

W.P.(C) (Suo-Motu) No. 03/2020

B E F O R E
HON'BLE MR. JUSTICE SUMAN SHYAM
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

31-05-2024

Suman Shyam, J

Heard Mr. T.J. Mahanta, learned Sr. standing counsel, GHC. Also heard Mr. D. Mazumder, learned Addl. Advocate General, Assam.

It appears from a perusal of the order dated 25-09-2020 passed in this proceeding that this *Suo-Motu* writ petition was registered pursuant to the direction issued by the Hon'ble Supreme Court of India in W.P.(C) No. 699/2016 on 16-09-2020 with the special objective of monitoring the progress made in the cases pending against the MPs/MLAs before the courts at different levels including the High Court. From time to time, orders have been passed in this *Suo-Motu* proceeding so as to streamline the process of expeditious disposal of those cases.

By the order dated 09-11-2023 passed in W.P.(C) No. 699/2016, the Hon'ble Supreme Court has issued certain further directions in paragraph 20, which are as follows:-

*"20. Having considered the matter in detail, we direct that:
(i) Learned Chief Justices of the High Courts shall register a suo-motu case with the title, "In Re: designated courts for MPs/MLAs" to monitor early disposal of criminal cases pending against the members of Parliament and Legislative Assemblies. The suo-motu case may be heard by the Special Bench presided by the Learned Chief Justice or a bench assigned by them.*

(ii) The Special Bench hearing the suo-motu case may list the matter at regular intervals as is felt necessary. The High Court may issue such orders and/or directions as are necessary for expeditious and effective disposal of the subject cases. The Special Bench may consider calling upon the Advocate General or the Public Prosecutor to assist the Court.

(iii) The High Court may require the Principal District and Sessions Judge to bear the responsibility of allocating the subject cases to such court or courts as is considered appropriate and effective. The High Court may call upon the Principal District and Sessions Judge to send reports at such intervals as it considers expedient.

(iv) The designated courts shall give priority:

- (i) first to criminal cases against MP's & MLA's punishable with death or life imprisonment then to (ii) cases punishable with imprisonment for 5 years or more, and then hear (iii) other cases.*

The Trial Courts shall not adjourn the cases except for rare and compelling reasons.

(v) The learned Chief Justices may list cases in which orders of stay of trial have been passed before the Special Bench to ensure that appropriate orders, including vacation of stay orders are passed to ensure commencement and conclusion of trial.

(vi) The Principal District and Sessions Judge shall ensure sufficient infrastructure facility for the designated courts and also enable it to adopt such technology as is expedient for effective and efficient functioning.

(vii) The High Courts shall create an independent tab on their website providing district-wise information about the details of the year of filing, number of subject cases pending and stage of proceedings. We make it clear that while monitoring the subject cases, the Special Bench may pass such orders or give such additional directions as are necessary for early disposal of the subject cases.

From the successive orders passed by the Hon'ble Supreme Court of India in W.P.(C) No. 699/2016 as well as by this Court in the present proceeding, it is clear that the purpose of constituting this Monitoring Bench is to oversee the process of expeditious disposal of pending proceedings involving MPs/ MLAs. Taking into consideration of the above aspect of the matter, this Court, vide

order dated 08-05-2024, had directed the Registrar General to prepare and furnish a detail report indicating the number of pending cases involving MPs/ MLAs as well as their current status.

Accordingly, the Registrar General has prepared report dated 22-05-2024, which is available on record. We have perused the same. After perusing the aforesaid report, the following direction(s) are being issued:-

1. Immediate steps be taken for listing of all the 20 (twenty) criminal petitions involving MPs/ MLAs pending before the Gauhati High Court in the Principal Seat either, as per roster or before a learned Judge to be designated by the Hon'ble Chief Justice.
2. Similar exercise be carried out with regard to the pending cases in the Outlying Benches of this High Court as well.
3. The District & Sessions Judge/ Special Judge of the concerned districts are directed to take immediate steps for listing of all pending cases involving MPs/ MLAs. If necessary instruction be issued for day to day hearing of those cases for their expeditious disposal.
4. A fresh status report as regards the progress made in the pending cases subsequent to the passing of this order be placed on record by the Registrar General, after 04 weeks. The report to also indicate all necessary steps taken for implementation of the directives of the Hon'ble Supreme Court as contained in paragraph 20 of the order dated 09-11-2023, as noted above.

A copy of this order be circulated to all the concerned authorities.
Let this matter be listed again after the ensuing summer vacation.

Sd/- Arun Dev Choudhury

Judge

Sd/- Suman Shyam

Judge

TRUE COPY

P. S. 07/06/24

Administrative Officer (Judl.)
Civil Rule (Pending) Section
Gauhati High Court
Guwahati

07.06.24

By E-mail

THE GAUHATI HIGH COURT AT GUWAHATI
(HIGH COURT OF ASSAM : NAGALAND : MIZORAM AND ARUNACHAL PRADESH)

Memo. No.HC.XXII.....734...../WP

Dtd.07.06.2024

From : **Shri Subhrangsu Dhar,**
Registrar (Judicial),
Gauhati High Court,
Guwahati.

To, **The Registrar,**
Gauhati High Court,
Kohima Bench, Kohima / Aizawl Bench, Aizawl / Itanagar Bench, Naharlagun.

Dated, Guwahati, the 7th June, 2024.

Sub: - Circulation of Order dated 31.05.2024 of the Hon'ble Gauhati High Court passed in WP(C) (Suo-Motu) No.03/2020.

Sir/Madam,

In enclosing herewith a true copy of the Hon'ble Court's order referred to above, I am to request you to take necessary steps for compliance as directed by the Hon'ble Court.

You are further requested to circulate the copy of the Hon'ble Court's order mentioned above among the concerned District & Sessions Judge/ special Judge of your state for compliance as per direction of the Hon'ble Court.

With regards.

Yours faithfully,

Encl : As stated.


REGISTRAR (JUDICIAL)

IN THE GAUHATI HIGH COURT
(High Court of Assam, Nagaland, Mizoram and Arunachal Pradesh)

CIVIL APPELLATE SIDE

Appeal from _____ W.P.(C) Suo Mote No. 3 of 20 20

Civil Rule

In Re. X X X

Appellant

Petitioner

Versus

The State of Assam & Ors . Respondent

Opposite Party

For Appellant Mr. T. J. Mahanta (S.C. G.H.C)
Petitioner

For Respondent Mr. B. Hazumder, Advt Advt General, Assam
Opposite Party Mr. A. D. Choudhury, Advt Advt General Mizoram
Mr. A. Chandran, Advt Sr G.A, AP

Noting by Officer or Advocate	Serial No.	Date	Office notes, reports, orders or proceedings with signature
1	2	3	4
<p>Ms T. Khro G.A. Nagaland.</p> <p>Ms. M. Kachiu Tribhull 9.5.24</p> <p>Ms. P. Bhattacharya Advt. A.G. Mizoram 9.5.2024</p> <p>Anna Chandran Advt. Sr. G.A, AP</p> <p>_____</p> <p>Kirkmin Barua, Advocate in behalf of AG, Assam 09.05.24</p> <p>Robert Dulla on behalf of Registrar General, Assam</p>			<p>Received the order dated 08.05.24 by Deepika Devi, Advocate on behalf of B. Hazumder, Advt. A.G., Assam on 09.05.24.</p>

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Judge

Sd/- Suman Shyam
Judge

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P. S. 07/06/24
 Administrative Officer (Judl.)
 Civil Rule (Pending) Section
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 Guwahati
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