

Meena

IN THE HIGH COURT OF BOMBAY AT GOA
SOU MOTU WRIT PETITION NO.2 OF 2022

In Re: High Court on his own motion (in
the matter of pending Judgments and orders
passed by Ad-hoc Sr. Civil Judge & J.M.F.C.,
"A" Court, Quepem).

Mr Devidas Pangam, Advocate General, with Ms Maria Correia,
Additional Government Advocate.

CORAM:	M. S. SONAK & BHARAT P. DESHPANDE, JJ.
Reserved on:	20 th December, 2022.
Pronounced on:	2 nd January, 2023.

JUDGMENT : (Per Bharat P. Deshpande, J.)

Based on a report submitted by the learned Principal District and Sessions Judge, South Goa Margao, dated 01/10/2022, we directed the Registry to register the present Sou Motu Writ Petition as, in our judgement, the reported circumstances and the failure to make amends even after Administrative persuasion, raises issues affecting the administration of justice. The report dated 01/10/2022 speaks about several instances in which the learned J.M.F.C. pronounced judgements and orders in the open Court but did not follow this with the actual writing and signing. Despite administrative requests and, in some cases, judicial directives, the process mandated by the law was never completed. As a consequence, the fate of the litigating parties is in a state of limbo. Such parties declared successful are deprived of the fruits of their so-called success. Their counterparts were deprived of their right to seek further redressal. This unfortunate situation

called for urgent action. Hence these suo moto proceedings invoking inter alia our position as a Court of record and supervisory jurisdiction.

2. On 19/10/2022, we made the following order:

"1. In this case, the Principal District Judge, South Goa, has filed a report indicating that there are at least eleven matters where the learned Civil Judge, Senior Division at Quepem has pronounced orders but not prepared or issued certified copies of judgments. In most cases, even the judgments are not found on record.

2. This Issue in the context of some particular cases was dealt with by us in Criminal Writ Petition No.578/2022(F) and Criminal Writ Petition No.73/2022.

3. The report now furnished pertains only to the posting of the learned Judge at Quepem. Therefore, we direct the Principal District Judges of North Goa and South Goa to furnish reports latest by 10.11.2022 indicating whether there are any other similar instances at the places where the learned Judge was posted.

4. This matter is now posted for further consideration on 14.11.2022. Therefore, we request the learned Principal District Judges to file their reports latest by 10.11.2022.

5. The Registrar (Judicial) to at the earliest communicate this order to the learned Principal District Judges of the two Districts so that there is no delay in compliance.

6. At our request, learned Advocate General has agreed to assist us in this matter."

3. We requested the learned Advocate General Shri Devidas Pangam with Ms Maria Correia, learned Additional Government Advocate, to appear and assist the Court. We thank them for the assistance rendered.

4. In the order we propose to make in the present petition, notices were not issued to all the parties involved in proceedings where the learned J.M.F.C. did not prepare judgements and orders after pronouncement in open Court or endorsement the Roznama. This was to save time and further prejudice/inconvenience to such parties. But the original record of these matters was called and inspected by the Registrar(Judicial) of this Court, who prepared a consolidated report. Further, considering the precedents on this issue, we were satisfied that this type of pronouncement, followed by non-preparation and signing of the judgements and orders within a reasonable time, creates no tangible rights or liabilities in such parties. In such circumstances, adding or serving the parties in the above matters would only cause further delay in the effective disposal of such suits/ cases. However, if any parties still have a legitimate grievance, we reserve them the liberty to apply even though we propose to dispose of these proceedings by this judgement and order.

5. The matter was then taken up on 16/12/2022 when the Registrar (Judicial), after inspecting all the records and proceedings from North and South Goa Courts, specifically where the learned Judicial Officer was posted and where it is observed that despite pronouncing judgments and orders, signed original judgments and orders are not found in the respective case papers/records.

6. Accordingly on 16/11/2022 we passed the following order:

"Today the additional chart is placed before us by the Registrar (Judicial) on the basis of reports received from both the Principal

District and Sessions Judge, North Goa and South Goa. Accordingly, there are two additional civil cases from Canacona wherein the judgments were pronounced, however, signed copies of judgments are not found in the respective records.

2. In all there are 8 civil matters and 7 Criminal matters in which orders/judgments are not found though pronounced by the learned Presiding Officer.

3. The learned Advocate General submits that on the internet the order dated 9th July 2021 in R.C.S. No.61/2018/A of Quepem Court is found uploaded. He placed the copy of it on record. Similarly, the learned Advocate General pointed out that in the list of civil cases from Quepem Court, R.C.S. No.18/2021 shows different parties than the one mentioned in the chart at Sr.No.5. He placed a copy of names of the parties downloaded from the net wherein R.C.S. No.18/2021/B of Quepem Court shows Mrs. Teja Abhir Prabhudessai alias Teja Pai and another as plaintiffs against Mr. Sadanand Shashikant Pai and others as the defendants. The chart attached to the present petition submitted by the learned Registrar (Judicial) Sr. No.5 shows R.C.S. No.18/2012/A wherein parties names are Milagrina Fernandes v/s Joana Fernandes.

4. In view of the above discrepancies pointed out, we proposed to call records and proceedings of all the 15 matters as mentioned in the list and direct the learned Registrar (Judicial) to inspect the records and proceedings and then to verify whether impugned orders therein are actually attached to the file. The learned Registrar (Judicial) accordingly shall submit the report in a tabular form.

5. The copy of order dated 9th July 2021 in R.C.S. No.61/2018/A of Quepem Court, is concerned, we direct the learned Principal District and Sessions Judge to immediately verify whether signed original order exists in the file and if not then enquire as to when and under what circumstances copy of such order was uploaded on the website. The concerned clerk or the stenographer as the case may be who uploaded the Order below Exhibit-4 dated 9th July 2021 in R.C.S. No.61/2018/A of Quepem Court should be called upon to explain as to who instructed to upload such order when in fact signed copy of the order is not found in the file. Such report shall be placed on record on or before the next date.

6. We post the present matter for further consideration on 05th December 2022."

7. The learned Registrar (Judicial) placed before us a detailed consolidated report which reads thus :

"CONSOLIDATED DETAILED REPORT"

NOTE : * Matter is disposed of before Trial Court

** issue is resolved, as per Order of the Hon'ble High Court in WPCR-578/2022, Judgment is delivered by the Ld. Trial Court.

