

General Rules (Criminal) of 1954

TRIPURA

India

General Rules (Criminal) of 1954

Rule GENERAL-RULES-CRIMINAL-OF-1954 of 1954

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Chapter I Preliminary

1.

These Rules shall be known and cited as the General Rules (Criminal) of 1954.

2.

These Rules shall come into force on the 1st January, 1955 and shall, so far as may be, apply to all proceedings and matters in all criminal courts subordinate to the Judicial Commissioner's Court, Tripura, commenced on or subsequent to that date, and, so far as may be, to all proceedings and matters pending in such courts on that date.

3.

The general rules hereinafter following for regulating the practice and proceedings of all criminal courts subject to the appellate jurisdiction of Judicial Commissioner's Court, Tripura, for the inspection of records of subordinate courts and for the disposal of destruction or otherwise of records, books and papers belonging to or being in the custody of such courts, are made and issued by the Judicial Commissioner in exercise of the powers in that behalf conferred on it by Parliament and the Acts of the Indian Legislatures, with the sanction and confirmation of the Chief Commissioner.

4.

All criminal circular orders, criminal circular letters issued hitherto which may be inconsistent with these Rules shall stand revoked.

Chapter II

Legal Practitioners

1. The Pleaders authorised to practise in Criminal Courts in Tripura State are the Advocates, Pleaders class I and Pleaders class II.

Any Advocate or Pleader class I on the roll of the Judicial Commissioner's Court and not under suspension, who, in the case of a Pleader, has filed his Vakalatnama, is entitled to practise as such in any court other than Judicial Commissioner's Court upon producing before the presiding officer of such court his certificate of enrolment or otherwise satisfying such Presiding officers of the fact of such enrolment.

2. A legal practitioner may, with the consent of the court, address it in English: Provided that such consent shall not be given if the opposite party objects, unless due provision is made for the interpretation, if necessary, of what is said into the language of the Court.

3. A legal practitioner when unable personally to attend to a case in which he is briefed, may hand over the brief to another legal practitioner without the latter filing a Vakalatnama.

Chapter III

Processes

1. In every process or order issued or made by a Judicial officer the name and powers of the officer issuing or making it, together with the name of the district and for the Court, shall be clearly set out. Every officer signing a process or order shall sign his name legibly.

2. In every process requiring the appearance or attendance of any person, the day of the month and the hour fixed for such appearance or attendance shall be stated in words and in figures. The place of appearance or attendance shall also be stated.

3. Every process and order shall be written in the Court language or, if the Court so directs, in English. When a process or order written in the Court language is sent for service to a Court in a district where a different language is in ordinary use, it shall be sent with an endorsement in English requesting its execution, and shall be accompanied by an English translation, certified by the transmitting Court to be correct.

4. When under Section 72 (1) of the Code of Criminal Procedure, 1898 (5 of 1898), a summons is to be served on a person in the active service of the Government, the "Head of the office" to whom the summons is ordinarily to be sent in duplicate shall be deemed to be-

(a) in the case of an officer or soldier in military employment, the officer in command locally of the corps or department in which such person may be serving; (b) in the case of Gazetted Officers shown in column I of the subjoined list, the authority noted in column II:

Column I

District and Sessions Judges and Additional District and Sessions Judges in Agra
Subordinate Judges and Munsifs
Magistrates and Collectors, Joint and Assistant Magistrates, Settlement Officers and Cantonment Magistrates
Gazetted and other officers of the Police Department
Gazetted subordinate of the Registration Department
Civil Surgeons, Chemical Examiner, Assistant to Chemical Examiner and the Superintendent of Lunatic Asylums
Civil Assistant Surgeons
Superintendent of Jail
Deputy Sanitary Commissioner
Gazetted Officers of the Educational Department
Deputy and Assistant Conservators and Extra Deputy and Assistant Conservators
Assistant to the Director of Land Records and Agriculture and Veterinary Officer
Officers of the Provincial Service and subordinate civil serving in a district
Superintending Engineers

Column II

The Chief Justice, High Court, or the senior Judge on duty.
District Judges.
Commissioners of divisions.
Superintendent of Police.
Inspector-General of Registration.
Inspector-General of Civil Hospitals.
Civil Surgeons.
Inspector-General of Prisons.
Sanitary Commissioner.
Director of Public Instruction.
Conservator of Forests.
Director of Land Records and Agriculture.
Magistrate and Collector of the District.
Chief Engineer.

Executive and Assistant Engineers	Superintending Engineer.
Subordinate Engineers	Executive Engineer.
Sanitary Engineer to Government, Superintendent, Roorkee Workshops Electrical Inspector to Government	Chief Engineer.
Superintendent, Mahummadan and British Monuments	Director General of Archaeology.
Chaplains	Bishop.
Assistant Commissioner of Excise, Inspector of Distilleries, Assistant Commissioners, Excise Inspectors	Commissioner of Excise.
Deputy Commissioner's, and Assistant Commissioners, Northern India Salt Revenue Department	Commissioner, Northern India, Salt Revenue.
Superintendents and Assistant Superintendents	Assistant Commissioners.
Gazetted Officers, Railway Mail Service (Postal Department)	Postmaster General.
Gazetted Officers, Opium Department	Opium Agent.
Superintendents, Survey of India	Surveyor General.
Officer-in-charge of Parties and Offices (Survey)	Superintendents.
Other Officers (Survey)	Officers-in-charge of Parties or Officers.
Gazetted Officers, Postal Department	Postmaster General.
Gazetted Officers, Telegraph Department	Director of Telegraphs, United Provinces.
Accountant General	Auditor General.
Gazetted Officers, Financial Department (other than Accountant General)	Accountant General.

When a person mentioned in Clause (b) above is required to attend at a Court beyond the limits of the district or area in which he is serving, the Court issuing the summons, unless the case is one of extreme urgency, shall allow sufficient time for arrangements to be made for the performance of the duties of such person during his absence.

5. When under Section 72 of the Code of Criminal Procedure, 1898, a summons is to be served upon any person in the active service of the railway it should ordinarily be sent in duplicate to the "head of the office" and the Court issuing the summons, unless the case is one of extreme urgency, shall allow sufficient time for arrangements to be made for the performance of the duties of such officer during his absence. Notice of the intended arrest of railway servant or of a person working on a railway in the service of a contractor shall be given in a similar manner, when circumstances permit, to the said company or contractor.

6. The fees hereinafter mentioned shall be chargeable for serving and executing processes issued by Criminal Courts in the case of offences other than offences for which police officers may arrest without warrant:

	Rs.	a. p.
1. Warrant of arrest-		
(a)	in respect of one person or of the first person named in the warrant	0 11 0
(b)	in respect of each other person named in the warrant	0 5 6
2. Summons-		
(a)	in respect of one person or of the first person named in the summons	0 11 0
(b)	in respect of each other person named in the summons	5 6
3. Proclamation for absconding person under Section 87 of the Code of Criminal Procedure, 1898.	0	11 0
for other persons in the same village	0	5 6
4. Warrant of attachment-		
(a)	in respect of the warrant... where it is necessary to place officers in charge of property attached, in respect of each officer so employed, per diem, not less than...	0 11 0
(b)		
not more than...	"	" "
To cases where an application is made by a complainant for the recovery of fees ordered to be repaid under Section 31 of the Court-fees Act, 1870, or of compensation granted under Section 545 of the Code of Criminal Procedure, 1898, or where a person applied for the recovery of compensation awarded to him under Section 250 of the Code of Criminal Procedure, 1898-		
In respect of the warrant for the levy of the fees, fine or compensation...	0	11 0

Provided that no fee shall be chargeable on any summons to attend as a juror or assessor for the trial of an accused person: Provided also that no fee shall be chargeable for any process issued upon the complaint or application of any public officer as defined in Section 2 of the Code of Civil Procedure when acting as such public officer, or of any railway servant as defined in Section 3 of Act No. 9 of 1890 when acting as such railway servant: Provided also that the presiding officer of the Court may remit in whole or in part a fee chargeable under this rule, whenever he is satisfied that the person applying for the issue of the process has not the means of paying it. Summons to employees under public bodies and companies shall be served through their departmental heads.

7. A process upon which a fee is chargeable under Rule 6 shall not be drawn up for service or execution until the fee has been paid or has been remitted.

The fee shall be paid in court fee stamps, which shall be affixed either to the application by which the Court is moved to issue the process (in addition to the court-fee chargeable upon the application itself), or, if no such application be filed, to the order in writing by which the Court directs the issue of the process.

8. Every application for the issue of process for the attendance of witnesses shall, if the party presenting the application is represented in the case by a legal practitioner, contain a certificate signed by such legal practitioner that he has satisfied himself that the evidence of each of the witnesses is material in the case.

Chapter IV

Preparation of Records

1. In every case, other than a case in which the offence alleged falls under Chapter XIX, XX or XXI of the Indian Penal Code, the style and title used to designate the prosecution shall be "The State of Tripura" and no other.

2. A serial number shall be assigned to each case in each Court:

(i) in the Court of a Magistrate taking cognizance of an offence, as soon as cognizance is taken; but if the case is at once transferred under Section 192 of the Code of Criminal Procedure, 1898, it shall not be numbered as a case; (ii) in the Court of a Magistrate receiving a case by transfer or by submission under Section 346 of the Code of Criminal Procedure, 1898, or in a Court of Session receiving a case made over under Section 193 of the same Code for trial, as soon as the case is received; (iii) in a Court of Session receiving a case on commitment or on reference under Section 123 of the Code of Criminal Procedure as soon as notice of the commitment or the record in a case of reference is received. A separate series of numbers shall run in each Court for cases entered in the register of miscellaneous cases.

