

**HIGH COURT FOR THE STATE OF TELANGANA :: HYDERABAD**

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**ROC.NO.394/SO/2020**

**DATED: 07.11.2020**

**NOTIFICATION**

**Sub:** COVID-19 Un-lockdown - Resumption of Physical Functioning of the Subordinate Courts in the State of Telangana by following the SOP dated 08.06.2020– Continuing the present practice of hearing/conducting of trial in respect of pending cases relating to MPs/MLAs before the concerned Courts- Accepting the physical filing of cases across the counter/before the concerned Officer dispensing with 48 hours time or online filing till 31.12.2020 – Modified instructions - Issued.

**Ref:** 1. High Court's Circular in Roc.No.394/SO/2020, dt.16.3.2020  
2. High Court's Notification in Roc.No.394/SO/2020, dt.27.3.2020, 25.4.2020,07.5.2020,29.5.2020,06.6.2020,13.06.2020,27.06.2020, 18.7.2020, 10.8.2020, 03.9.2020,12.9.2020 and 26.9.2020.  
3. High Court's Notification in Roc.No.394/SO/2020, dt.03.10.2020.  
4. High Court's SOP in ROC No.394/SO/2020, dt.08.6.2020.

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Considering the present situation in the State, and the request of the stake holders, and in partial modification of the Notifications in the reference nos. 1 to 3 cited, the following directions are issued to all the Subordinate Courts and Tribunals in the State.

1. The High Court has decided to extend the physical hearing of the matters in all the Courts in the State, except the Courts in Hyderabad Judicial District, by following the SOP dated 08.06.2020 Phase – II instructions upto 30.11.2020, and thereafter, Phase – III instructions upto 31.12.2020, in consultation with the respective Hon'ble Administrative Judges.
2. The Unit Heads of the City Civil Courts Unit at Hyderabad and City Small Causes Courts Unit at Hyderabad are hereby directed to reopen all the Courts in their Unit, by following the SOP dated 08.06.2020 Phase – I instructions.
3. The Presiding Officers of the Courts namely, 1) Metropolitan Sessions Judge at Hyderabad, 2) Special Judge for Trial of Cases against MPs/MLAs at Hyderabad (1 & 2 part of MSJ Unit, Hyderabad), 3) Prl. CBI Judge at Hyderabad, 4) Prl. ACB Judge at Hyderabad, 5) Addl. ACB Judge at Hyderabad, and 6) Court of the Special Judge Under the Prevention of Corruption Act for Speedy Trial of Cases of Embezzlement of Scholarship Amounts in Social Welfare Department etc., at Hyderabad (3 to 6 part of CBI Unit, Hyderabad), are directed to continue the present practice of hearing/conducting of trial in respect of pending cases relating to MPs/MLAs. The Presiding Officers of the above Courts shall take up the hearing/trial of the cases pending against MPs/MLAs before their Courts, as expeditiously as possible, but adhering in letter and spirit to the timeline fixed by the High Court.

P.T.O.

4. The Unit Heads of the Metropolitan Sessions Judge Courts and CBI Courts at Hyderabad are directed to reopen all other Courts in their Unit, except the Courts that are mentioned in paragraph-3, by following the SOP dated 08.06.2020 Phase – I instructions.
5. All the above Unit Heads shall report the daily status to the respective Hon'ble Administrative Judges and to the Registry for further instructions of the Hon'ble High Court, for smooth functioning of the Courts in their Units.
6. It is also decided to dispense with the 48 hours time for scrutiny in respect of matters filed physically. All the concerned are informed that they are at liberty to make the physical filing of cases across the counter/before the concerned officer or online filing, and such matters will be scrutinized and numbered in normal course.
7. With the above modifications, the instructions in the Notifications in the reference 1 to 3 cited extended till 31.12.2020. The reference 4<sup>th</sup> cited SOP dated 08.06.2020 is annexed to this Circular.

  
**REGISTRAR GENERAL**  
7.11/2020

To

- 1) All the Unit Heads in the State of Telangana. {with a request to communicate the same to all the Judicial Officers in your Unit}
- 2) All the Registrars, High Court for the State of Telangana.
- 3) All the Tribunals in the State of Telangana.
- 4) The Member Secretary, Telangana State Legal Services Authority, Hyderabad.
- 5) The Director, Mediation and Arbitration Centre, Hyderabad.
- 6) The Secretary, High Court Legal Services Committee, Hyderabad.
- 7) The Director, Telangana State Judicial Academy, Secunderabad.

