

**Interactive Knowledge Exchange and Skills
Development Program at District Court Meerut**

UTTHAN

**Unique Transformative Techniques
by Holistic Approach & Novation**

Topics

Maintenance of record Civil and Criminal

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Maintenance of records and order sheet in civil trial

Topics

- Title and case Number
- Contents of records
- Order Sheet
- General Index
- Marking of paper

Introduction

- The records in civil cases are preserved by rules framed under General Rule(Civil), 1957. The rules are modified by Hon'ble High Court, Allahabad time to time by issuing Circular Letters.
- Chapter V of the General Rule (Civil) basically deals with the preparation of records in civil cases. The records are prepared to maintain the files of cases by giving it a number, title, marking etc. Proper preparation of records helps in trial, enquiry, judgment and at various other levels. The records are prepared to protect them from any type of loss.

Title of case

- Every civil case needs to have a title to give identification to that case. Title of a case gives a name to the case.
- Title- Title Shall be Plaintiff name Vs. Defendant name in all cases e.g. Suppose Ramesh has filed suit for recovery of money against Mahesh then title will be Ramesh Vs. Mahesh. If there are many plaintiff/defendant then first plaintiff/defendant name will be title e.g. Ramesh etc. Vs. Mahesh etc.

Case Number

- Whenever a civil case is filed then case number would be assigned to that case by each court. Each Civil Judge(Jr. Div.) and Civil Judge(Sr. Div.) court will maintain different registers(Register No. 3) for having record of the cases filed in that court. The Serial number of that register along with year(in which case is filed) will be assigned to that case.
- e.g. A civil suit has been filed in court of Civil Judge(Jr. Div.) in year 2023, there is already 14 entry in register. Then the original suit will be numbered as 15/2023.

Contents of records

- Every sheet of every document shall bear on the right hand centre portion on the observe side- The name of court, the case number, title.
- The record of case will include every paper in the case i.e. from institution of case to judgment and from institution of execution till final disposal of execution(Rule 151)
- As per rule 151, There shall be only one record which will have two parts
 - Part 1-It will contain every paper in a suit, appeal, revision, reference, review.
 - Classification of records in 4 parts e.g. O.S., SCC, RM.
 - Part 2- It will contain every paper related to execution of order/decree and all related proceedings to execution - Each paper will be marked by E series e.g. 1E, 2E, 3E.

Order Sheet

- Whenever a case is instituted, then a order sheet shall be opened prescribed in format(attached in next slide). Order sheet is called second paper of the file. It contains all the details of work done by the court of every hearing in brief. As per rule 143 & 144, it will mainly contain-
- Record of presence of parties, agents and pleaders
- Record of each order passed and material event occurred
- If such order/event is recorded elsewhere then note referring to such order/event. e.g. suppose court has passed order on application Under Order XXXIX Rule 1& 2 C.P.C., then this order shall be passed separately and brief noting will be recorded in order sheet.
- Each order sheet will be numbered serial wise. e.g. order sheet 1, 2 etc.

Order Sheet

- Each order sheet should be signed by the presiding officer of the court. If due to any reason, the order sheet could not be signed then later on presiding officer should sign order sheet by entering date of sign. (Rule 145)
- As per rule 146, the order sheet, the signature of pleader/parties shall be taken for information about next date.
- As per rule 148, there shall be separate order sheet for part I and part II records meaning thereby, there shall be one separate order sheet for trial of civil suit and another separate order sheet for proceedings of execution.

FORM No. 2
ORDER SHEET
(Chapter V, rule 143)

Original suit
 -----on.

Case

of 19.....

Record

.....versus.....

Part.....