CIVIL MATTERS – TABLE -A

Sr. No.	Case No. & Name of parties	Date of Judgment/ Order	Details of event.	Remarks
1	R.C.S. No. 37/2006/ A Srihari Subrai Naik Kurade & Ors V/s Dr. Alvaro D'Loyala Furtado & Ors	03.10.2020	a) As per roznama, vide Exh-244, Judgment was pronounced on 03.10.2020. b) The operative part of the order is found in the file. c) The copy of Judgment is not found in the file. d) Application for Certified copy is pending since 05.10.2020.	Photocopy of relevant pages from original file Page Nos. 1 to 3 from Compilation-Q .
2 *	Comm. Suit No. 17/ 2020/A M/s Dinar Tarcar Resources (India) Pvt. Ltd. Vs. M/s Agencia	05.01.2021	a) As per roznama dated 05.01.2021 application for temporary injunction at Exh-5 was disposed of as partly allowed with cost, order is typed in Roznama but copy of the order is not found on record. b) On 12.03.2021, consent	a) Photocopy of relevant pages from original file Page Nos. 4 to 9 from Compilation-Q . b) Suit is disposed of by consent terms vide Exh-26 and Order below Exh-1

	<i>Comercial Maritima</i>		terms vide Exh- 26 verified. Matter is settled between the parties. c) Application for Certified copy is pending since 01.01.2021, parties did not pursue for certified copy of Order on Exh-5, as suit is disposed of by consent terms. d) As per roznama dated 16.03.2021, it is disposed of as per consent terms vide Exh-26 and Order is passed below Exh-1.	on 16.03.2021.
3 *	R.C.S. No. 61/2018/ A Babush S. Naik & Ors V/s Shivaji B. Naik & Ors	09.07.2021	a) As per roznama, vide Exh-4, application for temporary injunction is dismissed on 09.07.2021. b) Issues are settled and suit is awaiting for evidence. [Exh-28 on 23.08.2022]. c) Order on Exh-4 with signature of Ld. Judge is found on record. d) As per report of Ld. P.D.J., Margao, it revealed that part order was dictated on 09.07.2021 and remaining order was dictated on 20.10.2022.	a) Photocopy of relevant pages from original file Page Nos. 10 to 18 from Compilation-Q. b) Order on Exh-4 dated 09.07.2021 was completed on 20.10.2022 and uploaded on 20.10.2022 after signature of Ld. Judge.
4	RCS No. 41/2015/ A Benedito	07.05.2022	a) As per roznama, Judgment was pronounced on 07.05.2022.	Photocopy of relevant pages from original file Page Nos. 19 to 21 from

	<i>Fernandes & Ors. Vs. The Cathedral Chapter of Archdioces of Goa</i>		<i>b) It is reflected in roznama but there is no detail order or Judgment.</i> <i>c) Decree is not found in the file.</i> <i>d) Application for Certified copy is pending since 11.05.2022.</i> <i>e) In roznama, Judgment is marked as Exh-61, but not found in Moster (i.e. classification of record).</i> <i>f) In Moster "A" file of Judgment is NIL.</i>	Compilation-Q .
5	<i>RCS No. 18/2012/ A</i> <i>Milagrina Fernandes V/s Joana Fernandes</i>	07.05.2022	<i>a) As per roznama, vide Exh-90, Judgment was pronounced on 07.05.2022. Suit is partly decreed with cost.</i> <i>b) The operative part of the order is mentioned in roznama.</i> <i>c) The copy of Judgment and Decree is not found in the file.</i> <i>d) Application for Certified copy is pending since 11.05.2022.</i>	Photocopy of relevant pages from original file Page Nos. 22 to 25 from Compilation-Q .
6	<i>RCS No. 33/2012/ A</i> <i>Angelo</i>	24.05.2022	<i>a) As per roznama, vide Exh-90 Judgment was pronounced on 24.05.2022. Suit is dismissed with cost.</i>	Photocopy of relevant pages from original file Page Nos. 26 to 28 from

	<i>Nolasco Domingos Colaco and Anr V/s Mahadev Devasthan</i>		<i>b) The copy of Judgment is not found in the file.</i> <i>c) Application for Certified copy is pending since 06.07.2022.</i> <i>d) In Moster "A" file of Judgment is NIL.</i>	Compilation-Q .
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CRIMINAL MATTERS – TABLE -B

<i>Sr. No.</i>	<i>Case No. & Name of parties</i>	<i>Date of Judgment/ Order</i>	<i>Other Details and Remarks</i>	
1 **	<i>Cr. Case No./161/N .I./ 2016/A</i> <i>Shaikh M. Tauseef V/s Gogi Constructions & Ors</i>	<i>05.03.2021</i>	<i>a) As per roznama, vide Exh-115 Judgment was pronounced on 02.03.2021.</i> <i>b) The copy of Judgment is not found in the file.</i> <i>c) Order of sentence is found in the roznama dated 05.03.2021.</i> <i>d) Signed copy of order on sentence, titled as "Judgment continued" is found in the file.</i> <i>e) Application for Certified copy is pending since 08.03.2021.</i> NOTE:- 1) In W.P.C.R. (F) No.578-2022 the Hon'ble High Court has set aside the Judgment with direction to rehear by other	<i>a) Photocopy of relevant pages from original file Page Nos. 29 to 32 from</i> Compilation-Q . <i>b) In compliance to Order of the Hon'ble High Court (W.P.C.R. (F) No.578-2022), <u>issue is resolved.</u></i>

			<i>Judge.</i> <i>2) Vide Exh-146, Judgment is pronounced (by J.M.F.C Girija Gaonkar) on 14.11.2022. Complete copy of Judgment is on record.</i>	
2 **	<i>Cr. C. No. 162/NI/2016/A</i> <i>Shaikh M. Tauseef V/s Gogi Constructi ons & Ors</i>	05.03.2021	<i>a) As per roznama, vide Exh-113 Judgment was pronounced on 02.03.2021.</i> <i>b) The copy of Judgment is not found in the file.</i> <i>c) Order of sentence is found in the roznama dated 05.03.2021.</i> <i>d) Signed copy of order on sentence, titled as "Judgment continued" is found in the file.</i> <i>e) Application for Certified copy is pending since 08.03.2021.</i> NOTE:- 1) In W.P.C.R. (F) No.578-2022 the Hon'ble High Court has set aside the Judgment with direction to rehear by other Judge. <i>2) Vide Exh-146, Judgment is pronounced (by J.M.F.C Girija Gaonkar) on 14.11.2022. Complete copy of Judgment is on record.</i>	<i>a) Photocopy of relevant pages from original file Page Nos. 33 to 36 from Compilation-Q.</i> <i>b) In compliance to Order of the Hon'ble High Court (W.P.C.R. (F) No.578-2022), <u>issue is resolved.</u></i>
3	<i>C.C No. 87/S/15/A</i> <i>State V/s Shabaj Hawaldar</i>	22.10.2021	<i>a) As per roznama, vide Exh-68 Judgment was pronounced on 25.06.2021 and accused is held guilty for offences punishable u/s 279, 337, 304 -A of I.P.C. and matter was posted for argument on sentence.</i>	<i>Photocopy of relevant pages from original file Page Nos. 37 to 41-A from Compilation-Q.</i>

