

# HIGH COURT OF JAMMU & KASHMIR AND LADAKH

(Office of the Registrar General at Jammu)

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**Subject: Amendments to the Protocol for Recording Evidence of Vulnerable Witnesses.**

## NOTIFICATION

No.: 139 of 2022/RG

Dated: 11-03-2022

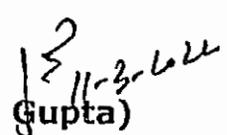
Pursuant to the judgment passed by the Hon'ble Supreme Court of India on 11.01.2022 in Miscellaneous Application No. 1852 of 2019 in Criminal Appeal No. 1101 of 2019 titled 'Smruti Tukaram Badade Vs. State of Maharashtra & Anr.', the Hon'ble Chief Justice has been pleased to recast the Clause 3(a) of the 'Protocol for Recording Evidence of Vulnerable Witnesses' notified vide High Court Notification No. 42 dated 29.05.2019, as under:

### **"3. Definitions-**

**(a) Vulnerable Witness-** means and includes:-

- (i) any child witness who has not completed 18 years of age,
- (ii) any victim of sexual violence,
- (iii) any material witness in a dangerous crime,
- (iv) witnesses suffering from "mental illness" as defined under Section 2(s) of the Mental Healthcare Act 2017 read with Section 118 of the Indian Evidence Act 1872;
- (v) any witness deemed to have a threat perception under the Witness Protection Scheme 2018 of the Union Government as approved by the Supreme Court in Mahender Chawla v Union of India, (2019) 14 SCC 615,
- (vi) any speech or hearing impaired individual or a person suffering from any other disability who is considered to be a vulnerable witness by the competent court,
- (vii) such other witness as may be deemed vulnerable by the trial court for reasons therefor to be recorded in writing."

**By Order.**

  
(Sanjeev Gupta)  
Registrar General

No.: 6153-6200/RG/GS

Dated: 11-03-2022

**Copy of above forwarded to the:**

- i. Principal Secretary to Hon'ble the Chief Justice, High Court of J&K and Ladakh,
- ii. Secretary to Hon'ble Mr./Mrs. Justice \_\_\_\_\_  
..... for information of their Lordships.
- iii. Chief Secretary, Union Territory of Jammu & Kashmir,
- iv. Secretary to Government, Department of Law, Justice and Parliamentary Affairs, UT of J&K, Jammu  
..... for information.

- v. Registrar Vigilance, High Court of J&K and Ladakh, Jammu
- vi. Director, J&K Judicial Academy, Jammu
- vii. Registrars Judicial, High Court Wing Jammu/Srinagar,
- viii. Member Secretary, J&K Legal Services Authority, Jammu
- ix. Registrar Rules, High Court of J&K and Ladakh,  
..... for information.
- x. All Principal District & Sessions Judges, UTs of J&K and Ladakh  
..... for information and with the request to circulate this  
Notification amongst all the Judicial Officers and compliance.
- xi. CPC, eCourts, High Court of J&K and Ladakh, for information and getting the  
same uploaded on the official website of the High Court.
- xii. Manager, Government Press, Jammu for publication in the next issue of the  
Government Gazette.
- xiii. Incharge Library, High Court Wing Jammu/Srinagar for information and  
necessary action.

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**Registrar General**