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കേരള ഗസറ്റ് KERALA GAZETTE

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
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PART III

Judicial Department

THE HIGH COURT OF KERALA

RULES

NOTIFICATION

No. DI-1/20613/2018. 19th February 2021.

In exercise of the powers conferred by Article 225 of the Constitution of India, Section 122 of the Code of Civil Procedure, 1908 (Central Act 5 of 1908) and of all other powers hereunto enabling it in this behalf, the High Court of Kerala, hereby published for General information the draft of the amendments proposed to the Rules of the High Court of Kerala, 1971.

Notice is hereby given that any objection or suggestion with respect to the draft rules received from any person within thirty days from the date of publication of this notification in the Official Gazette will be considered by the High Court. Objections or suggestions, if any, shall be addressed to the Registrar General, High Court of Kerala, Kochi-682 031.

1. *Short title and commencement*:—(1) These Rules may be called the Rules of the High Court of the Kerala (Amendment), 2020.

(2) They shall come into force at once.

2. *Amendment of the Rules*:—In the Rules of the High Court of Kerala, 1971;

(1) In Rule 5, after clause (7) the following clauses shall be inserted, namely:—

(7A) 'Electronic Filing (e-filing)' means the electronic transmission of petitions, appeals and other proceedings to the court using the court's electronic filing system.

(7B) 'Electronic Payment (e-payment)' means all payments into court and out of court made through electronic means.

(2) In Rule 32,

(a) The existing Rule 32 shall be renumbered as sub rule (1) thereof.

(b) In sub rule (1) of Rule 32 so renumbered, after the words 'Advocate's registered clerk', the following shall be inserted, namely —

'or by electronic filing (e-filing).'

(c) After sub rule (1) of Rule 32, the following sub rule shall be inserted namely —

'(2) The Chief Justice may from time to time issue practice directions for electronic filing of the category of cases and the said directions shall be effective from the dates as may be notified.'

(3) After chapter III the following new chapter shall be inserted, namely —

CHAPTER III A

PAYMENTS BY ELECTRONIC METHOD

50A. Electronic Payment.— Payments into court and out of court shall be made by the method of electronic payment (e-payment).

50B. Chief Justice to issue directions.— The Chief Justice may from time to time issue practice directions for electronic payment of the category of cases and the said directions shall be effective from the dates as may be notified.'

(4) In Chapter X,

(a) The existing Rules 128 to 138 shall be substituted with the following Rules, namely—

128. Application for Certified Copies to be filed in person or online.—

(1) Any application, for obtaining a certified copy of any proceeding or judgment or document filed in or in the custody of the Court, shall be filed in Form No.9, either in person or by online process after paying the requisite fees prescribed under Rule 137 by electronic payment (e-payment).

(2) An application not accompanied by the requisite fees shall be rejected.

129. Power of Chief Justice to issue practice directions.—

The Chief Justice may from time to time issue practice directions regarding any of the matters contained under this Chapter.

130. Defective Copy Applications.—When copy applications are returned for rectification of defects, a time limit of seven days shall be fixed for their re-presentation. Defective applications which are not rectified within the period fixed shall be struck off by the Assistant Registrar (Judicial).

131. Application for Copies by a Party to the Proceedings in the High Court —

(1) A party shall be entitled to obtain a copy of any proceeding or judgment or document filed in, or in the custody of the Court by presenting an application.

(2) Where the State Government or the Central Government is a party, a copy of the judgment may be issued to the State Government or the Central Government, as the case may be, by the Registry, free of cost without levying copying charges, on receipt of an online application.

(3) Copies of Judges' minutes or of correspondence and other papers, not strictly judicial, will be granted only under orders of the Court.

132. Application for Copies by Persons not Party to the Proceedings.—

(1) A person who is not a party to the proceedings is entitled to copies of judgments and decrees on presenting an application.

