

CIRCULATED JUDGMENTS-2022

Sr. No.	Name of the Judgment	Act	Citation	Directions/Remarks
1.	In Re: Policy strategy for grant of bail	Section XXIA CrPC, plea bargaining, probation of offenders Act, 1958, Section 320 CrPC	Suomoto writ petition (crl.) No.4 of 2021 order dated 14.09.2022 (SC)	Directions issued with regard to the disposal of criminal cases by resorting to the triple method of plea bargaining, compounding of offences and under the probation of offender Act, 1958.
2.	M/s Patil Automation Pvt. Ltd. And others vs Rakheja Engineers Pvt. Ltd.	Commercial Courts Act, 2015	Civil Appeal No. 5333 of 2022 (arising out of SLP (C) No.14697 of 2021) Order Dated 17.8.2022 (SC)	<ul style="list-style-type: none"> • Section 12A of the Act is mandatory and any suit instituted violating the mandate of Section 12A must be visited with rejection of the plaint under Order VII Rule 11. This power can be exercised even suo moto by the court. • This declaration is effective from 20.08.2022 so that concerned stakeholders become sufficiently informed. • In case, plaints have been already rejected and no

				<p>steps have been taken within the period of limitation, the matter cannot be reopened on the basis of this declaration.</p> <ul style="list-style-type: none"> • If the order of rejection of the plaint has been acted upon by filing a fresh suit, the declaration of prospective effect will not avail the plaintiff. • If the plaint is filed violating Section 12A after the jurisdictional High Court has declared Section 12A mandatory also, the plaintiff will not be entitled to the relief.
3.	Ashima Khetarpal vs Dinesh Setia	Family Law	TA-827-2021 decided on 17.08.2022 (P&H)	Directions issued to the family courts as well as court/ilaqa magistrate, which are seized of with FIR case, proceedings under the protection of women from domestic violence act, to accommodate the respondent husband with

				a single date so that his appearance in all cases is not more than once in one calendar month as and when all the matrimonial cases are so adjourned, when the cases are transferred to a court as requested by the wife.
4.	XYZ vs State of MP	Section 327 CrPC	Crl. Appeal No.1184 of 2022 decided on 05.08.2022 (SC)	Duties and responsibilities of the trial court to deal with the aggrieved person in sexual offences cases before them in an appropriate manner.
5.	Jagjit Singh and another vs State of Punjab	Section 389 CrPC	CRM- 22778-2022 in CRA-D-567-DB-2016 dated 11.07.2022	The accused that has been convicted and sentenced for various imprisonments, his sentence was suspended by High Court during the pendency of the appeal and consequently, he was ordered to be released on bail forthwith on furnishing adequate personal/surety bonds to the satisfaction of the Id. Chief Judicial Magistrate/duty magistrate. However, Id. Magistrate did not act upon the order passed by Hon'ble High Court. It was

				<p>observed that there was no reason for CJM/Duty Magistrate, as the case may be, to not to act upon the order of the court. In case, there was any glaring ambiguity in the order passed by the High court, the court concerned could have sought clarification in that regard and failing which there was inordinate delay in releasing of the accused which is in clear violation of rights to life and personal liberty under Article 21. Courts have to act upon the order, are required to be more sympathetic and considerate qua implementation of bail orders in letter and spirit so as to give speedier relief to the person concerned.</p>
6.	Sewa Singh vs Balwinder Kaur	Section 61 to 63, 68 to 72 of Indian Evidence Act	RSA No.2334 of 2018 decided on 08.07.2022 (P&H)	<ul style="list-style-type: none"> • There is No requirement that the original document must be kept in the record / file of the court. It

				<p>is sufficient to bring the original for the perusal of the court by the party which can be examined and returned by the court while keeping its copy on record.</p> <ul style="list-style-type: none">• Whenever the documents are exhibited in the evidence, the presiding judge is required to record as to whether the primary evidence has been produced or not? If a copy is placed on the file of the court but the primary evidence is shown to the court for comparison which on being examined is found correct, then there is no requirement of keeping the primary evidence on the court file.• A wrong practice has been
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				<p>established by the courts to adjourn the case for cross-examination which not only results in wastage of the precious time of the court but also causes inconvenience to the parties and to the witness.</p> <ul style="list-style-type: none"> The courts can preferably insist upon supply of a copy of the affidavit to the other party, a day or two before the date fixed for evidence so as to grant sufficient opportunity to the opposite counsel to come prepared for cross-examination.
7.	Amit Kumar through LR Sushila Devi vs State of Haryana and another	Section 389 CrPC and 148 NI Act	CRM- 20603 of 2022 order dated 06.07.2022 (P&H)	Principles of law enumerated vis-a-vis section 389 CrPC and Section 148 of N.I. Act.
8.	Kattukandi Edathil Krishanan vs Kattukandi Edathil Valsan and others	Order 20 Rule 18	CA No.6406-6407 of 2010 decided on	<ul style="list-style-type: none"> Once a preliminary decree is passed by the trial court,