3. Upon the institution of a case an order-sheet in the prescribed form shall be put up (Judicial Special Form No. 4). Upon it shall be recorded (i) every routine order passed by the Court in the case; (ii) a note of every other order passed, including every order regarding a document produced before the Court; (iii) a note of the date of each hearing and the proceedings on that date. An order, the reasons for which require to be recorded at length, shall not be written on the order-sheet, but a note of the order, and of the date on which it was made, shall be entered on it. Every entry upon the order-sheet shall be made at the earliest opportunity and shall be signed by the presiding officer.

4. Upon the institution of a case a general index in the prescribed form (Form No. 4) shall be put up. In it shall be entered a note of every paper or document as it is brought upon the record. When a paper is removed from the record, a note of the fact shall at once be made in the general index against the entry of that paper.

5. The records shall include every paper in the case from the information on which cognizance was first taken up to and including the warrant returned under Section 400 of the Code of Criminal Procedure, 1898.

5A. All proceedings, applications, and petitions, of whatsoever nature, filed in the course of Criminal Judicial proceedings, shall be written in a legible hand or typewritten on stout durable paper.

Only one side of the paper shall be used, and a quarter margin, together with at least one inch of space at the top and bottom of each sheet, shall be allowed. Every application or petition shall, at the time of presentation, bear the name of the person actually presenting the same together with the date of presentation.

6. When a document or other thing produced before a Court is impounded, a note recording that it has been impounded shall forthwith be made upon it or attached to it, and shall be signed by the presiding officer; and such document or other thing shall not be allowed to pass out of the custody of the Court, save by written order of the Court.

7. Upon every document, weapon, or other article produced and admitted in evidence before a Court shall be clearly marked an Exhibit Number M-1,2,3 in the case of material exhibits produced by the prosecution, M(d) 1, M(d) 2 etc. for material exhibits produced by the defence, P-1, P-2, P-3, etc. for documents exhibited at the instance of the prosecution and D-1, D-2 etc. exhibited at the instance of the defence and the number and name of the case and of the police station. This exhibit number should be the same as the exhibit number allotted in the Magistrate's Court. But where no such number has been allotted, the Sessions Judge should endorse his own number thereon and cross out any exhibit mark affixed by the Magistrate. In the case of any document or article not produced in the Magistrate's Court or to which the Magistrate has allotted no exhibit number, the Sessions Judge shall allot a serial number in continuation of the numbers already used by the Magistrate or by himself, as the case may be.

8. The officer for the time being in charge of the record shall-

(a)enter on the general index every paper as it is filed with the record;(b)punch out the figure head of each court-fee stamp upon such paper, and record below the stamps the aggregate number and value of stamps used to denote each separate fee;(c)certify in the appropriate column of the general index the state of any exhibit filed, noticing any erasures or interlineations therein;(d)take the orders of the Court, if necessary, as to the correct entry to be made in such column.

9. Every paper as it is brought on the record shall be marked as belonging to either file A or B. File A shall include the following papers:

1. Record of statement or confession (Section 164), plea (Section 271), and examination (Sections 342 and 364 of the Code of Criminal Procedure, 1898).

2. Proceeding on which cognizance was first taken, police report, etc. (Section 190).

3. Charge and altered charge.

4. Order consenting to withdrawal or stay of charge (Sections 240 and 494).

5. Sentence.

- 6. Record in summary trial.**
- 7. Heads of charge to jury, in the case be tried by a jury. (At present there is no jury trial in this State).**
- 8. Verdict and amended verdict.**
- 9. Record of opinions of assessors.**
- 10. Record of proceedings under Section 310.**
- 11. Record of composition of an offence (Section 345).**
- 12. Record of evidence.**
- 13. Judgement.**
- 14. Copy of High Court's order regarding a sentence of death (Section 379).**
- 15. Warrant or other paper returned on execution of sentence.**
- 16. Copy of order commuting a sentence, or suspending the execution thereof, or remitting punishment.**
- 17. Petition of appeal or application for revision.**
- 18. Copy of judgement or order in appeal or revision.**
- 19. Certificate of judgement or order in appeal or revision.**
- 20. Commission with return thereto and deposition.**
- 21. Deposition of medical witness.**
- 22. Report of Chemical Examiner.**
- 23. Proof of previous conviction.**

24. Order for disposal of property (Chapter XLIII).

25. Order of transfer.

26. Order-sheet.

27. General index.

28. Treasury receipt.

29. File of exhibits, including index of exhibits.

30. Bonds under Sections 106, 107, 108, 109, 110 and 562 of the Code of Criminal Procedure.

31. Papers relating to the identification of the accused person in the jail or elsewhere.

32. Papers relating to the identification of stolen property.

33. Map of the locality placed on the file of a case.

File B shall include every other paper in the record unless, for reasons to be stated thereon in writing, the Court orders any such paper to be placed in file A. In any case in which a proceeding belonging to file A and a proceeding belonging to file B are recorded on one and the same paper, the paper shall belong to file A.

10. A notice shall be fixed up in a conspicuous part of every Court-house giving warning that if an exhibit which has been filed in a case is left in a Court, it will be kept there at the owner's risk. Before making an order for the return of an exhibit, the Court shall consider whether it is expedient to return it; whether, if returned, a copy should be required in its place; and, if so, whether the copy should be prepared at the expense of the person to whom the exhibit is returned, or at the expense of the Government.

11. A copy of a judgement or order appealed against accompanying a petition of appeal, and a copy of any order, sentence, finding or other proceeding filed with an application for revision of such order, sentence, finding or other proceeding shall remain with the record of the appellate or

revisional Court and shall not be returned.

12. The record of every case shall be kept in wrapper in the prescribed form, so long as it remains in the Court.

13. When a document in any record, civil or criminal is made an exhibit in another record, civil or criminal, and is removed to that record, a certified copy of the document shall be retained in the record from which the document is removed, and a note of the removal made on the general index and on the order-sheet. The certified copy shall be prepared by the Court reader and shall be signed by the presiding officer of the Court. After the decision of the appeal or after the expiry of the period of appeal, if no appeal has been brought, the document shall be returned to the record of which it originally formed part, its place being taken by the certified copy.

Chapter V

Trials in Courts of Sessions

1. When an order of commitment for the trial has been made, the Magistrate shall at once report the fact to the Court to which the commitment is made by a letter in the prescribed form; and shall within eight days from making the said order, submit the entire record to the Court of Sessions, together with a calendar in the prescribed form.

The entries under heads No. 9 and 11 of the calendar shall be full and accurate, so as to give the Court receiving it a clear idea of the matters to which each witness will depose. When the committing Magistrate is not acquainted with English, and has prepared- a calendar in the vernacular, an English translation of the calendar shall be made for submission to the Court to which the commitment is made.

1A. In any case which comes before a Court of Session, the Court may engage counsel to defend the accused person if-

(a) the charge against him is such that a capital sentence is possible, and (b) it appears that he has not engaged counsel and is not possessed of sufficient means to do so. To enable the Sessions Court to arrive at a decision as regards the second condition in the preceding paragraph, the committing Magistrate shall in such cases make enquiries and report to the Court to which the commitment is made whether the accused has means to appoint counsel, and, if not, whether he is, in the opinion of the Magistrate, possessed of sufficient means to do so. Each case must be decided on its merits no

hard and fast rule as to insufficiency of means should be applied. The Sessions Court in making its decision shall not be bound by the report of the committing Magistrate. Counsel appointed under this rule shall be furnished with the necessary papers free of cost and allowed sufficient time to prepare for the defence.

2. (a) Government servants summoned to give evidence in their official capacity shall, except in the cases specified hereafter, be given a certificate of attendance. Any fees or expenses deposited in such cases for the travelling and subsistence allowance of Government servants must therefore be created to Government, unless the case falls under one or other of the exceptions.

The exceptions are—(1) cases in which Government servants have to give evidence at a Court situate not more than five miles from their headquarters. The presiding officers can, however, grant actual travelling expenses to such witnesses where they consider it necessary in case of unusual hardship. (2) cases in which the salary of the official summoned does not exceed Rs. 10 per mensem, and these officials shall receive their expenses from the court. (b) The term "reasonable expenses" in Section 244 (3) of the Code of Criminal Procedure, 1898, must be held to mean the travelling and halting allowance to which Government servants are entitled under the travelling allowance rules. (c) Witnesses following any profession, such as a medicine or law, shall receive a special allowance according to circumstances and custom.

3. In the event of the Judge of a Court of Session leaving his Sessions division, he shall report to the Judicial Commissioner's Court the date of his departure from, and of his return to, his headquarters.

4. If a commitment has been made by an officer as a Magistrate, and such officer is subsequently appointed to act as the Judge of the Court of Session, before which the trial on such commitment will be held, he shall report the matter for the orders of the Judicial Commissioner's Court.

5. In every trial before a Court of Session the presiding Judge shall wear a gown made after the pattern of a Barrister's gown of black stuff with belts; and every pleader appearing before the Court shall wear a gown with or without sleeves to which he may be entitled.

