

--:: कार्यालय प्रधान जिला एवं सत्र न्यायाधीश, उज्जैन (म.प्र.) ::--

पृष्ठां.क्र० 3151 / एक-6-2/11

18 DEC 2024
उज्जैन, दिनांक दिसम्बर, 2024

प्रतिलिपि :-

1.

.....
(समस्त न्यायिक अधिकारीगण जिला उज्जैन)

माननीय उच्च न्यायालय मध्यप्रदेश, जबलपुर द्वारा प्रेषित ज्ञापन क्रं. सी/6946

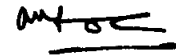
दिनांक 21.09.2024 के संलग्न माननीय उच्च न्यायालय खण्डपीठ इन्दौर द्वारा MCrC

No. 22511/2022 'Omprakash Vs State of M.P. Through Station House Officer, P.S. -

Heera Nagar, District Indore (M.P.) and another' में पारित आदेश दिनांक 09.08.2024

की प्रति सूचनार्थ, पालनार्थ प्रेषित।

संलग्न : उपरोक्तानुसार



प्रधान जिला एवं सत्र न्यायाधीश,
उज्जैन (म.प्र.)

6

HIGH COURT OF MADHYA PRADESH: JABALPUR

No. C/6946/1
III-2-53/17

Jabalpur, dated 21/09/2024

To,

1. The Principal District and Sessions Judge(s),
All in the State (M.P.)
2. The Principal Judge(s), Family Court(s),
All in the State (M.P.)

Subject:- Circulation of Hon'ble High Court of Madhya Pradesh, Bench at Indore Order dated 09.08.2024 passed in MCRC No. 22511/2022 in the case of Omprakash Vs. State of M.P. Through Station House Officer, P.S.- Heera Nagar, District-Indore (M.P.) and another.


Sir/Madam,

Please find enclosed herewith a copy of the Order passed by Honourable High Court of Madhya Pradesh, Bench at Indore dated 09.08.2024 in **MCRC No. 22511/2022**, (Omprakash Vs. State of M.P. Through Station House Officer, P.S.- Heera Nagar, District-Indore (M.P.) and another.)

As directed, I request you to bring the same into the knowledge of all the Judicial Officers under your kind control for information, compliance and necessary action.

You are also requested to inform the Judge(s) working under your control that if Hon'ble Court requires status report simplicitor than brief status report containing relevant factors as directed in order dated 09.08.2024 passed in MCRC No. 22511/2022 be complied with and whenever, Hon'ble High Court directs for calling status report regarding direction already given, if any, then the trial Court should send the status report as required by Hon'ble Court in accordance with memorandum No. C/2802, dated 05.07.2017.

Encl:- As above.


RITURAJ SINGH CHOUHAN
REGISTRAR District Establishment

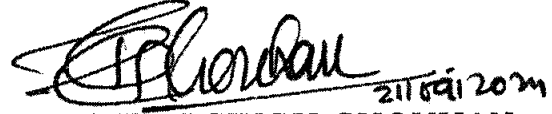
22/09/2024

13975

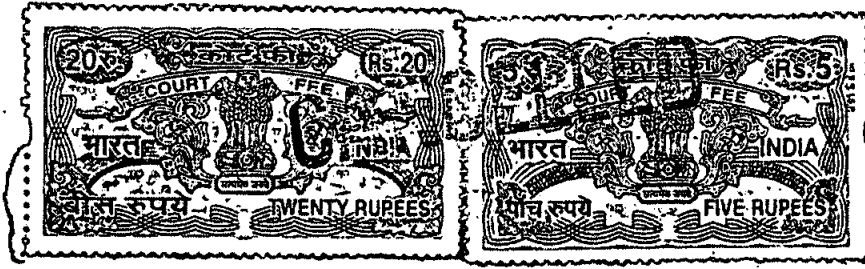
Endt. No. C/6947/
III-2-53/17

Jabalpur, dated 21/09/2024

Copy forwarded to Registrar (J-II) for information
and appropriate action.



