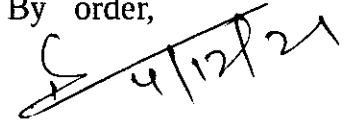


**OFFICE OF THE DISTRICT & SESSIONS JUDGE ::: BONGAIGAON.**  
No.DJB.VIII-1/2021 / 5316 - 25 Dated Bongaigaon the 04<sup>th</sup> December, 2021.

In enclosing herewith the Copy of **ORDER** dtd. 25-09-2020 in connection with W.P.(C) (Sou Moto) No. 03/2020 passed by Hon'ble Gauhati High Court, Guwahati along with a letter vide under Memo No. JDJ.242/2020/8 Dated Dispur the 20-11-2021 issued by Govt. of Assam, Judicial Department, Judicial Branch, Dispur, Guwahati is forwarded for kind information and necessary action to :-

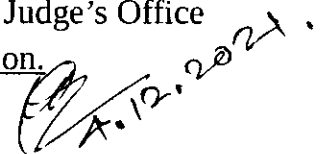
01. The Addl. District & Sessions Judge, (F.T.C.), North-Salmara, Abhayapuri.
02. The Civil Judge & Asstt. Sessions Judge, Bongaigaon.
03. The Chief Judicial Magistrate, Bongaigaon.
04. The Secretary, D L S A, Bongaigaon.
05. The Addl. Chief Judicial Magistrate, Bongaigaon.
06. The Sub-Divisional Judicial Magistrate (M), North Salmara, Abhayapuri.
07. The Sub-Divisional Judicial Magistrate (S), Bongaigaon.
08. The Munsiff-cum- J M 1<sup>st</sup> Class, North Salmara, Abhayapuri.
09. The Munsiff-cum- J M 1<sup>st</sup> Class, Bongaigaon.
- ✓ 10. The Systems Officer, Dist. Judiciary, Bongaigaon. He is asked to upload the same in the Official website and forward to the Judicial Officers, Bongaigaon through their respective email I D.
11. Office Copy.

By order,



( Shri A. K. Saha )

Chief Administrative Officer  
District & Sessions Judge's Office  
Bongaigaon.

  
A.12.2021.

GOVERNMENT OF ASSAM  
JUDICIAL DEPARTMENT :: JUDICIAL BRANCH  
DISPUR :: GUWAHATI-06

Dated Dispur the 20<sup>th</sup> November, 2021

No. JDJ.242/2020/8

From : Shri M.R. Barbhuiya,  
Joint L.R. & Joint Secretary to the Govt. of Assam,  
Judicial Department, Dispur,  
Guwahati-6.

To : The Public Prosecutor,  
.....( All District)

Sub : Regarding compliance with the Order of the Hon'ble Gauhati High Court Passed  
in WP( C) Sou Moto No.3/2020.

Sir/Madam,

In inviting a reference to the subject cited above, I am directed to enclose herewith a copy of the order dated 25.09.2020 passed in aforesaid Writ Petition, whereby, the Hon'ble Gauhati High Court directed the State Respondents to take all necessary and appropriate steps in the pending criminal trials involving sitting Legislators / Ex- Legislators in the courts to secure expeditious disposal of such cases.

You are, therefore, requested to identify such relevant cases in your respective districts, pay personnel attention in those cases and ensure due action and diligence in the conduct of those cases particularly avoiding of unnecessary adjournment /delay so as to ensure speedy and expeditious disposal of such case.

This has the approval of L.R. & Secretary, Judicial department.

Yours faithfully,

*h*  
20.11.2021

Joint L.R. & Joint Secretary to the Govt. of Assam  
Judicial Department

Dated Dispur the 20<sup>th</sup> November, 2021

Memo No. No. JDJ.242/2020/8-A

Copy for information to:-

The Addl. DGP( Prosecution), Assam, Ulubari, Guwahati-7 with reference to their letter No. ADGP(Prosn)/Suo-moto No. 3/2020/109/2020/212., dated 04.11.2020.

