

RAJASTHAN HIGH COURT JODHPUR

CIRCULAR

No. 22/P.I./2025

Date: 26.11.2025

Pursuant to the directions of Hon'ble Supreme Court of India in judgment dated September 22, 2025, in *SLP (Crl) No. 969/2025, Central Bureau of Investigation vs. Mir Usman @ Ara @ Mir Usman Ali*, all the Subordinate Courts are hereby directed that:-

- (1) The proceedings in every inquiry or trial shall be held expeditiously.
- (2) When the stage of examination of witnesses starts, such examination shall be continued from day-to-day until all the witnesses in the attendance have been examined except for special reasons to be recorded in writing.
- (3) When the witnesses are in attendance before the Court, no adjournment or postponement shall be granted without examining them, except for special reasons to be recorded in writing.
- (4) The Court should not grant the adjournment to suit the convenience of the advocate concerned except on very exceptional grounds like bereavement in the family and similar exceptional reasons duly supported by memo. Be it noted that the said inconvenience of an advocate is not a "Special Reason" for the purpose of bypassing the immunity of Section 309 of the Cr.P.C.
- (5) In case of non-cooperation of accused or his counsel; the following shall be kept in mind:-
 - (a) In case of non-cooperation of the counsel, the Court shall satisfy itself whether the non-cooperation is in active collusion with the accused to delay the trial. If it is so satisfied for reasons to be recorded in writing, it may, if the accused is on bail, put the accused on notice to show cause why the bail cannot be cancelled.
 - (b) In cases where the accused is not in collusion with lawyer and it is the lawyer who is not cooperating with the trial, the Court may for reason to be recorded, appoint an amicus curiae for the accused and fix a date for proceeding with cross-examination/trial.
 - (c) The Court may also in appropriate cases impose cost on the accused commensurate with the loss suffered by the witness including the expenses to attend the court.
 - (d) In case when the accused is absent and the witness is present for examination, in that case the Court can cancel the bail of accused if he is on bail. (Unless an application is made on his behalf seeking permission for his counsel to proceed to examine the witness present even in his absence, provided the accused gives an undertaking in writing that,

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he would not dispute, his identity as a particular accused in the case.)

- (6) The Presiding Officer of each Court may evolve the system for framing a schedule of constructive working days for examination of witnesses in each case, well in advance, after ascertaining the convenience of counsel on both sides.
- (7) The summons or process could be handed over to the Public Prosecutor in-charge of the case to cause them to be served on the witnesses, as per schedule fixed by the Court.

It is therefore enjoined upon all the presiding officers of the Subordinate Courts to ensure the above direction and Judgment dt. September 22, 2025, in SLP (Crl) No. 969/2025, Central Bureau of Investigation vs. Mir Usman @ Ara @ Mir Usman Ali in its letter and spirit. A copy of the judgment is enclosed herewith.

BY ORDER

Encl. As above

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REGISTRAR GENERAL

No.Gen/XV/150/2025/2010

Date: 28.11.2025

Copy forwarded to all the District & Sessions Judges with the directions to circulate the same amongst the presiding officers of all the Subordinate Courts of judgeship for compliance.

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