



सत्यमेव जयते

UTTARAKHAND COURT NEWS

(A Quarterly News letter)

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High Court of Uttarakhand, Nainital

EDITORIAL BOARD

Hon'ble Mr. Justice Prafulla C. Pant
Hon'ble Mr. Justice Sudhanshu Dhulia

COMPILED BY

Ram Singh, Registrar General, High Court of Uttarakhand

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Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India and Executive Chairman, National Legal Services Authority, laying the foundation stone of ADR center at District Uttarkashi on 05.6.2012 in the benign presence of Hon'ble Mr. Justice Barin Ghosh, Chief Justice, High Court of Uttarakhand

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UTTARAKHAND HIGH COURT

LIST OF JUDGES (As on 30th June, 2012)

SL. No.	Name of the Hon'ble Judge	Date of Appointment
1.	Hon'ble Mr. Justice Barin Ghosh (Chief Justice)	12.08.2010
2.	Hon'ble Mr. Justice Tarun Agarwala	25.09.2009
3.	Hon'ble Mr. Justice Prafulla C. Pant	29.06.2004
4.	Hon'ble Mr. Justice B. S. Verma	15.07.2004
5.	Hon'ble Mr. Justice V.K. Bist	01.11.2008
6.	Hon'ble Mr. Justice Sudhanshu Dhulia	01.11.2008
7.	Hon'ble Mr. Justice Servesh Kumar Gupta	21.04.2011
8.	Hon'ble Mr. Justice Umesh Chandra Dhyani	13.09.2011

* * * * *

*Barin Ghosh*

CHIEF JUSTICE
HIGH COURT OF UTTARAKHAND

Nainital – 263001
July 06, 2012

MESSAGE

On 5th June, 2012 Hon'ble Mr. Justice Altamas Kabir, Judge Supreme Court and Executive Chairman, National Legal Services Authority laid the foundation stone of ADR centre at Uttarkashi and simultaneously therewith opened the temporary ADR centre at the existing structure of the District Court as available. It gives me a great pleasure to inform you all that on that day itself nine cases were sorted out finally, through mediation conducted by the local mediators. A great emphasis is being given for making mediation a success. For that, amendments have been effected to a part of the Mediation Rules. Members of the Judiciary have also been given impetus for sending more matters for mediation and for ensuring settlement through mediation. Today, I invite you all to join the people of Uttarakhand to make mediation a success.

At the same time, I once again remind us that we have set ourselves a goal that the matters/cases/ suits, instituted in one court on or before 31st December, 2007 have been decided finally by that court on or before 31st December, 2012.

With warm regards,

(Barin Ghosh)

TRANSFERS, PROMOTIONS & APPOINTMENTS OF JUDICIAL OFFICERS

SL.NO.	Name of the Judicial Officer	From	To	Date of Order
1.	Sri Arvind Kumar, Additional District & Sessions Judge/3 rd F.T.C.	Udham Singh Nagar	Additional District & Sessions Judge/ 1 st F.T.C., Kashipur	05-05-2012
2.	Sri Vinod Kumar Burman, Civil Judge (Jr. Div.)	Ranikhet	Civil Judge (Jr. Div.), Almora	05-05-2012
3.	Sri Sudhir Kumar Singh, Civil Judge (Jr. Div.)	Almora	Civil Judge (Jr. Div.), Ranikhet	05-05-2012
4.	Sri Sikand Kumar Tyagi, Judge, Family Court	Nainital	1 st Additional District & Sessions Judge, Udham Singh Nagar	15-06-2012

* * * * *

INSTITUTION, DISPOSAL AND PENDENCY OF CASES

➤ **HIGH COURT OF UTTARAKHAND (from 01.04.2012 to 30.06.2012)**

Institution (01.04.2012 to 30.06.2012)						Disposal (01.04.2012 to 30.06.2012)			Pendency (At the end of 30.06.2012)		
Civil Cases	Criminal Cases	Total Institution	Civil Cases	Criminal Cases	Total Disposal	Civil Cases	Criminal Cases	Total Pendency at the end of 30.06.12			
2104	1382	3486	1991	1369	3360	14105	6528	20633			