6. At the conclusion of the month the Sessions Judge shall cause statements in the prescribed form to be prepared in duplicate and one of these shall be despatched to the Magistrate of the District along with an index certified in the handwriting of the Sessions Judge to be a full and correct list of all cases

disposed of during the course of every month. The District Magistrate shall cause this index to be bound up with the statements he has received. This will form the Sessions statement and will be circulated for the inspection of the subordinate Magistrate. If for any reason a copy of any judgement has not been supplied to the District Magistrate, the Sessions Judge shall, when sending the index, certify the reasons which prevented a copy being supplied. If the Sessions Judge has recorded in any judgement any stricture on the conduct of the preliminary enquiry by any Magistrate in any of the cases entered in the statement, the District Magistrate shall bring such stricture to the notice of the Magistrate concerned; but he shall not do so by writing or otherwise marking the statement. When the statement has been inspected by the subordinate Magistrates it shall be deposited in the District Magistrate's record room, and destroyed in accordance with the rules.

The duplicate statements shall, at the conclusion of the month with an index prefixed into a statement in all respects similar to that prepared by the District Magistrate, be despatched forthwith to the Court of the Judicial Commissioner.

7. A Sessions Judge, in a case in which a person is sentenced to death shall record that he had informed him that, if he wishes to appeal, his appeal must be preferred within seven days.

8. The manner in which persons to be summoned by lot under Section 326 of the Code of Criminal Procedure shall be the following:

The names in the revised list prepared under Section 324 of the said Code shall be serially numbered: and a corresponding number of paper wads or slips as nearly as possible of the same size, shall be serially numbered and placed in a box. The box shall be kept locked. When assessors are to be summoned, the box shall be shaken in open Court and the wads or slips which come first to hand shall be taken out to the number which seems to the Sessions Judge to be needed, and the assessors whose names on the list correspond to the numbers on the wads or slips so taken out shall be summoned.

Chapter VI

The Recording of Evidence

1. The record of evidence and statements in subordinate Criminal Courts in the State of Tripura shall be made as follows:

(i) In summary trials the record shall be made in the manner and form prescribed therefor vide Form No. 47 ;(ii) in every case other than one tried summarily the examination of the accused under Section 364 of the Criminal Procedure, 1898-(a) when it is given in English, shall be recorded upon the printed Form No. 6; and (b) when given in the language of the Court, it shall be recorded upon the printed Form No. 6. Upon this record the signature of the accused shall be taken, and the certificate of the presiding officer shall be made, as required by the law. In any case in which the presiding officer does not make this record with his own hand, and makes only a memorandum in English, while an officer of the Court records the examination in full, the presiding officer shall use the printed Form No. 6 to make his memorandum. The signature of the accused shall not be taken, and the certificate of the presiding officer shall not be made, upon such memorandum;(iii) in a case in which the record is made in the manner prescribed by Section 355, the memorandum shall, if the Magistrate makes it in English, be commenced upon printed Form No. 47 (English) and if he makes it in vernacular, upon printed Form No. 47 (Bengali);(iv) in any case other than one mentioned in Clauses (i) and (iii) above:(a) when the evidence is given in English, it shall be recorded in English upon the prescribed form;(b) when it is given in the language of the Court it shall be recorded in vernacular upon the printed Form No. 7 and a separate form should be used for each witness. In any case before a Magistrate, in which the presiding officer does not make this record with his own hand, and make only a memorandum in English, the memorandum of the evidence of the first witness shall be commenced upon prescribed form.

2. Every record made by a presiding officer or an officer of the Court shall be legibly written. If in making such record an officer uses a typewriter, he shall sign every page of such record and shall initial every correction or alteration therein. In every record and on each deposition every person mentioned, whether examined on commission or otherwise, shall be indicated by his name, with his profession, residence and age. In no case will he be indicated by a number only. Abbreviation and elliptical forms of expression shall be avoided, particularly abbreviations of names of persons or places.

The record made in the manner described in Clause (iv) (a) and (b) of the preceding rule shall follow as closely as possible the actual words and expressions used by each witness.

3. In the case of depositions referred to in Section 509 of the Code of Criminal Procedure, 1898, a Magistrate taking the deposition of a Civil Surgeon or other medical witness, shall sign at the foot of deposition a certificate in the form indicated below or a memorandum to the same effect:

"The foregoing deposition was taken in the presence of accused who had an opportunity of cross-examining the witness. The deposition was explained to the accused, and was attested by me in the presence of the accused."

Chapter VII

Oaths and Affirmations

1. The following forms of oaths and affirmations are prescribed:

I. Oath for witness: "The evidence which I shall give to the Court shall be the truth, the whole truth and nothing but the truth. So help me God". II. Affirmation for witness: "I solemnly affirm that the evidence which I shall give to the Court shall be the truth, the whole truth and nothing but the truth". III. Oath for Interpreter: "I shall well and truly interpret what is deposed by the witness (or witnesses) between our Sovereign State and the prisoner at the bar. So help me God". IV. Affirmation for Interpreter: "I solemnly affirm that I shall well and truly interpret what is deposed by the witness (or witnesses) between our Sovereign State and the prisoner at the bar"

2. When an oath or affirmation is administered, the name of the official who administers the oath or affirmation shall be noted upon the deposition of the witness or other person to whom it is administered.

Chapter VIII

General Provision Regarding Trials

1. When in any case of which a Court has been taken cognizance, the presiding officer has occasion to notice any erroneous practice on the part of the police, he shall make a note thereof in the last column of the police charge-sheet, and if he has reason to believe that a confession has been elicited by the police from an accused person by the use of force or undue influence, or that any other grave irregularity has occurred, he shall bring the matter to the notice of the District Magistrate.

2. In every case in which an accused has claimed to be tried, the Court shall note in its judgement whether the accused examined witnesses in his defence.

A Court of Session shall further record at the conclusion of its examination of an accused that he has been asked whether he means to adduce evidence and his reply or that of his pleader, if any. If he asks that certain witnesses may be examined, it shall record whether they are present and whether application was made to the Magistrate to summon them. If such Court refuses to summon any witness whom the accused is not entitled of right to have summoned, it shall record such refusal.

- 3. In a case to which the provisions of Section 75 of the Indian Penal Code apply, the Court, if it convicts the accused, shall set forth in its judgement each previous conviction proved against or admitted by the accused, specifying the date of the conviction, the section under which it was had, and the sentence imposed.**
- 4. When any journal or other record of a post office is produced in Court, the Court shall not permit any portion of such journal or record to be disclosed other than the portion which seems to the Court necessary for the determination of the case then before it.**
- 5. A Magistrate shall not allow an affidavit, which is not one exempted from stamp duty by Article 4 of Schedule I of the Indian Stamp Act, 1899, to be sworn before him, unless it is duly stamped.**
- 6. Warrants to be executed outside the local limits of the jurisdiction of the Court issuing the same under the provisions of Section 83 of the Code of Criminal Procedure, 1898, shall invariably be sent to the Superintendent of Police concerned instead of to a Magistrate.**

Chapter IX

Execution of Sentence

- 1. When a Court of Sessions passes a sentence of death, it shall forthwith commit the prisoner by a warrant in the appropriate form to the jail from which he came to stand his trial, and shall submit its proceedings to the Judicial Commissioner's Court with a letter in the prescribed form.**

When a Court of Sessions submits its proceedings under the preceding paragraph, it shall state in the prescribed form whether the prisoner has funds or not to employ counsel in the Judicial Commissioner's Court.

- 2. The date fixed by a Court of Sessions in a warrant for execution of a sentence of death shall be not less than twenty-one nor more than twenty-eight days from the date of the issue of such warrant, unless it be otherwise directed in the order of confirmation.**

3. When a warrant for the execution of a sentence of death has not been executed upon the date fixed owing to the postponement of execution by Government order, and is returned to the Court with a certificate to that effect, the Judge shall, if the Government has refused to interfere with the execution of the sentence of death, issue a warrant in the form as before, fixing another date for the execution of the sentence, which shall be not more than seven days from the date of issue of such warrant.

4. On issuing a warrant for execution of the sentence of death, the Court of Sessions shall forward a copy of the same to the District Magistrate for information.

5. A separate warrant shall be directed to the officer in charge of the jail for each prisoner in respect of whom a sentence of imprisonment is passed; the warrant shall show the serial number of the case, and shall bear the same date as the sentence bears. It shall state the period (in words and figures) and description of imprisonment; and shall be drawn upon the prescribed form in English and in the Court vernacular in parallel columns. It shall contain full particulars as to any alternative sentence of imprisonment to be undergone in default of payment of fine, and as to any period of solitary confinement ordered.

If the prisoner is a military officer or soldier, his rank and regiment or department shall be stated in the warrant. If the prisoner has been previously convicted, particulars of each previous conviction showing the date and nature of each sentence, and the section and Act under which it was passed, shall be endorsed upon the warrant. The Magistrate shall fill in the following prescribed form and attach it to the record in all cases of prisoners sentenced by him or committed to the Sessions, in order that it may be filled with prisoner's warrant and sent to jail with the prisoner (form of classification): (To be filled with warrant) Classification of: Convict.... Son of..... Caste..... Convicted before.... Under section.... Sentenced to..... On the day of.... Professional criminal or not?... Hereditary criminal or not?..... Special dangerous criminal or not?..... Crime for which convicted "organized or not"?..... Registered member of a criminal tribe or not?..... Whether to be treated as "habitual criminal" or otherwise?..... If imprisoned for failure to furnish security under Section 110, Criminal Procedure Code, Number of times previously convicted under Chapter XII, XVI, XII, XIII, Indian Penal Code, or required to furnish security under Section 110. Magistrate

6. (i) Whenever any person convicted of an offence or any defaulting assessor is sentenced or ordered to pay a fine;

(ii) whenever any person is ordered to pay into Court for delivery to any other person any sum by way of compensation, or of reimbursement of fines or fees paid; (iii) whenever any person is permitted to deposit a sum of money in lieu of executing a bond; (iv) whenever any person is called upon to pay the penalty of a forfeited bond; and (v) whenever a Criminal Court orders repayment of court-fees; the presiding officer with his own hand shall at once enter the amount of the fine, compensation or other sum, deposit, penalty or fee in the prescribed register of fines, compensations, penalties and fees.

