

2932/1-21  
22/07/2021



(Through e-mail)

From  
**Registrar General,  
High Court of Judicature at  
Allahabad**

To  
**All the District Judges  
Subordinate to High Court of Judicature at  
Allahabad.**

Letter 1983 /LXXXVII-CPC/e-Courts/Allahabad/ Dated: 20<sup>th</sup> July 2021  
No.

**Subject:** Guidelines for functioning of District Courts/ Tribunals, keeping in view  
the status of cases of COVID-19 in Districts.

Sir/ Madam,

I have been directed by the Hon'ble Court to communicate that in supersession of all earlier guidelines regarding opening and functioning of Courts during the period of Lockdown & thereafter, the following guidelines shall be applicable to all the Courts (Including Tribunals) subordinate to High Court of Judicature at Allahabad -

**GUIDELINES REGARDING FUNCTIONING OF COURTS**

1. All the Courts (including tribunals) subordinate to the High Court of Judicature at Allahabad shall open to take up the Judicial Work & Administrative matters, as per the existing provisions, rules, guidelines and circulars issued from time to time.
2. The Presiding Officer shall take all possible steps to ensure that minimum number of parties/Counsel are present in the Court room at one time for Court proceedings, to ensure physical distancing guidelines. Further, the Presiding Officer shall not prevent appearance of the parties in the case unless suffering some illness, but, shall have the power to restrict entry of persons into the courtroom or the points from which arguments are addressed by the advocates.
3. All the Courts (including tribunals) subordinate to the High Court of Judicature at Allahabad shall remain closed on Saturdays and Sundays as per the guidelines issued by the State Government and as per the resolutions of this Court dated 22.04.2021. During the said period, the Court premises shall be completely sanitized.

*Tr. for P.O. M. 27; Principal Judge  
family court and all judicial  
officers & clerks to be associated  
for necessary ~~compliance~~ action.  
D.M. 22/7/21. M. J. M. S. to be informed for  
necessary action.*

*[Signature]*  
22.7.21  
District Judge  
Muzaffarnagar



4. As soon as the work is completed, the Judicial Officers and Court Staffs may kindly be directed to leave the Court premises.
5. Masks shall be strictly used by everyone who enters into the Court premises as well as into the Court room. Sanitizer shall be arranged at the door of court room. Reader, Clerk etc. shall follow Social Distancing guidelines.
6. In case, the District Administration/ CMO concerned is of the opinion that the District/ Outlying Court Campus should be closed for a particular period due to Covid-19 pandemic situation, then the District Court/Outlying Court may be closed for the said period and an intimation mentioning the specific reasons may be sent to Allahabad High Court.
7. Thermal scanning check-up of all the persons entering in the court premises shall also be ensured with the help of District Magistrate, other administrative officers & CMO/CMS.
8. District Judge/ Principal Judge, Family Court, Presiding Officer, Commercial Court/ Land Aqai, Rehab & Resettlement Authority/ Motor Accident Claims Tribunals concern shall ensure compliance of directions given by Hon'ble Apex Court/ High Court of Judicature at Allahabad in Judicial side and all directions/ guidelines issued by the Central Government & State Government regarding COVID-19.
9. Daily consolidated report of the number of cases/applications decided, feed back etc. be submitted by the District Judges on the e- services module on regular basis.
10. **The above guidelines shall be applicable from 22.07.2021 till further orders.**

The concerned Bar Association may be informed, accordingly.



Therefore, it is requested to take necessary steps at your end to ensure the compliance of the directions given by Hon'ble Court. It is also requested that the above directions may be communicated to the Presiding Officers of the other Courts/ Tribunals subordinate to the High Court of Judicature at Allahabad, for ensuring compliance in your district.

With regards,

Yours faithfully,

*A*  
20.07.2021

I/c Registrar General

**Copy forwarded to:-**

Letter No. 1984 /LXXXVII-CPC/e-Courts/Allahabad/Dated: 20 July 2021

1. The Chief Secretary,  
Government of U.P., Lucknow
2. The Principal Secretary (Law) &  
L.R., Government of U.P., Lucknow

With a request to communicate the above guidelines to all the concerned State/ District Authorities to ensure strict compliance.

By order of the Court,

*A*  
20.07.2021

I/c Registrar General

**Court No. - 34**

**Case :-** PUBLIC INTEREST LITIGATION (PIL) No. - 2436 of 2019

**Petitioner :-** In Re Suo Moto Relating To Security And Protection In All Court Campuses In The State Of U.P.

**Respondent :-** State of U.P.

**Counsel for Petitioner :-** Suo\_Moto

**Hon'ble Sudhir Agarwal, J.**

**Hon'ble Suneet Kumar, J.**

1. Pursuant to this Court's order dated 18.12.2019, today two applications seeking exemption have been filed by Sri Awanish Kumar Awasthi, Additional Chief Secretary (Home), Government of U.P., Lucknow and Sri Om Prakash Singh, Director General of Police, U. P. Lucknow stating that today being Friday and already there is lot of agitation and protest in State of U.P. in connection with certain recent legislative developments and on 19.12.2019, certain incidents of law and order have also happened in Lucknow, Sambhal and other areas, hence, considering sensitivity of serious apprehension of law and order situation, on today being Friday, on which date members of a particular community offer Friday prayer, presence of both officers at Lucknow is necessary and, therefore, they be exempted of personal appearance for today. It has been assured that they will appear on any other date fixed by this Court. However to represent them, Sri Bhagwan Swaroop, Secretary (Home) and Sri Deepesh Juneja, A.D.G. (Security) are present.

2. Sri Manish Goyal, Additional Advocate General assisted by Sri Syed Ali Murtaza, Additional Government Advocate have appeared on behalf of State. He submitted that steps have been taken by District Authorities to ensure security in Court Campuses, but as a matter of fact, Advocates are not cooperating and many a times there have been altercations between Advocates and Security Personnel and that is seriously affecting security arrangements in District Judgeships. With regard to steps taken at District Judgeship, Bijnor, he produced a copy of letter dated 18.12.2019 submitted by District Judge, Bijnor to addressed to

Additional Chief Secretary (Home) intimating about steps taken earlier for security and also steps on which there has been an understanding between the District Judge, Bijnor, President, Bar Association and District Administration, to take following steps :

1. मा० न्यायालय परिसर में एक ही गेट, गेट नं०-1 (मुख्य प्रवेश द्वार) अधिवक्ताओं/ वादकारियों/कर्मचारियों व अन्य कार्य से आने वाले व्यक्तियों के निर्धारित रहेगा। गण्डावर रोड स्थित छोटा गेट नं० 3 तत्काल पूर्णतया बन्द कराया जाये। किसी भी स्थिति या किसी भी विरोध पर ये गेट नहीं खुलने चाहिए। गेट नं०-03 को पूर्णतया बन्द कराने हेतु मा० न्यायालय से अनुरोध किया गया है। (संलग्नक-8)।
2. मुख्य प्रवेश द्वार से प्रवेश करने वाले अधिवक्ताओं की उपस्थिति को पंजीकृत करने तथा अधिवक्ताओं की पहचान न्यायालय के कर्मचारियों एवं सुरक्षाकर्मियों को भी होने के सम्बन्ध में अधिवक्ताओं की उपस्थिति बायोमैट्रिक अटेंडेन्स सिस्टम के द्वारा करने एवं अधिवक्ताओं के वाहनों पर आई डी स्टीकर की व्यवस्था कराने हेतु मा० जिला न्यायालय, बिजनौर से अनुरोध किया गया है।
3. मा० जिला न्यायालय में वादकारियों की प्रतिष्ठ हेतु 01 प्रवेश पास के साथ अनुमति दिये जाने हेतु मा० जिला न्यायालय, बिजनौर से अनुरोध किया गया है।
4. अधिवक्ताओं के द्वारा कोर्ट परिसर में अपने आई कार्ड के साथ आने एवं सुरक्षा कर्मियों के द्वारा मांगे जाने पर आई कार्ड दिखाने के लिये अधिवक्ताओं को गार्डडलाईन जारी करने हेतु मा० न्यायालय से अनुरोध किया गया है।
5. मा० न्यायालय परिसर की सुरक्षा व्यवस्था में डेड सेवशन पी०ए०सी० व्यवस्थापित है। मा० न्यायालय परिसर की सुरक्षा हेतु डिप्यूटी में लगाये गये सी०पी० पुलिस कर्मियों को और अधिक प्रशिक्षित किये जाने की प्रक्रिया प्रवर्तित है।
6. अभियुक्तों को मा० न्यायालय में सुरक्षित रूप से प्रवेश कराये जाने की उचित व्यवस्था की गयी है।
7. वर्तमान व्यवस्था के अन्तर्गत मा० न्यायालय परिसर में प्रवेश हेतु गेट नं०-1 ( मुख्य द्वार ) को ही उपयोग में लाया जा रहा है। इस गेट को बैरियर लगाकर दो भागों में विभाजित कर एक भाग से अधिवक्तागण तथा दूसरे भाग से वादकारियों के प्रवेश की व्यवस्था की जा रही है।
8. जब तक उक्त व्यवस्था पूर्णतया लागू न हो तब तक अधिवक्ताओं की भी चेकिंग-फिरकिंग करने के उपरान्त ही उन्हें न्यायालय में प्रवेश कराया जा रहा है।
9. मा० न्यायालय परिसर के मुख्य प्रवेश द्वार पर 04 डी०एफ०एम०डी०, 07 एच०एच०एम०डी० व 01 एक्स-रे बैगेज स्कैनर तथा मा० न्यायालय परिसर में विभिन्न सी०पी० पर कुल 38 सी०सी०टी०वी कैमरा स्थापित किये गये हैं। इन संसाधनों की कियाशीलता को समय-समय पर चेक करने हेतु 04 सदस्यीय पुलिस टीम गठित की गयी है। दिनांक 18-12-2019 को टीम द्वारा इन संसाधनों को चेक किये जाने पर सभी

संसाधन सुचारु रूप से कार्य करना पाये गये हैं, जिनके कुशल संचालन हेतु पुलिस कर्मियों की डिशूटिंग लगायी गयी है। मा० न्यायालय परिसर में व्यवस्थापित सी०सी०टी०वी० कैमरे सुचारु रूप से कार्य कर रहे हैं।”

“1. In the premises of the learned court, only one gate, the gate no. 1 (main entrance), shall be open for the advocates/litigants/employees and also for others coming for other purposes. The small gate no. 3 located on the Mandawar Road may be completely closed with the immediate effect. The gate should not be opened in any circumstance or in case of any protest. A request has been made to the learned court for complete closure of the gate no. 3. (Annexure - 8)

2. For recording the attendance of the advocates entering through the main entrance gate and for making available the identities of the advocates to the employees and security personnels as well, the learned District Court, Bijnor has been requested to let the entry of the advocates take place through the biometric attendance system and also to provide ID stickers on the vehicles of the advocates.

