



High Court of Jharkhand **NEWSLETTER**

Volume : 1

Issue II*




- * Full Fledged Criminal Trial through Video Conferencing
- * Workshop on "Case Management and Access to Justice"
- * First East Zone Regional Conference on "Administration of Criminal Justice : Issues and Challenges"
- * Seminar on "Judicial Excellence in Administration of Justice"
- * Interim Report of Judicial Work & Statistics : 2012-13
- * Important Judicial News & Events



Also available at www.jharkhandhighcourt.nic.in

* This issue comprises three quarters (April-June, July-Sep, Oct-Dec) of 2012

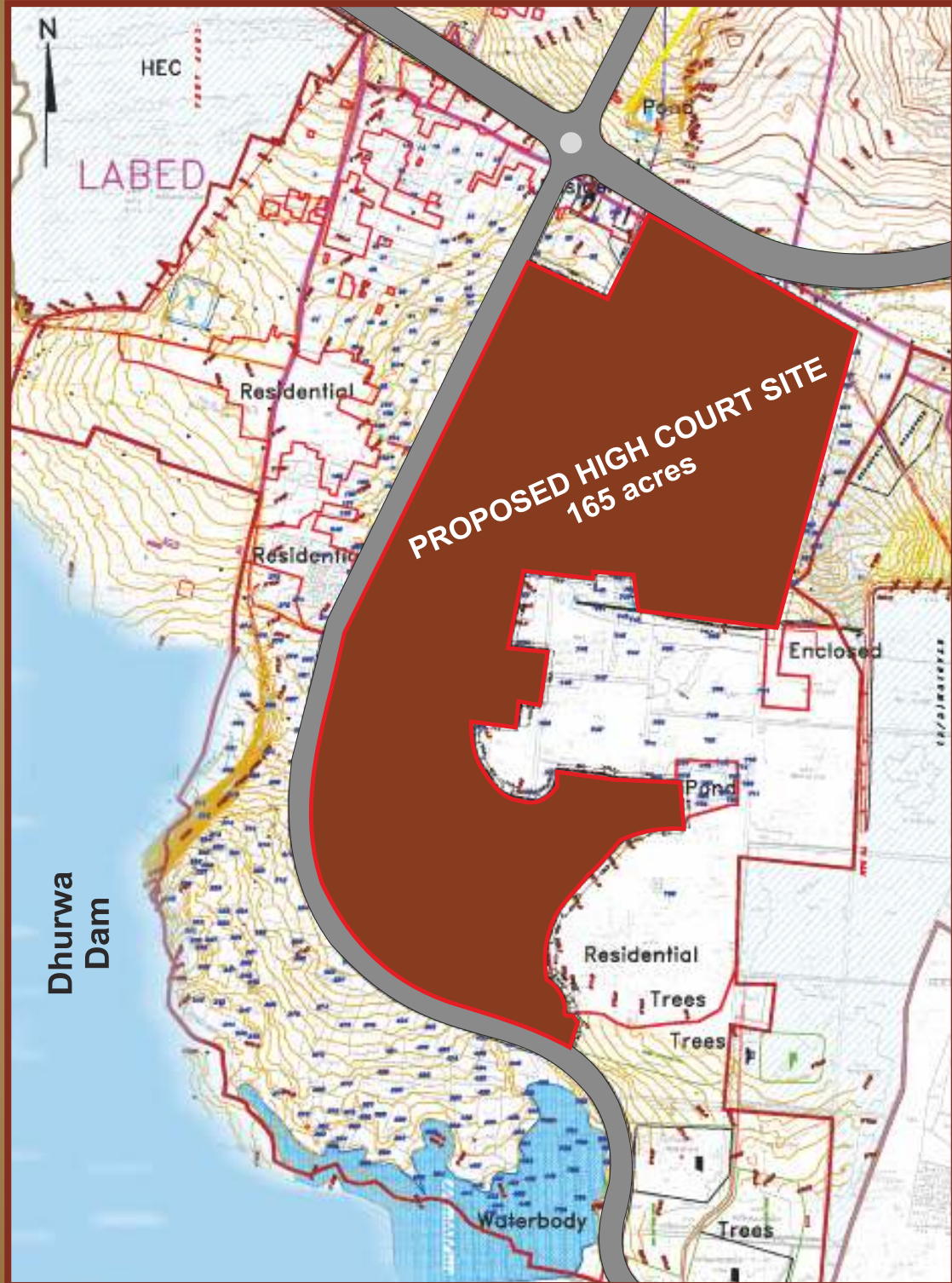


*Socrates has said that there are
four things a Judge must do :
To hear courteously;
To answer wisely;
To consider soberly; and
To decide impartially.*

SITE VIEW OF NEW BUILDING OF HIGH COURT OF JHARKHAND



SITE FOR NEW BUILDING OF HIGH COURT OF JHARKHAND





HON'BLE THE CHIEF JUSTICE AND HON'BLE JUDGES OF HIGH COURT OF JHARKHAND



Hon'ble Mr. Justice D.N. Patel
Judge, High Court of Jharkhand



Hon'ble Mr. Justice Prakash Tatia
Chief Justice High Court of Jharkhand



Hon'ble Mr. Justice N. N. Tiwari
Judge, High Court of Jharkhand



Hon'ble Mr. Justice R. R. Prasad
Judge, High Court of Jharkhand



Hon'ble Mrs. Justice Jaya Roy
Judge, High Court of Jharkhand



Hon'ble Mr. Justice Prashant Kumar
Judge, High Court of Jharkhand



Hon'ble Mr. Justice Alok Singh
Judge, High Court of Jharkhand



Hon'ble Mr. Justice P. P. Bhatt
Judge, High Court of Jharkhand



Hon'ble Mr. Justice H. C. Mishra
Judge, High Court of Jharkhand



Hon'ble Mr. Justice D. N. Upadhyay
Judge, High Court of Jharkhand



Hon'ble Mr. Justice Aparesh Kumar Singh
Judge, High Court of Jharkhand



Hon'ble Mr. Justice S. Chandrasekhar
Judge, High Court of Jharkhand



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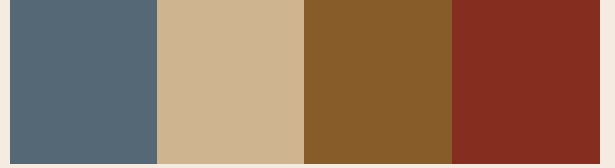
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From the Pen of Chief Justice of High Court of Jharkhand...

What is satisfying to me is that destiny has given me a role to play a little part in this High Court of Jharkhand and I am content that I have done my best as this noble chair has been adorned by a number of legal luminaries in the past and many more will follow.

Through this Newsletter Magazine of High Court of Jharkhand, I call upon my fellow Judges, Judicial Officers of District & Subordinate Judiciary, Staff Members of High Court and District & Subordinate Judiciary to rededicate themselves for the cause of the litigants for whom we are here to serve. Our each and every action must be aimed at making the litigants feel that they have been dealt with in just and fair manner. Every litigant cannot expect to win his/her case, but, each one of them has a right to be treated with respect, dignity and empathy.

The instant newsletter comprises the data of Judicial Works, Development of Law, Report on Judicial Seminars, Conferences, Infrastructures and many more which are very fruitful for each and every member of the Judicial Fraternity and I express my sincere gratitude to all the persons concerned with the publication of this newsletter and I wish the future issues will be more informative and useful.

I urge to the members of judicial fraternity to discharge their constitutional and statutory obligations dispassionately and uphold the values of the Constitution of India.

With best of Wishes,

Dated : 26th January, 2013

Justice Prakash Tatia
Chief Justice



Foreword

The publication of this Newsletter has been possible due to constant support and encouragement of the Chief Justice of High Court of Jharkhand, Justice Prakash Tatia.

The Indian Judiciary is facing a great challenge of “Timely Justice” in dispensation of justice followed by the expression “quality and responsiveness”. We take up the challenges as an opportunity and a number of measures have been taken to sharpen the knowledge and skill of each judicial officers and also to motivate them for using alternative measures of resolving disputes through intensive case management.

In the State of Jharkhand, the problem of pendency of cases (about 3 lakh) is not as alarming as that of National Statistics of about 3 crore, but, having analysed the details of cases pending in the various Courts of District & Subordinate Judiciary, the High Court came to know that old cases are pending for a long time in various Courts. Thereafter, a meeting of Principal District Judges and Senior Judicial Officers was called by Hon'ble the Chief Justice of High Court of Jharkhand Hon'ble Mr. Justice Prakash Tatia and some of the features of case management were discussed at length with them. The Judicial Officers were motivated and asked to take following steps on urgent basis and act accordingly with all determination:

- (I) To identify “20 Old Cases” of each Court and “20 Oldest Cases” of each Judgeship in order to dispose them of on priority basis as Continuous process;*
- (ii) To dispose of huge pendency of “Final Form Matters” pending in the Court of Judicial Magistrates either for acceptance of Final Form/Protest Petition;*
- (iii) The Cognizance Taking Power earlier vested only in the Chief Judicial Magistrates was distributed amongst all the Judicial Magistrates on equitable basis depending upon the number of Police Stations of particular District;*



- (iv) *Physical Verification of Case Records was done by each Court to identify the exact number of cases pending in the various Courts of District & Subordinate Judiciary;*
- (v) *Earlier the statistical data of pendency of criminal cases in each District Court was including "G.R. Cases pending Investigation" in which the investigating agency still investigating the matter and Chargesheet/ Final Form yet to be submitted and therefore, a direction was given not to include in the statistical data such G.R. Cases where investigation is still pending in the overall pendency of case;*
- (vi) *Stay Matter Cases of District & Subordinate Judiciary were pending in the respective Courts under a notion that the matters were still stayed by the High Court while in fact such matters were disposed of long back by the High Court and because of non-communication of the order of the High Court to the Lower Court, the matter was lingering in the Lower Court and the number of such cases were about 1000 where the High Court of Jharkhand communicated the order to the Lower Court and now the matters pending in the Lower Courts came into motion out of which either cases have been disposed of or moving forward for disposal;*
- (vii) *It has been impressed upon Judicial Officers to exercise judicial acumen before proceeding for inquiry in a complaint case considering the gravity & intricacies alleged in the complaint so that it could be sent to concerned investigating agency under Sec. 156 (3) of Cr.P.C. for just proper and fair finding;*
- (viii) *The High Court has directed to list the cases on priority basis before a specially designated Bench in which the proceedings of the Lower Court has been stayed;*
- (ix) *The High Court has constituted Special Bench to deal with cases related to murder, kidnapping, rape, dacoity and also Special Bench for Anti Corruption Law Cases including CBI, Vigilance, NDPS Cases, outlawed Maoists/extremists cases;*



- (x) *Each Judicial Officer has been directed to communicate through e-mail to know the stage of the cases pending in the High Court and for this Assistant Registrar (Judicial) has been authorized to give the reply promptly without delay and if the concerned Lower Court does not get satisfactory reply in time, he may contact Registrar General for the same;*
- (xi) *The other day an order has been passed by the Hon'ble High Court reminding all the Judges of District & Subordinate Courts that they have to communicate with the High Court through e-mail by sending e-mail either to the Assistant Registrar (Judicial) or Central Project Coordinator to inquire about any case pending or decided and further to seek copy of the short orders through e-mail, if required for want of supply of the copy of the order by the counsels of any case.*

It is true that success of an institution depends on meticulous planning and planning can succeed only through hard work which has been ensured by our Hon'ble the Chief Justice Prakash Tatia through His Lordship's constant patience & perseverance.

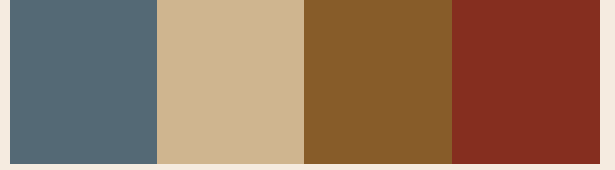
The Newsletter in hand is a collective effort of a Team of Editorial Board, Compilers and Supporting Staff. The Readers and Users are required to give their opinion, suggestions and recommendations for improvement in future issues. This Newsletter comprises of statistical data of judicial work, development of law, administrative orders, the report of legal conferences, seminars and infrastructre etc., having persuasive value in dispensation of justice.

Justice D. N. Patel

Judge, High Court of Jharkhand
Judge-in-Charge, Judicial Academy
Executive Chairman,
Jharkhand State Legal Service Authority



Newsletter
High Court of Jharkhand



Judicial News and Events





Seminar and Conferences

**A REFLECTION OF DELIBERATIONS AND DISCOURSES DURING
1st EAST ZONE REGIONAL CONFERENCE ON
“ADMINISTRATION OF CRIMINAL JUSTICE: ISSUES AND CHALLENGES”
(24th - 26th August, 2012)**

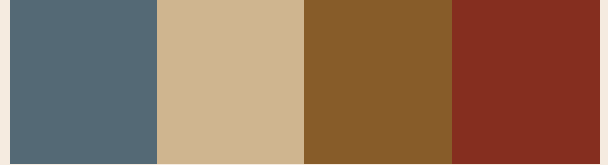


The 1st NJA Regional Judicial Conference on “Issues and Challenges in the Administration of Criminal Justice” for the Calendar Year 2012 -2013 was organized at BNR Chanakya Hotel, Ranchi from 24th to 26th August, 2012.

The aforesaid conference was organized at the instance of National Judicial Academy with an aim of sharing knowledge and experiences among Judges across the states in relation to various issues arising in the administration of Criminal Justice in India. The need of sensitizing judges regularly came after several Judicial pronouncements of the Hon'ble Supreme Court of India.

The theme of the conference was mainly confined to the following aspects of administration of criminal justice:

- (i) Theme 1 : Constitutional Origins of the Scheme of Criminal Justice in India
- (ii) Theme 2 : Indigent and the Criminal Justice System.
- (iii) Theme 3 : Fair Trial Aspects under the Criminal Justice System
- (iv) Theme 4 : Victim Rights in the Criminal Justice System
- (v) Theme 5 : Protection of Rights of Prisoners and Convicts



During different sessions of the conference, emphasis was given on various rights available to different stake holders such as accused, victims and prisoners under criminal justice system. Further the thrust was on analytical and empirical research outputs, simulation exercises, interactive sessions and deliberations on different topics and also to ensure protection and enforcement of rights of the stake holders.

