

Criminal Rules of Practice and Circular Orders, 1990

ANDHRA PRADESH

India

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Rule

CRIMINAL-RULES-OF-PRACTICE-AND-CIRCULAR-ORDERS-1990 of 1990

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Criminal Rules of Practice and Circular Orders, 1990Published vide Notification A.P. Gazette, R.S. to Part 2, Issue No. 6, dated March 7, 1991 at Pages 43 to 361Rules and Orders for the guidance of the Criminal Courts in the StateRoc. No. 113/SO/86: - Whereas it is expedient to amend, consolidate and bring up-to-date the Criminal Rules of Practice and Orders, 1966, in accordance with the new Code of Criminal Procedure, 1973 and incorporate therein the Orders, Notifications and Administrative Instructions issued from time to time by the Government and the High Court.Now, therefore, in exercise of the powers conferred by Article 227 of the Constitution of India and Section 477 of the Code of Criminal Procedure, 1973 and of all other powers hereunto enabling and with the previous approval of the Governor of Andhra Pradesh, the High Court of Andhra Pradesh hereby makes the following Rules and Orders for the guidance of the Criminal Courts in the State.

Chapter I Preliminary

1. Short title:

- These Rules may be called the "Criminal Rules of Practice and Circular Orders, 1990".

2. Definitions:

- In these Rules, unless the context otherwise requires -(a)'Code' means the Code of Criminal Procedure, 1973 ;(b)'Government' means the Government of Andhra Pradesh ;(c)'High Court' means the High Court of Andhra Pradesh ;(d)'Sessions Judge' includes the Metropolitan Sessions Judge, "Chief Judicial Magistrate" includes the Chief Metropolitan Magistrate, (d) 'Sessions Judge'

includes the Metropolitan Sessions Judge, "Chief Judicial Magistrate" includes the Chief Metropolitan Magistrate, "Magistrate" includes the Metropolitan Magistrate, and "Special Magistrate" includes Special Metropolitan Magistrate.

3. Hours of Sitting:

- Courts shall ordinarily sit from 10-30 A.M. to 5 P.M. Sessions Judges and Magistrates shall ordinarily commence their sitting not later than 10-30 A.M. each day, and unless the work for the day is disposed of earlier, shall not rise before 5-00 P.M. except for lunch in between 2-00 P.M. and 2-30 P.M.

4. Judicial Work on Holidays:

- No case shall be tried or heard and no judicial work Formally announced or done on holidays declared by the High Court; except in exceptional circumstances and with the consent of both the parties.

5. Judicial Work to be done in Court House:

(1)Judicial work, in so far as it relates to inquiries and trials, shall be done in Court Houses.(2)Magistrates appointed to Mobile Courts may hold their sittings at any place within their territorial jurisdiction.(3)Cases relating to Juvenile Offenders and Women may be tried in camera.(4)Urgent bail applications presented out of Court hours may be disposed of at the residence of the Magistrate but no order shall be passed in the case of Non-Bailable Offences without notice to the prosecution.

6. Working days and hours of Special Judicial Magistrates:

- Special Judicial Magistrates shall hold Court for three days in a week on every alternate working day commencing from Monday. They shall hold Court between 7-30 A.M. and 10-30 A.M. Special Judicial Railway Magistrates may hold Court at any time between 7-30 A.M. and 10.00 P.M. after giving advance intimation of holding Courts to the Chief Judicial Magistrates concerned.

Chapter II

Process Summons and Warrants

7. Witness summons may be signed by Ministerial Officer:

- Summons issued to witnesses shall ordinarily be signed by the Chief Ministerial Officer of the Court The words "By order of the Court" shall invariably be prefixed to the signature of the Chief Ministerial Officer in such cases.

8. Accused summons to be signed by Magistrate:

- Magistrates shall themselves sign summonses to accused persons. In a proceeding instituted upon a complaint made in writing, the accused shall be furnished with a copy of such complaint as early as practicable and in any case not later than the first occasion when he appears in Court. Note :- The copy of the complaint may be sent with the summons or warrant issued to the accused under sub-section (i) of Section 204 of the Code.

9. Place of hearing to be stated:

- Every summons and every order of adjournment shall state the place in which the cause to which it relates will be heard.

10. Plural to be used in respect of person summoned:

- In all summonses issued by the Criminal Courts in the regional languages, the plural Form of the pronoun shall be used in addressing the person summoned.

11. Warrant to bear sign manual of the judge or the Magistrate:

- Facsimile stamps shall not be used for signing warrants or summonses. All warrants should receive the sign manual of the Judge or Magistrate from whose Court they are issued.

12. Medical witnesses and chemical examiner how to be summoned:

(1) Summonses of the following classes of Medical Officers in the District should be issued in the manner specified below:-(a) Government Medical Officers in Government Institutions ;(b) Government Medical Officers in Zilla Parishad and Municipal Taluk Headquarters Medical Institutions ;(c) Government Medical Officers lent for service in Zilla Parishad and Municipal Medical Institutions ;(d) Zilla Parishad and Municipal Medical Officers ;(e) Rural Medical Practitioners In-charge of Zilla Parishad Rural Dispensaries (who are neither Zilla Parishad Servants nor Government Servants) ; and(f) Honorary Medical Officers. In the case of all these classes of Officers, summons should be served direct on the Medical Officers when their absence from the station is not involved, and the fact intimated to the District Medical Officer concerned for information. (2) In cases involving absence from the station, summons should be served through the District Medical Officer in respect of all classes of Medical Officers referred to above except Honorary Medical Officers. The District Medical Officer while forwarding the summons to Medical Officers employed in Zilla Parishad and Municipal Institutions whether they are Government servants lent to local bodies or are servants of local bodies should simultaneously send intimation to the Chairman of the Zilla Parishad or the Executive Authority of the Municipal Council through the Chairman concerned. The same procedure shall be adopted in the case of Rural Medical Practitioners also. The arrangement for the running of the Medical Institution will be made by the District Medical Officer, wherever he has to do so and in other cases by the Chairman of the Zilla

Parishad or the Executive Authority of the Municipal Council through the Chairman concerned.(3)In the case of Honorary Medical Officers, the summons should be served through the Superintendent or Medical Officer In-charge of the Medical Institutions so that he may make necessary arrangements for the relief of the Honorary Medical Officer.(4)In all cases where the time available is short or the Medical Institution is distant, a telegram may be sent.(5)In cases where Superintendents of Hospitals and Civil Surgeons are required to attend Criminal Courts to give evidence on professional matters, the summonses shall be served on them direct, when their absence from station is not involved. But the fact should be intimated simultaneously to the Director of Medical Services, Andhra Pradesh In the case of summonses intended for District Medical Officers to attend Criminal Courts to give evidence on professional matters, the summonses need not be sent through the Director of Medical Services, Andhra Pradesh, except in cases in which their absence from their jurisdiction is involved.(6)The Presiding Officer of a Court should see that their special orders are taken before a summons is issued to a Medical witness and for that a convenient date is fixed for his examination. If there is more than one Medical Officer in a Hospital, only one Officer should, as far as possible, be summoned at a time. If possible, it may be previously ascertained from the Medical Officer as to the time that would best be suitable for him with reference to his professional duties. A medical witness should be summoned only when the presence of the accused is certain and when there is no likelihood of the case being adjourned for any other reason. The Presiding Officer of the Court should see that the time fixed for the examination of the Medical Officer is adhered to and that the absence of the Medical Officer from his duties is as brief as possible.(7)Summons for attendance of the Chemical Examiner as a witness in a criminal case shall invariably be sent through the Chief Judicial Magistrate who will then be able to satisfy himself whether Chemical Examiner's personal attendance to give evidence is essential.

13. Mode of service:

- When the serving officer delivers or tenders a copy of the summons to the person sought to be served personally or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered as an acknowledgement or service endorsed on the original summons.

13A. [(1) In all the proceedings under Section 125 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) and under Section 138-A of the Negotiable Instruments Act, 1881 (Central Act 26 of 1881) and in any other case where the summons may be ordered to be served through the post office by registered post with acknowledgement due, sent to the address of the respondent or the accused therein as the case may be, in the manner provided under Rule 13 of the Criminal Rules of Practice and Circular Orders, 1990 and in such cases the postal employee tendering the notice shall be deemed to be the 'serving officer' within the meaning of Rule 13 of the said Rules.

(2) Before directing the service of notice by post, the complainants shall be required to bring to the Court sufficient number of copies of the summons, the complaint and envelopes duly typed with the name and address of the person on whom the summons sought to be served and bearing adequate postage for sending the article by registered post with acknowledgement due.] [Added by Notification ROC No. 2572/SO/91.]

14. Translation of summons:

- When a summons is written in language different from that of the Court within whose jurisdiction it is to be served, the Court transmitting it for service shall also send a translation thereof in English, and in cases where the summons has to be returned to any Court outside the State and the return is not in English or in the language of that Court, the endorsement and the affidavit, if any, mentioned in Section 68 of the Code with which it is sent back to that Court shall be accompanied by a translation of the return into English.

15. Service of notice issued by the High Court:

- All notices issued by the high Court under Section 385 and 422 and clause (2) of Section 401 of the Code shall be in duplicate and shall be served as expeditiously as possible and the duplicate copy with endorsement of service, if effected, be transmitted to the High Court without delay.

16. Summons to be served on Members of Parliament or State Legislature:

- All summonses intended to be served on Members of Parliament or State Legislature shall be sent through Court or Police or by Registered Post. Under no circumstances should they be sent to Presiding Officer of the House for service on the Members.

17. Intimation of arrest of M.Ps. and M.L.As.:

- All arrests, surrenders and releases of Members of Parliament or State Legislature, shall be intimated to the Presiding Officer of the House. Intimation shall also be given to the Home Ministry, Government of India; in the case of M.Ps. and the Chief Secretary to the Government, G.A.D., in the case of Members of State Legislature.

18. Summons to Government Analyst:

- Summons to Government Analyst in Food Adulteration cases shall be sent through the Chief Judicial Magistrate.

19. Cases in which accused has absconded:

- When process has been issued for the attendance of the accused but the case has remained pending for a long time owing to his non-appearance, and the Magistrate is satisfied that the presence of the

accused cannot be secured within a reasonable time or when an accused person found to be of unsound mind is released under sub-section (1) of Section 330 or detained in safe custody under sub-section (2) of Section 330 of the Code, the Magistrate shall report the case for the orders of the Sessions Judge, who may, if he thinks fit, order that the case shall be removed from the register of cases received and omitted from the quarterly returns. The case shall, however then be entered in a separate Register of long pending cases which shall be maintained by all Magistrates in Administration Form No. 26 :Provided that if the charge is withdrawn, or if the accused is reported dead, whether before or after the entry of the case in the Register of Long Pending Cases, the case should be closed :Provided further that if the Sessions Judge is of the opinion that the case against the absent accused is wholly false, he may direct that the case be omitted from the Registers and the returns altogether and he may at any subsequent time order the case to be entered in the Register of Long Pending Cases.

20. Cases in which some of the accused have absconded:

- When there are several accused persons in a case, and only some of them have appeared or been produced, before the Court, if the Magistrate is satisfied that the presence of other accused cannot be secured within a reasonable time, having due regard to the right of such of the accused as have appeared to have the case against them enquired into without delay, he shall proceed with the case as against such of the accused as have appeared and dispose it of according to law. As regards the accused who have not appeared, he shall give the case a new number and enter it in the Register of Cases received, and if it remains pending for a long time, and efforts to secure the presence of the accused have failed and the case against the accused who have appeared has been disposed of, the Magistrate shall report the whole matter as regards all the accused to the Sessions Judge, who may direct that the case against the absent accused be removed to the Register of Long Pending Cases, or if he is of the opinion that the case against the absent accused is wholly false, he may direct that the case be omitted from the Registers and the returns altogether, provided that he may at any subsequent time order the case to be entered in the Register of Long Pending Cases. Similarly the case may be split up against the accused who have been obstructing or persistently disturbing the proceedings of the Court.

21. Procedure to be observed before transfer of a case to the Register of long pending cases:

- Before directing transfer of a case, other than a case dealt with under sub-section (1) or sub-section (2) of Section 330 of the Code to the Register of Long Pending Cases, the Sessions Judge shall satisfy himself that all reasonable steps have been taken to follow the procedure prescribed in Sections 82 and 83, and also, when practicable, that the provisions of Section 299 of the Code have been complied with.

22. Procedure on the appearance or the production of accused:

- If subsequently the absent accused or any of them are produced, or appear before the Magistrate or

the accused who was insane ceases to be insane, or those who have been obstructing or persistently disturbing the proceedings undertake to co-operate with the Court the case against them shall be registered under a new number.

23. Cases where an accused has absconded after appearance:

- Rules 19, 20, 21 and 22 shall apply as far as may be to cases where an accused person has appeared but has subsequently absconded. If the accused has absconded after committal of the case, the Sessions Judge shall follow the above procedure, and also record the evidence of the witnesses under sub-section (1) of Section 299 of the Code. Chapter-III Investigation

24. Receipts of F.I.R.:

- Magistrates and Judges receiving F.I.Rs., shall initial each page and put the date stamp and time of receipt. The name or number of the messenger shall also be noted. If the F.I.R., is received by post, the envelope shall also be initialled and preserved. The same rule applies to Inquest Reports and other documents received from the Police or other Prosecuting agencies.

25. Magistrate to insist on production of the accused and copies of Documents:

- No order under Section 167 of the Code for remand of an accused should be made unless the accused is produced before the Magistrate and he has been heard. Magistrates shall also insist on the production of copies of the entries in the Case Diary peruse and initial those documents before passing orders and also indicate in the order, that the documents are perused.

26. Remand to police custody:

- A Magistrate shall not grant remand to police custody unless he is satisfied that there is good ground for doing so and shall not accept a general statement made by the investigating or other Police Officer to the effect that the accused may be able to give further information. In all cases, where the Magistrate authorises the detention of the accused in the custody of the Police, he shall record his reasons for so doing.

27. Order of remand by a Magistrate to be forwarded to Sessions Judge:

- Whenever a Magistrate remands an accused person to the custody of police under Section 167 of the Code, a copy of the order of remand with the reasons recorded therefor, shall be forwarded within 24 hours to the Sessions Judge.

28. Computing period of remand:

- In computing the period of fifteen days mentioned in sub-section (2) of Section 167, or the proviso to Section 309 of the Code, both the days on which the remand order was made and the day on which the accused is ordered to be produced before the Court shall be included.[While computing the period of detention as prescribed in the proviso to sub-section (2) of Section 167 of the Code or any period of detention prescribed by any other Law, the date of actual production of the accused before the Magistrate or the Judge, as the case may be, shall be excluded.] [Substituted by G.O.Ms.No. 127, Law (LA & J-Home) (Courts-B), dated 18-8-2008.]

29. Remand under Section 390 of the Code:

- When an accused person is brought before a Subordinate Court under Section 390 of the Code, the Court shall explain fully to him his right to the assistance of an Advocate at State cost and the procedure of hearing of appeals by the High Court. If the accused is remanded to custody, the Court shall forthwith report the action taken to the High Court and if the Warrant issued by the High Court is a Bailable Warrant, also state its reasons for remand and shall forward a copy of the said Report to the Collector who will communicate with the Public Prosecutor, Andhra Pradesh.

30. Bail during investigation:

- When an accused is released on bail during investigation he shall be bound over to appear in Court after the charge-sheet is filed and summons served on him. It is not necessary to bind him to appear on any earlier date or dates.

31. Requisitions for confessions etc.:

(1)All requisitions for recording of confession of the accused or statements of witnesses or for holding identification parades shall be made to such Magistrate as is nominated by the Sessions Judge for particular police station.(2)On receipt of such requisition, the Magistrate shall immediately fix a date for the purpose and issue summons to the witnesses.(3)Statement of witnesses and confession of accused shall be recorded in open Court and during Court hours except for reasons to be recorded in writing. No Police Officer should be allowed to be present in the Court Hall or in visible distance from the witnesses of the accused, while the statement or confession is being recorded.

32. Confessions:

(1)No confession shall be recorded unless:(a)the Magistrate has explained to the accused that he is under no obligation at all to answer any question and that he is free to speak or refrain from speaking as he pleases; and(b)the Magistrate has warned the accused person that it is not intended to make him an approver and that anything said by him will be taken down and thereafter be used against him.(2)Before recording a statement, the Magistrate shall question the accused in order to

ascertain the exact circumstances in which his confession is made and the extent to which the Police have had relations with the accused before the confession is made. The Magistrate may usefully put the following questions to the accused :-(a)When did the police first question you?(b)How often were you questioned by the Police?(c)Were you detained anywhere by the Police before you were taken Formally into custody, and if so, in what circumstances?(d)Were you urged by the Police to make a confession?(e)Have the Statements you are going to make been induced by any ill-treatment? And if so, by whom?(f)Do you understand that the statement which you are about to make may be used against you at your trial?These questions and any others which may suggest themselves and the answers to them shall be recorded by the Magistrate before he records the accused's statement and shall be appended to the Memorandum prescribed by Section 164(3) of the Code of Criminal Procedure. The Magistrate shall add to the Memorandum a statement in his own hand of the grounds on which he believes that the confession is voluntary and shall note the precautions which he took to remove the accused from the influence of the police and the time given to the accused for reflection.(3)If the Magistrate has any doubt whether the accused is going to speak voluntarily, he may, if he thinks fit, remand him to a sub-jail, before recording the statement; and ordinarily the accused shall be withdrawn from the custody of the Police for 24 hours before his statement is recorded. When it is not possible or expedient to allow so long a time as 24 hours, the Magistrate shall allow the accused atleast a few hours for reflection.(4)The statement of the accused shall not be recorded, nor shall the warning prescribed in paragraph (1) of this Rule be given nor shall the question prescribed in paragraph (2) of this Rule be asked in the presence of a co-accused or of the police officers who have arrested him or produced him before the Magistrate or who have investigated the case.

33. Dying declaration:

(1)While recording a Dying Declaration, the Magistrate shall keep in view the fact that the object of such declaration is to get from the declarant the cause of death or the circumstances of the transaction which resulted in death.(2)Before taking down the declaration, the Magistrate shall disclose his identity and also ask the declarant whether he is mentally capable of making a declaration. He should also put simple questions to elicit answer from the declarant with a view to knowing his state of mind and should record the questions and answers, signs and gestures together with his own conclusion in the matter. He should also obtain whenever possible a certificate from the Medical Officer as to the mental condition of the declarant.(3)The declaration should be taken down in the words of the declarant as far as possible. The Magistrate should try to obtain from the declarant particulars necessary for identification of the accused. Every question put to the declarant and every answer or sign or gesture made by him in reply shall be recorded.(4)After the statement is recorded, it shall be read over to the declarant and his signature obtained thereon, if possible, and then the Magistrate shall sign the statement.

34. Identification parades:

- In conducting identification parades of suspects, the Magistrate shall observe the following Rules.(i)[(a) The Police should sent a requisition for holding identification parade by the Magistrate as nominated by the Sessions Judge. On such requisition, the Magistrate shall conduct the

identification parade as expeditiously as possible. [Substituted by ROC No. 558/SO/93, Published in A.P. Gazette, Part II (Extraordinary), dated 8.4.1996.](b)Where bail application is pending for the release of the accused and on being informed so by the Police Officer, the Magistrate shall as far as possible fix a date earlier to the date of arguments on the bail application and hold the identification parade.](ii)(a)As far as possible, non-suspects selected for the parade shall be of the same age, height, general appearance and position in life as that of the accused. Where a suspect wears any conspicuous garment, the Magistrate conducting the parade shall if possible, either arrange for similar wear to other or induce the suspected person to remove such garment.(b)The accused shall be allowed to select his own position and should be expressly asked if he has any objection to the persons present with him or the arrangements made. It is desirable to change the order. in which the suspects have been placed at the parade during the interval between the departure of one witness and the arrival of another.(iii)(a)The witnesses who have been summoned for the parade shall be kept out of the view of the parade and shall be prevented from seeing the prisoner before he is paraded with others.(b)Before a witness is called upon to identify the suspect, he should be asked whether he admits prior acquaintance with any suspect whom he proposes to identify. He shall also be asked to state the marks of identification by which he can identify the suspects.(c)Each witness shall be fetched by a peon separately. The witness shall be introduced one by one and on leaving shall not be allowed to communicate with witness still waiting to see the persons paraded.(iv)Every circumstances connected with the identification including the act if any attributed to the person who is identified shall be carefully recorded by the officer conducting it, whether the accused or any other person is identified or not. Particularly any objection by any suspect to any point in the proceeding shall be recorded.

35. Identification of property:

(1)Identification parades of properties shall be held in the Court of the Magistrate where the properties are lodged.(2)Each item of property shall be put up separately for the parade. It shall be mixed up with four or five similar objects.(3)Before calling upon the witnesses to identify the property, he shall be asked to state the identification marks of his property. Witnesses shall be called in one after the other and on leaving shall not be allowed to communicate with the witness not yet called in.Chapter-IV General Rules applicable to Trials

36. Defence at State expense:

(1)Sessions Judges and Magistrates shall inform every accused person who appears before them and who is not represented by an Advocate on account of his poverty and indigence, that he is entitled of free legal service at the cost of the State, unless he is not willing to take advantage of it. It is not necessary that the accused should apply for legal aid. If the Court is satisfied that the accused has no sufficient means to engage an Advocate, it shall assign an Advocate for his defence at the expense of the State.(2)(a)The Sessions Judge shall prepare a panel of Advocates to defend the accused, who has no sufficient means to engage an Advocate in a trial before the Court of Session from among the Advocates practising in the Court of Session.(b)The panel of Advocates shall be known as "State Brief Panel" and consists of the following two categories, viz.,Category No. 1: - Advocates of not less than 5 years standing in the Bar to defend an accused, who is charged with an offence punishable

with death or life imprisonment or any complicated or sensational case. Category No. 2: - Advocates with not less than 2 years standing in the Bar to defend the accused person, who has been charged with an offence punishable with a sentence other than death or imprisonment for life. (c) In the Court of Additional Sessions Judges or Assistant Judges working at outlying stations or Magistrates, a State Brief Panel shall be prepared by such Judge or Magistrate, subject to the approval of the Sessions Judge. (d) The "State Brief Panel" shall be prepared once in a year in the order of seniority of Advocates. (3) Court to decide as to the number of Advocates to be engaged: - Where in a trial there are several accused not represented by an Advocate or Advocates, only one Advocate shall be assigned for the defence of all such accused: Provided that, if the Court having regard to the nature of the defence of the different accused persons considers that it would not be desirable in the interests of justice to entrust the defence of all the accused persons to a single Advocate, as many Advocates as the Court considers necessary may be assigned. (4) Facilities to be allowed to Advocates: - Advocates assigned by the Court to defend an accused shall be furnished with all the necessary papers and records and allowed sufficient time to prepare the case for the defence of the accused. (5) (1) Fees Payable to the Advocates: - The Sessions Judge may sanction payment of fee to each Advocate so assigned at the following rates: - (i) not exceeding Rs. 50/- for each day of the trial, where an accused is charged with an offence punishable with death or imprisonment for life. Provided that the fee payable to an advocate for the whole case shall not in the aggregate exceed Rs. 500/-. (ii) not exceeding Rs. 25/- for each day of the trial, where an accused is charged with an offence other than an offence punishable with death or imprisonment for life. Provided that the fee payable to an Advocate for the whole case shall not in the aggregate exceed Rs. 250/-. (5) (2) The Additional Sessions Judge or the Assistant Sessions Judge or the Magistrates working in the outlying stations shall exercise the powers mentioned in sub-rule (1) in respect of Advocates before them.

37. One of the accused may be permitted to represent the other:

- Criminal Courts may in cases where there are more accused than one, permit anyone of them to be authorised by any other to represent that other in any Criminal Proceeding ; but the authorisation shall be in writing and shall contain the signature of the person giving it and shall be filed in Court Affidavits

38. Affidavits before whom may be sworn or affirmed:

- Affidavits intended for use in Judicial Proceedings may be sworn or affirmed before any Court or Magistrate (or an Advocate other than the Advocate who has been engaged in such proceedings) or a Member of Panchayat or a Sub-Registrar, Nazir or Deputy Nazir or a Member of the Legislative Council or of the Legislative Assembly of the State or a Member of the Zilla Parishad or a Municipal Councillor or a Retired Gazetted Officer receiving pension from the Government or any other Gazetted Officer in the service of the State Government or the Central Government or a Notary as defined in the Notaries Act, 1952, or any Commissioner or other person appointed by the High Court for the purpose of taking affidavits or affirmations or any Judge or any Commissioner for taking affidavit in any Court of record in India.

39. Filing of the affidavits:

- Before any affidavit is used it shall be filed in Court, but the Presiding Officer may, with the consent of both parties, in case of urgency, allow any affidavit to be presented to the Court and read on the hearing of application.

40. Form of affidavits:

- Every affidavit used in the Court shall set forth the name and place of the Court and cause title of the proceeding or other matter in which the affidavit is sought to be used. The affidavit shall be drawn up in the first person, and divided into paragraphs, numbered, consecutively and each paragraph, as nearly as may be, shall be confined to a distinct portion of the subject.

41. Description of deponent:

- Every affidavit shall state the full name, age, description and place of residence of the Deponent, and shall be signed by him. The description shall include the father's name of the Deponent also.

42. Writing to be on both sides and each page to be signed:

- When an affidavit covers more than one sheet of paper, then writing shall be on both sides of the sheet and shall be signed by the deponent at the foot of each page of the affidavit.

43. Alterations, Interlineations and Erasures:

- Alterations, interlineations and erasures, if any, shall before an affidavit is sworn or affirmed, be authenticated by the initials of the authority before whom the affidavit is taken ; otherwise the same shall not be filed or made use of in any matter without the leave of the Court.

44. Statement of Officer before whom affidavit is sworn:

- The authority before whom the affidavit is taken shall state the date on which and the place where the same is taken and sign his name and description at the end, otherwise the same shall not be filed or read in any matter without the leave of the Court.

45. Blind or illiterate deponent:

- When an affidavit is sworn or affirmed by any person who appears to the authority taking the affidavit to be illiterate, blind or unacquainted with the language in which the affidavit is written, the Officer shall certify that the affidavit was read, translated or explained in his presence to the deponent, that the deponent seemed to understand it, and made his signature in the presence of the authority, otherwise the affidavit shall not be used in evidence.

46. Endorsement should state on whose behalf filed:

- Every affidavit shall bear an endorsement stating on whose behalf it is filed.

47. Affidavit stating matter of opinion:

- Every affidavit stating any matter of opinion shall show the qualification of the deponent to express such opinion by reference to the length of experience, acquaintance with the person or matter in respect of which the opinion is expressed, or other means of knowledge of the deponent

48. Affidavit on information and belief:

- Every affidavit containing statement made on the information or belief of the deponent shall state the source or ground of the information or belief.

49. Documents referred to in affidavit to be referred as exhibits:

- Documents referred to in an affidavit shall be referred to as exhibits and shall be marked in the same manner as exhibits admitted by Court and shall bear a Certificate signed by the Officer before whom the affidavit is taken.

50. Cross-examination on affidavit:

- The Court may at any time direct that any person shall attend to be cross-examined on his affidavit Oath and Affirmation

51. Administering Oath:

- The Session Judges and Magistrates shall themselves administer the oath to the witness or the interpreter.

52.

(1) A witness, interpreter or deponent to an affidavit may instead of making oath, make an affirmation. (a) Oath or affirmation to be taken by a witness: -

I do | Swear in the name of God Solemnly affirm

that, what I shall state shall be the truth, the whole truth and nothing but the truth : (b) Oath or affirmation to be taken by an Interpreter other than Court interpreter: -

I do | Swear in the name of God Solemnly affirm

that I will well and truly interpret and explain all questions put to evidence given by witnesses and translate correctly and accurately all documents given to me for translation. (c) Oath or affirmation to

be taken by the deponent to an affidavit -

I do| Swear in the name of GodSolemnly affirm

that this is my name and signature (or mark) and that the contents of my affidavit are true.(2)The witness, interpreter or deponent to an affidavit shall ordinarily stand while making the oath or affirmation.(3)In the case of deponent to an affidavit, oath or affirmation shall be made after he affixes his signature or mark to the affidavit.Explanation: - The officer administering the oath or affirmation shall write the name of the deponent over/against the mark after the deponent affixes his mark and read it to the deponent before the Oath or affirmation is administered.(4)No Oath or affirmation shall be administered to a deponent to an affidavit unless the Officer administering the Oath or affirmation is satisfied that the deponent understands the nature and contents of the affidavit.(5)In the case of a child witness under 12 years of age, the Presiding Officer shall record a finding that the witness understands the duty of speaking the truth.Recording of Evidence

53. Deposition when to be signed by witness:

- After each witness is examined and the requirements of Section 278 Cr.P.C. are complied with, the witness shall be required to sign or affix his thumb impression on the record of his deposition.

53A. [Copies of Depositions shall be furnished free of cost only to an accused who is an indigent person on application made by him.] [Inserted by G.O.Ms. No. 1328, Law (LA&JHC-B), dated 31-7-2004, Published in A.P. Gazette Part I, Extraordinary No. 318, dated 6-8-2004.]

54. Evidence as to the age of the accused:

- In every case in which the precise age of the accused person is relevant to the determination of the sentence or order to be passed, evidence shall be taken on the question and whenever necessary the opinion of a medical expert shall be obtained.

55. Evidence of Gosha-women:

- When the deposition of a gosha woman has to be taken, the Court shall, if necessary, adjourn to a place where the witness can be examined with due regard to her privacy, in the presence of the accused, precautions being of course taken to make sure of her identity.

56. Police Officers not to interpret evidence:

- Police Officers shall not, as a rule, be employed, to interpret the evidence of a witness in cases prosecuted by the police.

57. Charges for interpretation:

- Sessions Judges and Chief Judicial Magistrates are authorised to incur under intimation to the High Court, expenditure to a limit not exceeding Rs. 150/- (Rupees one hundred and fifty only) in each case on account of interpretation of evidence in a language not understood by the accused or in a language other than the language of the Court and not understood by the Advocate of the accused or by the Court. They are also authorised within the limit prescribed to pass similar charges incurred by Magistrates subordinate to them. Explanation: - The provisions of the foregoing paragraph shall also apply to cases of interpretation of statements made by the deaf and dumb or the dumb and to the payment of remuneration to the expert interpreting such statements.

58. Marking of exhibits:

(1) Exhibits admitted in evidence shall be marked as follows :-(i) if filed by the prosecution with the capital letter 'P' followed by a numeral, P1, P2, P3 and the like ;(ii) if filed by defence with the capital letter 'D' followed by a numeral, D1, D2, D3 and the like ;(iii) in case of Court exhibits with the capital letter 'C' followed by a numeral, C1, C2, C3 and the like ;(2) All the exhibits filed by the several accused shall be marked consecutively. All material objects shall be marked in Arabic numbers in continuous series as M.O.1, M.O.2 and M.O.3 and the like, whether exhibited by the prosecution or the defence or the Court Charges

59. Charges of previous conviction to be set out separately:

- If it is proposed to prove several previous convictions against an accused person for the purpose of affecting his punishment, they shall not be lumped in one head of charge, but shall be set forth separately, each under a distinct head of charge.

60. Complainant how to be described in a charge:

- The person against whom an offence is alleged to have been committed shall be described in the charge by his name and not by his accidental position in the case as complainant, prosecutor or witness. Adjournments

61. Adjournment to be in writing and reasons therefor recorded:

- Every time an inquiry or trial is adjourned, an order of the Court in writing giving the reasons therefor shall be recorded. The reason for which an adjournment can be granted may be either the absence of a witness or any other reasonable cause as stated in Section 309 of the Code. Adjournment shall not ordinarily be granted in order to give time to the Advocates to prepare their address to the Court as this will lead to unnecessary delay in the disposal of cases.

62. Order of remand to be endorsed on the warrant:

- When a case adjourned there shall be a written order of remand. It may conveniently be made by the Judge or Magistrate endorsing his signature on the warrant of commitment under which the prisoner is brought up the words "Remand until "Sentences

63. Short term Imprisonment generally undesirable:

- Short-term imprisonments are undesirable. Before passing such sentences, the Court should consider whether the provisions of Probation of Offenders Act (20 of 1958) or Section 360 of the Code could not appropriately be applied in favour of the accused.

64. Imprisonment in Default of Fine:

- In awarding sentences of imprisonment in default of payment of fine, regard shall always be had to the economic status of the accused and the sentence shall be so regulated as to induce him to pay them and not to evade such payment. When an accused is sentenced to pay fine with imprisonment, in default of such payment, he shall be allowed reasonable facilities for payment of the fine. The calendar in such cases shall contain information in the column for remarks as to the payment of the fine and the order passed to facilitate such payment. Judgments

65. No abbreviations in Judgments:

- Abbreviations shall not be used in Judgments or Orders.

66. How Witnesses shall be referred to:

- Witnesses shall be referred by their names or ranking as P.W., or D.Ws. and if the witnesses are not examined, but cited in the charge-sheet, they should be referred by their names and not by numbers allotted to them in the charge-sheet.

67. Tabular Form to be annexed to judgment:

- The judgment in original decisions shall be in the Form prescribed by Section 354 of the Code, with a foot note or side note in a tabular Form giving, in addition, the following particulars, viz.:
- Columns: (1) Serial Number. (2) Name of Police Station and Crime No. of Offence. (3) Description of accused : Name, Father's Name, Race, Occupation, Residence, Age. (4) Date of : Occurrence, complaint, apprehension, Release on bail, commitment, commencement of trial, close of trial, sentence or order. (5) Explanation for delay. Only two copies in manuscript of his statement are required, one copy for record and one for transmission to the High Court. The one for record may conveniently be written up in a list to be bound up by way of index with the printed judgments for each year. But in all summons cases the copy for record need not be prepared.

68. List of witnesses etc., to be appended to judgment:

- There shall be appended to every judgment a list of the witnesses examined by the prosecution and for the defence and by the Court and also a list of exhibits and material objects marked.

69. Judgment to specify offence in respect of which sentence is passed:

- When an offender is convicted of two or more offences and it is competent to the Court to award more than one Sentence, the Court shall in its judgment declare in respect of which offence or offences any sentence awarded is imposed.

70. Sub-section under which convicted to be stated:

- When an accused is convicted under a Section of the Indian Penal Code, e.g., Section 454 which contains sub-sections with different punishments prescribed for the various offences dealt with, the judgment shall state under which sub-section the accused was charged and convicted.

71. Judgment to state-whether previous conviction was proved or confessed:

- When enhanced punishment is awarded on account of previous convictions, it shall appear in the judgment that the previous conviction was charged, and proved or confessed. **Furnishing Copies of Judgments**

72. Copies to the prosecution and the accused:

- Copies of Judgments shall be given to the accused and the prosecution. When a person who has been convicted of an offence, applies for another copy of Judgment in addition to the one required to be furnished to him under Section 363 of the Code, with a view to memorialising Government, he shall be furnished with another copy in all cases free of cost except in summons cases.

