



**PRINCIPAL DISTRICT JUDGE : EAST GODAVARI
RAJAMAHENDRAVARAM DATED: 28-08-2024**

C I R C U L A R

Sub:- LONG PENDENCY CASES - Clearance of Long Pending cases
– Instructions – Regarding.

- Ref:- 1) Hon'ble High Court's Circular in ROC.No.133/OP Cell-E/2024
dated 07-08-2024.
- 2) Hon'ble High Court's Circular in ROC.No.134/OP Cell-E/2024
dated 07-08-2024.
- 3) Hon'ble High Court's Circular in ROC.No.136/OP Cell-E/2024
dated 14-08-2024.
- 4) Criminal Rules of Practice Form-52
- 5) GO.Ms.No.54 Dated.30.03.2000

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Adverting to the subject and reference 1 to 3 cited above, it is informed to all the Officers working in the Unit of East Godavari that **374** Long Pending cases are pending on the file of different courts and out of which **63** are more than 30-year-old matters. So, special concentration is required to dispose Long Pending criminal cases in which there is no possibility to secure the presence of accused. In this regard, the undersigned is requested all the Judicial Officers to follow the following instructions and take steps for disposal of Long Pending criminal cases in accordance with law:

1. More than 30-year-old LPC cases:

Part I and II of more than 30 year LPC records have to be retained/maintained for 30 years and from the date on which the case was entered in the register of LPC as per the rule vide Part II of Criminal Rules of Practice. (Relevant Rule is appended herewith).

Note: Though statutory warrant is being issued by most of the courts after registering LPC and adjourning LPC cases for every 6 months, as per Section 73 of Code of Criminal Procedure, it is not mandatory to issue NBW during LPC stage and as per Section 41 (1) (c) of Code of Criminal Procedure, a proclaimed offender can be arrested even without warrant.

2. Summons cases instituted otherwise than on private complaint (More than 5 year old or LPC or any other case):

If summons are not serving on the accused or trial is delaying or warrant is not executing by the police, the Court can stop the proceedings by applying Section 258 of Code of Criminal Procedure. The court must record reasons and the record may be temporarily consigned to the record room.

Note: As per Section 300(5) of Code of Criminal Procedure, the accused may be tried again, with the consent of court either on securing the presence of accused/witnesses/for any other reasons.

3. Closure of split up cases:

When the criminal case against the principal offender is ended in acquittal, the case against the co-accused may be closed by applying the principle in

Janyavula Ram Babu Vs State of AP¹ and Thallapalli Rajaiah vs State of AP² and Garlapati Kamal Kumar Vs State of Telangana³.

4. Withdrawal of Long Pending cases:

The State Government of Andhra Pradesh had issued GO.Ms.No.54 dt.30.03.2000 and communicated the same to the Director of Prosecutions. As per the said GO, the Superintendent of Police is empowered to initiate withdrawal proceedings in all cases of simple nature (summons cases as defined under Section 2(w) of Code of Criminal Procedure). In all other cases, the District Collector is empowered to initiate withdrawal proceedings by following procedure. So, all the Judicial Officers are requested to go through the said G.O and in all appropriate cases, especially more than 10 year old LPC cases, address letter to the undersigned **by 15.10.2024** along with details of the cases so as to address common letters to the Superintendent of Police and the District Collector requesting to follow the instructions vide G.O. (GO.Ms.No.54 dt.30.03.2000 is appended herewith).


28-8-24
DISTRICT JUDGE
EAST GODAVARI DISTRICT

Encl:

1. Form 52, B, Criminal- Part II. Table showing the periods prescribed for the retention of various parts of records in the various cases of proceedings Point No.4.
2. GO.Ms.No.54 dt.30.03.2000

Copy to:

1. All the Judicial Officers in the Unit.
- 2) The System Officer-In-charge (e-courts), District Court, Rajamahendravaram for uploading Circular in the e-Courts website.

1. 1992 APLJ (CrI) 183
2. 2000 (1) ALT (CrI) 174 (AP)
3. 2016 (1) ALD (CrI) 326 (AP)

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

WITHDRAWAL of criminal cases pending before the Criminal Courts in the State – Guidelines – Orders – Issued.

LAW (LA & J – HOME – COURTS.B) DEPARTMENT

G.O.Ms.No.54

Dated.30.03.2000

Read the following:-

1. Police standing order 724
2. D.O.Letter No.6/DOP/2000, dated.22.2.2000
3. D.O.Letter No.49/JD3/2000, dated.7.3.2000

ORDER:

In the reference 1st read above, the procedure for withdrawal of criminal cases pending before the Criminal Courts in the State has been indicated with reference to the government Orders indicated therein.

2. In the reference 2nd and 3rd read above, the Director of Prosecutions had sought for appropriate instructions from the Government to all the District Collectors and Superintendents of Police setting forth the guidelines for withdrawal of criminal cases pending before the Criminal Courts as what are the cases of simple nature referred to in the reference 1st read above are not defined anywhere.

3. The Government after careful examination decided to issue the following guidelines regarding the procedure to be adopted in clarification and amplification of the procedure indicated by reference 1st read above.

