

CHHATTISGARH STATE JUDICIAL ACADEMY, BILASPUR

MEMO

No. ~~813~~ 813./CSJA/Online Workshop/2022

Bilaspur, dated ~~13~~ 13.10.2022

To,

The District & Sessions Judge,
Balod/Baloda-Bazar/Balrampur at Ramanujganj/Bemetara/Bilaspur/
Dantewara/Dhamtari/Durg/ Janjgir Champa/Jagdarpur/Jashpur/
Kanker/Kawardha/ Kondagaon/Korba/Korea at Baikunthpur /
Mahasamund/Mungeli/Raigarh/ Raipur/ Rajnandgaon/Surajpur/
Surguja at Ambikapur.

Sub.: Regarding organization of One Day Online Workshop of Judicial Officers of Lower Judicial Services on **“the Provisions relating to Plea Bargaining/Compounding/Probation of Offenders Act”** as per the directions of Hon’ble Supreme Court in suo-moto (Criminal) No. 4 of 2021, scheduled to be held on **16/10/2022 (Saturday)**.

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As per the directions of Hon’ble Supreme Court in suo-moto (Criminal) No. 4 of 2021, CSJA is organizing One Day Online Workshop of Judicial Officers of Lower Judicial Services on **“the Provisions relating to Plea Bargaining/Compounding/ Probation of Offenders Act”** which is scheduled to be held on 16/10/2022.

It is, therefore, requested you to inform all the nominated Judicial Officers as per the table below posted under your jurisdiction and direct them to join the training through Online link shared by the CSJA on 16/10/2022 at 10:30 am and follow the dress code.

Looking to the large number of participants, it is further requested you to kindly inform the Judicial Offices to join the training from the NIC Room/VC Room of the concerned District Courts. Trainee Judges will join the training from the Academy itself.

The table is as under:

S. No.	Name of Officer / Designation
1.	Shri Ashwani Kumar Chaturvedi Civil Judge Class-I & C.J.M. Pendra Road.
2.	Smt. Sanjaya Ratrey Registrar, Commercial Court , Raipur
3.	Shri Jitendra Kumar Thakur I Civil Judge Class-I & Chief Judicial Magistrate, Janjgir-Champa
4.	Shri Jagdish Ram Civil Judge Class-I & Chief Judicial Magistrate, Bijapur
5.	Shri Anil Kumar Bara I Civil Judge Class-I & Chief Judicial Magistrate, Jagdalpur
6.	Shri Santosh Kumar Mahobiya Civil Judge Class-I & Chief Judicial Magistrate, Sukma
7.	Ku. Pusplata Markande Civil Judge Class-I & Chief Judicial Magistrate, Narayanpur
8.	Smt. Mona Chauhan I Civil Judge Class-I & Chief Judicial Magistrate, Kondagaon
9.	Shri Krishna Kumar Suryavanshi I Civil Judge Class-I & Chief Judicial Magistrate, Korba
10.	Ku. Vandana Verma I Civil Judge Class-I & Chief Judicial Magistrate, Kawardha
11.	Shri Santosh Thakur I Civil Judge Class-I & Chief Judicial Magistrate, Durg.
12.	Shri Narendra Kumar I Civil Judge Class-I & Chief Judicial Magistrate, Ambikapur
13.	Smt. Shyamwati Maravi I Civil Judge Class-I & Chief Judicial Magistrate, Balod.
14.	Smt. Monika Jaiswal I Civil Judge Class-I & Chief Judicial Magistrate, Balod

15.	Smt. Sushma Lakra I Civil Judge Class-I & Chief Judicial Magistrate, Surajpur
16.	Shri Anil Prabhat Minj I Civil Judge Class-I & Chief Judicial Magistrate, Dhamtari
17.	Shri Deepak Kumar Koshley I Civil Judge Class-I & Chief Judicial Magistrate, Raigarh
18.	Shri Bhupendra Kumar Vasnikar I Civil Judge Class-I & Chief Judicial Magistrate & Judge Virtual Court, Raipur
19.	Shri Damarudhar Chouhan I Civil Judge Class-I & Chief Judicial Magistrate, Jashpur
20.	Shri Mahesh Kumar Raj Secretary, District Legal Services Authority, Jashpur
21.	Shri Manish Kumar Dubey I Civil Judge Class-I & Chief Judicial Magistrate, Bilaspur
22.	Smt. Chhaya Singh I Civil Judge Class-I & Chief Judicial Magistrate, Gariyaband
23.	Shri Balram Kumar Dewangan I Civil Judge Class-I & Chief Judicial Magistrate, Mungeli
24.	Ku. Chitralekha Sonwani I Civil Judge Class-I & Chief Judicial Magistrate, Mahasamund
25.	Shri Mohan Singh Korram I Civil Judge Class-I & Chief Judicial Magistrate, Koriya (Baikunthpur)
26.	Shri Ajay Kumar Xaxa Civil Judge Class-I & Chief Judicial Magistrate, Baloda-Bazar
27.	Shri Digvijay Singh I Civil Judge Class-I & Chief Judicial Magistrate, Rajnandgaon
28.	Smt. Rashmi Netam Civil Judge Class-I & Chief Judicial Magistrate, Dantewara
29.	Smt. Yashoda Nag Civil Judge Class-I & Additional CJM, Dongargarh, Rajnandgaon.
30.	Shri Roop Narayan Pathare II Civil Judge Class-I & Additional CJM, Kawardha

31.	Shri Krishna Kant Bhardwaj I Civil Judge Class-I & Chief Judicial Magistrate, Kanker
32.	Shri Pankaj Alok Tirkey Civil Judge Class-I & Chief Judicial Magistrate, Balrampur-R'Ganj
33.	Shri Amit Jindal Secretary, District Legal Services Authority, Ambikapur
34.	Ku. Parul Shrivastava III Civil Judge Class-I & Addl. Chief Judicial Magistrate, Raipur.
35.	Shri Sarv Vijay Agrawal II Civil Judge Class-I, Rajnandgaon
36.	Shri Vivek Garg Civil Judge Class-I, & Addl. CJM, Khairagarh, Rajnandgaon.
37.	Shri Tajuddin Asif II Civil Judge Class-I, Durg
38.	Smt. Ganga patel Civil Judge Class-I, Champa
39.	Smt. Ekta Agrawal Civil Judge Class-I, Manendragarh
40.	Shri Dular Singh Civil Judge Class-I, Ambagarh Chowki
41.	Shri Harendra Singh Nag Additional Judge to the Court of Civil Judge Class-I, Dongargarh.
42.	Shri Harish Chandra Mishra II Civil Judge Class-I, Korba.
43.	Smt. Shweta Shrivastava Civil Judge Class-I, Kunkuri
44.	Smt. Shruti Dubey II Civil Judge Class-I, Mungeli
45.	Smt. Sweta Upadhyaya Gaur VII Civil Judge Class-I, Raipur.
46.	Shri Om Prakash Sahu IV Civil Judge Class-I, Raipur.

47.	Shri Umesh Kumar Upadhyay IV Civil Judge Class-I, Durg.
48.	Shri Gitesh Kumar Kaushik Secretary, District Legal Services Authority. Janjgir-Champa.
49.	Smt. Seema Pratam Chandra II Civil Judge Class-I, Dhamtari.
50.	Shri Devendra Sahu Civil Judge Class-I, Chirmiri
51.	Shri Diamond Kumar Gilhare Secretary, District Legal Services Authority, Kanker.
52.	Shri Dharendra Pratap Singh Dangi I Addl. Judge to the Court of I Civil Judge Class-I, Raipur
53.	Shri Sameer Kujur Civil Judge Class-I, Pratappur
54.	Shri Janak Kumar Hidko Civil Judge Class-I, Kurud
55.	Shri Janardhan khare I Additional Judge to the Court of I Civil Judge Class-I, Durg
56.	Shri Gerjesh Pratap singh V Civil Judge Class-I and Special Railway Magistrate, Raipur
57.	Smt. Priyanka Agrawal I Additional Judge to the Court of I Civil Judge Class-I, Rajnandgaon
58.	Shri Hemant Kumar Ratre Civil Judge Class-I, Kasdol
59.	Smt. Archana Bhaskar II Civil Judge Class-I, Koriya (Baikunthpur)
60.	Shri Pawan Kumar Agrawal V Civil Judge Class-I and Special Railway Magistrate, Raipur
61.	Shri Pankaj Dixit Civil Judge Class-I, Bhilai-3
62.	Shri Brijesh Rai III Civil Judge Class-I, Korba.

63.	Shri Subodh Mishra IV Civil Judge Class-I, Kawardha
64.	Smt. Ravinder Kaur III Civil Judge Class-I, Mahasamund.
65.	Ku. Sakshee Dixit VIII Civil Judge Class-I, Raipur
66.	Shri Sheelu Singh Civil Judge Class-I, Sarangarh
67.	Smt. Namita Minj Bhasker Civil Judge Class-I, Saraipali
68.	Shri Sumit Kumar Harsyana Deputy Director, Chhattisgarh State Judicial Academy, Bilaspur
69.	Shri Jeetendra Pradhan Civil Judge Class-I, Akaltara
70.	Dr. Sumit Kumar Soni I Additional Judge to the Court of I Civil Judge Class-I, Bilaspur.
71.	Smt. Manisha Thakur II Civil Judge Class-I, Bilaspur
72.	Shri Radheshyam Dhruw V Additional Judge to the Court of I Civil Judge Class-I, Raipur
73.	Smt. Sarojani Janardan Khare II Additional Judge to the Court of I Civil Judge Class-I, Durg
74.	Shri Shyam Kumar Sahu, Deputy Secretary, Chhattisgarh Human Rights Commission, Raipur
75.	Smt. Anita Dhruw II Civil Judge Class-I, Jagdalpur
76.	Ku. Rajeshwari Suryawanshi IV Civil Judge Class-I, Bilaspur
77.	Shri Vijendra Sonwani Civil Judge Class-I, Patan

78.	Shri Girish Kumar Mandavi II Civil Judge Class-I, Raipur
79.	Shri Anand Borkar Civil Judge Class-I, Bhanupratappur
80.	Ku. Pratibha Markam III Civil Judge Class-I, Durg
81.	Smt. Chandrakala Devi Sahu. Civil Judge Class-I, Gharghora
82.	Shri Bhupat Singh Sahu II Addl. Judge to the Court of I Civil Judge Class-I, Rajnandgaon
83.	Ms. Shubhda Goyal Civil Judge Class-I, Bilha
84.	Shri Mohit Singh VI Addl. Judge to the Court of I Civil Judge Class-I, Raipur
85.	Shri Mahesh Babu Sahu Civil Judge Class-I, Gunderdehi
86.	Shri Rosemin Rajesh Xaxa Civil Judge Class-I, Bhatapara
87.	Smt. Reshma Bairagi Patel Secretary, District Legal Services Authority, Balrampur-Ramanujganj.
88.	Shri Nixion Daved Lakra Civil Judge Class-1, Balrampur , Ramanujganj
89.	Smt. Tanu Shree Gavel III Civil Judge Class-I, Bilaspur
90.	Shri Dilli Singh Baghel V Civil Judge Class-I, Durg
91.	Smt. Neha Yati Mishra II Additional Judge to the Court of I Civil Judge Class-I, Raipur.
92.	Shri Praveen Mishra Secretary, District Legal Services Authority, Raipur.
93.	Shri Lokesh Kumar III Civil Judge Class-I, Mungeli

94.	Smt. Apurva Dangi VI Civil Judge Class-I, Raipur
95.	Shri Bhaskar Mishra II Civil Judge Class-I, Raigarh
96.	Smt. Prateeksha Agrawal I Additional Judge to The Court of I Civil Judge Class-I, Korba.
97.	Smt. Nidhi Sharma III Additional Judge to The Court of I Civil Judge Class-I, Raipur.
98.	Smt. Deepti Singh Gaur III Civil Judge Class-I, Kabirdham, Kawardha.
99.	Ku. Jasvinder Kaur Ajmani Malik Secretary District Legal Services Authority, Bemetara
100.	Shri Anand Kumar Singh III Civil Judge Class-I, Surajpur.
101.	Ku. Mayura Gupta Secretary, District Legal Services Authority, Baloda-Bazar.
102.	Ku. Astha Yadav II Civil Judge Class-I, Balod.
103.	Shri Pallve Raghuvanshi IV Additional Judge to The Court of I Civil Judge Class-I, Raipur
104.	Ku. Chetna Thakur Civil Judge Class-I, Sakti
105.	Ku. Seema Kanwar III Civil Judge Class-I, Bastar (Jagdalpur)
106.	Shri Shiv Prakash Tripathi III Civil Judge Class-I, Janjgir-Champa.
107.	Shri Aslam Khan IV Civil Judge Class-I, Surajpur.
108.	Shri Ramesh Kumar Chauhan II Civil Judge Class-I, Katghora, Korba