7. When the amount of any fine, compensation or other sum, deposit, penalty or fee is paid into Court, the presiding officer shall send the money, as soon as possible, to the nearest treasury or sub-treasury, and shall send therewith together with the challan an invoice in duplicate in the prescribed form signed by himself. In the case of any amount which is to be credited as a deposit the invoice shall be made out in triplicate.

8. When the amount of any fine, compensation or other sum, deposit, penalty or fee is not paid at once into the Court which directed the payment, the Court may allow the person liable to make the payment to pay the amount required, within a period which shall be fixed by the Court, into any other Criminal Court except a Court of Session or the Judicial Commissioner's Court. In such case the Court shall give such persons a slip, in the prescribed form, to be presented by him when paying the amount.

When a person is undergoing imprisonment in default of any such payment, the officer-in-charge of the jail may receive payment of the whole amount or of any part thereof, and shall thereupon complete the execution of the warrant or order of imprisonment as provided by law.

9. When any Court or officer receives a payment as described in Rule 8 or when the officer conducting a sale under a warrant receives the sale-proceeds, the money so received shall be sent with as little delay as possible to the nearest treasury or sub-treasury with a pass-book and a separate extract therefrom in duplicate respecting each item entered therein.

The officer-in-charge of the treasury or sub-treasury shall on receipt of the money sign the pass-book and one of the extracts and return them. The extract so returned shall be forwarded by the Court or officer realising the amount by the Court which ordered the payment or sale.

10. In every invoice, slips, and in every warrant for distress and sale, and in every pass-book and extract therefrom there shall be made a clear entry of the number of the case, of the exact nature of the payment made or to be

made, of the person who is or was liable for payment, and of the manner in which the amount paid is to be credited in the treasury i.e., whether it is to be credited to Government or to a municipal or cantonment fund as required by the law or the order of Government, or as a Criminal Court deposit.

11. Every sum received by a Court or officer in the immediate vicinity of a treasury or sub-treasury shall be paid in thereto on the day of receipt, or if the treasury or sub-treasury be closed on that day, then on the next day on which the treasury or sub-treasury is open. When a Civil or officer is at a distance from a treasury or sub-treasury receipts shall be paid in thereto at least once every week at such intervals of time as the District Magistrate may direct.

When more sums than one are sent at the same time, a separate invoice in duplicate (in case falling under Rule 7) or pass-book extract in duplicate (in a case falling under Rule 9) shall be sent for each sum. When any sum received in a Court is not sent to the treasury or sub-treasury on the same day, the presiding officer shall be responsible for making arrangements for its safe custody until it can be paid in.

12. Every Court upon receiving a payment on behalf of a person who is in jail under a warrant directing imprisonment in default of such payment, shall at once inform the officer in charge of the jail, if the payment was received otherwise than through the jail.

13. When any payment is made into Court under Rule 7, and when any duly signed extract has been received by a Court under Rule 9, the Court shall make an entry of the receipt on the appropriate register and shall cause a cheque receipt for the amount to be prepared. Such receipt shall be made over to the prayer, if he is present; if he is not present, it shall be sent to him by post if he is not in custody, or through the officer in charge of the jail, if he is in jail.

14. Presiding officers of Courts shall submit to the District Magistrate month by month in the following form a certificate that "the fine receipt book (Rokar) of my Court has been sent to the treasury or sub-treasury and no discrepancies are found or that the following discrepancies have been found and have been/are being reconciled". Where there has been no fine levied in the previous month, the certificate should state that the book is blank. This

certificate should be verified at the treasury.

15. When an order is made for the refund of a sum that has been credited in the treasury, the order or a copy thereof shall at once be sent to the Court which directed the credit, and that Court shall take the necessary steps for its refund.

16. The register of fines, compensation, deposits, penalties and fees shall be in the prescribed form given in these Rules. A fresh page shall be begun each month. A separate fine shall be given for each person ordered to make any payment, even if two persons or more are subjected to such an order in one case. The entries in columns 1 to 7 shall be made as the order is made. The entry in column 8 shall be made as soon as the warrant is issued. The entries in columns 9, 10, 11 and 12 shall be made as soon as payment is made or the Court is informed thereof. In column 17 shall be made a note of the manner of credit of every fund that is not simply credited to Government; a note of the exact nature of every sum, other than a fine, entered in column 6 ; and a note of the section and the law under which every sum entered in column 7 is awarded, and a clear statement whether it is intended as compensation or reimbursement or reward. When a deposit in lieu of executing a bond has been made and has been entered in this register and an order is passed for its forfeiture, a fresh line shall be given to the entry of the penalty and entries made thereon as far as in column 6 as soon as the order is passed; and at the same time a note of the forfeiture and of the annual serial number of the entry of the penalty shall be made in column 17 against the entry of the deposit. On receipt of information from the treasury that the deposit has been credited to Government, columns 9 to 12 of the entry of the penalty shall be filled up.

17. The Sessions Judge and the District Magistrate, and with the written permission of the District Magistrate, any Magistrate subordinate to the District Magistrate may at any time write off as irrecoverable any amount of which the payment has been ordered in his Court or in the Court of his predecessor in office, if it appears to him that the amount cannot be recovered.

18. At the end of every month the presiding officer of each Court shall certify on the register of fines, compensations, deposits, penalties and fees that he has examined all outstanding items that seem capable of realization and has taken proper steps in each case.

The first entries on the next page, before any entry of an order made in the next month, is made, shall be of all the outstanding items in detail of the previous months, which remained unrealized or were not written off.

19. A monthly return of all amounts realised by Criminal Courts, whether-

(1)as fines, or(2)by means of distress warrants and credited as required by law to a Municipal Fund,shall be transmitted to the Municipal Board.

20. When a warrant or an order upon which a sentence is executed is returned after execution to the Court from which it was issued, the Court shall send it to the record-room to be filed with file A of the record of the case to which it belongs.

Chapter X

Appeal and Revision

1. The provisions of the rules relating to the numbering and the initial treatment of a case, and in particular those contained in Chapter IV, Rules 2, 3, 4 and 8, shall be observed in regard to an appeal and a revision case.

The papers of an appeal or revision case, while they are in the Court, shall be kept in a wrapper in the prescribed form.

2. Every petition of appeal, when received by an Appellate Court, shall be examined at once by the proper officers, who shall endorse upon it a report (i) whether or not it is barred by limitation ; (ii) whether or not the appeal lies to the Court. The proper officer in the Court of Session shall be the Sheristadar. In every other Court the reader (Bench-clerk) shall be the officer.

For every appeal that is not summarily rejected, and every revision case in which the Court thinks fit to hear the parties, a date shall be fixed as soon as may be and in every such case the record shall be obtained from the record-room or Court in which it is by means of a requisition in the prescribed Form No. 16.

3. Where notice of the time and place at which an appeal will be heard is to be given to an appellant who is in jail, a notice shall be sent by the Appellate Court direct to the Superintendent of the Jail for communication to the appellant and return with an endorsement that the applicant has been duly informed.

The same procedure shall be observed when the Court orders notice to be given to an applicant for revision who is in jail.

4. When an Appellate Court has sent for a record under Section 423 of the Code of Criminal Procedure, 1898, it shall, after deciding the appeal, send back the record. If the appeal is dismissed and the appellant is on bail, the Court, which passed the original sentence, shall issue the necessary orders requiring the appellate to surrender, or in default of the surrendering, the necessary orders for his arrest and confinement in jail; provided the appellant is not arrested in the Appellate Court at the time of announcing the appellate judgement. If the appellant is in jail and the appeal is rejected or dismissed, the Appellate Court shall also certify the judgement or order to the officer in charge of the jail for communication to the appellant.

The above procedure shall also be followed in the case of an application for revision, and in proceedings in Court of Session under Section 128 of the same Code.

5. When a finding, sentence or order is reversed or altered in appeal, the Appellate Court shall issue a fresh warrant or order conformably to its judgement or order and notify the same in its certificate to the Court by which the finding, sentence or order was recorded or passed.

A separate warrant or order shall be issued for each prisoner in respect of whom a finding, sentence or order has been reversed or altered in appeal, and the original warrant shall be recalled.

6. When the Court of Session or District Magistrate, on examining the record of any proceeding, thinks fit to report for the order of the Judicial Commissioner the results of such examination, then, except in a case in which delay should be avoided, the explanation of the officer whose proceedings have been examined shall be called for and submitted to the Judicial Commissioner's Court.

