



J&K JUDICIAL ACADEMY

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From the Editor's Desk

In the life of the citizens of the State, the Judiciary is a source of confidence and fearlessness. Judiciary is the last ray of hope for getting justice. Without protection of rights they cannot hope to carry out their pursuits and enjoy their human existence.

When we talk about the institution of dispensation of justice it reminds us of the trial judges who undoubtedly are the captains in the hierarchical system of administration of justice, as it is the trial judge who directly comes in contact with the litigants during the proceedings in the court.

The impression so created by the trial judges on the litigant during the court proceedings will determine the litigant's view about the judiciary. Thus, it is a sine qua non for the trial judges to imbibe good qualities while conducting themselves in a dignified and decent manner in the court as well as in private life. As the image so formed by the litigant during the course of proceedings in the court should enhance the reputation of the judiciary.

Ethically speaking, stubborn attitude under the garb of his position can decay the judicial conscience and freedom. As such, the trial judges need to be polite, good listeners but firm decision makers, who do not at all compromise with the dignity of the institution in general and judicial discipline in particular. The assured guarantee of justice is not mere enactment of law, but the way it is implemented while dispensing justice by a judge in the court of law.

Judging is not a profession but a way of life, therefore their action should be a reflection of the virtues like sobriety, moderation, fairness and reserve.

Socrates said, four things belong to a judge; to hear courteously, to answer wisely, to consider soberly and to decide impartially.

Though, becoming a judge is a prestigious and esteemed position in society, but equally such a position carries with it high expectations and responsibilities. Thus, a trial judge should endeavour in all odds to keep the flag of justice flying high.

In the words of Shakespeare; **"Uneasy is the head that wears the crown."**

LEGAL JOTTINGS

"Brevity in judgement writing has not lost its virtue. All long judgements or orders are not great nor brief orders are always bad. What is required of any judicial decision is due application of mind, clarity of reasoning and focused consideration. A slipshod consideration or cryptic order or decision without due reflection on the issues raised in a matter may render such decision unsustainable. Hasty adjudication must be avoided. Each and every matter that comes to the court must be examined with the seriousness it deserves."

R.M. Lodha, J. In Board of Trustees of Martyrs Memorial Trust v. Union of India, (2012) 10 SCC 734, para 22

CRIMINAL

SUPREME COURT JUDGMENTS

Criminal Appeal No. 301 of 2022
Amritlal v. Shantilal Soni & Ors.
Decided on: February 28, 2022

Hon'ble Supreme Court Bench comprising Justices Dinesh Maheshwari and Vikram Nath observed that the relevant date for the purpose of computing the period of limitation under Section 468 CrPC is the date of filing of the complaint or the date of institution of prosecution and not the date on which the Magistrate takes cognizance of the offence. Hon'ble Court was considering an appeal against High Court order setting aside criminal proceedings on the ground that taking cognizance by the magistrate was barred by limitation. Hon'ble Court referred to *Sarah Mathew v. Institute of Cardio Vascular Diseases (2014) 2 SCC 62* and observed:

"Therefore, the enunciations and declaration of law by the Constitution Bench do not admit of any doubt that for the purpose of computing the period of limitation under Section 468 CrPC, the relevant date is the date of filing of the complaint or the date of institution of prosecution and not the date on which the Magistrate takes cognizance of the offence. The High Court has made a fundamental error in assuming that the date of taking cognizance i.e., 04.12.2012 is decisive of the matter, while ignoring the fact

that the written complaint was indeed filed by the appellant on 10.07.2012, well within the period of limitation of 3 years with reference to the date of commission of offence i.e., 04.10.2009."

Criminal Appeal No. 443 of 2022
Nahar Singh v. The State Of Uttar Pradesh & Anr.
Decided on: 16th March, 2022

Hon'ble Supreme Court bench comprising Justices Vineet Saran and Aniruddha Bose observed that the Magistrate taking cognizance of an offence on the basis of a police report in terms of Section 190 (1)(b) of the Code of Criminal Procedure, 1973 can issue summons to any person not arraigned as an accused in the police report or in the FIR. Hon'ble Court made the observation in an appeal against the order of Allahabad High Court upholding the order of trial Court whereby the appellant was summoned by the trial court though he was not named in the charge sheet. Relying upon the precedents in *Raghubans Dubey v. State of Bihar [(1967) 2 SCR 423 : AIR 1967 SC 1167]*, *Dharam Pal and Others vs. State of Haryana [(2014) 3 SCC 306]* and *Hardeep Singh vs. State of Punjab [(2014) 3 SCC 92]*, the bench observed: , 'If there are materials before the Magistrate showing complicity of

persons other than those arraigned as accused or named in column 2 of the police report in commission of an offence, the Magistrate at that stage could summon such persons as well upon taking cognizance of the offence",

