

**R.O.C.No.83613/2019/RTI**



**DATE: 01.11.2019**

From

K. Indumathi, B.A.,M.L.,  
Registrar (Administration)/PIO,  
High Court, Madras.

To

Thiru. B. Ramesh,  
Advocate,  
No.222, New Additional Law Chambers,  
High Court Buildings,  
Chennai – 600 104.

Sir,

Sub: Application under the Right to Information Act, 2005 – Reply – Reg.

Ref : Your RTI Application dated 09.10.2019, received by the Registry on  
10.10.2019.

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With reference to the RTI Application cited, it is informed as follows:

**Query Nos.1 & 2** - Based on the directions issued in CrI.O.P.No.18411/2009, the High Court had issued Circular vide R.O.C.No.5188-A/2009/F1, dated 29.01.2010, to all the Subordinate Courts. (Copy enclosed). With regard to WP.No.5, 2019, the same was ordered to be placed before the Hon'ble Full Court on the Administrative side and orders are awaited.

The First Appellate Authority is the Registrar General, High Court, Madras.

Yours faithfully,

  
Registrar (Administration)/PIO

**CIRCULAR**

Sub: High Court, Madras – Code of Criminal Procedure – Procedure u/s.82, 83 – execution of NBWs – certain directions issued – ordered to be communicated – copy enclosed for strict adherence – regarding.

Ref.: Orders of Hon'ble High Court in Crl.O.P.Nos.18411, 16414, 13992, 20051 and 20052 / 2009 (RRJ), dated 16.10.2009

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The Hon'ble Thiru Justice R.Regupathi, while disposing the aforesaid Crl.O.P.s has issued certain directions with regard to NBWs. The guidelines issued by the Hon'ble High Court in Orders in Crl.O.P.Nos.18411, 16414, 13992, 20051 and 20052 / 2009 (RRJ), dated 16.10.2009 have been extracted hereunder:

- (a) *Soon after receipt of copy of judgment / order / direction to secure the accused, NBW shall be issued forthwith so as to commit him / them to custody;*
- (b) *While issuing warrants, the Magistrates shall mention in the Form of Warrant the time factor for execution as "within 30 days";*
- (c) *The Chief Judicial Magistrates / Chief Metropolitan Magistrates shall call for monthly statistics from the Magistrates and if long pendency of non-execution of NBW is noticed, after consultation with the District Judge, suitable direction be issued to the Superintendent of Police;*
- (d) *In matters where non-execution is reported, it must be seen that, on the very next day of expiry of the respite, viz., 30 days,*

*the officer concerned files status report exhaustively reflecting the efforts taken by him and if it is expressed that there are prospects of securing the person concerned before long, reasonable time may be granted by the Judicial Officer not exceeding 15 days by way of extension so that the warrant could be executed without resorting to further modes prescribed in the procedural law;*

- (e) If the officer concerned assigns valid reasons and expresses inability to secure the person against whom warrant is issued, after examining the reasons and assessing the facts and circumstances of the case and after fully being satisfied that the accused is obviously evading arrest in spite of knowing issuance of NBW, the Court shall resort to the procedure adumbrated in Section 82 Cr.P.C., and without any loss of time, if necessary, thereafter, further proceed under section 83 Cr.P.C.; and*
- (f) In the event of an accused, who is at large by virtue of bail orders, clandestinely fleeing the country or continuously hiding away from appearing before the court, steps shall be taken to proceed against the sureties simultaneously in the manner known to law.*

Attention of all Principal District Judges / District Judges and Principal Judge, City Civil Court, Chennai are hereby drawn that the above said guideliness shall have to be observed scrupulously without any deviation therefrom.

**HIGH COURT, MADRAS**  
**DATED: 29/01/2010**

**Sd/- A.Arumugha Swamy**  
**REGISTRAR GENERAL**

*//True copy/Forwarded/By Order//*

**Sd/-**

**DEPUTY REGISTRAR (COMPUTERS)**

To,

1. All the Principal District Judges / District Judges. } With direction to communicate to  
} all the Subordinate Officers under  
} your unit.
2. The Principal Judge, City Civil Court, Chennai.
3. The Chief Judge, Pondicherry.
4. The Director, Tamil Nadu State Judicial Academy, Chennai } To be distributed to trainee  
} Magistrates as part of study  
} materials
5. All the Chief Judicial Magistrates. } With a request to communicate
6. The Chief Metropolitan Magistrate, Egmore, Chennai } the circular to all the Judicial  
} Magistrates / Metropolitan  
} Magistrates under their control
7. The Registrar (Admn.) Madurai Bench of Madras High Court, Madurai.
8. The Registrar (Judicial) Madurai Bench of Madras High Court, Madurai.