73. Judgment against the Government Official to be furnished to the heads of departments:

- In cases where Government Officials are charged with criminal offences, copies of judgments and orders, and where they are in a regional language, translations thereof in English shall be furnished by the Courts to the Heads of Departments concerned, free of charge.

74. Copy of judgment when to be sent to the head of department:

- When in a judgment or Order, the Sessions Judge or the Magistrate impugner the character or conduct of any Government Servant, he should, if he regards the matter as serious enough to call for Departmental Enquiry or action, forward a copy of the judgment or order to the Head of the Department or the immediate Gazetted Officer under whom the Government servant is working.

75. Intimation to be given to the Controller of Defence Accounts on conviction of Military pensioners:

- Where a Military pensioner is convicted and sentenced to imprisonment, or where such conviction and sentence of imprisonment are confirmed in Appeal, the Court passing or confirming such a Sentence shall forward to the Controller of Defence Accounts, Pensions, Allahabad, free of charge, a copy of such Judgment as soon as possible after it is pronounced stating the place from where the Pensioner last drew his pension. Magistrates, Assistant Sessions Judges and Additional Sessions Judges shall forward such Judgment through the Sessions Judge. The Rule shall apply also to judgments of the High Court exercising powers of an Appeal or Revision.

76. Copies of Judgments in food adulteration cases when to be sent to Food Inspector:

- In all Food Adulteration cases ending in acquittal, Sessions Judges or Magistrates concerned shall supply four typed copies of the judgments on plain paper, free of cost, to the Food Inspectors on their request.

77. Copy of judgment when to be sent to Chemical Examiner:

- Sessions judges and Magistrates shall forward to the Chemical Examiner two copies of their judgments or final orders in all cases in which reference has been made to him.

78. Copy of judgment when to be sent to Professors/Lecturers in Forensic Medicine:

- Sessions Judges and Magistrates shall forward copies of the judgments to the Professors/Lecturers in the Medical Colleges at Hyderabad, Visakhapatnam, Guntur, Kurnool, Tirupathi, Warangal and Kakinada, as the case may be in which his evidence has been taken. Diary

79. Maintenance of Diary:

- Sessions Judges and Magistrates shall maintain a diary in administrative Form No. 11. The Diary shall show the time at which the criminal proceedings of each day commenced and the time at which they ended, and shall indicate clearly the progress made in the hearing of each case (specifying the number of witnesses examined), in the order in which each case was taken up. The entries shall be initialled by the Judge or the Magistrate on the day to which they relate.

80. Submission of extracts and calling for the original:

- When a case is committed for trial before the Court of Session or referred to the Chief City Magistrate an extract from the diary shall be placed with record. It shall be competent to a Sessions

Judge or the Chief City Magistrate upon a cause shown, to call for the original diary of any Subordinate Magistrate in order to satisfy himself that the extract submitted is a correct transcript of the entries relating to the case, or that such entries have not been subsequently altered.

Miscellaneous

81. Accused witness and Advocate to sit:

(1)The accused may be permitted to sit except when they are examined under Section 239, 251 or 313 of the Code or when they are required for the purpose of identification by the witness.(2)The witnesses may be allowed to sit while giving evidence.(3)Advocates may be allowed to sit while examining or cross-examining the witness.Note :- Every person shall be required to stand when addressed by the Court or when he addresses the Court

Chapter V

82. Receipt of Complaints by Magistrates:

- Complaints of offences whether oral or in writing shall be received on all working days at fixed hours by the Magistrate having Jurisdiction to receive them. When the complaint is in writing, the complainant shall present along with the complaint as many copies on plain paper of the complaint as the number of the accused persons complained against.

83.

Whenever a complaint is referred to the police for investigation and report under Section 156(3) Cr.P.C. and if the investigation officer drops the case against some of the accused referred to in the complaint, the Magistrate shall give an opportunity to the complainant of being heard before taking the cognizance of the case against those charge-sheeted by the police.

84. Complaints barred by limitation:

- Where a case is filed after expiration of the period of limitation prescribed by law, the charge-sheet or the complaint shall show the ground upon which exemption from the law of limitation is claimed or explain the delay or state how it is necessary to take the case on file in the interest of justice.Cases triable by Court of Sessions

85. Cases triable by Court of Sessions:

- Magistrates should give preference to preliminary enquiries over other work.

86. Only cases exclusively triable by the Court of Session shall be committed to Sessions:

- No case which can be tried and adequately dealt with by a Magistrate shall be committed to Sessions. If after hearing the evidence, the Magistrate is of the opinion that the accused is guilty and should receive punishment different in kind from or more severe than that which he is empowered to inflict, he shall submit the proceedings and forward the case to the Chief Judicial Magistrate, but not commit the case to the Sessions straightaway. Cases triable by Court Martial

87. Cases triable by Court Martial:

- The following rules framed by the Government of India shall be followed in cases where the accused person is liable to be tried by the Court Martial. (1) These rules may be called the Criminal Courts and Court Martial (Adjustment of Jurisdiction) Rules, 1952. (2) In these rules, unless the context otherwise requires: -(a) "Commanding Officer" (i) in relation to a person subject to Military law means the Officer Commanding the unit to which such person belongs or is attached; (ii) in relation to a person subject to Naval Law, means the Commanding Officer of the Ship or Naval establishment to which such person for the time being belongs; and (iii) in relation to a person subject to Air Force Law, means the Officer for the time being in command of the Unit to which such a person belongs or is attached; (b) "Competent Air Force Authority" means the Chief of the Air Staff, the Air or other Officer Commanding any Command, Group, Wing or Station in which the accused person is serving or where such person is serving in a field area, the Officer commanding the forces or the Air Forces in the field; (c) "Competent Military Authority" means the Chief of Army Staff or Officer Commanding the Army, Army Corps, Division, Area, Sub-Area or Independent brigade in which the accused person is serving, and except in cases falling under Section 69 of the Army Act, 1950 (46 of 1950) in which death has resulted, the Officer commanding the brigade or sub-area or station in which the accused person is serving; (d) "Competent Naval Authority" means the Chief of the Naval Staff or the Flag Officer Commanding in Chief, Western Naval Command, Bombay or the Flag Officer Commanding-in-Chief Eastern Naval Command, Visakhapatnam or the Flag Officer Commanding, Southern Naval Area, Cochin or the Flag Officer, Commanding, Western Fleet or the Flag Officer Commanding, Eastern Fleet or Senior Naval Officer where the accused person is serving. (3) Where a person subject to Military, Naval or Air Force Law, or any other law relating to the Armed Forces of the Union for the time being in force is brought before a Magistrate and charged with an offence for which he is also liable to be tried by a Court Martial, such Magistrate shall not proceed to try such person or to commit the case to the Court of Sessions unless; (a) he is moved thereto by a competent Military, Naval or Air Force Authority; or (b) he is of opinion for a reason to be recorded that he should so proceed or to commit without being moved thereto by such authority. (4) Before proceeding under Clause (b) of Rule 3, the Magistrate shall give a written notice to the Commanding Officer or the competent Military, Naval or Air Force authority, as the case may be, of the accused and until the expiry of a period of 15 days from the date of service of the notice he shall not -(a) Convict or acquit the accused under Section 252, sub-sections (1) and (2) of Section 255, sub-section (1) of Section 256 or Section 257 of the Code of Criminal Procedure, 1973 (2 of 1974), or hear him in his defence under Section 254 of the said Code; or (b) frame in writing a charge against the accused under Section 240 or sub-section (1) of Section 246 of the said Code;

or(c)make an order committing the accused for trial to the Court of Sessions under Section 209 of the said Code ; or(d)make over the case for inquiry or trial under Section 192 of the said Code.(5)Where within the period of 15 days mentioned in Rule 4 or at any time thereafter but before the Magistrate takes any action or makes any order referred to in that Rule, the Commanding Officer of the accused or the competent Military, Naval or Air Force authority as the case may be, gives notice to the Magistrate that in the opinion of such Officer or authority the accused should be tried by a Court Martial, the Magistrate shall stay the proceedings, and if the accused is in his power or under his control, shall deliver him together with the statement referred to in sub-section (1) of Section 475 of the said Code to the Officer specified in the said sub-section.(6)Where a Magistrate has been moved by the competent Military, Naval or Air Force authority, as the case may be under Clause (a) of Rule 3, and the Commanding Officer of the accused or the competent Military, Naval or Air Force Authority, as the case may be, subsequently gives notice to such Magistrate that in the opinion of such Officer or authority, the accused should be tried by a Court Martial, such Magistrate if he has not taken any action or made any order referred to in Clauses (a), (b), (c) or (d) of Rule 4, before receiving the notice shall stay the proceedings and if the accused is in his power or under his control, shall deliver him together with the statement referred to in sub-section (1) of Section 475 of the said Code to the Officer specified in the said sub-section.(7)(i)When an accused has been delivered by the Magistrate under Rules 5 and 6, the Commanding Officer of the accused or the competent Military, Naval or Air Force Authority, as the case may be, shall, as soon as may be, inform the Magistrate whether the accused has been tried by a Court Martial or other effectual proceedings have been taken or ordered to be taken against him.(ii)When the Magistrate has been informed under sub-rule (1) that the accused has not been tried or other effectual proceedings have not been taken or ordered to be taken against him, the Magistrate shall report the circumstances to the State Government which may, in consultation with the Central Government, take appropriate steps to ensure that the accused person is dealt with in accordance with law.(8)Notwithstanding anything in the foregoing rules, where it comes to the notice of a Magistrate that a person subject to Military, Naval or Air Force Law, or any other law relating to the Armed Forces of the Union for the time being in force has committed an offence, proceedings in respect of which ought to be instituted before him and that the presence of such person cannot be procured except through Military, Naval or Air Force authorities, the Magistrate may by a written notice require the Commanding Officer of such person either to deliver such person to a Magistrate to be named in the said notice for being proceeded against according to law, or to stay the proceeding against such person before the Court Martial if since instituted, and to make a reference to the Central Government for determination as to the Court before which proceedings should be instituted.(9)Where a person subject to Military, Naval or Air Force Law, or any other law relating to the Armed Forces of the Union for the time being in force has committed an offence which in the opinion of competent Military, Naval or Air Force authority, as the case may be, ought to be tried by a Magistrate in accordance with the Civil law in force or where the Central Government has, or a reference mentioned in Rule 8, decided that the proceedings against such person should be instituted before a Magistrate, the Commanding Officer of such person shall after giving a written notice to the Magistrate concerned, deliver such person under proper escort to that Magistrate.

Frivolous and Vexatious Accusations

88. Procedure under Section 250 of the Code:

- At the conclusion of the trial, if the Magistrate means to take action under Section 250 of the Code, he shall call upon the complainant, if he be present, to show cause why he should not be ordered to pay compensation under the Section. If the complainant be not present the Magistrate shall issue notice to him to appear on the day fixed for delivery of judgment to show cause why payment of compensation should not be ordered. If the complainant cannot be served with notice within a reasonable time or appears to be keeping out of the way, or having been served with notice, fails to appear on the appointed day, the Magistrate may proceed ex parte, and make an order under Section 250 if he deems fit to do so. Chapter - VI Courts of Session

89. Description of the seal of Court of Session:

- The Seal of every Court of Session shall be a circular one, two inches in diameter, bearing the Andhra Pradesh State Emblem, with the motto "Satyameva Jayate" in Devanagari Script inscribed in an arc and following the border of the Emblem (but without any border lines) and with the designation of the Court, viz., "The Court of Session of the Division" inscribed thereon within two concentric circles round the Emblem without the words "Government of Andhra Pradesh". The inscriptions on the seal other than the motto shall be in Telugu Language. When new seals are required, Courts of Session shall indent for them on the General Superintendent, Public Workshop, Seethanagaram sending their indents through the Registrar of the High Court

90. Sessions work to be given preference:

- Sessions work should usually be given preference over Civil work and should never be unnecessarily interrupted ; but every Sessions Judge should arrange, as he finds most convenient, for the disposal of urgent Civil and Criminal Work.

91. Numbering of cases committed to Sessions:

- Cases committed to the Courts of Session shall be filed and numbered on the date of receipt of the intimation of committal. The cases shall continue to bear the same numbers even when they are transferred for trial to the Assistant or Additional Sessions Judge. Jurisdiction during Vacation

92. Sessions Judge not to hear Applications made outside Division:

- A Sessions Judge shall decline to hear any application made to him during the recess if he is absent from his division and shall refer the applicants to the High Court. Release on acquittal

93. Prisoners to be released immediately on Acquittal:

- A prisoner is entitled to be discharged from custody immediately on a Judgment of acquittal being pronounced upon him by the Court of Sessions, when there is no other charge pending against him

and his detention is illegal It is for the jail authorities in whose custody a prisoner remains until the trial is concluded to satisfy themselves of the result of the trial and no Formal warrant of release addressed by the Court to the Superintendent of the Jail is necessary.Reasons for Sentence

94. Reasons for severe or lenient punishments to be recorded:

- In every Sessions trial in which a sentence of exceptional severity or unusual leniency is passed or in which varying degrees of punishments are awarded to different persons convicted of the same offence in one trial, the reasons which guided the Judge in the determination of the amount of punishment shall be recorded in the JudgmentSentence of Death

95. Copy of letter of reference in referred trials:

- A prisoner sentenced to death is entitled to obtain a copy of the Judge's letter of reference.

96. Order of High Court in referred trials to be communicated to Superintendent of Jails within 24 hours:

- Sessions Judges are directed to make arrangements for communicating every order of the High Court imposing, confirming, reversing or commuting a sentence of death, to the Superintendent of the Jail, where the prisoner is confined, within 24 hours of the receipt of the order in the Court of Session.In the case of an order of the High Court confirming or imposing a sentence of death, Sessions Judges shall immediately on receipt of the Judgment of the High Court, issue a warrant in Form No. 42 of the Code (suitably amended with regard to cases in which a sentence of death is imposed by the High Court) accompanied by a copy of that judgment and shall appoint therein as the date of execution a day not less than 21 days and not more than 28 days from the date of such receipt.Imprisonment for Life

97. Levy of the fine to be notified to Jail authorities by Courts of Session in cases of sentences of imprisonment for life and fine:

- When a Court of Sessions imposes a fine in addition to imprisonment for life and the whole or part of the fine is paid or recovered, the Court shall endorse the fact of such payment or recovery on the warrant of commitment, or, if that has already been issued, shall notify the fact of the payment or recovery to the Jail authorities concerned.

98. Recommendation to the Government for action under Section 10-A of the Borstal Schools Act, 1925:

- Courts of Session sentencing an Offender who is not less than 16 years and not more than 21 years of age to imprisonment for life shall consider whether a recommendation should be made to the Government that the offender be detained in a Borstal School under the provisions of the Andhra Pradesh Borstal School Act, 1925.The name of the Police Station concerned and the Crime Number

of the offence should also be noted at the head of the Judgment

99. Sessions Judgments:

- Every Sessions Judgment shall contain at the end a list of witnesses examined by the prosecutions or by the defence or by the Court and exhibits and material objects marked in the case.

100. Distribution of Copies of Judgments:

(1) Courts of Session shall, within 15 days from the date of pronouncing Judgment, distribute copies of all their judgments as follows, a sufficient number of copies being typed or cyclostyled for the purpose of each case : (i) One copy for the Collector of the District. (ii) Three copies in respect of capital charges and two copies in other cases to the Superintendent of Police/Commissioner of Police, Superintendent of Police, Crime Branch, C.I.D. (iii) One copy to the High Court as provided for in the Rules relating to the submission of Judgments and Calendars. (iv) Eight copies to the High Court as provided for in the Rules relating to the submission of records. (v) One copy for each accused person with reference to Section 363 of the Code. (vi) One copy (for each prisoner) to the Superintendent of the Jail to which a prisoner is committed when such prisoner is sentenced to imprisonment, for being filed with the warrant of committal or used for purpose of memorializing Government if required. (vii) Two copies (for each prisoner) to the Superintendent of the Jail to which a prisoner is committed in cases when such prisoner is sentenced to death, to prevent delay in the transmission to Government of petitions for mercy. (viii) In cases other than those mentioned in sub-heads six and seven, one copy shall be furnished to each person convicted of an offence on his requisition in order to afford facilities for memorializing Government to exercise its powers under Chapter XXXII of the Code required by Section 363. (ix) One copy to the Director of Prosecutions, one copy to the Public Prosecutor and one to the Additional or Special Public Prosecutors who conducted the case. (x) One copy to be filed with the records. (xi) One copy to be bound up in a volume of judgments for reference in the Sessions Courts. The copies referred to in sub-heads (i) to (ix) inclusive shall be supplied free of charge. Where copies can be spared, one may be supplied to a person not entitled by any law or order to receive a copy free of cost, on payment of the prescribed charges. All such payments shall be in cash

Chapter VII

Appeals

101. Presentation of Appeals:

- Petitions of appeals from the convictions and orders passed by a Magistrate may be filed in the Court of Sessions by delivering the same to the Chief Ministerial Officer of that Court at any time during office hours. The said Officer shall at once endorse on the document the date of presentation and the serial number.

102. Defective Petitions return for rectification:

- Petitions and applications filed in the Court of Sessions should conform to the provisions of law. If any petition or application is found to be defective in any respect, it shall be returned to the party or Advocate concerned for amendment and representation within a specified time.

103. Separate or Joint Appeals when to be preferred:

- Where several accused persons are convicted in a single trial, each of them can prefer an appeal against convictions either separately or jointly with one or more of the other accused. But when one accused has been convicted at different trials, he should prefer a separate appeal in each case.

104. Jail Appeals:

- No appeal forwarded from Jail under Section 383 of the Code shall be summarily dismissed without giving the appellant a reasonable opportunity of being heard. If he is not in a position to engage an Advocate, the Court shall assign an Advocate from the State Brief Panel and pay him fees not exceeding Rs. 200/-.

105. Notice of Appeal to whom given:

- Notice of Appeal under Section 385 of the Code shall be given to the following Officers: -(1)The Public Prosecutor, or the Additional Public Prosecutor, as the case may be, in appeals heard by the Sessions Judge, the Additional Sessions Judge or the Assistant Sessions Judge.(2)The General Manager of the Railway concerned in appeals against convictions in connection with that Railway.(3)The District Forest Officer in appeals against convictions for forest offences except in case of offences relating to unserved lands in which cases notices shall be given to the Revenue Divisional Officer who ordered the prosecution.(4)The Superintendent of Excise concerned in appeals against convictions under the A.P. Excise Act(5)The Commercial Tax Officer in appeals against convictions for sales tax and other taxation offences with which commercial taxes department is concerned.(6)The Commissioner, Corporation of Hyderabad in appeals against convictions in cases initiated by the Corporation.(7)The Municipal Commissioner in appeals against convictions in Municipal and Food Adulteration cases and the Executive Officers of the Panchayats in appeals against convictions in Food Adulteration cases. Every notice issued under this rule shall be accompanied by a copy of the grounds of appeal on plain paper. The officer receiving notice should acknowledge receipt of the notice immediately. But the hearing of the appeal will not be delayed for want of such acknowledgement

106. Suspension of sentence:

- Whenever an Appellate Court orders the suspension of the execution of a sentence of imprisonment under Section 389 of the Code, it shall send a copy of the order to the Superintendent or Officer-In-charge of the Jail in which the appellant is confined. Note :- The effect of an order by an

Appellate Court suspending the execution of a sentence of imprisonment pending disposal of an appeal, is that the appellant if detained in Jail, is to be treated, in all respects as an undertrial prisoner.

107. Judgment in Appeals:

- The judgment in appeals shall contain the particulars in a tabular statement as in Judicial Form No. 75. The point or points for determination in appeal, and the reasons for the decision of the Appellate Court, shall be stated. In cases in which an appeal is rejected under Section 384 of the Code, the judgment shall contain a statement, if the fact be so, that the Court has perused the petition of appeal and a copy of the Judgment or Order appealed against and has heard the appellant, his counsel, as the case may be.

108. Copy of order of dismissal to be sent to the Superintendent of Jail:

- Whenever an Appellate Court dismisses an appeal, it shall, whether the execution of the sentence is suspended under Section 389 of the Code or not, send a copy of the order dismissing the appeal to the Superintendent or Officer-in-charge of the Jail in which the appellant is, or is to be, confined.

109. Amendment warrant to be sent to Superintendent of Jail when sentence of imprisonment is modified:

- Whenever an Appellate Court modifies a sentence of imprisonment, it shall prepare a fresh warrant in accordance with the terms of the order passed and shall send the same along with a copy of the order direct to the Superintendent or Officer-In-charge of the Jail in which the appellant is, or is to be, confined, and shall recall and cancel the original warrant of commitment, which shall be attached to the record of the original Court and returned to it therewith.

110. Warrant of release to be sent to Superintendent of Jail when sentence of imprisonment is reversed:

- Whenever an Appellate Court reverses a sentence of imprisonment, it shall prepare a warrant of release and shall send the same by registered post with acknowledgement due along with a copy of the Order direct to the Officer-In-charge of the Jail in which the appellant is confined. It shall at the same time recall and cancel the original warrant of commitment which shall be attached to the record of the original Court and returned to it therewith.

111. Order of refund of fine:

- On receipt of a copy of the Judgment or Order of an Appellate Court reducing or reversing a sentence of fine, the Court of the first instance shall, if the fine or a portion thereof as the case may be, has been levied, prepare the necessary payment order and deliver it to the payee or his Advocate, if any.

112. Time for presentation of payment order:

- Such payment order shall be presented for payment within three months from the date of its issue. If not presented within that period, it shall be returned to the Court, and may then, after being re-dated and initialled by the Magistrate be re-issued to the payee.

113. As may copies of Warrants and Judgments to be sent as there are prisoners:

- In the cases referred to in Rules 106 and 108 to 110 as many warrants shall be prepared as there are prisoners, and communicated to the Superintendent or Officer-in-charge of the Jail in which the prisoners are confined, and shall be accompanied or followed as soon after as possible by the same number of copies of the judgment or order in accordance with which the warrants are prepared.

114. Manuscript copy of Judgment to be returned to prisoner in Jail:

- The Court disposing of an Appeal by a convict in Jail shall, in communicating its order to the prisoner return to him through the Jail authorities, the copy of the judgment appealed against which accompanied the petition of appeal when such copy is in manuscript

115. Return of papers after disposal of appeal etc:

- On the termination of an appeal, Revision Petition or other application, the Criminal Court to which such appeal, Revision Petition or application is made shall, on an application in writing made in that behalf by the party or Advocate concerned return, as soon as possible copies of Judgment, orders and other papers filed as enclosures to such appeal, revision petition or application. An endorsement on the application for return, signed by the party or Advocate shall be a sufficient for the return of the copies. Testing Sufficiency of Bail or Security

116. Court to test sufficiency of Bail:

- When a Court of Appeal or Revision orders the release on bail of a person who has been convicted or committed for trial, the question of the sufficiency of the Bail shall, unless the Court of Appeal or Revision thinks fit itself to determine the sufficiency of the bail or security, be determined by such Court or Magistrate subordinate or it as the Court making the order may direct

117. Court to test sufficiency of security under Section 106 or 117 of the Code:

- When an order to give security is made under Section 106 or 117 of the Code, the question of the sufficiency of the security shall be determined by the Court or Magistrate by whom the order was made provided that when an order to give security is made under Section 106 of the Code by an Appellate Court or by a revisional Court, the question of the sufficiency of the security shall, unless

the said Court thinks fit itself to determine, be determined by such other Court or Magistrate subordinate to it as it may direct

118. Warrant of release to be issued by Court testing sufficiency of bail or security:

- The Court authorised to test the sufficiency of the bail or security, shall when satisfied as to the sufficiency of the security, forward to the officers-in-charge of the Jail in which the accused is confined, a warrant for the release of the prisoner in pursuance of the order and shall further, in cases where bail is ordered by a superior Court, report to that Court whether or not the bail has been furnished. Miscellaneous

119. Appeals under Section. 340, 344, 345 and 350 of the Code:

- Appeals filed under Section 351 of Criminal Procedure Code shall be registered as Criminal Appeals.

120. Appeals under Section 454 of the Code:

- Every appeal under Section 454 of the Code should be registered as a Criminal Miscellaneous Appeal and dealt with as such.

Chapter VIII

High Court

121. Tappal petitions for exercise of Judicial authority not to be entertained:

- Save as otherwise provided no application or petition for the exercise by the High Court of its judicial authority will be entertained when forwarded by post

122. Form of Appeals etc.:

- All petitions, applications, affidavits, memoranda of appeal or revision petitions and all proceedings presented to the High Court, shall be in English and shall be written or typewritten fairly and legibly on substantial white fullsize folio paper with an outer margin about two inches wide and separate sheets shall be stitched together bookwise. The writing or printing may be on both sides of the paper and numbers shall be expressed in figures. The memorandum of Criminal Appeal or the Criminal Revision Petition shall be accompanied by as many copies of the memorandum or petition on plain paper as there are respondents to be served upon and another copy in addition for the Court record.

123. Cause title of miscellaneous petition:

- Every original miscellaneous petition shall be headed with a cause title setting out the provision of law under which it is filed and the names and full addresses of the parties to it separately numbered and described as petitioners and respondents.

124. Cause title of memo of appeal:

- Every memorandum of Criminal appeal, other than an appeal presented to Jail Officer, shall be headed with a cause title setting out the provision of law under which it is preferred, the name of Court, the names of appellants and respondents in the High Court and also the full cause title of the case or matter in the Lower Court or Courts, as the case may be. Where an appellant is in jail, that fact shall be mentioned in the cause title with an indication of the jail in which he is confined. These provisions apply, as far as may be, to revision petitions also.

125. Cause title of subsequent proceedings:

- Every proceeding, subsequent to an appeal, revision petition or other application made by headed with a short cause title setting out the provision of law and the names of the parties and their ranks and status in the main case.

126. Enclosure of appeal or revision petition:

(1) Every petition of appeal or revision petition shall be accompanied by a certified copy of the judgment or order of the Court appealed against or sought to be revised, a memorandum of appearance duly signed, and the necessary vouchers for the verification of any matter or entry in the petition or enclosures. (2) When a revision petition is presented against a judgment or order passed in appeal, it must be accompanied also by a certified copy of the judgment or order of the Court of first instance, obtained either by a fresh application for copy or by a return of enclosures under Rule 115. (3) When the certified copy of the Judgment or order of the lower Court is in manuscript, the appeal or revision petition shall be accompanied by a typewritten copy of the judgment or order.

127. Petition to excuse delay to accompany appeal or revision petitions presented out of time:

(1) Where an appeal, on the date of its first presentation is barred by limitation or where revision petition is presented more than 90 days from the date of judgment or order which the petitioner seeks to have revised, a petition to excuse delay supported by an affidavit explaining the circumstances of such delay shall be filed along with the petition or appeal. (2) The period of 90 days referred to above is exclusive of the time occupied in obtaining a certified copy of the order or judgment which the petitioner seeks to have revised, but inclusive of the time occupied in obtaining return of documents under Rule 115.

128. Separate petition to be filed in each case:

- Every interlocutory application relating to an appeal, revision petition or original petition shall be made by a separate petition in each case.

129. Court fee to be paid on each petition:

- Every petition filed in Court or presented in the office' shall be stamped with the Court-fee to which it is liable under the law.

130. Return of defective petitions and their representation:

- Every petition or other application which does not comply with the above requirements or is otherwise defective shall be returned to the party or Advocate concerned for amendment and representation within a specified time.

131. Petition to excuse delay to accompany appeals out of time on the date of representation:

- Every petition or appeal represented after the expiry of the time specified under Rule 130 and barred by limitation on the date of its representation shall be accompanied by a petition and affidavit as prescribed in Rule 127.

132. Explanation for delay to accompany other cases:

- Every appeal not governed by the provisions of the preceding Rule and every other petition or application for which no period of limitation is prescribed by law, shall if represented after the time allowed, contain an endorsement in explanation of the delay, provided that in the case of revision petition the period of 90 days allowed by Rule 127 is not exceeded. Where the period of 90 days is exceeded, a petition to excuse delay supported by an affidavit shall be filed along with the revision petition as provided by Rule 127.

133. Posting of appeal or revision for Admission:

- Every appeal (other than one preferred from jail or in which the prisoner has been sentenced to death or has been called upon to show cause why he should not be so sentenced) and every application or petition or a revision petition shall be posted for admission at the earliest possible opportunity after it is filed.

134. Motion Cases:

- Every petition or application intended to come up for orders of the High Court as a special motion should be filed in the office of the Registrar not later than 3 p.m. on the day previous to the day on

which the motion is to be heard and a separate letter explaining the nature of the urgency, should be addressed to the Registrar for permission to move.

135. Motion to be taken before the day's regular work:

- Every petition allowed by the Registrar under this rule will be taken up before the regular work of the Court for the day and shall also have precedence over civil motions.

136. Additional set of papers to be filed in motions before a Bench of two or more Judges:

- Where a motion has to be heard by a Bench of two or more Judges, additional sets of papers should be furnished by the party concerned.

137. 24 hours notice to Public Prosecutor to be given in case of transfer:

- No application for transfer shall be accepted as a special motion unless it bears an endorsement or is accompanied by a satisfactory voucher that notice was given to the Public Prosecutor at least 24 hours before forenoon of the day on which the Court sits to take up the application.

138. Personal notice in the absence of an Advocate:

- Notices in criminal cases shall be served on parties personally unless they are represented by an Advocate in which case notice shall be given to such Advocate :Provided that, when on admitting a Criminal Appeal or Revision Petition presented by an Advocate, the Court directs notice to issue to a party to show cause against enhancement of sentence, notice shall be served on the appellant or petitioner in person.

139. Notice to Public Prosecutor in cases referred to High Court under Section 366 of the Code:

- In cases referred to the High Court for the confirmation of capital sentence, the Court will issue notice to the Public Prosecutor to appear in all cases on behalf of the prosecution.

140. Provisions of Rule 105 to apply to notices issued by High:

- Court Notice of appeal shall under Section 385 of the Code be given to the Public Prosecutor, Andhra Pradesh and to the Superintendent of Police of the District concerned or the Commissioner of Police, Hyderabad as the case may be. The provisions of Rule 105 shall apply also to notices issued by the High Court, Appellant side.

141. Service on prisoner through Jail, Authorities:

- Notice for service on parties in Jail will be forwarded to the Officer in-charge of the Jail and the Officer in-charge of the Jail shall cause the notice to be served on the prisoner without delay and obtain the acknowledgement of the prisoner and shall certify to the Court about the service.

142. Cases in which cyclostyling etc., of record is done:

(a) The record in the following classes of cases will be cyclostyled, typewritten or mechanically reproduced in any other manner without the special orders of Court.

1. Reference under Section 366 of the Code unless otherwise directed.

2. Appeals under Section 382 of the Code unless otherwise directed.

3. Appeals under sub-section (1) of the Section 378 of the Code on capital charges.

4. Cases taken up for enhancement of sentence to death.

Note :- Printing in the above cases may be done, if the Court so directs. (b) 1. It will not be necessary ordinarily to cyclostyle or type or mechanically reproduce inquest reports, prior statements or depositions which are filed merely to prove omissions or motive.

2. Where parts of documents are relied on those parts only be cyclostyled, typewritten or mechanically reproduced.

In all cases in which the record of the Court is cyclostyled or typed or mechanically reproduced or printed under this rule, a copy of the same be supplied to the accused at the rate of one rupee per page.

3. It is not necessary to print statements of the accused recorded under Section 313 of Code :

Provided that when the Public Prosecutor or Counsel for the accused makes a special request within 4 days from the date of notification of posting of cases on the ready board the statements or documents filed along with them or portions thereof shall be typed or cyclostyled or mechanically reproduced.

143. Other cases to be typed, cyclostyled at Party's cost:

- Records of cases not governed by the preceding rules shall ordinarily be typed or cyclostyled at the cost of the party applying for in the absence of an express direction of Court to have them (printed) typed or cyclostyled at the cost of Government

144. Evidence to be typed or cyclostyled only if pleadings are typed or cyclostyled:

- No party will be permitted to type or cyclostyle the evidence in a case without his having paid for the typing or cyclostyling of the pleadings.

145. Time for T & P of record:

- No application for the typing or cyclostyling of evidence presented by the petitioner after the expiry of one week from the date of the admission of his petition or by the respondent after the expiry of 14 days from the date of the service of the notice of the petition shall be received except under orders of the Registrar.

146. Registrar to permit typing or cyclostyling of fresh documents to be admitted in evidence:

- When application is made for the translation and typing of any document not on the record of the cases with a view to its admission in evidence, the translation and typing or cyclostyling may be ordered by the Registrar, provided that the order shall be made without prejudice to the posting of the case.

147. Bill to be paid within ten days from its issue:

- A party to whom a bill is issued for typing or cyclostyling charges whether in respect of pleading, or of evidence shall be called upon to pay the amount therein specified within ten days from the date of its service on him and no payment shall be received after the expiry of that period except under an order of the Registrar.

148. No printing in revision cases wherein there is an order of stay:

- In the absence of an express direction to the contrary no record shall be cyclostyled or typed or mechanically reproduced in a revision case pending disposal of which stay of proceedings in any criminal case has been ordered by the Court

149. Cases in which copies of record are to be supplied free of cost:

- Copies of record shall be supplied free of cost in the following cases (1) One set to the Public prosecutor in every case in which notice has been issued to him. (2) One set to a practitioner to whom State brief has been issued. (3) One set to the Advocate for accused in (a) Reference under Section 366 of the Code. (b) Appeals against acquittal (c) Appeals or Revisions for enhancement of sentence to one of death: Provided that where more than one set are applied for by the Advocate for the accused the same shall be supplied at such rate as the Registrar may from time to time fix.

150. Application to be made in other cases:

- An Advocate requiring free supply of (typed papers) in any other case should obtain the orders of Court by means of petition or otherwise. Application for free copies of typed record papers should be made at the time of the admission of an appeal or petition, and should be supported wherever possible, by an affidavit as to the means of the accused. Police Officer to whom notice is given in a case may apply for a set of record and obtain the same by post or personally.

151. Additional sets to be applied before preparation of copies:

- Application for additional set of record will not be entertained unless they are made by parties paying for the copies before preparation of the copies begins.

152. Payment to be made in other cases:

- Copies of record will not be issued to parties or Advocate not having notice except on payment at such rate as the Registrar may fix from time to time.

153. List of cases ready for hearing:

- A list of cases other than miscellaneous petitions ready for hearing will be exhibited on the notice board and no such case shall ordinarily be posted for hearing within a week of its being so exhibited.

154. Cases to be heard by a Bench of two Judges:

- The following classes of cases will ordinarily be heard by a Bench of two Judges.

1. Every reference under Section 366 of the Code and every appeal from the Judgment of a Criminal Court in which sentence of death or imprisonment for life has been passed on the appellant or on a person tried with him.

2. Every appeal against acquittal on a capital charge.

3. Every case enhancement of sentence to one of death.

4. Every appeal, application, reference or revision petition which may be referred to Bench by a Single Judge.

5. Every other case marked at the time of admission for a Bench of two Judges.

155. Single Judge cases:

- All Criminal cases not referred to in the Rule 154 will ordinarily be heard by a Single Judge.

