

Summary of business conducted in the 3rd workshop of
Judicial Officers held on 23rd April, 2016., at
District Court, Sangli.

The third Workshop for the FY 2015-16 was arranged for the Judicial Officers on 23rd April, 2016 at District Court, Sangli. The venue of this workshop was Officers' Club, Ambarai, Sangli. The topics for workshop, on Civil Subject was "Law relating to Adverse Possession" and for Criminal subject was "Conditions requisite for initiation of proceedings : Sections 190 to 199 of Cr.P.C.".

2. All the Judicial Officers reported at 09.00 a.m. The workshop was presided over by the Hon'ble Guardian Judges, Hon'ble Lordship Shri Justice A. A. Sayed and Hon'ble Lordship Shri Justice N. M. Jamdar, High Court Bombay. The workshop was inaugurated by lighting the traditional lamp at the auspicious hands of the Hon'ble Guardian Judges, Hon'ble Lordship Shri Justice A. A. Sayed and Hon'ble Justice Lordship Shri N. M. Jamdar, High Court, Bombay. Floral welcome of Hon'ble Guardian Judge Hon'ble Lordship Shri Justice A. A. Sayed was done by Shri S. P. Tavade, the Principal District & Sessions Judge, Sangli. The floral welcome of Hon'ble Guardian Judge, Hon'ble Lordship Shri Justice N. M. Jamdar, Judge, Bombay High Court, was done by Shri D. G. Dhamal, District Judge-1 & Addl. Sessions Judge, Sangli, and floral welcome of Shri S.P.Tavade, Principal District & Sessions Judge, Sangli, was done by Shri D.K.Mulla, District Judge-3 & Addl. Sessions Judge, Sangli.



3. Thereafter, the first session of the workshop started at 10.00 a.m. In this session, initially there was reading of papers on the civil subject : "Law relating to Adverse Possession" prepared by Core Committee.

4. Smt.B.S. Gare, II-Jt.Civil Judge, Sr.Dn, Sangli, read the first part and the second part was read by Shri V.R.Patil, Civil Judge,J.D. & J.M.F.C., Miraj. Recent civil case laws were also read.

5. Hon'ble Lordship Shri Justice Sayed appealed to the Judicial Officers to be open for interaction, to share the personal experience while dealing with the cases relating to subject of workshop, as everyone would be benefited from the discussion. The aspect of period of limitation and relevant Articles and Sections of Limitation Act were discussed. It was made clear that the starting point of limitation would be the date of cause of action, and not after 12 years.

6. His Lordship Shri Justice posed a question if one can file suit for declaration that he became owner by adverse possession. It was discussed that law of equity does not favour wrongdoer. The adverse possession extinguishes the title of true owner and does not create title in favour of possessor. Various case law was discussed. Once relations of landlord and tenant are pleaded, plea of adverse possession would not be available. It was emphasized that we have to be slow in granting relief on the basis of adverse possession.

Person in adverse possession can claim injunction for protecting his possession but not declaration of ownership. If true owner files suit and it is found that defendant is in possession for over 12 years, suit deserves to be dismissed.

7. After tea break, the second session of workshop started at 12.00 p.m. on criminal subject, "Conditions requisite for initiation of proceedings : Sections 190 to 199 of Cr.P.C."

8. There was paper reading by Shri S.K.Mule, Civil Judge, J. D. & J. M. F. C., Kavathe Mahankal and Shri S.H.Gaherwar, Civil Judge, J.D. & J.M.F.C., Shirala. There was also case law reading by Smt.H.R.Jadhav, II-Jt.C.J.J.D. & J.M.F.C., Sangli. Like the civil subject, every Judicial Officer had prepared the question on the subject and suggested the answers thereto.

9. On this subject also Hon'ble Lordships shared their valuable views and gave some guiding hints, which would help every judicial officers in the day-to-day smooth working. Various experiences and difficulties were posed by Judicial Officers relating to this criminal subject. Provision of Sec.197, Cr.P.C. was discussed. Omission to do an act also amounts to action. This many times happens while doing demolition of unauthorised buildings etc. The very purpose is to be verified first. Various cases are filed against public servants, officers for not performing duties out of personal vendetta.



10. It was discussed that judicial Officer can file complaint against witness for giving false evidence. A query was raised, whether complaint can be filed by aggrieved for giving false evidence. No, he can make application before same Court for directions. In case of statements recorded under SEc.164, Cr.P.C., witnesses later-on turn hostile and accused is/are acquitted. In such situation procedure under Section 340 of Cr.P.C. is to be followed.

11. In cases of directing inquiries, Their Lordships expressed that you should take time, study material and then pass order. In defamation cases, point of jurisdiction was discussed. The Court wherever aggrieved party resides, has jurisdiction. Section 178 Cr.P.C. was discussed.

12. Their Lordships drew attention of the Judicial Officers towards the progress and advancement of Information Technology and crimes arising out of the same. There are new challenges before us. The law of 1973 may not sometimes help us. We should study the provisions of Information Technology Act. Social media is expanding vastly. Ciber crimes etc. are growing. His Lordship suggested that we should dedicate a special seminar on this subject. His Lordship also brought to the notice of Judicial Officers the surprising increase of 'On line commerce'. His Lordship expressed that we should be prepared to face such issues and such cases would come before the Courts of Magistrates. His Lordship also suggested that the judicial officers or expert

may make power point presentation in this behalf because we have to be very careful as such offences are growing in number.

13. After completion of discussion, the vote of thanks were offered by Shri V.P.Desai, District Judge-6 & Asst.Sessions Judge, Sangli. The anchoring of entire workshop was done by Shri S. S. Gaikwad, Chief Judicial Magistrate, Sangli.

After the lunch, the workshop was over.

Hence this report. Submitted with due respect.

Sangli.

Date : 26.04.2016.



(S.P.Tavade)

Principal District and
Sessions Judge, SANGLI.