The Magistrates who are called upon to submit the explanation must carefully see that whatever explanation they submit should be properly worded and should not show either disrespect or discourtesy to any superior officer or court. The report shall contain a brief analysis of the proceeding, shall indicate the portion of the finding, sentence or order recommended for revision, and shall state the grounds upon which, in the opinion of the Court making the report, the finding, sentence or order should be reversed, set aside or modified. When such report is made by the District Magistrate, he shall make his report and send the record through the Court of Session, such report should not be made until the period of limitation of an appeal has expired; and the Sessions Judge shall, in forwarding the report and record, state-(1)whether an appeal has been presented, and, if so, with what result;(2)whether the period of limitation for an appeal has expired.

7. When a Court orders that execution of a sentence be suspended it shall certify its order to the Court by which sentence was passed, and, if the appellant or applicant be in jail, to the officer in charge of the jail for communication to the appellant or applicant, and for report that the necessary action has been taken.

8. A Court shall not issue a judicial order or communication the purport of a warrant or process by telegram.

9. In the case of an appeal under Section 417 or a revision under Sections 435 and 439 of the Code of Criminal Procedure, when notice has been given to the accused to show cause why the order passed should not be set aside and sentence of death passed, the District Magistrate shall, in returning the notice state thereon whether the accused has funds or not to employ counsel in the Court of the Judicial Commissioner.

Chapter XI

Preservation of Records

1. Whenever a record is to be sent from a Court or record-room to another Court or record-room, the reader or record-keeper shall carefully examine the record before transmitting it, and shall attach and sign at the foot of the general index a certificate that he has examined the record and all the papers are in order.

2. When the record of a case is received in a Court from another Court or from the record-room, the reader shall carefully examine the record and shall at once report to the Court if the record is not in all respects in order and

corresponding to the general index.

If the record is received from the Judicial Commissioner's Court, the reader or record-keeper shall carefully examine the record and shall lay it before the Court. Every copy or certificate received from the Judicial Commissioner's Court shall be placed upon the general index and filed with the record.

3. The records of completed cases in the Courts of Magistrates shall be transmitted to the record-room of the District Magistrate on such dates and in such manner as the District Magistrate may, from time to time by written order, prescribe; provided that records shall be sent in from every Court at headquarters not less than twice in every month, and from every Court on tour or not at headquarter at least once in every month. For the return of records of cases under appeal or revision that have been sent for by Courts of Appeal or Revision, the prescribed form for transmission of records shall be used. The records of completed cases in Courts of Session shall be forwarded to the record-room of the Sessions Court not later than the last day of the month succeeding the month in which judgement was pronounced.

Records received back from the Judicial Commissioner's Court, and papers received in a Court after a record has been sent to the record-room (e.g., order summarily rejecting appeals, warrants returned after execution, etc.) shall be sent to the record-room on the earliest occasion after that receipt on which records of completed cases are being sent there.

4. Records of completed cases shall be sent to the record-room in separate bundle for each class of record, as defined in Chapter XII, Rule I. Each bundle shall be accompanied by a list of the records it contains. The clerk in charge of the records shall prepare the list and shall enter the records therein in the order, so far as possible, in which the cases or proceedings stand in the Court's registers; but a case shall not be retained in the Court and withheld from the record-room merely because an earlier case is not yet completed. The reader shall examine the list and when he has seen that every case ready to be sent to the record- room has been duly entered therein, he shall sign the list.

The list shall be placed on the top of the records in the bundle. When the records have been examined, as provided in Rule 7, and have been placed in their racks, the list shall be bound with previous lists of records of the same class so as to form a register of decided cases. The reader shall make out an invoice in the prescribed form of all the records and other papers forming each consignment to the record-room. The invoice shall be sent to the record-keeper, who shall compare

the number of records and papers entered therein with the number actually received and shall sign the invoice and return it to the Court.

5. Until the records and papers received in the record-room can be examined by the record-keeper, they shall be kept in a rack set apart for the purpose.

6. As soon as may be after the records and papers have been received, the record-keeper shall examine each record and satisfy himself-

(1)that every record is properly entered in the list of the bundle to which it belongs, and that it has been properly classified;(2)that the papers in the record correspond with those entered in the general index;(3)that the papers in the record bear no erasures or interlineations but those noted in the general index;(4)that the papers bear the stamps entered in the general index;(5)that the stamps have been duly cancelled;(6)that on each paper the number and aggregate value of the stamps on it have been recorded;(7)that all orders have been duly signed.If the record be found in order, the record-keeper shall enter and sign below the certificate signed by the reader a certificate to the following effect:"Record examined and found correct."If a list be found incorrect or a record be found defective in any respect, the record-keeper shall submit it with a report for the orders of the officer in charge of the record-room, or of the District Magistrate or the Sessions Judge, as the case may be. When making his examination, the record-keeper shall punch a hole in each stamp, distinct from the hole previously punched, and shall at the same time note thereupon the date of his doing so. The punching shall not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature.

7. A paper sent to be filed with a record already in the record-room (e.g., an order summarily rejecting an appeal, a warrant returned after execution, etc.) shall be filed with such record as soon as may be after examination. The record-keeper, as directed in the previous rule, shall punch every stamp which such paper may bear, and enter the paper in the general index. The entry shall be made below the certificate signed by the reader or, if necessary, on a fresh sheet of the general index.

8. For records belonging to classes II and III in the Courts of Magistrates, a separate part of the record-room shall be assigned to each police station. For each police station there shall be one bundle or more for the records of each year, in which the records shall be arranged according to the date of decision.

Records belonging to these classes received in the record-room of the Sessions Judge shall be arranged according to dates of decision.

Chapter XII

Destruction of Records

1. Records shall be classified as follows:

Class I. Every complaint dismissed under Section 203 of the Code of Criminal Procedure, 1898. Every case compounded under the law. Every application dismissed. Every miscellaneous report or proceeding, when not filed as part of the record of a regular case. Every case in which an accused person is discharged under the provisions of Section 259, Criminal Procedure Code, 1898. Every case under Section 133 of the Criminal Procedure Code in which orders are not made absolute. Class II. Every case in which the offence charged is punishable with fine only or with imprisonment not exceeding one year with or without fine; except offences under the following Acts:

- (i) Act No. 3 of 1867 The Public Gambling Act.
- (ii) Act No. 27 of 1871 The Criminal Tribes Act.
- (iii) Act No. 9 of 1874 The European Vagrancy Act.
- (iv) Act No. 12 of 1882 The Indian Salt Act.
- (v) Act No. 4 of 1910 The Excise Act.

Every appeal and revision case. Class III. All other cases: Provided that a Court for reasons to be recorded in writing may order that any case or proceeding belonging to Class I be treated as belonging to Class II or Class III, or that any case belonging to Class II be treated as belonging to Class III.

2. File B in Classes II and III and the entire record in Class I shall be destroyed upon the expiration of two years from the 30th June or 31st December next ensuing after the order disposing of the case.

File A in Class II shall be destroyed upon the expiration of ten years from the 30th June or 31st December next ensuing after the order disposing of the case. File A in Class III shall be destroyed upon the expiration—(a) of twenty years in case tried by a Court of Session, or by a Magistrate, in exercise of the powers granted to him under Section 30 of the Code of Criminal Procedure, except that (i) in every case the judgement or final order of the Sessions Judge or Magistrate shall be retained for 50 years; and (ii) in a case in which a conviction was bad under Chapter VI of the Indian Penal Code, the whole of file A shall be retained for 50 years; (b) of ten years in other cases; except that in every case the judgement or final order of the Sessions Judge or Magistrate in cases in which the offence proved is an offence punishable under Chapter XII or Chapter XVII of the Indian Penal Code with imprisonment of either description for a term of three years and upwards shall be retained for 50 years; reckoning from the 31st December next ensuing after the order disposing of the case: Provided always that—(i) if the warrant with the certificate as to the manner in which the sentence has been executed has not been filed with the record before the expiration of the period above mentioned the record shall be laid before the Court for further order; (ii) a Sessions Judge or District Magistrate, for reasons to be recorded in writing, may direct that any record or part thereof

be retained permanently;(iii)the record of a case in which an accused has absconded or is a lunatic, or a person has been ordered to pay maintenance, shall not be destroyed until it be proved to the satisfaction of the District Magistrate that such accused or other person is dead, or until a period of fifty years has elapsed since the order was passed.

3. As soon as may be after the 1st January, and 1st July of each year, the records liable to be destroyed under the preceding rule shall be examined, and if their time for weeding has expired, shall be disposed of as follows:

(1)Confidential papers and stamps and court-fees labels shall be torn to pieces and burnt in the presence of the record-keeper. Notes and orders on administrative matters must be treated as confidential papers.(2)All original documents and papers forming parts of records as also certified copies of such documents and papers shall be tom across and then sold as waste paper without being torn at all.(3)Papers not covered by classes (1) and (2) and the accumulation of waste paper baskets shall be sold as waste paper without being torn at all.The sale-proceeds of the paper shall be credited to Government.A commission of one anna in the rupee shall be paid from the budget provision for the purpose to the official entrusted with the duty and responsibility of collecting waste paper for sale. Proper arrangements must be made for the storage of the waste paper prior to the sale, and in order to secure that the best price is being obtained enquiries should be made as to the price obtainable in neighbouring districts.As each record is weeded, a note of the fact shall be made in the list with which it was received in the record-room.

