



सत्यमेव जयते

UTTARAKHAND COURT NEWS

(A Quarterly News letter)

Vol-V Issue No-2 (April to June, 2014)



High Court of Uttarakhand, Nainital

EDITORIAL BOARD

Hon'ble Mr. Justice Sudhanshu Dhulia
Hon'ble Mr. Justice U. C. Dhyani

COMPILED BY

D.P. Gairola, Registrar General, High Court of Uttarakhand

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UTTARAKHAND HIGH COURT**LIST OF JUDGES (As on 30th June, 2014)**

SL. No.	Name of the Hon'ble Judge	Date of Appointment (Assumed charge in Uttarakhand)
1.	Hon'ble Mr. Justice V. K. Bist	1.11.2008
2.	Hon'ble Mr. Justice Sudhanshu Dhulia	01.11.2008
3.	Hon'ble Mr. Justice Alok Singh	26.02.2013
4.	Hon'ble Mr. S. K. Gupta	21.04.2011
5.	Hon'ble Mr. Justice U.C. Dhyani	13.09.2011

* * * * *



Justice V.K. Bist



ACTING CHIEF JUSTICE
HIGH COURT OF UTTARAKHAND

Nainital – 263001


July 3, 2014

MESSAGE

Judiciary is a dynamic institution. The Judiciary is going through a major transformation and it must go on so that this Institution grows and improves itself according to the constant changes in the society and also keeps up-to the expectations of general public and litigants, who have huge faith in this institution. The expectations of general public are to be kept alive and high. This can be done only when we act fearlessly and independently. The judiciary, as an established institution, is self sufficient to take care of the ills which affect it. The most important step towards transformation is to ensure timely disposal of cases and to see that the benefit finally reaches to the litigant and the litigant must be satisfied that the justice has been done. The focus has always been on the regular cases but it is equally important to focus on the execution cases also as it is only with the disposal of execution cases, a litigant is able to enjoy the fruits of the property involved. Directions for expeditious disposal of execution cases have been issued.

There are large number of vacancies in the ministerial cadre of the subordinate Courts. The recruitment process may take some time. Process has been initiated to contractually engage suitable and competent retired court officials so that they may with their experience provide support to the District Courts till the time process of regular recruitment is completed and the work also is not affected.

The justice delivery system has to be made a transparent system and the general public must be given full access to the information pertaining the functioning of the courts and the litigant must be aware about the progress and status of his case. SMS service has been initiated in 25 Court Complexes of the State whereby the information about the next date is being given directly to the litigant or in some cases Advocates through system generated SMS. The benefit of this service is immense and I hope that more such litigant centric service will be made functional and litigants and general public will be benefited immensely.


(V. K. Bist)

Transfers of Judicial Officers and other Notifications

(April to June, 2014)

	Name & Designation of the Officer	Place of Posting
1.	Sri N.S. Dhanik, District Judge, Bageshwar	District Judge, Nainital
2.	Sri. G. K. Sharma Director, Uttarakhand Judicial and Legal Academy	District Judge, Bageshwar
3.	Smt. Meena Tiwari District Judge, Nainital	Director, Uttarakhand Judicial and Legal Academy
4.	Sri Prashant Joshi, Judge, Family Court, Nainital	1 st Addl. District and Sessions Judge, Dehradun cum Special Judge NDPS Act
5.	Sri Malik Mazhar Sultan, Addl. Director, UJALA	1 st ADJ, Hardwar
6.	Sri. Nittin Sharma Registrar, Uttarakhand Public Service Tribunal	2 nd ADJ, Dehradun
7.	Sri. Dhananjay Chaturvedi 1st ADJ, Hardwar	ADJ, Kotdwar
8.	Sri. K.K. Shukla 1 st ADJ, Nainital	1 st ADJ, Haldwani, Distt: Nainital
9.	Sri. Amit Sirohi 1 st ADJ, Dehradun	2 nd Additional District Judge, Dehradun cum Special Judge (CBI)
10.	Ms. Sujata Singh ADJ, Roorkee	Additional Director, UJALA
11.	Sri. S.M. D. Danish Additional Director, UJALA	Judge, Family Court, Nainital
12.	Sri Srikant Pandey, A.D.J., Hardwar	ADJ, Udham Singh Nagar
13.	Sri Yogesh Kumar Gupta, A.D.J., Dehradun	1 st Additional District Judge, Nainital
14.	Sri Sahdev Singh, A.D.J., Dehradun	2 nd Additional District Judge, Haldwani
15.	Sri Vijayant Kumar, A.D.J., Dehradun	ADJ, Khatima
16.	Sri Shanker Raj, A.D.J. Haridwar	ADJ, Kashipur
17.	Sri Gurubaksh Singh, A.D.J. Hardwar	Additional District Judge, Tehri
18.	Sri Shamsher Ali, A.D.J. U.S. Nagar	4 th Additional District Judge, Dehradun

19.	Sri Dharam Singh 5 th ADJ, Dehradun	Registrar, Uttarakhand Public Service Tribunal, Dehradun
20.	Sri Subir Kumar ADJ, Roorkee	Additional Director, UJALA, Bhowali
21.	Sri Bindhyachal Singh ADJ, U.S. Nagar	2 nd ADJ, Hardwar
22.	Smt. Rama Pandey ADJ, Kotdwar	ADJ, Laksar
23.	Sri Pankaj Tomar 6 th ADJ, Dehradun	1 st ADJ, Roorkee
24.	Sri Sushil Tomar 7 th ADJ, Dehradun	2 nd ADJ, Nainital
25.	Sri Rahul Garg 5 th ADJ, Hardwar	2 nd ADJ, Udham Singh Nagar
26.	Smt. Neena Aggarwal ADJ, U.S. Nagar	5 th ADJ, Dehradun
27.	Sri Brijendra Singh ADJ, Nainital	6 th ADJ, Dehradun
28.	Sri Arvind Kumar ADJ, Kashipur	2 nd ADJ, Roorkee
29.	Ms. Anjushree Juyal Civil Judge (SD), Haldwani	Promoted as HJS and posted as 3 rd ADJ, Hardwar
30.	Smt. Pritu Sharma 1 st ACJM, Dehradun	Promoted as HJS and posted as 7 th ADJ at Dehradun cum Special Judge, Anti-Corruption (Vigilance)
31.	Sri. Mohd. Sultan CJM, Almora	Addl. Judge, Family Court, Roorkee
32.	Sri Naseem Ahmed CJM, Bageshwar	Chief Judicial Magistrate Pauri Garhwal with additional charge of Civil Judge (SD), Pauri Garhwal
33.	Sri Om Kumar, C.J.M. Pithoragarh	Civil Judge (S.D.), Ramnagar
34.	Sri Sanjeev Kumar Civil Judge (SD), Almora	CJM, Almora
35.	Sri Ambika Pant, Joint Director, UJALA	Civil Judge (SD), Udham Singh Nagar
36.	Sri Pradeep Kumar Mani, Civil Judge (Sr. Div.), Dehradun	Joint Director, UJALA, Bhowali
37.	Sri Arvind Nath Tripathi Civil Judge (SD), Udham Singh Nagar	Secretary, DLSA, Udham Singh Nagar

38.	Ms. Pratibha Tiwari, Civil Judge (Sr. Div.), Hardwar	CJM, Pithoragarh
39.	Sri Kuldeep Sharma, Civil Judge (Sr. Div.), Ramnagar, Nainital	Civil Judge (SD), Dehradun
40.	Sri Anirudh Bhatt, C.J.M. Rudraprayag	CJM, Udham Singh Nagar
41.	Ms. Reena Negi, Addl. Civil Judge (Sr. Div.) U.S. Nagar	Civil Judge (SD), Almora
42.	Sri Chandra Mani Rai, Addl. Civil Judge (Sr. Div.) Hardwar	Chief Judicial Magistrate Bageshwar with additional charge of Civil Judge (SD), Bageshwar
43.	Ms. Parul Gairola 3 rd Additional Civil Judge (SD), Rudrapur	Ist Additional Civil Judge (SD), Rudrapur
44.	Sri Ritesh Kumar Srivastava, Civil Judge (Sr. Div.) Rishikesh, Dehradun	Civil Judge (SD), Pithoragarh with additional charge of Secretary, DLSA
45.	Sri Ashutosh Kumar Mishra, C.J.M., U.S. Nagar	1 st Addl. Civil Judge (SD), Dehradun
46.	Sri Manish Kumar Pandey CJM, Chamoli	Civil Judge(SD), Hardwar
47.	Sri Shiva Kant Dwivedi, Addl. Civil Judge (Sr. Div.), Dehradun	CJM, Chamoli
48.	Ms. Geeta Chauhan, C.J.M., Champawat	Civil Judge (SD), Tehri
49.	Ms. Meena Deopa, Addl. Civil Judge (Sr. Div.), Roorkee, Hardwar	Civil Judge (SD), Nainital with additional charge of Secretary, DLSA
50.	Ms. Rajni Shukla Civil Judge (SD), Tehri Garhwal	Civil Judge (SD), Rishikesh
51.	Sri Vivek Srivastawa, Civil Judge (Jr. Div.), Narendranagar, Tehri	Promoted and posted as Addl. CJM, Roorkee
52.	Sri Sudhir Kumar Singh, Civil Judge (Jr. Div.), Ranikhet, Almora	Promoted and posted as 1 st Additional Civil Judge(SD), Hardwar
53.	Sri Udai Pratap Singh, Civil Judge (Jr. Div.) Didihat, Pithoragarh	Promoted and posted as Civil Judge (SD), Haldwani
54.	Ms. Savita Chamoli, Civil Judge (Jr. Div.), Rudraprayag	Promoted and posted as 2nd Addl. Civil Judge (SD), Rudrapur, US Nagar
55.	Sri Manindra Mohan Pandey Civil Judge (JD), Dehradun	Promoted and posted as Ist ACJM, Dehradun with CBI
56.	Sri Dharmendra Kumar Singh, Civil Judge (Jr. Div.), Uttarkashi	Promoted and posted as Secretary, DLSA, Dehradun

57.	Sri Sudhir Tomar, Civil Judge (Jr. Div.), Pauri	Promoted and posted as Additional Civil Judge (SD), Roorkee
58.	Sri Man Mohan Singh, J.M., U.S. Nagar	Promoted and posted as CJM, Champawat
58.	Sri Madan Ram, Civil Judge (Jr. Div.), Lansdowne, Pauri	Promoted and posted as 2 nd Additional Civil Judge (SD), Hardwar
60.	Sri Mukesh Chandra Arya, J.M., Kashipur, U.S. Nagar	Promoted and posted as CJM, Rudraprayag
61.	Smt. Manju Singh, Civil Judge (Jr. Div.) Pithoragarh	Promoted and posted as Civil Judge (SD), Champawat with additional charge of Secretary, DLSA
62.	Sri Ramesh Singh, Civil Judge (Jr. Div.), Karnprayag, Chamoli	Promoted and posted as Secretary, DLSA, Hardwar
63.	Smt. Sangeeta Rani, Civil Judge (Jr. Div.), Kashipur, U.S. Nagar	Promoted and posted as Civil Judge (SD), Rudraprayag with additional charge of Secretary, DLSA
64.	Sri Arun Vohra, Civil Judge (Jr. Div.), Khatima, U.S. Nagar	Promoted and posted as CJM, Uttarkashi
65.	Ms. Anita Gunjyal, Civil Judge (Jr. Div.), Kotdwra, Pauri	Promoted and posted as 2 nd Additional Civil Judge (SD), Dehradun
66.	Sri Laxman Singh Civil Judge (JD), Vikasnagar	Promoted and posted as Civil Judge (SD), Vikasnagar
67.	Sri Dhirendra Bhatt 1 st Additional Civil Judge (JD), Kashipur	Civil Judge (JD), Kashipur
68.	Sri Sandeep Kumar Judicial Magistrate-II, Roorkee, Hardwar	Judicial Magistrate-I, Roorkee
69.	Ms. Gunjan Singh 1 st Additional Civil Judge (JD), Dehradun	Civil Judge (JD), Dehradun
70.	Sri Mohd. Yusuf Civil Judge (JD), Tehri	Additional Charge of Civil Judge (JD), Kirtinagar; Camp Court three days in a month
71.	Sri. Jayendra Singh JM-I, Dehradun	Principal Magistrate, Juvenile Justice Board, Dehradun
72.	Sri Yogendra Kumar Sagar Judicial Magistrate, Pauri Garhwal	Civil Judge (JD), Pauri (will exercise criminal powers of Judicial Magistrate)
73.	Sri Hemant Singh, Civil Judge (Jr. Div.), Hardwar	Civil Judge (JD), Lansdowne with additional charge of Civil Judge (JD), Dhumakot
74.	Sri Vinod Kumar Burman Civil Judge (JD), Almora	1 st Addl. Civil Judge (JD), Dehradun
75.	Ms. Jyotsana Addl. Civil Judge (JD), Khatima	Civil Judge (JD), Narendra Nagar

