

MADHYA PRADESH HIGH COURT BAR ASSOCIATION

Silver Jubilee Hall

High Court Campus, Jabalpur

Secretary

PARITOSH TRIVEDI

Advocate

Mob.: 8839696080, 9425176080

President

DHANYA KUMAR JAIN

Advocate

Mob.: 9300787853, 9424323429



Senior Vice President
Amit Jain

Advocate

Mob. 7987766263
9713718977

+

Vice President
Prashant Avasthi

Advocate

Mob. 9425389007

+

Joint Secretary
Yogesh Soni

Advocate

Mob. 9039692379

+

Treasurer
Rajendra Pratap Singh

Advocate

Mob. 8839488134

+

Library In-Charge
Rajneesh Upadhyay

Advocate

Mob. 8770693844

+

Executive Member
Manoj Kushwaha

Mob. 9907454817

+

Smt. Sapna Tiwari

Mob. 9131872884

+

Vinod Mishra

Mob. 9407058197

+

Garima Tiwari

Mob. 7000354470

+

Ravindra Pratap Singh

Mob. 9425645010

+

Priyank Chansoria

Mob. 8319881582

+

Smita Kehri

Mob. 9827266335

Reg No.....

Receipt Clerk

High Court Jabalpur

Ref. No. 11101/2026

To,

His Lordship Hon'ble Shri Justice Sanjeev Sachdeva
Chief Justice,
High Court of Madhya Pradesh,
Jabalpur (M.P.)

Subject:

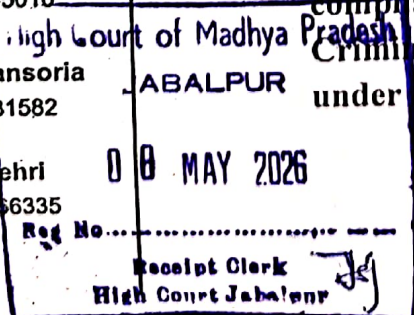
Representation regarding serious concerns being
faced in Bail Matters, Single Bench Criminal
Appeals, Criminal Revisions and procedural
difficulties affecting access to justice before the High
Court of Madhya Pradesh.

Respected Hon'ble Chief Justice Sir,

With utmost respect and humility, I, Yogesh Soni, Advocate and Joint Secretary, High Court Bar Association, Jabalpur, most respectfully seek to place before Your Lordship certain serious concerns presently being faced by advocates as well as litigants in criminal matters, particularly in Bail jurisdictions, Single Bench Criminal Appeals, Criminal Revisions and procedural aspects relating to urgent listings before the Hon'ble High Court.

At the outset, it is respectfully submitted that the present functioning and approach being experienced in several Bail Matters is causing immense hardship to litigants and their families. It has repeatedly been observed that despite settled principles laid down by the Hon'ble Supreme Court regarding liberal consideration in bail matters, especially in offences punishable up to seven years, the mandatory compliances under Sections 41 and 41-A of the Code of Criminal Procedure and the corresponding provisions under Section 35(3) of the Bharatiya Nagarik Suraksha

Date: 08/05/2026



U.P. HIGH COURT BAR ASSOCIATION

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Sanhita, 2023 are often not being adequately examined while deciding bail applications.

The Hon'ble Supreme Court, in catena of judgments, has consistently held that non-compliance of the safeguards contemplated under Sections 41 and 41-A Cr.P.C. would render arrest arbitrary and illegal. However, in actual practice, such mandatory statutory protections are frequently not being meaningfully considered even after filing of the charge-sheet/challan, and bail applications are being dismissed mechanically without proper judicial scrutiny of these binding legal safeguards.

It is further respectfully submitted that in several matters, even after filing of the charge-sheet/challan before the competent Court, orders are subsequently passed observing that "investigation is still continuing" and therefore bail is not being granted. Such factual inconsistencies in judicial orders are causing grave prejudice to litigants and are creating serious concern amongst members of the Bar as well as the litigant public.

