Order Sheets in Magisterial Courts

- Based on General Rules and Circular Orders (Civil & Criminal), Volume I of Hon'ble Orissa High Court &
- Directions under various statutes

By Harihar Prsaad Satapathy, Retd. Grade-I B.C, Rayagada

WELCOME

- ଆଜିର ଅନଲାଇନ ଆଲୋଚନା କ୍ଲାସରେ ଯୋଗଦେଇଥିବା ମାଲକାନଗିରି ନ୍ୟାୟପାଳିକାର ସମସ୍ତ ବନ୍ଧୁମାନଙ୍କୁ ମୁଁ ସ୍ୱାଗତ କରୁଛି ।
- ତେବେ ମୋତେ ଏମିତି ଏକ ଆଲୋଚନା ପାଇଁ ସୁଯୋଗ ତଥା ଅନୁମତି ଦେଇଥିବାରୁ ପ୍ରଥମେ ମୁଁ ମାନ୍ୟବର ଜିଲା ଜଜ ମହୋଦୟଙ୍କୁ କୃତଜ୍ଞତା ଜଣାଉଛି .



Introduction

Regarding orders in judicial proceedings, these may be broadly divided into two parts i.e.

- 1) Formal Orders of day today proceeding and
- 2) Judicial orders allowing/rejecting any interim or final relief.

Drafting an order sheet in judicial courts is an art which needs both legal knowledge and drafting skill. So far as formal orders are concerned, ministerial staff/peskars need to acquire these skills. The presiding Officer of the court, no doubt deals with both the above aspects, but the P.O. concentrates mainly on judicial orders leaving the job of drafting formal orders to his assistant i.e. Bench clerk/ dealing assistant only to make a final touch of the drat order.

Formal orders in judicial proceedings are as important as judicial orders as they maintain continuity of the proceeding and make the judicial procedure complete in all respect. As such, members of judicial staff are encouraged to develop the skill/art of drafting formal orders in variety of judicial proceedings.

Main parts of a formal order

- Let un limit our discussion to formal orders which would cover first order sheets and day to day orders of formal nature.
- Formal orders consist of three main parts: i.e.

1) Background of the case /Previous direction or for what purpose it is posted

2) Today' s development: The happenings of the today' s proceedings and

3) The purpose for which it is posted i.e. the following part of the proceeding

REFERENCE RULES UNDER GR&CO(CrL.)vol-I (Order sheet for Magistrate's Courts)

- • 204. A form of order sheet in Form No. (M) 17, Volume II is to be used by the Magistrate and it shall form part of the record of each trial. The order sheet should be written in English. Note - 68[Order shall not be written on petitions, reports and other similar documents. The serial number and the date of the order passed on any petition shall be noted on such petition].
- • 205. The order sheet shall include every interlocutory order from the date of complaint or the date on which the accused is sent in custody to the Magistrate by the police and shall also contain the substance of the final order.
- 206. Each order entered in the order sheet shall be signed by the Magistrate.

REFERENCE RULES UNDER GR&CO(CrL.)vol-I

- 207. The commitment of the convict to jail, his release on bail granted by the trial appellate or revisional Court and his re- commitment to jail after disposal of the appeal or revision should invariably be noted in the order sheet of the original record of all the Criminal Courts. Note - When the original record is in the Appellate or Revisional Court the order may be recorded in a separate sheet and the same be sent to the Appellate or Revisional Court for being tagged to the original record.

. Reference rules under GR&CO(crl) vol-i

- Orissa High Court circulars emphasize that adjournments should be granted with reasons recorded (not just “ adjourned”).
- Note-1 to Rule 431(b) -Note - The Chief Ministerial Officer will note in the order sheet of the record of the case that the application for payment order has been passed so that a second claim for the amount may be checked. This note should be signed by the Chief Ministerial Officer and also by the Presiding Officer.

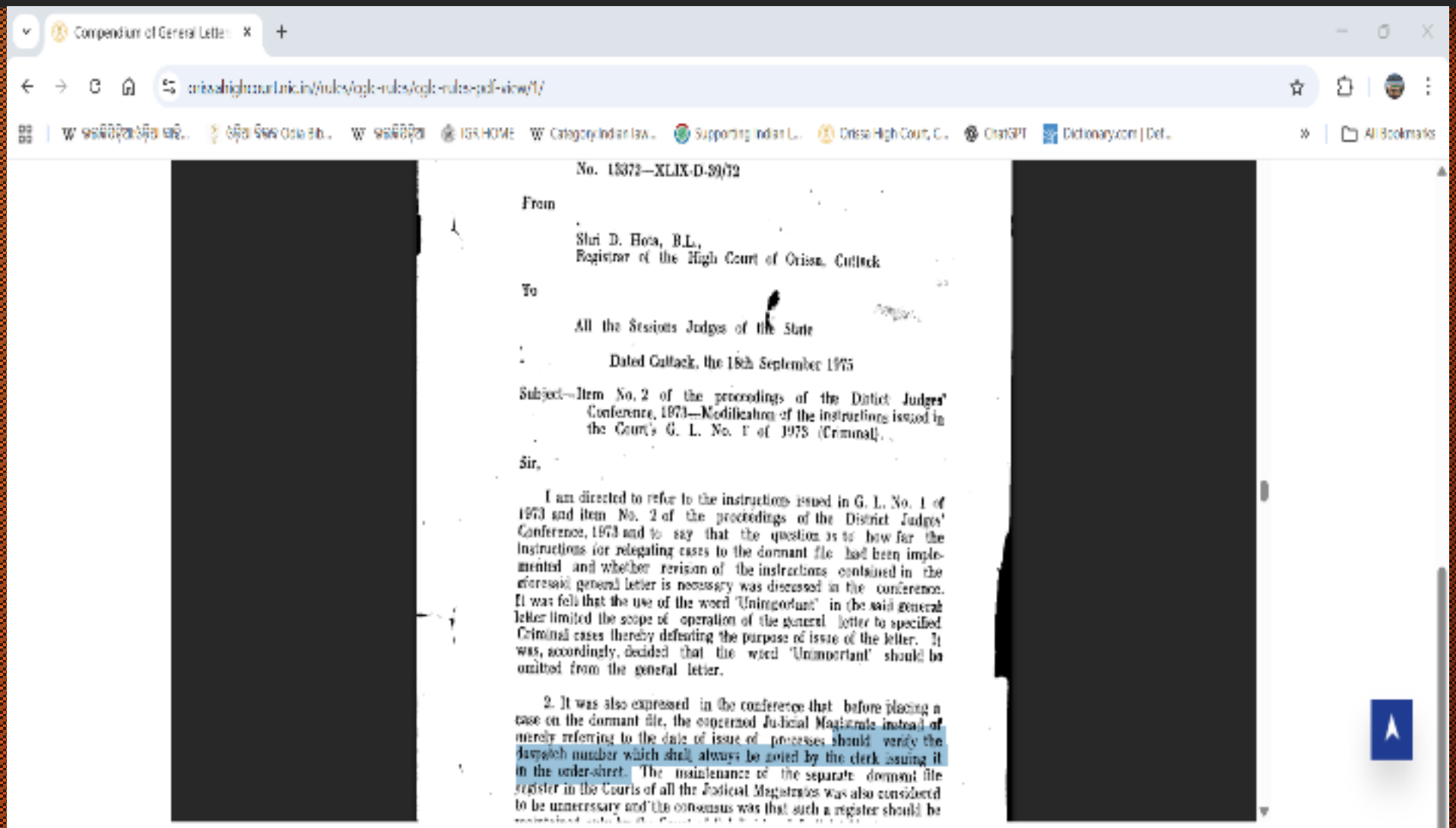
Important statutory provisions compliance of which needs to be noted

- Circulars of Hon’ ble High Court Hon’ ble S.C. such as
- 1) noting of PR no. in dormant order… The order of Hon’ ble Orissa High Court is shown in the next slide.(See Format-9)
- 2) Noting of justifying reasons of adjournment vide C.O.No. No. 3827 (30)/ Dated 26.04.2014 of Hon’ ble OHC, where it has been held that

“ Adjournment should not be granted casually or on mere asking. While granting adjournment, the reason(s) necessitating adjournment should be recorded.”

