

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(Crl.) No.618 of 2025

Suo Motu

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by the Secretary to the Government,
Home (Courts-IV) Department, Fort St.George,
Chennai-600 009.
2. The Secretary to the Government,
Law Department, Government of Tamil Nadu,
Chennai-600 009.
3. The Director of Prosecution,
No.5, Kamaraj Salai, Triplicane,
Chennai - 600 005.
4. The Director General of Police,
No.1, Kamarajar Salai, Mylapore,
Chennai-600 004.
5. Union of India,
Rep. by the Secretary to the Government,
Home Department,
Puducherry - 605 001.
6. The Secretary,
Law Department, Puducherry - 605 001.

7. The Director of Prosecution,
No.5, Kamarajar Salai,
Tamil Nadu Slum Clearance Board Campus,
Puducherry-600 005.

8. The Director General of Police,
2, Dumar Street, White Town,
Puducherry - 605 001.

... Respondents

For Petitioner : Suo Motu

For Respondents : Mr.Rajesh Vivekanandan
Deputy Solicitor General of India

Mr.S.Sugendran
Additional Public Prosecutor
for R1 to R4

Mr.K.S.Mohandas
Public Prosecutor (Puducherry)
for R5 to R8

Mr.M.Guruprasad, Amicus Curiae

Mr.P.Sidharthan
Special Public Prosecutor

Mr.S.Vinoth Kumar
Government Advocate

ORDER

This suo-motu W.P.(Crl.).No.618 of 2025 was directed to be registered pursuant to the approval granted by the Hon'ble Chief Justice in ROC.No.148/2025/Crl.Side for implementing the Pilot

Project formulated by the Hon'ble Committee of the Supreme Court of India for the disposal of criminal cases. Pursuant to this, the Dedicated Bench undertook the exercise, carried out the project, and submitted the report to the Hon'ble Committee by a report dated 30.10.2025. During this exercise, it was found that in many cases, summons had not been served. Even while dealing with the transferred cases, where summons were not served and execution of warrants are pending, in a number of cases, summons were served and warrant executed/recalled as the accused wanted to make the pleas so that the case get disposed of by the Dedicated Bench. While so, the difficulties faced by the Learned Magistrates, the Court Staff dealing with the issue and the Police were placed on record. By a status report, it was placed on record that 21,618 summons and 11,983 warrants are pending for service/execution.

2. In this regard, this Court heard the learned Additional Public Prosecutor, Mr. Asra Garg, IPS. the Inspector General of Police was present before the Court, made his submissions, and presented the views on behalf of the Police. Ms. B.H. Shajitha IPC, the Superintendent of Police (Co-ordination & Administration), CBCID, who is in charge of monitoring the service of summons and the execution of warrants, was

also present before the Court and made her submissions.

3. Mr M. Guruprasad, the learned counsel, was appointed as Amicus Curiae to assist the Court. The learned Amicus compiled the relevant statutory provisions, placed the reports on various occasions and presented the relevant case laws and made submissions.

4. When the issue regarding the service of summons or execution of warrants for accused persons residing abroad arose, this Court asked Mr. P. Sidharthan, learned Special Public Prosecutor representing the Enforcement Directorate, to assist as Amicus Curiae. He presented the relevant materials to the Court. An officer from the Enforcement Directorate was also present and shared his experience.

5. Mr. Rajesh Vivekanandan, learned Deputy Solicitor General of India, appeared for the Central Government and submitted the procedures formulated by the Ministry of Home Affairs regarding service of summons, mutual legal assistance, etc., Mr Piyush Singh, the Deputy Legal Advisor, and other officials of the Ministry of Home Affairs also joined the Court virtually, expressed their views, and stated that any proposal received from the State of Tamil Nadu to improve the procedure or system would be considered.

6. After hearing all concerned, the following order is passed with reference to (a) The service of summons / execution of warrants within India; and (b) The service of summons / execution of warrants outside India.

(a) SERVICE OF SUMMONS WITHIN INDIA:

7. The relevant provisions of the Code of Criminal Procedure, 1973 [hereinafter "Cr.Pc."] relating to the service of summons within India are Sections 61 to 69 and 105. While part of Section 105 also addresses the service of summons outside India, Sections 166A and 105K are specifically relevant in that regard. The relevant provisions in the Bharatiya Nagarik Suraksha Sanhita, 2023 [hereinafter "BNSS"] regarding the service of summons are Sections 63 to 71 and Section 110 within India. Section 110 also covers the service of summons outside India, for which Sections 112 and 123 are additionally pertinent.

8. A comparative tabular column of the relevant provisions of the Cr.Pc. and BNSS has been prepared, with changes highlighted in bold, and is reproduced below:

**CORRESPONDENCE TABLE OF THE BHARATIYA NAGARIK
SURAKSHA SANHITA, 2023, (BNSS) AND THE CODE OF
CRIMINAL PROCEDURE, 1973, (CRPC) IN RESPECT OF
SERVING OF SUMMONS**

Cr.PC Sec.	Subject	BNS S Sec.	Changes
61	Form of summons -Every summons issued by a Court under this Code shall be in writing, in duplicate, signed by the presiding officer of such Court or by such other officer as the High Court may, from time to time, by rule direct, and shall bear the seal of the Court	63	Form of summons - Every summons issued by a Court under this Sanhita shall be,— (i) in writing, in duplicate, signed by the presiding officer of such Court or by such other officer as the High Court may, from time to time, by rule direct, and shall bear the seal of the Court; or (ii) in an encrypted or any other form of electronic communication and shall bear the image of the seal of the Court or digital signature.
62	Summons how served- (1) Every summons shall be served by a police officer, or subject to such rules as the State Government may make in this behalf, by an officer of the Court issuing it or other public servant.	64	Summons how served- (1)Every summons shall be served by a police officer, or subject to such rules as the State Government may make in this behalf, by an officer of the Court issuing it or other public servant: Provided that the police station or the registrar in the Court shall maintain a register to enter the

	(2) The summons shall, if practicable, be served personally on the person summoned, by delivering or tendering to him one of the duplicates of the summons. (3) Every person on whom a summons is so served shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate		address, email address, phone number and such other details as State Government may, by rules, provide. (2) The summons shall, if practicable, be served personally on the person summoned, by delivering or tendering to him one of the duplicates of the summons: Provided that summons bearing the image of Court's seal may also be served by electronic communication in such form and in such manner, as the State Government may, by rules, provide. (3) Every person on whom a summons is so served personally shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate
63	Service of summons on corporate bodies and societies.—Service of a summons on a corporation may be effected by serving it on the secretary, local manager or other principal officer of the corporation, or by letter sent by registered post, addressed to the chief officer of the	65	Service of summons on corporate bodies and societies.—(1) Service of a summons on a company or corporation may be effected by serving it on the Director, Manager, Secretary or other officer of the company or corporation, or by letter sent by registered post addressed to the

	corporation in India, in which case the service shall be deemed to have been effected when the letter would arrive in ordinary course of post.		Director, Manager, Secretary or other officer of the company or corporation in India, in which case the service shall be deemed to have been effected when the letter would arrive in ordinary course of post. Explanation.—In this section, "company" means a body corporate and "corporation" means an incorporated company or other body corporate or a society registered under the Societies Registration Act, 1860. (2) Service of a summons on a firm or other association of individuals may be effected by serving it on any partner of such firm or association, or by letter sent by registered post addressed to such partner, in which case the service shall be deemed to have been effected when the letter would arrive in ordinary course of post
64	Service when persons summoned cannot be found. —Where the person summoned cannot, by the exercise of due diligence, be found, the summons may be served by leaving one of the duplicates for him with some	66	Service when persons summoned cannot be found. — Where the person summoned cannot, by the exercise of due diligence, be found, the summons may be served by leaving one of the duplicates for him with some

	adult male member of his family residing with him, and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate		adult member of his family residing with him, and the person with whom the summons is so left shall, if so required by the serving officer, sign a receipt therefor on the back of the other duplicate. The Servent is not the member of <i>The word 'male' is been removed</i>
65	Procedure when service cannot be effected as before provided— If service cannot by the exercise of due diligence be effected as provided in section 62, section 63 or section 64, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides; and thereupon the Court, after making such inquiries as it thinks fit, may either declare that the summons has been duly served or order fresh service in such manner as it considers proper.	67	Procedure when service cannot be effected as before provided— If service cannot by the exercise of due diligence be effected as provided in section 64, section 65 or section 66, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides; and thereupon the Court, after making such inquiries as it thinks fit, may either declare that the summons has been duly served or order fresh service in such manner as it considers proper.
66	Service on Government servant.—	68	Service on Government servant.—

	(1) Where the person summoned is in the active service of the Government, the Court issuing the summons shall ordinarily send it in duplicate to the head of the office in which such person is employed; and such head shall thereupon cause the summons to be served in the manner provided by section 62, and shall return it to the Court under his signature with the endorsement required by that section. (2) Such signature shall be evidence of due service		(1) Where the person summoned is in the active service of the Government, the Court issuing the summons shall ordinarily send it in duplicate to the head of the office in which such person is employed; and such head shall thereupon cause the summons to be served in the manner provided by section 64, and shall return it to the Court under his signature with the endorsement required by that section. (2) Such signature shall be evidence of due service.
67	Service of summons outside local limits.—When a Court desires that a summons issued by it shall be served at any place outside its local jurisdiction, it shall ordinarily send such summons in duplicate to a Magistrate within whose local jurisdiction the person summoned resides, or is, to be there served	69	Service of summons outside local limits.—When a Court desires that a summons issued by it shall be served at any place outside its local jurisdiction, it shall ordinarily send such summons in duplicate to a Magistrate within whose local jurisdiction the person summoned resides, or is, to be there served.
68	Proof of service in such cases and when serving officer not present.— (1) When a summons issued by a Court is served outside its local jurisdiction, and in any	70	Proof of service in such cases and when serving officer not present.—

	case where the officer who has served a summons is not present at the hearing of the case, an affidavit, purporting to be made before a Magistrate, that such summons has been served, and a duplicate of the summons purporting to be endorsed (in the manner provided by section 62 or section 64) by the person to whom it was delivered or tendered or with whom it was left, shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved. (2) The affidavit mentioned in this section may be attached to the duplicate of the summons and returned to the Court.	(1) When a summons issued by a Court is served outside its local jurisdiction, and in any case where the officer who has served a summons is not present at the hearing of the case, an affidavit, purporting to be made before a Magistrate, that such summons has been served, and a duplicate of the summons purporting to be endorsed (in the manner provided by section 64 or section 66) by the person to whom it was delivered or tendered or with whom it was left, shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved. (2) The affidavit mentioned in this section may be attached to the duplicate of the summons and returned to the Court. (3) All summons served through electronic communication under sections 64 to 71 shall be considered as duly served and a copy of such electronic summons shall be attested and kept as a proof of service of summons.
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69	Service of summons on witness by post.— (1) Notwithstanding anything contained in the preceding sections of this Chapter, a Court issuing a summons to a witness may, in addition to and simultaneously with the issue of such summons, direct a copy of the summons to be served by registered post addressed to the witness at the place where he ordinarily resides or carries on business or personally works for gain. (2) When an acknowledgement purporting to be signed by the witness or an endorsement purporting to be made by a postal employee that the witness refused to take delivery of the summons has been received, the Court issuing the summons may declare that the summons has been duly served.	71	Service of summons on witness:- (1) Notwithstanding anything contained in the preceding sections of this Chapter, a Court issuing a summons to a witness may, in addition to and simultaneously with the issue of such summons, direct a copy of the summons to be served by electronic communication or by registered post addressed to the witness at the place where he ordinarily resides or carries on business or personally works for gain: (2) When an acknowledgement purporting to be signed by the witness or an endorsement purporting to be made by a postal employee that the witness refused to take delivery of the summons has been received or on the proof of delivery of summons under sub-section (3) of section 70 by electronic communication to the satisfaction of the Court, the Court issuing summons may deem that the summons had been duly served.
105	Reciprocal arrangements regarding processes.—	110	Reciprocal arrangements regarding processes.—

