

HIGH COURT OF MADHYA PRADESH : JABALPUR

// Memo //

No. C/4107/
III-1-5/57 Ch - 19

Jabalpur, dt 07/10/2017

To.

The District & Sessions Judge

_____ (M.P.)

Sub: Disposal of Miscellaneous cases (Criminal) pending for more than 5 years & more than 10 years.

Ref: Registry Memo No. B/5326/III-1-5/57 Ch-19, Jabalpur dt. 06.10.2017.

---XX---

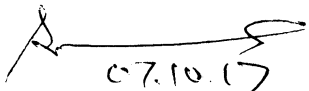
On the subject & reference mentioned above, it is stated that during the Video Conferencing with the Districts, it has been observed that there are number of Miscellaneous Cases (Criminal) pending in almost all of the Districts, in Magistrates Court and Sessions Court. Most of them are related to recovery of fine or proceedings against surety under Section 446 of Code of Criminal Procedure, 1973.

In supersession of above referred Memo, I am further directed to draw your kind attention that, if miscellaneous proceeding is pending against any surety either for hearing of the surety or for recovery of fine, the Court should endeavour to search out that whether the case of the concerning accused is still pending in the Court or it has been disposed-off. If pending then search out that whether the accused has appeared or not. If main case has been disposed-off or the accused has appeared, the miscellaneous proceedings against surety may be disposed-off with appropriate order, considering the facts of particular case keeping in mind that the object is not to recover money but to ensure presence of the accused.

In the matter of recovery of fine go through the provision of **Section 421 & 424 of Code of Criminal Procedure, 1973 and Rules 363 of Madhya Pradesh Rules & Orders (Criminal) and also to the Judgments of the High Court of Madhya Pradesh, Dulesingh vs. State of M.P., 1981 J.L.J. 659 and Laua Singh vs. State of M.P., 2001 Vol. II MPWN no. 88.**

The consolidated list of pending cases for recovery of fine amount be provided to the Collector of the concerning District to seek the report that whether there is possibility of recovery of fine in such cases. After obtaining the status report, appropriate steps may be taken accordingly. For the purpose of regular monitoring, this matter may be taken in the Meeting of "Monitoring Cell".

Therefore, hereby it is requested that in the matter of recovery of fine kindly go through the above referred provisions as well as the directions of Hon'ble the High Court on judicial side.


07.10.17
(SANAT KUMAR KASHYAP)
Registrar (DE)