- 3) Whenever an accused is arrested & produced, the court enquires from the arrested person whether he has any complaint of torture or maltreatment in police custody. So we generally write “ Accused complains of no ill treatment by police while in police custody”
- **This is in fact directions of Hon’ ble Supreme Court of India in the case of Sheela Barse vs State Of Maharashtra on 15 February, 1983**

Circular Order No. 13372-XLIX-D-39/72 , dated 18th September 1975 of Hon’ ble High Court of Orissa



No. 13372—XLIX-D-39/72

From

Shri D. Hota, B.L.,
Registrar of the High Court of Orissa, Cuttack

To

All the Sessions Judges of the State

Dated Cuttack, the 18th September 1975

Subject—Item No. 2 of the proceedings of the District Judges' Conference, 1973—Modification of the instructions issued in the Court's G. L. No. 1 of 1973 (Criminal).

Sir,

I am directed to refer to the instructions issued in G. L. No. 1 of 1973 and item No. 2 of the proceedings of the District Judges' Conference, 1973 and to say that the question as to how far the instructions for relegating cases to the dormant file had been implemented and whether revision of the instructions contained in the aforesaid general letter is necessary was discussed in the conference. It was felt that the use of the word 'Unimportant' in the said general letter limited the scope of operation of the general letter to specified Criminal cases thereby defeating the purpose of issue of the letter. It was, accordingly, decided that the word 'Unimportant' should be omitted from the general letter.

2. It was also expressed in the conference that before placing a case on the dormant file, the concerned Judicial Magistrate instead of merely referring to the date of issue of processes should verify the dispatch number which shall always be noted by the clerk issuing it in the order-sheet. The maintenance of the separate dormant file register in the Courts of all the Judicial Magistrates was also considered to be unnecessary and the consensus was that such a register should be

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Do not get confused

- Very often conditional orders are passed in formal orders inn judicial proceedings:
- A very common example would be when cost is imposed in formal orders while granting adjournment or while allowing an withdrawal. Such orders **are not always conditional.**
- So be sure to use the word **subject to payment of cost of** Rs… … … while passing a conditional order while allowing adjournment which is an interim order. In this case the final order depends upon the fact that if the cost is paid or not.
- But in case of a final when i.e. when a withdrawal petition is allowed with cost it means the prayer is allowed and the other party has to pay the cost and in case of non payment the petitioner has the liberty to realise the cost as per law.

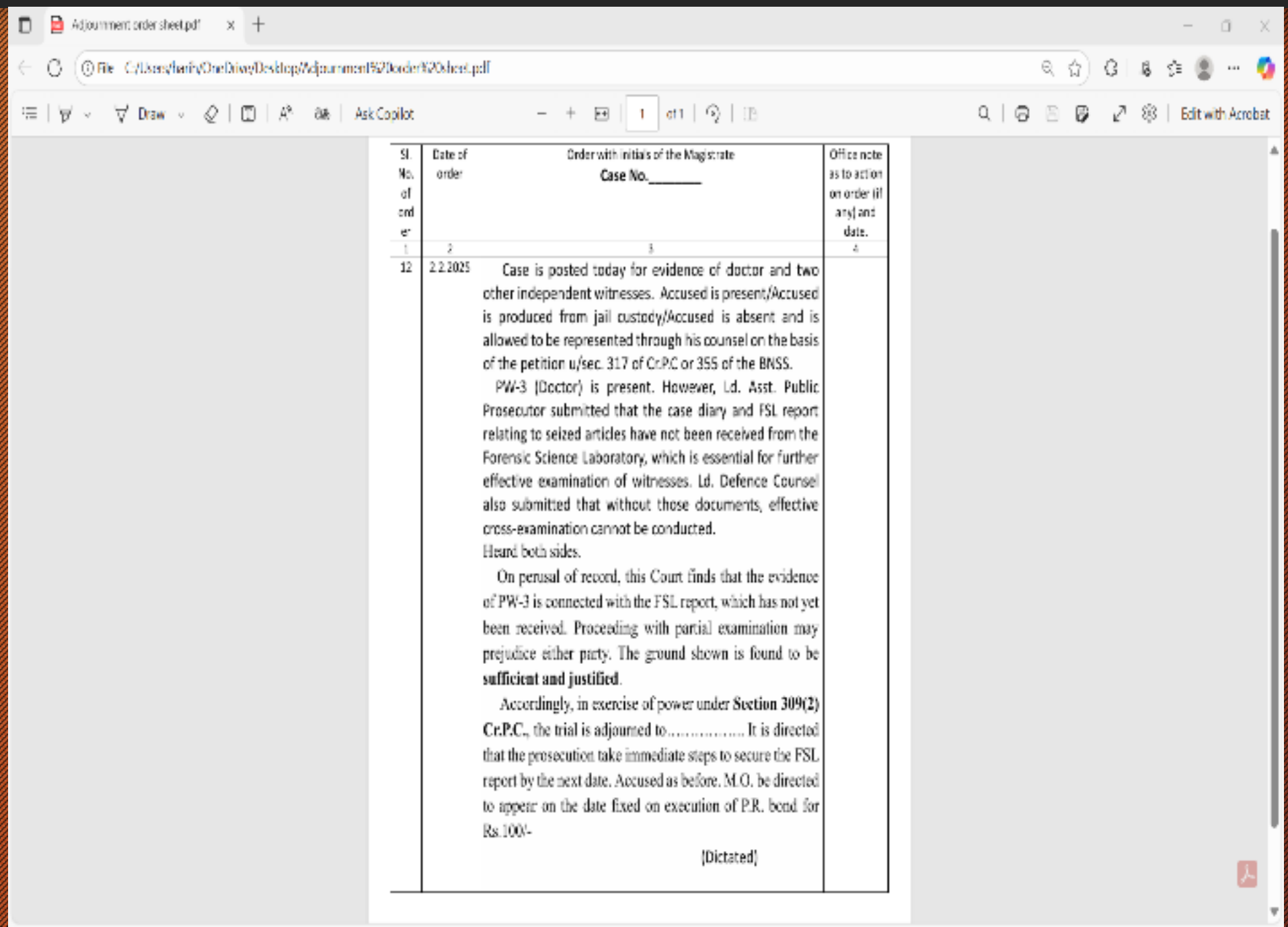
. Reasons for Adjournments

- • Sec.309(i) of Cr.P.C which corresponds to Sec.346 of BNSS mandates that:
- In every inquiry or trial the proceedings 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;

So Mention specific reasons for granting adjournments

- • Some examples are: illness of accused/witness, Non service of summons, Non production of a document etc.
- A model order sheet where court granted adjournment during trial is shown in Format-1:

