

Most Urgent  
Personal Attention

Home-E-(5)-2-336/2004  
Government of Himachal Pradesh  
Department of Home-E Section.

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To

All the District Magistrates in  
Himachal Pradesh.

Dated: Shimla-171 002, the,

06-05-2015.

Subject:- Regarding sending of criminal cases in the light of instructions issued dated 15.01.2015 .

Sir,

In continuation to this department letter of even number dated 15.01.2015 on the subject cited above, I am directed to say that as per the aforesaid instructions only such cases may be sent to the State Govt. for further decision which are appealable before the Hon'ble High Court. However, it is being observed that the District Magistrates are also submitting/forwarding such cases which are not appealable before the Hon'ble High Court for following reasons:-

- a) Cases where the sole accused has died, admittedly in such cases no appeal lies.
- b) Cases where the convict has been convicted and given maximum Sentence and fine as per the provisions of the Act. e.g. where the convict has been punished under section 283 Cr.P.C. and he has paid maximum fine of Rs.200/- in the case, no further appeal lies.
- c) Cases which are appealable before the Court of Sessions being cognizable and non- bail-able.
- d) Cases where the accused has been declared as proclaimed offender. In such cases, the proceedings are kept pending against the accused. As and when the accused is arrested, the proceedings pending against him are re-opened. As such no appeals lies in these cases.

Cont'd...

- e) Cases under section 321 Cr.P.C. which have been withdrawn with consent of the State Govt.
- f) Cases under section 320 Cr.P.C. which have been compounded with the consent of the Court between the complainant and the accused party.

In this back drop of the matter, you are therefore requested not to send such type of cases to the Government in which no appeal lies to the Hon'ble High Court of H.P. and as such, you are authorized to take decision at your own level to close such cases.

These instructions may be followed in letter and spirit.

**Yours faithfully,**


**(Kanti Parshad Sharma)**  
**Under Secretary to the**  
**Govt. of Himachal Pradesh.**  
Telephone No. 2880853

Endst. No. As above, Dated: Shimla-171 002, 06-05-2015.

Copy forwarded to the following in continuation to this department letter of even number dated 15.01.2015 for compliance & necessary action :-

1. The Director General of Police, Himachal Pradesh, Shimla-171 002.
2. The Addl. Director General of Police, (Vigilance) Himachal Pradesh, Shimla-2.
3. The Joint Secretary-Cum-Director (Vigilance) to the Govt. of H.P.
4. The Director (Prosecution) SDA Complex, Kasumpti, Shimla-171 009, H.P.
5. All the Superintendent of Police in Himachal Pradesh.
6. The Controller, Printing & Stationary, Department for publication in the official Rajpatra.
7. All the District Attorneys/APPs in Himachal Pradesh for strict compliance.
8. The Diarist of this Section Mr. Naresh Kumar Sharma, to up-load the instructions on the website of Home-E Section please.
9. Guard file.

DST.

  
**(Kanti Parshad Sharma)**  
**Under Secretary to the**  
**Govt. of Himachal Pradesh.**  
Telephone No. 2880853