REPORTABLE

IN THE SUPREME COURT OF INDIA

ORIGINAL JURISDICTION

SUO MOTO WRIT (CRL) NO.(S) 1/2017

IN RE: TO ISSUE CERTAIN GUIDELINES REGARDING INADEQUACIES AND DEFICIENCIES IN CRIMINAL TRIALS ….PETITIONER(S)

VERSUS

THE STATE OF ANDHRA PRADESH & ORS. ....RESPONDENT(S)

ORDER

1. This *suo motu* proceeding under Article 32 was initiated during the course of hearing of a criminal appeal[1]. The Court noticed common deficiencies which occur in the course of criminal trials and certain practices adopted by trial courts in criminal proceedings as well as in the disposal of criminal cases and causes. These related, amongst others, to the manner in which documents (i.e. list of witnesses, list of exhibits, list of material objects) referred to are presented and exhibited in the judgment, and the lack of uniform practices in regard to preparation of injury reports, deposition of witnesses, translation of statements, numbering and nomenclature of witnesses, labeling of material objects, etc. These very often lead to asymmetries and hamper appreciation of evidence, which in turn has a tendency of prolonging proceedings, especially at the appellate stages.

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Digitally signed by Sanjay Kumar
Date: 2021.04.20 16:[illegible] IST
Reason:

2. The Court had noticed that on these prominent aspects, rules appeared to have been framed by certain High Courts, whereas many other High Courts have not framed such rules. This has led to a lack of clarity and uniformity in regard to the

1 *Crl.A.400/2006 & connected matters*

presentation of trial court proceedings and records, for the purpose of appreciation at the High Court level and eventually, before this court.

3. By an elaborate order dated 30.03.2017, this Court noted various salient aspects and flagged inadequacies in the practices and rules of High Courts by taking a cue from existing rules in some High Courts[2]. After noticing about 13 issues, the Court felt the desirability of a uniform approach – in description of exhibits, manner and description of recording of statements of witnesses, labeling of material objects, and so on. The Court therefore, issued notice to the Registrar Generals of all High Courts, Chief Secretaries and Administrators of States and Union Territories as well as Advocates General, Additional Advocates Generals and Senior Standing Counsel of all states and Union Territories. By a later order dated 07.11.2017, the Court appointed Mr. Sidharth Luthra and Mr. R. Basanth, Senior Advocates as *amici curiae*. On 20.02.2018, Mr. K. Parameshwar, learned counsel was also appointed as *amicus curiae* to assist the senior counsel who were earlier appointed as *amici curiae.* All concerned State Governments and Union Territories as well as High Courts through their Registrar Generals were called upon to submit their responses along with suggestions.

4. By January 2019, 15 States/Union Territories and 21 High Courts had filed responses before this court. Based upon these responses, the *amici curiae* evolved a consultation paper, which *inter alia* contained draft rules. The draft rules were circulated to all parties by a letter dated 18.02.2019. Written responses were invited from stakeholders and a colloquium was convened for this purpose in New Delhi at the India International Centre, on 30.03.2019. The colloquium was attended by representatives of different States/Union Territories and their respective High Courts.

5. After considering the suggestions made during the colloquium, the *amici curiae* submitted the “Draft Rules of Criminal Practice, 2020” for the consideration of this court. While framing Draft Rules, due care was taken to ensure uniformity and at the same time to recognize the diverse practices among the various state authorities and

2*Kerala Criminal Rules of Practice, 1982; Andhra Pradesh Criminal Rules of Practices and Circular Orders, 1990 etc.*

High Courts in the country. The draft rules are compliant and not in any way repugnant to the Code of Criminal Procedure, 1973. Many suggestions made as practice directions reflect the mandatory provisions of the Code of Criminal Procedure, 1973.

6. By later orders dated 27.10.2020 and 19.01.2021, the High Courts were once again directed to file their responses to the Draft Rules of Criminal Practice, 2020. Pursuant to that order, all High Courts filed their responses and the summaries of the responses.

7. During the hearing, this court noticed that most of the suggestions had been agreed except in regard to a few aspects. Some High Courts, while accepting the Draft Rules also sought to elaborate and supplement them, which is a welcome step.