156. Reference under Section 366 of the Code to be given precedence:

- Reference under Section 366 of the Code, will have precedence over other cases posted before the Criminal Bench.

157. Notice in bail cases:

- 1. Subordinate Courts shall give notice of every application for bail under Section 390 of the Code to the Local Public Prosecutor.

2. In cases where bail is granted the Court granting bail shall report the fact to the High Court at once.

158. Judgment and order to be despatched with promptness:

- The judgment or order of the High Court, in or relating to, a criminal case on its file shall be certified to the lower Courts with the least possible delay.

159. Orders on reference under Section 366 of the Code to be communicated on the same day:

- An order on 3 reference under Section 366 of the Code shall be certified in the Court of Session on the same day or which judgment is pronounced.

160. Order to be issued before hand if preparation of judgment is delayed:

- Where in any of the following cases the judgment of the High Court cannot be certified to the lower Court on the day on which it is pronounced, an order drawn up in conforming with the judgment is delivered on the next working day.(i)Where a judgment of acquittal or release is passed or upheld and the accused or any of them is in custody.(ii)Where a sentence passed is enhanced or confirmed and the accused or any of them is on bail or otherwise at large.(iii)Where a sentence is reduced or altered entitling the accused to early or immediate release;(iv)Where the case requires urgent or immediate action.

161. Judgment relating to Sessions trials:

- Judgments in cases relating to trial by a Court of Sessions shall be communicated to -(1)The Sessions Judge; and(2)The Additional or Assistant Sessions Judge, if any (of the District);(3)The Collector of the District;(4)The Superintendent of Jail, if any, in which the accused are confined; where the accused is sentenced to imprisonment; two additional copies;(5)The Inspector General of Police;(6)The Public Prosecutor, Andhra Pradesh.(7)Standing Counsel-cum-Special Public Prosecutor for Anti-Corruption Bureau and Special Police Establishment Cases, Andhra Pradesh.Note :- An additional copy will be forwarded to the Sessions judge in every case in which an accused person is in jail for communication to him and the acknowledgement of the accused as to the receipt of the whom judgment shall be obtained in every case.

162. To whom orders to be communicated:

- Orders issued in advance of judgment shall be communicated to the Officer and parties to whom judgments are communicated.

163. Certificate under Article 132 or 134 of the Constitution:

- In cases where the High Court grants a certificate under Article 132 or 134 of the Constitution to a person under sentence of death, the date of the issue of the certificate shall forthwith be intimated to the Government and the Superintendent of the Jail in which the prisoner is confined.

164. Order to be communicated to Subordinate Magistrate through the Sessions Judge:

- Every order and judgment relating to a Magisterial enquiry or trial shall be communicated to the Magistrate or Magistrates concerned through the Sessions Judge in the absence of special urgency.

165. Revision Cases:

- Rules 161 and 162 will apply mutatis mutandis to revision cases arising from cases other than Sessions trials.

166. Communication of orders dismissing bail:

- Notwithstanding anything contained in the foregoing rules, a copy of the order of the High Court dismissing an application for bail pending the disposal of a Criminal Revision Case or an appeal or other proceedings in the High Court shall be sent to the concerned and also to the prisoner through the Superintendent of the Jail in which he is confined and to no other person provided that where bail is applied for on behalf of more than one prisoner and bail is granted to one or more prisoners, Rules 161, 164 and 165 will apply.

167. Order of High Court on Appeal and Revision:

- Whenever the High Court certifies its judgment or order to a lower Court Section 388 or 405 of the Code, it is the 'duty of the latter Court to issue the necessary warrant of release or modification of sentence, or order for the refund of a fine, and in doing so it shall be governed by the provisions of Rules 106, 108 to 111.

168. Duplicate copy of Order of High Court to be sent to Superintendent of Jail:

- When an order of the High Court in appeal or revision is certified to a lower Court under Section 388 or 405 of the Code, it shall be issued in duplicate and the lower Court shall, on receipt of the order, forthwith send copy of it to the Superintendent or Officer in-charge of the Jail in which the prisoner is confined, along with the warrant, if any, required by Rule 167. If the High Court's order is an order of release, one copy shall be sent direct from the High Court to the Superintendent or Officer in-charge of the Jail. Note :- In Rules 167 and 168 the expression "Lower Court" means in the case of a Judgement or order passed by the High Court on a revision petition against the finding, sentence or order of an Appellate Court, the Appellate Court and not the Court of first instance.

169. State Brief:

- An Advocate shall be engaged at the cost of the State to defend an accused person who does not engage an Advocate himself in the following cases: (1) Where he is under a sentence of death. (2) Where he has been called upon to show cause why a sentence of death should not be passed upon him; and (3) Where an appeal has been filed under Section 378 of the Code in case involving a sentence of death or imprisonment.

170. Engagement of Advocate in certain cases:

- An Advocate may be engaged at the cost of the State in any other case in which the Court directs.

171. Fee in High Court:

- The fee payable to the Advocate appointed by the High Court shall be fixed by the High Court in its discretion.

172. Return of records and material objects:

- On the termination in the High Court of a reference, Appeal, Revision case or other application or matter the records of the case with the material objects, if any, shall be returned to the Court or Courts from which they were received along with the judgment or order of the High Court

173. Return of enclosures:

- Copies of judgments, orders or other papers filed by parties in the High Court as enclosures to any appeal, revision petition or other application shall on the termination of such appeal, revision petition or application, be returned to them on a requisition made by them in that behalf under the order of the Registrar.

174. In sentences of death, two sets of papers to be sent to the Government:

- In every case, in which sentence of death is passed or confirmed by the High Court two copies of the Judgment of High Court with two sets of typed or cyclostyled evidence and of all other material papers shall be forwarded to the Government in the Home Department

Chapter IX

Execution of Sentence

Warrant of Commitment

175. Committal Warrant to be in English:

- Every warrant of commitment shall be written in the English language or in the language of Court and sealed with the seal of the Court It should mention the period of remand.

176. Separate Warrant for each Prisoner:

- When two or more persons are convicted and sentenced to imprisonment at the same time, a separate warrant of commitment shall be issued for each of them.

177. No fresh warrant need be issued in cases under Section 432 or 433 or 434 of the Code or under Article 72 or 161 of the Constitution:

- In cases in which the Central Government or the State Government suspends, remits or commutes a sentence under Section 432, 433 or 434 of the Code and in cases in which the President or the Government grants a pardon, reprieve or remission under Article 72 or 161 of the Constitution, no fresh or revised warrant need be issued.

178. Sessions Judge to fill in the particulars as to Diet etc., in warrant issued by the High Court:

- Whenever the High Court in a case submitted to it by a Sessions Judge under Section 366 of the Code, convicts the accused and passes sentence on him and issues a warrant of commitment to the jail through the Sessions Judge, it is duty of the Sessions Judge, to fill in the particulars as to diet, classification and other matters shown on the warrant before it is sent to the jail.

179. Convicts to be classified as "Habitual" or "Casual":

- Whenever possible a Court which convicts an accused person should decide whether he is to be classified as an 'habitual' or 'casual' convict, and make a note of the decision on the warrant of commitment for the information of the jail authorities. The following persons are liable to be classified as "Habitual Criminals" viz., (i) any person convicted of an offence punishable under Chapters XII, XVII or XVIII of the Indian Penal Code, whose previous conviction or convictions, taken in conjunction with the facts of the present case, show that he is by habit a robber, house-breaker, dacoit, thief or receiver of stolen property, or that he habitually commits extortion, cheating, counterfeiting coin, currency notes or stamps, or forgery ; (ii) any person convicted of an offence punishable under Chapter XVI of the Indian Penal Code, whose previous conviction or convictions taken in conjunction with the facts of the present case, show that he habitually commits offences ; (iii) any person committed to or detained in prison under Section 122 read with Section 109 or Section 110 of the Code ; (iv) any person convicted of any of the offences specified in (i) above, when it appears from the facts of the case, even though no previous conviction has been proved, that he is by habit a member of gang of dacoits, or of thieves or a dealer in slaves or in stolen property; (v) any person convicted by a Court or Tribunal acting outside India under the General or Special Authority of the Central Government of an offence which would have rendered him liable to be classified as habitual criminal if he had been convicted in a Court established in India. Explanation: - For the purpose of this definition, the word "conviction" shall include an order made under Section 117, r/w the Section 110 of the Code. (1) The classification of a convicted person as a habitual criminal should ordinarily be made by the convicting Court, but if the convicting Court omits to do so, such classification may be made by Chief Judicial Magistrate, or in the absence of an order by the convicting Court or the Chief Judicial Magistrate and pending the result of a reference to the Chief Judicial Magistrate by the Officer-in-charge of the Jail, where such convicted person is confined: Provided that any person classified as a habitual criminal may apply for a Revision of the Order. (2) The convicting Court or the Chief Judicial Magistrate for reasons to be

recorded in writing may direct that any convicted person or any person committed to or detained in prison under Section 122 read with Section 109 or Section 110 of the Code, shall not be classified as a habitual criminal and may revise such direction.(3)Convicting Courts or Chief Judicial Magistrates, as the case may be, may revise their own classification and the Chief Judicial Magistrate may alter any classification of prisoner made by a convicting Court or any other authority, provided that the alteration is made on the basis of facts which were not before such Court or authority.

180. Levy of fine to be endorsed on the warrant or notified to the Jail

Authorities:

- When an accused person is sentenced to imprisonment as well as, or in default of payment of a fine, the warrant issued to the Jail authorities shall contain definite information as to whether the fine has been paid or not, in whole or in part If the warrant does not furnish this information, a reference shall forthwith be made by the Jail authorities to the convicting Court to ascertain whether the fine has been paid and the purport of the reply shall be noted on the warrant

181. Subsequent levy of fine to be notified to the jail Authorities:

- When the fine is paid or recovered in whole or in part after the admission of the prisoner into jail, the responsibility for intimating to the jail authorities, the fact of the payment rest entirely with the Court Such intimation shall invariably be acknowledged by the Jail authorities and the acknowledgement shall be filed by the Court for future reference. On receipt of the intimation from the Court, the Jail authorities shall endorse the information on the warrant Intimation sent by post by the Court under this Rule shall be registered with acknowledgement due.

182. Intimation from Court to bear its seal:

- Intimation sent by a Criminal Court to the Superintendent of a jail that a fine which the prisoner has been ordered to pay had been paid or recovered in whole or in part shall bear the seal of the Court.

183. Warrants of commitment returned after execution to Form part of the records of the cases:

- Warrants of the commitment which are returned to Courts after the execution of sentence should be filed with the records of the respective cases and dealt with under the Rules for destruction of records.

184. Notification of residence by released convicts:

(1)When an order has been passed under Section 356 of the Code, that a convict shall notify his residence and change of residence after release for a specified term, the Court or Magistrate passing such order shall enter a record thereof in the warrant of commitment issued under Section 418 of

the Code in respect of such convict.(2)Convict to state particulars of his intended residence: - A convict in respect of whom such an order has been passed shall, when called upon by the Officer-In-charge of the Jail in which he is confined, state before his release the place at which he intends to reside after his release naming the village or town and the street therein.(3)To notify to nearest Police Station: - After release and an arrival at his residence he shall within 24 hours notify at the nearest Police Station that he has taken up his residence accordingly.(4)intention to change residence to be notified: - Whenever he intends to change his residence he shall, not less than two days before making such change, notify his intention at the nearest Police Station, giving the date on which he intends to change his residence and the name of the village or the town and street in which he intends to reside, and on arrival at such residence, he shall, within 24 hours, notify at the nearest Police Station that he has taken up his residence accordingly.(5)Reasonable time to change his residence: - The Officer recording a notification under either sub-rule (2) or sub-rule (4) shall appoint such a period as may be reasonably necessary to enable the convict to take up his residence in the place notified. If the convict does not take up his residence in such place within the period so appointed, he shall, not later than the day following the expiry of such period, notify his actual place of residence to the Officer-In-charge of the Police Station within the limits of which he is residing.(6)Intimation of absence between sunset and sunrise: - Whenever a released convict intends to be absent from the residence between sunset and sunrise, he shall notify his intention at the nearest Police Station stating the time and purpose of such absence and the exact address where he can be found during that period.(7)Notice to be given to change: - Every notice required to be given by the foregoing rules shall be given by the released convict in person unless prevented from doing so by illness or other sufficient cause in which case the notice required shall be sent either by letter duly signed by him or by an authorised messenger on his behalf.(8)Officer to certify receipt of notice: - Whenever the released convict gives any notice required by the foregoing rules, he will be furnished with a certificate to the effect that he has given such notice by the Officer to whom he gives it.(9)Copy of order and rules to be served on convict: - A copy of the order specified in sub-rule (1) shall be served on the convict before his release from Jail A copy of these rules in English and the Regional language shall at the same time be given to him, and the substance thereof fully explained to him in a language he understands. He shall also be informed for what period he is bound to observe these rules, and that any neglect or failure to comply with them will render him liable to punishment as if he had committed an offence under Section 176 of the Indian Penal Code.(10)Police to call upon convict and serve notice: - If a convict in respect of whom an order has been passed under Section 356 of the Code shall have been released from Jail without a copy of the said Order having been served upon by him, and the other Formalities specified in these rules having been complied with, he may at any time, while the order remains in force, be called upon the Police to report himself on a given day at a Police Station near the place where he is found, and on his reporting himself, the copy of the order shall be served on him, and the other Formalities prescribed in sub-rules (2) and (4) shall be complied with.Note :- In applying the above rules to the case of a wandering man who has no "residence" in the sense of a fixed place of abode, they may be reasonably interpreted as meaning that he resides at the place where he sleeps, even if he remains there only one night On his release he may therefore, be asked under sub-rule (2) where he is going to stay, and he may be told if he moves about the country, he must always notify the place of the temporary abode to the police.Rules for levy of Fines

185. Rules for levy of fine:

- Rules under Section 421 (2) of the Code, for the execution of warrant for levy of fine and for the summary determination of any claims made by any person other than the offender in respect of any property attached in execution of such warrant.(1)A warrant for the levy of fine issued under Clause (a) of sub-section (1) of Section 421 of the Code, shall be directed to a Police Officer and shall be in Form No. 43 of Schedule II of the Code.(2)The authority issuing the warrant shall specify a time for the sale of the attached property and for the return of the warrant.(3)The following articles shall not be liable to attachment to sale viz.,The necessary wearing apparel, cooking vessels, beds and bedding of the offender, his wife and children and such personal ornaments as in accordance with custom or religious usage cannot be parted with by a woman, for example, Thali or wedding ring.(4)The attachment of movable property belonging to the offender shall be made by seizure:-Provided that, where, in addition to or in lieu of seizure, the Police Officer considers that either or both of the methods referred to in Clauses (b) and (c) of Sub-section (3) of Section 83 of the Code should be adopted, he shall obtain an order to that effect from the Court issuing the warrant(5)When the method referred to in Clause (b) of sub-section (3) of Section 83 of the Code is adopted and a Receiver is appointed, the powers, duties and liabilities of such Receiver shall be same as those of a Receiver appointed under Order XL of the First Schedule to the Code of Civil Procedure, 1908.(6)The Police Officer, who makes an attachment of movables under sub-rules (4) and (5) may, after attachment, handover the articles attached to a third party on a Bond being executed in Form No. 15-A of Appendix 'E' to the Code of Civil Procedure, 1908, for their custody and production before the Court when required.(7)Before making the attachment, the Police Officer shall deliver or tender a copy of the warrant, to the offender or, in his absence to any adult male member of his family. If a copy cannot be so delivered or tendered, the Police Officer shall affix a copy of the warrant at some conspicuous place where the property to be attached is found. After making the attachment, the Police Officer shall, in like manner, deliver, tender or affix, as the case may be, an inventory of the property attached.(8)If no claim is preferred to any property attached within the time prescribed by the Code by any person other than the offender, the Police Officer executing the warrant shall have power to sell within the time mentioned in the warrant and without previous reference to the Court issuing the warrant, the property or such portion thereof as may be sufficient to satisfy the amount to be levied :Provided that if the property attached consists of livestock or is subject to speedy and natural decay or if its immediate sale would be for the benefit of the owner, the Court may order the sale at once, but the proceeds of the sale shall not be appropriated towards the fine until the expiration of two months from the date of the attachment, and until any claim preferred under Rule 9, has been disposed of.(9)If any claim is preferred to any property attached under sub-rules (4) and (5) within the time prescribed of the Code, by any person other than the offender, on the ground that the claimant has an interest in such property and that such interest is not liable to attachment, the claim shall be enquired into and disposed of as provided in sub-rules (10) to (12) :Provided that, any claim preferred within the period allowed by this rule, may, in the event of the death of the claimant, be continued by his legal representative.(10)Claims may be preferred under sub-rule (9) in the Court by which the warrant is issued if the claim relates to property attached under warrant endorsed by the District Magistrate under Section 477 of the Code in the Court of such Magistrate.(11)Every such claim shall be enquired into and disposed of by the Court in which it is preferred :Provided that, if preferred in the

Court of a Chief Judicial Magistrate, such Magistrate may make it over to any Magistrate.(12)The enquiry shall be summary and the Court shall record its decision on the claim with the reasons thereof. Such decision shall be final and shall forthwith be communicated to the Police Officer executing the warrant who shall dispose of the property in accordance with such decision.(13)The Police Officer or other officer authorised to sell, shall, as soon as possible after the sale, produce the sale proceeds before the Court issuing the warrant or if the property was sold under warrant endorsed by a District . Magistrate under Section 477 of the Code, in the Court of such Magistrate.(14)Subject to the proviso to sub-section (1) of Section 421 of the Code and subject also to Section 70 of the Indian Penal Code if, at any time subsequent to the return of the warrant, the fine, or any part thereof, remains unpaid, and the Court has reasonable grounds for believing that the offender has any movable property, it may issue a fresh warrant for the attachment and sale of such property in accordance with the Code and these rules.Compensation under Section 357 of the Code

186. Payment of amount of Compensation:

- The Court by which a fine or any portion of a fine has been awarded as compensation under Section 357 of the Code shall, on the application of the person to whom such compensation has been awarded, grant an order for payment of the amount awarded direct to the Treasury to which such amount has been remitted, together with a certificate to the effect that either (1) the sentence and award are not subject to appeal or have been confirmed by the Appellate Court and that no order has been received from the Court of Revision modifying or reversing the order of compensation, or (2) where the order as to compensation has been modified in appeal or Revision, that the Payment Order is in conformity with such modification or (3) that, the appeal time has expired and that no appeal has been preferred and that no order has been received from the Court of Revision modifying or reversing the order of compensation.Note :- If the fine is imposed in a case which is subject to appeal, the order for payment shall not be granted till after the expiry of one or the other of the periods specified in Section 357(2) of the Code.

187. Certificate as to appeal:

- In cases in which the Court awarding the compensation may be unable to certify whether an appeal has actually been preferred, the party desirous of obtaining payment of the amount of compensation in deposit may apply to the Appellate Court to certify whether or not any appeal has been preferred and on such application being made, the Appellate Court shall grant the required certificate.

188. Compensation otherwise than under Section 357 of the Code:

- Compensation awarded under Sections 250 and 358 of the Code, and compensation and all other sums recoverable like fine under any other provision of law and not creditable to 'Administration of Justice' should be dealt with in the manner provided in the foregoing rules for compensation awarded under Section 357 provided that, if the order to pay such compensation or other sum is reversed or modified in appeal or Revision, the payment order on the Treasury shall be given to the party or parties entitled to draw the money.Reference to Government under Section 432 or Section 433 of the Code

189. Application to Government to remit or commute sentence:

- Whenever a Sessions Judge or Magistrate shall be of opinion that there are grounds for recommending to the Government to exercise the powers vested in them by Section 432 or Section 433 of the Code of remitting or commuting any sentence adjudged by the Criminal Court, the recommendation for remission or commutation of the punishment shall be submitted to the Government through the High Court. Every such reference shall be accompanied by a certified copy of the record of trial or of such record thereof as exists.

190. Reference to Government in cases of infanticide:

- In all cases where women are convicted for the murder of their infant children, a reference should be made, through the High Court, to the Government with an expression by the Sessions Judge of his opinion as to the propriety or otherwise of reducing the sentence. Every such reference shall be accompanied by certified copy of the record of the trial or such record thereof exists.

191. Report of Sessions Judge on reference under Section 432 to be submitted to Government through High Court:

- In cases in which the opinion of Sessions Judge is called for by the Government under Section 432 of the Code, the Sessions Judge's reply should be forwarded through the High Court whether the requisition for the opinion has been received through the High Court or not. Chapter-X
Records Preservation of Records

192. Custody of Records:

- A Sessions Judge or a Magistrate should not permit the original records of Criminal trials in his Court to leave his custody except in accordance with the express provisions of law, save as provided in Rule 204 to 209 and any person not legally competent to demand production of the originals whether an official in the Government Service or a private individual, should, if he wishes to examine the record, be required to apply for and obtain certified copies in accordance with the Rules made in that behalf.

193. Records to be kept in packet, sealed and labelled:

- The Public records or documents shall, so long as they remain in the custody of Court which required their production, be kept in a sealed packet properly, labelled and the packet shall not be opened except in the presence of the Presiding Judge or Magistrate.

194. Summons for production of documents in the custody of Parliament or State Legislature:

(1) Whenever any document in the custody of Parliament or of any State Legislature is required by a Court, it should first be seen whether the document is unpublished, in which case alone, summons need issue. Published document, such as the proceedings of the Parliament can be proved under Section 78(2) of the Indian Evidence Act, 1872 by the Production of authorised Parliamentary publications. (2) As far as possible, only certified copies should be called for in the first instance and the original documents may be requisitioned only at a later stage of the proceedings, when the parties, insist upon their strict proof. (3) It should be specifically stated in the summons whether the production of a certified copy will be sufficient or whether an officer must appear before the Court with the original document. (4) Summons for the production of documents in the custody of Lok Sabha or the Rajya Sabha may be issued to the Speaker of the Lok Sabha or to the Chairman of the Rajya Sabha, as the case may be. Similarly, in respect of documents in the custody of a State Legislative Assembly the Speaker or the Chairman in the case of the Legislative Council, as the case may be, should be addressed for their production. Production of records from Court and Public Officers

195. Summoning of documents from another Court or Public Officer:

- Before issuing summons for the production of a document in the custody of another Court, or Public Officer, the Court shall consider whether the interested party should not be required to obtain and file a certified copy thereof. The original shall ordinarily be summoned only if the Court is satisfied that it would entail unreasonable expense or delay to obtain a certified copy or that the production of the original is necessary for the purpose of justice.

196. A list of records retained by a Court to be given to the producer:

- Where records as documents produced from any Court or Public Officer are retained by the Criminal Courts requiring their production, a receipt containing a descriptive list thereof shall be given to the Officer producing them and a duplicate of the receipt shall be placed with the records or documents. Any apparent erasure or alteration in any paper shall be noted in the said list

197. Packets to be opened in the presence of Judge or Magistrate:

- When any records or official documents are received from any Court or Public Office by post, the packet shall be opened in the presence of the presiding Judge or Magistrate and the papers compared with the list accompanying them. The instructions contained in the Rules 193 to 196 shall then be observed as far as they are applicable.

198. Requisitions from Public Officers for production of Judicial Records:

- In complying with requisitions from Public Officers for the production of judicial records, Criminal Courts should follow the above rules. They should also see that the requisition is in the proper Form prescribed by the law. Submission of Records to High Court

199. Prompt submission of Records:

- Criminal Courts shall see that records called for by the High Court are submitted promptly. Any delay shall be explained in the letter advising despatch of the records. The following cases shall be treated as urgent -(i)Reference under Section 366 of the Code ;(ii)Appeals or Criminal Revision Cases in which the accused have been called upon to show cause why sentence of death should not be passed on them ;(iii)Appeals against acquittal in which the accused are rearrested and are in custody ;(iv)Criminal Revision Cases or Appeals in which notice for enhancement of sentence has been issued and the accused are in jail on short sentence ;(v)Criminal Appeals and Revision Cases in which bail is refused and the accused are in Jail or short sentences ; and(vi)Criminal Appeals and Revision Cases where stay of proceedings in any Criminal case is ordered pending their disposal.

200. Records to be submitted to the High Court:

- The following records shall be submitted: -(1)In cases submitted under Section 366 of the Code, and in all cases of conviction for murder whatever may be the sentence passed by the Court and in all cases of Appeals against acquittals in Murder cases.(a)The entire original. Sessions record.(b)The entire original Magisterial record.(c)Translations of such parts of (a) and (b) which are not in English. Note :- With regard to translations referred to above: -(i)It will suffice if only those parts of the inquest report which have been admitted in evidence are translated.(ii)It is not necessary to translate papers which have not been treated as evidence in the case.(iii), Translations of documents submitted to the High Court shall be written on one side of the paper only. A fair margin shall be left and the lines shall not be too close to one another.(2)In cases of Appeals not already provided for and in cases of Revision: -(a)The material part of original case record including an extract from the Diary.(b)The material part of the Appellate Case Record, if any.(3)Meaning of Entire Original Sessions Record: - The words "entire original Sessions record" include the evidence, oral and documentary, the charge, the plea of the accused, the Judgment and the statement of the accused, if any.(4)Meaning of the Entire Original Magisterial Record: - The words "entire original Magisterial record" include an extract from the Diary, Register of Preliminary Enquiry, Police occurrence Reports, Mahazars, the Village Officers Reports, and Proceedings (if any) before any Magistrate other than the Committing Magistrate, who may have dealt with the case, but do not include so much of the Magisterial Record as may have been incorporated in the Sessions Court record.(5)Covering letter: - The covering letter for all records shall be sent separately from them by post Any delay in submitting the records shall be explained in the covering letter advising despatch of records. It shall state when and how and in how many separate files the records are despatched.(6)In every case sent up to the High Court ;(a)The records in English and in the regional language: - The English part of the Sessions records, if any including translations ;(b)The part of the Sessions record in the regional language, if any ;(c)The English part of the Magisterial record including translations; and(d)The part of the Magisterial record in the regional language must be bound and indexed separately.(7)Copies of Judgment: - Spare copies of Judgment in English in cases referred under Section 366 of the Code and six copies in other Sessions trials should be sent with the record. They should not be paged and entered in the index but should be kept separate from the record.(8)Docket to specify number of cases: - The Docket or the fly-leaf of all records and the covering letter should specify the number of the case on the lower Court's file and the number of the

Appeal or Revision Case or Petition on the High Court's file. Note :- The fly-leaf shall be of sufficient thickness and of foolscap size. (9) Foolscap paper to be used: - The calendar, translations, copies, notes of evidence etc., shall wherever possible, be written on foolscap paper of sufficient substance. (10) Examination and certifying before despatch: - Every record shall, before despatch to the High Court, be examined and certified as complete in accordance with the foregoing rules by the Head Ministerial Officer of the Court forwarding it. Where copies of depositions, verified as to accuracy or not, are made out for the use of the Judge or for any other purpose and are available, they shall be submitted to the High Court with the records to facilitate printing or typing of the evidence, if necessary. Indication shall, however, be given in the covering letter or in some prominent place in the copies themselves to show whether the copies are accurate or whether they require to be compared with original

201. Index, how to be filled up:

- In filling up the indexes accompanying records of Criminal Cases, the names of witnesses shall be written in full together with their Official designation, if any, within brackets.

202. English translation of statements of the accused in regional language to be kept in English Record:

- Court of Sessions when sending up the statements of the accused recorded in the regional language shall place in the corresponding part of the English record, accurate translations of these statements. The notes made by the Judge during the examination cannot and will not be accepted in lieu of such translations.

203. Police diaries etc., how to be sent:

- Police Diaries and English translations of or notes from these diaries submitted to the High Court should be placed in a sealed cover. Inspection of Records

204. Inspection by Officers of the Police or the Excise Department and Public Prosecutor:

- Whenever it appears to any Officer of the Police or the Excise Department not below the rank of a Sub-Inspector, that an inspection of the records of any Criminal trial or appeal which facilitate any detection or prevention of crime is necessary or is desired for examination of the conduct of Officers connected with the case and whenever the inspection of such records may be desired by a Public Prosecutor or Asst. Public Prosecutor, in the exercise of his duty as such Officer or Public Prosecutor or Asst. Public Prosecutor as the case may be, may apply to the Sessions Judge or Presiding Magistrate of the Court in which the records are lodged for permission to inspect the same.

205. Procedure on application:

- The application referred to in the preceding rule shall be made in writing and shall contain a description of the records and shall state the purpose for which the inspection is sought, and the Sessions Judge or Magistrate may grant or refuse the application as he may, see fit. If the application is refused, the Sessions Judge or Magistrate shall record the reasons for refusal and shall communicate a copy thereof to the Officer concerned, or to the Public Prosecutor, as the case may be. If the application is granted, the Sessions Judge or Magistrate shall make arrangements for permitting the inspection to be conducted in accordance with Rule 206.

206. Conduct of Inspection:

- Every inspection of records under these rules shall be conducted by an officer of the Police or the Excise Department not below the rank of Sub-Inspector, or, if the inspection is granted on the application of a Public Prosecutor or Asst. Public Prosecutor, then by the Public Prosecutor or Asst Public Prosecutor himself. It shall take place within the precincts of the Court in which the records are lodged and in the presence of an Officer of the Court who shall be deputed by the Sessions Judge or Magistrate for the purpose, and no record or part of a record shall be removed by the Inspecting Officer from the precincts of the Court

207. Inspection by Public Prosecutor, Andhra Pradesh:

- The Public Prosecutor, Andhra Pradesh, if he wishes to inspect the original records of Criminal Courts should request the High Court through the Registrar.

208. Inspection by Officers of other Departments:

- Subject to the conditions laid down in Rules 204 to 206 the privilege of Inspecting records in a Criminal proceeding is extended to -(1)Officers of the Salt and Customs Department In-charge of a Circle, Assistant Inspectors and Inspectors of Excise, Commercial Tax Officers and Gazetted Officers of the Forest Department, so far as such records relate to their respective Departments and -(2)Officers of the Income Tax Department including the Special Investigation Branch attached to it, not below the rank of Income Tax Inspector duly authorised by Income Tax Officer, in respect of records other than Police case Diaries and reports and any confidential portion of such records.(3)Officers of the Revenue Department of and above the rank of Mandal Revenue Officer.

209. Taking extracts:

- An officer inspecting records under these rules can take extracts there from, if he considers it necessary to do so.

210. Inspection by Collector of Records of Court of Sessions:

- Whenever a Collector requires information with regard to the Sessions trial in addition to that appearing in the finding and sentence of the Court of Sessions he shall be at liberty, after giving due intimation to the Sessions Judge to depute one of his clerks to inspect the records and make copies or extracts of such parts thereof as may appear material for the purposes which the Collector has in view, and the Sessions Judge shall permit such clerk to inspect the records and take copies or extracts thereof. Every inspection of records under this rule shall be made within the precincts of the Court of Sessions in which the records are lodged and in the presence of the Officer of the Court deputed by the Sessions Judge for the purpose. No record, or part of a record shall be removed by the Inspecting Officer from the precincts of the Court.

211. Uncertified copies not to be granted:

- No copies of, or extracts from, the record of any proceedings of any Criminal Court subordinate to the High Court shall be issued unless certified to be true by the proper Officer of the Court. This Rule shall not apply to copies or extracts granted to prisoners in confinement under any order passed in such proceedings for the purpose of appeal or application for revision.

212. Copies to be given to parties:

- Copies of any portion of the records of a Criminal Case must be furnished to the parties concerned on payment of the proper stamp and the authorised fee for copying. Where the Judge's note Forms the only record of the evidence copies of these notes should be given. Explanation: - 'Proper Stamp' referred to above includes search fee leviable under the Standing Orders of the Board of Revenue, Board's Standing Order No. 173 (Section I).(2)[325-2] Scale of search fee: - When the document applied for belongs to a year previous to the current calendar year, search fee in Court-fee stamps, according to the sub-joined scale, must be affixed to the application.

(i) When the document belongs to any year prior to the calendar year but is not more than 10 years old -

	Rs.
	Ps.
(a) Fee payable for the first document or entry applied for or if only one document or entry is applied for, then for that document or entry.	1-00
(b) Fee payable for every document or entry other than the first include in the same application and connected with the same subject	0-50
(c) When the applicant does not know to which of two or more years a document or entry belongs, the fee for searching the records of every year other than the first	0-50

(ii) When the document is more than 10 years old but does not relate to any year prior to 1858

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(a) Fee payable for the first document or entry applied for or if only one document or entry is	2-00
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applicable for, then for that document or entry.

(b) Fee payable for every document or entry other than the first included in the same application and connected with the same subject 1-00

(c) When the applicant does not know to which of two or more years a document or entry belongs, the fee for searching the records of every year other than the first 1-00

(iii) When the document belongs to a year prior to 1858 -

(a) Fee payable for the document or entry applied for or if only the document or entry is applied for that document or entry. 5-00

(b) Fee payable for every document or entry other than the first included in the same application and connected with the same subject 2-50

(c) When the applicant does not know to which of two or more years a document or entry belongs, the fee for searching the records of every year other than the first 2-50

Note :- (1) Only one search fee at the rate applicable to the documents need be paid for all papers filed together and if a person applies for all the depositions relating to Magisterial case, he need only pay one fee applicable to the whole record in which they are filed. But in the case of Oake's Register or Stration's Report or Circuit Committee Accounts, separate search fee shall be levied for each item contained in the same volume. (2) The Search Fee Rules are applicable to Judicial as well as to revenue records. The fee should be levied in respect of all documents of which copies are applied for in Civil and Criminal cases, provided that the application of the rules to Judicial Record is not inconsistent with any special provisions of law or notifications having the force of law by which Courts may be required to grant copies or to allow the inspection of documents free of charge.

213. Procedure when documents for which copies applied for are in other Court:

- If the records of the case or the documents of which a copy is applied for have been sent to another Court, the application for the copy, may, at the option of the applicant, be forwarded to the said Court for compliance or be returned to him for presentation to the said Court.

214. Copies by whom certified:

- The corrections of all copies of Magisterial records on application of private persons and of all copies of calendars and Judgments to be submitted to the Sessions Judge or the Chief Judicial Magistrate may be certified by the Chief Ministerial Officer of the Magistrate's establishment.

215. Endorsement on copies:

- Every copy shall bear an endorsement showing the following dates: -(i) Application made. (ii) Stamp papers (or charges) called for. (iii) Stamp papers (or charges) deposited. (iv) Copy ready. (v) Copy delivered or posted.

216. Notice of certified copies ready for delivery:

- A list of certified copies ready for delivery shall be posted on the Notice Board of the Court concerned and shall remain there for one week. The list shall state the number of the copy application and the names of the persons to whom the copies are to be delivered. The list shall be affixed to the Court Notice Board immediately the Court opens on the following day. After the expiry of one week, the list shall be taken down and any copies which remain unclaimed shall be sent to the applicants by post, "Service unpaid".

217.