1.Sample order allowing adjournment



Adjournment order sheet.pdf

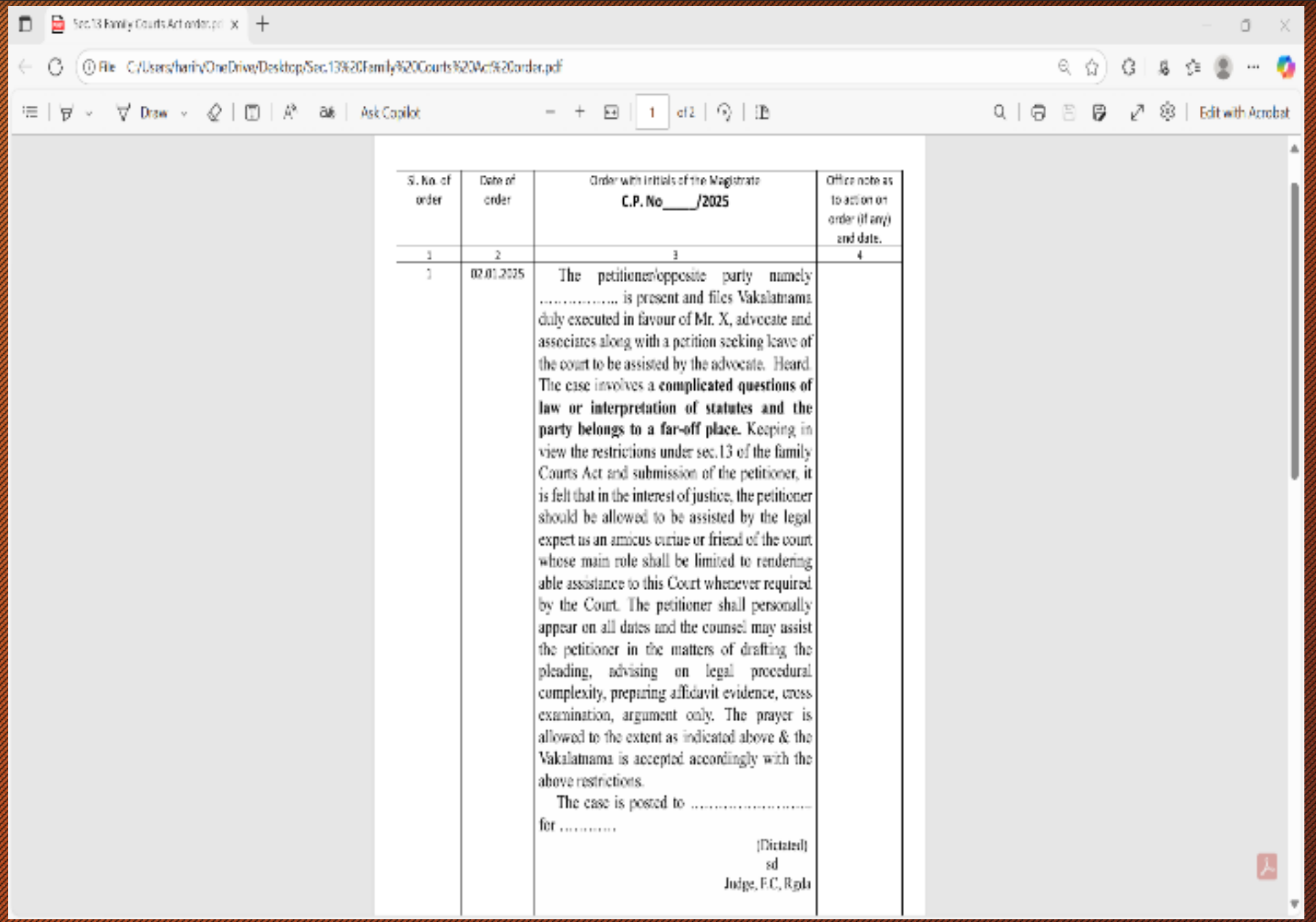
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Sl. No. of order	Date of order	Order with initials of the Magistrate Case No._____	Office note as to action on order (if any) and date.
1	2	3	4
12	2.2.2025	Case is posted today for evidence of doctor and two other independent witnesses. Accused is present/Accused is produced from jail custody/Accused is absent and is allowed to be represented through his counsel on the basis of the petition u/sec. 317 of Cr.P.C or 355 of the BNSS. PW-3 (Doctor) is present. However, Ld. Asst. Public Prosecutor submitted that the case diary and FSL report relating to seized articles have not been received from the Forensic Science Laboratory, which is essential for further effective examination of witnesses. Ld. Defence Counsel also submitted that without those documents, effective cross-examination cannot be conducted. Heard both sides. On perusal of record, this Court finds that the evidence of PW-3 is connected with the FSL report, which has not yet been received. Proceeding with partial examination may prejudice either party. The ground shown is found to be **sufficient and justified**. Accordingly, in exercise of power under **Section 309(2) Cr.P.C.**, the trial is adjourned to…… It is directed that the prosecution take immediate steps to secure the FSL report by the next date. Accused as before. M.O. be directed to appear on the date fixed on execution of P.R. bond for Rs.100/- (Dictated)	

You need to know Exceptional facts

- In almost all cases acceptance of Vakalatnama is treated like a formal order subject to compliance of other technicalities such as due execution with name, Enrolment number of the Advocate, signature of advocate and party and of course properly stamped in accordance the Indian stamp act with Odisha amendment.• But in Family Court matters acceptance of Vakalatnama on behalf of a party is a judicial order where the Court exercises its judicial power whether to accept the Vakalatnama allowing the counsel to act as an amicus curiae or not.
- So acceptance of V.nama in Family Court cases is a judicial order strictly to be dealt by the court on merit.
- Relevant rule Sec.13 of Family Courts Act. Format-2 next page

