

THE HIGH COURT OF MEGHALAYA AT SHILLONG

NOTIFICATION

Dated, 04th September, 2025

HCM/II/73/2022/Estt/92:- In pursuance of order dated 08.05.2025 passed by the Hon'ble Supreme Court of India in Suo Moto Writ Petition (Criminal) No.4 of 2021 titled "In Re Policy Strategy for Grant of Bail", the Hon'ble Full Court in its meeting held on 03.09.2025, is pleased to approve and implement the "Action Plan for Expeditious Disposal of Criminal Appeals in terms of order dated 08.05.2025 of the Hon'ble Supreme Court of India in Suo Motu Writ Petition (Criminal) No.4 of 2021", in the High Court of Meghalaya with immediate effect.

By order etc.,

REGISTRAR GENERAL

Memo. HCM/II/73/2022/Estt/92-A

Dated, 4th September, 2025

Copy to :-

1. The Registrar and Secretary, Chief Justice Secretariat, High Court of Meghalaya for favour of kind information.
2. The P.S. to Hon'ble Mr. Justice H.S.Thangkhiew, Chief Justice (Acting), High Court of Meghalaya for kind information of His Lordship.
3. The P.S. to Hon'ble Mr. Justice W. Diengdoh, Judge, High Court of Meghalaya for kind information of His Lordship.
4. The P.S. to Hon'ble Mr. Justice B.Bhattacharjee, Judge, High Court of Meghalaya for kind information of His Lordship.
5. The Registrar (Admn.), High Court of Meghalaya, Shillong, for favour of kind information.
6. The Registrar (Judicial Service)-cum-CPC, High Court of Meghalaya, Shillong for favour of kind information and necessary action.
7. The Joint Registrar (Listing)-cum-OSD to Hon'ble the Chief Justice, High Court of Meghalaya, Shillong for favour of kind information and necessary action.
8. The Manager (IT), High Court of Meghalaya, for favour of kind information and necessary action.
9. The Secretary, High Court Legal Services Committee, for favour of kind information and necessary action.

10. The Deputy Registrar-II and In-charge, Digitization of Case Records, High Court of Meghalaya, for favour of kind information and necessary action.
11. The Court Masters, High Court of Meghalaya, for favour of kind information and necessary action.
12. The Superintendent (Judicial Section), High Court of Meghalaya for kind information and necessary action.
13. Office file.


REGISTRAR GENERAL

HIGH COURT OF MEGHALAYA

ACTION PLAN FOR EXPEDITIOUS DISPOSAL OF CRIMINAL APPEALS IN TERMS OF THE ORDER DATED 08.05.2025 OF THE HON'BLE SUPREME COURT OF INDIA IN SUO MOTU WRIT PETITION (CRIMINAL) NO.4 OF 2021

1. INTRODUCTION:

Action Plan for expeditious disposal of criminal appeals in the High Court of Meghalaya is prepared in compliance of the Hon'ble Supreme Court's Order dated 08.05.2025 in Suo Moto Writ Petition (Criminal) No. 4 of 2021. The ultimate objective is to ensure that the pendency of criminal appeals is reduced to the minimum. This Action Plan has been prepared taking into consideration also the Baseline Report on Case Management of NCMS, Model Action Plan for Reduction of Arrears in the High Courts and the suggestions of the learned Amicus Curiae.

2. STATUS OF THE PENDENCY OF CRIMINAL APPEALS IN THE HIGH COURT OF MEGHALAYA AS ON 31-07-2025 :-

An exercise taken by the Registry in this regard indicates that a total of 105 (one Hundred Five) criminal appeals are pending in this High Court as on 31.07.2025. These matters are listed accordingly in terms of this Registry's Standing Order No. 14 of 2014 dated November 11, 2014 which provides that Criminal appeals filed against the order of conviction and sentence for a period of 10 years and above shall be placed before the Division bench. The following table indicates the total number of cases pending in the Division Bench and Single Bench.

Division Bench	75
Single Bench	30
Total	105

Appeals against conviction	104
Appeals against acquittal	01
Total	105

Although the pendency of criminal appeals in this High Court is on the lower side, care needs to be taken that such matters are disposed of expeditiously particularly when the rights of the accused under Article 21 of the Constitution of India are at stake in these cases.

3. PRIORITIZATION AND CATEGORIZATION

The pending criminal appeals are categorized based on the following considerations:

- a) Age-wise pendency of appeals;
- b) Age of the accused i.e., minor, senior citizens and accused suffering from terminal illness incarcerated in jail;
- c) Severity of the offence i.e., offences involving capital punishment, life imprisonment;
- d) Supreme Court expedited cases;
- e) Special act offences having stringent conditions for grant of bail;
- f) Complexity of appeal i.e., appeal against sentence and fine; fine only; petty offences; compoundable offences, etc;
- g) Cases where maximum sentence is 7 years or less;
- h) Cases where accused is in jail for a substantial period of sentence without suspension of sentence under S. 389 CrPC.

