

(2016) 04 MP CK 0023

In the Madhya Pradesh High Court

Case No : Miscellaneous Criminal Case No. 9024 of 2015.

Hargovind Bhargava and Another - Applicants @HASH State of Madhya Pradesh and Another

Date of Decision : 12-04-2016

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 167, Section 173(1), Section 173(2), Section 482

Citation : (2016) 2 JabLJ 245

Hon'ble Judges : N.K. Gupta, J.

Bench : Single Bench

Advocate : Shri Arun Pateriya and Shri R.K. Sharma, Advocate, for the Applicants; Ms. Sudha Shrivastava, Panel Lawyer, for the State; Shri Rajendra Singh Yadav, Advocate, for the Respondent No. 2

Final Decision : Dismissed

Judgement

Mr. N.K. Gupta, J. - The applicants have preferred the present petition under Section 482 of the Code of Criminal Procedure, 1973 against the order dated 18-08-2015 passed by the First Additional Sessions Judge, Dabra District Gwalior in Criminal Revision No. 386/2014 whereby the order dated 01-11-2013 passed in Criminal Case No. 805/2012 was confirmed by which the Magisterial Court has taken cognizance against the applicants of the offence under Sections 147, 148, 323, 325, 307 and 302 read with Section 149 of IPC.

2. Facts of the case in short are that a named FIR was lodged against the applicants relating to the aforesaid offences. The charge-sheet was filed against other accused but investigation of the applicants was kept pending by the Investigation Officer under Section 173 (8) of Cr.P.C. However, the magisterial Court issued the warrants against the applicants then they preferred a petition under Section 482 of Cr.P.C. registered as M.Cr.C.No.6940/2012 in which the Single Bench of this Court vide order dated 03-10-2012 cancelled the order relating to issuance of warrant. The respondent No. 2 thereafter preferred a petition under Section 482 of Cr.P.C. registered as M.Cr.C.No.3111/2013 in which vide order dated 26-04-2013 it was directed that fair investigation be done

against the applicants and to file final report within 3 months. The review petition was also filed against that order and the same was dismissed on 15-05-2013. During pendency of various petitions, the Single Bench of this Court had stayed filing of charge-sheet against the applicants and therefore, the charge-sheet was filed against other accused persons, except the applicants. Again the prosecution has filed the report under Section 173(2) and 173(8) of Cr.P.C. with the information that no offence was found constituted against the applicants. However, the Magistrate vide order dated 01-11-2013 took cognizance of the offence against the applicants under Section 190 of Cr.P.C. The Criminal Revision No. 55/2014 against that order was filed before the revisionary Court which was dismissed on 25-02-2014. Thereafter, a petition under Section 482 of Cr.P.C. was filed against the order dated 25-02-2014 and that petition bearing M.Cr.C.No.2089/2014 was dismissed vide order dated 12-09-2014 being withdrawn, however, the Court has granted the bail to the applicants liberally. Again the applicants have moved applications before the Magisterial Court on 22-09-2014 and 27-09-2014 and vide order dated 10-10-2014, the same were dismissed. Actually the criminal revision No. 386/2014 filed by the applicants before the First Additional Sessions Judge, Dabra was filed against the order dated 10-10-2014 which was dismissed on 18-08-2015. The applicants have filed the present petition against the order of the revisionary Court and prayed to set aside the order dated 01-11-2013 passed by the Magistrate. The order dated 10-10-2014 is not challenged.

3. I have heard learned counsel for the parties on admission.

4. In the present matter, many questions of law are involved in the case. It is apparent from the order dated 01-11-2013 that cognizance was taken by the Court of JMFC, Dabra against the applicants. The revision No. 55/2014 was filed against that order which was dismissed vide order dated 25-02-2014 and a petition under Section 482 of Cr.P.C. which was registered as M.Cr.C.No.2089/2014 was also dismissed on 12-09-2014 being withdrawn with the liberty that such objections can be raised by the applicants at the proper stage and hence by the order dated 12-09-2014, the order dated 01-11-2013 has attained finality and it could not be challenged further before the committal Court by filing the application. The learned counsel of the applicants has submitted that fresh applications were moved before the Magisterial Court on 22-09-2014 and 27-09-2014 on the various grounds because liberty was granted by the Single Bench of this Court while passing the order dated 12-09-2014.

