

(b) PRESENTATION OF PETITIONS FOR REVISION IN CRIMINAL CASES AND CERTAIN OTHER CRIMINAL MATTERS

1. To be put in petition box during Courts hours.- All ordinary petitions for revision under sections 399 and 401 of the Code of Criminal Procedure and other petitions connected with the judicial business of the Court shall be presented by litigants or their advocates by depositing them in the petition box of the Court outside the room of the Deputy Registrar between the hours of 10 a.m. to 4 p.m. on every working day which is not a court holiday.

In every criminal appeal/revision application the appellant/petitioner shall state that no such appeal/revision application in the same matter has previously been filed, and without that statement such appeal/revision application shall not be accepted.

Urgent petition to be presented personally.- Appeals, applications, etc., accompanied by a petition to treat the same as urgent should, however, be presented personally to the Reader to the Deputy Registrar, on any working day before 11 a.m. but may, in exceptional cases, be received not later than 3 p.m.

No appeal or application shall be received unless presented during court hour from 10 a.m. to 4 p.m.

Provided that during the summer vacation the time for presentation of all ordinary petitions/appeals applications by litigants or Advocates shall be 7.30 A.M. to 12.00 Noon or during such other timings as the Senior Vacation Judge may fix and notify for any such vacation :

Provided further that all urgent petitions shall be presented to the Reader to the Deputy Registrar (Judicial) of the High Court until 8.30 A.M. but in exceptional cases may be presented not later than 11.00 on all working days during such period.

^[1]**[1-A.-** All criminal cases filed shall be page-numbered and indexed in the following serial:-]

- (a) Miscellaneous Applications, if any;
- (b) ^[2][Grounds of Appeal/Revision/Misc. Petitions or Petitions under Section 482 Cr.P.C. filed in the High Court on prescribed opening sheet ^[3]{(available on the website of this Court under the heading 'Downloads')} mentioning therein that the party has not filed any similar case in this Court or in Hon'ble the Supreme Court of India, duly supported by an affidavit of the concerned party];

1. Substituted vide Correction Slip No. 144 Rules/II.D4 dated 29.04.2011.
 2. Modified vide Correction Slip No. 158 Rules/II.D4 dated 12.09.2013.
 3. Amended vide Correction Slip No. 167 Rules/II.D4 dated 17.03.2017.

^[1]**(bb)** Memo of parties including age of the litigant(s)]^[2][and particulars as regard to status of any petitioner or any accused being a Proclaimed Offender to be mentioned prominently in the memo of parties as under :

Whether Proclaimed Offender :

If yes particulars thereof :]

- (c) Copy of lower Appellate Court judgment;
- (d) Copy of grounds of Appeal/revision before the lower Appellate Court.
- (e) Copy of trial Court Judgment, and

^[3]**(f)** Additional Documents, if any:

^[4]**(g)** Part A of the Judicial record shall be kept in two parts. All CMs be tagged in a separate folder with separate page-marking with date-wise filing of miscellaneous applications. All the CMs shall be indexed and their status be shown in the index page. Whereas interim orders passed including on the miscellaneous applications shall be kept in the main file.

The pending and decided applications shall be indexed, decided applications shall be underlined with red pen and date of order be mentioned in index. A copy of order vide which CM has been disposed of be also attached with the respective CM, old flags already put on the CMs be removed and only flags on pending applications shall be affixed.^[4]

The certified or photostat copies/copies attested to be true copies of the originals either by the applicant/ appellant/ petitioner's counsel or where such documents happen to be a language other than English, their translations certified by counsel to be correct if such document are part of the record of the Courts/Tribunal.]^[3]

2. Documents to accompany petition for revision of acquittal order.- The Deputy Registrar shall not receive any petition for revision of an order of acquittal passed in a case instituted on police report, unless it is accompanied by a copy of an order of the Magistrate of the district, refusing to move the State Government to appeal under section 378 of the Code.

Note.—The complainant has a right of appeal from an order of acquittal passed in a case instituted upon complaint, where the High Court has granted him special leave to appeal on an application made under section 378(4) of the Code.