3. Learned District Court, Bijnor has been requested for permitting the litigants' entry with '01 entry pass' into the premises of the district court.

4. Learned District Court, Bijnor has been requested to issue guidelines to advocates to come into the court premises with their I - Cards and to show the cards to security personnel on being demanded by them.

5. 1½ section of the PAC has been deployed for the security of the district court complex. The process to impart much more training to the local police personnel deployed on the court campus for security purposes is going on.

6. A proper arrangement has been developed for the safe entry of the accused into the learned court premises.

7. As per the system available currently, Gate No. 1 (Main entrance) is being used for the entry into the learned court premises. After installing a barrier at the entrance gate as a measure of bifurcation, two entry points are being developed; one, for the advocates' entry and the other, for the litigants'.

8. Until the aforesaid system gets fully operational, the advocates are being allowed to enter the court premises only after passing through checking and frisking process.

9. At the entrance gate have been set up 04 DFMD, 07 HHMD and 01 X-Ray baggage scanner, and at 38 different places on the court campus have been installed a total of 38 CCTV Cameras. A-four-member police team has been formed to check the functionality of these devices from time to time. The team, on being checked, has found all these devices to be properly functioning on 18.12.2019; and for their efficient working, the police personnel have been assigned duties. The CCTV cameras installed on the court campus are functioning properly.”

(English Translation by Court)

3. Sri Ashish Mishra, Advocate, who has appeared on behalf of High Court and District Judgeships to assist this Court, on the contrary, has informed that as per information from Registrar General, even boundary walls in all Courts in the State have not been raised till date. Out of 75 District Headquarters, only at only 29 places, boundary walls are complete as per standards, and in 38 districts, construction work is still going on. For three places, i.e. Ambedkar Nagar, Barabanki and Chitrakoot estimates sent to State Government is pending for approval. At other three places i.e. Sambhal, Hathras and Sonbhadra, even land has not been acquired for construction of District Judgeships' building, hence, question of raising boundary wall does not arise. However, nothing has been said in respect of places where these Courts are presently working, whether they have boundary walls or not. From Fatehpur Judgeship, report has not been received and for Aligarh Judgeship estimation is under process. There are 86 Outlying Courts in State of U. P. whereagainst only 52 have own campus. Only at 18 places boundary walls are complete as per standard and at 29 places construction work is still going on. For 34 Outlying Courts, land is yet to be acquired. In respect of three Outlying Courts, report is awaited and at two places estimate is under process.

4. With respect of installation of CCTV Cameras and security equipments, Sri Goyal, informed that in 35 Judgeships, installation is complete and CCTV cameras etc. are functioning, but handing over process is not complete. In 24 District Judgeships, installation is

complete, the system is working and has been handed over to District Judgeships.

5. This information, we find, is not reliable, inasmuch as, Sri Ashish Mishra, learned counsel appearing for High Court informed that just a day before, District Judge, Etawah informed that CCTV Cameras and security equipments installed at Etawah are not at all functioning.

6. When we inquired from Sri Manish Goyal, learned Additional Advocate General that Secretary (Home) and ADG (Security), who are present in Court today, whether in a position to file an affidavit that all alleged electronic surveillance system is properly functioning and we can obtain recorded sample byte of selected dated and time by Court, he said that he will require further time to verify above facts. This shows that even information given with regard to alleged functioning, is not creditworthy.

7. We have also received suggestions from Bar Associations of District Judgeships of Auraiyya, Muzaffarnagar and Rae Bareilly and also from District Judges of Auraiyya and Unnao. Broad suggestions therein are as under :

- (i) Court staff must be in proper uniform.
- (ii) Identity cards be issued to Advocates and their Clerks and those who produce Identity Cards and are in prescribed uniform, should be allowed to enter Court premises.
- (iii) No unauthorized vendor should be allowed in Court premises.
- (iv) Security Personnel posted in Court campus should be checked from time to time by Superior authorities so as to keep them alert and prepared all the time when they are on duty.
- (v) Information of cases in Court should be displayed on L.E.D., to be installed outside the Court and at some prominent places in District Judgeship, so that unnecessary crowd in Court for inquiring



about status of cases may be avoided.

(vi) Functional good quality CCTV cameras and other security equipments should be installed.

(vii) Hardcore and political accused involved in Criminal cases whenever come to Court, should not be allowed to be accompanied by other people, may be relatives or followers etc. and their entry should be restrained.

(viii) Whenever notorious hardcore criminals are to be produced in Courts, extra precaution should be taken for their protection so long as they remain in Court room and Court premises.

(ix) Proper parking facilities of vehicles should be made available.

(x) Trained Security Personnel should be deployed with requisite frisking and checking equipments like Metal Detectors etc.

(xi) In every Judgeship, a Police Chowki should be established, which should be under the control of District Judge.

(xii) Entry of litigants through Passes issued by Court should be arranged.

(xiii) No firearm or unwanted items should be allowed to be taken by anyone in Court premises.

(xiv) Separate entry and exit should be provided for Advocates, Litigants and Judges.

(xv) Vehicles entering Court premises, whether belong to Advocates or others, should be daily checked as far as possible such entry must be disallowed.

8. District Judge, Amethi, in his letter dated 19.12.2019, has informed that District Judgeship at Amethi is not functional as no Court premises is available to it. Office of District Judge, Amethi is functioning from the erstwhile Office of District Basic Education Officer situated in Gauriganj, District-Amethi. For security purposes, police force of three plus one has

been provided but it is not always available and from time to time, without information, it is removed.

9. Sri Rakesh Pandey, President of High Court Bar Association, Allahabad present in the Court stated that proper steps for security is the need of time and neither it can be overlooked nor ignored nor can be dealt with lightly, but it requires effective appropriate steps at the earliest. He also assured that Advocates shall cooperate for this purpose as it is for their benefits. Advocate representing Bar Council also stated that Bar Council shall also issue a circular/letter to all Bar Associations in State requesting its members to cooperate with System for observing proper security in District Judgeship which is in the interest of all individuals and stake holders in particular.

10. After hearing various parties, who appeared before Court today, at this stage, we find that on some aspects immediate steps need be taken and on some aspects a long term road map should be prepared by Expert Authorities on the subject, executable within a reasonable time. No one can doubt that the matter of security now cannot be deferred and prolonged further. We, therefore, at present, direct concerned authorities to comply directions as stated hereinunder, for the time being, and submit further proposals :

(1) By 31.12.2019, in all District Judgeships wherever boundary walls are under construction, the same shall be completed, maintaining due standards and quality. A compliance report shall be submitted through an affidavit to be sworn by Chief Secretary, U.P. and filed on 02.01.2020.

(2) CCTV Cameras and other security equipments, wherever installed and made functional, same shall be checked by an Expert Body constituted by State Government, which will include an Officer not below the rank of Senior Superintendent of Police, who is technically qualified to verify quality, specification and standards

of installation and their functioning. Wherever installation are not complete or functional, the same shall be completed by 31.12.2019 and a compliance report shall be submitted through an affidavit of Additional Chief Secretary (Home) on 02.01.2020.

(3) With regard to formation of specialized security personnel for looking after security of District Judgeships, creation of appropriate Specialized Force, and steps taken therefor shall be deliberated and after taking an effective decision, shall be informed to this Court by way of an affidavit of Additional Chief Security (Home) keeping in view that said formation is actually made available and deployed positively by 28.02.2020. Till then appropriate number of police personnel with due training to deal with people who normally comes to Court, shall be deployed in and their proficiency, expertise etc., shall be determined by Senior Superintendent of Police of concerned district and he shall also be personally responsible, if any, flaw is found in functioning of such personnel.

(4) Immediate steps be taken for preparation of Advocates' Roll in all districts. For this purpose within one week Registrar General shall communicate to all District Judgeships, requisite procedure which was followed by this Court for preparation of Advocates' Roll including the form etc. to be filled in by Advocates and thereafter all District Judges shall invite applications from all Advocates for enrollment on Advocates' Roll on prescribed form and due notice shall be given to Advocates' Associations as well as Public Notice Board in District Judgeships and after completion of receiving applications by 15.01.2020, Advocates' Roll shall be finalized by 31.01.2020.

(5) Similar steps shall be taken for preparation of Roll of Clerks of Advocates. A maximum of two Clerks of an Advocate shall be so registered on the certificate issued by concerned Advocate. To start with, Advocates practising in concerned District Judgeship, shall

issue requisite certificates to Clerks, on the basis whereof Clerks shall be allowed to apply for enrollment on Clerk's Roll but after preparation of Advocates' Roll, Clerks' Roll shall be rechecked and verified and only those shall be allowed to continue who are engaged with Advocates, who are enrolled in Advocates' roll.

(6) State Government shall immediately take steps for providing requisite infrastructure creating system for issuing Passes to litigants' entry into Court. For this purpose, for the time being, it shall create requisite posts for staffs to be deployed, in all District Judgeships and also computers etc., needed for issue of Passes to litigants.

11. Advocate's and Clerks shall be issued biometric Identity Cards by concerned District Judgeships and for this purpose effective proposal shall be placed before this Court by State on 2<sup>nd</sup> January, 2020 through an affidavit sworn by Additional Chief Secretary (Home) with a clear understanding that said proposal, if approved, shall be executed and made functional by 01.02.2020. Till appropriate arrangements are made, Advocates shall keep with them their identity cards issued by their respective Bar Associations or Bar Council and Advocate's Clerk will carry with them their identity cards, issued, by Bar Association or Aadhar Card or any other card necessary for their identification. They (Advocates and Clerks) shall produce such Identity Card whenever required by security personnel or Court staff.

12. District Judges shall ensure that all staff of District Judgeships are in due uniform, displaying their identity cards. Any person who does not possess such identity card or not in uniform and also neither Litigant nor Clerk, shall not be allowed to enter or stay in Court premises.