Another matter of serious concern is the present trend of excessive negative disposals in criminal matters. The disposal figures presently reflected appear to indicate that a substantial number of criminal matters are being dismissed at the threshold stage itself, often without adequate judicial consideration. It is respectfully submitted that while judicial efficiency and disposal are undoubtedly important, statistical disposal figures should not overshadow the larger constitutional obligation of ensuring substantive and meaningful justice to litigants.

JHARKHAND PRADESH HIGH COURT BAR ASSOCIATION

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Even in matters triable by the Judicial Magistrate First Class, where offences are comparatively less severe and the charge-sheet has already been filed, an extremely harsh approach is being experienced in bail matters. This has resulted in considerable anxiety, frustration and loss of confidence amongst litigants and members of the legal fraternity.

It is further respectfully submitted that in several Single Bench Criminal Appeals, applications relating to suspension of sentence and grant of bail are often not being effectively considered or listed through mention memos unless the appellant has already undergone nearly half of the awarded sentence. Such a situation is causing serious concern amongst litigants and advocates. It is respectfully submitted that if, during the final hearing of the appeal, the conviction or sentence is ultimately found to be unsustainable in law, the appellant would still have already undergone a substantial portion of the sentence unnecessarily. Requiring an appellant to first suffer incarceration for nearly half of the sentence before meaningful consideration of interim relief may, in certain cases, result in irreversible prejudice and may not fully align with the larger principles of fairness, equity and protection of personal liberty guaranteed under the Constitution of India.

Further, in Criminal Revision matters, particularly those relating to enhancement or reduction of maintenance, it is being frequently experienced that revisions are being disposed of at the very First Hearing itself by granting liberty to approach the subordinate court again. If such an approach continues routinely, the very scope, efficacy and purpose of invoking revisional jurisdiction before the Hon'ble High Court may stand substantially diluted.

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It is also respectfully brought to Your Lordship's notice that advocates are facing considerable procedural difficulties regarding **Mention Memos** and urgent listings. In many Courts, physical mention memos are not being accepted, while online/ERP mention memos frequently do not result in any effective listing or assignment of dates. In several urgent matters, mention requests are mechanically rejected without disclosure of any reason, thereby causing serious hardship even in matters involving personal liberty and urgent interim protection.

The legal fraternity firmly believes that in matters concerning personal liberty, especially **Bail Matters and suspension of sentence applications**, the approach of the Court ought to remain in consonance with the constitutional principles repeatedly laid down by the Hon'ble Supreme Court. At the very least, mandatory statutory safeguards and binding judicial precedents deserve proper consideration and faithful implementation while adjudicating such matters.

It is further respectfully submitted that concerns relating to the aforesaid issues have continuously been expressed by several members of the Bar and litigants for a considerable period of time. Initially, there was a genuine expectation amongst the advocates' fraternity that these difficulties were temporary in nature and would gradually stand resolved with passage of time. However, as these issues have continued persistently, the concern and dissatisfaction amongst practicing advocates has substantially increased.

MPHJA PRADESH HIGH COURT BAR ASSOCIATION

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It is also respectfully submitted that an ordinary advocate often hesitates to openly raise such institutional concerns individually, particularly in matters relating to judicial functioning and procedural difficulties. In such circumstances, members of the Bar repose their faith and expectation in the Bar Association and its office bearers to place their genuine grievances and practical difficulties before the Hon'ble Chief Justice of the Institution so that appropriate consideration and effective administrative resolution may take place through the wisdom and leadership of Your Lordship.

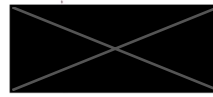
Therefore, through this humble representation, it is earnestly requested that Your Lordship may kindly take cognizance of the aforesaid issues and consider taking appropriate corrective and administrative measures so that litigants are not deprived of effective justice and the confidence of the Bar and litigant public in the justice delivery system remains strengthened.

The advocates' fraternity has full faith in the wisdom, sensitivity and administrative leadership of Your Lordship, and it is with this hope and confidence that these concerns are being respectfully placed before Your Lordship for kind consideration.

With highest regards,



Amit Jain
Acting president
MPHCBA, Jabalpur



Paritosh Trivedi
Secretary
MPHCBA, Jabalpur



Yogesh Soni
Joint Secretary
MPHCBA, Jabalpur