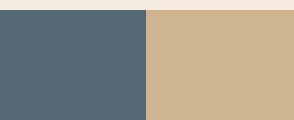


Since it was East Zone Regional Conference, so the Hon'ble Chief Justices and Judges of seven High Courts of East Zone were invited. Besides them Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India (Presently the Chief Justice of India) Hon'ble Mr. Justice S.J. Mukhopadhaya, Judge, Supreme Court of India, Hon'ble Mr. Justice S.B. Sinha, Former Judge, Supreme Court of India (Chairperson, TDSAT, New Delhi), Hon'ble Mr. Justice A.K. Ganguly, Former Judge, Supreme Court of India, Hon'ble Mr. Justice M.Y. Eqbal, Chief Justice, Madras High Court, Hon'ble Mr. Justice Ashok L. Dave, Judge, Gujarat High Court, Hon'ble Mr. Justice Sandip Mehta, Judge, Rajasthan High Court, Prof. (Dr.) K.N. Chandrasekharan Pillai and Prof. (Dr.) K. Chokalingam took part in different sessions of the conference.

Directors of three State Judicial Academies of Eastern Zone States namely Bihar, Orissa and West Bengal and 106 Judicial Officers of every cadre were also invited to participate in the said Conference.

In the inaugural session on 24th August, 2012, pursuant to formal inauguration of the conference by lighting of lamp by the distinguished guests present on dias, Hon'ble Mr. Justice N. N. Tiwari formally welcomed all the Hon'ble guests and participants including Hon'ble Mr. Justice A.K. Ganguly, Former Supreme Court Judge and presently Chairman, State Human Rights Commission, West Bengal, nostalgically remembering Justice Ganguly's stint as a Judge of Patna High Court. Prof. (Dr.) K.N.C. Pillai, Director, National Judicial Academy in his introductory address highlighted the theme of the conference, its utility, necessity and relevance of the topics included in the conference.

Inaugural address was delivered by Hon'ble Mr. Justice Prakash Tatia, Chief Justice, High Court of Jharkhand-cum-Patron in Chief, Judicial Academy Jharkhand. Hon'ble the Chief Justice emphasized various aspects of criminal justice system and also highlighted the work of Judicial Academy Jharkhand and Jharkhand Judiciary. Setting the tone of the conference, the Chief Justice talked about object of the conference to collectively consider the constitutional vision of criminal justice, statutory





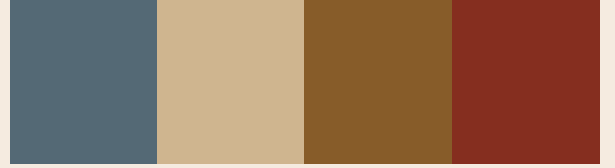
provisions and judicial pronouncements in order to identify and remove uncertainties and ambiguities surrounding the legal principles, so as to clarify, simplify and adapt the law to serve the needs of the society in an uniform and neutral manner. The further emphasis was laid on the role of the Supreme Court in guiding and modeling the entire judiciary and also bringing about harmony with social changes with the growth of law under the constitutional scheme, the contribution in the field of enforcement of socio economic rights of the masses, upgrading the right of speedy trial, legal aid and fair trial to be fundamental rights through judicial interpretations invoking Article 21 of the Constitution. Recent judgment of Justice Ganguly in the case of Subramanyam Swami whereby period of three months for grant of sanction for prosecution with a provision to extend further for one month in prevention of corruption cases, was mentioned as a leading example to scuttle delay in administration of justice. Members of subordinate judiciary were impressed upon to be alive while enforcing the judgments of the Supreme Court and balancing conflicting claims and interests of the litigating parties. Pointing out limitation of the judiciary to intervene in the investigation process and impact and consequences of failure of investigation, a number of instances were cited when the supreme court intervened. A need for strengthening and updating the investigation and prosecution was highlighted. A question was raised as to whether the courts are ready for catering the acquittal appeals likely to inundate the higher courts in view of the victims having been given the right to appeal against acquittal under section 372 Cr.P.C., without any rider, more so when under section 378 of the Cr.P.C. the permission of the state government / District Magistrate is required and special leave to appeal is to be filed by the state to get such acquittal appeal heard by the High Court. Role of new technologies, tools, techniques like information technology and also the managerial skill and



techniques in justice dispensation system was highlighted, with a request to the participants to explore new ways and means for taking their maximum advantage in fair, impartial, quick and affordable criminal justice delivery.

Hon'ble Mr. Justice A.K. Ganguly, Former Judge, Supreme Court of India, presently the Chairman, Human Rights Commission, West Bengal, presided the inaugural function. His Lordship in his address narrated his experience during his tenure as a Judge in High Court of Patna, which was his longest tenure in one High Court. He also stated about his love for Jharkhand, he often visited while Ranchi was a bench of Patna High Court. In his scholarly and erudite address Justice Ganguly traced the historical





background of introduction and step by step evolution of the criminal justice system in India under the British East India Company and subsequently under the UK Crown took to the Anglo Saxon Jurisprudence for dispensing criminal justice. The audience were substantially enriched and enlightened after knowing the legal history and factors which lead to evolution of the criminal law, both, procedural as well as substantive, leading to the form in which it presently is.



The second session of the first day was addressed by panelists of the stature of Hon'ble Mr. Justice A.K. Ganguly, Former Judge, Supreme Court of India, Justice Alok Singh and Justice Apresh Kumar Singh, both Judges, High Court of Jharkhand, Justice Ahsanuddin Amanullah of Patna High Court and Prof. K. Chokalingam, an eminent name in the field of victimology, while the session was chaired by Prof. (Dr.) K. N. Chandrasekharan Pillai, on the topic "Constitutional Origins of Criminal Justice System". The next session was on the topic "Identification of Issues and Challenges facing the Administration of Criminal Justice" followed by group presentation in which Justice Ganguly and Chief Justice Prakash Tatia co-chaired the session and panelists were Justice Navin Sinha of Patna High Court, Justice D.N. Patel of High Court of Jharkhand and Prof. K. Chokalingam.

On the second day key note address by Chief Justice A.K. Goel of Gauhati High Court on the topic "Role of Courts in the Administration of Criminal Justice" was delivered in the session Co-chaired by Justice S.B. Sinha, Former Judge, Supreme Court of India and Chief Justice Prakash Tatia and addressed by Justice N. N. Tiwari, Justice Navin Sinha, Justice Indrajit Mohanty, Justice Kanwaljit Singh Ahluwalia, Justice Ahsanuddin Amanullah and Justice Ujjal Bhuyan. The next session was on the topic "Fair trial rights and criminal justice system" which was Co-chaired by justice S.B. Sinha and Chief Justice A.K. Goel, while the speakers included Chief Justice M.Y. Eqbal and Justice Joymalya Bagchi. The panelists were Justice Indrajit Mohanty, Justice H.C. Mishra and Justice Apresh Kumar Singh. Justice Navin Sinha and Prof. K. Chokalingam were the speakers on the topic "Locating victim under criminal justice system" in the session co-chaired by Justice S.J. Mukhopadhaya of Supreme Court of India and Justice S.B. Sinha in which the panelists included Justice R.R. Prasad and Justice Prashant Kumar. The last session on the second day was on the topic "Sentencing" Co-chaired by Justice S.J. Mukhopadhaya of Supreme Court and Chief Justice M.Y. Eqbal of Madras High Court, in which the speakers were Justice S.B. Sinha and Justice A.L Dave and panelists included Justice P.P. Bhatt, Justice D.N. Upadhyay and Prof. K. Chokalingam.





In course of deliberations in different sessions of the second day, Justice Ganguly elaborately discussed the constitutional aspect of the criminal justice system mainly emphasizing on the basic human rights and speedy trial aspects. Justice Sinha focused on the point of certainty and consistency in the judicial pronouncements and explored the ways and means to achieve the same through a judicious system. Justice Mukhyadhaya while sharing his own experiences regarding different



aspects of a criminal trial highlighted the role of subordinate judiciary in criminal justice delivery. He further talked about ways and means to be evolved by the National Judicial Academy to ensure uniformity in sentencing and imposition throughout the country. Chief Justice M.Y. Eqbal while delivering on the topic “Right to fair trial” highlighted the twin essentials of administration of criminal justice mainly “presumption of innocence” and “burden of the prosecution to prove the case beyond reasonable doubt”. Quoting extensively from *Zahira Habibullah Sheikh Vs. State of Gujarat*, Justice Eqbal also talked about various variables to be kept in mind by the Court and ensuring justice to the victim while simultaneously taking care of the interest of the accused. The need to evolve a mechanism to ensure the witness protection was also highlighted. On the point of sentencing Chief Justice Eqbal quoting section 235 (2) of Cr.P.C. as well as reports of Madhav Menon Committee and Malimath Committee talked about the need for introduction of sentencing guidelines and a balanced approach was sought to be evolved, emphasizing that undue sympathy to impose adequate sentence would do more harm to the justice system and under mine the public confidence in the efficacy of law.





Justice Ujjal Bhuyan while speaking on the topic “Issues and challenges in administration of criminal Justice” differed with the views of some of the participants that the system has collapsed. He pointed out that in a country like India having varied social, economic, cultural, linguistic, historical and geographical dispensations and ever growing population, administration of criminal justice shall always be a challenge. Comparing out criminal justice system with Chinese or Russian systems by



giving illustrations, the inherent fairness in our system was highlighted. The real challenge is timely delivery of justice while maintaining the constitutional mandate of fair trial. Sharing his positive experiences at Gauhati High Court in focusing and redressing the arrear of criminal trial, learned Judge pointed out poor quality of investigation, delay in grant of prosecution sanction, poor quality of prosecution, absence of witness protection, undue adjournments, non service of notices / summons, paucity of judicial officers and reluctance of the subordinate courts to grant bail, as the important maladies of criminal justice delivery system. The learned Judge also shared his views on media trial and moral policing.

Dr. Pillai, Director, National Judicial Academy while setting the tone of the deliberations dispelled the accusation of collapsing criminal justice system and emphasized as to how section 125 of Cr.P.C. and section 138 of Negotiable Instrument Act, by making the right enforcement effective by criminal courts, what primarily was a civil dispute to be adjudicated by a civil court, has laid to flooding of courts with such cases. Through various illustrations the innovative manner in which the newly enacted laws like Domestic Violence Act, Maintenance and Welfare of Parents and Senior Citizen Act, 2007 etc has been invoked by the courts to do justice, it was pointed out that the criminal justice system in India is alive and effective. A suggestion was also made to discuss ways and means for resorting to mediation proceeding in certain categories of criminal cases and substituting imprisonment by fine in the nature of compensation to the victim. Talking about “victims concerns” Dr. Pillai highlighted their precarious standing in the present criminal justice delivery system based on adversial litigation where most of the offences are treated as offence against the society. The insufficient amount of compensation generally awarded to the victims upon the accused being held guilty was underlined and absence of any functional system to pay compensation to the victim where the offender could not be found or is acquitted, was lamented. Absence of communication between the prosecutor and the victim, absence of the provision of name suppression of a victim except a rape victim etc. has been





highlighted as major deficiency in the system. The learned Director gave a number of illustrations from SC/ ST, women victims from different states like Gujarat, Punjab, Rajasthan etc. pointing out how difficult it is for a victim from marginalized society to get justice. The orator however, lauded the judicial intervention of the supreme court in the form of Vishaka Judgement and Zahira Sheikh Judgement etc to set a right the wavering line of justice. The difficulty in getting a case lodged by the police and the negative role of the police has also been highlighted.



The eminent academician Prof. (Dr.) K. Chokalingam, a renowned name in the field of victimology introduced the topic among the participants and sensitized them regarding impact of crime on the victims. With the help of crime statistics and other indicators, the extent of the crime was discussed. After giving an overview of the Indian criminal justice system including constitutional and criminal law, the history and development of victimology as well as its basic concepts and theories were discussed. Various instances of affirmative action in favour of victims by the higher judiciary were highlighted which included grant of compensation, elaborate guidelines for victim assistance and their restitution. The recent laws to care and protect special categories of victims like Domestic Violence Act, Welfare of Parents and Senior Citizens Act, Prevention of Child Abuse and Victim Protection Act etc. were also discussed.





On the third and last day, the topic “Role of Courts in enhancing access to justice” was taken up in the session co-chaired by Justice Mukhopadhaya and Justice Sinha while the speakers were Chief Justice V. G. Gopal Gowda and Justice Shiva Kirti Singh, which included Justice D.N. Patel and Justice Mrs. Jaya Roy as panelists among others. The valedictory session was presided over by the chief guest



Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India (as His Lordship was then) who delivered the valedictory address. The valedictory session was also graced and addressed by Mr. Justice S.J. Mukhopadhaya, Judge, Supreme Court of India, Mr. Justice S.B. Sinha, Former Judge, Supreme Court of India and Chairman, TDSAT, Mr. Justice Prakash Tatia, Chief Justice, High Court of Jharkhand, Mr. Justice V. G. Gopal Gowda, Chief Justice, Orissa High Court, Mr. Justice A.K. Goel, Chief Justice, Gauhati High Court, Mr. Justice D.N. Patel, Judge, High Court of Jharkhand.

In the valedictory address Mr. Justice Altamas Kabir, while emphasizing on the relevance and utility of the issues / topics involved in the seminar, congratulated Dr. Pillai for taking the initiative on behalf of N.J.A. to take up such important issues and lauded the able assistance given by the chief Justice and his colleagues. Justice Kabir elaborately discussed the constitutional aspects specially different articles of chapter III of the Indian Constitution regarding fundamental rights in the context of criminal justice system and deliberated as to how to guide the rights of an accused who has been arrested or





detained. Various other facets of criminal justice delivery system including the pressing relevant problems related to ground realities were also highlighted. Prof. (Dr.) K.N. C. Pillai, Director, National Judicial Academy Bhopal extended the vote of thanks.



Seminar on Case Management & Access to Justice

Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India (now C.J.I.) addressing the Seminar on "Case Management & Access to Justice" to the Members of Judicial Fraternity of District & Subordinate Courts of the State of Jharkhand on 21st May, 2012.





Legal Literacy Camp for Women

Legal Literacy Camp held in Women Probation Home, Namkom, on 20th May, 2012 being presided by His Lordship, Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India and Executive Chairman, NALSA (now C.J.I.).



Exclusive Mega Lok Adalat

Exclusive Mega Lok Adalat for the University related matters at Nyaya Sadan, Jharkhand State Legal Services Authority, Ranchi held on 22nd May, 2012 and the Chief Guest was Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India and Executive Chairman, NALSA (now C.J.I.). (to be obtained from JHALSA)





Workshop on Juvenile Justice System

A State Level Workshop on Juvenile Justice System being held by Jharkhand State Legal Services Authority in coordination with the State of Jharkhand on 21.07.2012 where the Chief Guest was Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India and Executive Chairman, NALSA (Now C.J.I.) in Aryabhata Hall of Ranchi College, Ranchi in the State of Jharkhand



Addressing Newly Appointed Court Managers

On 27th July, 2012 Hon'ble the Chief Justice Shri Prakash Tatia addressing the orientation programme for the newly recruited Court Managers under the Thirteenth Finance Commission of India for High Court of Jharkhand and each District and Subordinate Courts of the State.





