

Negotiable Instruments Act, 1881 – s.138 – Supreme Court na Section 138 ki makha da lakpa wakat khudingmaki wayel-vichar da chathanabagi mawong kaya piduna leiri. – NI Ai-n ga marilenaba wakat amadi masigi a-in ngaktabagi wayel-vichar toubagi Judicial Docket (Mari leinaba court ki chechaang) semgatnaba thouwong bu machakkhaina leihannaba haiduna pirakpwarol mayambu bu Khanna-naba Expert Committee shemkhi. - Expert Committee na haibada ‘docket explosion’: (loisindaba case masing hengatpa) gi awaba asi leihandanaba centre da panliba sarkar asina akhannaba N.I. Court asibu nouhounana (de novo) shemgatnaba taklakli. Adubu Amici Curiae: (michang mikhai thamdaba court pu hirmsida lamjing-lamtakpiba marup pangkak ama) gi paotakta hangatchabadadi asigum akhannaba court shemduna masida thoupuba sing sindok pagi warol asi yarakloi maramdi matam yamna yamdabagi manungda court anouba shemduna masida thou pudouba sing oinaba mi oi kayagi thabak kouba amadi hapchinba asi oithokloi. – Amici Curiae na haijarakpada thabak tagi pothakhraba judicial / administrative karmachari mayam mamangda hana special judicial/metropolitan magistrates gi thouwong kaya pairamduna quasi-judicial gi thou ga mari leinaba fam puramba sing adubu akakna sengdang/sel piduna makhoibu oina thabak puhanabagi wakhan su khannagadabani hairakli. – Amici Curiae na asigumba akhanaba Court sida thabaktagi pothakhraba judicial karmachari amasung court ki karmacharis sijnnaba yagadra yengnaba, khwaidagi yamna case loishindana leiba rajya manga gi manungda case khwaidagi masing loishindana leiba judicial districts manga da, changyengi oiba NI A-in gi makhada Akhanaba Court manga (5) shemnaba paotaklaki. Supreme Court nasu Amici asigi paotak ki matung enna changyeng sigi pambei na thijinbagi thabak chatthanaba taaklakkhre. – Changyeng sibu konliba chatnapathap sing mafam khaidokna shemdokle.

IN RE: EXPEDITIOUS TRIAL OF CASES UNDER SECTION 138 OF
N.I. ACT 1881

CRIMINAL ORIGINAL JURISDICTION: Suo Moto Writ (Criminal)
No. 2 of 2020

(India gi Constitution gi Article 32 makha da)

S.V. Raju, ASG, V. Krishnamurthy, Ms. Garima Prasad, Neeraj, AAGs,
Sidharth Luthra, Sr. Adv (A.C), Thomas P. Joseph, S.C. Verma, Sr. Advs., K
Parameshwar, (A.C) Ms. A Sregurupriya, Lakshaya Mehta, Rajat Mathur,
Anmol Kheta, Dr. Joseph Aristotle S., Ms. Nupur Sharma, Shobhit Dwivedi,
Sanjeev Kumar Mahara, Ms. Uttara Babbar, Manan Bansal, Siddhesh Kotwal,
Ms. Ana Upadhyay, Ms. Manya Hasija, Ms. Preeti Singh, Akash Singh,
Nirnimesh Dube, V. N. Raghupathy, Md. Apzal Ansari, Parikshit P. Angadi,
Aravindh S., Ms. C. Rubavathi, Ms. Christi Jain, Pai Amit, Arjun Garg,
Abhimanyu Jhamba, Ms. Thonpinao Thangal, Samir Ali Khan, Pradeep Misra,
Suraj Singh, Ms. Pragati Neekhara, Ms. Taruna Ardhendumauli Prasad, Ramesh
Babu M.R., Ms. Manisha Singh, Ms. Tanya Chowdhary, Suhaan Mukerji, Nikhil
Parikshith, Vishal Prasad, Abhishek Manchanda, Sayandeep Pahari, Tanmay
Sinha, M/S. Plr Chambers And Co., Ms. Manisha Ambwani, Sibbo Sankar
Mishra, Rajesh Kumar Nayak, Niranjan Sahu, Umakant Mishra, Hitesh K.
Sharma, S.K. Rajora, Akhileshwar Jha, S. Ashok Reddy, Naresh K. Sharma, V.
K. Biju, Ms. Ria Sachthey, Chetanya Singh, Ms. Rubina Jawed, Ranjeet Bharti,
Abhay Pratap Singh, Shaji George, Ms. Vijay Lakshmi, Umang Tripathi,
Shibashish Misra, Shubhranshu Padhi, Ashish Yadav, Rakshit Jain, Vishal
Banshal, Apoorv Kurup, Ms. Nidhi Mittal, Ms. Aparna Arun, Ojaswa Pathak,
Gaurav Agrawal, Ms. Radhika Gautam, Ms. G. Indira, Raj Bahadur Yadav,
Abhimanyu Tewari, Ms. Eliza Bar, Ms. K. Enatoli Sema, Amit Kumar Singh,
Ms. Chubalemla Chang, M. Yogesh Kanna, Piyush Beriwal, Ankit Raj, Vedansh
Anand, Dr. Monika Gusain, Ms. Ruchira Goel, Aviral Saxena, Vikas Gothwal,
Vishwa Pal Singh, P. V. Yogeswaran, B. V. Balaram Das, Abhishek Atrey,
Raghvendra Kumar, Anand Kumar Dubey, Narendra Kumar, Sumeer Sodhi,
Anvit Seemansh, Anupam Raina, Sunando Raha, Ms. Aswathi M. K., Avneesh
Arputham, M/S. Arputham Aruna And Co, Manish Kumar, Harsh Choudhary,
Ms. Jaspreet Gogia, Sairica Raju, S. K. Singhania, Varun Chugh, Bhuvan
Kapoor, Mehul Gupta, Gurmeet Singh Makker, Anshuman Singh, Ankit Bhatia,
Harsh Paul Singh, Yashvardhan, Apoorv Shukla, Smita Kant, Ms. Prabhleen