			13.06.2022 (SC)	<p>the court should proceed with the case for drawing up the final decree suomoto.</p> <ul style="list-style-type: none">• After passing of the preliminary decree, the trial court has to list the matter for taking steps under order 20 rule 18 of CPC• The court should not adjourn the matter sine die.• There is also no need to file a separate final decree proceedings. In the same suit, the court should allow the concerned party to file an appropriate application for drawing up the final decree.• Needless to state that the suit comes to end only when a final decree is drawn.
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				<ul style="list-style-type: none"> • Therefore, directions were issued for the trial court to list the matter for taking steps under order 20 rule 18 CPC soon after passing of the preliminary decree for partition and separate possession of the property suomoto without requiring initiation of any separate proceedings.
9.	Darshan Singh vs State of Punjab	Section 309 CrPC	CRM-M-27287 of 2020 decided on 27.05.2022 (P&H)	<ul style="list-style-type: none"> • Guidelines laid down in the case of Rajesh Yadav and another vs State of UP were reiterated with regard to the examination of the witnesses. • In view of the guidelines issued by Hon'ble MP High Court in the case of Rambahor Saket and others vs State of MP

				<p>passed in M.C.R.C 322718 of 2018 decided on 04.12.2018, further guidelines had been issued by the Hon'ble High Court to speedy trial and to check delay of recording of prosecution evidence.</p>
10.	Jatinder Singh @ Happy vs State of Punjab	NDPS Act	CRA-S No. 250-SB of 2017 decided on 13.05.2022 (P&H)	<p>Hearing a criminal appeal against the judgment convicting the accused for offence u/s 21 NDPS Act. It was held that with seals of chemical examiner be made on the sample parcel concerned, resultantly leave to a conclusion that the stuff examined and as existing sample parcel, becomes undetectable to bulk, and/or the sample parcel, even it became produced before the Ld. Trial judge concerned, yet for reasons (supra) were tampered and conspicuously for thereon of the seals of the</p>

11.	S.G.Vombatkere vs UOI	Section 124A Indian Penal Code	WP (C) No.682 of 2021 order dated 11.05.2022 (SC)	chemical examiner. Directions issued with regard to the dealing of cases u/s 124A IPC: <ul style="list-style-type: none"> • If any fresh case is registered u/s 124 A IPC, the affected parties are at the liberty to approach the concerned court for appropriate relief. The courts are requested to examine the relief sought, taking into account the present order passed by Hon'ble Supreme Court as well as the clear stand taken by UOI. • All pending trials, appeals and proceedings with respect to the charge framed u/s 124A IPC be kept in abeyance. Adjudication with respect to other sections, if any,
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				could proceed if the courts are of the opinion that no prejudice would be caused to the accused.
12.	In Re: To issue certain guidelines regarding inadequacies and deficiencies in criminal trial	Section 438 & 439 CrPC	SMW (Crl.) No.1/2007 order dated 28.04.2022	Directions were issued by Hon'ble SC with regard to the application for bail. The application for bail in nonailable cases must ordinarily be disposed of within a period of three to seven days from the date of first hearing. If the application is not disposed of within such period, the presiding officer shall furnish reasons thereof in the order itself. Copy of the order and the reply to the bail application or status report (by the police or prosecution) if any, shall be furnished to the accused on the date of pronouncement of the order itself. The bail order should be furnished by the prison authority to the accused.
13.	Kulwant Singh @ Sajanvs State of Punjab	Section 438 & 439	CRM-M-	Guidelines was issued

		CrPC	52620 of 2019 decided on 11.03.2022 (P&H)	with regard to the dealing of bail application (regular/anticipatory) vis-a-vis verification by the parties, Ahlmad as well as prosecution
14.	Sukhdeep Kaur vs State of UT Chandigarh	Minimum time period is prescribed for service of summons/execution of warrants.	CRM-M-33532 of 2019 order dated 17.02.2020 (P&H)	Directions issued to all courts falling within the jurisdiction of Hon'ble Punjab and Haryana High Court to ensure that sufficient time is given to the 'summoning agency/ the police' who has to execute the warrants, normally not less than 10 days for reports on such summons/warrants issued, if the area of service is within the States of Punjab and Haryana, UT, Chandigarh, and Himachal Pradesh, and as regards other States, 15 days would normally be given, for doing the needful except in cases where there is genuine. Urgency, in which case, of course, shorter dates would be given, but by giving cogent reason for

