



CIRCULAR

Criminal Cases  
Instructions  
Justice Naganmuthu

Sub:

Case study report of the Indian Law Institute  
- Administration of Criminal Justice - Delay in  
disposal of Criminal Cases in the Subordinate  
Courts - measures recommended by the Hon'ble  
Committee - ordered to issue instructions -  
issued.

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The Hon'ble High Court, duly considered the factors causing delay in the Administration of Criminal Justice and has directed to issue the following instructions to all the authorities involved in the Administration of Criminal Justice, for strict compliance. Accordingly,

1. All the courts should exercise extra-ordinary restraint in granting stay of the proceedings of Criminal Cases under investigation and, only in the rarest of rare cases, the process of investigation should be stayed by appellate courts.
2. In order to avoid delay in the consignment / receipt of Material Objects, whenever Material Objects are produced before the Judicial magistrates, they shall acknowledge receipt of the same on the same day, and shall also state the reasons for the delay, if any, in receiving the Material Objects.
3. In the post-Charge-Sheet-stage, the Judicial Magistrates shall furnish copies of documents to the accused, under Section 207 of the Criminal Procedure Code, within 15 days from the date of filing of final report and shall commit the case within 7 days thereafter, if it is a case triable by the court of Sessions.
4. The Judicial Magistrates shall insist the police to execute the Non-bailable Warrants at the earliest point of time and if the same are not executed for about 2 years, they shall split up the case. In this regard, the Chief Judicial Magistrate shall work in tandem with the Superintendent of Police, by convening meetings with officers of the respective wings, on



half yearly basis, and both the heads of wing shall focus their attention on the expeditious execution of the Non Bailable Warrants in their respective District.

5. In every case, the Principal Sessions Judge shall frame the charge or make over the case to the competent court within 15 days from the date of receipt of the committal proceedings from the Judicial Magistrate concerned. The respective Trial Court shall also frame charges within 15 days from the date of making over of the Sessions Case by the Principal Sessions Judge. The date of trial shall be fixed by the respective Sessions Judge within 30 days from the date of framing of the charges.
6. In the trial stage the trial Judges shall not show any leniency in the matter of adjournment of the cases for cross examination of witnesses. The trial shall progress on a day-to-day basis and, unless sufficient cause is shown by the advocate, never should the trial be postponed and the trial Judge shall summon only such number of witnesses as he could examine on a particular day for hearing.
7. The heads of the Judicial Districts shall scrutinise the monthly and quarterly statements submitted by the courts under their control and the adjournments granted by trial courts shall be monitored.
8. The trial courts shall continue the trial in cases not stayed by superior Court. The trial courts shall not send the case records to the higher forum, in the absence of any order calling for them, as the skeleton papers left behind cannot help the progress of the trial.
9. Where a case bundle is missing, notwithstanding the disciplinary proceedings initiated against the erring staff member(s) the courts should pursue the trial by making an order for reconstruction. The District Judges, during their inspection of Lower Courts, shall focus their attention on such grey areas so that delay in disposing of the cases may be eliminated.
10. The Sessions Courts and the courts of Chief Judicial Magistrate are required to ensure that material records which are received by them



are sent back to the respective trial courts on termination of the proceedings.

11. If an accused absconds, the trial courts shall initiate action on the sureties, besides issuing Non-Bailable Warrant.
  12. The Principal District Judges / District Judges shall endeavour to create an awareness among the Bar Members, by conducting seminars, focussing on the adverse consequence of delay in the disposal of cases.
  13. The Principal District Judges / District Judges shall concentrate on the delay being caused by the Courts concerned in disposal of the cases, during their Annual Inspection.
- The receipt of the circular is required to be acknowledged at once.

HIGH COURT, MADRAS  
DATED: 26/05/2008

Sd/- Chinniya Naidu  
REGISTRAR GENERAL I/c

//True Copy / Forwarded / By Order //

DEPUTY REGISTRAR(PER., ADMN.,)

To

1. All the Principal District Judges / District Judges.
2. The Principal Judge, City Civil Court, Chennai-104.
3. The Chief Judge, Court of Small Causes, Chennai-104.
4. The Chief Judge, Puducherry.
5. The District Judge-cum-Chief Judicial Magistrate, Nilgiris at Udhagamandalam.

R.No.3629/08,Dt.15.6.2008.

Prl.Dist.Court,Pudukkottai

Copy communicated to All Judicial Officers, in this district and Record Keeper, Translator, of this court for information and necessary action.



Sd/- K. Jayakannan,

Principal District Judge,  
PUDUKKOTTAI,

17.6.08

sm/angudi

Chief Administrative Officer,  
Pudukkottai,  
17/6  
1876

D.No.4229/08  
23.6.08