76.	Ms. Rinki Sahni, J.M.-II, Dehradun	Assistant Director, UJALA
77.	Ms. Shivani Pasbola, J.M.-I, Hardwar	Civil Judge (JD), Vikasnagar
78.	Sri Ravi Prakash, Civil Judge (Jr. Div.), Laksar, Hardwar	Civil Judge (JD), Didihat with additional charge of Civil Judge (JD), Dharchula and camp Court for three days in a month
79.	Sri Shahjad Ahmad Wahid, Civil Judge (Jr. Div.), U.S. Nagar	Civil Judge (JD), Ranikhet with additional charge of Civil Judge (JD), Dwarahat and camp court three days in a month
80.	Ms. Akata Mishra, Addl. Civil Judge (Jr. Div.), Kashipur, U.S. Nagar	Civil Judge (JD), Kotdwar
81.	Ms. Chhavi Bansal 2 nd Additional Civil Judge (JD), Dehradun	Judicial Magistrate-II, Dehradun
82.	Ms. Ritika Senwal Judicial Magistrate, Haldwani	1 st Addl. Civil Judge (JD), Haldwani (will also exercise powers of Judicial Magistrate)
83.	Ms. Vibha Yadav 2 nd Additional Civil Judge (JD), Rudrapur, Udham Singh Nagar	Civil Judge (JD), Udham Singh Nagar
84.	Sri Sanjay Singh Civil Judge (JD), Srinagar	Civil Judge (JD), Khatima
85.	Sri Sayad Gufran 3 rd Additional Civil Judge (JD), Kashipur	1 st Additional Civil Judge (JD), Kashipur
86.	Ms. Indu Sharma 2 nd Additional Civil Judge (JD), Nainital	1 st Additional Civil Judge (JD), Udham Singh Nagar
87.	Sri Manoj Kumar Dwivedi Judicial Magistrate, Rudraprayag	Civil Judge (JD), Rudraprayag (he will exercise criminal powers as Judicial Magistrate)
88.	Ms. Niharika Mittal Additional Civil Judge (JD), Rishikesh, Dehradun	Civil Judge (JD), Rishikesh
89.	Sri Ravi Shankar Mishra 2 nd Additional Civil Judge (JD), Roorkee, Hardwar	Civil Judge (JD), Hardwar
90.	Ms. Seema Dungrakoti Civil Judge (JD), Garur	Judicial Magistrate, Rudrapur, Udham Singh Nagar
91.	Ms. Shachi Sharma 1 st Addl. Civil Judge (JD), Haldwani	Judicial Magistrate, Kashipur
92.	Ms. Sweta Pandey 1 st Additional Civil Judge (JD), Nainital	2 nd Additional Civil Judge (JD), Rudrapur (will work as full time Principal Magistrate, Juvenile Justice Board, Udham Singh Nagar
93.	Sri. Abhishek Kumar Srivastava Civil Judge (JD), Gangolihat, Pithoragarh	Judicial Magistrate, Rishikesh

94.	Ms. Sweta Rana Chauhan 3 rd Additional Civil Judge (JD), Dehradun	II nd Additional Civil Judge (JD), Dehradun
95.	Sri Avinash Kumar Srivastava Civil Judge (JD), Dharchula, Pithoragarh	Civil Judge (JD), Pithoragarh with additional charge of Civil Judge (JD), Gangolihat. Camp Court for three days in a month at Gangolihat
96.	Ms. Tricha Rawat 1 st Additional Civil Judge (JD), Hardwar	Principal Magistrate, Juvenile Justice Board, Hardwar
97.	Sri Sachin Kumar Civil Judge (JD), Kirtinagar	Civil Judge(JD), Srinagar
98.	Ms. Lalita Singh Civil Judge (JD), Chamapawat	Civil Judge (JD), Uttarkashi
99.	Ms. Arti Saroha 2 nd Additional Civil Judge (JD), Haldwani	Additional Civil Judge (JD), Khatima
100.	Ms. Simaranjeet Kaur Judicial Magistrate, Bageshwar	Judicial Magistrate -III, Dehradun
101.	Sri Sandeep Singh Bhandari Civil Judge (JD), Gairsain, Chamoli	Judicial Magistrate-II, Hardwar
102.	Ms. Shama Nargis 2 nd Additional Civil Judge (JD), Hardwar	1 st Additional Civil Judge (J.D), Hardwar
103.	Ms. Neha Kushwaha Civil Judge (JD), Bageshwar	Additional Charge of Civil Judge (JD), Garur, Bageshwar. Camp Court for three days in a month at Garur. Will also exercise criminal powers of Judicial Magistrate
104.	Ms. Anita Kumari 3 rd Additional Civil Judge (JD), Hardwar	2 nd Additional Civil Judge (JD), Hardwar
105.	Ms. Neha Qayyum Judicial Magistrate-I, Roorkee, Hardwar	Civil Judge (JD), Laksar, Hardwar
106.	Sri Neeraj Kumar Civil Judge (JD), Gopeshwar, Chamoli	Additional Charge of Civil Judge (JD), Joshimath, Chamoli and Civil Judge (JD) Pokhri. Camp Court for three days each at both places in a month.
107.	Sri Ashok Kumar Civil Judge (JD), Dwarahat, Almora	Civil Judge (JD), Almora
108.	Smt. Payal Singh Civil Judge, Joshimath, Chamoli	Civil Judge (JD), Karanprayag with additional charge of Civil Judge (JD), Gairsain. Camp Court for three days in a month at Gairsain
109.	Ms. Nazish Kalim Judicial Magistrate-III, Dehradun	Judicial Magistrate-IV, Dehradun
110.	Sri Imran Mohd. Khan Judicial Magistrate-II, Hardwar	3 rd Addl. Civil Judge (JD), Hardwar

Special Judicial Magistrates		
111.	Sri Gyan Prakash-II	Special Judicial Magistrate, Dehradun
112.	Sri Yash Paul Sharma	Special Judicial Magistrate, Dehradun
113.	Ms. Manju Rani Gupta	Special Judicial Magistrate Dehradun
114.	Sri Giriraj Singh Dubey	Special Judicial Magistrate, Haldwani, Distt: Nainital
115.	Sri Aditya Prasad	Special Judicial Magistrate, Rudrapur
116.	Sri Jaipal Singh	Special Judicial Magistrate, Kashipur, Distt: Udham Singh Nagar
117.	Sri Om Prakash Goyal	Special Judicial Magistrate, Rishikesh, Distt: Dehradun
118.	Sri Khalil Ahmed	Special Judicial Magistrate Rooke, Distt: Hardwar
119.	Sri Lakshmi Shankar Sahu	Special Judicial Magistrate, Hardwar
Grant of Selection Grade		
120.	Sri Rajendra Joshi Judge, Family Court, Udham Singh Nagar	Selection Grade of 57700-70290 w.e.f. 01-04-2013

INSTITUTION, DISPOSAL AND PENDENCY OF CASES

➤ HIGH COURT OF UTTARAKHAND (from 01.04.2014 to 30.06.2014)

						Pendency (At the end of 31.03.2014)		
						Civil Cases	Criminal Cases	Total Pendency
						15842	5663	21505
Institution (01.04.2014 to 30.06.2014)			Disposal (01.04.2014 to 30.06.2014)			Pendency (At the end of 30.06.2014)		
Civil Cases	Criminal Cases	Total Institution	Civil Cases	Criminal Cases	Total Disposal	Civil Cases	Criminal Cases	Total Pendency at the end of 30.06.14
2249	1529	3778	2559	1321	3880	15532	5871	21403

6. District Courts (from 01.04.2014 to 30.06.2014)

SL. No	Name of the District	Civil Cases				Criminal Cases				Total Pendency at the end of 30.06.14
		Opening Balance as on 01.04.14	Institution from 01.04.14 to 30.06.14	Disposal from 01.04.14 to 30.06.14	Pendency at the end of 30.06.14	Opening Balance as on 01.04.14	Institution from 01.04.14 to 30.06.14	Disposal from 01.04.14 to 30.06.14	Pendency at the end of 30.06.14	
1.	Almora	603	151	177	577	1152	366	482	1036	1613
2.	Bageshwar	125	43	47	121	395	249	225	419	540
3.	Chamoli	389	47	58	378	876	472	543	805	1183
4.	Champawat	179	66	70	175	1214	1201	1180	1235	1410
5.	Dehradun	11669	2870	3155	11484	56948	24450	26571	54827	66311
6.	Haridwar	8021	1603	1565	8059	30718	20410	21274	29854	37913
7.	Nainital	2682	711	642	2751	8105	4057	4110	8052	10803
8.	Pauri Garhwal	1004	153	160	997	2390	978	773	2595	3592
9.	Pithoragarh	366	75	105	336	747	508	520	735	1071
10.	Rudraprayag	122	36	37	121	333	516	477	372	493
11.	Tehri Garhwal	358	168	161	365	1011	424	286	1149	1514
12.	U.S.Nagar	4666	1315	1164	4817	22491	9115	8236	23270	28187
13.	Uttarkashi	318	93	119	292	859	431	593	697	989
	Total	30502	7431	7460	30473	127239	63177	65270	125146	155619

7. Family Courts (from 01.04.2014 to 30.06.2014)

SL. No	Name of the Family Court	Civil Cases				Criminal Cases				Total Pendency at the end of 30.06.14
		Opening Balance as on 01.04.14	Institution from 01.04.14 to 30.06.14	Disposal from 01.04.14 to 30.06.14	Pendency at the end of 30.06.14	Opening Balance as on 01.04.14	Institution from 01.04.14 to 30.06.14	Disposal from 01.04.14 to 30.06.14	Pendency at the end of 30.06.14	
1.	Dehradun	1356	394	367	1383	767	147	130	784	2167
2.	Rishikesh	136	32	30	138	117	34	18	133	271
3.	Nainital	361	127	69	419	490	116	76	530	949
4.	Hardwar	568	150	157	561	464	107	79	492	1053
5.	Roorkee	495	128	171	452	377	92	131	338	790
6.	Pauri	200	58	59	199	232	60	54	238	437
7.	Udham Singh Nagar	609	116	97	628	590	110	65	635	1263
	TOTAL	3725	1005	950	3780	3037	666	553	3150	6930

Circular Letters issued by Hon'ble High Court of Uttarakhand
(April to June, 2014)

- A. C.L. No. 17/UHC/XVII-31/D.R.(I)/2010, dated: May 02, 2014; Assessment of Judgments of the Judicial Officers.** In continuation of C.L. No. 14/UHC/XVII-31/D.R.(I)/2010 dated 24.11.2010 & C.L. No. 08/UHC/DR(I)/2011 dated July 20/21, 2011 on the above noted subject, I have been directed to inform you that Judicial Officers submit the judgments as per their own choice whereas there are instances wherein the District Judge is aware that a judgment passed by a Judicial Officer is either in violation of settled principles of law or statute or against the established facts or wherein despite repeated directions from Hon'ble Superior Courts, similar type of mistake has been committed or where the District Judge is of the reasoned view that the judgment requires scrutiny by the Hon'ble Judgment Committee. It has come to the notice that such types of judgments are never sent by the Judicial Officer for being scrutinized by the Hon'ble Judgment Committee. In the above circumstances, I have been directed to inform that the District Judges will also on their own submit such judgments of Judicial Officers posted in their district wherein the judgment has been passed either in violation of settled principles of law or statute or against the established facts or wherein despite repeated directions from Hon'ble Superior Courts, similar type of mistake is committed or where the District Judge is of the reasoned view that the judgment requires scrutiny by the Hon'ble Judgment Committee.
- B. C.L. No. 18/ UHC/Admin. A/2014, dated 06th May, 2014; Nomination of Administrative Judge(s).** The Hon'ble Court nominated the Hon'ble Judges at the High as Administrative Judges of different districts of the State in suppression of the earlier Circular Letters:
- | | |
|---|---|
| 1. Hon'ble Mr. Justice V.K. Bist | Dehradun and Nainital |
| 2. Hon'ble Mr. Justice Sudhanshu Dhulia | Hardwar and Rudraprayag |
| 3. Hon'ble Mr. Justice Alok Singh | Udham Singh Nagar,
Bageshwar and Tehri Garhwal |
| 4. Hon'ble Mr. Justice S.K. Gupta | Chamoli, Pauri Garhwal and
Uttarkashi |
| 5. Hon'ble Mr. Justice U. C. Dhyani | Almora, Champawat and
Pithoragarh |
- C. C.L. No. 19 UHC/ /D.R.(I)/2014, dated: June 03, 2014 ; Project to "Prepare Compendium of Terrorism Related Cases".** On the above noted subject, I have been directed to inform you that National Investigating Agency (NIA) has entrusted the Indian Law Institute a project to "Prepare Compendium of Terrorism Related Cases". The Project units have been made for collection and analysis of data. In this connection, I am enclosing herewith a letter received from the Indian Law Institute with a request to kindly provide access to the case files of pending cases to the Project Unit of ILI and provide the copies of decided Judgments on Terrorism.
- D. C.L. No. 20 UHC/XVII-6 /D.R.(I)/2014, dated: June 18 , 2014; Expeditious disposal of Execution Cases.**

Hon'ble Court has again issued following directions for ensuring speedy disposal of execution cases:

1. Execution Cases should be appropriately listed in the Court Diary and the cases should be taken up by the Presiding Officer himself/herself.
2. The Presiding Officers of the Courts should pay personal attention on the service of notice by publication and should themselves choose a suitable newspaper and not leave the choice to the executing clerk.
3. Rule 162 of the General Rules (Civil) should be strictly followed and complied with by the Presiding Officers and the staff dealing execution cases.
4. The District Judges should specifically check the disposal of execution cases at the time of inspection and monthly meeting and also at the time of recording of Annual Confidential Remarks.
5. Subordinate Courts should send a list of stayed execution cases to the concerned Superior Court within 15 days. The Superior Court should also dispose of the matter pending before it and ensure that proceeding of execution cases are not withheld without any just and valid reason.
6. The execution cases upto to the year 2009 should be disposed on or before 31st March, 2015.
7. District Judge should organize short sessions for the Civil Judge (S.D.) and Civil Judge (J.D.) on the subject of execution and may take assistance of retired Senior Judicial Officers or Senior Advocates. The District Judges must assist the subordinate officers in the disposal of execution cases.