A

B

C

D

E

F

G

H

A Kaur, Mahfooz Ahsan Nazki, Polanki Gowtham, Shaik Mohamad Haneef, T. Vijaya Bhaskar Reddy, K. V. Girish Chowdary, Ms. Rajeswari Mukherjee, Gopal Jha, Avijit Mani Tripathi, Upendra Mishra, T. K. Nayak, K. V. Kharlyngdoh, Pukhrambam Ramesh Kumar, Karun Sharma, Mukesh K. Giri, Sachin Patil, Rahul Chitnis, Aaditya A. Pande, Geo Joseph, Ms. Shewtal Shepal, B Risvi Muhammed, S. Udaya Kumar Sagar, Ms. Sweena Nair, P. Mohith Rao, R. Nedumaran, Shuvodeep Roy, Anando Mukherjee, Saurabh Trivedi, Vinay Garg, G. Prakash, M/S. Parekh & Co., Romy Chacko, Sudesh Kumar, Prashant Shrikant Kenjale, Satish Pandey, Kunal Chatterji, Shree Pal Singh, Sharan Thakur, Mahesh Thakur, Siddharth Thakur, Bishwendra Singh, Ms. Vipasha Singh, C Ajay Kanojia, Sanjai Kumar Pathak, Arvind Kumar Tripathi, Ms. Shashi Pathak, Malak Manish Bhatt, Himanshu Shekhar, Parth Shekhar, Sameer Parekh, Nishe Rajen Shonker, Ms. Anu K. Joy, Alim Anvar, Advs. lakliba mi-kangbugi.

D Court ki Motion matung inna.
Darkhas-Tharakliba-miyoi.
Court ki order asibu puthoklakliba
S. RAVINDRA BHAT, J.

E 1. *Re: Expeditious Trial of Cases under Section 138 of N.I. Act, 1881* ¹case ta famkhiba Constitution Bench na takhiba wayel da Negotiable Instrument A-in gi Section 138 ga mari leinabada laakpa wakat ki wayel-vichar toubada chanagadouba lamjing-warol mayam ama puthoklakhi.

F 2. Hujikki Court asina tarik 31.02.2021 da thokhiba makha taba order gi matung inna asiguma wayel tabada yaokhiba chatna-pathap sing asi High Court ki pumnamak-nasu ngaakna chatli chatte lina lina rai asiga chaa-naba niyam shemme haibagi fibam paodam ama thamlaknaba mathou tahallakli. Masiga G lina Police Manual amadi asigumba hiram kaya marom da shemdoktoubal leibadusu pangthoknaba hairi. Ngasi faobada Patna High Court khak nattana High Court khudingmakna lamjing-warol amsung chatna-pathap ta shemdoknaba hairakliba adugi paalan toure. Rajya ayambadi shemdoklaba chatna-pathap sing asi che-fong oinasu thokhre.

H

¹ (2021) SCC Online SC 325

IN RE: EXPEDITIOUS TRIAL OF CASES UNDER SECTION 138 OF
N.I. ACT 1881 [S. RAVINDRA BHAT, J.]

