

Shyam Lal Vs State of U.P. and Others

Court: Allahabad High Court

Date of Decision: Feb. 13, 1998

Acts Referred: Constitution of India, 1950 " Article 14, 19(1), 21, 215, 24
Criminal Procedure Code, 1973 (CrPC) " Section 154, 154(1), 157, 161(3), 162
Essential Commodities Act, 1955 " Section 3, 7
Evidence Act, 1872 " Section 114, 74, 76
Penal Code, 1860 (IPC) " Section 409, 419, 420, 467, 468
Uttar Pradesh Police Regulations, 1948 " Rule 518

Citation: (1998) CriLJ 2879

Hon'ble Judges: P.K. Jain, J; Binod Kumar Roy, J

Bench: Division Bench

Advocate: R.N. Rai, for the Appellant; A.G.A., for the Respondent

Judgement

1. The prayer of the petitioner is to quash the first information report dated 20-12-1997 giving rise to registration of case crime No. 389 of 1997,

P. S. Mughalsarai, District Chandauli as contained in Annexure-3. Annexure-3 is a plain copy. Nowhere in the writ petition it has been stated that

it is true copy of the certified copy of the First Information Report in question. It has also not been stated as to how the petitioner has obtained it.

Paragraph 7 of the writ petition states that a true copy of the First Information Report is being filed as Annexure-3 which in the affidavit has been

stated by the deponent-petitioner to be true to his personal knowledge.

1.1. The petitioner claims himself to be the Joint Secretary of the Samajvadi Party of District Chandauli.

1.2. The petitioner has come up with a claim that one Udai Nath Singh alias Chulbul is Vice-President of District Panchayat, Varanasi, who is

contesting the M. L. C. elections from Varanasi constituency on Bhartiya Janta Party Ticket, Hira Lal alias Chakkan of his Samajvadi Party is

contesting Udai Nath Singh; Every foul means has been adopted by Udai Nath Singh with the help of the Executive and he has got falsely

implicated several workers of the Samajvadi Party including the petitioner, Udai Nath Singh and his brother Brijesh Singh have a long criminal

history, yet the machinery of the State is helping them in their all wrong acts; Udai Nath Singh aforementioned manipulated and managed

Respondent No. 3 the Station Officer, P. S. Mughalsarai, District Chandauli to lodge the impugned first information report, the last portion of

which reads thus:-

bl xax d iwoZ esa lxxuk pqycqy flag mQZ mn; eku flag iq= jfoUnz ukFk flag fuoklh /kSjgjk Fkkuk pkScsiqj ftyk okjl.klh us tks fy[kk;k x;k i

gLrk{kj cuk jgk gwW

g- fnfxot; flag ,l-,p-vks-

20&12&97**

1.3. In the counter affidavit, which has been sworn by Sri Raghunath Gautam, who is presently posted as Station Officer, P. S. Ali Nagar, District

Chandauli and is the investigation officer of the case in question, has denied the correctness of the statement made by the petitioner. He has also

brought on the record a hand written copy of the first information report, the last part of which reads thus :-

bl xax ds iwoZ esa lxxuk pqycqy flag mQZ mn;ukFk iq= johUnz ukFk flag /kkSjgjk Fkkuk pkScs iqj ft- okjk.klh Fks A tks fy[kk;k x;k gLrk{kj

cuk jgk gwW A

fnfXot; flag ,l-,p-vks-

fnukad 20&12&97**

1.4. The counter affidavit appends a Xerox copy of another first information report, the particulars of which have been made legible by a fresh

writing, as Annexure-CA2. It is not understandable as to why Annexure-CA 1, which is the impugned information report, is not a Xerox copy of

the first information report.

2. In Criminal Misc. Writ Petition No. 2714 of 1997 Sarnam Singh Yadav v. S. S. P. Bareilly and others we had passed the following order on

17-12-97 :-

The prayer of the petitioner is to quash the first information report giving rise to registration of crime case No. 283 of 1997 under Sections 420,

467, 468, 471 and 409, I. P. C. and Sections 3/7 Essential Commodities Act, P. S. Fatehganj East, District Bareilly as contained in Annexure-2.