(2) A person who is not party to the proceedings is entitled to copies of other records of the proceedings of the case in the High Court, only on the orders of the Court. A person who requires such copies shall file an affidavit along with a duly verified petition in the Court stating the purpose for which the copy is required. On orders of the Court, certified copies shall be issued, on receipt of the application.

133. Copies of documents filed in Subordinate Courts.—

(1) A party to the proceedings in the Subordinate Courts, who requires copies of the documents including copies of maps, plans, genealogical trees etc. which form part of the records of the Subordinate Courts, shall file a duly verified petition before the Registrar (Judicial) setting forth the necessity and the reason as to why the copy was not obtained from the Subordinate Court. On orders of the Registrar (Judicial) the certified copies shall be issued:

Provided that when the copies applied for cannot be copied on ordinary paper, they shall be prepared with the help of skilled labour employed for the said purpose.

(2) The Registrar (Judicial) shall fix the balance copying charges including the amount to be paid for the skilled labour and the party who requires the copies shall pay the amount so fixed. The court shall prepare the copy only on payment by the party the balance amount so fixed.

134. Application for more than one document in a particular case.—A single application containing all the details need be filed, if a person requires more than one document in a particular case. But for each document, the copying charges shall be paid separately.

135. Intimation of date of delivery of copy.—The authorised officer shall intimate the date for appearance to receive the copy in the e-mail address of the applicant. The authorised officer shall also notify the date for the appearance to receive the copy, on the notice board in the section.

136. Destruction of Certified Copies.—The certified copies, if not received by the applicant within 30 days from the date of intimation/notification, shall be destroyed.

137. Copying Charges for Certified Copy of Judgments and other Documents.— Copying charges for certified copy of judgments and other documents shall be as fixed by the Chief Justice from time to time which shall be notified and published in the official website of the High Court of Kerala.

138. Sealing and Certificate.—

(1) Every certified copy furnished by the Court, shall be certified to be true copies by the officer authorised for the purpose and shall be sealed with the seal of the Court.

(2) Every certified copy shall bear an endorsement showing the following particulars:

- I. Name of the Court:
2. Number and Year of the Case:
3. Name of the Applicant:
4. Number and Date of Application:
5. Date notified for appearance to receive the copy:
6. Date when copy was delivered:

(3) Every certified copy issued free of cost under sub rule (2) of Rule 131 shall bear the following endorsement:

1. Name of the Court:
2. Number and Year of the Case
3. Name of the Applicant (State Government/ Central Government) :
4. Number and Date of Application:
5. Date notified for appearance to receive the copy:
6. Date of Delivery of the Copy:

(4) Certified copy can also be issued in digitized form in the manner as may be prescribed from time to time by the Chief Justice of the High Court of Kerala.

(b) The existing Rules 139 to 144 shall be omitted.

(5) for Rule 179, the following rule shall be substituted, namely—

179. Despatch of judgments and orders.—

(1) Certified copies of Judgments or Orders shall be electronically transmitted to the lower courts and the authorities concerned.

(2) In places where there is no facility for electronically receiving the Judgments or Orders, a hard copy of the same shall be communicated.

(6) for Form No. 9, the following Form shall be substituted, namely—

FORM No. 9

(Rule 128)

Copy Application Form

 Name and address of the Applicant:

 Whether applied in person or online:

 Whether for State/Central

 Government: (mention the party array)

 Number and year of the case:

 Date and amount of copying charges paid:

 Details including the number of the
e-payment receipt:

 Date of Judgment/order:

 Description of the document required:

 Number of copies required:

 Whether party to the proceedings in
the High Court or not:

 If party, then state the status of the
applicant in the case

 If application filed under Rule 133,
then mention the Subordinate Court's
name and case number and status of
the applicant in the case:

 Number of the application filed under
Rule 132 or Rule 133 and the date of the
order allowing the application for copy:

 E-mail address of the applicant:
(to be mandatorily provided)

* The description of the document applied for should be clearly mentioned.

Date.....