RITURAJ SINGH CHOUHAN
REGISTRAR District Establishment



①

BEFORE HON'BLE HIGH COURT OF JUDICATURE FOR MADHYA PRADESH, BENCH AT INDORE

Misc. Criminal Case No. : 22511 of 2022

PETITIONER
(petitioner is not in jail)

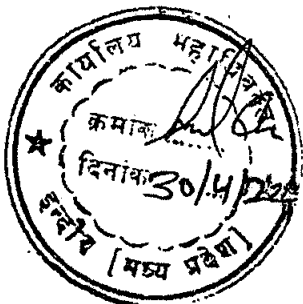
: Omprakash S/o. Shri Nanuram Ji Narwaria,
Aged : 28 Years, Occupation : Govt. Servant,
R/o. : 41, Singapore City, Lasudia, District-Indore (M.P.)
Police Station : Lasudia, District- Indore (M.P.)

Versus

RESPONDENTS : [1] State of Madhya Pradesh through
Station House Officer,
Police Station- Heera Nagar, District- Indore
: [2] Prosecutrix/Victim X through
Station House Officer,
Police Station- Heera Nagar, District- Indore



APPROVED AT INDORE



Presented on: 30/04/2022
By: YOGESH KUMAR GUPTA
File No. MP/305/2009

Presentations Assistant

Crime No. : 302/2021

Special Case No. : 177/2021

Offence w/s. : 363, 376 (2) (N), 384, 376 (2) (i) & 376- D of Indian Penal Code, 1860 and Section 3/4 & 5 (L)/6 of Protection of Children from Sexual Offences Act, 2012 & Section 3 (2) (v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Contd...2

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

MCRC No. 22511 of 2022

(OMPRAKASH Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 09-08-2024

Shri Yogesh Kumar Gupta- Advocate for the petitioner.

Shri Pranay Joshi- P.L./G.A. for the State.

None for the respondent No.2.

-
1. As a last indulgence, list the matter in the next week.
 2. Status report of the trial has also been received from the Trial Court, and this Court is aghast to see that the same is running into **24 pages**. Although, it is in the prescribed tabular format and in a narrow column, but still, this Court had never intended it to be so lengthy and cumbersome to include each and every date fixed before the Trial Court.
 3. The format was prescribed only to ensure that the learned Judges of the Trial Court do not face any difficulty in apprising this Court about the status of the case, and it was expected that the status report shall be furnished informing only the relevant factors including the number of witnesses already examined without naming the same, and the number of witnesses which are still to be examined. The reason for delay in examining the witnesses, coupled with the answers to the queries, if any, raised by this Court, be also informed, which should not take more than



AT INDORE

one or two pages, and should not consume the valuable time of the Court.

4. Thus, it is expected that the Judges of the Trial Court shall devote only such minimum time which is necessary to prepare a brief status report, as the purpose of calling the same is only to ensure that the rights of an accused or a complainant are protected, and to see if any further directions are required to be given by the High Court.

5. Let a copy of this order be also circulated to all the Judges of the District Courts for necessary compliance henceforth.

sd/-
(SUBODH ABHYANKAR)
JUDGE

Bahar



AFFIXED AT INDORE

1 MCRC-22511-2022
IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
MCRC No. 22511 of 2022
(OMPRAKASH Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 01-08-2024

Shri Yogesh Kumar Gupta, learned counsel for the Petitioner .

Shri Kshitij Vyas, appearing on behalf of Advocate General.

Let the status report be requisitioned from the trial Court.

List the matter in the next week.

(SUBODH ABHYANKAR)
JUDGE

krjoshi

HIGH COURT OF MADHYA PRADESH: JABALPUR

// MEMORANDUM //

No. CJ 2802...../
III-2-53/17

Jabalpur, dt. 5/7/2017

To,

The District & Sessions Judges,
.....(all in the State)

Subject:- Regarding status report of the trial sought by High Court.