2. Annexure-1 is not a certified copy of the aforementioned first information report. It is merely a typed copy of an alleged Xerox copy of the first

information report. The alleged first information report itself refers to appending an enquiry report along with the first information report which the

petitioner has not appended. Mr. Misra, learned counsel appearing on behalf of the petitioner, states that since his client could not get that report it

has not been appended. Mr. Misra, learned counsel for the petitioner comes up with a plea that the authorities are not supplying certified copy of

the first information report and hence the petitioners are left with no option but to obtain it by any means. If one has to accept the correctness of

the statement of Mr. Misra, then it will mean perpetuating an apparent illegality and avoidance of payment of court fee by those persons who are

desirous of obtaining a certified copy of the public document. First Information Report is a public document and any person is entitled to have its

certified copy either from the police authorities and/or from any court where it is lying if a person files an application and prepared to pay the

proper court fee. In such an event no authority can refuse supplying the certified copy of the first information report.

3. We come to the merits of this case. According to the learned counsel for the petitioner, the petitioner is a honest person and he has been falsely

implicated in the backdrop that he has refused to entertain the co-operative authorities. This is a question of fact and we cannot adjudicate in

exercise of our discretionary powers more so when none of the co-operative authorities have been impleaded in their personal capacity nor has

any date, time of the alleged demand has been mentioned in the writ petition.

4. For the aforementioned reasons this writ petition is dismissed.

5. Before parting we express that we have found in many writ petitions that the petitioners are coming up appending typed copy or Xerox copy of

the first information reports. Obviously that is being obtained by paying illegal gratification to the custodian of the record which is not permissible.

In this clandestine process the State is losing substantial revenue every day.

6. The court may take cognizance of only such documents which are supplied as per the law and duly authenticated. We deprecate and condemn

the practice of obtaining illegally Xerox copy or typed copy of the F. I. R. Unless a petitioner comes up with a copy of the first information report

duly authenticated and certified with which alone is attached statutory presumption under the Indian Evidence Act, the Court may refuse to take

cognizance of such copies.

7. At this stage Sri Jagdish Tiwari, learned A. G. A., informs us that such copies of the first information reports are also being obtained from the

office of the C. J. M. or the Judicial Magistrates.

8. We, thus, direct the office of this Court to send forthwith a copy of this order (i) to the Director General of Police and (ii) all the District Judges

of this State to ensure stoppage of supply of such Xerox copy of the first information reports from the Police Stations of this State or from the

office of the C. J. M./s/Judicial Magistrates respectively.

2.1. In Criminal Misc. Writ Petition No. 14 of 1998 we passed yet another order on 8-1-1998 which reads thus :-

We notice again annexing of a Xerox copy of the first information report as Annexure-6 to this writ petition. Admittedly this document is not a

certified copy. When we desired to know from Sri U. N. Sharma, learned counsel appearing in support of this petition, as to how the petitioner

has obtained the Xerox copy, he frankly told us that firstly the petitioner repeatedly tried to obtain a certified copy of the first information report the

supply of which, however, was declined despite her willingness to pay official costs and thus she somehow obtained the Xerox copy of the first

information report to have reliefs from this Court. Vide an order dated 17-12-97 in Criminal Misc. Writ Petition No. 2714 of 1997 we had

already condemned the practice of supplying the Xerox copy of the first information report to one or the other party highlighting that this must have

caused loss to the tune of lakhs of Rupees, if not crores, as revenue to the State and we had commanded the D. G. P. of this State as well as

District Courts of this State to ensure supply of certified copy of the first information report after obtaining appropriate court fee.

We also direct the office of this Court to serve a copy of this order on Sri Jagdish Tiwari, learned A. G. A! by tomorrow for despatch to the Chief

Secretary of the State to ensure prevention of considerable loss of revenue to the State and report back of the steps taken by him.

Put up on 29-1-1998 as requested by Sri Tiwari to enable him to file counter to the writ petition and information of the steps taken by the Chief

Secretary of the State.

Till then no coercive action shall be taken against the petitioner who, however, is directed to co-operate with the investigation in relation to crime

case No. 809 of 1997 under Sections 409, 419, 420, I. P. C, Police Station Kotwali, District Basti.