Criminal Appeal No. Of 2022

Karan Singh v. The State Of Uttar

Pradesh & Ors

Decided on: March 02, 2022

Hon'ble Supreme Court bench comprising Justices Indira Banerjee and V. Ramasubramanian while dismissing a criminal appeal filed by a murder accused observed that the prosecution is required to prove its case beyond reasonable doubt and not beyond all iota of doubt. Further referring to *Rohtash Kumar v. State of Haryana (2013) 14 SCC 434*, it was observed that in a criminal trial the court is not supposed to give undue importance to omissions, contradictions and discrepancies which do not go to the heart of the matter, and shake the basic version of the prosecution witness." 45. In *Rohtash Kumar v. State of Haryana, (2013) 14 SCC 434* this Court held:- "24. ... The court has to examine whether evidence read as a whole appears to have a ring of truth. Once that impression is formed, it is undoubtedly necessary for the court to scrutinise the evidence more particularly keeping in view the deficiencies, drawbacks and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is against the general tenor of the evidence given by the witnesses and whether the earlier evaluation of the evidence is shaken, as to render it unworthy of belief. Thus, the court is not supposed to give undue importance to omissions, contradictions and discrepancies which do not go to the heart of the matter, and shake the basic version of the prosecution witness..."

**HIGH COURT OF JAMMU & KASHMIR
AND LADAKH JUDGEMENTS**

CRA No.9900002/2014

Shanker v. State of J&K

Decided on: March 31, 2022

Division Bench of Hon'ble High Court of Jammu & Kashmir and Ladakh while deciding an appeal by the appellant directed against the judgment of conviction and order of sentence passed by the learned 3rd Additional Sessions Judge Jammu whereby the accused has been held guilty for commission of offenses punishable under Sections 302/376 RPC and sentenced to death, reiterated the principles for founding conviction on the basis of circumstantial evidence. Hon'ble Bench referred to the Three-Judge Bench of Hon'ble Supreme Court in the case of *Hanumant v. State of M.P, AIR 1952 SC 342* and *Venkatesan v. State of Tamil Nadu, (2008) 8 SCC 456* and reiterated the settled position that the conviction can be based solely on circumstantial evidence but it should be tested by the touch stone of law laid down in the case of *Hanumant (supra)*. It was observed

14. Having heard learned counsel for both the sides and perused the material on record, We find that in the instant case there are no eyewitnesses to the commission of crime and the entire case of the prosecution rests on circumstantial evidence. Therefore, before proceeding further to analyze the evidence on record and appreciate the rival contentions, it is 13 CRA No.9900002/2014 necessary to remind ourselves about the well settled legal position that when the case of the prosecution is founded on circumstantial evidence, such evidence must satisfy the tests very succinctly, laid down by a Three-Judge Bench of Hon'ble the Supreme Court in the case of *Hanumant v. State of M.P, AIR 1952 SC 342*, which has become locus classicus on the point. Relevant excerpt of the judgment

is reproduced here under:- "It is well to remember that in cases where the evidence in of a circumstantial nature, the circumstances from which the conclusion of guilt is to be drawn should in the first instance be fully established, and all the facts so established should be consistent only with the hypothesis of the guilt of the accused. Again, the circumstances should be of a conclusive nature and pendency and they should be such as to exclude every hypothesis but the one proposed to be proved. In other words, there must be a chain of evidence so far complete as not to leave any reasonable ground for a conclusion consistent with the innocence of the accused and it must be such as to show that within all human probability the act must have been done by the accused." This judgment has consistently been followed by Hon'ble Supreme Court in series of judgments delivered thereafter."

CrlR No.32/2021

Union Territory of J&K through Anticorruption Bureau v. Sonaullah Ahanger and Ors

Decided on: March 30, 2022

Hon'ble High Court of Jammu & Kashmir and Ladakh in a petition challenging the order passed by learned Special Judge Anticorruption Anantnag by virtue of which the learned Special Judge has closed the prosecution evidence observed that once the part statement of a witness is recorded by the trial court, it becomes the bounden duty of the court to record the remaining statement of the said witness and in this regard, the trial court has to take all necessary steps to secure the presence of the witness. Referring to case Law Bansi Lal v/s Ab. Rashid & Anr, 2007 SLJ 203, Hon'ble Court stressed that all necessary steps must be taken by the Court for securing the presence of said witness so that his remaining statement could be recorded.

