

TAMIL NADU STATE JUDICIAL ACADEMY,

REGIONAL CENTRE, COIMBATORE

***Professional Development Programme-I for Civil Judges (Batch-II)
held on 31.07.2021 and 01.08.2021***

PROGRAMME REPORT

Two day Professional Development Programme-I for Civil Judges (Batch-II) was held on 31.07.2021 and 01.08.2021 at Tamil Nadu State Judicial Academy, Regional Centre, Coimbatore.

The programme commenced with the address of the Deputy Director, Tamil Nadu State Judicial Academy, Regional Centre, Coimbatore and he narrated the scope and object of the programme. Further, he invited the attention of the audience to the quotation of the American leader Benjamin Franklin "Tell me and I forget, teach me and I may remember, involve me and I learn" and emphasized the importance of participation and described about the scheme of the programme.

The participants were divided into four groups and different topics were assigned to them. The topic "Speedy Disposal of Interim applications" was allotted to Group I. "Appreciation of evidence – Confession of accused and co-accused – Evidence of approver" was allotted to Group II. "Attachment before judgment – Practice and Procedure" was allotted to Group III. "Speedy disposal of Bail applications and verification of Bail Bonds" was allotted to Group IV. In each group, 3 presenters were selected and they represented their groups.

Session - I on 31.07.2021 commenced with the presentation of Mr. S. Vijay Alagiri, Principal District Munsif, Namakkal. He described various types of

interlocutory applications and shared his experience regarding speedy disposal of cases. Thereafter, Mr. D. Thirunavukkarasu, District Munsif cum Judicial Magistrate, Uthukuli addressed the gathering and explained rules regarding interlocutory applications and gave some instructions to reduce pendency of appointment of advocate commissioner applications. Then, Ms. V. C. Thaarini, Judicial Magistrate, Additional Mahila Court, Erode lectured and explained about the delay in disposal of petitions under Order XXII Rules 4, 9 of the Code of Civil Procedure, 1908 and Section 5 of the Limitation Act, 1963. Further, she invited attention to Order IX Rule 4 of the Code of Civil Procedure, 1908 and referred the decision of the Honorable High Court of Madras in K. Narayanaswamy vs Sundari, (1980) 1 MLJ 278 and stated that even if a suit was dismissed for default at the stage of ex parte evidence, notice to other side is necessary in Order IX Rule 4 CPC petitions. The very same principle was followed by the Honorable High Court in Thangavelpillai vs Periyasamy Udayar, 2008-3-L.W. 772. Thereafter, Mr. S. Babu, Judicial Magistrate, Dharapuram, Ms. A. Saranya, Judicial Magistrate No. 3, Erode, Mr. G. Ashok Prasath, District Munsif cum Judicial Magistrate, Krishnarayapuram and Mr. J. Kannan, District Munsif, shared their experiences.

The second session commenced with the topic "Appreciation of evidence – Confession of accused and co-accused – Evidence of approver." Mr. J. Kannan, District Munsif, Pappireddipatti explained about meaning of confession and kinds of confession. Mr. R. Vijayan, Judicial Magistrate, Additional Mahila Court, Namakkal addressed the gathering and explained confession of co-accused and evidence of accomplice with reference to Sections 30, 133 and 114 illustration (b) of the Indian Evidence Act, 1872. Ms. Sowmya Mathew, Judicial Magistrate, Tiruchengode dealt with Section 27 of the Indian Evidence Act, 1872 and stated

various judgments of Honorable Apex Court and Honorable Madras High Court including Shaoo vs State of Uttar Pradesh, 1966 AIR 40 regarding the scope of confession. After completion of her speech, Ms. P.K. Dhamayanthi, District Munsif, Sendamangalam, Ms. K. Seganasbanu, District Munsif, Bhavani, Ms. K. Sasikala, District Munsif cum Judicial Magistrate, Aravakurichi, Mr. K.R. Kalaivanan, Judicial Magistrate, Fast Track Court, Coonoor, Mr. S. R. Babu, Principal Munsif cum Judicial Magistrate, Gudaloor and Ms. J. Nagalakshmi @ Vijayarani, Judicial Magistrate No. 2, Erode, shared their experiences with the audience.