National Seminar on Judicial Review of Legislative Acts and privileges : A Constitutional Quandary

Seen in the picture are Hon'ble the Chief Justice Prakash Tatia addressing a National Seminar on "Judicial Review of Legislative Acts and privileges : A Constitutional Quandary" on 8th September, 2012 organised by National University of Study and Research in Law, Ranchi.



Legal Awareness Camp on Mental Health Day

Participating in the observation of World Mental Health Day on 10th October, 2012 at RINPAS at Ranchi in a Legal Awareness Camp by Hon'ble the Chief Justice Shri Prakash Tatia, Hon'ble Mr. Justice D.N. Patel and other Hon'ble Judges of the High Court of Jharkhand.





Empathy with differently abled person

Seen in the picture are Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India & Executive Chairman, NALSA (now C.J.I.) and Hon'ble Mr. Justice Prakash Tatia, Chief Justice of the High Court of Jharkhand and Other Judges of the High Court of Jharkhand in the annual function of 'Deepshikha' – an organization dedicated for the cause of differently abled persons organized by 'PURSHREE' run by women members only, on 22.07.2012.



Interaction with children at Ram Krishna Mission

Hon'ble the Chief Justice Shri Prakash Tatia addressing the children in Ram Krishna Mission on 8th September, 2012.







Appraisal of Judicial Work

Inspecting Case Management System of District Judiciary

On 28.04.2012, again the Hon'ble Chief Justice Shri Prakash Tatia inspected the Ranchi District Court alongwith His Lordship's Brother Justice D.N. Patel and Brother Justice Aparesh Kumar Singh. The paper news given below transpiring His Lordship's involvement in the Case Management System of the District & Subordinate Judiciary.



Chief Justice Prakash Tatia in Ranchi on Saturday.
Picture by Prashant Mitra

Tatia prod on pending cases
CHANDRAJIT MUKHERJEE

The Telegraph

| Sunday , April 29 , 2012 |

Ranchi, April 28: Chief Justice Prakash Tatia today implored judicial officers in the Ranchi District Court to be "Net savvy".

Justice Tatia, on a visit to the district court with Justice R.K. Merathia, chaired a closed-door meeting with all judicial officers and cajoled them to use the Internet more frequently and utilise it for communication with the high court.

The chief justice said all judges in the subordinate judiciary should take it up on themselves to ensure that old cases pending in their respective courts be disposed on priority basis. He added that magistrates and other judges in the lower courts should identify the 20 oldest cases and take them up till they are disposed.

He also discussed the need for efficient court management and said there was tremendous scope of improvement.

"The chief justice said all courts should see to it that the pendency of cases in their respective courts comes down to five-year-old cases only. At present, there are cases which are pending since 1981-82. In some cases there are stay orders from the high court. The lower courts should communicate with the high court and enquire on the

status of such cases. E-mails should be sent to the high court for sharing information, Tatia said," informed a judicial officer.

Justice Tatia reached the civil court at noon and stayed for a couple of hours during which he also met advocates of the Ranchi District Bar Association and also attended the proceedings in the mediation centre. Justice Tatia was impressed with the working of the mediation centre where 19 cases were listed today. As many as four cases were disposed.

The chief justice said had he known that so many cases were listed before the mediation centre, he would have come much earlier to see the proceedings.

He also assured advocates that their demand of filling up the Motor Vehicles Accident Claims Tribunal would be looked into immediately. The tribunal is lying vacant for quite some time.

Lawyers also informed Justice Tatia that the computers in the lower court do not function properly.

Appraisal of District Legal Service Authorities

Seen in the picture given below is the appraisal of Legal Services Authority by Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India and Executive Chairman, NALSA (now C.J.I.) of various districts, namely, Palamau, Garhwa and Koderma through Video Conferencing on 22.05.2012.





Infrastructure

Inauguration of Conference Hall with Video Conferencing Facility

Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India (now C.J.I.) addressing the Seminar on "Case Management & Access to Justice" to the Members of Judicial Fraternity of District & Subordinate Courts of the State of Jharkhand on 21st May, 2012.



First Video Conferencing Criminal Trial Court

First Video Conferencing Criminal Trial Court in Madhupur at District Deoghar of the State of Jharkhand being inaugurated online from the Video Conferencing Hall of the High Court of Jharkhand on 21.05.2012. Seen in the picture are Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India (as His Lordship then was), Hon'ble Mr. Justice Prakash Tatia, Chief Justice, High Court of Jharkhand, and Hon'ble Judges of High Court of Jharkhand;





Foundation of ADR Center at Jamshedpur

Hon'ble the Chief Justice Shri Prakash Tatia laid the foundation of ADR Centre popularly known as Zila Nyaya Sadan at District Court, Jamshedpur in the State of Jharkhand on 16th June, 2012 followed by Legal Awareness Camp.



Foundation of ADR Center at Seraikella

On 17th June, 2012, the foundation of another ADR Centre (Zila Nyaya Sadan) was inaugurated by Hon'ble Mr. Justice Prakash Tatia, Chief Justice of the High Court of Jharkhand accompanied with the Executive Chairman of Jharkhand State Legal Services Authority, Hon'ble Mr. Justice D.N. Patel, Hon'ble Mr. Justice Harish Chandra Mishra and Hon'ble Mr. Justice D.N. Upadhyay.





Foundation of ADR Center at Deoghar

Hon'ble the Chief Justice Shri Prakash Tatia laid the foundation stone of 3rd ADR Centre (Zila Nyaya Sadan) at District Court, Deoghar on 30.06.2012 followed by inauguration of Mediation Centre and Legal Awareness Camp on Mediation.



Inauguration of New Court Building at Simdega

Inauguration of New Court Building of District Court, Simdega in the State of Jharkhand followed by inauguration of Mediation Centre and Legal Awareness Camp by Hon'ble Mr. Justice Prakash Tatia, Chief Justice, High Court of Jharkhand on 14-15th July, 2012 accompanied by Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand and Hon'ble Mr. Justice D.N. Upadhyay, Judge, High Court of Jharkhand.





Foundation of Third ADR Center at Koderma

The foundation of Third ADR Centre (Nyaya Sadan) was laid by Hon'ble Mr. Justice Prakash Tatia, Chief Justice, High Court of Jharkhand at District Court, Koderma in the State of Jharkhand on 4th August, 2012 followed by a Legal Awareness Camp on ADR Mechanism.



Foundation of 4th ADR Center at Hazaribagh

On 5th August, 2012 the foundation of Fourth ADR Centre (Nyaya Sadan) was laid by Hon'ble the Chief Justice Shri Prakash Tatia in the presence of Hon'ble Mr. Justice D.N. Patel, Judge, High Court of Jharkhand & Executive Chairman, Jharkhand State Legal Services Authority and Hon'ble Mr. Justice R.R. Prasad, Judge, High Court of Jharkhand and Zonal Judge of Hazaribagh.





Launching of Website of Jharkhand State Bar Council

Seen in the picture are Hon'ble Mr. Justice Prakash Tatia, Chief Justice, High Court of Jharkhand on the occasion of launching of Web Site of Jharkhand State Bar Council



Judges Residential Bungalows

Under the continuous monitoring of High Court, the Judges Residential Bungalows (6) have been completed in a very short span of period Seen in the picture are shown below :





Senior Advocates Lounge

The Hon'ble High Court has provided a lounge (sitting place) for designated Senior Advocates of High Court of Jharkhand as there was no place for them to seat.



Jharkhand State Bar Council Building

The Jharkhand State Bar Council has been provided with a building for the time being to discharge the statutory obligations effectively and efficiently.





Special Fast Track Court for offences against women

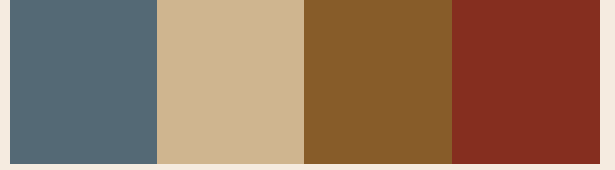
Inauguration of Fast Track Court for Women

On 5th January, 2013 a Fast Track Court for crime against women was inaugurated in Ranchi District Court exclusively to try cases for the offences against women followed by inauguration of Six High Court Judges Bungalows at Doranda





Newsletter
High Court of Jharkhand



Development of Law

High Court of Jharkhand





Development of Law High Court of Jharkhand

Misuse of Procedural Lacuna by Authority – Doing Substantive Justice

In the case of **Union of India & Others versus Anju Kumari**, reported in **2012 (3) JCR 610(Jhr)**, a Division Bench of this Court (**Prakash Tatia, C.J. & Aparesh Kumar Singh, J.**) while considering the case of a widow with two minor daughters, who had applied for compassionate appointment on Group 'D' post within three months' of her husband's death, but despite four rounds of directions by the Central Administrative Tribunal, Ranchi Bench, Patna to consider her claim and lapse of a period of around 12 years; she is yet to get a favorable order/appointment on the ground that though her claim is alright, due to subsequent privatization of Group 'D' Post, there is no vacancy, though there is vacancy in Group 'C' Posts for which she is qualified; it was held that despite being conscious of the limitations of the Writ Jurisdiction in the nature of certiorari; in view of misuse of power by the authority by rejecting the representations repeatedly ignoring the principle of res-judicata, and constructive res-judicata and those underlying in Order II Rule 2 C.P.C. whereby the authority is restrained from taking a defence in subsequent rounds, which it has already taken in the previous round of litigation; the authority is directed to give compassionate appointment to the applicant-widow dismissing the writ petition preferred by the Union of India and the authority, who has been rejecting the representations of the widow, repeatedly, the Court lamenting the approach of the authority drew the attention of the law framers to rethink over such procedural matters resulting into multiplicity of proceedings and also burdening the Tribunals and Courts and that too at the cost of a poor litigant, who is in dire need of justice.

Law in tune with Changing Time and Technology – Permitting Registration of Marriage through Video Conferencing

In case of **Upasana Bali & Manish Bali versus State of Jharkhand & Others [W.P.(C) No. 5288 of 2012]** a Division Bench of this Court (**Prakash Tatia C.J. & Jaya Roy, J**) while dealing with the provision contained in Rule 4 (3) of Jharkhand Hindu Marriage Registration Rules, 2002, which literally requires personal presence of both the parties to the marriage for presenting the application for registration before the Marriage Registrar; applied the doctrine for interpreting the provision of an ongoing statute/Act in light of changing technological and communicational development and after discussing a catena of Indian and Foreign Judgments on the issue, held that requirement of presentation of application for marriage under the Act can be fully met when such application is presented by duly authorized Power of Attorney Holders of the parties, authorized jointly or separately, coupled with satisfaction of the Registering Authority through Video Conferencing from the persons who are seeking registration of their marriage.



Interpreting Law Progressively – Speed Post is as good as Registered Post

In the case of **Milan Poddar versus Commissioner of Income Tax, Ranchi & Another** reported in **2012 (4) JLJR 65** a Division Bench of this Court (**Prakash Tatia, C.J. & Jaya Roy, J.**) while upholding the finding of the Tribunal in part, was called upon to decide whether sending notice to the correct address of the Income Tax Assessee by Speed Post fulfills the requirement of notice under Section 282 of the Income Tax Act, 1961, which speaks about sending notice by post; applied the well known rule of interpretation wherein it is said that “language of the statute is generally extended to new things, which were not known and could not have been contemplated when the Act was passed, when Act deals with genus and the thing which comes afterwards, is a species of it”; and thereafter held that valid notice can be sent by Speed Post which is a new postal mode of sending and therefore, not mentioned in the statute specifically. It was also highlighted that Speed Post has all the principal attributes of 'Registered Post' inasmuch as, its receipt is recorded, its movement as well as delivery is tracked, and the loss on account of delivery and damage is indemnified.

Hereditary right of employment is ultra vires Article 14 & 16 of the Constitution

In the case of **Bimal kumar Dey and Others Vs. The Chairman, Hindustan Copper Ltd. And Others (C.W.J.C No. 1863 of 1996(R))** a Division Bench of this court (**Prakash Tatia, C.J & Aparesh Kumar Singh, J**) while considering a question referred by a learned Single Judge that whether the nominees of the workmen who retired on reaching the age of superannuation and the nominees of the workmen who have already completed certain years of services can be appointed on preferential ground and such scheme, if any on record, is violative of Articles 14 and 16 of the Constitution of India or not?” held **that** if the Clause 4.1.2. (iv) and (v) of the Recruitment and Promotion Rules, 1994 is given effect to, then ultimately, if Company runs for a long period, one time may come that all the employees will be only the descendant's/ dependents of former employees of the company rendering the posts as only hereditary posts denying any opportunity to any eligible candidate to take part in the process of selection for appointment in the Government Company. Such rule cannot be allowed to stand in view of the Constitutional provision of Article 14 and 16 as well as in view of the decision given by the Hon'ble Supreme Court. Therefore, Clause (iv) and Clause (v) of Rule 4.1.2 are declared to be unconstitutional.

Misuse of Rule 3(A) (2) of Order XLI C.P.C - The Way Out

In the case of **The State of Jharkhand & Ors Vs. Ashok kumar Chokhani & Ors** reported in **2012 (4) JLJR 221** a Division Bench of this court (**Prakash Tatia, C.J & Aparesh Kumar Singh, J**) while dealing with a matter of enhancement of rent held **that** increase only to meagre extent of the rent after 45 years has been questioned by the State Government because of the reason that such luxury is available to the State Government who need not to pay from its own pocket but the State Government pays from the public money, therefore, they can go to the Supreme Court also where poor litigants cannot think to go in a matter of enhancement of rent of this quantum only. **The Court further raised serious doubt to the** provision contained in Sub-Rule 2 of Rule 3(A) or Order XLI of C.P.C which prohibits the Court from dismissing the appeal even if Court looks into the merit of the appeal and finds no merit but simply because it has been calculatedly or deliberately filed after a delay of one, two



or few days and opined that it is for the law framers to look into the matter and it is not for the Court to decide about the law which is not under challenge. The appellate court which has power to reject the frivolous and meritless appeal instantly without calling upon the other party, stands deprived of its power to dismiss the appeal because of the deliberate or even intentional act of litigant by not filing the appeal in time.

