

MINUTES OF THE MEETING HELD ON 15.06.2023 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 J. ARMAAN, ADC, SIVASAGAR**  
**SMT. D. GOGOI, DY. SUPERINTENDENT OF POLICE, (HQ) 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:** At the outset, the District and Sessions Judge, Sivasagar has welcomed all the members of the committee and had a brief discussion regarding the progress of the process of withdrawal of cases u/s 321 Cr. PC. The PP present in the meeting has apprised the members of the committee that the progress of the process is going on satisfactorily and that only around 69 (sixty-nine) nos. of petty cases are left to be withdrawn which shall also be completed at the earliest. The District & Sessions Judge, Sivasagar has asked the PP to communicate with the concerned authorities regarding expediting the process of withdrawal of the cases.

In reference to the point raised by the DSP (HQ), Sivasagar, representing the Superintendent of Police, Sivasagar, regarding Lakwa PS Case No. 03/23, the Hon'ble District & Sessions Judge, Sivasagar has informed that, the concerned I.O. has been served upon show cause notice, since the I.O. has not complied with the provisions of Section 41 and 41 (A) Cr.P.C, where he had to serve notice upon the accused person before executing arrest, since the punishment provided in the instant section is for a period of not more than 3 (three) years. The District & Sessions Judge has also asked the DSP (HQ) to inform their higher authorities for taking steps to sensitize the I.O.s regarding the decisions made by the Hon'ble Supreme Court in the case of Satender Kumar Antil vs. CBI & Anr. reported in (2022) 10 SCC 723.

In replying to a query raised by the DSP (HQ), Sivasagar, present in the meeting, regarding whether the release of habitual offenders in the process, may perhaps affect the crime rates, the District & Sessions Judge, Sivasagar has put forward a suggestion that the I.O.s be instructed to submit/cite the other cases that are pending

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pertaining to the same accused which shall eventually offer strong reasons for not granting bails by the Hon'ble Court.


The CJM, Sivasagar has asked the DSP (HQ) to instruct the I.O.s to take steps regarding the cases which have been pending for I.O.s. In this regard, he has furnished a list of cases, enclosed herewith, which have been pending in the Court of JMFC, Sivasagar. A copy of the said list has also been handed over to DSP (HQ) to take necessary steps from their end.

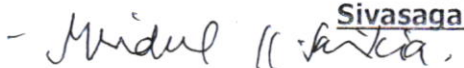
The District & Sessions Judge, Sivasagar has asked the DSP (HQ), Sivasagar to instruct the I.O.s to attach a report from the concerned Circle Officer of the Revenue Circle or have the countersignature of the concerned Circle Officer of the Revenue Circle, while submitting the Proclamation and Attachment (P&A) report to the Hon'ble Court.

The Public Prosecutor has pointed out that the Medical records (MR) pertaining to most of the cases are not presented on time before the Hon'ble Court which stands as a hindrance for the prosecution to take forward the case in its proper perspective. In this regard, the members of the Committee have jointly asked the DSP (HQ), Sivasagar to consult this issue with their higher authorities and ensure submission of MR on time.


Lastly, the District and Sessions Judge, Sivasagar has placed an issue germane to the NDPS cases where it is observed that the most of the seizure witnesses give evidence before the Hon'ble Court that "... I put my sign in blank seizure list, and nothing was written there" or, "... I signed in the seizure list at the Police station." The DSP (HQ), Sivasagar has been strongly asked to strictly instruct the I.O.s to take effective steps for non-occurrence of such instances.


The meeting ends with vote of thanks from the chair.

  
District & Sessions Judge,  
Sivasagar

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Addl. District and Sessions Judge, FTC,  
Sivasagar

  
The Chief Judicial Magistrate,  
Sivasagar

  
The Addl. Deputy Commissioner,  
Sivasagar

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

  
The Dy. SP (HQ)  
Sivasagar