(1)Copies to Government Officers:- The Gazetted Officers of all Departments and all Officers who not being Gazetted Officers, are entitled to inspect records can obtain certified copies of the same Except as regards Officers of the Police and the Excise Departments and Public Prosecutors and Assistant Public Prosecutors such right extends only to obtaining certified copies of records relating to the Officer's own Department(2)Order of refusal to contain reasons:- The judge or Magistrate may in his discretion grant or refuse the application. If the application is refused, the Judge or Magistrate shall record the reasons for his refusal and shall communicate a copy thereof to the Officer concerned.(3)Inter departmental Supply of Copies: - Copies of orders of records which one Department of Government propose to supply to another Department on application, shall be made on plain unstamped paper and by the ordinary staff.(4)Lengthy records: - If lengthy records are concerned, the work should be transferred to the Copying Staff and the decision as to who should prepare the copy rests with the Officer to whom the copy application is made.The Department applying for copies should furnish copy stamp papers for the purpose and debit the cost thereof to its contingent charges:Provided that the cost of making copies of Judgments convicting or acquitting Government servants of criminal offences or of orders discharging such servants which are supplied on application to the heads of Departments concerned, shall be debited to the contingent charges of the Courts supplying the copies.Explanation 1: - "The Heads of Departments" in the foregoing proviso, shall include a Head of Department of the Central Government also.Explanation 2: - "The Post Master General" Hyderabad shall be deemed a Head of Department for purposes of the foregoing proviso.(5)Copies to Jail Department: - The Jail Department shall, however, be supplied with copies of judgment on plain unstamped paper. If extra staff is required for this purpose, the Government may be addressed for the employment of Section writers temporarily.(6)Copies to Public Prosecutor: - The above principles also apply to the grant of copies to Public Prosecutors. Copies of documents which are required by them while the trial or appeal is pending, should be made by the clerk of the Court of Sessions In-charge of the records or by someone working in his presence and under his immediate supervision. No charge should be made by the regular establishment of the Court. In cases where lengthy documents have to be copied and the work is done by the Copyist Department, the cost of the stamp-papers used for the same should be debited to the contingent allowances of the Courts issuing copies.(7)Copies of relevant records in Criminal Appeal to Public Prosecutor: - Copies of relevant records in any criminal proceedings should be supplied to the Public Prosecutor of the District concerned on his application, with a copy stamp-paper or on plain-paper at the discretion of the Judge or Magistrate.Note :- "The Director General of Police is requested to ensure that his subordinate officers do not make unnecessary

applications for copies and Criminal Courts should bring to the notice of the Superintendents of Police, any cases in which the right to ask for the copies appears to them to have been abused."Return of Records

218. Return of records when no longer required:

- Whenever it shall appear that any public documents received from any Court or Public Officer are no longer required, they shall be returned to such Court or Office with a descriptive list in a sealed packet.

219. Return of documents - application to be made therefor:

- Applications from parties or other persons for the return of documents filed in Court shall be made to the Court in which they were originally filed. If application is made for any document which has been transmitted to another Court, the Court in which the document was originally filed shall itself apply for the transmission of the documents and on receipt shall return it to the applicant :Provided that no document shall be returned unless the Judge or Magistrate is satisfied that it will not be required for reference in proceedings pending either before his own Court or the Court of Appeal or Revision.Chapter-XI Case PropertiesCustody of Case Property

220. Responsibility of Presiding Officers:

- Presiding Officers are personally responsible for the safe custody of the case properties. Only clerks who have furnished the required security should be placed in-charge of properties, but that does not relieve the presiding officers of their responsibility to any extent

221. Inspection of Case Properties:

- Every article received in Court should immediately after receipt be inspected by the Presiding Officer or a responsible Officer of the Court duly authorised by him and entered in the Property Register then itself.The Presiding Officer should check the valuable and non-valuable items of property periodically and satisfy himself that all items received in Court are properly accounted for, that they are safely kept and that orders of disposal are promptly carried out.Whenever there is a change of Officers the succeeding Officer should examine all the properties other than valuable relating to the Court as soon as possible after he take charge and certify in the Registers themselves that he has taken over the properties specifying them with reference to their item numbers. The valuable properties referred to in Rule 727 should be verified at the time of taking over-charge necessary certificate affixed in the Register.

222. Valuable Properties:

- All articles of value should be separated from other items. They should be kept in (a) boxes sufficiently strong and fitted with good-lock and key (b) properly protected against damage by

moisture, insects, etc. They should invariably be deposited in the Sub-Treasury. Submission of Material Objects

223. Selection of Material Objects to be sent to the High Court:

- The Sessions Judge shall in his discretion send weapon, substance or article whereby the offence is said to have been committed and all garments stained with blood, provided the objects can be conveniently transmitted and are of assistance to the High Court. Courts of Session shall enclose with the records in Sessions Cases submitted to the High Court a list of material objects in Judicial Form No. 129-A.

224. Note to be made, if any Material-Object is retained:

- In every case in which any material object is retained, the order of the Judge directing such retention should Form part of the record submitted to the High Court, classified under item 8, "other miscellaneous papers if any" with English part of the Sessions Record, the page assigned to the paper being shown against item 6(b).

225. Return to be obtained within one month:

- Articles received from lower Courts such as sticks, stones, knives, bill-books, axes, guns, rags of clothing, earth etc., and all articles of trifling value are ordinarily retained in the High Court and destroyed there. Any application for the return of these articles (for return to parties or for reference in any other case) or of any articles that the High Court has omitted to return, shall be made within one month from the date on which the records of the case are received back in the lower Court

226. Properties in Sessions Cases may be sent to Committing Magistrates for disposal:

- The properties in Sessions Cases which have to be dealt with under Section 452 of the Code may be forwarded to the Committing Magistrate excepting in such individual cases where the Sessions Judge directs otherwise. Disposal of Case Property

227. Judgment to contain Orders for disposal:

- Orders for the disposal of material objects should be passed in the Judgment itself.

228. When Material-Objects are to be disposed:

- Material objects exhibited at the trial of criminal cases should be retained by the Court until the Court is satisfied that the appeal time has expired and that no appeal has been presented or that any appeal presented has been disposed of. But when a case is disposed of by High Court, the material object shall ordinarily be disposed of after the expiry of 90 days from the date of judgment of the

High Court, unless in the meantime, -(1)the parties interested have, on a proper application, obtained a direction from the High Court for preservation of such objects, pending disposal of an application for leave to appeal to the Supreme Court under Article 134(1)(c) of the Constitution of India, or a Special Leave Petition ; or(2)intimation of Appeal preferred to the Supreme Court of India under Article 234(1)(a) and (b) of the Constitution is received.After that, they may be destroyed or otherwise disposed of according to the Rules.

229. Destruction of Case Property:

(1)Orders for the destruction of case property should be carried out in the presence of the Presiding Officers.(2)It is not desirable to order destruction of valuable property. It should, if it is not ordered to be delivered to the person entitled to it be confiscated or otherwise disposed of.

230. Confiscated Articles:

(1)When the material object is confiscated weapon other than a fire arm or ammunition and is in the opinion of the Sessions Judge of a most unusual character or of special interest in the light of the facts of the case it shall be transferred to the Medical College, Tirupathi in the case of the Sessions Courts of Anantapur, Chittoor, to the Medical College, Kurnool in the case of Sessions Courts of Cuddapah, Kurnool and Nellore, to the Medical College, Guntur in the case of Sessions Courts of Guntur, Krishna and West Godavari and to the Medical College, Visakhapatnam in the case of Sessions Courts of Visakhapatnam, Srikakularn and East Godavari and to Osmania Medical College, Hyderabad in case of Sessions Courts in Telangana area. It shall first be ascertained by a reference to the Medical College concerned whether the article is required by it or not Similar reference should also be made to the Police Museum, at Hyderabad. If the article is required by both the Medical College and the Police Museum, the Former will have priority over the latter. Only when the article is not required by either the Medical College or the Police Museum then it should be destroyed.(2)In the case of art objects and antiquity the Court shall communicate with the Director of Archaeology and Museums and if he desires, send them to him.(3)Gold ornaments shall be sent to Mint Master through a responsible Officer by pre-arrangement

231. Delivery of Case Property to the person entitled:

- When any property ordered to be delivered to a party, notice should be issued to him in Judicial Form No. He should also be informed that if he does not appear on the date specified in the notice, the property will either be destroyed or sold and the sale proceeds credited to Government If the party appears after the sale of the property, the sale proceeds may be paid to him deducting expenses of the sale.

232. Sale of Case Property:

- Sale of property should be conducted by an Officer of the Court and should be by public auction. It should be conducted and confirmed as far as may be in the manner prescribed for the sale of

movable property by the Code of Civil Procedure and Civil Rules of Practice.

233. Procedure regarding disposal of Excisable Goods:

- In the case of excisable goods held in the custody of Criminal Courts, notice of the date of auction or other method of disposal shall be issued to the Excise Authority concerned requiring such authority to arrange for the collection of the duty leviable if any, on the goods and for the issue of transport permit where necessary. The Excise Authority may also be required to satisfy itself that the purchaser in auction or otherwise is licensed to deal in such goods.

234. Disposal of Counterfeit coins and Forged Currency Notes:

(1)When counterfeit coins have to be disposed of by a Criminal Court under Sections 452, 457 or 458 of the Code, they shall be forwarded together with any dies, moulds etc., which may have been produced in the case to the nearest Treasury of Sub-Treasury, with request that they may be remitted to the Mint for examination. A concise and accurate report should also be sent containing a description of the case and the sentence imposed.(2)In the case of forgery of currency notes, the disposal of implements such as moulds, dies etc., produced in and confiscated by a Court, is a matter for the decision of the Court which tries the case and when they are ordered by the Court to be delivered to the Police for destruction, the Police shall themselves arrange for their destruction and not send them to the currency offices or Mint for destruction, provided that if the Police consider any particular implements are of special interest and should be preserved, they shall make them over to the Criminal Investigation Department for this purpose.(3)All forged currency notes brought before the Court shall be handed over to the Police for being forwarded to the Issue Department of the Reserve Bank of India, with a brief report of the case.(4)All arms and Ammunitions of preserved bore which are confiscated should be sent to the nearest Arsenal for disposalChapter-XII Collection of Process fee and Payment of Batta to Complainants and WitnessesFee for Service of Process

235.

All processes issued by Criminal Courts shall be charged to the Court-fee at the rates set out in the schedule hereunder -

Schedule	Rs. Ps.
1. Every summons notice or sub-poena	
(a) to an accused, respondent or witness	0-50
(b) to every additional accused, respondent or witness resident in the same village or neighbourhood if the summons notice or the sub-poena is applied for at the same time	0-25
2. Every warrant of arrest	0-75
3. Every order, injunction or warrant not otherwise provided for	0-50
(1)In Courts outside the cities of Hyderabad and Secunderabad if a process is to be served or	

executed within a radius of six miles from the Court-house, half the above rates only shall be charged. The Judge of every Court shall determine what villages are within the above radius, and a list of such villages shall be notified in a conspicuous place in the Court-house.(2)When a warrant remains unexecuted for 15 days after its delivery to the Officer entrusted with its execution, an additional fee at the same rate shall be levied from the party at whose instance the warrant was issued for every 15 days or part thereof until return is made, provided that the delay in executing the said warrant is not attributable to the Officer of the Court(3)This rule does not apply to proceedings in Cognizable cases instituted on police reports whether these be calendar cases, appeals or Revision Cases.Exemption: - No fee shall be levied on processes issued upon complaints by public servants or Officers or servants of a Railway Administration acting in their official capacity, which under Section 67, Clause XI of the Andhra Pradesh Court-fee and Suit Valuation Act, 1956 (Act VII of 1956) are exempt from complaint fee.As the Central Government has ruled that a Cantonment Authority is not a "Public Officer" as defined in the Code of Civil Procedure, 1908, the process fee and diet money to witness shall in all cases of prosecutions by the Police on their behalf be collected from the Cantonment Authority. A Cantonment Authority, is however, exempt from the payment of Court-fee on complaints, under Section 19 of the Court-fee Act, 1870 as it is a "Public Servant" as defined in Section 21 of the Indian Penal Code.Expenses of Complainants and Witnesses

236. Expenses when payable by Government

: - Subject to the provisions hereinafter contained, the expenses of complainants and witnesses will be paid on behalf of the Government, in the following classes of cases viz.,(a)Cases shown in the second schedule of the Code as non-bailable.(b)Cases in which the prosecution is instituted or carried on under the orders or with the sanction of the Government or of any Public Servant acting as such.(c)Where the witness in question has been compelled to attend by a process issued under Section 311 of the Code.(d)Cases in which the Court certifies that the attendance of such witness was directly in furtherance of Public Justice.If any witness in any of the aforesaid classes of cases is, by reason tender age, sex or bodily infirmity, unable to travel alone to the Court and is accompanied by an escort, such an escort may, at the discretion of the Presiding Officer of the Court, be paid his expenses under these rules, provided that no such payment shall be made to the escort, if he/she is himself a witness in the case.The Court may make reasonable advances to witness compelled to attend to give evidence, when such pre-payment is considered necessary.

237. Disallowance of payment of expenses on behalf of Government:

- It shall be competent to the Court before which a complainant or witness appears to disallow payment of any expenses on behalf of Government, if for any reason to be recorded, such Court thinks fit to do so, or to pay only the actual expenses incurred by him if the complainant or witness is a resident of the place in which the Court is situate, or to pay, if the Court thinks fit, expenses at rates lower than those prescribed in Rule 247.

238. Disallowance of expenses for defence Witnesses:

- The Court will disallow the whole or part of the expenses of any witness for the defence, whose evidence may not seem fit to have been material unless it is satisfied that such witness has been brought to the place in which the Court is situate against his will and that no compensation for his expenses has been paid or deposited by the accused.

239. No travelling allowance when complaint is dismissed under Section 250 of the Code:

- Whenever a Magistrate dismisses a case as frivolous or vexatious under Section 250 of the Code, no travelling allowance or batta shall be granted to the complainant. Official Witness

240.

(1) For the purpose of these rules, witnesses are divided into two classes, viz., Officials and non-officials. Official witnesses, ie., Government Servants to whom the Andhra Pradesh Travelling Allowance Rules are applicable, summoned to give evidence as officials, are entitled to receive for their journeys to and from the Court and for the time spent by them in attendance at the Court to give evidence in cases coming under Rule 236 travelling allowance at the rates prescribed by the Andhra Pradesh Travelling Allowance Rules for the time being in force. The Court shall not however, make any payment to official witnesses in such cases, but shall grant them certificates setting forth that they appeared to give evidence of what had come to their knowledge, or of matters with which they had to deal in their official capacity, the date on which they appeared and the period for which were detained, so as to enable them to draw travelling allowance and batta under the Andhra Pradesh Travelling Allowance Rules. (2) When a Government servant appears in his official capacity as a witness in other cases (e.g., in cases in which Section 254(3) or 247 of the Code is applied), the party at whose instance he is summoned shall prepay into Court the travelling and halting allowances admissible to him under the Andhra Pradesh Travelling Allowance Rules. The amount so prepaid shall be credited to Government, but the Court shall give the witness a certificate containing the particulars specified in sub-rule (1) supra, so as to enable him to draw the travelling and halting expenses admissible under the Andhra Pradesh Travelling Allowances Rules. When a Government servant appears to give evidence in any case as a private person, travelling allowance and batta may be paid to him in the ordinary manner, but the Court shall send an advice of all such payments made to him to the Head of the Office in which he is employed. In this advice, the amount paid as batta and the period during which the attendance of the witness in Court was necessary shall be stated. (3) When a Government servant whose emoluments are governed by the Army Regulations, appears in any case under sub-rule (1) to give evidence in his official capacity, he shall be paid the travelling allowance and batta admissible under these rules and shall be furnished with a certificate showing in detail the amount paid. If the amount paid is less than the amount admissible to him under the Military Rules to which he is subject, the difference will be paid to him by the Military Authorities on production of the certificate. (4) A retired Government servant who appears before a Criminal Court to give evidence in respect of his official acts or matters within his official

knowledge before retirement shall be paid travelling and subsistence allowance according to the rates to which he would have been eligible under the Andhra Pradesh Travelling Allowance Rules, had he not retired from service.(5)When any person who holds an office under the Government in a honorary capacity appears before any Court at his headquarters to give evidence in that capacity, he may be paid conveyance allowance at such rate as the Government may by order specify.

241. Witnesses of Local Fund or Municipality:

(1)Government servants whose services are lent to local authorities as defined in Section 3(31) of the General Clauses Act, 1897, attending Criminal Courts to give evidence in their official capacity, shall be paid travelling and daily allowance to which they are eligible under the Andhra Pradesh Travelling Allowance Rules.(2)Medical subordinates in the service of local authorities including compounders, midwives and nurses attending Criminal Courts to give evidence in their official capacity shall be paid travelling and daily allowances at the rates admissible to officers of corresponding grades under the Andhra Pradesh Travelling Allowances Rules.(3)Persons in the service of Local Authorities other than those governed by sub-rules (1) and (2) shall be paid travelling and daily allowances at rates to which they are eligible under the Rules, if any, applicable to them.(4)For purposes of payment of travelling and other expenses, Courts shall follow the procedure prescribed in sub-rule (1) of Rule 240 for payment of allowances to Government servants.

242. Rural Medical Practitioners:

- Rural Medical Practitioners when attending Court to give evidence in their capacity of Rural Medical Practitioners shall be paid the same rates of travelling allowances and batta as would be admissible to Government servants belonging to Grade IX of the Andhra Pradesh Travelling Allowances Rules.

243. Honorary Medical Officers:

- Honorary Medical Officers when attending Court to give evidence in their official capacity shall be paid the same rates of travelling allowance and batta as would be admissible to Government servants belonging to the respective grades of the Andhra Pradesh Travelling Allowances Rules, as set out below :-

Honorary Surgeons and Honorary Physicians Grade IV

Honorary Assistant Medical Officers Grade V

244. Officials of the Central Government or Governments of other States:

- Officials employed by the Central Government or by the Government of any of the States mentioned in the first schedule to the constitution of India appearing in cases, in which the State is a party, as witnesses on summons before the Criminal Courts of other States to give evidence regarding facts, of which they have official knowledge, will, on production of certificates of attendance issued by the Courts before which they appear as witnesses, be paid travelling allowance

by the Government under whom they are employed at their own rates. In cases where the State is not a party, such officials will be paid travelling allowance by the summoning Court according to the rules under which such Government servant draws his travelling allowance for a journey on tour and the charges will be borne by the Central Government or the State Government according as the summoning Court is situated in a centrally Administered area or within the local limits of a State. In order to enable the Court to assess the amount admissible to a Government servant in cases where the State is not a party, the Government servant should produce before the summoning Court a certificate duly signed by his Controlling Officer showing the travelling and daily allowance admissible to him for a journey on tour. If the Government servant is himself a Controlling Officer, the certificate should be signed by him as such.

245. Employees of Central Government:

- When an employee of the Central Government including Railways appears to give evidence in his private capacity, the sum due to him as subsistence allowance or compensation should be credited to the Central Government, and no payment on account of subsistence allowance or compensation shall be made to him. Non-official Witnesses

246. Class of witnesses:

- For the purpose of these rules, non-official witnesses or complainants shall be classed as belonging to either of the two classes specified in Rule 247. The Judge or Magistrate shall fix the class of persons who are required to appear before him either as witnesses or complainants with due regard to the station in life which they occupy. In the case of witnesses from outside the jurisdiction of such Judge or Magistrate, the despatching Magistrate shall fix the class.

247. Rates of payments:

- The following are the maximum rates of allowances which may be awarded to the several classes of witnesses or complainants and no expenses in excess of or other than those hereinafter provided shall be allowed.

Travelling allowance if
any that may be allowed

Class by Rail	By Public motor services	By road otherwise than by public motor services	By Sea Canal	Subsistence allowance	
Twin cities of Hyderabad & Sec'bad	Other Districts				
I. 1st Class fare	Actual fare	per K.M. 0.12 Ps.	Actual fare	Rs. 8/-	Rs. 6/-
II. 2nd Class fare	Actual fare	Per K.M. 0.03 Ps.	Actual fare	Rs. 4/-	Rs. 3/-

In the cities of Hyderabad and Secunderabad, witnesses may be allowed carriage hire allowance at Rs. 1/- for a day of actual attendance. Criminal Courts in the Districts are authorised to pay the necessary and actual expenses of carriage to a witness travelling by road in the case of persons whose sickness, age position or habits of life render it impossible for them to walk provided the expenses incurred under this rule shall in no case exceed Rs. 0.50 per K.M. Wherever it is practicable for witnesses to travel by rail or Steamer they shall be allowed not more than rates prescribed for those modes of conveyance. Subsistence allowance may be paid for the days occupied in travelling to the cities of Hyderabad and Secunderabad as well as the return journey. The subsistence allowance at the cities of Hyderabad and Secunderabad shall cease soon after the conclusion of the enquiry or trial as the means of quitting the cities became available.

248. Disbursements:

- All disbursements under these rules shall be made by the Courts before which the witnesses appear.

249. Determination of mileage and batta:

(1) The distance for which mileage and number of days for which batta should be allowed for the journey to attend from the station at which the Court is held, and for attendance at Court shall be determined by the Judge or Magistrate ordering the payment in each case. (2) Witnesses sent from the District will be furnished with a certificate by the despatching Magistrate showing the class to which they belong, the date of their departure, and the correct distance, if any, to be travelled by road, and unless such certificate is produced the Court may disallow all or any of the expenses claimed.

250. Advances to witnesses:

(1) Magistrates in the Districts may make reasonable advances to witnesses summoned by Courts in the Cities of Hyderabad and Secunderabad and others who require such advance to enable them to reach Hyderabad or Secunderabad or other place, but shall in every such case note the same on the certificate referred to in Rule 249. The Courts before which they are directed to appear shall be advised of such advances and they will refund the amount to the officer making the advance. (2) In cases falling under Rule 236 the Commissioner of City Police may make reasonable advances to witnesses-residents in the Cities of Hyderabad and Secunderabad who are summoned by a Court in the District and who require the advances to enable them to reach the Court. The Court issuing the summons on being advised by the Commissioner of City Police of the advance made will refund the amount to him.

251.

. Servants of Panchayat Samithis and Zilla Parishads and Municipal Councils attending Criminal Courts as witness in cases under the Andhra Pradesh Panchayat Samithis and Zilla Parishads Act,

1959 and the Andhra Pradesh Municipalities Act, 1965 are eligible to receive travelling allowance from the revenues of the State at the rates prescribed in the rules applicable to them. The procedure for payment shall be the same as prescribed in sub-rule (1) of Rule 24. Charges for Conveyance of Prisoners and Batta to Acquitted Prisoners

252. Cost of Conveyance to be recovered from Court concerned:

- The cost of conveyance of prisoners to and from the Court is to be recovered by the jail authorities from the Court before which the attendance of the prisoner is required. Road and diet charges in respect of persons accused of forest offences and produced in custody before a Magistrate by the Subordinates of the Forest Department shall be paid without delay to the Subordinates of the Forest Department by the Court concerned.

253. Batta to acquitted prisoners:

- Courts are authorised to grant batta and travelling expenses at the rates prescribed for second class witness to persons : (1) Who are acquitted or discharged and released from custody or who having been arrested under Section 390 of the Code, are subsequently released ; and (2) Who are released under Section 360 of the Code, or under the Probation of Offenders Act, to enable them to return to their places of residence, provided that such persons reside at a distance of more than 10 kilometres from the place where they are released from custody and are not possessed of sufficient means so to return.

Chapter XIII

Supervision of Subordinate Criminal Courts General rules for supervision

254. Responsibility of Sessions Judges:

- Sessions Judges are primarily responsible for the supervision of all Criminal Courts Subordinate to them. Subject to the control of the Sessions Judges, the Chief Judicial Magistrates will exercise supervision of the Magistrates Courts.

255. Points to be noticed in exercising Supervision:

- Sessions Judges and Chief Judicial Magistrates are directed to note the following points in particular while exercising their power of supervision. (a) Rash issue of process to the accused, judicious and indiscriminate use of the provisions of Sections 203 and 245 of the Code. (b) Dealing with disputed claims of Civil right under colour of Criminal charges. (c) The imposition of heavy fine in addition to imprisonment in default of payment, the term of imprisonment being beyond the ordinary powers of the Magistrates to inflict. (d) Indiscriminate extensions of grant of time for the payment of fine without regard to the principles laid down in Section 424 of the Code. (e) Excessive

sentences of imprisonment out of all reasonable proportion to the offences of which accused has been convicted.(f)Failure to make judicious use of the provisions of Section 360 of the Code, Probation of Offenders Act, Children Act, the Borstal Schools Act.(g)Light punishment for offences requiring severe sentences with special reference to cases which should have been submitted by the Subordinate Magistrates to the Superior Court for higher punishment.(h)Exaction of excessive bail or excessive security for keeping the peace or for good behaviour.(i)Avoidable delay and adjournment at any stage of the trial of the cases and strict adherence to the provisions of Section 309 Cr.P.C.(j)Needless adverse remarks in Judgment against public servants.Inspection of Courts

256.

(1)The High Court will inspect Courts of Sessions, atleast once in 3 years. At the time of inspection of the Court of Session, the inspecting Judge may, in his discretion, inspect, any of the local Subordinate Courts also.(2)(i)Sessions Judge shall inspect once a year Courts of Assistant Sessions Judges and of the Magistrates. He may delegate the power of Inspecting Magistrate Courts to the [Additional District and Sessions Judge or I Additional District and Sessions Judge] [Substituted for 'Chief Judicial Magistrates' by G.O.Ms.No. 1815, Law (LA&JHC-B), dated 26.10.2014, published in A.P. Gazette RS to Part I, Extraordinary No. 55, dated 28-10-2004.].(ii)Sessions Judges shall submit their reports of inspection for orders of the High Court with the least possible delay. [Additional District and Sessions Judge or I Additional District and Sessions Judge] [Substituted for 'Chief Judicial Magistrates' by G.O. Ms.No. 1815, Law (LA&JHC-B), dated 26.10.2004, Published in A.P. Gazette RS to Part I, Extraordinary No. 55, dated 28-10-2004.] should submit their reports to the High Court through the Sessions Judge.(3)Orders passed on, and instructions issued in, the inspection reports should be strictly carried out and followed by the Subordinate Courts concerned. They shall submit compliance report within such time as may be allowed in the inspecting report.Submission of Judgments and Calendars

257. Courts of Sessions to send typed judgments in Original trials to High Court:

(1)Courts of Sessions shall transmit to the High Court typed or cyclostyled copies of all their Judgments in original trials within 15 days from the date of pronouncing Judgment in each case.(2)Assistant Sessions Judges shall submit copies of the Judgments in original trials through the Sessions Judge.

258. Delay in trials to be explained:

- Whenever more than three months have elapsed, between the date of apprehension of the accused and the close of the trial in the Court of Session, an explanation as to the cause of such delay (in whatever Court it may have occurred) shall invariably be furnished.

259. Submission of Judgment in Appeals:

- Sessions Judges and Additional Sessions Judges shall within five days from the close of each month transmit to the High Court copies of all judgments delivered by them as Court of Criminal Appeal during the course of the month. The appellate Judgment should contain particulars of previous convictions, if any.

260. When judgments of Courts of first instance to be sent to the High Court:

- When judgments of Appellate Courts which are submitted to the High Court for perusal are expressed in terms which disclose nothing as to the nature of the offences or evidence relied on to establish them, or the circumstances which aggravate or extenuate the guilt of the offenders, they should be accompanied by copies of the Judgments of the Courts of first instance.

261. Special report may be sent in any particular case:

- When a Sessions Judge sees occasion to comment specially on the action of the Magistrates in connection with a case coming before his Court, he should send in a special report on the subject in the Form of letter without waiting for the despatch of the monthly calendars or appeal statement.

262. Submission of Judgment by Magistrates:

- Except in cases dealt with under Sections 204(3), 252 and 256 to 258 of the Code Magistrates shall within a week from the passing of the Judgment or order or from the termination of enquiry send to the Sessions Judge : (a) all Judgments in the Form prescribed by Section 354 of the Code; (b) all orders of dismissal of complaints under Section 203 of the Code and Orders of discharge in respect of which further enquiry can be made or directed under Section 398 of the Code. (c) Extracts from Registers of Summary Trials ; (d) all proceedings held by them under Chapters VIII, X (except orders made under Section 143) and XXI of the Code ; and (e) extracts from the Registers of Preliminary Inquiries. Judgments submitted under this Rule, shall be accompanied by the information given in the Tabular Form prescribed above in Rule 67.

263. Sessions Statement:

- At the end of each month, a statement in Administrative Form No. 35-A should be submitted to the High Court. This statement should include cases, if any, tried by Additional and Assistant Sessions Judges and should show whether a case was tried by the Sessions Judge, Additional Sessions Judge or Assistant Sessions Judge.

264. Quarterly statement to be furnished by the Sessions Judges to the Superintendent of Police:

- Sessions Judges should furnish the Superintendents of Police of their District with a quarterly statement in Administrative Form No. 54 of the Criminal Appeals and Revision Cases disposed of by them.

265. Annual Reports:

- The following should be noticed and explained in the report to be submitted to the High Court annually on the Administration of Criminal Justice. (1) Noticeable variations : (a) In the number of Magistrates and Special Magistrates who exercised criminal powers ; (b) in the figures returned in the annual statements No. II, Parts I and III ; (c) in the institutions, disposals and average duration of cases in the Court of Sessions Judge, Magistrates, including Special Magistrates. (2) Large arrears and high average duration in any of these Courts. (3) Noticeable increase or decrease in the percentage of convictions in each class of Courts and in the total number of sentences of each description passed during the year, such as life imprisonment, imprisonment-simple or rigorous and fine. Explanation: - In calculating the percentage of convictions the number of persons whose cases were disposed of by composition or withdrawal, by dismissal under Section 204 of the Code, by acquittal under Section 256 or by discharge under Section 249 should be excluded. The figures for such cases, causes compounded, withdrawn or dismissed for default of appearances should be given separately. (4) High or low percentages of recoveries of fines and of amounts of compensation awarded to accused and to complainants. (5) Large number of witnesses detained beyond three days in any of these Courts, and large or small amounts paid to witnesses for diet and travelling expenses in each class of Courts. (6) Noticeable variations in the number of appeals received, disposed of and pending in the Courts of Session and in the average duration of appeals. (7) Also large arrears of appeals and high average durations thereof. (8) High or low percentage of confirmation on appeals and any other noticeable point or feature in the crime or the administration of Criminal Justice in the year. (9) The length of the report should be curtailed as far as possible by the omission of figures appearing in the annual returns submitted to the High Court. (10) Sessions Judges should describe fully any features of interest in the administration of Criminal Justice in their divisions or District, and to comment on the working of any provisions of law or Rules of Procedure to which they think attention should be drawn.

Chapter XIV

Miscellaneous

266. Mode of Communication between Judicial and Executive Officers:

- All correspondence between Judicial Officers and Officers of other Department shall be by letters or in the Form of endorsement. Sessions Judges may address Magistrates by Proceedings but Magistrates shall address Sessions Judges only by letters.

267. Mode of Communication of Orders to Executive Magistrates:

- All proceedings of Court of Session addressed to any executive Magistrate shall, except in cases of urgency or when the law sanctions a different course, be sent to the Executive Magistrate concerned through the District Magistrate.

268. Mode of communicating Orders to Executive Magistrates in urgent cases:

- In cases excepted in Rule 267, the Court of Session shall send the proceedings to the Executive Magistrate concerned and the District Magistrate simultaneously.

269. Calling for records from the Executive Magistrate:

- In calling for records from an Executive Magistrate under Sections 385(2) or 397 of the Code, Sessions Judges may address the Executive Magistrates in whose custody the records are, without the intervention of the District Magistrate. The records so called for, may, likewise, be transmitted directly to the concerned Courts after the disposal of the case.

270. Wearing of Uniform by the personnel of the Military in Court:

(1) An Officer or Soldier required to attend a Court in his Official capacity should appear in uniform, with sword or side arms. Attendance in official capacity includes attendance : (a) as witnesses when evidence has to be given of matters which come under the cognizance of the Officer or Soldier in his Military capacity ; (b) as an Officer for the purpose of watching a case on behalf of a Soldier or Soldiers under his command. (2) An Officer or Soldier required to attend Court otherwise than in his Official capacity may appear either in plain clothes or in uniform. (3) An Officer or Soldier shall not wear his sword or side-arms if he appears in the character of an accused person or under Military arrest, or if the Presiding Officer of the Court thinks it necessary to require the surrender of his arms, in which case a statement of the reasons for making the order shall be recorded by the Presiding Officer, and if the Military Authorities so request, forward it for information of the concerned Chief of the Defence Forces. (4) Fire arms shall under no circumstances be taken into Court. (5) An Officer or Soldier will remove his head dress while the Judge or Magistrate is present, except when the Officer or Soldier is on duty under the arms with a party or escort inside the Court

271. Wearing of Uniform by the Police in Court:

- Police Officers other than Officers and men of the Criminal Investigation Department, Central Bureau of Investigation, Anti Corruption Bureau, Intelligence Bureau and Vigilance Branch appearing in Courts in their official capacity shall be in their uniform.

272. Dress of Convicts:

- Convicts sent in custody to the Court either as a witness or an accused person shall wear ordinary private clothing, their neck-tickets and ankle-rings shall also be removed.

273. Use of Forms:

- The Forms in part II of these Rules shall be used for the purposes for which they are intended with such variations as the particular circumstances of each case may require. Form No. 1 Warrant of commitment on failure to find security to keep the peace [Section 122, Criminal Procedure Code] In The Court Of The..... Magistrate Of Case No. of 19 To The Superintendent of the Jail at----- Officer-in-charge Whereas appeared

before me| in person by his Pleader| on the

day of 19....., in obedience to a summons calling upon him to show cause why he should not enter into a bond for Rs.

with| one surety with sureties each| in Rs.

that he, the said would keep the peace for the period of months, and whereas an order was then made requiring the said to enter into and find such security and he has failed, [security for] [State the security if it differs from that mentioned in the summons.] to comply with the said orders and has for such default has been adjudged simple imprisonment for unless the said security be sooner furnished.

This is to authorise and require you the said| Superintendent Officer| to receive the said into your custody together to receive the said into your custody together with warrant, and safely to keep him in the said jail for the said period of unless he shall, in the meantime, be lawfully ordered to be released and to return this warrant with an endorsement certifying the manner of its execution. Given under my hand and seal of the Court, this day of 19 (Seal) Magistrate DESCRIPTIVE ROLL

1. Name

2. Father's Name

3. Sex, married or single

4. Race and Religion

5. Previous occupation

6. Age

Diet -(a)The diet to which the prisoner was accustomed according to his own statement(b)The diet recommended by the Magistrate.(c)Brief reasons if rice or wheat is recommended.

The distance from the prisoner's residence to the nearest| Railway StationJail| is miles.

The distance (a) by bus from the nearest| JailRailway Station| to the bus stand nearest to the prisoner's residence is miles, (b) from the bus-stand nearest to the prisoner's to the bus stand nearest to the prisoner's residence is miles, (b) from the bus-stand nearest to the prisoner's residence to his residence is miles.The amount of bus fare under (a) above isDetails of the property on the person of the prisoner.

