

CHAPTER-XIV

RECORDS

¹[Preparation,] Preservation and Destruction of Civil and Criminal Records.

2[***]

³[A- General]

1. Parts of Record.-Every record, unless otherwise provided, shall consist of ⁴[two parts to be styled Part I] and Part II. These two parts shall be maintained separately in stiff covers in the prescribed forms, the cover provided for Part I being coloured white and that for Part II being coloured blue [see Forms Nos. ⁵[26, 27, 27A and 27B (Civil) and 12 to 23] (Criminal), Appendices I and II respectively].

2. Preservation period of Part-I and Part-II.- ⁶[Unless otherwise provided in relation to particular type of case] Part I shall be preserved for ever, and Part II for three years, after the expiry of which it shall be destroyed 14 days after ⁷[publication of notice] of such destruction giving a short description of the papers ⁸[in the General Notice-board and also in the Website].

3. Proper inclusion of paper in appropriate part.-The distribution of the papers to the appropriate ⁹[Part] (I or II) of the record shall in all cases be made in the office before the record is deposited in the Record Room.

¹ The expression "Preparation," was inserted by Notification No. 181-G dt. 22-10-2012.

² The expression "In suppression of all previous rules made in this behalf, the following rules have been prescribed by the High Court with the approval of the Provincial Government, to take effect from the date of the constitution of this High Court-" was omitted by Notification *ibid*.

³ The expression "A- General" was inserted by Notification *ibid*.

⁴ The expression "two parts to be styled Part I" was substituted for the expression "two parts, to be styled, respectively, Part I" by Notification *ibid*.

⁵ The expression "26, 27, 27A and 27B (Civil) and 12 to 23" was substituted for the expression "26 and 27 (Civil) and 12 to 25" by Notification *ibid*.

⁶ The words "Unless otherwise provided in relation to particular type of case" were inserted by Notification *ibid*.

⁷ The words "publication of notice" were substituted for the words "a notice" by Notification *ibid*.

⁸ The words "in the General Notice-board and also in the Website" were substituted for the words "has been hung up in the General Notice-board" by Notification *ibid*.

⁹ The word "Part" was substituted for the word "Parts" by Notification *ibid*.

4. Calculation of preservation period for Part-II.- The period of three years mentioned in rule 2 above shall be calculated from the date of the final decree or order which, in cases of appeals to the ¹[Appellate Division], will be that of the decree or order of ²[that Division].

³5. Preservation of Paper Books.- All copies of paper-books in excess of the number to be preserved permanently in Part I of the High Court Division records, as directed in these Rules, shall be kept separate from the records to which they relate and be destroyed on the expiry of the periods prescribed for their preservation as under:

- (a) All surplus copies of paper-books in Civil Appeals and Death Reference Cases shall be preserved for three years from the date of the final decree or order of the High Court Division;
- (b) In case of appeals to the Appellate Division, from such decree or order, the copies of the paper-books prepared for the Appellate Division, shall be preserved for three years from the date of final decree or order of the Appellate Division;
- (c) Destruction of the surplus copies of paper-books shall, as provided in clauses (a) and (b), be undertaken without any reference to litigants or Advocates concerned. However, where such litigants apply to the Registrar through their Advocates for the return of such copies, they may be returned to

¹ The words "Appellate Division" were substituted for the words "Supreme Court" by Notification No. 181-G dt. 22-10-2012.

² The words "that Division" were substituted for the words "the Supreme Court" by Notification *ibid.*

³ Rule 5 was substituted for the original rule 5 by Notification *ibid.*

such Advocates, if the application for return is made at least one calendar month before the expiry of the periods prescribed for their preservation. No notice shall be issued from the High Court Division for returning surplus copies.]

6. Sale of surplus Paper-books.-If copies of ¹[surplus] printed paper-books are available and any person desires to purchase ²[,] he may be supplied with the copies at the rate of ³[Tk.2/-] per page subject to a maximum of ⁴[Tk.200/-] per volume and paper-books in Criminal Cases will also be charged for at that rate. Typewritten paper-books of first appeals will be charged for at the rate of ⁵[Tk.200/-] per volume.