2.Sample order allowing acceptance of Vakalatnama in Family Courts

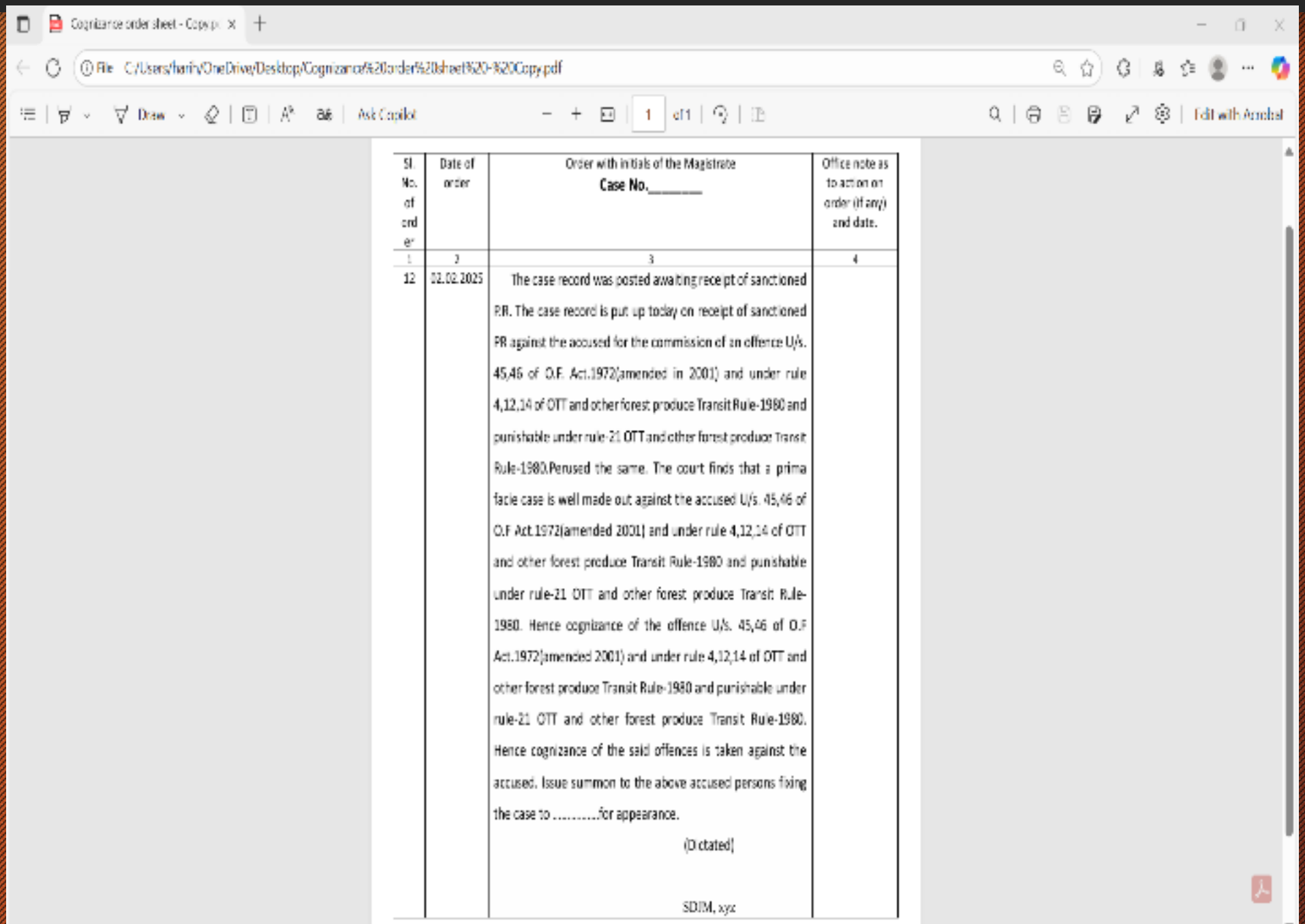


Sl. No. of order	Date of order	Order with initials of the Magistrate C.P. No____/2025	Office note as to action on order (if any) and date.
1	2	3	4
1	02.01.2025	The petitioner/opposite party namely …….. is present and files Vakalatnama duly executed in favour of Mr. X, advocate and associates along with a petition seeking leave of the court to be assisted by the advocate. Heard. The case involves a **complicated questions of law or interpretation of statutes and the party belongs to a far-off place.** Keeping in view the restrictions under sec.13 of the family Courts Act and submission of the petitioner, it is felt that in the interest of justice, the petitioner should be allowed to be assisted by the legal expert as an amicus curiae or friend of the court whose main role shall be limited to rendering able assistance to this Court whenever required by the Court. The petitioner shall personally appear on all dates and the counsel may assist the petitioner in the matters of drafting the pleading, advising on legal procedural complexity, preparing affidavit evidence, cross examination, argument only. The prayer is allowed to the extent as indicated above & the Vakalatnama is accepted accordingly with the above restrictions. The case is posted to …….. for …… [Dictated] sd Judge, F.C, Rgh	

3. Sample Format – Cognizance taking Order in Forest case.

- Upon receipt of final/sanctioned P.R. the court is reqyired to go through the papers submitted by the prosecution and pass a speaking order taking cognizance of the offence i.e. taking judicial notice of the offence.
- The order sheet shall indicate that the court has gone through the papers to ascertain whether or not a prime facie case is made out against the accused/accused persons of the alleged offences.
- A sample order is in the next slide:Format-3:

3.Sample order forwarding of accused in Forest cases



Cognizance order sheet - Copy.p

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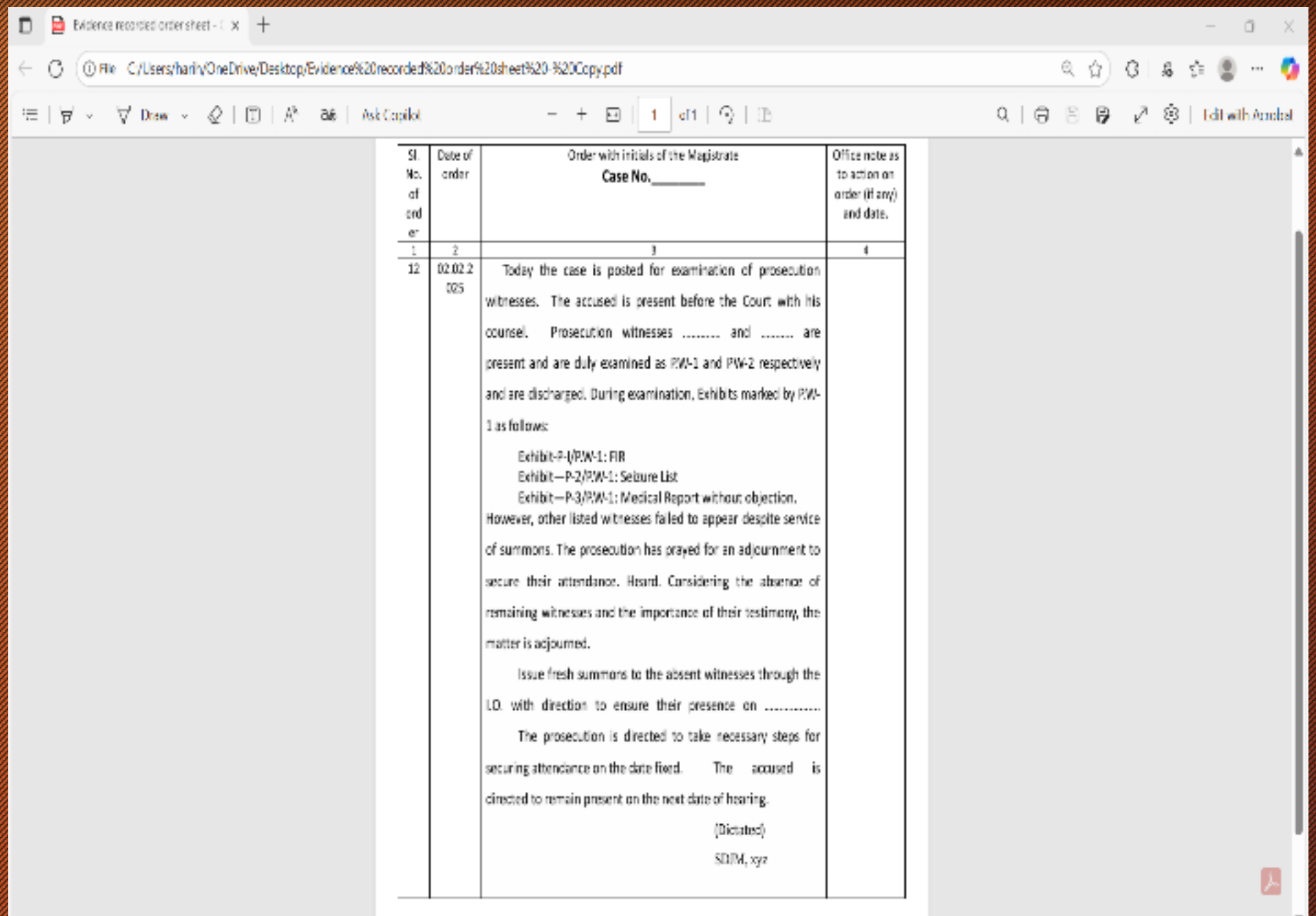
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Sl. No. of order	Date of order	Order with initials of the Magistrate **Case No._____**	Office note as to action on order (if any) and date.
1	2	3	4
12	02.02.2025	The case record was posted awaiting receipt of sanctioned P.R. The case record is put up today on receipt of sanctioned PR against the accused for the commission of an offence U/s. 45,46 of O.F. Act.1972(amended in 2001) and under rule 4,12,14 of OTT and other forest produce Transit Rule-1980 and punishable under rule-21 OTT and other forest produce Transit Rule-1980.Perused the same. The court finds that a prima facie case is well made out against the accused U/s. 45,46 of O.F Act.1972(amended 2001) and under rule 4,12,14 of OTT and other forest produce Transit Rule-1980 and punishable under rule-21 OTT and other forest produce Transit Rule-1980. Hence cognizance of the offence U/s. 45,46 of O.F Act.1972(amended 2001) and under rule 4,12,14 of OTT and other forest produce Transit Rule-1980 and punishable under rule-21 OTT and other forest produce Transit Rule-1980. Hence cognizance of the said offences is taken against the accused. Issue summon to the above accused persons fixing the case to .....for appearance. (Dictated) SDJM, xyz	