	(1) Where a Court in the territories to which this Code extends (hereafter in this section referred to as the said territories) desires that— (a) a summons to an accused person, or (b) a warrant for the arrest of an accused person, or (c) a summons to any person requiring him to attend and produce a document or other thing, or to produce it, or (d) a search-warrant, [issued by it shall be served or executed at any place,— (i) within the local jurisdiction of a Court in any State or area in India outside the said territories, it may send such summons or warrant in duplicate by post or otherwise, to the presiding officer of that Court to be served or executed; and where any summons referred to in clause (a) or clause (c) has been so served, the provisions of section 68 shall apply in relation to such summons as if the presiding officer of the Court to whom it is sent were a Magistrate in the said territories;		(1) Where a Court in the territories to which this Sanhita extends (hereafter in this section referred to as the said territories) desires that— (a) a summons to an accused person; or (b) a warrant for the arrest of an accused person; or (c) a summons to any person requiring him to attend and produce a document or other thing, or to produce it; or (d) a search-warrant, issued by it shall be served or executed at any place,— (i) within the local jurisdiction of a Court in any State or area in India outside the said territories, it may send such summons or warrant in duplicate by post or otherwise, to the presiding officer of that Court to be served or executed; and where any summons referred to in clause (a) or clause (c) has been so served, the provisions of section 70 shall apply in relation to such summons as if the presiding officer of the Court to whom it is sent were a Magistrate in the said territories; (ii) in any country or place
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(ii) in any country or place outside India in respect of which arrangements have been made by the Central Government with the Government of such country or place for service or execution of summons or warrant in relation to criminal matters (hereafter in this section referred to as the contracting State), it may send such summons or warrant in duplicate in such form, directed to such Court, Judge or Magistrate, and send to such authority for transmission, as the Central Government may, by notification, specify in this behalf.] (2) Where a Court in the said territories has received for service or execution— (a) a summons to an accused person, or (b) a warrant for the arrest of an accused person, or (c) a summons to any person requiring him to attend and produce a document or other thing, or to produce it, or (d) a search-warrant, [issued by— (I) a Court in any State or area in India outside	outside India in respect of which arrangements have been made by the Central Government with the Government of such country or place for service or execution of summons or warrant in relation to criminal matters (hereafter in this section referred to as the contracting State), it may send such summons or warrant in duplicate in such form, directed to such Court, Judge or Magistrate, and send to such authority for transmission, as the Central Government may, by notification, specify in this behalf. (2) Where a Court in the said territories has received for service or execution— (a) a summons to an accused person; or (b) a warrant for the arrest of an accused person; or (c) a summons to any person requiring him to attend and produce a document or other thing, or to produce it; or (d) a search-warrant, issued by— (I) a Court in any State or area in India
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	the said territories; (II) a Court, Judge or Magistrate in a contracting State, it shall cause the same to be served or executed] as if it were a summons or warrant received by it from another Court in the said territories for service or execution within its local jurisdiction; and where— (i) a warrant of arrest has been executed, the person arrested shall, so far as possible, be dealt with in accordance with the procedure prescribed by sections 80 and 81, (ii) a search-warrant has been executed, the things found in the search shall, so far as possible, be dealt with in accordance with the procedure prescribed by section 101: 1 [Provided that in a case where a summons or search-warrant received from a contracting State has been executed, the documents or things produced or things found in the search shall be forwarded to the Court issuing the summons or search-warrant through such authority as the Central Government may, by		outside the said territories; (II) a Court, Judge or Magistrate in a contracting State, it shall cause the same to be served or executed as if it were a summons or warrant received by it from another Court in the said territories for service or execution within its local jurisdiction; and where— (i) a warrant of arrest has been executed, the person arrested shall, so far as possible, be dealt with in accordance with the procedure specified by sections 82 and 83; (ii) a search-warrant has been executed, the things found in the search shall, so far as possible, be dealt with in accordance with the procedure specified by section 104: Provided that in a case where a summons or search-warrant received from a contracting State has been executed, the documents or things produced or things found in the search shall be forwarded to the Court issuing the summons or search-warrant through such authority as the Central Government may, by notification, specify in
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	notification, specify in this behalf.]		this behalf.
166A	Letter of request to competent authority for investigation in a country or place outside India.— (1) Notwithstanding anything contained in this Code, if, in the course of an investigation into an offence, an application is made by the investigating officer or any officer superior in rank to the investigating officer that evidence may be available in a country or place outside India, any Criminal Court may issue a letter of request to a Court or an authority in that country or place competent to deal with such request to examine orally any person supposed to be acquainted with the facts and circumstances of the case and to record his statement made in the course of such examination and also to require such person or any other person to produce any document or thing which may be in his possession pertaining to the case and to forward all the evidence so taken or collected or the authenticated	112	Letter of request to competent authority for investigation in a country or place outside India.— (1) If, in the course of an investigation into an offence, an application is made by the investigating officer or any officer superior in rank to the investigating officer that evidence may be available in a country or place outside India, any Criminal Court may issue a letter of request to a Court or an authority in that country or place competent to deal with such request to examine orally any person supposed to be acquainted with the facts and circumstances of the case and to record his statement made in the course of such examination and also to require such person or any other person to produce any document or thing which may be in his possession pertaining to the case and to forward all the evidence so taken or collected or the authenticated copies thereof or the thing so collected to the

	copies thereof or the thing so collected to the Court issuing such letter. (2) The letter of request shall be transmitted in such manner as the Central Government may specify in this behalf. (3) Every statement recorded or document or thing received under sub-section (1) shall be deemed to be the evidence collected during the course of investigation under this Chapter		Court issuing such letter. (2) The letter of request shall be transmitted in such manner as the Central Government may specify in this behalf. (3) Every statement recorded or document or thing received under sub-section (1) shall be deemed to be the evidence collected during the course of investigation under this Chapter. <i>"Notwithstanding anything contained in this Code" is been removed</i>
105K	Procedure in respect of letter of request.—Every letter of request, summons or warrant, received by the Central Government from, and every letter of request, summons or warrant, to be transmitted to a contracting State under this Chapter shall be transmitted to a contracting State or, as the case may be, sent to the concerned Court in India in such form and in such manner as the Central Government may, by notification, specify in this behalf	123	Procedure in respect of letter of request.—Every letter of request, summons or warrant, received by the Central Government from, and every letter of request, summons or warrant, to be transmitted to a contracting State under this Chapter shall be transmitted to a contracting State or, as the case may be, sent to the concerned Court in India in such form and in such manner as the Central Government may, by notification,specify in this behalf.

9. Apart from this, in exercise of powers conferred under various provisions of the BNSS, the State of Tamil Nadu has framed “Tamil Nadu Criminal Procedure Rules, 2025” (hereinafter the Rules,2005) relating to the electronic modes of service of summons and other matters contained therein and the same is published in the Tamil Nadu Government Gazette Extraordinarily, Part III - Section 1(a) No. 309 dated 19.06.2025, and these rules have come into force from 19.06.2025. Similarly, the Union Territory of Puducherry has also framed e-Sakshya Rules. Section 2 of the Tamil Nadu Rules contains the relevant definitions, and the following are relevant for this purpose and are extracted hereunder.

“(b) "authenticated e-mail" means an e-mail account provided by a person or used by a person in any official document or on any official platform like an e-mail account mapped to the person's bank account or Aadhar number or authenticated through One Time Password or link sent from official police website;

(c) "authenticated messaging application account" means an account on standard messaging applications connected to an authenticated mobile number provided or used by the person;

(d) "authenticated mobile number" means a mobile

number which is either registered in the name of the person or is authenticated by the person in any official document or on any official platform or provided or used by the person or authenticated through One Time Password or link sent from official police website;

(i) “e-register” means a register maintained electronically in database of CCTNS software;

(l) “e-summons” means summons issued by the court in an encrypted form or any other form of electronic communication as per clause (ii) of section 63 of the Act;

(m) “e-summons application” means software application such as e-summons application, National Service and Tracking of Electronic Processes application or any such other software application, through which the court issues e-summons;

(x) “serving officer” includes an officer who is directed to serve the summons and/or any other subordinate officer deputed by such officer for the purpose of serving of summons;”

10. Rule 5 of the Rules, 2025, prescribes the procedure for service of summons and the entire Rule 5 is extracted for ready reference:

“5. Serving of summons. - (1) Summons, whether physical summons or e-summons, received from the court shall be served-

(i) to the person summoned personally as per section 64 of the Act; or

(ii) to any adult family member of the person summoned residing with him as per section 66 of the Act, if the person summoned cannot be found by the exercise of due diligence.

(2) Where any summons is issued in cases relating to offences under sections 64 to 71 of the Bharatiya Nyaya Sanhita, 2023 (Central Act 45 of 2023) or any sexual offence against a woman or a child, the identity of the victim including mobile number, e-mail id or any such other details of the victim shall not be revealed in any manner in the course of such service. If the service report is sent to court in physical form, it shall be submitted in a sealed cover.

(3) Physical summons shall, if practicable, be served personally on the person summoned. Signature of the person to whom the summons is served or tendered in person shall be obtained and an acknowledgment of service be endorsed on the duplicate. In the case of illiterate persons, their left thumb impression shall be taken.

(4) In case, summons is served on any adult family member residing with the person who is summoned, such family member's name, age, address, phone or mobile number and relationship shall be written on the duplicate

and that person's Signature or Left Thumb Impression shall be taken.

(5) (i) When the Court possesses required authenticated e-mail or authenticated mobile number or authenticated messaging application of the person to whom summons is intended to be served, the Court may serve the same directly to the person by electronic communication.

(ii) If the Court communicates e-summons to Police Station or to any Police Officer for the purpose of service through applications like CIS, or scanned copy of physical summons in Portable Document Format (PDF) or any other immutable format from an official e-mail account, the serving officer shall-

(a) take print out in duplicate and serve one copy of such summons to the person summoned or to any adult family member residing with him and obtain signature for acknowledgment of the receipt of the summon on the duplicate;

(b) alternatively, serve the summons to an authenticated e-mail account or authenticated mobile number or authenticated messaging application account of the person; and

(c) obtain acknowledgment by way of reply e-mail or text message or through an acknowledgment link from the official website.

(6) If the person fails to acknowledge by way of reply e-

mail or text message or through an acknowledgment link from the official website then mere delivery of summons to the authenticated e-mail account or authenticated mobile number or authenticated messaging application account will be deemed to be due service.

(7) When summons is sent to a person or organisation on authenticated e-mail account and delivery of the electronic mail is disrupted or bounced back for any reason whatsoever, or a “return to sender” message, “bounced back message” or “error message” is received from mail server; the police officer shall endeavour to ascertain another e-mail account or mobile number of the person or resort to physical service of summons.

(8) Where summons is served by way of electronic communication including messaging application, the service report shall contain the acknowledgment or otherwise, such other details including mobile number, messaging application and screen shot or photo of the application reflecting delivery of the communication.

(9) Such delivery may be deemed to be due service of summons and a copy of such summons along with report of service shall be kept in record as a proof of service of summons.

(10) Where service of summons could not be effected, the serving officer shall affix one of the duplicates of such summons to some conspicuous part of the house or

homestead in which the person summoned ordinarily resides as per section 67 of the Act and also send a report to the court concerned detailing the steps taken for effecting service of summons.

(11) Service report shall be intimated to the court concerned either in physical mode or by electronic communication.