Frivolous Litigation due to cumbersome Law – Bihar Tenant Holding (Maintenance of Records) Act, 1973 – Matter referred to State Law Commission for consideration and appropriate recommendation

In the case of **Mahavir Mahto & Others versus the State of Jharkhand & Others** reported in **2012 (4) JLJR 210** a Division Bench of this Court (**Prakash Tatia, C.J. & Jaya Roy, J.**) in the case for recording the name of the tenant under Bihar Tenant Holding (Maintenance of Records) Act, 1973 in a Mutation Proceeding, which travelled to 7 forums in 12 years since 1998 upto Letters Patent Appellate Jurisdiction of the High Court only for the limited purpose of making entries in the Revenue Records, which at best give rise to a rebuttable presumption of its genuineness regarding possession of the agricultural lands; discussed the entire scheme of the Act and highlighted the futility of a chain of provisions involving multiplicity of forums for such a limited relief wherein neither declaration of title nor getting possession or eviction of the other side is possible, which can be granted only through a Civil Suit; suggested appropriate amendments in Sections 14, 15 and 16 of the Act giving finality to the order of the Anchal Adhikari (Circle Officer) against which, the appropriate Party may file a Civil Suit in a Court of competent jurisdiction and further directed to send a copy of the Judgment to the State Law Commission and the State Government to examine the issues raised in the judgment and consider as whether nominal fixed Court Fee should be levied for a suit for declaration of title with relief of possession or without possession for agricultural land or payment of Court Fee should be dispensed with in its entirety.

Virus of Jharkhand Minerals Dealers Rules, 2007 upheld

In the case of **Bihar MICA Exporter Association Vs. State of Jharkhand & Ors.** reported in **2012 (3) JLJR 319** vires of “Jharkhand Minerals Dealers Rules, 2007” was challenged which was framed in exercise of power conferred under section 23C(1)(2) of the Mines and Minerals (Development and Regulations) Act, 1957 by the state Government of Jharkhand vide notification dated 21-09-2007. A Division Bench of this court (**Prakash Tatia, C.J & Aparesh Kumar Singh, J**) held that challenge to the impugned Rules on the grounds of lack of legislative competence on a field occupied by a State Legislature are without substance. These Rules are within the purview of the delegated power conferred upon the State Government under Section 23C of the MMDR Act and are intra vires the Parent Act i.e. M.M.D.R Act except to the provisions relating to the “Mineral Products” as indicated and as such the provisions of the impugned Rules shall not apply to the “Mineral Products.” It is also held that the requirement of laying a subordinate legislation is not an empty formality and is a method to exercise effective check and control over the rule making power of the Executive by the legislature of the Union or the State concerned. The State Government should proceed to place the Rules of 2007 before the House of the State Legislature without any further delay as per the requirement of Section 28(3) of the M.M.D.R. Act, if not already laid before the House.



So long the minerals excavated remain mineral; they are subjected to the Rules in question. There is an avowed object behind the aforesaid Rules framed under Section 23 C of the MMDR Act which have to advance by resorting to the principle of purposive construction. Therefore, while upholding the validity of the Rules of 2007 under challenge in these writ petitions, it is declared that the provisions of these Rules shall not apply to mineral products.

Residential Certificate not required for Scheduled Caste Candidates

In the case of **Dr. Rakesh Kumar versus the State of Jharkhand** reported in **2012 (4) JCR 679 (Jhr)** a Single Bench of this Court (**D.N. Patel, J.**) in a Writ filed by a Scheduled Caste Candidate, who has been denied public employment as doctor by placing him among General Candidate for the simple reason that he could not furnish a local residential certificate in terms of Jharkhand Government Resolution, lucidly discussed the Constitutional Provision under Article 341 following which, the President of India, in consultation with the Governor of the State declares certain castes as Scheduled Castes for a particular State and thereafter allowing the writ and directing the respondent Jharkhand Public Service Commission and the State to declare the petitioner successful and appoint him, has held that once caste of a candidate is included in the Schedule of the State concerned and if certain seats are reserved for Schedule Castes for public employment under Article 16 of the Constitution, no other requirement can be inserted by the State Government or Public Service Commission. No law compels the petitioner and no obligation can be cast on him by any law, rule, regulation, order or policy to supply local residential certificate in any proforma and any such requirement shall be held to be ultra vires to the Constitutional Provision itself.

Court cannot direct the State to advertise all vacant posts as it is a policy decision

In the case of **Ranjit Singh & Others versus the State of Jharkhand & Others [W.P.(S) No. 5900 of 2011]**, a Single Bench of this Court (**D.N. Patel, J.**) while deciding writ petition for giving direction to the State to appoint the petitioner on different posts of Police, Sergeant & Company Commander after declaring them successful, upon revising the total vacancies from 384 which were advertised to 1492 which admittedly was the actual total number of vacant posts available on the date of advertisement and considering the fact that due to prolonged delay and gap in conducting the examination and one time age relaxation of 11 years has been given to all categories of candidates; upon elaborate discussion of a catena of case laws on different aspects of appointment jurisprudence, the Writ Petition was dismissed holding that – (1) There is no obligation on the part of the State to advertise all the vacant posts and to fill them up as it is for the State to decide as to how many vacancies are to be advertised considering financial capability, budgetary provision, infrastructure for the posts in question, the need to fill up the same, administrative exigencies or any other reason. (2) That normally the Court in exercise of its extraordinary writ jurisdiction does not interfere in the policy decision of the State. (3) In no case a mandamus can be issued to appoint candidates in excess to the number of vacant posts advertised as it would amount to appointing against future vacancy or in case of backlog 'other vacancies' which is illegal and has been repeatedly deprecated by the Hon'ble Supreme Court.



Employee to be given certified copy of the Service Book annually upon application – Direction issued

In the case of **Raghunath Pandey versus State of Jharkhand & Others** reported in **2012 (4) JLJR 132** a Single Bench of this Court (**D.N. Patel, J.**) while allowing the Writ and quashing the letter of the respondent State authority deducting certain amount from the pension of a retired employee for the reason that he worked for few extra months after his retirement, but, without any fault, fraud, misrepresentation, negligence on his part as his Service Book was being maintained by his employer State authority and under the relevant provisions of the Jharkhand Service Code, there is no provision for granting the employee even a copy of his own Service Book during his service tenure and even certified copy can be given only after retirement. Lamenting and deprecating the present state of affairs when despite Service Book not being covered by Official Secrets Act; there is no provision for grant of its copy to the concerned employee during his service tenure and highlighting the fact that if such a provision is made, it would help sorting out a number of legal issues at the earliest like disputes related to date of birth, entries in the service book, increments, promotional issues, Assured Career Advancements etc. and shall also maintain transparency; directed the State to offer its employees granting of certified copies of their Service Book at the end of every financial year, i.e., in the month of April, upon asking at the cost of the employee and necessary circular to materialize the same be issued and circulated by the Chief Secretary.

Locus standi of a union to file writ petition

In the case of **Jharkhand Ayurvedic & Unani Medical Officer's union Vs. State of Jharkhand & Ors (W.P(S) No. 1825 of 2010)** a Single Bench of this Court (**D.N Patel, J**) while considering the petition filed by the Union on behalf of its member for grant of pay scale held that the petition is confined for the Member of the petitioner – union only and that too, for getting particular pay scale. Thus, the public at large is not interested in the outcome of this writ petition. On the contrary, it is private interest litigation for some of the members of the petitioner – Union. It further appears that the Members of the petitioner – Union are in the Government Services with the respondent, State of Jharkhand and it is not a case of the petitioner – Union that its Members are unable to approach the Court by reasons of: Poverty, Disability and Socially or Economically disadvantaged position. On the contrary, looking to the facts of the present case, it appears that the Members of the petitioner – Union, who are government servants, are able to approach the court to ventilate their grievances for getting a particular pay scale and such other prayers, as made in this writ petition. Therefore in view of the aforesaid facts the petitioner - Union has no authority to file this writ petition on behalf of its Members and in absence of such resolution, the Petitioner – Union has no locus standi to file this writ petition.

Labour Law – Dispute need not be in any prescribed or specific manner

In the case of **Ramesh Chandra Mishra/Shri Krishna Rai versus The Presiding Officer, Labour Court, Ranchi & Another** reported in **2012 (3) JLJR 183** a Single Bench of this Court (**Narendra Nath Tiwari, J.**) while allowing the writ and setting aside the Labour Court award held that Industrial Disputes Act nowhere contemplates that a dispute would come into existence only in any particular or specified or prescribed manner. Even existence of a written demand is not sine-qua-



non for coming into existence of industrial dispute except in the case of public utility, because Section 22 of the Act forbids going on strike without notice; which, however, is not the case herein. Similarly, the consequential relief of reinstatement cannot be denied to the employee who was arbitrarily asked to stop working without even issuing an order of termination. Once it is shown that he was duly appointed and regularized, he acquired a valuable right to the post and, therefore, arbitrary termination of service such an employee without following the procedure prescribed by law is violative of Article 14, 16 and 21 of the Constitution and Section 25(F) of the Industrial Disputes Act, 1947.

Jharkhand Panchayat Election Rule, 2001

In the case of **Sudha Devi v. The State of Jharkhand & Ors.** reported in **2012 (3) JLJR 465** a Single Bench of this Court, (**Narendra Nath Tiwari, J**), while considering the question, whether an election petition can be summarily disposed under the Jharkhand Panchayat Election Rules, 2001 held that under Chapter 13 of the Jharkhand Panchayat Election Rules, 2001, there is an extensive procedure for dealing with the election petition and hearing and disposal thereof. Rule 113 of the said Rules, 2001 prescribes for hearing of the election petition in accordance with the procedure prescribed in Civil Procedure Code, 1908. It further prescribes for taking of evidence in accordance with the provisions of the Evidence Act, 1872. Since the said rules prescribes for hearing of election petition in accordance with the procedure prescribed in the Civil Procedure Code, the election petition has to be heard and disposed of in accordance with the said procedure and not in any other manner.

Customary Law – appointment of “village pradhan”

In the case of **Subhash Chandra Sah Vs. The State of Jharkhand & Ors.** reported in **2012 (4) JCR 321 (Jhr)** a Single Bench of this Court, (**Narendra Nath Tiwari, J**) while interpreting the provisions contained under Section 5 of the Santhal Parganas Tenancy (Supplementary Provision) Act, 1949, Rule 3 of the Santhal Parganas Tenancy (Supplementary) Rules, 1950 and Schedule-V of The Santhal Parganas Tenancy (Supplementary) Rules, 1950 held that on conjoint reading of Section 5, Rule 3 and Schedule - V, it becomes clear that for appointment of a headman, the following considerations are required:

- (i) The headman must be a resident of the village or his permanent home must be within one mile of the village.
- (ii) The appointment has to be made in accordance with the village customs.
- (iii) The Deputy Commissioner before confirming any such appointment shall satisfy himself that the candidate is generally acceptable to the Raiyats.
- (iv) An opportunity should be given to the raiyats to object to any candidate.
- (v) The Deputy Commissioner must satisfy himself that the candidate to be appointed must be a fit candidate.



Maintainability of second F.I.R

In the case of **Pradip Kumar Upadhyay –vs- State of Jharkhand through S.P, Vigilance (Cr. M. P. No. 231 of 2011)** a Single Bench of this court (**R.R. Prasad, J**) while dealing with a quashing matter filed firstly, on the ground that any decision without having any approval by the then Governor for handing over the investigation of the case to the Vigilance Department is nonest and secondly, lodging of the second FIR on the same allegations upon which First Information Report had already been lodged is not permissible held that Second FIR is maintainable when there is discovery of a larger conspiracy on the factual foundations of the case and further, absence of approval of Governor is not a valid ground for quashing FIR.

Jurisdiction of the Court for offence under Section 498A and 406 IPC

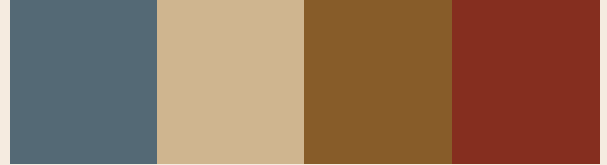
In the case of **Amitaj Kumar & Others versus the State of Jharkhand [Cr. M.P. 1094 of 2012]** a Single Bench of this Court (**R.R. Prasad, J.**) while dismissing the quashing application with a prayer to quash the cognizance taking order for want of territorial jurisdiction, as no cause of action arose in a case under Section 498A, 406 I.P.C. and 3/4 of the Dowry Prohibition Act; highlighted the provision contained under Section 181(4) Cr. P.C. which provides for trial of criminal misappropriation or breach of trust where the property was received, retained, required to be returned or accounted for by the accused persons and held that averments in the complaint categorically makes out the territorial jurisdiction as accused still are alleged to have the custody of goods, articles and jewelries of the complainant and those articles were given at the time of marriage at Dhanbad.

Public Distribution System (Control) Order, 2001

In the case of **Aloke Dutta Vs. The State of Jharkhand (Cr. M. P. No.56 of 2012)**, a Single Bench of this court (**R.R. Prasad, J**) while dealing with the Bihar Trade Articles (Licences Unification) Order, 1984 and the Public Distribution System (Control) Order, 2001 held that the Bihar Trade Articles (Licences Unification) Order, 1984 has become ineffective after commencement of the Public Distribution System (Control) Order, 2001, relating to distribution of PDS commodities and in absence of any authority authorized by the State Government to the Block Supply Officer in terms of clause 10 of the Public Distribution System (Control) Order, 2001 to make search and seizure of a place with regard to receipt of a complaint of irregularities committed by a Public Distribution System Dealer, any search and seizure made by a Block Supply Officer is quite illegal and the case lodged on the basis of such search and seizure certainly gets vitiated.

Power to add persons in array of accused

In the case of **Awadh Kishore Singh Vs. The State of Jharkhand** reported in **2012 (3) JLJR 59** a Single Bench of this court (**Mrs. Jaya Roy, J**) while dealing with a case u/s 319 of the code of Criminal Procedure, 1973 held that if evidence comes against the petitioner during trial after examining prosecution witness, court has every power to add such person(s) in array of accused u/s 319 and summoning them to face trial. Impugned judgment by which power u/s 319 was evoked even without examining a single witness by the session court set aside and revision allowed.



Burden of accused

In the case of **Shri Madan Mohan Singh Vs. The State of Jharkhand through CBI reported in 2012 (3) JCR 567** a Single Bench of this court (**Mrs. Jaya Roy, J**) while dealing with a case u/s 7, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, held that the burden is on the accused to prove that the amount is taken by him was not by way of illegal gratification. In this case prosecution has been able to prove the charges beyond all reasonable doubts. Appeal dismissed.

Jurisdiction of court

In the case of **Nishi kant Vs The State of Jharkhand** reported in **2011 (4) JCR 15** a Single Bench of this court (**Mrs. Jaya Roy, J**) while dealing with a transfer petition preferred U/s 4(2) of the P.C.Act, 1988 held that when the offence was committed in the District of Dhanbad and the demand was made by the petitioner on phone from Ranchi, where he was posted as Manager (Law) at Zonal Office ,Allahabad Bank, Ranchi. The Dhanbad, CBI Court has got jurisdiction legally to try the case and transfer petition dismissed. Order passed in this case is also approved by Hon'ble Apex Court in Special Leave to Appeal (Cri) No.6689/2011.