Reference:- Instructions passed in Criminal Appeal no. 1477/2017 -
order dated 23-06-2017.

As directed, on the subject & reference mentioned above, I am to inform you that Hon'ble the Chief Justice has been pleased to direct you to circulate the instructions to all the Judicial Officers working under your kind control that as & when the status report of the trial is sought by the High Court, it must contain the explanation with following facts :-

1. On which date, the order passed by the Court regarding conclusion of the trial, or to take steps for recording of the statement of the witnesses was received.
2. The trial Judge shall specify the steps taken by him more particularly from the date of receiving the order to conclude the trial, or to record the statement of witnesses.
3. It be explained, despite sincere efforts, why direction may not be carried out, and whether he has applied for extension of time limit, if applied, what orders are passed by this Court.
4. It be explained, whether delay in trial is attributable to prosecution or defence.
5. If the status report are received without explaining the aforesaid point, it may be treated to be inaction by the trial Judge and incapacity of the concerned District & Sessions Judge under whose control those Judges are working."


(SANAT KUMAR KASHYAP)
REGISTRAR(DE)

Cr. A. No. 1477/2017

23/06/2017

None appears on behalf of the applicant.

On perusal of the proceedings, it reveals, that on 11/05/2017, the following order was passed :-

It is complained that prosecutrix is not coming to the Court despite elapse of one year of framing of the charge, however, status report be called for from the Court concerned clarifying that what steps have been taken for recording the statement of the prosecutrix and whether delay, if any, is attributable to the prosecution or defence. The report in this regard be sent by the Court concerned within a period of two weeks from today.

List the case after two weeks.

Registry shall take appropriate steps to call for the report.

As directed and on communication, the status report has been sent by the Special Judge (Atrocities), Narsinghpur on 25/05/2017 which is as under :-

"महोदय जी,

उपरोक्त विषयांतर्गत एवं संदर्भित माननीय उच्च न्यायालय म०प्र० जबलपुर की दंडिक अपील क्रमांक 1477/2017 प्रेमनारायण कुर्मी विरुद्ध मध्य प्रदेश राज्य एवं अन्य आदेश दिनांक 11.05.2017 के तारतम्य में अनुरोध है कि इस न्यायालय में लंबित विशेष प्रकरण क्रमांक-14/2016 शासन वि० प्रेमनारायण पुलिस थाना सुआतला अप. क्र.-474/15 धारा-376-घ विकल्प में 376(1) भा.द.वि. तथा धारा-3(2-5) एस.सी.एस.टी.एक्ट के संबंध में प्रगति प्रतिवेदन निम्नानुसार सादर प्रेषित है :-

01. प्रकरण में दिनांक 21.12.2015 को अधीनस्थ न्यायालय के समक्ष अभियोग पत्र प्रस्तुत किया गया एवं उपापण आदेश दिनांक 18.01.2016 के अनुरार इस न्यायालय में दिनांक 27.01.2016 को प्राप्त होकर प्रकरण विशेष प्रकरण के रूप में पंजीबद्ध किया गया एवं दिनांक 12.02.2016 को आरोप पर तर्क सुने जाकर आरोपी के विरुद्ध आरोप विरचित किये गये।

02. प्रकरण में 03 राशियाँ की साक्ष्य अंकित की जा चुकी है।

प्रकरण में 14 साक्षियों की साक्ष्य अंकित होना शेष है। वर्तमान में प्रकरण अभियोक्ता साक्ष्य हेतु दिनांक-14/07/2017 को नियत है। तदनुसार प्रगति प्रतिवेदन सादर प्रेषित है।”

On perusal, it reveals that either the Judge has not gone through the order passed on 11/05/2017 or he has deliberately not stated why statement of the prosecutrix was not recorded within the specified time, explaining the delay. It has also not been explained, whether the delay is attributable to the prosecution or defence. Therefore, this Court is unable to accept such report.

