

ORISSA HIGH COURT: CUTTACK

Letter No.10988(30)/ Dated 27.10.2018

From:

**Shri P.K. Patra
Registrar Inspection**

To

The District & Sessions Judges(All).

Sub.: Holding of Camp Court in Jail to meet the extraordinary situation across the State.

Sir,

I am directed to say that the Hon'ble Court have been pleased to instruct for holding of Camp Court in Jail to meet the extraordinary situation across the State in the following manner:

The criminal courts are to adhere to the following instructions while entertaining bail applications from the accused in custody:-

- (i)** The Camp Court shall be held inside the jail premises within the working hours on each working day.
- (ii)** The Presiding Officer shall be accompanied by his concerned clerk and one of his Group 'D' staff along with Stenographer and Court Sub-Inspector (CSI). The concerned Clerk or the C.S.I. as the case may be, shall put up the relevant record before the Presiding Officer. Concerned Secretary, District Legal Services Authority shall ensure that jail Para Legal Volunteer (PLV) is present inside the jail. The PLVs in coordination with jail authorities are to make UTPs aware that they can seek for enlargement on bail by filling applications through concerned jail authorities.
- (iii)** Identity of the accused shall be verified by the concerned Jail Superintendent/Assistant Jail Superintendent as the case may be.
- (iv)** In case of arrest and first production, the same be made in the Camp Court inside the Jail.
- (v)** Where bail will be allowed, provisionally P.R. Bond be taken and the accused be asked to furnish regular surety bond(s) after one/two months fixing a date for it.

- (vi) This recourse be taken where bail has already been granted and the accused has not been released for non-furnishing of the bail bonds.
- (vii) The concerned jail authorities shall ensure that at the time of bail hearing, none apart from Court staff and C.S.I. are present.
- (viii) Principles of law applicable to bail are to be kept in mind while dealing with bail applications.
- (ix) If an U.T.P. has completed period of custody in excess of the sentence likely to be awarded, Section 436-A Cr.P.C. may be followed.
- (x) In case of unforeseen circumstances such as non-filing of Police Report within 60/120 days, the matter is to be dealt with in the light of relevant provisions of law under Section 167(2) of Cr.P.C.

It is needless to mention that provision of Cr.P.C. as well as G.R.C.O. (Criminal) and/or any other relevant law applicable in the case are to be harmoniously construed to further the interest of justice and to deal with extraordinary situation of prolonged abstinence of work by the advocates.

Accordingly, I am to request you to communicate the above decision to all the Criminal Courts under your jurisdiction and also to take all necessary steps for immediate implementation of the same.

Yours faithfully,

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27.10.18
Registrar Inspection