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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 3037/2020**

COURT ON ITS OWN MOTION

..... Petitioner

Through: Court on its own motion

Versus

STATE & ORS.

..... Respondents

Through: Mr. Rahul Mehra, Standing Counsel
with Mr. Chaitanya Gosain, Adv. for
the State

IN RE:

Extension of Interim Orders

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

HON'BLE MR. JUSTICE TALWANT SINGH

ORDER

13.07.2020

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Proceedings of the matter have been conducted through video conferencing.

1. While taking suo motu cognizance of the extraordinary circumstances arising on account of COVID-19 pandemic, on 25.03.2020, this Court has passed certain directions. The relevant part of the order reads as under:-

“In view of the outbreak of COVID-19, the functioning of this Court is restricted only to urgent matters vide Notification No.51/RG/DHC/dated 13.03.2020.

Such restricted functioning has been in place

from 16.03.2020 and has been extended till 04.04.2020.

On 24.03.2020, the Government of India has issued order No.40-3/2020-DM-1(A) whereunder strong measures have been enforced to prevent the spread of COVID-19 and a nationwide lockdown has been declared for a period of 21 days w.e.f. 25.03.2020.

In view of the lockdown in the State of Delhi and the extremely limited functioning of courts, routine matters have been adjourned en bloc to particular dates in the month of April. Thus advocates and litigants have not been in a position to appear in the said matters, including those where stay/bails/paroles have been granted by this Court or the courts subordinate to this Court, on or before 16.03.2020. As a result, interim orders operating in favour of parties have expired or will expire on or after 16.03.2020.

Taking suo moto cognizance of the aforesaid extraordinary circumstances, under Article 226 & 227 of the Constitution of India, it is hereby ordered that in all matters pending before this court and courts subordinate to this court, wherein such interim orders issued were subsisting as on 16.03.2020 and expired or will expire thereafter, the same shall stand automatically extended till 15.05.2020 or until further orders, except where any orders to the contrary have been passed by the Hon'ble Supreme Court of India in any particular matter, during the intervening period.

Needless to clarify that in case, the aforesaid extension of interim order causes any hardship of an extreme nature to a party to such proceeding, they would be at liberty to seek appropriate relief, as may be advised."

2. Since some of the restrictions imposed by the Government of India were still in operation, and therefore, taking note of the extraordinary

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circumstances prevailing at that point of time, by order dated 15th May, 2020, we had extended our directions, which were given in the order dated 25th March, 2020, till 15th June, 2020.

3. Similarly, due to no change in the circumstances and taking note of the directions of Hon'ble Administrative and General Supervision Committee of this Court the directions contained in our orders dated 25th March, 15th May and 15th June, 2020 were further extended till 15th July, 2020 with same terms and conditions.

4. Now taking note of the prevalent Covid-19 pandemic situation in Delhi, Hon'ble Administrative and General Supervision Committee of this Court has been pleased to order that the regular functioning of this Court as well Courts subordinate to this Court shall continue to remain suspended till 31st July, 2020.

5. In view of the above, we hereby further extend the implementation of the directions contained in our order dated 25th March, 2020 and 15th May, 2020 and 15th June, 2020, till 31st August, 2020 with the same terms and conditions.

6. The Hon'ble Single Bench of this Court in CrLA.193/2020 titled as Harpreet Singh vs. State *vide* order dated 1st July, 2020 sought clarification to the following effect:

“7. The queries that the Hon'ble Full Bench may consider and decide for the guidance of all concerned are as follows:

a. Whether the orders made by the Hon'ble Full Bench in W.P. (C) No.3037/2020, including last order dated 15.06.2020, apply to *all* interim orders, whether made in civil or criminal

matters, and *regardless* of whether such orders were made on or before 16.03.2020 or thereafter?

b. Where interim bail or interim suspension of sentence has been granted by a Bench of this court exercising discretion and based upon specific facts and circumstances of a given case, would such orders also stand automatically extended by operation of orders made by the Full Bench in W.P.(C) No.3037/2020?

8. While deciding the issue, the Hon'ble Full Bench may consider the aspect of parity, namely that, on a plain reading of the orders in W.P.(C) No.3037/2020, interim orders granted on or before 16.03.2020 appear to be getting extended by general directions; but those made after 16.03.2020 appear not to be covered thereby."

7. In this regard, we make it clear that all the directions issued from time to time in this case are based on the ongoing pandemic situation in Delhi. So far as the criminal matters are concerned, these directions have been issued keeping in view the fact that the jail authorities have limited space to keep the inmates and in case of spread of Covid-19 pandemic in the jail, it would not be in a position to maintain physical distancing amongst jail inmates. Looking to this aspect and the possible threat of spreading of viral infection by those persons who are on interim bail/bail/parole granted by this Court or the Courts subordinate to this Court, to other inmates of the jail on their return to the jail, the decision of extension of interim bail/bail/parole has been taken from time to time. It is clarified that this order of extension of bail/interim bail/parole shall be applicable to all undertrials/convicts, who are on bail/interim bail or parole as on date irrespective of the fact that they were released on bail/interim

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bail or parole before or after 16th March, 2020.

- 8. This order be uploaded on the website of this Court and be circulated to all the Hon'ble Judges of High Court of Delhi and be also conveyed to all the Standing Counsel, UOI, GNCTD, DDA, Civic Authorities, Delhi High Court Bar Association, all the other Bar Associations of Delhi, as well as to all the District Courts subordinate to this Court.
- 9. List this matter on 24th August, 2020 for further directions.

CHIEF JUSTICE

SIDDHARTH MRIDUL, J

TALWANT SINGH, J

JULY 13, 2020/ns

(9.10)
website co

Most urgent/Out at once

OFFICE OF THE DISTRICT & SESSIONS JUDGE (HQs): DELHI

No. 17707-807 Genl./Jud.Circl./HCS/2020 Dated, Delhi the 2 - JUL - 2020

Copy of order dated 13.07.2020 passed by Hon'ble High Court of Delhi in W.P. (C) 3037/2020 titled as " Court on Its own motion Vs. State & Ors." be circulated for information and necessary action/compliance to:-

1. The District & Sessions Judges, all Court Complexes, Delhi/New Delhi.
2. All the Judicial Officers posted in Central District, Tis Hazari Courts, Delhi.
3. ~~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.
4. The Director (Academics), Delhi Judicial Academy, Dwarka, New Delhi for information as requested vide letter no. DJA/Dir./Acad/2019/4306 dt. 06.08.2019.
5. The Secretary, Bar Association, all Court Complexes, Delhi/New Delhi.
6. For uploading the same on Centralized Website through LAYERS.
7. PS to Ld. District & Sessions Judge (HQs), Tis Hazari Courts, Delhi.



(CHARU AGGARWAL)
Officer-In-Charge (Genl. Branch)
Addl. District & Sessions Judge
Central District, Tis Hazari Courts, Delhi.

Encls.: As above.

No. 17808 /Genl./Judg. Circl./HCS/2020

Dated, Delhi the 7 JUL 2020

Copy to:

The Registrar General, Hon'ble High Court of Delhi, New Delhi for information please.



Officer-In-Charge (Genl. Branch)
Addl. District & Sessions Judge
Central District, Tis Hazari Courts, Delhi.