

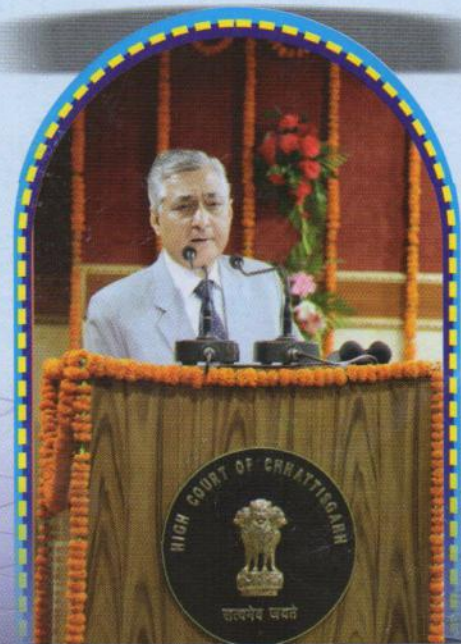


# CHHATTISGARH STATE JUDICIAL ACADEMY



## NEWS LETTER

(Second Issue)- 2<sup>nd</sup> MAY, 2017



## CHHATTISGARH STATE JUDICIAL ACADEMY

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**08/05/2016**

**Workshop was organized for Family Court Judges of State of Chhattisgarh on Family Laws, Maintenance, Domestic Violence against Women and Children, Gender Justice - Sensitization.**



**18/06/2016**

**To Sensitize the Judges of Higher Judiciary and Lower Judiciary Divisional Workshop has been organized at their door steps at Bilaspur for joint Judgeship of Bilaspur Division.**

**Excellent**

**26/06/2016**

**N**ow-a-days Court Managers are becoming integral part of district court administration system, hence, a workshop was organized for the Court Managers on Management of Court System, Personal Management, Financial Management, I.T. Management. All Court Managers posted in various Courts of Chhattisgarh had participated and enlightened with tools and techniques, so as to enable them to discharge their duties efficaciously.



**STATE LEVEL WORKSHOP ON AWARENESS -CUM-ORIENTATION PROGRAMME CIS 2.0,  
e-COURT MISSION MODE PROJECT-PHASE-II**  
All District & Sessions Judges, DCC Chairman, Master Trainers, Nodal Officers and Judicial Officers.



**03/07/2016**



**W**orkshop on Awareness-cum-Orientation Programme under e-Courts Mission Mode Project Phase-II was held at the Auditorium, High Court of Chhattisgarh for creating awareness and sensitization amongst the stakeholders for the effective implementation of e-Courts system for all Judicial Officers posted at the district Bilaspur, Janjgir-Champa, Korba, Raigarh and Raipur (Excluding Officers on urgent remand duty); along

with all District and Sessions Judges, Chairman of all District Computer Committee (DCC) and all Nodal Officers (Judicial) of the State at High Court Auditorium, Bilaspur. Hon'ble Mr. Justice Madan B. Lokur, Judge, Supreme Court of India had inaugurated the workshop and enlighten the participants about the benefit of Effective Implementation of e-Court system.



**09/07/2016 & 10/07/2016**

**T**o enhance the working capacity of Judicial Officers of State and to make them aware of recent techniques, training sessions on Ubuntu Linux Operating System was held at Kanker for all Judicial Officers posted in District Uttar Bastar (Kanker), Kondga and Dhamtari. This Workshop was listed for two days likewise Computer Training Session was also held at Mahasamund, Ambikapur, Kabirdham for all Judicial Officers posted District Mahasamund, Balodabazar, Raipur, Surguja, Kabirdham and Bemetara respectively.



# 3rd PART OF INDUCTION TRAINING OF NEWLY RECRUITED CIVIL JUDGES Class - II

(2015 Batch) from 15/07/2016 to 13/08/2016



The 3rd part of induction training of newly recruited Civil Judges Class-II (2015 batch) has commenced on this day at CSJA, Bilaspur and was completed on 13th August, 2016.

Hon'ble Shri Justice Prashant Kumar Mishra, Judge, High Court of Chhattisgarh & Chairman, Governing Body of CSJA inspired new Civil Judges to enjoy and cherish their

role in judicial system while maintaining the dignity and decorum of their post. While inviting attention towards the mounting pendency of the cases, Hon'ble Chairman encouraged the gathering to impart speedy justice without compromising with quality. He advised the newly recruited Civil Judges to be just opposite of coconut i.e. soft from outside and firm and strong from inner side, in their behavior and conduct towards the litigants, lawyers and others. Hon'ble Chairman also expressed wish to make the lectures of eminent jurists, judges and lawyers an integral part of Academy's library.



Hon'ble Shri Justice Manindra Mohan Shrivastava, Judge, High Court of Chhattisgarh & Member, Governing Body of CSJA, while

addressing the new recruits laid emphasis upon the due & fair process of adjudication and said that the procedure followed by the Judge in conducting trial must be in accordance with law, fair and impartial so that the faith of the common man on the judiciary remain unshaken. The Hon'ble Member further emphasised that the conduct of the Judges is always in public gaze, therefore they must be cautious of their conduct in the Court and also outside. The new



recruits have been made aware of benefits of reading judgments, books, lectures and also of taking down the important decision in their own diary by the motivational speech of My Lord.

They also shared their experiences with the participating Civil Judges. Thereafter, regular induction course started as per the approved curriculum and methodology of training.