8. The High Courts unanimously welcomed the suggestion of separating the prosecution from the investigation, (i.e. Rule 18 in the Draft Rules, 2020) which provides that a separate team of lawyers, distinct from Public Prosecutors must advise the police during the investigation. However, as pointed out by many High Courts, this is a step that should be actively pursued by the State Governments. Similarly, the High Courts welcomed the uniform manner in which body sketches, spot *panchnamas* etc. are to be brought on record (Draft Rules 1-4). However, they state that the onus for the implementation of these Rules is on the investigation agencies.

9. This court is of the opinion that a perusal of the responses indicates that the High Courts have indicated their reservations to certain draft rules. These are as follows:

(1) translations of deposition [Draft Rule 6(i)(ii)] – High Court of Madhya Pradesh, Kerala, Tamil Nadu.

(2) references to accused/witnesses/material objects (Draft Rule 9) – Allahabad, MP, Tripura, Kerala, Calcutta – The High Courts have suggested that along with the numbers assigned to the witness, accused etc., names may also be used to avoid confusion.

(3) The rule requiring day to day trial (Rule 19(i)) – Madhya Pradesh, Manipur, Tripura.

10. During the hearing of these proceedings, the court took into consideration the viewpoints, on behalf of High Courts, where there was either a divergence in the opinion about the practice to be adopted, or some reservation.

11. The *amici* pointed out that at the commencement of trial, accused are only furnished with list of documents and statements which the prosecution relies on and are kept in the dark about other material, which the police or the prosecution may have in their possession, which may be exculpatory in nature, or absolve or help the accused. This court is of the opinion that while furnishing the list of statements, documents and material objects under Sections 207/208, Cr. PC, the magistrate should also ensure that a list of other materials, (such as statements, or objects/documents seized, but not relied on) should be furnished to the accused. This is to ensure that in case the accused is of the view that such materials are necessary to be produced for a proper and just trial, she or he may seek appropriate orders, under the Cr. PC.[3] for their production during the trial, in the interests of justice. It is directed accordingly; the draft rules have been accordingly modified. [Rule 4(i)]

12. It was pointed out by learned *amici* that the practice adopted predominantly in all trials is guided by the decision of this court in *Bipin Shantilal Panchal v. State of*

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3 *91.* ***Summons to produce document or other thing.***

(1) Whenever any Court or any officer in charge of a police station considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order.

(2) Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.

(3) Nothing in this section shall be deemed-

(a) to affect sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), or the Bankers' Books Evidence Act, 1891 (13 of 1891) or

(c)to apply to a letter, postcard, telegram or other document or any parcel or thing in the custody of the postal or telegraph authority.

Gujarat[4] with respect to objections regarding questions to be put to witnesses. This court had termed the practice of deciding the objections, immediately as *"archaic"* and indicated what it felt was an appropriate course:

> *"It is an archaic practice that during the evidence collecting stage, whenever any objection is raised regarding admissibility of any material in evidence the court does not proceed further without passing order on such objection. But the fall out of the above practice is this: Suppose the trial court, in a case, upholds a particular objection and excludes the material from being admitted in evidence and then proceeds with the trial and disposes of the case finally. If the appellate or revisional court, when the same question is re-canvassed, could take a different view on the admissibility of that material in such cases the appellate court would be deprived of the benefit of that evidence, because that was not put on record by the trial court. In such a situation the higher court may have to send the case back to the trial court for recording that evidence and then to dispose of the case afresh. Why should the trial prolong like that unnecessarily on account of practices created by ourselves. Such practices, when realised through the course of long period to be hindrances which impede steady and swift progress of trial proceedings, must be recast or re-moulded to give way for better substitutes which would help acceleration of trial proceedings.*
>
> *When so recast, the practice which can be a better substitute is this: Whenever an objection is raised during evidence taking stage regarding the admissibility of any material or item of oral evidence the trial court can make a note of such objection and mark the objected document tentatively as an exhibit in the case (or record the objected part of the oral evidence) subject to such objections to be decided at the last stage in the final judgment. If the court finds at the final stage that the objection so raised is sustainable the judge or magistrate can keep such evidence excluded from consideration. In our view there is no illegality in adopting such a course. (However, we make it clear that if the objection relates to deficiency of stamp duty of a document the court has to decide the objection before proceeding further. For all other objections the procedure suggested above can be followed.) The above procedure, if followed, will have two advantages. First is that the time in the trial court, during evidence taking stage, would not be wasted on account of raising such objections and the court can continue to examine the witnesses. The witnesses need not wait*

