

HIGH COURT OF KARNATAKA, BENGALURU

September 29, 2020

**HIGHLIGHTS OF MODIFIED STANDARD OPERATING
PROCEDURE FOR HIGH COURT EFFECTIVE FROM
OCTOBER 05, 2020 FOR THE PRINCIPAL SEAT AT
BENGALURU AND BENCHES AT DHARWAD AND KALABURAGI**

The members of the bar are requested to take note of the following important changes made to the Standard Operating Procedure dated 21st September 2020 effective from 05th October 2020. **A request to the members of the Bar is to read the same carefully as the same are important for day today functioning of the Court.**

1. **The following paragraph has been inserted at the end of Clause 2(c):**

In respect of Bail Petitions Under Section 438 as well as 439 of the Code of Criminal Procedure, 1973 filed from 24th September 2020 at the Principal Seat at Bengaluru, in respect of Bail petitions Under Section 438 and 439 of Code of Criminal Procedure, 1973 filed from 1st October 2020 at Benches at Dharwad and Kalaburagi and in respect of Criminal Petitions Under Section 482 of Cr.P.C. and Criminal Appeals from Conviction filed from Thursday 01st October 2020 filed at all three Benches, memo for listing will not be entertained. Every petition filed for anticipatory bail will be automatically listed on the third day of its filing. For example, if an application for

anticipatory bail is filed on Monday, the same shall be automatically listed on immediately next Wednesday. If immediately next Wednesday is a Court Holiday, it will be listed on Thursday. In case of regular bail petitions, Criminal Petitions Under Section 482 of Cr.P.C. and Criminal Appeals against Conviction, the same shall be listed on fourth day of its filing. For example, if a regular bail petition is filed on Monday it will be automatically listed on immediately next Thursday. If next Thursday is a Court Holiday, it will be listed on immediately next working day. In those rare cases where regular bail petitions cannot wait for three days, that a memo can be sent by e-mail which shall be placed before the Hon'ble Chief Justice for necessary orders. If any petition/appeal is not listed as per the aforesaid directions, a memo can be filed which will be immediately attended by the Registrar (Judicial). In case of a request listing of Bail Petitions filed prior to 24th September 2020 and Criminal Petitions Under Section 482 of Cr.P.C. as well as Criminal Appeals against Conviction filed prior to 1st October 2020, the memo for listing will be placed before the Benches taking even and odd number of petitions.

2. Clause (g) of paragraph 2 shall stand substituted by following paragraph:

In Criminal Appeals, all details such as offences alleged, date of the impugned order, nature of the order shall be set out. In Criminal Revision Petitions, Writ Petitions, Criminal Petitions Under section 482 of Cr.P.C. apart from the above details, the

nature of reliefs sought must be disclosed. Any other factual details to make out a case of urgency shall also be stated in the memo. If the case is pending before the Trial Court, next date fixed shall be disclosed.

3. Clause (i) of Paragraph No.2, shall be replaced as under:

All e-mails received containing requests for e-filing up to 10:30 a.m. on every working day will be scrutinized by 4:00 p.m. and will be forwarded to the Hon'ble Chief Justice for necessary decision. A memo setting out urgency shall be also forwarded along with the request for e-filing. If the urgency is considered favourably by the Hon'ble Chief Justice, the intimation regarding grant of permission will be communicated to the applicant. After the case is e-filed and FR number is assigned, the memo will be placed before the concerned Hon'ble roster Judge, provided the prayer is for listing of a case which is yet to be admitted for final hearing.

Application/memo received for urgent listing of cases which are yet to be admitted including IAs and orders therein shall be placed before the Hon'ble roster Judge. Memo for posting of such matters received up to 10:30 a.m. on every working day shall be placed before the Hon'ble roster Judge at 4:45 p.m. After examining the urgency based on the details set out in the memo, the Hon'ble roster Judge will assign dates. Memo filed for listing of admitted case for final hearing, shall be placed before the Hon'ble Chief Justice and not before the Hon'ble roster Judge.

While filing memo for listing for Admission/Preliminary Hearing/ Orders/ Final Hearing, statements shall be made stating:-

- (i) Whether the case is listed on any of the advance lists, which have been already notified:**
- (ii) Classification of cases (for example, WP GM(CPC), MFA (FC) etc) must be mentioned;**
- (iii) The memo must also state whether the case pertains to Division Bench or Single Judge;**
- (iv) All details as set out in clauses 2(g) and 2(h) of SOP must be stated.**
- (v) The memo must mention the name of the Bench as per the Sitting List.**

Memo which does not comply with the above requirements will not be processed.

The concerned roster Judges or Hon'ble Chief Justice will require time of 48 hours to 72 hours for taking decisions on the memo. No one is permitted to move memo in the open Court. Cases will not be listed on the basis of memo moved in the open Court even if memo is accepted by the Court Officer. No Advocate or party-in-person is entitled to enter in the Court hall for mentioning memo for posting.

4. The following paragraph shall be inserted as Clause 17(cc):

Except when a permission has been obtained for the purpose of filing the cases physically, a party-in-person shall not be permitted to enter the Court premises.

The party-in-persons are permitted to enter the Court premises in other circumstances only when express permission has been granted under the order of the Court and a copy of such order passed by the Court is shown at the entry point at gate No.5.

BY ORDER OF HON'BLE THE CHIEF JUSTICE

Sd/-
(RAJENDRA BADAMIKAR)
REGISTRAR GENERAL