

THE HIGH COURT OF MEGHALAYA: AT SHILLONG

C I R C U L A R

Dated 4th November,2025

No. HCM II/34/Pt.III/2014/Estt/17: Pursuant to order dated 22.09.2025 passed by the Hon'ble Supreme Court of India, in the matter of Special Leave to Appeal (Crl.) No.969/2025 titled "The Central Bureau of Investigation Vs. Mir Usman @ Ara @ Mir Usmal Ali", the Hon'ble the Chief Justice is pleased to direct all trial Courts under the jurisdiction of this High Court to adhere with the following:

1. The proceedings in every inquiry or trial shall be held expeditiously.
2. When the stage of examination of witnesses starts, such examination shall be continued from day-to-day until all the witnesses in the attendance have been examined except for special reasons to be recorded in writing.
3. When the witnesses are in attendance before the Court, no adjournment or postponement shall be granted without examining them, except for special reasons to be recorded in writing.
4. The Court should not grant the adjournment to suit the convenience of the advocate concerned except on very exceptional grounds like bereavement in the family and similar exceptional reasons duly supported by memo. Be it noted that the said inconvenience of an advocate is not a "Special Reason" for the purpose of bypassing the immunity of Section 309 of the Cr.P.C.
5. In case of non-cooperation of accused or his counsel, the following shall be kept in mind:
 - a. In case of non-cooperation of the counsel, the Court shall satisfy itself whether the noncooperation is in active collusion with the accused to delay the trial. If it is so satisfied for reasons to be recorded in writing, it may, if the accused is on bail, put the accused on notice to show cause why the bail cannot be cancelled.
 - b. In cases where the accused is not in collusion with lawyer and it is the lawyer who is not cooperating with the trial, the Court may for reason to be recorded, appoint an amicus curiae for the accused and fix a date for proceeding with cross-examination/trial.
 - c. The Court may also in appropriate cases impose cost on the accused commensurate with the loss suffered by the witness including the expenses to attend the court.

d. In case when the accused is absent and the witness is present for examination, in that case the Court can cancel the bail of accused if he is on bail. (Unless an application is made on his behalf seeking permission for his counsel to proceed to examine the witness present even in his absence, provided the accused gives an undertaking in writing that, he would not dispute, his identity as a particular accused in the case.)

6. The Presiding Officer of each Court may evolve the system for framing a schedule of constructive working days for examination of witnesses in each case, well in advance, after ascertaining the convenience of counsel on both sides.

7. The summons or process could be handed over to the Public Prosecutor in-charge of the case to cause them to be served on the witnesses, as per schedule fixed by the Court.

A copy of the judgment dated 22.09.2025 in the said case is enclosed herewith for favour of kind information, compliance and necessary action.

By order etc.,

REGISTRAR GENERAL

Memo. No. HCM II/34/Pt.III/2014/Estt/17-A:

Dated 4th November, 2025

Copy to:-

1. The Registrar and PPS to Hon'ble the Chief Justice, High Court of Meghalaya for kind information of His Lordship.
2. The P.S to Hon'ble Mr. Justice H.S.Thangkhiew, Judge, High Court of Meghalaya for favour of kind information of His Lordship.
3. The P.S to Hon'ble Mr. Justice W.Diengdoh, Judge, High Court of Meghalaya for favour of kind information of His Lordship.
4. The P.S to Hon'ble Mr. Justice B.Bhattacharjee, Judge, High Court of Meghalaya for favour of kind information of His Lordship.
5. All District & Sessions Judges, Meghalaya with a request to circulate the same to all Judicial Officers under your jurisdiction.
6. The System Analyst, High Court of Meghalaya for uploading the same in the official website of this High Court.
7. Office copy.

REGISTRAR GENERAL