5. It appears that the liberty as granted in the order dated 12-09-2014 was misunderstood. When the petition under Section 482 of Cr.P.C. was dismissed being withdrawn which was filed against the order dated 01-11-2013 then entire controversy relating to the order dated 01-11-2013 came to an end. No Court can give liberty to agitate the points afresh before the lowest Court all over again which are already settled by the Court. Also the power under Section 482 of Cr.P.C. vested in the High Court cannot be delegated by the grant of liberty. The

applicants were not entitled to raise the objections against the order dated 01-11-2013 by filing fresh applications because that order was challenged in a revision petition which was dismissed. That order of revisionary court was again challenged in a petition under Section 482 of Cr.P.C. and that petition was withdrawn which indicates that petition was to be dismissed after hearing the parties and no flaw was found in the order dated 01-11-2013, therefore, it was withdrawn, hence the liberty cannot be granted to re-agitate all the points against the order dated 01-11-2013 passed by the Magisterial Court before the same lowest Court. It should be clear in the mind of litigants as well as judges and magistrates that liberty can be granted within the permissible limit of provisions of various laws that are in force for the time being. Liberty cannot be given to agitate the same points before the trial Court which are already considered and decided by the superior Court.

6. The liberty which was granted vide order dated 12-09-2014 was only granted to the effect that the applicants would be free to prove their alibi before the trial Court at the time of defence evidence and therefore, it was clearly mentioned that the applicants may raise all the objections at appropriate stage before the trial Court and the Magisterial Court was not the trial Court, therefore, no such liberty was granted so that the applicants could file a fresh application to re-agitate the objections against the order dated 01-11-2013 which has already attained the finality. Under these circumstances, the applications filed by the applicants against the order dated 01-11-2013 were not maintainable in the light of order dated 12-09-2014 passed by this Court and the order dated 01-11-2013 has attained finality, the application filed by the applicants were filed without jurisdiction and those could not be entertained and therefore, if both the Courts below have dismissed the applications against the order dated 01-11-2013 then the present matter of the applicants should be dismissed without hearing it on merits. Filing of those applications before the trial Court amounts to contempt of the order dated 12-09-2014 which cannot be permitted to be done by any Court and therefore, the petition filed by the applicants is liable to be dismissed without hearing.

7. It is pertinent to note that no power under Section 482 of Cr.P.C. is available to the Courts below. In this connection para 15 of the judgment passed by the Apex Court in case of "Mithabhai Pashabhai Patel v. State of Gujarat", (2009) 6 SCC 332, may be perused which is as under:

"The investigating agency and/or a court exercise their jurisdiction conferred on them only in terms of the provisions of the Code. The courts subordinate to the High Court even do not have any inherent power under Section 482 of the Code of Criminal Procedure or otherwise."

It is also be made clear that power under Section 482 of Cr.P.C. cannot be delegated by the High Court to its subordinate Court. Hence, the Magistrate while considering the applications dated 22-09-2014 and 27-09-2014 could not review its own order dated 01-11-2013 when the order dated 01-11-2013 has already

attained finality. Both such applications were not maintainable and the Courts below would have dismissed the same being not maintainable.

8. Since the revisionary Court has passed the order dated 18-08-2015 on merits and dismissed the revision, it would not be appropriate to dismiss the petition only because the applications were not maintainable. However, if the matter is considered on merits then it would be apparent that the charge-sheet was filed before the Magisterial Court against other accused persons whereas the investigation was reserved against the applicants-Hargovind Bhargava and Santosh Bhargava under Section 173(8) of Cr.P.C. It is submitted by learned counsel for the applicants that when the subsequent charge-sheet was filed under Section 173(8) of Cr.P.C. and the application under Section 319 of Cr.P.C. was pending before the trial Court relating to the applicants then the Magisterial Court was not competent to pass the order dated 01-11-2013 under Section 173 (8) of Cr.P.C. In support of this contention, attention of this Court is invited to the judgment passed by the Apex Court in the case of "Jile Singh v. State of Uttar Pradesh and another" (2012) 3 SCC 383. However, this judgment is related to the procedure relating to registration of complaint under Section 204 of Cr.P.C. and to exercise the power under Section 319 of Cr.P.C. at that stage. In the present matter the application under Section 319 of Cr.P.C. was pending before the trial Court and the Magisterial Court (the committal Court) was not dealing any matter under the provisions of Section 319 of Cr.P.C. and therefore, the law laid in the case of Jile Singh (supra) is not applicable in the present case.