E. C.L. No. 21 UHC/XVII-7/D.R.(I)/2014, dated: June 19, 2014; Regarding writing orders on order sheets, etc. In clear and legible handwriting.

Hon'ble Court has again issued the following directions for strict compliance in future:

1. All orders on order sheets, other short orders, judgments, evidence, statements, summons and warrants should as far as possible be typed and printed through computer systems and printers. In case it is not possible to get all them typed and printed, the same should in any case be written in clear and legible handwriting. It shall be the duty of the concerned Presiding Officer to comply and also ensure that the orders on order sheets, other short orders, judgments, evidence, statements, summons and warrants are being written in clear and legible handwriting. Any lapse in compliance of this direction will be taken seriously against the Presiding Officer.
2. While transcribing the orders on order sheets, other short orders and judgments, the names of advocates appearing on the date and for whose side should be clearly mentioned. This shall be the duty of the Presiding Officer to comply and also ensure the compliance of the same.
3. The Presiding Officers are strictly directed to write their complete name and correct designation below their signature or initials, as the case may be, in each order and judgment.
4. Such judicial officers who have been conferred powers of Judicial Magistrate should write their designation as Judicial Magistrate while passing the orders and judgments in criminal cases.
5. The District Judges should check that the above directions are being complied with in true letter and spirit.

Division Bench Judgments

1. In **Criminal Appeal No. 140 of 2012 Jaswinder Singh@ Santa @ Satnam Singh vs. State of Uttarakhand and Criminal Appeal No. 130 of 2012 Baljinder Singh vs State of Uttarakhand**; On 14.02.2005, complainant, Pooran Chandra (PW-2) lodged a report with the Chowki In-charge, Sultanpur Patti, police station-Bazpur, District Udham Singh Nagar with the assertion that he was employed as Driver in Bus No. UP-25-6977, which was carrying school children from Kashipur to Riverdale International School, Bazpur. On the fateful day i.e. on 14.02.2005, the bus was going through Surkara Road. When it reached about 100 yards before railway crossing, at 7:35 a.m., four persons riding on two motorcycles, stopped the bus, and forcefully took Master Gurvinder Singh S/o Lakhvinder Singh resident of Cheema Factory, Kashipur. They took Gurvinder Singh with them by pointing country made pistol on the temple of the complainant. Besides the complainant, teacher, Mohd. Nafeesh (PW1) and the conductor Bhagwan Singh (PW-6) witnessed the incident. On the basis of said complaint, an FIR (Ext.-A4) was registered on 14.02.2005 at 8:15 a.m., and entry was made in General Diary. The Hon'ble Court held that it has to be examined that as to whether on the date, time and place the accused/appellants, with the intent to fetch ransom, kidnapped Gurvinder Singh? The ocular evidence of the victim P.W.7 would be crucial. This witness has categorically stated that on the day of incident, when he was proceeding to his school in a bus, the accused persons, namely Baljinder Singh, Gurbaz Singh, Jasvinder and Soni kidnapped him with the object to fetch ransom; accused Baljinder, catching hold of him, alighted from the bus and after wrapping him in a blanket, he was taken to an unknown destination. The motorcycle was driven by the accused Soni and accused Baljinder Singh was catching hold of him. Accused Jasvinder and Gurbaz were on another motorcycle. The accused persons threatened him that incase he makes shrieks, he will be killed, instead, after obtaining ransom, he will be set at large. He submitted that the accused were exchanging their conversations in Punjabi language. On the way, on the asking of the accused, this witness talked to his father from their mobile. Thereafter, Baljinder Singh forcefully took him to another motorcycle and had gone to somewhere else. He stated that at the moment, while talking to his father, due to displacement of the blanket, in which he was wrapped, he could recognize the accused Baljinder and Soni. Thereafter, on proceeding ahead, police encountered with the accused persons; one of the miscreants fled from the scene and the police party apprehended two accused Gurbaz & Jasvinder and rescued him, and thereafter, he was handed over in the custody of his father. This witness has been cross-examined by the defence counsel at length; but nothing has come out in his cross-examination, which may create doubt in his statements. The evidence of this witness, on each and every aspect, is quite cogent, natural, reliable and trustworthy. The ocular evidence tendered by the victim, is amply substantiated by the evidence of PW-4 Lakhvinder Singh (father of the victim), who has stated

that, after five minutes of the incident of kidnapping, he received a call on his mobile phone, informing him that his son is in their possession with the further direction to bring four lac rupees and come Bazpur, the venue of which will be informed later. The statement of the victim is also corroborated by PW-3 Sub-Inspector Ganesh Singh Kutiyal, Station House Officer. This witness has reiterated the assertions made in the memo of recovery of the victim (Ext. A-3). The defence did not give any suggestion to this witness, as to what was the reason to implicate the accused/ appellants in the crime. The statement of the victim are further corroborated with the statement of PW-11, who was the member of police party with PW-3 SHO Ganesh Singh Kutiyal, when, at the police chowki barrier of police outpost Garappu, the accused Gurbaz and the appellant Jasvinder Singh were apprehended and the abducted boy was recovered from their possession. The co-accused Baljinder Singh and Soni @ Sohan Singh were apprehended on 15.02.2005. PW-8 Inspector Uttam Singh Gimiwal is the witness, who has been produced in proving the test identification parade conducted in the matter. So far the consequential impact of discriminate hostility of P.W.1 and P.W.2 is concerned, the appellants cannot be given benefit of the hostility, because, the ocular statement of the victim is utterly corroborative to the complementary statements rendered by PW-3 as well as PW-11, who have corroborated the fact that within four hours of the incident, while, after kidnapping the victim Gurbinder Singh, in two motorcycles, when they were fleeing towards Kaladhungi, the police party apprehended the appellant Jasvinder @ Santa @ Satnam and the other co-accused Gurbaz Singh at the barrier of police outpost Garappu and the kidnapped boy Gurbinder Singh was recovered from their possession. Furthermore, in the way to their destination, when the accused persons directed the victim to talk to his father through phone, the victim recognized them. So far the dearth on the part of the Investigating Officer e.g. not ascertaining the call details, is concerned, the accused/appellants cannot take any benefit for the lapses on the part of the Investigating Officer, in view of clear statement of P.W.3, P.W.7 and P.W.11. In view of above discussion, we find no infirmity in the judgment and order under appeal. Prosecution has been successful in proving the charge of offence punishable under Section 364-A IPC against the accused/appellants beyond reasonable doubt. The appeals are liable to be dismissed and are accordingly dismissed. The judgment and order passed by the trial Court, as also the conviction and sentence recorded against the accused/ appellants is hereby affirmed.

- 2. In Criminal Appeal No. 264 of 2013 Raju and others Vs State of Uttarakhand; On 19.08.2007,** PW-1 Shahdab Hussain (complainant) submitted a written complaint to Station House Officer, Haldwani, with the assertion that on 18.08.2007 at about 8:00 p.m., when he was closing his shop, two boys, namely, Raju and Rais @ Bablu, working in the shop of Shafat Hussain, came at his shop and told Shafat Hussain that Rabia Amma is ill and is calling him. When the boys insisted, brother of the complainant i.e. Shafat Hussain, in the scooter of the complainant alongwith the said boys, proceeded towards the house of Rabia

situate at Indranagar. It was reported in the FIR that Shafat was frequent to the house of Rabia. The complainant, alongwith PW-7 Junaid, had also gone to the house of Rabia at 9:15 p.m., where they saw Rabia, Raju, Rais and daughter of Rabia in sitting state, and after some time, the complainant and PW-7 returned back to their house. When Shafat did not return till 10:00 p.m. and making contact on his mobile phone failed, the complainant and PW-7 reached to the house of Rabia late night at 12:30 a.m. where Rabia and her daughter told them that Shafat had already left the house at 10:00 p.m. The complainant, his nephew and others went to their known people but their attempts for search of Shafat Hussain failed. Ultimately, at 2:00 a.m. at graveyard temple in Bareilly Road, scooter of the complainant was found lying and beside the scooter, one dead body was also found lying. The dead body was of Shafat Hussain. Lot of people also gathered at the spot, where PW-5 Saddam disclosed that at 1:00-1:30 a.m., he saw that the scooter-found at the site, was being driven by the accused Rais @ Bablu, and behind the scooter-there was one cart carrying some covered material, which was being pushed by the accused Raju and one another person. The complainant further reported that the said persons, after killing his brother, have thrown the dead body of his brother. On the basis of said written complaint, an FIR was lodged on 19.08.2007 at 3:10 p.m. against the appellants in respect of offence punishable under Section 302 I.P.C. The trial commenced. The trial Court framed charge of offence punishable under Section 302/34, 201/34 and 404/34 I.P.C. against the accused/ appellants, who pleaded not guilty and claimed to be tried. The prosecution, in order to prove its case, examined as many as thirteen witnesses. The accused/ appellants did not produce any evidence in their defence. After considering the evidence on record, the trial Court convicted the appellants as mentioned above. The Hon'ble Court considered all the evidence.

The Hon'ble Court held that the question, therefore, in the present appeal, before us is whether, considering the evidence of prosecution witnesses, the appellants could be held guilty? Upon going through the evidence produced by the prosecution, suffice it to say that the prosecution case encircles on the testimony of PW-5 Saddam. It is a case of circumstantial evidence. There is no eyewitness of the incident. As per the prosecution version, when, after making abundant search, the whereabouts of the deceased could not be traced out, then at 2:30 a.m. on 18.08.2007, PW1 and PW-7 saw that there was a crowd gathered at the site, i.e. the place where the dead body of the deceased was found lying, and PW-5 disclosed the complainant that at late night at 1:30 a.m., when he was proceeding towards his house, he saw accused Raju, alongwith another person, near Noori Maszid. He could not recognize the other person. The accused Bablu, driving a scooter, was proceeding towards Bareilly road. At 2:30 a.m. when PW-5 was returning to his house, at the temple, he saw a crowd, and the scooter, which was being driven by Bablu earlier, was lying at the temple site and dead body of Shafat Hussain was also lying aside the scooter. Surprisingly, this witness did not recognize the accused/appellants before the trial Court and put his hand on accused Raju, when he was asked as to whom amongst the accused, was driving the scooter.

Similarly, he put his hand on Bablu, when he was asked as to who was pulling the cart. Thus, this state of affairs belies the story of the prosecution for the reasons, firstly, at late night at 1:30 a.m., PW-5 saw accused Bablu driving the scooter and behind him accused Raju, alongwith another person, was carrying the dead body of the deceased in a cart, to hide the same in order to save themselves. Secondly, it is highly improbable for PW-5 to recognize the accused persons without any source of light at midnight at 1:30 a.m. Thirdly, presence of PW-5 at 1:30 a.m. at the site, as asserted by the prosecution, is doubtful. It is not possible to say that this witness was in his routine process, when he saw the accused Raju and Bablu at midnight.