CRA No.18/2017

Kamlesh Kumar v. State of J&K

Decided on: 23rd March, 2022

Division Bench of Hon'ble High Court of J&K and Ladakh while considering criminal appeal directed against the judgment and sentence order handed down by the learned Principal Sessions Judge, Udhampur by which the trial Court has convicted the appellant for commission of offences punishable under Sections 302 and 498-A RPC and has sentenced him to rigorous imprisonment for life with fine of Rs.5,000/- for offence under Section 302 RPC and rigorous imprisonment for two years and fine of Rs.1,000/- for offence under Section 498-A RPC explained the concept of circumstantial evidence. Hon'ble Court observed that all Courts before arriving at any judgment must take into consideration the crucial fact that circumstantial evidence is not manipulated by any human agency, which includes the police or other authority investigating the case and should they fail to take into account this important aspect of circumstantial evidence, there is every likelihood of an innocent person being wrongly sent to gallows or jail, as the case may be for no fault except that circumstances implicate him in any particular case." 21. *It is, thus, trite that before convicting a person on circumstantial evidence alone, Court must fully satisfy itself that circumstances are conclusively established and point convincingly to the guilt of the accused and that the accused is unable to satisfactorily explain the circumstances that leave him/her in dock.*" Hon'ble Court also referred to *Sharad Birdichand Sarda v. State of Maharashtra, AIR 1984 SC 1622* and *Hanumant v. State of M.P., AIR 1952 SC 343* and restated the five golden principles of circumstantial evidence.

“Judicial restraint and discipline are necessary to the orderly administration of justice. The duty of restraint and the humility of function has to be the constant theme for a Judge, for the said quality in decision-making is as much necessary for the Judges to command respect as to protect the independence of the judiciary.”

**Prafulla C. Pant, J. In State of U.P.
v. Anil Kumar Sharma , (2015) 6 SCC 716, para 22**

CIVIL

SUPREME COURT JUDGEMENTS

Civil Appeal No(S). 2064 Of 2022 State Of Punjab and Others v. Dev Brat Sharma

Decided on: March 16, 2022

Hon’ble Supreme Court bench comprising Justices Dinesh Maheshwari and Vikram Nath observed that under Section 7 (i) of the Court Fees Act, 1870, ad valorem Court-fees would be payable on the amount claimed if the suit is a money suit for compensation and damages. It was also observed that it is only with respect to the category of suits specified in clause (iv) of Section 7 of the Act that the plaintiff has the liberty of stating in the plaint the amount at which relief is valued and Court-fees would be payable on the said amount.

Hon’ble Bench was considering an appeal against the decision of Punjab & Haryana High Court wherein it had held that as the actual and specified amount of damages was still to be assessed and determined by the Trial Court, as such, the direction of the Trial Court to pay ad valorem Court fees on the amount of Rs.20 lakhs was not sustainable in law. Hon’ble Supreme Court noted that a reading of the relief clause would make it abundantly clear that this was a money suit for compensation/damages and not falling under any of the categories mentioned in clause (iv) of Section 7 of the Act.

“Therefore, there would be no question at all for the applicability of Section

7(iv) of the Act. It would be a simple case of applicability of Section 7(i) of the Act and ad valorem Court-fees would have to be paid as per Schedule 1 entry 1...It is only with respect to the category of suits specified in clause (iv) of Section 7 of the Act that the plaintiff has the liberty of stating in the plaint the amount at which relief is valued and Court-fees would be payable on the said amount. Liberty given under clause (iv) to the specific suits of six categories is not available to the suits falling under any other clause, be it (i), (ii), (iii) etc. Once the suit in question was a money suit for compensation and damages falling under clause (i) of Section 7 of the Act, ad valorem Court-fees would be payable on the amount claimed.”

Civil Appeal No. 1848 of 2022; Sri Biswanath Banik & Anr. v. Smt. Sulanga Bose & Ors.

