

CHAPTER – III

‘A’

PRACTICE GUIDELINES FOR THE MAGISTRATES, TIS HAZARI COURTS, DELHI

The following practice guidelines for Magistrates have been issued for necessary guidance while dealing with the Plea Bargaining applications

1. As per the directions received from Hon'ble High Court of Delhi, vide endorsement no 41178/Gaz/DJS/Misc/G-3/09 dated 30.11.09, one magistrate shall function as Plea Bargain Judge from 10.00 am to 1.30p.m and another magistrate shall function as Plea Bargain Judge from 2.00 p.m. to 5.00 p.m. at Tis Hazari Courts and shall be available in Room no 237-238, 2nd Floor, Tis Hazari Courts Complex, for dealing with applications filed under Chapter XXI-A Cr.P.C.
2. Plea Bargaining applications may be filed before the concerned Court in the prescribed proforma. The concerned MM shall then forward such application to the CMM, immediately alongwith the case file. The application would then be assigned by the CMM to the Plea bargain Judge after ensuring equal distribution of such Plea Bargaining applications.
3. The Plea Bargain Judge shall sit from 10.00am to 05.00 pm onwards in Room No.238, 2nd Floor, Tis Hazari Courts, Delhi for dealing with such applications.
4. Plea Bargain Judge shall be available daily on all working days from Monday to Saturday as per duty roaster prepared by the CMM.
5. The Link Metropolitan Magistrates of the said Plea Bargain Judges are hereby directed that they should not mark any applications for TIP or for recording of statements u/s 164 Cr.P.C. to the Plea Bargain Judge on the date on which he will hold the Court as such.
6. It is further directed that with a view to ensure quick disposal of Plea Bargaining applications, the concerned Plea Bargain Judge shall make all possible efforts to complete the entire process of Plea Bargaining in one sitting and in any event within a period of one month, extendable up to a maximum period of two months.
7. It is further directed that ordinarily Plea Bargain Judge shall deal with the application assigned to him and dispose it of himself. For this purpose, the Plea Bargain Judge, shall fix the application before him in his chamber on subsequent days, if he is unable to dispose of the application on the day on which he is on duty.

8. In order to assist the Plea Bargain Judge, the Stenographer of such Judge shall work with him while dealing with the Plea Bargaining application without any further orders.
9. Upon receipt of the application, the Plea Bargain Judge shall record the statement Regarding the voluntariness of the applicant / accused, as far as possible on the same day.
10. It is hereby directed that the Public Prosecutor of the Court to which the matter pertains or his nominee, as may be appointed by the Prosecution Department for such cases shall represent the State for such Plea Bargaining Proceedings before the concerned Plea Bargain Judge, It shall be the duty of the Public Prosecutor to remain present in all such proceedings as and when directed.
11. The Plea Bargain Judge shall ensure that the notices issued to the victim/complainant shall also issued through the Investigating Officer or the SHO concerned for ensuring appropriate service thereof and with a view to secure their presence, in addition for issuance of notices directly to the parties concerned.
12. Once all the parties appear before the Plea Bargain Judge, he shall give them the requisite time for arriving at MSD as contemplated in Chapter XXI-A of Cr. P.C.
13. If the Plea Bargain Judge finds that there are one or two matters still pending for MSD even after 5.00 p.m. he may, with a view to avoid inconvenience to the parties present before him, complete the process even after 5.00 p.m.
14. It shall be the duty of the Plea Bargain Judge to ascertain that the MSD is a result of fair and voluntary submissions between the parties and the rights of the parties are equally balanced.
15. Once all the parties to the proceedings appear before the plea Bargain Judge, he shall proceed with the matter in accordance with law as contained in Chapter XXI- A Cr. P.C.
16. After the disposal of the Plea Bargaining application as a result of MSD, the Plea Bargain Judge shall pass a final order, including an order on sentence.
17. After disposing of the matter by way of a judgement, the Plea Bargain Judge shall send the file back to the concerned court for the purpose of consignment of Record Room after due compliance.
18. With the increase in the number of cases being received for Plea Bargaining and consequent increase in the number of cases being listed every day, it is desirable that the Plea Bargain judge shall list few cases (say upto four) everyday in his own chamber also, besides working as Plea Bargain Judge on the day fixed as per the Roster.