⁶[B-] Civil Records

⁷[6A. Classification of Civil record.-(1) Records of Civil Cases shall be classified as under:

- (a) First Appeals;
- (b) First Miscellaneous Appeals;
- (c) Civil Revisions;
- (d) Miscellaneous Cases which are not included in any of the above three classes, such as, transfer of cases under section 24 of the Civil Procedure Code.

(2) Records of cases instituted in the original jurisdiction under special laws will be separately classified with indication to such laws.

¹ The word "surplus" was inserted by Notification No. 181-G dt. 22-10-2012.

² Comma was substituted for the word "them" by Notification *ibid*.

³ The expression Tk.2/- was substituted for the words "six annas" by Notification *ibid*.

⁴ The expression Tk.200/- was substituted for the expression "Rs.20" by Notification *ibid*.

⁵ The expression Tk.200/- was substituted for the expression "Rs.10" by Notification *ibid*.

⁶ The expression "B-" was inserted by Notification *ibid*.

⁷ Rule 6A was inserted by Notification *ibid*.

(3) The record of cases shall be prepared as provided in rule 7 for civil records and for the purpose of preservation and destruction other rules shall be followed.]

1[7. Contents of Civil records.-(1) Part I of all civil records shall contain the following papers:

- (i) the order-book(s);
- (ii) the memorandum of appeal/application;
- (iii) the copies of the judgment and decree or impugned order filed with the memorandum of appeal and not inserted in the paper-book of the case;
- (iv) the memorandum of cross-objection (if any);
- (v) wokatnama;
- (vi) applications for substitution, addition or striking out of parties, and the affidavits filed therewith;
- (vii) award of arbitrators or petitions of compromise, if given effect to in the decree: also in the case of minors or lunatics, the order of the Court sanctioning compromise;
- (viii) remand order of the Court (if any);
- (ix) copy of the finding of the Subordinate Court upon remand (if any);
- (x) final Judgment of the High Court Division;
- (xi) decree;
- (xii) applications for the return of documents when they have been rejected or on which special orders have been passed;

¹ Rule 7 was substituted for the original rule 7 by Notification No. 181-G dt. 22-10-2012.

(xiii) one copy of paper-book:

(xiv) any paper the preservation of which may be directed by the presiding Judge or Judges, or by the Registrar;

(xv) orders of the Court other than those recorded on the order-book(s); and

(xvi) applications for review, and orders relating to such applications.

(2) Part II shall contain all other papers.

(3) Certified copies of the judgment and decree of the High Court Division filed with the application for leave to appeal to the Appellate Division shall be kept in Part-II.

(4) Copies of the impugned judgment and decree or order filed with the memorandum of appeal/application may, with the permission of the Registrar, be returned to the party after disposal of the appeal/case on furnishing distinct and legible photostate copy attested by the filing advocate and verified by the concerned Assistant Registrar.

(5) Exhibited documents or any other paper not received with the Subordinate Court's record but filed in the High Court Division under special orders should not be deposited in the Record Room but returned to the parties after the disposal of the cases in which they were filed. If these documents are not taken back before the despatch of Subordinate Court's record, those should be sent to the Subordinate Court along with its record together with a copy of the order under which such papers were filed and with instructions to that Court to return the same when returning other documents to the parties.

(6) Papers which are to be preserved under the provisions of this Chapter shall be repaired, where necessary, at the expense of the Court; but the documents which are filed by the parties in the High Court Division or are filed in the Subordinate Court and transmitted to the High Court Division and which are ultimately returned to them after the disposal of the case in which they are

filed shall be repaired, if and when necessary, at the expense of the party filing such documents. An estimate of the costs of repairs shall be prepared and served on the Advocate for the party and the amount due under the estimate shall be deposited with the Accounts Section of the Court within seven days from the date of service. All cases of default as regards the deposit are to be reported to the Registrar.]

¹[**7A. Second Judge's file.**-Where a case is dealt with by a Division Bench, a separate file shall be maintained. This file shall be called the Second Judge's file and it shall contain copies of all documents of Part I of the record as mentioned in rule 7 or 9 for Civil or Criminal cases respectively, except the order-book or order sheet.]

8. Application of Rule-7 to other civil cases.-Rule 7 shall also apply, *mutatis mutandis*, to the records of all ²[other cases of civil nature].

