

via Video-conferencing

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P. (CRL.) 1024/2020

SHRI VIKAS

.....Petitioner

Through : Mr. Ashwin Vaish, Advocate.

versus

STATE & ANR.

..... Respondents

Through : Ms. Nandita Rao, ASC for
State/R1.

Ms. Tara Narula and Mr.Zishan
Iskandari, Advocates for
complainant.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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15.07.2020

In compliance of last order dated 07.07.2020, status report dated 13.07.2020 has been filed on behalf of respondent No. 1/State (NCT of Delhi). A separate status report dated 14.07.2020 has also been submitted by respondent No. 2/Office of the District & Sessions Judge (South), Saket Courts, New Delhi.

2. Prayer (a) in the writ petition is limited to the supply of a copy of order dated 04.03.2020 passed by the learned Additional Sessions Judge, POCSO (South), Saket District Court, New Delhi. Such copy has been made available to learned counsel for the petitioner ; and accordingly prayer (a) stands satisfied.

3. Mr. Ashwin Vaish, learned counsel for the petitioner however submits that in the context of prayer (b), a perusal of the status report submitted by the Office of the District & Sessions Judge shows that certain administrative issues are being faced insofar as supplying copies of the judicial/case records in physical form is concerned. Mr. Vaish submits however that judicial/case records are not even available to counsel/litigants in electronic form, which are necessary to file proceedings for urgent relief or to argue final hearing matters.

4. In this behalf, reference may be made to paras 7, 8 and 9 of the status report filed by Office of the District & Sessions Judge, which read as under :

“7. As far as the procedure in place for obtaining the certified copy of the orders during the present times of restricted functioning is concerned, it is being ensured that all the orders in the matters taken up during the lockdown period are expeditiously supplied to the parties/ their Counsel through their E mail ID as well as uploaded on the website so that no inconvenience is caused to anyone on account of non-availability of the copies of orders.

“8. As per the directions of the Hon'ble High Court, all urgent/non-urgent matters are also being regularly entertained and proceed with, without insistence on filing of the certified copies, subject to undertaking that the same shall be filed on resuming of normal functioning of the Courts.”

“9. It may humbly be mentioned that the supply of certified copies of the orders in the physical form would require presence of many staff members including Ahlmads of the concerned Courts, Window Clerk, File Fetcher, Examiner and Cashier etc. which may not be desirable in the present situation

of Covid-19 pandemic. It would not be out of place to mention here that some Judicial Officers/Court Staff have also contracted Covid-19 during the currency of lockdown, and one of the employees, unfortunately, lost his life to the same.”

(emphasis supplied)

5. Ms. Nandita Rao, learned ASC appearing for respondent No. 1/ State submits that as of date, though even final hearing matters are being posted before the District Courts, in cases where the judicial/ case records are not available with counsel, the courts are being accommodating and are adjourning such matters. Learned ASC also informs the court that while judicial records in the District Courts have also been digitised, and electronic copies are believed to be available to Presiding Officers, the same are not made available even electronically to counsel/litigants.

6. Furthermore, Ms. Tara Narula, learned counsel appearing on behalf of the complainant in the present case submits, that while the complainant in this case, as indeed in other cases, would also want final hearing of their respective cases; however, by reason of communication dated 16.07.2013 of the E-Committee of the Supreme Court, there is in any case a bar to uploading case related information of matrimonial matters in Family Courts; matters under the Juvenile Justice Act, the Official Secrets Act; matters relating to Intelligence Agencies; and matters relating to domestic violence and sexual offences against women and children.

7. In view of the foregoing, and being conscious that a decision in the above respect may be taken only by the Administrative & General Supervision Committee of the Delhi High Court and not by way of

directions issued in judicial proceedings, this court considers it appropriate to request Hon'ble the Chief Justice to place the matter before the Administrative & General Supervision Committee for a decision on whether, considering the prevalent coronavirus pandemic, it is practicable to provide to counsel/litigants access to the *entire* judicial/case records of matters before the District Courts, to facilitate hearings. For clarity, the issue is not of permitting physical inspection nor of making copies available in physical form, but only making available electronic copies of the entire case records, to facilitate final/other hearings.

8. Accordingly, subject to orders of Hon'ble the Chief Justice, a copy of this order may be placed before the Administrative & General Supervision Committee of the Delhi High Court for appropriate directions.

9. The petition stands disposed of in the above terms.

10. Pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J.

JULY 15, 2020

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