4(2001) 3 SCC 1

> *for long hours, if not days. Second is that the superior court, when the same objection is re-canvassed and reconsidered in appeal or revision against the final judgment of the trial court, can determine the correctness of the view taken by the trial court regarding that objection, without bothering to remit the case to the trial court again for fresh disposal. We may also point out that this measure would not cause any prejudice to the parties to the litigation and would not add to their misery or expenses."*

13. It was argued by *amici* that the procedure, whereby the courts record answers to all questions, regardless of objections, leads to prolonged and lengthy cross examination, and more often than not, irrelevant facts having no bearing on the charge or the role of the accused, are brought on record, which often result in great prejudice. It is pointed out that due to the practice mandated in *Bipin Shantilal Panchal (supra)*, such material not only enters the record, but even causes prejudice, which is greatly multiplied when the appellate court has to decide the issue. Frequently, given that trials are prolonged, the trial courts do not decide upon these objections at the final stage, as neither counsel addresses arguments. Therefore, it is submitted that the rule in *Bipin Shantilal Panchal (supra)* requires reconsideration.

14. During a trial, in terms of Section 132, every witness is bound to answer the questions she or he is asked; however, that is subject to the caveat that he or she is entitled to claim silence, if the answers incriminate him or her, by virtue of Article 20 (3) of the Constitution. Every judge who presides over a criminal trial, has the authority and duty to decide on the validity or relevance of questions asked of witnesses. This is to be found in Section 148 Cr. PC, which reads as follows:

> ***"148. Court to decide when question shall be asked and when witness compelled to answer.*** *— If any such question relates to a matter not relevant to the suit or proceeding, except in so far as it affects the credit of the witness by injuring his character, the Court shall decide whether or not the witness shall be compelled to answer it, and may, if it thinks fit, warn the witness that he is not obliged to answer it.*

> *In exercising its discretion, the Court shall have regard to the following considerations: —*
> *(1) such questions are proper if they are of such a nature that the truth of the imputation conveyed by them would seriously affect the opinion of the Court as to the credibility of the witness on the matter to which he testifies;*
> *(2) such questions are improper if the imputation which they convey relates to matters so remote in time, or of such a character, that the truth of the imputation would not affect, or would affect in a slight degree, the opinion of the Court as to the credibility of the witness on the matter to which he testifies;*
> *(3) such questions are improper if there is a great disproportion between the importance of the imputation made against the witness's character and the importance of his evidence;*
> *(4) the Court may, if it sees fit, draw, from the witness's refusal to answer, the inference that the answer if given would be unfavourable"*

15. Apart from Section 148, there are other provisions of the Evidence Act (Sections 149-154) which define the ground rules for cross examination. During questioning, no doubt, the counsel for the party seeking cross examination has considerable leeway; cross examination is not confined to matters in issue, but extends to all *relevant facts.* However, if the court is not empowered to rule, during the proceeding, whether a line of questioning is relevant, the danger lies in irrelevant, vague and speculative answers entering the record. Further, based on the answers to what (subsequently turn out to be irrelevant, vague or otherwise impermissible questions) more questions might be asked and answered. If this process were to be repeated in case of most witnesses, the record would be cluttered with a jumble of irrelevant details, which at best can be distracting, and at worst, prejudicial to the accused. Therefore, this court is of opinion that the view in *Bipin Shantilal Panchal* should not be considered as binding. The presiding officer therefore, should decide objections to questions, *during the course of the proceeding, or failing it at the end of the deposition of the concerned witness.* This will result in de-cluttering the record, and, what is more, also have a salutary effect of preventing frivolous objections. In given cases, if the court is of the opinion that repeated objections have been taken, the remedy of costs, depending on the nature of obstruction,

and the proclivity of the line of questioning, may be resorted to. Accordingly, the practice mandated in *Bipin Shantilal Panchal* shall stand modified in the above terms.

16. Counsel appearing for the states and High Courts submitted that the provision in the draft rules, requiring that trials should be conducted on a day-to-day manner, cannot be complied with. It was argued that courts have to, more often than not, postpone or adjourn cases due to non-availability of witnesses, or on account of absence of defense counsel, or the prosecutor. The learned *amici* submitted that given that trial begins after charges have been framed, the prosecution witnesses should be available on the dates of trial, for the simple reason that they are relied on for proving the charges. It was submitted that this court should indicate that as far as practicable, the trial court should carry out before hand, sequencing of witness deposition, in terms of eyewitnesses, other material witnesses, formal witnesses, expert witnesses etc., and also factor in some specific date or dates, so that effective depositions are recorded on every date of hearing so fixed.

