

RJ No.169/2023

High Court of Karnataka,
Bengaluru,
Dated: 01.09.2023

CIRCULAR

The Hon'ble High Court while disposing of CrI.P.No.6243/2023 (Ansu @ Ansar Ali Vs. State of Karnataka) vide order dated 10.08.2023 has observed that though the witnesses were present before the Sessions Court during trial, the Court has adjourned the matter at the request of learned counsel for the accused without assigning any reason and thereby mandate under section 309 of Cr.P.C is violated. In the said order, the mandate of Hon'ble Supreme Court of India in the rulings in **State of U.P. Vs. Shambunath Singh and others reported in AIR 2001 SC 1403 and Rajdev Sharma (II) Vs. State of Bihar reported in (1997) 7 SCC 504**, in respect of strictly complying with section 309 of Cr.P.C is noted. Further, the Hon'ble High Court before concluding has passed directions and the relevant portion of which reads as under:

"13. The case status produced by the learned Senior Counsel reveals that though C.Ws.1 and 2 were sent back by the trial Court without examining them, but once again, the summons was issued only to C.W.1, which reveals that the trial Court being a Sessions Judge has not fixed the trial as per Chapter XVIII of Cr.P.C. and issued summons to C.W.1 like a warrant trial before the Magistrate. In view of the judgments of the Hon'ble Supreme Court cited supra, it is necessary for this Court to issue a direction to the trial Court to dispose of the case by fixing the trial on day-today basis, without sending back the witnesses. In view of the above observations, the petitioner has not made out a fresh ground for granting bail.

Accordingly, the petition filed by the petitioner accused No.1 is hereby dismissed.

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It is observed by this Court in various cases that learned counsels for the accused are approaching this Court for the grant of bail on the ground that there is delay in conducting the trial by the Sessions Court. And it was observed by this Court that most of the sessions judges are not conducting the trial with letter and spirit by following the mandate of the Hon'ble Supreme Court and as per Chapter XVIII of Cr.P.C. by conducting the trial on day-today basis by following Section 309 of Cr.P.C.

Therefore, the Registrar Judicial is directed to circulate the copy of this order to all the trial Courts with a direction to conduct the sessions trials on day-today basis by following the procedure prescribed in Chapter XVIII of Cr.P.C."

In view of the above, as directed, all the Courts dealing with Sessions trial in the State are hereby directed to strictly conduct the trial with letter and spirit by following mandate of the Hon'ble Supreme Court of India and as per Chapter XVIII of Cr.P.C by conducting the trial on day-today basis by following Section 309 of Cr.P.C. Any lapse in this regard, will be viewed seriously.

BY ORDER OF HON'BLE THE CHIEF JUSTICE

11. 
REGISTRAR (JUDICIAL)

To:

1. The Registrar General/ Registrar (Vigilance)/ Registrar (Recruitment) /Registrar (Administration)/ Registrar (Infra & Maintenance) / Registrar (Protocol & Hospitality) / Registrar (Computers).

2. The Director, Karnataka Judicial Academy, Bangalore.
3. The Additional Registrar General/ Additional Registrar (Judicial), High Court of Karnataka at Dharwad and Kalaburagi Benches.
4. The Central Project Co-ordinator (CPC), with a request to web-host the circular.
5. The Assistant Registrar, District Judicial Administration-I Branch (DJA-1), High Court Building, Bengaluru – with a request to circulate the order to all the Sessions Court in the State.
6. Office Copy.

