

CHAPTER 5

RECORDS-THEIR INSPECTION, GRANT
OF COPIES AND DESTRUCTION

PART A-THE INSPECTION OF RECORDS

1. The inspection of records of decided cases will be allowed only under the orders of the Deputy Registrar.

Inspection of decided cases.

2. Records of pending cases will be open, as of right, to the inspection of parties or their authorised agents or any Advocate of the Court who is duly authorised to act in the case or junior counsel whether he be an advocate of a pleader of *such duly* authorized advocate provided the latter certifies on the application that he has authorized his junior to inspect the record of any such case on giving an assurance that he is in communication with one of the parties with a view to being retained in it: Provided also that the inspection of a record will not be permitted on the date fixed for hearing without the special order of the judge or one of the judges before whom the case is pending.

Inspection of pending cases by parties of agents.

3. With the exception of the persons above-mentioned no one will be allowed access to the record of a pending case without the special order of a Judge.

Access to record.

4. Applications under Rules 1 and 3 shall be made by petition duly stamped with a court-fee label of Rs. 2. Other applications for inspection shall be in writing on a printed form to which must be affixed a court-fee label of the value prescribed below :

Court-fee on application for inspection.

- (a) If ordinary inspection is desired, a court-fee label of Rs. 2/-.
- (b) If urgent inspection on the date of hearing or on a day other than the date of hearing is desired a court-fee label of Rs. 5.

Note.-(1) No fees should be charged for the inspection of records in Civil and Criminal cases by the Advocate-General or the Public Prosecutor, as such or by a counsel appearing for Government in Civil and Criminal cases or by counsel appearing for accused or appellant in cases where the latter is a pauper or is defended by counsel provided at Government expense.

Note-(2) No fee shall be charged for inspection by parties and counsel in Criminal cases but fees will have to be paid in case of a-

(a) second inspection of the same record, or

(b) Inspection on the day of the application for inspection is made.

Contents of application, and when and to whom to be presented.

5. Application must distinctly specify the record of which inspection is desired and shall be presented to Bar Room Clerk-

(a) when ordinary inspection on a day other than the date of hearing is desired, between the hours of 10 a.m. and 3 p.m.; and

(b) when urgent inspection is desired on the date of hearing, between 10 a.m. and 11 a.m.

Hours of inspection

6. The Bar Room Clerk will arrange to procure the record of which inspection is desired, and will allow inspection as follows:-

(a) Where inspection is desired on the date of hearing the case.

(b) In all other cases, between the hours of 10 a.m. and 4 p.m.

Copying in pen and ink and marking not allowed. Taking of copy and notes in pencil allowed.

7. (i) No mark shall be made on any record or paper inspected, and no servant of any member of the Bar shall be allowed on any account to take notes for his master except in the presence and under the supervision of his master. The copying of any document or portion of the record in pen and ink is strictly prohibited; but pencil copies of a document or portion of the record may be made by counsel or under his supervision and in his presence by his clerk or servant. Any person infringing or attempting to infringe the rule shall be liable to be deprived of the right to inspect records for such period as the Judges may think fit.

(ii) Except in the case of connected records, inspection of which has been permitted for a single access will be permitted to the record of one case only at a time.

Inspection of records on a single fee.

8. The fee provided in Rule 4 shall entitle the applicant to inspect the record on one day only. If inspection of record is desired on another day, a fresh application shall be required and a fresh fee paid.

Inspection of records for more than one day.

9. Police papers received in the Court in connection with any pending criminal case, and translation of such papers shall not be available for inspection, either by the convict or accused or by his agent or by any legal practitioner retained on his behalf.

Inspection of Police papers prohibited.

10. All applications bearing a Court-fee label of Rs. 5 shall be dealt with by the office at once. All ordinary applications shall be dealt within the ordinary course of business.

Ordinary and urgent applications how dealt with.

11. In the case of an application for ordinary inspection of a pending record, the applicant shall not give the Bar-Room Clerk 24 hours notice, in writing in the application, of the day and the time on which it is desired to inspect such record.

Previous notice to office required for ordinary application.

12. When any records are in the custody of the High Court either in connection with an appeal from a conviction or have been received in accordance with the procedure, laid down in paragraph 6(b) of Chapter 25-E, Rules and Orders, Volume III, the Registrar of the High Court, on being informed by the Government that an appeal against acquittal is contemplated shall hand over the required record to the Advocate-General on demand during such period as they not required for the purposes of the appeal.

Inspection by Advocate-General of certain records for purposes of filing appeal against acquittal..

13. In order to trace particulars of a suit or document, counsel may, with the previous permission writing of the Deputy Registrar and in the presence of a court official, inspect Civil and Criminal registers of the Court on behalf of parties, free of charge.

Inspection of registers free of charge.

[54]14. Unattested photostat copies of the permissible documents can be obtained by the eligible persons as mentioned in Rule 2 of this Chapter and as mentioned in Chapter 5-B of this Volume.

15. The rate of fees shall be Re. 1 per page]

Note:- “Unattested record of permissible documents can be obtained electronically by the eligible persons as mentioned in Rule 2 of this Chapter and as mentioned in Chapter 5-B of this Volume subject to charges as under:-

Rs. 100/- upto 500 pages, thereafter Rs. 25/- per 500 pages, in cases where any sorted record is applied for then the fee shall be Rs. 10/- per page.”