Institution (01.04.2012 to 30.06.2012)						Disposal (01.04.2012 to 30.06.2012)			Pendency (At the end of 31.03.2012)		
Civil Cases	Criminal Cases	Total Institution	Civil Cases	Criminal Cases	Total Disposal	Civil Cases	Criminal Cases	Total Pendency			
						13992	6515	20507			

➤ District Courts (From 01.04.2012 to 30.06.2012)

SL. No	Name of the District	Civil Cases				Criminal Cases				Total Pendency at the end of 30.06.12
		Opening Balance as on 01.04.12	Institution from 01.04.12 to 30.06.12	Disposal from 01.04.12 to 30.06.12	Pendency at the end of 30.06.12	Opening Balance as on 01.04.12	Institution from 01.04.12 to 30.06.12	Disposal from 01.04.12 to 30.06.12	Pendency at the end of 30.06.12	
1.	Almora	686	249	243	692	1282	461	550	1193	1885
2.	Bageshwar	109	37	39	107	256	174	127	303	410
3.	Chamoli	397	95	88	404	706	747	452	1001	1405
4.	Champawat	170	49	42	177	870	540	582	828	1005
5.	Dehradun	12765	2605	2396	12974	56631	14322	10092	60861	73835
6.	Haridwar	7896	1309	1184	8021	24922	7074	6548	25448	33469
7.	Nainital	2749	1007	1017	2739	8399	3469	3472	8396	11135
8.	Pauri Garhwal	1299	166	253	1212	2032	665	760	1937	3149
9.	Pithoragarh	297	104	72	329	621	403	370	654	983
10.	Rudraprayag	166	58	54	170	306	501	400	407	577
11.	Tehri Garhwal	472	312	301	483	1187	676	759	1104	1587
12.	U.S.Nagar	4380	1003	993	4390	22934	8565	9375	22124	26514
13.	Uttarkashi	364	111	118	357	744	363	437	670	1027
	Total	31750	7105	6800	32055	120890	37960	33924	124926	156981

* * * * *

Circular Letters/ Notifications

(issued recently)

• C.L. No. 04/UHC/Admin. A/ 2012

Dated: May 08, 2012.

Subject: Regarding correspondence with the Court.

Sir,

It is noticed that despite repeated directions of the Court most of the officers are still corresponding with the Court in Hindi, causing unnecessary inconvenience.

Hon'ble the Chief Justice is pleased to direct that not to correspond with the Court in any other language except English, in future.

You are, therefore requested to ensure the compliance.

Registrar General

• C.L. No. 05 /XVII-22/ D.R. (I)/2012

Dated: June 15, 2012.

**Subject: QUANTUM OF WORK FOR JUDICIAL OFFICERS FOR REFERRING/
DECIDING THE CASES THROUGH MEDIATION.**

Sir,

In continuation of C.L.No. 5/X-b-16/Ins/2004 dated 2.4.2004 regarding quantum of work for judicial officers, I have been directed to inform you that in order to promote mediation activities in the State and settlement of cases through mediation, Hon'ble Court has decided to provide credit to Judicial Officers on the following basis:

- | | | |
|------|--|-----------|
| (i) | Upon referral of case | 1/20 days |
| (ii) | Disposal of case on the basis of
Successful mediation | 1 day |

The above prescribed outturn shall be applicable for the year 2012-2013 and onwards

Registrar General

• C.L. No. 06 /XVII-23/ D.R. (I)/2012

Dated: 16 June, 2012.

Subject: Amendment in the formats of monthly statements for Subordinate Courts.

Sir,

In suppression of all the previous circular letters regarding submission of monthly, quarterly & half yearly statements from the subordinate courts, the Hon'ble Court has issued the following directions:

1. Quarterly & Half yearly statements be not sent to this court.
2. Monthly statements from Magisterial Courts, Civil Court & Court of District & Addl. District Judges etc. be sent in the new format enclosed herewith (statement no. A1 to A5 and B1 to B4).

You are therefore, requested to send the monthly statements in the new format from the month of July 2012 onwards.

Registrar General

Note : Proforma of Statements-see next page and onward.