4. The following books shall be retained for the periods specified against them, computed from the date of the latest entries:

No.	Description of book or register	Period
1.	Register of Inspections (Form No. 6)	One year.
2.	Register of Copies (Form No. 7)	Ditto.
3.	Register of Court-fees (Form No. 9)	Ditto.
4.	Pass-book (Form No. 3)	Three years
5.	Cheque Receipt Book (Part XVI, No. 3)	Ditto.
6.	Stock Book of Printed Forms (Form No. 8)	Ditto.
7.	Register of Witnesses (Form No. 23)	Ditto.
8.	Register of Decided Cases of Class I (List in Form Part XIV, No. 27 or No. 32, bound up)	Ditto
8-A.	Register of Requisition (Form No. 5)	Ditto
9.	Register of Disposal of Cases (Form No. 12)	Thirty years.
10.	Register of Miscellaneous Reports and Proceedings (Form No.14)	Five years.
11.	Register of Appeals (Form No. 17)	Thirty years.
12.	Register of Revision Cases (Form No. 18)	Ditto.

13. Register of Punishments Inflicted (Form No. 20)	Five years.
14. Register of Decided Cases of Class II (Lists in Form Part XIV, No. 27, bound up)	Ditto.
15. Register of Fines (Form No. 2)	Ten years.
16. Register of cases [Form No. 11 (a)]	Ditto.
17. Register of Miscellaneous Cases (Form No. 13)	Ditto.
18. Counterfoils of Deposit Repayment Order Books	Twelve years.
19. Register of Cases Received on Reference (Form No. 15)	Thirty years.
20. Register of Committed Cases (Form No. 19)	Fifty years.
21. Register of Cases Submitted (Form No. 21)	Ditto.
22. Register of Decided Cases of Class III (Lists in Form Part XIV, No. 27, bound up)	Ditto.

5. The following papers shall be retained for the periods specified against them, computed from the 31st December of the year to which they relate:

No.	Description of paper	Period of retention
1.	Periodical statements and returns and office copies of them and correspondence regarding them.	Three years.
2.	Copies of orders forwarded under Section 167 of the Code of Criminal Procedure, 1898, if not filed with the record of a case	Ditto.
3.	Proceedings in respect of absconding witnesses under Sections 87, 88 and 89 of the Code of Criminal Procedure, 1898, if not filed with the record of a case	Ditto.
3-A.	Bengali invoice of consignments to the record-room	Three years.
4.	Papers relating to contingent charges	Ditto.
4-A.	Punishment of officials after final orders have been carried out and entry made in service book	Ditto.
5.	Papers relating to the Mutiny or to the forfeiture of the property of rebels	Permanently.

6. The following papers shall be retained for one year, computed from the 31st December of the year in which they were written:

No.	Description of paper
1.	Application to copies, if not filed with the records of the cases to which they relate and correspondence relating to them.
2.	Reminders.
3.	Lists of unanswered references and explanation of delay for them.
4.	Covering dockets and letters.
5.	Correspondence regarding books, furniture and repairs of Courts.
6.	Indents for forms, stationery or additional copies of circulars and correspondence relating thereto.

7. Correspondence relating to leave and transfers and certificates of transfer of charge of office.
8. Letters announcing the deaths of convicts in the Andaman Islands.
9. Correspondence relating to the service or execution of criminal processes and to the summoning of assessors.
10. Correspondence with other departments regarding criminal proceedings under special laws.
11. Nominal rolls of female prisoners about to be released and correspondence relating thereto.
12. Correspondence relating to salary, travelling allowances and contingent bills.
13. Office copies of calendars of committed cases.
14. Correspondence relating to questions of practice or procedure which is concluded by the publication of a rule or order of competent authority.
15. Correspondence and applications regarding employment.
16. Sessions statement.

7. At the end of the periods specified for retention the books and papers mentioned in the three rules immediately preceding shall be destroyed in the manner prescribed in Rule 3:

Provided that a Sessions Judge or District Magistrate, as the case may be, may at his discretion direct the retention for a longer period or permanently of any paper which he may consider likely to be useful in future.

8. In cases in which original instruments have been filed in a criminal record, the Sessions Judge or District Magistrate, as the case may be, shall, before destroying the record on expiration of the period of retention, give notice by post, 'service bearing', to the parties concerned, intimating to them the impending destruction of the record and calling upon them to take back the original document in question. If the document is not claimed, it shall be destroyed after expiry of three months from the date of such notice.

Chapter XIII

Requisitions for Records

1. When under any law or any rule having the force of law a Court sends for the record of a criminal case, whether pending or decided, the Court shall send a requisition in the prescribed Form (No. 16), and the cost of transmission shall ordinarily be borne by the Government.

- 2. A Court (including the officer in charge of record-room) shall ordinarily without objection send a record for inspection on receipt of a requisition from the Government, the Board of Revenue, the Head of a Department of Government, the Commissioner of a division, the District Magistrate, or any Court, civil, criminal or revenue. It shall not issue a record to any other person except for special reasons to be recorded. In any doubtful case reports shall be made for the orders of the Judicial Commissioner's Court.**
- 3. When an order for, transmission of a record has been made, the reader or record-keeper shall send the record under cover of a printed form for transmission.**
- 4. The departmental clerk in each Court and record-keeper in the record-room shall keep up a Register of Requisitions for records in Form No. 5, columns 1 to 10 of which shall be filled up as soon as a requisition is received, and column 11 when the record is transferred.**
- 5. When the record is no longer required, it shall be promptly returned, columns 13 and 14 of the form of transmission shall be filled up and the form shall be returned with the record.**
- 6. On receipt of the record the reader or record-keeper shall make an examination as prescribed in Chapter XI, Rule 2, and after filling up columns 12 and 13 of the Register of Requisitions, Form No.5, he shall file the requisition and the form for transmission with the record, and restore the record to its proper place.**
- 7. Once in every quarter the Register of Requisitions shall be laid before the Court or the officer in charge of the record- room, as the case may be, for orders as to records which have been issued more than three months and have not been returned.**
- 8. The following instructions shall be observed for the transmission of records from one Court to another:**

(1)Records shall be securely packed (in wax-cloth, when necessary), and shall, subject to the proviso hereinafter contained, be transmitted by post or rail. Each parcel shall contain the papers connected with one case only. Postage shall, except when the requisition otherwise states, be prepaid by service postage stamps:Provided that, if the record is to be transmitted to a Court situated in the same place

as the Court transmitting it, it may be sent by a Government messenger.(2)An acknowledgement shall invariably be required from the Court to which a parcel containing a record has been despatched, and, in the event of none being received within a reasonable time, inquiry shall be made to ascertain the cause.(3)Records weighing under 250 tolas shall be sent by parcel post; those weighing 250 tolas and over by rail (Passenger train).

9. Along with the records submitted to the Judicial Commissioner's Court all exhibits, except such as are bulky and clearly unnecessary, must invariably be sent up When an exhibit is not sent up, a note to that effect shall be made in red ink against its number in the index of exhibits, Form No. 54.

Chapter XIV

Inspection of Records

1. A Judge or Magistrate requiring to examine at his private residence a record of a case pending in his Court may take charge of such record.

2. A Judge or Magistrate in his discretion may by verbal order permit a party to a case or his pleader to inspect the record in a pending case in the Court room, or in the presence of the reader or Sheristadar. Any Government officer authorised to examine records either on behalf of the Government or by way of scrutiny of the work of an office, and any Public Prosecutor, shall at all reasonable times be allowed to inspect any record, book or register without any formal application to or order by the presiding Judge or Magistrate. No fee shall be paid for an inspection made under this rule.

3. For any inspection, other than one made under the last preceding rule, of a record in a Court of Session or its record-room, a formal application for inspection shall be given and the fees prescribed should be paid.

4. The inspection of records shall be made in the presence of the reader or of the record-keeper or his assistant and at such place and between such hours as may be appointed for the purpose by the Court or by the officer in charge of the record-room, but not in the record-room itself. Removal of record at any other place will not be allowed nor will an applicant be allowed to make mark upon or to mutilate record or any paper which is being inspected.

If the inspection lasts for more than one day, a separate fee shall be levied for each day or part of a day occupied in the inspection.

5. In the application for inspection the purpose for which inspection is required must be stated and also the fact whether the applicant is a party to the proceeding or not. The Judge or Magistrate or the officer in charge of the record-room shall pass orders on such application either allowing or refusing them.

Chapter XV

Copies

1. Except as may be otherwise directed by any law for the time being in force or by any rule having the force of law, a copy shall not be made of any record or part thereof save under an order of the Court upon an application made as hereinafter mentioned.

2. Notwithstanding anything in these Rules contained-

(i)the presiding officer of a Court shall order a copy of any proceeding in the Court to be made and delivered, upon receiving a written request to that effect from-(a)the District Magistrate;(b)the Government pleader or other legal practitioner authorised in this behalf by the District Magistrate;(c)any Gazetted Officer of Government, who as such is interested in the proceeding;(d)the Government or any High Court in India, the High Court of the East Punjab, any authority in India exercising jurisdiction similar to that of a High Court, any Court subordinate to the Judicial Commissioner's Court at Agartala or any principal Court in England, Scotland, Ireland, or any other country:Provided that if in the opinion of such presiding officer there is any objection to compliance with the request he shall refer the matter for the orders of the Court of the Judicial Commissioner;(ii)the presiding officer of a Court shall order a copy of every judgement in which a Government servant, soldier, reservist or pensioner has been convicted of an offence to be sent to the officer at the Head of the department, office, regiment or other body to which such servant or soldier belongs, to the Adjutant-General in India or to the officer responsible for the audit of payment of the pension of such pensioner.In case concerning Government servants accused of criminal offences copies of judgements of acquittal and of orders of discharge shall be supplied free of cost on the application of the Head of the department in which such servant is employed. English translations of vernacular judgements in such cases shall also be supplied free of charge;(iii)the presiding officer of Court of Session shall order a copy of every judgement, in which a person has been sentenced to transportation and which has been upheld on appeal, to be sent to the District Magistrate.Every copy ordered to be furnished under this rule shall be prepared on plain paper, but Rules 8, 9,12 and 13 shall apply to the preparation of such copy.Applications for copies of the documents detailed in this rule are not chargeable with fees under Schedule II of the Court-Fees Act No. 7 of 1870.

