

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

NOTIFICATION

Dated Guwahati, the 4th March, 2024

HC.XI-08/2024/45/RC: Pursuant to order dated 07.07.2023, passed in SPAC/C/108/COM(P)/2019 of the State Police Accountability Commission, Assam, the following amendments have been incorporated into the Gauhati High Court Criminal Rules and Orders:

A. In Chapter-11, 1. CODE OF CRIMINAL PROCEDURE, 1973, of the Gauhati High Court Criminal Rules & Orders, Vol. – I, Part - A, the following shall be amended:

1. The SECTION 61: SUMMONS be substituted as follows:

SECTION 61: SUMMONS

1. Summons(es), including summons(es) in a complaint case, shall contain all such necessary particulars, as far as practicable, which would enable the service to be effected on the concerned person such as:-
 - 1) Full name of the person.
 - 2) Name of father/mother/husband.
 - 3) Number of the house, name of the street, lane, bye-lane, landmark nearest to the house.
 - 4) Name of jurisdictional police station.
 - 5) Name of Revenue Town, Revenue Village, Mouza, Municipal Ward Number.
 - 6) Name of City/Town/ Village, PIN Code.
 - 7) District.
2. The summons shall also contain (i) case number, (ii) description of Court where he would be requiring to appear, (iii) the provision of law under which he/she is to be tried, (iv) name of the complainant, if the summons is being issued in connection with a complaint case.
3. No summon shall be signed by the Judge/ Magistrate and issued unless all the details required for ascertaining the identity of the person concerned inserted.

4. The summons shall contain the next date fixed for appearance, before which the process server's report should reach the Court.
5. At the time of signing the processes, the Magistrate shall go through the record and shall also verify the details necessary to identify the person upon whom processes is intended to be served.
6. The summons(es) issued by the Court shall contain a *nota bene* ("N.B." for short) for the process server that the process server's report should contain a statement that the process was served after being satisfied as to the identity of the person on whom the service was to be made.
7. The Court shall, if so desires, summon the person who was entrusted the task of serving process to appear in person and to show cause as to why the process was not served and why the process server's report was not returned back to the Court on the date fixed.
8. If the person upon whom summons is served raises the question of his identity, the Court shall immediately examine such claim and pass appropriate order.

2. In SECTION 62: SERVICE OF PROCESSES, after Sub-Rule 16., a new Rule be inserted as follows:

SECTION 70: SUMMONS

1. Warrant issued by the Court shall contain all such necessary particulars, as far as practicable, which would enable the service to be effected on the concerned person such as:-
 - (1) Full name of the person.
 - (2) Name of father/mother/husband.
 - (3) Number of the house, name of the street, lane, bye-lane, landmark nearest to the house.
 - (4) Name of jurisdictional police station.
 - (5) Name of Revenue Town, Revenue Village, Mouza, Municipal Ward Number.
 - (6) Name of City/Town/ Village, PIN Code.
 - (7) District.
2. The warrant shall also contain the provision of law under which the person arrested would be tried, and name of the complainant if the warrant had been issued to compel appearance in a complaint case.

3. No warrant shall be signed by the Judge/ Magistrate and issued unless all the details required for ascertaining the identity of the person concerned inserted.
4. The warrant shall contain the next date fixed for return of warrant. However, on the person concerned being apprehended, the warrant shall be returned without any delay.
5. At the time of signing the warrant, the Judge/ Magistrate shall go through the record and shall also verify the details necessary to identify the person upon whom the warrant is intended to be served.
6. The warrant issued by the Court shall contain a *nota bene* ("N.B." for short) that the police personnel executing the warrant shall mention in the execution report that the warrant was executed after being satisfied as to the identity of the person arrested.
7. The Court shall, on production of person apprehended under the warrant, verify/ascertain the identity of the arrested person.
8. If the person against whom warrant is executed, raises the question of his identity, the Court shall immediately examine such claim including identity documents produced and pass appropriate order thereon. If the Judge/Magistrate concerned is satisfied that there is a genuine issue regarding the identity of the person arrested/ apprehended, as an interim measure, release the said person on personal recognition bond and/or interim bail till conclusion of such inquiry.
9. On production of the person arrested on execution of a warrant, the Court shall inform such person of his right to seek free legal aid.

SECTION 190 READ WITH SECTION 200:

1. The complaint case, if filed by a private person, not being a complaint filed public servant acting or purporting to act in the discharge of his official duties or Court making a complaint, shall contain the following details of complainant(s) as well as of the accused person(s) in the cause title:-
 - (1) Full name.
 - (2) Name of father/mother/husband.
 - (3) Number of the house, name of the street, lane, bye-lane, landmark nearest to the house.
 - (4) Name of jurisdictional police station.
 - (5) Name of Revenue Town, Revenue Village, Mouza, Municipal Ward Number.