* * * * *

A. MONTHLY STATEMENTS FOR MAGISTERIAL COURTS
Statement no. AI

Consolidated Statement showing the pendency and disposal of Criminal cases in the Magisterial Courts

Name of the courts.	Nature of the cases.	Pending from the last month.	Institution			Total of columns 3 to 6	Disposal			Total columns 8 to 10	Pending at the close of the month.	Total working days	Total work done	Percentage	Stayed by the Superior Courts	
			Original Institution	Received by transfer	Other wise		After full trial	Other wise	By transfer							
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	
1-	Cases under Section 302 IPC															
	Police Challani															
	Complaint Cases															
	Cases under Prevention of Food Adulteration Act															
	Traffic Cases															
	Other Criminal cases															

Prepared by:

Checked by:

Signature of Presiding Officer

Statement no. A2

Consolidated Statement of cases relating to Senior Citizens, Under trial prisoners and Crime against women pending in the Magisterial courts

Nature of the case	Pending at beginning of the month		Instituted during the month		Total		Disposal during the month		Pending at the end of the month		REMARKS
	No. of Cases	No. of persons	No. of Cases	No. of persons	No. of Cases	No. of persons	No. of Cases	No. of persons	No. of Cases	No. of persons	
1	2	3	4	5	6	7	8	9	10	11	12
SENIOR CITIZENS UNDER TRIAL PRISONERS CRIME AGAINST WOMEN											

Prepared by:

Checked by:

Signature of Presiding Officer

Statement no. A3

Statement showing the yearwise breakup of criminal cases pending in the court of

Type of cases	Year												Total		
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018			
Cases under Section 302 IPC															
Police Challani															
Complaint Cases															
Cases under Prevention of Food Adulteration Act															
Traffic Cases															
Other Criminal cases															

Prepared by:

Checked by:

Signature of Presiding Officer

Statement no.A4

Statement showing the yearwise breakup of cases disposed by the court ofin the month.....

Type of cases	Year												
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	
Cases under Section 302 IPC													
Police Challani													
Complaint Cases													
Cases under Prevention of Food Adulteration Act													
Traffic Cases													
Other Criminal cases													

Prepared by:

Checked by:

Signature of Presiding Officer

B. CIVIL SIDE MONTHLY STATEMENTS FOR CIVIL COURTS AND COURTS OF ADDITIONAL DISTRICT JUDGES AND DISTRICT JUDGE

Statement no.BI

Statement showing the pendency and disposal of cases in the Court of in the month of

Name of the P.O.	Nature of Cases	Pending from the last month	Institution			Total of columns 3 to 6	Disposal			Total working days	Total work done	Percentage	Stayed by the Superior Courts		
			Original Institution	Recd. By transfer	Otherwise		After full trial	By transfer	Otherwise						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
	OS														
	SCC														
	CA														
	MCA														
	RCA														
	SCCR/RCR														
	CR														
	PPA														
	MACP														
	Election Pet.														
	Land Acquisition cases														
	Matrimonial cases														

Contd.

Statement no. B2

Statement showing the yearwise breakup of cases pending in the court offor the month of....

Type of cases	Year												Total	
OS														
SCC														
CA														
MCA														
RCA														
SCCR/RCR														
CR														
PPA														
MACT														
Election Pl.														
Land Acquisition cases														
Matrimonial cases														
Misc.														
Executions														
Total of Civil cases														
ST under Section 302 IPC														
Other ST cases														
Crl. App.														
Crl. Rev.														
Crl. Misc.														
Total of Crl. cases														
Grand Total														

Prepared by:

Checked by:

Signature of Presiding Officer

Statement no.B3

Statement showing the yearwise breakup of cases disposed by the court ofin the month.....

Type of cases	Year												Total	
OS														
SCC														
CA														
MCA														
RCA														
SCCR/RCR														
CR														
PPA														
MACT														
Election Pt.														
Land Acquisition cases														
Matrimonial cases														
Misc.														
Executions														
Total of Civil cases														
ST under Section 302 IPC														
Other ST cases														
Crl. App.														
Crl. Rev.														
Crl. Misc.														
Total of Crl cases														
Grand Total														

Prepared by:

Checked by:

Signature of Presiding Officer

Statement no.B4

Statement showing the senior citizens, under trials and crime against women in the court ofin the month of.....