(12) Any printout of summons shall have the same effect as issued in original for the purpose of serving.”

11. The substantive provision in respect of service of summons and execution of warrant is also contained in Section 530 of BNSS, which is extracted hereunder for ready reference:

“Section 530:

Trial and proceedings to be held in electronic mode.

All trials, inquiries and proceedings under this Sanhita, including---

(i) issuance, service and execution of summons and warrant;

(ii) examination of complainant and witnesses;

(iii) recording of evidence in inquiries and trials; and

(iv) all appellate proceedings or any other proceeding, may be held in electronic mode, by use of electronic

communication or use of audio-video electronic means.”

12. A combined reading of the above provisions indicates that summons and warrants can also be issued in electronic form as per Section 64 and 530 of BNSS. Summons can be served by a police officer or, subject to the Rules, by the Court or any other public servant. The Police officers and the Registry of the Court are mandated to maintain a register containing the authenticated e-mail addresses, mobile numbers, and other necessary details. Definitions of “authenticated e-mail” and “authenticated mobile number” are provided supra, and Rule 4 of the Tamil Nadu Rules specifies the maintenance of a summons register either in physical or electronic form. According to the provisions, if practicable, the summons should be served in person. The summons can be served electronically if it is not practicable to serve in person. Once a particular mobile number or email ID is recorded as an authenticated email or authenticated mobile number, it is for the accused to maintain the same and to check the messages received on the mobile or email. Even if there is any change, it will be incumbent on the accused to inform the concerned investigating officer so that the register is updated with the latest particulars. Once the information is given to the investigating

officer, the updation of the register in the Court shall also be carried out.

In the case of private complaints, the concerned person shall inform the Court. Considering the purpose of BNSS and the implementation of the Rules, 2025 overall, all Courts in Tamil Nadu shall endeavour to generate e-summons for all modes of service.

13. In this regard, it can be seen that e-summons application is a facility available on the National Service and Tracking of Electronic Processes [NSTEP] platform, enabling the digital sharing of warrants and summons with the police in criminal cases. This facility largely reduces the delay in the transfer of summons and warrants from the Courts to the police and, secondly, allows for easy tracking of the delivery status.

14. The work flow in respect of generation and service of summons can be summarized as follows:

- 1. Summons/Warrants are generated and published in the Case Information System which is used in the District Judiciary.*
- 2. Upon generation, it is replicated to the NJDG server and subsequently consumed in NSTEP Portal by the Court user.*
- 3. Based on ICJS integration, the Criminal Summons/Warrants consumed in NSTEP Application are reflected in the e-Summon Web Portal.*

- 4. In e-Summon Portal, the SCRB will create the user credential to the SHO of the Police Station concerned, to serve the digital Summons / Warrants.*
- 5. The SHO can allocate the Summon/Warrant to the Delivery Officer for Service of Summon which will reflect in his mobile Application.*
- 6. Once the Summon/Warrant is served the Delivery Officer should take photograph of the person on whom summon is served and obtain signature in his mobile device*
- 7. Instantly the status of Service will be automatically pushed to the NSTEP Web Portal and subsequently to the CIS Software.*
- 8. Court user will fetch the status of the summon periodically where the service status, images and signature will be reflected in the CIS itself.*

15. It must be noted that these processes have been implemented in toto for all the Courts by the orders on the Administrative side of the Madras High Court, effective from 22.10.2025. All that remains to be done is that the Courts must generate and publish the summons and warrants immediately after updating, and they should ensure the inclusion of the published summons in the NSTEP application immediately, or at least by the end of the Court's working hours. Thereafter, the SHOs must

regularly verify the e-summons from the dashboard and assign the summons to the delivery officer concerned for service. The service status of the summons must be updated by obtaining the parties' signatures and uploading them along with the picture taken. The Court user who generated the daily A-diary should update the summons status so that the Courts can pass further orders.

16. The model images of the e-summons and e-warrant with due QR code and the seal of the Court will be as under :

TNMD01-008167-2025



PTNMD010081672025_1_1

FORM No. 3

Principal District Court, Madurai
IN THE COURT OF Thiru.S. SIVAKADATCHAM,B.Sc.,M.L.,
Principal District and Sessions Judge

SC/832/2025

WARRANT OF ARREST

(See Section 72)

S.S. Colony P.s. Vs Vimal
SS COLONY/275/2025
NEXT DATE : 05-12-2025

To,

Officer Incharge of Police Station/Police Station Officer
SS COLONY
S.S Colony, MADURAI, TAMIL NADU

WHEREAS **Vimal** of S/o.V.K. Thevar alias Moovendran, D.No. 66, Gandhiji Street, Kalimuthu Nagar, Ponmeni, Madurai stands charged with the offence of **296(b),309(4),311,351(3)** of **Bharatiya Nyaya Sanhita**, you are hereby directed to arrest the said **Vimal** , and to produce him before me. Herein fail not.

Dated, this day of **11-11-2025**



**Principal District and
Sessions Judge**

PTNMD010083492025_1_1

TNMD01-008349-2025



FORM No. 2

Principal District Court, Madurai
IN THE COURT OF Thiru.S. SIVAKADATCHAM,B.Sc.,M.L.,
Principal District and Sessions Judge

**SUMMONS TO AN
ACCUSED PERSON**

(See Section 63)

CRLMP/5481/2025
Elumalai P.S. Vs Chandran alias Chanthiran
ELUMALAI/220/2025
NEXT DATE : 27-11-2025

To,
Chandran alias Chanthiran
Madurai

WHEREAS your attendance is necessary to answer to a charge of offence punishable U/Sec. of , you are hereby required to appear in person (or by an advocate) before the (Magistrate) of **Principal District and Sessions Judge**, on the day of 27-11-2025. Herein fail not.

Dated, this day of 26-11-2025



**Principal District and
Sessions Judge**

Visit ecourts.gov.in for updates or download mobile app "eCourts Services" from Android or iOS

The process is system generated and transmitted in secured manner by authorised user as such physical signature not applied.

17. The difficulties faced currently are related to connection issues between CCTNS and the ICJS platform, as well as other integrated applications. Currently, it is reported that the Tamil Nadu Police are using the application developed by the Government of India for the service of summons. The Government of India has authorized the concerned States to either use its application or develop their own with additional features. At present, Tamil Nadu Police are using the Central Government's application. The issues concerning the integration of CCTNS were intended to be addressed by developing CCTNS version 2. It is stated that progress has been long delayed. Expeditious steps should be taken to complete the development of CCTNS version 2 and resolve all software-related and other technical glitches in integrating the ICJS portal and NSTEP as soon as possible. It must be noted that this Court, on the administrative side, issued ROC No.80272A/2025/Comp.7/NSTEP dated 22.10.2025, proposing to eliminate physical forms of summons and warrants applications for all criminal cases from that date. All Principal District Judges were requested to instruct all Judicial Magistrate Courts in the concerned district to generate e-summons and e-warrants for all criminal cases, including cases initiated under the Negotiable Instruments Act, through CIS.

18. In this regard, the submissions made by the Inspector General of Police must be noted. It has been represented before this Court that all SHOs and police personnel have CUG numbers assigned to their respective stations for the purpose of serving e-summons. In cases requiring physical delivery of the summons, the SHO may assign the task to the Delivery Officer, who must then upload a photograph of the summons serving to the recipient as proof of service. The delivery officer shall obtain the recipient's signature on the screen to confirm receipt of the summons. This signature is automatically saved along with the digital summons record. Upon completion, the data will be immediately synced with NSTEP, enabling the Court to verify whether the summons has been duly service. Additionally, it is stated that login facilities are available at district and state levels for officials to monitor the service of summons.

19. In this regard, this Court in ***Ramasamy -Vs- The State of Tamilnadu***, (CrI.O.P.(MD)No.13075 of 2025), speaking through the Hon'ble Mr. Justice B. Pugalendhi, had clearly pointed out that the delay is due to lapses on both the police and the Court Registry. Relying on the provisions of Tamil Nadu Police Standing Order No.715 and the importance of maintaining the diary, the Court issued instructions to

31/100

strictly follow procedures for generating summons, maintaining registers, serving summons on time, and for the courts to monitor the delivery status and decide the matter accordingly.

20. In this regard, the Rules, 2025, specifically Rule 4, were also referenced earlier. It must be noted that the Hon'ble Supreme Court of India, in the judgment in *Satender Kumar Antil Vs. Central Bureau of India and Another*, by order passed on 16.07.2025 in *I.A.No.63691 of 2025 in M.A.No.2034 of 2022*, etc., examined the provisions of the Act while considering the service of notice by the investigating officer to join the investigation. It considered the provisions of BNSS that authorize the use of electronic modes. It held that wherever the Act permits, these modes can be adhered to. However, no specific provision exists for serving the notice to join investigation through electronic means. In such a scenario using electronic service methods like forwarding the notice to join investigation through social media platforms such as WhatsApp should not be employed. Nonetheless, for procedures such as serving summons, issuing warrants, etc., where explicit provisions are made in BNSS along with the Rules, 2025 such procedures can be followed.

21. In this regard, it can also be noted that there was a meeting conducted between the Registrar General of the High Court and the

Ministry of Home Affairs, Government of India. The Home Secretary of the State and the Director General of Police also participated. The discussions recorded concluded that, to the extent possible, the practice should be to follow direct electronic delivery of summons to the summonees.

22. Considering the relevant provisions and in view of all the above, it is clear that :

- (i) The Courts can generate e-summons or e-warrants in all cases and it will be reflected in the SHO Dashboard of the police officer, who will inturn allocate the service to the Delivery Officer.
- (ii) The SHO shall consider the situation. If it is practicable to serve the summons in person, he shall assign the task to the delivery officer, who will then serve the summons to the individual either by printing out the e-summons in duplicate, obtaining a signature, taking pictures of the service, and uploading them, or by e-delivery. If it is not practicable to serve the summons by person and then the same can be served by electronic means. The SHO shall select the mode of service through email, SMS, WhatsApp, or other mobile applications, provided the authenticated email or mobile number is available. The electronic mode of service can be carried out by the SHO himself or

by the delivery officer on his behalf. Even for electronic service, proper proof of delivery or acknowledgment, such as screenshots, shall be duly uploaded, and the data must be synced with NSTEP.

(iii) The Court can also service e-summons directly to the authenticated mobile or authenticated email.

(iv) A combined reading of all the provisions under the erstwhile Cr.Pc and under BNSS, it can be seen that Section 69 of BNSS is merely an additional method available if the Court so desires. The Section also contains the word 'desires' or the word 'ordinarily'. In this regard, erstwhile similar provision under Section 67 was considered by the High Court of Jammu and Kashmir in ***Ghulam Mohd., Vs. Mst.Rasoolan reported in 1991 SCC OnLine J&K 11*** and it is essential to extract paragraph No.8 of the said Judgment which reads as follows:

“A bare perusal of the provision would show that it leaves option open to the court to achieve the ultimate end of effecting service. Words "desires" and "ordinarily" are indicative of the legislative intent in this regard. By no norms of interpretation can it be suggested that a court has no way to reach a person living outside its jurisdiction limits, other than the one prescribed in the section. Placing

any such interpretation would render the provision redundant in many situations. By way of one instance take a place where there is no Magistrate available and yet falls outside the territorial jurisdiction of the court. Is the court helpless in such a situation? What bars it from serving the summons through a police Officer or any other public servant for that matter. And if it so does, would the action become invalid merely because the letter of the procedure has been deviated from. Such a view would be illogical. So long as a person living outside the territorial limits of a court is served notice and informed about a cause pending, it is immaterial whether he is so served through a Magistrate, a police Officer or a Public servant. The same should hold true of the form in which the summons are issued.”