109.	Shri Bhupesh Kumar Basant II Civil Judge Class-I, Kondagaon.
110.	Smt. Suman Singh Secretary, District Legal Services Authority, Balod.
111.	Ku. Rupal Agrawal I Civil Judge Class-I, Katghora
112.	Mohd. Jahangir Tigala Civil Judge Class-II, Manendragarh
113.	Shri Satish Kumar Khakha Civil Judge Class-II, Wadraf Nagar
114.	Shri Girish Pal Singh, I Civil Judge Class-II, Bilaspur
115.	Smt. Manjulata Sinha I Civil Judge Class-II, Raigarh
116.	Smt. Barkha Rani Verma Civil Judge Class-II, Kartala
117.	Shri Gulapan Ram Yadav II Civil Judge Class-II, Raigarh
118.	Ku. Amita Jaiswal Civil Judge Class-II, Bhilai-3
119.	Shri Satyanand Prasad III Civil Judge Class-II, Durg
120.	Ku. Khileshwari Sinha IV Civil Judge Class-II, Surguja (Ambikapur)
121.	Smt. Amrita Dinesh Mishra II Civil Judge Class-II, Durg
122.	Shri Bhagwan Das Panika Civil Judge Class-II, Janakpur, Koriya (Baikunthpur)
123.	Ku. Neha Usendi Civil Judge Class-II, Bilaiagarh

124.	Shri Anant Deep Tirkey Civil Judge Class-II, Lormi
125.	Ku. Mrinalini Katulkar, Civil Judge Class-II, Baloda- Bazar
126.	Shri Devashish Thakur Secretary District Legal Services Authority, Rajnandgaon.
127.	Smt. Bhawana Nayak Thakur II Civil Judge Class-II, Rajnandgaon.
128.	Ku. Sweta Baghel Civil Judge Class-II, Takhatpur
129.	Smt. Anita Koshima Rawte II Addl. Judge to the Court of I Civil Judge Class-II, Rajnandgaon
130.	Shri Bhavesh Kumar Watti Civil Judge Class-II, Nagari
131.	Ku. Deepa Suchita Tirkey VI Civil Judge Class-II, Durg.
132.	Shri Vivek Netam IX Civil Judge Class-II Durg,
133.	Shri Puneet Ram Gurupanch XIV Civil Judge Class-II, Durg
134.	Ku. Seema Jagdalla Civil Judge Class-II, Simga (Baloda-Bazar)
135.	Shri Anil Kumar Chauhan Civil Judge Class-II, Jashpur
136.	Smt. Kanchan lata Achala II Civil Judge Class-II Bilaspur
137.	Smt. Shanti Prabhu Jain I Civil Judge Class-II, Dantewara
138.	Ku. Anjali Singh Civil Judge Class-II, Keshkal

139.	Smt. Deepti Lakra VII Addl Judge to the Court of I Civil Judge Class-II, Raipur
140.	Shri Anshul Verma IV Civil Judge Class-II, Bilaspur
141.	Shri Alok Pandey Civil Judge Class-II, Tilda, Raipur
142.	Smt. Shivani Singh XI Civil Judge Class-II, Durg
143.	Shri Anup Tigga I Civil Judge Class-II, Raipur
144.	Ku. Akansha Rathore Civil Judge Class-II, Katghora
145.	Shri Rahul Sharma Secretary District Legal Services Authority, Durg
146.	Smt. Aditi Thakur Shroff II Civil Judge Class-II, Mahasamund.
147.	Shri Umesh Kumar Bhagwatkar II Civil Judge Class-II, Patthalgaon
148.	Shri Krishna Murari Sharma Civil Judge Class-II, Bhatgaon, Baloda-Bazar.
149.	Smt. Smita Shrivastava Sinha Secretary, District Legal Services Authority, Raigarh.
150.	Shri Lokesh Patle Administrative Officer, C.G. State Judicial Academy, Bilaspur
151.	Ku. Kamini Jaiswal Under Secretary, Chhattisgarh State Legal Services Authority, Bilaspur
152.	Ku. Sanjulata Dewangan Civil Judge Class-II, Chhuikhadan, Rajnandgaon
153.	Ku Bharti Kuldeep XV Civil Judge Class-II, Raipur

154.	Shri Amit Pratap Chandra Secretary, District Legal Services Authority, Kawardha.
155.	Ku. Amba Shah Secretary, District Legal Services Authority, Kondagaon.
156.	Shri Avinash Toppo Civil Judge Class-II, Rajim, Gariyaband,
157.	Ku. Namrata Norge IV Additional Judge to the Court of I Civil Judge Class-II, Durg
158.	Shri Prashant Kumar Bhaskar Deputy Secretary, Govt. of C.G. Law & Legislative Affairs Dept., Raipur
159.	Ku. Leenam Bansode Civil Judge Class-II, Jaijaipur
160.	Smt. Swarnlata Om Yadav II Additional Judge to the Court of Civil Judge Class-II, Baloda-Bazar at Bhatapara.
161.	Smt. Sheelu Kesary V Civil Judge Class-II, Durg.
162.	Smt. Deepti Barwa I Civil Judge Class-II, Kharsiya, Raigarh.
163.	Smt. Savita Singh Thakur X Civil Judge Class-II, Durg
164.	Shri Sachin Paul Toppo Civil Judge Class-II, Bagicha, Jashpur.
165.	Ku. Sheetal Nikunj Secretary District Legal Services Authority, Korba
166.	Ku. Manjusha Toppo II Civil Judge Class-II, Kharsiya,
167.	Shri Shankar Kashyap Civil Judge Class-II, Kanker, Uttar Bastar.
168.	Shri Niraj Shrivastava VII Civil Judge Class-II, Bilaspur

169.	Ku. Shweta Patel Civil Judge Class-II, Dondilohara.
170.	Ku. Satpreet Kour Chhabra IV Civil Judge Class-II, Raigarh.
171.	Shri Mayank Soni Secretary, District Legal Services Authority, Mungeli.
172.	Ku. Shweta Mishra Civil Judge Class-II, Pali, Korba.
173.	Shri Dwijendra Nath Thakur IV Civil Judge Class-II, Durg.
174.	Shri Avinash Kumar Dubey II Civil Judge Class-II, Dantewara
175.	Ku. Shweta Goswami I Civil Judge Class-II, Ambikapur
176.	Shri Deepak Kumar Sharma Civil Judge Class-II, Balrampur
177.	Ku. Ruchita Agrawal VI Civil Judge Class-II, Bilaspur
178.	Shri Ishan Vyas Deputy Secretary, Govt. of CG. Law & Legislative Affairs Dept., New Delhi.
179.	Shri Amit Matre Civil Judge Class-II, Dharamjaigarh, Raigarh.
180.	Smt. Ankita Mudaliar Civil Judge Class-II, Saja, Bemetara.
181.	Ku. Priya Rajak II Civil Judge Class-II, Surguja, Ambikapur
182.	Shri Girivar Singh Rajput Addl. Judge to the Court of I Civil Judge Class-II, Mahasamund at Basna,
183.	Shri Ravi Kumar Mahobia I Civil Judge Class-II, Dabhra, Janjgir-Champa.
184.	Ku. Ankita Madanlal Gupta VIII Civil Judge Class-II, Durg.

185.	Ku. Gaytri Sai IX Civil Judge Class-II, Raipur.
186.	Shri Arun Norge VIII Civil Judge Class-II, Raipur
187.	Shri Abhinav Dahariya I Addl. Judge to the Court of I Civil Judge Class-II, Raigarh at Sarangarh, Sarangarh
188.	Ku. Akanksha Thakur X Civil Judge Class-II, Raipur.
189.	Ku. Ankita Kashyap IX Civil Judge Class-II, Bilaspur
190.	Ku. Prerna Ahire III Civil Judge Class-II, Bilaspur
191.	Shri Ravi Kumar Kashyap Civil Judge Class-II, Pakhanjur, Uttar Bastar (Kanker)
192.	Ku. Akansha Beck Civil Judge Class-II, Rajpur, Balrampur at Ramanujganj.
193.	Shri Damodar Prasad Chandra Secretary, District Legal Services Authority, Mahasamund
194.	Ku. Payal Topno XVI Civil Judge Class-II, Durg
195.	Shri Aashish Dahariya Secretary, District Legal Service Authority, Durg
196.	Shri Narendra Kumar Tendulkar Civil Judge Class-II, Gaurela Pendra Marwahi.
197.	Ku. Dolly Dhruw Secretary, District Legal Services Authority, Surajpur
198.	Shri Anshul Minz Civil Judge Class-II, Pamgarh, Janjgir-Champa.
199.	Ku. Preeti Civil Judge Class-II, Navagarh

200.	Shri Rakesh Singh Sori Secretary, District Legal Services Authority, Bilaspur
201.	Ku. Geeta Brij Secretary, District Legal Services Authority, Jagdalpur.
202.	Shri Virendra Singh Civil Judge Class-II, Koriya, Baikunthpur.
203.	Shri Suresh Toppo I Civil Judge Class-II, Sitapur, Surguja (Ambikapur).
204.	Ku. Aarti Thakur XI Civil Judge Class-II, Raipur.
205.	Smt. Soni Tiwari Civil Judge Class-II, Dallirajhara
206.	Smt. Kalpana Bhagat II Civil Judge Class-II, Kota
207.	Shri Alok Kumar Agrawal II Civil Judge Class-II, Raipur.
208.	Ku. Akanksha Saxena III Civil Judge Class-II, Ambikapur
209.	Ku. Ranju Vaishnav VII Civil Judge Class-II, Raipur
210.	Shri Rahul Kumar Civil Judge Class-II, Pendra Road, Gaurela, Pendra, Marwahi.
211.	Ku. Ruchi Mishra I Addl. Judge to the Court of I Civil Judge Class-II, Rajnandgaon
212.	Shri Himamshu Arya Secretary, District Legal Services Authority, Baikunthpur
213.	Shri Prateek Tembhurkar Civil Judge Class-II, Pithoura
214.	Shri Parth Tiwari Additional Judge to the Court of I Civil Judge Class-II Bilha
215.	Shri Rahul Shroff I Civil Judge Class-II, Mahasamund.

216.	Shri Prashant Kumar Dewangan II Addl. Judge to the Court of I Civil Judge Class-II, Raigarh at Sarangarh, Sarangarh
217.	Shri Manoj Kumar Kushwaha Addl. Judge to the Court of I Civil Judge Class-II, Baikunthpur at Chirmiri.
218.	Shri Nilesh Jagdalla Civil Judge Class-II, Gariaband
219.	Shri Vaibhav Ghritlehre XVI Civil Judge Class-II, Raipur
220.	Ku. Kaminee Verma I Civil Judge Class-II, Bemetara
221.	Shri Vivek Kerketta I Civil Judge Class-II, Kota
222.	Smt. Shradha Singh Shrivastava Civil Judge Class-II Sakti
223.	Ku. Kiran Panna Civil Judge Class-II, Deobhog
224.	Shri Ashish Bhagat III Civil Judge Class-II, Rajnandgaon
225.	Ku. Yogita Jangade Additional Judge to the Court of I Civil Judge Class-II, Mahasamund.
226.	Shri Rajat Kumar Nirala Civil Judge Class-II, Malkharoda
227.	Smt. Anjali Singh IV Addl. Judge to the Court of I Civil Judge Class-II, Rajnandgaon
228.	Smt. Minakshee Nag IV Civil Judge Class-II, Jagdalpur
229.	Shri Kranti Kumar Singh Secretary, District Legal Services Authority, Dhamtari
230.	Ku. Ankita Tigga XV Civil Judge Class-II Durg.