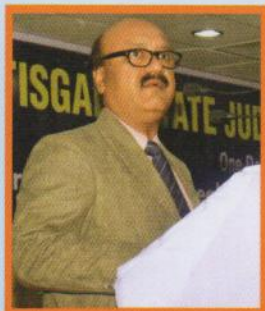


29/07/2016



**H**on'ble Shri Justice Sunil Kumar Sinha, the Chief Justice, High Court of Sikkim in his deliberation has said that Judgeship is service to the Society and not a job to earn livelihood. The trainee Judge have been made acquainted with the model daily routine by Hon'ble the Chief Justice. Hon'ble the Chief Justice has formulated the terms "Justice" in his own way. As Justice is equal to judgment plus 'X', wherein judgment is equal to records plus finding and 'X' would be possible discretion. Hon'ble Chief Justice has called up the trainee judges to be dedicated towards their duty with the best of their ability, he further advised them to observe aloofness and honesty which should never be left. He also said that honesty and corruption do not include only pecuniary benefit but it also includes benefits received in any form from anybody, related to matters pending in the Court, for which Judicial Officers may be held accountable as per existing Service Conduct Rules.

31/07/2016



**T**o Curb the arrears of cases and put the trial at fast track, Hon'ble High Court of Chhattisgarh has been pleased to provide Dragon Natural Speaking Software to the Judicial Officers of the State of Chhattisgarh and for making them well versed to utilize speaking software to yield optimum output, a

workshop was organized at the Auditorium, High Court of Chhattisgarh, Bilaspur.





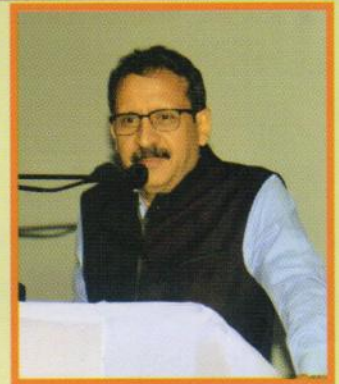
02/08/2016



Hon'ble Shri Justice Goutam Bhaduri, while addressing the trainee Civil Judges, in his deliberation has said that knowing court working is must for the Judge, every judge must develop sense of litigation, sense of law and sense of justice, he advised the trainee Judges to enjoy and cherish their status and must avoid casual appearance on and of duty, they always must remember spirit of judiciary.

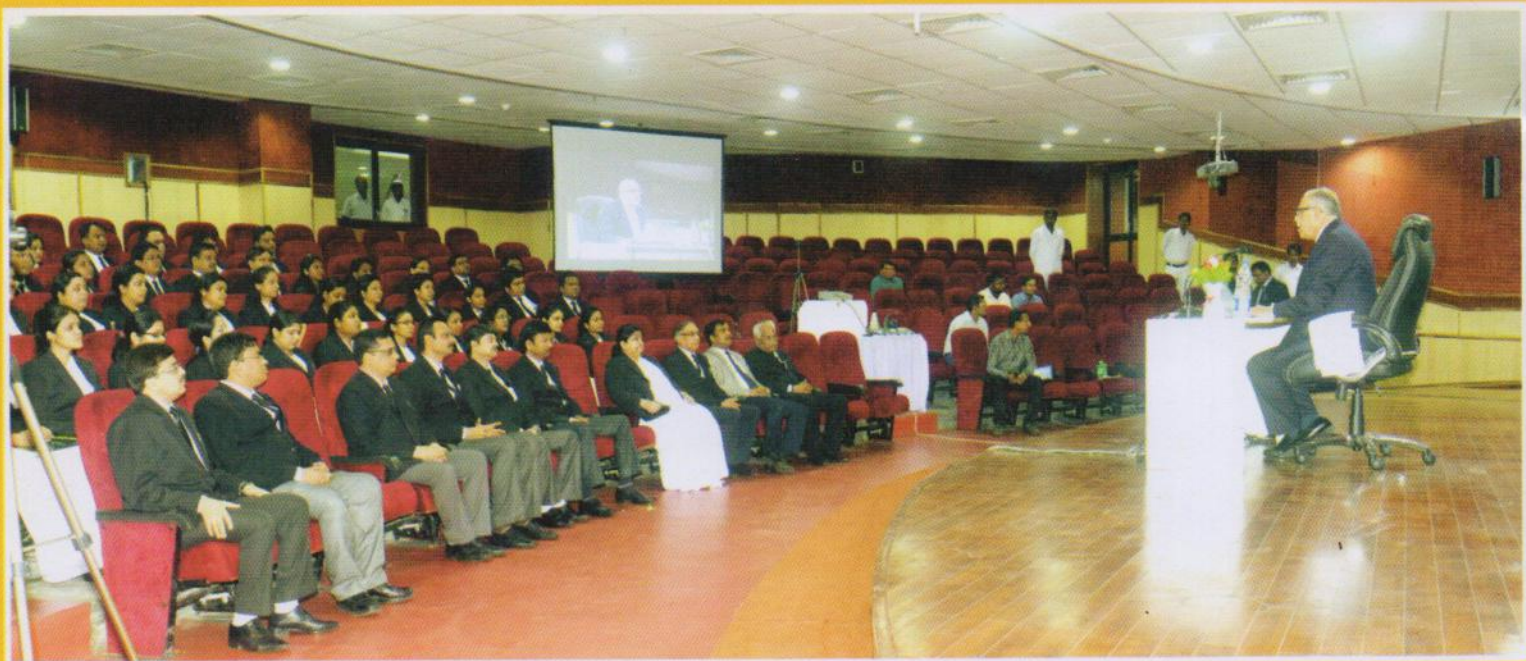
04/08/2016

Hon'ble Shri Justice Pritinker Diwaker, while addressing the trainee Civil Judges, in his deliberation has said that the Judges must have quality of sharpness and firmness and always ready to learn, they must be respective and ready to understand, they must observe positive attitude, they must do homework and always read files in advance, they must follow the time management in and out of the Court.