3. Pankhriba ‘Larger Bench’: (judge masing henna yamba court ki mifam) gi wayel sigi matung inna tarik 16.04.2021 da Negotiable Instrument A-in ga marilenaba wakat amasung masigi a-inbu ngaktabagi wayel-vichar toubagi Judicial Docket (Mari leinaba court ki che-chaang) semgatnaba thouwong bu machakkhaina leihannaba haiduna pirakpa warol mayambu bu khanna-naba expert committee ama shemkhi. Expert Committee asigi report (paodam) gi apaambadadi Kendra Sarkar na makhoida Article 247 na piriba shakti asigi pambeina ‘docket explosion’ (loisindaba case masing hengatpa) gi awabasi koknanaba nouhounana akhannaba N.I. Court khara shembinaba hairi. Expert Committee asina khannaningai oiraba thourangda; ahaana wayel-vichar gi court ki thaak ta athou-ahen khetnaba judge masing ani, amasung wayel-dubu hunna tabinaba court tasu asigumna judge ani, khaidoktuna thamnaba hairi, Expert Committee asina hottokpada NI gi akhannaba court sing asi shemgatpada akhannaba judicial karmachari 1,826 amasung sel gi oina lupa 126.59 crore changgani hairi.

4. Matang asida court ki wayel-vichar touringeida, amici curiae na thamkhiba akanba mod-tadi yamna tenba matamda akhannaba court nouhounana shemduna masida thou pudouba sing oinaba mi oi kayagi thabak kouba amadi hapchinba asi oithokloidouba oibana asigumna akhannaba court shemlaga court asigi thou-pudouba karmacahari shindokpagi thouwong asi chatnaba yarakloi haibasini. Makha-tana haijarakpada thabak tagi pothakhraba adubu quasi-judicial gi thou ga mari leinaba fam puramba, khudam oina; Tehsildar, Special Executive Magistrates, Tribunals amasung Statutory Authorities (a-in amagi makha leiba adhikari mayam), natraga High Court amadi atei manaba singgi Registrars bu Special Judicial natraga Metropolitan Magistrate oihannaba akaknaba sendang piraga thamnaba oina hairi.

5. N.I. a-in ga mari leinaba hiramda wayel-vichar tounbinaba Special Magistrate ki court khara CrPC gi section 18 gi makhada shemba yagani. Masibu pangthokpa ngamnaba ‘Kadra Pahadiya v. State of Bihar’ gi case na yumfam oiri. Madudi, thabak tagi pothakharaba sarkar ki karmachari, telsidar gi natraga magistrate ki fam puramba, singbu Special Judicial/Metropolitan magistrate hapagi ayaba lei. Court sing asibu chatnahan ge hairabadi thabak tagi pothakhraba Sarkar gi natraga court ki karmachari hapchinbiba yaba yai.

SUPREME COURT REPORTS [2022] 3 S.C.R

- A 6. Expert Committee gi paodam matung-inna tarik 08.11.2021 faoda NI a-in ga mari leinaba wayel-vichar tounaba, ahoubagina matam kaya houjallaba, wakat 26,07,166 court ta panh-duna leirakli. Tarik 13.04.2022 faodadi panh-duna leiriba masing asi hengattuna 33,44,290 oikhi. Masigi 7,37,124 hengatlakliba saruk asi supnagi tha manga muk-khak-ki manungda oi. Tarik 02.11.2021 faobada afangba data gi matung-inna NI a-in ga mari leinaba hiram na apunba court ta panh-duna leiriba criminal hiram mayam gi saruk 8.81% oi. Makha tana, B apunba criminal hiram mayamda court ta laaktaba yaobadagi natraga mari leinaba che-chang pinaba ngamdabagi chathaba yadana leiba marakta NI a-in ga mari leinaba hiram na chaa-da 11.82% oi.
- C 7. Amici Curiae na NI a-in gi akhannaba court ta thabaktagi pothakhraba karmachari sing happaga chatnahanbagi thourang asi yagadra yengnaba changyeng tounaba apaamba fongdoklakli. Fondoklakliba apaamba sigi matung-inna thourang asi changyeng tounaba case khwaidagi yamna loishindana leiba D rajya manga (maming oina, Maharashtra, Rajasthan, Gujarat, Delhi amadi Uttar Pradesh) gi manungda case khwaidagi masing loishindana leiba judicial districts manga da yagani amasung masida fangakpa fol khangminaraba matung thabak tagi pothakhraba judicial karmachari gi thousil sjjinabagi warep su leppa yaragani.
- E 8. Hujikki court asina tarik 27.04.2022 da Maharashtra, Rajasthan, Gujarat, Delhi amasung Uttar Pradesh High Courts ta Amici curiae ki fondorakhiba apaambada paokhum pinaba haikhi. Makhada piriba asina makhoigi oiba paokhum-sing aduni:
- F a) **Bombay da leiba High Court:** High Court asina Nagpur, Nashik, Thana, Pune amadi CMM, Mumbai gi districts bu khwaidagi wangna case pahn-duna leiba haina masak taakli.
- G b) **Rajasthan da leiba High Court:** High Court asina Jaipur Metro-I, Jaipur-Metro-II, Jodhpur Metro, Udaipur amasung Ajmer gi district bu khwaidagi wangna case pahn-duna leiba district haina masak taakli.
- H c) **Allahabad da leiba High Court:** High Court asina Lucknow, Agra, Kanpur, Gautambudh Nagar amadi Ghaziabad gi district manga asi khwaidagi wangna case pahn-duna leiba district haina masak taakli.