2.2. Smt. Seema Shukla, an Advocate of this Court came up with a plea for initiation of proceedings in contempt when she was refused certified

copy of a first information report which she went to obtain, which has given rise to Criminal Contempt Case No. 8 of 1998, after we passed

following order on 6-2-1998.

Smt. Seema Shukla, an Advocate of this Court has filed this application after serving its copy on Sri Anoop Ghosh, learned A. G. A. stating inter-

alia as follows:-

She is a practising Advocate of this Court. She went to Police Station, Soraon, District Allahabad, for getting certified copy of first information

report on due payment alleged to have been registered against Kamlesh Kumar Chaturvedi and Sushil Kumar Chaturvedi resident of Jondhwal

Teliernanj, Allahabad. Anirudh Singh, Station Officer, refused to give the certified copy despite information to him by her about the order and

direction of the Court and reminded of his duty, who also told her that he functions according to the Cr. P. C. and Police Regulation Act and not

bound to follow any direction of any Court and asked her to go out of the Police Station and to request the same Judges for copy of first

information report, who have passed such orders; that the action of the Police Station, Soraon, District Allahabad comes under the purview of the

contempt of the Court and, accordingly, proceedings under Article 215 of the Constitution of India be initiated against him.

The learned counsel with tears in her eyes supported the statements made in this application before us. It is a settled law rules of procedure are

handmaid of justice. Prima facie we have no reason to doubt the correctness of the averments made in her application and reiterated before us in

open Court. We, accordingly, initiate proceedings under Article 215 of the Constitution of India against Anirudh Singh, Station Officer, Soraon,

district Allahabad and ask him to appear at 10 a.m. On Monday 9th February, 1998 before the appropriate contempt Bench along with his show

cause, if any, as to why he should not be appropriately punished for having undermined the authority of the Court. Let a copy of this order be sent

and served on him immediately through the Chief Judicial Magistrate, Allahabad and/or S. S. P., Allahabad. This communication will be deemed to be

sufficient knowledge to the S. S. P. Allahabad who will also appraise the Court on Monday as to what disciplinary proceedings he has taken or he

intends to take against such a delinquent contemner.

We also direct the informant Smt. Seema Shukla to file an affidavit by tomorrow.

This proceeding is to be registered as a separate criminal contempt against the aforesaid contemner.

Sri Jagdish Tiwari, learned A. G. A., will assist the Court.

We also direct the S. S. P., Allahabad to see that certified copy of the F. I. R. is handed over to the informant Smt. Shukla provided she deposits

necessary costs/fees for supply of such certified copy, which is required to be deposited before him now.

We also direct the office to serve a copy of this order on Sri Jagdish Tiwari, learned A. G. A., today itself for a follow up action.

This proceeding in contempt is pending and thus we do not desire to note anything beyond noted as above.

3. One turns back to the Biblical story - And God created Adam and Eve and forbade them from eating the apple. Despite this, they ate and

tasted the forbidden apple. Thus, started the quest for knowledge,

3.1. Right to know is no longer a myth. It stands recognised as a fundamental right covered under Arts. 19(1)(a) and 21 of the Constitution of

India by plethora of decisions of the Apex Court (see (i) The State of U.P. Vs. Raj Narain and Others, . (ii) S.P. Gupta Vs. President of India and

Others, . (iii) Reliance Petrochemicals Ltd. Vs. Proprietors of Indian Express Newspapers, Bombay Pvt. Ltd. and Others, .(iv) State of Orissa Vs.

Sridhar Kumar Mallik and Others, . (v) Express Newspapers Pvt. Ltd. and Others Vs. Union of India (UOI) and Others, and (vi) Dinesh Trivedi,

M.P. and Others Vs. Union of India (UOI) and Others, .

4. Section 154 of the Code of Criminal Procedure reads as follows :-

154. Information in cognizable cases.

(1) Every information relating to the commission of a cognizable offence, if given orally to an officer in charge of a police station, shall be reduced

to writing by him or under his direction and be read over to the informant; and every such information, whether given in writing or reduced to

writing as aforesaid, shall be signed by the person giving it and the substance thereof shall be entered in a book to be kept by such officer in such

form as the State Government may prescribe in this behalf.