Jail

Magistrate

Date of admission to Jail I, hereby certify that the sentence passed on the prisoner named in this
:Number :Name warrant has been executed according to law and that he has, this day,
:Sentence :Date of been released from [custody on] [Appeal/Expiry of Sentence/Bail.] or
sentence :Date of release : having earned day's permission Jail..... Dated
..... 19

Release on bail or escape and re-admission may be noted below.JailorSuperintendentNote :- In filling up the particulars under the head "5 previous occupation" in respect of females, Courts shall use the same classes of previous occupation as are adopted for males.Form No. 2Warrant of commitment on failure to find security for good behaviour[Section 122, Criminal Procedure Code]In The Court Of The Magistrate OfMiscellaneous Case No. of 19ToThe Superintendent----- of the Jail at

.....Officer-in-chargeWhereas it has been made to appear to me that has been and is taking precautions to conceal his presence within the local limits of my jurisdiction and that there is reason to believe that he is taking such precautions with a view to committing an offenceOrhas no ostensible means of substanceor is unable to give a satisfactory account of himselfWhereas evidence of the general character of has been adduced before me and recorded, from which it appears that he is*And whereas an order has been recorded stating the same and requiring the said to furnish security for his good behaviour for the term of by entering

into a bond with| one suretytwo sureties| himself for Rupees| and the said suretyeach of the said sureties| for Rupees and the said has failed to comply with the

said order and for such default has been adjudged| simplerigorous| imprisonment for unless the said security be sooner furnished.

This is to authorise and require you the said| SuperintendentOfficer-in-charge| to receive the said into your custody, together with this warrant and safely to keep him in the said jail for the said period of..... unless he shall, in the meantime, be lawfully ordered to be released and to return this warrant with an endorsement certifying the manner of its execution.Given under my hand and the seal of the Court, this day of ... 19....(Seal)Magistrate

Descriptive Roll

1. Name
2. Father's Name
3. Sex, married or single
4. Race and Religion
5. Previous Occupation
6. Age
7. Descriptive marks

Particulars of previous convictions

Court Calendar number and year Section and Code Sentence

Diet** (a) The diet to which the prisoner was accustomed according to his own statement. (b) The diet recommended by the Magistrate. (c) Brief reasons if rice or wheat is recommended.

The distance from the prisoner's residence to the nearest | Railway Station Jail | is miles.

This distance (a) by bus from the nearest | Jail Railway Station | to the bus stand nearest to the Prisoner's residence is miles ; (b) from the bus stand nearest to the Prisoner's residence to his residence is miles. The amount of bus fare under (a) above is

Details of the property on the person of the prisoner.

Jail

Magistrate

Date of admission to Jail I, hereby certify that the sentence passed on the prisoner named in this : Number : Name : Sentence warrant has been executed according to law and that he has this day, : Date of sentence : Date of been released from custody on *** having earned day's remission release : Jail Dated 19

Release on bail or escape and re-admission may be noted below. Jailor Superintendent Note :- In filling up the particulars under the head "5 previous occupation" in respect of females, Courts shall use the same classes on previous occupation as are adopted for males. * Here enter habitual robber, house-breaker, etc. ** Particulars to be entered in the Magistrates' own handwriting. ***

Appeal/Expiry of Sentence/Bail Form No. 3 Notice after Magistrate's order for the removal of a nuisance is made absolute [Sections 136 and 141, Criminal Procedure Code] In The Court Of The Magistrate Of Miscellaneous Case No. of 19 Whereas an order, dated the day of 19 was issued under my hand requiring you to or to show cause why such order should not be enforced, and you have failed to obey such order, or to appear/and show cause against the order being enforced, the order aforesaid is made absolute and I hereby direct and require you to obey the said order within, on peril of the penalty provided by Section 188 of the Indian Penal Code for disobedience thereto ; Given under my hand and the seal of the Court, this day of 19 (Seal) Magistrate Form No. 4 Order requiring parties concerned in dispute to put in Written Statements of their claims [Section 145(1), Criminal Procedure Code] In The Court Of The Magistrate Of Miscellaneous Case No. of 19 To Whereas it has been made to appear to me and I am satisfied for the reasons set out below that a dispute likely to cause a breach of the peace exists concerning situate within the local limits of my jurisdiction. I do hereby require you to attend at my Court in person or by the Pleader within days from the receipt of this notice and to put in a written statement of your claim as respects the fact of actual possession of the property aforesaid and also such documents or to adduce by putting in affidavits, the evidence of such persons, as you rely upon in support of such claim. Given under my hand and the seal of the Court, this day of 19 (Seal) Magistrate Form No. 5 Warrant of attachment in emergent cases [Section 145(4), Criminal Procedure Code] In The Court Of The Magistrate Of Miscellaneous Case No. of 19 To Whereas it has been made to appear to me, and I am satisfied, that a dispute likely to cause a breach of the peace exists concerning situate within the

local limits of my jurisdiction, and I consider the case one of emergency in which an order of attachment should be issued pending the decision in the inquiry into the matter under Section 145 of the Code of Criminal Procedure ;This is authorize and require you to attach the said property by taking and keeping possession thereof, and to hold the same under attachment pending the further order of this Court or decision of the said inquiry and to return this warrant with an endorsement certifying the manner of its execution.Given under my hand the seal of the Court this day of 19(Seal)MagistrateForm No. 6Warrant of commitment on a sentence of imprisonment or fine or both[Sections 255, Criminal Procedure Code]In The Court Of The OfSession Case No. of 19-----CalenderToThe Superintendent----- of the jail atOfficer-in-chargeWhereas on the day of 19 the Prisoner in Case No. of the calendar of 19 Crime No..... of the Police Station) was convicted

before me| Session JudgeMagistrate| of of the Offence of punishable under| Section of the Indian Penal CodeAct of| and was sentenced to

This is to authorise and require you, the said| SuperintendentOfficer-in-charge| to receive the said into your custody in the said Jail together with this warrant, and there carry the aforesaid sentence into execution according to law. The prisoner named above is classed as* The Prisoner is a fit subject for the special jail for habituals** is notDiet**(a)the diet to which the prisoner was accustomed according to his own statement(b)the diet recommended by the Sessions Judge/Magistrate ;(c)brief reasons if rice or wheat is recommended.

II. The distance from the Prisoner's residence to the nearest| Railway StationJail| is miles.

The distance (a) by bus from the nearest| Railway StationJail| to the bus stand nearest to the Prisoner's residence is miles, (b) from the bus stand nearest to the Prisoner's residence to his residence is miles.The amount of bus fare under (a) above isIII. Details of property on the person of the prisoner.IV. I hereby certify that of the fine has been recovered.V. Descriptive Roll.* "Habitual" or "Casual" as the case may be, should be entered herein the Magistrate's own Judge's own handwriting.** To be filled in only in the case of "Habitual" by a convicting Court (not below the rank of Ist Class Magistrate in an area for which a special jail for habitual has been appointed.*** Particulars to be entered in the Session Judge's/Magistrate's own handwriting.Particulars of previous convictions

Court Calendar number and year Section and Code Sentence

Given under my hand the seal of the Court, this day of(Seal)Sessions Judge-----MagistrateThe prisoner was transferred to jail on under Inspector General's Order No. dated 19 Remission earned up to the end of the preceding quarter is days.SuperintendentThe prisoner was transferred to Jail on under Rule, 473, Prisoners and Reformatory Manual, Volume II. Remission earned up to the end of the preceding quarter is days.SuperintendentSolitary confinement

From To Number of days Total undergone Superintendent's initials

I hereby certify that the within named prisoner has this day been served with an order directing him to notify his residence to the police for year from this date.The following address was furnished by the prisoner on release.Street : Village :Taluk : District :Superintendent.The order has been duly served on me(Signature or left-thumb-impression of the Prisoner)Dated19.....

Jail

Magistrate

Date of admission to Jail :Number
:Name :Sentence :Dateof sentence
:Date of release :

I, hereby certify that the sentence passed on the prisoner named in this warrant has been executed according to law and that he has, this day, been released from custody on *** or having earned, day's remission.

Jail

Dated 19 Jailer.

Release on bail or escape and readmission may be noted below Superintendent. Note: - In filling up the particulars under the head "5 previous occupation" in respect of females, Court shall use the same classes of previous occupation as are adopted for males. *** Appeal/Expiry of sentence/Bail. Form No. 7 Warrant of imprisonment on failure to recover amends by Distress [Section 250, Criminal Procedure Code] In The Court Of The Magistrate Of Calendar Case No. of 19 To The Superintendent of the Jail----- Officer-in-charge at

Whereas has brought against the complaint that and the same has been dismissed as | frivolous vexatious | and the order of dismissal awards payment by the said of the sum of Rs. as amends, and whereas the sum of Rupees has not been paid and cannot be recovered by distress of the movable property of the said and an order has been made for his simple imprisonment in Jail for the period of days, unless the aforesaid sum be sooner paid.

This is to authorise and require you, the said | Superintendent Officer-in-charge | to receive he said into your custody, together with this warrant and safely to keep him in the said Jail for the said period of days subject to the provisions of Section 69 of the Indian Penal Code, unless the said sum be sooner paid and on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution. Given under my hand the seal of Court, this day of 19 (Seal) Magistrate

1. Name :

2. Father's Name :

3. Sex, Married or Single :

4. Race and Religion :

5. Previous Occupation :

6. Age :

7. Descriptive marks :

*Diet -(a)the diet to which the prisoner was accustomed according to his own statement(b)the diet recommended by the Magistrate(c)brief reason if rice or wheat is recommended

This distance from the prisoner's residence to the nearest| Railway StationJail| is miles.

The distance (a) by bus from the nearest| JailRailway station| to the prisoner's residence is miles.

* Particulars to be entered in Magistrate's own handwriting.(b)From the bus stand nearest to the prisoner's residence to his residence is miles.The amount of bus fare under (a) above isDetails of the property on the person of the prisoner.....

Jail

Magistrate

Date of admission to Jail :Number

I, hereby certify that the sentence passed on the

:Name :Sentence :Dateof sentence

prisonernamed in this warrant has been executed according

:Date of release :Release on bail or

to law and thathe has, this day, been released from custody

escape andreadmission may be noted

on* or having earnedday's remission

below

Jail.....Dated 19Jail Superintendent.

Note :- In filling up the particulars under the head "5 previous occupation" in respect of females, Courts shall use the same classes of previous occupation as are adopted for males.* Appeal/Expiry of Sentence/Bail.Form No. 8Warrant to levy a fine by Attachment and Sale[Section 421, Criminal Procedure Code]In The Court Of The Class Magistrate OfCase No. of 19ToWhereas was on the day of 19 convicted before me on the offence of and sentenced to pay a fine of Rupees ; and whereas the said , although required to pay the said fine, has not paid| the sum ofa part thereof| Rs.

This is to authorise and require you to attach any movable property belonging to said which may be found within the district of and, if within next after such attachment the said sum of Rs. shall not be paid, to sell the property attached, or so much thereof as shall be sufficient to satisfy the said fine/balance of fine,returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.Given under my hand and the seal of the Court, this day of 19(Seal)Sessions JudgeClass MagistrateForm No. 9Warrant to levy a fine by Attachment and Sale of Movable or Immovable property or both[Section 421, Criminal Procedure Code]ToThe Collector ofWhereas was on day of 19, convicted before me of the offence of and sentenced to pay a fine of rupees and whereas the said although required to pay the said fine has not paid the same/any part thereof viz., and whereas, although the said has undergone the whole of the imprisonment awarded in default of payment of fine, it is considered necessary for special reasons to levy the said fine.This is to authorise and require you to realise the said amount by execution according to civil process against the movable or immovable property or both belonging to the said defaulter. You are further required to intimate the action taken by you under this warrant immediately upon its execution.Given under my hand and the seal of the Court, this day of 19(Seal)Sessions JudgeClass Magistrate.Form No. 10Warrant of commitment in certain cases of contempt when a fine is imposed[Section 345, Criminal Procedure Code]In The Court OfCase No.

..... of 19ToThe Superintendent of the civil Jail at
 -----Officer-in-charge

Where at a Court held before me on this day of in the| presenceview| of the Court
 committed wilful contempt ;

And whereas for such contempt the said has been adjudged by the Court to pay a fine of
 Rupees, or in default to suffer simple imprisonment for the of days ; and
 whereas

the said sum of Rs.part of the said sum to wit Rs.
 has not been paid or recovered

This is to authorise and require you, the said| SuperintendentOfficer-in-charge| of the said Jail to
 receive the said into your custody, together with this warrant, and safely to keep him in the
 said Jail for the said period of days unless the said| finebalance of fine| be sooner paid, and
 on the receipt thereof forthwith to set him at liberty, returning this warrant with an
 endorsement certifying the manner of its execution.Given under my hand and seal of the Court, this
 day of 19(Seal)Judge/Magistrate.DEScriptive ROLLName :Father's name :Sex, Married
 or Single :Race and Religion :Previous Occupation :Age :Descriptive marks :*Diet -(a)the diet to
 which the prisoner was accustomed according to his own statement.(b)the diet recommended by the
 Sessions Judge/Magistrate.(c)brief reasons if rice or wheat is recommended.

The distance from the prisoner's residence to the nearest| Railway StationJail| is miles.

The distance (a) by bus from the nearest| Railway StationJail| to his residence is miles.

The amount of bus fare under (a) above isDetails of the property on the person of the
 prisoner

Jail

Magistrate

Date of admission to Jail :Number :Name
 :Sentence :Dateof sentence :Date of release
 :Release on bail orescape andreadmission
 may be noted below :Jailor

I, hereby certify that the sentence passed on
 theprisoner named in this warrant has been executed
 according to lawand that he has, this day, been
 released from custody on** or*"having earned
 day's remission.

Jail

Dated 19

Note :- In filling up the particulars under the head "5 previous occupation" in respect of females,
 Courts shall use the same classes of previous occupation as are adopted for males.* Particulars to be
 entered in the Sessions Judges/Magistrates, own hand-writing.** Appeal/Expiry of
 Sentence/Bail.Form No. 11Magistrate's or Judge's Warrant of commitment of witness refusing to
 answer or produce a document or thing[Section 349, Criminal Procedure Code]Case No.

..... of 19To

Whereas being| summonedbrought before this Court| as a witness and this day
 required to| | give evidenceproduce| on an alleged offence, refused without alleging any just excuse
 for

such refusal and for his contempt has been adjudged| detention in custodysimple imprisonment|
 for days ;

This is to authorise and require you to take the said into your custody, and safely to keep him in your custody, for the of days unless in the meantime he shall consent to be examined and| to answer the question asked of him to produce| , and on the last of the said days or forthwith on such consent being known to bring him before this Court to be dealt with according to law, returning this warrant with an endorsement certifying the manner of its execution. Given under my hand and the seal of the Court, this day of 19

.....(Seal) Judge / Magistrate DESCRIPTIVE ROLL Name : Father's Name : Sex, married or single : Race and religion : Previous occupation : Age : Descriptive marks : *Diet: -(a) The diet to which the prisoner was accustomed according to his own statement. (b) the diet recommended by the Sessions Judge/Magistrate. (c) brief reasons if rice or wheat is recommended.

The distance from the prisoner's residence to the nearest| Railway Station Jail| is miles.

The distance (a) by bus from the nearest| Railway Station Jail| to the bus stand/nearest to the prisoner's residence is miles.

The amount of bus fare under (a) above is Details of the property on the person of the prisoner

Jail

Magistrate

Date of admission to Jail : Number
: Sentence : Date of sentence : Date of
release : Release on bail or escape
and admission may be noted below :

I, hereby certify that the sentence passed on the
prisoner named in this warrant has been executed according
to law and that he has, this day, been released from custody
on** or having earned day's remission Jail.....
Jailor. Dated 19

Note: - In filling up the particulars under the head "5 previous occupation" in respect of females, Courts shall use the same classes of previous occupation as are adopted for males.* Particulars to be entered in the Sentence Judge's/Magistrate's own handwriting.** Appeal/Expiry of Sentence Bail. Form No. 12 Warrant of imprisonment on failure to pay maintenance [Section 125, Criminal Procedure Code] In The Court Of The Magistrate Of Miscellaneous Case No. of 19 To The Superintendent----- of the Jail at Officer-in-charge

Where has been proved before me to be possessed of sufficient means to maintain his wife| and/or| child that is by reason of unable to maintain itself and to have

itself and to have| neglected/ refused| to do so, and as an order has been duly made requiring the said ... to allow his said| wife/child| for maintenance the monthly sum of Rupees whereas

it has been further proved that the said in wilful disregard of the said order, has failed to pay Rupees being the amount of the allowance for the| month/ months| of and

thereupon an order was made adjudging him to undergo| simple/ rigorous| imprisonment in the said jail for the period of

This is to authorise and require you, the said| Superintendent/ Officer-in-charge| to receive the said into your custody in the said Jail together with this warrant and thereto carry the said order execution according to law, returning this warrant with an endorsement certifying the manner of its execution. Given under my hand and the seal of the Court, this day of 19

.....(Seal) Magistrate DESCRIPTIVE ROLL Name : Father's name : Sex, married or single : Race and Religion : Previous Occupation : Age : Descriptive Marks : *Diet (a) the diet to which the prisoner was accustomed according to his own statement. (b) the diet recommended by the Magistrate. (c) brief

reasons if rice or wheat is recommended.

This distance from the prisoner's residence to the nearest | Railway Station Jail | is miles.

This distance (a) by bus from the nearest | Railway Station Jail | to the bus stand nearest to the Prisoner's residence is miles, (b) from the bus stand nearest to the prisoner's

residence to his residence is miles. The amount of bus fare under (a) above is *

..... Details of the property on the person of the prisoner

Jail

Magistrate

Date of admission to

Jail Number Name Sentence Date of sentence Date of

release Release on bail or escape and readmission

may be noted below

I, hereby certify that the sentence passed on the prisoner named in this warrant has been executed according to law and that he has, this day, been released from custody on ** or having earned, day's remission.

Jail

Dated 19

Superintendent. Note : - In filling up the particulars under the head " 5. previous occupation " in respect of females, Court shall use the same classes of previous occupation as are adopted for males. * Particulars to be entered in the Session's Judge's/Magistrate's own handwriting. **

Appeal/Expiry of Sentence/Bail. Form No. 13 Bond and Bail Bond on a Preliminary Inquiry or Trial before a Magistrate [Sections 436, 437, 438(3), 441, Criminal Procedure Code] Case No.

of 19 I, of being brought before the Magistrate of, charged with the offence of and required to give security for my attendance in his Court and at the Court of Session if required to bind myself to attend at the Court of the said Magistrate at O'clock on the day of 19 and on every subsequent day of the preliminary inquiry or trial into the said charge and *should the case be transferred to any other Court or sent for trial by the Court of Session, or sent to a Superior Court under Section 325 of the Code of Criminal Procedure, 1973 to be and appear before the said Court when called upon to answer the charge against me, and in case of my making default herein, I, bind myself to forfeit to the State the sum of Rupees. Dated this day of 19 Signature Execute before me, Magistrate I hereby We jointly and severally | declare | Myself ourselves and | each of us | Surety Sureties | for the said that he shall attend at the Court of at O' Clock on the

..... day of 19 and on every subsequent day of the preliminary inquiry or trial into the offence charged against him, and should the case be transferred to any other Court or sent for trial by the Court of Session or sent to a Superior Court under Section 325 of the Code of Criminal Procedure, 1973 that he shall be, and appear, before the said Court to answer the charge against him and in case of his making default therein

I bind myself we bind ourselves | to forfeit to the State the sum of Rupees

Dated this day of 19 Signature Executed before me Signature (Seal) Magistrate. * When the case is transferred to another Court, the Court from which the case is transferred shall inform the accused and sureties of such transfer. Form No. 14 Warrant of commitment of the surety of an accused person admitted to bail [Section 446, Criminal Procedure Code] In The Court Of Case No. of 19 To The Superintendent ----- of the Civil Jail at Officer-in-charge Whereas of has bound himself as a

surety for the appearance of and the said has herein made default whereby the penalty mentioned in the bond has been forfeited to the State, and whereas the said has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him, and the same cannot be recovered by attachment and sale of movable property of his, and an order has been made for his imprisonment in the Civil Jail for
This is to authorise and require you the said| SuperintendentOfficer-in-charge| to receive the said into your custody with this warrant and safely to keep him in the said Jail, for the said and to return this warrant with an endorsement certifying the manner of its execution.Given under my hand and the seal of the Court, this day of19.....(Seal)Judge/
Magistrate.DESCRPTIVE ROLL

1. Name

2. Father's name

3. Sex, married or single

4. Race and religion

5. Previous occupation

6. Age

7. Descriptive marks

Diet*(a)The diet to which the prisoner was accustomed according to his own statement.(b)The diet recommended by the Sessions Judge/Magistrate.(c)Brief reasons if rice or wheat is recommended.

This distance from the prisoner's residence to the nearest| Railway StationJail| is miles.
The distance (a) by bus from the nearest Jail to the bus stand nearest to the prisoner's residence is miles, (b) from the bus stand nearest to the prisoner's residence to his residence is miles.The amount of bus fare under (a) above isDetails of the property on the person of the prisonerJudge/ MagistrateNote : - In filling up the particulars under the head "5 previous Occupation" in respect of females, Courts shall use the same classes of previous occupation as are adopted for males.* Particulars to be entered in Magistrate's own handwriting.Form No. 15Warrant of Imprisonment on breach of a Bond to keep the peace or to be good of behaviour or to appear before a Court[Section 446, Criminal Procedure Code]In The Court Of The Magistrate OfCase No. of 19ToThe Superintendent----- of the Civil Jail atOfficer-in-charge

Whereas proof has been given before me and duly recorded that has committed a breach of the bond entered into by him to be of| good behaviourto keep the peace| (or to appear before the Court of on) whereby he has forfeited to the State the sum of Rupees and

whereas the said has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his movable property and an order has been made for the imprisonment of the said in the Civil Jail for the period of ;

This is to authorise and require you, the said| SuperintendentOffice-in-charge| of the said Civil Jail to receive the said into your custody, together with this warrant, and safely to keep him the said Jail for the said period of and to return this warrant with an endorsement, certifying the manner of its execution.Given under my hand and the seal of the Court, this day of 19(Seal)MagistrateDESCRIPTIVE ROLL

1. Name

2. Father's Name

3. Sex, married or single

4. Race and Religion

5. Previous occupation

6. Age

7. Descriptive marks

*Diet -(a)The diet to which the prisoner was accustomed according to his own statement(b)The diet recommended by the Magistrate.(c)Brief reasons if rice or wheat is recommended. The distance from the prisoner's residence to the nearest.

The distance from the prisoner's residence to the nearest| JailRailway Station| is more miles

The distance (a) by bus from the nearest| JailRailway Station| to the bus stand nearest to the prisoner's residence is miles.

(b)from the bus stand nearest to the prisoner's residence to his residence is miles.The amount of bus fare under (a) above isDetails of the property on the person of the prisonerMagistrate.Note : - In filling up the particulars under the head "5 Previous occupation" in respect of females, Court shall use the same classes of previous occupation as are adopted for males.* Particulars to be entered in Magistrate's own handwriting.Form No. 16Warrant of attachment and sale on forfeiture of a Bond for good behaviour or to keep the peace[Section 446, Criminal Procedure Code]ToThe Officer-in-charge of the Police Station at

Whereas did on the day of 19 give security by bond in the sum of rupees that| should be of good behaviourshould keep the peace| and proof has

been given me and duly recorded of the commission by the said of the offence of whereby the said bond has been forfeited, and whereas notice has been given to the said calling upon him to show cause why the said sum should not be paid and he has failed to do so or to pay the said sum. This is to authorise and require you to attach by seizure of movable property belonging to the said to the value of Rupees which you may find within the District of and if the said sum be not paid within to sell the property to attach or so much of it as may be sufficient to realize the same and to make return of what you have done under this warrant immediately upon its execution. Given under my hand and the seal of the Court, this day of 19 (Seal) Magistrate Form No. 17 Warrant of imprisonment on forfeiture of bond for good behaviour or to keep the peace [Section 446, Criminal Procedure Code] In The Court Of The Magistrate Of Case No. of 19 To The Superintendent----- of the Civil Jail at Officer-in-charge Whereas did, on the day of 19 give security by bond in the| should be of good behaviour keep the Peace| and proof of the breach of the said bond has been given before me and duly recorded whereby the said has forfeited to the State the sum of Rupees and whereas he has failed to pay the said sum, or to show cause why the said sum should not be paid although duly called upon to do so, and payment thereof cannot be enforced by attachment of his movable property, and an order has been made for the imprisonment of the said in the Civil Jail for the period of This is to authorise and require you the said| Superintendent Officer-in-charge| to receive the said into your custody together with this warrant and safely to keep him in the said period of return in this warrant with an endorsement certifying the manner of its execution. Given under my hand and the seal of the Court this day of 19 (Seal) Magistrate DESCRIPTIVE ROLL

1. Name**2. Father's name/Husband's name****3. Sex, married or single****4. Race and Religion****5. Previous occupation****6. Age****7. Descriptive marks**

*Diet -(a) The diet to which the prisoner was accustomed according to his own statement. (b) The diet recommended by the Magistrate. (c) Brief reasons if rice or wheat is recommended.

This distance from the prisoner's residence to the nearest| Railway StationJail| is miles.

This distance (a) by bus from the nearest| JailRailway Station| to the bus stand nearest to the prisoner's residence is miles.

(b)from the bus stand nearest to the prisoner's residence to his residence is miles.The amount of bus fare under (a) above isDetails of the property on the person of the prisoner.Magistrate.Note :- In filling up the particulars under the head "5 Previous occupation" in respect of females, Court shall use the same classes of previous occupation as are adopted for males.* Particulars to be entered in Magistrate's own handwriting.Form No. 18Warrant to bring up a witness after service of summons[Section 87, Clause (b), Criminal Procedure Code]ToWhereas complaint has been made before me that has or is suspected to have committed the offence of and whereas it is proved that the summons issued to who, it appears, likely can give evidence concerning the said complaint, has been duly served in time to admit of his appearing in accordance therewith but that he has failed so to appear without offering a reasonable excuse for such failure.This is to authorise and require you to arrest the said and on the day of 19, to bring him before this Court to be examined touching the offence complained of.Given under my hand and the seal of the Court this day of 19(Seal)Magistrate

If the said shall give bail himself in the sum of Rs..... with| One Surelytwo sureties each| in the sum of Rs. to attend before me on the day of 19, and continues so to attend until otherwise directed by me, he may be released.Dated this day of 19Magistrate.Form No. 19Form of order for the Detention in Custody of an accused person[Section 167, Criminal Procedure Code]To

Whereas it appears that a charge against of an offence under Section of| the Indian Penal CodeAct No. of| is under investigation by the police under the provisions of

Chapter of

Criminal Procedure, that such investigation cannot be completed within the period of 24 hours fixed by Section 57 of the Code and that there are grounds for believing

that the| accusationinformation| against the said person is well founded ;

and the accused having been duly forwarded to this Court, this is to authorise you to detain the said in custody* for days, and to cause him to be produced before Court sitting at on the day of 19, at O' Clock.DEScriptive ROLL

1. Name

2. Father's/Husband's Name

3. Sex, married or single

4. Race and religion

5. Previous occupation

6. Age

7. Descriptive marks

Note :- Atleast three identification marks must be given. Given under my hand and seal of the Court, this day of (Seal) Magistrate* The custody may be such as the Magistrate thinks fit. Form No. 20 Proceedings Of The Magistrate Of Dated 19 (Under Section 173, Criminal Procedure Code) Read - Referred Charge-sheet entered as Serial No. in Magistrate's Register

1. Name of the

(a) Station (b) Village (c) Taluk

2. Complainant's name

3. Name of accused

4. Offence, with law and section under which punishable

5. Explanation of any delay evidenced by dates in docket (outside).

6. Order to the Police, regarding making or refraining from making further investigation and with regard to the bond, if any, executed by the accused.

7. Brief statement of facts of the case and reasons for order.

Proceedings on Referred Charge Sheet Entered as Serial No. in Magistrate's Register From The Magistrate To The Magistrate Date Month Year

Date of	{	Offence Report of station Inspector Receipt of Referred Charge-sheet by the Magistrate
		Receipt of Referred Charge-sheet by Magistrate Order of Despatch

Remarks of _____ Magistrate. 19

Received _____

Despatched _____

Reply of _____

Received _____ | Magistrate

Despatched _____ 19

Form No. 21 Notice to Complainant [Section 200, Criminal Procedure Code] IN THE COURT OF
THE MAGISTRATE OF To You are hereby required to appear before this Court at O'
Clock day of 19, to give a sworn deposition regarding the complaint preferred by
you against Dated (Seal) Magistrate Form No. 22 Warrant of commitment of a person
charged with an offence [Section 209, Criminal Procedure Code] Case No. of 19
..... To The Officer-in-charge of Jail at Whereas is
charged with having committed an offence under Section of and the case has been
committed to Sessions at on the 19 You are hereby required to receive the
said into your custody in the said Jail and safely to keep him there until he shall be thence delivered
by due course of law. DESCRIPTIVE ROLL

1. Name

2. Father's name/Husband's name

3. Sex, married or single

4. Race and Religion

5. Previous occupation

6. Age

7. Descriptive marks

Note: - At least three identification marks must be given. Given under my hand and the seal of the
Court this day of 19 (Seal) Magistrate Form No. 23 Proceedings of the Magistrate of [Section

256, Criminal Procedure Code]Dated 19In Calendar Case No. of 19
Complainant AccusedOffence :Date of offenceDate of complaintDate of hearingORDER

The case was called on for hearing today to which it had been| postedadjourned

The complainant not being present either in person or by pleader, the accused be acquitted under
 Section 256 Criminal Procedure Code.(Seal)Magistrate.Form No. 24Proceedings of the
 Magistrate of[Section 249, Criminal Procedure Code]The day of 19In
 Calendar Case No. of 19 Complainant Offence Accused
The complainant not appearing this day, the date fixed for the hearing of the case, and it
 appearing that the alleged offence is one which may be lawfully compounded, the Court directs
 under Section 249 Criminal Procedure Code, that the accused be discharged.(Seal)Magistrate.Form
 No. 25Form of Order for the detention in custody of approves[Section 306, Criminal Procedure
 Code]In The Court OfCase No. 19ToThe Officer-in-charge of the
 Jail atWhereas on the day of 19 a tender of pardon was made to
 under Section 306 of the Code of Criminal Procedure, this is to authorize and require you to receive
 the said into your custody together with this warrant and to produce him before the committing
 Magistrate and the Court of Sessions under safe custody at such times and places as the said Courts
 may require you to do, and to keep him in the said jail at such times as his production before the
 Court is not required.DESRIPTIVE ROLL

1. Name

2. Father's name/Husband's name

3. Sex, married or single

4. Race and religion

5. Previous occupation

6. Age

7. Descriptive marks

Note :- At least three identification marks must be given.Given under my hand and the seal of the
 Court, this day of 19(Seal)MagistrateForm No. 26Adjournment Order[Section 309, Criminal
 Procedure Code]In The Court OfCase No. of 19Offence:Case No.
 :Name of accusedDate of first appearance of accused :Whether in custody or not :Whether
 remanded to custody or not :Adjourned from toPlace fixed for further hearing :Reason for
 postponing or adjourning :Form No. 27Form of Remand Warrant[Section 309, Code of Criminal
 Procedure]The Officer-in-charge of the jail at

Where| hashave| been forwarded in custody by the officer-in-charge of the Police Station, to this Court, charge by the Police with offence under Section and this Court is empowered to take cognizance of the said offence and whereas the Court has| postponed trialadjourned the inquiry| to the day of 19, this is to authorise and require you to detain the said

..... in your custody for days and to cause| himthem| to be produced before the Court sitting at on the day of 19 at O' Clock.

DESCRIPTIVE ROLL

1. Name

2. Father's Name/Husband's Name :

3. Sex, married or single :

4. Race and Religion :

5. Previous occupation :

6. Age :

7. Descriptive marks :

Note: - At least three marks of identification must be given. Given under my hand and the seal of the Court, this day of 19(Seal)MagistrateForm No. 28Deposition of Witness[Chapter XXIII, Criminal Procedure Code]IN THE COURT OF

CalenderMiscellaneousPreliminaryRegisterSessions | Case No. of 19.....

Deposition of witness for | ProsecutionDefenceCourt

Name :Father's name :Village :Taluk :CallingReligion :Age :Solemnly affirmed in accordance with the provisions of Act X of 1873 on the day of 19Form No. 29Examination of the Accused[Section 313, Criminal Procedure Code]IN THE COURT OF

.....CalendarMiscellaneousPreliminary Register Case No. of 19

.....SessionsStatement of accusedName :Father's Name :Village :Taluk :Calling

:Religion :Age :Question :Date 19Answer :Form No. 30Form of Warrant on a Sentence of Imprisonment for Life[Section 418 (1), Criminal Procedure Code]IN THE COURT OF

SESSION DIVISIONToThe Superintendent of the Jail atWhereas at the Sessions held before me on the day of 19, Prisoner in Case No. of the Calendar at the said Sessions (Crime No. of (Police Station) was duly

convicted for the offence under Section of the| Indian Penal CodeAct No. of| and was sentenced to imprisonment for life

This is to authorise and require you the said Superintendent to receive the said into your custody in the said Jail together with this warrant and there safely to keep him until he shall be delivered over by you to the proper authority and custody for the purpose of the undergoing the punishment of imprisonment for life under the aforesaid sentence. I. *Diet (a) the diet to which the prisoner was accustomed according to his own statement. (b) the diet recommended by the Sessions Judge. (c) brief reasons if rice or wheat is recommended.