IN RE: EXPEDITIOUS TRIAL OF CASES UNDER SECTION
138 OF N.I. ACT 1881 [S. RAVINDRA BHAT, J.]

d) **Gujarat da leiba High Court:** High court asina N.I. a-in gi S.138 makhada lakpa case wayel-vichar toubinaba changyengi oiba ahenba court ama shemgatnabagi ayaba pikhre.

A

e) **Delhi da leiba High Court:** Delhi da N.I. a-in gi case sing yengsinbagidamak hannadagi akhannaba court 72 leijari.

B

9. Hujikki court asina tarik 12.05.2022 numita da amici curiae na changyengi court matanggi akkupa paodam thamaklaba yari haikhibadu thamlakkhre.

C

10. Amici na fongdorakhiba apamba sing adubu khannaraba matung Court asina changyeng touduna thijindouriba adugi mawong-matou piri. Changyeng asibu konliba chatna-kanglong sing adu makhada piri:

D

- **Thijinbagi matam:** Changyeng asi chahi ama gi oigani, matam na 01.09.2022 dagi 31.08.2023 fao.

- **Court ki Masing:** Changyeng asi akhannaba court manga da paangthokkani. Akhannaba Court sing asi mathakta pankhiba lam adugi high court na khandoklaba N.I. a-in gi case ka loinana atei atopa case masing tharaga case khwaidagi wangna pahn-duna leiba judicial district manga dugi district amamam shemgatkani.

E

- **Presiding Officer amadi atei karmachari:** Changyeng asi toubagi akhanna court sing asibu chatnahanaba, yaragadi mamanggi chahi manga manungda pothakhiba, thabak tagi pothakhraba judicial amadi court ki karmachari sing thoupaba oina hapa yai. High Court asina marakta thabak hangba thoktanaba singadoubani.

F

- **Mathou taba sing khangtoknaba akaknaba matam:** Video Conferencing technology gi tengbang yaona Infrastructure gi oiba mathou tagadoubu sing adu 2022 gi July tha faoda masak khandoktuna

G

H

SUPREME COURT REPORTS [2022] 3 S.C.R.

- A singlaang-gadoubani. Masiga manana, akhannaba court sing asi chalainabagidamak ta mathou taba presiding officers, support staff amadi human resource sing amasung makhoigi contract (sahi tounaraga akaknaba warol amadi matamda touba thabak) adu 2022 gi July tha-gi aroiba saruk phaoabada lepkadoubani.
- B
- **Training:** Akhannaba court sing asida makok oidouriba masak khangtoklaba judicial karmachari sing-adugidamak akhannaba training pibigadabani. N.I. a-in ngaaktabaga mari leinadouba substantive, procedure amadi evidence ki hiram da State Judicial Academy na hapta
- C marigi oiba takpi-tambibagi thouram ama makhoigi damak pibigadabani. Makha tarakpada a-in ga pangkak oiba luchingba wayel gi akuppa marol sing yaoraba ready reckoner(laaitok-handuna semlaba khangdaba yengfam) ama shemgatlaga makhoina wayel-vichar gi thou pangthokpada mteng oinaba yenthok piba yai.
- D
- **Tolop amadi thabak-ki matam:** Lam adugi High court na akhannaba court sing asi chatnahanbada masida thou puhan-gadouriba presiding officers amadi court ki karmachari bu changyeng toudouba matam-gi chahi ama ga manana contractual (akaknaba matamgi oidouba
- E karmachari) oina happa yanaba sinbigadoubani. Masigi makha taraduna fongdokli madudi makhoi sing aduna hana thabak toktri ngei mamang da fangamba chaang ga manana akaknaba tolop sagadoubani.
- F
- **Case ki makhal:** Akhannaba court sing asina tagadouba case adu court ta laaknaba che thabada fangkhraba (summoned) matung, maraal lei haina loubu miyoi duna masagi oukil haaptuna lak aba case khaktamak oidoubani. Court ta laknaba che pikhraba case marakta matam khwaidagi
- G lirabagina anoubafaobagi mingchan-lairik (list) shemduna, ariba case hana paikhatkadoubani. Matam leiba khibik ta court ta laknaba che thadriba case akhannaba court ta piroidoubani.
- **Case sing khangtokpaga akatknaba matam:** Asigumba khan-gatlaba case sing asi July gi tha faobada khangtok-laga masibu machaak khaina
- H mingchan-lairik shemduna, atenba matam da wa-taisin-hounaba, hounabi-niyam naina leiba magistrates ki mamangda puthoktuna akhannaba court ta pidouba case marakta yaokhidanaba sinbigadoubani.