13. List this matter for further hearing on 02.01.2020 at 02:00 PM, on which date as already directed by order dated 18.12.2019, Additional Chief Secretary (Home) and Director General of Police, U.P. Shall remain

present.

14. Registrar General shall comply the directions relating to him as shall also send a copy of this order to all the District Judges in State of U.P. as also Chief Secretary, U.P., Lucknow; Additional Chief Secretary (Home); Director General of Police, U.P., Lucknow; Advocate General, U.P.; Government Advocates at Lucknow and Allahabad both and to High Court Bar Association, Allahabad and Awadh Bar Association, Lucknow and Bar Council of U.P. for information and compliance, if anything is to be done on their part.

**Order Date :** 20.12.2019  
**Manish Himwan/Siddhant**



**Court No. - 49**

**Case :-** CONTEMPT APPLICATION (CRIMINAL) No. - 6 of 2021

**Applicant :-** In Re

**Opposite Party :-** Shri Kaliram And Others

**Counsel for Applicant :-** A.G.A., Satya Dheer Singh  
Jadaun, Shivendra Ojha

**Counsel for Opposite Party :-** Shivendu Ojha, Satya Dheer Singh  
Jadaun

**Hon'ble Suneet Kumar, J.**

**Hon'ble Vikram D. Chauhan, J.**

Heard Shri Satya Dheer Singh Jadaun, learned counsel appearing for the contemnors and Shri Surendra Malik, Advocate/Secretary, District Bar Association, Muzaffar Nagar.

The first contemnor Shri Kali Ram is aged about 86 years, second contemnor Shri Sughand Jain is aged about 65 years and third contemnor Shri Arun Kumar Sharma is aged about 51 years. The applicants had put in appearance and have filed discharge applications and have tendered unconditional apology.

The Secretary of the District Bar Association informs that on demise of a lawyer, in the event resolution is passed by the Bar for observing condolence, members of the Bar undertake not to interfere with the functioning of the court or to restrict any lawyer, litigant or witnesses from appearing before the court. The undertaking is recorded and accepted.

Having regard to the report of learned Administrative Judge, the judicial officer should be more careful in handling the court proceedings and senior members of the Bar, he should avoid unnecessary confrontation. We may not be misunderstood, it is clarified that no lawyer or litigant has a right to disturb the judicial process or to coerce and pressurize the presiding officer to the line of the Bar.

In the circumstances, the apology tendered by the contemnors is accepted. The notices against all the contemnors stands discharged.

However, the conduct of the contemnors shall be under observation for the next 12 months from date.

Office to forward copy of the order to the District Judge,

Muzaffar Nagar

In view thereof, the application is consigned to record.

**Order Date :-** 22.3.2022  
D. Tamang

82 (Vikram D. Chauhan, J.) (Suneet Kumar, J.)

*SAD Divided*  
30/3/22  
Assistant Registrar  
High Court - Allahabad  
*(S.D.)*  
30-03-22



Court No. - 21

Case :- CRIMINAL MISC. WRIT PETITION No. - 3543 of 2021

Petitioner :- Dr. Hargovind Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Romeshwari Prasad, Kaushalendra Nath Singh

Counsel for Respondent :- G.A.

Hon'ble Dr. Kaushal Jayendra Thaker, J.

Hon'ble Ajit Singh, J.

This writ petition has been filed with prayer for the following reliefs:-

*"I. Issue a writ, order or direction in the nature of Certiorari to quash the impugned First Information Report dated 26.12.2020 registered as Case Crime No. 0763 of 2020 U/s 120-B, 420, 465, 467, 468, 471 IPC at Police Station - Kotwali, Khalilabad, District - Sant Kabir Nagar, so far it relates to the petitioner, in the interest of justice (Annexure No. 1 to this writ petition)*

*II. Issue a writ, order or direction in the nature of Mandamus to direct the respondent No. 2 and 3 not to arrest the petitioner, till the submission of the charge sheet in First Information Report dated 26.12.2020 Case Crime No. 0763 of 2020 U/s 120-B, 420, 465, 467, 468, 471 IPC at Police Station - Kotwali, Khalilabad, District - Sant Kabir Nagar, so far it relates to the petitioner.*

*III. To issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the aforesaid facts and circumstances of this case.*

*IV. To award the cost of the petition in favour of the petitioner.*

We are hearing learned counsel Shri Kaushalendra Nath Singh appearing for petitioner Dr. Hargovind Singh, who is Chief Medical Officer and is running vaccination services during this pandemic of Covid-19. It is sought to be contended by the learned counsel that the petitioner has been made victim of criminal proceedings arising out of the impugned FIR which itself was lodged under judicial order without knowing much about the genuineness of the medical certificate issued by the petitioner.

We are sorry to record it. Can we say that the insensitive judicial officer who has directed for lodgement of this First Information Report which is in the teeth of it can not stand to the judicial scrutiny of this Court? Even if we do not mention

here that the Registrar General had already issued directions to all the judicial officers throughout the State of Uttar Pradesh for not insisting on personal appearance of the accused or parties in the wake of Covid-19 pandemic, still the accused M.L.A. was summoned but he sent a report that he had tested corona positive, which was not relied upon by the Trial Judge and considering that report to be false without any basis, instead ordered for registering an FIR against the petitioner Chief Medical Officer. As per the assertion of the learned advocate it is further sought to be contended that the petitioner CMO was not the treating doctor, he had only given the certificate to the accused M.L.A. and the report is on the website of the U.P. Government which could have been very well verified by the learned judge.

In this view of the matter we stay the proceedings of Case Crime No. 0763 of 2020 under Sections 120-B, 420, 465, 467, 468, 471 IPC, PS - Korwali, Khalilabad, District - Sant Kabir Nagar arising out of impugned First Information Report dated 26.12.2020 during this pandemic.

We request the learned Registrar General of this Court to remind the concerned judicial officer to abide by the guidelines of this High Court on Covid-19 pandemic in passing such orders in future. Further, the learned Registrar General of this Court shall communicate to all the judges of the District Courts throughout the State of U.P. to be more careful during this pandemic and restrain themselves from passing such orders which may bring disrepute to the judicial system in the State more particularly during this ongoing period of pandemic.

We have heard Shri N.K. Srivastava appearing for the State and we request Mr. Srivastava to obtain instructions from the State for filing reply.

As we have stayed the investigation of Case Crime No. 0763 of 2020 under Sections 120-B, 420, 465, 467, 468, 471 IPC, PS - Korwali, Khalilabad, District - Sant Kabir Nagar in the case of the present petitioner namely Dr. Hargovind, we even go a step further that the other co-accused of this case need not be coercively dealt with as we do not want multiplicity of proceedings in the High Court during the pandemic.

As we have already stayed the proceedings, the petitioner Dr. Hargovind shall not be coercively dealt with and shall not be arrested during this interregnum period in Case Crime No. 0763 of 2020 under Sections 120-B, 420, 465, 467, 468, 471 IPC, PS - Korwali, Khalilabad, District - Sant Kabir Nagar arising out of impugned First Information Report dated

26.12.2020

List in the month of July, 2021 more particularly 1st of ...  
2021.

Order Date :- 11.5.2021

LBY

sdl - Dr. Koushal Jayendra Thakeri, J.  
sdl - Ajit Singh, J.

Exht  
Fee  
28.05.21

**TRUE COPY**  
28-05-2021  
Assistant Reg.  
Circuiting Misc. 2 Section  
High Court Allahabad

TOP PRIORITY

Registrar (I) (Inspection)  
To Registrar (Compliance)  
Ensure strict compliance  
as directed by Hon'ble Court.

28/5/2021  
Registrar General  
28/05/2021



(Through e-mail)

From

Registrar General,  
High Court of Judicature at  
Allahabad

To

All the District Judges/OSD,  
Subordinate to High Court of Judicature at  
Allahabad.

Letter No. **1117** /LXXXVII-CPC/e-Courts/Allahabad/Dated: **03** June 2020.

Subject: Mechanism/ modalities for opening of Courts subordinate to High Court of Judicature at Allahabad.

Sir/Madam,

I am directed by the Hon'ble Court to communicate the fresh guidelines in respect of mechanism/ modalities for opening of Courts subordinate to High Court of Judicature at Allahabad, as mentioned below :

**GUIDELINES REGARDING OPENING OF COURTS**

1. All the Courts (including tribunals) subordinate to the High Court of Judicature at Allahabad shall open to take up the Judicial Work & Administrative matters, as per the existing provisions, rules, guidelines and circulars issued from time to time.
2. The guidelines communicated vide letter number 484/InfraCell: Allahabad dated 30th May, 2020 regarding the preference of cases, shall be strictly adhered to.
3. As soon as the Judicial/Administrative work is completed, the Judicial Officers and Court Staff may kindly be directed to leave the Court premises.
4. Minimum One or two Courts in each District shall be identified for conducting Court proceedings through JITSI Software (LAN Version). Possibility may also be explored for conducting Court proceedings through the JITSI Meet website (<https://meet.jit.si/>)
5. The Remand/Other Judicial Work in respect of under trial Prisoner shall be done through Video Conference only. JITSI Video Conference Software for Remand/Other Judicial Work may also be used for the said purpose, wherever required.
6. The Judicial Service Centre (Centralised filing Counter) shall be used for receiving fresh cases/Applications from the Advocates/Litigants. All such cases/Applications shall be registered in CIS. The application shall contain the details of advocate/Litigants including their mobile number. The defects if any may be informed to Counsel Concerned.

ekd

7. The Computer Section shall also inform about the functioning of eCourts app. to all the Ld. Counsels approaching the Judicial Service Centre so that they can view the listed matters/cause list through the above app.
8. Mechanism of dedicated email of District Court for receiving the Bail/Anticipatory bail Applications or other applications including written arguments shall continue as an alternative mode for receiving applications.
9. Only 4 chairs will be arranged in courtroom for advocates with proper distance. Mask shall be used by everyone who enters the courtroom. Sanitizer shall be arranged at the door of courtroom. Reader, Clerk etc. shall follow Social/Physical distancing guidelines.
10. Only such Learned Advocates, Litigants should come to Court premises, whose cases/matters are listed. As soon as the cases of Learned Counsels are complete, they shall leave the Court premises.
11. The Presiding Officer shall take all possible steps to ensure that minimum number of parties/Counsel are present in the Court room at one time for Court proceedings, to ensure physical distancing guidelines. Further, the Presiding Officer shall not prevent appearance of the parties in the case unless suffering some illness, but, shall have the power to restrict entry of persons into the courtroom or the points from which arguments are addressed by the advocates.
12. The discussions shall be made with the Office bearer of Bar Association for the mechanism/modalities regarding functioning of Courts. Necessary assistance may be taken from them to regulate the entry of Advocates and Litigants in the Court premises.
13. Entire information in regard to the mechanism may be posted on local website of District Courts and circulated in the Print media.
14. Wherever any Court campus is covered under the containment Zone, such Courts shall remain closed as per the resolutions of this Court dated 02.05.2020 read with the resolution of this Court dated 25.03.2020, till such time the concerned District Court or Outlying court continues to remain in Containment Zone. Thereafter, the present scheme shall apply. Necessary reports in this regard, be obtained by the District Judges from the District Administration, on regular basis.
15. Where the District Administration/CMO concerned is of the opinion that the District/Outlying Court Campus should be closed for a particular period and/or the District Judge is of the opinion that the District Court/Outlying Court should be closed for particular period, then the District Court/Outlying Court

ekdh

may be closed for the said period and an intimation mentioning the specific reasons may be sent to Allahabad High Court.

