

Questions which may arise on conferring power to Courts of the Additional District & Sessions Judges, situated at the outlying stations, for receiving, registering, hearing and disposing the Sessions cases, Criminal Appeals, Criminal Revisions, Bail Applications and Civil Appeals:

Q.1. If a case is transferred from ADJ court situated at the outlying stations to the headquarter for any reason, there is a possibility that same case number is already allotted to another case?

A. Firstly, it will not make any difference because the identity of a case is related to its CNR Number. CNR Number of two cases cannot be same. Hence, the case would be identified by its CNR Number. In every order/order-sheet, CNR Number must be mentioned and correct data should be entered in CIS, so that, trail of the case may be searched accurately.

When a case is transferred, its disposal in the CIS by the Transferring Court must be mentioned as, **'Disposal By Transfer'**.

Q.2. If ADJ Court at outlying station is lying vacant, as no officer is posted?

A. In case the Court of the Additional District & Sessions Judge at the outlying station is lying vacant, fresh cases falling under territorial jurisdiction of that Court would be received and registered by the Outlying Court. However, for disposal, the case would be transmitted to the District Judge at the headquarters.

As and when the Court of the Additional District & Sessions Judge at that particular outlying station is filled by fresh posting, all such cases, falling within territorial jurisdiction of that Outlying Court of the Additional District & Sessions Judge, would be transmitted to that Court by the District and Sessions Judge at the headquarters.

If the Court of the Additional District & Sessions Judge at the outlying station is lying vacant, it would be the duty of the District Judge to mark cases of that Outlying Court to the competent Courts at the headquarters, so that disposal of these cases may be ensured.

Q.3. If the Presiding Officer of the outlying station is on leave?

A. If urgency is made out by the party for hearing of the case without delay in a fresh or pending case, before the District & Sessions Judge at the headquarter, he would direct the transmission of the case to himself, or to one

of the other Additional District & Sessions Judges, for the limited purpose of hearing the case till the Presiding Officer of the outlying station returns from leave. Thereafter, the case would be transmitted back to the Presiding Officer of the outlying station for hearing.

Q.4. Whether the notifications issued have curtailed the power of the District Judges, as prescribed under Section 24 CPC & 408 Cr.P.C.?

A. No. These Notifications nowhere curtail the powers of the District Judges prescribed under aforementioned Sections.

The power of District & Sessions Judges under Section 24 C.P.C. and Section 408 Cr.P.C. is unaffected by these Notifications. The District & Sessions Judges may exercise their power u/s 24 C.P.C. & 408 Cr.P.C. in the interest of justice.

Object of these Notifications is to ease out problems being faced by the litigants up to a large extent.

Q.5. If there is more than one Court of ADJ(s) at the outlying station, can the District Judge transfer cases between them?

A. Yes. In order to make a rational and logical distribution of pending cases between two Courts, there is no bar in exercising the power u/s 24 C.P.C. & 408 Cr.P.C. for distribution of work in public interest and expeditious disposal of cases.