

**OFFICE OF THE CHIEF METROPOLITAN MAGISTRATE**  
**TIS HAZARI COURTS : DELHI.**

**PLEA BARGAINING : PRACTICE DIRECTIONS**

With the incorporation of provisions of the Plea Bargaining in Chapter XXXi-A Cr.P.C all efforts should be made to encourage the concept of Plea Bargaining with a view to ensure effective disposal of criminal cases by means of a mutually satisfactory disposition. Hence, in view of the aforesaid, the following practice directions are being issued for necessary guidance while dealing with the Plea Bargaining applications :

1. It has been decided that as an experiment, there shall be one Plea Bargain Judge available at Tis Hazari Courts Complex [w.e.f](#) 27.07.2009 for dealing with application filed under Chapter 21A Cr.P.C
2. Plea Bargaining applications may be filed before the concerned Court in the prescribed proforma annexed herewith (as may be applicable). The concerned MM shall then forward such application to the undersigned immediately alongwith the case file. The application would then be assigned by the undersigned to the Plea Bargain Judge after ensuring equal distribution of such Plea Bargaining applications.
3. Initially, the Plea Bargain Judge shall sit from 03:00 pm onwards in Room No. 16, Ground Floor, Tis Hazari Courts, Delhi for dealing with such applications.
4. One Plea Bargain Judge shall be available daily on all working days from Monday to Saturday as per duty roster prepared by the undersigned. Initially 12 Metropolitan Magistrates have been short listed for this purpose who will deal

with the Plea Bargaining applications as per the duty assigned to them by duty roster.

5. In order to ensure effective disposal of work it is directed that Plea Bargain Judge shall make all endeavor to finish his pending Court work by 03:00 PM and make himself available in Plea Bargaining Court at Room No. 16 on the days fixed.
6. The Link Metropolitan Magistrates of the said Plea Bargain Judges are hereby directed that they should not mark any applications for TIP or for recording of statements u/s 164 [Cr.P.C](#) to the Plea Bargain Judge for the date on which he will hold the Court as such.
7. It is further directed that with a view to ensure quick disposal of Plea Bargaining applications, the concerned Plea Bargain Judge shall make all possible efforts to complete the entire process of Plea Bargaining in one sitting and in any event within a period of one month extendable up to a maximum period of two months.
8. It is further directed that a separate Plea Bargain Judge shall deal with the application assigned to him and dispose it of himself. For this purpose, he shall fix the next date in such applications for the same day on which date he is deputed to work as a Plea Bargain Judge. It is further clarified that if he is not available on a day, he may fix the matter on some other day subject to his convenience and convenience of the parties appearing before him. He shall, however, record the reasons for doing so.
9. In order to assist the Plea Bargain Judge, the Reader and one Stenographer of such Judge shall work with him while dealing with the Plea Bargaining application without any further orders.
10. In case any Plea Bargaining applications are pending before any

Magistrate at Tis Hazari Court, the same shall be forwarded to the Plea Bargain Judge through the undersigned on the very date of which such applications are listed before him.

11. Upon receipt of the application, the Plea Bargain Judge shall on the same day record the statement regarding the voluntariness of the applicant/accused and as far as possible on the same day. If he reaches the conclusion that the application has been filed voluntarily, he shall on the same day directed issuance of the notices to the other parties as per section 265 D [Cr.P.C.](#), through Ahlmad of his own Court for next date fixed in the Plea Bargaining application.
12. It is hereby directed that the Public Prosecutor of the Court to which the matter pertains shall represent the State for such Plea Bargaining proceedings before the concerned Plea Bargain Judge. It shall be the duty of the Public Prosecutor to remain present in all such proceedings as and when directed.
13. The Plea Bargain Judge shall ensure that the notices issued to the victim/complainant shall also issued through the Investigating Officer or the SHO concerned for ensuring appropriate service thereof with a view to secure their presence, in addition for issuance of notices directly to the parties concerned.
14. Once all the parties appeared before the Plea Bargain Judge, he shall give them the requisite time for arriving at MSD as contemplated in Chapter XXi-A of [Cr.P.C](#)
15. It shall be the duty of the Plea Bargain Judge to ascertain that the MSD is a result of fair and voluntary submissions between the parties and the rights of the parties are equally balance.