16. Before opening of campus, District Judges shall ensure complete sanitization (strictly as per medical guidelines), cleaning of entire court campus with the help of District Magistrate, other administrative officers & CMO/CMS. District Authorities shall ensure Sanitization of Campus daily.
17. Sanitization of Court campus is a pre-condition for opening of Courts, which needs to be Strictly complied with, as per the medical guidelines. Wherever such sanitization work in the Court & Court Campus is not carried out, Such Courts should not be opened for the Judicial Work. The District Judges concerned in such eventuality shall not open the District Courts and inform the District Administration and High Court with detailed report as soon as possible.
18. Thermal scanning check-up of all the persons entering in the court premises shall also be ensured with the help of District Magistrate, other administrative officers & CMO/CMS.
19. The District Judge shall, in consultation with the District Administration determine the threat level and the status in respect of Containment Zone on daily basis.
20. District Judges/ P.O.'s shall ensure compliance of directions given by Hon'ble Apex Court/ High Court of Judicature at Allahabad in Judicial side and all directions/ guidelines issued by the Central Government & State Government regarding COVID-19.
21. The Mechanism for functioning of the Courts at Local level, based on the Guidelines also be popularized and publicity through Media, Official Website, Bar Association and through other modes may be done by the District Judges on regular basis.
22. A dedicated helpline for assisting the advocates/Litigants mentioning the Landline/Mobile Numbers shall be published on the District Court website and the same be strengthened. The Services of Para Legal Volunteers be taken by the District Legal Services Authority for manning such facility.
23. District Legal Services Authority concerned shall render necessary assistance for generating awareness amongst the stakeholders regarding the Court working through electronic mode and the same needs to be popularized by way of pamphlets, Media coverage and other modes. The Printing of complete local mechanism of Court working by way of Appeal in Print media be ensured by District Legal Services Authority. Necessary assistance of paralegal volunteers, be taken. The Member Secretary, UP State Legal

Services Authority may be informed for taking necessary steps in release of funds and issuance of necessary instructions for such awareness programmes, District wise.

24. The dress code during the court proceedings for the Male Counsel be White Shirt and light coloured trouser and for Lady Counsels, sober attire.

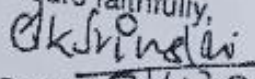
25. The Judicial Officers are exempted from wearing Coat & Gown.

26. Daily consolidated report of the number of cases/applications decided, feed back etc. be submitted by the District Judges on the e- services module on regular basis.

The above guidelines shall be applicable from 08.06.2020 till further orders.

It is, therefore, requested to your goodseives to ensure compliance accordingly.

With regards,

Yours faithfully,  
  
21/6/2020  
(Registrar General)

Copy forwarded to:-

1. The Chief Secretary, Government of U.P., Lucknow.
2. The Principal Secretary (Law) & L.R., Government of U.P., Lucknow
3. The Member Secretary, U.P. State Legal Services Authority, Lucknow

Supreme Court - Daily Orders

Ashwini Kumar Upadhyay vs Union Of India on 16 September, 2020

1

ITEM NO.15

Court 2 (Video Conferencing)

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Writ Petition(Civil) No.699/2016

ASHWINI KUMAR UPADHYAY & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 73459/2019 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 107427/2018 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 39027/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 136819/2017 CLARIFICATION/DIRECTION, IA No. 54637/2017 CLARIFICATION/DIRECTION, IA No. 81287/2018 CLARIFICATION/DIRECTION, IA No. 2029/2020 CLARIFICATION/DIRECTION, IA No. 54552/2017 DIRECTIONS, IA No. 146933/2018 - EXEMPTION FROM FILING O.T., IA No. 130543/2018 - EXEMPTION FROM FILING O.T., IA No. 103522/2019 - EXEMPTION FROM FILING O.T., IA No. 107431/2018 - EXEMPTION FROM FILING O.T., IA No. 61324/2017 - I/A FOR PERMISSION TO AMEND THE PRAYER ON BEHALF OF PETITIONER, IA No. 81286/2018 - INTERVENTION APPLICATION, IA No. 2027/2020 - INTERVENTION APPLICATION, IA No. 127368/2018 - INTERVENTION APPLICATION, IA No. 2083/2019 - INTERVENTION APPLICATION, IA No. 58124/2017 INTERVENTION/IMPLEADMENT, IA No. 57812/2017 INTERVENTION/IMPLEADMENT, IA No. 127023/2018 INTERVENTION/IMPLEADMENT, IA No. 71929/2019 INTERVENTION/IMPLEADMENT, IA No. 2085/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON, IA No. 98425/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 72938/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES AND IA No. 130542/2018 - STAY APPLICATION)

Date : 16-09-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA  
HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE HRISHIKESH ROY

Signature Not Verified

For Petitioner(s)  
Digitally signed by  
Vishal Anand  
Date: 2020.09.17



17:57:35 IST

Reason:

Mr. Vikas Singh, Sr. Adv.  
Mr. Gopal Shankar Narayan, Sr. Adv.  
Mr. Ashwini Kumar Upadhyay, Adv.  
Mr. Ashwani Kumar Dubey, AOR  
Mr. Manish Kumar, Adv.

□

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For Respondent(s)

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Mr. Pranav Sachdeva, AOR  
Mr. Mukesh Kumar Maroria, AOR

Mr. Tushar Mehta, SG  
Mr. Aman Lekhi, ASG (N.P.)  
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Ms. Neela Gokhale, Adv.  
Ms. Sunita Sharma, Adv.  
Mr. R.R. Rajesh, Adv.  
Mr. Raj Bahadur Yadav, Adv.  
Mr. Arvind Kumar Sharma, Adv.

Mr. Mohit D. Ram, AOR

Mr. Shiv Ram Sharma, AOR  
Mr. P. V. Yogeswaran, AOR  
Mr. Ashok Mathur, AOR

Mr. Tapesk Kumar Singh, AOR  
Mr. Aditya Pratap Singh, Adv.

Mr. Manoj Gorkela, Adv.  
Ms. K. Vaijyanthi, Adv.  
Ms. Manisha Chava, Adv.  
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Mr. Anil Shrivastav, AOR

Mr. Naresh K. Sharma, AOR

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Ms. Sneha Kalita, AOR  
Mr. Abhinis Pandey, Adv.  
Mr. Abhinav Hansaria, Adv.  
Ms. Bristi Mahanta, Adv.

Mr. Ambhoj Kumar Sinha, AOR

Mr. G. N. Reddy, AOR

M/s. K J John And Co, AOR

Mr. P.N. Ravindran, Sr. Adv.  
Mr. T. G. Narayanan Nair, AOR

Mr. Arjun Garg, AOR

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Mr. Rati Tandon, Adv.

Mr. Suhaan Mukerji, Adv.  
Ms. Liz Matthew, Adv.  
Mr. Vishal Prasad, Adv.  
Mr. Abhishek Manchanda, Adv.  
Mr. Sayandeep Pahari, Adv.  
For M/s. PLR Chambers & Co., AOR

Mr. V. N. Raghupathy, AOR

Ms. K. Enatoli Sema, AOR  
Mr. Amit Kumar Singh, Adv.

M/s. Parekh & Co., AOR

Dr. Rajesh Pandey, Adv.  
Ms. Aswathi M.k., AOR

Mr. Ranjan Mukherjee, AOR

Mr. Pukhrambam Ramesh Kumar, AOR  
Ms. Anupama Ngangom, Adv.  
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Ms. G. Indira, AOR  
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Mr. P. S. Sudheer, AOR

Mr. Aniruddha P. Mayee, AOR  
Ms. Deepanwita Priyanka, Adv.

Ms. Aruna Mathur, Adv.  
Mr. Avneesh Arputham, Adv.  
Ms. Anuradha Arputham, Adv.  
Ms. Geetanjali, Adv.  
For M/s. Arputham Aruna And Co, AOR

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Mr. Kabir Shankar Bose, Adv.  
Mr. Rahul Raj Mishra, Adv.

Mr. Abhinav Mukerji, AOR  
Mrs. Bihi Sharma, Adv.  
Ms. Pratishtha Vij, Adv.

Mr. Gaurav Pachnanda, Sr. Adv.

Ms. Avni Sharma, Adv.

Mr. Anupam Raina, AOR

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Mrs. Anil Katiyar, AOR

Mr. Sharan Thakur, Adv.

Mr. Mahesh Thakur, AOR

Mr. Siddhartha Thakur, Adv.

Mr. V. G. Pragasam, AOR

Mr. S. Prabu Rama Subramanian, Adv.

Mr. Sunny Choudhary, AOR

Mrs. Swarupama Chaturvedi, AOR

Mr. Karan Bharihoke, AOR

Ms. Shashi Juneja, Adv.

Mr. Satish Pandey, AOR

Mr. Sibor Sankar Mishra, AOR

Mr. Kabir Dixit, AOR

Mr. Apoorv Kurup, AOR

Mr. Raghvendra Singh, AG

Mr. Sanjay Kumar Tyagi, AOR

Mr. Raghvendra Kumar, Adv.