Thus, a combined reading of the provisions and the Rules made thereunder especially when the service of summons by the Court under Section 64 of BNSS itself is made subject to the Rules framed by the State Government, it can be safely concluded that the mode that is mentioned under Section 69 of BNSS is an additional mode available for the Court and need not be followed in every case.

(v) Generation of e-summons and e-warrants not only quickens the

process, but also makes it easy for the courts and the higher police officials to seamlessly monitor on day-to-day basis.

(vi) With reference to warrants as stated supra, Section 530 of the BNSS expressly empowers the generation/issue and transmission of warrants through electronic mode. In this regard, the circular issued by the High Court on the administrative side dated 22.10.2025 is very clear that all Criminal Court summons/warrants can be generated through the CIS and consumed in the N-Step portal so that they will be reflected in the e-summons portal of the Police Department. This has to be taken note of by all the Courts. Firstly, the e-mode has decreased the time and increased the scope of supervision. This also to a great extent, reduces the mismatch between the number of warrants pending as claimed by the Court on the one hand and the police on the other. Thus, the benefits are multifold. Even though the warrants are ultimately to be executed in person after apprehending the accused, a uniform procedure to generate e-warrants in all cases will help in maintaining the count and reducing the time lag between generation and handing over to the appropriate officer who is executing the warrant and can eliminate several conflicting factual claims.

(vii) In case of a private complaint, the current procedure is to serve the summons through post. Once the Court issues the summons, the complainant files the process fee and provides a duly stamped envelope. The concerned Court Official sends the summons by post, and the acknowledgement is placed in the bundle, marking the service as effected. Now, registered post has been replaced with speed post with acknowledgment.

(viii) Regarding private complaints, the method of serving summons through electronic means shall also be adopted, provided there is scope for authenticating the e-mail or mobile number. In this regard, along with the process fee and envelope, complainants in private complaints, where they possess the e-mail ID or mobile number, shall furnish this information along with a memo pleading and demonstrating that it belongs to or is being used by the accused. The Trial Courts shall generate the e-summons and send it to the email or deliver it to the mobile number via SMS, WhatsApp, or other mobile applications.

(ix) If the accused does not appear and the copy of the e-summons sent by post is also not delivered, then the Court shall consider whether

the service through electronic mode is adequate and decide whether the mobile application or the email can be treated as an authenticated email or authenticated mobile application as per the definition. It can be seen that there may be messages between the complainant and the accused through the mobile phone which is contemporaneously used. An invoice or a bill may contain the accused's email or mobile number. There may be evidence that the accused provided the same to any public authority. In all forms of proof, proximity in time shall be the essence. If such proof is available, then the electronic service alone can be treated as valid service and further orders can be passed. In case it is doubtful, then the electronic service can be discarded, and further orders in accordance with the law can be passed.

23. Thus, the following directions are issued :

(i) All the Courts dealing with the criminal cases shall, as far as practicable, generate only e-summons and e-warrants and follow the mandates as prescribed under BNSS as well as Tamil Nadu Criminal Procedure Rules, 2025, by duly maintaining the registers, authenticated mobile, authenticated e-mail etc., and service has to be effected in the manner dealt with above;

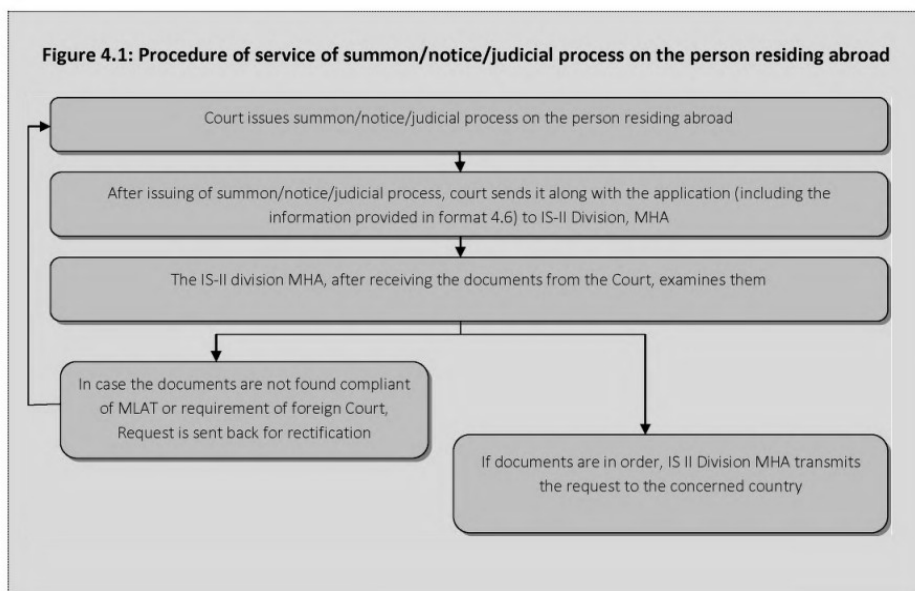
(ii) The Tamil Nadu Police shall quicken the process of developing the CCTNS version 2 and shall take steps to integrate the same with ICJS, NSTEP, and other portals so that the process of serving the summons and receiving the information back, including tracking and monitoring, can be done seamlessly. More specifically, concerted effort must be made by clearing all backlog in respect of service of summons;

(iii) A simple handbook indicating the procedures step-by-step in Tamil shall be published for the police personnel handling service of summons at the ground level before the Magistrate Courts, so that they may fully understand and implement the procedure for service of summons.

**(b) SERVICE OF SUMMONS IN RESPECT OF PERSONS
RESIDING OUTSIDE THE COUNTRY:**

24. The relevant provisions have already been discussed while dealing with service of summons in general supra. In this regard, Mr. Rajesh Vivekananthan, learned Deputy Solicitor General of India, placed before this Court a communication from the Ministry of External Affairs

and the Ministry of Home Affairs, whereby the guidelines issued periodically by the Ministry of Home Affairs have been consolidated. The same was also produced by Mr. Siddharthan, the Amicus and the Officer of the Enforcement Directorate also explained the same. Part IV of these guidelines deals with the service of summons, notices, and other judicial processes. For ease of understanding, a flow chart illustrating the process has been furnished and is extracted hereunder.



25. The entire guideline No.4 deals with the authorities to whom requests must be addressed and the particulars required to be furnished, more particularly, guidelines 4.1 to 4.4 which contain these details are

extracted hereunder:

“4.1 In India, Section 105 and Chapter VII A of CrPC, Section 57 and Section 61 of PMLA, Section 10 FEOA¹, etc., provides for the reciprocal arrangements made by the Central Government of India with the foreign countries with regard to the service of summons, notices or any other judicial documents/processes.

4.2 The request for service of summons/notices/ judicial processes should be addressed to "Under Secretary (Legal Cell), Internal Security-II Division, Ministry of Home Affairs, 2nd Floor, Major Dhyan Chand National Stadium, New Delhi-110001" and forwarded through post/dasti along with a covering letter from the Registrar/Court official or Investigating Agency.

4.3 include: The request for service of summons/notices/ judicial processes on persons residing abroad should include:

Complete name and address of the individual/organization on whom the documents are to be served;

Status of the person (witness/accused) against whom the summons or notice has been issued;

Next date of hearing of the case or other deadlines to be followed;

Material facts of the case including purpose of the request, the nature of the assistance sought;

The link between alleged offence(s) and assistance

requested (in case of service of summons/notices/ judicial processes is to be made on suspects);

Specific instructions, if any, as to how the document has to be served in a foreign country;

*Confirmation from the Court/Agency that:
the case is criminal in nature*

Court will bear any expenditure if charged by foreign government/agency for service of summons/notices/judicial processes.

Complete address of the issuing Authority to which the judicial papers/service reports may be returned;

Details of any allowances and expenses to which the summoned person is entitled.

4.4 In case, the option of recording of evidence through audio-visual means is provided by the Court, the following information shall also be included in the request:

Copy of Order providing the option of recording of evidence through audio-visual means;

Tentative date and time range (considering the time difference between the countries) for recording of statements;

Link for conducting video conferencing;

Details of the technical requirements for establishing the link;

Contact details of the person (coordinator at the Court) who could be contacted for technical assistance and testing of the links during recording of evidence through audio-visual means (Name, designation, phone number, email, etc. ”

26. The relevant request form is provided under guideline 4.6 which is extracted hereunder:

Figure 4.6: Format of the Request for Service of Summons/Notices/Judicial Processes

1)	Purpose for making request	Service of summon/notice/judicial documents	
2)	Nature of request		
3)	Name of Requested Country		
4)	Basis of request	☐ MILAT ☐ UNTOC	
		☐ SAARC Convention ☐ UNCAC	
		☐ Hague Convention ☐ Harare Scheme	
		☐ Vienna Convention, 1988 (NDPS)	
		☐ Any other Bilateral Treaties/Agreements, Multilateral Treaties/Agreements _____ (Specify)	
		☐ Any other International Convention/Resolution _____ (Specify)	
		☐ Assurance of Reciprocity	
5)	Complete Name and Address of the person to be served	Name: Address: Telephone /Mobile Number: Email:	
6)	Issuing Authority	Name: Address: Details of the person at Issuing Authority: Designation: Phone/Mobile Number: Email:	
		Pin Code:	
7)	Contact details of person/officer who could be contacted for clarifications about the document	Name: Designation: Phone No: Fax: Email ID:	
8)	Case details	FIR No./ Case Number: Section under which FIR / Case Number has been registered:	
9)	Brief summary of the case	Brief fact of the case: Applicable laws and maximum penalties for the offence in India:	
10)	Status of the person to be served abroad (Witness/accused)		
11)	Details of allowances and expenses payable to the person if any		
12)	Confirmation to pay any expenditure, if charged by foreign government/agency for service of documents		
13)	Any specific manner in which a service has to be made		
14)	Date by which the document is expected to be served abroad		
15)	Next date of hearing		
16)	Confidentiality requirement with reasons (if any)		
Option for recording evidence through audio - visual mean			
17)	Mode of recording evidence	Audio/videoconferencing/any other mode	

18)	Link for conducting video conferencing	
19)	Details of the technical requirements for establishing the link	
20)	Detail of the person who would provide technical assistance to Requested Country	Name
		Designation
		Phone number
		Email
Date: (to be signed and stamped by the Issuing Authority)		

27. In this regard, the proposal that is submitted on behalf of the Tamil Nadu Police is extracted hereunder:

PROPOSAL FOR CREATION OF AN ONLINE PORTAL FOR SERVICE OF SUMMONS TO PERSONS RESIDING ABROAD

The Hon'ble High Court of Madras has directed that a dedicated online system be developed for facilitating the service of summons to persons residing abroad, considering the difficulties in the current manual process.

I) Present System

At present, service of summons on a person living abroad is governed by Part IV of MHA Comprehensive Guidelines 2019.

The IO must:

- i. Prepare the summons and fill Form 4.6 (Request for Service of Summons).
- ii. Send all documents physically to the District SP
- iii. SP forwards it to CBCID (State Nodal Agency)
- iv. CBCID sends it to DGP Office
- v. DGP Office forwards it to State Home Department
- vi. Home Department finally sends it to MHA IS-II Division
- vii. MHA checks the documents and sends them to the concerned foreign Central Authority.

This chain involves 7 stages, and every stage is physical and time-consuming. This multi-layer physical transmission takes 6–10 weeks even before reaching MHA, and MHA itself requires 10 weeks for service to foreign authorities.

Current statistics

As per the Summons Status Report on the MLAT portal, 34 summons requests have been received so far from Tamil Nadu.

- 27 were rejected due to incomplete documents or delay beyond the 10-week limit.
- Only a few were forwarded to the concerned country.

This underscores the immediate necessity of implementing an online system.

