OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE
NORTH DISTRICT :: ROHINI COURTS :: DELHI

CIRCULAR

Attention of all the Ld. Judicial Officers having criminal jurisdiction is drawn towards the directions contained in **Para 36** of **judgment dated 18.10.2021** passed by the **Hon'ble High Court of Delhi** in **Crl. M.C. No.2242/2020** titled as **"Abhishek Vs State of NCT of Delhi vide which it is stated that :-**

> **36.** The order of remanding an undertrial or its extension is held to be a judicial function requiring due application of mind. To ensure that the rights of undertrial prisoners to seek default bail are not defeated despite the legislative mandate and the principles of law enumerated by the Courts time and again, and that the custody of an undertrial is not extended mechanically as has been done in this case, this Court deems it necessary to direct that:
>
> i) While extending the custody of an undertrial prisoner, the Magistrate/concerned Court shall not mechanically extend the period of custody for the maximum period of 15 days as prescribed under Section 167(2) Cr.P.C.;
>
> ii) The custody shall be extended while keeping in mind the 60th, 90th or 180th day (depending on the nature of offence and applicability of any Special Act) of completing the investigation and submission of charge sheet. If such 60th, 90th or 180th day falls before the maximum extension period of 15 days, then the custody shall be extended only upto the 60th, 90th or 180th, as may be applicable;
>
> iii) As a necessary corollary, the undertrial prisoner, shall be produced before the concerned Court on the next day i.e., on the 61st, 91st or 181st day as the case may be, so that he can be duly informed of his fundamental right to seek default bail if no charge sheet is filed in the maximum period prescribed or the permitted extended period of investigation, as the case may be.
>
> iv) The present format of the 'Custody Warrant' be modified as per Annexure 'A'. The existing format already ensures mention of certain details with respect to an undertrial including the date of arrest, period of police custody, date of first judicial custody etc.
>
> It shall now also include a column indicating the day on which the right of 'default bail' will accrue to the undertrial under proviso (a) to Section 167(2) Cr.P.C.

All the Judicial Officers having criminal jurisdictions are impressed upon to comply with the above directions and furnish the compliance to the effect that they have complied with all the directions contained in above-mentioned judgment by 8th November 2021.

(Swarana Kanta Sharma)
Principal District & Sessions Judge
North Distt., Rohini Courts, Delhi.

No. Judl./North/RC/2021/ 33609-33654 **Dated :** 01/11/2021

Copy forwarded for information and necessary action to :-

1. The Ld. Registrar General, Hon'ble High Court of Delhi.
2. All the Ld. Judicial Officers posted in North District, Rohini Courts, Delhi.
3. Ld. Officer Incharge (Judicial Branch), North District, Rohini Courts, Delhi.
4. Branch In-charge, Computer Branch to upload the same on the official website of North District,Rohini Courts, Delhi.
5. The Website Committee (English/Hindi), Tis Hazari Courts, Delhi.
6. PS to the undersigned.
7. Reader to the undersigned.
8. Branch In-charge, R&I for uploading on Layers.

Principal District & Sessions Judge
North Distt., Rohini Courts, Delhi.

IN THE COURT OF

STATE VS. **CUSTODY WARRANT**

NAME OF UNDERTRIAL :

S/O :

R/O :

DOB/AGE :

FIR NO.

	Sections and Act
FIR	
Investigation	
Chargesheet	
Cognizance	
Charge	
Amendment/alteration of charge	

Stage	Record of UTP	Remarks, (if any).
Date of arrest		
Period of PC		
Date of first Judicial custody		
Date of bail, if granted, and Court granting bail		
Amount of bail bond		

On the date of taking cognizance

Sections	Date on which right U/s 436-A Cr.P.C. accrues