Mr. Anand Kumar Dubey, Adv.

Mr. Narendra Kumar, AOR

Ms. Hemantika Wahni, AOR

Mr. Annam D. N. Rao, AOR

Mr. Venkatesh Rao, Adv.

Mr. Rahul Mishra, Adv.

Ms. Rachana Srivastava, AOR

Mr. Aviral Saxena, Adv.

Mr. Kunal Chatterji, AOR

Ms. Maitrayee Banerjee, Adv.

Mr. Pravar Veer Misra, Adv.

Ms. Uttara Babbar, AOR

Ms. Bhavana Duhoon, Adv.

Mr. Manan Bansal, Adv.

Mr. Anil Grover, Sr.AAG,Haryana  
Mr. Samar Vijay Singh, Adv.  
Ms. Noopur Singhal, Adv.

□

5

Mr. Satish Kumar, Adv.  
Mr. Sanjay Kumar Visen, AOR

Intervenor-in-person

Mr. Avijit Mani Tripathi, Adv.

Mr. Sachin Patil, Adv.  
Mr. Rahul Chitnis Adv.  
Mr. Geo Joseph, Adv.

Mr. Pratap Venugopal, Adv.  
Mr. Akhil Abraham Roy, Adv.

Mr. M. Yogeshkanna, AOR  
Mr. Raja Rajeshwaran S., Adv.

Mr. Mahfooz A. Nazki, AOR  
Mr. Polanki Gowtham, Adv.  
Mr. Amitabh Sinha, Adv.

Mr. Chirag M. Shroff, Adv.  
Ms. Sanjana Nangia, Adv.  
Ms. Abhilasha Bharti, Adv.

Mr. Siddhesh Kotwal, Adv.  
Ms. Ana Upadhyay, Adv.  
Ms. Astha Sharma, Adv.

Mr. Jishnu M.L., Adv.  
Ms. Priyanka Prakash, Adv.  
Ms. Beena Prakash, Adv.  
Mr. G. Prakash, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The Court is convened through Video Conferencing.

1. This matter of paramount public importance pertaining to inordinately delayed inquiries/investigation and/or criminal trials, pending against legislators under various enactments first came up for hearing on 14.09.2016, when notice was issued. This court had earlier passed various orders intending streaming and speedy dispensation of justice delivery.

2. In furtherance of the above, by our earlier order dated 10.09.2020, we sought information from certain High Courts regarding criminal cases pending against legislators under special legislations

such as the Prevention of Corruption Act, 1988 etc. The operative part of the said order reads as follows:

8. Lastly, the learned amicus curiae submitted that it appears that complete information regarding pending cases against legislators (sitting or former) relating to special legislations such as the Prevention of Corruption Act, 1988, the Prevention of Money Laundering Act, 2002, Excise Act, 1944, Customs Act, 1962, Central Goods and Service Tax Act, 2017 and Companies Act, 2013 have not been placed on record.

9. Taking into consideration the relief sought, the pleadings and the orders passed by this Court in this matter, it is clear that all the criminal cases even under special legislations, where MPs/MLAs (sitting or former) are involved are the subject matter of the present proceedings. Even though we have granted time to all the High Courts to furnish the requisite information, only the High Courts of Karnataka, Madhya Pradesh, Tamil Nadu, Delhi, Jharkhand and Guwahati have done so. The remaining High Courts have not yet furnished the requisite information regarding cases pending against legislators (sitting or former) under the abovementioned special legislations, in compliance of our earlier orders.

10. In view of the above, we grant two days time to all the remaining High Courts to provide the requisite details of the pending cases and their stages, in the format already approved vide order dated 05.03.2020, to the learned amicus curiae by way of email to enable him to make submissions in the matter on the next date of hearing. A copy of the same be also sent to the Secretary General of this Court.

11. Let the matter be listed on Wednesday, the 16 th September, 2020.

3. The revised office report indicates that 11 High Courts have submitted reports furnishing the information sought by us, with one of the High Courts having submitted the same only a night before this hearing. The learned amicus curiae, Mr. Vijay Hansaria, Senior Counsel, has submitted a supplementary report in addition to his report dated 08.09.2020, on the basis of the information furnished by 10 of the High Courts. The supplementary report indicates that there are about 175 cases under the Prevention of Corruption Act, 1988 and 14 cases are pending under the Prevention of Money Laundering Act, 2002 against sitting/former legislators (MPs and MLAs). These are in addition to the 4442 criminal cases indicated to be pending as per the earlier report of the learned amicus dated 08.09.2020.

4. The learned amicus has recorded his analysis of the data received from the High Courts in paragraph 3 of his supplementary report, which is reproduced below:

3. Analysis of cases pending also show that  There is no uniformity as to the setting up of Special Courts for MPs/MLAs throughout the country.

b. In the States of Andhra Pradesh, Karnataka, Madhya Pradesh, Telangana and West Bengal, there is one Special Court for all cases against MPs/MLAs. In the State of Telangana apart from Special Court for MPs/MLAs, cases are also pending before Special Court, CBI. In all other States, these cases are pending in respective jurisdictional courts.

c. There is also no clarity as to the courts which are trying offences under Prevention of Corruption Act, 1988. For example, in the State of Madhya Pradesh (where 21 cases are pending) and in Karnataka (where 20 cases are pending) all these cases are pending before Special Judge (MP/ MLA) at Bhopal and Bangaluru respectively. In State of Telangana, these cases are before Special Judge, CBI at Hyderabad. In Delhi, cases under Prevention of Corruption Act, 1988, registered both by Delhi Police and by CBI are before the Special Court MP/MLA. Similar is the situation with regard to offences punishable under Prevention of Money Laundering Act, 2002.

5. During the course of the hearing, the learned amicus submitted that despite the taking up of this matter by this Court, and passing of various orders since 2016, the backlog in pending criminal cases against sitting/former legislators (MPs and MLAs) has not declined. He pointed out numerous reasons for the same.

6. Firstly, the learned amicus stated that proceedings in a number of cases have been stayed by the various High Courts.

7. Secondly, the number of Special Courts constituted/designated for the hearing and disposal of these criminal cases registered against legislators is grossly insufficient. For instance, States such as Odisha, Jharkhand, Assam and Goa, do not have a Special Court. In other States such as Madhya Pradesh, Bihar, Tamil Nadu, Karnataka, Telangana and Maharashtra only one Special Court has been constituted.

8. Thirdly, he stated that there is a dearth of public prosecutors in these Courts. Additionally, warrants are not executed and witnesses are often not summoned. Sometimes, even the concerned authorities do not appear as required. Resultantly, there are a number of cases still at the stage of appearance and no effective prosecution is taking place.

9. Fourthly, even though authorities may formally initiate investigations by registering an FIR, or with a preliminary enquiry by the CBI, or by registering an Enforcement Case Information Report (ECIR) by the Enforcement Directorate, these matters are not taken to their logical conclusion, and often do not even result in the registration of a chargesheet.

10. In order to overcome the aforesaid issues, the learned amicus has therefore made certain supplementary suggestions, in continuation of his suggestions already extracted in our order dated 10.09.2020. The supplementary suggestions are reproduced below:

#### SUBMISSION

7. Having regard to the reports received from various High Courts, the following supplementary submissions are made: [X] Special Courts in every district for trial of all criminal cases against MPs/ MLAs a. Each High Court may be directed to assign/allocate criminal cases involving former and sitting legislators to one judicial officer in each district both for Sessions Courts and Magisterial Courts as Special Court MP/MLA. The High Courts may be directed to prepare a blueprint for expeditious disposal of the cases not later than 1 year for conclusion of trial.

Hon'ble Chief Justice of each High Court may be requested to personally look into the matter and submit an action plan within such time as this Hon'ble Court may deem fit and proper. A Draft format is attached as Schedule A.

b. The High Court reports will also include mechanism for expeditious trial of criminal cases against MPs/ MLAs under special statutes including Prevention of Corruption Act, 1988, Prevention of Money Laundering Act, 2002, Protection of Children from Sexual Offences Act 2012, Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989, Companies Act, 2013, Negotiable Instrument Act, 1881 etc. c. The High Courts would designate a judicial officer for all such cases, who shall try these cases on priority basis. The judicial officer can be allotted other work depending on the workload, number and nature of criminal cases against MPs/MLAs. The judicial officer so designated shall have continuity of tenure for a minimum period of two years.

d. Special Courts will give priority to the trial of cases in the following order:

1. Offences punishable with death/life imprisonment;

2. Offences under Prevention of Corruption Act 1988 and Prevention of Money Laundering Act, 2002;

3. Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989 and Offences under Protection of Children from Sexual Offences Act, 2012;

4. Offences punishable with imprisonment for 7 years or more;

5. Other offences.

e. Cases involving sitting legislators be given priority over former legislators.

f. No adjournment shall be granted except in rare and exceptional circumstances on a written application stating the ground of adjournment and for reasons to be recorded.

B. Cases under stay a. This Hon'ble Court in Asian Resurfacing of Road Agency Pvt. Ltd. Vs. CBI, 2018 (16) SCC 299, held as under: "If stay is granted, it should not normally be unconditional or of indefinite duration.