Category	Pending at the beginning of the month		Instituted during the month		Total		Disposal during the month		Pending at the end of the month	
	No. of cases	No. of persons	No. of cases	No. of persons	No. of cases	No. of persons	No. of cases	No. of persons	No. of cases	No. of persons
Senior Citizens										
Under trials										
Crime against women										

Prepared by:

Checked by:

Signature of Presiding Officer

Some Recent Judgments of Uttarakhand High Court

FULL BENCH JUDGMENTS:

1. On 20th June, 2012, a Full Bench in *Kanti Prasad Dadpuri and others Vs. State of Uttarakhand and others* [Writ Petition No. 55 of 2011 (S/B)] considered the question as to whether a person officiating on the post of Principal was liable to be paid the salary of the post of Principal w.e.f. the date he take charge as officiating Principal?

The Full Bench observed that the proviso to Regulation 2(1) Chapter II of the Regulations framed under the Uttar Pradesh Intermediate Education Act, 1921 visualizes various situations in which the senior-most teacher of the institution could be promoted as Principal. The Bench observed that the words used under the proviso are "post of the head of institution shall be filled up by promotion of the senior-most qualified teacher". The proviso does not permit the senior-most teacher to look after the work of Principal, but provides for promotion. Therefore, it automatically follows that the promotee is entitled to the benefits of the post of Principal.

The Bench further observed that Regulation 2(3) of Chapter II of the Regulations clarifies that where the vacancy of Principal does not exceed 30 days in that eventuality, the senior-most teacher may be allowed to work as acting head of the institution. The said regulation further provides that he would not be entitled for the salary on the post of Principal when he is allowed to work as the acting head of the institution for a period which does not exceed 30 days.

A combined reading of Regulation 2(1) along with the proviso and Regulation 2(3) of the Regulations leaves no room for doubt that if the vacancy on the post of Principal is for more than 30 days, then the senior-most teacher would be entitled to be promoted and, consequently, would be entitled to all the benefits of the post of Principal, namely, the salary of the post of Principal. With the above observation, the Full bench answered the query in affirmative.

DIVISION BENCH JUDGMENTS:

2. On 17th April, 2012, a Division Bench in *Puran Chandra Pant Vs. State of Uttarakhand* (Criminal Jail Appeal No. 32 of 2009), modified the judgment of the trial Court and substituted the sentence of life imprisonment by ten years imprisonment by accepting the submission of the learned Amicus Curiae on behalf of appellant that it was a case of culpable homicide not amounting to murder and not a case of murder. The Bench observed that the prosecution has failed to prove intention of causing death or causing such injury, which is likely to cause death.
3. On 24th May, 2012, a Division Bench in *Ram Gopal Vs. State of Uttarakhand* (Criminal Appeal No. 51 of 2004), while dismissing the appeal filed by the appellant against the judgment and order passed by the trial court convicting the accused/appellant for the offence under Section 302 I.P.C., rejected the contention of learned counsel for the appellant that prosecution has failed to prove any motive on the part of accused appellant for committing the alleged crime, and observed that even if there is lack of motive, in view of the principle of law laid down by Hon'ble Apex Court in the case of *Mulkh Raj Vs. Satis Kumar, reported in 1992 SCC (Cri.) 482*, it is settled principle of law that though in case of a circumstantial evidence, motive bears important significance, but motive always lurks up in the mind of the accused and sometimes it is difficult to unlock it. People do not act wholly without motive. The failure to discover motive of an offence does not indicate its non-existence. The failure to prove motive is not fatal as a matter of law. Proof of motive is never indispensable for conviction, when facts are clear it is immaterial that no motive has been proved. Therefore, absence of proof of motive does not break the link in the chain of circumstances connecting the accused.
4. On 15th June, 2012, a Division Bench in *Pitambar Dutt Joshi and others Vs. State of Uttaranchal and others* [Writ Petition No. 129 of 2007 (S/B)], dismissed the plea raised by the petitioners against prescribing Intermediate qualification for promotion of Kamdar to the post of Mandi Sahayak and to declare the rule as a dead letter on the basis of the legal proposition 'desuetude'.

The Bench referred the precedent of Hon'ble Apex Court rendered in the case of the *State of Jammu and Kashmir Vs. Shri Triloki Nath Khosa and others, reported in (1974) 1 SCC 19*, wherein it was held that employer has every right to decide the qualification required for an employee to be appointed/ promoted.