(2) A copy of the information as recorded under Sub-section (1) shall be given forthwith, free of cost, to the informant.

(3) Any person aggrieved by a refusal on the part of an officer in charge of a police station to record the information referred to in Sub-section (1)

may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such

information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any

police officer subordinate to him, in the manner provided by this Code and such officer shall have all the powers of an officer in charge of the

police station in relation to that offence.

This section provides giving of a copy of the information free of cost to the Informant.

4.1. Section 74 of the Evidence Act reads thus :-

74. Public documents. The following documents are public documents:-

(1) documents forming the acts or records of the acts.-

(i) of the sovereign authority,

(ii) of official bodies and tribunals and (iii) of public officers, legislative, judicial and executive (of any part of India, or of the Commonwealth) or of

a foreign country;

(2) Public records kept in any state of private documents.

4.2. Section 76 of the Evidence Act reads as follows :-

76. Certified copies of public documents.-

Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it

on payment of the legal fee therefore; together with a certificate written at the foot of such copy that it is a true copy of such document or part

thereof, as the case may be and such certificate shall be dated and subscribed by such officer with his name and his official title and shall be sealed,

whenever such officer is authorized by law to make use of a seal; and such copies so certified shall be called certified copies.

Explanation.-Any officer who, by the ordinary course of official duty, is authorised to deliver such copies, shall be deemed to have the custody of

such documents within the meaning of this section.

Section 207, Cr. P. C, which has bearing, reads thus:-

207. Supply to the accused of copy of police report and other documents. In any case where the proceeding has been instituted on a police

report, the Magistrate shall without delay furnish to the accused, free of cost a copy of each of the following :-

(i) the police report;

(ii) the first information, report recorded u/s 154;

(iii) the statements recorded under Sub-section (3) of Section 161 of all persons whom the prosecution proposes to examine as its witnesses,

excluding therefrom any part in regard to which a request for such exclusion has been made by the police officer under Sub-section (6) of Section

173.

(iv) the confessions and statements, if any, recorded u/s 164;

(v) any other document or relevant extract thereof forwarded to the Magistrate with the police report under Sub-section (5) of Section 173 :

Provided that the Magistrate may, after perusing any such part of a statement as is referred to in Clause (iii) and considering the reasons given by

the police officer for the request, direct that a copy of that part of the statement or of such portion thereof as the Magistrate thinks proper, shall be

furnished to the accused :

Provided further that if the Magistrate is satisfied that any document referred to in Clause (v) is voluminous, he shall, instead of furnishing the

accused with a copy thereof, direct that he will only be allowed to inspect it either personally or through pleader in Court.

5. In Rattan Chand Hira Chand Vs. Askar Nawaz Jung (Dead) by Lrs and Others, the Supreme Court observed as follows:-

...The legislature often fails to keep pace with the changing needs and values nor is it realistic to expect that it will have provided for all

contingencies and eventualities. It is, therefore, not only necessary but obligatory on the courts to step in to fill the lacuna. When courts perform this

function undoubtedly they legislate judicially. But that is a kind of legislation which stands implicitly delegated to them to further the object of the

legislation and to promote the goals of the society. Or to put it negatively, to prevent the frustration of the legislation or perversion of the goals and

values of the society. So long as the courts keep themselves tethered to the ethos of the society and do not travel off its course, so long as they

attempt to furnish the felt necessities of the time and do not refurbish them, their role in this respect has to be welcomed.

5.1. Similarly in *K. Veeraswami Vs. Union of India (UOI) and Others*, the Apex Court held that the Court's role is much more and it is expanding

beyond disputes settling and interstitial law making. It is a problem solver in the nebulous areas. In this very case it was also held that it can supply

deficiency and fill gaps in a ready existing structure found deficient in some ways.

6. In *Patel Maganbhai Bapujibhai and Others Vs. Patel Ishwarbhai Motibhai and Others*, a Division Bench of the Gujarat High Court presided

over by S. B. Majmudar, J. as he then was (now of the Supreme Court), held that "a combined reading of Sections 74 and 76 indicates that

before a public officer can be required to give a certified copy of the public document, it must be shown that the concerned document is a

document forming the acts or record of the act of the sovereign authority, of officials, bodies and tribunals and of public officers, legislature, judicial

and executive of any part of India or of the Common Wealth or of a foreign country or a public record kept in any State of private document.