06/08/2016

Hon'ble Shri Justice Deepak Gupta, the Chief Justice of Chhattisgarh was very keen to uplift the working of Judicial Officers of sub-ordinate Court and Hon'ble the Chief Justice has interacted with all Judicial Officers of the State through Video Conferencing on the topic of Court Management.





26.01.2017



**R**epublic day was observed in the CSJA. National Flag hoisted by Hon'ble Chairman Shri Justice Prashant Kumar Mishra in the august presence of other dignitaries.

20/08/2016



**T**o Curb the pendency of Courts, Alternate Dispute Resolution techniques are very useful. To sensitize the Judicial Officers for using Alternate Dispute Resolution Technique as enshrined under Section 89 of C.P.C. workshop was organized at CSJA, Bilaspur. The participant Judges have been apprised of application Management of ADR and related Law.

28/08/2016

**W**ithout proper skills and cooperation of Court staff; goal of speedy trial cannot be achieved. Therefore the training sessions for Administrative Officers, Accountant, SW, Nazir and Record Keeper of District Court establishment was organized at CSJA, Bilaspur to learn tools and technique of effective District Court Administration.

04/09/2016

To Sensitize the Judges of Higher Judiciary and Lower Judiciary second Divisional Workshop has been organized at their door steps at Raipur for joint Judgeship of Raipur Division.



**10/09/2016 to 11/09/2016**

To enhance working capacity of Judicial Officers of State and to make them aware of recent techniques, training sessions on Ubuntu Linux Operating System was held at Kanker for all Judicial Officers posted in Rajnandgaon, Korea, Raipur, Bilaspur and Jagdalpur. This Workshop was listed for two days likewise Computer Training Session was also held at Mahasamund, Ambikapur, Kabirdham for all Judicial Officers posted in District Mahasamund, Balodabazar, Raipur, Surguja, Kabirdham and Bemetara respectively.

**13/09/2016 to 24/09/2016**



**Orientation Training Programme was held for newly promoted District Judge (Entry Level) 2016 Batch.**



**23/10/2016**

The Workshop on development of working skills for Office Administration and Ubuntu Linux Awareness System was organized at the Auditorium, High Court of Chhattisgarh, Bilaspur for all staff of High Court of Chhattisgarh, working in various sections of High Court.

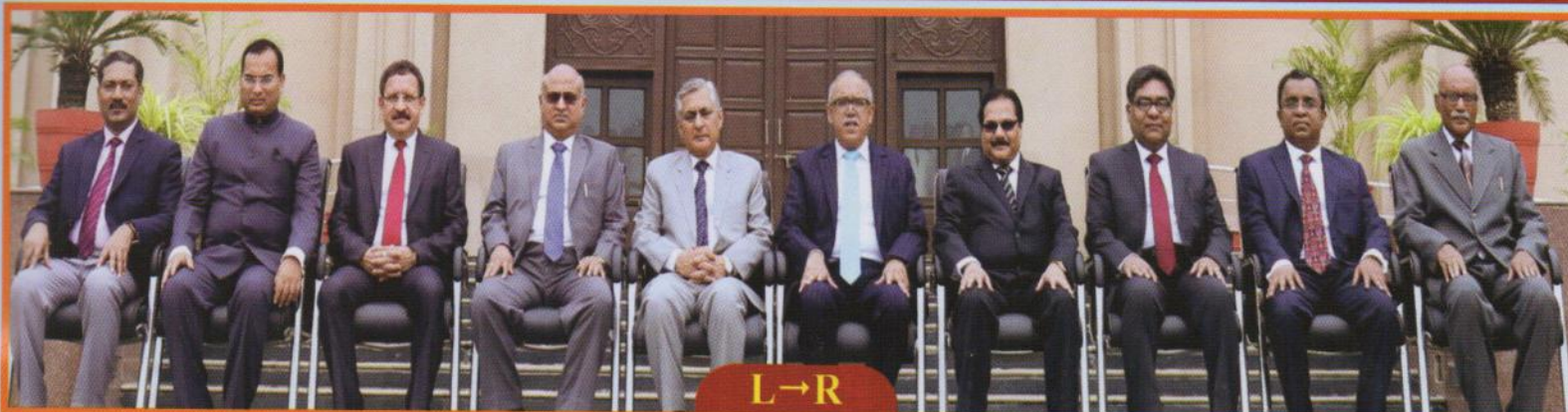
**06/11/2016**



For District Judges and Senior ADJ's of State of Chhattisgarh, workshop on adjudication of cases through the help of mediation and arbitration as provided under Arbitration and Conciliation Act, 1996 was held at CSJA, Bilaspur.

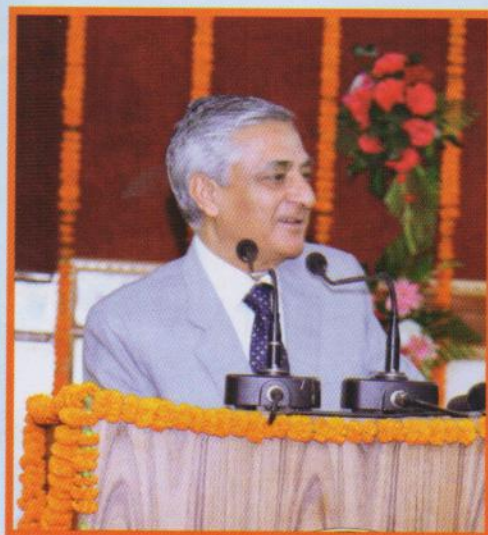


11/09/2016



L→R

Hon'ble Mr. Justice P. Sam Koshy, Hon'ble Mr. Justice Sanjay K. Agrawal, Hon'ble Mr. Justice Pritinker Diwaker, Hon'ble Mr. Justice A.M. Sapre, Hon'ble Mr. Justice T.S. Thakur, Hon'ble Mr. Justice Deepak Gupta, Hon'ble Mr. Justice Prashant Kumar Mishra, Hon'ble Mr. Justice Manindra Mohan Shrivastava, Hon'ble Mr. Justice Goutam Bhaduri, Hon'ble Mr. Justice Chandra Bhushan Bajpai,



