

SUPREME COURT OF INDIA

F.No.1/Reg.J-II/Sec.V-VI/2018.
December 12, 2018.

C I R C U L A R

Order XIX Rule 8(ii) of the Supreme Court Rules, 2013, read with sub-rule (1) of Rule 11, *inter alia*, mandates that the Registrar of the Court appealed from shall transmit the original record of the case, upon being requisitioned, in English language and in case the record or any part thereof is in a language other than English, the Court appealed from shall have it translated before transmitting the same to this Hon'ble Court. The provisions of Order XIX are applicable *mutatis mutandis* to other Orders of the Supreme Court Rules, 2013.

This Hon'ble Court, in the case of *Pehtu Kanwar & Ors. versus State of Bihar (Now Jharkhand)* [Criminal Appeal No.1257 of 2007], on 27th April, 2010, had been pleased to direct as under:

"It is not understood as to why the High Court while sending the original records do not send the deposition after proper translation. It is, therefore, ordered that in future in all criminal appeals wherever translation is required to be done into English, the same shall be done at the Registry of the respective High Courts before sending the original record to this Court."

Circular F.No.70/Judl./2010 dated 18th November, 2010, was issued, which directed that, as and when original record is received from any High Court, it must be ensured that either the deposition is in English or it is translated into English. In case the depositions have not been translated into English, such record shall be sent back to the concerned High Court with the request to send the record after proper translation of the deposition in view of the directions contained in the case of *Pehtu Kanwar (supra)*.


This Hon'ble Court, on 20th November, 2018, in the case of *Hari Om @ Hero versus State of Uttar Pradesh* [Criminal Appeal No.1256 of 2017], while reiterating the directions contained in *Pehtu Kanwar* [supra], has been pleased to direct as under:

"It is unfortunate that the aforesaid directions given by this Court have not been *stricto sensu* followed. We reiterate the said order and direct the Registry of all the High Courts to comply with the aforesaid directions in letter and spirit and to transmit the entire lower court records in English language."

It is, therefore, once again directed that the Circular F.No.70/Judl./2010 dated 18th November, 2010, emanating from the order passed in *Pehtu Kanwar* [supra] and reiterated in *Hari Om @ Hero* [supra] as also the provisions of Order XIX Rule 8(ii) of the Supreme Court Rules, 2013, shall, *stricto sensu*, be followed.

The branches on Judicial side, while requisitioning the record, shall communicate to the Courts appealed from and/or Courts below to transmit entire original record in respect of civil and criminal cases, duly translated in English language, in compliance with the orders of this Hon'ble Court, as above, read with Office Order No.F.4/SG/2014 dated 3rd December, 2014. Further, before placing the matter under Order V Rule 1(30) of the Supreme Court Rules, 2013, for pre-final hearing, the office report shall indicate the factum of receipt of entire original record duly translated in English language.


[P.K. Gera]
Registrar [J-II]


[Surya Pratap Singh]
Registrar [J-I]

Copy to:
All concerned.