

From:

Registrar General,
High Court of Uttarakhand,
Nainital

To,

1. All the District & Sessions Judges, Subordinate to High Court of Uttarakhand.
2. Principal Judge, Family Court, Dehradun/ Judges, Family Courts, State of Uttarakhand.
3. Principal Secretary (Law)-cum-, L.R., Government of Uttarakhand, Dehradun.
4. Principal Secretary, Legislative & Parliamentary Affairs, Government of Uttarakhand, Dehradun.
5. Director, Uttarakhand Judicial & Legal Academy, Bhowali, District Nainital.
6. Chairman, Commercial Tax Tribunal, F-6, Nehru Colony, Haridwar Road, Dehradun.
7. Chairman, State Transport Appellate Tribunal, House of Dr. Poonam Gambhir, Vaidik Kaya Ayurvedic Center, 1st Floor, House No. 85/1, Laxmi Road (Near Favvar Chauk), Dehradun.
8. Legal Advisor to Hon'ble the Governor, Rajbhawan, Dehradun.
9. Secretary, Lokayukt, 3/3, Industrial Area, Patel Nagar, Dehradun.
10. Registrar, State Consumer Redressal Commission, House No. 23/16, Circular Road, Dalanwala, Dehradun-248001.
11. Member-Secretary, Uttarakhand State Legal Services Authority, Nainital.
12. Presiding Officer, Industrial Tribunal-cum-Labour Court, Haldwani, District Nainital.
13. Presiding Officer, Labour Courts, Dehradun, Haridwar and Kashipur, District Udham Singh Nagar.
14. Presiding Officer, Food Safety Appellate Tribunal, Dehradun and Haldwani (Nainital).
15. Registrar, Public Service Tribunal, Uttarakhand, Dehradun.
16. Secretary-cum-Registrar, State Level Police Complaint Authority, Dehradun.
17. Chairman, Permanent Lok Adalat, Dehradun, Haridwar, Nainital and Udham Singh Nagar.
18. Legal Advisor to Public Service Commission, Uttarakhand, Haridwar.
19. Deputy Director (Law), Competition Commission of India, New Delhi.

C.L. No. 17 /UHC/Admin.A/2021

Dated: December 29 , 2021.

Subject: Formats of Judgments for Civil and Criminal Side.

Sir/Madam,

On the subject above, I am directed to enclose herewith formats of judgments for Civil and Criminal side, which are duly approved by the Hon'ble Court for guidance of all the Judicial Officers.

2. In addition to above, I am also directed to convey following directions of the Hon'ble Court for scribing the judgments:-

- (A) On Criminal side, the identity of Rape/POCSO Act victim should not be disclosed by the Courts, as mandated by Hon'ble Supreme Court in **Nipun Saxena & another vs. Union of India & others**, reported in **(2019) 2 SCC 703**.
- (B) In all the judgments, Civil as well as Criminal:-

- (i) Judicial Officers must follow the Rules while marking the Exhibits on every proved document;
- (ii) Presiding Officer must put his/her signature on every Exhibit;
- (iii) In case, it is found that the previous Presiding Officer has not put his/her signature on the Exhibit, it shall be signed by the present Presiding Officer with current date. This fact may also be reflected in the order-sheet.

3. In MACT cases, it should be clearly mentioned on the first page of the judgment whether permission under Section 170 of the Motor Vehicles Act, 1988 has been granted or not.

4. I am further directed to say that the formats of the judgments and the aforesaid instructions, which also hold good for orders, like use of font type and size, paragraphs numbering etc., shall also be followed by all the concerned while scribing the orders.

Yours Sincerely,

Sd/-

(Dhananjay Chaturvedi)

C.L. No. 6422/UHC/Admin.A/2021

Dated: December 29, 2021.