The Chhattisgarh State Judicial Academy, Bilaspur felt extremely privileged to host Hon'ble Shri Justice T.S. Thakur, the then Chief Justice of India in First State Conference of Judicial Officers of Chhattisgarh on 11/09/2016. Your Lordship has called up the Judges to make endeavor to spread legal knowledge in society so that every one should know their legal right. Your Lordship has also said that for judiciary "Honesty" has only one meaning and no deviation there from is permissible at any cost. Hon'ble Shri Justice A. M. Sapre, Judge, Supreme Court of India has enlighten the audience with the legacy of excellence of the judiciary and made them spellbound by his witty and spontaneous speech.

27/11/2016

The Workshop on Chhattisgarh Tonahi Pratadna Nivaran Adhiniyam, 2005 & Chhattisgarh Agricultural Cattle Preservation Act, 2004 was held at CSJA, Bilaspur. Judicial Officers of Chhattisgarh Lower Judicial Service to sensitize them for dealing with the cases falling under respective Acts.

05/12/2016 to 10/12/2016

Second Phase Orientation Programme for newly Promoted District Judge (Entry Level 2016 batch) was organised at CSJA.



18/12/2016



Hon'ble Shri Justice Arjan Kumar Sikri, Judge, Supreme Court of India has blessed the newly appointed Civil Judges (Junior Division - Batch 2016) through his legal acumen while inaugurating first induction training thereof on 18<sup>th</sup> December, 2016.



01/04/2017 & 02/04/2017



Hon'ble Shri Justice Deepak Gupta, Judge, Supreme Court of India has enlightened all Judicial Officers of the State with Tools and Techniques for enhancing Excellence in Core Judicial Skill "Judgeship & Judgement Writing on 01/04/2017 at the Auditorium, High Court of Chhattisgarh, Bilaspur. On the next day i.e. 02/04/2017, Hon'ble Shri Justice T.B. Radhakrishnan, Chief Justice has advised all the Judicial Officers of the State, while addressing on the subject

"Concept of Justice : Illusive or Reality" that negligence of a Doctor kills the patient but negligence of a Judge kills generation. Hon'ble the Chief Justice further reminded that a Judge should always remember "FLACC", F- stands for fact, L- Law, A-Arguments, C- Consideration and C- Conclusion. In this programme Hon'ble Shri Justice V. Ramasubramanian, Judge, High Court of Andhra Pradesh was also present. His Lordship interacted with the participant and through his unique style of communication generated interest and curiosity amongst the participant Judges.



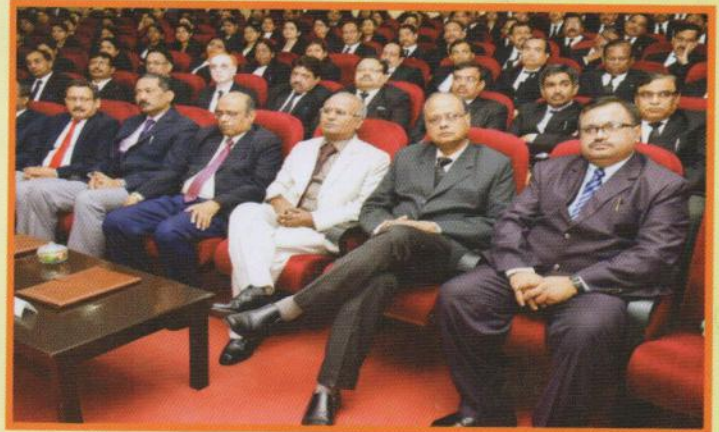


05/02/2017



**S**tate Level Consultations on Effective Implementation of Juvenile Justice Act, 2015 Focus on Rehabilitation Services and Linkages with POCSO Act, 2012 on 05/02/2017 in the Auditorium of Chhattisgarh High Court.

23/04/2017



Hon'ble Shri Justice Dipak Misra, Judge, Supreme Court of India has honored us by his gracious presence in State Level Conference of Judicial Officers of Chhattisgarh on the topic "Institutional Ethics : Role of an Adjudicator" organized at the auditorium, High Court of Chhattisgarh on 23/04/2017, and while touching on crucial points germane from the topic Your Lordships' has encouraged the Judicial Officers to enhance their proficiency in English through writing, legal literature, and Judicial precedent.





## Notable Excerpts From Cases (High Court Of Chhattisgarh)

1. (A) Civil P.C. (5 of 1908), O. 9, Rr. 8,9 – Dismissal of Suit for default – Bar to fresh suit on same cause of action-Not applicable to partition suits till partition by metes and bound is effected - Since in such suits cause of action is continuous and recurring.

**Thaneshwar Hiralal Yadav and Others Vs. Hemlal Premal Yadav and Others.** Civil Revision No. 98 of 2014, Dt. 08.07.2016, **ILR 2016 Chhattisgarh 1670 : AIR 2016 Chhattisgarh 168,**

2. Criminal P.C. (2 of 1974), S. 311- Recalling of witness-Must not be allowed only to fill up lacuna and differences – Accused seeking to recall Investigating Officer (IO) to put certain questions regarding statement of victim-Said statement was already within their knowledge – No case that some new facts have been learnt by defence which could not be put to IO during his cross-examination- Recalling of IO not permissible to fill up lacuna of their failure to put certain question regarding statement of victim.

