

HIGH COURT FOR THE STATE OF TELANGANA :: HYDERABAD

ROC.NO. 737/SO/2019

Dt.14.08.2019

CIRCULAR No.17/SO/2019

Sub: Courts – Criminal – Strict adherence of Sections 82, 83 followed by Section 299 of the Code of Criminal Procedure, 1973 in the cases where accused are absconding and NBWs are remain unexecuted – Instructions – Issued.

- Ref: 1) High Court's Circular in Roc.No.946/SO/1978, dt.28.08.1978 (Page No.135 of Volume-I of Codification of Circulars)
- 2) High Court's Circular in Roc.No.3213/98/OP.Cell-E, dt.12.10.1998.
- 3) High Court's Circular in Roc.No.1061/OP Cell-E/2005, dt.26.07.2005.
- 4) High Court's Circular in Roc.No.364/OP Cell/2018, dt.10.01.2018.

Attention of all the Unit Heads and Judicial Officers in the State is invited to the Circular Instructions in the reference cited (enclosed) and for adherence to Sections 82 and 83 followed by Section 299 of Code of Criminal Procedure, 1973 and Rules 19 to 23 of Criminal Rules of Practice and Circular Orders, 1990 while dealing with criminal cases where the accused are absconding and NBWs. remain unexecuted for long time. The High Court considering that it is not conducive to the administration of criminal justice to keep on file the old criminal cases for non-execution of NBWs. instructed the Judicial Officers working on criminal side to pursue the progress of execution of NBWs. constantly, taking recourse to the appropriate provisions of law, holding periodical review meeting with the concerned Police Officials, but a recent report of pending NBWs. gives a gloomy picture showing total pendency of about 33594 NBWs. in the State as on 30.06.2019. This alarming situation calls for taking expeditious and effective steps for reducing the pendency of NBWs., securing the disposal of all such old cases ensuring zero pendency of 5 years old cases.

Therefore, while reiterating the above Circular Instructions, all the Presiding Officers of the Criminal Courts at all levels in the State are directed to resort to the procedure prescribed under Sections 82, 83 and 299 Cr.P.C. and Rules 19 to 23 of Criminal Rules of Practice, and whenever the Court has reason to believe that the accused are absconding, and there are no reasonable prospects of their apprehension in the near future as contemplated under Section 82 Cr.P.C., proceed in accordance with law, record the evidence under Section 299 Cr.P.C., and take necessary steps to transfer them to the long

pending case register after following the procedure, ensuring the disposal of old cases, achieving the target of 5+0.

All the Unit Heads are, therefore, directed to remind and monitor the Judicial Officers in their respective Units, to take steps necessary for due execution of NBWs. in coordination with the police officials and prosecuting agency. They shall also take steps to convert/transfer such cases as long pending cases (LPCs.) in accordance with law where execution of NBWs., is not possible in the near future.

Any deviation to the above said provisions and the Circular Instructions will be viewed seriously.

Receipt of the Circular will be acknowledged.


REGISTRAR GENERAL
14.8.18

To

All the Unit Heads in the State of the Telangana. {with a request to communicate the same to all the Presiding Officers in their Unit}
The Director, Telangana State Judicial Academy, Secunderabad.
The Section Officers, E-Section and O.P.Cell.

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

Roc.No. 946/SO/78.

Dated 28-8-78.

CIRCULAR

Sub: DISPOSAL OF OLD CRIMINAL CASES in which accused are absconding and where the Police are not returning the warrants of arrest duly executed - Instructions - Issued.

It is seen that sizable number of old criminal cases are pending before Magisterial Courts on account of non-execution of the warrants issued to the Police in respect of the absconding accused.

Under rules 17, 18 and 19 of the Criminal Rules of Practice and Circular orders, 1966 where the presence of the accused cannot be secured within a reasonable time, such cases have to be transferred to the Register of long pending cases after following the procedure prescribed in sections 82, 83 and 299 of the Code of Criminal Procedure, 1973. The High Court considers that it is not conducive to the Administration of Criminal Justice to keep on file old cases for non-execution of warrants. The High Court considers that effective steps should be taken to secure expeditious disposal of all such old cases.

The Sessions Judges are therefore requested to draw the attention of the Superintendents of Police concerned to all such cases pending for over three months and review the position at the end of each month. If there is no satisfactory improvement either in apprehending the accused or in returning the warrants or in submitting the reports under the sections 82 and 83 of the Code, the Sessions Judges are requested to send consolidated reports to the High Court every month to enable the High Court to take up the matter at appropriate level.

J.276-12

REGISTRAR.

HIGH COURT OF ANDHRA PRADESH : AT HYDERABAD.

Rec.No.3213/98/OP,CELL-E.

Dated: 12-10-1998.

C I R C U L A R

Sub : COURTS - Criminal - Alarming pendency of
N.B.Ws - Remedial steps - Instructions -
Issued - Reg.

A recent study of the pendency of N.B.Ws, in all the Criminal Courts in the State gives a gloomy picture, showing a total pendency of N.B.Ws. of about 53,593, as on 31-7-1998. This alarming situation calls for taking appropriate steps for reducing the pendency.

Hence, all the Unit Heads are instructed to review the situation at their level by taking necessary steps. They are further instructed to inform the High Court, within two weeks from the date of receipt of the Circular, with regard to the steps taken for the reduction of the pendency of N.B.Ws., the targets achieved by taking such steps, the broad reasons for the pendency and the remedial measures, by way of suggestions for reducing the pendency.

They are also instructed to pursue the progress constantly by taking recourse to appropriate provisions of law and by holding periodical review meetings with the concerned officials and to inform the progress, separately, while submitting the periodical statements.

