

S.O. (RIS)

15/02/25

R.G.

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (DB) No. 1307 of 2024

Hasmuddin Ansari Appellant
Versus
The State of Jharkhand Respondent

**CORAM : HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE SANJAY PRASAD**

For the Appellant : Mr. Sanjay Kumar Pandey No. 2, Advocate
For the Respondent : Mr. Abhay Kumar Tiwari, A.P.P

Order No. 05 : Dated 6th February, 2025

1. In course of hearing, Mr. Abhay Kumar Tiwari, learned APP appearing for the State has submitted that since office has not supplied the entire paper-book of the Trial Court Record' rather only the copy of testimonies of the witnesses, Post Mortem Reports and list of exhibits etc. have been supplied. Referring to Exhibit P-4, Viscera Report, he has submitted that only list of exhibits has been given to him in this case and not the copy of P-4 [Viscera Report] so that he may be able to know the content of Viscera Report and copies of other exhibits, as such he is facing difficulty in assisting the Court.

2. The other learned Additional Public Prosecutors, available in Court, in unison have stated that in most of the cases they have not been provided the entire copy of Trial Court Records rather they have been provided only the copy of testimonies of the witnesses, Post Mortem Reports and list of exhibits etc.

3. It needs to refer herein that this Court on earlier occasion, vide order dated 08.09.2023 in Cr. Appeal (DB) No. 627 of 2023 with Cr. Appeal (SJ) No. 199 of 2023, considering the difficulty faced by the learned Additional Public Prosecutors, has directed learned Registrar General to direct the office to provide copy of entire paper book to the parties with proper pagination and indexing immediately on receipt of LCR so that at the time of hearing of application 389(1) Cr.P.C., learned counsel for the parties be equipped with the materials available with the learned trial Court.

4. The moment such direction is being passed by this Court to supply the entire Trial Court Record, the learned trial Court has got no authority to supply the Trial Court Record in piecemeal. Record means record in entirety and not in piecemeal.

5. But in spite of such direction having been passed by this Court it is reported that entire copy of LCR is not being provided to the learned APP.

6. Though direction has already been passed in vide order dated 08.09.2023 in Cr. Appeal (DB) No. 627 of 2023 with Cr. Appeal (SJ) No. 199 of 2023, but again the learned Registrar General of this Court is directed to ensure strict compliance of said order by directing the office to supply the entire copy of trial Court record to the parties concerned, which has been

received from the trial court after being called upon by the Court.

7. In course of hearing, this Court has further been informed that though reference of Viscera Report [P-4] is there in the impugned order but copy of the same is not with the Photocopy Copy of Trial Court Record, as send by the learned trial Court.

8. From perusal of paper book, it further appears that along with the Trial Court Record the copy of petitions and orders passed thereon, has not been sent along with the Trial Court Record.

9. In view thereof, let the entire original Trial Court Record be called for along with copy of entire exhibits including the copy of Viscera Report [P-4] as also the entire order sheet from the initial stage of institution of case or receiving of First Information Report and the entire applications/petitions filed by the parties.

10. Let the copy of this order be sent to the learned Principal District & Sessions Judge, Garhwa as also to the learned District & Sessions Judge-II, Nagar Untari (Sub-Division) forthwith for compliance.

11. However, this Court has called upon the Assistant Registrar along with the Section Officer of the Criminal Appeal Section.

12. Mr. Binay Kumar, Assistant Registrar, Criminal Appeal Section has appeared before this Court. This Court confronted with him as to whether there is any mechanism to compare the documents sent by the trial Court Records to the High Court by the office at the time of its receiving.

13. Such question is being posed since reference of Viscera Report [P-4] is there in the exhibit list and in the impugned judgment but copy of the same is not available with the photocopy of Trial Court Record sent by the trial Court. The purpose of posing this question is that if at the initial stage proper scrutiny is being done by the office, as per the details furnished in the index of Trial Court Records, then at that time proper correspondence to the respective learned trial courts would have been made by the office regarding missing document(s) so that missing document(s) may come to this Court at an earliest.

14. It has been submitted by the concerned Assistant Registrar that the Trial Court Record is to be received by the Criminal Receiving Section.

15. In view thereof, the Assistant Registrar/In-charge of the Criminal Receiving Section of the person assigned with such work is directed to cross-check the documents available in the Trial Court Record as received in the office.

16. Further, the Principal District & Sessions Judge is directed to submit a report as to why in the copy of Trial

Court Record sent by the Court of learned District & Sessions Judge-II, Nagar Untari (Sub-Division) the copy of Exhibit -4 [Viscera Report] has not been sent though in the Index from page 45-47, there is reference of exhibit list and exhibited documents but the Exhibit 4 is missing in the copy of Trial Court Record.

17. Such report be sent on before the next date of hearing.

18. Before parting with this order, it is made clear that the Trial Court Record means entire proceeding of the learned trial Court from the day when the case was instituted including all the judicial proceedings, the applications/petitions filed by the parties and orders passed thereon as also the entire exhibits and other documents, if any. Henceforth, while sending the copy/original Trial Court Record, the trial Court is directed to send the entire Trial Court Record and not in piecemeal.

19. Let this order be communicated through the learned Registrar General to all Principal District & Sessions Judge for its compliance.

20. List this case on 4th March, 2025.

Sd/-
Sujit Narayan Prasad, J.
Sd/-

(Sanjay Prasad, J.)

True Copy

Sec./Sr./P.A./P.A.

12/12/2025