17. This court is of the opinion that the courts in all criminal trials should, at the beginning of the trial, i.e. after summoning of the accused, and framing of charges, hold a preliminary case management hearing. This hearing may take place immediately after the framing of the charge. In this hearing, the court should consider the total number of witnesses, and classify them as eyewitness, material witness, formal witness (who would be asked to produce documents, etc) and experts. At that stage, the court should consider whether the parties are in a position to admit any document (including report of experts, or any document that may be produced by the accused, or relied on by her or him). If so, the exercise of admission/denial may be carried out under Section 294, Cr. PC, for which a specific date may be fixed. The schedule of recording of witnesses should then be fixed, by giving consecutive dates. Each date so fixed, should be scheduled for a specific number of witnesses. However, the concerned witnesses may be bound down to appear for 2-3 consecutive dates, in case their depositions are not concluded. Also, in case any witness does not appear, or cannot be examined, the court

shall indicate a fixed date for such purpose. The recording of deposition of witnesses shall then be taken up, after the scheduling exercise is complete. This court has appropriately carried out necessary amendments to the Draft Rules.

18. It was submitted by the *amici* that as regards the subject matter relating to the first three Draft Rules, the state and police authorities have to carry out necessary and consequential amendments to the police manuals, and other related instructions, to be followed by each state. Counsel appearing for states and union territories have assured that suitable steps to incorporate the Draft Rules - relating to (1) Body sketch to accompany medico-legal certificate, post-mortem report and inquest report –[Draft Rule No. 1]; (2) Photographs and Video graphs of post mortem in certain cases [Draft Rule No. 2] and (3) Scene *Mahazar/* Spot *Panchanama* [Draft Rule No. 3] would be taken at the earliest.

19. The court is of the opinion that the Draft Rules of Criminal Practice, 2021, (which are annexed to the present order, and shall be read as part of it) should be hereby finalized in terms of the above discussion. The following directions are hereby issued:

(a) All High Courts shall take expeditious steps to incorporate the said Draft Rules, 2021 as part of the rules governing criminal trials, and ensure that the existing rules, notifications, orders and practice directions are suitably modified, and promulgated (wherever necessary through the Official Gazette) within 6 months from today. If the state government's co-operation is necessary in this regard, the approval of the concerned department or departments, and the formal notification of the said Draft Rules, shall be made within the said period of six months.

(b) The state governments, as well as the Union of India (in relation to investigating agencies in its control) shall carry out consequential amendments to their police and other manuals, within six months from today. This direction applies, specifically in respect of Draft Rules 1-3. The appropriate forms and guidelines shall be brought into force, and all agencies instructed accordingly, within six months from today.

20. The court hereby places its appreciation and gratitude to the contributions and effort of the three *amici* Shri Siddharth Luthra, Shri R. Basanth (Senior Advocates) and

Shri K. Parameshwar, Advocate - they gave valuable inputs and innumerable suggestions, considered all suggestions given by various stakeholders, reported to the court and made extremely useful submissions. The court also places on record its appreciation of Shri A. Karthik, Ms. Mehak Jaggi and Shri M.V. Mukunda, Advocate, who rendered valuable assistance to the *amici*.

21. The *suo motu* proceeding is disposed of in terms of the above directions.

……CJI
[S.A. BOBDE]

…….....J
[L. NAGESWARA RAO]

…….....J
[S. RAVINDRA BHAT]

New Delhi,
April 20, 2021.

DRAFT CRIMINAL RULES ON PRACTICE, 2021

CHAPTER I. INVESTIGATION

1. **BODY SKETCH TO ACCOMPANY MEDICO LEGAL CERTIFICATE, POST MORTEM REPORT AND INQUEST REPORT:**

   Every Medico Legal Certificate, Post Mortem Report shall contain a printed format of the human body on its reverse and injuries, if any, shall be indicated on such sketch.