The Hon'ble Bench also held that in so far, the independent witness PW-12, before whom the weapon, used in the crime (i.e. the GANDASA), was said to have been recovered from the possession of the accused/appellant is concerned, this witness has been declared hostile by the prosecution. Further, in relation to the recovery of five silver rings, the prosecution did not produce any iota of evidence, which could suggest that the rings, thus recovered, were of the deceased. Furthermore, as per the version of the prosecution, at the time of his death, the deceased had a handsome amount in his possession, but it is not the case of the prosecution that such an amount was recovered from the possession of the accused persons, connecting them directly for commission of said crime. Thus, considering the entire evidence procured by the prosecution, a reasonable doubt crops up as to the veracity of the testimony of PW(s). As a consequence thereof, the appellants are entitled to get benefit of doubt. The Hon'ble Court accordingly allowed the appeal and set- aside the judgment under appeal.

3. **In Criminal Jail Appeal No.27 of 2012 Madan Ram Versus State of Uttarakhand; on 23.04.2011,** P.W.1 Lalit Mohan (complainant) made a written complaint to In-charge Kotwali, District Pithoragarh, with the assertion that his younger brother (PW-4)-Kamal Kishore, while going towards the college for examination, informed him that dead body of Prem Ram S/o late Rami Ram is laying aside the road, adjoining village Hudaiti i.e. the way heading towards Sukholi Village. He informed that someone has killed Prem Ram. When the complainant reached at the spot, he saw that someone has killed Prem Ram by hitting him on his head with a stone. On the basis of said written complaint, an F.I.R. was lodged on 23.04.2011 at 07:30 a.m. in respect of offence punishable under Section 302 I.P.C. against unknown person. Investigation was taken up by P.W.11 S.H.O. D.R. Arya. During investigation, inquest on the dead body of Prem Ram was conducted. The IO took in his possession the samples of blood stained and plain earth from the spot; prepared the site plan and sent the dead body for autopsy. The IO interrogated the witnesses and apprehended the accused. After the accused was arrested, on his pointing out, the IO recovered the bloodstained clothes of the accused and prepared the recovery memo and site plan of the place of recovery. The IO also recovered the looted money and prepared the site plan of the spot at which

the witnesses saw the accused last time with the deceased. After satisfying necessary formalities, the Investigating Officer submitted charge sheet against the accused Madan Ram (appellant herein) and Puran Ram, for trial in respect of offences punishable under Sections 302, 394 & 411 I.P.C. As a result thereof, the trial commenced, the trial Court framed charge of offence punishable under Section 302/34, 394 and 411 I.P.C. against the accused, who pleaded not guilty and claimed to be tried. The prosecution, in order to prove its case, examined as many as eleven witnesses. The accused/appellant did not produce any evidence in his defence. After considering the evidence on record, the trial Court convicted the appellant as mentioned above. The question, therefore, in the present appeal, before us is whether, considering the evidence of prosecution witnesses, the appellant could be held guilty? It was argued against the appellant that he was seen lastly with the deceased and after the appellant was arrested, a sum of rupees three hundred was recovered from him. PW-6 employer of the deceased has categorically stated that the deceased was his clerk and on 22.04.2011, he gave a sum of ₹ 20,000/- to the deceased, which the deceased distributed among the labourers, namely, Kamal Thapa and Jeewan Thapa and he also handed over a sum of ₹ 1,000/- to the deceased on the same day. Thus, according to PW-6, merely ₹ 1,000/- was with the deceased and only ₹ 300/- was said to have been recovered from the appellant. In such view of the matter, it is very difficult to accept that appellant murdered the deceased for a meagre sum of ₹ 300/-. Though, PW-3 Harish Singh Bisht states that appellant was accompanying the deceased on previous day i.e. on 22.04.2011 at 8:00 p.m. and after visiting the shop of PW-3, both went towards home, through Sukholi, and on the next day, dead body of the deceased was found, but this evidence is not sufficient to prove the guilt that the appellant killed the deceased, as nobody should be punished merely on the basis of suspicion. Lastly, it was argued that the accused/appellant got recovered a bloodstained *Pajjama* (from his room), which he was wearing at the time of committing the offence and in Forensic Lab Report, human blood was found on the *Pajjama*. Though, recovery of bloodstained *Pajjama* was made in presence of PW-2 Bhagat Ram, but it is not proved that blood stained in the *Pajjama* was of the deceased. It is not a case where it can be said that prosecution was successful in proving its case beyond reasonable doubt. In our view, the appellant is entitled for the benefit of doubt. We, accordingly, allow the appeal and set-aside the judgment under appeal, whereby and under, appellant have been convicted for the offences punishable under Section 302, 394, 411 IPC and quash the sentences.

4. **In Special Appeal No. 330 of 2013, State of Uttarakhand and others Versus Balwant Singh and others; with Special Appeal No. 523 of 2013, State of Uttarakhand and others Versus Chandra Shekhar Singh;** The Hon'ble Court held that both these appeals are preferred assailing the judgment dated 20th November, 2012, passed by the learned Single Judge of this Court. Petitioners applied for the post of Assistant Teachers in Government Primary Schools and were interviewed on 28.09.2005 and were selected vide order dated 29.09.2005. Thereafter, Government was pleased to issue Government Order

dated 25.10.2005 making provision therein that government servants would not be entitled for regular pension, however, would only be entitled for contributory pension scheme w.e.f. 01.10.2005. Undisputedly, when petitioners applied for the post, old pension scheme was in existence, therefore, petitioners had every reasonable expectation that they would be governed by the service conditions prevailing on the date posts were advertised and recruitment process was commenced. In our considered view, service conditions, prevailing on the date recruitment process commenced, cannot be permitted to be altered in disadvantage of the recruits. Moreover, in our considered opinion, Government Order dated 25.10.2005 is prospective in nature and cannot be made applicable retrospectively for the persons who had applied for the post prior to 25.10.2005. Therefore, we do not find any reason to take contrary view to the view taken by the learned Single Judge. Consequently, both the appeals fail and are hereby dismissed.

Single Bench Judgments

1. In **Criminal Misc. Application No.1131 of 2013; State of Uttarakhand through District Magistrate Pithoragarh, District- Pithoragarh Versus Jagdish Chandra Tiwari, & others**; the Hon'ble Court held that it is a case where two teams were playing football. Some dispute arose amongst the players and thereafter the people of two areas also got involved. Agitated crowd assembled and also damaged police station. After sometime, everything was cooled down. F.I.R. was registered, case was investigated and charge sheet was filed. 10 prosecution witnesses were examined. After closing of evidence of prosecution witness, the State Government gave permission to Public Prosecutor under section 321 of Cr.P.C. (U.P. Amendment) to move application for withdrawal of case which has been rejected. It is not a case where offence was committed in pre-planned manner. From perusal of record, it appears that fight was a sudden fight which aggravated and subsequently, converted into violence. Matter was also settled. Therefore, in my view, the decision taken by the State Government, for withdrawing the case, is in public interest and was not based on extraneous considerations. It is also not a case where accused have criminal history. Certain disputes arose between two teams of different villages while playing the football. Thus, dispute was confined to football. Report lodged by other side ended with compromise and final report was accepted. In my view, withdrawal of cases will certainly help the people of two villages in keeping calm and peaceful atmosphere in the area. At the cost of repetition, it is again observed that dispute arose suddenly, which aggravated and converted into violence. This aspect of the matter was not considered by the courts below. Consequently, the petition is allowed.
2. In **Criminal Appeal No. 166 of 2012, Dinesh Versus State of Uttarakhand**; the Hon'ble Court held that the incident is of 23.01.2006, when the girl was taken away by the appellant with him. FIR was

lodged on 31.01.2006. Thus, there is 8 days delay in lodging the FIR. In the FIR, the father of the girl has asserted that he came to know from Horilal and Jogender that appellant enticed away his daughter. No question was asked by the defence from this witness about the reason of delay. In FIR itself, this witness stated that he was assured by the brother and mother of the appellant that girl will be handed over to him very soon. He waited for return of his daughter. Thus, this reason is sufficient reason for delay in Lodging FIR. Girl was recovered on 08.02.2006. Her statement under Section 164 was recorded on 13.02.2006 in which she has stated that, appellant, by threatening her and by showing knife, took her with him. She was taken to Delhi, kept in a room and was raped by the appellant repeatedly against her wish. She gave identical statement on 18.02.2012, while recording examination-in-chief before the trial Court. In cross-examination also, this witness stated that she was forcefully taken away and was raped by the appellant against her wish. On 24.02.2012, her statement was again recorded, in which she proved the statements recorded under Section 164 Cr.P.C. On that day, defence counsel refused to cross-examine this witness, though opportunity to cross-examine was given. Thereafter, the right of the defence to cross-examine this witness was closed. Statement of the accused/appellant under Section 313 Cr.P.C. was recorded on 01.03.2012. Thereafter, counsel for the appellant, for one reason or another, got the case adjourned invariably on 03.03.2012, 12.03.2012, 13.03.2012, 15.03.2012. Hence, on 16.03.2011, right to produce defence evidence was closed. Thereafter, the case was fixed for hearing, but hearing of the case was intentionally adjourned on 19.03.2012, 20.03.2012, 24.03.2012 and 29.03.2012. Application filed by the appellant under Section 311 of Cr.P.C. for re-examination of victim was also rejected on 30.03.2012. On 04.04.2012 matter was finally heard and 06.04.2012 was fixed for delivery of judgment. But an order was passed by the High Court on 04.04.2012 in Criminal Misc. Application No.317 of 2012 (under Section 482 Cr.P.C.) fixing date of cross-examination of the victim on 07.07.2012. In pursuance of High Court's Order, the victim was cross-examined on 07.07.2012. Surprisingly, this time, the victim took a different stand and exonerated the appellant. She denied that 6 years ago, she was taken forcefully by the accused by showing knife. She denied that she was raped. She sated that she gave statement under Section 164 Cr.P.C. under the pressure of the police. In such view of the matter, it is clear that this witness was won over by the defence. There is no contradiction in the statement of the victim given under Section 164 Cr.P.C. and that of recorded in her examination-in-chief before the trial Court on 18.02.2012 and 24.02.2012. She has categorically stated she was forcefully taken by the appellant and was raped against her wish. This version of the victim is trustworthy. Opportunity afforded by the trial Court to cross-examine the victim, was not availed by the defence. Counsel for the appellant refused to cross-examine the girl and right to cross-examine was closed. This was done on 24.02.2012. Thereafter, appellant's counsel got the hearing of the case adjourned on several occasions. The defence counsel himself did not choose to cross-examine the victim on 24.02.2012 but moved to High Court for obtaining permission to

cross-examine this witness. Thereafter, victim was cross-examined and was declared hostile. In such circumstances, this Court is of the view that statement given by the victim before the Magistrate under Section 164 Cr.P.C. and before the trial Court on 18.02.2012 and 24.02.2012 was natural and trustworthy. Her statement, at the time of cross-examination, is not accepted. As far as the age of the girl is concerned, as per doctor's opinion, age of the girl was between 14 years to 17 years. If its' mean is taken, then the age of the victim would be 15½ years. Thus, at the time of incident, the victim was below 16 years. In such situation, consent has no meaning. In view of above discussions, the appeal fails and is dismissed.