(6) Name of City/Town/ Village, PIN Code.

(7) District.

2. The complaint shall also contain in the cause title the provisions of law under for which the accused is sought to be prosecuted.
3. The complaint shall also contain the dates on which relevant events had occurred.
4. The complaint shall also contain the following:-
 - (i) A statement as to whether the complaint is filed by the victim himself, or whether the complainant is a body corporate, society, firm, individual.
 - (ii) If the complainant is a partnership firm, the certified true copy of the certificate of registration issued by the Registrar of Firms is required to be mandatorily annexed.
 - (iii) If the complaint is filed through a society, the certified true copy of the society's certificate of registration issued by the Registrar of Societies is required to be mandatorily annexed.
 - (iv) If complainant is a society, the particulars of the President / Secretary and / or authorized person filing the complaint should be provided.
 - (v) If the complaint is filed through an attorney the complaint shall contain the name, address and other particulars of the principal as mentioned in Sub-Clause (1) to (7) of Sub-Rule (1) above.
 - (vi) If the complainant is an attorney, then the copy of Power of Attorney, certified by the advocate holding the brief to be true is mandatorily required to be annexed to the complaint petition. A letter of authority will not be accepted as a substitute of the Power of Attorney.
 - (vii) If the complainant is the Director of the Company, the true copy of the Board Resolution shall have to be mandatorily annexed to the complaint petition.
 - (viii) If the complaint is filed by guardian and/or next friend of a minor or a mentally challenged, or otherwise invalid person, the guardianship certificate shall have to be mandatorily annexed to the complaint petition.
 - (ix) If the complaint is filed by a pardanashin lady, along with the complaint petition, she will have to file (i) her photograph, duly certified by a Notary Public, (ii) proof of identity duly certified/ authenticated by a Notary Public. The Court, at any time, during the proceeding, require the complainant to show her face so as to enable the Court to verify her identity.

5. The complaint shall be written in paragraphs and sub-paragraphs and each such paragraph and sub-paragraph shall be numbered in seriatim.
6. The complaint shall contain the prayer in respect of the relief sought for.
7. The complaint, as far as practicable, shall conform to the Form of complaint which is provided in Form-T provided under Criminal Court Rules and Order Vol. – II.

B. In FORMS of Gauhati High Court Criminal Court Rules And Order Vol-II, a new FORM-T shall be added after FORM NO. (S) 9 of III. Statements and Returns which is as follows:

CRIMINAL COURT RULES AND ORDER VOL-II

Form-T

(See Rule ____)

IN THE COURT OF ... (Description of Court),
... (name of City/Town, (name of District).

C.R. CASE NO. OF(year)

IN THE MATTER OF:

Name and other particulars of complainant [see Rule III
(1) of Chapter 11]

... Complainant(s)

Versus

Name and other particulars of the accused [see Rule III
(1) of Chapter 11]

... Accused(s)

Provision of law under which the accused is to be tried:

[see Rule III (2) of Chapter 11]

Dates of cause of action:

[see Rule III (3) of Chapter 11]

Status of complainant:

[see Rule III (4) of Chapter 11]

The complainant(s) above named –

MOST RESPECTFULLY SHEWETH/ MOST RESPECTFULLY BEGS TO STATE AS
FOLLOWS:-

1. That the complaint is ... (disclose his status).
2. That ... date-wise sequence of events for which complaint is filed):
3. That the events which has led to filing of this complaint petition arose on
____, ____ (give dates).
4. That the complainant has neither made any complaint before any police station
anywhere in the Country, nor he/she has filed any FIR/ *ejahar* before any police
station in the Country. The present complaint is the first and only complaint petition
and no previously instituted complaint made by the complainant (or principal/
Company/ Firm, as the case may be) has been dismissed by any Court in the
Country.
5. The following witnesses shall prove the case of the complainant.
 - (i) ...
 - (ii) ...
 -
6. The following documents/ material shall be relied upon by the complainant.

Reliefs claimed:

The complainant humbly prays that ... (give the prayers
in seriatim)

And for this act of kindness, the complainant, as in duty bound, shall ever pray.

IN THE COURT OF ... (Description of Court),
... (name of City/Town, (name of District).

