

MINUTES OF THE MEETING HELD ON 16.12.2023 IN THE OFFICE CHAMBER OF THE DISTRICT & SESSIONS JUDGE, SIVASAGAR, IN COMPLIANCE OF HON'BLE GAUHATI HIGH COURT'S ORDER DATED 05.08.2013 AND 10.01.2014 PASSED IN WP(C) (TAKEN UP) NO. 4299/2006 AND A.B NO. 5537/2013 REPECTIVELY

PRESENT

SRI L. K. SAIKIA, DISTRICT & SESSIONS JUDGE, SIVASAGAR
SRI M. K. SAIKIA, ADDL. DISTRICT AND SESSIONS JUDGE, FTC, SIVASAGAR
SRI R. BODO, CHIEF JUDICIAL MAGISTRATE, SIVASAGAR.
ADDL. SP (CRIME), SIVASAGAR, representing SP, Sivasagar
THE PUBLIC PROSECUTOR, COURT OF THE DISTRICT & SESSIONS JUDGE,
SIVASAGAR

AGENDA

Item : To discuss the matter relating to the strengthening of monitoring mechanism for expeditious investigation and trial of cases.

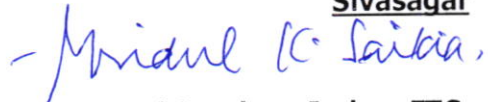
Resolution: The District and Sessions Judge, Sivasagar, welcoming all the members of the committee, has initiated the discussions and has requested the Addl. SP (Crime), Sivasagar present in the meeting, for sensitization of the I.O.s in order to implement the resolutions adopted in the previous meetings of this committee in its full spirit. The CJM, Sivasagar, present in the meeting, agreeing to the request made by the Hon'ble District and Sessions Judge, Sivasagar, has informed the members present that there is still a considerable lack in serving of summons to the witness properly. Continuing this discussion, the Addl. District and Sessions Judge, (FTC), Sivasagar, has presented a few cases viz. Amguri PS Case-28/23 and Sivasagar PS case 172/23 before the Addl. SP (Crime), Sivasagar, as examples where the registration of FIRs has been done late without assigning any proper reasons. He has informed the Addl. SP (Crime) that in the landmark Case of **LALITA KUMARI VS. GOVT. OF U.P AND ORS.**, where the Hon'ble Supreme Court has clearly highlighted that "*registration of FIR is mandatory if the information discloses the commission of cognizable offence.*" He has also informed that, the Hon'ble Supreme Court in the same landmark case, in one of the guidelines, has mentioned that "*registration of FIR is mandatory under Section 154 of IPC, if the information discloses the commission of a cognizable offence and **no preliminary enquiry is permissible in such a situation.***" Adding to this discussion, the District and Sessions Judge, Sivasagar has informed the Addl. SP (Crime), Sivasagar that preliminary enquiry depends on the facts and circumstances of each case and that the preliminary enquiry may be made only on following category of cases; (i) Matrimonial/family disputes (ii) Commercial offences (iii) Medical negligence cases (iv) Corruption cases (v) Cases where there is abnormal delay in reporting the matter without satisfactory


...contd./-


explanation for delay in reporting. He has requested Addl. SP (Crime) to sensitize the I.O.s regarding this matter so that there is no further occurrence of delay in registering FIRs for cognizable offences.

The meeting ends with vote of thanks from the chair.


District & Sessions Judge,
Sivasagar


Addl. District and Sessions Judge, FTC,
Sivasagar


The Chief Judicial Magistrate,
Sivasagar


The Addl. Superintendent of Police, (Crime)
Sivasagar


The Public Prosecutor,
Court of the District & Sessions Judge,
Sivasagar