II) Existing MLAT / LR Portals

At present, two portals exist:

Bharat Portal

Used mainly for:

- Interpol References (IR)
- Notices issued under Interpol (Blue, Red, Green, Yellow, Purple etc.)

This portal does not handle service of summons or judicial documents.

MLAT / Letter Rogatory (LR) Portal

This is used only for:

- Sending requests for **Mutual Legal Assistance (MLA)**
- Sending **Letter Rogatories**
- Receiving **foreign queries**
- Tracking LR/MLA processing status

The portal has three types of users:

a) ILO – Interpol Liaison Officer (State level, CBCID)

The ILO is the State Nodal Officer. He/she creates logins for Controlled Officers (CO) and monitors all international requests. All MLAT/LR documents uploaded in the State finally reach the ILO dashboard and are sent to the MHA after scrutiny.

b) CO – Controlling Officer (SP rank / Unit Heads)

CO supervises IOs. IO sends online MLAT/LR requests to CO, the CO verifies and forwards to ILO.

c) IO – Investigating Officer

IO prepares online request, uploads FIR/charge sheet/case documents, and sends to CO.

Why summons cannot be sent through MLAT portal

The MLAT/LR portals do not contain

- Form 4.6 format
- Columns required for summons details
- Any provision for direct IO → CO → ILO → MHA flow for summons

Therefore, the summons shall still be sent by post.

III) Need for a Dedicated Summons Portal

The Hon'ble High Court of Madras has directed creation of a dedicated facility for online service of summons to persons abroad. This is essential because

- i. Sending physical documents causes major delays.
- ii. Most summons requests are rejected due to incomplete paperwork or missing timelines.
- iii. IOs do not know the exact requirements, and the current method has no guidance on the documents to be sent.
- iv. There is no tracking system for summons, unlike MLAT/LR requests.

IV) Proposed Online Portal for Service of Summons Abroad

The key recommendation is to integrate the Service of Summons workflow directly into the existing MLAT–LR portal instead of creating a separate platform.

The existing MLAT–MHA portal may simply be expanded by adding “Service of Summons” as an additional option under “Outgoing Request”, similar to the present “Mutual Legal Assistance” and “Letter Rogatory” options.

When the user clicks “Service of Summons”, the portal should open a separate “Service of Summons – Dashboard” for that role (IO / CO / ILO), like the existing dashboards for MLAT and LR. Creation of logins for every Police Station is essential because any case can involve an accused/witness abroad.

Role of each user

IO Login (Investigating Officer)

IO should be able to:

1. Generate a new summons request by filling mandatory details (based on Form 4.6).
2. Upload documents like:
 - Summons copy
 - FIR
 - Passport/ID of accused (if available)
 - Court order
 - Translation (if required)
3. Use dropdown menus for required fields
4. Save the request as Draft and edit later.
5. Finally submit it to CO with digital signature.

CO Login (Controlling Officer)

CO should be able to:

1. View all requests from IOs under their jurisdiction.
2. Verify correctness and completeness of attachments.
3. Approve and forward to ILO.
4. Return the request to IO for correction (with remarks).

ILO Login (State Nodal Officer – CBCID)

ILO should be able to:

1. Scrutinize all requests forwarded by CO.
2. Check compliance with MHA requirements (10-week rule, attachments, treaty basis).
3. Approve and digitally forward to MHA IS-II Division.

4. Communicate deficiencies back to CO/IO instantly through the portal.
5. Track pending summons and generate monthly reports.

MHA Login

MHA should be able to:

1. Receive the digitally forwarded requests from all States.
2. Automatically check if the requested country falls under
 - MLAT
 - SAARC
 - Hague Convention
 - NDPS Vienna
 - Reciprocity
3. Forward the request electronically to the concerned Central Authority abroad.
4. Update status in real time.
5. Close the request when the foreign country confirms service.

V) Proposed Dashboard for Service of Summons

A. IO Dashboard – Service of Summons

The IO dashboard may include:

1. **New Summons Request**
To create and register a fresh summons request with all fields already described (Form 4.6 details, person details, etc.)
2. **Request in Draft**
Summons requests which the IO has started but not yet submitted to the Controlling Officer.
3. **Submitted Requests**
Requests which have been submitted by the IO and are pending with the CO for verification.

4. Reverted Requests

Requests which have been returned by CO/ILO/MHA with defects or queries, so that the IO can correct and resubmit.

5. Forwarded to CO / ILO

Requests which have moved up the chain and are no longer pending at IO level, but visible for tracking.

6. Status / Service Report of Summons

A tile showing final action: forwarded by MHA, served, unserved, rejected etc., so the IO can update the Court.

B. CO Dashboard – Service of Summons

Under the CO login, after clicking Outgoing Request → Service of Summons, the CO-Dashboard (Service of Summons) may show:

1. Requests Received from IO

All new summons requests submitted by IOs under that CO's control.

2. Requests Forwarded to ILO

Requests found complete and forwarded to the State ILO.

3. Reverted to IO

Requests returned to IO for rectification with remarks.

4. Concurred / Approved Requests

Requests which have been concurred by ILO/MHA and are under process abroad.

5. Final Status Submitted

Requests where proof of service has been received and communicated back to IO and Court.

C. ILO Dashboard – Service of Summons

In the ILO login, under Outgoing Request → Service of Summons, the ILO-Dashboard (Service of Summons) may display:

1. Requests Received from CO

All summons requests forwarded by various COs in the State.

2. Requests Forwarded to MHA

Requests that have been checked by ILO and electronically sent to MHA.

3. Reverted Requests

Requests returned to CO/IO due to deficiencies identified by ILO or after queries from MHA.

4. Concurred / Approved by MHA

Requests for which MHA has concurred and forwarded to the concerned foreign country.

5. Final Status / Supplementary Requests

Where service reports/acknowledgements have been received from abroad, or where supplementary information has been sent.

D. Report Menu – Status of Summons

A separate tab “**Report**” may be provided for generating State-wise, district-wise and case-wise reports of:

- Total summons requests sent
- Number forwarded to MHA
- Number forwarded to foreign country
- Number rejected (with reasons)
- Number successfully served / returned unserved

VI) Columns/Fields Required While Registering a New Summons Request

The fields suggested as per Form 4.6 (MHA Guidelines 2019). All fields should appear as simple entries or dropdowns, with provision to upload documents in PDF.

Proposed Modifications

1. Purpose of Request

Auto-filled as “Service of Summons / Notice / Judicial Document”.

2. Nature of Request

– Summons

- Notice
- Other judicial document

3. Requested Country

Dropdown menu with all countries.

4. Basis of Request *(Select applicable)*

- MLAT
- SAARC Convention
- Hague Convention
- Vienna Convention
- UNTOC/UNCAC
- Harare Scheme
- Assurance of Reciprocity
- Any other treaty/agreement

5. Details of Person to be Summoned

- Name
- Complete address abroad
- E-mail / phone (if available)
- Passport or ID details (if available)

6. Issuing Authority Details

- Court name
- Judge name
- Court address
- Contact details

7. Case Details

- FIR number
- Police station
- Sections of law

- Date of registration

8. Brief Facts of the Case

Text box with limit (e.g., 500–1000 characters).

9. Applicable Laws & Maximum Penalties

10. Status of the Person

- Accused
- Witness
- Victim

11. Reason for Service Abroad

(Mandatory justification in simple language).

12. Allowances / Expenses

(If payable to the person)

13. Date by which service is expected *(court deadline)*

14. Next Date of Hearing

15. Confidentiality Requirements (if any)

16. Mode of Recording Evidence (if ordered by court)

- Audio
- Video conference
- Written affidavit
- Any other mode

17. Technical Support Contact

- Officer name
- Rank
- Phone
- e-Mail

18. Document Upload Section

- Summons copy

- FIR/charge sheet
- Translation copies
- Court order
- Supporting materials

Additional Technical Requirements

1. Auto-validation of Form 4.6 mandatory fields before submission.
2. Digital signature integration to avoid physical stamps.
3. Time counter showing days left to meet the 10-week deadline.
4. Red alert if deadlines are crossed.
5. SMS and email notifications for IO, CO, ILO at every stage.
6. Document translation upload option (if requested country requires)
7. Single dashboard showing:
 - Summons sent
 - Summons forwarded
 - Summons rejected
 - Summons served

VII) Advantages of the Proposed System

1. Eliminates delay caused by physical movement of files.
2. Uniformity of submissions due to form-based data entry.
3. Reduces rejection rate by enforcing mandatory field checks (currently 27/34 rejected).
4. Allows every Police Station in India to directly upload summons.
5. Ensures transparency through real-time tracking and status updates.

VIII) Conclusion

The proposal is prepared after studying the MLAT–LR architecture, user manuals, existing reporting patterns, rejection reasons, and the requirements of courts and Investigating Officers. This proposal recommends practical and implementable measures for enabling effective online service of summons to persons residing abroad:

- i. **Creation of a Dedicated Online “Service of Summons” Module** within the existing MLAT–LR portal, as an additional option under the *Outgoing Request* category, ensuring seamless integration with the current IO–CO–ILO–MHA workflow.
- ii. **Provision of IO-Level Login for All Police Stations**, similar to the existing mechanism in the CO module for creating IO accounts in MLAT/LR, so that any Investigating Officer at any police station can directly register a summons request online.
- iii. **Implementation of Form 4.6 as a Structured Online Form** with dropdown menus, mandatory fields, document upload options, and automated validation checks to ensure completeness and reduce rejection rates.
- iv. **Automatic System Notifications**, such as alerts for missing documents, objections raised by MHA, and deadlines, thereby improving communication and accelerating compliance.
- v. **Mandating End-to-End Digital Submission**, eliminating the need for forwarding physical summons thereby reducing processing time and ensuring transparency and traceability.

28. Thus, the primary request is that a login can be created at the end of the Ministry of Home Affairs to enable digitally forwarded requests from all States supported by authentication checks and step-by-step processing methods. The Deputy Legal Advisor, who appeared virtually, has also submitted that the development of such a portal is currently in progress. It is just and necessary that the Ministry of Home Affairs considers the above proposal submitted on behalf of the Tamil Nadu Police, which not only reflects their requirements but also indicates general and additional technical needs and the advantages of the proposed system. The idea is to create a fully technical online summons module, including login access for all Investigating Officers across police stations, and an online version of Form 4.4.6 as a structured drop-down menu with automated system notifications, thereby mandating end-to-end digital submission.

29. It can also be observed that the mutual legal assistance treaties entered into with various countries were established before the coming into force of BNSS and Rules, 2025. The modes of serving summons—such as through authenticated mobile, authenticated e-mail, and electronic

encrypted digital forms—have all come into effect subsequently. Therefore, whenever these treaties are reviewed or new treaties are entered into, the Ministry of Home Affairs and the Ministry of External Affairs shall keep in mind changes or updates in domestic laws and accordingly incorporate appropriate provisions in the mutual legal assistance treaties, so that there are no difficulties in executing warrants and serving summons and thereafter to ensure compliance through extradition. Furthermore, the Ministry of Home Affairs expresses concern that it takes a minimum of 10 weeks to contact the country of origin, translate the document into its official language, and execute the summons; acknowledgment of this should be considered by the courts and the request-making authorities. They should appropriately schedule the hearing date so that the entire process does not become futile, avoiding the need for fresh summons and repeated steps.

