

IN THE SUPREME COURT OF INDIA
SPECIAL LEAVE PETITION (Criminal)
DIARY NO(S). 35524 OF 2019

IN THE MATTER OF:

KHURSHEED AHMAD..... PETITIONER(S)

VERSUS

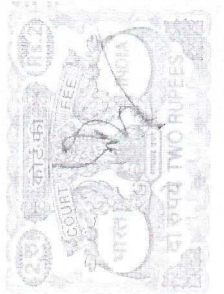
STATE OF U.P & ORS..... RESPONDENT(S)

**AFFIDAVIT ON BEHALF OF THE HIGH COURT OF
ORISSA PERSUANT TO THE DIRECTION OF HON'BLE
SUPREME COURT OF INDIA CONTAINED IN ORDER
DATED 15.06.2020**

I, Shri Malaya Ranjan Dash, aged about 47 years, S/o. Shri Prafulla Kumar Dash, at present working as the Registrar General, High Court of Orissa, Cuttack do hereby solemnly affirm and state as follows:-

1. That, I have been duly authorized on behalf of the High Court of Orissa, to swear this affidavit in the present case.
2. As per the National Judicial Data Grid (NJDG) portal, as indicated in the order dated 15.06.2020 of the Hon'ble Apex Court there are 8 numbers of Criminal Appeals having nomenclature CRA above 30 years, 832 numbers of cases of 20-30 years and 8884 numbers of cases above 10-20 years are pending.

As regards to 832 number of Criminal cases, as shown in the NJDG Data pending for more than 20-30 years, it is stated here that, out of 832 Criminal Cases, 643 cases are Criminal Appeals whereas rest number of cases i.e. 189 are of different nature Criminal cases. It is apt to explain that above mentioned



Malaya Ranjan Dash

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643 Criminal Appeals includes 10 numbers of Appeals against orders, 7 appeals have already been disposed of including one transferred to Lower Court for disposal and 133 cases are filed against the acquittal judgments. Thus, there are only 493 numbers of Criminal Appeals are pending against the judgment of conviction. From these 493 Criminal Appeals, in 490 appeals bail has been granted, one appeal is against the sentence of fine, one appeal is against order of conviction and release under P.O. Act and in one appeal although bail was granted, but subsequently the order of bail was cancelled for non-appearance of lawyer and NBW was issued.

So far as 8884 Criminal cases pending for more than 10-20 years as per the NJDG Data is concerned, it includes 5026 numbers of different nature of Criminal cases and the rest number of cases i.e. 3858 are Criminal Appeals. Out of the aforesaid 3858 Criminal Appeals, 3724 numbers of appeals against the judgments of conviction, 12 numbers of Appeals are against orders, 7 appeals have already been disposed of, 4 appeals are mistaken entries and 111 appeals are filed against the acquittal judgments.

3. In order to give effect to the aforementioned order of the Hon'ble Apex Court, the Arrears Committee of the High Court of Orissa on the basis of statistical information furnished and obtained from the Director General of Prisons, Member Secretary, Odisha State Legal Services Authority came up with an Action Plan for early disposal of old criminal appeals pending in the High Court.

4. On the aforesaid backdrop, the information as desired is furnished hereunder for kind perusal;

Manga Prasen Dash.

(a) As regard to total number of convicts awaiting hearing of their appeals, 7122 numbers of convicts are awaiting hearing of such old pending appeals which are more than 10 years old.

(b) So far as segregation of Single Judge and Division Bench matters are concerned, there are total 4225 numbers of Criminal Appeals against the judgment of conviction i.e. 8 numbers (all Single Bench appeals) of 30 years and above Criminal Appeals, 493 numbers (56 Division Bench Appeals and 437 Single Bench Appeals) of 20-30 years old Criminal Appeals and 3724 numbers (1409 Division Bench Appeals and 2315 Single Bench Appeals) of 10-20 years old Criminal Appeals. Thus, in total 2760 Single Judge Appeals and 1465 Division Bench appeals above 10 years are pending.

(c) In 3832 numbers of such old Criminal Appeals above 10 years, bail has been granted.

(d) Steps proposed to expedite hearing of appeals, including steps to prioritize hearing of cases of convicts in jails; and

(e) Steps proposed to trace and ensure hearing of cases of those who were granted bail, and the timeline for starting hearings;

For the sake of convenience, both the above points i.e. (d) & (e) as indicated in the Order dated 15.06.2020 as regard to the Steps proposed to expedite hearing of appeals, including steps to prioritize hearing of cases of convicts in jails and steps proposed to trace and ensure hearing of cases of those who were granted bail, and the timeline for starting hearings are answered together. It is stated here that the Arrears Committee after considering all the aspects have suggested the following Plan of Action:

- i. All appeal records shall be affixed with a Flag containing the name of the convicts, offence involved, punishment

Manga Rajan Durbh.

imposed, period undergone by the convicts and other necessary details for ready reference of the Concerned Bench.