			<i>b) After various dates sentence was pronounced on 22.10.2021.</i> <i>b) Order of sentence is found in the roznama dated 22.10.2021. However, the copy of Judgment is not found in the file.</i> <i>c) Application for Certified copy is pending since 25.10.2021.</i>	
4	<i>CC.No.153 /S/2016/A</i> <i>State Vs. Tereza Oliveira & Anr</i>	25.08.2021	<i>a) As per roznama, vide Exh-42 Judgment was pronounced on 25.08.2021.</i> <i>b) The copy of Judgment is not found in the file. Accused is acquitted. File contains only operative order, as mentioned in roznama dated 25.08.2021.</i> <i>c) Application for Certified copy is pending since 25.08.2021.</i>	<i>Photocopy of relevant pages from original file Page Nos. 42 to 44 from</i> Compilation-Q.
5	<i>M.T.A. No.2/2019 /A</i> <i>Sharmila R. Naik Vs Ranzit Kumar Singh</i>	14.10.2021	<i>a) As per roznama, Judgment was pronounced on 14.10.2021, however no exhibit is given.</i> <i>b) The operative part of the order is found in the roznama i.e. Maintenance of Rs. 6,000/- p.m. is granted.</i> <i>c) The copy of Judgment is not found in the file.</i> <i>d) Application for Certified copy is pending since 29.10.2021.</i>	<i>Photocopy of relevant pages from original file Page Nos. 45 to 48 from</i> Compilation-Q.
6	<i>CC. No.</i>	10.11.2	<i>a) As per roznama, vide Exh-43,</i>	<i>Photocopy of</i>

	10/S/ 2019/ A	021	Judgment was pronounced on 10.11.2021.	relevant pages from original file Page Nos. 49 to 51 from Compilation-Q .
	State Vs Suprasad Shirodkar & Ors		b) The operative part of the order is found in the roznama. c) The copy of Judgment is not found in the file. d) Application for Certified copy is pending since 10.11.2021. e) As per roznama dated 10.11.2021, accused 1, 2 & 4 are acquitted (It is abated against accused no.3) . Only operative Order is found in "B" file.	
7	C.C No. 121/S/ 16/A	14.01.2 022	a) As per roznama, vide Exh-78, Judgment was pronounced on 14.01.2022. b) The operative part of the order is found in the roznama dated 14.01.2022. c) The copy of Judgment is not found in the file. d) Application for Certified copy is pending since 17.01.2022. e) Accused is acquitted. Only operative part of Judgment found in "B" file. Detail reasoned Judgment is not found in file.	Photocopy of relevant pages from original file Page Nos. 52 to 55 from Compilation-Q .
	State Vs. Ashu Abdul Razak @ Ashraf Ahmad & Or. (u/s 420 of I.P.C.)			

ADDITIONAL CHART OF CIVIL MATTERS – TABLE -C

<i>Sr No</i>	<i>Case No. & Name of parties</i>	<i>Date of Judgment/ Order</i>	<i>Other Details and Remarks</i>	
1	<i>R.C.S. No.40/2014</i> <i>Smt. Punem Naraina Naik Dessai Vs. Smt. Netra alias Prema Loximon Dessai</i> <i>(Old Sp.Civil Suit No. 10/2007 & 62/2010)</i>	<i>22.11.2018</i> <i>by C.J.J.D & J.M.F.C Canacona</i>	<i>a) As per roznama, vide Exh-122, Judgment was pronounced on 22.11.2018.</i> <i>b) As per roznama, suit is dismissed with cost.</i> <i>c) The operative part of the order is not found in the file.</i> <i>d) The copy of Judgment is not found in the file.</i> <i>e) Application for Certified copy is pending since 22.11.2018.</i> <i>f) In Moster "A" file of Judgment is NIL.</i>	<i>Photocopy of relevant pages from original file Page Nos. 56 to 58 from Compilation-Q.</i>
2	<i>R.C.S. No.129/2010</i> <i>Pio Rogerio Salema Cotta Vs. Ramesh Sarvottam Sinai Nagarsenkar and Ors.</i>	<i>14.01.2019</i> <i>by C.J.J.D & J.M.F.C Canacona</i>	<i>a) As per report of present C.J.J.D, Canacona dated 03.11.2022 Judgment was pronounced on 14.01.2019.</i> <i>b) The copy of Judgment and Decree is not found in the file.</i> <i>c) As per roznama dated 14.01.2022, Judgment is marked as Exh-32, however, detail copy of Judgment is not on record.</i> <i>d) In Moster "A" file of Judgment is NIL.</i>	<i>Photocopy of relevant pages from original file Page Nos. 59 to 61 from Compilation-Q.</i>

On verification of Original record, compilation is submitted by me.

*Sd/-
Registrar (Judicial)*

Date: 02-12-2022"

8. A Co-ordinate Bench of this Court wherein one of us (M.S. Sonak. J) was a member, in Writ Petition No.73 of 2022, under similar circumstances, passed a detailed order dated 11/07/2022 concerning the very same Presiding officer. In that matter, the Petitioner named, Shaikh Mohammed Tauseef filed the said Criminal Writ Petition on the premise that he instituted two criminal complaints against M/s. Gogi Construction and others under Section 138 of the Negotiable Instruments Act, 1881, which were registered as Criminal Case Nos.161/NI/OA/2016/A and 162/NI/OA/2016/A before the Quepem Court. Vide order dated 05/03/2022, the Judicial Officer/ Judicial Magistrate First Class at Quepem, A Court (J.M.F.C.) convicted the accused persons for the offence under Section 138 of the said Act and directed them to pay the cheque amount and sentenced them for one-month imprisonment and in default of payment for six months simple imprisonment. The accused, therein, applied for suspension of sentence on the same date. Accordingly, the J.M.F.C./ Judicial Officer promptly suspended the sentence for 30 days to enable the accused persons to institute an appeal against the conviction. The Petitioner–Shaikh Mohammed Tauseef, applied for the certified copy on 28/05/2021 of both judgments and orders on an urgent basis. After that, the Petitioner visited the Court several times to collect certified copies of the judgments in both matters. However, he was informed that the Judgments were not ready and that the certified copies would be supplied after 15 days. Apart from this, the Judgments passed in both matters were not uploaded on

the website of the Court. M/s. Gogi Constructions, the accused in both cases, filed Criminal appeals before the Sessions Court at Margao bearing Criminal Appeal Nos.52/2021 and 53/2021 without attaching certified copies of the Judgments and orders wherein they were convicted. The learned Sessions Court did not grant any interim relief and directed the accused person to produce a certified copy of the judgments and orders.

9. Since the Co-ordinate Bench in Shaikh Mohammed Tauseef (supra) found the situation quite disturbing, called a report from the Principal District and Sessions Judge, South Goa, in July 2022 to ascertain the actual/factual position. Vide report dated 07/07/2022, the learned Principal District and Sessions Judge confirmed the statements of the petitioner-Shaikh Mohammed Tauseef, that those original judgments duly signed were not found in the records. The Appellate Court before whom two appeals were filed by M/s. Gogi Construction called upon the trial Court to furnish the certified copies of the judgments, but there was no response.

10. On 05/04/2021, the learned Principal District and Sessions Judge, South Goa Margao carried out an inspection of the Court of J.M.F.C., "A" at Quepem and found that though Criminal Case No. 161/NI/OA/2016/A and Criminal Case No.162/NI/OA/2016/A were disposed of on 05/03/2021 / 08/03/2021, however, no signed judgments were found in the record. Therefore, only Roznama entries show that the matters stand disposed of by convicting the accused persons under Section 138 of N.I. Act.

11. On 06/04/2021, the learned Principal and District Judge, South Goa

Margao, directed the learned Judicial Officer to irregularities immediately, requiring her to complete the judgments in both matters and issue certified copies immediately. However, there was no response from the concerned Judicial Officer. Accordingly, on 23/04/2022, the learned Principal District and Sessions Judge, South Goa Margao, reported the matter to the Registrar General, High Court of Bombay, through a proper channel, i.e. Registrar (Administration) High Court of Bombay at Goa.

