

HIGH COURT OF JUDICATURE AT PATNA

Memo No. 34279 /A.D. (Rules)

Dated 15th April, 2026

CIRCULAR ORDER NO. 01/2026

Subject: Order dated 05.02.2026 passed by the Hon'ble Supreme Court of India in SLP (Crl.) No. 18886/2025 (Reginamary Chellamani Versus State Rep by Superintendent of Customs).

The Hon'ble Supreme Court of India in **Criminal Appeal arising out of SLP (Crl.) No. 18886/2025 (Reginamary Chellamani Versus State Rep by Superintendent of Customs)**, vide order dated 05.02.2026, has been pleased to observe as follows:

“It is incumbent upon the trial Courts dealing with criminal proceedings, faced with such situations, to inform the accused of their right to legal representation and their entitlement to be represented by legal aid counsel in the event they cannot afford a counsel. The trial Courts shall record the offer made to the accused in this regard, the response of the accused to such offer and also the action taken thereupon in their orders, before commencing examination of the witnesses. This procedure requires to be adopted and put in practice scrupulously.”

In order to ensure uniform compliance with the directions of the Hon'ble Supreme Court, the following instructions are hereby issued for strict adherence by all criminal courts in the State:

1. **Informing the Accused of Right to Counsel:** Before the commencement of examination of witnesses, the trial court shall inform the accused clearly and specifically that:

- (a) He/ She has a right to be represented by an advocate of his/ her choice, and
 - (b) If the accused cannot afford to engage a private counsel, he/ she is entitled to free legal aid through Legal Services Authorities.
2. **Offer of Legal Aid:** Where the accused states that he/ she does not have legal representation or is unable to engage counsel, the court shall:
- (a) Inform the accused of the availability of free legal aid, and
 - (b) Take necessary steps to provide legal aid counsel through the concerned District Legal Services Authority (DLSA) without delay.
3. **Recording in Order Sheet:**
- (i) The Presiding Officer shall specifically record in the order sheet:
 - (a) That the offer of legal representation/ legal aid was made to the accused.
 - (b) The response of the accused to such offer.
 - (c) The action taken by the court in consequence of such response.
 - (ii) The learned Trial Court, while recording the offer to provide legal representation to the accused shall also take the signature/ LTI of the accused in the margin of the order-sheet.
4. **Condition Precedent for Witness Examination:** The examination of prosecution witnesses shall not ordinarily commence unless:
- (a) The above procedure has been followed, and
 - (b) The same has been duly recorded in the order sheet.
5. **Strict Compliance:** All trial courts shall scrupulously follow the above procedure in every criminal trial to safeguard the right to fair trial and effective legal representation.

The Principal District and Sessions Judges shall circulate these instructions to all criminal courts under their jurisdiction, and ensure strict compliance with the directions contained herein.

(IX-03-2026)

Adm. (Rules) Dept.

Memo No. 34280-219 /AD (Rules)

By order of the Court


Registrar General

Dated, the 15th April, 2026

Copy forwarded to the :-

1. Secretary General, Supreme Court of India, New Delhi;
2. All Principal District and Sessions Judges of Bihar;
3. All the Presiding Officers of the Criminal Courts in the State of Bihar through the respective Principal District and Sessions Judge;
4. The Director, Bihar Judicial Academy, Gaighat, Patna;
for information and necessary action.


Registrar General

Memo No. 34320 /AD. (Rules)

Dated, the 15th April, 2026

Copy forwarded to the Deputy Registrar (IT) of this Court with a direction to upload this circular order on the official website of the Court.


Registrar General