



HIGH COURT OF MADHYA PRADESH

PRINCIPAL SEAT, JABALPUR

MEMORANDUM (CONFIDENTIAL)

No. C/1576/2019
II-15-2/16

Jabalpur, dated 28-03-2019

To,

The District and Sessions Judges,
All in the State of Madhya Pradesh

Sub: Maintaining proper decorum of the Court and adhering to the norms of judicial property.

Ref: Memo no. D/396 (II-15-2/16), Jabalpur, dated 27-01-2016.

Under the subject and reference cited above, I am to state that it has come to the notice of the High Court that certain norms and rules, even after repeated instructions, are not been followed by the Judicial Officers of the State. This situation is unpleasant and needed to be addressed.

Therefore, as per directions of Hon'ble the Administrative Committee no. 1, which has been approved by Hon'ble the Chief Justice, I am to reiterate following instructions to be followed scrupulously:

- (i) Vide D.O. no. C/1219/III-1-5/57/Chapter-I/2007, Jabalpur, dated 16-04-2007 and D.O. no. B/810/Confdl./2019/III-1-5/57 (Chapter-1), dated 06-02-2019, it has been directed that Judicial Officers shall observe punctuality in attending their respective Courts. The working hours of Judicial Officer is from 10:30 A.M. to 05:30 P.M. and Dais hours is from 11 A.M. to 05:00 PM with a lunch/tea break of 30 minutes from 02:00 P.M. to 02:30 P.M.

In this regard, **Rule 1, 2 and 5 of the "Madhya Pradesh Civil Courts Rules, 1961"** and **Rule 2 of the "Madhya Pradesh Rules and Order (Criminal)"** is clear and that must be followed.

- (ii) Vide Memo no. D/396 (II-15-2/16), Jabalpur, dated 27-01-2016, it has been directed that Judicial Officers are required to wear "**prescribed Robe**" while sitting on Dais and "**formally dressed**" while moving in the Court premises.

In this regard, despite issuance of directions, Judicial Officers are not wearing the "**prescribed uniform**", that must be strictly followed.

- (iii) Vide D.O. no. 311 Instructions (Vig.)/2015, Jabalpur, dated 14-03-2016 and D.O. no. 173/Instruction/Vig./2018, Jabalpur, dated 23-03-2018, it has



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been directed that Judicial Officers are required to follow the provision of Section 232 of Cr.P.C.

In Section 232 of Cr.P.C., the term “*shall*” has been used which mandate that if a case is of no evidence, it is the duty of the Judge to pass an order of acquittal u/s. 232 of Cr.P.C., which is not being followed despite repeated directions, that must be strictly followed.

- (iv) It has been observed that during the trial of criminal cases, the seized property is not exhibited/marked as “*Articles*” in the Court, which sometimes may have a great impact on the Trial. Rule 467 of “*Madhya Pradesh Rules and Orders (Criminal)*” also guides the Courts.

In this regard, there are various directions of Superior Courts for eg. “*Niranjan Panja vs. State of West Bengal*”; “*Ishwar Singh vs. State of Uttar Pradesh – (1976) 4 SCC 355*” and “*Jitendra and Anr. vs. State of Madhya Pradesh – (2004) 10 SCC 562*” are worthwhile to mention.

In future, all the Courts are expected to ensure that the seized property must be produced during the Trial and marked as “*Articles*” as per Rules.

- (v) With intent to avoid unnecessary adjournments, Order XVII, Rule 1 and 2 of C.P.C. and Section 309 of Cr.P.C. have been amended which not only empowers the Court to curtail unnecessary adjournments, but also limits the discretion of the Court in the matter of adjournments. All the Courts are expected to follow the mandate of Legislature.

It is further instructed to all the Judicial Officers that if such or similar type of lapses committed in future will be viewed seriously and stern disciplinary action be taken against the erring Judicial Officer.


(ARVIND KUMAR SHUKLA)
REGISTRAR GENERAL

Endt. No. C/1567/2019

Copy forwarded to District Judge (Inspection), Jabalpur / Indore/ Gwalior for information.


(ARVIND KUMAR SHUKLA)
REGISTRAR GENERAL