The data of Criminal Appeals pending in this High Court is as follows:

A. AGE-WISE PENDENCY OF APPEALS:-

Sl. No.	Criminal Appeals before Division Bench which are pending for:-	Number pending as on 31-07-2025
1	More than 10 years	-NIL-
2	More than 5 years	-NIL-
3	More than 3 years	01
4	More than 2 years	01
5	More than 1 year	32
6	Less than 1 year	41
Total		75

Sl. No.	Criminal Appeals before Single Bench which are pending for:-	Number pending as on 31-07-2025
1	More than 10 years	-NIL-
2	More than 5 years	-NIL-
3	More than 3 years	01
4	More than 2 years	-NIL-
5	More than 1 year	08
6	Less than 1 year	21
Total		30

B. SEVERITY OF THE OFFENCE:-

Sl. No.	Criminal Appeals before Division Bench where the prescribed punishment is:-	Number pending as on 31-07-2025
1	Life imprisonment	27
2	More than 20 years	07
3	More than 10 years	41
Total		75

Sl. No.	Criminal Appeals before Single Bench where the prescribed punishment is:-	Number pending as on 31-07-2025
1	Upto 10 years	14
2	Upto 7 years	15
Total		29

C. CASES WHERE ACCUSED IS IN JAIL:-

Sl. No.	Criminal Appeals before Division Bench where the accused is in jail for:-	Number pending as on 31-07-2025
1	More than 20 years	01
2	10-20 years	03
3	5 to 10 years	14
4	Upto 5 years	57
Total		75

Sl. No.	Criminal Appeals before Single Bench where the accused is in jail for:-	Number pending as on 31-07-2025
1	More than 20 years	-NIL-
2	5 to 10 years	-NIL-
3	Upto 5 years	27
Total		27

Needless to say, cases which have been pending for more number of years, cases where the offences are more serious and the punishment is more severe and cases where the accused is in jail for substantial period of sentence shall also be given priority.

4. RATIONALISATION OF ROSTER

In case, the total pendency of criminal appeals increases to more than 300 cases each before Division Bench and Single Bench, a dedicated Bench may at the discretion of the Hon'ble the Chief Justice, be assigned to deal with hearing only criminal appeals.

At present, there are only about 105 pending criminal appeals pending before this High Court. Out of which 75 cases are pending before Division Bench and 30 cases are pending before Single Bench. In view of this and taking into consideration the present composition of Judges in this High Court, creation of Dedicated Benches for taking up Criminal Appeals may not be feasible. The matter is best left to the discretion of the Hon'ble the Chief Justice as master of the roster.

5. REGISTRY LEVEL DUE DILIGENCE:

Whenever a criminal appeal arising from a final order of conviction or acquittal is admitted, the Registry shall call for the lower Court's record immediately. Paper books shall be prepared by the Appellant expeditiously as soon as the case record is received and the same be completed within 2(two) weeks. In case of legal aid matters, the High Court Legal Services Committee shall assist the Registry in preparation of Paper Books. The Registry shall ensure that the paper books are prepared on time, scanned and served upon the concerned counsel, at least two weeks before the tentative date of final hearing.

6. OPTIMIZE CASE LISTING AND IMPROVEMENTS IN THE CAUSE LIST:

The list of criminal appeals shall be published one week in advance so as to give prior notice to the lawyers that their cases will be heard finally in the near future. Once the criminal appeal is "taken on board" for final hearing, it should continue to remain on the court's docket until it is disposed of. The cause list of criminal appeals shall be classified and prioritized year wise, apart from other factors indicated above.

7. ASSIGNING JUDGES WITH DOMAIN EXPERTISE WITH CRIMINAL WORK:

Another suggestion is that judges with domain expertise be assigned criminal work subject to the discretion of the Hon'ble the Chief Justice in His Lordship's capacity as masters of the roster. The ultimate object of this suggestion is to ensure the speedy disposal of criminal appeals.

8. INTELLIGENT AND EXTENSIVE USE OF TECHNOLOGY:

Technology will be put to optimum use to achieve the desired targets. In this regard, the High Court of Meghalaya has adopted the hybrid mode of hearing which has proved to be extremely beneficial for the parties who have the option of appearing physically or through the virtual mode. During hearing of criminal appeals, parties/advocates are to be allowed to appear through virtual mode subject to the convenience of the Court. Live streaming of Court proceedings has brought about the much needed transparency in Court proceedings. Another area is digitisation of case files which is under process. The Manager IT of the Registry shall take necessary steps to ensure that there is seamless interconnectivity between the case information systems at the High Court and the District Courts. This will enable the High Court and the appellate courts to pull data and records, including judgments and decrees from the case information system as and when required to the High Court database.

