E-Mail No- 3584 Date 27-10-2026

1327

Through e-mail

From,

Manjeet Singh Sheoran, HJS
Registrar General
High Court of Judicature at
Allahabad

To,

All the District and Sessions Judges/OSD
All the Principal Judges, Family Courts
All the Presiding Officers of Commercial Courts, MACTs & LARRAs
State of Uttar Pradesh

Circular Letter No. 17 **/Admin G-II** **Dated** 27/10 **/2026**

Sub: Regarding Compliance of the order dated 13.07.2026 passed by Hon'ble Lucknow Bench of this Hon'ble Court, in Criminal Appeal No. 1800 of 2012, K.D. Trivedi Krishna Dutt Trivedi vs Central Bureau of Investigation Lucknow

Madam/Sir,

Kindly refer to this Court's **C.L. No. 17/Admin G-II dated 05.06.2018 (pdf copy enclosed)** whereby directions issued by Hon'ble Supreme Court in **Asian Resurfacing of Road Agency Pvt. Ltd. & Anr. v/s Central Bureau of Investigation** regarding transmission of photocopy/ scanned copy of the original record of Trial Court, were communicated to all the Judicial Officers of the State.

While considering the afoesaid issue, Hon'ble Lucknow Bench of this Hon'ble Court, vide afore-mentioned order dated **13.07.2026 (pdf copy enclosed)**, has observed that the Trial Courts misunderstood the directions issued in **Asian Resurfacing case** so as to mean that Trial Court's record is not to be transmitted to the High Court in any situation. The Hon'ble Court has further observed that **after conclusion of trial and conviction or acquittal of an accused, nothing remains to be done by the Trial Court which may need the record of the trial,** unlike a civil appeal against a decree, in which case the Trial Court has to execute the decree. **Sending the original records of a concluded criminal trial would not hold up any proceeding before the Trial Court.**

In this regard, Hon'ble Court has issued directions to **all the Judicial Officers to send the original records of decided criminal cases to the High Court, in terms of aforesaid order dated 13.07.2026 passed by the Hon'ble Court.**

You are, therefore, requested to communicate the directions issued by Hon'ble Court to all the Judicial Officers of your judgeship for their information and strict compliance.

Encl. As above

With Regards,

Yours faithfully,

27.10.26

Registrar General

HIGH COURT AT ALLAHABAD

No. **/Admin G-II** **Dated: Allahabad** **/2026**

Copy forwarded to following for information and necessary action:

1. The **Senior Registrar**, High Court of Judicature at Allahabad, Lucknow Bench, Lucknow
2. The **Director, Judicial Training & Research Institute**, Vineet Khand, Gomtinagar, Lucknow.
3. The **Member Secretary, U.P. State Legal Services Authority**, III Floor, Jawahar Bhawan, Annexe, Lucknow.
4. All the Judicial Officers posted in the Registry in Principal Bench, Allahabad and Lucknow Bench, Lucknow
5. P.S. to all the Hon'ble Judges at Principal Bench at Allahabad and also at Lucknow Bench, Lucknow to place the same before their Lordships for kind perusal.
6. Section Officer, Admin-H, Section for compilation of guard file.

Registrar General

Seen, circulate amongst all the Judicial officers for compliance in spirit of this order. Put up in monthy meeting & upload on court website.

D.K.S.J
27-10-26

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL APPEAL No. - 1800 of 2012

K.D. Trivedi Krishna Dutt Trivedi

.....Appellant(s)

Versus

Central Bureau of Investigation Lucknow

.....Respondent(s)

Along with :

1. **Criminal Appeal No. 67 of 2013:**
   Rajni Kant Bharadwaj and another
   Versus
   State of U.P. Through Cbi

Counsel for Appellant(s)	:	Amar Singh, Amit Kumar Gaur, Brijesh Kumar Shukla, Digvijai Nath Dubey, Neelam Shukla, Rakesh Srivastava, Siddharth Sinha, Aishwarya Shukla
Counsel for Respondent(s)	:	Anurag Kumar Singh

[A.F.R.]
Court No. - 14

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Shri Brijesh Kumar Shukla, Senior Advocate assisted by Ms. Aishwarya Shukla, the learned counsel for the appellant and Shri Anurag Kumar Singh, the learned counsel for the respondent-CBI.

