

# Duty Magistrate

## MANUAL-I SECTION 4(1)(b)(i)

The particulars, functions and duties; of District Court Pauri Garhwal Uttarakhand

Particulars: District Court Pauri Garhwal, Uttarakhand  
Functions:

The District Courts of Pauri Garhwal are presided over by a judge. They administer justice in India at a district level. These courts are under administrative and judicial control of the High Court of the State to which the district concerned belongs.

The highest court in each district is that of the District and Sessions Judge. This is the principal court of civil jurisdiction. This is also a court of Sessions in criminal jurisdiction. Sessions trial cases are tried by the Sessions Court. It has the power to impose any sentence according to the law including capital punishment.

There are many other courts subordinate to the court of District and Sessions Judge. There is a three-tier system of courts. On the civil side, at the lowest level is the court of Civil Judge (Junior Division). On criminal side, the lowest court is that of the Judicial Magistrate 1st class. Civil Judge (Junior Division) decides civil cases of small pecuniary stake. Judicial Magistrates decide criminal cases, which are punishable with imprisonment of up to three years.

At the middle of the hierarchy, there is the Court of Civil Judge (Senior Division) on the civil side and the Court of the Chief Judicial Magistrate on the Criminal side. Civil Judge (senior division) can decide civil cases of any valuation. There are many additional courts of Additional Civil Judge (senior division). The Jurisdiction of these additional courts is the same as that of the principal court of Civil Judge (Senior Division). The Chief Judicial Magistrate can try cases which are punishable with imprisonment for a term up to seven years. Usually there are many additional courts of Additional Chief Judicial Magistrates. At the top level, there may be one or more courts of additional district and session's judge with the same judicial power as that of the District and Sessions judge.

Judicial independence of each court is the characteristic feature of the district judiciary. In each district, there is a strong bar, which ensures that courts decide cases according to law and without fear or favour. The greatest problem of district courts is that of huge backlog of cases leading to undue delay in deciding cases.

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### SECTION 4(1)(b)(ii)

The powers and duties of officers and employees of the District Court, Pauri Garhwal, Uttarakhand;

Duties: - The officers discharge their duties as per the Officers and staff (Conditions of Service & Conduct) Rules, 1976. SECTION 4(1)(B)(II) The powers and duties of officers and employees of the judgeship Pauri Garhwal of Uttarakhand. The District Courts of Pauri Garhwal is under of the administrative and judicial control of the High Court having a following powers and duties:-

### **1-Powers of District Judge.**

(A) Judicial Powers  
(B) Administrative & Financial Powers  
(C) Other powers assigned by the Hon'ble High Court.  
(A) **Judicial Power**

(1) Civil side: – In the district, the District Judge exercises the original power to try cases of Land Acquisition cases, Election Petitions relating to Zila Panchayat & Chhetra Sammittee & Nagarpalika, cases under Guardian & Wards Act, Motor Accident Claim Petitions, Probates cases and Insolvency cases. The district Judge exercises the powers of appellate court and hear the appeals against the judgment & decree passed by the Civil Judge (Sr.Div.), Civil Judge(Jr.Div.) and judgment and order passed by the said judicial officers and prescribe authority and civil revisions against the order passed by the Civil Judge (Sr.Div.) and Civil (Jr.Div.) in the district.

(2) Criminal side: - In this Sessions division the Session Judge try the cases in which punishment is prescribed more than 07 year years, Cases under N.D.P.S. Act , cases under S.C./S.T Act and appeal against the judgment passed by the Magistrates and revisions against the judgment and order passed by the Magistrate. Sessions judge hears the bail applications of his own court, and the bail rejected by the Magistrate.

#### **(B) Administrative:**

The district Judge has the power to appoint the class III and IV employees, transfer and promotion of the employees. To award the annual remark to the officers and employees working under his kind control. To take departmental and disciplinary action against the employees. To inspect the court & offices functioning in the district. He inspects the jail inspection along with D.M. & Supdt. of police in each quarter and to hold the monthly meeting of judicial officers and meeting of monitoring cell.