30. Thus, the following directions are issued

(i) Whenever an accused is said to be residing abroad to whom the summons is issued, the Courts concerned shall bear in mind the time taken and fix the date of hearing most preferably 12th week;

(ii) The Court shall keep in mind the particulars that may be required by the Investigating Officer and shall provide the details as may be required and the Investigating Officer by himself or by taking the assistance of the Superintendent of police at the headquarters leading the matter shall ensure that Form 4.6 is duly completed with all attendant documents and the request shall be duly made to the appropriate authorities as per the procedure extracted supra;

(iii) The Ministry of Home Affairs and the other authorities of the Central Government shall consider the proposal that is now submitted to this Court, which would also be forwarded by the Tamil Nadu Police through proper channel through the State Government;

(iv) The police authorities are to make a proposal ready and to submit it to the Secretary, Ministry of Home Affairs, Fort St.George, Chennai, within a period of three

weeks from today by duly enclosing a copy of this order;

(v) The State Government shall consider the proposal and may incorporate appropriate changes or improvements and forward it to the Central Government, more specifically, the Ministry of Home Affairs, within three weeks therefrom;

(vi) Upon receipt, the Central Government shall consider the request that is made and include necessary facilities in the portal that is being developed or developing a new portal as the case may be, with reference to such request;

(vii) The Tamil Nadu police shall translate the flowchart and the Form and prepare a simplified handbook for the use of Station House Officers and Junior Police Personnel handling the matter in the trial Court such as issuance of summons, service and reporting the matters to the Court; and

(viii) A separate simplified handbook or step-by-step procedural handbook in Tamil shall be published for the police personnel handling ground-level processes before the Magistrate Courts, so that they may fully understand and implement the procedure for service of summons.

28.11.2025

Neutral Citation : Yes

mk

To

1. The State of Tamil Nadu,
Rep. by the Secretary to the Government,
Home (Courts-IV) Department, Fort St.George,
Chennai-600 009.
2. The Secretary to the Government,
Law Department, Government of Tamil Nadu,
Chennai-600 009.
3. The Director of Prosecution,
No.5, Kamaraj Salai, Triplicane,
Chennai - 600 005.
4. The Public Prosecutor
High Court, Madras.
5. The Director General of Police,
No.1, Kamarajar Salai, Mylapore,
Chennai-600 004.
6. Union of India,
Rep. by the Secretary to the Government,
Home Department,
Puducherry - 605 001.
7. The Secretary,
Law Department, Puducherry - 605 001.
8. The Director of Prosecution,
No.5, Kamarajar Salai,
Tamil Nadu Slum Clearance Board Campus,
Puducherry-600 005.
9. The Director General of Police,
2, Dumar Street, White Town,
Puducherry - 605 001.

W.P.(CrI.) No.618 of 2025

D.BHARATHA CHAKRAVARTHY.J.,

mk

W.P.(CrI.) No.618 of 2025

28.11.2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(Crl.).No.618 of 2025

Suo Motu

.. Petitioner

Versus

1. The State of Tamil Nadu,
Rep. by the Secretary to the Government,
Home (Courts-IV) Department,
Fort St.George,
Chennai - 600 009.
2. The Secretary to the Government,
Law Department,
Government of Tamil Nadu,
Chennai - 600 009.
3. The Director of Prosecution,
No.5, Kamaraj Salai, Triplicane,
Chennai - 600 005.
4. The Director General of Police,
No.1, Kamarajar Salai, Mylapore,
Chennai - 600 004.
5. Union of India,
Rep. by the Secretary to the Government,
Home Department,
Puducherry - 605 001.

6. The Secretary,
Law Department,
Puducherry - 605 001.
7. The Director of Prosecution,
No.5, Kamarajar Salai,
Tamil Nadu Slum Clearance Board Campus,
Puducherry-600 005.
8. The Director General of Police,
2, Dumar Street, White Town,
Puducherry - 605 001.
9. The Principal Secretary to Government,
Ministry of Road Transport and Highways,
New Delhi.
10. The Secretary to Government,
Transport Department,
Fort St. George, Chennai – 600 009. .. Respondents

For Petitioner : Suo Motu

For Respondents : Mr.Rajesh Vivekanandan,
Deputy Solicitor General of India
: Mr.S.Sugendran
Additional Public Prosecutor,
for RR-1 to 4

: Mr.K.S.Mohandas
Public Prosecutor (Puducherry)
for RR-5 & 8

: Mr.M.Guruprasad,
Amicus Curiae

: Mr.P.Sidharthan,
Special Public Prosecutor
for E.D.Cases and CBI cases

: Mr.S.Vinoth Kumar,
Government Advocate (CrI.Side)

: Mr.A.Chandrasekar,
SCGSC

: Mr.M.Murali,
Government Advocate

ORDER

This Suo Motu W.P.(CrI.).No.618 of 2025 is registered for implementing the pilot project, as guided by the Hon'ble Committee of the Supreme Court of India.

2. In view of the nature of the order to be passed, the Secretary to Government, Ministry of Road Transport and Highways, New Delhi and the Secretary, Transport Department, Fort St. George, Chennai – 600 009, are suo motu impleaded as the ninth and tenth respondents in this case. Mr.A.Chandrasekar, learned Standing Counsel takes notice for the ninth respondent. Mr.M.Murali, Government Advocate, takes notice for the tenth respondent.

3. While carrying out the exercise of considering the criminal cases pending before the Learned Magistrates, it was observed that among the

cases referred to this Court, roughly 20% were of accident cases, for the offences under Sections 279, 337, 338 and 304A of IPC, involving fatal accidents and injury cases. It must be noted that the State of Tamil Nadu is among the states reporting a higher number of accidents. It is further observed that the developed areas, where the two-wheeler population is higher, also report more accidents. Further observation shows that many of these accidents involve heavier two-wheelers and two wheelers with larger cubic capacity. The Court dealt with and decided these cases based on the facts and nature of accident and decided the matter with reference to the punishment of the accused.

4. However, at the same time, it must also be recognized that there is an additional factor. Whether the deceased or the offender, if they ride a two-wheeler of higher cubic capacity and weight, they easily lose control when hit by the opponent vehicle or become the cause of the accident themselves. They are not able to manage a rough terrain or a pothole or an irregular road margin. Although young children, especially teenagers, prefer these kinds of vehicles with higher specifications, whether they are actually capable of controlling and maneuvering these vehicles is the issue. When they take the driving test, they choose vehicles they can

easily handle, such as those with 100 cubic capacity or less, and lighter two-wheelers. However, after obtaining their license, they immediately persuade their parents to buy these heavier vehicles and ride them. Regarding four-wheelers, the license is granted after classifying vehicles as light motor vehicles and heavy motor vehicles, machinery, attachments, etc. It is to be considered whether such a requirement is necessary for two-wheelers as well.

5. A person riding a heavier or higher-capacity motorcycle should be able to control and manoeuvre it properly. There is no authority check to determine if they can ride with control, stop, or park safely, or firmly place their legs on the ground. This responsibility lies with experts who decide the Motor Vehicle Rules and have the authority to issue licenses. The ninth respondent shall constitute a Committee of Experts comprising stakeholders, including representatives from the motorcycle manufacturing sector, riding enthusiasts, Licensing Authorities, and other relevant experts. This committee can assess whether the current classification — two-wheelers with and without gear — alone is suitable or if riders of higher-capacity two-wheelers should be required to undergo additional tests and obtain special endorsements from Road Transport

Officers. It is for the experts to decide whether this should also be linked to mental maturity, such as prescribing a higher age for riding these heavy two-wheelers, etc. There may be other solutions to the problem. The committee can also recommend safeguards, prevention methods, and changes and amendments to the Rules, which the government can consider adopting into the Motor Vehicle Rules for implementation.

6. It can be seen that the Scheme of licensing for driving/riding is dealt with under section 9 to 14 of the Motor Vehicles Act, 1988. Section 10(2) of the Act prescribes the license category in respect of two wheelers as Motor Cycle With Gear (MCWG) and without gear (MCWOG). It is to be noted that the state has the rule making power on matters which are delegated and with reference to levy of fees but consistent with the provisions of the MV Act and Central Motor Vehicle Rules. The Central Motor Vehicle Rules prescribe a unified form for learner/driving licenses and specifies class of vehicle options such as MCWOG and MCWG. Rule 11, 14 and 15 deal with the relevant forms, fee structure and tests etc.,

7. Therefore, the ninth respondent is directed to consider the issue

by duly constituting a committee of experts within a period of three months from the date of receipt of a copy of this order. Thereafter, the committee of Experts shall submit their recommendations as expeditiously as possible, in any event within 4 months thereafter, and the Central Government shall consider the report of the committee and decide and adopt suitable measures.

8. The tenth respondent, the state government, shall also independently consider the issue for making additional safeguards and can also make its recommendations for the Central Government to consider.

28.11.2025

grs

To

1. The State of Tamil Nadu,
Rep. by the Secretary to the Government,
Home (Courts-IV) Department,
Fort St.George,
Chennai - 600 009.
2. The Secretary to the Government,
Law Department,
Government of Tamil Nadu,
Chennai - 600 009.
3. The Director of Prosecution,
No.5, Kamaraj Salai, Triplicane,
Chennai - 600 005.
4. The Director General of Police,
No.1, Kamarajar Salai, Mylapore,
Chennai - 600 004.
5. Union of India,
Rep. by the Secretary to the Government,
Home Department,
Puducherry - 605 001.
6. The Secretary,
Law Department,
Puducherry - 605 001.
7. The Director of Prosecution,
No.5, Kamarajar Salai,
Tamil Nadu Slum Clearance Board Campus,
Puducherry-600 005.
8. The Director General of Police,
2, Dumar Street, White Town,
Puducherry - 605 001.

9. The Secretary,
Transport Department,
Fort St. George, Chennai – 600 009.
10. The Public Prosecutor,
High Court of Madras.
11. The Public Prosecutor,
Puducherry.
12. The Deputy Solicitor General of India,
High Court of Madras.
13. The Special Public Prosecutor,
for E.D. And C.B.I Cases,
High Court of Madras.
14. The Ministry of Road Transport and Highways,
Rep. By its the Principal Secretary to Government,
New Delhi.

W.P.(CrI.) No.618 of 2025
D.BHARATHA CHAKRAVARTHY, J.

grs

W.P.(CrI.).No.618 of 2025

28.11.2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2025

CORAM

THE HON'BLE Mr. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Crl.No.618 of 2025

Suo Motu

...Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep.by the Secretary to Government,
Home (Courts-IV) Department,
Fort St.George, Chennai – 600 009.
- 2.The Secretary to the Government,
Law Department, Government of Tamil Nadu,
Chennai – 600 009.
- 3.The Director of Prosecution,
No.5, Kamaraj Salai, Triplicane,
Chennai – 600 005.
- 4.The Director General of Police,
No.1, Kamarajar Salai, Mylapore,
Chennai – 600 004.
- 5.Union of India,
Rep.by the Secretary to the Government,
Home Department,
Puducherry – 605 001.
- 6.The Secretary,
Law Department, Puducherry – 605 001.

7.The Director of Prosecution,
No.5, Kamarajar Salai,
Tamil Nadu Slum Clearance Board Campus,
Puducherry – 600 005.

8.The Director General of Police,
2, Dumar Street, White Town,
Puducherry – 605 001.

...Respondents

For Petitioner(s) : Suo Motu

For Respondent(s)

For R1 to R4 : Mr.S.Sugendran
Additional Public Prosecutor

For R5 & R8 : Mr.K.S.Mohandas
Public Prosecutor (Puducherry)

Mr.Rajesh Vivekanandan
Deputy Solicitor General of India

Mr.M.Guruprasad, Amicus Curiae

Mr.P.Sidharthan
Special Public Prosecutor

Mr.S.Vinoth Kumar
Government Advocate

O R D E R

This *suo motu* writ petition was ordered to be registered and placed before this Bench, pursuant to the orders passed by the Hon'ble Chief Justice in ROC No.148/2025/Criminal Side. This Bench was constituted as a dedicated Bench to undertake the pilot project, as per the directives of the Hon'ble Committee formed to suggest measures for reducing the pendency of criminal cases at all levels by the Hon'ble Supreme Court of India.