231.	Ku. Ankita Agarwal I Addl Judge to the Court of I Civil Judge Class-II, Raigarh
232.	Ku. Divya Goyal VI Civil Judge Class-II, Raipur.
233.	Ku. Aishwarya Diwan I Addl. Judge to the Court of I Civil Judge Class-II Bilaspur.
234.	Shailesh Kumar Vashishtha XIII Civil Judge Class-II Raipur.
235.	Ku. Afreen Bano III Civil Judge Class-II, Raipur.
236.	Smt. Harshi Aggarwal V Civil Judge Class-II Bilaspur
237.	Ku. Meenu Nand I Additional Judge to the Court of I Civil Judge Class-II, Raipur
238.	Ku. Pragya Agarwal I Additional Judge to the Court of I Civil Judge Class-II Dhamtari.
239.	Ku. Swarna Dehare II Additional Judge to the Court of I Civil Judge Class-II, Raipur
240.	Ku. Kamya Iyer III Additional Judge to the Court of I Civil Judge Class-II, Raipur.
241.	Ku. Sarika Nande IV Additional Judge to the Court of I Civil Judge Class-II, Raipur.
242.	Shri Ajay Singh Meena I Civil Judge Class-II , Jagdalpur.
243.	Ku. Rashmi Mishra I Additional Judge to the Court of I Civil Judge Class-II, Ambikapur.
244.	Shri Shashwat Dubey XIX Civil Judge Class-II, Raipur
245.	Ku. Konika Yadav I Additional Judge to the Court of I Civil Judge Class-II, Balod
246.	Shri Ashish Kumar Chandahe X Civil Judge Class-II, Bilaspur

247.	Shri Guru Prasad Dewangan Civil Judge Class-II, Khairagarh
248.	Ku. Kumudni Garg Additional Judge to the Court of I Civil Judge Class-II, Dhamtari at Kurud, Kurud
249.	Ku. Ankita Yadu XIII Additional Judge to the Court of I Civil Judge Class-II, Raipur
250.	Ku. Unnati Mahiswar IV Civil Judge Class-II, Raipur.
251.	Shri Siddharth Anand Soni XIV Civil Judge Class-II, Raipur.
252.	Ku. Tannya Brahme V Additional Judge to the Court of I Civil Judge Class-II, Raipur.
253.	Ku. Niti XVIII Civil Judge Class-II, Raipur.
254.	Shri Manish Kumar II Civil Judge Class-II, Jagdalpur.
255.	Ku. Sakshi Dhruw XII Civil Judge Class-II, Raipur.
256.	Shri Paarth Dubey VIII Civil Judge Class-II, Bilaspur
257.	Ku. Jenifer Lakra II Additional Judge to the Court of I Civil Judge Class-II, Ambikapur.
258.	Ku. Dharini Rana V Civil Judge Class-II, Raipur
259.	Ku. Pranjali Netam III Additional Judge to the Court of I Civil Judge Class-II, Raigarh.
260.	Shri Rajesh Xalxo Additional Judge to the Court of Civil Judge Class-II, Baikunthpur.
261.	Shri Ajay Lakra IV Additional Judge to the Court of I Civil Judge Class-II, Surajpur.

262.	Shri Dhruvraj Gwal XVII Civil Judge Class-II, Raipur.
263.	Shri Shivendra Kumar Tekam VI Additional Judge to the Court of I Civil Judge Class-II, Raipur.
264.	Ku. Shweta Thakur IV Additional Judge to the Court of I Civil Judge Class-II , Raigarh.
265.	Shri Puneet Tigga I Additional Judge to the Court of I Civil Judge Class-II, Surajpur
266.	Ku. Dimpal Additional Judge to the Court of Civil Judge Class-II , Baloda- Bazar.
267.	Shri Praveen Kujur I Civil Judge Class-II, Surajpur.
268.	Smt. Kewara Rajput I Civil Judge Class-II, Durg
269.	Ku. Preeti Jha XII Addl. Judge To The Court Of I Civil Judge Class-II, Raipur
270.	Ku. Kriti Kujur V Civil Judge Class-II, Ambikapur
271.	Ku. Shoaab Mansoor II Addl. Judge To The Court Of I Civil Judge Class-II, Bilaspur
272.	Smt. Neeharika Tiwari VIII Addl. Judge To The Court Of I Civil Judge Class-II, Raipur
273.	Shri Harshwardhan Jaiswal IX Addl. Judge To The Court Of I Civil Judge Class-II, Raipur
274.	Shri Devendra Kumar Dixit V Addl. Judge To The Court Of I Civil Judge Class-II, Rajnandgaon
275.	Shri Vivek Kumar Tandon II Civil Judge Class-II, Surajpur
276.	Ku. Shweta Awasthi III Addl. Judge To The Court Of I Civil Judge Class-II, Bilaspur

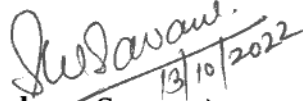
277.	Ku. Pooja Mandavi Civil Judge Class-II, Kawardha
278.	Ku. Kanchi Agrawal IV Addl. Judge To The Court Of I Civil Judge Class-II, Bilaspur
279.	Ku. Soumya Rai X Addl. Judge To The Court Of I Civil Judge Class-II, Raipur
280.	Ku. Prerana Verma VI Addl. Judge To The Court Of I Civil Judge Class-II, Rajnandgaon
281.	Shri Vinay Kumar Sahu I Addl. Judge To The Court Of Civil Judge Class-II, Kawardha
282.	Ku. Surabhi Dhangad I Addl. Judge To The Court Of I Civil Judge Class-II, Durg
283.	Ku. Akansha Khalkho XI Addl. Judge To The Court Of I Civil Judge Class-II, Raipur
284.	Shri Manjeet Jangde Civil Judge Class-II, Korba
285.	Ku. Madhuri Markam I Civil Judge Class-II, Balod
286.	Shri Saurabh Bara III Civil Judge Class-II, Raigarh
287.	Ku. Diksha Deshlahare III Addl. Judge To The Court Of Civil Judge Class-II, Baloda-Bazar
288.	Shri Vikas Khandey I Civil Judge Class-II, Janjgir-Champa
289.	Shri Aman Tigga II Civil Judge Class-II, Janjgir-Champa
290.	Shri Nilesh Kumar Baghel VII Civil Judge Class-II, Durg
291.	Ku. Danteshwari Netam III Civil Judge Class-II, Jagdalpur
292.	Shri Arindam Neral I Addl. Judge To The Court Of Civil Judge Class-II, Kanker

293.	Shri Hemant Raj Dhurve II Civil Judge Class-II, Balod
294.	Ku. Manisha Thakur I Civil Judge Class-II, Dhamtari
295.	Ku. Yogita Kunwar I Addl. Judge To The Court Of I Civil Judge Class-II, Kondagaon
296.	Ms. Savitri Raksel II Addl. Judge To The Court Of I Civil Judge Class-II, Surajpur
297.	Smt. Richa Yadav I Addl. Judge To The Court Of Civil Judge Class-II, Korba

For ready reference, copy of Reading Material is enclosed herewith.

A further request is made that in case of exigency any of the abovesaid Judicial Officers is not present in his/her headquarter or place of posting and is present in other district within the State, he/she shall attend the On-line Workshop from nearest Civil Court building where he/she is at present with an oral information to the concerned District & Sessions Judge. The said District & Sessions Judge is requested to accommodate him/her.

Encl: Copy of Reading Material.

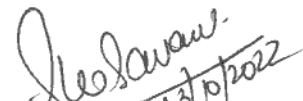

(Sushma Sawant)
Director

Endt.No. 814/CSJA/Online Workshop/2022

Bilaspur, dated 13/10/2022

Copy to :

1. S.O. to Registrar General, High Court of C.G. Bilaspur for information.
2. CPC for directing the In-charge, NIC for uploading the memo on official website of CSJA.
3. All Judicial Officers of Lower Judicial Services as per the table above with a request that they shall attend the **Online Workshop on 16/10/2022 (Sunday) by 10.30 a.m. positively in the prescribed uniform.**


(Sushma Sawant)
Director

HIGH COURT OF CHHATTISGARH : BILASPUR

MEMORANDUM

No. 12217/Litigation/2022

Bilaspur, Dated 01 October/2022

To,

1. The Registrar (Judicial), High Court of Chhattisgarh, Bilaspur.
2. The Director, Chhattisgarh State Judicial Academy, High Court of Chhattisgarh, Bilaspur.
3. The District & Sessions Judges / Chairperson District Legal Services Authority, Balod / Baloda-Bazar / Balrampur at Ramanujganj / Bemetara / Bastar at Jagdalpur / Bilaspur / Dakshin Bastar (Dantewara) / Dhamtari / Durg / Janjgir-Champa / Jashpur at Jashpurnagar / Kabirdham at Kawardha / Kondagaon / Koriya (Baikunthpur) / Korba / Mahasamund / Mungeli / Raigarh / Raipur / Rajnandgaon / Surajpur/ Surguja at Ambikapur / Uttar Bastar (Kanker).
4. The Secretary, High Court Legal Services Committee, High Court of Chhattisgarh, Bilaspur.
5. The Member Secretary, Chhattisgarh State Legal Services Authority, Old High Court Building, Bilaspur.

Subject: Compliance of order dated 14/09/2022 of Hon'ble Supreme Court passed in Suo Moto (Criminal) No. 4 of 2021 In RE : POLICY STRATEGY FOR GRANT OF BAIL with M. A. No. 764/2022 in CRL. A. No. 491 of 2022 and W.P. (CRL) No. 170 of 2022 and order dated 15/09/2022 in M.A. No. 764/2022 in CRL (No.) 491 of 2022, Writ Petition (CRL) No. 170 of 2022 and SLP (CRL) No. 529 of 2021 alongwith Sonadhar V/s The State of Chhattisgarh with SMWP No (CRL) No. 4 of 2021.

Under the Subject cited above, please find enclosed herewith copies of order dated 14/09/2022 and 15/09/2022 passed by Hon'ble Supreme Court for strict compliance in its letter and spirit.



(Davender Kumar)
Additional Registrar (DE) & OIC

Encl.: - As above.

SPEED POST

D.NO. 26546/2021/SC/PIL (W)

SUPREME COURT
INDIA
NEW DELHI

All Communications should be
addressed to the Registrar,
Supreme Court by designation,
NOT by name

Dated : 22.9.2022

From : Assistant Registrar (PIL-Writ)

To :

1. The Registrar General
High Court of Andhra Pradesh
Amaravati, Andhra Pradesh
2. The Registrar General,
High Court of Judicature at Allahabad,
Allahabad – 211 001
3. The Registrar General,
High Court of Bombay,
Mumbai – 400 032
4. The Registrar General,
Calcutta High Court,
Kolkata – 700 001
5. The Registrar General,
High Court of Chhattisgarh,
Bilaspur – 495 220,
6. The Registrar General
High Court of Delhi,
New Delhi – 110 003
7. The Registrar General,
Gauhati High Court,
Guwahati -- 781 001,
8. The Registrar General,
High Court of Gujarat, at Sola
Ahmedabad – 380 060,
9. The Registrar General,
High Court of Himachal Pradesh,
Shimla – 171 001,
10. The Registrar General,
High Court of Jammu & Kashmir,
Jammu – 180 001
11. The Registrar General,
High Court of Jharkhand,
Ranchi – 834 033,

12. The Registrar General,
High Court of Karnataka,
Bengaluru – 560 001,
13. The Registrar General,
High Court of Kerala,
Ernakulam (Kochi) – 682 031
14. The Registrar General,
High Court of Madhya Pradesh,
Jabalpur – 482 001,
15. The Registrar General,
Madras High Court,
Chennai – 600 104
16. The Registrar General,
High Court of Manipur,
Mantripukhri, Imphal-795001
17. The Registrar General,
High Court of Meghalaya,
Shillong – 793 001
18. The Registrar General,
Orissa High Court,
Cuttack – 753 002
19. The Registrar General,
High Court of Judicature at Patna,
Patna – 800 001
20. The Registrar General,
High Court of Punjab and Haryana,
Chandigarh – 160001
21. The Registrar General,
Rajasthan High Court,
Jodhpur-342034,
Rajasthan
22. The Registrar General,
High Court of Sikkim,
Gangtok – 737101,
23. The Registrar General,
High Court of Judicature at Hyderabad
for the State of Telangana
Hyderabad-500 066
24. The Registrar General,
High Court of Tripura,
Agartala-799010
25. The Registrar General,
High Court of Uttarakhand,
Nainital – 263 002

IN THE MATTER OF:

SUO MOTO (CRIMINAL) NO. 4 OF 2021
IN RE: POLICY STRATEGY FOR GRANT OF BAIL
WITH
MA 764/2022 IN CRL.A. NO. 491/2022
AND
W.P.(CRL.) NO. 170/2022

Sir/Madam,

I am directed to forward herewith a certified copy of the Order as contained in the Record of Proceedings dated 14th September, 2022 passed by this Hon'ble Court in the matters above-mentioned for your information, compliance and necessary action.