3. Every application for a copy shall be presented or sent by post prepaid to the officer in charge of the copying department for the Court or record-room which is for the time being in charge of the record. Such officer shall then and there enter in clear bold words and figures on the left hand centre portion of each paper (obverse side) the date of the application and the serial number of the day. A rubber stamp may be used for this purpose, the officer in charge merely initialling the entry.

When the application is for a copy to which by any law or by any rule having the force of law the applicant is entitled and is in other respects in order, such officer shall make an order for the copy to be granted; in every other case he shall lay the application for orders before the Sessions Judge or the District Magistrate, or officer specially appointed in this behalf by the District Magistrate. Except for special reasons to be noted on the order made upon the application, a copy shall not be granted (1) of official correspondence or reports, or (2) of a document which is itself a copy. In the case of official correspondence or reports an order for a copy shall not be made, until permission has been obtained from the highest authority concerned with such correspondence or reports. For the purpose of these Rules the officer in charge of the copying department shall be deemed to be—(a) for a Court of Session, the Sheristadar; (b) for any other Court at headquarters or the Magistrate's record-room, the officer in charge of the District Magistrate's record-room, or such other person as the District Magistrate may appoint from time to time by written order; (c) for any other Court, the presiding officer. In every application sent by post, the applicant shall give his full address and shall state whether he desires the copy to be sent to him by post, or will attend in person to receive it.

4. An application for a copy by a prisoner may be made through the Superintendent of the Jail or through someone acting on the prisoner's behalf; in the latter case the officer in charge of the copying department shall, if satisfied that the application is made on behalf of the prisoner, order the copy to be made and sent to the jail, unless for good reasons shown he directs it to be made over to the person through whom the application is made.

5. An application for a copy shall be written on a printed form on payment of prescribed charges it shall state.

6. A copy, which is not to be given without a fee, shall be charged for under the following scale:

For copies containing 40 words or less, (i) in any Court in any case other than a summary trial:

Judgment Deposition Sentence or Any other paper except a book,

	charge		register, map or plan or an extract thereof			
	Rs.	a.	Rs.	a.	Rs.	a.
Ordinary copy	-	4	-	4	-	4
Urgent copy	-	8	-	8	-	8

(ii) for an ordinary copy of a record of a summary trial, eight annas; for an urgent copy one rupee. N.B.-The charges will increase at the rate of 4 annas per hundred additional words in ordinary copies and 8 annas per hundred additional words in case of urgent copies. (iii) In cases in which an applicant desires to have more than one copy of a paper and typed copies can be given, each copy after the first shall be supplied at half the rates prescribed above; (iv) for a book, register, map or plan, or an extract thereof, a charge to be fixed in each case by the Court with reference to the difficulty or intricacy of the work to be done.

7. Except in the case of an application for a copy of a book, register, map or plan or an extract thereof, an application for a copy for which a charge is to be made shall not be entertained unless it is accompanied by a sheet or sheets of stamped copying paper of the value required under the preceding rule.

The copy shall be taken so far as possible upon such sheet or sheets, and if the whole cannot be written thereon, the remainder shall be written upon foolscap paper of durable texture supplied by the Government. If the copy does not extend over every sheet filed, the head copyist shall make and sign upon each blank sheet an endorsement to the following effect: "The sheet was filed with application No. Dated....." The charge fixed by a Court for a copy of a book, register, map or plan or any extract thereof shall be levied and disposed of as such Court by written order may direct; any portion of such charge which such Court may direct to be levied in stamped copying paper shall be subject to the foregoing provisions of this rule. If an application for a copy is rejected the officer in charge of the copying department shall at once return to the applicant any stamped paper filed therewith and take his receipt for the same in column 13 of the register of copies (Form No. 7). If the applicant be not present, the officer shall inform him by post of the fact and direct him to appear without delay and take back the stamped sheets forwarded by him with his application. The officer before returning any stamped sheets shall endorse each sheet with the words "Returned unused to....." (being the applicant) and initial them. Stamped sheet so returned may be used by the same applicant in a subsequent application for copy. If no applicant appears within 30 days of the date when the letter was sent to him, the officer shall render useless the stamped sheets by folding them down the middle vertically, tearing of the right half of each sheet, destroying it and causing the left half on which is entered the date and number (Rule 3) to be fixed in the record along with the application. An entry of the fact of destruction shall be made in the register of copies (Form No. 7) against the application.

8. As soon as an order for a copy has been made, entries shall be made by the head copyist without delay in the first four columns of the register of copies; and the order with the application, if any, and the stamped paper, if any, accompanying the application shall be forwarded forthwith by the officer in charge of the copying department to the official in charge of the record, who shall without delay send such order, application and stamped paper and the record to the head copyist, and shall take from the head copyist in a book to be kept for the purpose a receipt containing a note of the date and hour when such record was delivered to him and the head copyist shall enter in his register of copies the date and hour on which he received the aforesaid paper or record.

As soon as a copy is made, the head copyist shall forthwith return the record, together with the order and the application, to the official from whom he received them; and such official shall forthwith place such order and application in file B of the record. The head copyist shall at the end of such working day deposit all documents under copying in a locked box to be kept for that purpose. At headquarters such box shall be kept in the record- room. When the copy has to be made in the office of a Court on tour, the presiding officer shall appoint some person to perform the duties of head copyist.

9. Every copy that is not made on stamped paper shall be made on paper of durable texture supplied by the Government.

Every copy of a proceeding in a case shall be made with a heading containing the following particulars: (i) name of the Court, name and power of presiding officer; (ii) serial number, nature and year of case; (iii) name of police station; (iv) name, caste, parentage and residence of accused, if any. When a copy has been made it shall be signed by the person who made it. If such person is not the head copyist, the head copyist shall then examine the copy and correct it, if necessary; when it is correct, he shall certify it to be a true copy, stamp each sheet of the copy or blank sheet with the stamp of the Court or record-room and serially number the sheets. If the head copyist made the copy, such duties shall be performed by some person appointed for the purpose by the officer in charge of the copying department. A copy shall not be certified as a true copy unless it sets out the value of each stamp, if any, upon the original. A copy shall not be issued to any person until it has been examined, certified, stamped and paged; and a copy shall not be delivered to an applicant until the requirements of Rule 10 have also been complied with.

10. When a copy made under an order upon an application is ready for delivery, notice thereof in the prescribed Form (No. 48) shall forthwith be placed on the notice-board of the Court. The head copyist shall endorse upon the last sheet of the copy the date of the application, the date of posting the notice on the notice-board, and the date of delivery of the copy to

the applicant. Such dates shall be written in words as well as in figures.

If delivery of the copy is not taken within fifteen days of the notice being posted on the notice-board, the orders of the Courts shall be taken as to the disposal of the copy: Provided that when a copy is to be delivered to a prisoner, it shall be at once despatched to the jail: Provided also that when a copy is to be sent by post, it shall be despatched as soon as the notice is placed on the notice-board.

11. Save as provided in Chapter XV, Rule 13, orders made on urgent applications shall have priority over all orders made on ordinary applications, orders on urgent applications and orders on ordinary applications shall have strict priority amongst themselves according to the date and serial number of each order.

A copy for which an order has been made on an urgent application shall be delivered, as a rule, not later than the working day next after the day on which the order was made.

12. The head copyist under the supervision of the officer in charge of the copying department for the court shall enter every order for a copy-

(1) in the Court of Session, in the register prescribed under the General Rules (Civil) of Tripura, (2) in other Courts in a register in Form No. 7. When such order was made on an application, the serial number marked on such application shall be entered in the register. In such register the entries relating to urgent applications shall be made in red ink, and all other entries shall be made in black ink. In the column of remarks an entry shall be made in showing the manner of disposal of each fee paid in cash.

13. In case any difficulty arises in complying with an order for a copy, the order and application, if any, shall be laid forthwith before the Court for orders with a report by the head copyist. If a copy cannot be given the Court shall direct that the stamped paper, if any, be returned. If the order cannot be completed or complied with by reason of the decree being in the Appellate Court or in any other Court, it shall be sent on the Court concerned for completion or compliance. In such case the applicant shall be furnished with any copies which may have been prepared, and shall be informed by which Court the remaining copies required will be supplied.