On the issue of declaring the above rule as a dead letter, the Bench observed that in order to make a law dead letter on the principle of desuetude, one is required to show that the law has not been acted upon for a long period of time and, while the law has not been acted upon, contrary actions have been taken.

The Bench observed that before 10th March, 1995, the principle of desuetude was not applicable in India. By a judgment rendered by the Hon'ble Supreme Court in *Municipal Corporation for City of Pune and another Vs. Bharat Forge Co. Ltd. And others, reported in (1995) 3 SCC 434*, the Hon'ble Supreme Court applied the principle that a law may become dead letter on the principle of desuetude, in India. But the Hon'ble Supreme Court observed that there must be long disuse of the law, but did not spell out what would be the period of disuse to bring a law within the purview of desuetude.

In the instant case the law was made in 1984. The Bench observed that even assuming that for 20 years the same was not applied and contrary practice was adopted, it would not be safe to hold that the said law has become dead letter by reason of the officers of the statutory authority, who were bound by the said law, refused to act in accordance thereto.

SINGLE BENCH JUDGMENTS:

5. On 11th April, 2012, a Single Judge Bench in *Dhan Singh Negi Vs. State of Uttarakhand and other* (Criminal Misc. Application No. 1144 of 2011), while dismissing the petition moved under Section 482 Code of Criminal Procedure, 1973, observed that jurisdiction under Section 482 Cr.P.C., is not an appellate jurisdiction. Two Courts below have applied their minds to the facts of the case, and given concurrent finding of fact. The power under Section 482 Cr.P.C., is required to be exercised to prevent the abuse of process of the Court or otherwise to secure the ends of justice. And the present case in the above facts and circumstances does not fit into either of the two.

6. On 13th April, 2012, a Single Judge Bench in *Nand Kumar and another Vs. State of Uttarakhand* (Criminal Misc. Application No. 574 of 2005) rejected the prayer of applicant for recalling the previous order on the ground that while passing the judgment and order, sought to be recalled, the accused applicants was not represented by a counsel, well conversant with law. The Bench following the principle of law laid down by Hon'ble Apex Court in *Hari Singh Mann Vs. Harbhajan Singh Bajwa, reported in (2001) 1 SCC 169*, wherein the Hon'ble Apex Court while explaining the scope of review under Section 362 and 482 Cr.P.C., categorically held that High Court has no jurisdiction to alter or review its own judgment or order except to the extent of correcting any clerical or arithmetic error, observed that once a matter is finally disposed of, the Court, in the absence of a specific statutory provision, becomes *functus officio* in respect of that matter.
7. On 16th April, 2012, a Single Judge Bench in *Alok Verma Vs. State of Uttarakhand and another* (Criminal Misc. Application No. 669 of 2007) set-aside the order of cognizance passed against the applicant under Section 138 Negotiable Instruments Act, 1881 by observing that although, power of attorney holder can institute a complaint as well as examine himself under Section 200 Cr.P.C. but it is possible only when he is personally aware about the facts and circumstances of the transaction. If it is not so, then it is meaningless to examine the power of attorney holder under Section 200 Cr.P.C. The Bench placed reliance on the precedent of Hon'ble Apex Court in *Shankar Finance and Investments Vs. State of Andhra Pradesh, reported in (2008) 3 SCC (Cri.) 558*.
8. On 20th April, 2012, a Single Judge Bench in *Dr. Vijay Kumar Chatterjee Vs. State of Uttarakhand and another* (Criminal Misc. Application No. 58 of 2005) set-aside the contention of the petitioner that offence, if any, committed by the petitioner was punishable under Section 24 of the Chartered Accountants Act, 1949 so he cannot be forced to face prosecution under Section 420, 467, 468, 471 I.P.C. The Bench placed reliance on the authority of Hon'ble Apex Court rendered in the case of *Institute of Chartered Accountants of India Vs. Vimal Kumar Surana, reported in (2011) 1 SCC 534*, wherein it was held that in such matters simultaneous prosecution, for the offence under Section 24, 24-A and 26 of the Chartered Accountants Act, 1949 as well as for the offence under Section 419, 420, 465, 467, 473 I.P.C., is permitted.