II. The distance from the prisoner's residence to the nearest | Railway Station Jail | is miles
The distance (a) by bus from the nearest | Railway Station Jail | to the bus stand nearest to the prisoner's residence is miles (b) from the bus stand nearest to the prisoner's residence to his residence is miles. The amount of bus fare under (a) above is
III. Details of the property on the person of the prisoner.
IV. I hereby certify that of the fine has been recovered.
V. Descriptive Roll: -Name : Father's Name : Sex, Married or single : Race and Religion : Previous occupation : Age : Descriptive Marks : * Particulars to be entered in the Session Judge's own handwriting. Particulars of previous convictions

Section and Code Sentence Court

Given under my hand the seal of the Court, this day of 19 (Seal) Sessions Judge
The prisoner was transferred to jail on under Inspector General's Order No. dated 19 Remission earned upto the end of the preceding quarter is days
Superintendent
The prisoner was transferred to jail on under Rule 473, Prison and Reformatory Manual, Volume II. Remission earned upto the end of the preceding quarter is days.
Superintendent
I hereby certify that within named prisoner has this day been served with an order directing him to notify his residence to the Police for years from this date. The following address was furnished by the prisoner on release: -Street Village Taluk District
The order has been duly served on me
Signature or left-thumb
Impression of the Prisoner

Jail

Jail Dated 19

Date of admission to Jail
: Number : Name : Sentence
: Date of sentence : Date of
release :

I, hereby certify that the sentence passed on the prisoner named in
this warrant has been executed according to law and that he has, this
day, been released from custody on * or having earned day's
remission Jail Dated 19

Release on bail or escape and readmission may be noted below
Jailor Superintendent * Appeal/Expiry
of Sentence/Bail. Form No. 31 Form of dismissal of appeal [Section 384, Criminal Procedure Code] IN
THE COURT OF The day of 19 Petition of Appeal No. of 19
....., against the conviction and sentence by the Magistrate of under Section
of the Indian penal Code in Case No. Act No. of

Appellant This Appeal coming on for hearing before me under Section 384 of the Code of Criminal Procedure, upon perusing the petition of appeal and the Calendar and Judgment of the said Magistrate and upon duly considering the same after hearing the arguments of the appellant not appearing in support of his appeal the appellant or appellants' pleader although reasonable opportunity of being heard has been allowed, I do adjudge and order that his appeal be dismissed. (Seal) Sessions Judge-----Magistrate
Copy to : The Superintendent of (for communication to the prisoner concerned) Form No. 32 Notice of appeal [Section 385, Criminal Procedure Code] IN THE COURT OF Criminal Appeal No. of 19

1. The Appellant

The Public Prosecutor

2. (-----)

Additional Public Prosecutor

3. General Manager of Railway

District Forest Officer

4. (-----)

Revenue Divisional Officer

5. Superintendent of Excise

6. Commissioner, Hyderabad Municipal Corporation

7. Municipal Commissioner

Notice is hereby given under Section 385 of the Code of Criminal Procedure that the aforesaid appeal made to this Court by against the finding and sentence of the Magistrate of in Calendar Case No. of 19 will be heard at on the day of 19 Sarishtadar-----Head Clerk.Dated 19 FORM No. 33Proceedings calling for record[Sections 38,5, 397, Criminal Procedure Code]PROCEEDINGS OF THE COURT OFRead: -

Extract from the Register of Preliminary Enquiries in Case No. of 19 Judgement in Calendar Case No. of 19 Criminal| Appeal No.Revision| of

19. presented against the findings and sentence in Calendar Case No. of 19 on the file of the Magistrate of Order.

The Magistrate is requested to submit for the consideration of this Court, the record of proceedings in the above case with the least practicable delay.Sarishtadar- - - - -
-Head ClerkForm No. 34Form of an order dismissing an appeal and annulling a suspension of the sentence[Section 386, Criminal Procedure Code]IN THE COURT OFThe day of 19Petition of Appeal No. of 19 against the conviction and sentence by the Magistrate of under Section of the Indian Penal Code/Act No. of in Case No. of the Calendar for 19AppellantThis appeal coming on for hearing before me, upon perusing the petition of appeal and the record of the evidence

and proceedings, and upon duly considering the same and after hearing I do adjudge and order that the said appeal be dismissed and that the order of this Court suspending the sentence be annulled. Sessions Judge. (Seal) To The Superintendent of for communication to the prisoner concerned. Form No. 35 Form of an order confirming a sentence [Section 385, Criminal Procedure Code] IN THE COURT OF The day of 19 Petition of Appeal No. of 19 against the conviction and sentence by the Magistrate of under Section of the Indian Penal Code/Act No. of in Case No. of the Calendar for 19 Appellant This appeal coming on for hearing before me, upon perusing the petition of appeal and calendar and sentence and the record of the evidence and proceedings, and upon duly considering the same, and after hearing I do adjudge and order that the said appeal be dismissed. (Seal) Sessions judge. To The Superintendent of for communication to the prisoner concerned. Form No. 36 Form of an order reversing a sentence [Section 386, Criminal Procedure Code] IN THE COURT OF The day of 19 Petition of Appeal No. of 19 against conviction and sentence by the Magistrate of under Section of the Indian Penal Code Act No. of in case No. of the Calendar for 19 Appellant This appeal coming on for hearing before me, upon perusing the petition of appeal and the record of the evidence and proceedings, and upon duly considering the same

and after hearing I do adjudge and order that the conviction and sentence passed on the said | be reversed | be discharged | and the accused be acquitted and that he the said prisoner released from the jail in which he is now imprisoned under the said sentence unless he is liable to be detained in custody for some other cause. (Seal) Sessions Judge. Copy to : The Superintendent of for communication to the prisoner concerned. Sri (Private Complainant's name and address) Form No. 37 Form of an order reducing sentence [Section 386, Criminal Procedure Code] IN THE COURT OF The day of 19

Petition of Appeal No. of 19 against the conviction and sentence by the Magistrate of under Section of the | Indian Penal Code Act No. of | in Case No. of the Calendar for 19 Appellant This appeal coming on for hearing before me upon perusing the petition of appeal and the record of the evidence and proceedings, and upon duly considering the same and after hearing I do adjudge and order that the sentence passed on the said be reduced and that instead of the punishment thereby imposed, the said (Seal) Sessions Judge Copy to : The Superintendent of the for communication to the prisoner concerned. Form No. 38 Form of an order suspending sentence [Section 389, Criminal Procedure Code] IN THE COURT OF The day of 19 Petition of Appeal No. of 19 against the conviction and sentence by the Magistrate of under Section | Indian Penal Code Act No. of | for 19

Appellant Application having been made to this Court by the Appellant for the suspension of the sentence passed upon him, upon perusing the petition of appeal and the copy of the judgment of the Lower Court, and upon hearing I do order that as respects the said the said sentence be suspended until the further order of this Court in the appeal. (Seal) Sessions judge. To The Superintendent of the Jail at Form No. 39 Form of order on withdrawal by

complainant[Section 257, Criminal Procedure Code]PROCEEDINGS OF THE
MAGISTRATE OF Dated 19(Seal)In Calendar Case No. of 19
OffenceComplainantAccusedThe complainant having requested permission to withdraw his
complaint and having satisfied this Court that there are sufficient grounds for granting permission is
hereby permitted to withdraw the complaint The accused is acquitted under Section 257, Code of
Criminal Procedure.

1. Date of Offence.

2. Date of Complaint

3. Date of Hearing.

MagistrateForm No. 40Form of order on withdrawal by the public prosecutor[Section 321, Criminal
Procedure Code]PROCEEDINGS OF THE(Seal)Dated 19In Calendar
Case No. of 19 OffenceComplainantAccusedThe Public Prosecutor
having requested permission to withdraw from the prosecution of the accused in respect of offences
under Section Indian Penal Code, and having satisfied this Court that there
are sufficient grounds for granting permission, is hereby permitted to withdraw from the
prosecution as aforesaid of the accused who

is acquittedare discharged| under the Code of Criminal Procedure.

1. Date of offence

2. Date of complaint

3. Date of hearing

Sessions Judge- - - - -MagistrateForm No. 41

Form of Order for detention of| youthfuladolescent| offenders

Certified Schools- - - - -Borstal

It is hereby found that (name of the offender) convicted by the law and sentenced to imprisonment
is a| youthfuladolescent| offenders under years of age.

He is hereby directed to be sent to a| JuniorSenior| | certified schoolsBorstal| and to be there
detained for a period of years*

DESCRIPTIVE ROLL

1. Name

2. Father's Name/Husband's Name :

3. Sex, married or single :

4. Race and Religion :

5. Previous occupation :

6. Age :

7. Descriptive marks :

Note : - At least three marks of identification must be given. Sessions Judge- - - - -
-Magistrate*Vide Section 24 of the Andhra Pradesh (Andhra Area) Children Act, 1920. Form No.
42 Warrant of commitment on a sentence of imprisonment or fine or both, in pursuance of an order
passed on appeal [Sections 255, 248, 386, Criminal Procedure Code] IN THE COURT OF
.....

(Appeal No. of 19, against the conviction and sentence by the
Magistrate of under Section of the | The Indian Penal Code Act No. of |
in Case

No. of the Calendar for 19) (Crime No. of the Police Station) To The
Superintendent----- of the Jail at Officer-in-charge Whereas
on the day of 19 the prisoner in the said Case No. of the Calendar for 19
..... was convicted for the said the Magistrate of the offences of
punishable under Section of the | Indian Penal Code Act No. of | and was
sentenced to and whereas the said sentence has been modified by the to and
whereas
the said sentence has been modified by the Sessions Judge of an appeal into a sentence of
..... .

This is to authorise and require you, the said | Superintendent to detain Officer receive | the
said in your custody in the said jail together with this warrant and there carry the aforesaid
revised

sentence into execution according to law. The warrant of commitment issued by the said Magistrate
in regard to the aforesaid prisoner in the said Calendar Case should be returned to me for
cancellation. The prisoner named above is classed as*

The Prisoner name above | is is not | a fit subject for confinement in the special jail for habitual**

***diet: -(a) The diet to which the prisoner was accustomed according to his own statement. (b) The
diet recommended by the Sessions Judge/Magistrate. (c) Brief reasons if rice or wheat is
recommended.

The distance from prisoner's residence to the nearest | Railway Station Jail | is miles.

The distance (a) by bus from the nearest | Jail Railway Station | to the bus

stand nearest to the prisoner's residence is miles, (b) from the bus stand nearest to the prisoner's residence to his residence is miles.* "Habitual" or "Casual" as the case may be should be entered herein in the Judge's own handwriting.** To be filled in only in the case of "habitual" by a convicting Court (not below the rank of Ist Class Magistrate) in an area for which a special Jail for habituals has been appointed.*** Particulars to be entered in the Sessions Judge's/Magistrate's own handwriting.The amount of bus fare under (a) above isDetails of property on the person of the PrisonerI hereby certify that,..... of the fine has been recovered.DESRIPTIVE ROLL
Particulars of the previous convictionsSection and Code Sentence Court

1. Name

2. Father's Name/Husband's Name :

3. Sex, married or single :

4. Race and Religion

5. Previous occupation :

6. Age :

7. Descriptive marks :

Given under my hand and the seal of the Court, this day of 19(Seal)Sessions JudgeThe Prisoner was transferred to Jail on under Inspector-General's order No 19Superintendent.Remission earned upto the end of the preceding quarter is days.The prisoner was transferred to Jail on under Rule 453, Prison and Reformatory Manual, Volume II.Remission earned upto the end of the preceding quarter is days.SuperintendentSolitary confinement

From To Number of days Total undergone Superintendent's initials

I hereby certify that the within named prisoner has this day been served with an order directing him to notify his residence to the police for years from this date.The following address was furnished by the prisoner on release :Street VillageTaluk DistrictSuperintendentThe order has been duly served on meSignature or left thumb impression of the Prisoner.

Jail

JailDated 19

Date of admission to
JailNumberNameSentenceDateof
sentenceDate of release

I, hereby certify that the sentence passed on theprisoner named in this warrant has been executed according to lawand that he has, this day, been released from custody on* orhaving earned day's remission.

Jail

Dated 19

Release on bail or escape and re-admission may be noted below :Jailor/SuperintendentNote :- In filling of the particulars under the head "5 previous occupation" in respect of females, Court shall use the same classes of previous occupation as are adopted for males.* Appeal/Expiry of sentence/Bail.Form No. 43Warrant of commitment on a sentence of imprisonment or fine or both, in pursuance of an order passed on appeal or revision by the High Court[Sections 388 and 405, Criminal Procedure Code]IN THE COURT OFAppeal- - - - - No. of 19 against the finding,Criminal Revision Case sentenced or order passed by the| Session JudgeMagistrate| under Section of The Indian Penal Code-----Act No. ofof the Calendar for 19-----Criminal Appeal No. of 19(Crime No. of Police Station)ToThe Superintendent- - - - - of the Jail atOfficer-in-charge

Whereas on the day of in the said Case No of the 19, the Prisoner Calendar of was convicted before me| Session JudgeMagistrate of.....| punishable under Section of offence of the| Indian Penal CodeAct of| and was sentenced to and whereas| the sentenced was ConfirmedModified| by me Sessions Judge on appeal, and said sentence

the ----- said sentence as to confirmed or modified on appeal has been modified by the High Court of Judicature of Andhra Pradesh at Hyderabad on appeal----- into a sentence ofon revision

This is authorise and require you, the said| SuperintendentOfficer-in-charge| to| detainreceive| the said in your custody in the said Jail together with this warrant and to carry the aforesaid modified

sentenced of the High Court into execution according to law.

The warrant of commitment issued by me in regard to the aforesaid Prisoner in the said| Calendar CaseCriminal Appeal| should be returned to me for cancellation.

The Prisoner named above is classed as*

The Prisoner named above| isis not| a fit subject for confinement in the special jail for habituals**

*** Diet(a)The diet to which the prisoner was accustomed according to his own statement ;(b)The diet recommended by the Sessions Judge ;(c)Brief reasons if rice or wheat is recommended.

The distance from the prisoner's residence to the nearest| Railway StationJail| is.....miles.

* "Habitual" or "Casual" as the case may be, should be entered herein in the Judge's or Magistrate's own handwriting.*** To be filled in only in the case of 'habituals' by the convicting, Court (now below the rank of First Class Magistrate) in an area for which a special Jail for habituals has been appointed.** Particulars to be entered in Sentence Judge's/Magistrate's own handwriting.

The distance (a) by bus from the nearest| Railway StationJail| to the bus stand nearest to the prisoner's residence is miles, (b) from the bus stand nearest to the Prisoners residence to his residence is.....miles, (b) from the bus stand nearest to the Prisoners residence to his residence is miles.The amount of bus fare under (a) above isDetails of the property on the person of the prisonerI hereby certify that of the fine has been recovered.DESRIPTIVE ROLL

Particulars of the previous convictionsSection and Code Sentence Court

Name :Father's name :Sex, married or single :Race, religion and caste :Previous occupation :Age
 :Descriptive marks :Given under my hand and the seal of the Court, this day of 19
 (Seal)Sessions judgeThe prisoner was transferred to Jail on under
 Inspector General's Order No dated 19 Remission earned up to the end of
 the preceding quarter is days.SuperintendentThe prisoner was transferred to Jail
 under Rule 473, Prison and Reformatory Manual, Volume II.Remission earned upto the end of the
 preceding quarter is days.SuperintendentSolitary Confinement
 From To Number of Days Total undergone Superintendent's initials

I hereby certify that the within-named prisoner has this day been served with an order directing him
 to notify his residence to the Police for year from this date.The following address was furnished by
 the prisoner on release :Street VillageTaluk DistrictSuperintendentThe order has been duly served
 on me.Signature and left thumb-impression of the prisoner.

Jail JailDated 19

Date of admission to Jail
 :Number :Sentence:Date of
 sentence :Date of release :

I, hereby certify that the sentence passed on theprisoner named
 in this warrant has been executed according to lawand that he
 has, this day, been released from custody on* orhaving earned
 day's remission.

JailDated
 19.....

Release on bail or escape and readmission may be noted below :JailorSuperintendentNote : - In
 filling up the particulars under the head "5 Previous occupation" in respect of females, Courts shall
 use the same classes of previous occupation as are adopted for males.Note : - In the case of a
 Judgment or order passed by the High Court on a revision petition against the finding, sentence or
 order of an appellate Court, the appellate Court and not the trial Court should give directions to the
 superintendent or the officer-in-charge of the Jail.* Appeal/Expiry of sentence/Bail.Form No.
 44Warrant of release of a prisoner[Section 386, Criminal Procedure Code]IN THE COURT OF

Appeal No.... of 19.....,.....against the conviction and sentence by the Magistrate of under
 Section of| the Indian Penal CodeAct of| in Case No..... of the Calendar for 19.....

ToThe Superintendent----- of the Jail at

.....Officer-in-chargeWhereas on the day of 19, the prisoner in the said Case
 No. of the Calendar of 19 was convicted before the said Magistrate of
 punishable under Section ofThe Indian Penal Code-----

and was sentenced to and whereas the said sentenced was reversed by me Sessions Judge of
 on appealAct ofThis is to authorise and require you to release the
 said prisoner from your custody unless he is liable to he detained for some other cause.Given
 under my hand and the seal of the Court thisday of 19(Seal)Sessions

Judge.N.B.: - The Superintendent of the Jail should at once return the warrant with which the
 prisoner was committed to his custody.FORM No. 45Warrant of release of prisoner on appeal or in
 revision by the High Court[Sections 388 and 405, Criminal Procedure Code]IN THE COURT
 OF.....ToThe Superintendent----- of the.....Jail
 at.....Officer-in-chargeWhereas on the..... day of..... 19..... the Prisoner in Case

No..... of the Calendar for 19 was convicted before me the Sessions Judge----- of the offence of punishable under Section of the Indian Penal Code----- and was sentenced to and whereas the Act No..... of Sentence was| confirmed| modified| by me the Sessions Judge on appeal and whereas the said sentence-----said sentence as so confirmed or modified on appeal has been reversed by the High Court of Andhra Pradesh| on appeal in revision

This is to authorise and require you to release the said prisoner from your custody unless he is liable to be detailed for some other cause. Given under my hand and the seal of the Court this days of..... 19(Seal) Sessions Judge. N.B.: - The Superintendent of the Jail should at once return the warrant with which the prisoner was committed to his custody. Note : - In the case of a Judgment or order passed by the High Court on a revision petition against the finding, sentence or order of an appellate Court, the appellate Court and not the trial Court should give directions to the Superintendent or the Officer-in-charge of the Jail. Form No. 46 Order for the payment of compensation money I, Magistrate of hereby certify that complaint in Calendar Case No..... of 19, on the file of my Court, is entitled to receive payment of Rs from Treasury, being the amount of compensation awarded to him under Section of from the fine imposed on the prisoner in the said case and remitted to the above Treasury on I further certify that (1) the sentence and award are not subject to appeal, the award has been confirmed by the Appellate Court, the order as to compensation has been modified on appeal and the payment order is in conformity with such order. (2) that no order has been received from the Court of Revision modifying or reversing the order of compensation the order has been modified in revision and the order is in accordance with such order on revision. Dated 19 Magistrate. Form No. 47 Proceedings of the Chief Judicial Magistrate [Section 14, Criminal Procedure Code] Dated..... day of..... 19..... Under Section 14 of the Code of Criminal Procedure, the Chief Judicial Magistrate of..... hereby defines the local area within which Sri appointed to be a Magistrate of the Class for the district of may exercise the power. Chief Judicial Magistrate Copy to : (1) The Officer concerned (2) The Munsif Magistrate of (3) The District Superintendent of Police, (4) The District Collector for publication in the District Gazette with translation. Form No. 48 Summons to produce [Section 91, Criminal Procedure Code] IN THE COURT OF THE MAGISTRATE OF Case No. To Complainant of Accused Whereas a complaint has been made before this Court that the accused has (or is suspected to have) committed the offence of and it has been made to appear to this Court that the production of the undermentioned| documents| things| now in your possession or power is necessary----- for the purpose of the before this Court, you are hereby summoned to attend and produce (or cause to be produced) the said desirable documents----- before this Court 11 a.m. on the day of 19 things. Given under my hand and the seal of this Court, this day of

(Seal)| Particulars of| Document| Things| Magistrate

Form No. 49 Summons to produce [Cause title] To The Speaker, Lok Sabha----- at Legislative Assembly The Chairman, Rajya Sabha----- at Legislative

CouncilWhereas a complaint has been made before this Court that the accused has (is suspected to have) committed the offence of and it has been made to appear to this Court that the production of the undermentioned documents/things now in the custody of the Secretary of Lok Sabha/Rajya Sabha/State Legislature is necessary or desirable for the purpose of the before this Court, you are requested to direct to the Chief Executive Officer to make arrangement for sending an officer to attend and produce, for the transmission of/to forward to this Court a duly authenticated copy of the said documents/things on or before the day of (Seal)MagistrateParticulars of Documents/thingsForm No. 50NoticeIN THE COURT OF SESSION DIVISION[Section 122, Criminal Procedure Code]Criminal Miscellaneous Case No. of 19ToThrough the Magistrate ofTake notice that Miscellaneous Case No. of 19 on the file of the Magistrate of in which you are one of the accused has been laid before this Court for orders under Section 122, Code of Criminal Procedure, and will be heard in the Sessions Court at on at 11 a.m.Given under my hand and the seal of the Court this day of 19(Seal)Sessions JudgeForm NO. 51ORDER OF REMAND MADE BY THE MAGISTRATE OF[Section 167 or 309 Criminal Procedure Code]

1. Number of case.

2. Name of the accused.

3. Offence charged with

4. Date on which the accused was first produced before the Magistrate under arrest

5. Period of detention ordered already6. Under Section 167, Cr.P.C.Under Section 309, Period of detention now ordered7. Reasons | Cr.P.C.UnderSection 167, Cr.P.C.Under Section 309, Cr.P.C. for the remand.

Form No. 52Notice to complainant[Section 173 or 202, Code of Criminal Procedure]In Referred Case No. of 19To

Take Notice that the complaint preferred by you under Sectionof the| Indian Penal CodeAct No..... of| is referred by the Police as and that if you dispute the correctness of the finding of the police, you should appear before this Court within days from this day.Day of 19Magistrate.Form No. 53Notice[Sections 195 and 340, Criminal Procedure Code]IN THE COURT OF THE.....Civil Miscellaneous Petition No.Criminalin No. of 19

Between Petitioner.

Counter-Petitioner.

To And Counter-Petitioner.

Take notice that an application has been presented by the petitioner herein praying that an inquiry be made and an inquiry will be held under Section 340, Criminal Procedure Code, to determine why a complaint should not be laid against you for an offence punishable under

Section(s) of the Indian Penal Code, and that the said application will be heard by this Court at a.m on the day of 19 You are at liberty to show cause why such complaint should not be made. Given under my hand and the seal of the Court, this day of 19. Sessions Judge - - - - - Magistrate. Seal Form No. 54 PROCEEDINGS OF THE CLASS MAGISTRATE Dated in C.C. No. of

1. Date of offence.

2. Date of complaint

3. Date of sworn deposition.

4. Date of order under Section 203, Criminal Procedure Code.

5. Date of despatch to the First Class Magistrate.

6. Date of receipt.

Complainant Offence complained of. Read-Accused. Complaint petition, complaint's sworn deposition and Order. Sessions Judge & Chief Judicial Magistrate.

Remarks of the Chief Judicial Magistrate.

Date of despatch. Date of receipt. 19 19

Date of despatch Date of receipt } 19.....

Form No. 55 Notice to complainant [Chapters XV and XVI, Criminal Procedure Code] Calendar Case No. of 19 is informed that the complaint preferred by him/her under section is posted for hearing on the day of 19 at 11 a.m. Office, The day of 19 Magistrate. Form No. 56 IN THE COURT OF SESSION DIVISION [Sections 226, 229 and 230 Criminal Procedure Code] Sessions Case No. of 19 Register Case No. of 19, on the file of the Magistrate of Name of accused Charge Plea of accused Sessions Judge Form No. 57 Warrant to be used when the accused being in custody, the Magistrate stays proceedings under Section 322 Code of Criminal Procedure To The Superintendent- - - - - of the Jail at The Officer-in-charge Whereas of is charged before me and, the evidence appearing to warrant a presumption that the case is one which should be tried or committed for trial by some other Magistrate in this District or should be tried by the Chief Judicial Magistrate the proceedings have been stayed and the case submitted to the Chief Judicial Magistrate. You are hereby required to receive the said into your custody and produce him when called upon before the Chief Judicial Magistrate or such other Magistrate at such place and time as the Chief Judicial Magistrate shall direct or in the absence of direction from the Chief Judicial Magistrate to produce him before me at on the day of 19 at a.m./p.m. DESCRIPTIVE ROLL

1. Name :

Fathers's Name :

2. -----

Husband's name :

3. Sex, married or single :

4. Race and religion :

5. Previous occupation :

6. Age :

7. Descriptive marks :

Note :- At least 3 marks of identification must be given. Given under my hand and seal of the Court this day of 19(Seal)Magistrate. Form No. 58 Bond after conviction and a sentence of fine only [Section 424, Criminal Procedure Code] IN THE COURT OF THE MAGISTRATE OF Case No. of 19 Whereas I of have been convicted by the Magistrate of in C.C. No. of 19, and sentenced to pay a fine of Rs. and ordered to undergo imprisonment for in case of default of payment of the fine and whereas I have not paid the fine in part of in full the said Magistrate has suspended the execution of the warrant of imprisonment for days, I do hereby bind myself to appear before the said Magistrate at O' clock on the day of 19 at to be dealt with according to law unless the fine shall have been sooner paid in full and in case of default therein as above, I bind myself to forfeit to the State the sum of Rupees Dated this day of 19 Signature. I declare myself surety for the above named of We ourselves sureties that he shall attend before the Magistrate of at O' clock on the day of 19, at unless the fine specified above shall have been sooner paid in full and in case of his making default therein, I/we hereby bind myself/ourselves to forfeit to the State, the sum of Rupees Dated this day of 19 Signature Signature Executed before me. Magistrate Form No. 59 Bail bond [Section 389 or 392 Criminal Procedure Code] (a) IN THE COURT OF Criminal Appeal No. - - - - - - - - - - of 19 Session Case Criminal Miscellaneous Petition No. of 19 Calendar Case No. - - - - - - - - - - of 19 on the file Session of the Magistrate - - - - - - - - - - of Sessions Judge State Versus To (b) IN THE COURT OF

Where I have been | convicted committed | by the

MagistrateSession Judge| of| of the offenceon a charge| of
punishable under Section of the Indian Penal Code and sentenced to rigorous imprisonment
for and

to Act..... of pay a fine of Rs. in the above case and Where I have, on
preferring the above| AppealPetition| has admitted to bail by the said Court of (a)
..... in its order, dated the day of 19I do hereby bind myself to attend
before the said Court or any other Court to which the appeal or the Sessions Case may be transferred
at 11 a.m. on day the day of 19, or whenever required by the said Court or
the Court of (b)

pending execution of the order of the Court of Appealtrial

and in the case of my making default herein, I bind myself to forfeit to the state the sum of Rupees
.....Dated this day of 19(Signature and thumb-impression of the
accused).We the marginally named persons, hereby declare ourselves sureties for the above named
accused, and we do hereby bind ourselves to produce him before the said Court or any other Court
to which the appeal or the Sessions Case may be transferred or the Court of on the day
fixed or whenever called upon by the said Court or the Court (b).

pending| execution of the order of the Court of appealtrial| and in case of our making default
therein, we the said sureties hereby bind ourselves to forfeit to the State each of us the sum
of Rupees.....Signature of the suretiesExecuted this day of
19Sessions Judge- - - - -MagistrateToThe SuperintendentJail(To obtain the
signature of the accused and return the bailbond for record in this Office)SURETIES

No. Name Father's Name Case Residence Age Calling Remarks

Note :- (a) The name of the Court in which the appeal of Sessions Case is filed should be
entered.(b)The name of the Court to the satisfaction of which bail is furnished should be
entered.When the appeal or the Sessions case is transferred to another Court, the Court from which
the appeal or the Sessions case is transferred shall inform the accused and the sureties of such
transfer.Form No. 60Notice[Section 403, Criminal Procedure Code]IN THE COURT
OF.....Criminal Revision Petition No. of 19ToThe Petitioner.The
Respondent.The Public Prosecutor.Notice is hereby given that the above petition presented for
revision of the order of the under Section Code of Criminal Procedure, will be
heard at 11 a.m. on the day of 19Form No. 61Notice[Section 452, Criminal
Procedure Code]IN THE COURT OF THE MAGISTRATE OFIn C.C. No. of
..... 19ToNotice is hereby given that the undermentioned property is ordered by the
Court of to be restored to you and that you should appear and take possession of it at an early
date.Description of the propertyDated the day of 19
.....Magistrate.Form No. 62Proclamation relating to unclaimed property[To be issued under
Section 457, Code of Criminal Procedure]Proclamation is hereby made that has been
seized under the provisions of Section of the Code of Criminal Procedure at the house of the
..... in the street of Village of and is now lying at in the
charge of town in.Any person having a claim to the aforesaid property is hereby
required to appear before me and establish the same within six months of this date, failing which the
said property will be held at the disposal of Government and will be sold.Dated day of
..... 19Magistrate.Form No. 63Notice[Section 408, Criminal Procedure Code]IN THE

COURT OF THEPetitionerRespondent

Complainant in C.C. No. Accused| | AccusedComplainant| in C.C. No. of 19 on the file of the Magistrate of

ToTake notice that an application has been made to this Court for the transfer of C.C. No. of 19 on the file of the Magistrate of and that the application will be heard on the day of 19,, at a.m. Station :Dated :Sessions Judge. Form No.

64[Section 356, Criminal Procedure Code]IN THE COURT OFThe day of 19Sessions----- Case No. of 19CalendarPresent :Sessions Judge- - - - -MagistrateVersus :The StateOffenceSentenceORDERUnder Section 356 of the Code of Criminal Procedure, the accused is further ordered to notify his residence and any change of residence after release to the police for a period of from the date of release. Sessions Judge- - - - -Magistrate(Seal)ToThe SuperintendentJailForm No. 65Memorandum

Sentenced to

.....rigorousimprisonment

and to pay a fine of Rs. Year's

.....and in default ofpayment monthsYear's

to further rigorous Months

imprisonment dated

19

With reference to the warrant issued by the Court dated the day of 19....., directing the execution of the marginally noted sentence passed on prisoner in Calender Case No. of 19, intimation is hereby given that the sum of Rupees being the whole part of the fine imposed on the said has been realised. Receipt of this intimation should be acknowledged and the information endorsed on the warrant.

ToThe Superintendentof the

.....

Sessions Judge- - - - -MagistrateForm No. 66IN THE COURT OF

SESSION.....DIVISIONSessions Case No..... of 19Dated.....

19....., Dispatched 19....., Session Judge. FromToThe Superintendent,.....

Jail. Sir, I am to request you to cause the production before this Court at 11 a.m. on the day of

..... 19, of the undertrial prisoners in the cases noted below. Sessions Judge.

Number of the Sessions Case	Number of the Register Case	Name of the committing Court	Name of the accused

Form No. 67Letter accompanying a record and memorandum of acknowledgementNo. dated the 19FromToSir,

I am to *forward/return herewith by the Original record of the case noted on the margin, | **called for in yourreceived with| No....., dated the 19.....

Signature and Designation of the Officer.MEMORANDUM OF ACKNOWLEDGEMENTReceived the record forward with letter No. dated the 19....., from the of

.....Signature and Designation of Receiving Officer.Dated 19* Here state method of despatch.** Note also on the margin the number of files and pages in each file. Form No. 68Notice to take back documentsIN THE COURT OF.....Case No. of 19of

Complainant- - - - -AppellantVersusofAccused- - - - -RespondentThe parties in the above case are hereby required to take back into their custody within six months from the date hereof, the documents now in the custody of Court filed by them as evidence in the above case, the

Judgment (or order) now having become final The parties are hereby informed that the documents are kept at their own' risk that the Court from this date declines all responsibility for their safe custody and that, if not taken back they will be destroyed when the record is destroyed. The day of 19 Presiding Officer. Form No. 69 Court's certificate to be given to Government or Local Fund servants who attend Court as witness IN THE COURT OF **Certified that* appeared before me as a witness on behalf of in a Civil/Criminal case for days from to *Name**Designation* **Here state in his*** capacity to depose to facts whether official within his knowledge and that he has to private been If nothing is paid paid the undermentioned allowances: -under either head it should be clearly stated.

As travelling allowance Rupees

As subsistence allowance Rupees

Date Presiding Officer in the Court. Note : - (1) Government Officers summoned to give evidence in their private capacity ie., to depose to facts not coming to their knowledge in the course of their official duties or with which they have not had to deal officially are not entitled to travelling allowance from Government (2) In civil cases to which the State is not a party, official witnesses appearing at the instance of a private party will be paid by the party through the Court and the fact certified as in the case of a payment by the State. Form No. 70 Sessions statement showing the details of cases to be committed to the Court of Sessions (To be submitted by the Committing Magistrate to the Chief Judicial Magistrate) (See Administrative Form No. 34) Form No. 71 Calendar and Judgment [for use in cases where there is only one accused person]

District

Calendar of cases tried by Magistrate of the

		Date of							
offence	Report or complaint	Apprehension of accused	Release on bail	Commencement of trial	Close of Trial	Sentence of Order	Exp of d rem		

Judgment in Calendar

Case No.

of 19 on

the file of the

Magistrate of

..... Complainants.

Name of accused

Age

Father's name

Yrs.

Religion

Calling

Residence

Taluk

Offence -

Finding -

Sentence -

Date of Receipt

Docket From

ToThe Chief

Judicial

MagistrateCalenderCase

Remarks of the Chief
Judicial Magistrate

No.Date of

JudgmentDate of
despatch

o..... 19

.....CalendarDate

of receipt.

Form No. 72Calendar and Judgment[For use in cases where there are more accused persons than one]

District of

Calendar of cases tried by Magistrate
the of

Date of

Offence

Report or Apprehension of
complaint accusedRelease
on bailCommencement
of trialClose of
trialSentence
of Order
r

Judgment in Calendar

Case No.

.....of19.....on

the file of the

Magistrate of.....

Complainant.

Name of accused

Age

Father's name

Religion Calling
Yrs.

Residence Taluk

Offence-Finding-Sentence

-Date of Receipt

Docket From

Remarks of the Chief
Judicial magistrate

ToThe Chief

Judicial

MagistrateCalender
Case

No.....Date of

Judgment -Date of
despatch ofcalender
of 19Date of

receipt -

Form No. 73 IN THE COURT OF THE Judgment in Calender Case No.
 on the file of the Magistrate Complainant - Accused - Offence - Sentence - Finding
 - Description of the accused Date of

1	2	3	4	5	6	7	8
Serial Number	Name	Father's Name	Race	Occupation	Residence	Age	Occurrence
9	10		11	12		13	14
Complaint	Apprehension or appearance		Release on bail	Commencement of trial	Close of trial	Sentence or order	Explanation of delay

Form No. 74 Proceedings of the dated the day of in Calendar Miscellaneous Preliminary
 Register Case No. of 19

1. Name of Station and Number in first information book.

2. Section of law under which charge was laid.

(1) Concerned (2) Arrested with warrant (3) Arrested without warrant (4)
 Appeared before the Court on summons or otherwise.

3. Number of accused 4.

Value of Property -

Lost - Recovered -

5. Whether the case is -

(1) Charged by the Police (2) Referred as false by the Police (3) Referred as mistake of law or fact. (4) Referred as undetectable.

6. Offence under which convicted and sentenced.

7. If acquitted or discharged, opinion as to -

(1) Whether the case is true, but not proved. (2) Whether the case is intentionally false and if so, whether compensation has been ordered to be paid to the accused. (3) Whether the case is due to a mistake of fact or law. (4) Whether the offence proved is a non-cognizable one.