Charitable Organization – liable to pay minimum wages

In the case of **Bishop Dr. Samuel R. Thomas Vs. State of Jharkhand &Anr.** reported in **2012 (3) JLJR 125** a Single Bench of this court (**Prashant Kumar, J**) while dealing with a case u/s 2(e), 22 and 23 of the Minimum Wages Act held that even if a person running an organization for charitable purpose and same comes within the purview of scheduled employment, then said organization is liable to pay minimum wages to its employees. Thus if it is found that employees of said organization are not getting minimum wages, then the employer is liable to be prosecuted.

Civil remedy vis-a-vis Criminal proceeding

In the case of **Manohar Prasad Bhadani & Ors. Vs. The State of Jharkhand reported in 2012 (3) JLJR 525** a Single Bench of this court (**Prashant Kumar, J**) held that mere fact that complaint relates to commercial transaction or breach of contract, for which civil remedy is available or has been availed is not by itself a ground to quash criminal proceeding. The test is whether the allegation in the complaint discloses a criminal offence or not.

Section 3(x) of the SC & ST (Prevention of atrocities) Ac- when attracted

In the case of **Ajay Kumar Chaubey @ Ajay & Ors Vs. The State of Jharkhand & Anr** reported in **2012 (4) JLJR 257** a Single Bench of this Court (**Prashant Kumar, J**) held that as per Section 3(x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, it is necessary that the utterances of insult, intimidation and/or humiliation to a member of Scheduled Caste or Scheduled Tribe be made in public view. Since the occurrence took place inside the house, it is not within the view of public at large, as they have no free access to that place. Accordingly, impugned order taking cognizance quashed.





Applying Civil Procedure Code in Election Petition – Suit dismissed on maintainability

In the case of **Nirbhay Kumar Sahabadi versus Shri Pradeep Balmuchu & Ors.** Reported in **2012 (3) JCR 660 (Jhr)** a Single Bench of this Court (**Alok Singh, J.**) while dismissing the Election Petition even before issuing notice, held that as CPC applies to the trial of an Election Petition by virtue of Section 87 of the Representation of Peoples Act, the Court trying the petition can act in exercise of powers under C.P.C. including Order VI Rule 16 and Order VII Rule 11 (a) at any stage, either before registering the plaint or after issuing the summons to the defendants must examine the pleadings to find out as to whether the averments made in the plaint discloses cause of action giving rise to a triable issue or in the garb of ingenious drafting the litigant is misusing the process of the Court to pursue vexatious litigation for harassing the opposite party. On facts of the case, held that from the averments of the petition itself no triable cause of action under any of the grounds available in the Representation of Peoples Act is made out and hence, the Election Petition was dismissed in limine.

Jurisdiction of High Court under Ar.226

In the case of **Constable No.892294004, Harender Singh @ Harender Singh vs. Union of India through its Secretary, Ministry of Home, North Block, New Delhi & Ors.** reported in **2012 (4) JCR 311 (Jhr)**, a Single Bench of this court (**Alok Singh, J**) held that this court while exercising the jurisdiction under Ar. 226 of the Constitution of India, in a matter assailing the order passed by the disciplinary authority, ordinarily should not interfere in the findings of fact recorded by the disciplinary authority and should not act as an appellate court, However, there is caveat to it. If this court, while hearing the petition under Article 226 of the Constitution of India, comes to a conclusion that the findings of fact recorded by the disciplinary authority are totally perverse and without any evidence and are highly improbable, then this court cannot remain silent spectator and shall proceed to disturb such perverse and baseless finding of fact to do complete justice. It is further held that the basic requirement of a human being bread, home and cloth, should not be taken away by “Tuglaki Farman”. Asking the petitioner to vacate the house immediately and not to speak to senior for alternative house seems to be totally arbitrary and unjustified. This is no ground for extreme penalty of dismissal or removal from service.

Strike by Doctors – May be prosecuted for an offence under Section 300 I.P.C.

In the case of **Court on its own Motion versus Union of India & Others** reported in **2012 (4) JCR 440 (Jhr)** a Single Bench of this Court (**Alok Singh, J.**) suo moto took cognizance of the strike by doctors of Government Hospitals widely reported in Daily Newspapers and quoting various clauses of Indian Medical Sciences (Professional Conduct, Etiquette and Ethics) Regulations, 2002, which commands the doctors not to neglect a patient and to serve the human being as a good citizen etc. prima facie opined that proper treatment and healthcare being basic requirement of all human being is also fundamental right of all the citizens; and, therefore, the doctors are duty bound to attend the cases who need immediate treatment and further they would be attracting prosecution under Clause 4 of Section 300 I.P.C. if not treating a patient who would die in absence thereof, as they are committing the Act knowing fully well that their inaction in not treating the patient is imminently dangerous and in all



probability to cause death and such a person is guilty of murder. Considering the seriousness and gravity of the matter, the same was referred to the appropriate Division Bench as a Public Interest Litigation.

Production of Enquiry Report – Mandatory requirement

In this case of **Kabir Welfare Trust, Zakir Nagar, Jamshedpur Vs. Raushan Perveen** reported in **2012 (3) JCR 552 (Jhr)**, a Single Bench of this Court (**P.P. Bhatt, J**) held that the production of enquiry report is mandatory requirement in a departmental proceeding. It is also held that *an enquiry is to be conducted against any person giving strict adherence to the statutory provisions and principles of natural justice. The charges should be specific, definite and giving details of the incident which formed the basis of charges. No enquiry can be sustained on vague charges. Enquiry has to be conducted fairly, objectively not subjectively. Finding should not be perverse or unreasonable, nor the same should be based on conjectures and surmises.*

Court holiday – Meaning

In the case of **Md. Shahid Ahmad Vs. Alimun Nisa** reported in **2012 (4) JLJR 289**, a Single Bench of this Court (**P.P. Bhatt, J**) while dealing with an application u/s 15(1) of the Bihar Building Lease Rent and Eviction Control Act, 2000 held that the party has the option to treat court holidays as holidays for section or the registry also even if the Section was actually working during the court holidays. Moreover, when two views are possible on the question of limitation, the view which brings the proceedings within the period of limitation should be preferred.

Departmental proceeding vis-à-vis Criminal case

In the case of **Pandav Kumar Vs. Union of India & Ors.** reported in **2012 (4) JLJR 300**, a single bench of this court (**P.P. Bhatt, J**) held that when the departmental proceedings were initiated on the basis of a criminal case, usually it is desirable that the disciplinary authority should wait till the outcome of the criminal case. Of course, the departmental proceedings and the criminal case are two distinct and different proceedings but at the same point of time, when the charges levelled against the delinquent in a departmental proceedings, vis-a-vis a criminal case are similar and more particularly when the departmental proceedings are instituted for the reason of filing of a criminal case, it is desirable that the disciplinary authority should await till the outcome of a criminal case.

Service of notice – essential ingredient u/s 138 N.I.Act

In the case of **Baij Nath Thakur Vs. The State of Bihar & Anr.** reported in **2012 (3) JLJR 48** a Single Bench of this court (**H.C. Mishra, J**) while dealing with a case u/s 138 of N.I. Act held that the complainant has to prove that the drawer of the cheque knew about the notice and he deliberately evaded service or got a false endorsement only to defeat the process of law. The Service of notice on the accused shall be deemed to be valid service only if the complainant is able to prove this fact. This is the question of fact, which is to be proved by the complainant on the basis of evidence and this clearly means that if this is not proved by the complainant, the service of notice on the accused, cannot be treated as a valid service.



Intention of accused – cannot be looked into at the time of discharge

In the case of **The State of Jharkhand Vs. Md. Ashif Mudaiya** reported in **2012 (3) JLJR 207** a single Bench of this court (**H.C. Mishra, J**) while dealing with a discharge petition filed in a case u/s 376 and 417 of the Indian Penal Code held that a question whether the consent was given by the prosecutrix in the result of misconception created in her mind as to the intention of the accused to marry her, had to be decided on the basis of analysis of the evidence.

It is further held that the question whether the accused really entertained the intention of marrying her while making such promise, or the promise to marry made by him was a mere hoax, cannot be decided at this stage without looking into the evidence which may be adduced at the trial. Similarly, whether the consent of the prosecutrix was a valid consent in terms of Section 90 of the IPC, or it was given under the misconception created in her mind as to the intention of the accused to marry her, is also a question of fact to be decided on the basis of evidence adduced during trial and no inference can be reached at this stage only on the basis of the allegations made in the FIR and the materials collected during investigation by the police.

Determination of juvenility

In the case of **Prakash Kr. Sharma Vs. State of Jharkhand** reported in **2012 (3) East. Cr. C 651 (Jhr)** a Single Bench of this court (**H.C. Mishra, J**) while dealing with rule 12 of the Juvenile Justice (Care and Protection of Children) Rules, for determining juvenility held that whether there was any necessity for giving the benefit to the juvenile by considering his age on the lower side within the margin of one year or not, is a question of fact which is required to be decided by the Court, or the J.J. Board or the Committee, by a reasoned order, depending upon the facts of an individual case.

Civil suit vis-a-vis criminal proceeding

In the case of **B.N.Hotels Private Ltd. & Ors. Vs. The State of Jharkhand &Ors. (W.P.(Cr) No.49 of 2012) decided on 18-05-2012** a Single Bench of this court (**D.N. Upadhyay, J**) while dealing with a quashing matter held that in a case of breach of contract the grievance can be redressed in a civil suit but there are cases of breach of contract which also attract ingredients of sec.420/406 of the I.P.C. A Criminal proceeding cannot be thwarted at the initial stage merely because civil proceeding is also pending. If there is deceptive intention and mensrea to misappropriate the property after committing criminal breach of trust may be the result of breach of contract held in commercial dealings, the ingredients of sec.406 I.P.C appears to be attracted and the person aggrieved can take recourse of both civil and criminal process. It is further held that a company can also be held liable for the offence of cheating.

Competent Authority to grant sanction for Prosecution under Section 197 Cr.P.C.

In the case of **Feku Ram versus the State of Jharkhand [W.P.(Cr.) No.402 of 2009]** a Single Bench of this Court (**D.N. Upadhyay, J.**) while deciding the legality of amendment made in Rule 53(1)(c) of the Rules of Executive Business providing that all the orders regarding prosecution shall be issued by the Law (Judicial) Department after orders have been obtained in accordance with Rule 32 (a)(xix); it is held that such amendment in effect does not violate either or the spirit of the competent sanctioning authority as provided under Section 197 Cr.P.C. as even after the said amendment, the



sanction for prosecution order though have been issued by the Secretary, Department of Law, the same has been issued only on the basis of recommendations made by the concerned Departmental Heads and after seeking approval of the Chief Minister. (whose position was taken by the Hon'ble Governor during President's Rule).

Criminal Law – presumption of innocence – chance witness

In the case of **State of Bihar (Now Jharkhand) Vs. Nimai Ghosh & Anr.** reported in **2012 (4) JLJR 96** a Division Bench of this court (**R.K.Merathia and D.N. Upadhyay, JJ**) while dealing with an acquittal appeal held that person arrayed as an accused is presumed to be innocent unless the presumption is rebutted by the prosecution by production of evidence which may show him to be guilty of the offence charged. Burden of proving the guilt of the accused is on the prosecution and unless it relieves itself of the burden court cannot record a finding of guilt of the accused. It is further held that if two views are possible on the evidence, one proving the guilt of the accused and innocence, the view which is favourable to the accused, should be accepted. Evidence of related witness cannot be doubted merely because they are related witness. Only because eye witnesses did not intervene to save the deceased, their testimony cannot be disbelieved.

It is further held that their no hard and fast rule that chance witnesses cannot be relied upon. It depends upon the facts and circumstances of each and every case. If the presence of witness at the place of occurrence is probable, in the given facts and circumstances of the particular incident their testimony cannot be doubted.

Electricity Act, 2003 - Interest on security deposit

In the case of **M/s Perfact Electric Concern Ltd. Vs. Jharkhand State Electricity Board & Ors. (W.P. (C) No.1091 of 2006)** a Single Bench of this court (**Aparesh Kumar Singh, J**) while dealing with a writ application relates to the payment of interest on security deposit for a period prior to 10-06-2003 i.e before coming into force of the Act of 2003 and the payment on security deposit post 10-06-2003 held that the respondent-Board will be liable to pay interest for the period prior to 10-06-2003 on the security amount deposited by the petitioner at the rate of saving bank account deposit as revised from time to time in terms of the circular dated 27-05-1988. It is further held that for the period post 10-06-2003, the distribution licensee and the commission both have filed their counter affidavit in the instant case stating therein that the licensee would be liable to pay interest at the rate of equivalent to the bank rate notified by the R.B.I form time to time in terms of clause 10.6 of the Electricity Supply Code and Sec. 47(4) of the Act of 2003.

Jurisdiction of Permanent Lok Adalat

In the case of **Radhey Shyam Kumar Ram versus Gurubari Hoe & Another [W.P.(C) No. 1297 of 2007]** a Single Bench of this Court (**Aparesh Kumar Singh, J.**) while allowing the writ, setting aside the impugned order of Permanent Lok Adalat, held that though the law regarding entertaining Motor Vehicle Claim Case at pre-litigation stage and in absence of any conciliation even adjudicating the same by the Permanent Lok Adalat is the well settled; the Permanent Lok Adalat cannot proceed to exercise its powers under Section 22(c)(8) to adjudicate and decide the case until and unless it follows the procedure provided under Section 22(c)(4) to (7) regarding attempt to re-conciliate the matter between the parties.





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Orders & Notifications

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HIGH COURT OF JHARKHAND, RANCHI

ORDER

No.7/CJS

Dated, the 14th May, 2012

To monitor and effective control and for timely disposal of cases of CBI, POTA and out-lawed Maoist/Extremists related cases pending in Subordinate Courts, Mr. Justice D.N. Patel shall be the In-charge Judge.

Joint Registrar (List & Computers) shall provide time to time requisite information to Hon'ble Mr. Justice D.N. Patel.

The "Committee for Suggesting Measures for Rationalisation of Work in Subordinate Courts to the Chief Justice in the matter of Case Management of Subordinate Courts" constituted vide order dated 23rd April, 2012 shall deal with the matters other than the matters referred above.

Sd/-
Chief Justice



HIGH COURT OF JHARKHAND, RANCHI

ORDER

No. 8/CJS

Dated, the 13th June, 2012

Pursuant to the campaign to make our judicial system five plus free by the end of this year as far as possible, it has been decided to undertake another drive this year from 1st July, 2012 to 31st December, 2012 for reduction of pendency in the Courts under Mission Mode Programme. In the last campaign commencing 1st July, 2011 to 31st December, 2011, there has been a significant reduction in all kinds of pending cases including cases related to Senior Citizens, Minors, Disabled and Marginalised Persons of the Society, who are more vulnerable in case of prolonged litigation.