Signature of Advocate/Applicant

(7) for From No. 31 the following Form shall be substituted, namely:—

FORM No. 31

Daily Register of Court Fees

Sl. No.	No. nature of the proceedings and name of the lower court	Name of party or pleader presenting documents	No. of enclosures	Institution fee	Stamps on vakalath	Stamps on documents etc.	Process fee	E-payment Receipts	Total	No. of case on the file of the Hight Court	Initials of the Asst. of the section concerned who receives the paper	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(8A)	(9)	(10)	(11)	(12)

By order,

(Sd).

Registrar General.

Ernakulam 682 031.

Explanatory Note

(This dose not form part of the notification, but is intended to indicate its general purpot.)

The High Court of Kerala Proposes to introduce facilities for e-filing of cases and e-payment of money into and out of court. E-filing when implemented will promote paperless filing and thus help in saving cost and time

The High Court of Kerala, also proposes to introduce facility for online submission of application for certified copies. Payment of requisite fees by way of e-payment is also envisaged.

These amendments will empower the High Court to introduce the above facilities.

The notification is intended to actieve the above objectives.

NOTIFICATIONS

(1)

No. B1 (A)-66/2021. 19th February 2021.

In exercise of the powers conferred by Section 9 (3) of the Code of Criminal Procedure 1973, the High Court of Kerala hereby appoints the Officer mentioned in Column (1) of the following Schedule to be Additional Sessions Judge to exercise jurisdiction in the Court of Sessions mentioned against his name in Column (2) thereof, from the date of taking charge.

SCHEDULE

<i>Name and Designation of the Officer</i>	<i>Court of Sessions</i>
(1)	(2)
Sri Anikumar, S. K., Special Judge, Additional Special Court, Muvattupuzha	Ernakulam

(2)

No. B1 (A)-66/2021. 19th February 2021.

In exercise of the powers conferred by Section 9 (3) of the Code of Criminal Procedure 1973, the High Court of Kerala hereby appoint the Officer mentioned in Column (2) of the following Schedule to be Additional Sessions Judge to exercise jurisdiction in the Court of Sessions mentioned against his name in Column (3) thereof, from the date of taking charge.

SCHEDULE

<i>Sl. No.</i>	<i>Name and Designation of the Officer</i>	<i>Court of Sessions</i>
(1)	(2)	(3)
1	Sri Rajesh G., Special Judge, Fast Track Special Court, Palakkad	Palakkad

(3)

No. B1 (A)-66/2021 (1). 20th February 2021.

In exercise of the powers conferred by Section 12 (1) of the Code of Criminal Procedure 1973, the High Court of Kerala hereby appoints the Officer mentioned in Column (1) of the following Schedule as Chief Judicial Magistrate in the District specified against his name in Column (2) thereof, from the date of taking charge.

SCHEDULE

<i>Name of the Chief Judicial Magistrate</i>	<i>Name of the District</i>
(1)	(2)
Sri Unnikrishnan, K. G.	Kasaragod

(4)

No. B1(A)-66/2021 (2). 20th February 2021.

In exercise of the powers conferred by Section 9(3) of the Code of Criminal Procedure 1973, the High Court of Kerala hereby appoints the Officer mentioned in Column (2) of the following Schedule to be Assistant Sessions Judges to exercise jurisdiction in the Court of Sessions mentioned in Column (3) thereof, from the date of taking charge.

SCHEDULE

<i>Sl. No.</i>	<i>Name and designation</i>	<i>Court of Sessions</i>
(1)	(2)	(3)
1	Sri Jomon John, Principal Sub Judge, Irinjalakuda	Thrissur
2	Sri Ganesh, M. K., Principal Sub Judge, Thrissur	Thrissur
3	Smt. Prasanna, K., Sub Judge, Nedumangad	Thiruvananthapuram
4	Sri Johnson, M. I., Sub Judge, Pathanamthitta	Pathanamthitta

(5)

No. B1(A)-66/2021 (3). 20th February 2021.