19. If a Plea Bargain Judge happens to be on leave, the matters in which notices are to be issued shall be placed before CMM for appropriate orders, and the matter in which MSD proceedings are to be conducted shall be adjourned for the day on which the said Plea Bargain Judge joins duty.
20. If a Plea Bargain Judge has applied for leave for more than 3 days in advance under intimation to the undersigned, then in that event the CMM may assign the application to some other Judge, so as to avoid delay in disposal of application.
21. In case the parties fail to reach a consensus and no MSD is arrived at, the Plea Bargain Judge shall record that the Plea Bargain has been unsuccessful along with the reason for such failure. The plea Bargaining Judge will then send the file back to the concerned Court forthwith.
22. With a view to ensure fair play and confidentially a separate file regarding the Plea Bargaining proceedings shall be maintained by the Reader / Ahlmad deputed for the purpose of maintaining the records of Plea Bargaining proceedings. However, if the Mutual Satisfactory Disposition is arrived at and the matter is settled, the MSD shall obviously form a part of the judicial records on the basis of which the judgement shall be passed and file shall be consigned to the record Room by the concerned court.
23. In case the Plea Bargaining fails, the proceeding sheets of the Plea Bargaining Process shall not be sent along with the file and the same shall be kept in the Plea Bargaining Centre. On the main file the Plea Bargain Judge shall only indicate that Plea Bargaining has failed.
24. It is clarified that all miscellaneous applications regarding return of original documents etc., which may be preferred after the final disposal of the case shall be filed before the concerned court and not before the Plea Bargain Judge.
25. The officials, Reader / Ahlmad, who have been posted in the court of Plea Bargaining shall maintain a register and duly enter the record of all Plea Bargaining application received and disposed of by the Plea Bargain Judge.
26. The Plea Bargain Judge shall make it amply clear to all parties appearing before him that the proceedings are strictly confidential and that nothing said in the plea bargain proceedings may be used for any purpose whatsoever.
27. It is made clear that an accused / applicant is entitled to bring his lawyer to the Plea Bargain proceedings.

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**PRACTICE GUIDELINES FOR THE MAGISTRATES,
KARKARDOOMA COURTS, DELHI**

With the incorporation of provisions of the Plea Bargaining in Chapter XXI-A Cr P C, all efforts should be made to encourage the concept of Plea Bargaining with a view to ensure effective disposal of criminal cases by means of mutually satisfactory disposition. Hence in the view of the aforesaid, the following practice directions are being issued for necessary guidance while dealing with the Plea Bargaining applications:

1. As per the directions received from Hon'ble High Court of Delhi, at least one magistrate shall function as Plea Bargain Judge from 2.00 p.m. to 5.00 p.m. at Karkardooma Courts w.e.f. 2.1.10 and shall be available in Room no 67, 'B' Block, 4th Floor, Karkardooma Courts Complex, for dealing with applications filed under Chapter XXI-A Cr.P.C.
2. Plea Bargaining applications may be filed before the concerned court in the prescribed proforma. The concerned MM shall then forward such application to the ACMM-II, Karkardooma, immediately alongwith the case file. The application would then be assigned by the him to the Plea Bargain Judge after ensuring equal distribution of such Plea Bargaining applications.
3. The Plea Bargain Judges, shall be available daily on all working days from Monday to Saturday as per duty roster prepared by the ACMM- II, Karkardooma Courts
4. The Miscellaneous / remand work of post -lunch session of the court of Plea Bargain Judge shall be looked after by his / her link MM.
5. In order to ensure effective disposal of work it is directed that Plea Bargain Judge shall make all endeavour to finish his pending court work by 1.30p.m. and make himself available in Room no 67, 'B' Block, 4th Floor, Karkardooma Courts Complex, Delhi, on the days fixed.
6. The Link Metropolitan Magistrates of the said Plea Bargain Judges are hereby directed that they should not mark any applications for TIP or for recording of statements under section 164 Cr. P.C. to the Plea Bargain Judge on the date on which he will function as such.
7. It is further directed that with a view to ensure quick disposal of Plea Bargaining applications, the concerned Plea Bargain Judge shall make all possible efforts to complete the entire process of Plea Bargaining in one sitting and in any event within a period of one month, extendable up to a maximum period of two months.