Copy forwarded for information to:

1. P.P.S. to Hon'ble the Chief Justice.
2. P.S. to Hon'ble Judge(s) with the request to place it before His Lordship for kind perusal.
3. P.S. to Registrar General.
4. All the Registrars of the Court.
5. Officer on Special Duty of the Court.
6. Librarian of the Court.
7. Assistant Registrar (IT), High Court of Uttarakhand, Nainital with a request to upload it on the Website of the Court.
8. Guard File

Registrar General

DRAFT FORMAT OF JUDGMENT FOR CIVIL CASES

IN THE COURT OF (COURT NAME) PRESENT:- ABC,(Name of Presiding Officer), UKJS/UKHJS O.S. NO. 1/2021 (SUIT No.) CNR No. Type of Suit:	
NAME AND ADDRESS	PLAINTIFF
Versus	
NAME AND ADDRESS	DEFENDANT
COUNSEL FOR PLAINTIFF:	
COUNSEL FOR DEFENDANT:	
DATE OF INSTITUTION OF SUIT:	
VALUATION OF SUIT:	
DATE ON WHICH ARGUMENT IS HEARD:	
DATE OF JUDGEMENT:	

JUDGMENT

- 1- Brief introduction about the nature of suit and relief claimed.
- 2- Brief facts of the Plaintiff's case.
- 3- Brief facts of the Defendant's case.
- 4- Issues to be Decided.
- 5- Brief description of oral and documentary evidences adduced by Plaintiff.
- 6- Brief description of oral and documentary evidences adduced by Defendant.
- 7- Arguments/ Contention of Plaintiff.
- 8- Arguments/ Contention of Defendant.
- 9- Findings of Court with reasons on each Issue / Point for determination in light of arguments advanced by both sides with relevant facts, law and evidence (oral and documentary) produced on record.
- 10- Summary of Court's finding for granting or refusing the relief claimed in the suit under the issue relating to 'Relief'.
- 11- Whether the suit is decreed or dismissed, with or without Cost must be specified.

Signature of PO/ Court Name

Suit No.-

12- Mention that the Judgment is signed, dated and pronounced in open Court today.

Name of Presiding officer with designation

APPENDIX OF EVIDENCE

LIST OF PLAINTIFF/DEFENDANT WITNESSES (Annexure 1)

A. PLAINTIFF WITNESSES:

RANK	NAME	NATURE OF EVIDENCE (WITNESS OF FACT, WITNESS OF DOCUMENT, EXPERT WITNESS, OTHER WITNESS)
PW1		
PW2		

B. DEFENDANT WITNESSES:

RANK	NAME	NATURE OF EVIDENCE (WITNESS OF FACT, WITNESS OF DOCUMENT, EXPERT WITNESS, OTHER WITNESS)
DW1		
DW2		

LIST OF PLAINTIFF/DEFENDANT EXHIBITS (Annexure 2)

A. PLAINTIFF:

S.NO.	Exhibit Number	Description
1.	As per rule 57 of the General Rules (Civil), 1957	
2.	As per rule 57 of the General Rules (Civil), 1957	

B. DEFENDANT:

S.NO.	Exhibit Number	Description
1.	As per rule 57 of the General Rules (Civil), 1957	
2.	As per rule 57 of the General Rules (Civil), 1957	

Designation of Presiding Officer.

Signature of PO/ Court Name

Suit No.-

Key Points-

1. A judgment should be a self-contained judgment.
2. Judgment of a Court of Small Causes need not contain more than the points for determination and decision thereon. (Order XX CPC).
3. Notwithstanding that the case may be disposed of on a preliminary issue, the court shall, subject to the provision of sub rule 2 of order XIV CPC shall pronounce judgment on all issues.
4. Where a finding is given on a preliminary issue at the time of trial that must be stated in Judgment.
5. In Prescribed Authority cases separate findings be given on *bona-fide* need and comparative hardship (Section 21 Act No. 13 of 1972).
6. Judgment shall be on foolscap (legal size) paper, one quarter page being left blank. (General Rules (Civil), 1957, Rule 90). Certified copies of the Judgment must also be prepared on the same size paper.
7. Judgment, if scribed in Hindi, shall be in Kruti Dev 010 font variant with font size 16 with 1.5 line spacing. Judgment if scribed in English, shall be in Times New Roman 15 Font size with 1.5 line spacing
8. A reference to a party or witness shall be by name and number, and not merely by the number like P.W.1 or defdt.1
9. Judgments shall contain the terms in full and not in abbreviated forms except where the abbreviations are well recognized and are in common use, such as a.m., p.m., e.g. etc. (General Rules (Civil), 1957, Rule 91)