# High Court for the State of Telangana

ROC No.394/SO/2020

DATED : 8.6.2020

## Standard Operating Procedure (SOP) – District Judiciary

The Hon'ble High Court had earlier issued guidelines regarding functioning of subordinate courts, tribunals, TSLSA, HCLSC, Mediation and Arbitration Centre and State Judicial Academy. Now considering the present situation of relaxation of lock down, the suggestions put in by various stake holders including all the Unit Heads in the State, the following SOP is issued regarding the functioning of the District Judiciary from 15/06/2020 in the entire State of Telangana except the Units of City Civil Court, Hyderabad, Metropolitan Sessions Judge, Hyderabad, City Small Causes Court, Hyderabad, CBI Courts, Hyderabad and Ranga Reddy Districts headquarters except Thandur and Parigi wherein the lockdown will be extended till 28/06/2020 vide separate notification.

### General Instructions

#### Part –I (Disinfection and Sanitization of Court Premises and other precautions)

- 1) Every day the entire Court premises/complex shall be disinfected between 7.30 AM and 9.30 AM and also after 5.00 PM.
- 2) Mandatory for all the entrants into the court premises including the Judicial Officers
  - a) Test with Infrared guns.
  - b) Wearing of Mask
  - c) Use of Sanitizers kept at the strategic points/places.
  - d) Maintaining physical distance.
- 3) No one with the symptoms of cough, fever, running nose and people with less immunity etc., be allowed to enter into the court complex. Persons with such symptoms be informed to immediately visit nearest Govt. Hospital, and their contact details be obtained, and informed to the nearest Civil Administration by the Nodal Officer.
- 4) Display Boards – Sensitizing the stake holders about COVID-19 precautions such as maintaining Physical distance, Use of Masks/Sanitizers, prohibition of Spitting and congregation in the Court premises.
- 5) The Nodal Officers nominated by Unit Heads are responsible for disinfection/sanitization of the Court building and premises.

- 6) The Unit Heads shall earmark place/counter in the court premises for fresh filing, copy applications, process payment at such places which are close to the entrance in the Complex or at one corner of the court complex so that footfall is reduced into the building. As soon as filing is made acknowledgement be issued, message be sent to the counsel/parties about the status of scrutiny and numbering of the matter on their mobile numbers, if available. Copies of the orders will be issued at the earmarked Copy Application counter in the Court complex.
- 7) There must be a waiting hall for the learned Advocates who are waiting for their turn to address the Court as per the cause list, nearest the Court Hall, with a facility of display board/monitor showing the status of the cases in the Court Hall. Minimum 3 feet distance be maintained between the chairs in the waiting hall and sanitizers be made available.
- 8) No coercive steps be taken or ex parte orders be passed, no warrants are issued against the party or witnesses in the absence of any representation and the matters be liberally adjourned.
- 9) The Unit Heads may constitute a Committee with the Secretary DLSA, Court Manager, and System Assistant to educate and assist all the stake holders including the Advocates in the Unit regarding e-filing and Video Conference. Wherever possible trial proceedings, recording of 164 Cr.P.C. statements shall be resorted through video conferencing by following guidelines issued by the High Court from time to time.
- 10) The Unit Heads in the district headquarters, the Senior Judicial Officer in multiple court complex, and the Presiding Officers in Single Stations shall convene periodical meetings with the learned Advocates/ Office bearers of the Bar Association, and solicit their cooperation in implementation of these guidelines. Non cooperation in implementation of guidelines may result in closure of the Court complex and wherever there is any problem the Unit Head may suspend the functioning of the work under intimation to the High Court. Functioning of such courts will be restored only after obtaining the instructions of the High Court.
- 11) The Unit Heads shall also convene regular meetings with the District Civil and Police Administration, District Medical & Health Officer, and the Bar Association in the Unit, and review the situation from time to time and submit periodical reports to the High Court.

## Reopening of Subordinate Courts Phase wise

Reopening of Subordinate Courts shall be phase-wise keeping in view the footfall in the court complexes.

The reopening strategy will spread over to four phases:

|           |      |                      |
|-----------|------|----------------------|
| Phase I   | from | 15-06-20 to 30-06-20 |
| Phase II  | from | 01-07-20 to 15-07-20 |
| Phase III | from | 16-07-20 to 07-08-20 |
| Phase IV  | from | 08-08-20 onwards.    |

### PHASE-I: 15-06-20 to 30-06-20

Apart from General Guidelines the following guidelines shall be followed during Phase-I period:

- 01 Disinfection of Court complex:** The Court Complexes shall be disinfected everyday with the court staff from 7:30 am to 9:30 am. Specific care has to be taken to disinfect the areas/rooms where there will be footfall during the course of the day. After completion of court work, the municipal authorities will disinfect the entire court complex from 5:00 p.m. onwards. The Unit Head shall direct one of the senior most officer of the Court to coordinate with the municipal authorities and supervise the process of disinfection of the Court Complex.
- 02 Restricted Entry:** Limited numbers of persons are allowed to enter the court complexes. The entry is permissible only to those advocates whose cases are listed in the Courts. All the Advocates, Staff members shall carry ID cards. Except concerned Advocates, Court Officers and Staff others are not permitted inside the court premises. Parties to the cases including the accused, plaintiffs, defendants, Petitioners, respondents etc are not permitted inside the court complexes. Advocates are expected to leave the court premises immediately after attending their work. Advocates over and above 65 years are vulnerable to the virus, hence, they are advised not venture to enter the court complexes. If necessary they may request the concerned court for hearing through video conferencing.
- 03 Mask:** All the persons including Judicial Officers, Advocates, Court Staff, Prosecutors, GPs, Police officials Doctors, Drivers and others entering the Court complexes shall invariably wear a mask. Persons without masks will not be permitted to enter court complexes.



**04 Thermal Screening:** All the persons entering the Court complexes shall invariably undergo thermal testing. Those who are having body temperature of 100 Fahrenheit or more shall not be allowed inside the court complex, and his mobile number and address will be taken and intimated to the Government Medical Officers for follow up action. Unit Heads are required to train and keep a person with proper uniform preferably with Personal Protective Equipments (PPE) to test persons with thermo guns.

**05 Use of Sanitizers:** All the Judicial Officers, officers and staff of the Court, Advocates, and other officials like police, shall while entering the Court premises invariably clean and rub their hands with Sanitizers provided near the Court rooms. Sanitizers will be provided by the Government through Municipal Commissioners, The Unit Head shall coordinate with the agency and see that sufficient number of Sanitizers are made available to staff, advocates and for others who are entering the Court complex.

**06 Social Distancing:** The Advocates, Court staff entering the Court complex shall go to their respective office rooms.

- i) The Judicial Officers shall go to their respective chambers, duly sanitized by the staff in advance and attend the administrative work if any before going to the bench.
- ii) Initially for two weeks 50% of the staff will attend on turn basis. The chairs/Tables in the office will be arranged in such a way that a minimum distance of 3 feet between the chairs is maintained and required physical distance is maintained among the staff members.
- iii) Public Prosecutor/Government Pleader will go to their chambers and entry of the officers to their chambers is restricted. If there is Police liaison officer, he has to represent all police stations and coordinate with PPs. In case if there is no police liaison officer then one of the police officers shall coordinate with PPs. Police department shall be advised to send less number of police staff to the court complexes
- iv) Advocates after entering the premises shall not congregate or loiter in the Court complex. They are required to maintain social distancing. Upon entering the court premises the advocates shall go to their waiting area earmarked until their case is called.

**07 Filing of cases by Advocates and Police:** In addition to the online filing, physical filing shall also be permitted.

- a) For the purpose of physical filing of cases one or more number of centralized filing centers will be opened in the court complexes. Advocate who enter the Court complexes for filing of the cases are not permitted to enter either court halls or office rooms. If an advocate intends to move out of order, he/she will be permitted file the cases directly in the court, as per the practice.
- b) Adequate number of counters shall be set up, preferably, outside the main Court building. The location of the filing counters shall be such that Advocates shall wait in the queue in the open space. The process of physical filing shall be personally supervised by the Administrative Officer in the District Court Complex and in other Courts by the senior-most Superintendent available, to ensure that social distancing and other norms are strictly followed.
- c) As far as possible, separate filing counters shall be opened for Criminal and Civil matters cadre wise such as Jr. Civil Judge, Sr. Civil Judge, District Courts and Family Courts, payment of Court fees and for making applications for issue of certified copies and for supplying of certified copies. Filing shall not be accepted from a person who is not wearing a proper mask and who has not followed norms of physical distancing.
- d) The staff in the filing counter will insist to mention their mobile number, Email ID if available on the *vakalathnama* / pleadings filed for further correspondence only with regard to status of the case.
- e) After scrutiny, as far as possible the intimation shall be sent to the concerned, either for rectification of the objections, or for hearing to their registered mobile number / Email ID.

**08 Posting of Cases:**

The cases to be listed in each of the Courts shall be **limited to only to 20 per day.**

A cause list of the cases to be taken up for hearing will be prepared one day in advance by the Presiding Officers, if necessary, in consultation with Public Prosecutors or Government Pleader, as the case may be, and uploaded in the website of the District Judiciary

The concerned Presiding Officer may use the option of “bulk proceedings” in CIS and assign future date as found convenient in advance, retaining only 20 cases for final hearing / urgent interlocutory/ arguments per day or manually adjourn the matters en-block by making endorsement on the proceedings sheet/docket.

