

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQ): DELHI

No. 31704-729 Genl./HCS/2022

Most Urgent/Out at once

Dated, Delhi the 01 SEP 2022

Sub: Suo Moto Writ Petition (Criminal) No. 04/2021 titled as "In Re: Policy Strategy for Grant of Bail".

Copy of the letter no. 4970-4981/DHC/Gaz/G-2/SC-Judgment/2022 dated 01.09.2022, in continuation of earlier letter no. 4585-4596 dated 22.08.2022, alongwith the copy of e-mail dated 27.08.2022 of Advocate-on-Record, Supreme Court of India, is circulated for information and immediate compliance, with request to send the compliance report in terms of aforesaid letter dated 01.09.2022 **positively by today itself at 03:30 pm.** for onward transmission to Hon'ble High Court of Delhi immediately to :-

1. All the Ld. DHJS, Central District, Tis Hazari Courts, Delhi dealing with Criminal Matters.
2. The Ld. Chief Metropolitan Magistrate, Central District, Tis Hazari Courts, Delhi with request to circulate the same amongst all the Magisterial courts and send the compiled report in respect of all Magisterial Courts.
3. The Ld. Registrar General, Hon'ble High Court of Delhi, New Delhi for information.
4. PS to Ld. Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi (for information).
5. The Chairman, Website Committee, Tis Hazari Courts, Delhi with the request to direct the concerned official to upload the same on the Website of Delhi District Courts.
6. The Director (Academics), Delhi Judicial Academy, Dwarka, New Delhi for information as requested vide letter no.DJA/Dir.(Acad)/2019/4306 dated 06.08.2019.
7. Dealing Assistant, R&I Branch for uploading the same on LAYERS.
8. For uploading the same on Centralized Website through LAYERS.

(UPASANA SATIJA)

Link Officer-In-Charge, Genl.Branch, (C)
Tis Hazari Courts, Delhi

Encl.: As above.

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IN THE HIGH COURT OF DELHI AT NEW DELHI

4970-4981

No. _____ /DHC/Gaz/G-2/SC-Judgment/2022

Through email

Dated: 01.09.2022

From:

The Registrar General,
High Court of Delhi,
New Delhi-110003.

To,

1. The Principal District & Sessions Judge (HQ), Tis Hazari Courts Complex, Delhi.
2. The Principal District & Sessions Judge (East), Karkardooma Courts Complex, Delhi.
3. The Principal District & Sessions Judge (South), Saket Courts Complex, New Delhi.
4. The Principal District & Sessions Judge (North-West), Rohini Courts Complex, Delhi.
5. The Principal District & Sessions Judge (New Delhi), Patiala House Courts Complex, New Delhi.
6. The Principal District & Sessions Judge (North-East), Karkardooma Courts Complex, Delhi.
7. The Principal District & Sessions Judge (South-East), Saket Courts Complex, Delhi.
8. The Principal District & Sessions Judge (North), Rohini Courts Complex, Delhi.
9. The Principal District & Sessions Judge (West), Tis Hazari Courts Complex, Delhi.
10. The Principal District & Sessions Judge (South - West), Dwarka Courts Complex, New Delhi.
11. The Principal District & Sessions Judge-cum-Special Judge (PC Act) (C-1), RACC, New Delhi.
12. The Principal District & Sessions Judge (Shahdara), Karkardooma Courts Complex, Delhi.

Sub: Suo Moto Writ Petition (Criminal) No. 04/2021 titled "In Re: Policy Strategy for Grant of Bail".

Sir/Madam,

I am directed to refer to this court's letter no. 4585-4596, dated 22.08.2022, on the above subject, and to forward herewith a copy of e-mail dated 27.08.2022 received from Mr. Kanhaiya Singhal, Advocate-on-Record in the said matter and to request you to furnish the following information as desired by the advocate:-

1. Number of Trial matters pending before Criminal Courts (Magistrate and Sessions) which carry the sentences upto 10 years and the period already undergone by the accused, with the detail as to whether the accused is in jail or out from jail;

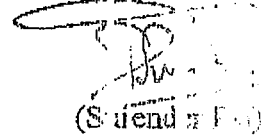
Com. Sr.

P. S. J. (1/2022)

II. Number of Trial matters pending before Criminal Courts (Magistrate and Sessions) where the accused is not having any other involvement, with the detail as to whether the accused is in jail or out of jail.