7. What is a first information report has not been mentioned in the text of the Code of Criminal Procedure but one can have an idea in this regard

after going through Section 207, Cr. P. C. It is an information relating to commission of a cognizable offence which is required to be reduced to

writing by the officer-in-charge of a police station or under his direction, if given orally required to be signed by the person giving it.

7.1. This Court in *Mohan Singh Vs. Emperor*, through Dr. Sah Muhammad Sulairnan and Rai Bahadur Lal Gopal Mukcrjee, JJ. observed thus :-

Under paragraph 90 of Chapter IX of the police Regulation the officer-in-charge of a police station is required to take down in triplicate in the

check receipt book (first information report) and information relating to the commission of an offence.

It was also held that the F. I. R. will certainly be relevant to establish that an accused was named at the very start and that it is a public document.

Prompt lodging of the report is generally insisted as the object is to obtain early information regarding the circumstances in which the crime was

committed, the names of the actual culprits and the part played by them as well as the names of the eye-witnesses present at the scene of

occurrence. This information, when recorded, is the basis of the case set up by the informant. It marks the beginning of the investigation into the

reported offence.

Under Section 114 of the Evidence Act there will be a presumption of due performance of the official act while drawing the first information report.

It is thus a very important and valuable document.

8. In *Sheonandan Paswan Vs. State of Bihar and Others*, it was held by the Apex Court (per Bhagwati CJI and Oja, J.) that the police has no

absolute or unfettered discretion whether to prosecute an accused or not to prosecute him rather in our constitutional scheme conferment of such

absolute and uncanalised discretion would be violative of the equality Clause (i.e. Article 14) of the Constitution and, therefore, the Magistrate is

given power to structure and control the discretion of the police, which is the final arbiter.

9. *S. N. Sharma v. Bipen Kumar Tiwari* AIR 1970 SC 736 : 1970 All LJ 1348 it was held to the effect by the Apex Court that if the police mala

fide exercises power of investigation the remedy is to invoke the writ jurisdiction of the High Court under Article 226 of the Constitution.

10. In *State of West Bengal and Others Vs. Swapan Kumar Guha and Others*, it was held to this effect - ""Under Section 157, Cr. P. C. Police

investigation can be commenced only if the F. I. R. Prima facie discloses commission of cognizable offence and that where such offence is not

disclosed the High Court will be justified in interfering with the investigation and quashing the first information report under Article 226. The Court

observed particularly that the police do not have an unfettered discretion to commence investigation u/s 157 of the Code. Their right of enquiry is

conditioned by the existence of reason to suspect commission of a cognizable offence and they cannot, reasonably, have reasons so to suspect

unless the F. I. R., prima facie, discloses commission of such offence. If that condition is satisfied the investigation must go on and the rule in

Khwaja Nazir Ahmad case will apply.

10.1. In *Dhanpat Singh v. Emperor* AIR 1917 Pat 625 : 18 CriLJ 982 it. was held that ""it is vitally necessary that an accused person should be

granted a copy of the first information at the earliest possible stage in order that he may get legal advice."" It was also observed that ""to put

difficulties in the way of his obtaining such a copy is only creating a temptation to the way of officers who are in possession of the originals.

10.2. The clue as to who has a right to inspect the first information report, which is a public document can be found out from a bare perusal of the

second proviso to Section 207, Cr. P. C. extracted as above.

In A.K. Kaderkutti Vs. Agricultural Income Tax Officer, Tellicherry and Others, , the Kerala High Court held in regard to Section 76 of the

Evidence Act that ""I see no reason to interpret the words "right to inspect" in a restricted or narrow" sense, though at the same time, an interest

which is illusory is no interest whatsoever. "" Right to inspect is not to be negated, on the ground, that his purpose is not to prefer an appeal, but is

to safeguard his other interests.