8. Number of accused convicted, discharged or acquitted.

9. Calling of persons convicted and whether classified as habitual criminals.

10. Remarks on conduct of Police.

To The Superintendent of Police, Magistrate. Note : - (1) The four classes of cases shown against Serial No. 7 should be clearly distinguished. (2) A case should never be declared simply "false". It should always be stated under which class it falls. (3) If a case is referred by the Police as false, the Magistrate in passing orders should state (1) whether he directs the case to be struck off as intentionally false, mistaken or non-cognizable or (2) whether he is unable to pass any such orders and is not prepared to send the accused and try the case. If the Magistrate sends for the accused and tries the case the results of the trial should be intimated to the Police, all the particulars required in this Form being given. Form No. 75 IN THE COURT OF The day of 19

Present : - | Sessions Judge Magistrate

Judgment in Criminal Appeal No. of 19 From what court the appeal is preferred. Number of the case in that Court. Number of the Appeal. Name and description of the Appellant. The sentence and law under which it was imposed in the lower Court. Whether confirmed, modified or reversed, and if modified the modification.

Presentation Filing Notice issued by Bail bond if appellant has Applicant Hearing Order
Court to appear been let out on bail ordered to appear

The appeal coming on for hearing before me, upon perusing the petition of appeal and the record of the evidence and proceedings, and upon duly considering the same after hearing the appellant and prosecution. Judgment Form No. 76 Index IN THE COURT OF SESSION
DIVISION Sessions Case No. of 19

Part of – the Committing Magistrate's Record

Sl. No.	Description of Paper	Page
1	Extract of Diary	.....
2	Chargesheet of Complaint	.....
3	Statement of witness under Section 202 and approvers evidence	.....
4	Register of Preliminary Enquiry including Summary of evidence, Magistrate's reasons for committing	.....
5	Crime occurrence Reports, Village Officer's Reports etc.	.....
6	Other Documents, Plans etc.	.....

Dated 19 Sessions Judge. Form No. 77 Index IN THE COURT OF
SESSION DIVISION Sessions Case No. of 19 English Part of Sessions
Record

SI. No.	Description of Paper	Page
1.	The Charge	
2.	The plea of the accused	
(1)	(2)	(3)
	1.	
	2.	
3.	Record of oral evidence for prosecution : First Witness Second Witness Third Witness	
4.	Examination of accused : Before the Sessions Court :	
5.	Record of oral evidence for defence - First Witness	
6.	Exhibits : (a) Documents used in evidence other than those included in Serial No. 4 A - B - (b) Material objections produced in evidence	
7.	Judgment	
8.	Other Miscellaneous Papers	

Dated 19 Sessions Judge. Form No. 78 List of Material Objects IN THE COURT OF SESSIONS DIVISION Sessions Case No. of 19 (P.R.C. No. of 19 on the file of the Magistrate)

1	2	3	4	5	6
Mark given in the Session Court	Item of reference in the letter to the Chemical Examiner (vide Exhibit)	Item of reference in the letter to the Serologist (vide Exhibit)	Mark given by the Serologist	Description	Remarks

Sessions Court, Sherishtadar. Note : - (a) The list should include all objects exhibited in the Sessions Trial. (b) Every object should have fixed to it a label containing a brief description and mark assigned to it in the Sessions Court. The label should be pasted on or securely fastened to the object. Each object should be kept in a separate cover or other receptacle. (c) The description in column 6 should be sufficiently full to secure easy identification. (d) Weapons should be accurately described by their specific names. (e) Valuable should be sent separately by insured post. (f) Under column 7, it should be explained where or from whom the object is alleged by the prosecution to have been recovered. (g) The pasting of labels or the packing should not interfere with the marks of blood, etc., and detract from the probative value of the object. Form No. 79 Index IN THE COURT OF SESSIONS DIVISION Sessions Case No. of 19 (Part of Sessions Records in Regional Language)

SI. No.	Description of Paper	Page
(1)	(2)	(3)

1. Examination of accused before the Sessions Court
2. Exhibits
 - A. -
 - B. -

Dated 19 Sessions Judge. Form No. 1 [Criminal Registers No. 1] Register of Sessions Cases Received and Disposed of

1	2	3	4	5	6
		Date of			
Number of sessions cases	Name of committing Court and P.R. No.	Number, name and residence of accused	Nature of offence charged and section of code or law	Commitment	Receipt of Record
7	8	9	10	11	12
Commencement of trial	Close of Trial	Date of Judgment	Result	Date of delivery of record into record-room with Record-keeper's initials	Remarks

Form No. 2 [Criminal Register No. 2] Register of Appeal Cases Received

1	2	3	4	5
		Date of		
Number of appeal	From what Court with number of the case in that Court	Name and rank of appellant in the Lower Court	Sentenced or order appealed against and law under which it was passed	Presentation of appeal
6	7	8	9	10
Hearing	Order	Result	Date of delivery of record into record-room with record-keeper's initials	Remarks

INSTRUCTION The register should be checked by the presiding officer every month and omissions rectified. Form No. 3 [Criminal Register No. 3] Register of revision cases entertained.

1	2	3	4	5	6	7
Number of cases entertained	Whether taken up suo motu or on application, If on application, the name of the applicant and his position in	If by petition, date of presentation thereof	From what Court with number of the case on the file of that Court	Nature and date of disposal	Date of delivery of record into record room with record-keeper's initials	Remarks

the Lower Court.

Form No. 4 [Criminal Register No. 4] Register of calendar and Preliminary Register cases received

1	2	3	4	5	6
Number of calendar case	Name of compliant or station form which chargesheet was received with date and number of chargesheet	Number and name of accused	Offence complained of and section of law	Receipt of report or complaint	Apprehension of the accused or of his appearance in Court
7	8	9	10	11	
Commencement of trial	Decision	Result	Date of delivery of record into record-room with record-keeper's initials	Remarks (if a case has been treated as a long pending as a long pending one, note the fact herein)	

INSTRUCTIONS

1. The first few pages should be set apart for Preliminary Register Cases which should be numbered separately from Calendar Cases. In murder cases it should be stated in the remarks column whether the accused can afford to pay an advocate.

2. The despatch seal should be obtained in the last column of the Register in token of transmission to the Sessions Judge of copies of Judgment and orders.

in cases required to be included in the monthly statement prescribed in Rule 262 their inclusion should be noted in the last column.

3. The register should be checked by the presiding Magistrate every month and omissions rectified.

Form No. 5 [Criminal Register No. 6/6-A] Register of Miscellaneous and Maintenance Cases Received

1	2	3	4	5	6	7	8	9	10
							Date of		

Number	Name and residence of petitioner, if any designation of officer by whom reported	Name and residence of respondent	Section and Chapter of the Code under which proceedings are instituted	Result	Receipt of petition or report	Commencement of inquiry	Order	Date of delivery of record into record room with Record-keeper's initials.	Re
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INSTRUCTIONS

1. This register should be maintained in two sections in all Courts. The first section should be called "Criminal Register No. 6". This section should be restricted to cases under Sections 108 to 110 and 125 of the Code of Criminal Procedure and the cases entered in this Section should be shown as Miscellaneous cases.

The second section called "Criminal Register No. 6-A" with the same heading as in Criminal Register No. 7, should be opened and maintained for all proceedings other than those entered in the first section. The cases entered in this section should be marked as Miscellaneous petitions.

2. The despatch seal should be obtained in the last column of the register in token of transmission to the District and Sessions Judge of copies of Judgments and orders.

In cases required to be included in the monthly statement prescribed in Rule 262 of their inclusion should also be noted in the last column.

3. The register should be checked by the presiding Magistrate every month and omission rectified.

Form No. 6[Criminal Register No. 6-B]Register of Applications under Section 113(4) of the Indian Railway Act

1	2	3	4	5	6	7	8
Number of the case	Date of receipt	Name of defaulter	Designation of Railway Official who lodged the complaint	Amount of fare ordered to be collected	Date of notice	Initials of the Magistrate	Amount collected
9	10	11	12	13	14	15	16

Irrecoverable
amount
written off

Date of collection	Initials of the Magistrate	Date of remittance to Railway	Initials of Magistrate	Alternative sentence	Amount	Date of Sanction of Chief Judicial Magistrate	Initials of the Magistrate
-----------------------	----------------------------------	-------------------------------------	---------------------------	-------------------------	--------	---	----------------------------------

Form No. 7[Criminal Register No. 7]Register of Results of Inquiries and TrialsCourt :Year
:InstructionsThis register is cast in such a Form as to supply materials for most of the columns of
Statements No. II, Part I, and No. IV, Part I. All cases disposed of, whether the accused appeared or
not, should be entered therein. Column (1) is simply intended to mark identity of the case and thus
to prevent a repetition.

2. The total of the entries in each column of the register should be transferred without alteration to the Statements, the following are exceptions in the case of column (1) of the register, the entry to be transferred to the statement is the total number of the entries, and in the case of column (8) which concerns only Statement No. IV, Part I, it will be necessary to add the number of persons (to be ascertained from the Court's File Book) pending inquiry or trial.

3. If the fact of receipt by transfer or commitment or on reference is noted in the remarks column, it will save reference to the records for purposes of columns (3) and (11) of Statement No. II, Part I, and of columns (3), (4) and (6) of Annual Statement No. IV, Part I.

4. This register is practically a ledger of offences. The heading of each page will be the particulars of the offence, and for this purpose the prescribed schedule of offences must be adhered to. One or more pages must be set apart for each offence or group of offences against which there is a head of crime shown in columns (5) (6) or (7) in the schedule, according as the experience of the Court may suggest as necessary for year. Separate entry should be made in alphabetical order of each special or local law, other than the Criminal Procedure Code, against which offences have been committed. Every person should be entered under the "Head of Crime" under which the Magistrate finally dealt with him. Where an accused is tried under more than one head of charge, he should be exhibited under the principal one only, unless he happens to be accused of entirely distinct offences supported by

separate evidence, in which case the trials would be separate and results independent.

5. In the column of remarks a note shall be made against every case in which the complainant was required to pay compensation by the accused under Section 250, or the defendant, in addition to the punishment inflicted upon him, was required to give recognizance or security to keep the peace under Sections 106 and 122 and in how many cases entered against heading 15 the orders of the Court of Session were taken under Section 122.

6. Column (2) - The duration of cases will be calculated (1) in Magistrates Courts from the earliest date of the apprehension of any of the accused or of his appearance in Court, whichever was the earlier and (2) in Courts of Session from the date of the commitment of the accused.

The duration of a case disposed of on the same day on which the accused appears, will be taken as one day only for the purpose of entries in this register. In all other cases the date of appearance shall be excluded e.g., if the case is disposed of on the next day, the duration will be only one day.

7. Column (25) - The number of witnesses required to attend in Court on more than three days whether consecutive or otherwise should be stated in this column.

NUMBER OF HEAD OF CRIME

Cases disposed of	Numbe of persons	On regulartrial	Youthful offender dealt with under A.P.Children Act			
1	2	3	4	5	6	7
	Actual number of days during which the case inwhich accused persons appeared before the Court lasted [notapplicable to cases shown in column (6)]	Complaints dismissed under Section 203 Cr.P.C.	By dismissal under Section 204(3) or bydischarge or acquittal of accused under Sections 256, 257, 249,320 Cr.P.C. before they appeared in Court.	Struck off as false	By transfer, death or escape of accused	Otherwise
8	9	10	11	12	13	14
Brought for inquiry of	Died, transferred or	Discharged or acquitted	Sentence passed	Released on Probation	Discharged after	Delivered to parent or

trial	escaped			admonition	guardian, etc.
Under the Probation of Offenders Act, 1958.Nomenclature of offence Act and Section					
	Number of persons				
	Convicted			Number of witnesses	
On summary trial	| Adult		Juvenile		
	Youthful Offenders dealt with underA.P.Children Act				
15	16	17	18	19	20
Sentence passed	Released on probation under Probation of Offenders Act	Discharged after admonition	Delivered to parent or guardian	Male	Female
21	22	23	24	25	26
Male	Female	Committed or referred	Examined	Required to attend on more than three days	Remarks

Of Offences

[Appended to C.R. No. 7] N.B.: - (1) Every abetment should be included with the substantive offence abetted, but where such abetment falls under Sections 114, 115, 116 or 118 the same should be entered separately under the offence abetted and a note made in the column Remarks against the entry, to facilitate the compilation of figures for the first Head of Crime in the Police statement of (2) Every attempt, not separately specified in this schedule, should be entered immediately after the substantive offence at which it is an attempt.

				Number of Head of Crime For High : For Police : Statement A :		
Class of offences	Chapter	Section	Description of offence	Statement No. II	Part I	Part II
1	2	3	4	5	6	7
I. OFFENCES UNDER THE PENAL CODE						

Offences against the State	VI	121 to 130 131 to 136	Offences against the State	1	...	2
Offences relating to Army	VII	& 138	Offences relating to Army and Navy	2	2	...
		137	Harbouring deserters by master of ship	ib.	...	3
Offences against public tranquillity	VIII	140, 143 to 145, 149 (Cognizable cases)	Wearing the dress of a soldier	ib.	7	...
		150, 151, 157 & 158	Unlawful Assembly	...	6	...
		147, 148, 152 and 153	Rioting, etc.	4	ib.	...
		143 (non-cognizable cases) and 154 to 156	Rioting, unlawful assembly	ib	...	10
		160	Affray	5	...	ib.
	IX	161 to 169	By or relating to public servants	6	...	5
Offences by or relating to public servants	X	170 to 171	Relating to public servants	7	7	...
Contempts of the lawful authority of public servants		172 to 190	Offences against public justice	8	...	4
False evidence and offences against public officers	XI	193 to 200	False evidence or Subordinate, etc., of public servants and offences against Public Justice	10	...	4
		201 to 204, 213 to 215 (non-cognizable cases)	False evidence, false complaints and claims	ib.	...	6
		227 and 228 205 to 211 212, 213 to 216 (cognizable cases)	Harbouring and offender	ib.	4	...

		216 and 216-A 217 to 223	offences by public servants	10	...	5
		224 to 226	Other offences against Public Justices	ib	5	...
Offences relating to coin and Government stamps	XII	231 to 254	Offences relating to coin	11	3	...
		255 to 263	Offences relating to stamps			
Offences relating to weights and measurements	XIII	264 to 267	Offences relating to weights and measurements	13	...	8
offences affecting the public health, safety, convenience,decency and morals	XIV	269 and 277	Offences affecting public health	14	57	...
		270..	-do-	ib.	34	...
		271 to 276 and 278	-do-	ib.	...	27
		279, 280, 283, 285, 286 and 289	Offences affecting safety -do-	5 ib.	57 34	......
		281 and 282	-do-	ib.	...	27
		284, 287 and 288, 290	Offences affecting convenience	16	...	ib.
		291	Offences affecting convenience	ib.	57	...
		292 to 294	Offences affecting decency and morals	17	ib.	...
		294-A	Keeping lottery office or publishing proposals for lottery.	17-A	...	28
Offences relating to religion	XV	295 to 297	Offences against religion	18	49	...
		298	Offences against religion	ib.	...	22
	XVI	302 and 303	*Murder by thugs	...	8 ...	

Offences
affecting the
human body

		Murder by dacoits	...	9	...
		Murder by robbers	...	10	...
		Murder by poison	19	11	...
		Other murders	ib.	12	...
	307	Attempt at murders	20	13	...
	304	Culpable homicide	21	14	...
Offences affecting the human body (contd.)	304-A	Causing death by rash or negligent act	21-A	15	...
	308	Attempt at culpable homicide	22	14	...
	305 & 306	Abetment of suicide	23	18	...
	309	Attempt of suicide	24	ib.	...
	311	Thuggee	25	39	...
	312 to 315	Causing miscarriage	26	...	11
	316...	Injury to unborn children	27	...	ib.
	317...	Exposure of infants	28	17	...
	318 ...	Concealment of birth by secret disposal of dead body	29	ib.	...
	325 & 326	Grievous hurt	30	20	...
	327 & 330	Hurt for purpose of extorting property or confession etc.	ib.	22	...
	328...	Administering stupifying drugs, etc. to cause hurt.	ib.	21	...
	329, 331 & 333	Grievous hurt for the purpose of extorting property or confession etc.	ib.	19	...
	323...	Hurt	31	...	17
	324	Hurt by dangerous weapon	ib.	23	...
	332	Hurt for deterring public servant from his duty.	ib.	22	...
	334	Hurt on grave or sudden provocation	ib.	...	16
	335		ib.	20	...

Offences affecting the human body (Contd.)	XVI		Grievous hurt on provocation			
		336 and 337	Rash act causing hurt or endangering life	ib	41	...
		338	Rash act causing grievous hurt or endangering life.	ib.	29	...
		341	Wrongful restraint	32	40	...
		342 to 344	Wrongful confinement	33	ib.	...
		345	Wrongful confinement	ib.	...	14
		346 to 348	Wrongful confinement in secret, etc.	ib.	15	...
		352, 355 & 358	Criminal force or assault	34	...	15
		353, 354	Criminal force to public servants or woman, etc.	ib.	28	...
		356 & 357	Kidnapping or forcible abduction with aggravating circumstances	35	24	...
		364, 366 & 367	Other cases of kidnapping or abduction	36	ib.	...
		363, 365, 368 and 369	Slavery	37	...	12
		370	Habitually dealing in slaves	ib.	27	...
		371	Buying or selling a minor for prostitution etc.	38	26	...
		372 & 373	Forced labour	39	42	...
		374	Rape	40	15	...
		375, 376 A, B, C, D	Unnatural offence	41	16	...
		377	Theft with aggravating circumstances of cattle Ordinary	...	...	...
		382	Other cases of theft* of cattle Ordinary	42	44	...
		379 to 381	Belonging to a gang of thieves	ib.	39	...
Offences against property	XVII	401	Extortion with aggravating circumstances	44	...	13
		386 & 389	Other cases of extortion	45	...	ib.
		384 & 385				

Offences
against
property
(Contd.)

	394	Robbery with hurt* -			
		By poison	...	...	...
		By other means	46	82	...
	392	Other cases of Robbery* -			
		In a dwelling house on the highway between sunset and sunrise	47	33	...
		Other robberies			
		Attempts at robbery* in a dwelling house			
	393	On the highway between sunset and sunrise			
		Other robberies			
	396	Dacoity with murder	49	9	...
	397	Dacoity with hurt	50	30	...
	397	Robbery with hurt* -			
		By Poisonous or stupefying drugs			
		By other means	ib.	32	...
	398	Attempt at dacoity armed with deadly weapons	51	30	...
XVII	398	Attempt at robbery with deadly weapons	ib.	32	...
	395	Dacoity	52	30	...
	399 & 402	Preparation and assembly for dacoity	ib.	31	...
	400	Belonging to a gang of dacoits	ib.	39	...
	403 and 404	Criminal misappropriation of property	53	...	19
	406 to 408	Criminal breach of trust	54	45	...
	409	Criminal breach of trust by public servant, etc.	ib.	...	20
	411 & 414	Receiving etc., stolen property	55	46	...
	412 and 413	Receiving stolen property by dacoity or habitually	ib.	38	...

	417 to 420	Cheating	56	...	18
	421 to 424	Fraudulent deeds or disposition of property	57	...	18
	429	Mischief with aggravating circumstances	58	35	...
	430 to 433	Mischief with aggravating circumstances	ib.	34	...
	435 to 440				
	426, 427 & 434	Other cases of mischief	59	...	21
	428	Other cases of mischief with aggravating circumstances	ib.	35	...
	459 & 460	Criminal trespass resulting in grievous hurt or death	60	36	...
	449 & 452	Criminal trespass for the commission of serious offence	61	37	...
	454, 455, 457 & 458	-do-	ib.	36	...
	447 & 448	Other cases of criminal trespass	62	47	...
	453 & 456	Lurking house-trespass or house-breaking	ib.	43	...
	461 & 462	Breaking a closed receptacle	ib.	48	...
Offences relating to documents and XVIII to trade or property marks	465 to 469,	Forgery or uttering or possessing	63	...	7
	471 & 474	forged documents or papers			
	472, 473, 475 & 476	Counterfeiting or making or possessing a counter seal etc., for forgery.	64	...	ib.
	477	Fraudulently destroying or defacing a will or other documents	65	...	...
	482 & 486 to 488	Using a false trade or property mark etc.	66	...	9
	483 to 485		67	...	ib

			Counterfeiting or making or possessing a die or plate or instrument for counterfeiting a trade or property mark.			
		489	Removing, destroying etc.	68	...	ib.
Criminal breach of contracts of service	XIX	491	Criminal breach of contracts of service	69	...	23
Offence relating to marriage	XX	493 to 498	Offences relating to Marriage	70	...	24
Defamation	XXI	500 to 502	Defamation	71	...	25
Criminal intimidation insult or annoyance	XXII	506	The threat being to cause death or other cases grievous hurt	72	...	26
		504 & 506 to 510	Other cases of intimidation etc.	73	26	26
		505	Other cases of intimidation etc.,	ib.	...	2
II. OFFENCES UNDER SPECIAL AND LOCAL LAWS(a)Code of Criminal Procedure						
	VII.		Offences under Security to keep the peace Chapter	74	...	29
	VIII		(B) (Sections 108, 111 to 118 and 122)			
			Offences under Security for good behaviour	75	50	...
			Chapter VIII (B) (Sections 109, 110, 111 to 118 and 122)			

* These details should be noted in the column of Remarks in Register A for easy compilation. Form No. 8 Register of Punishments [Criminal Register No. 8] Number of Head of Crime Nomenclature of offence

Number
of persons

sentenced to									
Imprisonment									
15 days and under	Over 15 days but not exceeding one month	Over one month but not exceeding six months	Over six months but not exceeding one year	Over one year but not exceeding two years	Over two years but not exceeding seven years	Over seven years			
Number of the cases convicted	Number of persons convicted	Imprisonment for life	Rigorous	Simple	Rigorous	Simple	Rigorous	Simple	Rigorous
1	2	3	4	5	6	7	8	9	10
Number of persons sentenced to (Contd.)									
Fine									
		Above Rs. 50 but not more than Rs. 100	Above Rs. 100 but not more than Rs. 500	Above Rs. 500 but not more than Rs. 1,000	Above Rs. 1,000				
Rs. 10 and under	Above Rs. 10 but not more than Rs. 50								
Alone	With other punishment	Alone	With other punishment	Alone	With other punishment	Alone	With other punishment	Alone	With other punishment

18 19 20 21 22 23 24 25 26 27 28

Form No. 9[Criminal Register No. 9]CourtRegister of Appeal Cases disposed of
 Year

Number of
 appellants
 whose
 cases were
 disposed
 of

Number of the appeal disposed of	Number of appellants concerned	By death, transfer or escape	By rejection of appeal	By confirmation of sentence or order	By reduction of sentence or modification of order	By reversal of sentence	By proceedings being quashed	By new trial or further inquiry being ordered	Act Num day whi app
1	2	3	4	5	6	7	8	9	10

Note :- Show in the column of remarks the number of persons dealt with under Section 106(4) of the Criminal Procedure Code or under A.P. Children Act. Form No. 10[Criminal Register No. 10]Court :Register of Revision Cases Disposed ofYear :

Number
 of
 accused
 persons
 whose
 cases
 were disposed
 of

Number of the revision cases	Number of accused persons concerned	By death, transfer or	By rejection of application	By reduction of sentence	By reduction of sentence or modification	By reversal of sentence	By proceedings being quashed	By new trial or further inquiry	Other
---------------------------------------	--	--------------------------------	-----------------------------------	-----------------------------------	---	----------------------------------	---------------------------------------	--	-------

disposed of escape or order of order being ordered

1 2 3 4 5 6 7 8 9 10

Form No. 11[Criminal Register No. 11]Court :Diary Register (Sessions and Magistrate Courts)Year :
Date Number of case, appeal or petition Purport of proceedings

1 2 3

Form No. 12[Criminal Register No. 12]Register of Court-fees and Process Fees Received

Date	Serial Number in the register	Nature of document and reference to connectedcase*	Court-fees in stamps	Non-judicial Stamps	Remarks**
------	----------------------------------	--	-------------------------	------------------------	-----------

Process fees

Other fees

1	2	3	4	5	6	7
.	Rs. Np	Rs. Np.				

* Column (3) - If there are enclosures, the number and nature of those documents also to be specified in this column.** Column (7) - Return of documents which is exceptional may be shown in the column of remarks.Note :- This register should be reserved for papers other than those received by post.

Form No. 12-A[Criminal Register No. 12-A]Process Register[Register of processes issued to the Police Stations by the Magistrate]Name of the Police Station -

Serial Number	Number of the case	The crime number	Nature of process with Identifying particular	Date when issue of process was ordered	Date when sent to Police Station	Date when received back	Remarks
1	2	3	4	5	6	7	8

Instructions

1. A register in this Form should be maintained in each of the Magistrate's Courts in the districts and an extract from this register should be attached to the monthly statement in Criminal Register No. 30.

2. Every Inspector of Police in-charge of the Circle should often as possible, and at least once in two months, take the registers of the police Station under him to the concerned Magistrate's Court, check up the entries with those in the registers and if necessary, the records maintained by the Courts and make a report to the Superintendent of Police about the cases involving serious delay or omission.

3. The above register should also be maintained in ledger Form, one section being allotted one Police Station.

4. The Register prescribed above should be maintained with care and should be scrutinized periodically by the head Ministerial Officer and the Magistrate.

5. In column (4) of the register, the issue of processes to witnesses for the prosecution and for the defence should be shown separately. It is not necessary to show the name of each of the witnesses but only their total number, e.g., 10 summons P.Ws. 8 summons D.Ws. issue of bailable warrants and non-bailable warrants being specifically recorded in red ink.

6. In column (7) of the register, the date of hearing should also be shown under the date of return, if the date of return of the processes to the issuing Court is later than the date of hearing.

7. In column (8) of the register should be entered the following, namely, (a) with reference to column (4) the number of processes served personally and the number of processes returned unserved, and (b) particulars as to whether bailable warrants and non-bailable warrants were executed or not.

Form No. 13[Criminal Register No. 13]Court :For the month ofYear:

Date	Camp	Case posted	Remarks	Date	Camp	Case posted	Remarks
1	2	3	4	5	6	7	8

Note: - (1) When cases are adjourned, the date and place of the adjourned should be shown in column (4)(2)Cases disposed of on the date of hearing should be marked thus.

Form No. 13-A[Criminal Register No. 13-A]Fair Copy Register

Serial Number	Number of the case	Date of judgment	Date on which judgment was given for fair copy	Date on which fair copy was ready	Date on which fair copy was signed by the Presiding Magistrate	Date of despatch of calendar statement
1	2	3	4	5	6	7

Form No. 14[Criminal Register No. 14]Register showing the Disposal of Referred charge sheets

Number	Name of the Police Station	Number of referred charge-sheet and Section of Law	Date of receipt by Magistrate	Purport of order with date	Date of communication of the order to Superintendent of Police	Date of delivery of record into Record room with record-keeper's initials
--------	----------------------------	--	-------------------------------	----------------------------	--	---

1	2	3	4	5	6	7	
Form No. 14-A[Criminal Register No. 14-A]Register of First Information Reports							
SI. No.	Date of receipt of first inFormation report	Name of Police Station and Crime No.	Name of the accused	Description of offence and provisions of law	Date of occurrence of offence	Date of filing of Charge-sheet or final report	C.C.No. or referred Charge-sheet No.
							Remarks

1	2	3	4	5	6	7	8	9	
FORM No. 15[Criminal Register No. 15]Court -Register showing the disposal of property produced in inquiries and trialsYear									
Description of property									
Number of case or date and number of chargesheet, name of station				Initial of the Judge or Magistrate		Particulars of order for disposal and Section of law with date		If returned to party producing it, or his agents signature and date	
		Serial No.	Valuable property	Other property			Initials of the Judge or Magistrate	If sold by auction the date of auction realised	Date of remittance of sale proceeds to Treasury
1	2	3	4	5	6	7	8	9	10
Instruction									

1. This Register shall be inspected at least one in three months by the presiding Judge or Magistrate who will check the valuable and record the result of this inspection in the column for remarks.

2. A fresh Register shall be opened every year and the outstanding items shall brought from the register of the previous year.

3. When valuables are sent to the Chief Judicial Magistrate, a triplicate form of receipt shall be used, one part of which will be sent to the Magistrate of which one will be checked and signed by him and passed in this register on receipt in the Sessions Court.

4. Along with its quarterly returns each Criminal Court will send a certificate of having checked the valuables with their register.

5. Deposits and such other items, being case properties should be accounted for being brought to this register. The challan and the numbers and dates of the deposit may also be noted in the register so that deposit adjustment vouchers column may readily be prepared and sent to the connected Sub-Treasuries for adjustment and the fact be noted in the last column relating to the remarks.

Form No. 16[Criminal Register No. 17]Register of Unclaimed Property

Serial Number	Reference to the current with which property is received	Description of property	When where and by whom found	Intermediate references with dates*	How disposed when and amount realised at sale (if sold)	Date of remittance of amount to Treasury	Disposal member with which the file closes	Remarks
1	2	3	4	5	6	7	8	9

* Here enter particulars, such as -(1)Date of submission of the notice to the District Press.(2)Date of publication of the notice in the District Gazette.(3)Date of reference to Session Judge and of orders thereon, etc. Form No. 17[Criminal Register No. 17]Register of Calendars Received[Sessions Courts]CourtYearCalendars received from the

_____ Class Magistrate of

Serial Number of case Receipts of Calendar	Date of Persual of Calendar	If records called for, number on Revision file	Remarks
1	2	3	4

* Here enter calendar cases, summary trials, etc. Form No. 18[Criminal Register No. 18]Register showing the Remarks on Calendars and Judgments and Replies Received Form

[Name] [Class of Magistrate] District

Name of Court and number of case Remarks of the Munsif Magistrate and Chief Judicial Magistrate and replies of they Magistrate with dates

1 2

INSTRUCTIONS

1. The register should be written separately for each Magistrate by name both in the Chief Judicial Magistrate Court and in the Munsif Magistrate Court.

2. The register used not be kept as loose sheets. Separate registers should be opened for the Magistrate.

Form No. 19[Criminal Register No. 19]Register of Refund Certificates and Deposit Vouchers
issuedCourt -Year -

Month and date of certificate or voucher	Name of Court which imposed the fine and number of its file	Name of Court which sanctioned the refund or compensation and date of Judgment and number of the case	Name and residence of the individual to whom therefund or compensation order was granted	Amount ordered to be paid	Date in which the refund certificate or deposit voucher was delivered to the party or his agent, if before the Court or of the despatch to him and the lower Court	Signature of the party or agent in token or having received the certificate or voucher	Remarks
--	---	---	--	---------------------------	--	--	---------

1 2 3 4 5 6 7 8

Form No. 20[Criminal Register No. 20]Register of fines imposed, levied and refundedCourt -Year -

Demand i.e.,

Balanceuncontrolled

(in cases of

previous

months or

Fines

imposed

incase of

current

month)

Fine to be

credit

eventually to

Local

Funds,Municipal

Funds, etc.

Date of Imposition of fine	Number of case	Name of the accused	Amount of the fines to be credited to Government	Name of the fund, body or association concerned and the provision	Compensation awarded under Section 250, 246 and 358 Code Criminal Procedure,	Initials of Judge or Magistrate	Amount collected	Date of collection
----------------------------	----------------	---------------------	--	---	--	---------------------------------	------------------	--------------------

					of law under which the fine is imposed	and compensation and all other sums recoverable life fines which cannot be entered in column 4 or 5				
1	2	3	4	5	7	8	9	10		
Amount credit in Sub-Treasury	Irrecoverable amount and Remission	Refunds								
Credit to the Government	Amount credited	To be credited eventually to Lower Funds, Municipal Funds, etc.	Compensation and other amounts described in column (7)	Date of credit in Sub-Treasury	Initials of Judge or Magistrate	Amount written off	Number and date of sanction written on	Balance uncollected		
Name of the funds, body or association concerned and the provision of law under which he fine is imposed.										
12	13	14	15	16	17	18	19	20		
Rs. Np.	Rs. Np.		Rs. Np.			Rs. Np.		Rs. Np.		

Note:- 1. The word 'fine' includes any amount recoverable as a fine or expenses of prosecution.

2. If a fine is collected while the person on whom it has been imposed is in jail intimation of its collection must be sent at once to the Superintendent of the jail and the fact noted in column 23, See Rule 181 of the Criminal Rules of Practice.

3. In the case of a remission entered in column 18 and 19 a note "Remitted on appeal" should be made against the entry in column 23.

4. the attention of Judges and Magistrates initialling under columns 8, 11 and 17 is invited to the fact that such initials show that they satisfied themselves that the fines imposed are taken to demand, collected and credited to the

Treasury. No entry shall be expunged from the register without attestation by the Judge or Magistrate.

Form No. 21[Criminal Register No. 21]Register of Witnesses' Batta Collected from Parties[Magistrate's Courts]

								Signature		Closing		
Date	Name of the case	Name of the party	Opening balance	Amount of deposit	Total of columns 4 and 5	Amount paid to witnesses	Amount refunded to parties	or mark of witness or party	Total of column 7 and 8	i.e., difference between columns 6 and 10	Initials of the head of the office	R
1	2	3	4	5	6	7	8	9	10	11	12	13
Instructions												

1. This register should be maintained in the ledger form with a daily abstract being recorded in the register itself. For this purpose separate page or pages according to the needs of the particular case should be allotted for each case and for entering the daily abstract, some pages should be allotted at the end.

2. The amount of unspent witness batta and batta collected for witnesses whose evidence is dispensed with, should be entered in this register. The register must be regular intervals every months, once by the Head Ministerial Officer and another time by the presiding Magistrate during the scrutiny of registers.

Form No. 22[Criminal Register No. 22]Register of orders of Judge or Magistrate on witnesses' Batta and Travelling Allowance[Rule 236, Criminal Rules of Practice]

Judge's order fixing the Whether the witness was present on												
Number of case	Names of witnesses	Signature of the witness on the first day of his appearance	Second day	Third day	Fourth day	Fifth day	Class of the witness	Number of days for which	Distance for which mileage	Initials of the Judge	Remarks	

batta is is
payable payable
with
the name
of the
railway
and the
nearest
railway
station

1 2 3 4 5 6 7 8 9 10 11 12

Note: - The signature of an official witness should be taken in this register just as in the case of any other witness and the fact and the date of issue of the Court attendance certificate should be noted against the entry. Form No. 23 [Criminal Register No. 22-A] Batta and Travelling allowances to witness Criminal Case No. on the file of the Court for 19 [Rule 236, Criminal Rules of Practice]

Names of witness	What case	Travelling allowance		Number of miles by Road	Amount of Railway fare Mileage by road or actual expenses by sea or canal	Amount of actual expenses of carriage by road not exceeding fifty paise a mile	Actual cost of carriage hire to and from Court of First Class witness on days of attendance	Number of days	Rate per diem	Total batta and travelling allowance	Certificate Head Clerk or Magistrate and Comparison with Register No. 22
		Number of class by rail	or rate of mileage by road								
1	2	3	4	5	6	7	8	9	10	11	12

Form No. 24 [Criminal Register No. 22-D] Cash Book Magistrate's Courts Cash Account of the Office of the Magistrate of for the month of 19

Dr Receipts

Number of Disbursements Cr

Date	Number of item or folio in Ledger	Particulars	Cash	Bank or Treasury	Head of account or Heading of item	Date	Item	Voucher	Folio in ledger	Particulars
1	2	3	4	5	6	1	2	3	4	5
			Rs. P.	Rs. P.						
Brought forward	Brought forward									

.....Carried overCarried over

INSTRUCTIONS(a)All Cash transactions should be shown in this register except salaries, travelling allowances, fines, moneys realised by forfeiting security bond of witnesses accused and sureties.(b)Sale proceeds being an occasional item of receipts through shown in property registers should also be shown in the book.(c)The cash book should be balanced once a month on the dates on which the Treasury or Sub-Treasury closes its accounts of the month.Form No. 25[Criminal Register No. 23]Register of long pending cases

Serial Number	Date and number of Authorities transfer to this register	Date of entry in register	Number and date of cases	Description of accused	Description of offence	Date of offence	Date of issue of proclamation under Section 82 of Criminal Procedure Code	Date fixed for appearance	Date of attachment
1	2	3	4	5	6	7	8	9	10

Form No. 26[Criminal Register No. 24]Record destruction register

Year	Number	Date of Disposal	Date of disposal or revision petition if any	Date up to which to be retained	Date of Destruction	Remarks
Part I	Part II	Part I	Part II			
1	2	3	4	5	6	7 8 9

INSTRUCTIONS

1. The entries in columns 1 to 3 and 5 and 6 of the register should be made as soon as the cases are received in the record room.