16. Once all the parties to the proceedings appear before the Plea Bargain Judge, he shall proceed with the matter in accordance with law as contained in Chapter 21 A [Cr.P.C.](#)
17. After the disposal of the Plea Bargaining application as a result of MSD, the Plea Bargain Judge shall pass a final Judgment and order on the sentence.
18. After disposing of the matter by way of a judgment, the Plea Bargain Judge shall send the file back to the concerned Court for the purpose of consignment of Record Room after due compliance.
19. In case the parties fail to reach a consensus and no MSD is arrived at, the Plea Bargain Judge shall record ONLY that the plea bargain has been unsuccessful and nothing more. The Plea Bargain Judge will then send the file back in the concerned Court forthwith.
20. With a view to ensure fair play and confidentiality a separate file regarding the Plea Bargaining proceedings shall be maintained by the official to be deputed for the purpose of maintaining the records of Plea Bargaining proceedings. The proceedings sheets of the Plea Bargaining process shall be sent back, in case the Plea Bargaining fails, in a sealed cover. However, if the Mutual Satisfactory Disposition is arrived at and the matter is settled, the MSD shall obviously form a part of the Judicial records on the basis of which the judgment shall be passed and file shall be consigned to the Record Room by the concerned Court.
21. It is clarified that all miscellaneous applications regarding return of original documents etc., which may be preferred after the final disposal of the

case as the case of Plea Bargaining shall be filed before the concerned Court and not before the Plea Bargain Judge.

22. The official Incharge of the Plea Bargaining proceedings shall maintain a register and duly enter the record of the proceedings of all Plea Bargaining application received and disposed of by the Plea Bargain Judge.

23. The Plea Bargain Judge shall make it amply clear to all parties appearing before him that the proceedings are strictly confidential and that nothing said in the plea bargain proceedings may be used for any purpose whatsoever.

24. It is made clear that an accused/applicant is entitled to bring his lawyer to the plea bargain proceedings.

SD/-

(Kaveri Baweja)  
Chief Metropolitan Magistrate  
Delhi

**IN THE COURT OF.....DELHI**

State Vs.

FIR NO.

U/s

P.S. District

N.D.O.H.

**APPLICATION UNDER SECTION 265-B (OF CHAPTER XXIA) CR. P.C.  
IN RESPECT OF "PLEA BARGAINING".**

Most Respectfully Showeth :

1. That the applicant has been facing trial in the above matter.
2. That a report under Section 173 Cr.P.C. has since been filed against the accused, which is pending in the Court of Shri ..... and is at the stage of .....
3. That as per charge sheet, the accused alleged to have committed offence(s) punishable under section .....
4. That the applicant has preferred this application voluntarily after understanding the nature of allegations against him and the extent of punishment provided under the law for the offence(s) in question.
5. That the applicant has not previously been convicted by any Court in a case in which he had been charged with the same offence(s).

**PRAYER :**

It is, therefore, prayed that this Honorable Court may be pleased to consider this application for plea bargaining, as per the provisions of Section 265 CrP.C.

**DELHI**

**APPLICANT**

**DATED :**

**THROUGH**

**COUNSEL**

**IN THE COURT OF.....DELHI**

Complainant (name of the Complt.) Vs.

CC NO.

U/s

P.S. District

N.D.O.H.

**APPLICATION UNDER SECTION 265-B (OF CHAPTER XXIA) CR. P.C.  
IN RESPECT OF "PLEA BARGAINING".**

Most Respectfully Showeth :

1. That the applicant has been facing trial in the above matter.
2. That a Crl. Complaint under section 200 [Cr.P.C](#) has been filed against the accused by above named complainant, which is pending in the Court of Shri ..... and is at the stage of .....
3. That as per complaint, the accused alleged to have committed offence(s) punishable under section .....
4. That the applicant has preferred this application voluntarily after understanding the nature of allegations against him and the extent of punishment provided under the law for the offence(s) in question.
5. That the applicant has not previously been convicted by any Court in a case in which he had been charged with the same offence(s).

**PRAYER :**

It is, therefore, prayed that this Honorable Court may be pleased to consider this application for plea bargaining, as per the provisions of Section 265 CrP.C.

**DELHI**

**APPLICANT**

**DATED :**

**THROUGH**

**COUNSEL**

**IN THE COURT OF.....DELHI**

State Vs.

**OR** Complainant (name of the Complt.)

FIR NO.

U/s

P.S.

District

N.D.O.H.

**AFFIDAVIT IN APPLICATION UNDER SECTION 265 D CR.P.C. FOR  
'PLEA BARGAINING'**

I, .....aged about ..... do  
hereby solemnly affirm and state as under :

1. I say that I have filed the accompanying application for plea bargaining in accordance with the provisions of Section 265B (Chapter XXI) Cr.P.C. I say that this is my application made voluntarily without any influence and pressure.
2. I say and submit that I understand the contents of the application and that I am aware of the nature and extent of punishment provided by law in this case.
3. I say that I have not previously been convicted in a case in which I have been charged with the same offense as the one in the present matter.

**DEPONENT**

**VERIFICATION :**

Verified at New Delhi dated ..... that the contents of this affidavit are true and correct to the best of my knowledge and information that I believe to be true. Nothing material to this application has been concealed from this court.

**DEPONENT**