All such adjournments shall be notified and published along with the cause list. Any such case may be taken upon the posting date if the Court is convinced of the urgency. If so taken up, notice shall be given to both the parties.

The list of such cases where the proceedings may be continued in the absence of the parties on Civil side, accused/complainant on Criminal side but in the presence of their counsel is enclosed for the benefit of the officers as **Annexure “A”** and **Annexure “B”**. The category of cases to be taken up, in Phase- I is mentioned hereunder:

**Criminal Cases:** Hearing of bail applications, Cancellation of bail, Condition relaxation petitions, Property return petitions, Final arguments in criminal case or Criminal Revision or Criminal Appeal. Wherever the accused is in judicial custody, the proceedings shall be conducted by way of video conferencing. The Category of cases to be taken up, are mentioned in the following paras. However the Unit Heads are at liberty to include any other type of petition/case which is required to be taken up for hearing and intimate the same to the High Court so that appropriate instruction can be given to other Units as well.

**Civil Cases:** Hearing of all interlocutory applications including applications for grant of interim injunctions, appointment of advocate commissioners, interim mandatory injunctions, Condonation of delay, Execution Petitions (except the cases where presence of party is necessary), attachment petitions, Applications for rejection of Plaints, LR applications, Petitions to receive documents, Petition for sending the documents for payment of deficit court fee, Applications for interim custody of Children, Awarding of maintenance, Visitation rights of one of the spouses etc. The Category of cases to be taken up, are mentioned in the following paras. However the Unit Heads are at liberty to include any other type of petition/case which is required to be taken up for hearing and intimate the same to the High Court so that appropriate instruction can be given to other Units as well.



**09 Entering of the Court Hall:** All advocates and court staff entering the Court hall shall use sanitizer and rub their hands before entering the Court hall. Court halls seating has to be restricted to only 05. Not more than 05 advocates are permitted to enter the court hall. Advocates concerning first two cases are permitted to enter the court hall. Once hearing of a case is over, the advocates pertaining to that case are expected to leave the Court Hall giving room for other advocates waiting in the place earmarked for them. Presiding Officers shall see that minimum number of staff enter the court hall.

**10 Hearing of Cases:**

- a) There shall be **no call work**. Applications seeking exemption from personal appearance of the complainants and accused shall be liberally dealt with in respect of the listed (20) cases per day, and in other cases where call work is dispensed with not to insist the presence of any parties including accused and the complainant. All the cases listed in the Cause List will be taken up by the Court one after the other.
- b) The Courts shall give priority to 5+ year old cases, and time bound cases ordered by the Higher Courts. The family courts shall give priority for petitions like interim maintenance, visiting rights petitions in addition to the hearing of old matters.
- c) If the accused are in Judicial custody, the examination U/s 313 Cr.P.C. may be conducted through Video Conference.
- d) The Presiding Officer is at liberty to organize the Court Work in such a way that the Court is engaged whole day and under no circumstance, total number of persons attending the proceedings shall exceed 5 at any given point of time, excluding the Court Staff.
- e) The Courts falling within the area declared as containment area by the State Government shall conduct the Court proceedings only through video conferencing strictly adhering to the advisory and the guidelines prescribed by the High Court and the Hon'ble Supreme Court.
- f) Petty cases can be taken up for disposal wherever personal appearance is not required, following the procedure in the Cr.P.C. by prescribing a particular time slot by the concerned Magistrate courts.

**11 No Adverse Orders:** Presiding officers are not expected to pass adverse orders in case if party or advocate concerned fails to attend the court. In criminal cases the presence of the Accused shall be dispensed with, and Courts shall not issue Non Boilable Warrants (NBWs). Similarly, no orders dismissing the suit, or appeal be passed even if the advocate on record fails to attend the court.

**12 Bar Association Hall:** Bar Association Hall is the place where Advocates will assemble the most. It is very difficult to maintain social distancing in the Advocate Association Hall. As less number of cases will be posted the advocates are required to spend very little time in the court premises. Hence, the Bar Association Hall will be closed.

**13 Canteen, Shops/ Stalls in the Court Complexes:**

Canteen is the place where most of the Advocates, parties and court staff congregate for taking snacks, lunch, tea, etc. Since social distancing is the norm, it is difficult to maintain the same in the Canteen. Further, the workers of the Canteen will be residing at different places of the city and town, some of them may be asymptomatic for Covid-19, and may become potential carriers of the Virus. Further, if canteen is allowed to run, it will also affect the hygienic condition of the Court Complex. Hence, Canteen and stalls will **remain** closed. Advocates, court staff and others are expected to make their own arrangements.