9. On the other hand, learned counsel for respondent No. 2 has relied upon the judgment passed by the Apex Court in the case of "Hardeep Singh and others v. State of Punjab and others" (2014) 2 SCC (Cri) 86, however, this judgment is related with the provisions of Section 319 of Cr.P.C. whereas it is not a case relating to the provisions of Section 319 of Cr.P.C. and the application of respondent No. 2 under Section 319 of Cr.P.C. was pending before the trial Court and therefore, the law laid in the case of Hardeep Singh and others (supra) cannot be applied in the present case because the present petition is not filed against the order of trial Court under Section 319 of Cr.P.C.

10. The learned counsel for the applicants has also invited the attention of this Court to the judgment passed by the Apex Court in the case of Jeffrey J. Diermeier and another v. State of West Bengal and another, (2010) 6 SCC 243 in which the law has been laid for the provisions of Section 482 of Cr.P.C. It is not held in that judgment that once the order has been challenged from bottom to the top and the challenge was dismissed then again on second challenge, the petition filed by the applicants should be accepted under Section 482 of Cr.P.C., therefore, the law laid in the case of Jeffrey J. Diermeier (supra) cannot be applied in the present case.

11. The contention of learned counsel for the applicants is misconceived that the report under Section 173(8) of Cr.P.C. was filed before the Magisterial Court who took the cognizance. It is misconception in the mind of some police officers of

the State that they can reserve the investigation of crime for some accused persons and part charge-sheet may be filed against remaining accused persons. In this connection the provisions of Section 173(1), (2) and (8) may be reproduced as under:

"173(1) Every investigation under this Chapter shall be completed without unnecessary delay.

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173(2) (i) As soon as it is completed, the officer in charge of the police station shall forward to a Magistrate empowered to take cognizance of the offence on a police report, a report in the form prescribed by the State Government, stating-

(a) the names of the parties;

(b) the nature of the information;

(c) the names of the persons who appear to be acquainted with the circumstances of the case;

(d) whether any offence appears to have been committed and, if so, by whom;

(e) whether the accused has been arrested;

(f) whether he has been released on his bond and, if so, whether with or without sureties;

(g) whether he has been forwarded in custody under section 170.

(ii) The officer shall also communicate, in such manner as may be prescribed by the State Government, the action taken by him, to the person, if any, by whom the information relating to the commission of the offence was first given.

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173 (8) Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (2) has been forwarded to the Magistrate and, where upon such investigation, the officer in charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form prescribed; and the provisions of subsections (2) to (6) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (2)."

12. In this connection, the provisions of Sections 167 of Cr.P.C. may be referred which are crystal clear and which relate to limitation that if investigation is not completed within a particular period after arrest of the accused and no police report is filed according to the provisions of Section 173(1) and 173(2) of Cr.P.C. then the arrested accused shall get bail due to that non filing of charge-sheet.

Though there is no specific definition of word "charge-sheet" but the final police report filed under Section 173 (2) of Cr.P.C., against the accused is known as a charge-sheet. The provisions of Section 173(2) of Cr.P.C. clearly indicates that after completing the investigation, the charge-sheet should be filed and the provisions of Section 173(8) of Cr.P.C. gives residuary power to the investigating officer that after filing of the charge-sheet if any extra material is found in the case then the additional report under Section 173(8) of Cr.P.C. can be filed which is generally known as "supplementary charge-sheet".

13. When the provisions of Section 173(2) and 173(8) of Cr.P.C. simply empowers to file final report and to file supplementary report then no right is accrued to the investigating officer to keep the investigation pending against a particular accused. It is not permissible for the investigating officer to file a charge-sheet against few accused persons on believing the evidence of some eye-witnesses or other witnesses by believing them and to keep the investigation pending against the other accused persons with the pretext that the testimony of such witnesses is yet to be examined for remaining accused persons. The investigating officer cannot be permitted to create any impossible situation before the Court. If a crime is registered and investigation is started then it should be completed within a particular span of time.

