

HIGH COURT OF JAMMU AND KASHMIR
(Office of the Registrar General at Jammu)

Subject: Judgment dated 28.03.2018 passed by the Hon'ble Supreme Court in Criminal Appeal Nos. 1375-1376 of 2013 titled Asian Resurfacing of Road Agency Pvt. Ltd. Anr Vs. Central Bureau of Investigation.

CIRCULAR

No: 76

Dated: 26/4/18.

It is impressed upon all the Courts under the jurisdiction of the High Court of Jammu and Kashmir to implement in letter and spirit the directions of the Hon'ble Supreme Court passed in the subject judgment as quoted below:-

"Thus, we declare the law to be that order framing charge is not purely an interlocutory order nor a final order. Jurisdiction of the High Court is not barred irrespective of the label of a petition, be it under Sections 397 or 482 Cr.P.C or Article 227 of the Constitution. However, the said Jurisdiction is to be exercised consistent with the legislative policy to ensure expeditious disposal of a trial without the same being in any manner hampered. Thus considered, the challenge to an order of charge should be entertained in a rarest of rare case only to correct a patent error of jurisdiction and not to re-appreciate the matter. Even where such challenge is entertained and stay is granted, the matter must be decided on day-to-day basis so that stay does not operate for an unduly long period. Though no mandatory time limit may be fixed, the decision may not exceed two-three months normally. If it remains pending longer, duration of stay should not exceed six months, unless extension is granted by a specific speaking

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order, as already indicated. Mandate of speedy justice applies to the PC Act cases as well as other cases where at trial stage proceedings are stayed by the higher court i.e the High Court or a court below the High Court, as the case may be. In all pending matters before the High Courts or other courts relating to PC Act or all other civil or criminal cases, where stay of proceedings in a pending trial is operating, stay will automatically lapse after six months from today unless extended by a speaking order on above parameters. Same course may also be adopted by civil and criminal appellate/revisional courts under the jurisdiction of the High Courts. The trial courts may, on expiry of above period, resume the proceedings without waiting for any other intimation unless express order extending stay is produced”.

Further the Registrar Vigilance J&K High Court shall monitor the implementation of this circular and place quarterly reports in this regard before Hon’ble the Chief Justice.

By order.

226/4/18.
(Sanjay Dhar)
Registrar General

No: 2691-2717/SCS **Dated:** 26/4/18

Copy of the above forwarded to:-

1. Principal Secretary to Hon’ble the Chief Justice, High Court of J&K, Jammu for information of his Lordship.
2. Registrar Vigilance, High Court of J&K, Jammu.
3. Registrar Judicial, High Court of J&K, Jammu/Srinagar.
4. Principal District & Sessions Judge _____ for information and with the request to communicate the Circular to all the Courts located within the district.
5. Incharge NIC for uploading the same on the official website of High Court of J&K.

Registrar General
26/4/18