**14 Not to over stay in the court premises:** All the Advocates, Public Prosecutors, Police Officials, and others are required to leave the court premises soon after their work is over. Staff of the court shall leave the court premises at 5:00 pm so that disinfection work will begin.

**15** At the end of the first two weeks from 15/06/2020, the situation will be reviewed by the concerned courts and Unit Heads at micro level considering the local situations and submit a report to the High Court either for moving to Phase – II or continuing in the Phase – I only for further two weeks. If there is an improvement in the situation, public transport is totally opened, the COVID-19 guidelines are further relaxed, and no positive cases are found in the Unit/District, then considering the report of the Unit Head it will be proposed to move into Phase- II, otherwise the Phase – I will be extended for further two weeks.

**PHASE- II: 01-07-20 to 15-07-20**

Apart from General Guidelines the following guidelines shall be followed during Phase-II period

**01 Restricted Entry:** Limited numbers of persons are allowed to enter the court complexes. The entry is permissible only to those advocates whose cases are listed in the Courts. All the Advocates and Staff members shall carry ID cards. Except concerned Advocates and Court Officers and Staff others are not permitted inside the court premises. Advocates are expected to leave the court premises immediately after the work is over. Advocates over and above 65 years are vulnerable to the Virus and hence it is advised that they may not venture in to the court complexes. Parties to the proceedings are permitted in limited number in respect of cases posted.

**02 Mask:** Similar to Phase-I

**03 Thermal Scanning:** Similar to Phase-I

**04 Use of Sanitizers:** Similar to Phase-I

**05 Social Distancing:** Similar to Phase-I

**06 Filing of cases by Advocates and Police:** Similar to Phase-I

**07 Posting of Cases:** The cases to be listed in each of the Court shall be **limited to 40.**

**Criminal Cases:** Hearing of bail applications, Cancellation of bail, Condition relaxation petitions, Property return petitions, Final arguments in criminal case or Criminal Appeal. Criminal cases which are posted for 239 Cr.P.C., examination, 313 Cr.P.C., and the cases where the number of the left over witnesses are 3 or less than that. Wherever the accused is in judicial custody, the proceedings shall be conducted by way of video conferencing. However the Unit Heads are at liberty to include any other type of petition/case which is required to be taken up for hearing and intimate the same to the High Court so that appropriate instruction can be given to other Units as well.

**Civil Cases:** Hearing of all interlocutory applications including applications for grant of Interim Injunctions, Appointment of Advocate Commissioners, Interim Mandatory Injunctions, Condonation of delay, Execution Petitions, Attachment Petitions, Applications for Rejection of Plaints, LR applications, Petitions to receive documents, Petition for sending the documents for payment of deficit court fee and Cases which are posted for framing of issues, Filing of written statement, Counters in I.As., Written Arguments, etc., and the cases where the number of the left over witnesses are 3 or less than that. However the Unit Heads are at liberty to include any other type of petition/case which is required to be taken up for hearing and intimate the same to the High Court so that appropriate instruction can be given to other Units as well.

**08 Entering of the Court Hall:** All advocates and court staff entering the Court hall shall use sanitizer and rub their hands before entering the Court hall. Court halls seating has to be restricted to only 10. Not more than 10 advocates are permitted to enter the court hall. Advocates concerning first 3 cases are permitted to enter the court hall. Once hearing of a case is over the advocates pertaining to that case are expected to leave the court hall giving room for other advocates waiting in the place earmarked for them. Presiding officers shall see that minimum number of staff enter the court hall.

**09 Hearing of Cases:**

- a. There shall be **no call work**. Applications seeking exemption from personal appearance of the complainants and accused shall be liberally dealt with in respect of the listed (40) cases per day, and in other cases where call work is dispensed with not to insist the presence of any parties including accused and the complainant. All the cases listed in the Cause List will be taken up by the Court one after the other.
- b. The Courts shall give priority to 5+ year old cases, and time bound cases ordered by the Higher Courts. The family courts shall give priority for petitions like interim maintenance, visiting rights petitions in addition to the hearing of old matters.
- c. When there are more accused than one in a case, necessary arrangements shall be made for maintaining physical distancing between the accused while in the dock, wherever their presence is felt essential for continuation of proceedings of the day, such as framing charges/identification of accused, examination of accused U/s 313 Cr.P.C and for Pronouncement of Judgment. However, if the accused are in Judicial custody, the examination U/s 313 Cr.P.C. may be conducted through Video Conference.

