

**THE GAUHATI HIGH COURT AT GUWAHATI**  
(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

**NOTIFICATION**

HC.XI-09/2021/1/C dated 29-01-2022

Pursuant to order dated 20-04-2021, passed by the Hon'ble Supreme Court of India in *Suo Motu Writ (Crl.) No.1/2017 (In re: To issue certain guidelines regarding inadequacies and deficiencies in criminal trials -vs- The State of Andhra Pradesh & Ors.)*, the following amendments have been incorporated into the Gauhati High Court Criminal Rules and Orders:

- 1. In the Gauhati High Court Criminal Rules & Orders Vol. - I Part - A, in Chapter-1 (III A), the following shall be substituted, namely: -**

**"III A. JUDGMENT**

1. *Every judgement shall contain the following*
  - i. *Start with a preface showing the names of parties as per Appendix - 12.*
  - ii. *A tabular statement as per Appendix - 13.*
  - iii. *An appendix giving the list of prosecution witnesses, defence witnesses, Court witnesses, Prosecution Exhibits, Defence Exhibits and Court Exhibits and Material Objects as per Appendix - 14.*
2. *In compliance with Section 354 and 355 Cr.P.C., in all cases, the judgments shall contain:*
  - i. *the point or points for determination,*
  - ii. *the decision thereon, and*
  - iii. *the reasons for the decision*
3. *In case of conviction, the judgment shall separately indicate the offence involved and the sentence awarded. In case there are multiple accused, each of them shall be dealt with separately. In case of acquittal and if the accused is in confinement, a direction shall be given to set the accused at liberty, unless such accused is in custody in any other case.*
4. *In the judgment the accused, witnesses, exhibits and material objects shall be referred to by their nomenclature or number and not only by their names or*

  
29/1/22

otherwise. Wherever, there is a need to refer to the accused or witnesses by their name, the number shall be indicated within brackets.

5. The judgment shall be written in paragraphs and each paragraph shall be numbered in seriatim. The Presiding Officers, may, in their discretion, organize the judgment into different sections.

6. Final orders passed in any proceedings under the Code of Criminal Procedure shall have cause title and appendix indicated in Rule 1.

7. This Rule shall be applicable to all judgments delivered by magisterial Courts as well as all Courts trying criminal cases."

**2. In the Gauhati High Court Criminal Rules & Orders Vol. - I Part - A, in Chapter-3 (2) (19), the following shall be substituted, namely: -**

"19. The Court shall mark the documents which are admitted as evidence on behalf of the prosecution as '**Exhibit P-1/PW1**', '**Exhibit P-2/PW2**', etc., and documents admitted as evidence on behalf of the defence as '**Exhibit D1/DW1**', '**Exhibit D-2/DW2**', etc.

Documents shall be marked in order in which they are admitted and if the capital letters are exhausted, double capitals shall used."

**3. In the Gauhati High Court Criminal Rules & Orders Vol. - I Part - A, in Chapter-3 (2) (20), the following shall be substituted, namely: -**

"20. When a number of documents of the same nature are admitted, as for example, a series of receipts for rent, the whole series shall bear one number, or capital letter, a small number or small letter being added to distinguish each paper of the series, such as '**Exhibit 1<sub>1</sub>**', '**Exhibit 1<sub>2</sub>**', '**Exhibit A<sub>a</sub>**', '**Exhibit A<sub>b</sub>**', etc."

**4. In the Gauhati High Court Criminal Rules & Orders Vol. - I Part - A, in Chapter-3 (2) (31), the following shall be substituted, namely: -**

"31. When any article/object connected with the offence charged is produced in a Criminal Court, and, after being proved is admitted in evidence, it shall be marked by the Court as '**MO1**', '**MO2**', etc."

29/1/22

- 5. In the Gauhati High Court Criminal Rules & Orders Vol. - I Part - A, the following shall be incorporated as Chapter 12: -**

**CHAPTER —12**

**INVESTIGATION**

**1. BODY SKETCH TO ACCOMPANY MEDICO LEGAL CERTIFICATE, POST MORTEM REPORT AND INQUEST REPORT:**

*Every Medico Legal Certificate, Post Mortem Report shall contain a printed format of the human body on its reverse and injuries, if any, shall be indicated on such sketch.*

*Explanation: The printed format of the human body shall contain both a frontal and rear view of the human body as provided in APPENDIX — 15.*

**2. PHOTOGRAPHS AND VIDEO GRAPHS OF POST MORTEM IN CERTAIN CASES**

- i. In case of death of a person in police action [under Section 46 Criminal Procedure Code, 1973 ("Cr.PC") or Sections 129 to 131 Cr.PC] or death while in police custody, the magistrate or the Investigating Officer as the case may be, shall inform the hospital or doctor in charge to arrange for photographs or videography for conducting the post-mortem examination of the deceased. The photographs of the deceased shall also be arranged to be taken in all cases.*
- ii. Such photograph and video graphs shall be taken either by arranging a police photographer or a nominated photographer of the State Government, and where neither of the above are available, an independent or private photographer shall be engaged.*
- iii. Such photographs or video graphs shall be seized under a panchnama or seizure memo and all steps taken to ensure proper proof of such photographs/video graphs during Trial.*
- iv. The Investigating Officer shall ensure that such photographs and videographs, if taken electronically, are seized under a panchnama or seizure memo and steps are taken to preserve the original, and ensure*

*29/1/22*