

RAJASTHAN HIGH COURT, JODHPUR

-:: CIRCULAR ::-

No. : 16 /P.I/2023

Date: 13/12/2023

Hon'ble Supreme Court in Judgment dated 28.03.2018 in Criminal Appeal No. 1375-1376/2013(Asian Resurfacing of Road Agency and Anr. Vs Central Bureau of Investigation) has observed as under:-

Para 35. ... In an attempt to remedy this, situation, we consider it appropriate to direct that in all pending cases where stay against proceedings of a civil or criminal trial is operating, the same will come to an end on expiry of six months from today unless in an exceptional case by a speaking order such stay is extended. In cases where stay is granted in future, the same will end on expiry of six months from the date of such order unless similar extension is granted by a speaking order. The speaking order must show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalized. The trial Court where order of stay of civil or criminal proceedings is produced, may fix a date not beyond six months of the order of stay so that on expiry of period of stay, proceedings can commence unless order of extension of stay is produced.

Further, in order dated 25.04.2018 in the above case Hon'ble Supreme Court has observed that:-

Para 4 : To give effect to directions in judgment of this Court dated 28.03.2018, noted above, we direct that whenever original record has been summoned by an appellate / Revisional Court, photocopy/ scanned copy of the same may be kept for its reference and original returned to the trial courts forthwith.

Para 5 : We also direct that if in future the trial court record is summoned, the trial courts may send photocopy / scanned copy of the record and retain the original so that the proceedings are not held up. In cases where specifically original record is required by holding that photocopy will not serve the purpose, the appellate / Revisional Court may call for the record only for perusal and the same be returned while keeping a photocopy / scanned copy of the same.

Further, I am to refer this office Circular no. 4/P.I. dated 22.05.2018 by which it was enjoined upon all the Presiding Officers to ensure the compliance of the directions passed by the Hon'ble Supreme Court in the above orders.

C.P. Shrivastava
13/12/2023

Therefore, while reiterating the earlier directions all the Presiding Officers of the Subordinate Courts/Tribunals are enjoined upon to ensure the compliance of the directions issued by Hon'ble Supreme Court in letter and spirit.

BY ORDER

C.P. Shrivastava
REGISTRAR GENERAL

No. : Gen./XV/71/2023/ 2433

Date : 13/12/2023
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Copy forwarded to the followings:-

- 1) All the District and Sessions Judges with the request to circulate the same amongst all the Presiding Officers of the Subordinate Courts/Tribunals of their judgship for information and necessary compliance.
- 2) Registrar-cum-CPC, Rajasthan High Court Bench Jaipur with the request to upload the same on the official website of Rajasthan High Court.

C.P. Shrivastava
REGISTRAR GENERAL

13/12/2023