

RAJASTHAN HIGH COURT, JODHPUR

:: C I R C U L A R ::

No. 06 /P.I./2014

Date : 26/2-014

To : All the District & Sessions Judges.
(with the direction to circulate it amongst all
the Judicial Officers posted in their judgship)

Sub. : Regarding strict compliance of the provisions of the
Section 309 of Cr.P.C.

No. Gen./XV/33/2013/2064

Date : 02 June, 2014

Hon'ble the Apex Court while considering Criminal Appeal No. 1735 of 2009 – Akil @ Javed Vs. State of NCT of Delhi - 2013 (2) Cr.L. Law Reporter, (Supreme Court) 148, has expressed deep concern with regard to non-compliance of directions pertaining to Section 309 of Cr.P.C. given earlier in the case of Rajdeo Sharma Vs. State of Bihar and reiterated in State of U.P. Vs. Shambhu Nath Singh and Ors. - (2001) 4 SCC 667.

In compliance of the judgment in Akil @ Javed's case (supra), it is enjoined upon all the Presiding Officers of Subordinate Courts to follow the directions of the Hon'ble Apex Court scrupulously and to strictly adhere to the procedure prescribed in the provisions contained in Section 231 read along with Section 309 of Cr.P.C. in order to ensure speedy trial of cases.

The mandate of Section 309 Cr.P.C is to expedite the proceeding in every inquiry / trial and when the examination of witness has once begun, the same shall be continued from day to day until all the witnesses in attendance have been examined. Examination-in-chief of a witness if commenced on a particular date, the trial judge has to ensure that his cross examination must conclude either on the same date or the next day, if cross-examination is lengthy or can continue on the consecutive dates and no long adjournment must be allowed for cross examination.

When witnesses are in attendance or present, no adjournment or postponement shall be granted, without examining them, except for special reasons to be **recorded in writing**. In the opinion of the Hon'ble Apex Court as expressed in the judgment (supra), at any rate "**inconvenience of advocate**" is not a special reason for bypassing the mandate of Section 309 of the Code. Granting of undue long adjournment on mere asking/requesting by advocates is flout of the mandate of the law which must be stopped.

In rape cases, the inquiry or trial shall, as far as possible, be completed within a period of two months from the commencement of the examination of witnesses.

No adjournment shall be granted for the purpose only of enabling the accused persons to show cause against the sentence proposed to be imposed on him.

To check the unnecessary adjournment and to compensate the other party, on adjournment or postponement, in appropriate cases, may be ordered for the payment of costs.

Further, it is impressed upon you to circulate it amongst all the Judicial Officers posted in your District.

By Order


REGISTRAR GENERAL