3. In **Criminal Appeal No.291 of 2011; Sudhir Kumar Versus State of Uttarakhand**; the Hon'ble Court held that in order to arrive at a just conclusion, this Court has to examine that whether the prosecution succeeded in proving the guilt of the accused that one and half years before 26.04.2002 in various places, several times, the accused committed rape on Km. Guddi? Having gone through the entire evidence adduced by the prosecution, the arguments advanced by the counsel for the parties, it illustrates that the prosecution has utterly failed in proving the guilt of the accused for the reasons enumerating firstly, according to the evidence of the doctor, at the time of alleged incident, the prosecutrix was above than 18 years of age, thus she is treated major. Secondly, the prosecutrix kept mum for a considerable period of one and half year and when her pregnancy became public then on the behest of the villagers, her uncle lodged the F.I.R. Thirdly, which is significant and most salient that in her examination-in- chief, the prosecutrix has admitted that 'incase she would not have been pregnant, then it would have been all well, but cause of dispute arose, when she became pregnant and on the behest of villagers, her uncle lodged the report". Suffice it to say that the prosecutrix was a consenting party, otherwise she would have protested. Considering all the facets of the case, it is found that victim was quite mature and she cohabited with the accused on her own volition. Fourthly, the doctor did not find any sign of injury on any part of the body of the victim, which is not possible in the case of forceful commission of rape. Thus, suffice it to say that the prosecutrix was a consenting party. Therefore, this Court is of the view that the trial Court has erred in law in convicting the accused/appellant under Section 376 I.P.C. For the reasons as discussed above, I am of the view that it cannot be said that charge of offence punishable under Section 376 IPC against the accused/ appellant Sudhir Kumar is proved beyond reasonable doubt. Therefore, this appeal deserves to be allowed.
4. In **Writ Petition (S/S) No. 628 of 2013, Manoj Chuphal Vs State of Uttarakhand & others**; the petitioner challenged the order dated 15.03.2012 by which his services were terminated, as a Constable in Uttarakhand Civil Police. He further challenged the order dated 30.04.2013 passed by the Superintendent of Police, Pithoragarh by which his representation has also been rejected. There is no question that in case petitioner had suppressed material facts before the Police Department and had given a false affidavit,

as alleged, no fault can be found in the impugned orders. There are a catena of decisions, of both the High Courts as well as the Hon'ble Apex Court, which would support the action of the respondents. A reference has been made here in a case of Devendra Kumar Vs State of Uttaranchal (WPSB No. 278 of 2002 decided on 01.08.2003). This case was further upheld by the Division Bench of this Court. The records of the above case (SPA No. 16 of 2003) are also summoned. In the said special appeal there is a conclusive determination by the Division Bench of this Court that after perusing the records of the criminal case against the said petitioner that based on the interrogation of the police it appears that he has a knowledge of the criminal case filed against him. Thereafter the matter went to Hon'ble Apex Court, where the order was affirmed. What distinguishes the present case, however, with the above case, and in fact with the settled legal position on this aspect, is the contention of the petitioner that he had absolutely no knowledge of the criminal case registered against him. A fact, which has not been convincingly rebutted before this Court. It so happened that the petitioner along with his three friends, namely, Atul Tamta, Narendra Gaira and Shyam Sundar (deceased), who are all residents of Pithoragarh town (District Pithoragarh) went to a place called "Jhulaghat" on 23.07.2011. Jhulaghat is situated at the border of Nepal and India. From the facts which have come before this Court, it appears that all these four persons (including the petitioner) are friends and they are in their twenties at the relevant time. In the afternoon they went from Jhulaghat to the neighbouring border of Nepal where they consumed liquor (Beer) and by nightfall, they reached the Indian border and entered Jhulaghat. It is also to be noted that this area is a mountainous region and later the deceased fell down from a cliff, while answering the call of nature. On the next morning all the three friends reported this matter to the police that the deceased (Shyam Sundar) was missing since night. Meanwhile, the First Information Report was lodged on 25.07.2011 by the younger brother of the deceased stating that his brother, who had gone with his three friends to Jhulaghat, has been missing, and all the three friends have thrown his brother down the cliff, as a result of which he sustained injuries and died. It is also true that the body of the deceased was discovered on 24.07.2011 morning. It is again true that on 16.01.2012 the Investigating Officer filed a final report in the matter which has been accepted on 29.03.2012. Thereafter no protest application was filed and that was the end of the matter. This Court on the last occasion had directed the State counsel to place before this Court the case Diary of the case. The certified copy of the same has been produced before the Court today and the same is kept on record. From the perusal of the case diary it appears that the Investigating Officer after lodging of the First Information Report, on 26.07.2012 took the statement of the petitioner where the petitioner narrated the entire facts to the Investigating Officer that as to how four friends went to Jhulagath and how they consumed 17-18 beer bottles and thereafter they had a scuffle at Nepal and how they reached Jhulagath in the night etc. In the state of intoxication the deceased fell down from the cliff and the report of his missing was lodged at the police station. However, it has not been revealed from the

record that the petitioner was informed that he has been named in the First Information Report. He was merely examined as a witness. There is no conclusive proof to show that the petitioner was involved in any criminal case, or that he had knowledge on 20.07.2012, when his statement was recorded by the Investigating Officer that he had been named in the First Information Report. It is also nobody's case that the petitioner was ever arrested. Since the petitioner never had any knowledge of criminal case, now it is wrong to derive a conclusion that merely because a First Information Report was lodged against him on 25.07.2011, ipso facto he had knowledge of the same. Hon'ble Apex Court in the case of **M. Manohar Reddy & another Vs Union of India & others** reported in **2013 (3) SCC 99** it has been held that merely because of criminal case filed against a person it would ipso facto not prove that such a person has any knowledge of a criminal case. From the fact of the present case as well, there is no conclusive determination that the petitioner had knowledge of the criminal case filed against him i.e. First Information Report No. 05 of 2011 under Section 304 of I.P.C. Therefore, it cannot be said that any degree of uncertainty that the petitioner had suppressed this important and material fact while giving an affidavit. Under the peculiar facts and circumstances of the case a benefit must go in favour of the petitioner. Therefore, the two impugned orders dated 15.03.2012 and 30.04.2013 which are passed purely on the basis of conjecture and surmises drawn by the authorities that the petitioner had knowledge of such criminal case and that he suppressed material fact are clearly wrong. In the view of the above discussion, the writ petition succeeds.

5. In **Writ Petition (S/S) No. 375 OF 2012; Anusuya Prasad Purohit & others Vs State of Uttarakhand & another**; the petitioners, before this Court, are Assistant Teachers (L.T. Grade), who are presently teaching in Government Higher Secondary Schools in the State of Uttarakhand. The controversy, which they have raised before this Court, in short, is that their claim before the Education Authorities for calculating their seniority from an earlier date has been rejected. Hence, the present writ petition. In the State of Uttarakhand Rules were framed under Article 309 of the Constitution of India which are known as "Uttaranchal Subordinate Education (Trained Graduate Grade) Services Rules, 2006 (from hereinafter referred to as "the Rules of 2006"). Inter alia, the aforesaid Rules provide for selection/appointment to the post of Assistant Teacher (L.T. Grade). Under the said Rules of 2006, 70% of the posts were to be filled by way of direct recruitment. 25% of the posts were to be filled from amongst the Head Masters of Primary School, Assistant Teacher Junior High School and Assistant Teacher Government Model School working under the Government Elementary Education by way of adjustment. The remaining 5% of posts were to be filled by way of departmental written examination from amongst the Assistant Teacher Primary School, Head Master Primary School, Assistant Teacher Junior High School and Assistant Teacher Government Model School working under Government Elementary Schools who fulfill

qualification prescribed under Rule 8 of Rules of 2006. All the petitioners, before this Court, were appointed under the 25% quota reserved for such teachers and their case before this Court is that they were not “promoted” to the post of Assistant Teacher (L.T. Grade) but what happened in their case was a simple “adjustment”! According to Rule 5 of the Rules of 2006, in the case of the present petitioners, under the 25% quota defines about “adjustment” and not “promotion” whereas in the case of 5% quota, the word “promotion”, is used, as 5% of the posts are to be filled from amongst the Primary School Teachers by way of departmental written examination. It further clarifies as to who are the teachers who will have to be adjusted against 25% of the vacant post of Teachers of (L.T. Grade). Rule 16 of the Rules of 2006 clearly speaks about recruitment by way of adjustment/promotion, which shall be made on the basis of seniority, subject to the rejection of unfit. It further states that only such teachers will be adjusted who “are willing for such adjustment”. It further says that such teachers who were to be “adjusted”, must have the qualifications required for the post of Assistant Teacher (L.T. Grade). These are the same qualifications which a direct recruitee should have against the 70% posts of direct recruitment. Therefore, although 25% posts were to be “adjusted” from amongst the teachers, such as petitioners, who were either teaching as Assistant Teacher in Junior High School or who were working as Head Master in Primary School, this had to be done by way of consideration of seniority and with “consent” of such teachers. Consequently, options were invited by the State Government and willingness of such teachers who were willing to be “adjusted” as Assistant Teacher (L.T. Grade) was sought. Admittedly, the petitioners gave their consent and opted for the post of Assistant Teacher (L.T. Grade) and, consequently, they were adjusted vide order dated 30.05.2009 and other subsequent orders on different dates. The pay-scale of the petitioners who at the relevant time were Assistant Teacher, Junior High School (or Principal or Head Master, Primary School) is the same (i.e. Rs.5500-9000) as the pay scale of Assistant Teacher (L.T. Grade). Indeed the petitioners received the said pay scale in the parent department i.e. Assistant Teacher Junior High School much earlier than the year 2009 when they were adjusted as Assistant Teacher (L.T. Grade). The question is whether their claim of seniority of Assistant Teacher (L.T. Grade) from the date they were receiving the same salary as teacher/Head Master in elementary schools, is justified or not? Their claim has already been rejected by the State Government vide order dated 05.07.2011. Although the order is not a detail order as all it says that it is as per the Rules of 2006, seniority is to be calculated from the date they were “adjusted” as Assistant Teacher (L.T. Grade). The petitioners contend that they have not been promoted as Assistant Teacher (L.T. Grade) but simply “adjusted” under the new cadre where they were earlier carrying the same pay scale as they are getting now. In any case, it would not be a promotion. Therefore, the seniority must be calculated from the date, they started getting the pay scale of Assistant Teacher (L.T. Grade). The learned counsel for the petitioners further relied upon a judgment of Hon’ble Apex Court rendered in the case of Anand Chandra Dash Vs. State of Orissa & others,

reported in (1998) 1 UPLBEC 499. In the said case employees of Revenue Department were transferred and their services were merged to the Labour Department, However, the Government refused to give them the seniority which they had in the Revenue Department and was calculating the seniority from the date of merger. The Hon'ble Apex Court held this action to be wrong and therefore, the petitioner claims the same relief. In the case before the Hon'ble Apex Court, however, there was an essential difference and that difference was that the employees who were working in the Revenue Department were never given a choice to be transferred/merged with the Labour Department. In fact, the specific case before the Hon'ble Apex Court was that their services were merged with the Labour Department in spite of their unwillingness and in spite of their denial letter. 12. It was under those circumstances where an employee who had even not given his willingness, where services of unwilling employee were merged with the other Department without giving any option, in that case the Hon'ble Apex Court had granted such benefit. In the present case, it is an admitted fact that before being adjusted in the Higher Secondary School as Assistant Teacher (L.T. Grade) options were called and services of only such teachers were merged who were willing to give such an option. The petitioners then relied upon Rule 22 of the Rules of 2006 and states that they gave their willingness to be adjusted as Assistant Teacher (L.T. Grade). The Learned Counsel for petitioners raised the argument of "merger" but the Hon'ble Court held that before this Court there is no case of "merger" of two cadres into one. Therefore, the petitioners case is entirely different than what would be in the case of "merger". It is very much clear that the petitioners were asked an option and in turn they showed their willingness and only thereafter were they absorbed as Assistant Teacher (L.T. Grade). The entire case of the petitioners rests on two points. Firstly, as Assistant Teacher in Junior High School they were getting the same pay scale as they are getting in the Assistant Teacher (L.T. Grade) and secondly, that they have not been promoted but they have been adjusted. Therefore, the petitioners not being "promoted" as Assistant Teacher (L.T. Grade) but only adjusted must be given the benefit of seniority which they have been wrongly denied. Undoubtedly the Rules do not speak about promotion, yet the entire procedure which has been adopted shows that it was akin to "promotion". Moreover, the yardstick to determine that the post is a higher post is not just the pay scale which is attached to that post. There are other factors which must be reckoned and must be considered in order to determine the nature of the post, such as the status of that post. The nature of work of Assistant Teacher (L.T. Grade) would be to teach to the students up to Class X. Earlier the petitioners were only teaching Class VI to VIII and in some cases, only up to Class V. Now as Assistant Teacher (L.T. Grade) he would be teaching up to Class X. Moreover, the status of an Assistant Teacher (L.T. Grade) is definitely higher than that of a Primary School Teacher. They have now a chance to be promoted as "Lecturers" which is a higher post. An opportunity which they were not having as Assistant Teacher in Junior High Schools or as a Head Masters in Primary Schools. From these yardsticks, it is clear that what happened in the case of

the petitioners in the year 2009 was a promotion. In view of the observations made herein above, the writ petition fails and is hereby dismissed.