³[C-] Criminal Records

⁴[**8A. Classification of Records.**- (1) Records of Criminal cases shall be classified as under :

- (a) Criminal Appeals;
- (b) Jail Appeals;
- (c) Criminal Revisions (under section 439, Cr. PC);
- (d) Criminal Miscellaneous Cases which are not included in any of the above classes, such as, application under section 426 (2), 491, 497(5), 498, 526, 561A of the Criminal Procedure Code.

¹ Rule 7A was inserted by Notification No. 181-G dt. 22-10-2012.

² The words "other cases of civil nature" were substituted for the words "Civil Revision cases and References" by Notification *ibid*.

³ The expression "C-" was inserted by Notification *ibid*.

⁴ Rule 8A was inserted by Notification *ibid*.

(2) Records of cases instituted in the original jurisdiction of the Court under special laws will be separately classified with indication to such laws.

(3) The record of all criminal cases shall be prepared as provided in rule 9 and for the purpose of preservation and destruction other rules shall be followed.]

1[9. Contents of Criminal records.-(1) Part I of the record in Criminal Appeals, Revision cases and Miscellaneous cases, shall contain the following papers:

- (i) the order-book (s);
- (ii) the judgment of the High Court Division;
- (iii) the Petition of appeal, application for revision or letter of reference or other application on which the case is instituted;
- (iv) wokalatnamas;
- (v) applications for the return of documents when they have been rejected or on which special orders have been passed;
- (vi) the impugned judgment or order of the Subordinate Court;
- (vii) one copy paper-book;
- (viii) any paper the preservation of which may be directed by the presiding Judge or Judges or by the Registrar; and
- (ix) orders of the Court other than those recorded on the order sheets.

(2) Part II shall contain all other papers.

¹ Rule 9 was substituted for the original rule 9 by Notification No. 181-G dt. 22-10-2012.

(3) Certified copies of impugned order or judgment in criminal cases filed with petitions of appeals or other application on which the case is instituted and which is inserted in the paper-books of such cases may, with the permission of the Registrar, be returned to the parties filing them after the disposal of cases on furnishing distinct and legible photostat copy attested by the filing Advocate and verified by the concerned Assistant Registrar.]

1[9A. Record of Jail Appeal.-(1) Part I of the record of Jail Appeals shall contain the following papers:

- (i) the order book(s);
- (ii) the Judgment of the High Court Division;
- (iii) forwarding letter of the Jail Authority ;
- (iv) petition of appeal ;
- (v) impugned judgment and order of conviction.

(2) Part II shall contain all other papers.]

2[9B. Second Judge's file in criminal cases.-(1) Where a case is dealt with by a Division Bench, a separate file shall be maintained. This file shall be called the Second Judge's file and it shall contain copies of all documents of Part I of the record as mentioned in rule 9 for Criminal cases respectively, except the order-book or order sheet.

(2) In case of Jail appeals, photocopies of the contents of Part I as specified at clauses (iii) to (v) shall be prepared by the Office of the Court for use of the Second Judge of a Division Bench.]

10. Preservation of Miscellaneous Criminal Cases.- Applications for bail and suspension of sentence and orders thereon which are treated as Miscellaneous Cases shall be preserved for three years from the date of the order.

¹ Rule 9A was inserted by Notification No. 181-G dt. 22-10-2012.

² Rule 9B was inserted by Notification *ibid*.

Requisitions for records
Under Order-XIII, rule-10, Civil Procedure Code

1[11. Certified copies of originals from Part-I of Civil record.-(1) Ordinarily certified copies are to be filed in respect of original papers, civil or criminal, requisitioned at the instance of the parties under Order XIII, rule 10, Civil Procedure Code, from Part I of a High Court Division record. Such certified copies shall be returned with the original documents called for when the requisition is complied with. Certified copies, may, however, be dispensed with in respect of the following:

- (a) items (vi) and (xii) of rule 7 of this Chapter;
- (b) item (v) of rule 9 *ibid*; and
- (c) the papers printed in the paper-book of the case- items (ii) and (iv) of rule 7 and item (iii) of rule 9 *ibid*.

(2) With regard to papers of Part II of both Civil and Criminal records, no certified copy need be demanded except under the orders of the Registrar.]