4.Sample Format – Witness Examination

- In criminal cases when evidence is recorded, the presence/absence of accused and attendance of witnesses with their names is to be noted. If exhibits are marked it should be specified which documents with what marks and if with or without objection. Above all, regarding the next stage the reasons for adjournment and specific directions for further proceeding should be clearly noted, i.e the operative parat should be clear.
- A sample of such order is in the next slide:Format-4

4. Sample Format – Witness Examination in Criminal case

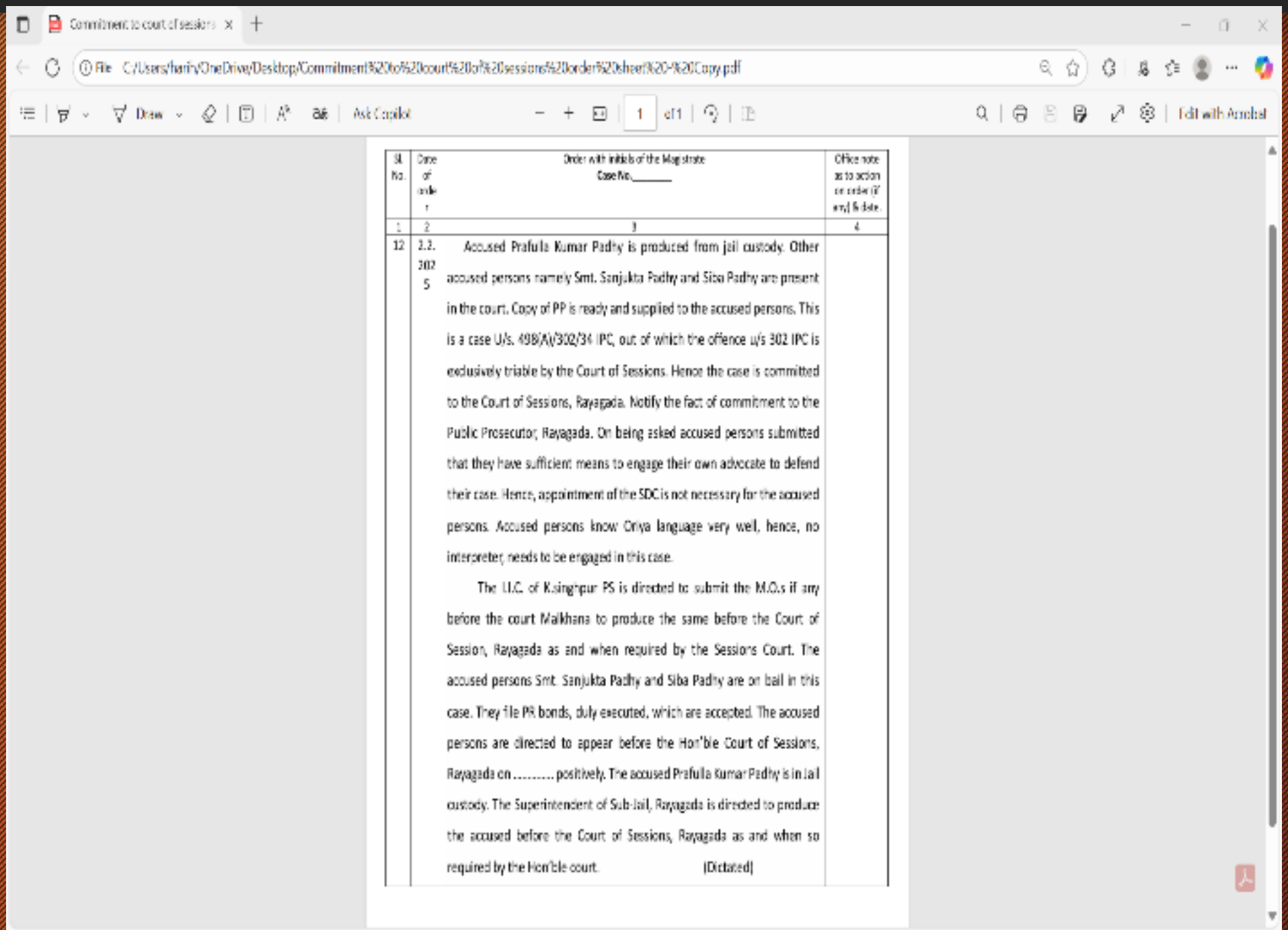


Sl. No. of order	Date of order	Order with initials of the Magistrate **Case No._____**	Office note as to action on order (if any) and date.
1	2	3	4
12	02.02.2025	Today the case is posted for examination of prosecution witnesses. The accused is present before the Court with his counsel. Prosecution witnesses ..... and ..... are present and are duly examined as PW-1 and PW-2 respectively and are discharged. During examination, Exhibits marked by PW-1 as follows: Exhibit-P-1/PW-1: FIR Exhibit—P-2/PW-1: Seizure List Exhibit—P-3/PW-1: Medical Report without objection. However, other listed witnesses failed to appear despite service of summons. The prosecution has prayed for an adjournment to secure their attendance. Heard. Considering the absence of remaining witnesses and the importance of their testimony, the matter is adjourned. Issue fresh summons to the absent witnesses through the I.O. with direction to ensure their presence on ..... The prosecution is directed to take necessary steps for securing attendance on the date fixed. The accused is directed to remain present on the next date of hearing. (Dictated) SDJM, xyz	

5. Sample Format – Commitment to Sessions Court

- When a case is committed to the court of sessions, the ground for which case is committed to the court of sessions needs to be noted. In addition, it should be clearly expressed that whether the accused persons can engage their own counsel or need state defence counse. Furthermore, it is to be made clear that whether any interpreter is necessary during the sessions trial so that the sessions court can arrange SDC/interpreter sufficiently before the trial starts.
- A sample of the above order is in the next slide:Format-5 :