Kindly acknowledge receipt.

Yours faithfully,


ASSISTANT REGISTRAR

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SUO MOTO WRIT PETITION (CRL) No.4/2021

IN RE: POLICY STRATEGY FOR GRANT OF BAIL

(MR. GAURAV AGRAWAL, ADV. IS AMICUS CURIAE)

WITH

MA 764/2022 in CrI.A. No. 491/2022 (II)

([FOR DIRECTIONS])

W.P.(CrI.) No. 170/2022 (X)

(FOR ADMISSION and IA No.65665/2022-GRANT OF BAIL)

Date : 14-09-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE ABHAY S. OKA

By Courts Motion

Mr. Gaurav Agrawal, Adv. (NALSA) (A.C)

For Petitioner(s)

Mr. Mohd. Irshad Hanif, AOR
Mr. Aarif Ali, Adv.
Mr. Rizwan Ahmad, Adv.
Mr. Mujahid Ahmad, Adv.
Mr. Pankaj Tiwari, Adv.
Mr. Mohd. Aslam, Adv.
Mr. Shisir Raj, Adv.
Mr. Ahmed Parvez, Adv.Mr. Rishi Malhotra, AOR
Mr. Jaydip Pat, Adv.

For Respondent(s)

Ms. Garima Prasad, AAG
Mr. Ajay Vikram Singh, AOR
Ms. Priyanka Singh, Adv.
Mr. Sharjeel Ahmad, Adv.
Ms. Pranjali Goel, Adv.
Mr. Sarvesh Singh Baghel, AOR
Ms. Vanya Gupta, Adv.

Mr. Nikhil Goel, AOR

29/9/24
214.3622

Mr. Basavaprabhu S. Patil, Sr. Adv.
Mr. Raghavendra S. Srivatsa, AOR
Mr. Rahat Bansal, Adv.
Mr. Likhi Chand Bonsle, Adv.
Ms. Komal Mundhra, Adv.

Mr. Partha Sil, AOR
Mr. Tavish B. Prasad, Adv.

Mr. V. Balachandran, Adv.
Mr. Siddharth Naidu, Adv.
M/S. KSN & Co., AOR

Ms. Uttara Babbar, AOR

Mr. Manish Kumar, AOR

Mr. Tapesk Kumar Singh, AOR
Mr. Aditya Pratap Singh, Adv.
Mr. Sukant Vikram, Adv.

Mr. Sahil Tagotra, AOR
Mr. Abhishek Pandey, Adv.
Mr. Abhivyakti Banerjee, Adv.

Mr. Divyakant Lahoti, AOR
Mr. Parikshit Ahuja, Adv.
Ms. Praveena Bisht, Adv.
Ms. Vindhya Mehra, Adv.
Ms. Madhur Jhavar, Adv.
Mr. KARTIK Lahoti, Adv.

Mr. Sumeer Sodhi, AOR
Mr. Gaurav Arora, Adv.

Mr. P. I. Jose, AOR
Mr. Jenis Francis, Adv.

Mr. Sameer Abhyankar, AOR
Ms. Vani Vandana Chhetri, Adv.
Mr. Abhinav Mishra, Adv.
Ms. Nishi Sangtani, Adv.
Ms. Yeshi Rinchen, Adv.

Mr. Avneesh Arputham, Adv.
Ms. Anuradha Arputham, Adv.
Mr. Praveen Kr. Singh, Adv.
M/S. Arputham Aruna And Co, AOR

Mr. Sharan Thakur, Adv.
Mr. Mahesh Thakur, AOR
Mr. Siddharth Thakur, Adv.
Ms. Vipasha Singh, Adv.

Mr. Ajay Kanojiya, Adv.
Ms. Shivani, Adv.
Mr. Bishwendra Singh, Adv.
Mr. Mustafa Sajad, Adv.

Mr. Jayant Sud, ASG
Mr. Piyush Beriwal, Adv.
Mr. Gurmeet Singh Makker, AOR

Mr. Aravindh S., AOR
Mr. Aabas B., Adv.

Mr. Kedar Nath Tripathy, AOR

Ms. Vanshaja Shukla, AOR
Ms. Rachna Gandhi, Adv.
Mr. Sajal Singhai, Adv.

Mr. Abhimanyu Tewari, AOR
Ms. Eliza Bar, Adv.

Mr. Shekhar Raj Sharma, Dy. AG
Mr. Paras Dutta, Adv.
Dr. Monika Gusain, AOR

Mr. Prashant Shrikant Kenjale, AOR

Mr. Sanjai Kumar Pathak, AOR
Mrs. Shashi Pathak, Adv.

Mr. Kanhaiya Singhal, AOR

Mr. Hariprasad, Sr. Adv.
Mr. V. K. Biju, AOR
Ms. Swathi H. Prasad, Adv.
Ms. Ria Sachthey, Adv.
Mr. Chetanya Singh, Adv.
Mr. Amlendu Kumar Akhilesh Kumar Jha, Adv.
Dr. Ranjeet Bharti, Adv.
Ms. Rubina Jawed, Adv.

Mr. Mukesh K. Giri, AOR

Mr. Gopal Jha, AOR
Mr. Baijnath Patel, Adv.

Mr. Arjun Garg, AOR
Mr. Shobhit Jain, Adv.
Mr. Aakash Nandolia, Adv.
Ms. Sagun Srivastava, Adv.

Mr. Sibbo Sankar Mishra, AOR

Mr. Debabrata Dash, Adv.
Mr. Niranjana Sahu, Adv.
Mr. Rajesh Kumar Nayak, Adv.
Mr. Umakant Mishra, Adv.

Mr. Kanhaiya Singhal, Adv.
Ms. Vani Singhal, Adv.
Ms. Priyanka, Adv.
Mr. Chetan Bhardwaj, Adv.

Mrs. K. Enatoli Sema, Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Limayinla Jamir, Adv.
Ms. Chubalemla Chang, Adv.

Mr. Ajay Pal, AOR
Mr. Mayank Dahiya, Adv.

Mr. Siddharath Dharmadhikari, Adv.
Mr. Aaditya A. Pande, AOR
Mr. Bharat Bagla, Adv.

Mr. Avijit Mani Tripathi, AOR
Mr. T. K. Nayak, Adv.
Ms. Shaurya Sahay, Adv.

UPON hearing the counsel the Court made the following
O R D E R

SUGGESTIONS FOR EFFECTUATING THE PROVISIONS RELATING TO
PLEA BARGAINING/ COMPOUNDING/PROBATION OF OFFENDERS ACT

On perusing the detailed and comprehensive suggestions submitted to us by the three Amici Curiae viz. Gaurav Agrawal, Liz Mathew and Mr. Devansh A. Mohta, Advocate, after discussion with Mr. K. M. Nataraj, ASG in respect of the aspect of disposal of criminal cases by resorting to the triple method of plea bargaining, compounding of offences and under the Probation of Offenders Act, 1958, we would like to make a beginning in terms of the suggestions made which are as under:-

"3.1 As a pilot case, one Court each of Ld. Judicial Magistrate 1st Class, Ld. ACJM or CJM, and Court of Sessions in each district may be selected.

3.2 The said courts may identify cases pending at pre-trial stage, or evidence stage and where the accused is charge sheeted / charged with offence(s) with a maximum sentence of 7 years' imprisonment. The Id. Court would exclude cases mentioned in Section 265A Cr.P.C., namely offences notified by the Central Government vide notification dated 11.07.2006 or offences committed against women or child/ children less than 14 years.'

3.3 The identified cases can thereafter be posted on a working Saturday or any other day which is suitable to the court with notice to the Public Prosecutor, complainant and the accused. The said notice would indicate that the court proposes to consider disposing of those cases under Chapter XXIA of Cr.P.C. plea bargaining, Probation of Offenders Act, 1958 or compounding i.e. Section 320 Cr.P.C. The notice will also indicate that the accused/complainant would be entitled to avail legal aid and details of the District Legal Services Authority would be made available in the said notice. It would also be made clear that the accused has to remain present with his/ her advocate and the complainant may also remain present with his/her advocate.

3.4 The Public Prosecutor would be required to ascertain the criminal antecedents of the accused. Only cases of first time offenders would be taken up.

3.5 On the date fixed, the court can inform the accused of the provisions of plea bargaining. The Court can also persuade the parties to compound the offence (if the offences are compoundable). The Court can also inform the accused of the benefits of Probation of Offenders Act, 1958. The services of panel lawyers from District Legal Services Authority would also be made available to the accused/ Complainant.

3.6 The Court may give time to the accused/complainant to think over the matter and give another date.

3.7 In cases where the under trial is in judicial custody, the trial court may explain to the accused and the learned counsel appearing for the accused to explore the possibility of plea bargaining or

compounding or benefit of Probation of Offenders Act. The accused can be given time to consider the matter. The services of panel lawyers of District Legal Services Authority can also be made available. For this purpose, a list of such accused can be furnished to the Secretary, DLSA to depute the panel lawyers of sufficient seniority to explain the provisions to the accused, who are in custody.

3.8 It is suggested that a brief training session may also be organised for the Ld. Judicial Officers in the Judicial Academies.

3.9 A timeline of 4 months may be fixed to carry out this exercise namely:-

- i) Training of Judicial Officers &
Identification of cases - 1 month
- ii) Notice to the parties - 1 month
- iii) Consideration of the matter - 2 months"

We accordingly issue directions in the aforesaid terms to the Registrars of each High Court who may depute a Nodal Officer of the rank of the Registrar in each of the Courts to carry out the monitoring of the same.

We, however, consider it appropriate at this stage to put two caveats:-

(a) Instead of prescribing only one Court in each District, as specified in clause 3.1 above, we leave it to the administrative side of the High Court to prescribe such number of Courts as may be considered practical by each of the High Court.

(b) In matters where time bound schedule has been laid down by the High Courts or Supreme Court of India, that schedule should not be disturbed so as to avoid delay in those cases.

We may also add that Directors of the different Judicial Academies to carry out training to effectuate the aforesaid either through virtual mode or physical as may be feasible.

UNDER TRIAL REVIEW COMMITTEES

Mr. Gaurav Agrawal points out that a consolidated data has been prepared of the under trials who were covered by the Judgment of this Court dated 24.4.2015 and 31.10.2017 in the case of *In re-inhuman conditions in 1382 Prisons*. A timeline was laid down for the meeting of under Trial Review Committees (UTRCs) and implementation of recommendations of the said Committee. A campaign for the release of prisoners by the Under Trial Review Committee to commemorate the 75th Independence Day in India by NALSA was also carried out.

The total number of persons identified as such under trials recommended by UTRCs is 47618 out of total of 74107 under trials and in pursuance to the campaign, 24789 has been released. The suggestions thus states that urgent steps should be taken so that at least 47618 cases are dealt with.

To facilitate the aforesaid, it has been prayed that all District Legal Services Authorities (DLSAs) may be directed to ensure that the bail applications in remaining cases are filed expeditiously in any event within 15 days and the learned Trial Courts may be directed to dispose of the bail applications within 15 days.

In order to give some more time before the action to be taken, we grant 30 days instead of 15 days for the bail

applications to be filed by the DLSAs and specify that the Trial Courts would also make an endeavor to dispose of the bail applications within 3 weeks. NALSA will thereafter give a report to this Court in 10 weeks.