3. Documents to accompany petition for revision of order in non-appealable cases, Bail and suspension of sentence pending reference.- A petition under Sections 397 and 401 of the Code of Criminal Procedure for the revision of orders of any criminal Court inferior to the Court of Session in non-appealable cases shall not be entertained by the Deputy Registrar unless the same contains an averment supported by an affidavit of the petitioner that he has not filed any such petition

1. Inserted vide Correction Slip No. 165 Rules/II.D4 dated 18.11.2016.

2. Inserted vide Correction Slip No. 186 Rules/II.D4 dated 18.12.2020.

3. Substituted vide Correction Slip No. 144 Rules/II.D4 dated 29.04.2011.

4. Inserted vide Correction Slip No. 196 Rules/II.D.4 dated 31.05.2024.

before the Sessions Judge. The petitioner shall also state whether to his knowledge similar application has or has not been made by any other person to the Sessions Judge and if made shall state the result thereof.

3-A. Copies of lower courts orders to accompany petition for revision.- Every petition for revision of an order shall be accompanied by a copy of the order in respect of which such application is made.

In the case of petition for revision of the order of an appellate Court, a copy of the order of the Court of the first instance shall also be filed.

^[1]**4. Copies of bail applications to be supplied to Advocate-General.-** Copies of all bail applications received in the High Court relating to criminal cases pending in lower courts, when bail has already been refused by the lower court, shall be supplied to the Advocate-General by the Deputy Registrar to enable him to appear, if desired, on behalf of the Government provided that hearing of any particular case by the Judge, to whom it is assigned is not delayed by this procedure. The litigants/their Advocates shall supply a spare copy alongwith all its annexures etc., for this purpose at the time of filing such cases.]

5. Bail applications.- ^[2][In every application for bail presented to the High Court the petitioner shall state whether similar application has or has not been made to the Supreme Court, and if made shall state the result thereof. The petitioner/applicant shall also mention whether he/she is/was involved in any other criminal case or not. If yes, particulars and decisions thereof. An application which does not contain this information shall be placed before the bench with the necessary information.]

6. Documents to accompany transfer applications.- Where a petition or application for the transfer of a criminal case from one criminal court to another criminal court in the same Sessions division is made to the High Court, it shall contain an averment, supported by an affidavit or attested copies, that an application for the transfer of the case was made to the Sessions Judge and was rejected by him under section 407(2) of the Code of Criminal Procedure.

7. Documents to accompany petition for transfer.- Petitions for transfer in a pending criminal case shall be refused by the Deputy Registrar unless accompanied by attested copies of the documents relied on by the petitioner. If admitted the records should not be sent for unless a Judge specifically so orders.

^[1]**8. Copy of certain petitions be supplied to Advocate-General.-** A copy, complete in all respects, of the petition for transfer shall be supplied to the Advocate-General before it is filed in court. The petition shall state whether a copy has been supplied in accordance with this rule and if a copy has not been supplied, the reasons for not supplying the same shall also be stated.]

1. Substituted vide Correction Slip No. 16 Rules/II.D4 dated 23.1.1990.

2. Rule 5 amended vide Correction Slip No.201 Rules/II.D.4 dated 11.11.2024

9. Procedure for notifying dates hearing of urgent petitions.-

Notice of the hearing of urgent petitions shall not be given individually to the petitioner or his counsel but a list of such petitions shall be hung up for the purpose on the notice-board outside the Deputy Registrar's room on the day preceding the date fixed for the hearing of these petitions giving the name of the Judge by whom the petition will be heard.

^[1]**[10. Service of notice in transfer petitions.-** In petitions for transfer of cases under section 407, Criminal Procedure Code, filed in the High Court, the District Magistrate shall, without fail, return all notices including notices received electronically, by him from the High Court, whether for himself or for parties after service, within one week from the date of their receipt.]

11. Submission of reports by District Magistrate on transfer petitions.- The Sessions Judge shall, without fail also submit, within one week from the date of receipt of the High Court, letter, all reports or explanations called for by the High Court from himself or the Magistrate concerned with regard to allegations contained in the petitions for transfer or affidavit, copy whereof will accompany the said letter.

12. Register of summary trials.- In petitions under section 397, Criminal Procedure Code, against the order of a Magistrate, in cases tried summarily and in which there are no records except entries in the Register of Summary Trials (Criminal Register No. XVII), certified copies of the relevant entries in the Register shall be called for, instead of the Register.

^[2]**[13. Copies of applications.-** Copies, alongwith their all annexures of applications presented in the High Court by complainants under Section 378(4) of the Code of Criminal Procedure for special leave to appeal against the orders of acquittal shall be supplied to the Advocate General by petitioners and a certificate to that effect obtained from him before filling them in the High Court.]

1. Amended vide Correction Slip No. 178 Rules/II.D4 dated 27.11.2018.
2. Substituted vide Correction Slip No. 16 Rules/II.D4 dated 23.1.1990.