6. In **Writ Petition No. 1979 (SS) of 2013, Anil Kumar Versus State of Uttarakhand & Others;** the petitioner, before this Court, was a candidate for the selection process to the post of Instructor, Government Industrial Training Institutes. His candidature was for the post of Instructor (Arts/Mathematics). Petitioner participated in the selection process and though his name did not figure in the select list of Schedule Caste candidates but his name figured in the select waiting list at serial no. 2 in the Schedule Caste category. Case of the petitioner is that the result was declared on 27.08.2010. Total number of post for the Instructor (Arts/Mathematics) were 106, out of which 23 posts were reserved for Scheduled Caste Category candidates, against these 23 posts, only 19 candidates have joined as Instructor in the Scheduled Caste Category and 04 posts were left vacant. The last offer given to the selected candidates was by way of an advertisement dated 16.12.2012 published in Amar Ujala Hindi daily newspaper, a fact which is admitted to the respondents. According to the petitioner, 04 posts of Schedule Caste Category still remained vacant. None of the selected candidates joined these posts. What should have followed therefore was that the offer should have been made the person placed at Serial No.1 in the waiting list of Scheduled Caste Category candidates and thereafter in case, he refuses to join, the offer should have been made to the petitioner, as he was no. 2 in the wait list. In any case, since 04 posts remained vacant in the category of Scheduled Caste and petitioner's name figured at serial no. 2 in the waiting list of the Schedule Caste candidates, he was liable to be given offer for appointment. Since this was not done, present petitioner made an application for appointment which was declined. Aggrieved, petitioner filed writ petition being Writ Petition No. 423 (SS) of 2013, which was disposed of vide order dated 23.04.2013 with the direction to respondent no.2 to take action in accordance with law on the select list prepared, as a consequence of this, his representation has been disposed of vide order dated 8th July, 2013 by which the appointment has been denied to the petitioner giving the reasoning that the select waiting list was declared on 27.08.2010 and the period of a waiting list is only one year, which has now been exhausted. Aggrieved, the petitioner filed present writ petition. It is not the case of the respondents that selected candidates joined these posts and thereafter had resigned from the post and the vacancies arose because of their resignation. Therefore, the period of limitation for one year for the waiting list actually starts from the date, the entire select list has been filled up. This occasion in the present case has never arose as till 16th December, 2012 respondents were requesting the selected candidates to join the posts, in other words the vacancies had not filled up. In view thereof, to take a stand now that the waiting list cannot operate beyond one year is wholly incorrect. The stand taken by the respondents was that the petitioner's case could not be considered as the waiting list does not survive beyond the period of one

year. All the same, the Hon'ble Apex Court in the case of State of J & K & Ors. Vs. Satpal, rendered in Civil Appeal No.938-939 of 2013 [arose out of SLP (C) Nos.31591-31592 of 2012] has held that since the waiting list will only commence to operate after the vacancies have been filled up and that occasion had yet not arrived, the "one year period" did not even start to operate. Based on the same logic, present writ petition is allowed.

7. In **Writ Petition No. 1493 of 2013 (M/S), Parbhas Majumdar Versus State of Uttarakhand and others;** with Writ Petition No. 1472 of 2013 (M/S) Chandra Has Singh Gautam Versus State of Uttarakhand and others, the petitioner claiming himself to be the Adhyaksh of Majdoor Sangthan Pirumadar, Tehsil Ramnagar, District Nainital petitioner moved representation before the Collector, Nainital seeking allotment of the plots in favour of the petitioner and other members of the alleged society over the land declared surplus under the U.P. Imposition of Ceiling Act. Petitioner earlier filed Writ Petition No. 477 (M/S) of 2012 before this Court which was disposed of vide order dated 12.03.2013 with the direction to the Collector, Nainital to take decision on the representation of the petitioner. Thereafter, learned Collector, vide order dated 8th May, 2013, was pleased to dismiss the representation of the petitioner. Feeling aggrieved, petitioner has once again approached this Court assailing the order dated 8th May, 2013 whereby representation of the petitioner was dismissed and seeking writ of mandamus commanding the respondents to allot plots over surplus land in favour of the members of the petitioner Society who are allegedly landless labourers. A writ of mandamus can be issued for the enforcement of the legal rights. On being asked repeatedly, learned counsel for the petitioner could not show any legal rights in favour of the members of the petitioner Society for the allotment of the plots over surplus land. Therefore, no mandamus seems to be justified in favour of the petitioner in view of the fact that petitioner or its members have absolutely no legal right to have the residential plots over the surplus land. Representation of the petitioner seems to be rightly rejected by the learned Collector. Consequently, writ petitions fail and are hereby dismissed.

8. In **Writ Petition No. 1782 of 2009 (M/S), Maya Ram (deceased) Versus State of Uttarakhand and others;** the petition is filed assailing the order dated 01.05.2009, passed by the Grievances Redressal Forum, Tehri Dam Project, New Tehri, which was constituted pursuant to the direction issued by Hon'ble Apex Court dated 24.4.2007, consisting of Shri Rameshwar Singh, Retired Addl. District Judge and Collector, Tehri Garhwal. Undisputedly, shop of the petitioner was taken from the possession of the petitioner and that shop had submerged. Undisputedly, petitioner was allotted one shop bearing F-28 in Open Shopping Market, New Tehri in lieu of the shop occupied by the petitioner which was submerged in the water. Undisputedly, no cash compensation was paid to the petitioner for the shop wherein petitioner was running grocery business before taking over the shop from the petitioner. Mr. Shobhit Saharia,

learned counsel for the T.H.D.C. submits that since there seems to be no land acquisition proceeding, therefore, petitioner was not paid any cash compensation in view of the fact that no award was ever passed. He further contends that in view of the Government Order dated 7th July, 2010, petitioner is not entitled for any cash compensation. In view of the admitted fact that petitioner was running the grocery shop in Tehri town and shop was taken from the possession of the petitioner and shop was submerged in the water and petitioner was allotted shop F-28 in Open Shopping Market in New Tehri, petitioner is also entitled for the cash compensation for the shop which cannot be denied to the petitioner on hyper technical grounds. As far as residential house is concerned, petitioner's case is that petitioner was residing in a house owned by Shri Kashiram Dobhal as a tenant. Having perused the impugned order, I do not find any justification to take contrary view to the view taken by the learned Forum that petitioner could not prove that he was in occupation of the house, in question, as tenant. Therefore, no interference is called for in the findings of the learned Forum as far as it relates to the residential house. However, cash compensation should be paid to the petitioner for the shop taken from the petitioner which was submerged in the water. Matter needs to be remitted to the Forum for adjudication on the issue. Consequently, impugned order is quashed as far as it relates to the payment of compensation for the shop which was taken from the petitioner and was submerged in the water. Therefore, writ petition is allowed. Matter is remitted to the learned Forum. Learned Forum shall decide the quantum of compensation petitioner is entitled for for the shop which was taken from the possession of the petitioner and submerged in the water. Entire exercise shall be completed by the Forum within 90 days from the date certified copy of this order is placed before the Forum.

9. In **Writ Petition No. 1176 of 2014 (M/S), Krishna Pal Singh Chauhan Versus District Magistrate Haridwar and others**; the present petition is filed assailing the order dated 29.03.2014, passed by A.D.M., Haridwar whereby application of the petitioner to issue character certificate to the petitioner was rejected. Undisputedly, on the earlier occasions character certificates were being issued in favour of the petitioner time to time. This time character certificate was declined to the petitioner only on the ground that one Criminal case under Sections 323, 504 and 506 I.P.C. was registered and trial thereof is pending disposal in the Court of A.C.J.M. Haridwar. Undisputedly, petitioner has not been convicted as yet. Undisputedly, except this one criminal case, no other criminal case was ever registered against the petitioner. Now question comes as to whether offences punishable under Sections 323, 504 and 506 I.P.C. would amount to moral turpitude justifying denial of the character certificate to the petitioner solely on the ground that petitioner is facing trial for the offence punishable under Sections 323, 504 and 506 I.P.C. Hon'ble Apex Court in the case of Pawan Kumar Vs. State of Haryana reported in 1996 (4) S.C.C. 764 has held as under:- "Moral turpitude" is an expression which is used in legal as also societal parlance to describe conduct which is inherently base, vile, depraved or having any connection showing depravity."

As per the dictum of the Apex Court, "moral turpitude" is an expression which is used in legal as also societal parlance to describe conduct which is inherently base, vile, depraved or having any connection showing depravity. In the case in hand, learned A.D.M. has not expressed any opinion as to whether offence punishable under Sections 323, 504 and 506 I.P.C. falls within the definition of moral turpitude. Learned A.D.M. also failed to appreciate as to whether character certificate should be refused only on the ground that petitioner is facing trial for the offence punishable under Sections 323, 504 and 506 I.P.C., especially, in the background that petitioner was being issued character certificate time to time and no other criminal case was ever registered against the petitioner and petitioner was never blacklisted by the B.H.E.L. where petitioner is a registered contractor. Consequently, writ petition is allowed. Impugned order is quashed. Learned A.D.M. shall pass order afresh in accordance with law on the application of the petitioner seeking character certificate preferably within three weeks from today and decision so taken shall be communicated to the petitioner immediately thereafter.

10. In **Writ Petition No. 327 of 2014 (M/S), UCO Bank Versus S.K. Vijjan and another**; this petition is filed assailing the order dated 7th January, 2014, passed by the Uttarakhand Human Rights Commission. Operative portion of the impugned order reads as under :- *"Therefore, denial of the compassionate allowance as mentioned in Clause 15 of the Circular to the complainant is denial of his fundamental rights as per circular of the Bank itself which amounts to violation of human rights of the complainant as the said compassionate allowance is in lieu of his pension. Therefore, we direct the Bank to release the compassionate allowance in terms of its own circular to the complainant within four weeks."* Brief facts of the present case, inter alia, are that undisputedly, vide order dated 27.12.2001, complainant/respondent No.1 herein was removed from the services of the Bank on account of mis-conduct on the part of the employee/complainant/respondent No.1 herein. Feeling aggrieved, employee/complainant/ respondent No.1 herein filed Civil Writ Petition No. 1733 (S/B) of 2002, before this Court challenging the order dated 27.12.2001 removing the respondent No.1 herein from the services of the bank as well as order dated 10.08.2002 whereby statutory appeal filed by the respondent No.1 herein was dismissed by the appellate authority and further seeking writ of mandamus commanding the employer/ Bank to reinstate the respondent No.1 herein alongwith all backwages and benefits. Undisputedly, writ petition so preferred was dismissed vide judgment dated 17.09.2010 by the Division Bench of this Court. Meanwhile, respondent No.1 herein preferred another Writ Petition, being Writ Petition No. 54 (S/B) of 2006, before this Court seeking direction to the employer Bank to release the pensionary benefits in favour of the respondent No.1 herein. However, writ petition No. 54 (S/B) of 2006 was dismissed on 24.02.2011 for non prosecution. No effort was made to get that writ petition restored. It seems after the dismissal of the writ petition, complainant respondent No.1 herein preferred complaint No. 384 of 2013 before the Uttarakhand Human Rights Commission, Dehradun seeking relief directing the employer / Bank to

release the pensionary benefits in favour of the petitioner. Surprisingly, not only complaint was entertained but State Human Rights Commission proceeded to hold that denial of release of pensionary benefits would amount to violation of Human Rights, therefore, Bank was directed to release the compassionate allowance to respondent No.1 in lieu of his pension. Although it was argued before Human Rights Commission that in view of the dismissal of the earlier writ petition seeking mandamus against the Bank to release the pensionary benefits to the complainant, Human Rights Commission had no jurisdiction to grant the same relief which was denied by the High Court, however, learned Commission not only over-ruled the submission / objection raised by the Bank before the Commission but issued the mandamus / direction to release the compassionate allowance in lieu of pension as if Commission had jurisdiction under Article 226 of the Constitution of India. State Human Right Commission is constituted under Section 21 of the Act and as per Section 29 of the Act, provision of Sections 9, 10, 12, 13, 14, 15, 16, 17 and 18 of the Act, shall apply to the State Commission as well. Section 12 of the Act enumerates the functions of the Commission. As per Section 12 of the Act, Commission shall inquire, suo moto or on an application presented on behalf of the victim or any person on behalf of the victim into a complaint of violation of human rights or abetment thereof, or negligence in the prevention of such violation, by a public servant. Commission has also power to intervene in the proceedings involved any allegation of violence of human rights pending before the Court with the approval of such Courts. Joint reading of Section 12 and Section 18 (a) of the Act would demonstrate that Commission has jurisdiction to entertain the complaint and to make inquiry and investigation and to make recommendation, in the case of violation of human rights by a public servant only. If in the opinion of the Commission, inquiry discloses commission of violation of human rights and negligence in the prevention of human rights or abetment thereof by the public servant, Commission may recommend to the concerned Government authority to make payment of compensation / damages to the complainant or the victim or the members of his family as the case may be or to initiate proceedings for prosecution or such suitable action against the concerned person / persons or to take such further action as Commission thinks fit. Commission may also approach this Court or the Supreme Court for such direction, orders or writ as the Court may deem fit in the peculiar facts and circumstances of the case. Commission may also recommend to the concerned Government or authority at any stage of inquiry for grant of immediate interim relief to the victim or the members of his family. Perusal of Chapter III and IV of the Act would demonstrate that Human Right Commission is only advisory body / recommending body and is not an adjudicatory body. If any direction is required, Commission under Section 18 (b) of the Act is at liberty to approach this Court or Supreme Court as the case may be for appropriate direction or writ. However, cannot issue direction or writ without intervention of the Court. In the case in hand, complainant/ respondent No.1 was removed from the services; removal was upheld by this Court in Writ Petition No. 1733 (S/B) of 2002, vide judgment

dated 17.09.2010 and another Writ Petition No. 54 (S/B) of 2006, filed by the complainant / respondent No.1, claiming pensionary benefits was also dismissed for non prosecution on 24.02.2001, therefore, it was not open to the Human Right Commission to act as an adjudicatory body and to issue direction to release the compassionate allowance in lieu of pension. For the reasons stated hereinbefore, impugned order does not sustained in the eyes of law. Therefore, present writ petition is allowed. Impugned order passed by the Human Rights Commission is hereby quashed.