C.R. CASE NO. OF(year)

I, Sri/ Smt./ Mr./ Ms./ Mrs. _____, aged about ___ years, son/
daughter/wife of _____, resident of (give full particulars as mentioned in Rule 1 of
Section 190 read with Section 200), do hereby state and solemnly affirm as follows:-

1. That I am the complainant in my personal capacity./ That I am the constituted attorney of _____. / That I am the partner of M/s. _____./ That I am the guardian of _____. That I am the President / Secretary / duly authorised person of the _____ society. (see Rule 4 under Chapter 11 relating to Section 190 read with Section 200) (strike out whichever not required).
2. That the complainant has neither made any complaint before any police station anywhere in the Country, nor he/she has filed any FIR/ *ejahar* before any police station in the Country.
3. The present complaint is the first and only complaint petition and no previously instituted complaint made by the complainant (or principal/ Company/ Firm, as the case may be) has been dismissed by any Court in the Country.
4. That I am aware that if any statement made in the complaint petition or in this affidavit is false, I shall be liable to be prosecuted.

VERIFICATION

5. I, the deponent herein so state and solemnly affirm that the statements made in the foregoing paragraphs 1 to 4 are true to my personal knowledge and belief and the statement made in paragraph 5 is my humble submissions before this Hon'ble Court. I further declare that no part of this affidavit is false. So help me God.

And I sign and swear this affidavit on this the ___ day of _____,
20___ at _____.

The above amendments shall come into effect immediately.

By order,
Sd/-
Shri Sunil Kumar Poddar
REGISTRAR GENERAL

Memo No. HC. 08/2024/46--69/RC dated 04/03/2024

Copy to:

1. The Secretary General, Supreme Court of India, New Delhi.
2. The L.R & Secretary to the Govt. of Assam, Judicial Department, Dispur, Guwahati.
3. The Secretary to the Govt. of Nagaland, Department of Justice and Law, Kohima.
4. The Secretary to the Govt. of Mizoram, Law and Judicial Department, Aizawl.
5. The Secretary to the Govt. of Arunachal Pradesh, Law and Judicial Department, Itanagar.
6. The Registrar (Vigilance/Admn /Judicial/Estt.) Gauhati High Court, Guwahati.
7. The Registrar —Cum-- Principal Secretary to Hon'ble the Chief Justice, Gauhati High Court, Guwahati
8. The Registrar, Gauhati High Court, Kohima Bench, Kohima/ Aizawl Bench, Aizawl/ Itanagar Bench, Naharlagun. *(He/ She is requested to circulate this Notification among all the District and Sessions Judges of the concerned State.)*
9. The District and Sessions Judge, Bajali/ Baksa/ Barpeta/ Biswanath/ Bongaigaon/ Cachar/ Charaideo/ Chirang/ Darrang, Mangaldoi/ Dhemaji / Dibrugarh / Dhubri / Dima Hasao, Haflong / Goalpara / Golaghat / Hailakandi / Hojai / Jorhat / Kamrup (M),Guwahati/ Kamrup, Amingaon / Karbi Anglong, Diphu / Karimganj / Kokrajhar / Lakhimpur, North Lakhimpur/ Majuli / Morigaon / Nagaon / Nalbari / Sivasagar / Sonitpur, Tezpur / South Salmara-Mankachar/ Tinsukia / Udalguri / West Karbi Anglong, Hamren *(He/ She is requested to circulate this Notification to the Bar Association of the concerned District.)*
10. The Director, Assam Government Press, Bamunimaidam, Ghy-21, with a request to publish the same in the Assam Gazette.
11. The Joint Registrar, (_____), Gauhati High Court, Guwahati.
12. The Administrative Officer, Judicial Academy, Assam.
13. The Deputy Registrar (_____) Gauhati High Court, Guwahati.
14. The Librarian —Cum- Research Officer, Gauhati High Court, Guwahati.
15. The Asstt. Registrar, _____, Gauhati High Court, Guwahati.
16. The Private Secretary to Hon'ble Mr/Mrs. Justice _____ Gauhati High Court, Guwahati.
17. The Project Manager/Systems Analyst, Gauhati High Court, Guwahati, for uploading the above notification in the High Court Website.
18. The Administrative Officer (Judicial), _____, Gauhati High Court, Guwahati.
19. Secretary, Bar Council of India, 21, Rouse Avenue Institutional Area, Near Bal Bhawan, New Delhi – 110 002
20. The Secretary General, Gauhati High Court Bar Association.
21. The Secretary, All Assam Lawyers' Association.
22. The Secretary, Lawyers' Association, Guwahati.
23. The Secretary, Advocates' Association, Guwahati.
24. The C.A. to the Registrar General, Gauhati High Court, Guwahati.


04/03/2024
REGISTRAR GENERAL