In this connection, all the Courts in the Subordinate Judiciary are directed to identify and prepare all kinds of cases coming in the category of five plus cases and also the cases related to Senior Citizens, Minors, Disabled and Marginalised Sections of Society and send it in the computer generated print alongwith the soft copy as per the desired format of Mission Mode Programme in tune with the last year's campaign. It is directed to all the Courts of the Subordinate Judiciary to endeavour at its optimum level to achieve the target of zero pendency in five plus cases for each Court.



The Registrar General of this Court is directed to issue necessary orders in this regard to each Court of the Subordinate Judiciary through the Principal District Judge of the concerned Judgeship, and alongwith the order send a proforma wherein details may be submitted by the each Court through the Principal District Judges to the High Court indicating the identified cases with fixing a target of deciding the matter by 31st December, 2012. The requisite details of the cases falling in the category mentioned in the format be submitted positively by 24th June, 2012 and the progress report of disposal of such cases be submitted to this Court every month by 5th day of the next month starting from 5th August, 2012 and onwards.

Sd/-
Chief Justice



**HIGH COURT OF JHARKHAND,
RANCHI**

ORDER

No. 9/CJS

Dated, the 18th June, 2012

The Registrar of the concerned subject matter of various Committees of the High Court of Jharkhand constituted by the Chief Justice shall be the Secretary of the Committee concerned and it shall be his duty to place all the facts and matters before the Committee to facilitate to take decision and thereafter he shall place the matter with Minutes of the Committee before the Chief Justice for approval and appropriate orders/directions. In case the Registrar of the concerned subject matter is not available, the Officer in-charge of the absentee Registrar shall place the matter through the Registrar General, in case of emergency.

(2) Any suitable suggestions/requests/desires of the Hon'ble Judges of this High Court, if any, oral or in writing, on any matter shall be placed before the Chief Justice by the Registrar General for appropriate orders/directions on such suggestions, requests or desires.

Sd/-
Chief Justice



**HIGH COURT OF JHARKHAND,
RANCHI**

ORDER

No. 11/CJS

Dated, the 23rd of July, 2012

It is viewed that target of identifying and disposing “20 Old Cases” of each Court and “20 Oldest Cases” of each Judgeship has not been appreciated by most of the Courts in an apt and conceived manner.



In fact, as and when a Court disposes one case, it is to be kept in mind carefully and invariably that the disposed of case be replaced immediately with the next case down in the line of “20 Old Cases”. Further the cases, in which the proceedings are stayed by the higher Court are also to be replaced in the same manner.

Thus, there shall not be any second lot of “20 Old Cases”, as the list of “20 Old Cases” will remain a continuous list as a continuous process. In such manner, each Court has to ensure the flow of “20 Old Cases” unvaryingly and progressively. The Statement for the disposal of the “20 Old Cases” is to be furnished in the format given below: -

Statement of “20 Old Cases” of the Court of
for the month of

Sl. No.	Nature of the case	Year	Status	Remarks	No. of Cases disposed in the present month	No. of cases replaced due to disposal in the present month	%age of disposal in the present month	No. of Cases with stayed proceedings	No. of Cases replaced due to stayed proceedings
1	2	3	4	5	6	7	8	9	10

Further, the Principal District Judge is supposed to identify and demarcate “20 Oldest Cases” of the Judgeship amongst the “20 Old Cases” identified and targeted by each Court and to monitor the progress of the said “20 Oldest Cases” of the Judgeship and send the Monthly Statement in the following format: -

Statement of “20 Oldest Cases” of the Judgeship of
for the month of

Sl. No.	Name of the Court	Nature of the case	Year	Status	Remarks	No. of Cases disposed in the present month	No. of cases replaced due to disposal in the present month	%age of disposal in the present month	No. of Cases with stayed proceedings	No. of Cases replaced due to stayed proceedings
1	2	3	4	5	6	7	8	9	10	11

Sd/-
Chief Justice

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**HIGH COURT OF JHARKHAND,
RANCHI**

ORDER

No.13/CJS

Dated, the 5th of September, 2012

In continuation of the earlier order No.8/CJS dated 13th June, 2012, all the Principal District & Sessions Judges including the Principal Judicial Commissioner, Ranchi are directed to: -



- Convene a meeting of all Judicial Officers on Saturday, i.e., 8th of September, 2012; 6th of October, 2012; 3rd November, 2012 and 1st December, 2012, after Court Hours in their respective Judgeship at their Chambers and impress upon them to improve the disposal of cases under the various schemes such as Mission Mode Programme (Phase-II), 20 Old Cases, acceptance of Final Form/Protest Petition, Cases under Section 156(3) of the Cr.P.C. etc.
- Review the disposal of the cases of each Court every month of each Judgeship;
- Principal District Judges including the Principal Judicial Commissioner, Ranchi will also review the disposal of 20 Old Cases every month and submit a report at once.
- The Principal District Judges including the Principal Judicial Commissioner, Ranchi will further act upon intensively on the targets already fixed (vide earlier order dated 13th June, 2012) under Mission Mode Programme (Phase II from 1st July 2012 to 31st December, 2012) in coming quarter and monitor it on periodical basis.
- The Principal District Judges including the Principal Judicial Commissioner will also impress upon the Judicial Officers to dispose of cases of all nature on priority basis and will submit a report to this Court.
- The Principal Districts Judges including the Principal Judicial Commissioner, Ranchi will pursue all the Judicial Officers of their respective Judgeships to endeavour to achieve the target of zero pendency in Five Plus cases under Mission Mode Programme (Phase II) by 31st December, 2012.

Sd/-
Chief Justice



**HIGH COURT OF JHARKHAND,
RANCHI**

ORDER

No. 14/CJS

Dated, the 14th of September, 2012

It has been noticed that the concerned Dealing Assistants are regularly committing mistakes in complying with the orders passed by the Courts, which includes not taking care about the peremptory orders, not making the proper report about the service of the parties, not making of the reports about filing of the replies, counters, supplementary affidavits and also not maintaining the dates of the cases.

It is also noticed that Section Officers are also not periodically looking into the working of the Dealing Assistants and, therefore, the Courts are facing great inconvenience continuously.

The List & Computer Section is also not updating the progress of the cases for which the concerned person may be Court Master or person assisting the Court Masters also be held responsible for not providing full and complete progress in cases with requisite information about the



order to the List & Computer Section in their progress report. It has been found that large number of cases have not been listed in Court even once in several years and if listed in Court once, thereafter they are not listed in Courts for several years and large number of cases wherein directions were given by the concerned Court to place the matter before the Chief Justice, those matters have not been placed before the Chief Justice for a long period.

Above are some of the issues, which have been noticed and inspite of several oral instructions, working has not improved. Therefore, it is ordered that: -

- (I) In case of any lapse on the part of the Dealing Assistant, the concerned dealing Assistant shall personally be liable for Departmental Proceeding for Major Punishment;
- (ii) The Section Officer will be also liable for Departmental Proceeding for Major Punishment, which may include his supervisory negligence.
- (iii) The Assistant Registrars shall also randomly check the files to show that above difficulties may not arise to the Courts in future and working of the High Court shall be maintained properly;
- (iv) In case of any lapse on the part of the Dealing Assistant, the Section Officer will report to the Assistant Registrar in writing and Assistant Registrar will look into the matter and if necessary, he may report it to the Deputy Registrar, who will place the matter before the Registrar General for taking appropriate action including initiation of Departmental Proceedings;
- (v) The Court Masters, who are giving progress report and the person assisting the Court Masters in making entry of the progress, if will commit mistake in proper reporting in progress of the cases, then the Joint Registrar (List & Computer) may place that information to the Registrar General.
- (vi) Above all matters may be placed before the concerned Judge in case of the Judges with whom the Court Master is attached and thereafter after obtaining appropriate order from the Hon'ble Judge concerned, matter will be placed before the Chief Justice.

Sd/-
Chief Justice



**HIGH COURT OF JHARKHAND,
RANCHI**

ORDER

No. 15/CJS

Dated, the 5th of October, 2012

When in any case I.A. is filed then following shall be the procedure: -

- (i) If I.A. is filed in a case, which is not admitted, then the case will be listed for admission alongwith I.A. for orders in the category of admission;
- (ii) In a case where I.A. is filed when the case is to be listed for orders in the Court then the I.A. will be listed for orders along with main matter under orders category;



- (iii) In case, which has been admitted or has been fixed for final disposal/ hearing, any I.A. is filed, said I.A. will be listed for orders in Court in the category of orders cases and upon decision of I.A the matter will be listed for hearing at its turn according to its seniority;
- (iv) Whenever I.A. is filed, Office will take care that such I.A. in the above manner shall be listed in Court necessarily within three days from the date of filing of the I.A.
- (v) When any I.A. is filed, it shall be shown in the cause list and there shall be office note in the file regarding placing the matter before the Court for orders on I.A.

Sd/-
Chief Justice



**HIGH COURT OF JHARKHAND,
RANCHI**

ORDER

No. 16/CJS

Dated, the 1st of November, 2012

While reviewing the data and statistics of Judicial Work sent by the District and Subordinate Judiciary across 22 districts of all the three quarters of 2012 ending on 30th September, 2012, it is viewed that inspite of various directions and posting of adequate number of Judicial Officers, the performance of some of Judgeships, namely, (i) Chatra, (ii) Dhanbad, (iii) Dumka, (iv) Godda, (v) Gumla, (vi) Hazaribagh, (vii) Jamtara, (viii) Latehar, (ix) Lohardaga, (x) Pakur, (xi) Ranchi and (xii) Seraikella has not improved satisfactorily inasmuch as in these Judgeships it has been noticed that disposal of number of cases is less than that of institution, which is considered as poor performance by the Judicial Officers in these Judgeships and is very serious.

In the past, through a number of directives and communications the Judicial Officers of the Subordinate Judiciary of the State have been impressed upon by this Court to maintain quality, timeliness and responsiveness in dispensation of Justice so as to achieve the goal of "Five Plus Free" as set out under the Mission Mode Programme of 13th Finance Commission of Government of India.

Taking serious view of the matter, the Principal District Judges of (i) Chatra, (ii) Dhanbad, (iii) Dumka, (iv) Godda, (v) Gumla, (vi) Hazaribagh, (vii) Jamtara, (viii) Latehar, (ix) Lohardaga, (x) Pakur, (xi) Seraikella and the Principal Judicial Commissioner of the Judgeship of Ranchi are further directed to sensitise all the Judicial Officers posted in their respective Judgeships to improve their skills and determination to achieve the target of "Five Plus Free".

The performance of each Judicial Officer shall be evaluated at the end of 4th quarter of 2012 ending on 31st December, 2012 in totality for the year 2012.

Sd/-
Chief Justice





**HIGH COURT OF JHARKHAND,
RANCHI**

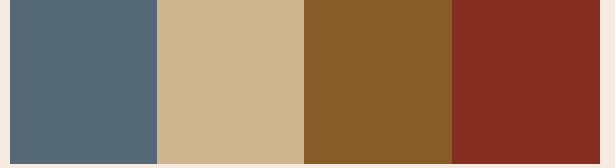
ORDER

No. 17/CJS

Dated, the 6th of November, 2012

In order to further streamline the role and functions of Court Managers, following guidelines are issued for adherence by all concerned: -

1. The Court Managers of the High Court shall assist the Registry in the preparation and compilation of all the statistical data relating to institution, disposal and stay matter of all categories of cases pending in the trial courts across the 22 Districts and Subordinate Judiciary.
2. The Court Managers of District and Subordinate Courts shall promptly act upon the instructions received from the Court Managers of High Court of Jharkhand, who will give the instructions to them with the prior approval of Joint Registrar (Judicial)/Central Project Coordinator. Further, having received such instructions, the Court Managers of the District and Subordinate Judiciary, after placing such instructions before the Presiding Officer of the Court, shall comply with the same readily by taking all information from the concerning clerk of the concerned Courts.
3. All the statistical report will be prepared by Courts with the help of the Court Managers posted in the District and Subordinate Judiciary and shall be submitted in person to the Principal District Judges/Principal Judicial Commissioner, who will forward to the High Court of Jharkhand, after proper application of mind in the statistical report presented before him by the Court Managers.
4. The Presiding Officer of each Court as per his/her convenience may discuss the matter with the Court Manager and shall, time to time, instruct the Court Managers to improve the working of Court Management in Judicial Work effectively and efficiently and specifically in the matter related to Case Flow Management and monitoring of Old Case Flow with special reference to "20 Old Cases" Scheme as well as Mission Mode Programme.
5. Either in the meetings of District Level Monitoring Committee or in a meeting convened by the Principal District Judge/Principal Judicial Commissioner of a District for implementing the Mission Mode Programme and 20 Old Cases Scheme, the Court Manager shall be permitted to take part in the discussion in the relevant matter for which his presence is necessary and the rest matter of the meeting may be discussed along with Judicial Officers by the Principal District Judge/Principal Judicial Commissioner in absence of the Court Manager. The Court Managers may be allowed to discuss their views and points regarding the reports and statistics and Court working other than judicial matters in the meetings under the Chairmanship of Principal District Judge/Principal Judicial Commissioner. The Court Managers may be allowed to communicate the Assistant of a Court, if any anomaly is found or does not find the figures tallying with the given format.
6. All the Courts shall secure and ensure full assistance to the Court Managers from supporting Staff (Ministerial) keeping in mind that the Court Managers shall not be allowed to look into the Judicial Works.
7. The Court Managers of the High Court of Jharkhand and Court Managers of District and Subordinate Judiciary shall work in coordination with each other and the Court Managers of



District and Subordinate Judiciary may discuss with their counterparts of other Districts and also with the Court Managers of the High Court for any clarification and support.

8. The Court Managers shall also be engaged to monitor and to ensure that all kinds of summons, notices and processes issued from Nazarat are delivered timely and promptly.
9. The Principal District Judges of each District including the Principal Judicial Commissioner are supposed to ensure that the Court Managers of their respective Judgeship may frequently use e-mail and faxes for sending information as and when asked by the High Court including the Court Managers of the High Court.
10. The Court Managers of each Judgeship may also be involved in the field of e-Courts Project so as to appreciate the Case Information System helpful in collecting correct statistical data of Judicial Works.
11. Such guidelines for the Court Managers shall continue to be issued intermittently from time to time and, therefore, all the Principal District Judges including the Principal Judicial Commissioner, Ranchi are directed to ensure that such guidelines are properly maintained in the Judgeship for any future reference.

