

MINUTES OF THE MEETING HELD ON 31.08.2023 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. BORA, 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: At the outset, the District and Sessions Judge, Sivasagar has welcomed all the members of the committee. The SP, Sivasagar, present in the meeting, has informed that the I.O. in the Sessions Case No. 183/22 could not be traced till date, and that steps are taken to locate/trace the concerned I.O. at the earliest.

The CJM, Sivasagar present in the meeting, has handed over a list of around 18 nos. of cases pending in various Magisterial Courts which are pending for I.O.s. He also informed the SP, Sivasagar that no responses have yet been received from some I.O.s even after repeated reminders from the respective Courts. The SP, Sivasagar has put forward a suggestion that the same may perhaps be informed the IGP, CID, Assam so that the attendance of the concerned I.O.s may be caused before the respective Hon'ble Courts on time. In this regard, the Ld. Addl. District and Sessions Judge, FTC, Sivasagar present in the meeting has suggested that in the cases where no response is received from the concerned I.O.s, BWs may be issued with a copy to the concerned SP and IGP, CID, Assam to ensure attendance of those I.O.s.

The PP, Court of District and Sessions Judge, Sivasagar present in the meeting has informed the SP, Sivasagar that the summon to the eye witness pertaining to Halwating PS Case no. 52/21 has repeatedly been handed over to the wrong person bearing the same name, and he requested the SP, Sivasagar to direct the concerned to look into the matter and serve the process to the right person.

The District and Sessions Judge, Sivasagar has advised the members present in the meeting to ensure that the full name and address of the Bailors be mentioned in the Order Sheets so that the identity cannot be refused by the Bailors at a later stage.


...contd./-


The Addl. District and Sessions Judge, FTC, Sivasagar has put forward a suggestion to the SP, Sivasagar that in the context of procuring the signature of the accused in the seizure list, it is observed that signature of accused in the seizure is a must. In case of denial of accused to put his signature in the seizure list, a Note be mentioned indicating the accused's denial, so that at the trial stage a presumption be made in context of relevant provisions of Evidence Act.

In the meeting, discussions were also made regarding steps for sensitization and refreshment training of Junior Advocates of the Sibsagar and Nazira Bar Association including the newly appointed APPs, as it is felt that the APPs play a pivotal role in conducting a case leading to its merit. The District and Sessions Judge, Sivasagar has requested the CJM, Sivasagar to arrange for such training at his earliest convenience.

To conclude the meeting, discussions were made regarding the **landmark judgment of Lalita Kumari case**, and the SP, Sivasagar has been asked to ensure that registration of FIR is done in cases where there is information regarding disclosing of cognizable offence, and that in such a case except in some special exception, preliminary enquiry is not necessary. He has also been asked to ensure that the Police must record the reasons for not registering an FIR filed under a provision of cognizable offence.

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**