By Order etc.

Joint L.R. & Joint Secretary to the Govt. of Assam  
Judicial Department

*Rel No-1589*  
*30/11/2021*

*See circulate to all offices*

*30/11/21*



Bongaigaon Court &lt;bongaigaon.session@gmail.com&gt;

## Regarding compliance with the Order of the Hon'ble Gauhati High court Passed in W.P.(C) Suo Moto No. 3/2020.

1 message

Judicial Department &lt;judicialdeptassam@gmail.com&gt;

29 November 2021 at 13:50

To: Barpeta District Court <barpeta.sessions@gmail.com>, Bongaigaon District Court <bongaigaon.session@gmail.com>, Darrang District Court <darrang.session@gmail.com>, Dibrugarh District Court <dibrugarh.session@gmail.com>, Golaghat District Court <golaghat.session@gmail.com>, Goalpara District Court <goalpara.session@gmail.com>, Hailakandi District Court <hailakandi.session@gmail.com>, Jorhat District Court <jorhat.session@gmail.com>, Kokrajhar District Court <kokrajhar.session@gmail.com>, Karimganj District Court <karimganj.session@gmail.com>, Lakhimpur District Court <lakhimpur.session@gmail.com>, Mahbub Ahmed <morigaon.session@gmail.com>, Nalbari District Court <nalbari.session@gmail.com>, Nagaon District Court <nagaon.session@gmail.com>, Cachar District Court <silchar.session@gmail.com>, Tinsukia District Court <tinsukia.session@gmail.com>, "udalguri.session" <udalguri.session@gmail.com>, District Court Kamrup Rural <kamruprural.session@gmail.com>, Sivasagar District Court <sivasagar.session@gmail.com>, Dhubri District Court <dhubri.session@gmail.com>, Kishore Talukdar <guwahati.session@gmail.com>, Sonitpur District Court <tezpur.sessions@gmail.com>, Dhemaji District Court <dhemaji.session@gmail.com>, Chirang Court <chirang.session@gmail.com>, dsj haflong <dsj.haflong@gmail.com>, baksa session <baksa.session@gmail.com>, diphu session <diphu.session@gmail.com>, "Cc: bhupen kumar Nath" <bhupenknath@gmail.com>, District & Sessions Judge Barpeta <dj-barpeta@nic.in>, District & Sessions Judge Bongaigaon <dj-bongaigaon@nic.in>, Pratap kumar Roy <dj-darrang@nic.in>, District & Sessions Judge Dibrugarh <dj-dibrugarh@nic.in>, "D.BORBORA" <dj-golaghat@nic.in>, District & Sessions Judge Goalpara <dj-goalpara@nic.in>, District & Sessions Judge Hailakandi <dj-hailakandi@nic.in>, District & Sessions Judge Jorhat <dj-jorhat@nic.in>, District & Sessions Judge Kokrajhar <dj-kokrajhar@nic.in>, District & Sessions Judge Kari <dj-karimganj@nic.in>, DSJ Lakhimpur <dj-lakhimpur@nic.in>, District & Sessions Judge Morigaon <dj-morigaon@nic.in>, District & Sessions Judge Nalbari <dj-nalbari@nic.in>, District & Sessions Judge Nagaon <dj-nagaon@nic.in>, District & Sessions Judge Cach <dj-cachar@nic.in>, District & Sessions Judge Tinsukia <dj-tinsukia@nic.in>, District & Sessions Judge Sivasagar <dj-sivasagar@nic.in>, dj-kamrup <dj-kamrup@nic.in>, District & Sessions Judge Sonitpur <dj-sonitpur@nic.in>, District & Sessions Judge Dhemaji <dj-dhemaji@nic.in>, dj-kamruprural <dj-kamruprural@nic.in>, District & Sessions Judge Dhubri <dj-dhubri@nic.in>, dj-udalguri@nic.in, dj-chirang@gov.in, dj-karbianglong@assam.gov.in, dimahasao <dj.dimahasao@assam.gov.in>, Registrar General <rg1.ghc@gmail.com>

Sir / Madam,

Kindly forward a copy of the same to the **Public Prosecutor** concerned.

