Most Urgent/Out at once

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQ): DELHI

No. 34123-144 Genl./HCS/2022 Dated, Delhi the 12 SEP 2022

Sub: Suo Moto Writ Petition (Criminal) No. 04/2021 titled as "In Re: Policy Strategy for Grant of Bail".

Copy of the letter no. 5056-67/DHC/Gaz/G-2/SC-Judgment/2022 dated 09.09.2022 forwarded by the Hon'ble High Court Delhi alongwith the copy of e-mail dated 08.09.2022 (alongwith the formats pertaining to Subordinate Courts) of Advocate-on-Record, Supreme Court of India, is circulated for information and immediate compliance, with request to furnish the information in the prescribed formats in terms of aforesaid letter dated 09.09.2022 **positively by tomorrow at 01:00 pm.** for onward transmission to Hon'ble High Court of Delhi. This is for information and immediate compliance to : -

1. All the Ld. DHJS, Central District, Tis Hazari Courts, Delhi dealing with Criminal Matters.
2. The Ld. Chief Metropolitan Magistrate, Central District, Tis Hazari Courts, Delhi with request to circulate the same amongst all the Magisterial courts and send the compiled report in respect of all Magisterial Courts.
3. The Ld. Registrar General, Hon'ble High Court of Delhi, New Delhi for information.
4. PS to Ld. Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi (for information).
5. The Chairman, Website Committee, Tis Hazari Courts, Delhi with the request to direct the concerned official to upload the same on the Website of Delhi District Courts.
6. The Director (Academics), Delhi Judicial Academy, Dwarka, New Delhi for information as requested vide letter no.DJA/Dir.(Acd)/2019/4306 dated 06.08.2019.
7. Dealing Assistant, R&I Branch for uploading the same on LAYERS.
8. For uploading the same on Centralized Website through LAYERS.

12/09/22

(RAKESH PANDIT)
Officer-in Charge, Genl. Branch, (C)
Addl. District & Sessions Judge,
Tis Hazari Courts, Delhi.

Encl.: As above.

(1)

IN THE HIGH COURT OF DELHI AT NEW DELHI

Through email

No 5056—67 /DHC/Gaz/G-2/SC-Judgment/2022 Dated 9.09.2022.



From:

The Registrar General,
High Court of Delhi,
New Delhi-110003.

To,

1. The Principal District & Sessions Judge (HQ), Tis Hazari Courts Complex, Delhi.
2. The Principal District & Sessions Judge (East), Karkardooma Courts Complex, Delhi.
3. The Principal District & Sessions Judge (South), Saket Courts Complex, New Delhi.
4. The Principal District & Sessions Judge (North-West), Rohini Courts Complex, Delhi.
5. The Principal District & Sessions Judge (New Delhi), Patiala House Courts Complex, New Delhi.
6. The Principal District & Sessions Judge (North-East), Karkardooma Courts Complex, Delhi.
7. The Principal District & Sessions Judge (South-East), Saket Courts complex, Delhi.
8. The Principal District & Sessions Judge (North), Rohini Courts Complex, Delhi.
9. The Principal District & Sessions Judge (West), Tis Hazari Courts Complex, Delhi.
10. The Principal District & Sessions Judge (South –West), Dwarka Courts Complex, New Delhi.
11. The Principal District & Sessions Judge-cum-Special Judge (PC Act) (CBI), Rouse Avenue, New Delhi.
12. The Principal District & Sessions Judge (Shahdara), Karkardooma Courts Complex, Delhi.

Sub: Suo Moto Writ Petition (Criminal) No. 04/2021 titled "In Re: Policy Strategy for Grant of Bail".

Sir/ Madam,

I am directed to forward herewith a copy of e-mail dated 08.09.2022 (along with formats pertaining to Subordinate Courts) received from Mr. Kanhaiya Singhal, Advocate-on-Record in the said matter and to request you to furnish the information in the prescribed formats.

I am further directed to request you to furnish the said information duly compiled in respect of your District instead of sending the court-wise report by return e-mail at e-mail ID ar-gazettelb.dhc@gov.in ,by 13th September, 2022.

Yours faithfully,

Gen. Br.

Deputy Registrar (Gazette)
for Registrar General

Encl. As above.

I. DSJ (HQ)
09/09/22

(2)

Gmail

Ankit dalal <dalalankit1995@gmail.com>

Fwd: SWP (Crl) No. 4/2021 before the Hon'ble Supreme Court of India

1 message

VINAY SHARMA <blnrvinaysharma@gmail.com>
To: Ankit dalal <dalalankit1995@gmail.com>

Fri, Sep 9, 2022 at 11:21 AM

---------- Forwarded message ---------
From: **Surender Pal** <pal.surender1973@gmail.com>
Date: Fri, 9 Sep 2022 at 11:09 AM
Subject: Fwd: SWP (Crl) No. 4/2021 before the Hon'ble Supreme Court of India
To: VINAY SHARMA <blnrvinaysharma@gmail.com>
Cc: <ashoksharmaaaaa@yahoo.co.in>

---------- Forwarded message ---------
From: **Satya Sheel** <sheelsatya99@gmail.com>
Date: Fri, Sep 9, 2022 at 11:08 AM
Subject: Fwd: SWP (Crl) No. 4/2021 before the Hon'ble Supreme Court of India
To: Surender Pal <pal.surender1973@gmail.com>

For necessary action please.