   Explanation: The printed format of the human body shall contain both a frontal and rear view of the human body as provided in ANNEXURE – A

2. **PHOTOGRAPHS AND VIDEO GRAPHS OF POST MORTEM IN CERTAIN CASES**

   i. In case of death of a person in police action [under Section 46 Criminal Procedure Code, 1973("Cr.PC") or Sections 129 to 131 Cr.PC] or death while in police custody, the magistrate or the Investigating Officer as the case may be, shall inform the hospital or doctor in charge to arrange for photographs or videography for conducting the post-mortem examination of the deceased. The photographs of the deceased shall also be arranged to be taken in all cases.

   ii. Such photograph and video graphs shall be taken either by arranging a police photographer or a nominated photographer of the State Government, and where neither of the above are available, an independent or private photographer shall be engaged.

   iii. Such photographs or video graphs shall be seized under a *panchnama* or seizure memo and all steps taken to ensure proper proof of such photographs/video graphs during Trial.

iv. The Investigating Officer shall ensure that such photographs and videographs, if taken electronically, are seized under a *panchnama* or seizure memo and steps are taken to preserve the original, and ensure that certificate under Section 65B Indian Evidence Act, 1872 is obtained and taken to be proved during trial.

v. The video or photographs shall be stored on a separate memory card, accompanied by a duly certified certificate under Section 65B Indian Evidence Act, 1872.

vi. Where post-mortems are recorded in electronic form, the file containing the post-mortem proceedings, duly certified, should be placed with the memory card as an attachment unless individual memory cards are not capable of being produced before Court.

3. **SCENE *MAHAZAR*/ SPOT *PANCHANAMA***

i. A site plan of the place of occurrence of an incident shall be appended by the Investigating Officer to the scene *mahazar* or spot *panchnama*.

ii. The site plan shall be prepared by the Investigating Officer by hand, and shall disclose

a. the place of occurrence,
b. the place where the body (or bodies) was / were found,
c. the place where material exhibits and/or weapons,
d. blood stains and/or body fluids had fallen,
e. the place where bullet shells, if any, were found or have caused impact,
f. the source of light, if any and
g. adjoining natural and man-made structures or features such as walls, pits, fences, trees/bushes, if any and
h. elevation of structures and their location.

iii. The preparation of this sketch by the Investigating Officer shall be followed by a scaled site plan prepared by police draftsman, if available, or such other authorized or nominated draftsman by the State Government, who shall prepare the scaled site plan after visiting the spot.

iv. The relevant details in the *mahazar* or *panchnama* shall be marked and correlated in the said site plan.

4. **SUPPLY OF DOCUMENTS UNDER SECTIONS 173, 207 AND 208 CR.PC**

i. Every Accused shall be supplied with statements of witness recorded under Sections 161 and 164 Cr.PC and a list of documents, material objects and exhibits seized during investigation and relied upon by the Investigating Officer (I.O) in accordance with Sections 207 and 208, Cr. PC.

Explanation: The list of statements, documents, material objects and exhibits shall specify statements, documents, material objects and exhibits that are not relied upon by the Investigating Officer.

Chapter II: CHARGE

5. The order framing charge shall be accompanied by a formal charge in Form 32, Schedule II, Cr.P.C. to be prepared personally by the Presiding Officer after complete and total application of mind.

CHAPTER III:TRIAL

6. **RECORDING OF EVIDENCE: PROCEDURE**

i. The depositions of witnesses shall be recorded, in typed format, if possible. The record of evidence shall be prepared on computers, if available, in the Court on the dictation of the Presiding Officer.

Provided that in case the language of deposition is to be recorded in a language other than English or the language of the State, the Presiding Officer shall

simultaneously translate the deposition either himself or through a competent translator into English.

ii. The deposition shall be recorded in the language of the witness and in English when translated as provided in Clause 6 (i).

iii. The depositions shall without exception be read over by the Presiding officer in Court. Hard copy of the testimony so recorded duly signed to be a true copy by the Presiding Officer/court officer shall be made available free of cost against receipt to the accused or an advocate representing the accused, to the witness and the prosecutor on the date of recording.

iv. A translator shall be made available in each Court and Presiding Officers shall be trained in the local languages, on the request of the Presiding Officer.

v. The Presiding Officers shall not record evidence in more than one case at the same time.

7. **RECORDING OF EVIDENCE: FORMAT OF WITNESSES**

i. The deposition of each witness shall be recorded dividing it into separate paragraphs assigning paragraph numbers.

ii. Prosecution witnesses shall be numbered as PW-1, PW-2 etc, *in seriatim*. Similarly, defence witnesses shall be numbered as DW-1, DW-2, etc., *in seriatim*. The Court witnesses shall be numbered as CW-1, CW-2, etc, in seriatim.

iii. The record of depositions shall indicate the date of the chief examination, the cross examination and re-examination.

iv. The Presiding Officers shall wherever necessary record the deposition in question and answer format.

v. Objections by either the prosecution or the defence counsel shall be taken note of and reflected in the evidence and decided immediately, in accordance with

law, or, at the discretion of the learned Judge, at the end of the deposition of the witness in question.

vi. The name and number of the witness shall be clearly stated on any subsequent date, if the evidence is not concluded on the date on which it begins.