2. The instant criminal appeal has been filed challenging the validity of a judgment and order dated 19.12.2012 passed by the learned Sessions Judge, Prevention of Corruption (Central), Lucknow in Case No.12 of 1998 whereby the appellant has been convicted under Sections 120B, 420, 467, 471 I.P.C. and Section 13(2) read with Section 13(1)(d) Prevention of Corruption Act, 1988 and sentenced to a maximum term of five years rigorous imprisonment with fine and a default stipulation. The appeal was admitted by means of an order dated 17.01.2013 and the trial Court's record was summoned. Instead of sending the record in compliance of the order dated 17.01.2013, the office merely sent a certified copy of the record to this Court.

3. Before proceeding any further, it would be appropriate to take a look at

the relevant provisions contained in the Allahabad High Court Rules, 1952. Chapter XVIII falling in Part III of the Rules deals with "Proceedings Other Than Original Trials". Rule 9 of Chapter XVIII of the Allahabad High Court Rules provides as follows: -

> "***9. Issue of Notice*** *- If an appeal is not dismissed summarily a day shall be fixed for its hearing and notices in the prescribed form shall be issued.*
>
> *If an application for revision or other application is not rejected and an order directing the issue of notice is made, a day shall be fixed for its hearing and notices in the prescribed form shall be issued.*
>
> ***After notices have been issued in an appeal or revision the record shall be sent for unless otherwise ordered.***
>
> *In the case of an appeal under Section 341 of the Code of Criminal Procedure, 1973, the record of the case out of which the proceedings under appeal arose shall also be sent for unless otherwise ordered."*

4. When this Court had passed an order summoning the trial Court's record, the trial Court ought to have sent the original record and not its certified copy. As the trial Court did send the original record and has forwarded merely a certified copy of its record, the office cannot provide copies of the trial Court's record to the learned counsel for the parties, because the Rules prohibit providing copies of a copy of a document. In absence of a copy of the trial Court's record being provided to them, the learned Counsel for the parties cannot provide effective assistance to the Court in deciding the appeal.

5. It appears that the practice of not sending the original records of cases to the High Court came into being after the judgment passed in the case of **Asian Resurfacing of Road Agency (P) Ltd. v. CBI**: (2018) 16 SCC 299 (decided on 28.03.2018). That case arose from an order passed by the trial Court rejecting an application seeking discharge of the accused and framing charges against him. The challenge to the order framing charges reached the Hon'ble Supreme Court. Hon'ble Mr. Justice A. K. Goel delivered the majority judgment for himself and Hon'ble Mr. Justice Navin Sinha and Hon'ble Rohinton Nariman J. concurred with it. It was held in the majority judgment that: -

> "*37. Thus,* ***we declare the law to be that order framing charge is not purely an interlocutory order nor a final order. Jurisdiction of the High Court is not barred irrespective of the label of a petition, be it under Sections 397 or 482 CrPC or Article 227 of the Constitution****. However, the said jurisdiction is to be exercised*

consistent with the legislative policy to ensure expeditious disposal of a trial without the same being in any manner hampered. Thus considered, the challenge to an order of charge should be entertained in a rarest of rare case only to correct a patent error of jurisdiction and not to reappreciate the matter. ***Even where such challenge is entertained and stay is granted, the matter must be decided on day-to-day basis so that stay does not operate for an unduly long period. Though no mandatory time-limit may be fixed, the decision may not exceed two-three months normally. If it remains pending longer, duration of stay should not exceed six months, unless extension is granted by a specific speaking order, as already indicated. Mandate of speedy justice applies to the PC Act cases as well as other cases where at trial stage proceedings are stayed by the higher court i.e. the High Court or a court below the High Court, as the case may be.*** *In all pending matters before the High Courts or other courts relating to the PC Act or all other civil or criminal cases, where stay of proceedings in a pending trial is operating, stay will automatically lapse after six months from today unless extended by a speaking order on the above parameters. Same course may also be adopted by civil and criminal appellate/Revisional Courts under the jurisdiction of the High Courts. The trial courts may, on expiry of the above period, resume the proceedings without waiting for any other intimation unless express order extending stay is produced.*