Appropriate conditions may be imposed so that the party in whose favor stay is granted is accountable if court finally finds no merit in the matter and the other side suffers loss and injustice. To give effect to the legislative policy and the mandate of Article 21 for speedy justice in criminal cases, if stay is granted, matter should be taken on ~~daily~~ <sup>weekly</sup> basis and concluded within two  three months. Where the matter remains pending for longer period, the order of stay will stand vacated on expiry of six months, unless extension is granted by a speaking order showing extraordinary situation where continuing stay was to be preferred to the final disposal of trial by the trial Court. This timeline is being fixed in view of the fact that such trials are expected to be concluded normally in one to two years."

b. In view of the law laid down in the aforesaid case, trial courts to proceed with the trial notwithstanding any stay granted by the High Court unless fresh order is passed extending the stay by recording reasons. c. In the alternative, Registrar Generals may be directed to place the matters involving MPs and MLAs before Hon'ble Chief Justice for appropriate orders for urgent listing of such cases.

d. **Hon'ble Chief Justice** of every High Court may be requested to list all pending against cases involving MPs and MLAs within 2 weeks before appropriate Bench; and upon being so listed, the cases will be decided by the appropriate Bench expeditiously. No adjournment shall be granted except on a written application disclosing the ground and for reasons to be recorded. C. Nodal Prosecution Officer and Public Prosecutor a. Each District will have a Nodal Prosecution Officer, who shall be an officer not below the rank of Additional Superintendent of Police. The Nodal Prosecution Officer shall be responsible to ensure production of accused persons before the respective courts and the execution of NBWs issued by the courts. The said officer shall also be responsible for service of summons to the witnesses, their appearance and deposition in the courts. Any lapse on the part of the Nodal Prosecution Officer will make him/ her liable to disciplinary proceedings apart from initiation of contempt of court proceedings.

b. Forensic laboratories will give priority in furnishing the report in respect of cases being tried by the Special courts and will submit all pending reports within one month.

c. State Government/UTs will appoint/ designate at least two Special Public Prosecutors for prosecuting cases in the Special Courts in consultation with District and Sessions Judge in the concerned District. D. Establishment of 'Safe and Secure Witness Examination Room' The High Courts will also submit a report as to the establishment of 'Safe and Secure Witness Examination Room' in each court complex with availability of internet facility for the purpose of recording of evidence of the witnesses through video conferencing. E. Rules for Video Conferencing for Courts Each High Court may adopt "Rules for Video Conferencing for Courts" framed by the Karnataka High Court with such modifications as may be required. Till such time Rules are framed, the Karnataka Rules for video conferencing may be made applicable to all the High Courts. The High



Courts will indicate the expenses required for setting up of Witness Examination Room and make available a facility of video conference facility available in all court complexes. The Central Government may be directed to incur these expenses.

11. The learned Solicitor General, Mr. Tushar Mehta, submitted on behalf of the Union of India that all the pending cases which have been stayed by the High Courts, must be concluded within a time bound manner, preferably within one month. He also suggested that the State Governments should provide necessary infrastructure within one month, for which the Central Government has already granted funds. He further brought it to the notice of this Court, that utilization certificates for the allocated funds have not been forwarded by the State Governments to the Central Government. The learned Solicitor General submitted that Central Agencies, like the CBI and the Enforcement Directorate, will pursue matters effectively and they shall ensure that any pending investigation/trial will reach its logical conclusion. This Court additionally pointed out that apart from possible delays in investigations, it was also noticed that sanctions for prosecution, under Section 19 of the Prevention of Corruption Act, 1988 or under Section 197, Criminal Procedure Code, were still pending before the higher authorities in many cases, without any decision being taken thereto. In view of the above, the learned Solicitor General submitted that he would file a status report with respect to the initiation, current stage of investigation pending against sitting/former legislators (MPs and MLAs) before the CBI, Enforcement Directorate and other central agencies, pendency/grant of sanctions for prosecution, the expected time for completion of the investigation and reasons for delay in the same, if any, before the next date of hearing. He further submitted that appropriate action would be taken by the nodal departments against any officer responsible for any unreasonable delay.

12. Mr. Vikas Singh, senior counsel appearing on behalf of the Petitioners, submitted that the number of Courts needed per district ought to be rationalized and this may be left to the discretion of the respective High Court.

13. Heard the learned counsel representing the parties. We would, at the outset, like to appreciate the efforts made by the learned amicus curiae and acknowledge his able assistance.

14. One of the main objectives behind issuing notice in the present Writ Petition, and the various orders that have been passed time to time by this Court, was to ensure that criminal prosecutions against elected representatives (MPs and MLAs) are concluded expeditiously. The Court was of the opinion that such special consideration was required not only because of the rising wave of criminalization that was occurring in the politics in the country, but also due to the power that elected representatives (sitting or former) wield, to influence or hamper effective prosecution. Additionally, as legislators are the repositories of the faith and trust of their electorate, there is a necessity to be aware of the antecedents of the person that is/was elected. Ensuring the purity of democratically elected institutions is thus the hallmark of the present proceedings.

15. However, despite all the initiatives taken by this Court in the present petition, there has been no substantial improvement in the situation when it comes to the disposal of pending criminal cases against sitting/former legislators (MPs and MLAs). Now, that we are well equipped with the

information and data collected from the various High Courts, and looking at the suggestions made by the learned amicus, the learned Solicitor General and other learned counsel, we are better placed to assess the existing situation.

16. With respect to increasing the number of Special Courts and rationalizing the pending criminal cases, we deem it appropriate that, before passing any specific direction in respect thereto, it would be appropriate to direct the learned Chief Justice of each High Court to formulate and submit an action plan for rationalization of the number of Special Courts necessary, with respect to the following aspects:

- a. Total number of pending cases in each district
- b. Required number of proportionate Special Courts
- c. Number of Courts that are currently available
- d. Number of Judges and the subject categories of the cases
- e. Tenure of the Judges to be designated
- f. Number of cases to be assigned to each Judge
- g. Expected time for disposal of the cases
- h. Distance of the Courts to be designated
- i. Adequacy of infrastructure

17. The learned Chief Justices while preparing the action plan should also consider, in the event the trials are already ongoing in an expeditious manner, whether transferring the same to a different Court would be necessary and appropriate.

18. The learned Chief Justices of the High Courts shall also designate a Special Bench, comprising themselves and their designate, in order to monitor the progress of these trials.

19. The learned Chief Justices are also requested to give their comments on the other suggestions of the learned amicus, as extracted by us in our order dated 10.09.2020 and this order. They are also requested to send us additional suggestions, if any, for the purpose of expedient disposal of pending criminal cases against legislators. The action plan, with the comments and suggestions of the learned Chief Justices of the High Courts, are to be sent to the Secretary General of this Court, preferably within a week. A copy may also be sent to the learned amicus curiae by way of email.

20. We further request the learned Chief Justices of all the High Courts to list forthwith all pending criminal cases involving sitting/former legislators (MPs and MLAs), particularly those wherein a stay has been granted, before an appropriate bench(es) comprising of the learned Chief Justice and/or their designates. Upon being listed, the Court must first decide whether the stay granted, if any, should continue, keeping in view the principles regarding the grant of stay enshrined in the judgment of this Court in *Asian Resurfacing of Road Agency Private Limited v. CBI*, (2018) 16 SCC 299. In the event that a stay is considered necessary, the Court should hear the matter on a day-to-day basis and dispose of the same expeditiously, preferably within a period of two month, without any unnecessary adjournment. It goes without saying that the Covid-19 condition should not be an impediment to the compliance of this direction, as these matters could be conveniently heard through video conferencing.

Ashwini Kumar Upadhyay vs Union Of India on 16 September, 2020

21. The Registrar Generals of all the High Courts are directed to place a copy of this order and earlier order dated 10.09.2020 before the learned Chief Justices of their respective High Courts forthwith, for necessary directions.

22. With respect to the other suggestions made by the learned amicus, we will pass directions at an appropriate stage.

List this matter after 2 weeks.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(RAJ RANI NEGI)  
DEPUTY REGISTRAR

(Through e-mail)



Ajai Kumar Srivastava-I, (H.J.S.)  
Registrar General  
High Court Allahabad

To  
All the District Judges/O.S. Ds.  
Subordinate to High Court of Judicature  
at Allahabad

Letter No. 1293/LXXXVII-CPC/e-Courts/Allahabad Dated: 16.07.2020.

Subject: Mechanism for opening of Courts subordinate to High Court of Judicature at Allahabad.

Sir/Madam,

Kindly refer to the letter no. 1117/LXXXVII-CPC/e-Courts/ Allahabad dated 03.06.2020 in respect of Mechanism/ modalities for opening of Courts subordinate to High Court of Judicature at Allahabad.

In this regard, I have been directed to communicate the following directions of Hon'ble Court.

1. The clause 1 of the " Guidelines regarding Opening of Courts", stands modified as under:

*"1. All the Courts (including tribunals) subordinate to the High Court of Judicature at Allahabad shall open to take up the Judicial Work & Administrative matters, excluding recording of evidence in trial of cases, as per the existing provisions, rules, guidelines and circulars issued from time to time. However, if the District Judge concerned considers it appropriate, permission for recording of evidence in trial of cases in Courts may be granted, on case to case basis."*

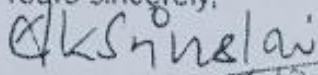
2. All the Courts (including tribunals) subordinate to the High Court of Judicature at Allahabad shall remain closed on Saturdays and Sundays as per the guidelines issued by the State Government and compliance of the resolutions of this Court dated 02.05.2020 read with the resolution of this Court dated 25.03.2020 shall be ensured, during the above period. The Court premises shall also be completely sanitized during the above period.

3. Remaining part of guidelines for opening the Courts issued vide letter no. 1117/LXXXVII-CPC/e-Courts/Allahabad dated 03.06.2020 in compliance of resolutions of this Committee, shall remain the same.

Therefore, it is requested to take necessary steps at your end to ensure the compliance of the directions of Hon'ble Court. It is also request that the above directions may be communicated to the Presiding Officers of the other Courts/Tribunals subordinate to the High Court of Judicature at Allahabad, situated in respective Districts, for ensuring compliance.