Chapter XVI

Printed Forms and File-Books

- 1. A list of printed forms authorised is given in the Appendix. No printed forms other than an authorised form shall be used in any Court.**
- 2. Every Sessions Judge and District Magistrate will be furnished early in each year by the Superintendent of the Government Press, Agartala, with a printed form of indent for printed forms required (i) to keep a stock throughout the year for which the supply is required, and (ii) to have a margin of three months' consumption at the end of that year. The indent form, viz., Manual Miscellaneous Form No. 283, shall be filled up according to the directions on the flyleaf thereof. The Sessions Judge shall include in his indent all forms required by every Court of Sessions division. The District Magistrate shall include in his indent all forms required by every Magistrate or bench in his district.**
- 3. The list of authorised printed forms is arranged in parts. The stock of forms kept by the Sessions Judge and the District Magistrate shall be stored upon racks or in Almirah, the forms being arranged in parts and by numbers according to the list.**
- 4. The stock of forms kept by the Sessions Judge and the District Magistrate shall be placed under the charge of a ministerial officer appointed for that purpose and such officer shall keep a stock book in the prescribed form.**

In such stock-book a separate page shall be given to each form in use in the Courts. Whenever any forms are received from the press or returned by a Court, entries shall be made in necessary columns of the stock-book.

- 5. The Sessions Judge and the District Magistrate shall cause to be kept for the use of his office and also the officers subordinate to them separate file books of circular, general and other printed letters received from the Court of the Judicial Commissioner and each as it is received shall be pasted into its file book. An index in which the number, date and subject of each letter are entered shall also be maintained.**

Chapter XVII

Registers

1. The following registers shall be maintained in the Court of every Magistrate:

(1) Register of Cases in Form No. 11. (2) Register of Disposal of Cases in Form No. 12. (3) Register of Miscellaneous Criminal Cases in Form No. 13. (4) Register of Miscellaneous Reports and Proceedings in Form No. 14. In the Court of every District and Sub-Divisional Magistrate shall also be maintained- (5) Register of Cases Received on References in Form No. 15. In the Court of every District Magistrate shall also be maintained- (6) Register of Cases under Section 466 of the Code of Criminal Procedure [Form No. 11(a)].

2. A Register of Revision Cases in Form No. 18 shall be maintained in the Court of the District Magistrate and in the Court of Session by such clerk as the presiding officer shall be written order direct.

3. A Register of Appeals in Form No. 17 shall be maintained in every Appellate Court by such clerk as the presiding officer shall by written order direct.

4. The following registers shall be maintained in every Court of Session by such clerk as the presiding Judge may be written order direct:

Register of Committed Cases (Form No. 19). Register of Punishments (Form No. 20). Register of Cases Submitted to the Court of Sessions (Form No. 21). Register of Miscellaneous Criminal Cases (Form No. 13). Register of Miscellaneous Reports and Proceedings (Form No. 14). Register of Cases under Section 466 of the Code of Criminal Procedure [Form No. 11 (a)].

5. In every Court shall be maintained a register of witnesses in Form No. 23. The following instructions for the maintenance of the register must be strictly carried on:

(1) At the close of each case the presiding officer shall direct the Court reader immediately to make the necessary entries in Register No. 32 of witnesses in regard to each witness then discharged. In the case of witnesses to whom the Court does not order expenses to be paid, a line shall be drawn through columns 12 to 20. (2) When the presiding officer decides to grant expenses, he shall direct the Court reader at once, in addition to filling in Register No. 23, to draw up the order for payment of diet money (Register No. 23-A), and shall himself enter the total amount in words as well as in figures and sign the order legibly with his name and not initials only. The signed order will be taken by the Court constable to the Nazir, who will give him the amount in cash taking his receipt on the form. The Court constable will take cash to the presiding officer, who will see each witness called up and paid before him by the Court constable after which he will himself sign column 19 of Register No. 23 and cause the witness to sign or affix his thumb impression in column 18. The Nazir will record the transaction in the register of contingent expenditure prescribed by the

Accountant-General and retain the order for preparation of his contingent bill.(3)The presiding officer before making any payment shall compare the entries in Register No. 23 with the orders in the hands of the Nazir and shall give the following certificate in the "Remarks column" : Entries checked. (Signature and date).(4)A witness shall not be paid nor shall any entry in respect of him be made in Register No. 23 of diet-money until he is discharged. A witness shall not be regarded as discharged if he is allowed to leave the Court under orders to attend again in the same Court in the same case ; and he shall be regarded as in attendance on every day on which he is actually present under orders, even though a case is not called up for hearing on any such day:Provided that the presiding officer, if he considers that adherence to this rule would involve hardship to any witness, may in his discretion pay diet money to such witness from day to day.

Chapter XVIII

Periodical Returns and Reports

1. The statements prescribed in the following rules shall be prepared in the office of the District Magistrate for his own Court and for all subordinate Courts, and in the office of the Sessions Judge for all Judges exercising jurisdiction in his Sessions division.

The District Magistrate shall forward the statement for the district to the Sessions Judge on or before the date fixed for each statement; and the Sessions Judge shall add thereto statistics of the Court of Sessions and shall total the figures, and shall forward them along with the statements relating to the Court of Session to the Registrar, Judicial Commissioner's Court on or before the date fixed for each statement.

2. When one statement or a number of statements to be submitted together is blank, a certificate of the fact, written upon one of the other statements submitted, shall be sufficient.

3. A monthly statement in the prescribed Form (No. 52) shall be prepared by the Sessions Judge, showing all persons committed for trial in whose cases final orders have not been passed during the month. The statement shall be despatched to the Registrar, of the Judicial Commissioner not later than the seventh day of the month following that to which it relates.

When the date in column 8 is more than eight days later than the date in column 5 the Sessions Judge shall require an explanation of the delay and shall have a note of the explanation made in the column of remarks.In column 9 shall be entered the dates of the last concluded sessions before the end of the month to which the statement relates, no matter in what month they were held. If any case committed before the commencement of those sessions appears in the statement, the Sessions Judge shall explain in the column of remarks, why it was not taken up at those sessions.

4. A quarterly statement in Form No. 53 shall be submitted to the first, second and third quarters in a calendar year. It shall be despatched by the District Magistrate to the Sessions Judge on or before the 10th day of April, July and October, as the case may be, and by the Sessions Judge to the Court of the Judicial Commissioners on or before the 15th of the same month.

5. Together with the quarterly statement in Form No. 53 the District Magistrate shall submit as explanation in the prescribed Form (Part XII, No. 36) explaining the case of delay for each case entered in column 6 of the statement. The reader shall fill up from the order-sheet the entries in the Bengali Form (Part XIV, No. 20) regarding each such case, and the entries shall be checked and verified by the presiding officer of the Court. The judicial clerk in the office of the District Magistrate shall translate the entries into the English form and attach the form to the quarterly statement. A separate form shall be used for each case. In column 5, if the case has not been disposed of on the last date of the quarter, the word "pending" shall be written.

In column 6 the reasons for adjournment shall be stated briefly and distinctly, e.g., "adjourned for witness for defence, summonses not returned from Gwalior, accused under observation by the Civil Surgeon, etc." The District Magistrate shall record in column 8 suitably on each point requiring notice in each case.

6. Annual statement shall be prepared and forwarded by the District Magistrate on or before the 31st day of January of each year to the Judge of the Court of Sessions who shall add to Form Nos. 33 and 38 the statistics of the Court of Sessions and shall forward the statements so as to reach the Registrar of the Judicial Commissioner's Court on or before the 15th day of February:

(i) annual statement in Form No. 25; (ii) annual statement in Form No. 26; (iii) annual statement in Form No. 27, showing offences reported and persons tried, discharged, acquitted, convicted and committed by Magistrates for each offence; (iv) annual statement in Form No. 28, showing the particulars of whippings inflicted; (v) annual statement in Form No. 29, showing proceedings of Magistrates under the Code of Criminal Procedure, 1898; (vi) annual statement in Form No. 30, showing the use of assessors in the Court of the District Magistrate; (vii) annual statement in Form No. 31, concerning witnesses in all Courts; (viii) annual statement in Form No. 32, showing the result of appeals; (ix) annual statement in Form No. 33, showing the result of revisions; (x) annual statement in Form No. 38, showing the use of the assessors in the Court of Session.

7. The draft copies of all statements prescribed under Rules 3 to 6, prepared in the office of the District Magistrate, shall be available for the use of the Sessions Judge upon his written requisition.

8. Together with the annual statements prescribed in Rule 6 the District Magistrate shall submit an annual report in which he shall notice the main features in the administration of criminal justice in his district during the preceding year, the quantity and quality of work performed by Honorary Magistrates, the extent to which effect has been given to the rules regarding records and the record-room, the effect of recent legislation and rules on the working of the Criminal Courts, and other points connected with the administration of criminal justice which may seem to him to be worthy of notice of record. The report shall be type-written upon the full width of the form, and any remarks which the Sessions Judge shall deem it necessary to record shall be made in a forwarding letter.

9. Together with the annual statements prescribed in Rule 7 the Sessions Judge shall submit an annual report in which he shall notice the main features in the administration of criminal justice before himself and any other Judge of the Court of Session, the date on which he sat with the Collector to revise the lists of assessors and the number of assessors left on such lists after the revision, the extent to which effect has been given in the Court of Session to the rules regarding records and the record-room, the effect of recent legislation and rules upon the working of the Criminal Courts, and other points connected with the administration of criminal justice which may seem to him to be worth of notice or record.

10. A Sessions Judge before leaving his division, and a District Magistrate before leaving his district, on transfer or otherwise, towards the end of the year, shall place on record for the information of his successor and for the purpose of the annual report a minute embodying any points which he would have noticed in the annual report had he remained to the end of the year.