- d. The Presiding Officer is at liberty to organize the Court Work in such a way that the Court is engaged whole day and under no circumstance, total number of persons attending the proceedings shall exceed 5 at any given point of time, excluding the Court Staff.
- e. The Courts falling within the area declared as containment area by the State Government shall conduct the Court proceedings only through video conferencing strictly adhering to the advisory and the guidelines prescribed by the High Court and the Hon'ble Supreme Court.
- f. Petty cases can be taken up for disposal wherever personal appearance is not required, following the procedure in the Cr.P.C. by prescribing a particular time slot by the concerned Magistrate courts.

**10 No Adverse Orders:** Similar to Phase-I

**11 Advocates Waiting Hall:** Similar to Phase-I

**12 Bar Association Hall:** Similar to Phase-I

**13 Canteen:** Similar to Phase-I

**14 Not to over stay in the court premises:** Similar to Phase-I

**15** At the end of the first two weeks of Phase – II the situation will be reviewed by the concerned Courts and Unit Heads at micro level considering the local conditions and submit a report to the High Court either for continuing two more weeks in Phase – II or moving to Phase – III following the SOP General Instructions, otherwise Phase – II will be extended for further two weeks, thereafter the situation will be reviewed for further instructions.

**PHASE-III: 16-07-2020 to 07-08-2020**

In continuation of restrictions and measures of Phase-II following modifications on certain aspects are made as under:-

**01 Restricted Entry:** All Advocates and the Advocates' Clerks, Police and medical personnel and other Officers shall be allowed. However, so far as the parties to cases are concerned, only whose cases are listed, they alone be allowed.

**02 Mask:** Similar to Phase-II



**03 Thermal Screening:** Similar to Phase-II

**04 Use of Sanitizers:** Similar to Phase-II

**05 Social Distancing:** Similar to Phase-II.

**06 Filing of cases by Advocates and Police:** Physical filing of cases in the respective courts, instead of earmarked counters for Covid-19, shall be permitted.

**07 Posting of Cases:** The cases to be listed in each of the Courts shall be **limited to only 60**. The cases that will be taken up in Phase- III are as under.

**Criminal Cases:** Hearing of bail applications, Cancellation of bail, Condition relaxation petitions, Property return petitions, Final arguments in criminal case or Criminal Appeal. Criminal cases which are posted for 239 Cr.P.C., examination, 313 Cr.P.C., and the cases where the number of the left over witnesses are 3 or less than that. Wherever the accused is in judicial custody, the proceedings shall be conducted by way of video conferencing. However the Unit Heads are at liberty to include any other type of petition/case which is required to be taken up for hearing.

**Civil Cases:** Hearing of all interlocutory applications including applications for grant of Interim Injunctions, Appointment of Advocate Commissioners, Interim Mandatory Injunctions, Condonation of delay, Execution Petitions, Attachment Petitions, Applications for Rejection of Plaints, LR applications, Petitions to receive documents, Petition for sending the documents for payment of deficit court fee and Cases which are posted for framing of issues, Filing of written statement, Counters in I.As., Written Arguments, etc., and the cases where the number of the left over witnesses are 3 or less than that. However the Unit Heads are at liberty to include any other type of petition/case which is required to be taken up for hearing.


**08 Entering of the Court Hall:** Similar to Phase-II

**09 Hearing of Cases:** Similar to Phase-II

**10 No Adverse Orders:** Similar to Phase-II

**11 Advocates Waiting Hall:** Advocates who are waiting to for their turn shall be asked to wait at particular place preferably place adjacent to the Court Hall so that they can immediately reach the court room when ever their turn comes. Digital display board will have to be placed in the rooms where advocates are expected to wait.

- 12 Bar Association Hall:** Bar Association Hall will be opened for a limited time from 10:15 AM to 2:00 PM only. While using the Bar Association Hall Advocates are required to maintain social distancing.
- 13 Canteen:** Canteen will be opened for a limited time from 10:15 AM to 2:00 PM only. However, except tea and coffee, canteen will sell only pre-cooked items. Canteen will not be permitted to cook regular meals or snacks in the court premises. Number of chairs and tables in the canteen be restricted bare minimum depending upon the size of the canteen. There shall be very limited number of staff allowed to run the canteen. Social distancing shall be maintained even in the canteen. Absolute hygiene is required to be maintained by the canteen contractor. The food inspector of Municipality or the corporation, as the case may be, would be asked to visit the canteen at regular intervals, preferably at least once in a week. Unit Head or Senior most Judicial Officer of the station shall personally visit the canteen and ensure that hygiene is maintained. If social distancing is not maintained or hygiene is compromised, the canteen will be closed immediately.
- 14 Not to over stay in the court premises:** All the Advocates, Public Prosecutors, Police Officials and others required to leave the court premises soon after their work is over. Staff of the court shall leave the court premises at 5 pm so that disinfection work will begin.
- 15** At the end of Phase – III the situation will be reviewed by the concerned Courts and Unit Heads at micro level considering the local situations and submit a report to the High Court either for continuing two more weeks in Phase – III or moving to Phase – IV which is normal, regular Court functioning without any restrictions as found in Phase I, II and III but following the SOP General Instructions, otherwise Phase – III will be extended for further two weeks, thereafter the situation will be reviewed for further instructions.