Receipt of the Circular may be acknowledged.

To:

All the Unit Heads in the State.
The Metropolitan Sessions Judges at Hyderabad,
Vijayawada and Visakhapatnam.

Copy to : The Special Officer,
High Court of AP, Hyderabad
(for codification purpose).

REGISTRAR (VIGILANCE).



HIGH COURT OF ANDHRA PRADESH :: HYDERABAD

Roc. No.1061/OP Cell-E/2005

dt.26.07.2005

CIRCULAR

Sub: Courts - Criminal - Strict adherence of sections 82, 83 followed by Sec. 299 of the Code of Criminal Procedure, 1973 in the cases where accused are absconding and NBWs are remain unexecuted - instructions - issued.

Ref: High Courts Circular Roc No.946/SO/1978, dt.28.08.1978 (Page No.135 of Volume-I of Codification of Circulars).

The High Court has noticed that NBWs are pending un-executed in large number of criminal cases for a long time in the State that too for more than a decade. It is so even in P.R.C. and Sessions cases. The cases are being adjourned from time to time without resorting to the procedure contemplated under Sections 82 and 83 of Cr.P.C. The common reason that is being assigned is that the warrant is not returned. In this connection, the attention of the Presiding Officer of the Criminal Courts is draw to sec. 82 of Cr.P.C. which prescribes that whenever criminal court has reason to believe that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such court may publish a written proclamation requiring him to appear. So return of warrant is not a *sine quo non* for initiating action against the accused under sec.82 Cr.P.C. When a warrant is pending for a long time un-executed, that fact itself is sufficient to show that the accused has been absconding. Even otherwise, the police can be directed to return the warrant if the accused is absconding and the criminal courts can proceed as per the procedure prescribed under sec. 82 and 83 of Cr.P.C.

The attention of the Presiding Officers of the Criminal Courts is also drawn to Section 299 Cr.P.C. where under they are expected to record the statements of the witnesses, where the accused are absconding in order to preserve the evidence. If the cases are kept pending for long time on the ground that the warrants are not executed or not returned naturally, the object of preserving the human testimony fails as the witnesses may not survive or their memories may fail.

It is also noticed that "long pending cases register" is not maintained by the Sessions courts and Assistant Sessions Courts. In this connection, the attention of the Sessions Courts are drawn to Rule 23 of Criminal Rules of Practice, which speaks about the procedure to be followed by the Sessions Judge where accused are absconding after committal of the case. It further shows that Rules 19 to 22 are equally applicable to the Sessions Courts also and also about the recording of evidence of witnesses under section 299 Cr.P.C.

Therefore, all the Presiding Officers of the criminal courts at all levels in the State are directed to resort to the procedure prescribed under sections 82, 83 and 299 Cr PC and whenever the court is reason to believe that the accused are absconding and there is no reasonable prospectus of their apprehension in near future as contemplated under sec.82 Cr PC irrespective of the fact whether the warrants are returned or not. If once the court comes to such conclusion, it can direct the police to return the warrant and even without waiting for the same, can proceed under section 82, 83 and 299 Cr PC. All the criminal courts including the Sessions Courts are directed to maintain the long pending registers and remove the cases from the regular register and transfer them to the long pending register, after following the procedures.

Any deviation to the above said provisions and this circular will be viewed seriously.

Receipt of this circular shall be acknowledged.


REGISTRAR (Admin.)
FAC REGISTRAR (Vigilance)

To

1. ALL THE UNIT HEADS IN THE STATE OF A.P.,
(with a request to communicate the same to all the Presiding Officers in the District)
2. All the Personal Secretaries to the Hon'ble Portfolio Judges
(with a request to place the same before their Lordships for perusal)
3. The Director, A.P. Judicial Academy, Secunderabad
4. The Section Officer, Special Officer Section, High Court of A.P., (for codification)

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATES OF TELANGANA AND ANDHRA PRADESH

ROC.No. 364 /OP Cell/2018

Dated: 01.12.2018.

CIRCULAR

Sub:- Courts - Criminal - Disposal of Old Cases making zero pendency of 5 year old cases - Achieving the target of 5+ 0 - Execution of Non-bailable Warrants - Taking steps for converting the cases as long pending cases (LPCs), where execution of warrants is not possible - Regarding.

Ref:- 1) ROC No.4213/OP Cell/2017, dated 17.07.2017.
2) ROC No.4213/OP Cell/2017, dated 1.09.2017.

Attention of all the Unit Heads and all the Judicial Officers working in both the States of Telangana and Andhra Pradesh is invited to the circular instructions in the reference cited, to achieve the target of 5+ 0 pendency by 31.3.2018. Hon'ble Judges of the Arrears Committee in the meeting held on 21.12.2017 considered the statistical data and noted the fact that non-execution of non-bailable warrants is one of the major bottlenecks for non-disposal of Pre-2012 cases, and in view of the assurances given by the Directors General of Police of both the States during the recent video conference held by the Hon'ble The Acting Chief Justice, for execution of non-bailable warrants directed the Registry to monitor the execution of NBWs and take steps to convert the cases where execution of warrants is not possible as long pending cases (LPCs).

All the Unit Heads in both the States are therefore directed to remind the Judicial Officers in their respective Units to take steps necessary for due execution of Non-bailable Warrants in coordination with the police officials and prosecuting agency. They shall also take steps to convert the cases where execution of warrants is not possible, as long pending cases (LPCs).


REGISTRAR (JUDICIAL)

To

All the Unit Heads (with a request to circulate to all the Judicial Officers in their Unit).

Copies to:

The Registrar General and all the Registrars, High Court at Hyderabad.