It is noticed everyday that as and when report is sought from the Judges regarding the delay in trial, those reports do not specify the cause of delay either attributable to the prosecution or defence. In some of the cases, after issuance of the direction, the Judges send the P.U.D. for extension of time, which are listed by the Registry for disposal before the Bench. But its record are not available in the second or third bail, because disposal of P.U.D. remain in disposed file of earlier bail. In addition, the reports received from the Judges remain on irrelevant issues or discussion.

To my mind, either the Judges do not want to clarify the correct position of facts or they deliberately do not want to disclose the cause of delay. Such act of the trial Judges cannot be appreciated, and, usually it waste the time of the Court. Within last two days, three similar orders have been passed in M. Cr. C. Nos. 7185/17, 8056/17 and 8478/17 asking explanation second time. It is to observe here, due to receiving the incomplete report, valuable time of the Court is being waste and it effects the functioning of the Registry also by asking reports again and again, however, in fair administration of justice, certain directions are required to be issued.

It is hereby directed that Registrar General of this Court shall issue specific instructions to all the District Judges that as and when the status report of trial is sought by the High Court, it must contain the explanation with following facts:-

1. On which date, the order passed by the Court regarding conclusion of the trial, or to take steps for recording of the statement of the witnesses was received.
2. The trial Judge shall specify the steps taken by him more particularly from the date of receiving the order to conclude the trial, or to record the statement of witnesses.
3. It be explained, despite sincere efforts, why direction may not be carried out, and whether he has applied for extension of time limit, if applied, what orders are passed by this Court.
4. It be explained, whether delay in trial is attributable to prosecution or defence.
5. If the status report are received without explaining the aforesaid point, it may be treated to be inaction by the trial Judge and incapacity of the concerned District & Sessions Judge under whose control those Judges are working.

Let steps be taken in this regard by the Registrar General within a week and a report be submitted in the Chamber.

List this case along with the fresh report on 10th July, 2017.

(J. K. Maheshwari)
Judge

Vy/



HIGH COURT OF MADHYA PRADESH

PRINCIPAL SEAT – JABALPUR

// MEMORANDUM //

No.26 /PR(J)/2024

Jabalpur, Dated 17 /08/2024

To,

**The Principal District & Sessions Judge,
All in the State of Madhya Pradesh.**

Sub.:- Circulation of copy of the order dated 09/08/2024 passed by Hon'ble Court in M.Cr.C. No.22511/2022 (Omprakash Vs. State of Madhya Pradesh & Another) at High Court of M.P., Bench at Indore, for necessary compliance.

—***—

On the subject cited above, please find enclosed herewith copy of order dated 09/08/2024 passed by Hon'ble Court in M.Cr.C. No.22511/2022 (Omprakash Vs. State of Madhya Pradesh & Another) at High Court of M.P., Bench at Indore, for circulating the same amongst all the Judicial Officers posted under your jurisdiction, for ensuring necessary compliance thereof.

Encl.:

Copy of order dated 09/08/2024.

Sandeep 17/08/24

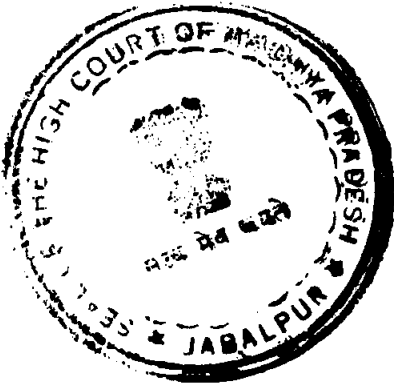
(Sandeep Sharma)

Principal Registrar (Judicial)

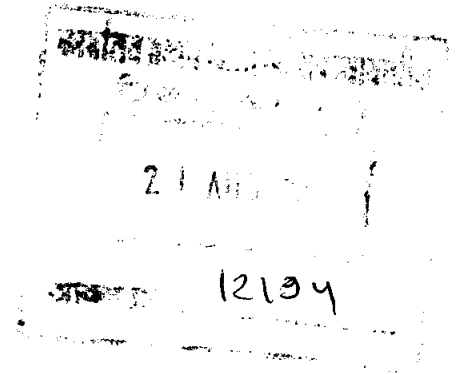
Principal Registrar (Judicial)