Number of order	Date of order	Order with initials of presiding Judge	Reference to application or paper on which the original order was written	Reference to number and date of report in compliance of the order
1	1	3	4	5

General Index

- General Index is the first paper of the file which is prepared after the institution of case. Indexing is done to give unique number to each paper and to maintain list of every paper on the file. (Rule 143). Each paper shall be serially numbered and entered in the index. There are two types of index is created in a civil case-
 - Index for Part 1-It will contain every paper in a suit, appeal, revision, reference, review.
 - Classification of records in 4 parts e.g. O.S., JSCC, RM, non judicial cases.
 - Index for Part 2- It will contain every paper related to execution of order/decreed and all related proceedings to execution - Each paper will be marked by E series e.g. 1E, 2E, 3E.
 - If supplementary index is added then old index will be marked by red ink.

APPENDIX 4C

Headings of forms (nos. 1 to 168) prescribed by the High Court.

FORM No. 1
GENERAL INDEX
(Chapter V, rule 143)

Original suit

_____ no.

Case

of 19.....

..... versus.....

Record

Part.....

File (A A2, B, C or D)	Serial number of paper	Description paper	Number of sheets in paper	Court fees		Date of admis- sion of paper o record	State of document	Remarks
				Number of stamps	Value			
1	2	3	4	5	6	7	8	9

Marking of papers

- Every paper produced on file shall be marked by a number. As per rule 152 & 153, there are mainly four types of marking in civil i.e. File A-1, A-2, B, C, and D(discussed in next slides). The paper will bear serial number of index followed by type of file. The marking is done as per the type of case e.g. There shall be different marking for civil suit of immovable property and different marking for civil suit of movable property.
- Fore example-(i) If judgment has been passed by court in original suit and there are 34 papers already in the general index then judgment will have marking number 35A1. If there are more than one paper then marking will be done as 35A1/1, 35A1/2 etc.
- (ii) If judgment has been passed by court in small causes case and there are 34 papers already in the general index then judgment will have marking number 35C. If there are more than one paper then marking will be done as 35C/1, 35C/2 etc.

Marking of papers

- The cases in civil are classified in four categories-
- Class I- suit, misc. Judicial case affecting immovable property, personal status, public trust, charities or endowments, Lunacy cases, guardian and ward cases, redemption cases, trust, land acquisition, Legal practitioner case will lie in Class I and will bear number Files A-1, A-2, C, D.
- Class II- all suits/misc. Judicial case not covered under Class I will lie in Class II e.g. suits, misc judicial cases affecting movable property, insolvency, succession, probate, intestate, company act, they will bear number Files B, C, D.
- Class III- Suits tried by court of small causes and other court exercising small cause powers will lie in class III and will bear number File C.
- Class IV- All other non judicial case will lie in class IV and will bear number File D.

File A-1/B

- Following papers shall be marked as A-1 in Class I record. If the paper is of record of class II type then same paper will be marked as B in Class II.
- General index, plaint, schedule annexed to plaint, written statement, AWS.
- Original documents, final order, judgment, decree including decree u/s 47.
- In mortgage cases, the order absolute after decree and under order XXXIV C.P.C. decided ex parte.
- Award of arbitrators, petition of compromise, commissioner's map referred in decree.
- Memorandum of appeal, objection, judgment and decree in first appeal.
- Certified copy of every judgment, order, decree forwarded by Hon'ble High Court.
- Order in execution to be fully satisfied, incapable of execution, acknowledgment of satisfaction of decree.
- Acknowledgment of receipt of possession.
- Court copy of certificate of sale, order of sale, surety bond by owner.

File A-2/B

- Following papers shall be marked as A-2 in Class I record. If the paper is of record of class II type then same paper will be marked as B in Class II.
- Order Sheet, order under O1R 8 to 10/order XLI Rule 20.
- Authority under order 1 Rule 12.
- Order granting leave under OII R2(3), O IX Rule 9, 13 and O LXI Rule 19, 21
- Summon, notice with return of service.
- Examination under order X, Evidence on memorandum under O XVIII Rule 5 & 8.
- Evidence taken on affidavit.
- Application under Order XXI Rule 16.
- Order of sale of immovable property of a surety.