(emphasis added)

6. Thereafter in **Asian Resurfacing of Road Agency (P) Ltd. v. CBI**: (2018) 16 SCC 340, the Hon'ble Supreme Court issued the following directions on 25.04.2018: -

> *"**3.** To give effect to the directions in the judgment of this Court dated 28-3-2018 [Asian Resurfacing of Road Agency (P) Ltd. v. CBI, (2018) 16 SCC 299], noted above, we direct that wherever 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.*
>
> ***4.** 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."*

(emphasis added)

7. The direction issued in **Asian Resurfacing of Road Agency (P) Ltd.** (supra), that all interim orders will stand vacated automatically after expiry

of six months, was set aside by a Constitution Bench consisting of five Hon'ble Judges in the case of **Allahabad High Court Bar Assn. v. State of U.P.:**, (2024) 6 SCC 267, wherein it was held that: -

> "***57.*** *Sometimes, in quest of justice we end up doing injustice. Asian Resurfacing [Asian Resurfacing of Road Agency (P) Ltd. v. CBI, (2018) 16 SCC 299] is a clear example of the same. Such a situation created ought to be avoided in the normal course or if at all it arises be remedied at the earliest. In doing so, we have to adopt a practical and a more pragmatic approach rather than a technical one which may create more problems burdening the courts with superfluous or useless work. It is well said that useless work drives out the useful work. Accordingly, it is expedient in the interest of justice to provide that* ***a reasoned stay order once granted in any civil or criminal proceedings, if not specified to be time-bound, would remain in operation till the decision of the main matter or until and unless an application is moved for its vacation and a speaking order is passed adhering to the principles of natural justice either extending, modifying, varying or vacating the same.***"
>
> (emphasis added)

8. In **Prem Chand and Ors. Vs. Charat Kumar Bansal**: 2025 (3) ADJ 86, a coordinate Bench of this Court was dealing with a mention made in a Second Appeal under Section 100 CPC, for returning the original record of the first Appellate Court and the trial court, which had been summoned without admitting the appeal. The High Court had summoned the original record seven years ago. Although an order was passed on 07.03.2019 to the effect that mere pendency of the appeal would not mean passing of any interim order staying execution of the decree, since the original record was lying before this Court for hearing on admission, the execution proceedings were held up. The coordinate Bench referred to the order dated 25.04.2018 passed by the Hon'ble Supreme Court in **Asian Resurfacing of Road Agency (P) Ltd. v. CBI**: (2018) 16 SCC 340 and noted that: -

> "*The said directions were, later on, set aside by the Constitution Bench of the Supreme Court in High Court Bar Association, Allahabad vs. State of Uttar Pradesh and others: (2024) 6 SCC 267. This Court finds that reversal of previous decision in Asian Resurfacing by the subsequent decision in High Court Bar Association (supra) is an authority on the issue as to whether stay order granted by the High Court would automatically lapse after expiry of six months period. The judgment of the Supreme Court, with great respect, would not affect the directions contained in the order dated 25.04.2018 insofar as summoning of the photostat/scanned copy of the record of subordinate court is concerned nor did the said issue form subject matter of deliberations or consideration before the Apex Court.*"

9. Keeping in view the fact that by summoning the record of the trial Court without admission of the Second Appeal, which had resulted in a stay of the execution proceedings without admission of the second appeal, the coordinate Bench issued the following directions: -

> *"10. In view of the above, since, even after reversal of the decision in Asian Resurfacing (supra), the Registry is summoning the photostat/scanned copy of the records of the courts subordinate to this Court, following directions are issued to the office of this Court:-*
>
> *(a) Henceforth, the original record shall not be summoned by the office, unless otherwise specifically directed by this Court in a particular case and only photostat/scanned copy of the same shall be summoned.*
>
> *(b) Whenever, in the past, original record has been summoned by this Court, office shall remit back the same to the concerned District Judgeship with a direction to the concerned District Judgeship to immediately send photostat/scanned copy of the said record to this Court and, thereafter, it is the said photostat/scanned copy that shall be kept for the purpose of consideration of the matter by this Court pursuant to previous directions issued by it."*

10. It is to be noted that the Hon'ble Supreme Court had issued the directions in the case of **Asian Resurfacing of Road Agency Pvt. Ltd. & Anr.** (supra) in proceedings arising out of an order passed by the trial Court framing charges against the accused and keeping in view the fact that summoning of the trial Court's record in such a situation results in stay of the proceedings of trial and it may continue for a very long period. Moreover, the scope of scrutiny at the stage of framing charges is very limited and the Court is not required to hold a mini trial so as to record a satisfaction of guilt of the accused or otherwise.

