Weekly meeting

Dima Hasao District Judiciary

Dated: 29/05/2025

Proceedings of weekly meeting of Judicial Officers under Dima Hasao District Judiciary, held on 29.05.2025 at 3.30 PM in the office Chamber of the District & Sessions Judge, Dima Hasao.

Under the guidance of the District & Sessions Judge there was discussion on:

- **Section 52, 84, and 85 of BNSS.**

Section 52 of BNSS: Examination of person accused of rape by medical practitioner.

(1)When a person is arrested on a charge of committing an offence of rape or an attempt to commit rape and there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of such offence, it shall be lawful for a registered medical practitioner employed in a hospital run by the Government or by a local authority and in the absence of such a practitioner within the radius of sixteen kilometres from the place where the offence has been committed, by any other registered medical practitioner, acting at the request of any police officer, and for any person acting in good faith in his aid and under his direction, to make such an examination of the arrested person and to use such force as is reasonably necessary for that purpose.

(2)The registered medical practitioner conducting such examination shall, without any delay, examine such person and prepare a report of his examination giving the following particulars, namely:-(i) the name and address of the accused and of the person by whom he was brought;(ii) the age of the accused;(iii) marks of injury, if any, on the person of the accused;(iv) the description of material taken from the person of the accused for DNA profiling; and(v) other material particulars in reasonable detail.

(3)The report shall state precisely the reasons for each conclusion arrived at.

(4)The exact time of commencement and completion of the examination shall also be noted in the report.

(5)The registered medical practitioner shall, without any delay, forward the report to the investigating officer, who shall forward it to the Magistrate referred to in section 193 as part of the documents referred to in clause (a) of sub-section (6) of that section.

Section 84 BNSS: Proclamation for person absconding.

(1)If any Court has reason to believe (whether after taking evidence or not) that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

(2) The proclamation shall be published as follows:-(i) (a) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides;(b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village;(c) a copy thereof shall be affixed to some conspicuous part of the Court-house;(ii) the Court may also, if it thinks fit, direct a copy of the proclamation to be published in a daily newspaper circulating in the place in which such person ordinarily resides.

(3)A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day, in the manner specified in clause (i) of sub-section (2), shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

(4)Where a proclamation published under sub-section (1) is in respect of a person accused of an offence which is made punishable with imprisonment of ten years or more, or imprisonment for life or with death under the Bharatiya Nyaya Sanhita, 2023 or under any other law for the time being in force, and such person fails to appear at the specified place and time required by the proclamation, the Court may, after making such inquiry as it thinks fit, pronounce him a proclaimed offender and make a declaration to that effect.

(5)The provisions of sub-sections (2) and (3) shall apply to a declaration made by the Court under sub-section (4) as they apply to the proclamation published under sub-section (1).

Section 85 BNSS: Attachment of property of person absconding.

(1)The Court issuing a proclamation under section 84 may, for reasons to be recorded in writing, at any time after the issue of the proclamation, order the attachment of any property, movable or immovable, or both, belonging to the proclaimed person:Provided that where at the time of the issue of the proclamation the Court is satisfied, by affidavit or otherwise, that the person in relation to whom the proclamation is to be issued,-(a) is about to dispose of the whole or any part of his property; or(b) is about to remove the whole or any part of his property from the local jurisdiction of the Court,it may order the attachment of property simultaneously with the issue of the proclamation.

(2)Such order shall authorise the attachment of any property belonging to such person within the district in which it is made; and it shall authorise the attachment of any property belonging to such person without such district when endorsed by the District Magistrate within whose district such property is situate.

(3)If the property ordered to be attached is a debt or other movable property, the attachment under this section shall be made-(a) by seizure; or(b) by the appointment of a receiver; or(c) by an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf; or(d) by all or any two of such methods, as the Court thinks fit.

(4)If the property ordered to be attached is immovable, the attachment under this section shall, in the case of land paying revenue to the State Government, be made through the Collector of the district in which the land is situate, and in all other cases-(a) by taking possession; or(b) by the appointment of a receiver; or(c) by an order in writing prohibiting the payment of rent on delivery of property to the proclaimed person or to any one on his behalf; or(d) by all or any two of such methods, as the Court thinks fit.

(5)If the property ordered to be attached consists of live-stock or is of a perishable nature, the Court may, if it thinks it expedient, order immediate sale thereof, and in such case the proceeds of the sale shall abide the order of the Court.

(6)The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under the Code of Civil Procedure, 1908 (5 of 1908).

With this the meeting ended with a formal vote of thanks.

MEMBERS PRESENT:

Name & Designation	Signature
Shri Dipankar Bora, Hon'ble District & Sessions Judge, Dima Hasao.	Dipankar Bora
Shri Nayan Jyoti Dutta, Civil Judge(Sr. Div.), Dima Hasao.	
Smt. Sonamoni Chanda, Chief Judicial Magistrate, Dima Hasao	Chanda 29.05.2025
Shri Kaushik Kamal Baruah, Secretary, District Legal Services Authority, Dima Hasao	29/05/2025
Shri Ashraf Ahmed Choudhury, Additional Chief Judicial Magistrate, Dima Hasao	
Shri Dharamchand Pareek, Sub-Divisional Judicial Magistrate (S), Dima Hasao	
Shri Hadi Alam, Judicial Magistrate First Class, Dima Hasao	
Shri Aditya Vikram Das, Civil Judge (Jr. Div.) No. 1-cum-JMFC, Dima Hasao	
Smti Kaushiki Das Civil Judge (Jr. Div) No 2, Dima Hasao	Kaushiki Das
Smti Prity Daimari Judicial Magistrate First Class, Dima Hasao	Prity Daimari