2. A communication was received from the Hon'ble Supreme Court of India on 24.07.2025 to develop innovative solutions for addressing the overwhelming pendency of criminal cases by initiating *suo motu* proceedings under Article 226 of the Constitution of India and Section 528 of B.N.S.S/482 of the Criminal Procedure Code. Pursuant thereto, the Hon'ble Chief Justice was pleased to constitute this Dedicated Bench, and this *suo motu* W.P.Crl.No. 618 of 2025, is registered.

3. In exercise of the powers under Article 226/227 of the Constitution of India read with Section 407(the power to transfer the case

to the file of the High Court itself), 482 of the Code of Criminal Procedure/447 /582 of BNSS, the mandate was that the Courts in the District Judiciary can refer the cases for the Dedicated Bench with the reasons for referring the case. The Principal Bench, as well as the Madurai Bench, will receive the cases in digital form from the District Judiciary and generate a *suo motu* TR number for each of the cases.

4. After the *suo motu* TR cases numbered, initially the Court started dealing with the cases in the usual mode with the assistance of the Public Prosecutor at the High Court of Madras. Thereafter, it switched mode and involved the concerned Courts and a collaborative /hybrid process of hearing was conducted the cases were addressed. Wherever possible, the cases are disposed of in the manner mentioned therein, either by quashing the proceedings or convicting on admission or releasing the petitioner on probation, withdrawal of prosecution, etc. Wherever, it was not possible to dispose of, the matters were retransmitted.

5. In this regard, a detailed Project Report dated 30.10.2025 was submitted to the Hon'ble Committee, Supreme Court of India, and the said report, along with its annexures, can be read as part and parcel of

this order. The report provides background of the initiative and its aim to improve the efficiency of the criminal justice system and enhance access to justice. The objective was that by the end of the project, the Courts concerned would have removed the blocks in the system, weeding out the cases that are blocking the case flow and moved to a position to manage the Court time for more serious offences.

6. The entire process and procedure that were adopted are as follows:

II. Process & Procedure

Adopted

“1. A meeting was held, and the instructions from the Hon'ble Committee of the Supreme Court of India were received. The mandate included adopting a more flexible approach regarding offences such as 324 and 506(ii) IPC, as well as very old pending cases.

2. A note in Roc. No. 148/2025/Crl.Side was made by the Presiding Judge on 12/08/2025 to the Chief Justice, permitting and authorizing the registration of suomotu proceedings. The Hon'ble Chief Justice was pleased to grant permission, and a case was registered in Suo Moto W.P. (Crl) No. 618 of 2025.

3. A meeting was held with the District Judiciary, and a Judicial Order dated 18/08/2025 was also passed requiring them to transfer cases suitable for the Dedicated Bench by explaining the mandate. Specifically, they need to identify very old cases, cases that can be

*resolved through negotiation and alternative dispute resolution methods-both compoundable and non-compoundable-as long as they fall within the parameters outlined by the Hon'ble Supreme Court of India in Gian Singh -Vs- State of Punjab. They should also accept requests for withdrawal of prosecution, identify suitable cases for quashing on the grounds of delay, and so on. An Order was also passed by the dedicated bench in this regard on 18/08/2025.*⁴

4. A separate module was created for the trial courts to transmit cases. The trial courts selected appropriate cases and sent them through the portal. Each transmitted case is taken on file and assigned the number Suo Motu Transfer Case No./2025.

5. The High Court handled this in a paperless mode, and the orders were also communicated electronically with a digital signature, with a note to the concerned Court to pass the consequential orders.

6. A special war-room-like facility is set up for the Public Prosecutors, Research Law Assistants and Staffs to access the papers and receive instructions, etc. Advance lists were also published for the Public Prosecutors to get instructions before hand.

7. Initially, the accused and de-facto complainant were produced through video conference by the concerned police, and the cases were dealt with.

8. Later, the cases were handled by involving the Learned Magistrates. The concerned police assembled the parties and presented them before the Learned Magistrates. They recorded videos of consent, consent forms, etc., and kept them on record. For parties who remained out of station, videos were recorded via calls and uploaded/stored.

9. Thereafter, as per the request and the wishes of the Learned magistrate, a cause list containing the cases of the particular court

is generated. A hybrid hearing is conducted. The learned magistrate sits in his or her court as per their convenience, and the cases are called out and decided jointly. The respected police will also be present in the concerned court. Wherever needed, the counsel also appear and make submissions. As a matter of fact, the entire day's proceedings of the dedicated bench are recorded and stored separately for future access.

10. Cases found suitable were disposed of by releasing the accused on probation, on admission and payment of fine, quashing on compromise-both bilateral and unilaterally by the de-facto complainant and quashed on the grounds of delay and futility. Prosecutions were withdrawn, and the period already undergone was set off. In cases where the accused had antecedents, where parties did not agree, compensation claims were pending, disputes were active and ongoing, etc., they were retransmitted.

11. The Learned Magistrates worked tirelessly with the police and the bar, prepared cases, and ensured their resolution. At the High Court, extra personnel (including Additional Court Officers, Stenographers, Posting Clerks, Typists, Research Law Assistants, and Interns) were assigned, and all worked round-the-clock to carry out the project.

12. The entire process was seamless, as when cases were transmitted to the High Court, only digital copies were sent, not the original records. The cases also proceeded smoothly before the Learned Magistrates on the respective dates. The proceedings were not delayed due to the Suo Motu Transfer case pending before the High Court and hearings went on as per procedure before the Learned Magistrates. Infact huge numbers of summons served/warrant executed and accused started appearing before the courts.

13. Repeated meetings were also conducted with the Magistrates, Senior Police Officials, including the Nodal Officers, District Superintendents of Police, and others.

14. The Hearings started on 19/08/2025, and the last of the cases were disposed of on 29/10/2025; thus, the first group of 20,985 cases was dealt with and disposed of in 42 working days.

15. For recording consent or willingness, a flexible procedure is followed: individuals can record their videos before the court proceedings, personally appear at the time of hearing to express and sign consent forms, or, if they are in distant locations, appear through video calls and record their videos. Care is taken to provide maximum comfort to the de-facto complainants.”

7. The following is the summary of the cases disposed:

III. SUMMARY OF THE CASES DISPOSED

“The overall summary is as follows:

1	Total number of Cases Transmitted to the High Court	20,985
2	Total Number of Cases Disposed of	13,625
3	Total Number of Cases retransmitted	7357

Since most cases were transmitted in the initial days, about 65% were disposed 35% of the cases had to be retransmitted without disposal, as the Trial had to be continued in those cases. In many cases, connected cases, such as a counter case, were also disposed of.

In the urban settings, a larger number of cases were pending for service of summons/ execution of warrants. In the rural settings, the hurt cases involved a larger number of accused. The Western districts account for a high number of accidents. Specific kinds of cases were also identified in some areas.

The District-wise details of the cases transmitted, disposed of and retransmitted are tabulated and submitted as Annexure-7.

*The following table depicts the age-wise details of the cases disposed of**

<i>Offences Committed between</i>	<i>No. of Cases</i>
1980-1990	12
1991-2000	120
2000-2010	817
2010-2020	8139
After 2020	3567

8. The types of cases generally were as follows:

Types of Cases Disposed

- a. a.Accident Cases
- b. b.Theft Cases

- c. *c.Hurt Cases*
- d. *d.Protest Cases*
- e. *e.Mother Cases ended in acquittal*
- f. *f.Warrant/Summons long pending -no Progress cases*
- g. *g.Criminal Law Amendment Cases*
- h. *h.Prohibition Act Cases*
- i. *i.Lotteries Act Cases*
- j. *j.Open Places Disfigurement Act Cases*
- k. *k.Gaming Act Cases*
- l. *l.Mines and Minerals Act Cases*
- m. *m.Tobacco Cases - COTPA Act, Food Safety Act*
- n. *n.Immoral Traffic Act Cases*
- o. *o.Small quantity-NDPS Act cases*
- p. *p.Copyrights Act Cases*
- q. *q.Essential Commodities Act Cases*
- r. *r.Matrimonial Cases*
- s. *s.Other Miscellaneous cases*

9. The details and the manner of disposal were also described in the report. The report also addressed the accused persons, their deaths, their mental and physical illnesses, etc. The hardships faced by the de facto complainants and the benefits gained through the return of property are also mentioned. The difficulties encountered by the police in serving the summons and warrants were also noted in the report.

10. The feedback received from the Bar, stating that the exercise

was a welcome initiative but should involve them at every stage, was also summarized in the report. The feedback from the Learned Magistrates highlighted that they were able to avoid parts of the trials in cases involving non-compoundable offences, where de facto complainants and witnesses turned hostile, and examining the investigating officer and writing a judgment of acquittal became mere formalities. Additionally, this exercise helped them disburse property and other assets to the de facto complainants in many cases where summons and warrants were pending. It also shifted their approach towards seeking unilateral compromises from de facto complainants and handling cases from their perspective. Furthermore, very old cases that had been blocking the system—such as those in which the accused had been untraceable even after 30 years in serious offences—were also disposed of, providing great relief to the trial courts. The details of the outcome were also mentioned in the report, which is as follows:

X. The Outcome

“A. The Pendency & Numbers:

1. With the Pilot Project, we are able to achieve the desired reduction in pendency and significantly decrease the numbers in a short period. In fact, since most of the Learned Magistrates took a little more time to understand the concept and mandate,

it is likely that many more cases will be disposed of by the dedicated bench in the remaining month if the exercise continues.

2. By the exercise, the objective is achieved and the aim of increasing the efficacy and improve access to justice can certainly be attained.

B. Work Flow:

Within a short span of time, the clearance of these cases has led to the service of a large number of other summons and warrants. The service of summons has resulted in the appearance of the accused. Upon appearance, there are more requests for compromise or trial. Thus, it has triggered the workflow.

C. Crime Mapping & Macro Reason Analysis:

This exercise has help in mapping of kind of crimes prevalent in the area and to analyse the macro reasons and to find solution to those macro reasons thus, paving way in crime prevention and saving lives.

D. The Paradigm Shift:

Additionally, through the process of conducting a hybrid sitting with the Magistrate, a New Paradigm is established. Throughout our Judicial history, Higher Courts have only corrected the orders of the District Judiciary. However, this is the first time we have collaborated in this manner, which introduces new thinking and paves the way for the adoption of

this system in many contexts. An out-of-the-box new form of hybrid-court model is created."

E. Justice to the Poor & First Offenders:

The most satisfying outcome is that justice was delivered :

- * By recording thousands of genuine compromises that promote peace and harmony and saving them from the disgrace of lying in the witness box;*
- * To the offenders who indulged in petty theft and were on the wrong side of the law, preventing them from being permanently branded as criminals;*
- * By showering pardon and taking a lenient view of scores of first-time offenders and showing them the care they need;*
- * To the people who are economically poor by saving their days of work, money, and time."*

11. The challenges faced and the recommendations made by the Dedicated Bench are also contained in the report, which is extracted for ready reference:

XI. The Challenges

"1. The first challenge is identifying the types and their classification. In this experience, the initial week was overwhelming, but then we managed to identify the types of cases. Once they are identified, the process becomes easier, and the results are outstanding.

2. The task is of a huge magnitude. Although an E-module was

created, bugs still remained. The process of taking down orders, transcribing them, transferring them after the judge's correction, converting them to PDF, digitally signing, and uploading them involves multiple platforms and disjointed steps, which really hampers efficiency. Even though the court hearings for 20,985 cases were completed and orders have been issued, only about one-third have been uploaded so far, and it will take more time to upload the rest. The staff, especially the Registry and Stenographers, feel overwhelmed and are struggling to keep up with the workload. These are very dedicated personnel who often work long hours, but even for them, this task feels burdensome.”