File A-2/B

- Final order under order XXI rule 58, 92, 99, 101.
- Order under XXII, XXXI, XXXII, XLVII.
- Authority under Order XXVIII Rule 1.
- Accounts filed in cases under Act No. VIII of 1980.
- Judge's notes.
- Any other paper (presiding officer may include any paper in A-2).

File C

- All paper in suits tried by courts of small causes and other courts exercising small cause powers will be marked by File C.
- Any paper for Class I & Class II, which are not included in A-1 or A-2 will be filed in File C and there will be further two classifications in C-
 - C-1- It will include all papers of proof filed by the parties.
 - C-2- It will include all other papers than A-1, A-2, B, C-1

File D

- All documents otherwise than above discussed will fall under this category e.g.
 - unserved summon, processes, notice in newspaper,
 - adjournments,
 - precepts,
 - proceedings for calling or sending papers of records,
 - inspection petition,
 - tender for diet money etc.

Exhibits during evidence

- Whenever any document/material is admitted in evidence by any witness then this document/material is marked by a number. This marking helps in writing judgements, in appeal etc. Following Exhibits are marked on document/material-
- If plaintiff admits any document- then Ex. 1, Ex. 2 etc. Will be marked
- If defendant admits any document- then Ex. A, Ex. B etc. Will be marked
- If Court calls any document- then Court Ex. 1, Court Ex. B etc. Will be marked
- If Plaintiff witness admits any document- then Ex.(1)-PW1, Ex.(2)-PW1, Ex.(1)-PW2 etc. Will be marked
- If Defendant witness admits any document- then Ex.(A)-DW1, Ex.(A)-DW2 etc. Will be marked

General things

- If number of documents of the same nature are admitted, then whole series should bear one figure or capital letter or letters, a small figure or letter in brackets being added to distinguish each paper of the series.
- As per rule 142, the name of court, case number and parties name should be at every sheet of document.
- As per rule 150, Reader will enter a memorandum on back side of each application after order on that application. e.g. permitted by court order dated...
- As per rule 159, all original documents to be kept in locked almirah in custody of munsarim and copy of this will be kept on file. The original document will be sent in court during hearing.

Preparation of records and order sheet in Criminal trial

Topics

- Title and case Number
- Contents of records
- Order Sheet
- Index
 - General Index
 - Exhibit Index
- Marking of paper

Introduction

The records in criminal cases are preserved by rules framed under General Rule(Criminal), 1977. The rules are modified by Hon'ble High Court, Allahabad time to time by issuing Circular Letters.

Chapter IV of the General Rule (Criminal) basically deals with the preparation of records in criminal title. The records are prepared to maintain the files of cases by giving it a number, title, marking etc. Proper preparation of records helps in trial, enquiry, judgment and at various other levels. The records are prepared to protect them from any type of loss.

Title of case

Every criminal case needs to have a title to give identification to that case. Title of a case gives a name to the case. As per Rule 20-

- Title- title will be **State Vs. Accused** In all cases e.g. Suppose Charge sheet has been filed against Mohit then title will be State Vs. Mohit. If there are many accused then title will be State Vs. Mohit etc.
- In
 - Chapter XIX IPC(Criminal Breach of contract of service)
 - Chapter XX I.P.C.(Crime related to marriage)
 - Chapter XXI I.P.C.(Crime related to Defamation)

title will be **complainant Vs. Accused.** e.g. a complaint of Defamation has been filed by Rohit against Mohit then title of case will be Rohit Vs. Mohit.

Case Number

Whenever a case is filed in criminal court, then a case number would be assigned to that case by each court. Each criminal court will maintain different registers for having record of the cases filed in that court. The Serial number of that register alongwith year(in which case is filed) will be assigned to that case. As per rule 21, the case will be numbered in following cases-

1. Magistrate court will number case at the stage of cognizance. (Register No. 9)
2. Session Court will give separate number after receiving case on commitment or by reference u/s 122 of Cr.P.C. (Register No. 15).
3. Every miscellaneous case has to be given separate number(Register No. 11) and every miscellaneous case number will be followed by word "m". e.g. 4/2023m.