11. In **Writ Petition No. 26 of 2008 (S/S), Ex Havildar Birendra Singh Negi (No. 4068517H) Versus Union of India and others**; the petitioner came up praying to issue, *inter alia*, the following orders: (i) to issue an order, direction or writ in the nature of 'Certiorari' to quash the punishment of 'severe reprimand' awarded to the petitioner on 7th April 1997. (ii) to issue an order, direction or writ in the nature of 'Mandamus' commanding the respondents to grant the rank of Havildar to the petitioner with effect from 1st January 1997 with all consequential benefits till the date of his retirement i.e. 31st October 2001. (iii) to issue an order, direction or writ in the nature of 'Mandamus' commanding the respondents to grant the pension of Havildar to the petitioner with effect from 1st November 2001 and pay him arrears accordingly. (iv) to award the interest at the rate of 18% p.a. on the amount as would become payable to him on account of the above relief. The Hon'ble Court after having heard the contentions of the learned Counsel of the petitioner, felt and held that the Army replied his notice on dated 21.9.2002, but he remained silent for about one and half years and moved the first representation on 31.3.2004 only. Then he moved the second representation after almost a month on 4.5.2004, annexure 9. He again remained idle for more than three years and could move the hand script representation to the Chief of the Army Staff only on 11.7.2007, annexure 10 to the writ petition. He has no explanation for this inordinate delay in knocking the door of the Court because he could file the petition only on 9.1.2008. Further, it can also significantly be noted that after being punished in the times of Col. VS Dadhwal on 7.4.1997, he remained silent even after the transfer of Col. VS Dadhwal from the Unit and could agitate the "severe reprimand" (red ink entry) in his character roll after having discharged from the Unit on 31.10.2001. Thus, for more than four and half years, he could not speak a word even after taking over of the Unit by another Col. SS Chaudhary, much less in the times of Col. VS Dadhwal. Even if it is accepted that he apprehended further disciplinary action against him if he moved the representation against the red ink entry in the times of Col. VS Dadhwal, then none prevented him to agitate the issue in the changed regime in the times of the successor Colonel. This way, to agitate the issue so belatedly, that too after taking retirement from the service, is something which is difficult to understand and consider. If it is permitted to happen and all the more by way of filing the writ petition after more than 10 years of the reprimand entry, then this regimented discipline of the Armed Forces Services will be affected very adversely and there is every likelihood that the system may go haywire. Even having considered the

merits of this writ petition, I do not find any force in the same. The Army was not wrong in refusing to grant the pension of the rank of Havildar to the petitioner because if the rule envisages that to secure the pension of a particular rank, if ten months consecutive service is a pre-requisite on that post, then the petitioner served on the rank of Havildar only for a period of little less than six months. Hence, it is difficult to make him entitle for the pension which a Havildar gets. The contention of the petitioner is that his promotion on the post of Havildar had to be effective on 1.1.1997 as approved by respondent no. 3, but here the Court wants to say that mere approval for promotion by respondent no. 3, who was an officer of the Major rank, was not final. It was certainly subject to affirmation by the Commanding Officer of the Unit. If mere approval by an officer holding the rank of Major in the Unit is a final word, then again Commanding Officer of the Unit will lose his authority, while he is being the top officer of the Unit responsible for ensuring discipline in all ranks subordinate to him. It was argued by learned Counsel of the petitioner that Commanding Officer held him guilty for knowingly leaving out the names of certain eligible individuals while preparing the Part II Order for their CILQ on dated 23.12.1996. This CILQ had to be prepared for a period since 1.7.1996 to 31.12.1996 and was to take effect from 1.1.1997. So, it was not justified on the part of the Commanding Officer to hold him responsible for leaving out certain names before 1.1.1997. This contention also is not acceptable to the Court for the reason that the list of the soldiers entitled for CILQ, though prepared for a period as aforementioned, but certainly such a list cannot be prepared in intervening night of 31.12.1996/1.1.1997. It remains in the process of preparation, almost attains the finality at least a week before of the due time as warranted in the regimented discipline of the Army. If this argument of the learned Counsel of the petitioner is accepted for a moment, then even before the disciplinary action could have been taken for the lapses of the petitioner, he would have been promoted in the morning hours of 1.1.1997 by the Commanding Officer. This way the petitioner could have escaped his punishment for the lapses in his official work and that was harmful for the system. The writ petition was dismissed.

12. In **Miscellaneous Application (MCRC 103/2013) in CRIMINAL MISCELLANEOUS APPLICATION No. 906/2010, Bhuwan Chandra Joshi & Others Kirti Ballabh & Another**; application dated 10.4.2013 was sent to the Hon'ble Chief Justice, Uttarakhand invoking the powers of this Court under Section 340 CrPC by the applicant Prakash Chandra Bhatt, who is the real brother of Kirti Ballabh. This Kirti Ballabh instituted a Complaint Case No. 521/2010 in the Court of Judicial Magistrate, Haldwani wherein Bhuwan Chandra Joshi and three others were summoned to face the trial under Section 504, 506, 452 IPC. The cognizance was challenged by the accused persons under Section 482 CrPC and this Court vide its judgment and order dated 19.2.2013 quashed the complaint case and also the order of cognizance passed by the Magistrate besides the imposition of fine of rupees ten thousand upon the complainant Kirti Ballabh, which he has deposited on 11.3.2013. Having lost his

complaint against Bhuwan Chandra Joshi and others, his brother Prakash Chandra Bhatt has made this complaint addressed to the Hon'ble Chief Justice of the Court invoking powers as aforesaid. The Hon'ble Court held that it would like to make it clear that quashing of that complaint case, as aforesaid, was not based on the premise of the documents showing the presence of these accused persons on 10th and 11th July, 2010 in the District Champawat, but it was on quite different footing. These documents were not considered by the Court even as supporting documents while passing the order of quashing of the complaint. Now, as regards the initiation of the inquiry under Section 340 read with Section 195 CrPC is concerned, the position is well established and clear, as a five Judges Bench of the Hon'ble Apex Court in the case of *Iqbal Singh Marwah v. Meenakshi Marwah*, **2005 (51) ACC 910**, has held that these provisions of CrPC could come into light for initiation of the inquiry only with respect to a document regarding which the forgery was committed while the document was in custodial legis. If the forgery (if any) has been committed either by Mr. Viswakarma or Bhuwan Chandra Joshi or Shyam Singh Ladwal while sitting in their office, then this Court cannot invoke its power under Section 340/195 CrPC. The course is otherwise for the purpose. The application is bereft of any merit and is accordingly rejected.

13. **In Criminal Misc. Application No.554 of 2014, Wasim Khan Vs. State of Uttarakhand & another;** Criminal Trial no.325 of 2009 was ongoing in the Court of Additional Chief Judicial Magistrate, Kotdwar, District Pauri Garhwal, wherein the Drug Inspector PW1 Deepak Kumar was examined in chief on 14.11.2011. But the examination-in-chief could not be completed on account of the absence of incriminating goods to be produced in the Court. On the second occasion i.e. on dated 4.9.2013, the examination-in-chief and cross-examination of this witness was completed. Thereafter, an application under Section 311 Cr.P.C. was moved to summon this witness again, with a view to provide further opportunity for cross-examination from him. Such application was rejected by the learned Magistrate, and a revision, filed against such rejection order, was also failed. Hence, this petition has been filed. The Hon'ble Court held that in these matters, the law is well settled and propounded a number of times, not only by the Hon'ble Apex Court but even by the Uttarakhand High Court. In the case of *Trilochan Singh v. State of Uttaranchal and others* reported in **2002(2) ELC Page 981**, it was held that there is no justification to recall the witness on merely asking that they are not satisfied with the earlier statement recorded in the Trial; because if it is done so, there will be no logical end of the examination of the same witness. The settled proposition of law, to recall a witness for the purpose of examination or cross-examination, is at the discretion of the Court when it feels essential to do so for the just decision of the case and also with a view to subserve the cause of justice. The Hon'ble Apex Court, in a number of matters, has emphasized that a witness, once turned up, must not be returned for any cause, including the personal cause of the advocate. Thus, in view of the above settled position of law, the petition was dismissed.

14. In **Criminal Revision No.103 of 2012, Pyar Singh and others Vs. State of Uttarakhand & another**; the Hon'ble after hearing the learned counsel for the parties held that it transpires that the Sessions Trial No.8 of 2011 was pending in the Court of Additional Sessions Judge, Tehri Garhwal, wherein Uttam Singh, the husband of deceased, was being tried for the offence of Section 306 IPC. The said Uttam Singh entered into wedlock with the deceased Smt. Kalma/Kamla almost nine years before her death. She could not conceive and produce a child in all along 8-9 years of her matrimonial life. So, the allegations were that she was consistently taunted at the hands of these revisionists, who are none other but her father-in-law, mother-in-law, brother-in-law and wife of brother-in-law. As a result of such traumatization, she committed suicide. The first information report was lodged by Vishal Singh, father of deceased, against her husband and all the revisionists. Investigation culminated into the submission of chargesheet only against the husband while the afore-named petitioners were absolved by the Police. After levelling of Charge, PW1 Vishal Singh and PW2 Devendra Singh (relative of PW1) were examined and they have only levelled the bald allegations against these revisionists. Relying on those allegations, the learned Additional Sessions Judge issued the summons u/s 319 Cr.P.C. asking the revisionists to surrender in the Court. The law is very clear on the subject which has been laid down by the Hon'ble Apex Court in the case of *Sarabjit Singh and another v. State of Punjab and another* 2009(2) UC 1105. It has been held that before an additional accused can be summoned for standing trial, in that situation, the nature of evidence should be such which could make out grounds for exercise of extraordinary power. The evidence should be sufficient and the cogent reasons are required to be assigned by the Court so as to satisfy the ingredients of provisions of Section 319 Cr.P.C. Now, looking to the impugned order passed by the Trial Judge, it is clear that only the statements of PW1 and PW2 have been made pre-dominantly the basis for exercising the powers u/s 319 Cr.P.C. to summon the revisionists. I find that the reasons assigned by the learned Trial Judge are not sufficient to permit the revisionists to face the rigmarole of the criminal trial. Thus, in view of what has been stated herein above, the revision is hereby allowed.

15. In **First Appeal No. 683 of 2001(Old No. 131 of 1991), Bhaktawar Singh versus Dhan Singh and others; with First Appeal No. 670 of 2001 (Old No. 1175 of 1990) Dhan Singh versus Bakhtawar Singh and others**; the plaintiff Bhaktawar Singh filed a suit for declaration, possession and rendition of accounts against the defendants, Dhan Singh and others, in the Court of District Judge, Chamoli for the following reliefs: (i) Declaration that the plaintiff is the exclusive owner of the property detailed in Schedule 'A' at the foot of the plaint and shown in the accompanying plan no. (i). (ii) Declaration that the document executed on 06.07.1981 is void, unenforceable and illegal. (iii) Decree for possession in respect of property detailed in Schedule 'B' and shown with red ink by letters ABCDEFGH in the accompanying plan (i). (iv) Decree for rendition of accounts against defendant no. 1 from 1972 to 1981. (v) Any other relief? The Hon'ble Court in the light of facts and evidence of the case held that the land (3 *nali* and 9 *mutthi*) was purchased in the name of plaintiff and defendant no.3 Sher Singh between 1966

and 1968. It was not a benami transaction. Counter claim filed by defendant no. 3 Sher Singh, after 18 years, was time barred. No appeal was preferred before this Court on his behalf. It was the plaintiff, who incurred expenses while purchasing such land. Defendant no. 3 Sher Singh was to pay half of the expenses incurred in purchasing such land, but he did not pay anything to the plaintiff. Plaintiff is, therefore, the exclusive owner-in-possession of the property, as shown in Schedule-A, plan-1. Settlement-deed dated 06.07.1981 was a nullity. It was a void document, which was not prepared with the consent of the parties. The same was never implemented and therefore, no rights accrued to anybody out of such settlement-deed. Likewise, no partition of disputed property ever took place, as was drawn in settlement-deed dated 24.09.1981. The same was also not admissible in evidence. Such settlement-deed was also never implemented. Defendant no.1 acted as agent of the plaintiff and therefore, the defendant no. 1 was bound to render accounts of the income generated from property and the hotel, as shown in Schedule-A, Plan-1. Defendant no.1 was to act, and therefore, acted, as an agent of the plaintiff. Defendant no.1 alone raised construction over the land shown in Schedule-C, Plan-II. Since the defendant no.1 was the exclusive owner in possession of such property, therefore, the plaintiff was not entitled to half of the share of property shown in Schedule-C, Plan-II. Since the defendant no.1 forcibly occupied rooms no. 4, 4-C, 5, 8, 9, 10 and 13 from the plaintiff, therefore, the plaintiff was entitled to the possession of the same from defendant no.1. Defendant no.1 did not spend any money on the construction of building and hotel as shown in Schedule-A, Plan-1 and he did not do so out of the income of the hotel. The suit was under valued and court fee paid was not sufficient. No oral agreement took place between the plaintiff and defendant no.3 and, therefore, defendant no.3 was not entitled to four rooms in the same. His cross-claim was also time barred. He did not incur any expenditure while purchasing the land, did not pay half of the amount incurred in purchase of land or in raising constructions to the plaintiff. He was not entitled to anything from the property in question. Defendant no.3, as also defendants no.2/1 to 2/4 have, however, not preferred any appeal against the impugned judgment and decree. The Hon'ble Court affirmed the findings recorded by Learned District Judge.