8. EXHIBITING OF MATERIAL OBJECTS AND EVIDENCE

i. Prosecution exhibits shall be marked as Exhibit P-1, P-2 etc *in seriatim*. Similarly, defence Exhibits shall be marked as Exhibit D-1, D-2, etc *in seriatim*. The Court exhibit shall be marked as Exhibit C-1, C-2, etc *in seriatim*.

ii. To easily locate the witness through whom the document was first introduced in evidence, the exhibit number shall further show the witness number of such witness after the Exhibit number. If an exhibit is marked without proper proof, the same shall be indicated by showing in brackets (subject to proof).

Explanation: If Prosecution witness no. 1 (PW1) introduces a document in evidence, that document shall be marked as Exhibit P-1/PW1. If proper proof is not offered for that document at the time when it is marked, it shall be marked as Exhibit P-1/PW1 (subject to proof). The Second document introduced by PW1 will be Exhibit P-2/PW1.

iii. The Material objects shall be marked in seriatim as MO-1, MO-2 etc.

9. SUBSEQUENT REFERENCES TO ACCUSED, WITNESS, EXHIBITS AND MATERIAL OBJECTS

i. After framing of charges, the accused shall be referred to only by their ranks in the array of accused in the charge and not by their names or other references except at the stage of identification by the witness.

ii. After recording the deposition of witnesses, marking of the exhibits and material objects, while recording deposition of other witnesses, the witnesses,

exhibits and material objects shall be referred by their numbers and not by names or other references.

iii. Where witness cited in the complaint or police report are not examined, they shall be referred to by their names and the numbers allotted to them in the complaint or police report.

10. REFERENCES TO STATEMENTS UNDER SECTION 161 AND 164 CRPC:

i. During cross examination, the relevant portion of the statements recorded under Section 161 Cr.PC used for contradicting the respective witness shall be extracted. If it is not possible to extract the relevant part as aforesaid, the Presiding Officer, in his discretion, shall indicate specifically the opening and closing words of such relevant portion, while recording the deposition, through distinct marking.

ii. In such cases, where the relevant portion is not extracted, the portions only shall be distinctly marked as prosecution or defence exhibit as the case may be, so that other inadmissible portions of the evidence are not part of the record.

iii. Incases, where the relevant portion is not extracted, the admissible portion shall be distinctly marked as prosecution or defence exhibit as the case may be.

iv. The aforesaid rule applicable to recording of the statements under Section 161 shall *mutatis mutandis* apply to statements recorded under Section 164 of the Cr.PC, whenever such portions of prior statements of living persons are used for contradiction/corroboration.

v. Omnibus marking of the entire statement under S. 161 and 164 Cr.P.C shall not be done.

11. MARKING OF CONFESSIONAL STATEMENTS

The Presiding Officers shall ensure that only admissible portion of Section 8 or Section 27 Indian Evidence Act, 1872 is marked and such portion alone is extracted on a separate sheet and marked and given an exhibit number.

CHAPTER IV: THE JUDGMENT

12. Every judgement shall contain the following

i. Start with a preface showing the names of parties as per FORM A to the Rules.

ii. A tabular statement as per FORM B to the Rules**.**

iii. An appendix giving the list of prosecution witnesses, defence witnesses, Court witnesses, Prosecution Exhibits, Defence Exhibits and Court Exhibits and Material Objects as per FORM C to the Rules.

13. In compliance with Section 354 and 355 Cr.PC, in all cases, the judgments shall contain:

i. the point or points for determination,

ii. the decision thereon, and

iii. the reasons for the decision

14. In case of conviction, the judgment shall separately indicate the offence involved and the sentence awarded. In case there are multiple accused, each of them shall be dealt with separately. In case of acquittal and if the accused is in confinement, a direction shall be given to set the accused at liberty, unless such accused is in custody in any other case.

15. In the judgment the accused, witnesses, exhibits and material objects shall be referred to by their nomenclature or number and not only by their names or

otherwise. Wherever, there is a need to refer to the accused or witnesses by their name, the number shall be indicated within brackets.