With regards,

Yours sincerely,

  
(Registrar General) 16/7/2020

Copy forwarded for information and necessary action to:

1. Senior Registrar, High Court, Lucknow Bench
2. Director, Judicial Training & Research Institute, Uttar Pradesh, Luknow
3. OSD (J) (Computer), High Court, Allahabad



**UPSK010016902020**

न्यायालय अपर जिला एवं सत्र न्यायाधीश/विशेष न्यायाधीश(एम0पी0, एम0एल0ए0),

सन्तकबीरनगर

प्रकीर्ण वाद सं0 160/2020

सरकार बनाम मुख्य चिकित्साधिकारी

**दिनांक 24.12.2020-**

पत्रावली पेश हुई। पत्रावली का सम्यक अवलोकन किया। प्रस्तुत प्रकीर्ण वाद, न्यायालय में विचाराधीन दाण्डिक वाद मु0 नं0 3976/2015, मु0 अ0 सं0 382/2010 सरकार बनाम राकेश सिंह बघेल आदि अन्तर्गत धारा 147, 148, 149, 323, 336, 353, 427, 504, 332, 189, 307, 341, 452 भा0द0सं0 व 7 कि0 लॉ अमेन्डमेन्ट एक्ट व धारा 3 व 4 लोक सम्पत्ति क्षति निवारण अधिनियम थाना बखिरा, सन्तकबीरनगर में अभियुक्त राकेश सिंह बघेल द्वारा प्रस्तुत हाजिरी माफी प्रार्थना पत्र दिनांकित 09.10.2020 के साथ संलग्न एण्टीजन टेस्ट (कोविड-19) रिपोर्ट दिनांकित 12.10.2020 की विश्वसनीयता को परखने हेतु अग्रसारित किया गया है। उपरोक्त दाण्डिक वाद लगभग 10 वर्ष से न्यायालय में विचाराधीन है। अभियुक्त लगातार लगभग 04 वर्षों से व्यक्तिगत रूप से न्यायालय में उपस्थित नहीं आया है। लगभग 09 वर्षों से वाद में आरोप विरचित नहीं हो पाने के दृष्टिगत न्यायालय द्वारा अभियुक्त को शेष अभियुक्तगण के साथ व्यक्तिगत रूप से उपस्थित होने हेतु आदेशित करने पर अभियुक्त द्वारा न्यायालय में व्यक्तिगत रूप से उपस्थित होने से स्वयं को निवारित करने के लिये जरिये हाजिरी माफी प्रार्थना पत्र अपने को कोविड-19 से संक्रमित होने का कथन किया गया तथा एण्टीजन टेस्ट रिपोर्ट कागज संख्या 5ख/2 दिनांकित 12.10.2020 के आधार पर लगातार हाजिरी माफी प्रार्थना पत्र प्रस्तुत करके स्थगन लिया जाता रहा है कि अभियुक्त होम आइसोलेशन में होने के कारण न्यायालय उपस्थित होने में असमर्थ है।

मुख्य चिकित्साधिकारी, सन्तकबीरनगर ने अभियुक्त के एण्टीजन टेस्ट के सम्बन्ध में दिनांक 27.10.2020 को न्यायालय में यह रिपोर्ट दाखिल किया है कि श्री राकेश सिंह बघेल माननीय विधायक, सन्तकबीरनगर द्वारा स्वेच्छा से एण्टीजन टेस्ट कराया गया था, जिसमें वह पाजिटिव पाये गये थे। रिपोर्ट के साथ अभियुक्त के एण्टीजन टेस्ट की रिपोर्ट कागज संख्या 5ख/2 व अभियुक्त राकेश सिंह बघेल द्वारा हस्ताक्षरित सेल्फ होम आइसोलेशन अण्डरटेकिंग कागज संख्या 6ख/1 व डा0 मुबारक अली द्वारा तैयार की गयी एसिम्टोमेटिक कोविड-19 पाजिटिव मरीज के होम आइसोलेशन हेतु चेक लिस्ट कागज संख्या 6ख/3 प्रस्तुत किया गया है।

अभियुक्त राकेश सिंह बघेल पुत्र मुकुन्द सिंह अपने घर ग्राम मेडरापार थाना बखिरा जनपद सन्तकबीरनगर में 15 दिन तक होम आइसोलेशन में रहा है, इस सम्बन्ध में होम आइसोलेशन व कोरेन्टाइन टीम, सन्तकबीरनगर के सदस्य डा0 विवेक कुमार श्रीवास्तव ने यह कथन किया है कि "होम आइसोलेशन अवधि में अभियुक्त राकेश सिंह बघेल अपने घर पर मौजूद नहीं पाये गये एवं होम आइसोलेशन की अवधि में अभियुक्त से कोई सम्पर्क नहीं हो पाया है।" होम आइसोलेशन टीम के सदस्य आशीष विश्वकर्मा आप्टोमेट्रिस्ट ने अपनी टीम के साथ दो बार दिनांक 13.10.2020 व 17.10.2020 को अभियुक्त राकेश सिंह बघेल के घर पर जाने एवं उक्त तिथियों को

24/12/20

अभियुक्त को घर पर मौजूद नहीं पाये जाने का कथन किया है। आशीष विश्वकर्मा ने यह भी कथन किया है कि "मेरी टीम द्वारा अभियुक्त राकेश सिंह बघेल के घर नहीं मिलने के कारण अभियुक्त को होम आइसोलेशन नहीं दिया गया। हमने इसकी सूचना कोविड-19 के वाट्सएप पर मय फोटो डाल दिया था।" कां० राम भूषण पटेल ने भी अभियुक्त के विरुद्ध जारी समन पर यह रिपोर्ट दिया है कि अभियुक्त घर पर मौजूद नहीं मिले हैं।

इस प्रकार प्रथम दृष्टया होम आइसोलेशन चेक लिस्ट कागज संख्या 6ख/3 व होम आइसोलेशन अण्डरटेकिंग कागज संख्या 6ख/1 की छल कारित करने के लिये कूटरचना करना पाया गया। इसी प्रकार एण्टीजन टेस्ट रिपोर्ट कागज संख्या 5ख/2 में अभियुक्त का मोबाइल नं० 9919100931 अंकित किया गया है, जिसके सम्बन्ध में बोडाफोन आइडिया लि० द्वारा दी गयी रिपोर्ट कागज संख्या 17ख/12 के अनुसार उक्त मोबाइल नं० अजय कुमार सिंह के नाम दर्ज है, जिससे दर्शित होता है कि एण्टीजन टेस्ट रिपोर्ट कागज सं० 5ख/2 किसी अन्य व्यक्ति के सैम्पल के आधार पर तैयार रिपोर्ट में कूटरचना द्वारा अभियुक्त राकेश सिंह बघेल का नाम दर्ज करके कूटरचित अभिलेख कागज संख्या 5ख/2 तैयार किया गया है।

कोविड 19 महामारी के रोकथाम के लिये भारत सरकार व राज्य सरकार द्वारा जारी दिशा निर्देशों का उल्लंघन करने वाले व्यक्ति के विरुद्ध आपदा प्रबन्धन अधिनियम 2005 की धारा 51 से 60 तक व धारा 188 भा०दं०सं० के तहत दण्डात्मक कार्यवाही किये जाने हेतु निर्देश दिये गये हैं। मुख्य चिकित्साधिकारी, सन्तकबीरनगर द्वारा अभियुक्त राकेश सिंह बघेल के होम आइसोलेशन में मौजूद नहीं होने की जानकारी प्राप्त होने के बाद भी अभियुक्त के विरुद्ध कोई कार्यवाही नहीं करना यह अवधारित करने के लिये पर्याप्त है कि एण्टीजन टेस्ट रिपोर्ट 5ख/2 कूटरचित होने के कारण मुख्य चिकित्साधिकारी, सन्तकबीरनगर ने दण्डिक कार्यवाही हेतु सक्षम प्राधिकारी को कोई रिपोर्ट नहीं की गयी है। अभियुक्त के आर टी पी सी आर टेस्ट कराने के लिये न्यायालय द्वारा दिये गये आदेश का अनुपालन भी मुख्य चिकित्साधिकारी द्वारा नहीं किया गया, जिससे भी एण्टीजन टेस्ट रिपोर्ट 5ख/2 के कूटरचित होने के विश्वास को बल मिलता है।

इस प्रकार प्रथम दृष्टया दर्शित होता है कि मुख्य चिकित्साधिकारी, सन्तकबीरनगर द्वारा अपने पदीय दायित्व अन्तर्गत न्यायालय को सही तथ्यों से अवगत कराने के लिये दायित्वाधीन होते हुये भी साजिश चल के प्रयोजन से बेईमानी पूर्वक अभियुक्त को अनुचित लाभ पहुंचाने के लिये कूटरचना द्वारा मिथ्या अभिलेख तैयार कर व कराकर न्यायालय में दाखिल किया गया है।

माननीय उच्चतम न्यायालय द्वारा पारित निर्णय **हरिहर प्रसाद बनाम बिहार राज्य 1972 एस सी सी 89** में माननीय न्यायालय द्वारा यह अवधारित किया गया है कि To put it shortly, it is no part of the duty of a public servant, while discharging his official duties, to enter into a criminal conspiracy or to indulge in criminal misconduct. Want of sanction under section 197 of the code of criminal procedure is, therefore, no bar. इसी प्रकार माननीय उच्चतम न्यायालय द्वारा पारित विधि निर्णय **एस आर मुन्नीपल्ली बनाम बम्बई 1955 एस सी आर 1177** में माननीय न्यायालय द्वारा यह अवधारित किया गया है कि Sec.467, 468, 471 i.p.c relate to forgery of valuable security, will etc. Forgery for purpose of cheating and using as genuine a forged document respectively. It is no part of the duty of Public Servant while discharging his official duties to commit forgery of the type covered by the aforesaid offences want of sanction under section 197 of

24/12/20

the code is, there fore, no bar. माननीय उच्चतम न्यायालय द्वारा पारित निर्णय सच्चिदानन्द सिंह बनाम बिहार राज्य ए आई आर 1998 एस सी 1121 में माननीय न्यायालय द्वारा यह अवधारित किया गया है कि The bar contained in section 195 (1)(b) (II) of the code is not applicable to case where forgery of the document was committed before the document was produced in a court. माननीय उच्चतम न्यायालय द्वारा पारित विधिक निर्णय ए आर अन्तुले बनाम रामदास श्रीनिवास नायक व अन्य 1984 ए आई आर 718 में माननीय न्यायालय द्वारा यह अवधारित किया गया है कि The Court of Special Judge has to be treated as a court of original criminal jurisdiction and shall have all the powers as any court of original criminal jurisdiction has under the code of criminal procedure except those specifically excluded.

