



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

***Report of Webinar Session XXII for Civil Judges
(Conducted through CISCO Webex)
On 29.01.2022 (Saturday) at 10.00 a.m.***

Webinar Session XXII for Civil Judges was held on 29th day of January 2022 through Cisco Webex by the Tamil Nadu State Judicial Academy, Regional Centre, Coimbatore. 143 Civil Judges have taken part this programme.

Webinar Session XXII commenced with the Welcome Address by the Deputy Director of the Tamil Nadu State Judicial Academy, Regional Centre, Coimbatore at 10:00 am and he emphasized the object of Negotiable Instruments Act, 1881 and speedy disposal of the cases pending in the courts.

Thereafter, the learned Resource Person Thiru. A. Suresh Babu, Advocate, Salem District conducted session on "**Proceedings u/s.138 of N.I. Act – An Overview**". The learned Resource Person elaborately narrated important aspects of taking cognizance, expeditious way of conducting trial and recent developments made in the said Act. Further, he discussed the guidelines given by Hon'ble Supreme Court in "**Indian Bank Association & Others Vs. Union Of India 2014-2-LW (Crl) 400 SC (21.07.2014)**" and explained the step by step procedure for the speedy disposal of huge pendency of cases.

Further, he explained the recent landmark full bench judgement of the Hon'ble Supreme Court in "**RE EXPEDITIOUS TRIAL OF CASES, U/S 138 NI ACT,1881(16.4.2021)**"and **Meters and Instruments Vs. Kanchan Mehta** case and how to apply the principles laid down in these cases.

Further, he cited the judgment of the Honorable High Court of Madras in L.G.R. Enterprises Vs P. Anbazhagan (12.7.2019), the operation of section 143-A of Negotiable Instrument Act, 1881 and how the judicial officers have to record reasons for using the above said section while ordering interim compensation.

The learned Resource Person also lucidly explained the reasons for huge number pending cases and elaborated the provisions available in Criminal Procedure code to execute such warrants. The learned Resource Person gave many judgments to the Judicial officers for the effective disposal of cases and answered the questions raised by the judicial officers.

In view of the direction given in CrI. O.P. No. 7347 of 2017 on the file of High Court of Madras dated 17.11.2021, discussion was made with the judicial officers. In the discussion, the following important points were discussed:

- I) The Judicial officers before taking the case on file, they should peruse the case records thoroughly and the relevant provisions of law. The Judicial officers shall verify the period of limitation, whether, within the statutory period the prosecution has been launched or not.
- II) The practice of affixing the seal as TOF denoting 'Taken on File' should be avoided and the judicial officers shall write whether the complaint shall be taken or not, before taking cognizance.
- III) The Judicial officers have to apply their judicial mind while reading the complaint and relevant case records and

provisions of law. The Judicial officers shall make a definite conclusion.

- IV) When an offence under this Act committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be added as an accused under section 66 of the Food Safety and Standards Act, 2006.

From the discussions in the webinar, the judicial officers have been largely benefitted and they also shared their views and put their insights into the matter. As per the directions of the Hon'ble High Court, judicial officers were effectively sensitized in the above matter.

The session concluded with the Deputy Director of the Tamil Nadu State Judicial Academy, Regional Centre, Coimbatore proposing Vote of Thanks.