This view was followed subsequently by the same High Court in V.J. Thomas Vs. State of Kerala,

In Channappa Andanappa Siddareddy and Others Vs. State, the Karnataka High Court held as follows (Para 3) :-

The F. I. R. being a record of the acts of the public officers prepared in discharge of the official duty is such a public document as defined u/s 74 of

the Evidence Act. u/s 76 of the Evidence Act, every public officer having the custody of a public document, which any person has a right to inspect

is bound to give such person on demand a copy of it on payment of the legal fees therefore.

In Panchanan Mondal v. The State 1971 Cri LJ 875 the Calcutta High Court held as follows :-

...the F. I. R. is not barred u/s 162 of the Criminal P. C. as it is not the result of any investigation and does not consist materials collected during the

same. To be precise, the F. I. R. is indeed the starting point of an investigation and not the result thereof and so is not barred u/s 162 of the

Criminal PC ...

x x x x x

...and the accused is entitled to a copy thereof on payment of the legal fees therefore at any stage

...It is therefore abundantly clear that the intention of the legislature is that a person having the right to inspect a public document is entitled to a

certified copy thereof on payment of the legal fee therefore. The provision for a free copy of the F. I. R. u/s 173(4) of the Criminal P. C., does not

affect or alter the right of the accused to have a certified copy thereof at an earlier stage on payment of the charge....

...A denial or a delaying of the same right would ultimately frustrate the intention of the legislature.

x x x x x

...No evidence is recorded before the charge and accordingly if the accused be denied the right to have a certified copy of the first information

report at the stage prayed for, he will be materially prejudiced in his defence not only in matters relating to bail but also in relation to his other rights

enjoyed under Article 21 of the Constitution of India. It is also to be noted that the F. I. R. is a document which is of considerable value to the

accused, showing as it does on what material the investigation commenced and what was the prosecution case in the first blush.

x x x x x

...The question of prejudice of the accused on account of the denial of the copy of the F. I. R. at the earlier stage therefore assumes greater

importance and on a proper consideration thereof, I hold that it is expedient in the interest of justice that a certified copy of the first information

report, which is a public document, should be granted to the accused on his payment of the legal fees therefore at any stage even earlier than the

stage of Section 173(4) of the Code of Criminal Procedure.

In *Jayantibhai Lalubhai Patel Vs. The State of Gujarat*, the Gujarat High Court fully agreed with the views taken by the Calcutta and Karnataka

High Courts after noting that even though no rules have been brought to the notice of the Court, like Calcutta, there exists a right of the accused to

have certified copy of the first information report. After holding that an accused has a right to inspect the first information report because there are

allegations made against him; and that he is entitled to have inspection of the same, the Court went to the extent of holding that denial of the same

would be clearly, against the principles of natural justice and violative of Article 21 of the Constitution of India.

10.3. A first information report cannot be regarded as a privileged document under the Evidence Act as rightly held in *Munna Singh Tomar and*

Others Vs. State of M.P. and Others, (Division Bench Judgment of the Madhya Pradesh High Court).

10.4. Fully agreeing with the ratio laid down in the aforesaid cases we hold that the accused is entitled to know what was said in the first

information report to connect him with the offence so that he may be in a position to protect his interest. He is therefore, entitled to a copy thereof.

He can have it from (i) the police station, or (ii) the office of Superintendent of Police, or (iii) C. J. M./Magistrate, Incharge/Special Judge as the

case may be and as per his desire. Ours is a welfare democratic State. It is a Government by the people, of the people and for the people, as said

by Abraham Lincoln. It is common knowledge that the office of the Superintendent of Police or for the matter of that the Courts are situated

invariably at a distance far from the Police Stations. Imagine the plight of such a person who is required to cover a great distance for having a

certified copy of the F. I. R. to know its contents so that he could defend himself.

10.5. Accordingly, there is no manner of doubt that an accused person or any person who suspects that his name figures in a first information

report can file an application or get an application filed through his pairwikaar (representative/agent) for supplying certified copy of the first

information report either before the S. O./S. H. O. of police Station or the office of Superintendent of Police or the C. J. M. or the Special Judge

before whom the first information report is kept or forwarded by the Police Station concerned. We may point out that we find a note in one of the

commentary of the Cr. P. C. that it was held by the Full Bench of the Madras High Court reported in 1988 Mad LW (Cri) 503 that an accused is

not entitled to certified copy of the F. I. R. before forwarding of the Final Report but we are handicapped to appreciate the reasons for holding so

due to their non-mentioning. In any view of the matter for the reasons recorded as above we are unable to agree with that view.