Regards,  
Judicial Department, Assam.

Letter\_to\_All\_DJ.pdf  
154K

GAHC010133182020



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WP(C)(Suo Moto) 3/2020**

1:XXX  
GUWAHATI, ASSAM

VERSUS

1:STATE OF ASSAM  
REPRESENTED BY THE CHIEF SECRETARY, JANATA BHAWAN, DISPUR,  
GUWAHATI - 781006

2:STATE OF NAGALAND  
REPRESENTED BY THE CHIEF SECRETARY  
NAGALAND CIVIL SECRETARY  
KOHIMA - 797004

3:STATE OF MIZORAM  
REPRESENTED BY THE CHIEF SECRETARY  
MIZORAM SECRETARY  
AIZAWL - 796001

4:STATE OF ARUNACHAL PRADESH  
REPRESENTED BY THE CHIEF SECRETARY  
CIVIL SECRETARIAT  
ITANAGAR - 791111

5:THE ADDL. CHIEF SECRETARY TO THE GOVT. OF ASSAM  
HOME AND POLITICAL (A) DEPARTMENT  
JANATA BHAWAN  
DISPUR  
GUWAHATI - 781006

6:THE SPECIAL SECRETARY TO THE GOVT. OF NAGALAND  
HOME DEPARTMENT  
NAGALAND CIVIL SECRETARIAT  
KOHIMA - 797004

7:THE CHIEF SECRETARY TO THE GOVT. OF MIZORAM  
HOME DEPARTMENT  
MIZORAM SECRETARIAT  
NEW CAPITAL COMPLEX  
AIZAWL - 796001

8:THE COMMISSIONER TO THE GOVT. OF ARUNACHAL PRADESH  
HOME DEPARTMENT  
CIVIL SECRETARIAT  
ITANAGR - 791111

9:THE DIRECTOR GENERAL OF POLICE  
ASSAM  
POLICE HEADQUARTERS  
ULUBARI  
GUWAHATI - 781001

10:THE DIRECTOR GENERAL OF POLICE  
NAGALAND  
POLICE HEADQUARTERS  
P. R. HILL  
KOHIMA - 797001

11:THE DIRECTOR GENERAL OF POLICE  
MIZORAM  
POLICE HEADQUARTERS  
KHATLA  
AIZAWL - 796001

12:THE DIRECTOR GENERAL OF POLICE  
ARUNACHAL PRADESH  
POLICE HEADQUARTERS  
CHANDRANAGAR  
ITANAGR

13:THE ADDL. DGP (PROSECUTION)  
ASSAM  
ASSAM POLICE HEADQUARTERS  
ULUBARI  
GUWAHATI - 78100

**Advocate for the Petitioner** : MR. T J MAHANTA(SC, GHC)

**Advocate for the Respondent** : SC, AG

**BEFORE**  
**HONOURABLE THE CHIEF JUSTICE (ACTING) MR. N. KOTISWAR SINGH**  
**HONOURABLE MR. JUSTICE MIR ALFAZ ALI**

**ORDER**

**Date : 25-09-2020**

[*N. Kctiswar Singh, CJ (Acting)*]

Heard Mr. T. J. Mahanta, learned Standing Counsel, Gauhati High Court, who has been appointed as *amicus curiae* in this proceeding.

2. This *suo moto* writ petition has been taken up in terms of the direction issued by the Hon'ble Supreme Court in WP(C) No.699/2016 on 16.09.2020 directing constitution of a Special Bench and, accordingly, the present Bench has been constituted consisting of the Chief Justice (Acting) and Hon'ble Mr. Justice Mir Alfaz Ali.

