

RAJASTHAN HIGH COURT

No.15/PI/2021

Date- 13.07.2021

CIRCULAR

While suspending the sentence of accused in Criminal Appeals and Revisions, Hon'ble Courts impose a condition in some cases that the accused would appear before the trial court in January/July every year till the appeal is decided but due to various restrictions and other compelling circumstances amid Covid-19 pandemic, some accused persons could not appear before the trial courts.

Hon'ble Rajasthan High Court has taken note of this situation in S.B. Criminal Appeal No. 150/2019 and vide order dated 07.07.2021, it has been observed that a further window of 45 days deserves to be provided to accused for complying with the condition of marking presence before the trial court.

Therefore, considering the overall situation and hardship faced by the accused persons, it is hereby notified that if any accused has failed to mark yearly/periodical presence before the trial court after 15.03.2020 in compliance of the order of Hon'ble Rajasthan High Court suspending sentence of accused in Criminal Appeal or Criminal Revision, a further period of 45 days from the date of this Circular is granted to such accused persons to mark their presence before the concerned trial court and their absence on previous date(s) shall stand exempted. The concerned trial court shall issue notices to accused persons who have failed to appear during this period for the purpose of marking their presence.

If the accused fail to appear even during this period of 45 days, concerned trial court shall report the matter to Hon'ble High Court as directed in the order suspending the sentence.

After failure to mark the presence before the trial court, if Hon'ble Court has issued any specific directions in any case, the same shall prevail and no grace period will be available to the accused in such cases by virtue of this Circular.

The directions issued vide this Circular shall be in continuity and addition to this office earlier Circular No. 14/PI/2021 dated 01.07.2021.

By Order


REGISTRAR GENERAL

Copy forwarded to the following for information and necessary action:-

1. The Registrar Cum Principle Secretary to Hon'ble the Chief Justice, Rajasthan High Court.
2. The Private Secretaries to all Hon'ble Judges, Rajasthan High Court, Jodhpur/ Jaipur Bench.
3. All the District & Sessions Judges with the request to circulate the same amongst all the Presiding Officers of their judgship.
4. Presiding Officers of all the Special Courts and Tribunals.
5. All the Bar Associations through the concerned District & Sessions Judges.
6. Registrar Classification, Rajasthan High Court, Jodhpur to upload the same on the official website of Rajasthan High Court.


REGISTRAR GENERAL