Decided on: March 14, 2022

Hon’ble Supreme Court bench comprising Justices MR Shah and BV Nagarathna while setting aside the judgment of the Calcutta High Court which rejected a plaint on the ground that suit for declaratory relief under Section 53A of the Transfer of Property Act was not maintainable, observed that while considering an application for rejection of plain under Order VII Rule 11 CPC, the Court has to go through the entire plaint averments and cannot reject the plaint by reading only few lines/passages and ignoring the other relevant parts of the

plaint. It was observed *"Only in a case where on the face of it, it is seen that the suit is barred by limitation, then and then only a plaint can be rejected under Order VII Rule 11 (d) CPC on the ground of limitation. At this stage what is required to be considered is the averments in the plaint. For the aforesaid purpose, the Court has to consider and read the averments in the plaint as a whole. As observed and held by this Court in the case of Ram Prakash Gupta (supra), rejection of a plaint under Order VII Rule 11(d) CPC by reading only few lines and passages and ignoring the other relevant parts of the plaint is impermissible."*

Civil Appeal No. 1382 of 2022
Padhiyar Prahladi Chenaji (Deceased)
Through L.R.S v. Maniben Jagmalbhai
(Deceased) Through L.R.S And Ors.
Decided on: March 03, 2022

Hon'ble Supreme Court bench comprising Justices MR Shah and BV Nagarathna observed that a suit for permanent injunction is not maintainable against the true owner of the property when the dispute with respect to title is settled against the plaintiff. It was observed that once the suit is held to be barred by limitation qua the declaratory relief, the prayer for permanent injunction, which is a consequential relief can also be said to be barred by limitation. It was observed *" In a given case, the plaintiff may succeed in getting the injunction even by filing a simple suit for permanent injunction in a case where there is a cloud on the title. However, once the dispute with respect to title is settled and it is held against the plaintiff, in that case, the suit by the plaintiff for permanent injunction shall not be maintainable against the true owner. In such a situation, it will not be open for the plaintiff to contend that though he/she has lost the case so far as the title dispute is*

concerned, the defendant – the true owner still be restrained from disturbing his/her possession and his/her possession be protected." Further, with regard to the relief of injunction, it was held that where once a suit is held not maintainable, no relief of injunction can be granted.

"An injunction is a consequential relief and in a suit for declaration with a consequential relief of injunction, it is not a suit for declaration simpliciter, it is a suit for declaration with a further relief. Whether the further relief claimed has, in a particular case as consequential upon a declaration is adequate must always depend upon the facts and circumstances of each case. Where once a suit is held not maintainable, no relief of injunction can be granted. Injunction may be granted even against the true owner of the property, only when the person seeking the relief is in lawful possession and enjoyment of the property and also legally entitled to be in possession, not to dispose him, except in due process of law."

Special Leave Petition (Civil) Nos. 32875
-32876 Of 2018
F. Liansanga & Anr. v. Union of India &
Ors.
Decided on: March 02, 2022

In Special Leave Petitions, filed by the Petitioners against the judgment and order passed by the Gauhati High Court allowing the Civil Revisional Petition and setting aside an order passed by the Court of the Senior Civil Judge, Aizawl whereby the Court of Senior Civil Judge had condoned the delay of 322 days in filing Money Suit, Hon'ble Supreme Court Bench comprising Justices Indira Banerjee and JK Maheshwari has observed that the power to condone delay under Section 5 of the Limitation Act does not apply to suits. Placing reliance on *Popat Bahiru*

Govardhane & Others vs. Special Land Acquisition Officer & Anr. reported in (6457) 10 SCC 765, it was also observed that the limitation may harshly affect a particular party, but it has to be applied with all its rigor when the statute so prescribes.

Civil Appeal Nos.1701-1702/2022

Darshan Kaur Bhatia v. Ramesh Gandhi & Anr.

Decided on: February 28, 2022

Hon'ble Supreme Court Bench comprising Justice Sanjay Kishan Kaul and Justice M. Sundresh reiterated that a suit for declaration based on adverse possession having matured into ownership is maintainable. In this case, the plaintiff filed a suit for declaration of title pleading that the adverse possession on the suit property granted him certain rights. The Trial court allowed the application filed by defendant under Order VII Rule 11, Code of Civil Procedure and rejected the plaint. In revision, the High Court held that plaintiff cannot seek a declaration based on adverse possession having matured into ownership. It was observed that the plea of adverse possession was only a plea of defence and not of establishing rights as a plaintiff though injunction suit would be maintainable. Referring to *Ravinder Kaur Grewal & Ors. v. Manjit Kaur & Ors.*- 2019 (8) SCC 729, it was observed "*The High Court on examination of judgment of this Court had opined that the appellant as plaintiff cannot seek a declaration based on adverse possession having matured into ownership on the premise that the plea of adverse possession was only a plea of defence and not of establishing rights as a plaintiff though injunction suit would be maintainable. The moot point is that the legal position in this behalf now stands enunciated to the contrary in terms of the judgment of this Court in*

Ravinder Kaur Grewal & Ors. v. Manjit Kaur & Ors.- 2019 (8) SCC 729."