Sd/-
Chief Justice



**HIGH COURT OF JHARKHAND,
RANCHI**

ORDER

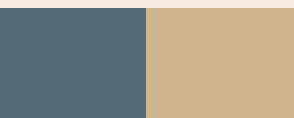
No. 18/CJS

Dated, the 18th December, 2012

All Judges in Subordinate Courts may be informed that their individual official e-mail addresses are likely to be activated within a period of one week from today. From 1st January, 2013 onward, all the official orders, instructions, guidelines and communications will be sent to the Judges of the Subordinate Courts through e-mail on their official e-mail address. Non receipt of any of the above communication in hard copy will be no excuse for non-adherence to the instructions issued in the above communications.

All the Judges of the Subordinate Courts are reminded that they have to communicate with the High Court through e-mail by sending e-mail on the given address which is asstrgjhc-jhr@nic.in [Assistant Registrar (Judicial), High Court of Jharkhand, Ranchi] and cpc-jhr@indianjudiciary.gov.in [Central Project Coordinator, High Court of Jharkhand, Ranchi] to inquire about any case status pending or decided and may also seek copy of the short Orders through e-mail, if required for want of non-supply of the copy of the order by the counsels of any litigation.

Sd/-
Chief Justice





**HIGH COURT OF JHARKHAND,
RANCHI**

ORDER

No. 21/CJS

Dated : 2nd February, 2013

The following shall be the guidelines for dealing with the matters relating to crime against women: -

- (i) Any matter relating to offences against women shall be transferred to the Special Court forthwith.
- (ii) Such Fast Track Court shall endeavour to see that such cases be decided strictly according to law within two months from the date of framing of charge;
- (iii) Fast Track Court will take care of security of the witnesses;
- (iv) Fast Track Court will also see and ensure to provide any medical assistance, if found necessary by the Court or if demanded by the victim;
- (v) The Court Managers will give the monthly statement of each in tabular form consisting of date of registration of case in the Court, Offences under Section, the number of accused, date of framing of charge, total number of prosecution witnesses, number of prosecution witnesses examined in the month, date and number accused of recording of statement under Section 313; number of defence witnesses, if any, examined with date; date of hearing of final arguments; date of pronouncement of judgment with summary of monthly statement of opening balance, new institution and closing balance for the month;
- (vi) The Court Manager, with the approval of Judge concerned, submit the statistics to the Registrar (Administration) with copy to the Central Project Coordinator, High Court of Jharkhand in soft copy;
- (vii) The Registrar (Administration) shall place above statistics before the Judge designated by the Chief Justice, who may put his remarks, comments or suggestions;
- (viii) Above statistics will be placed before the Chief Justice.

Sd/-
Chief Justice

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Monitor and effective control for timely disposal of Prevention of Corruption Act Cases.

The High Court of Jharkhand under order of Hon'ble the Chief Justice dated 15th May, 2012, in order to monitor and effective control and for timely disposal of cases under Prevention of Corruption Act investigated by the C.B.I. and the State Vigilance, constituted one Committee to be presided by Hon'ble Mr. Justice D. N. Patel, Judge, Jharkhand High Court, Ranchi.

The Committee in its Meeting held on 10.07.2012, which was attended by the Joint Director. CBI, Patna Zone, D.I.G., C.B.I. (A.C.B.), Ranchi, S.S.P., C.B.I. (A.C.B.), Ranchi and S.P., C.B.I. (A.C.B.) Ranchi and Members of the Registry resolved that :-

1. High Court will issue instruction in Administrative side to Special Courts at Dhanbad and Ranchi not to give long adjournments in the cases which are to be Fast tracked as per the list submitted by the C.B.I.,
2. For recording of Evidence in the trial by the Special Courts a Stenographer will be separately provided to each Court from the newly recruited Stenographers, the process whereof is going on and are likely to be inducted in service very shortly.
3. High Court will consider to issue Administrative Instruction whereby the Police Paper supplied to the accused persons may be supplied in soft copy after examining the relevant provisions of Cr.P.C., Evidence Act, I.T. Act.
4. The Joint Director of C.B.I. will review all matters pending for Sanction and submit a list thereof in four (4) weeks wherein Sanction is pending for long.
5. The Joint Director of C.B.I will review the matter regarding Service of Report of warrants, Processes etc in consultation with his Officers at Ranchi and Dhanbad and submit a report in four weeks.

The Committee further in its Meeting, held on 19.09.2012 also resolved that :-

1. 31 Cases targeted by the CBI for disposal in 2012 a list whereof has been submitted by them in the Meeting pending before CBI Court at Dhanbad may be disposed of on priority.
2. Instructions may be issued by the High Court in the Administrative Side to the CBI Courts that in Cases which are 20 years old and wherein Prosecution Evidence has been closed shall be taken up on day to day basis unless there exists any sound reason, which is to be recorded by the Court.

Sd/-

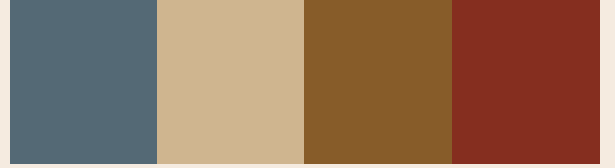
Registrar General

Model of the Six Newly Constituted CBI Courts in the State of Jharkhand

The Committee in its Meeting, held on 28.01.2013, which was presided by the Hon'ble the Chief Justice, High Court of Jharkhand, Ranchi considered the basic infrastructure requirement (both physical and human resources) of the six (6) newly constituted additional Special Courts, CBI, in view of the Circular contained under Memo No.224/1/2008 dated 06th July, 2010, issued by the Government of India, Department of Personnel and Training, Ministry of Personnel, Public Grievances and Pension, New Delhi and further approved the requirement of Model Courts.

Sd/-

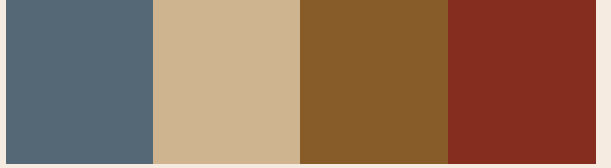
Registrar General



Interim Report 2012-2013

**Judicial Work and statistics
of
High Court of Jharkhand
And
District and Subordinate Courts
in the State of Jharkhand**





Disposal of “Old Cases” and “Oldest Cases”

Reduction in Pendency of Cases in the District and Subordinate Judiciary of Jharkhand by the unending campaign of “20 Old Cases” on priority basis

When it came into the light that very old cases are still pending in the various Courts of Subordinate Judiciary of the State of Jharkhand, the High Court took a massive discourse to contain the pending old cases in a speedy and just manner. For this the High Court directed and issued several letters to each Court of the Jharkhand Judiciary (nearly 400 Courts) to identify “20 Old Cases” of each Court and “20 Oldest Cases” of each Judgeship and thereafter the respective Presiding Officers of the Court and Principal District Judge of the Judgeship were directed to deal with such cases on priority basis and came to logical disposal keeping in mind timeliness, quality and responsiveness. This Scheme of “20 Old Cases” came into being in “July 2011” and the result of disposal of Old Cases as on Nov 2012 are as under in Blockwise :-

SUMMARY	
Cases more than 5 years and less than 10 years	
Pendency as on 1 st July 2012	47360
Disposal as on 31 st December, 2012	15980 (34%)
Cases more than 10 years	
Pendency as on 1 st July 2012	13241
Disposal as on 31 st December, 2012	6002 (45%)





Focussing old cases pending in Districts & Subordinate Judiciary of State of Jharkhand

1st Block (from 1957-1970)

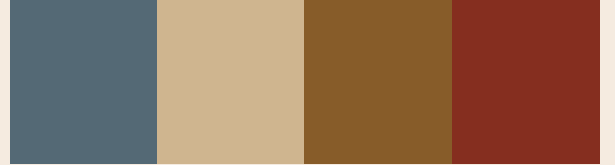
Year of Institution	Age in years as in 2012	Disposal as on 31 st Dec. 12	Pendency left over as on 31 st Dec. 12
1957	55 Years	0	2 Stay by High Court
1958	54 Years	0	1 Stay by High Court
1959	53 Years	0	1 Stay by Supreme Court
1960	52 Years	3	0
1961	51 Years	3	1
1962	50 Years	2	0
1963	49 Years	2	0
1964	48 Years	3	4
1965	47 Years	5	3
1966	46 Years	4	2
1967	45 Years	5	4
1968	44 Years	8	4
1969	43 Years	13	11
1970	42 Years	12	13
Grand Total		60	46

2nd Block (from 1971-1980)

Year of Institution	Age in years as in 2012	Disposal as on 31 st Dec. 12	Pendency left over as on 31 st Dec. 12
1971	41 Years	12	8
1972	40 Years	29	31
1973	39 Years	11	14
1974	38 Years	8	16
1975	37 Years	13	12
1976	36 Years	17	11
1977	35 Years	22	21
1978	34 Years	20	40
1979	33 Years	27	18
1980	32 Years	51	42
Grand Total		210	213

3rd Block (from 1981-1990)

Year of Institution	Age in years as in 2012	Disposal as on 31 st Dec. 12	Pendency left over as on 31 st Dec. 12	Year of Institution	Age in years as in 2012	Disposal as on 31 st Dec. 12	Pendency left over as on 31 st Dec. 12
1981	31 Years	38	38	1987	25 Years	23	121
1982	30 Years	27	40	1988	24 Years	11	152
1983	29 Years	15	68	1989	23 Years	60	150
1984	28 Years	3	82	1990	22 Years	169	201
1985	27 Years	18	120	Grand Total		380	1098
1986	26 Years	16	126				



4th Block (from 1991-2000)

Year of Institution	Age in years as in 2012	Disposal as on 31 st Dec. 12	Pendency left over as on 31 st Dec. 12
1991	21 Years	109	236
1992	20 Years	181	320
1993	19 Years	415	357
1994	18 Years	161	452
1995	17 Years	194	457
1996	16 Years	178	787
1997	15 Years	231	801
1998	14 Years	452	1157
1999	13 Years	548	1248
2000	12 Years	902	1735
Grand Total		3371	7550

5th Block (from 2001-2005)

Year of Institution	Age in years as in 2012	Disposal as on 31 st Dec. 12	Pendency left over as on 31 st Dec. 12
2001	11 Years	1033	2397
2002	10 Years	1550	3384
2003	9 Years	260	6263
2004	8 Years	3390	12164
2005	7 Years	3150	9683
Grand Total		9383	33891

6th Block (from 2006-2010)

Year of Institution	Age in years as in 2012	Disposal as on 31 st Dec. 12	Pendency left over as on 31 st Dec. 12
2006	6 Years	4273	13564
2007	5 Years	4336	19376
2008	4 Years	6724	25609
2009	3 Years	6364	36594
2010	2 Years	7934	45891
Grand Total		29631	141030

7th Block (from 2011-2012)

Year of Institution	Age in years as in 2012	Disposal as on 31 st Dec. 12	Pendency left over as on 31 st Dec. 12
2011	1 Years	6585	62860
2012	0	42099	55042
Grand Total		48684	117902





Focussing old cases pending in Districts & Subordinate Judiciary of State of Jharkhand

Sl.No.	District	20 Oldest case Disposal from Aug'11-Mar'12	20 oldest case disposal from April'12-Oct '12
1	Bokaro	223	617
2	Chatra	132	234
3	Chaibasa	112	195
4	Daltonganj	190	342
5	Deoghar	157	391
6	Dhanbad	272	702
7	Dumka	114	279
8	Garhwa	147	150
9	Giridih	253	671
10	Gumla	94	74
11	Godda	127	254
12	Hazaribagh	209	554
13	Jamshedpur	229	432
14	Jamtara	118	165
15	Koderma	119	196
16	Latehar	53	64
17	Lohardaga	104	231
18	Pakur	68	79
19	Ranchi	243	489
20	Sahibganj	281	164
21	Seraikella	125	132
22	Simdega	73	93
Grand Total		3443	6508



2nd Phase of Mission Mode Programme

Under Ministry of Law & Justice, Government of India
Pendency Reduction Drive between July '12 to December '12

Hon'ble Dr. Aswini Kumar, Union Minister of Law and Justice, Govt. of India is impressed to note that as a result of innovative steps taken by a number of High Courts during the Pendency Reduction Drive during the Mission Mode Programme initiated by his department, the High Court of Jharkhand in the second phase of Mission Mode Programme accelerated the important measures taken in this regard and an Intrim Report of accomplishment of High Court of Jharkhand and subordinate Court is given below.

PENDENCY REDUCTION CAMPAIGN JULY'12-DEC'12 (2ND PHASE OF MISSION MODE PROGRAMME)

SUBORDINATE COURTS							
Sl. NO.	Categories of Cases	No. of case at the beginning of the campaign month i.e. on 1.7.2012 (a)	No. of cases added during the campaign month	No. of cases at the end of the campaign month i.e on 31.12.2012 (b)	No. of cases reduced (c=a-b)	Reduction in Percentage	Remarks*
1.	Pending Cases more than 1 year less than 5 years	157407	25869	123793	33614	22.00%	
2.	Pending Cases more than 5 year less than 10 years	47360	9081	31380	15980	34.00%	
3.	Pending Cases more than 10 year	13241	2272	7239	6002	45.00%	
4.	TOTAL	218008	37222	162412	55596	25.50%	



DISPOSAL OF CASES PERTAINING TO TARGETED GROUPS

Sl. NO.	Targeted Groups	No. of case at the beginning of the campaign month i.e. on 1.7.2012 (a)	No. of cases at the end of the campaign month i.e on 31.12.2012 (b)	No. of cases reduced (c=a-b)	Reduction in Percentage	Remarks*
1.	Senior Citizen	2066	725	1341	65.00%	
2.	Minors	2740	1353	1387	51.00%	
3.	Disabled	119	69	188	158.00%	
4.	Other Marginalised Person	23715	17822	5893	25.00%	

UNDERTRIALS

No. of undertrials of the beginning of period i.e. 1.7.2012	No. of Undertrials instituted in the campaign period	No. of undertrials released/dis charged during the campaign month period	No. of undertrials remaining at the end of the campaign period as on 31.12.2012	Reduction in Percentage	Remarks*
9766	58382	13827	4061	141.00%	



Communication of Final Order of High Court to the Lower Courts

S.No.			REMARKS	
1.	TOTAL NO. OF CASES ENQUIRED FROM SUB-ORDINATE COURTS ABOUT THEIR STATUS IN HIGH COURT TILL NOVEMBER 2012-	1036		
2.	TOTAL NO. OF CASES WHOSE STATUS COMMUNICATED TO SUB-ORDINATE COURTS.	875	Vide R.G. Letter No. 3148-3167/R & S dated 12/12/12, present status of the enquired cases were called for from the Subordinate Courts.	
	(a) Cases Disposed of in the High Courts	512		
	(b) Cases still pending in the High Court	363		
3.	TOTAL NO. OF CASES PENDING FOR COMPLIANCE	161	A reminder request letter has been issued to the Hon'ble Patna High Court vide memo no. 499 dated 15.01.13	
	(a) Status/Order awaited from Patna High Court	53		
	(b) Record under search in the High Court	54		Directions being sought for further action.
	(c) For Compliance	40		Complied
	(d) Not Tally Cases	14	Wrong case reference was given.	