  
REGISTRAR GENERAL  
8.6.2020

**ANNEXURE – “A”**

**Chart showing the Stages in Civil cases where presence of parties can be dispensed with**

| <b>Party Wise</b> |   |   |
|-------------------|---|---|
| 1                 | Appearance of Plaintiff                         | can be dispensed with <ul style="list-style-type: none"> <li>• So long as he is represented by a counsel.</li> <li>• So long as process is duly paid for service of summons on the Defendant.</li> <li>• Till the matter reaches for his evidence.</li> <li>• Unless the Court directs for his personal appearance for any reason.</li> </ul> |
| 2.                | Appearance of Plaintiff                         | is mandatory <ul style="list-style-type: none"> <li>• To affirm the contents of Chief Examination Affidavit.</li> <li>• For Marking of Documents.</li> <li>• For Cross Examination.</li> <li>• For recording Compromise either under Order XXIII C.P.C or before the Lok Adalat.</li> </ul>   |
| 3.                | Appearance of Defendant                         | can be dispensed with <ul style="list-style-type: none"> <li>• So long as he is represented by a counsel.</li> <li>• In case he files his Written Statement in time.</li> <li>• Till the matter reaches for his evidence.</li> <li>• Unless the Court directs for his personal appearance for any reason.</li> </ul>                          |
| 4.                | Appearance of Defendant                         | is mandatory <ul style="list-style-type: none"> <li>• To affirm the contents of Chief Examination Affidavit.</li> <li>• For Marking of Documents.</li> <li>• For Cross Examination.</li> <li>• For recording Compromise either under Order XXIII C.P.C or before the Lok Adalat.</li> </ul>   |
| 5.                | Appearance of Witness                           | <ul style="list-style-type: none"> <li>• is mandatory for giving evidence before the Court or before the Commissioner, as the case may be.</li> <li>• Is not mandatory if the summonses are given only to produce the document.</li> </ul>  |
| <b>Stage Wise</b> |   |   |
| 1.                | Institution of Suit by Plaintiff                | His presence is not necessary.  |
| 2.                | For Payment of process                          |   |
| 3.                | Appearance of Defendant                         | Presence of Defendant is not required, if he engages counsel to represent his case.   |
| 4.                | Filing Written Statement                        |   |
| 5.                | Filing Rejoinder /Additional Pleadings          | Presence of party is not necessary  |
| 6.                | For hearing on scope of settlement U/O. X C.P.C |   |
| 7.                | For interrogatories/                            |   |

|     |   |  |
|-----|---|--|
|     | Inspection of documents   |  |
| 8.  | For first Hearing/ Framing of Issues  |  |
| 9.  | For disposal of suit on Admission U/O. XII Rule 6 or where the parties are not at issue U/O. XV C.P.C | Presence of party is not necessary   |
| 10. | To commence party's evidence (for both parties)   | Party's presence is necessary <ul style="list-style-type: none"> <li>• To affirm the contents of Chief Examination Affidavit.</li> <li>• For Marking of Documents.</li> <li>• For Cross Examination.</li> </ul>                                  |
| 11. | For Arguments   | Presence of party is not necessary   |
| 12. | Pronouncing or to hear Judgment   |  |
| 11. | For filing any Interlocutory Application  | Presence of party is not necessary   |
| 12. | For recording Compromise under Order XXIII C.P.C or before Lok Adalat.                                | Presence of party is necessary   |
| 13. | For abandonment of claim  | Presence of party is not necessary   |
| 14. | For recording adjustment / Payment  |  |
| 15. | In Execution Proceedings under Order XXI C.P.C  | Presence of party is not necessary except <ul style="list-style-type: none"> <li>• for giving Evidence.</li> <li>• for registration of Documents in Specific Performance Suits.</li> <li>• to obtain physical possession of property.</li> </ul> |

