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### LEGISLATIVE SUPPLEMENT

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**PART - III**  
**HARYANA GOVERNMENT**  
**LAW AND LEGISLATIVE DEPARTMENT**

**Instructions**

The 5th March, 2025

**No. 823-Pub.(12)A/2025.**— The Governor of Haryana hereby makes the following instructions further to amend the Law and Legislative Department Manual, namely:-

**1.** (1) These instructions may be called the Law and Legislative Department Manual (Amendment) Instructions, 2025.

(2) These shall come into force from the date of publication in the Official Gazette.

**2.** In the Law and Legislative Department Manual, in Chapter 9,-

(i) for clause 9.1, the following clause shall be substituted, namely:-

“9.1 Appeals against acquittal on behalf of the State.- The Government will not ordinarily recommend the filing of an appeal against an order of acquittal (under section 419 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023)) in the following cases namely:-

- (a) where the case is, in itself, not one of special importance and does not involve an erroneous view of any important legal principle, the correction of which is of public importance;
- (b) where the record does not disclose that there has been clear miscarriage of justice, or mistake on important point of law;
- (c) merely on account of the discovery of fresh evidence after acquittal;
- (d) where the probability of success is not clear and distinct.”;

(ii) after clause 9.1, the following clause shall be inserted, namely:-

“9.1A. Appeals against inadequate sentence by the State.- The Government will not ordinarily recommend the filing of an appeal against inadequate sentence (under section 418 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (Central Act 46 of 2023)) in the following cases namely:-

- (a) where the case is, in itself, not one of special importance and does not involve an erroneous view of any important legal principle, the correction of which is of public importance;
- (b) where the record does not disclose that there has been clear miscarriage of justice, or mistake on important point of law;
- (c) where there is no sufficient ground or reason for inadequacy of the sentence.”;

(iii) for clause 9.2, the following clause shall be substituted, namely:-

“9.2 Submission of Proposals.- When it is decided to recommend an appeal against acquittal or an application for revision on behalf of the State-

- (a) where such appeal or revision is to be filed before the Court of Sessions, the proposal along with grounds shall be submitted by the Deputy Director of Prosecution to the District Magistrate who shall be competent to take final decision.
- (b) where such appeal or revision is to be filed before the High Court, the Deputy Director of Prosecution will forward the proposal with a memorandum of the case to the Director of Prosecution (General) with a copy to the District Magistrate. After recording his opinion, the Director of Prosecution (General) shall transmit the proposal to the Advocate General, Haryana along with memorandum of the grounds of appeal or revision. The Advocate General, Haryana shall tender his legal opinion and submit the case to the Government for taking final decision.

- (c) when it is decided to recommend an appeal or revision against the sentence on the ground of its inadequacy before the High Court, the procedure as mentioned in sub-clause (b) above shall be followed. In cases where appeal or revision against the sentence on the ground of its inadequacy is to be filed before the Court of Sessions, the Deputy Director of Prosecution shall submit such proposal to the District Magistrate, who after examining shall forward the same to the Director of Prosecution (General). Thereupon, the Director of Prosecution (General) shall record his opinion and submit the proposal to the Government for taking a final decision.
- (d) proposal(s) of such appeal or revision shall always be accompanied by complete documentation as per judicial file and certified copy of the judgment/order which is sought to be set aside or modified and also full statement of reasons for the appeal or revision. Such proposals shall be sent to the concerned offices/authorities preferably through electronic communications.”.

RITU GARG,  
Legal Remembrancer and Administrative Secretary  
to Government, Haryana,  
Law and Legislative Department.