Learned ASG submits that he has discussed this matter with Government in terms of the paragraph 27 of our Order dated 05th August, 2022 and an endeavor can be worked out with the cooperation of all the State Governments as law and order is a State subject.

We expect all the State Governments to fully cooperate as the crowding of the jails is a problem permeating the country as a whole, more or less.

SUGGESTIONS WHERE THE CONVICTS ARE UNDERGOING FIXED TERMS SENTENCES AND ARE IN JAIL

In this behalf the following suggestions have been made:-

- "6.1 The following mechanism can be adopted as one-time measure to convicts who have been convicted for sentence of imprisonment for 10 years' or less and have no other criminal antecedent.
- 6.2 The High Court along with the High Court Legal Services Authority can make a list of cases with the following details:
 - i) Offences for which a convict has been sentenced and sentence imposed;
 - ii) Sentence undergone by the convict;
- 6.3 If the convict is in jail and has undergone 40% of the sentence, his case can be taken up by the District Legal Services Authority. The District Legal Services Authority, through a lawyer of sufficient seniority, can counsel the accused that if he is willing to accept his guilt, request can be made to the High Court to reduce the sentence or for releasing the convict on probation of good conduct for the remainder of the

sentence. It should be clearly disclosed that the said acceptance of guilt is only for the purposes of closing the matter and in case the High Court is not inclined to accept the plea, then the matter would be considered by the High Court on its own merits and his plea would not come in the way of hearing of the appeal on merits.

- 6.4 The District Legal Services Authority would also facilitate the interaction of the convict with his lawyer so that an informed decision is taken by the convict.
- 6.5 If the accused is willing to accept the plea and make an application to the High Court, then the list of such accused should be forwarded to the Director General of Police to ascertain the criminal antecedent of the convict.
- 6.6 Such plea bargaining at post-conviction level would not be available to such offences which are notified by the Central Government/ State Government. The said plea bargaining will not be available where the law provides for a minimum sentence to be undergone by the accused, for example under the NDPS Act or UAPA Act similar such Acts (State Law/ Central Law)]"

Learned counsel having taken us through the suggestions, we give our imprimatur to the same and direct the State Governments and Legal Services Authorities to act *in tandem* to implement these suggestions and give a report to this Court a week before the next date to the Amicus Curiae who would thereafter submit the summarised version of the report.

REMISSION OF SENTENCE FOR CONVICTS UNDERGOING FIXED TERMS SENTENCES

The suggestions made are as under:-

- "7.1 There are convicts in jails who are undergoing fixed term sentences. In such cases where the convict has been sentenced upto 10 years' imprisonment and is a first time offender and has undergone half the sentence, the State Government can consider whether the

remaining sentence can be commuted under Section 432 Cr.P.C. as a one time measure. The State Government can obviously provide certain exceptions where this benefit would not be available to the convicts (especially heinous crimes rape, dowry death, kidnapping, PC Act, POCSO, NDPS, etc.). The State Government can impose conditions of good conduct upon the convict. In this regard, the provisions of Model Prison Manual, 2016, especially the Chapter XX dealing with 'premature release' can be considered by the State Government,

which lays down broad parameters for dealing with such cases. The Model Prison Manual was drafted by a very high Committee, including the officers of the Central Government, State Government, NALSA, NHRC and also the Civil Society and is a fairly progressive document, aimed at standardising prison administration throughout the country. Chapter XX of Model Prison Manual is enclosed as Annexure A2.

7.2 Infact, the Government of India had issued a letter dated 10.06.2022 for grant of special remission to prisoners as part of celebrations of Azadi Ka Amrit Mahotsav. Copy of the letter issued by Government of India dated 10.06.2022 is annexed as Annexure A3.

7.3 It was pointed out during meeting with Home Ministry officials that each State Governments can take a decision regarding further benefits which can be conferred on the convicts which may go beyond the above policy so that on the next date i.e. 26.01.2023, larger number of convicts can be benefitted."

It is pointed to us that in the letter dated 10.6.2022 referred to aforesaid, the benchmark has been fixed as two third of the completed sentence but then we are of the view that 50% completed sentence would sub-serve the purpose and

individual States will be taking their own call even qua the category of prisoners to whom the benefit can be given and not necessarily confined to the guidelines annexed to the letter dated 10.6.2022.

The cases of life convicts in jail whose appeals are pending before the High Court will be considered tomorrow.

List tomorrow i.e. 15th September, 2022.

Rashmi 17/9/2022
(RASHMI DHYANI PANT)
COURT MASTER

Poonam 17-9-2022
(POONAM VAID)
COURT MASTER

no
17/9

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

MISCELLANEOUS APPLICATION NO.764/2022

IN

CRIMINAL APPEAL NO.491/2022

SULEMAN

...PETITIONER(S)

VERSUS

THE STATE OF UTTAR PRADESH

...RESPONDENT(S)

WITH

WRIT PETITION(CRL.) NO. 170/2022

O R D E R

MISCELLANEOUS APPLICATION NO.764/2022
IN CRIMINAL APPEAL NO.491/2022

This separate application need not be continued and has now been subsumed in the directions which are now being made in the SMW [CRL] No.4/2021.

The application stands disposed of.

WRIT PETITION (CRL.) NO.170/2022

Signature Not Verified
Digitally signed by
ASHA SUNDER
Date: 2022.09.20
16:00:02 IST
Reason: []

The subject matter in issue is regarding fixed term sentences which have also been covered by directions passed in SMW [CRL] No.4/2021.

The Writ Petition accordingly stands disposed of.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[ABHAY S. OKA]

NEW DELHI;
SEPTEMBER 15, 2022.

ITEM NO.31+32

COURT NO.3

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Item No.31

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 529/2021

(Arising out of impugned final judgment and order dated 19-10-2012 in CRA No. 118/2008 passed by the High Court Of Chhatisgarh At Bilaspur)

SONADHAR

Petitioner(s)

VERSUS

THE STATE OF CHHATTISGARH

Respondent(s)

([TO BE TAKEN UP ON TOP OF THE BOARD.].....FOR ADMISSION AND I.R AND MR. NEERAJ KUMAR JAIN, SR. ADVOCATE (A.C.), MR. GAURAV AGRAWAL, ADVOCATE FOR NATIONAL LEGAL SERVICES AUTHORITY, MR. DEVANSH A. MOHTA, ADVOCATE (A.C.), MR. ABHIMANYU TEWARI, ADVOCATE FOR STATE OF ARUNACHAL PRADESH, MR. YOGESH KANNA, ADVOCATE FOR STATE OF TAMIL NADU, MR. CHANCHAL K. GANGULI, Advocate for STATE OF WEST BENGAL, MRS. NIRANJANA SINGH Advocate for State of Bihar, MR. MILIND KUMAR, ADVOCATE FOR STATE OF RAJASTHAN, MR. NIKHIL GOEL, ADVOCATE FOR HIGH COURT OF GUJRAT, MR. SARVESH SINGH BAGHEL, ADVOCATE FOR STATE OF UTTAR PRADESH, MAHFOOZ A NAZKI FOR STATE OF ANDHRA PRADESH, MR. SACHIN PATIL FOR STATE OF MAHARASHTRA, MR. SUBHRANSHU PADHI FOR STATE OF KARNATAKA, MR. KABRA FOR STATE OF UP, MR. G.S MAKKER FOR ANDAMAN AND NICOBAR ISLANDS, MR. HARSHAD V HAMEED FOR STATE OF KERALA, MR. SHO VAN MISHRA, ADVOCATE FOR STATE OF ODISHA [FOR FURTHER DIRECTIONS])

Item No.32

SMW [CRL] No.4/2021

WITH

MA 764/2022 in Cr1.A. No. 491/2022 (II)

([FOR DIRECTIONS])

W.P.(Cr1.) No. 170/2022 (X)

(FOR ADMISSION and IA No.65665/2022-GRANT OF BAIL)

Date : 15-09-2022 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE ABHAY S. OKA

Mr. Neeraj Kumar Jain, Sr. Adv. (AC)
Mr. Sanjay Singh, Adv.
Mr. Aniket Jain, Adv.

Mr. Gaurav Agrawal, Adv. (A.C.)

Mr. Devansh A. Mohta, Adv. (A.C.)

For Petitioner(s) Ms. Liz Mathew, AOR
Ms. Vasudha Jain, Adv.

Mr. Mohd. Irshad Hanif, AOR
Mr. Aarif Ali, Adv.
Mr. Rizwan Ahmad, Adv.
Mr. Mujahid Ahmad, Adv.
Mr. Mohit Kumar, Adv.
Mr. Pankaj Tiwari, Adv.
Mr. Ahmed Parvez, Adv.
Mr. Mohd. Aslam, Adv.
Mr. Hira Singh Rawat, Adv.

Mr. Rishi Malhotra, AOR
Mr. Jaydip Pati, Adv.

For Respondent(s) Mr. Gaurav Agrawal, AOR

Ms. Prachi Mishra, AAG
Mr. Sumeer Sodhi, AOR
Mr. Dipesh Singhal, Adv.
Mr. Gaurav Arora, Adv.

Ms. Mridula Ray Bharadwaj, AOR

Ms. Garima Prasad, Sr. Adv./AAG
Mr. Ajay Vikram Singh, AOR
Ms. Priyanka Singh, Adv.
Mr. Sharjeel Ahmad, Adv.
Ms. Pranjali Goel, Adv.

Ms. Garima Prasad, Sr. Adv./AAG
Mr. Sarvesh Singh Baghel, AOR
Ms. Vanya Gupta, Adv.

Mr. Nikhil Goel, AOR

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UPON hearing the counsel the Court made the following
O R D E R

SMW [CRL] No.4/2021

LIFE CONVICTS IN JAIL WHOSE APPEALS ARE PENDING BEFORE THE HIGH COURT

Mr. Gaurav Agrawal, learned Amicus Curiae has drawn our attention to the contents of the note dealing with the aforesaid aspect in the context of the orders passed by this Court including on 15.06.2022 whereby directions issued were *qua* six High Courts. Those six High Courts have filed affidavits and the endeavour as per this report is two fold in terms of the directions already passed i.e.:-

(1) convicts having undergone more than 10 years' imprisonment in life sentence cases, unless there are reasons to deny bail, should be granted bail;

(2) Identification of cases where the convicts have completed 14 years of custody in which

event their case can be referred to the Government for considering premature release in a fixed time irrespective of the fact whether the appeal is pending or not.

Learned Amicus Curiae thereafter proceeded to analyze the data and suggestions from the six High Courts.

It appears that a comprehensive exercise was taken up by the Patna High Court in terms of the number of cases where the accused are in custody which is 5740 appeals, including Division Bench appeals and Single Judge appeals. It is suggested that the High Court may take the following steps:-

"Patna High Court:-

- a) If the bail applications have already been filed, the same may be listed before the Hon'ble Court at the earliest.
- b) The High Court Legal Services Committee may be tasked with moving appropriate bail applications in those cases which are filed through High Court Legal Services Committee.
- c) In case the convict is represented through private lawyer, the High Court Legal Services Committee may contact the convict in jail and facilitate an interaction with the lawyer so that all necessary documents, including custody certificate are made available for the purposes

of preferring an application for bail pending appeal.

d) List of all aforesaid criminal appeals may also be sent to the Law Secretary, Government of Bihar with a direction that the criminal antecedent of the convict, conduct in jail, may be ascertained and communicated to the Ld. Advocate dealing with the said appeals before the High Court so that the said aspect is considered by the High Court while dealing with the application for suspension of sentence."

It is pointed out that in the State of Bihar, there are 363 convicts who have completed more than 14 years of custody. The norm for premature release is stated to be 14 years actual custody and 20 years with remission. There are also some convicts who may not be entitled to premature release. There are stated to be now 268 convicts whose cases are being considered for premature release. We consider appropriate to issue directions in terms of the aforesaid suggestions to the Patna High Court and on a *pari materia* basis to even the other High Courts. However, in order to carry out this exercise, the data would have to be compiled of such of the persons who have been in custody for more than 10 years and more than 14 years, with these persons being considered for grant of bail pending appeal, if there is no chance of

hearing of the appeal in the near future, unless there are reasons for denial of bail. We can understand if any of the parties is delaying the appeal itself but short of that, we are of the view that all persons who have completed 10 years of sentence and appeal is not in proximity of hearing with no extenuating circumstances should be enlarged on bail.