11. Rule 518, Chapter XXXIII of U. P. Police Regulation framed under the provisions of the Police Act, which deals with supplying copies of

police record, reads thus:-

519. Except as required by law or regulations copies of police official correspondence and records should rarely be given to private individuals or

bodies. It would, for instance, be improper to communicate information collected by the police for official purposes to a commercial firm, to be

used for advertising purposes. See also Manual of Government Orders.

Whenever a Superintendent of Police is in doubt as to the propriety of granting copies of official documents otherwise than as required by law or

rule he should refer to the Inspector General for orders. When copies are given to private individuals or bodies payment must be made for them at

the following rates :-

(i) For a copy containing not more than 1,500 words - Rupee 1.

(ii) For every 300 words in excess of 1,500 words - Extra charge of 12 paise.

(iii) In calculating charge, each statement, report etc. should be regarded as a separate document and should be charged for separate.

(iv) The rates for copies of documents in Hindi or Urdu will be the same as for documents in English.

(v) If a copy of a book, register, map or plan is to be prepared, a suitable charge should be fixed by the head of the office.

Copying charges should be recovered in each in advance and should be credited as receipts to Head Receipts - XIX - ""Police-Miscellaneous.

Other Miscellaneous Receipt"" . Copies should be made by the ordinary staff of the office concerned, without additional remuneration; but if

absolutely necessary, at times of pressure copyist may be employed for the purpose on a temporary basis.

All applications for copies, other than those for copies of orders which the government servants are entitled to receive free of charge under

Paragraph 77 of the Manual of Government Orders, shall be subject to the payment of Court-fee prescribed under Article 1 of Schedule II of the

Court-fees Act 1870 (Act VII of 1870), as amended in its application to Uttar Pradesh. Except in the case of copies of orders which the

Government Servants are entitled to receive free of charges, the copies shall be issued on a general stamp of the value prescribed under Article 24,

Schedule I. B. of the Indian Stamp Act, 1899 (Act II of 1899), as amended in its application to Uttar Pradesh, to be furnished by applicant

himself.

Copies need not be written on impressed (copy stamp) paper.

11.1. Sri Jagdish Tiwari, learned A. G. A. pointed out that the regulation aforementioned has got no force of law. We do not want to make any

comment at this stage by entering into unnecessary controversy.

11.2. Under Civil Court Rules an amount of Rs. 5/- is charged for supply an ordinary certified copy for thousand words and Rs. 10/- for supplying

an urgent copy at the same rate. A further amount of 25 paise per 300 words or part thereof exceeding 1000 words for an ordinary certified copy

and 50 paise for an urgent certified copy is being charged. If the particulars are not mentioned in the application desiring supply of certified copy,

then a further amount of Rs. 6/- is being charged as a searching fee.

If someone is desirous for having a Xerox copy of a document, in that event an amount at the rate of Rs. 1/- per page in addition to the urgent fee

is being charged.

11.3. If the regulation extracted as above has got no force of law then we are of the view that the manner prescribed by the Civil Court Rules,

enumerated as above, can be well followed by the police authorities concerned till the appropriate rules are framed. After all a working formula has

to be evolved by this Constitutional Court and the matter cannot be left in vacuum.

12. Let the course suggested be followed by the. authorities concerned till the appropriate rules are framed, if there is no rule or regulations.

13. The office is directed to despatch a copy of this order to the D. G. P. of this State for its communication to and follow up action by every

police station or the office of Superintendent of Police throughout the State for supplying the certified copy of the first information report to an

accused or a person who apprehends that his name figure in any first information report either through personally or through his/their authorised

agent, including an Advocate.

14. By way of abundant precaution the office is also directed to serve two copies of this order on Sri Jagdish Tiwari, learned A. G. A., appearing

on behalf of the State for communicating to the D. G. P. of the State as well as the State Government.

15. Put up this writ petition immediately after the petitioner files a supplementary affidavit enclosing the certified copy of the first information report.