8. It is further directed that ordinarily Plea Bargain Judge shall deal with the application assigned to him and dispose it of himself. For this purpose, the Plea Bargain Judge, shall fix the application before him in his chamber on subsequent days, if he is unable to dispose of the application on the day on which he is on duty.
9. In order to assist the Plea Bargain Judge, one UDC and one LDC are posted in the court of Plea Bargaining and one stenographer of such judge shall work with him while dealing with the Plea Bargaining application without any further orders.
10. All summons / notices in respect of Plea Bargaining Application shall be issued by the Ahlmad of the Plea Bargaining Court.
11. Upon receipt of the application, the Plea Bargain Judge shall record the statement regarding the voluntariness of the applicant / accused, as far as possible on the same day.
12. It is hereby directed that the Public Prosecutor of the Court to which the matter pertains or his nominee, as may be appointed by the Prosecution Department for such cases shall represent the State for such Plea Bargaining Proceedings before the concerned Plea Bargain Judge, It shall be the duty of the Public Prosecutor to remain present in all such proceedings as and when directed.
13. The Plea Bargain Judge shall ensure that the notices issued to the victim/complainant also issued through the Investigating Officer or the SHO concerned for ensuring appropriate service thereof with a view to secure their presence, in addition for issuance of notices directly to the parties concerned.
14. Once all the parties appear before the Plea Bargain Judge, he shall give them the requisite time for arriving at MSD as contemplated in Chapter XXI-A of Cr. P.C.
15. If the Plea Bargain Judge finds that there are one or two matters still pending for MSD even after 5.00 p.m. he may, with a view to avoid inconvenience to the parties present before him, complete the process even after 5.00 p.m.
16. It shall be the duty of the Plea Bargain Judge to ascertain that the MSD is a result of fair and voluntary submissions between the parties and the rights of the parties are equally balanced.
17. Once all the parties to the proceedings appear before the Plea Bargain Judge, he shall proceed with the matter in accordance with law as contained in Chapter XXI-A Cr.P.C.
18. After the disposal of the Plea Bargaining application as a result of MSD, the Plea Bargain Judge shall pass a final order, including an order on sentence.

