



**THE HIGH COURT OF KERALA**

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**HCKL/1701/2023-E6(B)**

**Date: 7.8.2023**

**OFFICIAL MEMORANDUM**

**Sub: Reduction of long delay in disposal of old murder cases in the Subordinate Courts of Kerala- Directions issued – Reg.**

The High Court has noticed that the pendency of murder cases in the State is alarmingly increasing in the recent years, mainly due to the low number of disposal. It has been felt that unless special care is bestowed for increasing the disposal of murder cases, the situation may become unmanageable, later. Thus, the High Court has taken the following decisions to reduce the backlog of murder cases:

- (1) Two Additional Sessions Courts in Thiruvananthapuram District and one Additional Sessions Court each at Thrissur, Kollam and Thalassery will be identified and earmarked exclusively for trial of murder cases, initially for a period of 1 year. Those identified Courts shall dispose of at least 5 murder cases every month. Identified courts shall follow Circular No.1/1987, dated 12.01.1987, issued by the High Court, scrupulously. Sufficient number of murder cases (in which trial has not been commenced) shall be transferred to these exclusive courts from the other courts, if the total number of murder cases in such courts is less than the yearly target;
- (2) The Principal Sessions Judges of Thiruvananthapuram, Thrissur, Kollam & Thalassery shall forward their suggestions for identifying the courts to be earmarked in the districts exclusively for trial of murder cases, to the High Court, at the earliest, at any rate before 10.8.2023;
- (3) All Principal Sessions Judges shall take up at least 3 murder cases in a year. All the 1<sup>st</sup> Additional Sessions Courts (except the 1<sup>st</sup> Additional Sessions Judge, Alappuzha and Thodupuzha, where there are no other special court for POCSO Act cases at the District Centre) shall dispose of at least two

murder cases in a month. Other Additional Sessions Courts shall dispose of at least 15 murder cases in a year;

- (4) All the Additional Sessions Courts can conduct the trial of murder cases during the period of vacation also;
- (5) The identified courts and regular Sessions Courts in the District concerned shall make all endeavours for disposal of maximum number of murder cases within the next one year. The Principal Sessions Judges shall furnish a consolidated report on a monthly basis as to the progress achieved, and to take steps for appropriate changes in the allotment of cases, if required, with the concurrence of the Judge-in-charge of the District, so as to ensure the disposal of maximum number of cases pending as on 31.03.2023, within one year;
- (6) All matters, other than the murder cases pending in the identified courts, in which urgent hearing is requested by the parties to that court may be transferred to other courts by the Principal District Judge concerned, on the administrative side, based on the request of the Presiding Officer of the identified court, or otherwise. However, identified courts can dispose of all part-heard cases;
- (7) Owing to any unavoidable exigency, when the trial of a scheduled murder case is adjourned and there are no other murder cases to be taken up on those scheduled days, the identified court shall take up other old and ripe cases pending in that court;
- (8) The Principal District Judges shall constitute a District Level Committee of all Sessions Judges in the respective districts. The Committee shall identify suitable murder cases and prepare a monthly list of sessions cases which are to be targeted for disposal in the coming months. This list should be circulated to the defense lawyers, the Public Prosecutors and the District Police Chief concerned, for giving them opportunity to prepare for the ensuing trial. While drawing up the monthly list, the District Level Committee should avoid the possibility of clash of the date of trial of the cases in which the same lawyer is appearing in different courts;
- (9) The Principal District Judge shall, in consultation with the District Level Committee, the Public Prosecutors and the District Police Chief, identify cases which are easily disposable in the first leg of the targeted year. The Principal

District Judges shall take steps for ensuring the presence of witnesses when the trial of murder cases is commenced;

- (10) The Sessions Judges shall insist that the Investigating Officer or in his absence, the Station House Officer in charge of the cases, should invariably be present in the Sessions Court on the commencement of the trial, to assist the prosecution;
- (11) As far as possible, the evidence in such targeted cases should be recorded using computers and copies of the depositions should be supplied to the counsel at the earliest opportunity. For this purpose, the services of one or more Typist/s shall be ensured in all the identified courts. The Principal District Judges shall take steps for imparting necessary training to the Typists, for equipping them with Malayalam typing. Option of using voice to text facility, at the time of taking evidence, could also be considered;
- (12) The performance of the Judicial Officers in the identified Courts shall be assessed on the basis of achievement of target as specified above, and not in the usual manner.
- (13) Similarly, the Judicial Officers in the other Sessions Courts shall be given special weightage for the disposal of murder cases, irrespective of the present unit system. If an Additional Sessions Judge disposes of 1 murder case in a month, he/she shall be deemed to have achieved  $1/5^{\text{th}}$  of the volume of work to be done in that month, taking into account the fact that even an identified Court can dispose of only 4 to 6 murder cases per month.

The Principal District Judges shall act and inform the officers accordingly.

(By Order)

  
P.J. Vincent

**Registrar (District Judiciary)**

To

All Principal District Judges

Copy to

The Private Secretaries to the Honourable Judges

Note:- Reply, if any, shall be addressed to the Registrar(District Judiciary) or can be sent to e- mail address cited above.