

## HIGH COURT OF MEGHALAYA

### ACTION PLAN FOR REDUCTION IN PENDENCY OF 5 (FIVE) YEAR OLD CASES AND MORE IN SUBORDINATE COURTS IN THE STATE OF MEGHALAYA

- ❖ The target date to achieve “Zero” 5 (Five) year plus old cases shall be 31.03.2020 for all Subordinate Courts;
- ❖ The target date to achieve “Zero” 10 (ten) year plus old cases shall be 31.12.2019 for all Subordinate Courts;
- ❖ Every Judicial Officer shall endeavour to dispose of on a monthly basis atleast 10% - 15% of the pending 5 (five) year plus old cases in their respective Courts;
- ❖ Any deviations therefrom shall be immediately intimated to the High Court.

#### **A. FOR THE COURTS OF DISTRICT & SESSIONS JUDGES: -**

1. All the cases of Under Trial Prisoners (UTPs), where the UTP is in custody for more than 1 (one) year and where charge-sheet have been filed, shall be disposed of by holding day-to-day trial and within 2 (two) years from the date of first arrest.
2. Cases registered under POCSO Act, 2012 (as amended from time to time) shall be fast-tracked and concerned Special Courts shall ensure that the trial is completed, as far as possible, within 6 (six) months from the date of filing chargesheet.
3. All Criminal Appeals pending for more than one year, and all Criminal Revisions pending for more than 6 (six) months, shall be disposed of, by holding day-to-day trial, before the end of 31.12.2019.
4. Revision petitions filed challenging orders passed in Section 125 Cr.PC. proceedings shall always be disposed of within a period of 6 (six) months from the date of their filing.
5. Guardianship petitions, petitions seeking custody of children and divorce petitions shall shall always be disposed of within a period of 1 (one) year from the date of their filing.
6. The District & Sessions Judges shall hold monthly meetings with the Deputy Commissioners and the Superintendents of Police of their respective districts for improving the justice delivery system. The District & Sessions Judges shall furnish the list of the cases, with the name of the concerned police stations, where the processes have not been served.
7. At the end of every calendar month, it shall be the duty of the concerned District and Sessions Judge to collate, within his/ her District, details of 5 (Five) year plus old cases setting out, more particularly, the stage of each case and reasons for the same.
8. The District & Sessions Judges shall hold bi-monthly meetings with the Judicial Officers within each Judgeship for effective monitoring so as to achieve the targets set for disposal on time.

## **B. FOR THE COURTS OF MUNSIFF/ JUDICIAL MAGISTRATE: -**

1. All cases of Under Trial Prisoners, where the accused is in judicial custody for more than 6 (six) months, shall be disposed of within the next 6 (six) months.
2. Judicial Magistrates shall not pass order for further remand of accused in judicial custody mechanically and must be circumspect in passing such remand orders bearing in mind the provisions of law and judicial pronouncements. Before passing an order for further remand, the Judicial Magistrate shall see that if the period of detention already undergone is longer than the probable punishment, which may be given on conviction, in the facts and circumstances of a particular case. Instead of remanding again to judicial custody, the accused may be released on such bond fixed by the Court.
3. The Chief Judicial Magistrates/ Judicial Magistrates shall make special efforts to commit all Sessions triable cases immediately.
4. Judicial Magistrates can dispose of all 1 (one) year old petty cases by resorting to the provisions of Section 258 Cr.PC. for disposing of such cases.
5. Judicial Magistrates dealing with N.I Act cases shall dispose of all pending cases of 5 (five) years and longer, if any, within the next 3 (three) months and shall always dispose of such cases within a period of 6 (six) months from their date of institution.
6. Judicial Magistrates must dispose of all petitions filed under Section 125 Cr.PC and reliefs claimed under the Protection of Women from Domestic Violence Act, 2005 within a period of 6 (six) months, from the date of their filing.
7. Civil Courts shall dispose of all pending suits, execution petitions, miscellaneous cases etc., of 5 (five) years and longer before the end of the target indicated in this Action Plan.
8. The presiding officers of civil courts must dispose of caveat filed under section 148-A CPC within the stipulated period of 90 (ninety) days.
9. In every case involving a child in conflict with law, every endeavour shall be made by the JJB to complete the inquiry, as far as may be possible, within 4 (months) from the date of incident.

**Further, all the Judicial Officers shall, to the extent possible, adhere to the following directions:-**

- i) All pending cases of 5 (five) years/ 10 (ten) years or more, as the case may be, shall be disposed of before the end of the target indicated in the Action Plan, giving top priority and holding day-to-day trial. Hearing of such cases shall not ordinarily be adjourned beyond 15 (fifteen) days.
- ii) Endeavour must be taken to dispose of bail/ zimma applications within 3 (three) days but not later than 1 (one) week from the date of hearing.

- iii) Cases, involving social concern, shall be treated as a special category, and shall be put on fast track in order to dispose of such cases speedily, holding day-to-day trial.
- iv) In appropriate cases, the criminal courts shall resort to the provisions of Section 309 Cr.PC and see that the enquiry or trials are concluded expeditiously. The Courts shall not grant unreasonable adjournments either to the prosecution or the defence when such prayer is made. Even if the adjournment is granted, necessary cost may be awarded to the other party.
- v) Each individual Judicial Officer shall make an action plan after assessing his/ her docket size & nature of cases. He/ She, wherever possible, shall work an extra 1 (one) hour, beyond his/her scheduled working hours, so to achieve the targets well within time.
- vi) Care should be taken by the Judicial Officers not to neglect other cases while making extra effort for disposal of such old pending cases.

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