

**HIGH COURT OF MADHYA PRADESH ; JABALPUR**

**// MEMORANDUM //**

No.C/633

Jabalpur, dated 18/02/2021

**III-6-6/84-II**

To,

The District & Sessions Judge,  
All in the State (M.P.)

Subject:- Regarding guidelines/directions in respect of Special Courts for the trial of POCSO cases, OAW cases & POCSO + OAW cases.

Reference:- High Court Notification(s) for Special Courts under Centrally Sponsered Scheme (FTCs) and additional Notification for the trial of OAW & POCSO Cases (**C/634 to C/641, dt.18.02.2021**).

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On the subject & reference mentioned above it has been observed that Offences against women herein after reffered as (OAW) are only those offences where a victim is women on account of its gender and sexuality, motivated by social – cultural bias against women. Offences against women are covered under the follwing categories of offences but **this list is only illustrative and not exhaustive:-**

1. Rape,
2. Attempt to commit rape
3. Kidnapping and abduction of women
4. Dowry death
5. Assault of women with intend to outraise the modesty
6. Insult to the modesty of women
7. Cruelty by husband or his relative
8. Importation of girl from foreign country
9. Abatement of suicides of women (arising out of matrimonial harassment)
10. Dowry Prohibition Act, 1961
11. Indecent representation of women Prohibition Act, 1986
12. Commission of Sati Prhibition Act, 1987
13. Protection of women from Domestic Violence Act
14. Immoral Traffic Prevention Act
15. Like other offences that have been declared in State Legislatures/Amendments in Central Act

Hon'ble the Chief Justice has been pleased to direct to issue guidelines/directions for the Special Courts to be followed:-

1. That, all Sessions Trial cases related to Offence against Women will be heard by the Special Court constituted for OAW.
2. That, where the number of cases related to the OAW Sessions Trial is not enough, the Appeals, Revisions related to the OAW can also be transferred to such Special Courts. In case the pendency in the Special court is on lower side, the Special court may be assigned with the other judicial work. At the time or allotment of other judicial work, the District Judge shall ensure that the Special cases be disposed of within one year.
3. That, where exclusive POCSO courts reduces pendency upto less than 100 cases, then such a court shall be deemed to be notified for the Hybrid Court (POCSO + OAW) and District Judge has power to transfer OAW related cases to such court.

I am therefore, request you to kindly ensure that the cases relating to Offences Committed Against Women and that of the POCSO Act cases be transferred to the Special Courts notified by this High Court and that the report in respect of transfer of cases (OAW and POCSO) be furnished to this Registry on or before 28<sup>th</sup> February, 2021.

I am further to request you to kindly ensure compliance of the issued directions.

**Encl:** Registry Memo No.D/291,  
Dated 10.01.2013.

  
18/02/2021  
(R.P.S. CHUNDAWAT)  
REGISTRAR(D.E.)

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HIGH COURT OF MADHYA PRADESH: JABALPUR

//MEMORANDUM//

No. ....D/291...../

Jabalpur dated ..10./01/2013

III-6-6/84

To,

The District & Sessions Judge,  
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**Subject:- Regarding expeditious trial of cases committed against women.**

As directed, on the subject mentioned above, following instructions are being issued for your information and strict compliance along with copy of Judgment passed by Hon'ble Apex Court in the matter of Akhil @ Javed Vs. State of NCT Delhi passed in Criminal Appeal No.1735/09 decided on 06.12.2012.

Kindly bring it to the notice of all Additional Sessions Judges and Special Judges(SC/ST) and impress upon them to observe strict compliance and send monthly and fortnightly report in format "A" "B" and "C".

1. Sessions Judge should ensure that whenever a charge sheet of offence involving rape, gang rape or rape with murder is submitted before any of the magistrates such magistrates including Chief Judicial Magistrates/Additional Chief Judicial Magistrates, shall commit the case without any delay to the court of Sessions and minimum time shall be given for appearance of accused before the Sessions Judge by the committal court.
2. Sessions Judge should ensure that on first hearing/appearance of accused shall transfer such case to designated court where court has been designated or may try himself or may transfer to some other Additional Sessions Judge without any delay.
3. Sessions Judge/Additional Sessions Judge designated or Additional Sessions Judge whomsoever the case is transferred shall without any delay proceed with the trial and no adjournment shall be allowed at any stage except in exceptional cases where the circumstances justify doing so.
4. (a) A monthly progress report in the format-A annexed herewith shall be forwarded to the Hon'ble Portfolio Judge and to the Registry.  
(b) Sessions Judge and Registry shall be provided with fortnightly weekly report by the judge concerned in the format-B annexed herewith.
5. Trial Judge shall strictly adhere to the dictum of Hon'ble Apex Court in the matter of Akhil @ Javed Vs. State of NCT Delhi passed in Criminal Appeal No.1735/09 decided on 6.12.2012.



6. Sessions Judge in those district headquarters where Additional Sessions Judge has been designated exclusively for trial of offences of rape, gang rape or murder with rape, shall immediately pass order of transfer of all such cases pending in other Sessions Courts which have not been opened so far and transfer all such new cases of abovementioned category to designated courts only.
7. The Trial Judge should ensure day to day expeditious trial of rape cases so that such cases are disposed of within a period of 45 days or at the most 60 days from the date first witness is examined as provided under proviso to Section 309 of Cr.P.C.
8. Sessions Judge keeping in view the over all pendency in the courts of District & Sessions Judge and Additional District & Sessions Judges at headquarter and other circumstances may withdraw and transfer all other cases of different nature from designated court of Additional Sessions Judge to some other court, except part heard Sessions Trials in phased manner so that no inconvenience is caused.
9. Special Judge (SC/ST) shall also take up Sessions Trials of rape, gang rape and rape with murder, on priority basis and shall decide such cases within 45 days or maximum within 60 days from the date first witnesses is examined.
10. (a) Criminal case which local authorities i.e. Superintendent of Police and District Magistrate treat as heinous and sensational shall be brought to the notice of Sessions Judge of the district concerned.  
 (b) Sessions Judge shall issue appropriate direction to magistrates for immediate committal of such cases.  
 (c) Trial court shall hear such cases on day to day basis and send a progress report of such cases to the Registry, each month in the format 'C' annexed herewith.
11. Sessions Judge should ensure that court hearing such cases have been provided with a lady Deposition Writer where Presiding Officer is not a lady.
12. District Judge should monitor progress of such abovementioned cases in the monthly monitoring meeting with the Collector and Superintendent of Police and shall issue appropriate directions as required. Special Judge (SC/ST) and designated and Additional Sessions Judge may also be asked to attend the meeting to apprise the Committee about the difficulties, if any, in conduction of such cases.

Encl:- As above.

C Judgment dt 06.10.12 &

format A, B & C)

(ASHA KUMAR)  
 REGISTRAR (DE)

10.01.13