**Surendra Singh Bagga Vs. State of Chhattisgarh** and others. CRR No. 518 of 2016, Dt. 22.07.2016, **ILR 2016 Chhattisgarh 1853 : 2016 CRI.L.J. 4908.**

3. Criminal P.C. (2 of 1974), Ss. 482, 197 (1) (b)- Sanction of prosecution- Necessity- Accused allegedly committed offences of fraud, cheating and criminal breach of trust- Plea of accused that alleged acts were committed in course of discharge of his official duties and would necessitate prior sanction before prosecution – Not tenable- Acts in nature of fraud and cheating do not come within purview of 'official discharge of duties'- Previous sanction under S. 197 not necessary. **S.N. Ram Vs. State of Chhattisgarh.** Criminal Misc, Petition No. 783 of 2016, Dt. 29.07.2016. **ILR 2016 Chhattisgarh 1872: 2016 CRI. L.J. 4943.**

4. Motor Vehicles Act (59 of 1988), S. 166- Proof of accident-Non-examination of eye-witnesses-Effect- Claimants specifically pleaded and adduced evidence regarding involvement of offending vehicle in accident that resulted in grievous injuries to deceased and his death subsequently – Record of criminal case filed against offending driver also produced along with requisite documents – Factum of involvement of offending vehicle in accident, not denied by any party – Non-examination of eye-witnesses, not fatal-Claimant entitled to claim compensation. (Paras 20,21, 22,23) **Smt. M.Vijay Laxmi and Others Vs. Laxmi Prasad Yadav and Others.** MAC No. 1201 of 2015, Dt. 26.08.2016. **ILR 2016 Chhattisgarh 1972:2016 AAC 2381 (CHH).**

5. Court- fees Act (7 of 1870), S.7- Court fees- Petitioner not being executant of sale deed, cannot seek relief of cancellation of sale deed but can only ask for relief to extent that sale deed was null and void- In suit seeking relief of declaration of sale deeds as null and void, plaintiff only required to value suit for declaration and not for value mentioned in sale deed. **Tarun Babulal Chandrakar Vs. Smt. Kumari Bai Devilal Kurmi and others.** W.P. 227 No. 229 of 2016 Dt. 29.08.2016. **ILR 2016 Chhattisgarh 2057: AIR 2016 Chhattisgarh 195.**

6. Criminal P.C. (2 of 1974), S. 233 – Application for calling upon prosecution witness as defence witness- Prosecutrix whom defence intends to call as defence witness has already been



examined as prosecution witness- She has also been cross-examined elaborately by defence- Merely because subsequently prosecutrix married accused and changed her mind to not prosecute accused any further- Cannot be permitted to be called as defence witness in same case. Rejection of application, Proper. **Gaurav Sonkar and Another Vs. State of Chhattisgarh**. Criminal Revision No. 563 of 2016, Dt. 05.07.2016. **ILR 2017 Chhattisgarh 170:2017 CRI. L. J. 253**.

7. (A) Criminal P.C. (2 of 1974), S. 353- Judgment – Has to be pronounced in open Court, Signed and dated- Judgment not available on record- Mere declaration of result does not amount to judgment- Practice of announcing result of case by stating 'reasons to follow'- Deprecated. **Ajay Singh and another & Etc. Vs. State of Chhattisgarh** and another. Criminal Appeal Nos. 32-33 of 2017 (arising out of S.L.P. (Crl.) Nos. 7694-7695 of 2016), Dt. 06.01.2017. **I.L.R. 2017 Chhattisgarh 214: AIR 2017 Supreme Court 310**.
8. (A) Limitation Act (36 of 1963), Art. 65 – Adverse possession – Suit for declaration of title on basis of adverse possession – Is not maintainable – Adverse possession can only be pleaded as shield/defence. (2014) 1 SCC 669 : 2015 (a) CGLJ 107, Rel. on. (Paras 11,12)  
(B) Hindu Succession Act ( 30 of 1956), S.2(2) Customary law of succession – Right of daughter-Uraon Tribe- Succession in Said tribe/caste leans towards partilineal succession – Only daughter married in 'Ghar jinha' where after marriage she is residing in house of father along with husband entitled to succeed to property- Daughter married after 3-4 years of death of father and failed to establish that she was residing in father's house with husband- Not entitled to succeed to property of father. **Ramdev Ram Vs. Dhani Ram and others**. S.A. No. 298 of 2002 Dt. 11.01.2016. **AIR 2016 Chhattisgarh 107**.
9. (A) Arbitration and Conciliation Act (26 of 1996), Ss. 16,4,11-Appointment of arbitrator- Objection as to – Waiver of – Plea that arbitrators, who passed award were not appointed according to agreement – Not raised by appellant – Rather both parties participated in successive proceedings of Arbitral Tribunal – Appellant deemed to have waived his right to object to jurisdiction of Arbitral Tribunal.  
(B) Stamp Act (2 of 1899) S. 36 – Arbitration and Conciliation Act (26 of 1996), Ss. 4, 19- Inadequately stamped share purchase agreement- Admissibility in evidence- Appellant/purchaser on whom liability was fastened by agreement to pay stamp duty did not object to fact stamp duty is not adequately paid – On contrary admitted documents in proceedings and acted upon it- Share purchase agreement was admitted by arbitrator in evidence and acted upon by parties- Admissibility of such document cannot be questioned by virtue of S. 36 of Stamp Act- Right to object deemed to have been waived u/S. 4 of Arbitration Act. (Paras 21, 22,26)  
(C) Arbitration and Conciliation Act (26 of 1996), S. 37 – Appealable order- Application u/S. 34 Challenging award- Interim application filed during pendency challenging award on grounds of inadequately paid stamp duty on agreement and constitution of arbitral tribunal Order dismissing said interim application- Not an appealable order, as main application u/S. 34 is pending adjudication by Court. (Paras 27,28)