12. Although the hearing was concluded as early as 25.10.2025 / 26.10.2025, the large number of orders passed made it challenging for the Registry to transcribe and upload all of them. In fact, it took the entire month of November to upload all the orders. Even now, there are still some difficulties with a few orders, as they need to be re-verified, which will be done in due course. Most of the orders have already been uploaded.

13. A final meeting was also held on 25.11.2025, during which the learned Judges from the District Judiciary were instructed to verify the matters they transmitted from their respective courts. They were to

confirm whether they received the orders in each case, and if so, to pass the necessary orders and segregate the disposed cases to complete the final activity of the project. Additionally, they were instructed to continue handling the other re-transmitted cases they had already been working on, as the entire process was seamless. Some cases that were transferred after the cut-off date fixed by this Bench remain unnumbered and the Learned Trial Judges are instructed to proceed with those cases as usual as if the cases were never transmitted to this Court.

14. The entire exercise of carrying out the mandate of the Dedicated Bench , was a collaborative effort and great co-operation and hard work of the Registry of the High Court; the District Judiciary - the Learned Presiding Officers and the Staff of the Registry; The Office of the Public Prosecutor at the High Court and the District Court; The Members of the Bar; The Police - from the Higher Officials, Nodal Officers to Investigating Officers and Subordinate Police Personnel; and from the de-facto complainants and the accused as well.

15. From the High Court, the IT team developed a new module in a quick time. Apart from the regular Court Officer, the Registry also

allotted two additional Court Officers to the Dedicated Bench. Additional Personal Assistants were deputed, so as to cope up with the workload. The Video Conferencing hosts were of immense help, as they kept on carrying out the sessions with the lower Courts, especially the manner in which the team software works and in arranging the audio systems, etc. The Order Uploading Section also had to work overtime. The Office Assistants attached to the Courts and the Chamber were also of immense help.

16. The Personal Assistants / Stenographers stayed way beyond the court working hours, when the hearings were conducted up to 8 p.m., 9 p.m., etc., and they also had to transcribe the orders without the physical bundles. They had to open the lower Court bundles in a separate window and note down the cause title, case numbers, offences, etc., and then immediately minimise the said window and open their current window for typing and to carry out the orders. It was both the challenging task and a mammoth exercise that was carried out by the Personal Assistants, who went beyond the call of duty even in clarifying things with the lower Court staff and ensuring that the correct particulars are contained in the module.

17. With the difficulties experienced, a new Version-2 of the module for carrying out the activities of the Dedicated Bench is already been developed. By the newly developed module, if the activities are to be carried out in future, the following method will be followed:

i. Time will be given to the District Judiciary, who will refer the cases to the Dedicated Bench.

ii. The module will fetch the scanned copies, which are already uploaded in the portal, with the entry of certain metadata by the lower Court staff.

iii. The case number, crime number, Name of the police station, Name of the accused, and offences will all be entered or fetched and extracted in separate columns.

iv. A dialogue box is provided for the trial Courts to enter the reasons for reference. For example, in a case under Section 294(b), 324 and 4 of the Women Harassment Act, if the parties have compromised, the trial Court will enter into the said dialog box that the de facto complainant and the accused have entered into compromise, and the videos are recorded or the consent forms/compromise memo is submitted before the trial court, etc.

v. Then a separate dialogue box is provided for the Dedicated Bench/High Court to pass a consequential order. The High Court will now enter into the reasons and the orders passed, as for example in the above case, the High Court will state that “In view of the pronouncement of the Hon’ble Supreme Court of India in ***Gian Singh Vs. State of Punjab and another (2012 10 SCC 303)*** and considering the nature of allegations in the case, the case stands quashed on compromise.”

vi. Then, after the High Court passes the order, the particulars, including the reasons and the orders passed, can be generated in a single PDF/Excel tabular format, and all the cases of a particular Court disposed off with a common order stating that “*For the reasons mentioned in Column No.7 and in the manner stated therein, the cases mentioned in Column No. 2 stands disposed of.*”

vii. Thus, this will reduce the thousands of orders that are to be transcribed and if the Dedicated Bench takes up the hearing in future rounds, for each Magistrate Courts/the Chief Judicial Magistrate Court or the District Court concerned, all the referred cases will be reflected in one single order in one tabular column, and thus, the entire exercise is made quicker and easier for the Registry to carry out also. By this method, the

difficulty that is faced by the Registry is now ironed out.

18. The entire exercise revealed the challenges at each and every stage:

- A. Firstly, when the transfer of cases to the High Court and due to the pendency was considered, a digital module was developed, whereby the High Court undertook the task of dealing with the matters completely paperless, and the difficulty was overcome.
- B. Secondly, an accused would be produced or arrested, and there should be no difficulty in proceeding with the case further. Accordingly, orders were passed allowing the Magistrate Court to proceed with the matter simultaneously, even if the case was referred to the High Court, and this difficulty was also overcome.
- C. Thirdly, when thousands of cases were transmitted and there was difficulty for the Public Prosecutor's office and the High Court alone to deal with the matter, and when the police also faced the difficulties in appearing through V.Cs and there was a huge traffic and chaos in the Court, etc., a due procedure was developed to involve the concerned trial Court itself. A unique collaborative method of the Dedicated Bench working with the trial Magistrates/Judges was

developed, where the concerned Magistrates sat in the Court, ready the list, and submitted the matter item-wise, and the High Court passes the orders consequentially. Therefore, the difficulty that arose to the High Court Public Prosecutor's office, and the police was ironed out.

- D. Then, there was a difficulty for the accused and the complainant to appear in the particular time and that the calling of the cases was taking time and the same was identified, and the trial Court Magistrates and Judges were authorized to examine the complainant at their convenient time and record their video and upload in the concerned case portal. Accordingly, the compromises, etc., were recorded at the convenient time as and when the parties came before the learned Magistrates, and therefore, their difficulty was also ironed out.

19. The procedure was developed that, at the convenient time of the concerned counsel/the parties appearing in the concerned cases, they appeared before the Magistrate, submitted the concerned forms, made their pleadings, videos were uploaded, and the Magistrate would submit before the High Court that the procedural formalities were already

undertaken, which ironed out these difficulties and made the process much smoother. Even for the de facto complainants, who have resided at far-off places, including places outside the jurisdictional Court, option is also granted to appear before the Magistrates/ the High Court through video calls or by joining the Court links, and their video statements were recorded. For many of the de facto complainants, who have no objection to quash the case, even when they were residing in other States. This proved to be the game changer. Many of the de facto complaints, who are residing abroad, also said no objection by recording their video statements and the same were transmitted to the concerned trial Courts. Even with reference to some of the accused, who are ailing and were admitted in the hospital and were residing abroad etc. This flexible procedure resulted in them appearing before the Court and coming up with their versions, and thus, these difficulties were also ironed out.

20. As of today, as the pilot progressed, the difficulties, which arose at each and every end, including the typing of cause title and uploading of the orders, were ironed out. As a matter of fact, it was noticed that in respect of re-transmitting orders, the PAs need not waste their time, as re-transmission of orders was typed even by the typists

supplied by the Registry. In fact, the burden of typing the cause title, the coram etc., were undertaken by the typists. The entire work of verification and uploading of data in an Excel sheets was undertaken by the Law Clerks/Research Law Assistants and the interns, whom they trained, who were law students, who worked tirelessly in uploading the same in Excel spreadsheets and initially in classifying the cases, according to the offences and at a later stage in going through the orders and re-checking the same. Finally, even for verifying the duplication of orders, mistakes, and the bugs that were contained in the software etc., the entire team of the Law Clerks, Research Law Assistants, and interns played a great role. Thus, at every stage, it was a great team effort.

21. The Dedicated Bench was guided by the Hon'ble Committee, consisting of the Judges of the Hon'ble Supreme Court and the High Court and the other Hon'ble Judges of this Court. The Hon'ble Chief Justice was supervising and encouraged with keen interest, and periodically he was also briefed of the developments.

22. The Court records, the due appreciation of the three learned Public Prosecutors who regularly appeared in the matter, namely

Mr.S.Sugendran, learned Public Prosecutor, M/s.Kasthuri, learned Additional Public Prosecutor and Mr.Vinoth, learned Government Advocate, who appeared throughout and ably assisted this Court.

23. The Police Personnel worked round the clock and spared no efforts in tracing out the accused and de-facto complainant and produced them before this Court and before the Trial Court. Wherever they were in far of places, their videos were recorded through calls and submitted. The Superintendents of Police of the districts were in attendance in the Court witnessing the entire affairs. For every districts, they also nominated officials to co-ordinate the effort. The Higher Officials supervised the matter under the Nodal Officers being appointed.

24. It is also to be noted that in a large number of cases, the accused pleaded guilty and prayed that they may be enlarged on probation. By the judgment of the Supreme Court in ***Chellammal and another Vs. State, reported in 2025 SCC Online SC 870***, it is mandatory for the High Court to first obtain the Probation Officer's report and consider the same and thereafter only pass orders relating to releasing the accused on probation. In this regard, even though

the District Probation Officers were fewer in number, the higher officials and all the jurisdictional Probation Officers worked overtime and ensure that they inspected the permanent abode of the accused persons and submitted a large number of reports in such a short time. The exercise that was carried out by the Probation Officers and the entire office is also to be appreciated.

25. The able assistance of the Registry, the Personal Assistants, the chamber and the Court staff, the Law Clerks, the Research Law Assistants, and the interns is placed on record.

26. It must be recognized that initially the Dedicated Bench instructed the Judges of the lower judiciary that, once the hearing for all 20,985 cases is completed and the orders are executed and uploaded, it would be possible to consider the matters in a second round as well. In fact, several learned Presiding Officers expressed that they have many cases falling within the categories in which the orders have been issued. However, since it took the entire month of November to upload the orders and carry out the outcomes, it became impossible to schedule another round of cases. In any case, the learned Presiding Officers were informed

that if any future directions are given, further steps will be taken.

27. The entire exercise also saw a paradigm shift in the High Court and Trial Courts conducting collaborative-hybrid hearings, which emerged as a new alternative method to resolve criminal cases.

28. It is further recorded that a detailed Excel spreadsheet is being separately created. The data, which includes the reasons for disposal, etc., is being entered into the same. The final and exact data after due analysis will be ready and preserved by the Registry, once the task is complete in all respects.

29. With the above recordings and particulars, the Registry is directed to place this matter along with a copy of this order before the Hon'ble Chief Justice for appropriate orders.

28.11.2025

Index : Yes
Internet: Yes
Speaking order

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To

98/100

- 1.The State of Tamil Nadu,
Rep.by the Secretary to Government,
Home (Courts-IV) Department,
Fort St.George, Chennai – 600 009.
- 2.The Secretary to the Government,
Law Department, Government of Tamil Nadu,
Chennai – 600 009.
- 3.The Director of Prosecution,
No.5, Kamaraj Salai, Triplicane,
Chennai – 600 005.
- 4.The Director General of Police,
No.1, Kamarajar Salai, Mylapore,
Chennai – 600 004.
- 5.Union of India,
Rep.by the Secretary to the Government,
Home Department,
Puducherry – 605 001.
- 6.The Secretary,
Law Department, Puducherry – 605 001.
- 7.The Director of Prosecution,
No.5, Kamarajar Salai,
Tamil Nadu Slum Clearance Board Campus,
Puducherry – 600 005.
- 8.The Director General of Police,
2, Dumar Street, White Town,
Puducherry – 605 001.
- 9.The Public Prosecutor
High Court, Madras.

W.P.(Crl.) No.618 of 2025

D.BHARATHA CHAKRAVARTHY, J.

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W.P.Crl.No.618 of 2025

Dated : 28.11.2025