12. In such backdrop, the Co-ordinate Bench of this Court issued directions in paragraphs No. 20 and 21 in Criminal Writ Petition No. 73 of 2022 decided on 11/07/2022 as under :

"20. Therefore, we hereby direct the Judicial Magistrate First Class, "A" Court at Quepem to provide the Petitioner as well as the accused persons the certified copies of the Judgments and Orders dated 5th March 2021 within a maximum period of 10 days from the date of receipt of an authenticated copy of this order. The Registry to ensure that an authenticated copy of this order is served upon the J.M.F.C. at Quepem at the earliest against her endorsement of receipt. The copy may be served through the Principal District and Sessions Judge, South Goa. The J.M.F.C. at Quepem should file a compliance report in this case on or before 7th September 2022.

21. This Order and the report of the Principal District Judge must be placed before the Registrar (Admin) to enable him to do the needful on the administrative side by following

13. Unfortunately, Mr Shaikh Mohammed Tauseef had to approach this Court in another Criminal Writ Petition No.578 of 2022 in respect of the same matters wherein it is alleged that despite giving direction as quoted in paragraphs 20 and 21 above, the learned Judicial Officer failed to deliver

certified copies of the final orders/ judgments in Criminal Case No. 161/NI/OA/2016/A and Criminal Case No.162/NI/OA/2016/A. Accordingly, this Bench vide order dated 06/10/2022 disposed of the said Criminal Writ Petition No.578 of 2022, observing in paragraphs 41 to 46 as under :

"41. Considering the unfortunate facts and circumstances, the submissions made, and the law on the subject, we quash and set aside the orders convicting the respondents in Criminal Case no.161/NI/OA/2016/A and Criminal Case No.162/NI/OA/2016/A and remand and restore the two cases to the file of the learned J.M.F.C., B Court at Quepem. Accordingly, these two cases shall stand transferred from A Court to B Court. For all this, we invoke the provisions in Article 227 of the Constitution.

42. Upon remand, the learned J.M.F.C., B Court must, based on the evidence already led in the matters, rehear the parties through their Counsel and pass final Judgment and order in terms of the law most expeditiously mindful of the directions in Anil Rai (supra). Copies of such final Judgment and orders should be furnished immediately to the parties. Considering the peculiar facts and circumstances, the learned J.M.F.C., B Court is directed to complete this exercise as expeditiously as possible, and no later than six weeks from the date an authenticated copy of this order is filed before it.

43. Since we have quashed the conviction orders and remanded the cases before learned J.M.F.C., B Court, Quepem, the Criminal Appeal nos.52/2021 and 53/2021 instituted by some of the respondents seeking the same relief are rendered infructuous. Therefore, even those criminal appeals are hereby disposed of. Parties should produce an authenticated copy of this order before the learned Sessions Court taking up these two appeals so that even these two appeals can be marked as disposed of.

44. In our Order dated 11.07.2022, disposing of Criminal Writ Petition No.73/2022, we had directed that the said order and the report of the Principal District and Sessions Judge be placed before the Registrar (Administration) to enable him to do the needful on the administrative side by following the law. Similarly, we now direct that a copy of this order and the report dated 01.10.2022 made by the Principal District and Sessions Judge be placed before the Registrar (Administration) so that he can do the needful in terms of the law. With reluctance, we adopt this course, as otherwise, we think that we too might be failing in our duties of superintendence.

45. On behalf of the judicial institution, we sincerely apologize to the parties for the prejudice they suffered due to the non-preparation and non-furnish of the certified copies by the learned J.M.F.C., A Court, Quepem, even though she convicted and sentenced some of the respondents in the above two cases. She suspended the sentence. But without the judgement, the convicted accused could not pursue their appeals, nor could the Petitioner recover the compensation awarded. As a result, the appeal Court could not proceed with the appeals, and the Petitioner had to institute two writ petitions before us for redressal.

46. The rule is made absolute in the above terms. There shall be no order for costs.."

14. In the above-said backdrop, the reports received from the learned Principal District and Sessions Judge, North Goa and South Goa and the detailed consolidated report prepared by the Registrar (Judicial) of this Court as quoted earlier, we cannot but express our great concern about the unfortunate situation. At least prima facie, such a situation runs counter to the procedures established under the provisions of the Code of Civil procedure and Code of Criminal Procedure as well as the Civil and Criminal Manual of the High Court in respect of preparing, finalizing, signing the

original judgments/orders and issuing certified copies to the parties.

15. At this stage, we must observe that the parties suffered unnecessarily because of the non-issuance of certified copies and non-preparation of original signed judgments by the concerned Judicial Officer while working at Quepem and Canacona. The record discloses that despite Judicial orders passed by this Court in Criminal Writ Petition No. 73 of 2022 dated 11/07/2022 directing to furnish certified copies of both judgments and orders within ten days, there was neither any compliance nor any justification for non-compliance.

16. Shri Pangam pointed out that in one of the matters, an order has been subsequently uploaded, and he also produced a copy of such an order printed through the trial court website. Similarly, he pointed out that in Commercial Suit No.17 of 2020, Consent Terms were filed on 12/03/2021 by the respective parties, and the said suit has been disposed of vide Exhibit-26 by Order below exhibit-1 passed on 16/03/2021. In R.C.S. No. 61/2018/A though Order below Exhibit-4 was pronounced on 09/07/2021, it was completed and uploaded on the website on 20/10/2022. These two matters are at Sr.No. 2 and 3 of the consolidated chart prepared by the Registrar (Judicial) of this Court, as quoted earlier.

17. Even in the order below, Exhibit- 4 in R.C.S. No.61/2018/A was uploaded on 20/10/2022, there is no explanation from the concerned Judicial Officer for the delay in completing and signing the order and uploading it after one year and three months. Such a delay is nowhere explained and is perhaps prima facie, inexplicable.

18. The consolidated report shows that there are six civil matters and five criminal matters from Quepem and Canacona Court where the said Presiding Officer was posted, apart from two other criminal matters in the case of Shaikh M. Tauseef v/s. Gogi Constructions. This is a significant number and not some isolated instance. As observed, all these prima facie constitute breaches of the settled procedure laid down in C.P.C. and CrPC, the civil and criminal Manuals and circulars issued by the Registrar General of this Court as per the directions of the Hon'ble Chief Justice and the Hon'ble Judges of the Administrative Committee concerning the completion of the judgments and orders and uploading them on the website within a specified time.

19. Section 33 of the Civil Procedure Code deals with Judgment and decree and states that the Court, after the case has been heard, shall pronounce Judgment, and on such Judgment, a decree shall follow.

20. Order XX of the Civil Procedure Code deals with the Judgment and decree. Rule 1 provides that The Court, after the case has been heard, shall pronounce Judgment in an open Court, either at once or as soon after that as may be practicable. When the Judgment is to be pronounced on some future day, the Court shall fix a day for that purpose, of which due notice shall be given to the parties or their pleaders.