**SAV Steels Private Limited, Kolkatta Vs. Ekta Ispat and Power Limited, Raipur** Arbitration Appeal No. 10 of 2015. Dt 14.08.2015. **AIR 2016 Chhattisgarh 112.**

10. C.G. Municipal Corporation Act (23 of 1956), S. 441 – Limitation Act (36 of 1963), S.5- Election Petition – Limitation – Express bar for presentation of election petition after 30 days from publication of official gazette as per S. 441 of Act- Thus S. 5 of Limitation Act not applicable- Finding of lower Court that petition filed after 30 days is time barred hence not maintainable, proper. **Rana Ghosh Vs. Khem Singh Dewangan and others.** Civil Revi. No. 109 of 2015. Dt. 05.01.2016. **AIR 2016 Chhattisgarh 81.**
11. (A) Hindu Marriage Act (25 of 1955), S. 25 Permanent alimony- Desertion of matrimonial home by wife – Cannot be ground to deny alimony, in absence of any such prohibition contained in Act- Her conduct can be relevant criteria only for deciding quantum of permanent alimony.  
(B) Hindu Marriage Act (25 of 1955), S. 25 – Permanent alimony – Quantum – Husband alleging that his parents and divorcee sister along with her children, are dependent on him- He also alleged reduction in his income since he lost his earlier job- Wife not denied said facts- Wife holding professional qualification and having capacity to earn- Husband earlier offered Rs. 12,00,000/- for Settlement – Amount of permanent alimony reduced to Rs. 15 Lacs. (Para 17) **Jasveer Kaur Vs. Vikram Singh.** First Appeal (M) No. 116 of 2014 Dt. 16.02.2016. **AIR 2016 Chhattisgarh 83.**
12. Negotiable Instruments Act (26 of 1881), Ss. 142, 142A (as amended by Amendment Act of 2015 – Constitution of India, Art. 14 – Cheque dishonour complaint- Territorial Jurisdiction – Amended Ss. 142 and 142A conferring territorial jurisdiction on Court at place where cheque is delivered for collection through Branch where cheque payee and holder maintain their accounts- Fundamental right of accused not taken away merely because accused may have to defend himself at place far away from his residence- Challenge to amendment on ground of hardship likely to be caused to accused, not tenable- Amended sections not constitutionally invalid. (Paras 15, 25, 26) **Vikas Lakshmipat Bafna and another Vs. Union of India and others.** Writ Petition (C) No. 1351 of 2016, dt. 05.07.2016. **AIR 2016 Chhattisgarh 143.**
13. Motor Vehicles Act (59 of 1988), S. 176- Chhattisgarh Motor Vehicles Rules (1994), Rr. 76B, 76C- School bus permit – Conditions prescribed- Strict implementation necessary for ensuring safety of school going children – Transport authorities and police directed to see to it that Act and Rules are followed and implemented in letter and spirit. (Paras 8,9)  
**Subas Muduli Vs. State of Chhattisgarh.** Writ Petition (PIL) No. 32 of 2015. Dt. 13.06.2016 **AIR 2016 Chhattisgarh 120.**
14. (A) Legal Services Authorities Act (39 of 1987), S. 21-Constitution of India, Art 227- Award of Lok Adalat- Though is final and not appealable before any court – Can be interfered with by High Court by invoking power of superintendence, if award is passed by overlooking mandatory provisions of law.  
(B) Hindu Adoptions and Maintenance Act (78 of 1956), S.5,6 – Adoption- Locus Standi to challenge- Brother of adoptive father though not party to adoption – Has locus to challenge adoption – Since his interest in ancestral property may get affected because of said adoption. (Para



11) **Suryakant Naidu Vs. Amit Kumar** Writ Petition (227) No. 508 of 2014, Dt. 03.05.2016. **AIR 2016 Chhattisgarh 126.**

15. (A) Motor Vehicles Act (59 of 1988), S.168- Compensation-Future prospects – Deceased contributing her earnings in family expenses- Claimant and his family deriving benefit from deceased's earning- Additional 50 % of yearly income considered towards future prospects. (Para 11), **Anandram Gajanand Mehhar Vs. Jhaduram Firanta Chandrakar & Ors., ILR 2017 Chhattisgarh (SN) 72 = 2017 AAC 651(CHH).**
16. Criminal P.C. (2 of 1974), Ss. 451/457 - Release of vehicles on supurdnama - Though legislature under Ss. 6(3) of Act 2004 prohibited release of vehicle and conveyance on bond or surety before expiry of six months from date of such seizure of vehicle - But, after expiry of six months procedural laws under Cr.P.C. would apply, Court thus have jurisdiction to invoke discretionary power to release vehicle on supurdnama. **Anil Kumar Das Vs. State of Chhattisgarh, ILR 2017 Chhattisgarh (SN) 85 = 2016 CRI. L. J. (NOC) 245 (CHH.).**
17. Criminal P.C. (2 of 1974), S. 227 – Penal Code (45 of 1860), S. 370 – Discharge – Offence of human trafficking – Records showing 22 villagers taken to Malaysia in installments and kept as bonded labourers- Prima facie case made out against accused – Accused not entitled to discharge. (Para 15), **Sandeep Bhai Karathia Vs. State of Chhattisgarh, ILR 2017 Chhattisgarh 690.**
18. Criminal P. C. (2 o 1974). Ss. 438, 4 – Juvenile Justice (Care and Protection of Children) Act (56 of 2000), S.12- Juvenile Justice (Care and Protection of Children) Act (2 of 2016), S.12 – Anticipatory bail- Grant of – Application by child in conflict with law (CICL) – Maintainable- Remedy neither excluded by operation of S.12 of 2000 Act nor by S.12 of 2015 Act.
- The application for grant of anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 at the behest of CICL before the High Court or the Court of Session is maintainable under the law and the said remedy is not excluded by operation of Section 12 of the Act of 2000 or Section 12 of the Act of 2015. **Sudhir Sharma Vs. State of Chhattisgarh, ILR 2017 Chhattisgarh 766.**
19. (B) Evidence Act (1 of 1872), S.3 – Appreciation of evidence- Discrepancies in statement – Statement of witness recorded after 10 years of trap – Failure of witness to state correct place and timings of trap, not be considered serious and not liable to be discredited. (Para 20). **Mathura Prasad Yadav Vs. State of Madhya Pradesh, ILR 2017 Chhattisgarh 747.**
20. Before taking recourse to substituted service for service of summons, the Court is duty bound to make effort to serve the defendant in terms of the procedure prescribed under Rules 12, 15 & 17 of Order 5 CPC. **Smt. Rashmi Jaiswal Vs. Alok Kumar Jaiswal, F.A.M No. 79/2017, Order dated 26/07/2017 (D.B.) High Court Of Chhattisgarh.**