(S S Bhatnagar)

---------- Forwarded message ---------
From: **subhash chaudhary** <subhashchaudhary.dhc@gmail.com>
Date: Fri, 9 Sep, 2022, 10:58
Subject: Fwd: SWP (Crl) No. 4/2021 before the Hon'ble Supreme Court of India
To: Deepak Garg <deepakgarg.dhc@gmail.com>, sheelsatya99@gmail.com <sheelsatya99@gmail com>

---------- Forwarded message ---------
From: **subhash chaudhary** <subhashchaudhary.dhc@gmail.com>
Date: Thu, 8 Sep, 2022, 4:08 pm
Subject: Fwd: SWP (Crl) No. 4/2021 before the Hon'ble Supreme Court of India
To: <aruncheema1410@gmail.com>, <rakeshdhcofficial@gmail com>, <arlitigation dhc@gmail.com>, <torgaurav@gmail.com>, <gr.litigation.dhc@gmail com>

---------- Forwarded message ---------
From: **K** <adv.singhal@gmail.com>
Date: Thu, 8 Sep, 2022, 3:32 pm
Subject: SWP (Crl) No. 4/2021 before the Hon'ble Supreme Court of India
To: Kapil Sharma <arlitigation.dhc@gmail.com>, subhash chaudhary <subhashchaudhary dhc@gmail com>, <gr.litigation.dhc@gmail.com>, arun cheema <aruncheema1410@gmail com>

Dear Sir

As per our discussions, I have drafted five separate formats which are self explanatory and the same are being sent to you.

Further, in addition to my previous email on the subject, I would like to point out that the Hon'ble Supreme Court, in its order dated 05.08.2022 reproduced its earlier order dated 15.06.2020 :

"xxxx

The High Courts of Uttar Pradesh, Rajasthan, Madhya Pradesh, Patna, Rajasthan, Bombay and Orissa shall file affidavits submitting their plan of action for deciding the criminal appeals that have been pending before the High Courts for a long period of time. The High Courts shall, in addition to the figures and data available with them also co-ordinate with the Director General Prisons, in their respective states, to compile data with respect 8 to convicts in jails of those states, who are awaiting hearing of their appeals. While compiling such data, a suitable questionnaire, eliciting information with respect to appeal numbers, (of such convicts); the provisions under which the prisoners have been convicted; the period(s) of sentence undergone, the age(s) and gender of the prisoner/convicts, their health conditions (which of them are suffering from serious/ illnesses, shall be obtained. The state legal service authorities shall assist the DG Prisons, in drawing up suitable questionnaire, which shall be compiled and compared with the pendency of appeals. The High Courts shall indicate, in their affidavits, the following:

(a) Total number of convicts awaiting hearing of their appeals pending before them.

(b) Segregation of single judge and Division Bench matters;

(c) The number of cases where – in such old pending cases, bail has been granted;

(d) Steps proposed to expedite hearing of appeals, including steps to prioritize hearing of cases of convicts in jail

(e) Steps proposed to trace and ensure hearing of cases of those who were granted bail, and the timeline for starting hearings

(f) Appropriate use of information technology, such as digitization of appeal records/paper books (g) Feasibility of creation of a dedicated pool of amicus curae who would assist the court in such old matters

(h) Feasibility to creation of dedicated special benches for hearing and disposal of old cases or alternatively assigning a certain number of appeals to a large number of judges to be decided by them, regardless of which rosters they are assigned.

The above are only a few indicative steps, and shall not be considered exhaustive; the concerned High Courts are free to point out other steps and procedures they wish to adopt.

Xxxxx"

Further, in the same order dated 05.08.2022, the Hon'ble Supreme Court referred its decision in the case of Saudan Singh v. State of UP 2022 SCC OnLine SC 697 and extracted following portion from the same:

"

Xxxxx

6.We thus call upon the High Court and the State Government to prepare a list of such of the cases where the accused have already served out 14 years of sentence and for one reason or the other, the *appeal has not been heard (even if it be fault of the lawyer) and those cases should be put before the Board. It is also possible that in some of these cases, once the accused is released, the person may not at all be interested in prosecuting the appeal.*

7. There may be cases where for whatever reason the advocate may not be present as has been set out in the report of the High Court **but if they have already completed 14 years of actual sentence**, the State itself should take an appropriate stand and **the learned Judge can himself pass appropriate orders to at least examine those cases for release** and the absence of the advocate cannot come in the way in such a scenario.

xxx xxx xxx

9. The second category of cases can be one where the person has served out more than 10 years of sentence. In these cases also at one go bail can be granted unless there are any extenuating circumstances against him."