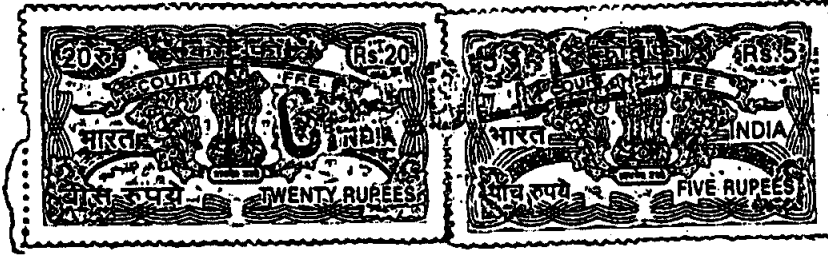
High Court of Madhya Pradesh

Jabalpur



S.W.
[Signature]
20/8/24





①

BEFORE HON'BLE HIGH COURT OF JUDICATURE FOR MADHYA PRADESH, BENCH AT INDORE

Misc. Criminal Case No. : 22511 of 2022

PETITIONER : Omprakash S/o. Shri Nanuram Ji Narwaria,
(petitioner is not in jail) Aged : 28 Years, Occupation : Govt. Servant,
R/o. : 41, Singapore City, Lasudia, District- Indore (M.P.)
Police Station : Lasudia, District- Indore (M.P.)

Versus

RESPONDENTS : [1] State of Madhya Pradesh through
Station House Officer,
Police Station- Heera Nagar, District- Indore
[2] Prosecutrix/Victim X through
Station House Officer,
Police Station- Heera Nagar, District- Indore



AFFIXED AT INDORE



Presented on: 30/04/2022
By: YOGESH KUMAR GUPTA
MP/345/2004

Presenting Assistant
[Signature]

Crime No. : 302/2021

Special Case No. : 177/2021

Offence u/s. : 363, 376 (2) (N), 384, 376 (2) (i) & 376-D of Indian Penal Code, 1860 and Section 3/4 & 5 (L)/6 of Protection of Children from Sexual Offences Act, 2012 & Section 3 (2) (v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Contd...2

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

MCRC No. 22511 of 2022

(OMPRAKASH Vs THE STATE OF MADHYA PRADESH AND OTHERS)

Dated : 09-08-2024

Shri Yogesh Kumar Gupta- Advocate for the petitioner.

Shri Pranay Joshi- P.L./G.A. for the State.

None for the respondent No.2.

1. As a last indulgence, list the matter in the next week.
2. Status report of the trial has also been received from the Trial Court, and this Court is aghast to see that the same is running into **24 pages**. Although, it is in the prescribed tabular format and in a narrow column, but still, this Court had never intended it to be so lengthy and cumbersome to include each and every date fixed before the Trial Court.
3. The format was prescribed only to ensure that the learned Judges of the Trial Court do not face any difficulty in apprising this Court about the status of the case, and it was expected that the status report shall be furnished informing only the relevant factors including the number of witnesses already examined without naming the same, and the number of witnesses which are still to be examined. The reason for delay in examining the witnesses, coupled with the answers to the queries, if any, raised by this Court, be also informed, which should not take more than



one or two pages, and should not consume the valuable time of the Court.

4. Thus, it is expected that the Judges of the Trial Court shall devote only such minimum time which is necessary to prepare a brief status report, as the purpose of calling the same is only to ensure that the rights of an accused or a complainant are protected, and to see if any further directions are required to be given by the High Court.

5. Let a copy of this order be also circulated to all the Judges of the District Courts for necessary compliance henceforth.

sd/-
(SUBODH ABHYANKAR)
JUDGE

Bahar



AFFIXED AT INDORE