Case Number

- 4. A separated number will be given to case which are tried summarily by court.
- 5. If case is transferred by C.J.M. u/s 192 of Cr.P.C. then number will be given by transferee court and not by CJM court.
- 6. If case is received in magistrate court after transfer from any other court then new case no. Will be assigned and new case number will be written in numerator and old will be denominator. (This old number is also written to give idea about how old the case is ; C.L. No. 1/Adm. (B), dated 12th February, 1971)
- 7. If case is referred u/s 122, 323, 325, 360 of Cr.P.C. then new number will be given and the number will be followed by word referred e.g. 320/2023 referred.

Contents of records

- The record of case will include every paper in the case i.e. from taking cognizance to warrant received back from jail after execution of sentence. During the trial and even after conclusion of trial, every paper of that case will be part of record(Rule 24)
- As per rule 25, all affidavits, pleadings, applications and petitions will be fairly and legibly written on one side. Exception is there for prisoners and any other person in restraint. Court can order for return of particular paper to party, who has produced it, if it is not fairly or legibly written.
- Each paper shall be used with a quarter margin and with atleast one inch of space both at the top and bottom of paper.
- Each application/petition shall contain name of party presenting that document alongwith date.

Order Sheet

- Whenever a case is instituted, then a order sheet shall be opened prescribed in format(attached in next slide). Order sheet is called second paper of the file. It contains all the details of work done by the court of every hearing in brief. As per rule 22, it will mainly contain-
 1. Every routine order passed by court and brief note of every order passed.
 2. Note of next date fixed.
 3. Brief note of proceedings done on that date.
- If any order is passed at length, then it will not be written in order sheet. Only brief of order passed shall be written. e.g If court has passed order on application of 311 Cr.P.C. then this order will be separated marked in the file and brief order of allowing/dismissing the application will be entered in order sheet.

Order Sheet

- Each order sheet should be signed by the presiding officer of the court. If due to any reason, the order sheet could not be signed then later on presiding officer should sign order sheet by entering date of sign.
- The order sheet should be written in clear and legible hand. If the ahalmad or order don't write clear or legible, then steps can be taken by District Judge against the concerned official and they should not be promoted. (G.L. No. 887/44-28 dated 3rd March, 1914).

Order sheet proforma

H.C.J. No. 10, Part IX

क्रमबद्ध आदेश-पत्र
(अध्याय 4, नियम 3)

न्यायालय
मामला
सरकार
निवासी

स्थान
सन् 20 ई0
वाद सन्

आदेश संख्या	दिनांक	आदेश अथवा आदेश का संक्षेप	पीठासीन अधिकारी के हस्ताक्षर	टिप्पणी

Index

- Whenever case is instituted, then two indexes are prepared. Index is the first paper of the file which is prepared after the institution of case. Indexing is done to give unique number to each paper and to maintain list of every paper on the file. Rule 23 talks about it. There are two types of index is created in a criminal case
 - General Index
 - Index of exhibits-It will have further three index.
 - Prosecution Exhibit
 - Defence Exhibit
 - Material Exhibit

General Index

- General index is prepared in the file. The general index is created to note down number of every paper or document of file (proforma attached in next slide). Every paper filed on a file will have one number and every paper shall also be entered in the index.
- The marking will be done by the type of paper. The serial number of the general index will be number of paper followed by type of paper. e.g. If charge is framed in file by court, then if index has already 10 papers then 11A will be marked on the charge and entry shall also be made in the index about paper number 11A.
- If later on, due to any reason, any paper is removed from file then a note shall be made in general index against the entry of that paper.

