

No.R(J)/66/2022

High Court of Karnataka,
Bengaluru,

Date: 09th June 2022

CIRCULAR

The Hon'ble Court vide order dated 25.05.2022 in Criminal Revision Petition No.491/2012 has passed the following order:

“xxx

Subsequent to the directions given to the registry vide order dated 24.05.2022, the registry has clarified that no records in Criminal Appeal No.571/2011 have been received by the registry of this Court except the letters mentioned by the first Appellate Court. It has also reiterated that under the letter CRR To.No.93/2021, dated 16.04.2021, it is submitted that the records in Criminal Appeal No.571/2011 have been destroyed on 09.12.2019.

It is noticed that in several of the matters, including Criminal Revision Petition No.494/2012, Criminal Revision Petition No.814/2012 and Criminal Revision Petition No.1053/2012, it has been intimated to this Court by the respective trial Courts/Sessions Courts that the records called for by this Court in those matters have been destroyed by them. Probably the same would happen for the reason that, even after filing of the Criminal Revision Petitions or the Criminal Appeals, there would be enormous delay in calling for trial Court/District Court/Sessions Court records, by which time, as per the prevailing rules, those Courts would proceed further in destroying the records. In such an event, it would be very difficult for the Court to proceed further in the matter and a laborious exercise of building-up of records has to be undertaken by the Court or the registry, still, it is not sure that the built-up records would be complete in itself.

Thus, to avoid any such inconvenience which is being repeatedly caused in disposing of Criminal Revision Petitions, Revision Petitions, Appeals (Civil and/or Criminal),

etc., it is advisable if the concerned trial Court/District Court/Sessions Court, are intimated immediately after filing of any Revision Petitions or Appeals (Civil and/or Criminal), before this Court, about filing of such Revision Petition or Appeal, so that, the concerned trial Court/District Court/Sessions Court would not proceed further to destroy the records without hearing further instructions by this Court in the matter. To do the same, the simple procedure the registry may have to adopt is, immediately after filing of Revision Petition or Appeals (Civil and/or Criminal), an auto-generated Email and/an intimation is required to be sent to the concerned trial Court, as well as to the District & Sessions Judge's Court, from the order of which Court, the appeal or revision has been preferred. Invariably such an intimation is also recommendable to be sent in all cases even to the office of the District Court which would be at the helm of the affairs in the particular District. In that regard, suggestion of the Computer Section here was also solicited by me on 24.05.20922 in the evening and they also opined that such a facility can be enabled easily without any difficulty.

Therefore, the learned Registrar General of this Court is hereby directed to secure necessary orders, if required, by the Hon'ble Chief Justice of this Court and make necessary arrangements to ensure that immediately after filing of any Revision Petition or Appeals (Civil and/ Criminal), etc., before this Court, before the matter could proceed for further stage, including scrutiny, an auto-generated Email and/an intimation is sent to the concerned Court, from the order of which, the Revision or Appeal has been preferred. A copy of the same also be sent to the Principal District Judge, District Court of the concerned District for their information and needful in the matter.

The said facility, apart from being provided to the matters that are going to be filed henceforth, be also extended to the pending matters where the records are yet to be called for. The necessary arrangement or the Software development may be made and the above direction be implemented and put in practice within four weeks from today.

In the meantime, the registry to issue a Circular to all the trial Courts/District Courts/Sessions Courts/Tribunals/ Labour Courts etc., coming under the

supervision of this Court to defer in destroying of the records for a period of four weeks from today or till the necessary software development and its implementation is effected by the registry as directed above.

In the instant case, learned Registrar General to submit the formalities to be ensured in building-up of the records afresh.

List the matter on 01.06.2022”.

Therefore, the Trial Courts/District Courts/Sessions Courts/Tribunals/Labour Courts etc., coming under the supervision of this Court are hereby directed to defer in destroying of the records for a period of four weeks from today or till the necessary software development and its implementation is effected.

BY ORDER OF THE HON'BLE CHIEF JUSTICE

Sd/-
(JAISHANKAR)
REGISTRAR (JUDICIAL)

To:

- 1.The Principal District and Sessions Judge of Karnataka State with a request to circulate the same to all the Courts / Tribunals / Labour Courts coming under their jurisdiction.**
- 2.The Additional Registrar General, High Court of Karnataka, Benches at Dharwad and Kalaburagi
3. The Central Project Co-ordinator with a request to web host the Circular
4. P.S. to Hon'ble the Chief Justice.
5. All the Private Secretaries to Hon'ble Judges
6. All the PAs to Registrars with instructions to bring to the notice of the concerned Registrars about the Circular.
7. Office Copy.