We may note that the Odisha High Court has also carried out a comprehensive exercise identifying the exact number of cases of life sentence convicts and set out the details including the ones who would not be entitled to remission.

The Allahabad High Court where the pendency is the largest has also carried out an exercise showing 2853 appeals pending before the High Court where 3234 convicts are in jail for more than 10 years. Out of these, 385 convicts have undergone more than 14 years of custody. We have to keep in mind the objective of de-cluttering the jails where without hearing of the appeals, convicts are in custody.

The aforesaid exercise has to be undergone on an urgent basis so that a scenario should not prevail where the convict completes the minimum sentence for consideration for remission and their case is examined only for remission. That necessity has arisen only on account of the fact that the appeals are not being taken up for hearing.

As suggested by learned Amicus Curiae, four months' time is granted to carry out the said exercise. The report be given after compilation from different States.

List in the last week of January, 2023.

MA 764/2022 in CrI.A. No.491/2022

This separate application need not be continued and has now been subsumed in the directions which are now being made in the SMW [CRL] No.4/2021.

The application stands disposed of in terms of the signed order.

W.P.(CrI.) No.170/2022

The subject matter in issue is regarding fixed term sentences which have also been covered by directions passed in SMW [CRL] No.4/2021.

The Writ Petition accordingly stands disposed of in terms of the signed order.

SLP (CrI.) NO.529/2021

COMPLIANCE OF PREMATURE RELEASE DIRECTIONS BY STATES

The most aggravated problem is in the State of Uttar Pradesh where as of October, 2021, 4127 prisoners were eligible for premature release. However, orders have been passed in case of 26 persons who were released and 521 released under permanent policy. 2532 cases are pending for collection of documents/preparation of premature release applications. There seems to be some lack of

coordination in this behalf as there are different kinds of incomplete documents. It is suggested and agreed to by Ms. Garima Prasad, learned AAG of the State of Uttar Pradesh that the State Government will nominate a senior officer as the Special Secretary who will act as a Nodal Officer to ensure that this task is completed well before the next date.

Other States where the problem may be less must ensure completion of the exercise within the same period of time.

Ms. Liz Mathew, learned Amicus seeks to flag an issue that there is lack of information post the recommendation of the advisory Board i.e. in how many cases States have acted upon it.

For illustration, on consideration of 332 cases, 106 cases were recommended in the State of Kerala but only 2 have been released.

Reference is also made to the case of West Bengal where 657 persons were eligible for premature release and recommendations were made for 578 cases, but only 173 were released in 2022. Learned Amicus submits that there is some anomaly in the manner of processing by the State Government as the requirement for obtaining the opinion of the concerned Judge is prior to the recommendation. Once the recommendation is made after due consideration, there is no need to again refer to the Court. This may be taken note by the State of West Bengal.

Needless to re-emphasize that all States will follow the schedule as set out.

Learned Amicus Curiae may explore the possibility of implementing the same process in other States and we authorize the Amicus/ State Legal Services for the said purpose. The manner of such implementation now extended at the request of learned Amicus to four other States which have carried out the preliminary exercise i.e. Jharkhand, Telengana, Gujarat and Assam.

One suggestion made by Mr. Devansh Mohta, learned Amicus Curiae is that while in terms of earlier orders, *inter alia*, dated 09.02.2022, we were looking to the aspects of a fixed term sentences of up to seven years, the same can be extended up to 10 years for collection of data and exploring the possibilities of alternative routes. We accept the suggestion and order accordingly.

On this aspect, an earlier date is sought than what has been given in connected matter i.e. in the last week of January, 2023. It is stated that the matter will take about half an hour.

The matter be listed in the third week of November, 2022 while listing other matters, keeping the time factor in this matter in mind.

(ASHA SUNDRIYAL)

ASTT. REGISTRAR-cum-PS

(POONAM VAID)

COURT MASTER (NSH)

[Common signed Order In Miscellaneous Application No.764/2022 & Writ Petition(Crl.) No. 170/2022 is placed on the file]

Plea Bargaining

Meaning Of Plea Bargaining

Section 265A to 265L, Chapter XXIA of the Criminal Procedure Code deals with the idea of Plea Bargaining. It was inserted into the Criminal Law (Amendment) Act, 2005. It allows plea bargaining for cases:

Where the maximum punishment is imprisonment for 7 years;

Where the offenses don't affect the socio-economic condition of the country;

When the offenses are not committed against a woman or a child below 14 are excluded.[1]

Judges used this bargaining to encourage confessions. Plea Bargaining isn't an indigenous concept of Indian criminal law. It is a part of the recent development of the Indian Criminal Justice System (ICJS). It became inculcated in Indian Criminal Justice System after thinking about the weight of long-status cases on the Judiciary.

The Law Commission turned into first to recommend the plea bargaining in the Indian Criminal Justice System. It defined Plea Bargaining as an opportunity method that has to be added to deal with huge criminal instances in Indian courts.

History Of Plea Bargaining

Plea bargains were rare in early history. Judges appeared surprised when defendants offered to plead guilty, and they attempted to persuade them instead to go to trial. As in early times, however, plea bargains were becoming common, when public ordinance violators could expect less-severe sentences if they pleaded guilty.

By 1850, the exercise had spread to prison courts, and it has become habitual for defendants to plead guilty in alternate for the dismissal of a few expenses or different agreements arranged with the prosecutor. Possibly the first systematic use of plea negotiation, the bargains were typically for victimless offenses, so the prosecutor did not have to consider victims' concerns.

In the 1960s plea bargains were still treated as unethical at best and illegal at worst. Defendants who had popular plea bargains have been instructed no

longer to well known the negotiations in the courtroom, because doing so could solid doubt on whether their pleas had been voluntary.

In 1967, however, an influential report by the President's Commission on Law Enforcement and Administration of Justice documented the widespread use of plea bargaining and recommended recognizing the practice.

Criminal Code and Plea Bargaining

The silent features of a plea bargaining are as follows:

It is applicable in respect of those offenses for which punishment is up to 7 years.

It does not apply to cases where the offense is committed against a woman or a child below the age of 14 years

When the court passes an order in the case of plea bargaining no appeal shall lie to any court against that order.

It reduces the charge.

It drops multiple counts and press only one charge.

It makes a recommendation to the courts about punishment or sentence the criminal code of plea bargaining explains that:

By introducing the concept of Plea Bargaining in the Criminal Procedure the object of the legislature is:

To reduce the pending litigation

To decrees the number of under-trial prisoners.

To make provision of compensation to the victim of crimes by the accused.

To cut delay in the disposal of criminal cases.

The Criminal Law (Amendment) Act, 2005 essentially key issues in the criminal justice system are:

Witness Turning Hostile

Plea Bargaining

Compounding the offense under Section 498A, IPC

The legal provisions introduced by the Criminal Law (Amendment) Act, 2005 are as follows:

Section 265 A:

According to this Section, plea bargaining should apply to an accused who has not committed an offense for which the law provides the punishment of death or life imprisonment or imprisonment for more than seven years.[2]

It also provides that Chapter XXIA of the Code of Criminal Procedure, 1973 will not apply to offenses that affect the socio-economic condition of the country or have been committed against a woman or a child below fourteen years of age.

The accused has access to three kinds of a plea bargain. The accused can make an application for charge bargain, wherein the prosecution allows the accused to plead guilty to a lesser charge or only to some charges imposed against him.

Secondly, a sentence bargain can be applied for wherein the accused is told in advance the sentence he will be given if he pleads guilty. Lastly, there is fact bargaining under which the defendant agrees to stipulate to certain facts to make sure that other facts are not brought into the picture to be taken as a piece of evidence, it is not used in courts as it is believed to go against the Criminal Justice System. In India, the accused can only make an application for a sentence bargain.

Types Of Plea Bargaining

there are three main types of Plea Bargaining i.e,

Charge Bargain

count Bargain

Fact Bargain

Sentence bargain

Charge Bargaining

The defendant pleads to a criminal offense that's much less critical than the original price, or the maximum serious of the charges.

Example:

The prosecution charges chandler with burglary, but he pleads guilty to trespassing and the prosecution dismisses the burglary charge.

Count Bargaining

Many bear in mind court bargaining to fall below fee bargaining. Here, the defendant pleads to only one or more of the original charges, and the prosecution drops the rest.

Sentence Bargaining

Example:

The prosecution expenses Ross with both robbery and simple attack. The parties agree that Ross will plead to the attack charge and that the prosecution will dismiss the theft charge.

The defendant takes a guilty or "no contest" plea after the perimeters accept as true with what sentence the prosecution will endorse.

Example:

Sammy agrees to plead to the charge of resisting arrest, and the prosecution agrees to recommend that the judge not sentence him to jail time.

Fact Bargaining

The defendant pleads in exchange for the prosecutor's stipulation that certain facts led to the conviction. The omitted facts would have increased the sentence because of sentencing guidelines.

Example:

The government files an indictment against drug trafficking. Federal agents stuck him with over five kilograms of cocaine. Five kilograms triggers a sentence involving many years in prison, so, it agrees to plead guilty to the offense in exchange for the prosecution's stipulation that he possessed less than five kilograms.

Advantages to the accused -

- (a) It ensures a speedy disposal of the case, without being subjected to the vagaries of trial.
- (b) The accused has the apparent advantage of getting away with lesser punishment and in appropriate cases, he may even be released on probation or after due admonition.
- (c) Section 12 of the Probation of Offenders Act, 1958 provides that a person found guilty of an offence and dealt with under section 3 or 4 of the said Act, shall not suffer any disqualification attached to the conviction.

(d) The Government employees who are released on probation under the Probation of offenders Act are saved from the disqualification which is attached to conviction in view of Charan Singh Vs. M.C.D.28 decided on 05/10/2006

(e) As per Section 265-K of Cr.P.C, the statements or facts stated by an accused in an application for plea bargaining file under section 265-B shall not be used for any other purpose except for the purpose of this Chapter.

Advantages to the Victim

(a) Plea Bargaining affords the victim a chance for quick Justice.

(b) The Victim can also get compensation for injury suffered and expenses incurred without having to go through a procrastinated trial.

Despite having apparent advantages, plea bargaining has not really taken off in India. As per the data by National Crime Records Bureau, only 0.45% of cases under the Indian Penal Code were disposed after plea bargaining in 2015. It is also a fact that these cases are also mostly of those accused who could not afford bail and have thus remained in custody for major part of their trial. This may be because, firstly, the provision for plea bargaining has been restricted to a very narrow selection of offences. Secondly, the inability of prosecution to produce evidence in most cases is matter of common knowledge and when the accused is sure of an acquittal eventually, there is no inclination to opt for plea bargaining.

Relevant Case Laws:

State of Uttar Pradesh vs Chandrika

The Court deprecated the concept of plea bargaining and held the concept as unconstitutional. The Court believed that the concept of plea bargaining cannot form the basis for the disposal of criminal cases. Such cases should be only decided on merit. It also opined that a sentence given to the accused should be as per what the specific statute or law says.

In India, the Supreme Court of India has criticized the concept of plea bargaining through its various judgments.

Kachhia Patel Shantilal Koderlal v. State of Gujarat and Anr

The Supreme Court held that the practice of plea bargaining is unconstitutional, illegal, and could encourage corruption and collusion.

Thippaswamy v. the State of Karnataka

The Court said that the act of inducing and leading the accused to plead guilty under an assurance or a promise will violate Article 21 of the Constitution of India[4]

Conclusion

To conclude, Plea Bargaining is undoubted, a disputed concept few people have welcomed it while others have abandoned it. Plea Bargaining indeed speeds up caseload disposition, but it unconstitutionally does that but possibly we haven't any other choice however to adopt this approach. The criminal court is too overburdened to allow each case to go on trial at the same time, the concept of plea bargaining in India is a voluntary process, but the legal provisions do not provide anything if the mutual disposition reached by the parties in plea bargaining is contrary to the provisions of law. It is also imperative to note that the investigating officer is an important party in the process of reaching a mutual settlement. The involvement of the police often attracts criticism as custodial torture inflicted on the accused by the police is a penetrating issue in India.