- ii. Taking into account the present strength of Hon'ble Judges, at least one dedicated Division Bench and two Single Benches for dealing with Criminal appeals on priority basis is decided to be constituted. The Benches would apply their discretion in regulating their own Court proceeding viz. engagement of Amicus Curiae, day to day proceedings in the light of the decision of the Hon'ble Supreme Court of India in the case of Anokhilal vrs. State of Madhya Pradesh reported in 2019 SCC Online SC 1637 for early disposal of the appeals listed before them.
- iii. Date chart and written argument before commencement of hearing of Criminal Appeals would be insisted upon.
- iv. Listing of cases before the above dedicated Benches would be done on the following manner without deviation:

1. Convicts-Prisoners who have already undergone 70% of sentence.
2. The oldest case be listed on priority basis.
3. Convicts-Prisoners whose health condition is reported to be serious by Prison/Legal Services Authority

(f) Steps have been taken for prioritizing digitization of the Lower Court records/Paper Books.

(g) As regards to creation of a dedicated pool of Amicus Curiae, a decision has been taken for creation of the same in

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consultation with learned Advocate General and Member Secretary, Odisha State Legal Services Authority.

(h) At the cost of repetition, it is humbly submitted that taking into account the present strength of Hon'ble Judges, at least one dedicated Division Bench and two Single Benches for dealing with Criminal Appeals on priority basis is decided to be constituted.

5. Besides the above, proposal on the recommendation of the Arrears Committee for enhancement of Fee Structure of Amicus Curiae to ensure their interest and involvement in speedy disposal of Jail Criminal Appeals is under process.

6. It would be expedient to apprise the Hon'ble Apex Court that the progress of disposal of Criminal Appeals could not be effectively undertaken from the month of March, 2020 due to lockdown and shutdown in view of pandemic COVID-19 as the Court proceedings are held in virtual mode. It is noteworthy that earlier Special Benches were held to deal with Jail Criminal Appeals on holidays and substantial numbers of cases were disposed of.

Identified by

Mahya Bijan Dash.
DEPONENT 23.07.2020

VERIFICATION

I, the above named deponent do hereby verify on 23rd July 2020 that the statements made in the present affidavit are true to my knowledge as derived from records.

Mahya Bijan Dash.
DEPONENT 23.07.2020

CUTTACK
DT. 23.07.2020


Solemnly affirmed before me by

Sri. M. R. Dash Retr, Genral Off. Cutack

Who identified before me by

Sri. Personally known to me.

The Affidavit was readover to the deponent who stated to have understood acknowledged the same to be correct at the time of swearing the affidavit


23.07.2020
COMMISSIONER OF OATH
High Court of Orissa

11.01.2020

VAKALATNAMA

IN THE SUPREME COURT OF INDIA

SPECIAL LEAVE PETITION (CRIMINAL) DIARY NO. 35524/2019
CIVIL APPELLATE JURISDICTION

CRL ORIGINAL

SPECIAL LEAVE PETITION

(CIVIL / CRL) NO. ^{DIARY} 35524 OF 2019

TRANSFER / WRIT PETITION

(CIVIL / CRL) NO. _____ OF

APPEAL / REVIEW / CONTEMPT

(CIVIL / CRL) NO. _____ OF

KHURSHED AHMAD

PETITIONER (S)

APPELLANT (S)

VERSUS

THE STATE OF UTTAR PRADESH RESPONDENT(S)

I / We Malaya Ranjan Dash Registrar General on behalf of Orissa High Court the Petitioner(s)
/ Appellant(s) / Respondent(s) in the above Petition/Appeal, do hereby appoint and retain

Advocate (s) of the Supreme Court of India to act and appear for me / us in the Petition (s) / Appeal (s) and on my / our behalf to conduct and prosecute the same and all proceedings that may be taken in respect of my application connected with the same or any decree or order passed therein, including proceeding in taxation and application for Review, to file and obtain return of documents and to deposit and receive money on my/our behalf in the above matter. I / We agree to ratify all acts done by the aforesaid Advocate in pursuance of this authority. I / We further authorize him to engage any other Advocate (s) on my / our behalf or to enter into agreement or to agree for arbitration.

Dated this the 23rd day of JULY 2019

Accepted

ADVOCATE

Malaya Ranjan Dash
Petitioner (s) / Appellant (s) /
Respondent (s)

**Registrar General
Orissa High Court
Cuttack**

MEMO OF APPEARANCE

To

The Registrar,
Supreme Court of India,
New Delhi-110 001.

Sir,

Please enter my appearance for the above mentioned Petitioner(s) / Appellant (s) / Respondent (s) in the case.

Thanking you,

NEW DELHI

Dated _____

Yours Faithfully,

B. C. MOHANTY
Stamp Vendor
Orissa High Court, Cuttack

Advocate, Supreme Court of India