

ORDER

A letter has been received from Hon'ble Court vide C.L. No.29 SCMSC Secretariat dated Allahabad November 07, 2017 regarding quick disposal of Plea Bargaining applications, in which directions have been made, which are as under:-

- (a) *"A particular day/date may be fixed by the District Judge in a week on which matters relating to Plea-Bargaining can be taken up after lunch by the Courts concerned.*
- (b) *To ensure quick disposal of Plea Bargaining applications, as far as possible the entire process of Plea Bargaining should be completed in one sitting and in any event within a period of one month extendable upto a maximum period of two months.*
- (c) *Once all the parties appear before the Court concerned, requisite time for arriving at MSD (Mutually Satisfactory Disposition) shall be given as contemplated in Chapter XXI-A of Cr.P.C.*
- (d) *It shall be the duty of the Court concerned to ascertain that MSD is a result of fair and voluntary submissions between the parties and the rights of the parties are equally balanced.*
- (e) *Once all the parties to the proceedings appear before the Court concerned, it shall proceed with the matter in accordance with Chapter XXI-A Cr.P.C.*
- (f) *After the disposal of the Plea Bargaining applications as a result of MSD, the Court concerned shall pass a final order, including an order on sentence.*
- (g) *In case the parties fail to reach consensus and no MSD is arrived at, the Court concerned shall record that Plea Bargaining has been unsuccessful.*



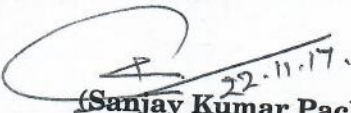
(h) With a view to ensure fair play and confidentially, a separate file regarding Plea Bargaining proceedings shall be maintained by the Reader/Ahalmad deputed for the purpose of maintaining the records of Plea Bargaining proceedings. However, if a Mutual Satisfactory Disposition is arrived at and the matter is settled, MSD shall form part of the judicial records on the basis of which the judgement shall be passed and the file shall be consigned to the Record Room by the concerned Court.

(I) The Court concerned shall make it amply clear to all the parties appearing before it that the proceedings are strictly confidential and that nothing said in the Plea Bargaining proceedings would be used for any purpose, whatsoever.

(j) An accused/applicant is entitled to bring a lawyer to the Plea Bargaining proceedings."

Therefore, in compliance of the above directions, I order accordingly and fix a day i.e. **Friday of every week**, on which matters relating to Plea-Bargaining can be taken up after lunch by the Courts concerned.

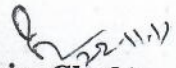
Inform all the Judicial Officers for strict compliance of the same in letter and spirit.


(Sanjay Kumar Pachori)

District Judge,
Allahabad.

Copy to:

1. Officer Incharge Administration.
2. System Officer (Computer Section)


(Admin. Clerk)

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Through Registered Post/E-mail

From,
Mohd Faiz Alam Khan, HJS,
Registrar General,
High Court of Judicature at
Allahabad.

To,
All the District & Sessions Judges/OSDs,
Subordinate to the High Court of Judicature at
Allahabad.

C.L.No. 29 /SCMSC Secretariat/ Dated: Allahabad 07/11/2017.

Sub: Regarding quick disposal of Plea Bargaining applications.

Madam/Sir,

In continuation of marginally quoted Circular Letters on plea-bargaining, Hon'ble

- 1. C.L. No. 31
dt. 29.08.2007
- 2. C.L. No. 49
dt. 13.12.2007

Court has issued following directions on this matter:
“(a) A particular day/date may be fixed by the District Judge in a week on which matters relating to Plea-bargaining can be taken up after lunch by the Courts concerned.

(b) To ensure quick disposal of Plea Bargaining applications, as far as possible the entire process of Plea Bargaining should be completed in one sitting and in any event within a period of one month extendable upto a maximum period of two months.

(c) Once all the parties appear before the Court concerned, requisite time for arriving at MSD (Mutually Satisfactory Disposition) shall be given as contemplated in Chapter XXI-A of Cr.P.C.

(d) It shall be the duty of the Court concerned to ascertain that MSD is a result of fair and voluntary submissions between the parties and the rights of the parties are equally balanced.

(e) Once all the parties to the proceedings appear before the Court concerned, it shall proceed with the matter in accordance with Chapter XXI-A Cr.P.C.

Seen. Circulate
District Judge

8-11-17



(f) After the disposal of the Plea Bargaining application as a result of MSD, the Court concerned shall pass a final order, including an order on sentence.

(g) In case the parties fail to reach a consensus and no MSD is arrived at, the Court concerned shall record that Plea Bargaining has been unsuccessful.

(h) With a view to ensure fair play and confidentially, a separate file regarding Plea Bargaining proceedings shall be maintained by the Reader/Ahalmad deputed for the purpose of maintaining the records of Plea Bargaining proceedings. However, if a Mutual Satisfactory Disposition is arrived at and the matter is settled, MSD shall form part of the judicial records on the basis of which the judgement shall be passed and file shall be consigned to the Record Room by the concerned Court.

(i) The Court concerned shall make it amply clear to all the parties appearing before it that the proceedings are strictly confidential and that nothing said in the Plea Bargaining proceedings would be used for any purpose, whatsoever.

(j) An accused/applicant is entitled to bring a lawyer to the Plea Bargaining proceedings."

You are, therefore, requested to circulate the instant directions amongst all the Judicial Officers concerned working under your supervision and control and to ensure strict compliance of the same in letter and spirit.

Yours faithfully,


(Mohd. Faiz Alam Khan)

No. /SCMSC Secretariat/ Dated: Allahabad 2017.

Copy forwarded for information and necessary action to:

1. The Registrar, High Court of Judicature at Lucknow Bench, Lucknow.
2. P.S. to all the Hon'ble Judges at Allahabad and also at Lucknow Bench, Lucknow to

that Plea Bargaining has been unsuccessful.