21. The proviso to Rule 1 further provided where the Judgment is not pronounced at once, every endeavour shall be made by the Court to pronounce the Judgment within thirty days from the date on which the hearing of the case was concluded. Still, where it is not practicable to do so

on the ground of the exceptional and extraordinary circumstances of the case, the Court shall fix a future day for the pronouncement of the Judgment. Such day shall not ordinarily be a day beyond sixty days from the date on which the hearing of the case was concluded, and due notice of the day so fixed shall be given to the parties or their pleaders.

22. Sub Rule 2 of Order XX of C.P.C. further provided that Where a written judgment is to be pronounced, it shall be sufficient if the findings of the Court on each issue and the final order passed in the case are read out, and it shall not be necessary for the Court to read out the whole Judgment

23. Sub Rule 3 of Rule 1 of Order XX then provide that the Judgment may be pronounced by dictation in open Court to a shorthand writer if the High Court specially empowers the Judge in this behalf. Provided that, where the Judgment is pronounced by dictation in open Court, the transcript of the Judgment so pronounced shall, after making such correction therein as may be necessary, be signed by the Judge, bear the date on which it was pronounced, and form a part of the record.

24. Order XX Rule 3 then mandates that the Judgment shall be dated and signed by the Judge in open Court at the time of pronouncing it and, when once signed, shall not afterwards be altered or added, to save as provided by Section 152 or on review.

25. Rule 5 of Order XX further provided that the suits in which issues have been framed, the Court shall state its finding or decision, with the reasons therefor, upon each separate issue, unless the finding upon any one

or more of the issue is, sufficient for the decision of the suit.

26. Order XX Rule 6 of the Civil Procedure Code deals with the contents of the decree and provides that the decree shall agree with the Judgment and it shall contain the number of the suit, the names and descriptions of the parties, their registered addresses and particulars of the claim, and shall specify clearly the relief granted or other determination of the suit. Furthermore, such decree shall also state the amount of costs incurred in the suit, and by whom or out of what property and in what proportions such costs are to be paid.

27. Rule 6A further provides that every endeavour shall be made to ensure that the decree is drawn up as expeditiously as possible and, in any case, within fifteen days from the date on which the Judgment is pronounced.

28. Rule 6B then provides that where the Judgment is pronounced, copies of the Judgment shall be made available to the parties immediately after the pronouncement of the Judgment for preferring an appeal on payment of such charges as may be specified in the rule made by the High Court.

29. Thus what is contemplated under the provisions of the Civil Procedure Code is that the Judgment must contain the facts, submissions, issues, discussion on such issues based on evidence and conclusion of the Judge on each issue and finally, the relief which is granted or refused. Such Judgment should be in writing, signed and dated on the date of the pronouncement of the Judgment.

30. The omissions in this case, in our Judgment, run contrary to the provisions of the Civil Procedure and the law laid down by the Supreme Court and by this Court from time to time for the matters of pronouncing and signing the judgments after the operative portion is pronounced in the open Court.

31. Section 353 (1) of the Code of Criminal Procedure provides that the Judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced in open Court by the Presiding officer immediately after the termination of the trial or at some subsequent time of which notice shall be given to the parties or their pleaders, by delivering the whole of the Judgment; or by reading out the whole of the Judgment; or by reading out the operative part of the Judgment and explaining the substance of the Judgment in a language which is understood by the accused or his pleader.

32. Section 353 (4) of CrPC provides that where the Judgment is pronounced in the manner specified in clause (c) of sub-section (1), the whole Judgment or a copy thereof shall be immediately made available for the perusal of the parties or their pleaders free of cost.

33. Chapter III of the Criminal Manual deals with enquiry and trial by Magistrate. Para 29 of Chapter III deals with the Judgment of conviction. It provides that the Magistrate shall arrange to supply a copy of the Judgment free of cost to the accused immediately after the pronouncement of the Judgment if decides to impose a sentence of imprisonment. Thus, the concerned Magistrate must keep the Judgment of conviction ready in all respect at the time of pronouncing it as the accused who is awarded a

sentence of imprisonment is first of all entitled to peruse the reasons and at the same time entitled to receive a copy of such Judgment of conviction free of cost so that he would be able to prefer an appeal if dissatisfied by such reasons. When such a copy is not supplied to the accused on his conviction, his statutory right to file an appeal stands violated. The Judicial Officer must understand that the accused has a right to file an appeal against such conviction and, if possible request for any relief of suspension of such sentence either by the same Court or by the Appellate Court as the case may be. For want of such free of cost copies, if the accused is unable to file an appeal before the appropriate Court, his right is clearly violated and thus it amounts causing prejudice to such accused person.

34. In *Anil Rai V/s. State of Bihar*¹, the Hon'ble Supreme Court was concerned with the state of affairs prevalent in some Courts where judgments were not pronounced within a reasonable period after the conclusion of arguments. The Supreme Court noted that the prevalence of such a practice and the horrible situation in some of the High Courts in the country had necessitated the desirability of considering the effect of such delay on the rights of the litigant public. Though reluctantly, the Court decided to consider this aspect and give appropriate directions for preserving and strengthening the belief of the people in the institution of the judiciary.

35. The Hon'ble Supreme Court referred to *R.C. Sharma V/s. Union of India*² held that though the C.P.C. did not provide a time limit to deliver a judgment, unreasonable delay between hearing of arguments and delivery of

¹ (2001) 7 SCC 318

² (1976) 3 SCC 574

a judgment, unless explained by exceptional or extraordinary circumstances, is highly undesirable even when written arguments are submitted. It is not unlikely that some points the litigants consider important may have escaped notice. But, more importantly, litigants must have complete confidence in litigation results. This confidence tends to be shaken if there is an excessive delay between hearing arguments and delivery of Judgment. Justice must not only be done but manifestly appear to be done. The Court also referred to **Bhagwandas Fatechand Daswani V/s. H.P.A. International**³, where it was held that "*a long delay in delivering the judgment gives rise to unnecessary speculation in the minds of parties to case*".

36. The Hon'ble Supreme Court explained that the intention of the legislature regarding the pronouncement of judgments could be inferred from the provisions of Section 353(1) of the Criminal Procedure Code, which provides that Judgment in every trial in any criminal court of original jurisdiction, shall be pronounced in open Court immediately after the conclusion of the trial or on some subsequent time for which due notice shall be given to the parties or their pleaders. The words "some subsequent time" mentioned in Section 353 contemplate the passing of the Judgment without undue delay, as delay in the pronouncement of Judgment is opposed to the principle of law. Such subsequent time can, at most, be stretched to six weeks, not beyond that time. Therefore, the pronouncement of judgments in the civil case should not be permitted to go beyond two months.

³ (2000) 2 SCC 13

37. The Hon'ble Supreme Court held that in a country like ours, where people consider the Judges only second to God, efforts should be made to strengthen the common person's belief. Delay in the disposal of the cases facilitates the people to raise eyebrows, sometimes genuinely, which, if not checked, may shake the people's confidence in the judicial system. A time has come when the judiciary itself has to assert to preserve its stature, respect and regards for the attainment of the Rule of Law. For the fault of a few, the glorious and glittering name of the judiciary cannot be permitted to be made ugly. It is the policy and purpose of the law to have speedy justice, for which efforts are required to come to society's expectation of ensuring speedy, untainted and unpolluted justice. Finally, the Hon'ble Supreme Court issued directions in paragraph 10 providing guidelines regarding the pronouncement of judgments.