In light of the various pronouncements given by the Courts in India, it can be said that the concept of Plea Bargaining in India has two sides of interpretations and perceptions. However, the criminal justice system has reformed over time and has made plea bargaining conducive to the legal and social standards.

Compounding of offences

The provision regarding compounding of offences is under sec 320 of Cr.P.C. This is the most resorted to mode of disposal without complete trial and is referred to as compromise in the common parlance. Sec 320 of Cr.P.C provides for compounding of offences.

Section 320(1) Cr.P.C provides a chart which lists offences which may be compounded by the victim with the accused, without the involvement of court. These are non-serious offences which involve a personal or private damage to the victim and can be compromised as a matter of right by the victim. The court's role herein is limited only to satisfying itself that the compromise has been done voluntarily and without any coercion or pressure. The High Court of Andhra Pradesh in the case of **Chanda Papa Rao and Ors. V. State and Anr.**⁶⁹ has held, “.... *If the offence is compoundable, it can be compounded Under Section 320, Cr.P.C. For the purposes of compounding the offence, there must be a joint petition by the defacto complainant and the accused. More important feature of Section 320, Cr.P.C. is that the Court cannot refuse permission to the parties to compound the offence when they have expressed their willingness to compound the offence.*”

Sec 320(2) of Cr.P.C provides a chart which lists offences which can be compounded by the victim with permission of the court. These are cognizable offences in which police can file a report and arrest without warrant. Hence, there is a statutory requirement of consent of court to be compromised. These offences cannot be compromised without the permission of court. The consent of the Court is granted where there is no adverse impact of dispute to society and the compromise is held to be done with the free consent and without any pressure.

As per proviso (3) of Sec 320 of Cr.P.C, the abetment or attempt to commit compoundable offences or, when the accused is liable u/s 34 or 149 of IPC, is also compoundable.

Who may Compound?

The general rule here is that the person to whom injury has been caused is competent to compromise the offence. If there is more than one victim/injured, then all such persons have to

compromise for the compounding to be considered lawful.

In a case where the victim/injured is a minor, or is insane, then Sec 320 (4) provides that a person who is competent to contract on his behalf, may compound the offence. As per Sec 320(5), if the victim/injured is dead, then the offence may be compromised by his legal representative (as per the definition of the term in CPC). In both these scenarios, the consent of the court to such a compromise is mandatory.

Permission of Court

The permission or consent of the Court is mandatory in the following conditions:

- When Offence is one mentioned under Sec 320(2) of CrPC
- Where the Offence is being compounded by legal representative on behalf of the victim as per Sec 320(4) and (5) of CrPC
- Where a case which has been committed or, in which the accused has been convicted and appeal is pending, as per Sec 320 (6) of CrPC, compromise can be done only

with the consent of the court before which it is pending. The rationale behind this is simply the fact that once a case is committed or judgement is pronounced, the court becomes functus officio and jurisdiction gets transferred to the court to which the case has been committed or before which an appeal against the judgment is pending.

Hence, for a lawful compromise, the consent of that court is required for compromise in the case. Kerala High Court in the case of **Sudheer Kumar @ Sudheer v. Manakkandi M.K.Kunhiraman and Anr.** in Crl. M.C. No.1540 of 2007(B), ILR 2008 (1) Kerala 159, "There is no provision for compounding the offence after conviction without permission of or intervention from the court, whether the offence is compoundable, with or without permission as classified under Table I or Table II.

This is because the compounding will have the effect of an acquittal and setting aside of conviction. Conviction, in the absence of appeal or revision, becomes a concluded matter. Sub-clauses 5 and 6 of Section 320 allows the compounding of offence after conviction, if appeal or

revision is pending by the permission of the appellate court or revisional court as the case may be. If the case is committed for trial also, leave of the committal court is necessary for compounding. Once High Court confirms the conviction in revision, it cannot be interfered with by the High Court in view of the subsequent compounding out of court. There is no provision under Section 320 or any in the N.I. Act enabling the court to accept or permit the compounding after conviction has become final and no appeal or revision is pending against the conviction. Once the order of conviction is confirmed in revision, the revisional court cannot review or alter the conviction in view of the specific bar under Section”

Presence of Accused during Compromise

The procedure in practice for disposing a case on the basis of compromise involves filing of a joint compromise petition, signed by the victim, accused and the learned lawyers on their behalf.

Hence, most courts insist on the presence of accused before any prayer of compromise on behalf of victim can be entertained. However, the Kerala High Court decided the matter quite contrary to the adopted procedure in the case of *Y.P. Baiju vs State of Kerala And Ors*⁷⁰ wherein it was held that compromise is a unilateral act to be performed by the victim alone. In this case, the questions that arose for consideration before Kerala High Court were – “Is composition of a

criminal offence a unilateral act or a bilateral one? Is it necessary to insist on the appearance of an accused person to enable the victim to compound a criminal offence? Is a Criminal Court justified in insisting on a joint application for composition by the victim and the accused for invoking the powers under Section 320, Cr.P.C to accept and/or accord permission for a composition? Is there any distinction between "withdrawal" of a complaint under Section 257, Cr.P.C and composition of an offence under Section 320, Cr.P.C? Even if there be such a distinction, is that distinction relevant in the dynamics of operation under Section 320, Cr.P.C? Does such alleged distinction justify insistence by the Court on the personal appearance of the

accused to consider an application for composition? In a case where the Court has chosen to issue non-bailable warrant against the accused, is it essential that such accused must appear personally before the Court for any further steps-even for a further step for which personal presence of the accused is not essential?" After considering the questions, the Court narrated the following conclusions:

"... (1) Composition under Section 320, Cr. P. C. is a unilateral act.

(2) The victim (person shown in column 3 of Section 320(1) and 320(2)) can himself make an application for composition.

(3) It is not necessary for the Court to insist on a joint application for composition. The victim can of course make a joint application along with the accused.

(4) It is not necessary for the Court to insist on the personal appearance of the accused before Court to consider an application for composition under Section 320, Cr. P.C.

(5) The mere fact that the Court has already issued a non-bailable warrant against the accused and that is pending is no reason for the Court not to proceed further with the case. All steps for which personal presence of the accused is not necessary can be continued even if the non-bailable warrant remains unexecuted and the accused has not personally appeared."

Compromise in a non-compoundable Offence

Sec 320(9) Cr.P.C mandates that no offence shall be compounded except as provided by this section. In **Ram Lal vs State of J&K**⁷² it has been specifically held that, offence which the law declares to be non-compoundable even with the permission of the court cannot be compounded at all. The offences which have been kept in this category are serious offences and there can be no acquittal on the basis of a compromise in a non-compoundable offence though, the fact of compromise between parties may be considered by the Court when deciding the quantum of sentence.

The recourse available to parties who mutually settle their dispute in non-compoundable cases is to get the proceedings quashed by the High

Court u/s 482 of Cr.P.C. In the case of **State of Rajasthan v Hambhu Kewat**⁷³, it was observed by Supreme Court that the power of a criminal court is circumscribed by Section 320 of the Cr.P.C while compounding of offences and it is guided solely by it. On the other hand, the high court is guided by the material on record to form an opinion whether to quash a criminal complaint in exercise of its power under Section 482 of the Cr.P.C. The exercise of this power is to meet the ends of justice, although the ultimate consequence of this may be acquittal or dismissal of indictment. It is well settled now that the High Court has inherent power to quash the criminal proceedings even in those cases which are not compoundable, where the parties have settled the matter between themselves. However, this power is to be exercised sparingly and with caution.

The issue of compounding of non-compoundable offences by a high court in exercise of its

inherent power under Section 482 of the Code of Criminal Procedure (Cr.P.C) has been

addressed by the Supreme Court of India (Supreme Court) in a catena of decisions. However,

there was a conflict in law due to varying observations made by the Supreme Court. To address this conflict, a three-judge bench of the Supreme Court comprising A K Sikri J, S Abdul Nazeer J and M R Shah J, in the case of **The State of Madhya Pradesh v Lakshmi Narayan and others**⁷⁴, laid down guidelines for the exercise of inherent power of high courts under Section 482 of the Cr.P.C while quashing criminal proceedings in case of non-compoundable offences. It was laid down that the power conferred under Section 482 of the Code to quash the criminal proceedings for the non-compoundable offences under Section 320 of the Code can be exercised—

- (i) In prosecutions having overwhelmingly and predominantly the civil character, particularly those arising out of commercial transactions or arising out of matrimonial relationship or family disputes and when the parties have resolved the entire dispute amongst themselves;
- (ii) In respect of non-compoundable offences, which are private in nature and do not have a serious impact on society. Here, the High Court is required to consider the antecedents of the accused; the conduct of the accused, namely, whether the accused was absconding

and why he was absconding, how he had managed with the complainant to enter into a compromise etc.

It was further observed that such power **must not be exercised** –

(i) In those prosecutions which involved heinous and serious offences of mental depravity or offences like murder, rape, dacoity, etc., such offences are not private in nature and have a serious impact on society. The offence under Section 307 IPC and/or the Arms Act etc. which have a serious impact on the society cannot be quashed in exercise of powers under Section 482 of the Code, on the ground of compromise. However, the High Court would not rest its decision merely because there is a mention of Section 307 IPC in the FIR or the charge is framed under this provision. It would be open to the High Court to go by the nature of injury sustained, whether such injury is inflicted on the vital/delicate parts of the body, nature of weapons used etc.

However, such an exercise by the High Court would be permissible only after the evidence is collected after investigation and not when the matter is still under investigation

(ii) The offences under the special statutes like Prevention of Corruption Act or the offences committed by public servants while working in that capacity are not to be quashed merely on the basis of compromise between the victim and the offender

The Probation of Offenders Act 1958

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Introduction

“Hate the crime and not the criminal”. You might have heard this a zillion times. This means that we need to eliminate crime and for this the elimination of criminals is not required. The Criminal Law in India is more into reforming offenders rather than punishing them. It is true that punishment gives a sense of satisfaction to the society as well as to the victim, but this does not reform the criminals. Especially in the cases of imprisonment, once the person is out of prison, he is back to his old ways of infringement of rights. This is common in the cases of youth criminals. Their minds are not mature and get diverted when engaged with several criminals in jail.

Thus, instead of keeping the accused with hardened criminals in jail, the court may order personal freedom on the basis of good behaviour. The court can also grant a supervision period for the accused. The main aim behind the [Probation of Offender Act, 1958](#) is to give an opportunity to offenders to reform themselves rather than turning into hardened criminals. Section 562 of the Code of Criminal Procedure, 1898 (after amendment it stands as [Section 360 of the Code of Criminal Procedure, 1973](#)) provides that any person not below twenty-one years of age who may have not been convicted for an offence for imprisonment up to seven years or not convicted to death

or imprisonment of life can be released on the basis of probation for good conduct.

The Act is based on a reformatory approach which has come over the years from the Doctrine of Deterrence. It has been observed that the offender's readjustment in society decreases after the release. They might also face problems while working with professional delinquents. This creates an undesired impact on the convicted and his/her life afterwards. The Probation of Offender Act, 1958 saves minor offenders from becoming regular criminals. This is done by providing them with a chance to reform themselves rather than getting into prison. The probation officer amicably reaches to the needs and difficulties of the accused and tries to solve the problem. This is done for the person convicted of minor crimes.

The Probation Officer is the key human being in the process of Probation management. He contacts the Probationer directly. He is responsible for upholding the provisions of the court's probation order. He carries out two primary functions which consist of the Probation offender presentence investigation and supervision of the offender. The Probation of Offender Act, 1958 aims at providing the release of the accused if he has been found not guilty of an offence not punishable with death or life imprisonment after due admonition. It has been enacted to provide the offenders with an opportunity to prove that they can improve their behaviour and can live in a society without harming them.

It is also to be kept in mind that reformation doesn't always work. Sometimes the crimes are so heinous and abhorrent and the criminals are so unrepentant that punishment of such crimes is important. For some cases, reformation is not useful and punishment is best to safeguard the society by locking them for life.