				the same.
15.	<ul style="list-style-type: none"> • Sheela Barse vs State of Maharashtra • Amrik Singh vs State of Punjab • Janki Parshad & another vs State of Haryana 	<ul style="list-style-type: none"> • Article 14, 21 & 39A Constitution of India • Section 64 CrPC 	<ul style="list-style-type: none"> • AIR 1983 SC 378 • 2000(3) RCR (Crl.) 474 • Crl. Misc. No.15670 of 2009 decided on 08.10.2009 	<p>Directions issued for the Magistrates:</p> <ul style="list-style-type: none"> • Whenever a person is arrested and taken into custody by the police without warrant, he has to be immediately informed of the grounds of his arrest as required under Section 50 of the Criminal Procedure Code. • When a person is arrested by the police, the police will give intimation of the fact of such arrest to Legal Aid Cell of District concerned. • Whenever any illegal detention is brought to the notice of Sessions Judge by any person, the Sessions Judge of the District shall make a surprise

				<p>visit of police lock-up to find out whether any person is detained in the police lock-up without being produced before the concerned Magistrate in contravention of Section 57 of the Code of Criminal Procedure and the constitutional provisions as contained in Article 22.</p>
16.	Rajesh Yadav and another vs State of UP	Section 309 CrPC	<p>CrI. Appeal No.339-340 of 2014 decided on 04.02.2022 (SC)</p>	<p>Directions issued to the trial courts to make endeavour:</p> <ul style="list-style-type: none"> • To complete the examination of the private witness of both chief and cross on the same day as far as possible. • The trial courts were further directed to take up the examination of the private witnesses before

				the proceedings with the official witnesses.
17.	Smruti Tukaram Badade vs the State of Maharashtra and another	VWDC (Vulnerable Witness Deposit Scheme)	MA No.1852 of 2020 in Crl Appeal No.1101 of 2019 order dated 11.01.2022 (SC)	Directions issued pertaining to the matter relating to the recording of evidence of vulnerable witnesses in criminal matters.
	Smruti Tukaram Badade vs the State of Maharashtra and another		MA No.1852 of 2020 in Crl Appeal No.1101 of 2019 order dated 08.04.2022 (SC)	Scope of the use VWDC expanded for other jurisdictions including civil jurisdiction, Family Courts, Juvenile Justice Boards and Children Courts. Permission granted for recording the evidence of vulnerable witnesses in cases across all jurisdictions.
18.	In Re: Cognizance for extension of limitation	Covid guidelines	MA No.21 of 2022 in Suo Moto WP (C) No.3 of 2020 (SC)	Certain directions were issued with regard to the calculation of the limitation period due to Covid 19 Pandemic.
19.	Court of its own motion vs UOI	Covid guidelines	CWP PIL 77 of 2021 (P&H)	In the order dated 20.01.2022, Interim order dated 10.11.2021 to be continued till the next date of hearing i.e. 24.02.2022.

				In the order dated 24.02.2022, directions were issued on 20.01.2022 in view of sudden and alarming search in the number of people who had been tested Covid positive. Interim directions issued by the court on 28.04.2021 were restored as modified from time to time except direction No.8 which was deleted.
				Order dated 07.03.2022 wherein all the interim orders passed by this Court are hereby withdrawn and the petition is disposed of with an observation that it may be taken up again in case any occasion arises.
20.	Suresh Chand vs Ajit Singh Dahiya	Indian Penal Code &CrPC	CRM-M-48159 of 2021 Decided on 17.12.2021 (P&H)	The Court at first instance while avoiding multiple sentences of imprisonment in a trial, must specify, in clear terms, as to whether the said sentences would run consequently or concurrently and in case, they were to run

				consequently, the order (sequence) in which they seem would run.
21.	Rajbir vs State of Haryana	NDPS Act	CRM-M-25786-2021 decided on 30.11.2021 (P&H)	It was held that “Ganja-patti” would fall within the definition of Section 2(iii)(b) NDPS Act. The expression “Ganja-patti” used by the police cannot confer any right upon the petitioners to escape from the definition of Ganja.
22.	Sakina Begum vs State of Haryana	Sections 452-458 CrPC	CRM-M-46709-2019 decided on 22.11.2021 (P&H)	Directions issued with regard to constitution of the Committee in each Sessions Division headed by the Chief Judicial Magistrate in each District with the Ilaqa Magistrate having the jurisdiction of the area of concerned Police Station, as one of the members and Advocate from Bar Association to dispose of the unclaimed vehicles lying in the police station for period of one year as on 01.11.2021 in the first instance.