REPORT RECEIVED FROM THE SUB-ORDINATE COURTS ABOUT 512 DISPOSED OFF CASES OF THE HIGH COURT

S.No.		No. of Cases	REMARKS
1.	CASES DISPOSED OFF IN THE SUB-ORDINATE COURTS	159	
2.	PROCEEDINGS CAME INTO MOTION IN SUB-ORDINATE COURTS	91	
3.	STATUS/ORDER/LCRS NOT RECEIVED	128	High Court's memo no. with date of communication is being given in a separate list with District wise break-up
4.	RECORD NOT FOUND/UNDER SEARCH	134	District wise break-up is given in a separate list.



512 Disposal Cases of High Court which were communicated to the Sub-Ordinate Courts and present status was called for from the Sub-Ordinate Courts.

S.No.	Name of the District	No. of cases
1.	Bokaro + Tenughat	11+41=52
2.	Chaibasa	08
3.	Chatra	03
4.	Daltonganj	14
5.	Deoghar	41
6.	Dhanbad	174
7.	Dumka	16
8.	Garhwa	02
9.	Giridih	30
10.	Godda	37
11.	Gumla	06
12.	Hazaribagh	16
13.	Jamshedpur	39
14.	Jamtara	09
15.	Koderma	02
16.	Lohardaga	04
17.	Pakur	12
18.	Ranchi	20
19.	Sahebganj + Rajmahal	11+5=16
20.	Seraikella	11
	Total No. of Cases	512

List of pending cases in Lower Court in which it is reported that either LCR or order has not been received (128 cases).

S.No.	Name of the District	No. of cases
1.	Bokaro + Tenughat	1+40=41
2.	Chaibasa	05
3.	Daltonganj	06
4.	Deoghar	03
5.	Dhanbad	23
6.	Dumka	03
7.	Giridih	10
8.	Godda	11
9.	Gumla	03
10.	Hazaribagh	04
11.	Jamtara	03
12.	Lohardaga	02
13.	Pakur	07
14.	Ranchi	03
15.	Rajmaha + Sahebganj	1+2=03
16.	Seraikella	01
	Total No. of Cases	128

List of cases in which it is reported that case record not found in the Sub-Ordinate Courts or case records are under search (134 cases).

S.No.	Name of the District	No. of cases
1.	Daltonganj	05
2.	Deoghar	06
3.	Dhanbad	92
4.	Giridih	06
5.	Godda	03

S.No.	Name of the District	No. of cases
6.	Hazaribagh	08
7.	Jamshedpur	10
8.	Ranchi	02
9.	Rajmahal	02
	Total No. of Cases	134



Disposal & Pendency of High Court of Jharkhand

The Report of High Court of Jharkhand for the year 2012 with respect to Institution, Disposal and Pendency are as under :

CASES INSTITUTED AND DISPOSED IN THE YEAR 2012

Name of the High Court	Cases brought forward from the previous year (Nos.) (Civil/Cri.)			Freshly instituted Cases (Nos.) (Civil/Criminal)			Disposed of cases (Nos.) (Civil/Criminal)			Pending Cases (Nos.)		
	Civil	CRL.	(Civ.+ Cri.)	Civil	CRL.	(Civ.+ Cri.)	Civil	CRL.	(Civ.+ Cri.)	Civil	CRL.	(Civ.+ Cri.)
Jharkhand	31082	28465	59547*	11684	20756	32440	11072	18958	30030	31694	30263	61957

Note : *Opening figures changed due to physical verification of records.

STATUS OF CASES IN TERMS OF PENDENCY (As on 31st December, 2012)

Year	CIVIL CASES PENDING FOR				CRIMINAL CASES PENDING FOR			
	Upto 1 Yr.	More than 1 & less than 2 Yrs.	More than 2 yrs.	More than 5 yrs.	Upto 1 Yr.	More than 1 & less than 2 Yrs.	More than 2 yrs.	More than 5 yrs.
2012	8367	5470	10856	7001	6849	2803	7748	12863

STRENGTH OF JUDGES (As on 31st December, 2012)

Sanctioned Strength	Working Strength	Vacancy
20	11	09

BIFURCATION OF PENDING CASES* (As on 31st December, 2012)

CIVIL		CRL.		(Civ. + Crl.)	(Civ. + Crl.)
Ready (Complete) matters	Not Ready (Incomplete) matters	Ready (Complete) matters	Not Ready (Incomplete) matters	Ready (Complete) matters	Not Ready (Incomplete) matters
24240	7454	17593	12670	41833	20124



Disposal & Pendency of Subordinate Courts

The Report of Subordinate Courts of Jharkhand for the year 2012 with respect to Institution, Disposal and Pendency are as under :

CASES INSTITUTED AND DISPOSED IN THE YEAR 2012

Name of the State/ UT	Cases brought forward from the previous year (Nos.) (Civil/Cri.)			Freshly instituted Cases (Nos.) (Civil/Criminal)			Disposed of cases (Nos.) (Civil/Criminal)			Pending Cases (Nos.)		
	Civil	CRL.	(Civ.+ Cri.)	Civil	CRL.	(Civ.+ Cri.)	Civil	CRL.	(Civ.+ Cri.)	Civil	CRL.	(Civ.+ Cri.)
Jharkhand	58810	239716	298526*	20539	103977	124516*	15133	108644	123777	64216	235049	299265

Note : *Variation in the figures occurred due to physical verification of records done during February & March 2012.

STATUS OF CASES IN TERMS OF PENDENCY (As on 31st December)

Year	CIVIL CASES PENDING FOR				CRIMINAL CASES PENDING FOR			
	Upto 1 Yr.	More than 1 & less than 2 Yrs.	More than 2 yrs.	More than 5 yrs.	Upto 1 Yr.	More than 1 & less than 2 Yrs.	More than 2 yrs.	More than 5 yrs.
2012	15838	17063	16766	14549	54885	64093	73004	43067

STRENGTH OF JUDICIAL OFFICERS (As on 31st December)

Sanctioned Strength	Working Strength	Vacancy
503	398	105

BIFURCATION OF PENDING CASES* (As on 31st December)

CIVIL		CRL.		(Civ. + Crl.)	(Civ. + Crl.)
Ready (Complete) matters	Not Ready (Incomplete) matters	Ready (Complete) matters	Not Ready (Incomplete) matters	Ready (Complete) matters	Not Ready (Incomplete) matters
16731	47485	41195	193854	57926	241339

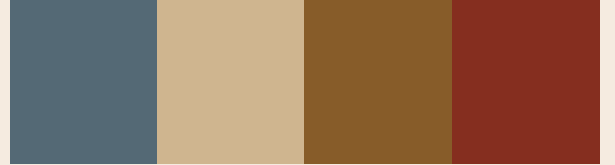


Special Drive for Cases against Women Criminal Appeal (D.B.) cases for offence U/s 376 I.P.C.

His Lordship Hon'ble Mr. Justice Prakash Tatia, Chief Justice, High Court of Jharkhand has taken initiative for speedy disposal of the pending cases of section 376 of India Penal Code and crime against women in The High Court of Jharkhand.

The pending cases identified in The High Court of Jharkhand are as follows at the end of 3rd Quarter 2012 in order to conclude their hearing on priority basis :

Sl. No.	Year	Total Number of Cases	Number of Cases (in custody)
1.	1993	1	0
2.	1995	1	0
3.	1996	2	0
4.	1997	2	0
5.	1998	4	0
6.	2000	3	0
7.	2002	2	0
8.	2003	7	1
9.	2004	26	17
10.	2005	6	5
11.	2006	10	4
12.	2007	16	5
13.	2008	18	8
14.	2009	13	10
15.	2010	8	6
16.	2011	15	6
17.	2012	9	7
TOTAL		143	69



Case details for the cases (in custody) :

2003	
SI.No.	Criminal Appeal No.
1.	392 / 03

2006	
1.	396 / 06
2.	1125 / 06
3.	431 / 06
4.	1533 / 06

2004	
SI.No.	Criminal Appeal No.
1.	1146 / 04
2.	1173 / 04
3.	1218 / 04
4.	1182 / 04
5.	1199 / 04
6.	1144 / 04
7.	1175 / 04
8.	1177 / 04
9.	1422 / 04
10.	1172 / 04
11.	1421 / 04
12.	1157 / 04
13.	1178 / 04
14.	1772 / 04
15.	1924 / 04
16.	1696 / 04
17.	1542 / 04

2007	
1.	400 / 07
2.	626 / 07
3.	189 / 07
4.	278 / 07
5.	300 / 07

2005	
SI.No.	Criminal Appeal No.
1.	1389 / 05
2.	1311 / 05
3.	10 / 05
4.	685 / 05
5.	1019 / 05

2008	
SI.No.	Criminal Appeal No.
1.	949 / 08
2.	396 / 08
3.	190 / 08
4.	1003 / 08
5.	290 / 08
6.	1140 / 08
7.	1068 / 08
8.	784 / 08





2009	
1.	753 / 09
2.	293 / 09
3.	383 / 09
4.	1132 / 09
5.	137 / 09
6.	511 / 09
7.	319 / 09
8.	45 / 09
9.	316 / 09
10.	321 / 09

2011	
Sl.No.	Criminal Appeal No.
1.	197 / 11
2.	334 / 11
3.	519 / 11
4.	428 / 11
5.	415 / 11
6.	580 / 11

2010	
1.	186 / 10
2.	521 / 10
3.	260 / 10
4.	330 / 10
5.	28 / 10
6.	430 / 10

2012	
1.	450 / 12
2.	1043 / 12
3.	1150 / 12
4.	340 / 12
5.	306 / 12
6.	1010 / 12
7.	329 / 12





Comprehensive Monthly Statement of Judicial Work in District & Sub-Ordinate Courts

The High Court of Jharkhand has formulated a comprehensive format for each court in order to document each Judicial work of a Judicial officer to appreciate performance and to monitor his or her work.

Format for Each Judgeship

DISTRICT.....		Proposed Format for Each Judgeship															
Monthly Statement of Judicial Works and Statistics of theJudgeship.....for the Month of.....																	
Criminal										Civil							
1	Nature of Cases	Long** trial cases	Short* trial cases	Total pendency	Pendency of the cases at the beginning of the Month of the Month	Institution during the month/cases received by transfer of remand from other courts or otherwise	Transfer or remand of the cases to other courts during the month	Witnesses Fully examined (Examined, Cross examined & Discharged)/during month	No. of cases in which Charges Framed	Contested Cases	Disposal	Uncontested Cases	No. of Bail matters (Regular bails & Anticipatory bails)/disposed of	No. of Misc/ Interlocutory application disposed of	Disposal of Cases through ADR *mechanisms including Plea Bargaining, Lok Adalat, Mediation, etc.	Complaint Cases	Pendency of Cases at the end of the month
2	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37
Note * Name of the ADR Mechanism used in disposal of the cases. ** Long trial (where no. of witnesses to be examined 15 or more) & short trial (where no. of witnesses to be examined less than 15) cases are to be identified and indicated on																	
Gross Total										The Columns not relevant for a particular court be remarked as N.A.							
Pendency										Disposal							
Nature of Case	A.	B.	C.	D.	(A + B + C) – D												
	Carry forward pendency of the previous month	Institution	Transferred or remanded from other Court	Transferred or remanded to other Court	Net Pendency												
Civil																	
Criminal																	
Total																	

Name & Signature of P.D.J



Format for Each Court

DISTRICT.....		Proposed Format for Each Court	
Monthly Statement of Judicial Works and Statistics of theCourt.....for the Month of.....			
		Criminal	Civil
1	Nature of Cases		
2	Long** trial cases	Pendency of the cases at the beginning of the Month	
3	Short* trial cases	of the cases at the beginning of the Month	
4	Total pendency	of the cases at the beginning of the Month	
5	Institution during the month/cases received by transfer of remand from other courts or otherwise		
6	Transfer or remand of the cases to other courts during the month		
7	Witnesses Fully examined (Examined, Cross examined & Discharged)/during month		
8	No. of cases in which Charges Framed		
9	Contested Cases	Disposal	
10	Uncontested Cases		
11	No. of Bail matters (Regular bails & Anticipatory bails)/disposed of		
12	No. of Misc/ Interlocutory application disposed of		
13	Disposal of Cases through ADR *mechanisms including Plea Bargaining, Lok Adalat, Mediation, etc.		
14	No. of cases forwarded for lodging FIR. u/s 156 (3) Cr.P.C.	Complaint Cases	
15	No. of cases under inquiry & further proceeding commenced		
16	No. of Cases in which Final Form/ Protest Petition Accepted		
17	More than one year and less than five years	Pendency of Cases at the end of the month	
18	More than five years and less than ten years		
19	More than ten years		
20	No. of cases of which the proceedings stayed at the end of the month		
21	Nature of Cases		
22	Long trial cases	Pendency of the cases at the beginning of the Month	
23	Short trial cases	of the cases at the beginning of the Month	
24	Total pendency	of the cases at the beginning of the Month	
25	Institution during the month/suits received by transfer of remand from other courts or otherwise		
26	Transfer or remand of the suits to other courts during the month		
27	Witnesses Fully examined (Examined, Cross examined & Discharged)/during month		
28	No. of cases in which Charges Framed		
29	Contested Cases	Disposal	
30	Uncontested Cases		
31	No. of Misc/ Interlocutory application disposed of		
32	Disposal of Cases through ADR *mechanisms including Plea Bargaining, Lok Adalat, Mediation, etc.		
33	More than one year and less than five years	Pendency of Cases at the end of the month	
34	More than five years and less than ten years		
35	More than ten years		
36	No. of cases of which the proceedings stayed at the end of the month		
37	No. of working days/ no. of days worked by the PO.		
Note	* Name of the ADR Mechanism used in disposal of the cases.		
	** Long trial (where no. of witnesses to be examined 15 or more) & short trial (where no. of witnesses to be examined less than 15) cases are to be identified and indicated on		
Gross Total		The Columns not relevant for a particular court be remarked as N.A.	
	Pendency		
Nature of Case	A.	B.	C.
	D.	(A + B + C) – D	
Carry forward pendency of the previous month			
Institution			
Transferred or remanded from other Court			
Transferred or remanded to other Court			
Net Pendency			
Civil			
Criminal			
Total			

Name & Signature of P.O