- a. Cases of simple nature where the Superintendent of Police can initiate withdrawal under the reference 1st read above shall mean summons cases as defined under Section 2(w) of the code of Criminal Procedure, 1973 and cases that can be tried summarily under Chapter XXI of the said Code.
- b. In all other cases it is only the District Collector and District Magistrate or the State Government that can initiate withdrawal of cases.

- c In addition to those cases, specified in paragraph 3 of the reference 1st read above, The District Collector and the District Magistrate should obtain approval of the Government before authorizing or directing the Public Prosecutor or the Assistant Public Prosecutor concerned to withdraw from the prosecution of any case triable by a court of Session;
- d The Superintendent of Police or the District collector and the District Magistrate, as the case may be, shall obtain legal opinion of the Public Prosecutor or the Assistant Public Prosecutor concerned before authorizing or directing any withdrawal from the prosecution.
- e The Public Prosecutor or the Assistant Public Prosecutor in charge of a case has to consult the Superintendent of Police or the District Collector and the District Magistrate, as the case may be before seeking permission of the court for withdrawal or prosecution of any person.
- f The provision of Section 321 of the Code of Criminal Procedure, 1973 and the principles governing the same as laid down in binding judicial precedents shall be kept in view of the Public Prosecutor or the Assistant Public Prosecutor in advising withdrawal or withdrawing from the prosecution of any person.

The above guidelines shall be followed scrupulously.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G.BHAVANI PRASAD
SECRETARY TO GOVERNMENT,
LEGISLATIVE AFFAIRS & JUSTICE.

To
The Director General & Inspector General of Police, AP.Hyd.
The Director of Prosecutions, A.P., Hyderabad
All the Collectors & District Magistrates.
All the Superintendents of Police.
Home (Police.F) Department
Sf/Sc.

//FORWARDED BY ORDER//

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT



WITHDRAWAL of criminal cases pending before the Criminal Courts in the State - Guidelines - Orders - Issued.

LAW (LA & J HOME-COURTS. D) DEPARTMENT

G.O. Ms. No. 54

Dated: 30-3-2000

Read the following:-

1. Police standing order 724.
2. D.O. Letter No. 6/DOP/2000, dated: 22-2-2000.
3. D.O. Letter No. 49/JD3/2000, dated: 7-3-2000.

* * *

ORDER:-

In the reference 1st read above, the procedure for withdrawal of criminal cases pending before the Criminal Courts in the State has been indicated with reference to the Government orders indicated therein.

2. In the reference 2nd and 3rd read above, the Director of Prosecutions had sought for appropriate instructions from the Government to all the District Collectors and Superintendents of Police setting forth the guidelines for withdrawal of criminal cases pending before the Criminal Courts as what are the cases of simple nature referred to in the reference 1st read above are not defined anywhere.

3. The Government after careful examination decided to issue the following guidelines regarding the procedure to be adopted in clarification and amplification of the procedure indicated by reference 1st read above.

- (a) Cases of simple nature where the Superintendent of Police can initiate withdrawal under the reference 1st read above shall mean summons cases as defined under Section 2(w) of the Code of Criminal Procedure, 1973 and cases that can be tried summarily under Chapter XXI of the said Code;
- (b) In all other cases it is only the District Collector and District Magistrate or the State Government that can initiate withdrawal of cases;
- (c) in addition to those cases specified in paragraph 3 of the reference 1st read above, the District Collector and the District Magistrate should obtain approval of the Government before authorising or directing the Public Prosecutor concerned to withdraw from the prosecution of any case triable by a court of Session;
- (d) the Superintendent of Police or the District Collector and the District Magistrate, as the case may be, shall obtain legal opinion of the Public Prosecutor or the Assistant Public Prosecutor concerned before authorising or directing any withdrawal from the prosecution;

- (e) the Public Prosecutor or the Assistant Public Prosecutor in charge of a case has to consult the Superintendent of Police or the District Collector and the District Magistrate, as the case may be, before seeking permission of the Court for withdrawal of prosecution of any person;
- (f) the provision of Section 321 of the Code of Criminal Procedure, 1973 and the principles governing the same as laid down in binding judicial precedents shall be kept in view by the Public Prosecutor in advising withdrawal or withdrawing from the prosecution of any person.

The above guidelines shall be followed scrupulously.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

G. BHAVANI PRASAD
SECRETARY TO GOVERNMENT
LEGISLATIVE AFFAIRS & JUSTICE

To

The Director General & Inspector General of Police, A.P.,
Hyderabad.

The Director of Prosecutions, A.P., Hyderabad.

All the Collectors & District Magistrates.

All the Superintendents of Police.

Home (Police) Department.

Sf/Sc.

// FORWARDED: BY ORDER //

Sf/-
SECTION OFFICER

DIRECTORATE OF PROSECUTIONS: ANDHRA PRADESH: HYDERABAD

Endt. No. 6/POP/2000.

