

Rules Regarding Prosecution of Criminal Cases Instituted at the Instance of Courts, whether Civil, Criminal or Revenue (1951)

RAJASTHAN

India

Rules Regarding Prosecution of Criminal Cases Instituted at the Instance of Courts, whether Civil, Criminal or Revenue (1951)

Rule

RULES-REGARDING-PROSECUTION-OF-CRIMINAL-CASES-INSTITUTED AT THE INSTANCE OF COURTS, WHETHER CIVIL, CRIMINAL OR REVENUE (1951)

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1. Scope of the Rules

- These rules relate to the prosecution of cases arising out of complaints, by courts, whether civil, criminal or revenue in respect of offences connected with the administration of justice e.g. perjury, resistance to attachment, other resistance to lawful authority, escape from arrest, disobedience of a court's order etc.

2. Trial of cases

- Every case of the kind referred to in the foregoing rule shall ordinarily be tried by magistrate of the first class. Prompt disposal and care as to procedure are important.

3. Intimation to the District Magistrate

- As soon as the complaint is drawn up, the court making the complaint shall forward it through the District Magistrate of the district concerned, giving a brief history of the case, and adding

recommendation to the District Magistrate whether the State should be represented or not by counsel.

4. Arrangement for the conduct of cases

(1)The State shall be represented in such cases and ordinarily counsel be engaged. Only in simple cases may representation by counsel be dispensed with.(2)If the trial is held at district headquarters, the Public Prosecutor or additional public Prosecutor shall be engaged. In simple cases where representation by counsel is not recommended, the District Magistrate shall instruct the Prosecuting Inspector or Prosecuting Sub-Inspector to conduct the prosecution.(3)If the trial is at a place other than district headquarters, ordinarily a local private legal practitioner shall be engaged.Note- For purposes of this rule, cases of resistance or obstruction to legal process and escape from arrest are not simple cases.

5. Fees of counsel in cases

- The fees payable to a private legal practitioner engaged under rule 4 shall be the same as those laid down for a Public Prosecutor in rule 18 of the Rules regarding Public Prosecutors and Additional Public Prosecutors.

6. Report of result in cases

- When the State is represented by counsel, counsel shall report the result of the case through the District Magistrate of the district to the complaining court, making such recommendation as he may consider. justified and attaching a copy of the judgment. When the State is not represented by counsel, the Magistrate trying the case shall simply forward copy of the judgment to the complaining , court through the District Magistrate of the district. The complaining court shall examine the judgment and decide whether further action is necessary or desirable.