16. In **Appeal from Order No. 498 of 2007; Hayat Singh versus V.S.Patiyal and others**; according to certificate dated 6.03.2004, issued by the Chief Medical Officer, Pithoragarh, physical disability of the claimant Hayat Singh was assessed at 52%. It was certified that the claimant Hayat Singh had 52% permanent physical impairment in relation to his body and weakness (both lower limbs). Taking into account 52% permanent physical impairment of the claimant, learned Commissioner for Workmen Compensation granted compensation of Rs. 1,38,764/- along with interest at the rate of 8% per annum to the claimant. Oriental Insurance Company was directed to pay the aforesaid sum along with interest at the rate of 8% per annum from the date of presentation of the application till the date of payment. In other words, the certificate issued by the Chief Medical Officer, Pithoragarh, was accepted, in its entirety, by learned Commissioner while passing the impugned award. This fact is under no dispute that the injury

sustained by the claimant was of such a nature as to cause permanent disablement to the claimant, and the question, therefore for consideration is- whether the disablement incapacitated the claimant for all working, which he was capable of performing at the time of the incident? The Commissioner has examined the question and recorded his finding while deciding issues no. 4 & 5 at the time of rendering the impugned judgment. Amputation of any organ is not the present appellant's case, as was the case of the claimant in *Pratap Narain Singh Deo vs. Srinivas Sabata and another*, AIR 1976 SC 222; 1976 SCR (2) 872. It appears to be a reasonable and correct finding. Learned counsel for the appellant has not been able to assail it on any ground and it does not require to be corrected in this appeal. There is, therefore, no justification to enhance the amount of compensation awarded to the claimant under the Workmen Compensation Act, 1923. Learned counsel for the respondent-insurance company placed the judgment rendered by Hon'ble Apex Court in *National Insurance Company Limited vs. Mubasir and another*, 2007 (2) TAC 3 (SC), to show that loss of earning capacity is not a substitute for percentage of physical disablement. It is one of the factors to be taken into account. In the instant case, the Commissioner for Workmen Compensation relied upon the certificate issued by the C.M.O., Pithoragarh, who assessed the permanent disability of the claimant at 52% and also rightly considered the loss of his earning capacity. Thereafter, a correct calculation was made on the basis of such loss of earning capacity of the claimant (appellant herein) and an appropriate compensation was awarded to him, leaving no room for enhancement of the same. No interference is called for in the impugned judgment and order. The appeal fails and is, accordingly, dismissed.

17. In **Review Application No.335 of 2014, in Civil Revision No.36 of 2011, Smt. Kusumlata & others vs. Yashbir Singh & others**; the defendants (revisionists herein) moved an application under Order 7 Rule 11 C.P.C. before the Civil Judge (S.D.), Dehradun, which application was rejected, vide judgment and order dated 12.05.2011. Aggrieved against the same, the civil revision no.36/2011 was filed before this Court. The said revision was decided on 22.05.2014 by this Court, which is as follows:- "After having had compromised the Suit, one of the parties to the compromise filed a Suit challenging the compromise. That is not permissible under Order 23 Rule 3A of the Code and, accordingly, such Suit is barred by law. Revisionists had applied for taking the plaint filed in the said Suit off the file. That Application has been rejected and hence, this Revision Application. Revision Application is allowed. The plaint filed in the Suit is taken off the file." 2. Aggrieved against the same, a review application no.335/2014 is filed on behalf of the respondents no.1 & 2 for seeking review of the judgment and order dated 22.05.2014 passed by this Court in Civil Revision no.36/2011, whereby the civil revision was allowed. A suit was disposed of in terms of compromise arrived at between the parties. Both the parties appeared before the Court and their statements were recorded. A decree was drawn up on the basis of said compromise. Order 23 Rule 3A C.P.C. says that no suit shall lie to set-aside a decree on the ground that the compromise on which the decree is based was not lawful. If the judgment dated 22.05.2014 is viewed from this angle, there appears

to be no scope for reviewing the same. There is no dispute about the proposition of law put forward by learned counsel for the review-applicants before this Court. The only question, which arises for consideration of this Court is – whether such infirmities, if any, attract Order 47 of the Code or not? Whether the order so passed by this Court on 22.05.2014 was on account of some mistake or error apparent on the face of record? Whether the same is to be reviewed for any other sufficient reasons? The reply to the said questions, in the estimation of this Court, is in the 'negative'. In other words, the same do not fall within the purview of Order 47 of the Code. By filing such review application, the review-applicants seek to re-argue the civil revision, which is not permissible in law. The review application, therefore, fails and is dismissed.

18. In **Criminal Misc. Application No. 566 of 2014, Smt. Vashila versus State of Uttarakhand and others**; by means of present application under Section 482 Cr.P.C., the applicant has assailed the impugned orders dated 15.07.2013 and 21.05.2014, passed by learned Sub Divisional Magistrate, Rudrapur and learned Sessions Judge, Udham Singh Nagar respectively. Shorn of unnecessary details, it may be said here that one Smt. Manisha wife of Dinesh Kumar, resident of Lalpur, PS Kichha, is detained in Nari Niketan, Haldwani and is in the supervision of Superintendent of such reformatory home. Detenue Smt. Manisha is undoubtedly a major. She is having her husband, uncle, aunty and grandmother, but none came forward to move an application for her release from Nari Niketan, Haldwani. She was detained there on the pretext that there is likelihood of communal disharmony, if she is released from there. She was detained there on the ground of her security also. The question is- can a major woman be detained in a Nari Niketan against her wishes? Whether the respondent no. 2, in exercise of its powers under Section 97/98 Cr.P.C., compel an adult woman to stay in a Government Protection Home against her wishes? It was held by Hon'ble Allahabad High Court in *Ajra Khan vs. State of U.P.*, 2010 (1) Crimes 977(All.), that no adult woman can be compelled to stay in a Government Protection Home against her wishes. No woman can be kept in a Protection Home unless she is required to be kept there either in pursuance of the Immoral Traffic (Prevention) Act, 1986 or under some other law permitting her to be kept in such home. This Court is not going into the locus standi of the present applicant to file application under Section 98 Cr.P.C. or petition under Section 482 Cr.P.C. Suffice will it be to say that an adult woman cannot be compelled to stay in a Government Protection Home against her wishes. It is accordingly provided that learned Sub Divisional Magistrate, Rudrapur shall call the inmate in his Court and inquire from her as to whether she wants to be released from the Government Protection Home or wants to stay there? If the adult-detenué does not want to stay in the Government Protection Home for any reason, then she shall be released and set at liberty forthwith. Learned Sub Divisional Magistrate is required to keep in mind the law laid down by the Hon'ble Allahabad High Court in the case of *Ajra Khan* (supra) while passing such an order. The application under Section 482 Cr.P.C. is thus summarily disposed of.

Important Events at High Court

(April to June, 2014)

1. Hon'ble Mr. Justice Barin Ghosh, Chief Justice, High Court of Uttarakhand attained superannuation on 04th June, 2014. A Full Court Reference was held at the Chief Justice Court to mark the occasion on 3rd June, 2014. The Reference was followed by High Tea. An Official dinner was also hosted on the night of 3rd June, 2014.
2. Hon'ble Mr. Justice B.S. Verma, Senior Judge at High Court of Uttarakhand attained superannuation on 3rd May, 2014. A Full Court Reference was held at the Chief Justice Court to mark the occasion on 2nd May, 2014. The Reference was followed by High Tea.
3. Hon'ble Mr. Justice V.K. Bist, Senior Judge at High Court of Uttarakhand was appointed as Acting Chief Justice and to perform the duties of the office of the Chief Justice of High Court of Uttarakhand with effect from 5th June, 2014 vide Notification No. K.11019/01/2014-US.1 dated 3rd June, 2014 issued by Department of Justice, Ministry of Law and Justice, Government of India.
4. Hon'ble Mr. Justice V.K. Bist, Senior Judge, High Court of Uttarakhand took over as Executive Chairman, Uttarakhand State Legal Services Authority in May, 2014.
5. Hon'ble Mr. Justice U. C. Dhyani was appointed as Chairperson of High Court Legal Services Committee.

Events at Uttarakhand Judicial and Legal Academy

(from April to June, 2014)

S. No.	Name of Training Programmes/ Workshops	Duration
1.	Workshop for District Government Counsel (Civil) on 'Streamlining the Procedures and Elimination of Adjournments'	3 & 4 April, 2014 (Thursday & Friday)
2.	Mediation Training Programme under the aegis of Mediation and Conciliation Project Committee (MCPC) (I st phase)	4-6 April, 2014 (Friday to Sunday)
3.	Workshop on Medico-Legal Jurisprudence for Doctors of Government Hospital on Preparation of Injury Report and Post Mortem Reports and responsibility of Doctors in Criminal Justice Administration (I st phase)	15-17 April, 2014 (Tuesday to Thursday)
4.	Workshop on 'Protection of Children from Sexual Offences (POCSO) Act, 2012 and Law to Streamline the Procedure in Offences against Children' for District Judges sponsored by the Government of India (I st phase)	22 & 23 April, 2014 (Tuesday & Wednesday)
5.	Mediation Training Programme under the aegis of Mediation and Conciliation Project Committee (MCPC) (II nd phase)	25 - 27 April, 2014 (Friday to Sunday)
6.	Workshop on Medico-Legal Jurisprudence for Doctors of Government Hospital on Preparation of Injury Report and Post Mortem Reports and responsibility of Doctors in Criminal Justice Administration (II nd phase)	29 April - 01 May, 2014 (Tuesday to Thursday)
7.	Training For Senior Ministerial Staff of Subordinate Courts in Udham Singh Nagar (V th phase)	01-03 May, 2014 (Thursday to Saturday)
8.	Training for Senior Ministerial Staff of Subordinate Courts in Udham Singh Nagar (VI th phase)	12-14 May, 2014 (Monday to Wednesday)
9.	Refresher Training Programme for Civil Judges (Sr. Div./Jr. Div.) on 'Upgradation of Knowledge and Review of Civil Laws and Procedure in the Courts' in respect of Law as to Injunction, issue of Commission, Execution, Court Fee and Suit evaluation (I st phase)	12-15 May, 2014 (Monday to Thursday)
10.	Refresher Training Programme for Advocates (I st phase)	16-18 May 2014 (Friday to Sunday)

11.	Foundation Training Programme for Newly Recruited Civil Judges (J.D.) 2012 Batch (II nd phase of Institutional Training)	16 May 2014 to 16 September, 2014
12.	Training Programme for Homicidal Investigation Cell of Police Department (I st phase)	19 & 20 May, 2014 (Monday & Tuesday)
13.	Training for Senior Ministerial Staff of Subordinate Courts in Nainital (VII th phase)	23-25 May, 2014 (Friday to Sunday)
14.	Workshop on Medico-Legal Jurisprudence for Doctors of Government Hospital on Preparation of Injury Report and Post Mortem Reports and responsibility of Doctors in Criminal Justice Administration (III rd phase)	28-30 May, 2014 (Wednesday to Friday)
15.	Refresher Training Programme for Advocates (II nd phase)	27-29 June, 2014 (Friday to Sunday)
16.	Workshop on 'Protection of Children from Sexual Offences (POCSO) Act, 2012 and Law to Streamline the Procedure in Offences against Children' for Senior/Deputy/ Superintendents of Police sponsored by the Government of India (II nd phase)	29 & 30 June, 2014 (Sunday & Monday)