19. After disposing of the matter by way of a judgement, the Plea Bargain Judge shall send the file back to the concerned court for the purpose of consignment to Record Room after due compliance.
20. In the event of increase in the number of cases received for Plea Bargaining and consequent increase in the number of cases listed every day, the Plea Bargain Judge may list few cases (say upto four) everyday in his own chamber also, besides working as Plea Bargain Judge on the day fixed as per the Roster.
21. If a Plea Bargain Judge happens to be on leave, the matters in which notices are to be issued shall be placed before ACMM-II for appropriate orders and the matter in which MSD proceedings are to be conducted shall be adjourned for the day on which the said Plea Bargain Judge joins duty.
22. If a Plea Bargain Judge has applied for leave for more than 3 days in advance under intimation to the ACMM-II, then in that event he may assign the application to some other Judge, so as to avoid delay in disposal of applications.
23. In case the parties fail to reach a consensus and no MSD is arrived at, the Plea Bargain Judge shall record that the Plea Bargain has been unsuccessful. The Plea Bargaining Judge will then send the file back to the concerned Court forthwith.
24. With a view to ensure fair play and confidentiality a separate file regarding the Plea Bargaining proceedings shall be maintained by the Reader / Ahlmad deputed for the purpose of maintaining the records of Plea Bargaining proceedings. However, if the Mutual Satisfactory Disposition is arrived at and the matter is settled, the MSD shall obviously form a part of the judicial records on the basis of which the judgement shall be passed and file shall be consigned to the record Room by the concerned court.
25. In case the Plea Bargaining fails, the proceeding sheets of the Plea Bargaining Process shall not be sent alongwith the file and the same shall be kept in the Plea Bargaining Centre. On the main file the Plea Bargain Judge shall only indicate that Plea Bargaining has failed.
26. It is clarified that all miscellaneous applications regarding return of original documents etc., which may be preferred after the final disposal of the case shall be filed before the concerned court and not before the Plea Bargain Judge.
27. The officials, Reader / Ahlmad, posted in the court of Plea Bargaining shall maintain a register and duly enter the record of all Plea Bargaining application received and disposed of by the Plea Bargain Judge.
28. The Plea Bargain Judge shall make it amply clear to all parties appearing before him that the proceedings are strictly confidential and that nothing said in the plea bargain proceedings may be used for any purpose whatsoever.

29. It is made clear that an accused / applicant is entitled to bring his lawyer to the Plea Bargain proceedings.

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**PRACTICE GUIDELINES FOR THE MAGISTRATES
PATIALA HOUSE COURT COMPLEX, NEW DELHI
ROHINI COURT COMPLEX, DELHI
DWARKA COURT COMPLEX, DELHI**

As directed by Hon'ble High Court, the concept of Plea Bargaining as incorporated in Chapter XXI A of Cr.P.C needs to be encouraged. The following Practice Directions are being issued for necessary guidance while dealing with Plea Bargain applications in the above mentioned court complexes.

1. It is hereby directed that ACMMs mentioned in column No. B below shall be Incharge of Plea Bargain Centre in the respective court complexes as mentioned in column No. A below, with effect from 15/04/10:-

A	B
Patiala House Courts	Sh. Naveen Arora
Rohini Courts	Sh. Amit Bansal
Dwarka Courts	Sh. Rajesh Kumar Goel

2. As approved by the Acting Chief Justice, Hon'ble Mr. Justice Madan B Lokur, it is directed that if any application for Plea Bargain is filed in any of the court of Ld. MMs in the above mentioned court complexes, he shall forward the same to the respective ACMMs as mentioned herein above.
3. Upon receipt of such application, the ACMM concerned shall direct registration of such application in records to be maintained in his office / Plea Bargain Centre.
4. The ACMM concerned shall then assign the Plea Bargain application to any other MM in his respective court complex (other than MM, in whose courts such application was filed) while ensuring equal distribution of such applications amongst MMs posted in that particular court complex. The Plea Bargain Judge to whom the application is assigned shall deal with the same in accordance with these guidelines and the provisions as contained in Chapter XXI A Cr.P.C.
5. The ACMM concerned shall ensure that proper records are maintained in his office / Plea Bargain Centre as to whom such application has been assigned and the date of such assignment.
6. The Plea Bargain Judge upon receipt of such application after assignment by the concerned ACMM shall deal with such application in addition to his or her court work during regular working hours. It is, however, desirable that a separate cause

list be maintained in respect of Plea Bargain applications and be displayed outside the court and be sent on the server for the convenience of public at large.

