

THE HIGH COURT OF KERALA

6081/18

Telephone No. 0484-2562985
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No. D3-36046/2018



Kochi - 682031
Post Box No. 2600
Dated - 18/07/2018

Sub: Summoning of original records by appellate/revisional courts
Directions issued - Regarding.

Ref : 1. Judgment dated 28/03/2018 of the Hon'ble Supreme Court
of India in CrI. Appeal Nos. 1375-1376/2013 etc.
2. Order dated 25/04/2018 of the Hon'ble Supreme Court
of India in CrI. Appeal Nos. 1375-1376/2013.

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In order to give effect to the directions issued in Judgment cited
1st, the Hon'ble Supreme Court by Order cited 2nd has issued certain
instructions with regard to the summoning of records by appellate/revisional
courts so that proceedings are not held up in the trial courts.

In view of the above, the following directions are issued:

1. In cases where lower court records summoned by the High Court or
other appellate/revisional courts pertain to a case which is pending in a trial
court, only photocopy of the records shall be summoned from the trial court,
unless there is a specific order to produce the original records. The trial court
shall transmit only photocopy of the records, unless specifically ordered to
produce the original records. The original shall be retained by the trial court so
that the proceedings before the trial court are not interrupted. In cases where
original record is specifically required, the appellate/revisional court may call
for the records only for perusal and the same should be returned while
keeping a photocopy/scanned copy of the same;

2. In so far as records pertaining to cases already disposed of by the trial
courts are concerned, the existing practice of calling for original records shall
continue. Records pertaining to such cases shall be sent to the appellate court
in original, wherever summoned;

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3. The Judicial Sections of the High Court as well as the appellate/revisional subordinate courts shall identify cases where original records have already been summoned which pertain to a case which is pending in a trial court and return such original records to the trial court after retaining a photocopy/scanned copy thereof;

4. When lower court records are summoned for transmission to the Supreme Court, only scanned/digitized copy of the records shall be called for from the subordinate courts and the subordinate courts shall send only scanned/digitized copy of the records to the High Court while retaining the original records and ensuring that they are not destroyed before the disposal of the case before the Supreme Court. Only in cases where the Supreme Court insists for original records, the original records shall be summoned from the subordinate courts.

(By Order)


18/2/18
A.B. Sheelakumari
Assistant Registrar

To , ,

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All the Principal District Judges & Chief Judicial Magistrates in the State.
(They shall communicate the above to all the judicial officers in their respective districts, immediately)

All Officers and Sections on the Judicial side of the High Court.

The Supreme Court Cell, High Court.

The 'A' Section, High Court.

The 'E' Section, High Court

The Administrative Records Section, High Court.

The Confidential Assistants to the Registrars, High Court.

The Stock File.

Copy Submitted to:

The Honourable Judges

Note: Reply, if any, shall be addressed to the Registrar (Subordinate Judiciary) or can also be sent to fax number shown above.