

CHAPTER XIII

CERTIFIED COPIES

1. Contents of application for certified copies. —.(i).Every application for a certified copy shall bear the prescribed Court-fee stamp and shall state whether the copy is required for private use or otherwise. It shall be stated in the application whether the copy is required urgently or in the ordinary course. The application may be made by the party himself or by his recognised agent or by his Advocate and may also be sent by post. Where a party applies for a certified copy by post other than registered, post, the date of its receipt by the office of the Court would be the date of the presentation of the application. Whenever such application is made by registered post, the same shall be prepaid for acknowledgment and the date of posting of the letter would be the date of presentation of the application to the Court.

(ii) Application for certified copies for purposes other than private use shall be accompanied by the requisite court-fee stamp prescribed for certified copies under the Court-fees Act.

(iii) Application for certified copies of documents liable to stamp duty under Article 26 of Schedule 1 of the Bombay Stamp Act, 1958, shall be accompanied by a general stamp paper of the requisite denomination.

2. Deposit to be made along with application.—Application for certified copies of any judgment, decree or order shall be accompanied by a nominal deposit of Rs.5, Rs.4 and Re.1, respectively, for ordinary copies and double the said amounts for urgent copies :

"Provided that no such deposit shall be necessary when the application is made by or on behalf of the State of Maharashtra or the Union of India."

3. Parties to proceedings entitled to copies, Application by third Parties to be accompanied by affidavits. — Copies of documents in any civil or criminal proceeding and copies of judgments of the High Court shall not be given to persons other than parties interested therein without the order of the Assistant Registrar. An application for copies made by a third party shall be accompanied by an Affidavit stating the purpose for and the grounds on which they are required, provided that such affidavit shall be dispensed with whenever an Advocate desires bona ride to obtain a copy of a

judgment of this High' Court for the purpose of citing the same as and authority in another Court and makes an application stating that it is required by him for that purpose and provided further that such affidavits shall be dispensed with in the case of applications made. by or on behalf of the Government of the Union or of any State or the Government of any Foreign State.

4. When additional deposits for copies to be made. — After the original papers are received in the Copying Section, the Office shall estimate the copying charges and call upon the applicant to deposit such additional charges as may be necessary to make good the estimated charges, and the work of copying shall commence only after the additional charges and the other requirements prescribed under these rules have been complied with.

5. Ordinary copies to be furnished within ten, and urgent copies within five working days. — An ordinary copy shall be supplied within ten working days from the date when the requirements regarding the deposit of estimated charges, affidavit, etc., are complied with or the original becomes ready for a certified copy being supplied whichever is later. An urgent copy shall be supplied within five working days from the said date of payment of the extra court-fee and charges, unless the Deputy Registrar orders it to be supplied at an earlier date.

Application for copies of Judgments -which are required to be sent for printing.

6. Supply of typed copies of judgments required to be sent to the Press for printing.—Notwithstanding that judgments are required to be sent for printing typed copies of all such judgments shall be supplied on applications for urgent copies of such judgments or applications for ordinary copies made before the judgment is sent to the Press.

(ii) When an application for an ordinary copy of a judgment is made after the judgment has been sent to the Press for printing, a certified copy prepared from the print received from the Press shall be supplied as soon as the printed judgment is received from the Press, provided that, if the printed judgments are not received from the Press, within three months from the date of the application, the Office shall supply typed copies of the judgment at ordinary rates.

Certification of private copies

7. Private copies may be certified as true copies. — Copies of the judgments or any documents on the record in any civil or criminal proceeding in this Court may, on orders of the Assistant Registrar, be certified as true

copies upon an application made in that behalf, provided that the copies sought to be certified are neatly typed on good paper. In such cases, only the comparing fees shall be levied according to the scale of fees prescribed.

Supply of copy of Judgment to the Accused.

8. Notwithstanding anything contained in the preceding rules of this Chapter — (1) Where an order of acquittal has been reversed by the High Court and an accused has been sentenced to imprisonment and in every case where the judgment is appealable, a certified copy of the judgment shall be supplied, on an application made by the accused, free of cost provided however that where a sentence of death is passed or confirmed by the High Court a certified copy of the judgment shall be immediately given to the accused free of cost whether or not he applies for the same.

(2) In every other case where an accused is in jail and if he applies for it, a certified copy of judgment shall be supplied to him free of cost.

¹**[9. Supply of copies of documents etc. free of costs to the High Court or District Court Legal Aid Committee and the Supreme Court Legal Aid Committee.** — Where Certified copies of documents, orders, Judgments, etc. are bona fide required in connection with free legal aid to indigent persons, one copy of each such document, order, judgment, etc, shall be supplied free of cost to the High Court or District Court Legal Aid Committee and the Supreme Court Legal Aid Committee :

1. Added by Notification No. P. 1618/1977, Dt. 6-11-1985.

Provided that Court which has the custody of such documents, orders, judgments, etc. may in its discretion, grant more than one copy if bona fide required in connection with free legal aid to indigent persons.]

²**[10.** Where certified copy is applied for by State Government or any Officer of the Government of Maharashtra ³(or Government of Goa) on behalf of State, the Certified Copy shall be furnished free of cost.]

2. Notification Dt. 13/14-7-1998 published in Mah. Govt. Gazette, Dt. 3-12-1998, Pt. 4-C, pg. 1291.

3. Added by Notification No. P. 3605/98, Dt. 30-10-1999, published in Mah. Govt. Gazette, IV-C, dated 12.6.2008.

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