3. Issue notice to all the respondents, returnable in two weeks.

4. Mr. D. Mazumdar, learned Additional Advocate General, Assam accepts notice on behalf of respondent Nos.1, 5, 9 and 13; whereas Mr. A. D. Choudhury, learned Additional Advocate General, Mizoram accepts notice on behalf of respondent Nos.3, 7 and 11. Mr. A. Chandran, learned Additional Senior Government Advocate, Arunachal Pradesh appears for respondent Nos.4, 8 and 12 and Ms. T. Khro, learned Government Advocate, Nagaland appears for respondent Nos.2, 6 and 10.

5. While issuing notice, this Court has felt it appropriate to refer to certain background facts which may be relevant in making all the respondents aware of the significance and importance of this Special Bench constituted for the purpose of monitoring cases.

6. It may be mentioned that the Hon'ble Supreme Court has taken up the writ petition, WP(C) 699/2016 in which certain reliefs have been sought for, including to ensure that persons with criminal background or convicted of offences are barred from contesting elections in the Legislative Assemblies as well as in the Parliament or becoming office-bearers of political parties.

7. In connection with the aforesaid proceedings, the Hon'ble Supreme Court had sought for detailed reports from all the High Courts as regards pendency of criminal trials against persons involving sitting legislators/ex-legislators and to take necessary steps for streamlining the trials going on for expeditious disposal in connection with which the Hon'ble Supreme Court also had requisitioned the valuable assistance of an *amicus curiae*, Sri Vijay Hansaria, Senior Advocate, who had pointed out certain factors impeding speedy trial, which are reflected in paragraphs 5 to 9 of the order passed by the Hon'ble Supreme Court on 16.09.2020.

8. Learned *amicus curiae* had also made certain suggestions for streamlining and expediting trials involving political personalities for which steps have to be taken by the respective High Courts. There are also suggestions for appointing Nodal Prosecution Officers and Public Prosecutors and also for giving priorities by the Forensic Science Laboratories in furnishing reports relating to such trials and also for providing 'Safe and Secure Witness Examination Room' in the Court complexes with availability of the internet facility for the purpose of recording of evidence of the witnesses through Video Conferencing and setting up of Rules for Video Conferencing, etc.

9. In the order passed by the Hon'ble Supreme Court on 16.09.2020, the submissions made by learned Solicitor General of India have also been recorded. The learned Solicitor General of India had suggested that State Governments should provide necessary infrastructure within a month for which the Central Government has already granted funds.

10. Learned Solicitor General of India had also suggested that Central Agencies like the CBI and the Enforcement Directorate will pursue the matters effectively and they shall ensure that any pending investigation or trial will reach its logical conclusion at the earliest.

11. The Hon'ble Supreme Court taking cognizance of the earlier decision of the Supreme Court in ***Asian Resurfacing of Road Agency Pvt. Ltd Vs. CBI, 2018 (16) SCC 299***, also impressed upon the Courts for expediting disposal of the trials and also for vacation of interim orders coming in the way of expeditious disposal.

12. The Hon'ble Supreme Court also issued a number of directions to the learned Chief Justices of the High Courts for preparing action plans and to take such other measures as mentioned in the order.
13. While awaiting necessary directions from the Hon'ble Supreme Court in the aforesaid writ petition, we are of the view that the State respondents will take all necessary and appropriate steps in the pending criminal trials which would help in expediting the same.
14. These observations are made to contextualize the very purpose of this Special Monitoring Bench which will be convened with regular intervals.
15. A copy of this order along with all the papers/documents forming part of this *suo motu* petition be furnished to all the learned counsel appearing for the respondents.
16. List the matter again on 14.10.2020 by showing the names of all the learned counsel for the respondents.

**JUDGE**

**CHIEF JUSTICE (ACTING)**

**Comparing Assistant**