

**OFFICE OF THE DISTRICT AND SESSIONS JUDGE**  
**.....JORHAT**

**Dated: 05.01.2023**

**Proceedings of weekly meeting of Judicial Officers, Jorhat District Judiciary, held at 4:30 PM, on 05.01.2023.**

**(Learned officers of Titabar joined through video conferencing)**

**Agenda Items:**

**1. Discussion on ACR**

Hon'ble District and Sessions Judge asked all judicial officers to submit the ACR along with statement of Assets and Liabilities before 31<sup>st</sup> January, 2023. Moreover, Hon'ble District and Sessions Judge stressed on the need for proper management on availing leave by the judicial officers.

**2. Deliberation by Learned Addl. CJM Smt. Dubori Dutta on the judgment of Hon'ble Supreme Court in the case of Abdul Wahab K vs. State of Kerala.**

A discussion led by Learned Addl. CJM took place on the judgment of Hon'ble Supreme Court in the case of Abdul Wahab K vs. State of Kerala. It was discussed by learned madam that Section 321 Cr.P.C. conferred an authority on the Public Prosecutor to withdraw from prosecution of any person accused of an offence, at any time before the judgment has been pronounced. It was discussed that if the withdrawal is made before charge is framed, then the accused would be discharged and if the withdrawal is made after the charge is framed, he would be acquitted.

The role of Public Prosecutor or Assistant Public Prosecutor was also discussed. It was held by Hon'ble Apex Court that the Public Prosecutor

or Assistant Public Prosecutor is expected to act as an independent person and not as a post office. He/she has to apply his /her own mind and consider the effects of withdrawal on the society.

Role of the Magistrate in relation to Section 321 Cr.P.C. was also discussed in the said judgment. Magistrate is to apply his/her mind while allowing or disallowing the withdrawal and to act within the parameters of Section 321 Cr.P.C. and to apply the real test stipulated in the said Section.

Learned Madam also apprised all judicial officers about the judgment of Hon'ble Supreme Court in the case of The State of Karnataka vs. K. Ajith & Ors, wherein principles and guidelines on the withdrawal of prosecution under Section 321 Cr.P.C. were formulated.



(Mridul Kumar Kalita)

**District & Sessions Judge,  
Jorhat**



(Sri. Anurag Jintoo Borah)  
**Addl. Dist. & Sessions Judge,  
Jorhat**



(Smt. Mili Hussain)  
**Civil Judge cum  
Asst Sessions Judge, Jorhat**



(Sri. Vijay Kumar Singh)  
**Chief Judicial Magistrate  
Jorhat**



(Sri. Devojyoti Bhuyan)  
**Secretary, DLSA, Jorhat**



(Smt. Dubori Dutta)  
**Addl. CJM, Jorhat**

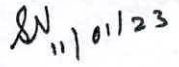
(Sri. Subarno Jyoti Deb)  
**SDJM(M), Jorhat**



(Smt. Rupashree Deb)  
**SDJM(S), Jorhat**



(Smt. Ameera Y. Mazumdar)  
**JMFC, Jorhat**



(Smt. Sultana Nasrin)  
**JMFC, Jorhat**



(Smt. Pragyashree Chetia)  
**Munsiff No. 1, Jorhat**

(Smt. Sharmina Barbhuyan)  
**Munsiff cum JMFC, Titabor**

(Sri. Bhaskar Das)  
**Munsiff No. 2, Jorhat**



(Smt. Margaret Thomas)  
**JMFC, Jorhat**