I am further directed to request you to furnish the said information duly compiled in respect of your District instead of sending the court-wise report by return e-mail at e-mail ID ar-gazette1b.dhc@gov.in ,by today itself.

Yours faithfully,



(S. Tendulkar)

Deputy Registrar (Caste table)
for Registrar General

Encl. As above.



Fwd: Letter No. 626/Lit./L.3/2022 dated 26.08.2022 - Suo Moto Writ Petition (Criminal) No 4/2021 titled In Re: Policy Strategy for Grant of Bail"

1 message

Kapil Sharma <arlitgation.dhc@gmail.com>
To: dalalan@it1995@gmail.com

Tu, Sep 1, 2022 3:09 PM

pfa

----- Forwarded message -----

From: K <adv.singhal@gmail.com>
Date: Sat, Aug 27, 2022 at 12:34 PM
Subject: Letter No. 626/Lit./L.3/2022 dated 26.08.2022 - Suo Moto Writ Petition (Criminal) No 4/2021 titled In Re: Policy Strategy for Grant of Bail"
To: Kapil Sharma <arlitgation.dhc@gmail.com>

Dear Sir

Please refer to the subject. I have gone through the order dated 05.08.2022 passed by the Hon'ble Supreme Court in Suo Moto Writ Petition (Criminal) No. 4 of 2021 as well as the Court Notice dated 05.08.2022. I have also checked the Official Record dated 05.08.2022 which has been uploaded from the website of Hon'ble Supreme Court.

It is apparent from the order dated 05.08.2022 that the Hon'ble Court pleased to direct as under:

"29. The Registry is directed to issue notices to all the State Governments/UTs and the High Courts other than those represented before us, indicating the date of hearing. Affidavits will have to be filed by 05.09.2022 after duly consulting the learned Additional Solicitor General and Mr. Gaurav Agrawal whom we appoint as amicus curiae for the present proceedings, as he is functioning in the said capacity, pertaining to connected issues qua by the criminal courts on behalf of National Human Rights Commission and National Commission for Women Services Authority."

A careful perusal of the order dated 05.08.2022 also shows that presently the Hon'ble Court paused the following issue for consideration:

"26. An out-of-the-box thinking is required at least as a one-time measure to unlog the trial Courts and appellate Courts explored even for matters pending in appeal but this can be used as a one-time measure where the conviction has been taken place, the trial is pending, then the trial Court where cases may be upto 7 years or 10 years maximum depending on the single episode cases, not a multiple episode cases, it can be put to accused that they have served substantial part of the sentence on the basis of good behaviour these categories can be considered."

Though the order of Hon'ble Supreme Court is not specific w.r.t. information which is to be furnished through an affidavit, Para no. 26 proposes that following information is required to consider one time measure;

- I. Details of appeals pending before the Hon'ble High Court, irrespective of the fact that the conviction has been suspended and he/she is out on bail;
- II. Details of Trial matters which carry the sentences upto 10 years;
- III. Details of Trial matters where the accused is not having any other involvement;

The order of Hon'ble Supreme Court is not only intended for the release of accused/convicts on bail but also to reduce the backlog in the Courts and Appellate Courts. Therefore, it appears to me that the following information would be required to prepare the affidavit for filing it before the Hon'ble Supreme Court. Thus, if deem fit, following information may be collected from the concerned;

- I. Number of appeals pending before the Hon'ble High Court, with further details of sentence awarded to the convict and the period undergone by him/her, wherein the convict is in jail;
- II. Number of appeals pending before the Hon'ble High Court, with further details of sentence awarded to the convict and the period undergone by him/her, wherein the convict is already released from jail;
- III. Number of Trial matters pending before Criminal Courts (Magistrate and Sessions) which carry the sentences upto 10 years and the period already undergone by the accused, with the detail as to whether the accused is in a jail or out of jail;
- IV. Number of Trial matters pending before Criminal Courts (Magistrate and Sessions) where the accused is having any other involvement, with the detail as to whether the accused is in jail or out of jail.

I am available for any further clarification.

Thanking You

Kanhaiya Singhal
Advocate-on-Record
Supreme Court of India
Special Public Prosecutor (Income Tax & Black Money Act),
Public Prosecutor (Benami Act)
E-2, Ground Floor, Jungpura Extension,
New Delhi -110014
Mob: 9212424765

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