

**CJ & SGRJ:**

28.05.2020

(through video conferencing)

**W.P. SUO-MOTU PIL**

From 1<sup>st</sup> June 2020, as per the Standard Operating Procedure (SOP) issued by the High Court of Karnataka, all the District and Trial Courts in the State will start limited functioning as set out in the SOP.

2. Various legal and technical issues will arise for consideration in different categories of matters when the District and Trial Courts resume partial functioning from 1<sup>st</sup> June 2020. By way of illustration, we are setting out few issues. One such issue will be of insistence by the Courts of Judicial Magistrates for personal presence of the complainants at the time of filing of the complaints under Section 200 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C') and especially, private complaints for the offence punishable under Section 138 of the Negotiable Instruments Act, 1881. Similar issue will arise about personal presence of the parties at the time of presentation of matrimonial petitions.

3. Under the Video Conferencing Rules which are framed by the High Court of Karnataka, it is permissible to record

the statements of the accused under Section 313 of Cr.P.C by video conferencing. It is also permissible to record the statement under Section 164 of Cr.P.C by taking recourse to video conferencing. A learned Single Judge of this Court has laid down a procedure for acceptance of surety through video conferencing hearing. Another issue is whether video conferencing hearing can be conducted for framing of charge and for recording of plea. The other issue which is very relevant in the present day context is of conduct of remand proceedings through video conferencing.

4. After COVID-19, regular Lok-Adalat could not be conducted. Therefore, the issue is whether Lok-Adalat can be conducted through video conferencing hearing. Though confidentiality is attached to the mediation/conciliation meetings, the issue is whether by adopting all possible safety measures, mediation/conciliation meetings can be held through video conferencing hearing.

5. Several such issues will arise which will have to be dealt with especially when it will take a long time to resume normal functioning of all the District and Trial Courts in the State.

6. We, therefore, direct the Registrar General to file a *suo-motu* writ petition in the form of a public interest litigation raising the aforesaid issues and seeking necessary directions from this Court under Article 226 of the Constitution of India.

7. The State of Karnataka, the Union of India, the Karnataka State Bar Council and the Karnataka State Legal Services Authority shall be impleaded as parties to the petition for the time being.

8. Notice is taken on behalf of the State Government by Sri Vikram Huilgol, the learned Additional Government Advocate. We request Sri M. Dhyan Chinnappa, the learned Additional Advocate General to assist the Court on behalf of the State Government. Sri M.N. Kumar, the learned Central Government Counsel takes notice for the Central Government. For the rest of the respondents, notice is made returnable on 1<sup>st</sup> June 2020 in the morning session to be listed in the category of urgent matters.

9. The Registrar General will ensure that a copy of the petition be provided to the Chairman of the Karnataka State Bar Council and the Secretary of the Karnataka State Legal Services Authority with a request to them to appear before the First Court

through their learned counsel on 1<sup>st</sup> June 2020 for video conferencing hearing.

10. We request Sri Uday Holla and Sri C.V. Nagesh, the learned Senior Advocates to appear as *Amicus Curiae* for assisting the Court. The Registrar General will provide a copy of the petition as well as a copy of the SOP of the District and Trial Courts along with annexures to the learned Senior Counsel and personally request them to appear before the First Court on 1<sup>st</sup> June 2020. Necessary arrangements may be made to enable the learned Senior Counsel to appear through video conferencing.

11. This petition shall be listed at 11.45 a.m. on 1<sup>st</sup> June 2020.

**Sd/-  
CHIEF JUSTICE**

**Sd/-  
JUDGE**