5. Sample Format – Commitment of accused to Sessions Court

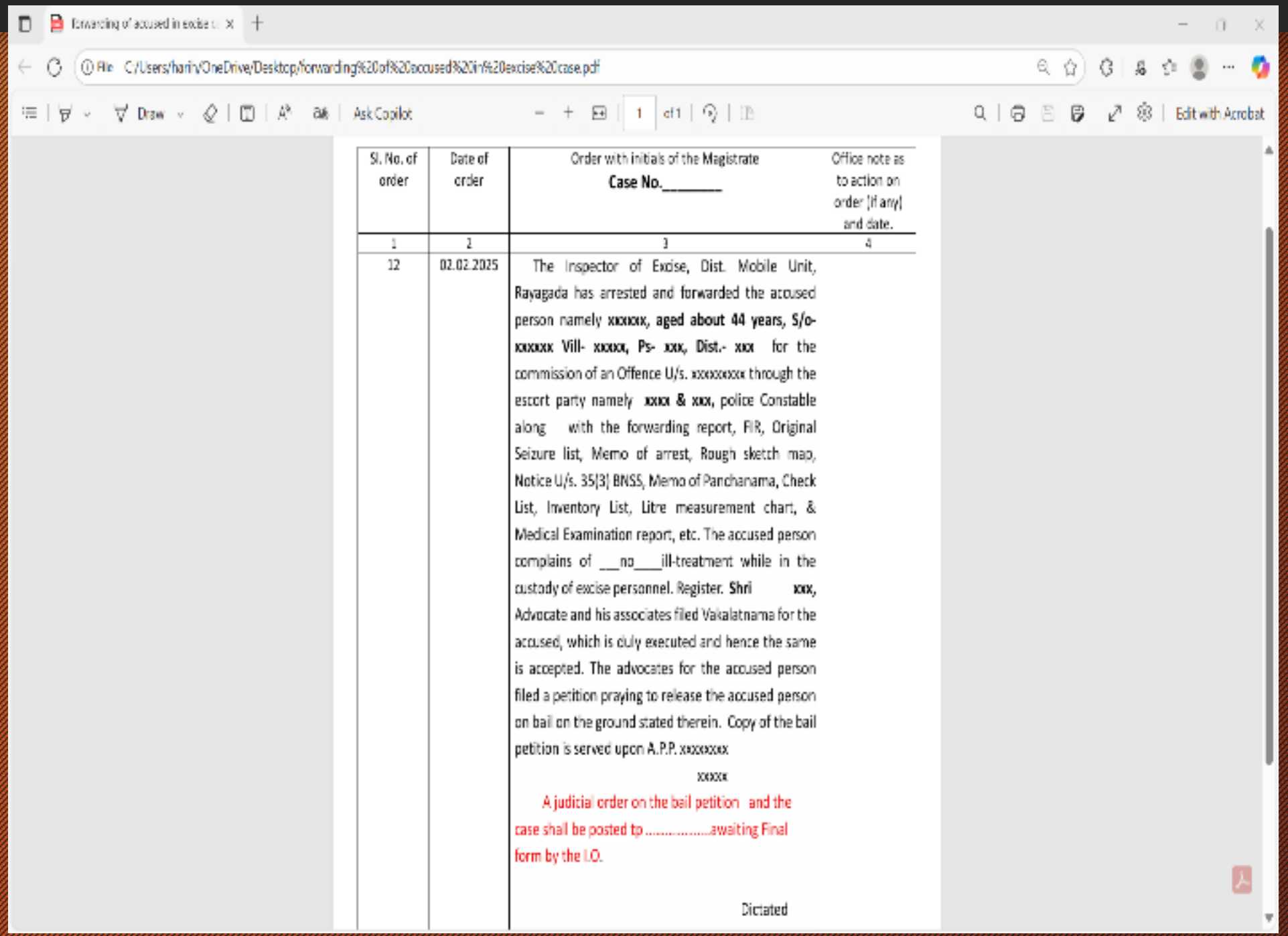


Sl. No.	Date of order	Order with initials of the Magistrate Case No._____	Office note as to action or order (if any) & date.
1	2	3	4
12	2.2.2025	Accused Prafula Kumar Padhy is produced from jail custody. Other accused persons namely Smt. Sanjukta Padhy and Siba Padhy are present in the court. Copy of PP is ready and supplied to the accused persons. This is a case U/s. 498(A)/302/34 IPC, out of which the offence u/s 302 IPC is exclusively triable by the Court of Sessions. Hence the case is committed to the Court of Sessions, Rayagada. Notify the fact of commitment to the Public Prosecutor, Rayagada. On being asked accused persons submitted that they have sufficient means to engage their own advocate to defend their case. Hence, appointment of the SDC is not necessary for the accused persons. Accused persons know Oriya language very well, hence, no interpreter, needs to be engaged in this case. The I.I.C. of Kasinghpur PS is directed to submit the M.O.s if any before the court Malkhana to produce the same before the Court of Session, Rayagada as and when required by the Sessions Court. The accused persons Smt. Sanjukta Padhy and Siba Padhy are on bail in this case. They file PR bonds, duly executed, which are accepted. The accused persons are directed to appear before the Hon'ble Court of Sessions, Rayagada on ..... positively. The accused Prafula Kumar Padhy is in Jail custody. The Superintendent of Sub-Jail, Rayagada is directed to produce the accused before the Court of Sessions, Rayagada as and when so required by the Hon'ble court. (Dictated)	

6.Sample Format – Accused forwarded in excise case

- When one or more accused are forwarded in excise case by excise personnel or in police case by police with forwarding report and other police/prosecution papers, the accused shall be taken into judicial custody after ascertaining that whether any ill treatment has been madem to the accused by the forwarding authority while in custody of the said authority. A case shall be registered.
- Then if a bail petition is moved the fact shall be noted in the said first order sheet and dealt accordingly.
- The next step of the case shall be awaiting Final form/CS
- A sample form of such first order is in next slide:Format-6

6. Sample Format – Accused forwarded in excise case

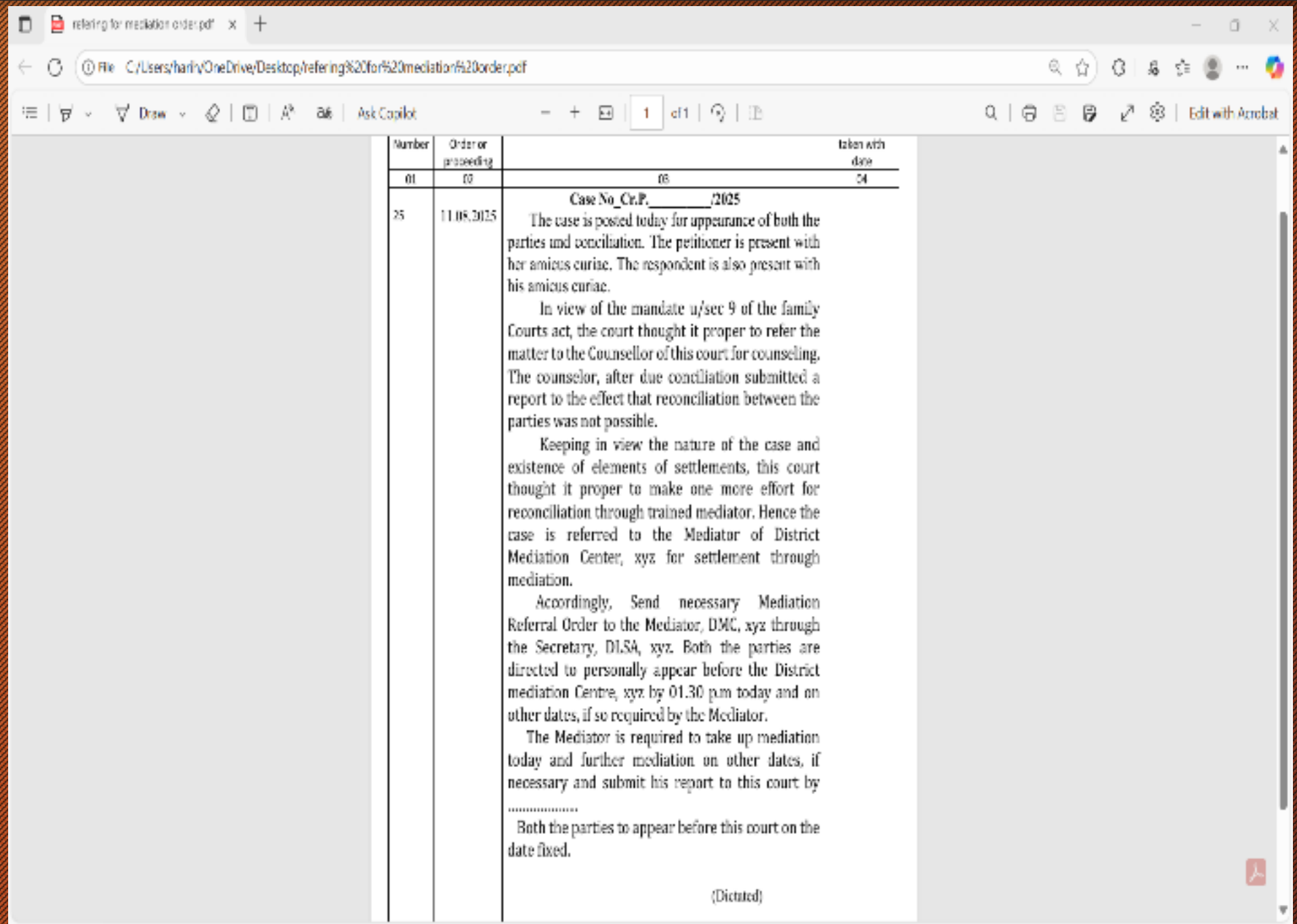


Sl. No. of order	Date of order	Order with initials of the Magistrate **Case No._____**	Office note as to action on order (if any) and date.
1	2	3	4
12	02.02.2025	The Inspector of Excise, Dist. Mobile Unit, Rayagada has arrested and forwarded the accused person namely **xxxxxx, aged about 44 years, S/o-xxxxxx Vill- xxxxx, Ps- xxx, Dist.- xxx** for the commission of an Offence U/s. xxxxxxxx through the escort party namely **xxxx & xxx,** police Constable along with the forwarding report, FIR, Original Seizure list, Memo of arrest, Rough sketch map, Notice U/s. 35(3) BNSS, Memo of Panchanama, Check List, Inventory List, Litre measurement chart, & Medical Examination report, etc. The accused person complains of ___no____ill-treatment while in the custody of excise personnel. Register. **Shri xxx,** Advocate and his associates filed Vakalatnama for the accused, which is duly executed and hence the same is accepted. The advocates for the accused person filed a petition praying to release the accused person on bail on the ground stated therein. Copy of the bail petition is served upon A.P.P. xxxxxxx xxxxx A judicial order on the bail petition and the case shall be posted to .....awaiting Final form by the I.O. Dictated	