## Notable Excerpts From Cases (Supreme Court Of India)

1. “The judicial function entrusted to a Judge is inalienable and differs from an administrative or ministerial function which can be delegated or performance whereof may be secured through authorisation.” **Bank of New York Mellon London Branch Vs. Zenith Infotech Ltd.** (2017) 5 SCC 1, (para 23).

2. Criminal Procedure Code, 1973- S. 427(1) - Person already undergoing a sentence of imprisonment sentenced on a subsequent conviction to imprisonment - When may such subsequent sentence be directed to run concurrently with earlier sentence - Normal rule and exceptional cases – Explained.

Held, such subsequent term of imprisonment would normally commence at the expiration of imprisonment to which he was previously sentenced – Only in appropriate cases, considering facts of the case, can court make the sentence run concurrently with an earlier sentence imposed. **Anil Kumar Vs. State of Punjab, (2017) 5 SCC 53.**

3. Civil Procedure Code, 1908 – Or. 23 R. 1(3)- Permission for withdrawal of suit to file fresh suit - When can be granted - Grant of permission with costs – Wrong description of property in the suit - Consideration of, as a “formal defect” entitling the plaintiff to grant of such permission.

Held, the power to allow withdrawal of suit is discretionary, and the principle under Or. 23 R. 1(3) CPC is founded on public policy to prevent institution of suit again and again on the same cause of action Further, suit may be withdrawn with permission to bring a fresh suit only when court is satisfied that the suit must fail for reason of some formal defect or that there are other sufficient grounds for allowing the plaintiff to institute a fresh suit. **V. Rajendran and Another Vs. Annasamy Pandian(Dead) Through Legal Representatives Karthyayani Natchiar, (2017) 5 SCC 63.**

4. Criminal Procedure Code, 1973- Ss. 437 and 439 - Bail – Successive application for grant of – Effects of filing of charge-sheet.

Held, filing of charge-sheet does not in any manner lessen allegations but rather establishes that after due investigation prosecution has filed charge-sheet for trial of accused person. **Virupakshappa Gouda and Another Vs. State of Karnataka and Another, (2017) 5 SCC 406.**

5. Principle of Res-Judicata has no application while adjudicating the bail application : **Rani Dudeja Vs. State of Haryana, 2017 (4) Scale 524.**
6. Constitutional Validity of Sections 499 and 500 of IPC uphold - **Subramanian Swamy Vs. Union of India, Ministry of Law and Orders – (2016) 7 SCC 221 = AIR 2016 SC 2728.**



7. Filing of Charge-Sheet (supplementary) does not & will not amount to taking cognizance by the Court afresh against accused, Cognizance is taken of offence not offender – **Prasad Shrikant Purohit Vs. State of Maharashtra & another, (2015) 7 SCC 440 = AIR 2015 SC 2514.**
8. Facebook is a Public Forum - Posting of one's grievance against Government Machinery does not by itself amount to criminal offences – FIR quashed, **Manik Taneja & Anr. Vs. State of Karnataka & Anr., (2015) 7 SCC 423.**
9. Crimes Against Women and Children – Protection of Women from Domestic Violence Act, 2005 – Remedies under 2005 Act – Categories of persons against whom available – Expression “respondent” in S. 2(q) or persons who can be treated as perpetrators of violence against women/against whom remedies under 2005 Act are actionable, held, cannot be restricted to expression “adult male person” in S. 2(q) – Thus, held remedies under 2005 Act available even against a female member and also against non adults – Restricting perpetrators of violence against women/ acts actionable under 2005 Act to only “adult male person” fails the test of reasonable classification. **Hiral P. Harsora and Others Vs. Kusum Narottamdas Harsora and Others, (2016) 10 SCC 165.**
10. Penal Code, 1860 – Ss. 326 and 448 – Acid attack – Whether imposition of sentence was proportional to crime in question.

