

ITEM NO.105

COURT NO.4

SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Criminal Appeal No.1256/2017

HARI OM @ HERO

Appellant(s)

VERSUS

STATE OF U.P.

Respondent(s)

([TO GO BEFORE THREE HONBLE JUDGES] DEATH CASE Only [I/A 102744/18 FOR BAIL] in SR-9087/17 and [I/A 102741/18 FOR BAIL] in SR-9088/17 TO BE LISTED ON 19.09.2018)

WITH SLP(Cr1.) No.9087/2017 (II)
(IA FOR [I/A FOR BAIL] ON IA 102744/2018)
SLP(Cr1.) No. 9088/2017 (II)
(Office FOR [I/A FOR BAIL] ON IA 102741/2018)

Date : 20-11-2018 These appeals were called on for hearing today.
CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Appellant(s) Mr. B.H. Marlapalle, Sr. Adv.
Mr. Shankar Divate, AOR (A.C.)

Mr. Krishan Kumar, AOR

For Respondent(s) Mr. Garvesh Kabra, AOR
Mr. Amit Singh, Adv.

Mr. Sarvesh Singh Baghel, AOR

UPON hearing the counsel the Court made the following
O R D E R

Though this is an appeal by special leave which involves imposition of capital punishment, it is not possible for us to proceed with the matter because learned counsel appearing for the convict-appellant states that he needs to rely on the exhibits viz., *Post Mortem* Report, Chemical Analysis Report, Recovery Memos, Medical Certificates, Statements of PWs 1, 2, 4 and 5 recorded

under section 161 of the Code of Criminal Procedure of the Original Record which have not yet been translated.

Issue notice to the Registrar General of the High Court of Judicature at Allahabad calling upon him to show cause why adequate provisions should not be made in the Rules for translating the documents/exhibits into English language from vernacular language in criminal appeals before this Court and thereafter, transmitting such translations to this Court.

In the circumstances, we consider it appropriate to consider directing the Registrars General of all High Courts to furnish the translation of the Original Records in English language from vernacular language wherever required, which are to be transmitted to this Court. Article 348 of the Constitution of India mandates that all the proceedings in this Court shall be done in English language.

Issue notice to the Registrars General of all High Courts limited to the above extent.

This Court in the case of *Pehtu Kanwar & Ors. vs. State of Bihar (Now Jharkhand)* [Criminal Appeal No.1257 of 2007 decided on 27.4.2010], encountered with the issue of translation of documents which were not transmitted to this Court after proper translation in English language. Hence, this Court passed the following order in *Pehtu Kanwar (supra)* :

"It is not understood as to why the High Courts 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

records to this Court."

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 High Courts to comply with the aforesaid directions in letter and spirit and to transmit the entire lower court records in English language.

As far as the instant appeal is concerned, we direct the Registry to furnish translated copies of exhibits viz., *Post Mortem* Report, Chemical Analysis Report, Recovery Memos, Medical Certificates, Statements of PWs 1, 2, 4 and 5 recorded under section 161 of the Code of Criminal Procedure of the Original Record within a period of four weeks from today.

List the matters thereafter.

(SANJAY KUMAR-II)
COURT MASTER (SH)

(INDU KUMARI POKHRIYAL)
ASSISTANT REGISTRAR