7. Referring a family dispute matter for mediation

- • Section 9 of the Family Courts Act (Sec.89 of the CPC)mandates that- *“ In every suit or proceeding, it shall be the duty of the Family Court to make efforts for settlement before proceeding to hear the matter.”*
- Furthermore**Supreme Court Guidelines in *Afcons Infrastructure Ltd. v. Cherian Varkey Construction Co. (P) Ltd.*, (2010) 8 SCC 24 observed that:-**
- ***“ All matrimonial disputes including maintenance, custody, guardianship, etc., should normally be referred to mediation.”***
- **As such, after appearance of both the parties, an order should be made refereeing the matter to mediation.**
- **A sample of the above order is in the next slide:Format-7**

7. Referring a family dispute matter for mediation

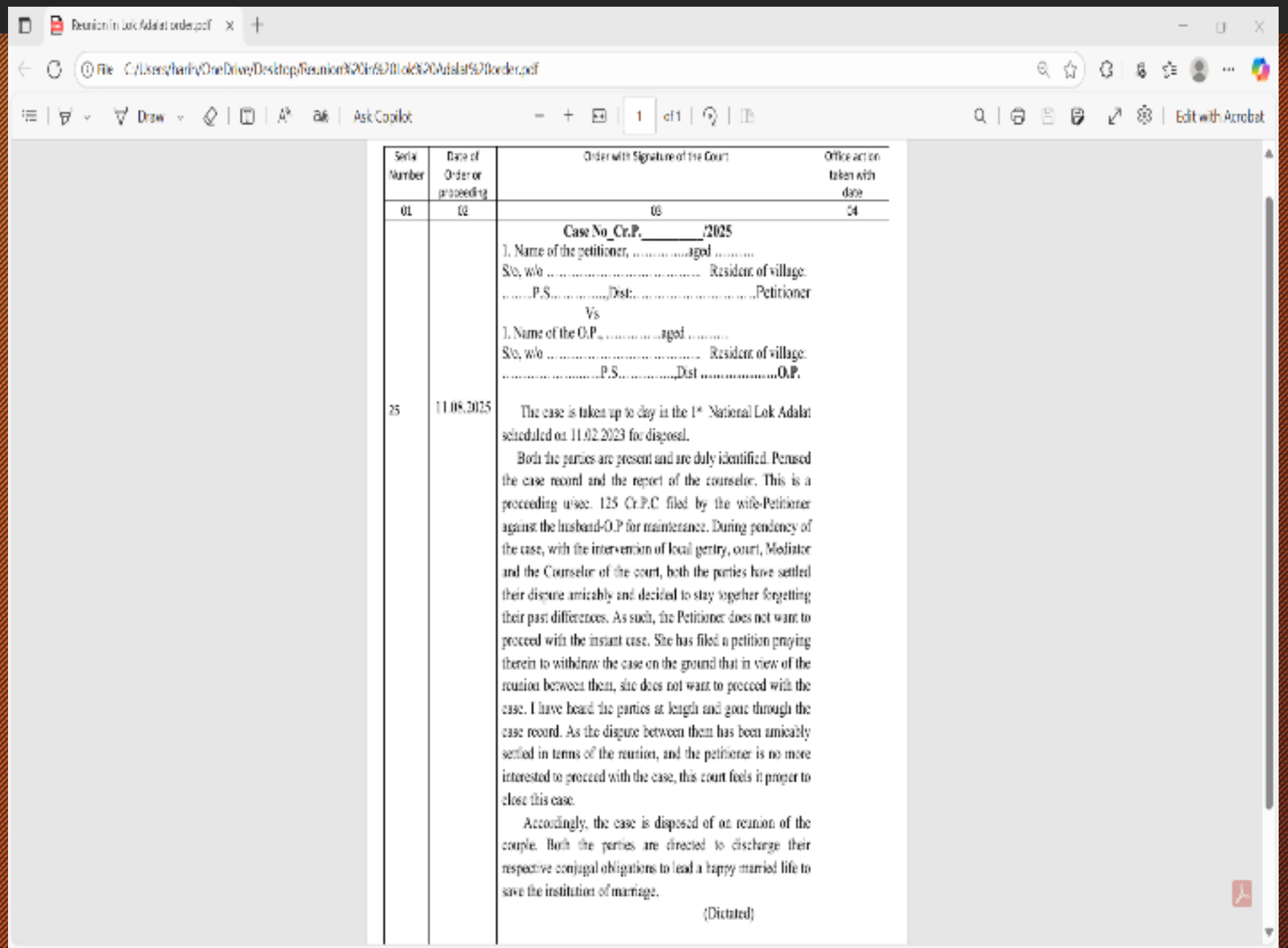


Number	Order or proceeding		taken with date
01	02	03	04
25	11.09.2025	Case No_Cr.P._____/2025 The case is posted today for appearance of both the parties and conciliation. The petitioner is present with her amicus curiae. The respondent is also present with his amicus curiae. In view of the mandate u/sec 9 of the family Courts act, the court thought it proper to refer the matter to the Counsellor of this court for counseling. The counselor, after due conciliation submitted a report to the effect that reconciliation between the parties was not possible. Keeping in view the nature of the case and existence of elements of settlements, this court thought it proper to make one more effort for reconciliation through trained mediator. Hence the case is referred to the Mediator of District Mediation Center, xyz for settlement through mediation. Accordingly, Send necessary Mediation Referral Order to the Mediator, DMC, xyz through the Secretary, DLSA, xyz. Both the parties are directed to personally appear before the District mediation Centre, xyz by 01.30 p.m today and on other dates, if so required by the Mediator. The Mediator is required to take up mediation today and further mediation on other dates, if necessary and submit his report to this court by ..... Both the parties to appear before this court on the date fixed. (Dictated)	

8. Reunion of a couple in Lok Adalat

- • When matrimonial cases, especially 125 Cr.P.C/144 BNSS proceedings are taken up and disposed of in the Lok Adalat, the matter is dealt keeping in view the interest of both the parties as well as the sentiments of Lok Adalat.
- In a case of this nature, the order sheet must disclose that the dispute has been settled leaving no room for any conditional order.
- A sample of such reunion order between wife and husband is in next slide-Format-8:

8. Sample order of reunion of a couple in Lok Adalat



Serial Number	Date of Order or proceeding	Order with Signature of the Court	Office action taken with date
01	02	03	04
		Case No_Cr.P._____/2025 1. Name of the petitioner, ……aged …… S/o, w/o …… Resident of village. ……P.S.……,Dist:……Petitioner Vs 1. Name of the O.P., ……aged …… S/o, w/o …… Resident of village. ……P.S.……,Dist ……**O.P.**	
25	11.08.2025	The case is taken up to day in the 1st National Lok Adalat scheduled on 11.02.2023 for disposal. Both the parties are present and are duly identified. Perused the case record and the report of the counselor. This is a proceeding u/sec. 125 Cr.P.C filed by the wife-Petitioner against the husband-O.P for maintenance. During pendency of the case, with the intervention of local gentry, court, Mediator and the Counselor of the court, both the parties have settled their dispute amicably and decided to stay together forgetting their past differences. As such, the Petitioner does not want to proceed with the instant case. She has filed a petition praying therein to withdraw the case on the ground that in view of the reunion between them, she does not want to proceed with the case. I have heard the parties at length and gone through the case record. As the dispute between them has been amicably settled in terms of the reunion, and the petitioner is no more interested to proceed with the case, this court feels it proper to close this case. Accordingly, the case is disposed of on reunion of the couple. Both the parties are directed to discharge their respective conjugal obligations to lead a happy married life to save the institution of marriage. (Dictated)	

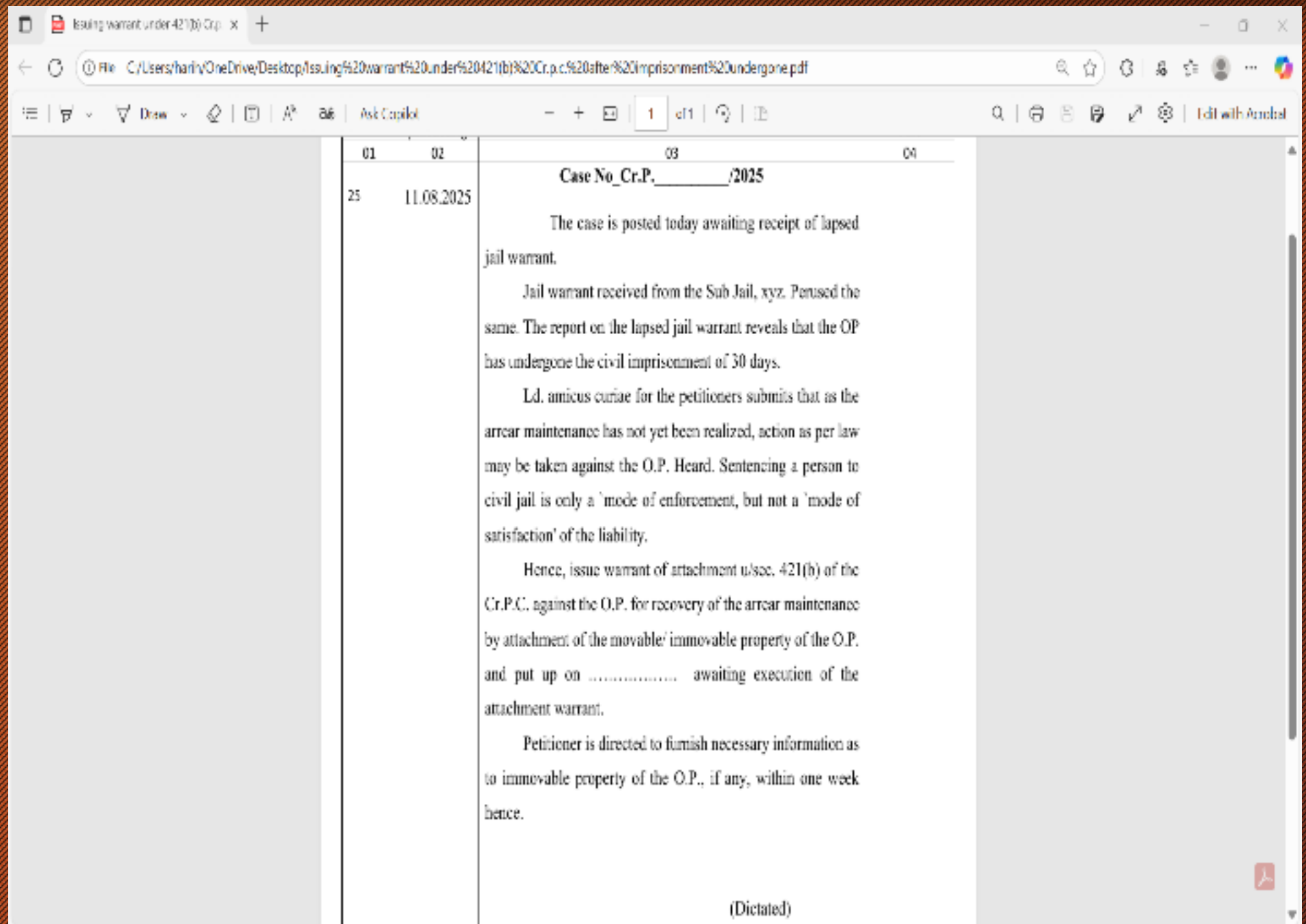
9. Sample Format – Order placing a case to dormant file

- A case can be relegated to dormant file under rule under four different circumstances as defined in 326 of the GR&CO (CrI) vol-I
- One of the occasion where 326 (C) of GR&CO (CrI) vol-I provides that
- (c) In police cases where action under Sections 82 and 83, Criminal Procedure Code has been taken, but the proclamation and attachment have not been affected by the police during a period of three months from the date of issue of such proclamation and attachment.
- In this regard the BC should know that one Circular No.13372, daed 18.9.1975 of the OHC mandates that " It shall be the duty of the clerk issuing the processes to note the despatch ' number in the order-sheet of record.
- The sample form is in next slide-Format-9

10.Issue of warrant u/sec. 421(b) of Cr.P.C after expiry of default imprisonment

- • When a O.P., due to his failure to pay maintenance to his wife in an execution case, is sent to civil imprisonment and the imprisonment is over, then normally, the case does not close. The court adopts other options like attachment of his immovables/moveable's for recovery of the arrear maintenance.
- This is also applicable in cases where fine is imposed as a matter of compensation and the same is not recovered. In such cases, even after the so called default imprisonment is over, the court proceeds to realise the compensation/arrear maintenance by issue of warrant under section 421(b) of the Cr,p,c. to the Collector concerned.
- The reason must be recorded in the order sheet.
- In such mattes, the sample order is in slide-Format-10:

10.Sample order-Issue of warrant u/sec. 421(b) of Cr.P.C after expiry of default imprisonment



01	02	03	04
25	11.08.2025	**Case No_Cr.P._____/2025** The case is posted today awaiting receipt of lapsed jail warrant. Jail warrant received from the Sub Jail, xyz. Perused the same. The report on the lapsed jail warrant reveals that the OP has undergone the civil imprisonment of 30 days. Ld. amicus curiae for the petitioners submits that as the arrear maintenance has not yet been realized, action as per law may be taken against the O.P. Heard. Sentencing a person to civil jail is only a 'mode of enforcement, but not a 'mode of satisfaction' of the liability. Hence, issue warrant of attachment u/sec. 421(b) of the Cr.P.C. against the O.P. for recovery of the arrear maintenance by attachment of the movable/ immovable property of the O.P. and put up on ..... awaiting execution of the attachment warrant. Petitioner is directed to furnish necessary information as to immovable property of the O.P., if any, within one week hence. (Dictated)	

. Conclusion – Best Practices

- Maintain accuracy, clarity, and completeness
- Reflect fairness and brevity. no lengthy sentence
- Follow prescribed abbreviations (e.g., PWs for Prosecution Witnesses etc.)
- Simple language using legal words and phrases, Avoid ornamental language,
- speaking order with clarity in the operative part of the order.
- **A well-maintained order sheet enhances credibility of judicial process**

Thank You----A humble request

- Till the next discussion… … … … … … .
- You can go through
- My article in English Wikipedia..
- Plaint Checking under Indian law or
- My article -Place of suing under Civil Procedure Code in Legal service India or

Please visit my user page User:Hpsatapathy in odia Wikipedia to know basic legal write-ups in Odia language.