## ANNEXURE – “B”

Chart showing the Stages in Criminal Cases where presence of parties can be dispensed with

|    | Stage of the Case   | Procedural Requirement  |
|----|---|---|
| 1. | Appearance after being released on bail <ul style="list-style-type: none"> <li>• in case of remand production by the Police before the Court</li> <li>• in case of surrender of the accused before the Court</li> </ul> | <ul style="list-style-type: none"> <li>• Presence of the accused is not necessary.</li> <li>• Courts shall not insist for personal appearance of the accused after release on bail till the charge sheet is filed and shall not issue any warrant, in case of his absence. (<b>Rule 30 of Criminal Rules of Practice.</b>)</li> </ul>   |
| 2. | Appearance of the accused for the first time before the Court on receiving summons.   | <ul style="list-style-type: none"> <li>• Usual practice is to insist upon the accused to appear before the Court on the day fixed for his first appearance.</li> <li>• In Law it is not mandatory. <b>Sec. 205 Cr.P.C</b> empowers the Court to dispense with the personal appearance of the accused and to permit him to appear through his pleader.</li> </ul>  |
| 3. | Appearance of the accused to receive copies of the documents relied by the Police U/Sec. 207 Cr.P.C.  | <ul style="list-style-type: none"> <li>• On taking an undertaking memo from the accused, copies can be served on the counsel for accused while following Sec. 205, 317 Cr.P.C.</li> </ul>   |
| 4. | Appearance of the accused to record his plea and for framing charge U/Sec. 239, 240, 244, 245, 251 Cr.P.C. (Before the JMFC)  | <ul style="list-style-type: none"> <li>• Normally for recording the plea of the accused and to frame the charge/notice U/Sec. 239, 240, 244, 245, 251 Cr.P.C., the Courts are insisting for the presence of the accused.</li> <li>• <b>Sec. 205 Cr.P.C</b> empowers the Court to dispense with the personal appearance of the accused and to permit him to appear through his pleader.</li> <li>• The Court may take an undertaking and no objection from the accused and proceed with this step through the counsel for the accused.</li> <li>• Plea of the accused can be recorded through video conferencing in view of the decision of Hon'ble Apex Court in <b>State of Maharashtra Vs. Dr. Praful B.Desai, (2003) 4 SCC 601.</b></li> </ul> |
| 5. | Appearance of the accused for recording Evidence.   | <ul style="list-style-type: none"> <li>• Sec 273 Cr.P.C requires that the evidence is to be recorded in the presence of the accused.</li> <li>• However, the same <b>Sec. 273 Cr.P.C</b> empowers the Court to take the evidence in the presence of the counsel for accused, where his presence is dispensed with U/Secs. 205 or 317 Cr.P.C.</li> <li>• Even otherwise, as per the decision of the Hon'ble Apex Court in <b>State of Maharashtra Vs. Dr. Praful B.Desai. (2003) 4 SCC 601</b>, it is permissible to record evidence on commission or video conferencing. Similar was the view on <b>Manju Devi Vs. State of Rajasthan, (2019) 6 SCC 203.</b></li> </ul>   |
| 6. | Appearance of the accused for recording the examination of the accused U/Sec. 313 Cr.P.C  | <ul style="list-style-type: none"> <li>• Sec. 313 Cr.P.C requires that the incriminating material in the evidence of prosecution is required to be put in notice of the accused and to record his answers therefor.</li> <li>• Examination of the accused U/Sec. 313 Cr.P.C can be conducted through video conferencing mode.</li> <li>• Examination of accused U/Sec. 313 Cr.P.C can be conducted through the advocate in the absence of accused on complying certain terms as per the settled Law.</li> </ul>   |
| 7. | Appearance of the accused for recording defence evidence.   | <ul style="list-style-type: none"> <li>• Accused is entitled to lead defence evidence.</li> <li>• Accused has to obtain permission from the Court, if he intends to give evidence of his own.</li> </ul>  |



|     |  |  |
|-----|--|--|
|     |  | <ul style="list-style-type: none"> <li>• If the accused intend to examine any other person as a witness on his behalf, this permission is not required.</li> <li>• An application seeking permission is required to when the accused intend to examine himself in defence evidence.<br/><b>U/Sec. 315 Cr.P.C.</b></li> </ul> |
| 8.  | Appearance of the accused to hear the judgment.                              | <ul style="list-style-type: none"> <li>• If it is a judgment of acquittal, the presence of the accused can be dispensed with.<b>U/Sec. 353 (6) Cr.P.C.</b></li> <li>• If it is a judgment of conviction, his plea as to the quantum of sentence is to recorded.</li> </ul>   |
| 9.  | Appearance of the accused to get the Bailable/Non Bailable Warrant recalled. | <ul style="list-style-type: none"> <li>• Normally the Courts are insisting for the presence of the accused to get the NBWs recalled.NBW can be recalled even in the absence of the accused if plausible explanation is offered for such absence.</li> </ul>  |
| 10. | Appearance of accused in Criminal Appeals/Revision                           | <ul style="list-style-type: none"> <li>• It is not required in Law.( <b>Sec. 353 (6) Cr.P.C.</b>)</li> </ul>   |