In exercise of the powers conferred by Section 11 (3) of the Code of Criminal Procedure 1973, the High Court of Kerala hereby appoints the Officers mentioned in Column (2) of the following Schedule to be Judicial Magistrates of the First Class to preside over the Courts specified against their names in Column (3) from the dates they take charge and empowers them to try, in a summary way, all the offences mentioned in Sub Section (1) of Section 260 of Code of Criminal Procedure, 1973.

SCHEDULE

<i>Sl. No.</i>	<i>Name</i>	<i>Court</i>
(1)	(2)	(3)
1	Sri Thariyachan, M. T.	Chalakkudy
2	Sri Reghunath, N. S.	Irinjalakuda

By order,

P. G. AJITHKUMAR,

Ernakulam - 682 031.

Registrar (District Judiciary).

Chief Judicial Magistrate Court, Kollam

NOTIFICATION

No. E-1147/2021.

1st March 2021.

Applications are invited for the appointment of Honorary Special Judicial Magistrate of II Class (Petty Offences), Kollam from persons who possess the undernoted qualifications:

Qualifications required:

1. Be a citizen of India;
2. Hold or have held any post under the Central or State Government;
3. Either be a law graduate of a recognised University;

OR

Be a graduate having experience of at least seven years in legal affairs;

OR

Have held a judicial post at least for a period of three years, or have worked as Honorary Magistrate for a period of 5 Years;

OR

Have passed the Criminal Judicial Test or a Test equivalent thereto;

4. Be physically and mentally fit to discharge his duties as a Special Judicial Magistrate;
5. Possess sufficient knowledge of the language of the court; and
6. Not have completed 65 years of age on the date of appointment.

No practicing legal practitioner shall be eligible for appointment as Special Judicial Magistrate. No person convicted of an offence involving moral turpitude shall be eligible for appointment. Appointment shall be for a period of one year from the date of taking charge.

Interested persons shall apply with their bio-data along with attested copies of certificates proving age, qualifications, experience etc. to this office on or before 31-3-2021. Belated applications will not be considered under any circumstances.

(Sd.)

Kollam.

*Chief Judicial Magistrate.***Chief Judicial Magistrate Court, Palakkad**

NOTIFICATION

No. C-1314/2019.

16th February 2021.

Sub:—Investiture of Powers—Honorary Special Judicial Magistrate of 2nd Class (Rlys.) Shoranur to take cognizance of office under Section 190 (1) of the Code of Criminal Procedure 1974—Orders issued.

In exercise of the powers conferred by provision of Sub Section (2) of Section 190 of the Code of Criminal Procedure 1973 (Central Act 2 of 1974), the Chief Judicial Magistrate, Palakkad hereby specifically empowers the Special Judicial Magistrate of the 2nd Class (Railways), Shoranur in the schedule shown below to take cognizance under Section 190 (1) of the Code of Criminal Procedure of such offences of persons travelling without a proper pass or ticket over any part of the Southern Railway within the District of Palakkad and also committing in any part of the said Railway in the above said area any of the offences falling under Sections 137 to 139, 141, 142, 144 to 147, 155 to 157, 159, 162, 163, 166 and 167 of the Indian Railways Act 1989 (Central Act 24 of 1989) for a further period of one year with effect from 1-3-2021.

SCHEDULE

I	II
Sri Prasannan, N., N. P. Sadanam, Kollayil P. O., Madathara (via), Kollam-691 541	Honorary Special Judicial Magistrate of the 2nd Class (Railways), Shoranur

(Sd.)

*Judicial First Class
Magistrate-I, Palakkad,
In charge of the Chief
Judicial Magistrate.*

Palakkad.

NOTIFICATION

No. C-1314/2019 (1).

16th February 2021.

In exercise of the powers conferred by Section 14 (1) of the Code of Criminal Procedure (Central Act 2 of 1974), the Chief Judicial Magistrate, Palakkad hereby defines the area within which Magistrate appointed may exercise powers for a further period of one year with effect from 1-3-2021.