38. As noted earlier, the learned J.M.F.C. only declared the trial result by pronouncing in open Court that the accused persons were convicted and sentenced. No judgment, as such, was prepared and furnished to the parties despite the mandate of Sections 353 and 354 of Cr.P.C. notwithstanding.

39. In *Ajay Singh & Anr. V/s. State of Chhattisgarh & Anr.*⁴ the Hon'ble Supreme Court was concerned with an order passed in the order sheet that the accused persons had been acquitted as per the Judgment separately typed, signed and dated. However, a complaint was made that the learned Trial Judge had acquitted the accused persons, but no judgment had been rendered. The High Court issued a memorandum to the District and

⁴ (2017) 3 SCC 330

Sessions Judge to inquire into the matter and submit the report. The report indicated that no judgments were found in the records of the cases. The learned Trial Judge had purportedly delivered the Judgment, but they were not available on record as the judgments were not actually dictated, dated or signed.

40. After that, the matter was placed before the Full Court of the High Court, and the resolution was passed, placing the Trial Judge concerned under suspension in contemplation of a departmental enquiry. The Full Court also decided to transfer the cases in question from the Court of trial Judge concerned to the Court of the District and Sessions Judge concerned for rehearing and disposal.

41. In the above facts, The Hon'ble Supreme Court was called upon to consider whether the learned Trial Judge had pronounced the Judgment of acquittal on 31.10.2007 and whether the High Court could have, in the exercise of its administrative power, treated the trial as pending and transferred the same from the Court of Second Additional Sessions Judge to the Court of District and Sessions Judge for rehearing and disposal.

42. Accordingly, the Hon'ble Supreme Court commenced its Judgment by observing the following :

"Performance of judicial duty in the manner prescribed by law is fundamental to the concept of rule of law in a democratic State. It has been quite often said and, rightly so, that the judiciary is the protector and preserver of rule of law. Effective functioning of the said sacrosanct duty has been entrusted to the judiciary and that entrustment expects the courts to

conduct the judicial proceeding with dignity, objectivity and rationality and finally determine the same in accordance with law. Errors are bound to occur but there cannot be deliberate peccability which can never be countenanced. The plinth of justice dispensation system is founded on the faith, trust and confidence of the people and nothing can be allowed to contaminate and corrode the same. A litigant who comes to a court of law expects that inherent and essential principles of adjudication like adherence to doctrine of audi alteram partem, rules pertaining to fundamental adjective and seminal substantive law shall be followed and ultimately there shall be a reasoned verdict. When the accused faces a charge in a court of law, he expects a fair trial. The victim whose grievance and agony have given rise to the trial also expects that justice should be done in accordance with law. Thus, a fair trial leading to a judgment is necessitous in law and that is the assurance that is thought of on both sides. The exponent on behalf of the accused cannot be permitted to command the trial as desired by his philosophy of trial on the plea of fair trial and similarly, the proponent on behalf of the victim should not always be allowed to ventilate the grievance that his cause has not been fairly dealt with in the name of fair trial. Therefore, the concept of expediency and fair trial is quite applicable to the accused as well as to the victim. The result of such trial is to end in a judgment as required to be pronounced in accordance with law. And, that is how the stability of the creditability in the institution is maintained."

43. The Hon'ble Supreme Court referred to the provisions in Sections 353, 354, 362 and 363 of the Criminal Procedure Code and made the following observations:

"17. It is apposite to note that though CrPC does not define the term "judgment", yet it has clearly laid down how the Judgment is to be pronounced. The provisions clearly spell out that it is imperative on the part of the learned trial judge to pronounce

the Judgment in open Court by delivering the whole of the Judgment or by reading out the whole of the Judgment or by reading out the operative part of the Judgment and explaining the substance of the Judgment in a language which is understood by the accused or his pleader.

*18. We have already noted that the Judgment was not dictated in open Court. Code of Criminal Procedure provides reading of the operative part of the Judgment. It means that the trial judge may not read the whole of the Judgment and may read operative part of the Judgment but it does not in any way suggest that the result of the case will be announced and the Judgment would not be available on record. Non-availability of Judgment, needless to say, can never be a judgment because there is no declaration by way of pronouncement in the open Court that the accused has been convicted or acquitted. A judgment, as has been always understood, is the expression of an opinion after due consideration of the facts which deserve to be determined. Without pronouncement of a judgment in the open Court, signed and dated, it is difficult to treat it as a judgment of conviction as has been held in **Athipalayan**, In re⁵*

*19. As a matter of fact, on inquiry, the High Court in the administrative side had found there was no judgment available on record. Learned Counsel for the appellants would submit that in the counter affidavit filed by the High Court it has been mentioned that an incomplete typed judgment of 14 pages till paragraph No. 19 was available. The affidavit also states that it was incomplete and no page had the signature of the presiding officer. If the Judgment is not complete and signed, it cannot be a judgment in terms of Section 353 CrPC. It is unimaginable that a judgment is pronounced without there being a judgment. It is gross illegality. In this context, we may refer to a passage from **State of Punjab and others V/s. Jagdev Singh Talwandi**⁶, wherein expressing the opinion for the Constitution Bench, Chandrachud, C.J. observed thus:-*

⁵ 1960 SCC OnLine Mad 33

⁶ (1984) 1 SCC 596

"30. We would like to take this opportunity to point out that serious difficulties arise on account of the practice increasingly adopted by the High Courts, of pronouncing the final order without a reasoned judgment. It is desirable that the final order which the High Court intends to pass should not be announced until a reasoned judgment is ready for pronouncement. Suppose, for example, that a final order without a reasoned judgment is announced by the High Court that a house shall be demolished, or that the custody of a child shall be handed over to one parent as against the other, or that a person accused of a serious charge is acquitted, or that a statute is unconstitutional or, as in the instant case, that a detenu be released from detention. If the object of passing such orders is to ensure speedy compliance with them, that object is more often defeated by the aggrieved party filing a special leave petition in this Court against the order passed by the High Court. That places this Court in a predicament because, without the benefit of the reasoning of the High Court, it is difficult for this Court to allow the bare order to be implemented. The result inevitably is that the operation of the order passed by the High Court has to be stayed pending delivery of the reasoned Judgment. It may be thought that such orders are passed by this Court and therefore there is no reason why the High Courts should not do the same. We would like to point out respectfully that the orders passed by this Court are final and no appeal lies against them. The Supreme Court is the final Court in the hierarchy of our courts. Besides, orders without a reasoned judgment are passed by this Court very rarely, under exceptional circumstances. Orders passed by the High Court are subject to the appellate jurisdiction of this Court under Article 136 of the Constitution and other provisions of the concerned statutes. We thought it necessary to make these observations in order that a practice which is not very desirable and which achieves no useful purpose may not grow out of its present infancy."