7. The MM to whom such application has been assigned shall make all possible efforts to complete the process of Plea Bargaining in one sitting, and in any event within a period of one month, extendable upto maximum period of two months.
8. It is needless to add that since the Plea Bargaining applications shall be dealt with by the concerned Plea Bargaining Judge in his own court in addition to his regular work, he shall be assisted by his own staff i.e. Stenographer, Peon and Ahlmad etc. and no additional staff shall be posted in the court of concerned Id. MM for dealing with such applications.
9. Upon receipt of the application, the Plea Bargain Judge shall record the statement of accused / applicant regarding his voluntariness in moving such application as far as possible on the same day.
10. The Public Prosecutor in the court of concerned Plea Bargain Magistrate shall represent the State for the purpose of plea bargain proceedings also. However, in absence or Prosecutor being on leave, the Prosecution Department may provide for any substitute Public Prosecutor for this purpose.
11. The Plea Bargain Judge shall ensure that the notice to the victim / complainant issued through IO or SHO concerned for ensuring proper service thereof with a view to secure presence of victim / complainant in addition to the issuance of notice directly to the party concerned, by regular process.
12. Once all the parties appear before the Plea Bargain Judge, he shall give them requisite time for arriving at Mutual Satisfactory Disposition (hereinafter referred to as "MSD" for the sake of brevity) as contemplated in Chapter XXI A of Cr.P.C.
13. With a view to ensure fair play and confidentially, a separate file regarding the plea bargain proceedings shall be maintained by the concerned Ld. MM dealing with such application.
14. After the disposal of the plea bargain application as a result of MSD, the Plea Bargain Judge shall pass a final order, including an order on sentence.
15. After disposing of the matter by way of a judgement, the Plea Bargain Judge shall send the application back to the ACMM concerned within the stipulated period, as aforesaid.
16. The ACMM concerned upon receipt of the proceedings shall maintain record thereof in his office / Plea Bargain Centre. In case the parties fail to reach a consensus and no MSD is arrived at, the Plea Bargain Judge shall record that the

- Plea Bargain has been unsuccessful. The Plea Bargain Judge will then send the file back to the concerned court forthwith through the ACMM concerned.
17. If the Plea Bargain Judge, to whom the application has been assigned as aforesaid, happens to be on leave, his link MM shall deal with the plea bargain application, as far as possible, in addition to his regular court work. However, if Plea Bargain Judge has applied for leave for more than 03 days in advance under intimation to ACMM concerned, then in that event ACMM concerned may assign the application to some other Judge depending upon the facts and circumstances of the case so as to avoid delay in disposal of plea bargain application.
 18. If the MSD is arrived at and the matter is settled, then the MSD shall obviously form part of original record on the basis of which judgement shall be passed and file shall be consigned to Record Room by the referral court i.e. the court in which such application for plea bargain was initially filed.
 19. However, in case plea bargain fails, the proceeding sheets of plea bargain process shall not be sent back to the referral court along with file and the plea bargain proceeding shall be retained in the office of Ld. ACMM / plea bargain centre along with the main file. The Plea Bargain Judge shall only indicate that plea bargain has filed while sending the file back to the concerned referral court.
 20. It is clarified that all miscellaneous applications regarding return of original documents which may be preferred after disposal of case shall be filed before the concerned referral court and not before the Plea Bargain Judge.
 21. It shall be the duty of the Plea Bargain Judge to make it amply clear to all parties that the proceedings are strictly confidential in nature and that nothing said in the Plea Bargain proceedings may be used for any purpose whatsoever.
 22. It is also made clear that accused / applicant is entitled to bring his lawyer to the plea bargain proceedings.
 23. The concerned ACMM / Incharge Plea Bargain of each court complex shall ensure maintenance of proper records in his office / Plea Bargain Centre.
 24. It is directed that concerned ACMM / Incharge Plea Bargain of each court complex shall send weekly report regarding disposal of plea bargain applications in his court complex, which should reach office of the undersigned by every Thursday evening for the purpose of being forwarded to Hon'ble High Court on every Friday.
 25. The ACMM concerned / Incharge Plea Bargain are also directed to hold regular meetings with the MMs posted in the respective court complexes in order to ensure effective disposal of the plea bargain application in accordance with law

and for clearing of doubts, if any, and shall forward the minutes of such meetings to the undersigned.