SCHEDULE

I	II
Sri Prasannan, N., N. P. Sadanam, Kollayil P. O., Madathara (via), Kollam-691 541	Area comprised within the jurisdiction of the Honorary Special Judicial Magistrate of the 2nd Class (Railways), Shoranur in the District of Palakkad

(Sd.)

*Judicial First Class
Magistrate-I, Palakkad,
In charge of the Chief
Judicial Magistrate.*

Palakkad.

Office of the Chief Judicial Magistrate, Manjeri

NOTIFICATION

No. A2-224/2021.

18th February 2021.

Sub:—Administration of Criminal Justice—
Defining the local areas of jurisdiction
of Chief Judicial Magistrate—Notification
under Section 14 (1) of Code of Criminal
Procedure—Regarding.

Read:—Official Memorandum No. D7A(1)-263/2021
dated 8-1-2021 of the Hon'ble High Court of
Kerala.

In exercise of the powers conferred under section
14 (1) of the Code of Criminal Procedure, 1973
(Central Act 2 of 1974) and in pursuance to the
Notification of G. O. (P) No. 52/2020/Home dated
28-10-2020, the Chief Judicial Magistrate, Manjeri hereby
defines the local limits of the area, within which the
Magistrate specified in Column I of the schedule given
below may continue to exercise all or any of the powers
vested on him, in the local area specified under Column II
of the said schedule w.e.f 8-1-2021 in the respective court.

SCHEDULE

I	II
Chief Judicial Magistrate, Manjeri	In addition to the existing jurisdiction, jurisdiction Over Cyber Crime Police Station of Malappuram Police District situated at Malappuram for taking the cognizance of offences under the Information Technology Act, 2000 (Central Act 21 of 2000) and relevant sections of the Indian Penal Code, 1860 (Central Act 45 of 1860) and Special and local laws that may be invoked along with Information Technology Act or in the cases of offences where computer or information resources are used to commit the crime

Note:—[As per G. O. (P) No. 52/2020/Home dated
28-10-2020, Government have established
19 Cyber Crime Police Stations in various Police
Districts so as to investigate the offences under
the Information Technology Act, 2000 (Central
Act 21 of 2000) and relevant sections of the
Indian Penal Code, 1860 (Central Act 45 of 1860)
and Special and local laws that may be invoked
along with Information Technology Act or in the
case of offences where computer or information
resources are used to commit the crime. The
Hon'ble High Court of Kerala vide official
Memorandum No. D7A (1)-263/2021 dated 8-1-2021
directed this court to issue necessary
notification u/s. 14 (1) CrPC as an interim
measure. This notification is issued accordingly].

(Sd.)

Manjeri.

*Chief Judicial Magistrate.***Chief Judicial Magistrate Court, Thalassery**

NOTIFICATION

No. A1-227/2021.

23rd February 2021.

Sub:—Vesting of Jurisdiction over Cyber Police Station
with Chief Judicial Magistrate, Thalassery—
Notification issued—Reg.

Ref:— (1) G O. (P) No. 52/2020 Home Thiruvananthapuram
dated 28-10-2020.

(2) Official Memorandum No. D7A(1)-263/2021
dated 8-1-2021 of the Hon'ble High Court
of Kerala.

In exercise of the powers conferred under Section
14 (1) of the Code of Criminal Procedure 1973 (Act II of
1974), the Chief Judicial Magistrate, Thalassery with the
concurrence of Hon'ble High Court of Kerala hereby vest
the jurisdiction over the local limits of areas of Cyber
Crime Police Station, Kannur having jurisdiction over
Police District of Kannur for offences under the
Information Technology Act 2000 (Central Act 21 of 2000)
and relevant sections of the IPC 1860 (Central Act 45 of
1860) and special and local laws that may be invoked
along with the Information Technology Act or in the case
of offences where computer or information resources are
used to commit the crime, with the Chief Judicial
Magistrate Court, Thalassery w.e.f. 8-1-2021.

(Sd.)

Thalassery-670 101.

Chief Judicial Magistrate.