

MINUTES OF THE MEETING HELD ON 08.11.2023 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.
SRI S. BORAH, SUPERINTENDENT OF POLICE , 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 Chief Judicial Magistrate, Sivasagar, present in the meeting, to ensure that the clause 'Bail has been granted/not granted' is included, when a warrant is issued by any Courts so as to enable the Jail authorities to identify the same.

The CJM, Sivasagar, present in the meeting, has informed the members present that the service report regarding summons to I.O.s is not received in most cases where I.O.s are posted in different districts, due to which a sizeable no. of cases are pending for I.O.s. In reply to this issue, the District and Sessions Judge, Sivasagar has put forwarded a suggestion that the CJM, Sivasagar may try to serve the summons through his respective counterpart in the concerned district. He has further opined that this exercise may perhaps bear good results.


Continuing this discussion, the Addl. District and Sessions Judge, (FTC), Sivasagar, has presented a case before the SP, Sivasagar present in the meeting, wherein '*the witness has proclaimed that the police authorities have reminded him regarding the next date of this case, his earlier statements made under 161 Cr.P.C. and that he is giving this statement of witness as reminded by the Police.*' The Addl. D&SJ, Sivasagar further referring to the landmark case of **Simon & Ors. Vs. State of Kerala** has informed the SP, Sivasagar that the special privilege given to the witnesses u/s 159 of Evidence Act cannot be made use for a witness in a criminal case to refresh his memory by referring to his earlier statement given to the Police u/s 161 Cr.P.C. The SP, Sivasagar, present in the meeting, has informed the members of the committee that he has taken note of this fact, and it will be ensured to sensitize the OCs and I.O.s regarding the same.

...Contd./-

The PP present in the meeting, referring to a recent letter received from the O/o the SP, Sivasagar has informed all the members of the committee present in the meeting that PP/APPs cannot declare the witness as Hostile Witness, if a witness turns hostile during deposition of evidence. He further informed the SP., Sivasagar that, a prayer can only be placed before the Hon'ble Court and it is the total discretion of the Hon'ble Courts regarding the same.

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 Superintendent of Police,
Sivasagar**


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