9. DIGITISATION OF CASE RECORDS

One of the most frequent reasons for delay in hearing of criminal appeals is the time taken with requisition of Trial Court Record. This delay can be avoided by way of computerisation of digital records. As soon as a notice is issued in criminal appeal arising out of order of conviction or acquittal, soft copy of the record of the Trial Court be automatically called for by the Registry so that the hearing is not delayed. Procedural Rules have to be in place in this regard. It is understood that the process of digitisation of case records of the High Court and District Judiciary is already underway. The same needs to be expedited to ensure that the following directions of the Hon'ble Supreme Court of India in the case of *Jitendra Kumar Rode v Union of India*, 2023 SCC Online SC 485 [Annexure A-3 [Pages 51-62]] are complied with:

- i) *The Registrar General of the High Courts shall ensure that in all cases of criminal trial, as well as civil suits, the digitization of records must be duly undertaken with promptitude at all District Courts, preferably within the time prescribed for filing an appeal within the laws of procedure.*

- ii) *The concerned District Judge, once the system of digitization along with the system of authentication of the digitized records is in place in their judgship, to ensure that the records so digitized are verified as expeditiously as possible.*
- iii) *A continually updated record of Register of Records digitized shall be maintained with periodic reports being sent to the concerned High Courts for suitable directions..."*

10. RESTRICTION ON ADJOURNMENTS

A major concern is the number of adjournments sought and granted at the time of the final hearing of the criminal appeals. In order to curb this, it is suggested that adjournments may be considered limited to 3 (three), beyond which, cost may be imposed. Imposition of exemplary costs for seeking adjournments on flimsy grounds may also be resorted to.

However, it is ultimately the discretion of the Court to grant adjournments. Sometimes delay is also caused by non-cooperation by the learned counsel appearing for the accused person(s). In such a situation, the Hon'ble Supreme Court has suggested taking recourse to law laid down in the case of **Bani Singh vs. State of Uttar Pradesh**. In this case, the Hon'ble Supreme has suggested the appointment of a lawyer at State expenses to espouse the cause of the accused.

11. LIBERAL APPLICATION OF SECTION 389 OF THE CODE OF CRIMINAL PROCEDURE, 1973:

Section 389 of the Code of Criminal Procedure, 1973 deals with suspension of sentence pending appeals. It provides as follows:

- (1) *Pending any appeal by a convicted person, the Appellate Court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended and, also, if he is in confinement, that he be released on bail, or on his own bond. Provided that the Appellate Court shall, before releasing on bail or on his own bond a convicted person who is convicted of an offence punishable with death or imprisonment for life or imprisonment for a*

term of not less than ten years, shall give opportunity to the Public Prosecutor for showing cause in writing against such release; Provided further that in cases where a convicted person is released on bail it shall be open to the Public Prosecutor to file an application for the cancellation of the bail.

(2) The power conferred by this section on an Appellate Court may be exercised also by the High Court in the case of an appeal by convicted person to a Court subordinate thereto.

(3) Where the convicted person satisfies the Court by which he is convicted that he intends to present an appeal, the Court shall;

i) where such person, being on bail, is sentenced to imprisonment for a term not exceeding three years, or

ii) where the offence of which such person has been convicted is a bailable one, and he is on bail, order that the convicted person be released on bail unless there are special reasons for refusing bail, for such period as will afford sufficient time to present the appeal and obtain the orders of the Appellate Court under Sub-Section (1), and the sentence of imprisonment shall, so long as he is so released on bail, be deemed to be suspended.

(4) When the appellant is ultimately sentenced to imprisonment for a term or to imprisonment for life, the time during which he is so released shall be excluded in computing the term for which he is so sentenced.

As directed by the Hon'ble Supreme Court, this power should be exercised liberally, unless there are exceptional circumstances brought on record.

12. OTHER STEPS THAT MAY BE TAKEN:

- i) Setting of monthly targets** by the concerned Bench for disposal of old cases;
- ii) Limiting the time for oral arguments** and exploring the option of adopting written arguments;
- iii) Day-to-Day Sittings** for appeals pending for a year or more.

13. PERIODICAL REVIEW MEETINGS:

At the end of each month a review of the achievements as against the plan of action will be done so as to bring about a course-correction, if necessary.