Scope and Background

The Act is a landmark in advancing the new liberal reform movement in the penology field. It is the result of the recognition of the doctrine that criminal law is more about reforming the individual offender than about punishing. Probation has its influence from the juvenile justice system of “positivism” which has its development from the ideologies of the criminal justice system. The origin of probation was traced in the early practices of the English law and experienced development in the 19th century. However, the development of probation began in the early twentieth century, when various countries like Europe and North American began to initialize methods to reduce the consequence of severe punishments. Imprisonment became the most common mode of penal sanction.

From early 1800 to the present date, probation has tried to reform, remake, remould the offenders into honest, good and law-abiding citizens. In India, the main legal articulation to the reformatory framework for the probation theory is found in procedural code. Later the [Children Act, 1908](#) additionally enabled the court to discharge certain guilty parties waiting on probation because of their good conduct. The extent of arrangements of probation law was expanded further by the enactment in 1923 resulting in the [Indian Jails Committees Report \(1919-1920\)](#). In 1931 the Government of India arranged a Draft Probation of Wrongdoers Bill and flowed it to the then Provincial governments for their perspectives.

A Bill on Probation of Offenders was introduced in Lok Sabha on November 18, 1957. A Joint Committee was formed to consider the Bill allowing for the release of prisoners on probation or after proper admonition and related matters. On 25 February 1958, the Joint Committee delivered its report to Lok Sabha. In Parliament, the Probation of Offenders Act was adopted on the advice of the Joint Committee. Probation in India is used as an institutional method of treatment. The western does not allow the use of institutional methods for probation. They administer probation by voluntary organisations of

sociologists and psychologists. They consider that the judges should not interfere with this.

The Indian system says that the judiciary should solely vest in the probationary laws. This is so because the power of probation will be vested upon the voluntary and extrajudicial agencies which lack judicial methods and techniques. This would create a serious problem as these organisations will have their own values and considerations. Sociologists and psychologists will be concerned only upon the reformations of the offender and not the legal implication of the reformatory measure. Probation is subjected to judicial review under [Article 226](#) of the Indian Constitution which will eventually allow the judges to bring it under judicial scrutiny.

Aim and Objective of Probation

The main aim and objective of probation is to permanently reform the lawbreakers. It involves moulding the habits into constructive ways by rehabilitation and reformation. The objective is to give a chance to the anti-social person to willingly cooperate with society. This will also give him social protection and security. It is a substitution for imprisonment. Imprisonment will not always serve the purpose of eliminating crime. The object of Probation Law is more to reform the offender than to punish him. This is what we generally call Probation. Simply, it can be understood as the conditional release of an offender on the promise of good behaviour.

The aim of this Section was to reform the young offender who might have committed the crime under the influence of bad company or ignorance. The object is to remould and save them from the hardened criminals who might distract them to the path of crimes. This Section also helps the persons of mature age who may have committed the crime in influence. They are expected to be good citizens of the country.

Statutory provisions under the Act

The provision is broadly classified into procedural and substantive general laws dealing with probation of the offenders. The first provision to deal with probation was in Section 562 of the Code of Criminal Procedure, 1898. After the amendment in 1973, the probation was dealt with in [Section 360 of the Code of Criminal Procedure](#). This Section says that if:

1. Any person who is not below twenty-one years and is convicted of a crime for which the punishment is imprisonment for seven years or is convicted for an offence punishable with fine.
2. Or any person who is below twenty-one years or if any women convicted of an offence not punishable with imprisonment of life or death and no previous conviction is proved against the offender.
3. And appears before the court, regardless of the circumstances in which he has committed the offence, the court might release the offender on the promise of good conduct.

The court might release him on entering the bond for good conduct and peace instead of punishing the offender with imprisonment. In this case of [Jugal Kishore Prasad v. The State of Bihar](#), the Supreme Court stated that the aim of the law is to deter the juvenile offenders from turning into obdurate criminals as a result of their interaction with seasoned mature-age criminals in case the juvenile offenders are sentenced to incarceration in jail. It is observed that the Act is in accordance with the present trend of penology, which says that effect should be made with accordance to change and remould the offender and not to retribute justice. Modern criminal jurisprudence recognises that no one is born criminal. A good number of crimes are a result of a socio-economic environment.

The Probation of the Offenders Act, 1958 excludes the application of Section 360 of the Code of Criminal Procedure, 1973 whenever the Act is applied. Section 3 to Section 12 of the Probation of the Offender Act,

1958 deals with the procedures of the court to deal with the release of the offenders. The important aspects of the provisions are discussed in five ways:

Admonition

[Section 3](#) of the Probation of the Offenders Act, 1958 deals with the power of court to release the offender after admonition. An Admonition, in literal terms, means a firm warning or reprimand. Section 3 says how the offender is benefited on the basis of admonition after satisfying the following conditions:

- When any person is found guilty of committing an offence under [Section 379](#) or [Section 380](#) or [Section 381](#) or [Section 404](#) or [Section 420](#) of the Indian Penal Code, 1860 or any offence punishable with imprisonment for not more than two years, or with fine, or with both, under the Indian Penal Code, or any other law
- An offender should not previously be convicted for the same offence.
- The Court considers the nature of the offence and the character of the offender.
- The Court may release the offender on probation of good conduct applying [Section 4](#) of the Act, instead of sentencing him.
- The Court may release the offender after due admonition, instead of sentencing him.

Case laws

1. [*Keshav Sitaram Sali v. The State of Maharashtra, AIR 1983 SC 291*](#) – In this case, the appellant was an employee of the Railways at the Paldhi Railway Station. He abetted the execution of a charcoal theft crime committed by Bhikan Murad in the case before the Special Judicial Magistrate First

Class (Railways), Bhusawal, on the charges of charcoal stealing. The learned Magistrate acquitted the appellant of that crime, and the State Government filed an appeal before the Bombay High Court against the acquittal judgment passed by the learned Magistrate. He was charged with a fine of Rs. 500 and in default of payment, rigorous imprisonment for two months. The subject matter of theft was a quantity of coal valued at Rs. 8. The Supreme Court held that in case of minor thefts, the High Court should extend the benefit of Section 3 or Section 4 of the Probation of Offenders Act, 1958 or Section 360 of the Code of Criminal Procedure, 1973 rather than imposing fines.

2. [*Basikesan v. The State of Orissa, AIR 1967 Ori 4*](#) – In this case, a 20-year-old was found guilty of an offence under Section 380 of the Indian Penal Code, 1860. It was held that the youth had committed the offence not deliberately and so the case must be applied for Section 3 of the Probation Act and be released after admonition.
3. [*Ahmed v. The State of Rajasthan, AIR 1967 Raj 190*](#) – In this case, the court said that the benefit of the Probation of the Offenders Act does not extend to anyone who has indulged in any activity that resulted in an explosive situation leading to communal tension.

Probation on good conduct

Section 4 of the Probation of the Offenders Act, 1958 talks about the release of the offender on the basis of good conduct. It is a very important Section of the Act. The important points that must be remembered for the application of this Section are:

- Section 4 of the Act is not applicable if the offender is found guilty of an offence with death or imprisonment for life.
- The Court has to consider the circumstances of the case including the nature of the offence and the character of the offender.

- The court may pass a supervision order to release the offender on probation of good conduct. The supervisory period is not to be shorter than one year. The probation officer must supervise the individual for such a span in such a situation. In the supervisory order, the name of the probation officer should be listed.
- The Court can direct the offender to execute a bond, with or without sureties, to appear and receive sentence when called upon during such period which should not exceed a period of three years. The court may release the offender on good behaviour.
- The Court may put appropriate conditions in the supervision order and the court making a supervision order explain to the offender the terms and conditions of the order. Such supervision order should forthwith be furnished to the offender.
- Probation officer's report is not compulsory to enforce this rule, but if the information is required on record, the Court shall take into account the probation officer's information before granting a probation order for good behaviour.

Case laws

1. [*Smt. Devki v. The State of Haryana, AIR 1979 SC 1948*](#) – In this case, it was observed that Section 4 would not be extended to the abominable culprit who was found guilty of abducting a teenage girl and forcing her to sexual submission with a commercial motive.
2. [*Dalbir Singh v. The State of Haryana, AIR 2000 SC 1677*](#) – In this case, the court took the opinion that it is appropriate for the defendant to be placed on probation for his good conduct, given that the facts of the situation are needed to be taken into account. One of the circumstances informing the aforementioned opinion which cannot be omitted is “the essence of the offence.” Thus, Section 4 can be redressed where the court recognizes the circumstances of the situation, in particular the “character of the crime,” when the court

decides whether it is reasonable and necessary for the execution of a defined reason that the defendant should be released on the grounds of good conduct.

3. [*Phul Singh v. the State of Haryana, AIR 1980 SC 249*](#) – In this case, the court held that the provision of Section 4 should not be mistaken and applied easily in undeserving cases where a person in early twenties commits rape. The court, thus, refused the application of probation on such heinous nature of crime and convicted the person.

Cost and compensation

Section 5 of the Probation of the Offenders Act, 1958 says that if any person is released under Section 3 or Section 4 of this Act, even then the court might order:

- The offender to pay compensation to the victim for the loss or the injury occurred to him. Or
- Cost of the proceeding as the court may think reasonable.

Case laws

1. [*Rajeshwari Prasad v. Ram Babu Gupta, AIR 1961 Pat 19*](#) – The amount of compensation is purely on the discretion of the court to grant if it thinks it is reasonable in the case. Thus, deciding the amount of compensation, it is solely the court's discretion to require payment and costs where it finds

Offenders under 21 years of age

Section 6 of the Probation of the Offenders Act, 1958 talks about the restriction on the imprisonment of offenders under twenty-one years of age. This provision says that offenders who are under 21 years of age are not sent to prison where the offence is not so serious as to warrant

imprisonment for life or death. Important points to be remembered before the application of Section 6:

- In cases where the accused is below 21 years of age, the Court shall call for the report of the Probation Officer. If the court's opinion is not desirable with offender either on the ground of admonition (Section 3) or on the ground of release on probation of good conduct (Section 4), the Court can pass sentence of imprisonment on the offender who is under 21 of years ago but the Court cannot sentence him without recording reasons for doing so. The Court has an obligation to see whether Section 3 or 4 of the Act applies or not. For this purpose, the Court must call for the report of the Probation Officer. Therefore, the report of the Probation Officer is mandatory when the offender is under 21 years of age.
- The court considers the nature of the offence and the character, physical and mental condition of the offender before making any decision.
- It is difficult for the court to come to a conclusion whether Section 3 or Section 4 applies or not unless the Court considers the report of the Probation Officer, therefore, the report of the Probation Officer is mandatory under Section 6 of the Act.
- On receiving a report, the Court peruses it and decides whether the offender can be released on admonition or probation of good conduct or not.
- After receiving the report, if the court orders that the offender shall not be released, applying Section 3 or Section 4 of the Act, the Court can pass sentence to the offender recording the reasons for doing so.

Case laws

1. [*Daulat Ram v. The State of Haryana 1972 SC 2434*](#) – In this case, it was held that the aim of this Section was to protect the

youth. The juvenile offenders would not be sent to jail if their crime was not as serious as to punish them with life imprisonment or death. Therefore, the provision should be liberally construed keeping in view the spirit embodied therein.

2. [*Ramji Nissar v. The State of Bihar; AIR 1963 SC 1088*](#) – In this case, the Supreme Court observed that the object of the Act, 1958 is to prevent the turning of youthful offenders into criminals by their association with hardened criminals of mature age within the walls of a prison. The method adopted is to attempt their possible reformation instead of inflicting on them the normal punishment for their crimes. The person's age problem is important not for the purpose of assessing his or her guilt, but rather for the purpose of punishing the crime for which he or she is found guilty. Consequently, if a court determines that the defendant was not under the age of 21 on the day the court found him guilty, Section 6 does not apply.

Report of probation officers

[Section 7](#) of the Probation of the Offenders Act, 1958 deals with the clause that the report of the probating officer is kept confidential. No Probation Officer's report is necessary to apply Section 4 of the Probation of Offenders Act but such report is must under Section 6 of Probation of Offenders Act if the offender is under 21 years of age. However, if such a report is available on the record, under Section 4 of the Act, the Court shall not ignore it and that the Court shall take the report into consideration.