IN RE: EXPEDITIOUS TRIAL OF CASES UNDER SECTION 138
OF N.I. ACT 1881 [S. RAVINDRA BHAT, J.]

Court ki wayel tounaba che-chaang loisilaba case oiraga wa-taisin-naba pikhidriba case khangdoklaga aroiba mingchan-lairik asi machak khaina July tha gi loirakpa faoda shemgadoubani.

A

- **Chatkhatpa amasung Chayol gi mingchan-lairik:** Akhannaba court sing-asina loukhatlak-kadouba hiram mayam adugi chatkhatpa mingchan-lairik adu July tha gi aroibafaobada shandoktuna oukil-oibiriba/cousel mayamda hiram asi maang-thana loukhatlakani haibasi matik chana khang-han-ga-doubani. Ahenbada, aroiba oina loisin-gadoubagi yaoba hiram yaoba chayol gi oiba mingchan-lairik amasu mayam na khang naba fong-gadoubani.

B

C

- **Court ki thabak thouram:** Akhannaba court sing-sigi thabak toubagi numit amadi pungsing asi Chatkhatpa mingchan-lairik ka loinana July tha gi aroibada faobada fongdoklaga khanghangadabani.

D

- **Thouwong:** Changyeng gi oina shemgatpa akhannaba court na su atei wayel-vichar da sijinnaba Criminal Procedure Code, 1973 na pririba thouwong engadoubani. Atenba matam da case sing asi loisinnaba court na chang naina yeithok-pagi thabak touroidoubani, adusu maru oina court ki che fangbagi khaki oina. Makhataba thijinnada wahang paokhum toudouba leibada saakhi adu lam-atopada leikhiba thoklabadi madu ‘online’ da matik chaba musabida/protocol enduna saakhi puthok-pusin touringei wayel-vichar da thindhadanaba tougadabani.

E

- **Wa-taisinnaba:** Wa-taisinbidouba miyoi gi mingchan-lairik natraga panel ama khangdoktuna July tha gi loirakpafaobada akhannaba court asigi presiding officer singda thabigdoubani. Karigumbada, maraal lei haina loubu miyoi asina akhanna court asigi mafam da wayel-vichar houdringeida wa-taisinnaningbagi apamba fondoklaklabadi presiding officer aduna mataang asibu hana maagjounana khandoklaga thamba wa-taisinbina ama da online gi khuthangda thengthaba yaodana akaknaba matam loisinkhinaba thabikhidoubani.

F

G

H

SUPREME COURT REPORTS [2022] 3 S.C.R.

- A
- **Data Khomjinba:** High Court adugi Registrar General da loishinkhraba case sing gi hapta gi warol ama changyeng asigi chaokhatpabu warak-watembina thabigadoubani. Tha ahum-ahum gi oiba warol na Supreme Court ta thagadabani. Akhannaba court adugi khomkatlaba data sing yengsinaba, ‘Cause-List’ yengsinaba amadi Presiding Officer ga awat-
- B
- apa yengduna tung koinagi oinaba thouram sinbagi haptagi oiba mi punbagi thabak ta saruk yanaba Facilitation Officer ama thamgadoubani.

11. Court asigi Secretary General na hujikki yathang asibu mathtakta pankhiba High Court manga adugi Registrar General da chumdringna pao faobigadoubani, aduga makhoina amuk High Court adugi Chief Justice mamangda masibu thambigadoubani. Chaokhatpa amasung enbagi fibam gi paodam oinaba High Court manga asina tarik 12.07.2022 faobada affidavit amamam tharakadoubani. Hiram asi tarik 26.07.2022 da makha tana yengsinnaba happasi.
- C
- D

Bibhuti Bhushan Bose

Lamjing warol thadokli

E