The object of the Hon'ble Supreme Court may be seen in para no. 6 of order dated 05.08.2022 which mentions as under:

"6. **We are at present concerned with two issues of utmost importance. The first issue is on the disposal of the pending criminal cases by means other than a regular trial. The other is on the premature release of the convicts by the policies of the respective State/Union Government. In both these cases the idea is to effect decongestion in the criminal courts and the prisons**. xxxxx"

The Hon'ble Supreme Court in its order dated 05.08.2022 finally directed that the ***High Court's other than the ones represented before us***, indicating the date of hearing. Affidavits will have to be filed by 05.09.2022.

Thus, from the above parts of the order dated 05.08.2022, it is clear that the Hon'ble Supreme Court directed the High Courts, which have not been represented, to file their affidavits. Since, the other High Courts i.e. High Courts of Uttar Pradesh, Rajasthan, Madhya Pradesh, Patna, Rajasthan, Bombay and Orissa have already filed their affidavits in terms of order dated 15.06.2020, the present affidavit is to be filed on the lines of order dated 15.06.2022 as well as the mandate of order dated 05.08.2022 for making one time measures.

In view of the above, I have prepared **five separate formats** which will help us in finding and tracing out the relevant data for preparing the affidavit.

In any case, I am available for clarification, if any.

Thanking You
Kanhaiya Singhal
Advocate-on-Record
Supreme Court of India
Special Public Prosecutor (Income Tax & Black Money Act),
Public Prosecutor (Benami Act)
E-2, Ground Floor, Jungpura Extention,

(5)

New Delhi -110014
Mob: 9212424765

Please think of the environment before you print this email

Formats for HC Data.docx
30K

DETAILS REQUIRED FOR TRIALS PENDING BEFORE THE SESSIONS COURT

S. No.	Name & Parentage	FIR No.	Under Section	Police Station	Offences for which the charges are frame*	Total Period Spent in Jail (Including Remissions, if any) **			Age if above of 60 Yrs/ seriously ill	Accused is on bail Yes/No	Previous Involvement^^ Yes/No
						Years	**Month**	**Day**			

* If the charges are not framed, please mentions – N.A.

**** A list of undertrials whose cases are pending before your court is to be sent to the Prison Authorities within 3 days and the Prison Authorities should be asked to furnish the Latest Nominal Roll of Under Trial within 3 working days.**

^^The Prosecutor posted in the Court may be requested to provide the Previous Involvements of the Accused within 3 days. The information is easily available on https://conviction.delhipolice.gov.in/ and thus, the person having the access may be asked to provide the details.

Note – All such information is to be gathered at the earliest and the information shall be given in the above given format only.

(Contact details of some officials may be shared with the Format so that readily clarification/s may be provided to the concerned)

(A)

DETAILS REQUIRED FOR TRIALS PENDING BEFORE THE MAGISTRATE COURT

(Except the Courts Trying Offences under Negotiable Instrument Act)

S. No.	Name & Parentage	FIR No.	Under Section	Police Station	Offences for which the charges are framed*	Whether the offence is compoundable or not	Total Period Spent in Jail (Including Remissions, if any) **			Age if above of 60 Yrs/ seriously ill	Accused is on bail Yes/No	Previous Involvement^^ Yes/No
							Years	**Month**	**Day**			

* If the charges are not framed, please mentions – N.A.

**** A list of undertrials whose cases are pending before your court is to be sent to the Prison Authorities within 3 days and the Prison Authorities should be asked to furnish the Latest Nominal Roll of Under Trial within 3 working days.**

^^The Prosecutor posted in the Court may be requested to provide the Previous Involvements of the Accused within 3 days. The information is easily available on https://conviction.delhipolice.gov.in/ and thus, the person having the access may be asked to provide the details.

Note – All such information is to be gathered at the earliest and the information shall be given in the above given format only.

(Contact details of some officials may be shared with the Format so that readily clarification/s may be provided to the concerned)

(8)

DETAILS REQUIRED FOR TRIALS OF CASES OF NEGOTIABLE INSTRUMENT ACT PENDING BEFORE THE MAGISTRATE COURT

(*The Courts Trying Offences under Negotiable Instrument Act*)

S. No.	Complaint No.	Date of Institution	Stage of Matter

Note – All such information is to be gathered at the earliest and the information shall be given in the above given format only.

(Contact details of some officials may be shared with the Format so that readily clarification/s may be provided to the concerned)