

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).3721/2007

(From the judgement and order dated 16/08/2006 in CRLP No. 116/2006 of The HIGH COURT OF GUWAHATI ,ASSAM)

BIJAY LASHMI BORUAH

Petitioner(s)

VERSUS

MD. MIRAJ ALI & ORS.

Respondent(s)

(With appln(s) for c/delay in filing SLP,exemption from filing c/c of the impugned Judgment,stay,c/delay in refiling SLP and office report)(For final disposal)

Date: 24/07/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE P. SATHASIVAM

For Petitioner(s) Mr. P.S. Narsimha, Sr. Adv.
Mr. Pragyan Sharma, Adv.
Ms. Kanika Mehra, Adv.
For Dr. Kailash Chand,Adv.

For Respondent(s) Mr. Rameshwar Prasad Goyal,Adv.

Mr. Ng. J.R. Luwang, Adv.
For M/S Corporate Law Group ,Adv

UPON hearing counsel the Court made the following
ORDER

Heard.

The petitioner is a judicial officer. At the relevant time she was working as sub-Divisional Judicial Magistrate in the State of Assam. In a criminal proceeding, the Chief Judicial Magistrate has issued a Proclamation Attachment Order against one of the accused. The accused challenged the same before the High Court and the matter went to the learned Single Judge of the High Court. He called for the records of the case and

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found that some of the orders were not written by the present petitioner while she was working as Sub Divisional Judicial Magistrate. Learned Single Judge has also observed that these orders have been written by the Bench Assistant and, according to the learned Single Judge it was not the correct procedure and recorded certain observations.

Learned counsel appearing for the petitioner states that some of the orders were written by the Bench Assistant but the same were signed by the officer and copy of

such proceedings are shown to us. We are satisfied that the concerned officer had signed all the proceedings of the court and it was not the Bench Assistant, who had passed the orders, as observed by the learned Single Judge. We do not think that the observations in paras 9,10,11 and 12 are strictly warranted by the High Court. All office proceedings are not written by the officers themselves at times as there are large number of cases pending in courts. In some of the matters, simultaneously the Bench Assistant would write the proceedings and it would be signed by the officer. If there is no signature of the officer, it would be a serious violation of the nature as pointed out. Failure to write office proceeding by the officer herself may not be illegal. Therefore, the observations made by the learned Single Judge in paras 9,10,11 and 12 were not warranted, accordingly, we expunge the same.

The special leave petition is disposed of accordingly.

(R.K. Dhawan)
Court Master

(Usha Sharma)
Court Master