mishra, Adv.

Jharkhand Mr. Tapesk Kumar Singh, Adv.
Mr. Aditya Pratap Singh, Adv.

J&K Mr. M. Shoeb Alam, Adv.
Mr. Ujjwal Singh, Adv.
Mr. Mojahid Karim Khan, Adv.

Kerala Mr. Nishe Rajen Shanker, Adv.
Mr. Anu K. Joy, Adv.
Mr. Alim Anvar, Adv.
Mr. Regan S. Bel, Adv.

Mr. G. Prakash, Adv.
Mr. Jishnu M.L., Adv.
Mrs. Priyanka Prakash, Adv.
Mrs. Beena Prakash, Adv.

Karnataka Mr. V.N. Raghupathy, Adv.
Mr. Lagnesh Mishra, Adv.

Manipur Mr. Leishangthem Roshmani, Adv.
Ms. Maibam Babina, Adv.
Ms. Anupama Ngangom, Adv.

Meghalaya Mr. Ranjan Mukherjee, Adv.

Nagaland Ms. K. Enatoli Sema, AOR
Mr. Amit Kumar Singh, Adv.

Sikkim Ms. Aruna Mathur, Adv.
Mr. Avneesh Arputham, Adv.
Ms. Anuradha Arputham, Adv.
Ms. Geetanjali, Adv.
for M/s Arputham Aruna & Co.

Telangana Mr. S. Udaya Kumar Sagar, AOR
Mr. Mrityunjai Singh, Adv.

Tripura Mr. Shuvodeep Roy, Adv.
Mr. Rituraj Biswas, Adv.

Uttar Pradesh Mr. Garvesh Kabra, Adv.
Mr. Rajesh-K-Singh, Adv.
Mr. Amit Singh, Adv.

Uttarakhand Ms. Vanshuja Shukla, Adv.

Ms. Rachana Srivastva, Adv.
Ms. Monika, Adv.

A&N Islands

Mr. K.V. Jagdishvaran, Adv.
Mrs. G. Indira, AOR
Mr. Mrinal K. Mondal, Adv.

Puducherry

Mr. V.G. Pragasam, Adv.
Mr. S. Prabu Ramasubramanian, Adv.
Mr. S. Manuraj, Adv.

UPON hearing the counsel the Court made the following

O R D E R

We have heard the learned *Amicus* as well as the learned Additional Solicitor General.

With regard to Item No.(i), this reads as follows:-

(i) There is an Observation Home where juveniles in conflict with law, pending enquiry, are housed which covers five districts. The proceedings in respect of juveniles are held in different courts in the said five districts. The juveniles are required to be transported to appear in the said proceedings which require escort police. On non-availability thereof, proceedings are adjourned. This results in delay in conclusion of enquiry proceedings much beyond statutory time-line under Section 14(2) of the Juvenile Justice (Care and Protection of Children) Act, 2015. There is also no video conferencing facility by which the juveniles facing enquiry can participate obviating the need for travelling long distances. Either a Special Court is required to be set up to deal with all enquiries in respect of juveniles kept in the said home at a nearest place or video conferencing facility is required to be provided forthwith."

The learned ASG should ascertain and inform us on the next date of hearing whether Observation Homes and Juvenile Justice Boards are equipped with video conferencing facilities. A state-wise chart should be prepared in this regard so that necessary directions can be given in cases where there is a considerable distance between the Observation Home and Juvenile Justice Board. The States are directed to co-operate and assist the Union of India in providing this information.

With regard to Item No.(iv) & (v), this reads as follows:-

(iv) In spite of directions of this Court, we found instances of witnesses not being examined by the Court on the ground of non-availability of time. Adjournments requiring witnesses to repeatedly come to the Court is against the policy of law. There is, thus, need for strict monitoring to ensure that no witness is returned unexamined.

(v) We also found cases of adjournments being leisurely granted in respect of long custody in petty cases and financially poor accused continuing in detention on account of non-furnishing of bail bonds. This aspect may also need to be monitored.

We direct all the Trial Courts to consider the possibility of pruning the list of witnesses in consultation with the Public Prosecutor as well as the Defence counsel so that the number of witnesses required to be examined can be reduced at the threshold.

Similarly, the Trial Courts should consider the application of Section 309 of the CrPC and ensure whenever the witness is summoned and he or she appears, the witness is examined and is not made to go back home without being examined or cross-examined.

We expect all the Trial Courts to adhere to these directions some of which have already been issued from time to time on earlier occasions by this Court.

We also make it clear in cases of petty offences, the application of the principle "bail and not jail" should be particularly applied by the Trial Courts. There is no difficulty in applying this principle or in identifying petty cases. Similarly, where the accused is a poor person, the Trial Court should look into the question of grant of bail in a sympathetic and a compassionate manner and may even consider either releasing the accused on a personal bond or on a bond of a limited amount which

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is easily affordable by the accused.

We also direct the Trial Courts to consider the application of Section 436A of the CrPC in this regard.

There are Under Trial Review Committees set up in every district. Each of these Committees must look into the issues of under trial prisoners and wherever feasible, they should be released so that overcrowding in prisons is reduced, if not eliminated.

With regard to Item No. (x), this reads as follows:

(x) Number of trials are prolonged awaiting FSL reports which situation needs to be remedied forthwith.

The learned ASG should ascertain the number of Forensic Science Laboratories including Central Forensic Laboratories on a state-wise basis and also proposals, if any, for increasing the number of Forensic Science Laboratories. It is a matter of common knowledge that a large number of trials are held up because of delays in Forensic Science Laboratories. If the forensic examination can be expedited, it will expedite the trials of the Trial Court.

With regard to Item Nos. (xi), (xii) and (xiii), we propose to take it up on the next date of hearing.

List the matter on 22.11.2018.

Meena
24/10/18
(MEENAKSHI KOHLI)
COURT MASTER

Kailash Chander
24/10/18
(KAILASH CHANDER)
ASSISTANT REGISTRAR