14. The investigating officer cannot be permitted to keep the investigation pending for some accused and to file the charge-sheet against the arrested accused to defeat the provisions of Section 167(2) of Cr.P.C. so that bail should not be granted due to incomplete investigation to the persons who were arrested by the investigating officer. But such procedure is commonly practised in our State by a few investigating officers that they keep the investigation pending for some of the accused as a right in the light of the provisions of Section 173 (8) of Cr.P.C. However due to such procedure the Session Court starts trial against few accused persons and in the meantime supplementary charge-sheet is filed by adding one or two accused and thereafter re-trial starts if previous trial is not completed and again a piecemeal charge-sheet is filed against remaining accused persons resulting in a retrial or a fresh trial. Such activities of police creates multiplicity of trial against the accused persons who were arrested earlier.

15. In this connection the judgment of Apex Court in the case of "Joginder Singh and another v. State of Punjab and another" (1979 Cr.L.J. 333) may be referred. A little portion of para 6 and 8 of that judgment is reproduced as under:

"6. It will be noticed that both under Section 193 and Section 209 the commitment is of "the case" and not of "the accused" whereas under the equivalent provision of the old Code viz. section 193(1) and Section 207 A it was "the accused" who was committed and not "the case".

8. It will thus appear clear that under Section 193 read with Section 209 the code when a case is committed to the court of session in respect of an offence the court of session takes cognizance of the offence and not of the

accused....."

The legal position is thus clear from the judgment that the case is committed to the Court of Session and accused are not committed to the Court of Session and also that investigating agency is empowered under Section 173 (8) of Cr.P.C. to further investigate the matter after filing of the charge-sheet but not to re-investigate the matter.

16. Similarly the judgment passed by the Apex Court in the case of "K. Chandrasekhar v. State of Kerala and others", (1998) 5 SCC 223, little portion of para 24 may be referred which is as under:

"From a plain reading of the above Section it is evident that even after submission of police report under sub-section (2) on completion of investigation, the police has a right of "further" investigation under sub-section (8) but not "fresh investigation" or "re-investigation"."

Similarly in the case of "Vinay Tyagi v. Irshad Ali alias Deepak and others" (2013) 5 SCC 762 it is held that power to order/direct "re-investigation" or "de novo" investigation falls in the domain of higher Courts that too in exceptional cases. Similarly in the case of Mithabhai (supra), the Apex Court has quoted para 7 of the judgment passed by the Apex Court in the case of "Ramachandran v. R. Udhayakumar", (2008) 5 SCC 413 a small portion of para 13 of that judgment passed in Mithabhai's case (supra) is reproduced as under:

"It is, however, beyond any cavil that "further investigation" and "re-investigation" stand on different footing. It may be that in a given situation a superior court in exercise of its constitutional power, namely under Articles 226 and 32 of the Constitution of India could direct a "State" to get an offence investigated and/or further investigated by a different agency. Direction of a reinvestigation, however, being forbidden in law, no superior court would ordinarily issue such a direction."

17. Similarly para 7 of the judgment passed in the case of Ramachandran (supra) may be reproduced as under:

"7. At this juncture it would be necessary to take note of Section 173 of the Code. From a plain reading of the above section it is evident that even after completion of investigation under sub-section (2) of Section 173 of the Code, the police has right to further investigate under sub-section (8), but not fresh investigation or reinvestigation."

In the light of the judgment passed by the Apex Court in case of K. Chandrasekhar (supra) it is held that report under Section 173(2) of Cr.P.C. shall be filed when investigation is complete. Hence, when charge-sheet is filed then it should be after the complete investigation of the case and not of a particular accused. In case of Joginder Singh (supra) it is held that it is a case that is committed to the court of Session and not the accused. If charge sheet is filed for few accused and investigation is reserved for few other accused then it is not

a complete charge sheet of a case but it would be a part charge-sheet of the case and in that case, entire case cannot be committed to the court of Sessions. Hence, such part charge sheet can not be filed under Section 173(2) of Cr.P.C. by keeping the right of investigation reserved against remaining accused. Charge-sheet filed under Section 173(2) of Cr.P.C. can be filed when investigation of entire case is complete.