20. We have reproduced the aforesaid two passages from Jagdev Singh Talwandi (supra) case as the larger Bench has made such observations with regard to unreasoned judgments passed by the High Courts. The learned Chief Justice had noted that the practice is not desirable and does not achieve any useful purpose and it should not grow out of its present infancy. Despite the said observations, sometimes this Court comes across judgments and orders where the High Courts have announced the result of the case by stating "reasons to follow". We can only reiterate the observations of the Constitution Bench.

21. Having stated that, as is evincible in the instant case, the Judgment is not available on record and hence, there can be no shadow of doubt that the declaration of the result cannot tantamount to a judgment as prescribed in the CrPC. That leads to the inevitable conclusion that the trial in both the cases has to be treated to be pending.

44. The Hon'ble Supreme Court also held that the High Court had sufficient powers under Article 227 of the Constitution not only to quash and set aside the conviction but further to transfer the case to a different Judge for purposes of rehearing and disposal. It was held that the High Court was under a legal obligation to set aside the order, which had no effect in law. The High Court had correctly done so as it must see that sanctity of justice is not undermined. The High Court had done so as it has felt that an order which is a mere declaration of result without Judgment should be nullified and become extinct.

45. Finally, the Hon'ble Supreme Court concluded by making the following observations :

"29. The case at hand constrains us to say that a trial Judge

should remember that he has immense responsibility as he has a lawful duty to record the evidence in the prescribed manner keeping in mind the command postulated in Section 309 of the CrPC and pronounce the Judgment as provided under the Code. A Judge in charge of the trial has to be extremely diligent so that no dent is created in the trial and in its eventual conclusion. Mistakes made or errors committed are to be rectified by the appellate Court in exercise of "error jurisdiction". That is a different matter. But, when a situation like the present one crops up, it causes agony, an unbearable one, to the cause of justice and hits like a lightning in a cloudless sky. It hurts the justice dispensation system and no one, and we mean no one, has any right to do so. The High Court by rectifying the grave error has acted in furtherance of the cause of justice. The accused persons might have felt delighted in acquittal and affected by the order of rehearing, but they should bear in mind that they are not the lone receivers of justice. There are victims of the crime. Law serves both and justice looks at them equally. It does not tolerate that the grievance of the victim should be comatosed in this manner."

46. Even recently, the Hon'ble Supreme Court (in ***K. Madan Mohan Rao V/s. Bheemrao Patil*** C.A No. 6972/2022 decided on 26.09.2022), after considering ***Anil Rai*** (supra), ***Jagdev Singh Talwandi*** (supra) held that a party to litigation could not be expected to wait indefinitely for the availability of reasons of the Order of the Court. The guidelines and observations in ***Anil Rai*** (supra), ***Jagdev Singh Talwandi*** (supra) remain fundamental to the course of disposition of justice in any case before the Court, and the principle set out therein must be followed. The Hon'ble Supreme Court was concerned with an issue where an order was pronounced but even after more than three months, reasons were not forthcoming, and the Judgment was not available to either of the parties.

47. In *Balaji Baliram Mupade & anr. V/s. The State of Maharashtra & Ors.*⁷, the Hon'ble Supreme Court held that judicial discipline requires promptness in the delivery of judgments – an aspect repeatedly emphasized by the Court. The problem is compounded where the result is known but not the reasons. This deprives any aggrieved party of the opportunity to seek further judicial redressal in the next year of judicial scrutiny. The Hon'ble Supreme Court referred to the decision of the Constitution Bench in *Jagdev Singh Talwandi* (supra) and *Anil Rai* (supra). The Court held that this Court has forcefully restated the principles in these decisions on several occasions, including in *Zahira Habibulla H. Sheikh & Ors. V/s. State of Gujarat & Ors.*⁸, *Mangat Ram V/s. State of Haryana*⁹ and *Ajay Singh & anr.* (supra).

48. Finally, the Hon'ble Supreme Court disposed of the appeal by making the following observations:

"10. We must note with regret that the Counsel extended through various judicial pronouncements including the one referred to aforesaid appear to have been ignored, more importantly where oral orders are pronounced. In case of such orders, it is expected that they are either dictated in the Court or at least must follow immediately thereafter, to facilitate any aggrieved party to seek redressal from the higher Court. The delay in delivery of judgments has been observed to be a violation of Article 21 of the Constitution of India in Anil Rai's case (supra) and as stated aforesaid, the problem gets aggravated when the operative portion is made available early

⁷ Civil Appeal No.3564/2020 decided on 29.10.2020

⁸ AIR 2004 SC 3467

⁹ (2008) 7 SCC 96

and the reasons follow much later.

11. It cannot be countenanced that between the date of the operative portion of the order and the reasons disclosed, there is a hiatus period of nine months! This is much more than what has been observed to be the maximum time period for even pronouncement of reserved Judgment as per Anil Rai's case (supra).

12. The appellant undoubtedly being the aggrieved party and prejudiced by the impugned order is unable to avail of the legal remedy of approaching this Court where reasons can be scrutinized. It really amounts to defeating the rights of the appellant to challenge the impugned order on merits and even the succeeding party is unable to obtain the fruits of success of the litigation.

13. We are constrained to pen down a more detailed order and refer to the earlier view on account of the fact that recently a number of such orders have come to our notice and we thought it is time to send a reminder to the High Courts.

14. We have little option in the aforesaid facts of the case but to set aside the impugned order and remit the matter back for reconsideration of the High Court on merits, uninfluenced by the reasons which have been finally disclosed in respect of the impugned order.

15. Needless to say, the matter would be taken up by a Bench not consisting of the Members who constituted the Bench earlier."

49. Having said so and after consideration of the above-settled propositions of law laid down by the Supreme Court in connection with judgments in civil and criminal matters and the duty of Judicial Officers to complete such judgments /orders in all respect before pronouncing it, as a mandate, we found the situation emanating from the reports quite

disturbing. Despite judicial and administrative directives, there was no adequate compliance. Moreover, the reasons for non-compliance were also not forthcoming despite opportunities on the administrative side.

50. In the interests of the administration of justice, We, therefore, are constrained to quash and set aside the below-mentioned so-called judgments/orders passed by the said Presiding Officer while presiding the Court at Canacona and after that, the Court at Quepem for not preparing, signing and uploading the judgments/orders delivered by her purportedly allowing or dismissing the suit and convicted the accused persons in criminal matters. In all, there are six civil matters, out of which four are of Quepem Court and two of Canacona Court, out of which one matter, i.e. RCS 129/2010 (Pio Rogerio Salema Coitta v/s. Ramesh Sarvottam Sinai Nagarsenkar and Ors.) is already subject matter of Criminal Writ Petition No.418 of 2022, which we are deciding today itself along with the present Sou Motu petition.

CIVIL MATTER: (CANACONA COURT)

1. The so-called Judgment as mentioned in the Roznama dated 22/11/2018 in R.C.S. No.40 of 2014 (Smt. Punem Naraina Naik Desai v/s. Smt. Netra alias Prema Loximon Dessai) (old Special Civil Suit No.10/2007 and 62/2010), of Canacona Court is hereby quashed and set aside and remanded to the Court who shall decide it on merit after giving opportunity to both the sides to argue the matter, within a period of three months from the date of the copy of this order is served on the concerned Court. The

parties as well as learned Counsel appearing for both the sides shall cooperate with the Canacona Court in complying with the directions for deciding the matter within three months as a suit was originally filed in the year 2007 as seen from the record.