General Index

- As per rule 23 General index includes:-
 - Every Paper filed on file
 - File A(30 types of paper will include in file A)
 - File B(Every other document except file A)
 - Every document filed on file
 - Every material exhibit produced in evidence
- The Case Diary of any case is not part of the court file. The case diary can't be made part of judicial record and it should not be indexed. If due to any reason court has called case diary then it should be returned to police after use. (C.L. No. 134-VIIb-IS dated Allahabad 27 November, 1978).
- It is duty of office to enter every paper in general index.

Index of Exhibits

- The index of exhibits shall be created separately from the General Index. The item entered in this index will also be entered in general index. Every document/weapon/other material thing admitted in the evidence shall be indexed in exhibits index. Three separate index shall be prepared at institution of case-
 - Prosecution Exhibit Index- document admitted will be marked as Ex. K1, Ex K2 etc
 - Defence Exhibit Index- document admitted will be marked as Ex. Kha1, Ex. Kha2 etc.
 - Material exhibit Index- material admitted will be marked as Ex. 1, Ex. 2 etc.

Exhibit Index

- These exhibits will be initialed by presiding officer. The initial can be done at later stage also by then presiding officer.
- If any document is subsequently rejected, returned or otherwise ceases to be exhibit then entry shall be made in index.
- If any document/material exhibit has been admitted in evidence, then this shall not be returned/destroyed untill period of appeal has expired or untill appeal has been disposed of.
- The documents/material exhibit, which are not admitted in evidence, should not be made part of record and should be returned to party by whom it was produced.

Index proforma

एव0सी0जे0 प्रपत्र संख्या 9 भाग-IX

सामान्य सूची (अध्याय 4, नियम 4)

न्यायालय

वाद संख्या

राज्य सरकार बनाम

व्यवसाय

निर्णय का दिनांक

वर्ष 20

ई0

आत्मज

निवासी

स्थान

थाना

जाति

थाना

जिला

अध्याय 12 नियम 1 के अनुसार पत्रावली का प्रकार

पत्र की क्रम संख्या	पत्रजात का प्रकार	नत्थी (क) या नत्थी (ख)	सम्मिलित किये गये पत्रजात के पत्रों की संख्या	न्यायालय शुल्क		पत्रजात की पत्रावली में सम्मिलित किये जाने का दिनांक	अभ्युक्ति
				टिकटों (स्टाम्पों) की संख्या	मूल्य		
1	2	3	4	5	6	7	8

Marking of papers

Every paper produced on file shall be marked by a number. As per rule 29, there are mainly two types of marking in criminal i.e. File A and File B. The paper will bear serial number of index followed by type of file. e.g. Judgment has been passed by court and there are 34 papers in the general index then judgment will have marking number 35A. If there are more than one paper then marking will be done as 35A/1, 35A/2 etc.

- **Paper B will be marked on every paper, which are not listed in list of paper A.**
- The court may also order to mark any document of paper B as Paper A.
- This two type of marking procedure is for helping at the time of weeding out the papers. There is particular time period to destruct any paper, this time period is less for paper B and more for paper A.

File A

Following papers will cover under file A-

- Record of statement or confession, plea of 228, 229 and examination of 213, 281
- Cognizance proceedings
- Charge, Withdrawl order or stay of charge
- Compostion u/s 320 Cr.P.C.
- Evidence, Sentence, Judgment, death sentence order copy, Warrant, order commuting sentence etc., revisional/appellate court order, certificate of order/appeal, previous conviction proof.
- Proceedings u/s 236, record of summary trial, order sheet, General Index.

File A

- Petition of appeal, revision.
- Commission with return and deposition, report of chemical examiner, Order of disposal of property, transfer order.
- Treasury receipt
- File of exhibit
- Bonds u/s 106, 108, 109, 110 Cr.P.C. and u/s 4 of UP First Offender's Probation Act
- Test identification parade document
- Paper related to identification of stolen property
- Map of locality placed on file of case

Thanking You