18. Investigation would be complete if the investigation officer would be in a position to opine that crime was found committed and hence charge sheet is filed with the final conclusion of the investigation officer. A clear distinction needs to be drawn amongst power under Section 173(8) of Cr.P.C. for further investigation, which would not result in subsequent reinvestigation. An investigation officer cannot be allowed to reinvestigate his own conclusions. As held by the Apex Court in cases of Mithabhai (supra), Vinay Tyagi (supra), Ramchandran (supra) and K. Chandrasekhar (supra) that under the power of Section 173(8) of Cr.P.C. only further investigation can be done by the investigation officer though the investigation agency is changed, but re-investigation or "de novo" investigation cannot be done. Hence when charge sheet is filed, the investigation officer has no right to reserve the investigation for few accused under Section 173(8) of Cr.P.C. because he is not permitted under that provision to reopen the case or reinvestigate the matter.

19. The learned counsel for the State has submitted that in the present case such right of reinvestigation was reserved with the permission of the Magistrate at the time of filing of the charge sheet. Such contention cannot be accepted. The investigation officer cannot reserve any right of reinvestigation either on his own or the magistrate is competent to give such permission. In case of Ramchandra (supra) it is held by the Apex Court that police has a right of further investigation under Section 173(8) of Cr.P.C., but does not have any right of fresh investigation or reinvestigation. In case of Vinay Tyagi (supra), Mithabhai (supra) and Ramchandran (supra) it is made clear by the Supreme Court that permission to reinvestigate the matter falls under the domain of superior courts and that too in exceptional cases. Such superior courts can exercise their power under Article 32 or 226 of Constitution of India to change the investigation agency and there also reinvestigation is not considered lawful and the superior court would not ordinarily issue such a direction. Hence, the Magistrate neither can accept a part charge-sheet after a partial investigation nor can permit any police officer to reinvestigate the matter for few accused persons. Hence, at the time of filing of the charge sheet investigation should be complete of the entire case. Neither any investigation officer can reserve any part investigation (reinvestigation) for any accused at the time of filing of the charge-sheet under Section 173(8) of Cr.P.C. nor the Magistrate can give such permission by accepting the part charge-sheet, when investigation of the case is incomplete.

20. As discussed above the provisions of Section 173(8) of Cr.P.C. does not give any right to the investigating officer to keep the investigation pending against

few accused persons. It is for him to complete the investigation of the case within a period prescribed under Section 167 of Cr.P.C. and if he wants to ensure as to whether any offence is made out against any person or not then such conclusion should be obtained prior to filing of charge-sheet against any of the accused persons. After due investigation, it is a right of the police to declare some of the accused persons as absconding or at the time of filing of charge sheet he may file the report under Section 169 of Cr.P.C. against some of the accused persons with the opinion that no offence is made out against them but the police has no right to reserve the investigation against few accused persons under the residuary provisions of Section 173(8) of Cr.P.C. either to give advantage to a particular accused person or otherwise. If such procedure is not followed then the Magistrate can refuse to take cognizance of the case because the investigation is incomplete and arrested person can be released on bail under Section 167(2) of Cr.P.C.

21. If such a position of law is applied in the present case then though the investigating officer has reserved the investigation against the applicants because of stay granted by this Court but charge-sheet was to be filed against the applicants for the first time and therefore, that was not the charge-sheet under Section 173(8) of Cr.P.C. but it was a report under Section 169 of Cr.P.C. and Magistrate was competent to take cognizance against the applicants under Section 190 of Cr.P.C. Hence, in the light of aforesaid discussions, if the concerned Magistrate took cognizance vide order dated 01-11-2013 then it cannot be said that he had no power to take cognizance against the applicants when the report was filed under Section 173(8) of Cr.P.C. or the application under Section 319 of Cr.P.C. was pending before the trial Court.

22. Learned counsel for the applicants has submitted that under Section 169 of Cr.P.C. if the final report is filed then there is no right with the Magistrate to examine the witnesses along with complainant. Hence, the order dated 01-11-2013 passed by the Magistrate was beyond the jurisdiction because he did not follow the prescribed procedure. However, the contention advanced by learned counsel for the applicants cannot be accepted on this technical ground. It is the duty of the Magistrate while considering the final closure report to hear the complainant and he could examine the complainant to record his objections on the closure report. It is true that the Magistrate also examined a witness Vinod other than the complainant but if the Magistrate could have passed the order on the basis of evidence recorded by him while considering the closure report of police then the cognizance taken by the Magistrate was illegal.