**HIGH COURT OF JAMMU & KASHMIR
AND LADAKH JUDGEMENTS**

CR No. 85/2020

Mohd. Ali and Ors. v. Sanjay Kumar and Ors.

Decided on: March 30, 2022

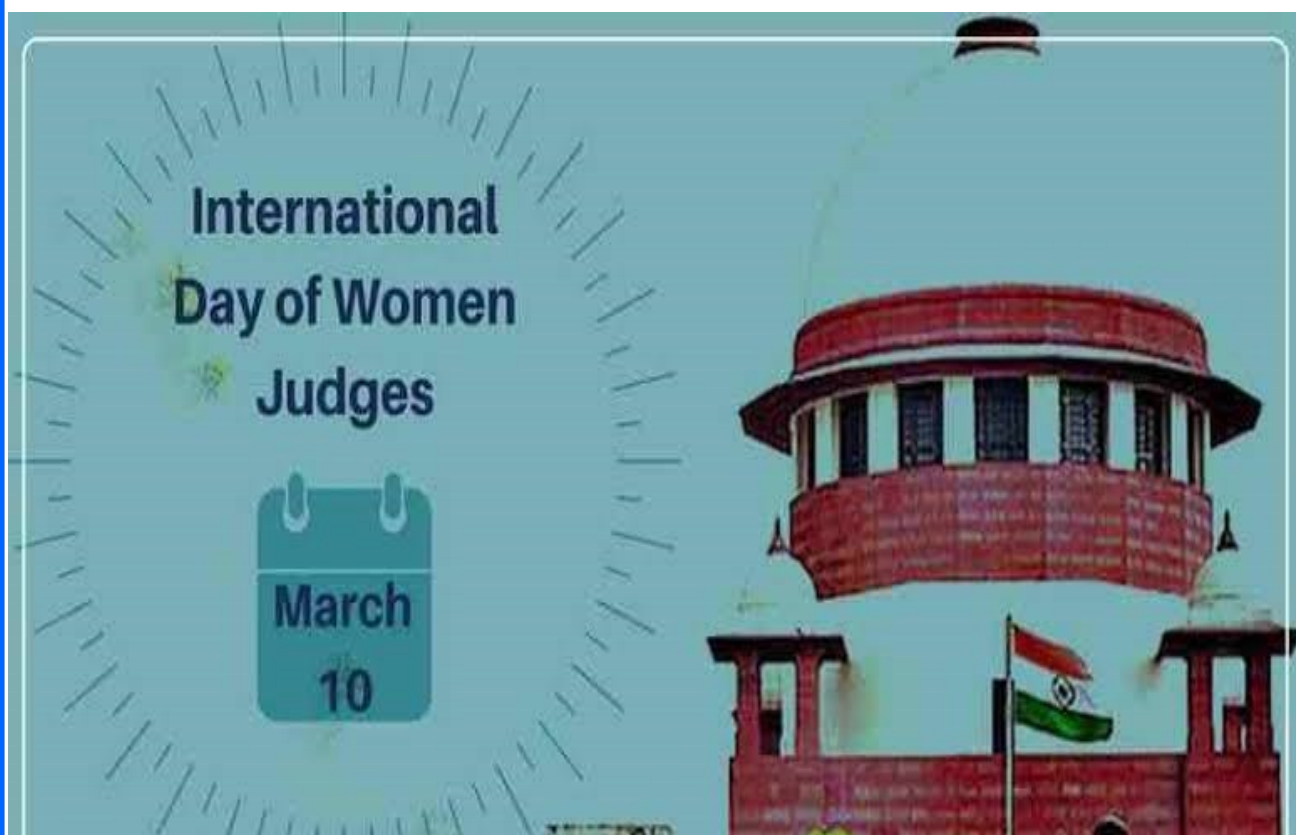
Hon'ble High Court of Jammu & Kashmir and Ladakh in a petition seeking setting aside of Order passed by the Court of Additional District Judge Udhampur (Appellate Court) in Miscellaneous appeal reiterated the ambit and scope of order 39 of Code of Civil Procedure which provided for temporary injunctions and interlocutory orders. Hon'ble Court observed that the power to grant an injunction is extraordinary in nature it has to be exercised cautiously and with circumspection and that a party is not entitled to an injunction/interim relief as a matter of right or course. Grant of injunction/interim relief is in the discretion of the Court. Hon'ble court also referred to the judgment of the Apex Court titled as *Gujarat Bottling Co. Ltd. and Others Vs. Coco Cola and Others*, reported in 1995 (5) SCC 545 wherein it has been held that besides the cardinal principles governing and regulating grant or refusal of an injunction, the conduct of a party has to be kept in view. It was held "*If the conduct of the party claiming an injunction is blameworthy for having approached the Court for seeking an injunction with unclean hands or having suppressed material for relevant facts, the party would not be entitled to an injunction.*"

