



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

***Professional Development Programme-I for Senior Civil
Judges (Batch-I) held on 18.06.2022 and 19.06.2022***

PROGRAMME REPORT

The two-day Professional Development Programme-I for Senior Civil Judges (Batch-I) was held on 18.06.2022 and 19.06.2022 at Tamil Nadu State Judicial Academy, Regional Centre, Coimbatore.

The programme commenced at 10 a.m. on the 18th of September 2022, with the welcome address by the Deputy Director of the Tamil Nadu State Judicial Academy, Regional Centre, Coimbatore.

The first working session was on the topic "***Latitude and Longitude of Civil Appeal Cases***" handled by Mr. R. Shanmuga Sundaram, Principal District and Sessions Judge, Karur. He discussed about the service of summons in appeal stage and drew attention of the participants to the Madras High Court amendment in Order XLI Rule 14(1) Proviso of the Code of Civil Procedure, 1908 relating to respondents; having remained absent, against whom the suit has proceeded *ex parte* in the trial Court. As per said Proviso, Court may dispense with the service of notice.

Further, he discussed about granting interim injunction and stay of decree. In respect of Order XLI Rule 27 of the Code of Civil Procedure, 1908, the learned Resource Person discussed the judgments of the Honorable Supreme Court of India in *Union of India Vs. Ibrahim Uddin*, 2012 (8) SCC 148 and *Sanjay Kumar Singh Vs. The State of Jharkhand*, CDJ 2022 SC 298.

He then explained the procedure in respect of Order XLI Rule 28 of the Code of Civil Procedure, 1908. He also referred to the judgment of the Honorable Madras High Court in *Don Bosco Matriculation Higher Secondary School Vs. R. Vijayakumar*, dated 03.10.2018 in respect of points for determination.

In the post lunch session Mr. E. V. Chandru @ E. Chandrasekaran, Advocate, High Court of Madras dealt with the topic "***Trial in Sessions Cases: On the trail of excellence.***" He commenced with the judgment of the Honorable Apex Court, *IN RE: TO ISSUE CERTAIN GUIDELINES REGARDING INADEQUACIES AND DEFICIENCIES IN CRIMINAL TRIALS Vs THE STATE OF ANDHRA PRADESH & ORS* and invited attention of the participants to Pretrial conference.

He further discussed Section 65-B of the Indian Evidence Act, 1872 with reference to the dictum of the Honorable Supreme Court of India in *Arjun Panditrao Khotkar Vs. Kailash Kushanrao Gorantyal, 2020-2-L.W. (Cr.) 705.*

Further, he explained about the various kinds of witnesses such as, Related witnesses, chance witnesses, partisan witnesses and hostile witnesses. He also spoke about Section 319 of the Code of Criminal Procedure, 1973 with reference to the dictum of the Honorable Apex Court in *Labhuji Amritji Thakor & Ors. Vs. State of Gujarat & another, (2018) 4 MLJ (CrI) 739.*

On the second day (19.06.2022), the programme commenced at about 10:00 a.m. The first session was on the topic "**Right frame of mind to rightly frame charges**" handled by Mr. N. Swaminathan, Advocate, Mannargudi. The learned Resource Person explained the procedure relating to the framing of charges. He then discussed the case of *V. C. Shukla Vs. State through C.B.I., 1980 AIR 962* and narrated the importance of framing of

charges. Further, he also discussed the case of *State of Kerala Vs. Rasheed*, (2019) 1 MLJ (Cri) 326 relating to preparation of case-calendar.

In respect of Section 226 of the Cr.P.C., he emphasized the importance of opening case for prosecution. In this regard, he invited the attention of the participants to the decision of the Honorable Supreme Court of India in *Hukam Singh and others vs State of Rajasthan*, 2000 SCC (Cri.) 1416.

Further, he explained the importance of discharge and charge framing under Sections 227 and 228 of Cr.P.C. with the judgment of the Honorable Apex Court in *Sajjan Kumar Vs. C.B.I*, 2010 (3) SCC (Cri.) 1371. In the said case, Honorable Supreme Court of India has laid down principles relating to Sections 227 and 228 of Cr.P.C. The learned Resource Person also discussed the dictum of the Honorable Supreme Court of India in *State of Orissa Vs. Debendra Nath Padhi*, 2005 SCC (Cri.) 415.

In the post lunch session, Mr. N. Sridhar, Advocate, Coimbatore dealt with the topic **"Law of Succession: A Comprehensive re-visit."** The learned Resource Person narrated the origin of Hindu Law, the legislations prior to Hindu Succession Act, 1956. He explained the difference between survivorship and succession. He then explained about Unobstructed Heritage and Obstructed Heritage.

Further, he discussed the dictum of the Honorable Supreme Court in *Vineeta Sharma Vs. Rakesh Sharma and Ors*, AIR 2020 SC 3717. He then invited the attention of the participants to the judgments of the Honorable Supreme Court of India in *Kakumanu PedaS ubbayya and Ors. Vs. Kakumanu Akkamma and Ors*, AIR 1958 SC 1042, *Banarsi Das Vs. Kanshi Ram and Ors*, AIR 1963 SC 1165 and *Phoolchand and Ors. Vs. Gopal Lal*, AIR 1967 SC 1470.

On both the days the resource persons interacted with the participants. The participants also raised questions and doubts which were duly answered by the resource persons.

The Professional Development Programme-I for Senior Civil Judges (Batch-I) concluded with vote of thanks rendered by Mr. S. P. Rishi Roshan, Deputy Director, Tamil Nadu State Judicial Academy, Regional Centre, Madurai.