DRAFT FORMAT OF JUDGMENT FOR CRIMINAL CASES

IN THE COURT OF Present:- ABC, HJS(Name of Presiding Officer),UKJS/UKHJS Criminal Case No./ST NO.... CNR No.....	
(Details of FIR/Crime and Police Station)	
Complainant	STATE OF..... OR NAME OF COMPLAINANT.
REPRESENTED BY	NAME OF ADVOCATE
ACCUSED	1.NAME WITH ALL PARTICULARS (A1) 2.NAME WITH ALL PARTICULARS (A2)
REPRESENTED BY	NAME OF ADVOCATES

Date of Offence	
Date of FIR	
Date of Chargesheet	
Date of framing of charges/ Statement of Accused on substance of accusation under section 251 Cr.P.C.	
Date of commencement of evidence	
Date on which Judgment is reserved	
Date of the Judgment	
Date of the Sentencing order,if any	

Accused Details:

Rank of the accused	Name of the accused	Date of arrest	Date of release on bail	Offence charged with	Whether acquitted or Convicted	Sentence imposed	Period of Detention undergone during trial for the purpose of section 428, Cr.PC

Signature of PO/Court Name

Case No.

JUDGMENT

1-Brief introduction of the case....(How the case has come before the Court)

2-Brief facts of the case.

3-Compliance of Section 207/208 of Cr.P.C and framing of charge or Substance of accusation to be stated to the accused under Section 251 Cr.P.C.

4- Brief description of oral and documentary evidence adduced by prosecution.

5- Examination of accused recorded under section 313 Cr.PC.

6- Brief description of oral and documentary evidences, if any, adduced by defence.

7- Points for determination with regard to each charge in a warrant case or accusation against accused in a summons case.

8- Arguments/ Contention of Prosecution/Complainant.

9- Arguments/ Contention of Defence.

10- Findings of Court with cogent reasons on each point for determination with regard to charge/accusation against accused in light of oral and documentary evidence produced on record.

11- Summary of Court's finding to arrive at Conclusion regarding each charge or accusation against accused.

12- If accused is found not guilty:

i) Order of Acquittal and direction that accused be set at liberty.

ii) If Accused is on bail, order of discharge of sureties.

iii) If accused is in custody, order about release of accused and its communication to Jail Authorities.

13- If accused is found guilty:

i) Order of conviction on each charge in which accused is to be convicted. In case there are multiple accused, each of them shall be

dealt with separately. (In case any charge is not proved, order of acquittal is to be recorded in respect of such charge).

ii) Hearing on quantum of Sentence and discussion for imposition of appropriate sentence.

iii) Separate sentence for every offence for which accused is found guilty. Also specify the nature of sentence whether rigorous or simple.

iv) Mention whether sentence of imprisonments are to run concurrently or consecutively. (*Sunil Kumar@ Sudhir Kumar and another vs State of Uttar Pradesh, 2021 SCC Online SC 413*)

v) Mention sentence of imprisonment in default of payment of fine. (Section 30 Cr.P.C)

vi) Mention the period of detention already undergone by the accused to be set off against the sentence of imprisonment. (Section 428 Cr.P.C)

vii) Order to pay compensation. (*Ankush Shiwaji Gaikwad v. State Of Maharashtra, AIR 2013 SC 2454*)

viii) Intimation to convict about right of appeal.

ix) Copy of judgment to be given free of cost to the accused.

(Section 363 of Cr.P.C)

14-Order about disposal of case property.

15-Mention about compliance of Section 437-A Cr.P.C.

16- Mention that Judgment signed, dated and pronounced in open Court today.