9. On 27th April, 2012, a Single Judge Bench in *Sunil Kunwar Vs. State of Uttarakhand and others* (Writ Petition (S/S) No. 541 of 2012) dismissed the petition moved by the petitioner for his appointment, on compassionate ground, to the post of a Teacher under the Dying in Harness Rules by observing that main object and purpose of the Dying in Harness Rules is to provide an employment, on compassionate ground, to the family of the person, who died in harness, for mitigating the hardship arisen due to death of the bread earner in the family in order to redeem the family in distress. In the instant case the petitioner did not apply within the stipulated time, he never sought any appointment on a class-IV post as was suggested to him by the competent authority and sought himself to be appointed to the post of a Teacher after completing his Post Graduation and most importantly, he was not dependent on the sole income of his deceased mother, and as his father was also a Government servant.
10. On 30th April, 2012, a Single Judge Bench in *Rasheed Ahmad Vs. State of Uttaranchal* (Criminal Revision No. 38 of 2003) set-aside the submission made on behalf of accused that accused being a village Pradhan, was not a public servant and as such, he could not have been convicted for the offence punishable under Section 409 I.P.C. The Bench observed that Section 28 of U.P. Panchayat Raj Act, 1947 envisages the 'Gram Pradhan' to be a public servant within the meaning of Section 21 of I.P.C. Thus, it is crystal clear that in the case of the embezzlement of the government funds, a 'Gram Pradhan' is a public servant.

In the same case, another contention that the Investigating Officer was not examined was also set-aside by the Bench by placing reliance upon a judgment of Hon'ble Apex Court in the case of *Behari Prasad and others Vs. State of Bihar, reported in 1996 SCC (Cri.) 271*, wherein it was held that in every case, it is not necessary to prove the charge sheet/chick FIR or the copy of G.D. by the Investigating Officer. If the case is proved in facts and substance, then these are only the formal documents.

11. On 10th May, 2012, a Single Judge Bench in *Kamal Bahadur Shahi and another Vs. State of Uttarakhand* (Criminal Appeal No. 122 of 2009), reiterated the ratio laid down by Hon'ble Apex Court in *Heera and Another Vs. State of Rajasthan, reported in AIR 2007 S.C. 2425*, wherein it has been held that "Identification tests do not constitute substantive evidence. They are primarily meant for the purpose of helping the investigating agency with an assurance that their progress with the investigation into the offence is proceeding on the right lines. The whole idea of a tes

identification parade is that witness who claims to have seen the culprits at the time of occurrence is to identify them from the midst of other persons without any aid or any source. The test is done to check upon their veracity. In other words, the main object of holding an identification parade, during the investigation stage, is to test the memory of witnesses based upon first impression and also to enable the prosecution to decide whether all or any of them could be cited as eye-witnesses of the crime. The identification proceedings are in the nature of tests and significantly, therefore, there is no provision for it in the code and the Evidence Act. It is desirable that a test identification parade should be conducted as soon as after the arrest of the accused.

12. On 17th May, 2012, a Single Judge Bench in *Harbansh Lal Sharma and another Vs. State of Uttarakhand and another* (Criminal Misc. Application No. 797 of 2007), while quashing the order of cognizance and entire proceedings, observed that the criminal and civil proceedings can proceed together against same act, but the indispensable pre-requisite for the same is that the act should disclose both civil and criminal liability on the part of the accused. Reiterating the principle of law laid down by Hon'ble Apex Court in *Indian Oil Corporation Vs. NEPC India Ltd. & others, (2006) 6 SCC 736*, in which Hon'ble the Apex Court has deprecated the practice of misuse of criminal process in order to put under pressure in civil disputes, the Bench quashed the order of cognizance by observing that the present dispute is purely civil in nature and lodging of FIR is clear abuse of the process of Court.