Dated: 7-4-2000

Communicated for information and necessary action. The Prosecuting Officers are informed that in respect of Metropolitan areas of Visakhapatnam, Vijayawada & Hyderabad, the orders of Commr. of Police are sufficient in the matter, as they exercise powers of District Magistrate.

To

(DIRECTOR OF PROSECUTIONS)
All the A.P.Ps./Sr.A.P.Ps./Addl.P.Ps.Gr.I/Gr.II, P.S. and Addl.P.Ps. in the State through Senior Asst. Public Prosecutor (Ajmn).

Dks.No.1222
Dt.10-4-2000

FORM NO. 52

A

Form of Index

Suit application or appeal or calendar No. of 20 on the file of the court of the in the District of.

Serial Number of the papers	Description of the paper and the date	Date when the paper was filed or put up in the case	Number of the part the record to which the paper appertains	Alphabetical numerical marks of the exhibits filed
(1)	(2)	(3)	(4)	(5)
1.				
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21.				

B

Table showing the divisions of the record and the description of the papers following under each division.

CRIMINAL

Part-I

Class of case Divisions of the record and description of the papers falling under each division.

1. Index
2. Judgment and sentence, if any (Original and appellate) including spare copies of printed Sessions Judgments.

Trial (other than 3. Petition of appeal, or application for revision, or letter of referring Court, judgement and order thereon.
4. Charges.
5. Documentary evidence.
All papers including register.

Summary Trail 1. Index.
2. Order and grounds, if any (original and appellate.)

Miscellaneous Cases 3. Petition of appeal, or application for revision, or letter of referring Court, Judgement and order therein.
4. Documentary evidence.

PART - II

Trials (other than 1. Warrant of commitment to jail, if any.
summary). 2. Complaints to Magistrates, when acted upon by the Magistrate.
3. Reports by the Police under Sections 174 and 175 of the Criminal Procedure Code (Act-V of 1898) when following by action on the part of the Courts.
4. Oral evidence.

Miscellaneous cases 5. All papers not already specified.
1. Oral evidence.
2. All papers not already specified

TELANGANA AMENDMENT

["Awards passed by Lok Adalat: Award copy, compromise petition, proceedings sheet, FIR charge sheet papers both in warrant cases and summons cases"]

Table showing the periods prescribed for the retention by various parts of the records in the various cases of proceedings

	Number of years for which records are to be retained	
	Part-I	Part -II
(1) In trial and appeals—		
(a) Sessions cases	*20	
(b) Warrant cases.	20	3
(c) Summons cases.	5	3
(d) Summary trial—		
(A) Forms kept under Section 263 of the Code of Criminal Procedure and Judgment recorded under Section 264 in cases where either (i) some of the accused or parties proceeded against have not been apprehended; or (ii) the accused or any of them have been convicted of an offence or repetition of which renders the offender liable to enhanced punishment.	10	—
(B) All other records	3	—

* In cases in which the sentence passed is one of imprisonment for life the Judgement must be preserved until the report is received of the convict's death or release.
1. Added by G.O.Ms.No. 41, Law (LA, LA & J-Home-Courts A-2) Dept., dt. 19-10-2020.

104 CRIMINAL RULES OF PRACTICE & CIRCULAR ORDERS, 1990 Form 52 Form 52 CRIMINAL RULES OF PRACTICE & CIRCULAR ORDERS, 1990 185

(e) All records in criminal cases before Village Panchayat Courts except documentary evidence	1	—
(f) Documentary evidence in cases before village Panchayat Courts.	3	—
(2) In Miscellaneous Proceedings—		
(a) Maintenance	20	3
(b) Security to keep the peace or for good behaviour.	10	3
(c) Other Miscellaneous Proceedings	3	3
(3) Records in cases referred by the Police or in which further investigation is stopped.	3	—
(4) Records in cases entered in the Register of long pending cases	30	30

From the date on which the cases was entered in the register of long pending cases.

TELANGANA AMENDMENT

"C"

- | | |
|--|----------|
| a) Award copy, compromise petition, proceedings Sheet, FIR., charge sheet papers both in warrant cases and summons cases | 20 Years |
| b) Miscellaneous papers in Lok Adalat Cases | 3 years" |

Table showing the periods prescribed for the retention of the various Court Registers, Books and papers

Number and Description of Court Registers, Books and Papers	Number of years for which the registers, etc., to be retained.
1. Register other than of summary trials in the use of Criminal Courts, including Panchayat Courts	5
1-A. Register of long pending cases	30
2. Record destruction register of Criminal cases.	25
3. Register of Court fees.	3
4. Copyists registers and process service Registers	3
5. Challan cheque books	10
6. (a) Magistrate and Judicial Registers of correspondence received and despatched and administrative registers of despatch.	5
7. Other Court of Office Books and registers	3
8. Correspondence with the High Court on important matters and the orders of the High Courts thereon including Administration reports received from the High Court and Government	20
(a) Criminal administration Report salient features	Years from termination.
9. Other correspondence,	3 years from termination

1. Added by G.O.Ms.Ng. 41, Law (LA, LA & J-Home-Courts A-2) Dept., dt. 19-10-2020.