**Name of Presiding officer
with designation**

APPENDIX OF EVIDENCE

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES

(Annexure 1)

A. Prosecution

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
PW1		
PW2		

B. Defence Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
DW1		
DW2		

C. Court Witnesses, if any:

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
CW1		
CW2		

Signature of PO/Court Name

Case No.

LIST OF PROSECUTION/DEFENCE /COURT EXXHIBITS

(Annexure 2)

A. Prosecution:

S.NO.	Exhibit Number	Description
1.	Exhibit P-1/PW1	
2.	Exhibit P-2/PW2	

B. Defence:

S.NO.	Exhibit Number	Description
1.	Exhibit D-1/DW1	
2.	Exhibit D-2/DW2	

C. Court Exhibits:

S.NO.	Exhibit Number	Description
1.	Exhibit C-1/CW1	
2.	Exhibit C-2/CW2	

D. Material Objects:

S.NO.	Material Object Number	Description
1.	MO1	
2.	MO2	

Name of Presiding officer with designation

Signature of PO/Court Name

Case No.

KEY POINTS-

1. A judgment should be a self-contained judgment.
2. Where the case comes within the ambit of Section 4 or 6 of the Probation of Offenders Act or Section 360 of Cr.P.C, benefit of these provisions must be conferred. If the accused is not given benefit of probation or Section 360 Cr.P.C, special reasons must be assigned in the Judgment (*Chhanni v. State of UP, (2006)5 SCC 396*).
3. It is mandatory on the part of the Court to call for a report from the probation officer before proceeding under Section 4(2) of Probation of offender Act, 1958 {*M.C.D. v. State Of Delhi And Anr. (2005)4 SCC 6052*}.
4. Previous conviction, if any, to be noted in the Judgment.
5. Court of Session and Chief Judicial Magistrate to send copy of finding and sentence to District Magistrate. (Section 365 Cr.P.C).
6. In no case sentence less than minimum prescribed under law for that offence be awarded.
7. Nature of imprisonment i.e. 'simple or rigorous' must be specified.
8. Language of Judgment should be simple and respectful.
9. Period of custody of accused person or of each accused, where there are more than one, should be specifically mentioned in the judgment and also the particulars of split cases, if any.
10. The practice of marking x x x x for showing cross examination should be dispensed with and instead cross examination by Ld. counsel for accused no.(Name)/re-examination by - - -, should be specifically mentioned.
11. Abbreviation and Latin maxims are to be generally avoided and if necessary their grammatical meaning must be quoted.

12. Judgment shall be written in paragraphs and each paragraph shall be numbered in series. Distinct point must be discussed in distinct paragraph. (*In re: To Issue certain Guidelines regarding Inadequacies and deficiencies in Criminal Trials v. The State of Andhra Pradesh and Ors, Suo Moto Writ (CRL) No.(S)1/2017, Date of Judgment- April 20, 2021*).
13. The Presiding Officers may in their discretion, organize the Judgment into different sections. (*In re: To Issue certain Guidelines regarding Inadequacies and deficiencies in Criminal Trials v. The State of Andhra Pradesh and Ors, Suo Moto Writ (Crl) No.(S)1/2017, Date of Judgment- April 20, 2021*).
14. Citations must be written in correct manner.
15. Rules of 'Précis writing' must be followed.
16. Designation must be cited correctly.
17. Judgment shall be on foolscap (legal size) paper, one quarter page being left blank. Certified copies of the Judgment must also be prepared on the same size paper.
18. Judgment, if scribed in Hindi, shall be in Kruti Dev 010 font variant with font size 16 with 1.5 line spacing. Judgment if scribed in English, shall be in Times New Roman Font size 15 with 1.5 line spacing.

N.B. Exhibits and Material Objects are marked and numbered in accordance with the directions given by Hon'ble Apex Court In *Suo Motu* Writ (Crl) No.(s) 1/2017 dated 20.04.2021 and Uttarakhand Criminal Courts Procedure and Practice Rules, 2021.