#### **(B)(i) Financial Powers:**

To pass the Pay bills, T. A. Bills, Transfer T. A. Bills of the subordinate officer and official of the District Court under him.  
To pass the contingent bills related to office expenditure.  
To pass the G. P. F. Bills, Pensions & Gratuity Bills, Leave Salary Bills  
To pass some suitable orders related to any other financial matters.

#### **Powers of Chief Judicial Magistrate, Pauri Garhwal:**

C.J.M. exercises the criminal powers over whole the district. He tries the cases, in which provision of punishment is less than 7 years. The Chief Judicial Magistrate inspect the court and office of other Magistrates, functioning in the district and make monthly inspection of jail/lock up. Hon'ble High Court has been empowered to C.J.M. to try the civil cases as Civil Judge (Sr. Div.). So he tries the suits and other civil cases of the valuation of Rs. 100001.00 up to unlimited valuation.

#### **Powers of Civil Judge ( Senior Division) Pauri:**

The Civil Judge (Sr. Div.) . Pauri has got the power to try the suits and other civil cases of the valuation of Rs. 100001.00 up to unlimited valuation.

#### **Powers of Civil Judge (Junior Division) Pauri:**

Civil Judge (Junior Div.),Pauri exercises the civil powers over Pauri circle. He trails the Civil suits up to the valuation of Rs.100000-00. Civil Judge (Jr.Div.) has been empowered to try the criminal cases as judicial Magistrate Ist class . At present he has the powers to hear the criminal cases.

**Powers of Civil Judge (Junior Division) Srinagar:**

Civil Judge (Junior Div.), Srinagar exercises the civil powers over Srinagar Circle . He try the Civil suits up to the valuation of Rs. 100000-00. Civil Judge (Jr.Div.) has been empowered to try the criminal cases as judicial Magistrate Ist class . At present he has the powers to hear the criminal cases.

**Powers of Civil Judge (Junior Division) Kotdwara:**

Civil Judge (Junior Div.),Kotdwara exercises the civil powers over Kotdwara circle. He try the Civil suits up to the valuation of Rs. 100000-00. Civil Judge (Jr.Div.) has been empowered to try the criminal cases as judicial Magistrate Ist class . At present he has the powers to hear the criminal cases.

**Powers of Civil Judge (Junior Division) Lansdowne:**

Civil Judge (Junior Div.),Lansdowne exercises the civil powers over Lansdowne circle . He try the Civil suits up to the valuation of Rs. 100000-00. Civil Judge (Jr.Div.) has been empowered to try the criminal cases as judicial Magistrate Ist class . At present he has the powers to hear the criminal cases.

**Powers of Civil Judge (Junior Division) Dhumakot:**

Civil Judge (Junior Div.), Dhumakot exercises the civil powers over Dhumakot circle. He try the Civil suits up to the valuation of Rs.100000-00. Civil Judge (Jr.Div.) has been empowered to try the criminal cases as judicial Magistrate Ist class . At present he has the powers to hear the criminal cases.

**Powers of Judicial Magistrate Pauri Garhwal:**

All Jurisdictions in the criminal work deputed by the Chief Judicial Magistrate. To impose sentence of 3 years in the criminal case with in his jurisdiction. All other criminal cases under his jurisdiction.

**Powers of Civil Judge (Junior Division) Pauri Garhwal:**

To decide the Civil Suits up valuation of 10,000/- to those Judicial Officer whose service became 3 years old.  
To decide the Civil Suits of valuation of Rs 10,000/- to 25,000/- to those Judicial Officer whose services become more than 3 years.  
To decide the case under Utrakhand Urban Building, Rent Control and Enactment Act.  
To decide the Misc. Civil Suits.  
To decide the cases related under Succession Act for the property up to valuation of 25,000/-.  
All other civil cases under his jurisdiction.