* * * * *

MAJOR EVENTS AND INITIATIVES

- ❖ **Administrative Conference of District Judges:** In continuation of the Administrative conference held last year, an administrative conference of District Judges and Office equivalent thereto was organized in the High Court conference hall on 12.05.2012. The conference was inaugurated by Hon'ble the Chief Justice Sri Barin Ghosh and all Hon'ble Judges of High Court of Uttarakhand graced the conference with their benign presence. First of all, decisions taken in the Administrative Conference held last year and their follow up was discussed in the conference. All the participating officers took part in the discussion and shared their views and problems being faced by them on administrative side. A healthy discussion was held on various issues and some resolutions were passed.
- ❖ **Laying of Foundation Stone of ADR centre at Uttarkashi:** To resolve the disputes amicably and with the help of alternative dispute resolution method, Central Government and Hon'ble Supreme Court are emphasizing on establishment of Alternate Dispute Resolution Centre in each district. Sufficient budget has been allocated under 13th Finance Commission for this purpose. In this regard, after Hardwar and Udham Singh Nagar, foundation stone laying ceremony of ADR centre was held in District Uttarkashi on 5th of June, 2012. On this auspicious occasion Hon'ble Mr. Justice Altamas Kabir, Judge, Supreme Court of India and Executive Chairman, National Legal Services Authority, Hon'ble Chief Justice Sri Barin Ghosh, Hon'ble Mr. Justice Tarun Agarwala, Sr. Judge and Executive Chairman, Uttarakhand State Legal Services Authority and Hon'ble Mr. Justice Sudhanshu Dhulia were present to grace the occasion by their benign presence.
- ❖ **Recruitment of Ministerial Staff in subordinate judiciary:** There is a huge vacancies in the Ministerial Cadre of subordinate judiciary and due to the shortage of staff day-to-day working of the Courts are adversely affected. In the last recruitment, only 10 candidates for clerical posts could be selected. Now, after some amendments in the Uttarakhand Civil Courts Ministerial Establishment Rules, 2007, process for new recruitment has been initiated.

MAJOR ACTIVITIES OF UJALA

- ❖ **Foundation Training Programme for Newly Appointed A.D.J.(s)**: In November 2011, three direct recruited H.J.S. officers were recruited and they have been appointed as Additional District & Sessions Judges in Uttarakhand. They have undergone two months foundation training programme in the Academy from March 1st to April 30th, 2012. Concluding session of the training programme was addressed by Hon'ble the Chief Justice Sri Barin Ghosh.
- ❖ **Workshops on "Effective Investigation"**: For enhancing the investigation skill of Uttarakhand Police, three five days' workshops on Effective Investigation has been organized in the Academy, first from April 9th 2012 to April 13th, 2012, second from May 1st, 2012 to May 5th, 2012 and third from 1st June, 2012 to 5 June, 2012. Total 86 investigating officers of Uttarakhand Police Department participated in these workshops.
- ❖ **Training Programme for Newly Appointed Additional District & Sessions Judges**: 11 Judicial Officers of Civil Judge (Senior Division) cadre were promoted to Higher Judicial Service in November, 2011 and were appointed as Additional District & Sessions Judges in different districts of Uttarakhand. Their 15 days training programme was conducted in the Academy from 16th April, 2012 to 30th April, 2012.
- ❖ **Workshop on "Negotiable Instruments Act, 1881"**: In the recent era, massive chunk of pending cases in all magisterial courts across the country pertains to 'cheque bounce cases'. The problem of cheque bounce cases is so grave that Hon'ble Law Minister has suggested to create courts of special judicial magistrates, specially for the disposal of these cases. In this backdrop, to sharpen the skill of judicial magistrates in this branch of law, two workshops on Negotiable Instruments Act, 1881 has been organized in the Academy from 19th May, 2012 to 21st may, 2012 and from 23rd June, 2012 to 26th June, 2012. Total 40 Judicial Officers of the State participated in these workshops.

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UTTARAKHAND JUDICIAL AND LEGAL ACADEMY, BHOWALI, NAINITAL

TRAINING PROGRAMME FOR PROMOTED/DIRECT RECRUITED ADDITIONAL DISTRICT & SESSIONS JUDGES



From left: Mr. Mazhar Sultan (Addl. Director, UJALA), Mr. Ajay Chaudhary, Mr. R.D.Paliwal (Director, UJALA), Mr. B.B.Pandey, Ms. Rama Pandey, Mr. Pankaj Tomar, Mr. Kanwar Amninder Singh, Mr. Ram Singh (Registrar General), Hon'ble Mr. Justice Barin Ghosi (Chief Justice), Mr. Arvind Kumar, Mr. Subir Kumar, Mr. Rahul Garg, Mr. Manish Mishra, Ms. Neena Agarwal, Mr. Sushil Tomar, Mr. Brijendra Singh, Mr. Bindhyanchal Singh, Mr. Ambika Pant (Jt. Director, UJALA)