



From,

Registrar General,
High Court of Uttarakhand,
Nainital.

To,

All the District Judges,
State Judiciary,
Uttarakhand.

C. L. No. 07 V(a)-6/UHC/D.R. (I)/2017

Dated: 27 October, 2017.

Subject:- Effective Implementation of Section 436-A Cr.P.C.

Sir/Madam,

With regard to the subject cited above, I am directed to request you to draw attention of all the Judicial Officers on the implementation of Section 436-A Cr.P.C., which reads as under:

Section 436-A: Maximum period for which an under-trial prisoner can be detained.-- "Where a person has, during the period of investigation, inquiry or trial under this Code of an offence under any law (not being an offence for which the punishment of death has been specified as one of the punishments under that law) undergone detention for a period extending up to one-half of the maximum period of imprisonment specified for that offence under that law, he shall be released by the Court on his personal bond with or without sureties:

Provided that the Court may, after hearing the Public Prosecutor and for reasons to be recorded by it in writing, order the continued detention of such person for a period longer than one-half of the said period or release him on bail instead of the personal bond with or without sureties:

Provided further that no such person shall in any case be detained during the period of investigation, inquiry or trial for more than the maximum period of imprisonment provided for the said offence under that law.

Explanation.- In computing the period of detention under this section for granting bail, the period of detention passed due to delay in proceeding caused by the accused shall be excluded".

In this regard, I am directed to request you to direct all the Judicial Offices to periodically ensure the compliance of Section 436-A Cr.P.C.. Chief Judicial Magistrates be directed to ensure in the course of monthly Jail Inspection that no under-trial prisoner is detained in contravention of said provision.

You, are therefore, requested to bring the directions of Hon'ble Court to the knowledge of all the Judicial Officers posted in your respective Judgeship and to submit a quarterly return in this regard.

Yours faithfully,

(Narendra Dutt)
Registrar General

No. 4726 /UHC/D.R. (I)/2017

Dated: 27 October, 2017

Copy for information and necessary action to:

1. Director, Uttarakhand Judicial & Legal Academy, Bhowali.
2. NIC/Guard File.

Deputy Registrar (I)