

Serial No.01
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(Crl). No. 9 of 2023

Date of Order :17.11.2023

In-Re: Designated Courts for MPs/MLAs Vs.

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Chief Justice (Acting)

Appearance:

For the Petitioner/Applicant(s) :

For the Respondent(s) : Mr. A.Kumar, AG with
Ms. R.Colney, GA.

1. Pursuant to the direction of the Supreme Court dated 09-11-2023, passed in the matter of Writ Petition (C) No. 699 of 2016 (Ashwini Kumar Upadhyay vs. Union of India & Anr.), the instant sou-moto case which had been titled In- Re: Designated Courts for MPs/MLAs to monitor disposal has been registered.

2. Para 20 of the judgment which contains the specific directions are reproduced herein below:

“20. Having considered the matter in detail, we direct that:

(i) Learned Chief Justices of the High Courts shall register a suo-motu case with the title, “In Re: designated courts for MPs/MLAs” to monitor early disposal of criminal cases pending against

the members of Parliament and Legislative Assemblies. The suo-motu case may be heard by the Special Bench presided by the Learned Chief Justice or a bench assigned by them.

(ii) *The Special Bench hearing the suo-motu case may list the matter at regular intervals as is felt necessary. The High Court may issue such orders and/or directions as are necessary for expeditious and effective disposal of the subject cases. The Special Bench may consider calling upon the Advocate General or the Public Prosecutor to assist the Court.*

(iii) *The High Court may require the Principal District and Sessions Judge to bear the responsibility of allocating the subject cases to such court or courts as is considered appropriate and effective. The High Court may call upon the Principal District and Sessions Judge to send reports at such intervals as it considers expedient.*

(iv) *The designated courts shall give priority:*

(i) *first to criminal cases against MP's & MLA's punishable with death or life imprisonment then to (ii) cases punishable with imprisonment for 5 years or more, and then hear (iii) other cases.*

The Trial Courts shall not adjourn the cases except for rare and compelling reasons.

(v) *The learned Chief Justices may list cases in which orders of stay of trial have been passed before the Special Bench to ensure that appropriate orders, including vacation of stay orders are passed to ensure commencement and conclusion of trial.*

- (vi) *The Principal District and Sessions Judge shall ensure sufficient infrastructure facility for the designated courts and also enable it to adopt such technology as is expedient for effective and efficient functioning.*
- (vii) *The High Courts shall create an independent tab on their website providing district-wise information about the details of the year of filing, number of subject cases pending and stage of proceedings. We make it clear that while monitoring the subject cases, the Special Bench may pass such orders or give such additional directions as are necessary for early disposal of the subject cases.”*

3. With regard to the directions at Sl. (iii), (iv) and (vi), the District and Session Judges of all the districts are directed to furnish reports with regard to any cases pending in their court. Further, the Designated Courts shall give priority as provided in the above noted para 20 (iv) as also para (vi).

4. The direction contained in para (vii) will accordingly be carried out and the Computer Section will be directed to take necessary steps for the same.

5. A copy of this order along with the judgment of the Supreme Court in the above noted case shall be furnished to the learned AG as also transmitted to all the concerned District & Session Judges of the Courts under the jurisdiction of the High Court of Meghalaya.

6. List this matter for further orders on 11-12-2023.

Chief Justice (Acting)

Meghalaya
17.11.2023
“Samantha PS”