इस प्रकार उपरोक्त विश्लेषण के आधार पर डा0 हरगोविन्द सिंह, मुख्य चिकित्साधिकारी, सन्तकबीरनगर ने राकेश सिंह बघेल विधायक विधान सभा मेंहदावल को दाण्डिक कार्यवाही में उपस्थित होने से निवारित करने के लिये आपराधिक षडयन्त्र द्वारा छल व बेईमानी के आशय से एण्टीजन टेस्ट रिपोर्ट कागज सं0 5ख/2 व होम आइसोलेशन चेक लिस्ट 6ख/3 होम आइसोलेशन अण्डरटेकिंग 6ख/1 की कूटरचना कर व कराकर उक्त मिथ्या कूटरचित अभिलेखों को कूटरचित जानते हुये राकेश सिंह बघेल व डा0 हरगोविन्द सिंह, मुख्य चिकित्साधिकारी, सन्तकबीरनगर द्वारा कपटपूर्वक न्यायालय की कार्यवाही में दाखिल किया गया है, जो कि अन्तर्गत धारा 120बी, 420, 465, 467, 468 व 471 भा0दं0सं0 के तहत दण्डनीय अपराध की श्रेणी में आता है। इस प्रकार प्रथम दृष्टया डा0 हरगोविन्द सिंह, मुख्य चिकित्साधिकारी, सन्तकबीरनगर व राकेश सिंह बघेल के विरुद्ध संज्ञेय अपराध का कारित किया जाना, बनता प्रतीत होता है। अतः उपरोक्त संज्ञेय आपराधिक मामले की विवेचना कराया जाना न्यायोचित पाया जाता है।

#### आदेश

थानाध्यक्ष, थाना खलीलाबाद को आदेशित किया जाता है कि उपरोक्त मामले में वह डा0 हरगोविन्द सिंह, मुख्य चिकित्साधिकारी, सन्तकबीरनगर व राकेश सिंह बघेल के विरुद्ध सुसंगत धाराओं में अभियोग पंजीकृत करके विधि अनुसार विवेचना किया जाना सुनिश्चित करें तथा कृत कार्यवाही से अन्दर 02 दिन न्यायालय को अवगत करावें। माननीय उच्चतम न्यायालय के निर्देश के अनुपालन में एम0पी0, एम0एल0ए0 से सम्बन्धित वादों का त्वरित निस्तारण किया जाना है, अतः अन्वेषण दं0प्र0सं0 के प्राविधान अन्तर्गत बिना अनावश्यक विलम्ब के यथाशीघ्र की जावे। वाद लिपिक आवश्यक प्रपत्रों की प्रतिलिपि विवेचक को उपलब्ध कराया जाना सुनिश्चित करें। डा0 हरगोविन्द सिंह मुख्य चिकित्साधिकारी, सन्तकबीरनगर के उपरोक्त कृत्य के लिये आवश्यक कार्यवाही हेतु आदेश की प्रति प्रमुख सचिव, चिकित्सा एवं स्वास्थ्य उ0प्र0, लखनऊ को प्रेषित की जावे।

मिना देवी.  
सुपरी 1 डिप्टी कमिश्नर

24/12/20  
(दीप कान्त मणि)

अपर जिला एवं सत्र न्यायाधीश/  
विशेष न्यायाधीश(एम0पी0, एम0एल0ए0), सन्तकबीरनगर  
JO CODE UP 06472

जनपद न्यायाधीश,  
मुजफ्फरनगर।

प्रेषित,

प्रधान न्यायाधीश,  
परिवार न्यायालय,  
मुजफ्फरनगर।

पत्रांक :- 78 / A/c 2021-22

दिनांक : 09.06.2021

महोदय,

कृपया अवगत हों कि आपके अधीन कार्यरत श्री दीप कान्त मणि, अपर प्रधान न्यायाधीश, परिवार न्यायालय संख्या-02, मुजफ्फरनगर के माह मई, 2021 का वेतन बिल मूल रूप में पत्र के साथ संलग्न कर इस आशय के साथ प्रेषित किया जा रहा है कि संलग्न वेतन बिल पर सम्बन्धित अधिकारी के हस्ताक्षर कराकर लेखा विभाग जजशिप मुजफ्फरनगर में प्राप्त कराये जाने का कष्ट करें, जिससे वेतन आहरण प्रक्रिया में अग्रिम कार्यवाही की जा सके।

संलग्नक :- उपरोक्तानुसार

भवदीय

*Rajiv Sharma*  
P.L.21

( राजीव शर्मा )  
जनपद न्यायाधीश,  
मुजफ्फरनगर।

*Send it to concerned officer  
Sri Deep Kant Mani Add'l Principal  
Judge Family Court No. 2  
for necessary compliance.*

4/10.6.2021  
Principal Judge  
Family Court  
Muzaffarnagar

*Muzaffarnagar  
09/06/21*



दिनांक-11.06.2021

आज लेखा अनुभाग जनपद न्यायालय, मुजफ्फरनगर द्वारा मेरे अपर जिला एवं सत्र न्यायाधीश, एफ.टी.सी.-2, मुजफ्फरनगर के कार्यकाल माह मई के हस्ताक्षर हेतु प्रेषित मासिक वेतन बिल के अवलोकन से यह पाया गया कि माह मई 2021 का मासिक वेतन बिल मात्र 20 दिवस का है तथा वेतन बिल लगभग 15 दिवस विलम्ब से प्रस्तुत किया गया है, जबकि अन्य न्यायिक अधिकारीगण के माह मई के मासिक वेतन का भुगतान दिनांक 02.06.2021 तक किया जा चुका है।

अतः लेखाधिकारी, लेखा अनुभाग, जनपद न्यायालय, मुजफ्फरनगर को विलम्ब से वेतन बिल तैयार करने के कारण एवं 3 दिवस का वेतन काटने के सक्षम प्राधिकारी के आदेश की प्रतिलिपि संलग्न करके वेतन बिल प्रस्तुत करने हेतु वेतन बिल मूल रूप से वापस किया जा रहा है।

दिनांक:-11.06.2021

दीप कान्त मिश्रा  
(दीप कान्त मिश्रा)  
अपर प्रधान न्यायाधीश,  
परिवार न्यायालय सं02,  
मुजफ्फरनगर।

OFFICE NAME: Printing Date :08-06-2021

I.P.A.O SYSTEM FOR GOVT. OF L.P  
 PAYBILL FOR THE MONTH OF MAY-2021

Treasury : MUZAFFARNAGAR(0300)

BILL CODE: (32)

DDO : (1471) SH DEERKANT MANI ADDL DISTRICT JUDGE ESTD DDO : (4031)DISTT JUDGE MUZAFFARNAGAR  
 DEPARTMENT : Subordinate Court(072) OFFICE :DISTT JUDGE MZN(07202)  
 HEAD OF ACCOUNT : (2014)' - ADMINISTRATION OF JUSTICE (105) - CIVIL AND SESSION COURTS  
 (15) - COURT FOR CRIME AGAINST WOMEN Detailed Head : (00) PAY BILL NPS

SN.	EMPLOYEE CODE	BASIC PAY	G.PAY	ADD. PAY	DA-PAY	HRA	GROSS PAY	GPF/NP/PSA	GPF/ST/MT/IT	GVR	HBAT	HB1T	HB12	GIS-SAV	GIS	VEH ADV-1	VEH ADV-2	TOT DED	PAY AFTER DED	SOC. SEC. DED.	NET PAY
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22
1	Pay Matrix:JUD-51550-63070																				
	0307206598564	3069098	49375	0	0	0	149343	0	0	0	0	0	0	120	0	0	0	20400	128943	0	0
	0941													280	0						
	SHRI DEEP KANT MANI	0307206598564	0	0	80975	0		0	0	0	0	0	0	0	0	0	0				
	ADJ CLASS II																				128943
	DAYS: 29		52780	0	49375	0	0	0	0	0	0	0	0	130	0	0	0	20400	128943	0	0
	MA 1000 SUMA 2900 RESA 281		49375	0	0	0	149343	0	0	0	0	0	0	280	0	0	0				
	Total for Bill No: 32		0	0	80975	0		0	0	0	0	0	0	400	0	0	0				
			52780	0	49375	0	0	0	0	0	0	0	0								128943

Rs. One Lakh Twenty Eight Thousand Nine Hundred Fourty Three Only

**VETAN DEYAK PRAPTRA**  
**VITTIYA NIYAM SANGRAH, KHAND-5, BHAG-1**  
**See Chapter 6 Para-108, Chapter 7 Para-131**

1. District Name: MUZAFFARNAGAR	2. Treasury Name: MUZAFFARNAGAR	3. Paybill Duration: 01-05-2021 To 31-05-2021
4. Record Code: 101	5. Treasury Code: 0300	6. Bill Register Serial No: 0340310171
7. Voucher No:	8. Voucher Date:	9. Token No: 0321108529
10. Non Plan-Voted      11. Head of Account (13 Digit Code) : 2014001051500		
Major Head : (2014) - ADMINISTRATION OF JUSTICE		
Minor Head : (105) - CIVIL AND SESSION COURTS		
Sub Head : (15) - Detailed Head : (00)		
12. Self DDO Code : 1471 Name and Designation : SH DEEPKANT MANI , ADDL DISTRICT JUDGE		
13. Establishment DDO Code : 4031 DDO's Designation : DISTT.JUDGE MUZAFFARNAGAR		
Office : DISTT JUDGE MZN(07202) Department : Subordinate Court		
14. Grant No. : 042	15. Source Name : Consolidated	16. Sector Name : District
		17. Type Of Bill : P
		18. Bill No : 32

129  
11-C

**PRESENT STATUS OF BUDGET**

	Total Allotment (a)	Total Expenditure(Including This Bill) (b)	Current Bill Expenditure (c)	Remaining Budget (a-b)
(01) - Pay :	3521000	156325	49375	3364675
(03) - DA :	1057000	256373	80975	800627
(06) - Allow :	20000	14081	4181	5919
(38) - IR :	376000	46897	14812	329103
(50) - DA Pay :	0	0	0	0
(55) - HRA :	70000	0	0	70000
(56) - CCA :	0	0	0	0
(57) - NPA :	0	0	0	0
<b>(66) - Gross:</b>			<b>149343.00</b>	
6      801100107010100 INSURANCE OTHER THAN POLICE			120.0	
8      801100107020100 SAVING OTHER THAN POLICE			280.0	
25     865800112000000 INCOME TAX			20000.0	
<b>(77) - Total Deductions :</b>			<b>20400</b>	
<b>(99) - Net Amount :</b>			<b>128943.00</b>	

SBI AMOUNT : 128943.00      NON SBI AMOUNT : 0.00      DRAFT AMOUNT : 0.00

	Total No Employees	New Employees	Transferred Employees	Retired Employees	Gross
Current Month:->	1	0	0	0	149343
Previous Month:->	1	0	1	0	159573

Signature D.D.O.

Passed for Rs.128943 ( Rs. One Lakh Twenty Eight Thousand Nine Hundred Fourty Three Only)  
Under Rs.128944 ( Rs. One Lakh Twenty Eight Thousand Nine Hundred Fourty Four Only)

Signature(BPA)

Signature(ATO)

Signature(TO/STO/CTO)

नॉटेक एTC 2nd