CIVIL MATTERS: (QUEPEM COURT A)

1. The so called Judgment as mentioned in the Roznama dated 03/10/2010 in R.C.S. No.37/2006/A (Srihari Subrai Naik Kurade and Ors v/s. Dr. Alvaro D'Loyala Furtado and ors.) of Quepem Court is hereby quashed and set aside and remanded to 'B' Court who shall decide it on merit after giving opportunity to both the sides to argue the matter, within a period of three months from the date of the copy of this order is served on the concerned Court. The parties as well as learned Counsel appearing for both the sides shall cooperate with 'B' Quepem Court in complying with the directions for deciding the matter within three months as a suit was originally filed in the year 2006 as seen from the record.

2. The so called Judgment as mentioned in the Roznama dated 07/05/2022 in R.C.S. No.41/2015/A (Benedito Fernandes and Ors v/s. The Cathedral Chapter of Archdioceses of Goa) of Quepem Court is hereby quashed and set aside and remanded to 'B' Court who shall decide it on merit after giving opportunity to both the sides to argue the matter, within a period of three months from the date of the copy of this order is served on the concerned Court. The parties as well as learned Counsel appearing for both

the sides shall cooperate with the Quepem Court in complying with the directions for deciding the matter within three months as a suit was originally filed in the year 2015 as seen from the record.

3. The so called Judgment as mentioned in the Roznama dated 07/05/2022 in R.C.S. No.18/2012/A (Milagrina Fernandes v/s. Joana Fernandes) of Quepem Court is hereby quashed and set aside and remanded to 'B' Court who shall decide it on merit after giving opportunity to both the sides to argue the matter, within a period of three months from the date of the copy of this order is served on the concerned Court. The parties as well as learned Counsel appearing for both the sides shall cooperate with the Quepem Court in complying with the directions for deciding the matter within three months as a suit was originally filed in the year 2012 as seen from the record.

4. The so-called Judgment as mentioned in the Roznama dated 24/05/2022 in R.C.S. No.33/2012/A (Angelo Nolasco Domingos Colaco v/s. Mahadev Devasthan) of Quepem Court is hereby quashed and set aside and remanded to 'B' Court who shall decide it on merit after allowing both the sides to argue the matter, within three months from the date of the copy of this order is served on the concerned Court. The parties and learned Counsel appearing for both sides shall cooperate with the Quepem Court in complying with the directions for deciding the matter within three months, as a suit was filed initially in 2015, as seen from the

record.

CRIMINAL MATTERS:

1. The so-called Judgment of conviction holding the accused guilty for offences punishable under Sections 279, 337, 304-A of I.P.C. as mentioned in the Roznama dated 21/05/2021 in CC No.87/S/15/A (State v/s. Shabaj Hawaldar) of Quepem Court is quashed and set aside. The matter is remanded to "B" Court Quepem with a direction that the same shall be decided after allowing both sides to argue the matter within three months from the date of the copy of this order is served on the concerned Court. The parties as well as learned Counsel appearing for both the sides shall cooperate with the Quepem' B' Court in complying with the directions for deciding the matter within three months as a suit was filed initially in the year 2015, as seen from the record.

2. The so-called Judgment of acquittal, acquitting the accused as mentioned in the Roznama dated 25/08/2021 in CC No.153/S/16/A (State v/s. Tereza Oliveira & Anr.) of Quepem Court is quashed and set aside. The matter is remanded to "B" Court Quepem with a direction that the same shall be decided after allowing both sides to argue the matter within three months from the date of the copy of this order is served on the concerned Court. The parties and learned Counsel appearing for both sides shall cooperate with the Quepem' B' Court in complying with the directions for deciding the matter within three months, as a suit

was filed initially in the year 2016, as seen from the record.

3. The so-called Judgment, as mentioned in the Roznama dated 14/10/2021 in M.T.A. No.2/2019/A (Sharmila R. Naik v/s. Ranjit Kumar Singh) of Quepem Court is quashed and set aside. The matter is remanded to "B" Court Quepem with a direction that the same shall be decided after allowing both sides to argue the matter within three months from the date the copy of this order is served on the concerned Court. The parties and learned Counsel appearing for both sides shall cooperate with the Quepem' B' Court in complying with the directions for deciding the matter within three months, as a suit was filed initially in the year 2019, as seen from the record.

4. The so-called Judgment of acquittal, acquitting the accused Nos. 1, 2 and 4, as mentioned in the Roznama dated 10/11/2021 in CC No.10/S/2019/A (State v/s. Suprasad Shirodkar & Ors.) of Quepem Court is quashed and set aside. The matter is remanded to "B" Court Quepem with a direction that the same shall be decided after allowing both sides to argue the matter within three months from the date the copy of this order is served on the concerned Court. The parties and learned Counsel appearing for both sides shall cooperate with the Quepem' B' Court in complying with the directions for deciding the matter within three months, as a suit was filed initially in the year 2019, as seen from the record.

5. The so-called Judgment of acquittal, acquitting the accused under Section 420 of I.P.C. as mentioned in the Roznama dated 14/01/2022 in CC No.121/S/16/A (State v/s. Ashu Abdul Razak @ Ashraf Ahmad & Ors.) of Quepem Court is quashed and set aside. The matter is remanded to "B" Court Quepem with a direction that the same shall be decided after allowing both sides to argue the matter within three months from the date of the copy of this order is served on the concerned Court. The parties and learned Counsel appearing for both sides shall cooperate with the Quepem' B' Court in complying with the directions for deciding the matter within three months as a suit was originally filed in the year 2016 as seen from the record.

51. We clarify that the learned Court before whom the matters will be placed shall endeavour to immediately serve the concerned Advocates appearing for the respective parties by regular mode as well as by any other mode as permissible in law and to decide the matters effectively within the time frame unless prevented for serious reasons to be explained for seeking an extension.

52. In the facts and circumstances of the above observations, we would fail in our duty of superintendence over all the civil and criminal Courts in the State of Goa if the matter is not taken to its logical conclusion. Therefore, we are forced from the above circumstances to forward a copy of the order which we are passing today in the present matter as well as a copy of the Order in Writ Petition No.418 of 2022, the order dated 11/07/2022

in Criminal Writ Petition No.73 of 2022 and the Judgment dated 06/10/2022 in Criminal Writ petition No.578 of 2022, to be placed before the Administrative Committee of this Court for suitable action. Accordingly, we direct the Registrar(Administration) of this Court to immediately forward the compilation of the above orders to the Registrar General to be placed before the Administrative Committee.

53. Finally, on behalf of the judicial institution, we sincerely apologize to the parties in all above matters for the inconvenience and prejudice caused to them due to the non-preparation and non-furnishing of certified copies.

54. Having said so, we dispose of the above Sou Motu Writ Petition in the terms set out above. Liberty is, however, reserved for the parties to apply.

55. We appreciate the assistance provided by the learned Advocate General and Ms Maria Correia, learned Additional Government Advocate. We thank them for this.

BHARAT P. DESHPANDE, J

M. S. SONAK, J