23. If the factual position of the case is considered then there was a named FIR against the applicants and closure report was only filed on the ground of alibi. If alibi was not strong then by a named FIR and the evidence given by various witnesses under Section 161 of Cr.P.C., the Magisterial Court should not have discussed the testimony of the witness and it was competent to take cognizance in the case, if alibi was fishy and it was not shown conclusively that presence of

the applicants was not possible at the spot, at the time of incident. If the order dated 01-11-2013 passed by the Magistrate is perused then he has considered other documents of the charge-sheet filed against other accused persons which were available in the case diary and he took cognizance on the basis of evidence given under Section 161 of Cr.P.C. of various witnesses and if he recorded the evidence of Vinod in addition to the plea of complainant-Prakash Chand then it makes no difference. Such recording of evidence of Vinod shall not vitiate the merit of the order dated 01-11-2013. The Magistrate has quoted the judgment passed by the Apex Court in the case of "Rajendra Singh v. State of U.P. and others" (2007) Cr.L.J. 4281 in which it is held that the plea of alibi has to be proved against the accused and by that plea the statement of various witnesses recorded under Section 161 of Cr.P.C. cannot be discarded. The plea of alibi should be proved by the accused at the stage of defence. Hence, it is apparent from the order dated 01-11-2013 that the Magistrate took cognizance against the applicants on the basis of evidence otherwise collected by the Investigating Officer and statements recorded under Section 161 of Cr.P.C. Hence, if the evidence of Vinod was recorded by the Magisterial Court while considering the final closure report then it makes no adverse effect to the order dated 01-11-2013.

24. So far as order dated 01-11-2013 is concerned, it depends upon the named FIR against the applicants and there are some witnesses who have stated against the applicants and the plea of alibi was not of conclusive nature. The applicants have relied upon the report given by the SDO(P), Dabra District Gwalior and the report given by the Station House Officer, Billowa which was prepared in the year 2012 while the charge-sheet was filed against remaining accused persons, however, such report has no value at this stage. If investigation is to be done by the investigating officer who has power of investigation and if any superior officer gives supervision report under Section 36 of the Cr.P.C. then it cannot be considered as a part of investigation. In this connection, the order passed by the Single Bench of Patna High Court in the case of "Manilal v. State of Vihar", 2006 Cr.L.J. 3981 may be referred. Therefore, if any parallel enquiry is done by the SDO (P) then it cannot be said to be a part of investigation. According to the evidence of alibi as shown by the applicants is not so cogent, so that, by that evidence, the evidence of various witnesses under Section 161 of Cr.P.C. may be discarded. In this connection the law laid down in the case Rajendra Singh (supra) may be referred. Hence, the JMFC, Dabra has taken cognizance vide order dated 01-11-2013 according to the evidence available after due investigation and therefore, it cannot be said that the order dated 01-11-2013 suffers with any infirmity or illegality.

25. On the basis of aforesaid discussions, there is no reason to invoke the inherent power of this Court in favour of the applicants. It would be apparent that the applicants have challenged the order dated 01-11-2013 in a revision as well as with the petition before this Court and again started re-agitating that order by filing of application where such procedure could not be adopted. A

litigant cannot be permitted to agitate a particular objection again and again. In such circumstances, looking to the conduct of the applicants, present petition is hereby dismissed at motion stage with imposition of costs of Rs.5,000/- against the applicants. The costs be deposited before the High Court Legal Services Committee within a month from the date of this judgment.

26. Copy of the order be sent to the Secretary/Registrar of the High Court Legal Services Committee for information and directions that if costs is not deposited by the applicants within the stipulated period then appropriate steps be initiated against the applicants before the competent Bench.

27. Copy of the order be sent to the Courts below for information and compliance.

28. A copy of the order be sent to the Director General of Police of the State of Madhya Pradesh so that a proper circular be issued in consequence of this order. Also one copy of this order be sent to the Registrar General of this Court, Principal Seat at Jabalpur with a request that it be circulated amongst all the Magistrates and Judges of the Session Courts in the State for their guidance.