After the lunch break, a panel discussion ensued and the Session was handled by Mr.M.Karunanidhi, Advocate, Madurai. He wonderfully dealt with the topics Speedy Disposal of interim applications and appreciation of evidence of confession of an accused, co-accused and the approver. He also explained the relevant case laws on the subjects. He invited the attention of the audience to Athappa Goundan and other vs Emperor, 171 Ind Cas 245, Pulukuri Kottaya and others vs The King-Emperor, AIR 1947 PC 67, Pakala Narayana Swami vs Emperor, (1939) 41 BOMLR 428 and State represented by the Inspector of Police, Chennai and others vs V.P. Pandi @ Attack Pandi and others, CDJ 2019 MHC 1822 case laws. He also cleared the doubts which were raised by the participants. He concluded the panel discussion at 03.30 PM.

The fourth and final session of the day was handled by Mr. M. Dharmaprabhu, Sub Judge, Dharapuram and he explained about the speedy disposal of interlocutory applications. He shared his experience to curtail unnecessary adjournments. Further, he narrated guidelines regarding Order VIII Rule 9 of the Code of Civil Procedure, 1908 with reference to the dictum of the

Honorable Apex Court in Ashok Kumar Kalra vs Wing Cdr. Surendra Agnihotri and others, (2020) 2 MLJ 189. He also explained the relevant case laws on the subjects. Finally, the session was concluded at about 05.00 PM.

On the next day (01.08.2021), the programme commenced at about 09.50 AM. Mr. D. Balu, Sessions Judge, Special Court for Trial of Bomb Blast Cases, Coimbatore, Mr. M. Dharmaprabhu, Sub Judge, Dharapuram and Mr. M. Karunanidhi, Advocate, Madurai Bench of Madras High Court, Madurai, were the Resource Persons to this programme.

The first session of the day commenced at 10.00 AM. The topic for the Third Session was "Attachment of property before Judgment". Mr. K. Bakkiaraj, Judicial Magistrate II, Kulithalai, Mr. S. Vadivel, Judicial Magistrate, Fast Track Court at Magisterial Level-I, Erode and Mr. N. Ramesh, Judicial Magistrate, Coonoor were nominated as presenters for the Group III and they explained the scope and ambit of the topic allotted to them, in a detailed manner through power point presentation. They also explained the relevant provisions of Code of Civil Procedure, 1908 with regard to attachment of property before judgment. All the relevant and latest Case Laws on the subject were also discussed by them. The Session was concluded at 11.25 AM.

After the Tea Break, the second session of the day commenced at 11:40 AM. The topic for the Session was "Speedy disposal of Bail applications and verification of Bail Bonds". Ms. F. Rehana Begum, Judicial Magistrate, Rasipuram, Ms. J. Nagalakshmi @ Vijayarani, Judicial Magistrate II, Erode and Mr. G. Sivakumar, I Additional District Munsif, Erode were nominated as presenters. They explained the scope and object on the topic allotted to them, in an exhaustive manner. They also explained the relevant provisions of Code of

Criminal Procedure, 1973 and Criminal Rules of Practice, 2019. All the relevant and latest Case Laws on the subject were also discussed by them. The session was concluded at about 01:10 PM.

After the lunch break, panel discussion commenced and the Session was handled by the Resource Persons. They crisply explained the topics of attachment of property before judgment and Speedy Disposal of bail applications and verification of bail bonds. They also cited relevant case laws on the subjects. They cleared the doubts of the participants vividly and in a lucid manner.

At around 04.05 PM, the two days programme concluded with vote of thanks by Mr. S.P. Rishiroshan, Deputy Director, TNSJA, Regional Centre, Coimbatore.