16. The judgment shall be written in paragraphs and each paragraph shall be numbered *in seriatim*. The Presiding Officers, may, in their discretion, organize the judgment into different sections.

CHAPTER V: MISCELLANEOUS

17. BAIL

i. The application for bail in non-bailable cases must ordinarily be disposed off within a period of 3 to 7 days from the date of first hearing. If the application is not disposed off within such period, the Presiding Officer shall furnish reasons thereof in the order itself. Copy of the order and the reply to the bail application or status report (by the police or prosecution) if any, shall be furnished to the accused and to the accused on the date of pronouncement of the order itself.

ii. The Presiding Officer may, in an appropriate case in its discretion insist on a statement to be filed by the prosecutor in charge of the case.

18. SEPARATION OF PROSECUTORS AND INVESTIGATORS

The State Governments shall appoint advocates, other than Public Prosecutors, to advise the Investigating Officer during investigation.

19. DIRECTIONS FOR EXPEDITIOUS TRIAL

i. In every enquiry or trial, the proceedings shall be held as expeditiously as possible, and, in particular, when the examination of witnesses has once begun,

the same shall be continued from day to day until all the witnesses in attendance have been examined, unless the court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded. (section 309 (1) Cr.PC.). For this purpose, at the commencement, and immediately after framing charge, the court shall hold a scheduling hearing, to ascertain and fix consecutive dates for recording of evidence, regard being had to whether the witnesses are material, or eyewitnesses, or formal witnesses or are experts. The court then shall draw up a schedule indicating the consecutive dates, when witnesses would be examined; it is open to schedule recording of a set of witness' depositions on one date, and on the next date, other sets, and so on. The court shall also, before commencement of trial, ascertain if the parties wish to carry out admission of any document under Section 294, and permit them to do so, after which such consecutive dates for trial shall be fixed.

ii. After the commencement of the trial, if the court finds it necessary or advisable to postpone the commencement of, or adjourn, any inquiry or trial, it may, from time to time, for reasons to be recorded postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable. If witnesses are in attendance no adjournment or postponement shall be granted, without examining them, except for special reasons to be recorded, in writing. (Section 309 (2) Cr.PC.).

iii. Sessions cases may be given precedence over all other work and no other work should be taken up on sessions days until the sessions work for the day is completed. A Sessions case once posted should not be postponed unless that is unavoidable, and once the trial has begun, it should proceed continuously from day today till it is completed. If for any reason, a case has to be adjourned or postponed, intimation should be given forthwith to both sides and immediate

steps be taken to stop the witnesses and secure their presence on the adjourned date.

FORM A

IN THE COURT OF …… Present: ……. Sessions Judge [Date of the Judgement] [Case No……/2019] (Details of FIR/Crime and Police Station)	
Complainant	STATE OF….. OR NAME OF THE COMPLAINANT
REPRESENTED BY	NAME OF THE ADVOCATE
ACCUSED	1. NAME WITH ALL PARTICULARS (A1) 2. NAME WITH ALL PARTICULARS (A2)
REPRESENTED BY	NAME OF THE ADVOCATES

FORM B

Date of Offence	
Date of FIR	
Date of Chargesheet	
Date of Framing of Charges	
Date of commencement of evidence	
Date on which judgment is reserved	
Date of the Judgment	
Date of the Sentencing Order, if any	

Accused Details:

Rank of the Accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial for purpose of section 428, Cr.PC

FORM C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

A. Prosecution

RANK	**NAME**	**NATURE OF EVIDENCE** (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1		
PW2		

B. Defence Witnesses, if any:

RANK	**NAME**	**NATURE OF EVIDENCE** (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH

		WITNESS, OTHER WITNESS)
DW1		
DW2		

C. Court Witnesses, if any:

RANK	**NAME**	**NATURE OF EVIDENCE** (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1		
CW2		

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

Sr. No	Exhibit Number	Description
1	Exhibit P-1/PW1	
2	Exhibit P-2/PW2	

B. Defence:

Sr. No	Exhibit Number	Description
1	Exhibit D-1/DW1	
2	Exhibit D-2/DW2	

C. Court Exhibits

Sr. No	Exhibit Number	Description
1	Exhibit C-1/CW1	

2	Exhibit C-2/CW2	

D. Material Objects:

Sr. No	Material Object Number	Description
1	MO1	
2	MO2	