



**TAMIL NADU STATE JUDICIAL ACADEMY,
REGIONAL CENTRE, COIMBATORE**

Report of Professional Development Programme-I for Civil Judges (Batch-I) held on 11.06.2022 and 12.06.2022

A two-day Professional Development Programme-I for Civil Judges (Batch-I) was held on 11.06.2022 and 12.06.2022 at Tamil Nadu State Judicial Academy, Regional Centre, Coimbatore. 59 Civil Judges of various districts participated in the programme.

A Common Inaugural Session was held by Tamil Nadu State Judicial Academy, Headquarters, Chennai. The Regional Centers of TNSJA at Madurai and Coimbatore participated in the inaugural session through video conferencing. Hon'ble Mr. Justice T. Raja, Judge, High Court of Madras and President, Board of Governors, Tamil Nadu State Judicial Academy delivered welcome address and vision statement. He emphasized the importance of reducing pendency of cases. Further, he recounted the Honorable Chief Justice's interest towards Judicial Academy.

Hon'ble Mr. Justice Munishwar Nath Bhandari, Chief Justice, High Court of Madras / Patron-in-Chief of the Tamil Nadu State Judicial Academy has delivered inaugural address. In his speech, Honorable Chief Justice emphasized the importance of interactive training sessions. Further, he invited the attention to the disposal of cases and Bar and Bench relationship.

After a tea break, the two-day training programme commenced as per schedule. The Resource Person Thiru. M. Dharmaprabu, Sub Judge, Dharapuram dealt with the topics **Bail – a) Recording of Reasons – Significance of; b) Consideration of Relevant Factors; c) Imposing of Conditions; d) Cancellation of Bail- Procedures.** He stated that The Code of Criminal Procedure, 1973 does not define 'bail' though offences , bailable and non-bailable are defined.

He gave the definition of 'bail' by Law Lexicon which defines bail as 'the security for the appearance of the accused person on which he is released pending trial or investigation'. Further, he stated that in **State of Rajasthan, Jaipur Vs. Balchand @ Baliay**, AIR 1977 SC 2447, it was held that Bail is rule and Jail is exception. Further, he stated that the primary purposes of bail in Criminal cases are to relive the accused of imprisonment, to relieve the State of the burden of keeping him, pending the trial, and at the same time, to keep the accused constructively in the custody of the Court, whether before or after conviction, to assure that he will submit the jurisdiction of the Court and be in attendance thereon whenever his presence is required.

Further, he emphasized the importance and significance of giving reasons. He also invited the attention to the dictum laid down by the Honorable Apex Court in **Arnab Manoranjan Goswami Vs. The State of Maharashtra**, (2021) 2 SCC 427 pertaining to guidelines for granting bail. In this regard, he also explained the dictum in **Satender Kumar Antil Vs. Central Bureau of Investigation**, (2021) 10 SCC 773. Further, in respect of bail conditions, he further relied on the decisions of the Honorable Apex Court in **Moti Ram Vs. State of Madhya Pradesh**, AIR 1978 SC 1594, **Nikesh Tarachand Shah Vs. Union of India**, (2018) 11 SCC 1 and **Aparna Bhat & others Vs. State of Madhya Pradesh & another** dated

18.03.2021. The participating judges interacted with the resource person in respect of the topic. After the conclusion of first session, the participants were given an activity of writing a bail order.

Post lunch break, the session was on **Role of Magistrates under Domestic Violence Act** by the learned Sub Judge Thiru. M. Dharmaprabu. He stated that the object of the Act is to provide for more effective protection of the rights of Women guaranteed under the Constitution. He also explained about aggrieved person, domestic relationship, respondent, shared household, domestic violence with judgments.

Further, the learned Resource Person narrated the guidelines of the Honorable Madras High Court in **P. Pathmanathan Vs. V. Monica**, 2021 (2) CTC 57. Further, he invited the attention to the judgment of the Honorable Madurai Bench of the Madras High Court in **P. Ganesan Vs. Revathy Prema Rubarani**, 2021-2-L.W. (CrI.) 578 and explained them in detail. The learned resource person also clarified the doubts of the participants. After completion of the session, participants were given an activity of writing an order in a D.V. application.

The next day (12.06.2022), the programme commenced at 10:00 a.m. Thiru. A. S. Ravi, Special Judge, Special Court under TNPID Act, Coimbatore dealt with the topic **Execution Proceedings: Attachment and Sale / Court Auction / Sale Certificate**. The resource person, understandably explained the procedure relating to the execution proceedings. He also gave valuable tips for speedy disposal of execution petitions. Further, he dealt with Section 47 CPC applications. He emphasized the significance of Order XXI Rule 41 CPC. In the case of **N. Chandra Chems Vs. Varma Mukherji Pvt. Ltd. And others**, dated 08.06.2007 reported in 2007 (d) MhLj 722, the Honorable Bombay High Court has stated that, prior to filing petition under

Order XXI Rule 11 CPC, Decree Holder can seek relief under Order XXI Rule 41 CPC. Further, he cleared the doubts of the participants.

The Post lunch session, was on Offenses **under the Forest Laws and its procedures**, Thiru. G. Chandrasekaran, Deputy Conservator of Forests (Retd.), Coimbatore dealt with the topic. The learned Resource Person interacted with the participant judges and shared his experience. He also explained the procedures regarding investigation in respect of forest offenses. Further, he explained about recording of confession statements, arrest and seizure procedures under Forest Laws. The learned Resource Person also cleared the doubts of the participants.

Thereafter, the Deputy Director conducted **Impact Assessment** session based on the evaluation of previous day (11th June 2022) activities, he interacted with the participant judges. The pros and cons of the performance of the participant judges were discussed. The two-day training programme concluded with the vote of thanks by the Assistant Director.
