OFFICE OF THE DISTRICT & SESSIONS JUDGE : PATIALA HOUSE COURT :
NEW DELHI DISTRICT : NEW DELHI

No. 86 /D&SJ/PHC/NDD/2020 Dated : 15.04.2020

To

The Registrar General
Hon'ble High Court of Delhi
New Delhi

Subject : Filing and disposal of bail/miscellaneous applications

Sir,

In order to address the difficulties faced by the Metropolitan Magistrates in dealing with the bail applications and in order to encourage the Metropolitan Magistrates to conduct the hearing through video conferencing, a meeting was convened by the undersigned through video conferencing on 13.04.2020 with Mr. Purshottam Pathak, CMM, New Delhi, Mr. Raj Kumar, IG Prisons, Mr. Devendra Arya, DCP, South-West, Mr. Eish Singhal, DCP, New Delhi, Ms. Poornima Gupta, Chief Prosecutor, New Delhi District and Mr. R.K. Wadhwa, President, New Delhi Bar Association. All the participants were informed that Hon'ble High Court has desired that till the video conferencing through Vidyo is made operational, in the intervening period, video conferencing be held through CISCO WEBEX. The views of all the participants were taken and after detailed discussions, it was proposed that along with the existing system, the system of video conferencing through CISCO WEBEX may be initiated on trial basis, only in the cases where Lawyers/Litigants and other stakeholders agree to conduct the same through video conferencing regarding the bail application fixed before MMs. After discussions, the following protocol was proposed to be operational with effect from 17th April, 2020.

1. In order to avail the facility of video conferencing for hearing of urgent applications, the Litigant/Lawyer may, file application for bail/other applications at the official-mail ID "patialahousecourts-dl@nic.in".

2. The Officer Incharge at the Facilitation Centre counter shall take a

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print out of the bail application and register it as per rules.

3. The Officer Incharge shall intimate the computer branch immediately regarding the filing of the bail application as well as its registration number. The Nodal Officer, Computer Branch shall also keep a record of the bail application filed through email.

4. The Nodal Officer, Computer Branch shall thereafter immediately forward the bail application along with the e-mail sent by the Lawyer/Litigant to the Nodal Officer appointed by the DCP concerned at the DCP Office with a direction to seek a reply of the same from the IO of the concerned police station and send the reply to the Nodal Officer, Computer Branch as soon as possible.

5. Where the bail application is filed on a given day before 12 pm, then the reply of the same shall be called for the same day on or before 02.00 pm and where the bail application is filed after 12.00 pm, then the reply shall be called for the next day.

6. The Nodal Officer, Computer Branch after receiving the reply to the bail application shall immediately forward it to the Litigant/Lawyer concerned as well as the Public Prosecutor on duty for the day, copy of the same shall also be sent to the Prosecution Branch. In the said email, the Litigant/Lawyer as well as the Public Prosecutor concerned may be given an option to either send their arguments, not exceeding one A-4 size page, via email only, or to state if they wish to address arguments through CISCO WEBEX.

7. In case written arguments are received from both the sides, then in such a scenario, the Nodal Officer, Computer Branch shall send the bail application, reply thereof received from IO and the written arguments of the defence and the Public Prosecutor to the concerned Duty Magistrate, who shall decide the bail application and shall send his digitally signed order via email to the Nodal Officer, Computer Branch.

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8. In case the Litigant/Lawyer intends to address arguments then in consultation with the Duty Magistrate concerned, date and time of hearing shall be fixed and the same shall be communicated through an e-mail by the Nodal Officer, Computer Branch to the Litigant/Lawyer and to the concerned Public Prosecutor on duty for the said date.

9. On the date and time fixed, the Nodal Officer, Computer Branch shall make necessary arrangements for video conferencing and shall bring the Magistrate, lawyer and the Prosecutor on one platform through CISCO WEBEX after which the hearing shall be conducted.

10. After receiving the order on bail from the Duty Magistrate concerned, the Nodal Officer, Computer Branch shall forward the same to the Litigant/Lawyer concerned. A copy of the same, in case the bail is granted, shall be sent to the Jail Superintendent concerned on his official email i.e. for reference in case where the bail bonds are furnished directly before the Magistrate concerned discharging duties through jail sittings.

It is, therefore, requested that communication may kindly be placed before Hon'ble the Chief Justice for kind perusal & direction. I will be extremely grateful if we may kindly be intimated the necessary directions regarding making this protocol effective from 17th April, 2020.

Regards.

Yours sincerely,

[Dinesh Kumar Sharma]
District & Sessions Judge
Patiala House Court,
New Delhi District, New Delhi

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