CM No. 739/2020

**State v. M/s Bhatia Builders and another
Decided on: March 24, 2022**

Hon'ble High Court of Jammu & Kashmir and Ladakh while deciding an appeal under Section 34 of the Jammu and Kashmir Arbitration and Conciliation Act, 1997, challenging the award under the Jammu and Kashmir Arbitration and Conciliation Act, 1997 and considering the plea seeking condonation of 398 days' in filing the application for restoration of the appeal observed that sufficient cause is to be construed liberally to advance the case of substantial justice "16. *It is well settled that rules of limitation are not meant to destroy the rights of the parties but only to see that the parties do not resort to dilatory tactics. Therefore, sufficient cause is to be construed*

liberally to advance the case of substantial justice. Hon'ble Court referred to "State of West Bengal vs. Administrator, Howrah Municipality & Ors. 1972 (1) SCC 366" to state that the settled preposition is in Section 5 of the Limitation Act must receive a liberal construction so as to advance substantial.



ACTIVITIES OF THE ACADEMY

One Day Special Training Programme for Judicial Officers on “Writing Judgments and Orders, Legal Reasoning, Research, Writing Style, Judgment Writing in Civil Cases, Judgment writing in Criminal Cases, Chapter XXVII Cr PC, Writing Miscellaneous orders, Writing the first Order”

J&K Judicial Academy, organized One Day Special Training Programme for Judicial Officers on “Writing Judgments and Orders, Legal Reasoning, Research, Writing Style, Judgment Writing in Civil Cases, Judgment writing in Criminal Cases, Chapter XXVII Cr PC, Writing Miscellaneous orders, Writing the first Order”



ment writing in Criminal Cases, Chapter XXVII Cr PC, Writing Miscellaneous orders, Writing the first Order” at Judicial Academy, Jammu on 19th March, 2022.

The training programme was inaugurated by Hon’ble Mr. Justice Rajnesh Oswal, Judge, High Court of J&K and Ladakh. Mr. Kikar Singh Parihar, Former District & Sessions Judge was the resource person in the programme.

In the inaugural session, Mr. Kikar Singh Parihar remarked that the Judicial Academy is a centre of learning where judicial minds are trained for meeting future challenges. He said that constant efforts must be made for enhancing legal acumen and for elevating perception of law for better justice delivery system.

Hon’ble Mr. Justice Rajnesh Oswal, Judge, High Court of Jammu & Kashmir and Ladakh in his inaugural address, emphasized that *Justice must not only be done but*

must also be manifestly and undoubtedly be seen to be done which is manifested through clear, coherent and concise judgments authored by judges. He described judgments as



literally compositions involving discussion of facts, a distillate of issues, appreciation of evidence led during the trial, application of law, reasoning and findings serving the cause of substantive justice. He highlighted the importance of reasoning and described it as the soul and spirit of a good judgment.

Mr. Sanjay Parihar, Director, J&K Judicial Academy presented the welcome address and gave an overview of the programme. He stated that the judiciary has scrupulously discharged its responsibility of dispensing justice which is evident through the judgements penned by judges, conclusively determining the rights of parties. He described reason as the most important element of a judgement which reflects the working of a judicial mind, its knowledge of law and grasp of the fact or law involved in the matter before the court.