Criminal Trial – Sentence – Principles for sentencing – Sympathy/Misplaced sympathy – Principles involved in operating sentencing system and the duty of court while imposing sentence for an offence, summarised. **Ravada Sasikala Vs. State of Andhra Pradesh and Another, (2017) 4 SCC 546.**

11. Judicial service as well as legal service are not like any other services. They are missions for serving the society. The mission is not achieved if the litigant who is waiting in the queue does not get his turn for a long time. **Hussain And Another Vs. Union of India, (2017) 5 SCC 702.**
12. Consumer Protection Act, 1986 – S. 24 -A - Limitation – Time consumed by service provider/supplier of goods/opposite party in responding to/taking action pursuant to complaint/claim made by consumer to it – Exclusion of – Time consumed by Insurance Company in surveying or causing a survey of the loss or damage suffered by the insured – Exclusion of, in computing the limitation period.

- Held, the provision of limitation in the Consumer Protection Act cannot be strictly construed to disadvantage a consumer in a case where a supplier of goods or services itself is instrumental in causing a delay in the settlement of the consumer's claim. **National Insurance Company Ltd. Vs. Hindustan Safety Glass Works Limited, (2017) 5 SCC 776.**



**Under the able guidance of Hon'ble the Chief Justice & Patron-in-Chief and Monitoring Committee of CSJA, Following activities inter-alia have taken place from May, 2016 to April, 2017 by the CSJA**

- ♦ Workshop on “Family Laws” Maintenance Domestic Violence Against Women and Children Gender Justice-Sensitization” Sensitization- Family Court Judges” For Family Court Judges.
- ♦ Divisional Workshop on the Subject “ The duty of Court while recording judicial confession, conducting test identification parade, search and seizure conducted by the police relating to discovery of fact and extra-judicial confession, and how the evidence in relation to them to be recorded and appreciated” For Judicial Officers of District Bilaspur, Korba, Janjgir-Champa and Raigarh.
- ♦ Management of Court System, Personal Management Financial Management, I.T. Management For Court Managers of the State.
- ♦ Workshop on Awareness-cum-Orientation Programme e-Court Mission Mode Project (Phase-II), for creating awareness & sensitization amongst the stakeholders for the effective implementation of e-Court system For Judicial Officers of districts- Bilaspur, Janjgir-Champa, Korba, Raigarh and Raipur along with all District Judges, Chairman of District Computer Committee (DCC) and all Nodal Officers(Judicial) of the State.
- ♦ 3rd (Final) Part Institutional Training Programme for Civil Judge Class-II, (2015) Batch.  
One day training on Dragon Naturally Speaking Software users for Judicial Officers of the State.
- ♦ Workshop on Alternate Dispute Resolution Sec. 89 C.P.C. for Civil Judges of the State.  
Training on “Maintenance of Account Register and Statement, according to rules & orders (Criminal & Civil ) guidelines/circulars of High Courts, Effective District Courts Administration” For Administrative Officers (C of C)/ Accountant/SW/ Nazir/ Record Keeper of District Establishment.
- ♦ Divisional Workshop jointly for Judgeships in Raipur Division For Judicial Officers of District Baloda Bazar, Dhamtari, Mahasamundand & Raipur.
- ♦ Orientation Course Phase-I for Newly promoted District Judge (Entry Level) 2016 Batch.
- ♦ Workshop on “Chhattisgarh Tonahi Pratadna Nivaran Adhiniyam & the Chhattisgarh Agriculture Cattle Act, 2005” For the Member of LJS.
- ♦ First State Conference for all Judicial Officer of Chhattisgarh State.
- ♦ Orientation Course Phase-II for newly promoted District Judge (Entry Level) 2016



batch.

- ◆ Staff Training of Employees working in various sections of the High Court.
- ◆ Workshop on Adjudication of cases under Arbitration & Conciliation Act, 1996, at CSJA, Bilaspur for Newly Promoted District Judge (Entry Level) 2016 Batch.
- ◆ Inaugural Programme of 1st Induction Training of Civil Judge Class-II (newly appointed) 2016 batch For Judicial officer of Lower Judicial Service
- ◆ 1st Part Induction Training Programme for newly appointed Civil Judge Class-II, 2016 Batch, Newly appointed Civil Judge (Entry Level) 2016 Batch.
- ◆ Workshop on “Negotiable Instrument Act, 1881” For Judicial Officers of Lower Judicial Services of the State.
- ◆ Divisional Workshop on “Civil Trial: Best Practices in Delay and Arrears Reduction” For Judicial Officers of District Balod, Bemetara, Durg, Kawardha and Rajanadgaon at Durg
- ◆ First Part Induction Training Programme of newly appointed Civil Judge Class-II, 2016 Batch, Newly appointed Civil Judge 2016 Batch.
- ◆ State Level Consultation on Effective Implementation of Juvenile Justice Act, 2015–Focus on Rehabilitation Services and Linkages with POCSO Act, 2012, For Principal Judge Juvenile Justice Board, of the State, Secretary, Department of Women & Child Development, Raipur, Secretary, SLSA, Bilaspur, and concerned Police Officer (Juvenile Justice unit).
- ◆ Workshop on “NDPS Act, 1985” For Judicial Officers of Higher Judicial Services.
- ◆ Workshop on “Environmental Justice Sensitization” for LJS.
- ◆ First Part Induction Training Programme of newly appointed Civil Judge Class-II, 2016 Batch Newly appointed Civil Judge 2016 Batch.
- ◆ Fourth Divisional workshop jointly for judgeships in Surguja Division on the subject “Civil Trial : Best Practices in Delay and Arrears Reduction” For Judicial Officers of district Jashpur, Korea (Baikunthpur), Surguja (Ambikapur) and Surajpur at Ambikapur.
- ◆ Two days State Level Conference/Training at High Court Auditorium, Bilaspur.
- ◆ Chhattisgarh State Judicial Academy has organized State Level Workshop on the topic “Institutional Ethics : Role of an Adjudicator” on 23/04/2017 (Sunday) For Judicial Officers of State of Chhattisgarh.