

OFFICE OF THE DISTRICT & SESSIONS JUDGE::::::: AILAKANDI

No. JHD.-I/2018/6/ 3700.

Dated Hailakandi the 7th Dec. 2018

From:-

District & Sessions Judge,
Hailakandi

To

The Registrar (Judicial)
Hon'ble Gauhati High Court,
Guwahati.

Sub:-

Comments on the paragraphs IV to VI and IX to XIV as contained
in order dated 13.07.2018 passed by the Hon'ble Supreme Court of India
in WP (C) 749/2018.

Ref:-

Your letter No. HC.III-15/2018/2039/G, Dated. 30.11.2018

Sir,

With reference to the above, I have the honour to submit herewith the
Comments on the paragraphs IV to VI and IX to XIV as contained in order dated
13.07.2018 passed by the Hon'ble Supreme Court of India in WP (C) 749/2018 for favour of
your information & necessary action.

Yours faithfully,

Enclosed ;- 02 (two) sheets

District & Sessions Judge, *Yi*
Hailakandi

Comments on the paragraphs IV to VI and IX to XIV as contained in order dated 13.07.2018 passed by the Hon'ble Supreme Court of India in WP (C) 749/2018.

Comments on Para (IV):- There is no instance, in this judgeship, where the witnesses are returned without being examined on the ground of non-availability of time. However, witnesses are returned without examination only in case (i) where the Presiding Officer of court remains absent on a particular day and (ii) where the adjournments are granted, on the prayer of the party on genuine grounds, with costs payable to the witnesses. In all the meetings with the judicial officers this matter is discussed and monitored to ensure that no witness should be returned unexamined.

Comments on Para (V) :- There is no instance, in this judgeship, where accused continuing in detention on account of non-furnishing of bail bonds. This aspect is also being discussed in the judicial officers meetings to ensure that financially poor accused persons be released on P.R. Bonds.

Comments on Para (VI) :-The matter of parole although related to the Jail authority, till than, in course of Jail visit no inmates brought any allegation of misuse of the provision of law in this respect.

Comments on Para (IX) :-In cases, except where the identity of a accused person is required to be proved, the presence of accused persons, either on bail or facing trial detained in a prison outside the jurisdiction of the court, are dispensed with to avoid delay in trials.

Comments on Para (X):-It is very unfortunate to mention here that all the courts have to wait for FSL reports. The State FSL, Assam in Guwahati has a regular excuse of not sending reports citing lack of chemicals or lack of proper procedure etc. In this regard the higher authority may take steps.

Comments on Para (XI):-In case where at the fag end of the trial ,accused who was earlier absconding is produced along with supplementary charge-sheet resulting *de novo* trial of the accused already in custody or who has already faced the trial. In that cases, if sufficient progress has already been made in respect of accused already in custody or who has already faced trial, then, instead of *de novo* trial, as whole, records are split up and separate trial started for the accused subsequently apprehended.

Comments on Para (XII):-The periodical visit of jail and look into the order sheets by a judge of the rank of District Judge for designated vigilance would be beneficial to the UTPs. as well as to the judicial officers dealing with trial of UTPs.

Comments on Para (XIII):-It is seen that in many cases of default payment of maintenance payment are deliberately denied and when the respondents are brought to civil imprisonment they made the payment immediately. However, if it is proved through an enquiry that the respondent has no means to pay the maintenance because of poverty only in those cases detention of respondent in civil imprisonment are treated uncalled for and the respondents are released forthwith.

Comments on Para (XIV):-The panel Advocates are found less interested to visit jail and meetings are being held with them to apprise their duties. Steps are being taken directing the Secretary DLSA to supply compiled materials and checklist ,from concerned case records, to the appointed panel advocates in course of jail visit.


District & Sessions Judge ^{ve}
Hailakandi