In the first technical session, Mr. Sanjay Parihar, Director, J&K Judicial Academy and Mr. Kikar Singh Parihar educated the judicial officers on various aspects of writing judgments and orders. Emphasis was laid on developing and toning the legal reasoning attributes for improved judgement and order writing. The resource person dealt with the tools and techniques for enhanced judgement and order writing skills.

In the second technical session, detailed deliberations were made on judgement and order writing. The participants were also trained on writing miscellaneous and first orders.

An interactive session followed where the participants deliberated and discussed the various aspects of the subject topic and raised queries which were satisfactorily settled by the resource persons.

One Day Refresher Course in order to update their legal knowledge and to discuss practical problems faced by them in justice delivery, emphasis on conduct, procedure, application of law and drawing of interim, final orders and judgments

J&K Judicial Academy, organized One Day Refresher Course in order to update their legal knowledge and to discuss practical problems faced by them in justice delivery, emphasis on conduct, procedure, application of law and drawing of interim, final orders and judgments for Civil Judges Junior Division” at J&K Judicial Academy, Srinagar on 23rd March, 2022 .

The training programme was inaugu-



rated by Hon'ble Mr. Justice Javed Iqbal Wani, Judge, High Court of J&K and Ladakh. Hon'ble Mr. Justice Rashid Ali Dar, Former Judge High Court of J&K and Ladakh was the resource person in the programme. In the

inaugural session, Hon'ble Mr. Justice Rashid Ali Dar remarked that the Judicial Academy is a centre of learning where judicial minds are trained for meeting future challenges. He said that constant efforts must be made for enhancing legal acumen and for elevating perception of law for better justice delivery system. Hon'ble Mr. Justice Javed Iqbal Wani, Judge, High Court of Jammu & Kashmir and Ladakh in his inaugural address, emphasized that it is most appropriate to train and refresh judicial officers on this significant concept in view of its indomitable importance in the justice delivery mechanism. This salutary principle begets the idea of transparency in the judicial system and one certain way of its manifestation is through Judgments which are essentially-writings of judges, expressing opinions and making considered decisions in the process of evaluation and determination of rights of litigating parties. The collateral motives are to clarify own thoughts, to explain the decision to the parties, to communicate reasons underlying the decision, and to provide reasons for the appellate Court to consider. While writing a judgment, its scribe or author must be conscious of his role and responsibility of proceeding wisely and deciding impartially. He must dispel any hovering fear of the reaction of parties, fellow colleagues or superiors once his judgment is in public domain. Another important aspect and very pertinent one, that the Judgment must breathe clarity, coherence and conciseness with the additional embellishments of convincingness and reasoning. When a judgment is written with clarity, coherence and conciseness, even a common man can figure out the contours of law, which otherwise are difficult for him to navigate. Reasons given by a judge in a judgment indicate the working of his or her mind, approach grasp of the question of fact and law involved in the case

and the depth of knowledge of law. Reason, therefore, is the soul and spirit of a good judgment. These are exacting requirements but they are subservient to what, after all, is the main object of a judgment, which is substantive justice. At the same time, unnecessary lengthy judgments invite criticism and are boring. Therefore, judgments must be explanatory yet lucid and certainly devoid of unnecessary enthusiasm or literary allusion. The best judgments are those where a theme is developed in a logical sequence from the opening to the conclusion and which clearly states the underlying legal principles. Mr. Sanjay Parihar, Director, J&K Judicial Academy presented the welcome address and gave an overview of the programme. He stated that the judiciary has scrupulously discharged its responsibility of dispensing justice which is evident through the judgements penned by judges, conclusively determining the rights of parties. He described reason as the most important element of a judgement which reflects the working of a judicial mind, its knowledge of law and grasp of the fact or law involved in the matter before the court. In the first technical session, Hon'ble Mr. Justice Rashid Ali

Dar and Director, J&K Judicial Academy educated the judicial officers on various aspects of writing judgments and orders. Emphasis was laid on developing and toning the legal reasoning attributes for improved judgement and order writing. The resource person dealt with the tools and techniques for enhanced judgement and order writing skills. In the second technical session, detailed deliberations were made on judgement and order writing. The participants were also trained on writing miscellaneous and first orders. An interactive session followed where the participants deliberated and discussed the various aspects of the subject topic and raised queries which were satisfactorily settled by the resource persons.



**INTERNATIONAL
WOMEN'S DAY**
TUESDAY, MARCH 8, 2022