11. The directions in the case of **Asian Resurfacing of Road Agency Pvt. Ltd. & Anr.** (supra) were that the trial courts may send photocopy/scanned copy of the record and retain the original **so that the proceedings are not held up**, but in some cases, the trial Courts misunderstood the direction so as to mean that the trial Court's record is not to be transmitted to the High Court in any situation, even where there are no proceedings pending / no proceedings might be instituted in the trial Court which might be held up by sending the records to the High Court. The directions were in fact that the record of the trial Court should not be called for so as to create an unwarranted obstacle in continuance of proceedings pending in the trial Court. The Hon'ble Supreme Court did not direct that even when the matter before the trial Court stands decided finally, the trial Court will not send its

record upon being called for by the High Court.

12. In **Prem Chand and Ors. Vs. Charat Kumar Bansal** (supra) also, the coordinate Bench was dealing with a situation where the records of a trial Court had been summoned in a Second Civil Appeal filed under Section 100 C.P.C., even without admission of the appeal. The decree under challenge in the Second Appeal had to be executed by the trial Court in Execution proceedings, in which the original record of the suit is needed. Although an order was passed on 07.03.2019 to the effect that mere pendency of the appeal would not mean passing of any interim order staying execution of decree, since the original record was lying before this Court for hearing on admission, the execution proceedings were held up. This direction would also apply in the factual background in which it was issued, i.e., the original record of the trial Court would not be summoned without admission of a second appeal so as to hold up the execution proceedings without a stay order having been passed by this Court.

13. The aforesaid directions would not apply to Criminal Appeals filed against final order of acquittal or conviction, regarding which there is a specific provision in Rule 9 of Chapter XVIII of Part III of the Allahabad High Court Rules that after notices have been issued in an appeal or revision the record shall be sent for unless otherwise ordered.

14. Moreover, after conclusion of trial and conviction or acquittal of an accused, nothing remains to be done by the trial Court which may need the record of the trial, unlike a civil appeal against a decree, in which case the trial Court has to execute the decree. Sending the original records of a concluded criminal trial would not hold up any proceeding before the trial Court. Therefore, the directions which were issued by the Hon'ble Supreme Court in the case of **Asian Resurfacing of Road Agency Pvt. Ltd. & Anr.** (supra) and by a coordinate Bench of this Court in the case of **Prem Chand and Ors. Vs. Charat Kumar Bansal** (supra) for preventing stay of proceedings before the trial Court, will not apply to sending records of a concluded trial of a criminal case.

15. The Rules are meant to be obeyed by everyone, more so, by all the Courts of law. When a criminal appeal is filed against an order of conviction or acquittal or a Criminal Revision is filed against an order passed by a Sessions Judge in a Criminal Appeal filed against an order of conviction or acquittal and this Court issues notices of the appeal or revision, the original records of the trial Court / appellate Court, as the case may be, will be sent to this Court, unless otherwise ordered, as per the mandate contained in Rule 9 of Chapter XVIII of Part III of the Allahabad High Court Rules, 1952.

16. The trial Court is directed to forward its original record of the case in compliance of the order dated 17.01.2013 without any further delay.

17. Upon the record being received, the office shall provide its copy to the learned counsel for the parties on payment of usual charges.

18. List the appeal for hearing on **17.08.2026**.

19. Let this order be circulated among all the judicial officers of the State.

July 13, 2026
-Amit K-

(Subhash Vidyarthi,J.)

Whether the order is speaking – Yes
Whether the order is reportable – Yes

(Subhash Vidyarthi,J.)