2. The entry in column 4 should be posted when the appeal or revision petition, if any, as disposed of and the papers are received in the record room.

3. Column 7 and 8 should be filled in only after the records actually destroyed.

Form No. 27[Criminal Register No. 25]Register of summary trials held before Magistrate of[Section 263 of Criminal Procedure Code]

Offence

Serial Date of the Date of Name of Name, Complained Proved Value of The plea of Fi

Number of the offence	Commission of the offence	the report or complaint	the complaint	percentage of residence of the accused persons	of	if any	property in respect of which offence committed	the accused and his examination if any	an
1	2	3	4	5	6	7	8	9	10

Form No. 28[Criminal Register No. 26]Statement of Preliminary enquiries held before Court -Year -
Date

Number of the case	Name of the accused	Substance of the Complaint	Name of the Complaint	Name of witnesses for the prosecution	Result of the enquiry	offence	Complaint	Apprehension of appearance	Closing Enquiry
1	2	3	4	5	6	7	8	9	10

Form No. 29[Criminal Register No. 27]Register of fines in respect of which payment are payable to (local body)

Date of Payment of fine into the Treasury	Number of case	Amount paid	Refund or remission, if any	Expenditure be deducted, if any	Net amount payable	Remarks
1	2	3	4	5	6	7

INSTRUCTIONS

- 1. A page or a set of pages should be allotted for fines levied under each Act and relating to each local body.**
- 2. To enable a monthly comparison and reconciliation with the figures as per Appendix C to Treasury Sub-Account No. 11, the extracts should work up to the figures of "Amounts Credited" in item 3(b) of the Statement of Fines in Form No. 30.**
- 3. The total of the column "Net amount payable" for a year indicates the amount payable by the District and Sessions Judge.**

Note: - 1. A departmental register in this Form should be maintained in all the Criminal Courts in the districts except Sessions Courts. An extract from this register should be attached to the monthly statement in Criminal Register Form No. 30.

2. District Magistrates should also maintain a register in this Form and post therein the figures taken from the statements received from the subordinate Courts and effect reconciliation of the figures monthly with the Treasury figures so that there may be no delay or difficulty in paying the grants to local bodies at the end of the year.

Form No. 30 Fine statement of the Court of..... for the month of 19

1	2 Arrears Rs.P.	3 Current Rs.P.	4 Remarks
1 Demand			
(a) Fines to be credited to Government	...		
(b) Fines to be credited eventually to Local or Municipal Funds, etc.	...		
(c) Compensation amounts etc. ...			
2 Collections			
3 Amount credited into the Treasury or Sub-Treasury			
(a) To the Government	...		
(b) To be credited eventually to Local or Municipal Funds, etc.	...		
(c) Compensation, amounts, etc.	...		
4 Amount written off	...		
5 Remitted on appeal	...		
6 Balance	...		
Certified that the above is a correct statement of fines and compensation amounts imposed, levied, written off and remitted on appeal in my Court during the month of 19			
.....Magistrate-----Judge			
Certified that the amounts shown against item 3 were remitted into the | Treasury Sub-Treasury			
Sub-Treasury Officer-----Treasury OfficerINSTRUCTIONS			

1. If the amounts shown in columns 2 and 3 do not agree, the reason should be explained in the columns for remarks.

2. The order sanctioning the writing off of any amount should be quoted in columns for remarks.

FORM No. 30-A Working Sheets for fine Recovery [To be maintained by all Criminal Courts except Sessions Court]

Amount
collected
and
remitted
to
Treasury
with date

	January	February	March	April	May	June	July	August	September
Serial Number	Date of imposition of fine	Case number	Arrear Demand	Collection	Remittance	Collection	Remittance	Collection	Remittance
1	2	3	4	5	6	7	8	9	10

Instructions

1. To be maintained in separate sections under the three heads specified in item I of Administrative Form No. 30.

2. The sheets will be written up afresh in January and July each year.

3. Entries regarding collection and remittance should be initialled by the Magistrate beneath each entry.

4. Dates to be entered beneath the relative amounts as denominators.

FORM No. 31 Statement of Cases in which Sanction to Write off is Requested

Number and year of case	Name of accused Rs. P.	Amount of fine	Date of sentence	Steps taken to realize the fine	Remarks
----------------------------	------------------------------	-------------------	---------------------	------------------------------------	---------

FORM No. 32 Statement of refund of Fines to the Treasury Officer

District of----- of service chargeable	Head	Refund of Revenue Refunds and Drawbacks	Voucher No. of List of payments.....for..... 19
In whose name credited		On what account received	Amount realised Date of payment in Treasury

1

2

3

4

Rs. P.

Authority Sactioned Controlling
or No. Dated

The 19 Passed for
payment.

Examined

Pay

Rupees Accountant

Magistrate or other Officer
only. Officer-in-charge of
Treasury

FORM No. 33 Statement showing the number of cases pending at the end of the month of 19
..... In the Court of the Magistrate of

Number
of cases
pending
for

1	2	3	4	5				6	7	8
Name of the Court	Number of cases pending at the beginning of the month	Number of cases received during the month	Total number of cases for disposal	Number of cases disposed off during the month	Less than two months	Over two months	Over six months	Over one year	Total number of cases pending at the end of the month	Cause of pendency

FORM No. 34 [To be submitted by the Committing Magistrate to the Sessions Judge] Session
statement showing the details of cases committed to the Court of Session at for the month of
..... 19

Date of

Name of the committing Court	Number of the case on the	Number, name, sex and	Nature of offence charged	Offence	Report or complaint or appearance	Apprehension Commitment	In Jail or on bail or otherwise v
------------------------------	---------------------------	-----------------------	---------------------------	---------	-----------------------------------	-------------------------	-----------------------------------

committing age of and
Courts file accused Section of
the IPC or
other laws

1 2 3 4 5 6 7 8 9
INSTRUCTION

1. To be submitted by the Committing Magistrate to the Sessions Judge direct, on the date on which the case is committed.

2. Duplicate to be annexed to the copy of the Preliminary Register.

3. In case of murder, the Committing Magistrate should state in the remarks column that he reported to the Sessions Court as to whether the accused is able to employ an advocate.

4. The Preliminary Register number should be given in column (2).

5. Please write at the back, if there is not enough space on this page.

FORM No. 35[To be submitted by the court of Sessions to the High Court immediately after each Session and in no case later than 8th of the succeeding month except for the months of April, May and June for which a consolidated statement should be sent at the beginning of July]

Date of

Number of the Session Case	Number of the accused involved	Section of the offence charged	Apprehension or appearance	Commitment	Commencement of trial	Number of witnesses examined	Date of disposal with particulars of the offence established and the sentence or order passed thereunder.	Remarks
1	2	3	4	5	6	7	8	9

AbstractDuration of Sessions DaysCases PersonsPending from last SessionsNew :

.....Total :Disposal off ReferredPostponed

.....Pending from this SessionFORM No. 36[To be submitted to the High Court by Sessions Judge on the 22nd day after the close of each quarter]

Quarterly Statement and Annual Statement No. 111 of Miscellaneous Proceedings under the Criminal Procedure Code in the Court of the of for the | Quarterly | Yearly | of 19

Nature of Proceedings	Total number for disposal	Disposal of	Cases	Persons	Fine, Compensation or penalty	Total number for disposal	Discharged	Convicted	Pending	Amount imposed	Amount realised
1	2	3	4	5	6	7	8	9	10		

1. Proceedings against witnesses under Chapter VI-C of the Code of Criminal Procedure.

1.

-A. Proceedings against persons under Sections 345, 346, 349, 350 and 485-A of the Code of Criminal Procedure.

2. Proceedings under Chapter VIII, to prevent breach of peace, Section 106 to 108, 111, 118 and 122.

3. Proceedings under Chapter VIII, Security for good behaviour (Section 109, 110, 111, 118 and 122)

4. Frivolous or vexatious accusations summarily dealt with under Chapter XX, Section 250.

5. Maintenance, Chapter IX.

6. Forfeiture of bail or recognizance, Chapter XXXIII.

7. Proceedings under Probation of Offenders Act.

Total. INSTRUCTIONS Column I, sub-head 6-Complainants fined under Section 250, Criminal Procedure Code, are not to be entered as convicted in Statements II (Part-I), IV (Part-I) or V (Part I), but the fact of the fines having been imposed may be noted in the column of remarks of Statement II (Part I), against the complaints preferred by them. The number of complaints should be entered in columns 2, 3, 4 and the complaints in columns 5 to 8. The sub-head should also show all accusations dealt with under Section 250, whether the complainant appeared in the Court or

not. Column 1, sub-heads 2 and 3-Cases under Sections 107, 108, 109, 110, 117, 119 and 122 Criminal Procedure Code, will also appear in Statement IV (Part I), and under the appropriate head of the schedule in Statement II (Part I), with which the figures should agree persons convicted under these sub-heads 2 or 3 and required to give security or recognizance or both, under Sections 119 and 122, Criminal Procedure Code will also appear in, and agree with, Statement V (Part I). Column 1, sub-head 4, 5 and 8-Cases under these sub-heads will not appear in Statements II (Part I) IV (Part I), or V (Part I). Columns 2 and 5-Show the numbers actually for disposal, excluding those transferred to other Courts. Column II, sub-head 3-Show in the column of remarks the number sentenced to rigorous imprisonment. Column II, sub-head 9-Show in columns 9 and 10 the amount of deposits or bounds and the amount forfeited or realized as the case may be, and in column 11 the persons ordered to be imprisoned under Section 61. FORM No. 37 [To be submitted to the High Court by the Session Judge on the 15th day after the close of each quarter] Quarterly statement B Part I - (Leading to Annual Statement No. IV, Part I) showing the number and General Results of enquiries and Trials in the Court of for the Quarter of 19

Name of Court	Number of working days in the criminal department	Total number for disposal of	By dismissal of complaint under Section 203 of Criminal Procedure Code	By dismissal of complaint under Section 256, 257, 259 or 320 of Criminal Procedure Code, before they appeared in Court.	Struck off as false after the appearance of accused	By transfer death or escape of accused	Otherwise	In which the accused have appeared
1	2	3	4	5	6	7	8	9
Duration in days of cases in Cols. 6 and 8	Persons brought to trial Convicted	Number of witnesses						
In which the	Pendency in days, of	Aggregate	Average	Total number	Transferred, died or	Discharged or	On regular summary	Committed or referred

accused the old for escaped acquitted trial trial
 have not pending disposal
 appeared case (Col.
 9)

10 11 12 13 14 15 16 17 18 19
 Corresponding..... 8 9, 10, 13, 11, 15, 16, 20, 25, 26, 27, 28, 29, 30,
 Column of the to to
 Annual Statement 19,
 23

INSTRUCTIONS(a)Column 2 where a day is devoted to several branches of work, the day should be apportioned to each branch of work as accurately as circumstances admit of, six hours shall be taken as constituting a full working day for the purpose of return.(b)Column 3 should show all cases brought before Magistrate, whether or not the accused appeared in Court(c)The total columns 6 and 8 should agree with Column 7 of Annual Statement No. IV Part I.(d)In each sheet of this Form entries should be made in Part I with reference only to such Courts as are shown in Part 2 of the same sheet(e)Cases need not be distinguished into those under Sections 323 and 325, Criminal Procedure Code and other cases nor need the work of each Court be distributed according to the classes of powers of the presiding Magistrates. It is sufficient if the work of each Court is shown.(f)Column 6 should show only cases in which accused have appeared.(g)Columns 14 to 23 should show only the accused who have appeared in Court.(h)For other instructions see those given for the corresponding column in the Annual Statement. Also vide circulars under "Statistical returns".FORM No. 38Statement B - Part-H-Showing the Details of the Detention of Persons for Enquiry or Trial

Number of persons
 pending enquiry
 ortrial(Column 21 of Part
 I)

Name of the Court	Two months and	Over two months	Over six months	Total	Remarks by way of explanation of the entries in Column 3 and 4
1	2	3	4	5	6
In custody				
Not in custody				
In custody				
Not in custody				
In custody				
Not in custody				
In custody				
Not in custody				
In custody				
Not in custody				

In custody
 Not in custody
 In custody
 Not in custody
 In custody
 Not in custody
 In custody
 Not in custody

[Docket on
the reverse]

Periodical No.

JUDICIAL -
CRIMINAL

From

The

Dated

Despatched

Received

Subject

Quarterly Statement B for the quarter ending.FORM No. 39[To be submitted to the High Court on the 15th day of after the close of each quarter]Quarterly Statement C - Part I (Leading to Annual Statement No. VI) Showing the Business of the Criminal Courts as Courts of Appeal and Revision in the District of for the Quarters of the Year 19

	Duration	Number of
Number of	in days	appellants
appeal and	of cases	and
cases for	in	persons
revision	column	concerned
	4	incases for
		revision

Disposed of

Name of the Court	Total for disposal	By transfer, death or escape of accused	Otherwise	Still pending	Pendency in days of the oldest pending appeal or revisioncase	Aggregate	Average	Total to be dealt with	Transferred or escaped
1	2	3	4	5	6	7	8	9	10
Corresponding	6	7	9	10		11	12	17	18

INSTRUCTIONSColumns 2 and 9 - Include cases taken up suo motu for revision and persons therein.Note: - For other instructions of those given for the corresponding column in the Annual Statement.FORM No. 40Quarterly Statement C - Part II Showing the details of the pendency of

appeals and cases for revision as regards the persons concerned

Number of persons (pending trial) Remarks by way of explanation of the entries in columns 3 and 4

Name of the Court	Two months and under	Over two months	Over three months	Total
1	2	3	4	5

Appeal

Revision

[Docket on the reverse]Periodical No. of 19Judicial - CriminalFromTheDatedDespatched 19ReceivedNo.SubjectStatement C, Paris I and II for the quarter of the year 19FORM No. 41[To be submitted to the High Court on the 15th February of each year]Annual Statement No. 1 - Part I - Showing the number and name of territorial Jurisdiction in the district of and their Area and Population for the year 19

Names of sub-district

Name of judicial district	Name of collectorate	Area	Population	Civil	Criminal	Revenue	Remarks
1	2	3	4	5	6	7	8

INSTRUCTIONSColumns 2, 3 and 4: - Where the district is only a part of a Collectorate, specify it clearly and give the area population of such part only.Column 5: - i.e., the name of each Munsiff. Where such name is different from the name of the station where the Court is located. The name of the station should be shown in brackets just below that of the Munsiff.Column 6: - i.e., the local jurisdiction of the Magistrate exercising original powers other than Special Judicial Magistrate. If there be more than one such Magistrate at a station, reckon, by the station.Column 7: - i.e., the local jurisdiction of a Revenue Court sitting for the disposal of suits under the Madras Estates Land Act Where there are more such Courts than one at a Station reckon, by the station and not by the Court.FORM No. 42[To be submitted to the High Court by District Judges on 15th February of each year]Annual Statement No. 1, Part II - Statement showing the number of working days and powers of judicial officers exercising criminal jurisdiction in the District of for the year 19 Tribunal Number of working days Powers exercised Remarks

Original Appellate

1	2	3	4	5
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INSTRUCTIONSColumn 3: - When a day is devoted to several branches of work it should be apportioned to each branch of work as accurately as circumstances admit of six hours shall be taken a constituting a full working day for the purpose of the return.[Docket on the reverse]Periodical No. of 19Judicial - CriminalFromTheDatedDespatchedReceivedSubject,Annual Statement No. II, Part I, for the year 19FORM No. 43[To be submitted to the High Court by Sessions Judges on 15th February of each year]Annual Statement No. II, Part I - Showing Number of Offences Reported and of Persons tried Convicted and Acquitted of each Offence in the District of for the year 19

Number of Cases

Cases
found to be

		true of offence reported in									
Nomenclature of office with chapter and section of the Indian Penal Code or other law applicable		Number of Head of Crime	Offences reported in pending from previous year	Offences reported during the year	Complaints dismissed under Section 203 and 204(3) Criminal Procedure Code		Other cases found to be false	Previous year	Current year		
1		2	3	4	5		6	7		8	
Number of persons		Convicted									
Adult	Juvenile										
		Under trial during the year									
Brought on trial during the year	Pending at the end of the year	including received by transfer and pending from previous year	Died, escaped or transferred	Discharged or acquitted	Males	Females	Males	Females	Remaining under trial at the end of the year		Remarks
9	10	11	12	13	14	15	16	17	18		19

INSTRUCTIONS Note: - (a) Persons committed or referred [Sections 122, 323, 325 should not be included in this Statement by the Committing or Referring Magistrate who will only enter the cases of such persons in columns (3) to (10). The Courts to which the persons are committed or referred will, if their cases are decided show the result in Column 11 to 17 and if not decided, account for them in column 18, against each Head of Crime to be noted in Column 1 and 2. (b) If the entry in Column 25 of Annual Statement No. IV, Part I, be reduced from that in Column 13 of that statement, the difference should correspond with the entry in column 11 of the statement. Columns 1 and 2: - These should give nomenclature and Head of Crime, etc., as in the schedule of offences, which must be strictly adhered to. Columns 3 and 14: - Information for these columns must be worked out exclusively from the office file book of cases instituted. Include cases received by transfer and exclude those transferred. All offences (cases) of which information was given, complaint made to or cognizance taken by a Magistrate under Chapters IV, V, XII, XIII, XV. Criminal Procedure Code, for the first time during a year, are to be shown although some of the charges may not have been prosecuted, or may have turned out to be false. As to cases taken upon Police Report, only those in

which the Police forward the accused under custody to a Magistrate or otherwise secured his appearance before such Magistrate under Section 170 of Criminal Procedure Code, should be included in these columns. Column 6: - All cases other than those in column 5 in which a Magistrate declared that the charge was false and that the offence never occurred, should be included in this column. Column 9: - i.e., All cases whether instituted or reported within the year or in the previous year, and whether true or false, serious or frivolous, in which an accused person has appeared personally or by an agent before a Court. The total of columns 3 and 4 should agree with that of columns 5, 6, 7, 8 and 10. Column 12: - Show in the column of remarks the number transferred to other Courts within the State. Show also the number of persons who died, escaped, or were transferred respectively out of the total number of persons shown in this column. Columns 11 to 17: - A note should be made in column 19 of the persons dealt with under Section 360 of Criminal Procedure Code, and show as convicted in these columns. FORM No. 44 [To be submitted to the High Court by Session Judges on 15th February of each year] Annual Statement No. IV, Part I - Showing Number and general result of enquiries and trials in Criminal Courts (Original Jurisdiction) in the District of for the year

Name of Court	Number of cases Number of persons	Duration days of cases (in column 7)	Number or persons For enquiry or trial	Received by transfer or on Reference	Transferred or in which the accused died or escaped	Otherwise Total disposed of	Pending	Aggregate	Average	Total
1	2	3	4	5	6	7	8	9	10	
Number of persons										
Whose cases were disposed of										
On Regular Trial	On Summary Trial									
Youthful offender dealt with A.P. Children Act	Youthful offenders dealt with under A.P. Children Act									

Discharged or acquitted	Sentence passed	Released on probation, under the Probation of Offender Act	Discharged after admonition	Delivered to parent or guardian etc.	Sentence passed	Released on Probation, Section 562, under Probation of offenders Act	Discharged after admonition	Delivered to parent or guardian etc.	
15	16	17	18	19	20	21	22	23	24
Number of persons (contd.) Whose cases were disposed of convicted									
Committed or referred		Total of columns of 15, 24 and 25	Still pending	Examined	Required to attend more than three days	Remarks showing inter alia the number of persons in custody whose cases are pending (column 27)			
25		26	27	28	29	30			

Note: - The work of the Magistrates should be shown distributed not only according to the several Courts, but according to the classes of their powers, which should be stated therein. Where a Court was prescribed over in a year by Magistrate of different powers the work of the Magistrate under each class of power should be shown separately against that Court. Columns 3, 4, 7 and 12: - Cases committed or referred will be treated by the committing or referring Courts as disposed of (column 7). The Courts receiving them will show the cases in column 8 or 4 as the case may be, and the persons in column 12. Column 5: - In this column cases should be shown in which accused has appeared and not all the cases accounted for in quarterly statement B. Column 6: - In this column cases should be shown in which accused have appeared and not all the cases accounted for in quarterly statement B. Columns 8 and 27: - The case of an insane accused who has been dealt with under Section 466 of Criminal Procedure Code, should not be kept on the file and shown as pending. If the case is, at any time, resumed, it should be, shown in the returns as a new case. Columns 9 and 10: - In Magistrate's Courts, the pendency of cases should be calculated from the date of apprehension or appearance of the accused whichever was the earlier and in respect of cases received by transfer or reference ; from the date of receipt or order of transfer or reference, from the date of receipt or order of transfer or reference in Courts of session, the pendency Courts from the date of commitment. Column 14: - Show in the column of remarks the number of persons transferred to the other Courts within the "State". Column 25: - Persons referred to High Court under Section 366(1) should be shown in this column and not in columns 15 to 24 persons whose cases were referred to superior court for higher punishment or for orders under probation of offenders Act, will be entered in this column and not in columns 16 to 23 against the Court making the reference. Against the Court receiving the reference they will be shown as convicted or acquitted according to the order passed by it or as pending if orders have not been passed. Column 29: - The detention of a witness in a Magistrate's Court should be calculated from the date of his attendance (pursuance to

his summons recognizance voluntarily etc.) up to the date of his discharge, and in a Sessions Court from the first day of the Sessions unless some other day fixed his recognizance in which case it be reckoned from the date he attends in accordance therewith, the day on which he attends being always reckoned as one day. Column 29: - The number of witnesses required to attend for more than three days should include all witnesses who are required to attend the Courts in connection with any one case on more than three days (consecutive or otherwise not only those who are required to attend for more than three consecutive days. FORM No. 45 Annual Statement No. V, Part I, Showing the punishments inflicted by Criminal Courts Original Jurisdiction in the District of of the year 19[To be submitted to the High Court by Sessions Judge on 15th February of each year]

Name of the

persons

sentenced to

Imprisonment	Fine Number
Forfeiture of	of Person
Property	Ordered to
	fine or give

Name of the Court	Imprisonment for life	Rigorous	Simple	In addition to other punishment	Without other punishment	With imprisonment	Without imprisonment	T (C 2 a
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1	2	3	4	5	6	7	8	9	10	11	12
Details of ordinary punishment											
Number of persons imprisonment in default of security for good behaviour	Number of persons fined	Amount of fines realised									
For on year and under	For three years and under	Total number of persons convicted Columns 9, 11, 12 and 13	Rs. 10 and under	Rs. 50 and under	Rs. 100 and under	Rs. 500 and under	Rs. 1,000 and under	Above Rs. 1,000	Amount of fines imposed	Out of those imposed during the year	Out of those imposed in previous year
14	15	16	17	18	19	20	21	22	23	24	25
Details of ordinary punishment											
Number of person sentenced to imprisonment											
	Rigorous								Simple		
Amount paid by way of compensation under Section 357 of Criminal Procedure Code	15 days and under	6 months and under	2 years and under	7 years and under	Above 7 years	15 days and under	6 months and under	2 years and under	7 years and under	Above 7 years	Number of boys whose sentences were committed to detention in a certified School
26	27	28	29	30	31	32	33	34	35	36	37

INSTRUCTIONS Note: - (a) The Statement is meant to exhibit every sentence passed, and where two penalties are inflicted, on the same offender, to exhibit them both e.g., if a person is sentenced to rigorous imprisonment and fine, he will be appeared, in column 3 and 7 if so simple imprisonment and fine, in columns 4 and 7, if so rigorous imprisonment and to give recognizance and to keep the

peace, then in columns 3 and 10 and so on, but in the case of offences triable jointly under Section 219 of Criminal Procedure Code, the sentence passed should be exhibited separately if consecutive, and only concurrent. (b) Persons whose cases were referred to other Courts under Section 322, 323 and 325 or for confirmation of sentence, should be shown against the Court receiving the cases on reference and not against the referring Court, and the punishment to be shown, in this statement is that, if any awarded or sanctioned receiving Court. (c) The total of columns 3, 4, 14 and 15 and should correspond with that of columns 27 to 36, and total of columns 7 and 8 with that of columns 17 to 22 columns 24 and 25. These columns should show the total fines including compensation under Section 357 Criminal Procedure Code. (d) Provision of law under which forfeitures or confiscation were ordered respectively should be added in columns 5 and 6. FORM No. 46 Annual Statement No. VI, Part I, Showing the Business of the Criminal Court at Courts of Appeal and Revision in the District of for the year 19 [To be submitted to the High Court by Sessions Judges on 15th February of each year]

Number
of
appeals
or cases
for
revision
for trial

Duration
in days
of cases
in
Column
9

Name of the Court	Pending form last year	Registered during the year	Taken up suo motu	Received by transfer or on reference	Total	Transferred or in which the accused died or escaped	Remainder	Disposed off	Still pending	Aggregate
-------------------	------------------------	----------------------------	-------------------	--------------------------------------	-------	---	-----------	--------------	---------------	-----------

Appeal Revision.

Number of
appellants
and
persons
concerned
incases of
revision

Total	For trial	Transferred or escaped	Remainder	Appeals or applications rejected	Sentence or order Confirmed. Sentence or order reduced or otherwise modified	Sentence reversed	How trial proceedings quashed or order reversed or further inquiry ordered	Referred	Disposed	Total of Columns 20 to 26	St pe
-------	-----------	------------------------	-----------	----------------------------------	--	-------------------	--	----------	----------	---------------------------	-------

INSTRUCTIONS Columns 11 and 12: - The pendency of an appeal or application for revision should be calculated from the date of receipt thereof in the office of a case dealt with by the Court otherwise than an application, from the date of the order calling for the records. Columns 13 to 28: - The words "persons concerned in cases for revision apply only to accused on whose behalf applications for revision are made or a Magistrate or Judge takes steps to obtain revision on his own motion when an application for revision is made by, or a case is taken up suo moto on behalf of a complainant, the fact should be noted in the Remarks columns with the number of complainants concerned, and the accused persons concerned in such cases will be shown in these columns according to the results of the cases. Column 16: - This will show the number of persons concerned in the cases entered in Column 4. Column 18: - Note in column of Remarks the number of persons transferred to other Courts within the State. Column 20: - Show persons whose appeals were rejected under Section 384 of Criminal Procedure Code, or whose applications for revision were refused. Column 24: - Show in this column the persons, in whose cases proceedings were quashed under Sections 275 on appeal or under Section 326 on revision, and these in respect of whom orders of discharge were set aside under Section 436 of Criminal Procedure Code. Column 25: - When a sentence is reversed or proceedings are quashed and new trial of further enquiry is at the same time ordered, entry should be made in this column only. Column 29: - The number of persons dealt with under Section 106(4) of the Criminal Procedure Code, or under A.P. Children Act should be noted in this column. FORM No. 47 Annual Statement of proceedings taken under Sections 195 and 340 of the Code of Criminal Procedure [To be submitted to the High Court by Sessions Judges on 15th February of each year]

Offences

Court	Mentioned in Section 195 Clause (1) of the Code of Criminal Procedure	Number of Cases
1	2	3

Cases in which prosecution was undertaken

Number of person concerned	Number of persons convicted	Number of persons acquitted	Remarks
4	5	6	7

Form. No. 48 Quarterly Statement of Criminal Appeals and Revision Cases Disposed off by the Sessions Judge of District to be forwarded to the District Superintendent of Police :

- 1. Serial number of appeals or revision cases disposed off during the quarter.**
- 2. Station and crime number (if shown in records received in the Sessions Court).**
- 3. From what Court the appeal or revision is preferred.**
- 4. Number of case in that Court.**

5. Number of the Appeal or revision case.**6. Name and description of the appellant or petitioner.****7. Sentence and Law under which it was imposed in the lower Court****8. Whether confirmed or modified or reversed.****9. If modified, the modification.**

FORM No. 49 Annual Statement of Non-cognizable cases disposed of by the District during the year 19

Date of

Number Registry Offence Locality Nature of offence and provision of law under which charged

1 2 3 4 5

Number of persons Convicted

Convicted Summoneed Male Female Juvenile

6 7 8 9 10

Number of persons Nature of sentence and provision of law Calling Number of days during which case lasted Number of witnesses who attended Remarks

Convicted Committed Discharged

11 12 13 14 15 16 17 18

FORM No. 50 Details of Fines, Forest and Excise composition fees, etc. remitted to the Sub-Treasury at

Number of case Name of the Accused To be credited to the Govt. To be credited to eventually local funds, Municipal Funds etc. Compensation amount etc. (cols. 7 and 15 of the Register of Fines)

Rs. Ps.

Rs. Ps./Rs. Ps.

Rs. Ps.

Rs.
Ps.

Total

Dated Court Magistrate-----Judge Here enter the name of the fund, body or association concerned and the provision of law under the which the fine is imposed column 6 and 14 of the Register of Fines.

To the

officer-in-charge

of Sub-Treasury

at.....

Sub-Treasury,

Please receive the amounts shown below, credit them to the appropriate heads of account and give a receipt for them on the accompanying form.

Received on..... the day of from..... Court the sum of Rs. on account of the Government as shown below

		AMOUNT		AMOUNT		
		Rs.	Ps.		Rs.	Ps.
1	Fines to be credited to Government			1	Fines to be credit to the Government	
2	*Fines to be credited to			2	*Fines to be credited to	
3	*Fines to be credited to			3	*Fines to be credited to	
4	*Fines to be credited to			4	*Fines to credit to	
5	*Fines to be credited to			5	*Fines to be credited to	
6	Compensation amounts etc., Cols. 7 and 15 of the Register of Fines)			6	Compensation amounts etc., Cols. 7 and 15 of the Register of fines)	
	Number of case	Number of Accused		Amount		
				Rs. Ps.		
				Total		Total
	Court			Magistrate	Dated	Acct, Sub-Try. Officer
	Dated					
	*Here enter the name of the fund, body or association concerned and				*Here enter the name of the fund, body	

the provision of
law under which
the fine is
imposed. See
columns 6 and 14
of the Register of
Fines.

or association
concerned
and the
provision
of law
under
which
the fine is
imposed.
See column
6 and 14 of
the
Register of
Fines.

FORM No. 51 Refund Order Case of 19 on the file of
the Judge-----Magistrate I, hereby certify that accused in the above case is
entitled to a refund of Rupees being the amount of fine imposed by the sentence of the Court
of the Class Magistrate.

Reversed On appeal by this Court On reference to the High Court By the High Court of or Court of
Sessions or Court of Revision. Judge Magistrate

19

Form No. 52 A Form of Index Suit application or appeal or calendar No. of 19 on the
file of the Court of the in the District of

Serial Number of the papers	Description of the paper and the date	Date when the paper was filed or put up in the case	Number of the part of the record to which the paper appertains	Alphabetical numerical marks of the exhibits filed
1	2	3	4	5
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				

12

13

14

15

16

17

18

19

20

21

BTable showing the divisions
of the record and the
description of the
papers following under each
division. Criminal Part I

Class of case

Divisions of the record
and description of the
papers falling under
each division.

1. Index

2. Judgment and sentence,
if any (Original and
appellate) including spare
copies of printed Sessions
Judgments.

Trial (other than summary)

3. Petition of appeal, or
application for revision,
or letter of referring
Court judgment and
order thereon.

4. Charges.

5. Documentary evidence.

Summary Trial

All papers including
register

1. Index

2. Order and grounds, if any
(Original and appellate).

Miscellaneous Cases

3. Petition of appeal, or
application for revision,
or letter or referring

Court Judgment and
other therein.

4. Documentary evidence.

Part II

1. Warrant of
commitment to
jail, if any.

2. Complaints to
Magistrates, when acted
upon by the Magistrate.

3. Reports by the Police
under Section 174 and 175 of
the Criminal Procedure Code
(Act-V of 1898) when
following by action on the
part of the Courts.

4. Oral evidence.

Trials (other than summary) 5. All papers not
already specified.

Miscellaneous cases 1. Oral evidence.

2. All papers not already
specified.

Table showing the periods
prescribed for the retention
by various parts of the
records in the various cases
of proceedings.

Name of Proceedings.

Number of
years for
which
records are
to be retained

Part I

Part II

1. In trial and appeals -

a. Sessions cases. *20

b. Warrant cases. 20 3

c. Summons cases 5 3

d. Summary trial -

A. Forms kept under Section 10
263 of the Code of Criminal
Procedure and Judgment -

recorded under Section 264
incases where either (i)
some of the accused or
parties proceededagainst
have not been apprehended
or (ii) the accused or any
ofthem have been convicted
of an offence or repetition of
whichrenders the offender
liable to enhanced
punishment

B. All other records	3	-	
e. All records in criminal cases before village PanchayatCourts except documentary evidence. 3 -	1	-	
f. Documentary evidence in cases before village PanchayatCourts. 3	3	-	
2.	In Miscellaneous Proceedings -	20	3
a. Maintenance 20 3	10	3	
b. Security to keep the peace or for good behaviour 10 3	3	3	
c. Other Miscellaneous Proceedings 3 3	3	-	
3.	Records in cases referred by the Police or in which furtherinvestigation is stopped. 3	30	30
4.	Records in cases entered in the Register of long pendingcases 30 30		
			From the date on which the case entered in theregister of long pending cases

Table showing the periods prescribed for the retention of the various Court Registers, Books and papers.

Number and Description of Court Registers, Books and Papers.	Number of years for which the registers, etc., to be retained.	
1	Register other than of summary trials in the use of Criminal Courts, including Panchayat Courts	5
	a. Register of long pending cases.	30
2	Record destruction register of criminal cases.	25
3	Register of Court-fees.	3
4.	Copyists registers and process service registers.	3
5.	Challan cheque books.	10
	a. Magistrate and Judicial Registers of correspondence received and despatched and administrative registers of despatch.	5
7.	Other Court of Office Books and Registers.	3
	Correspondence with the High Court on important matters and the orders of the High Court thereon including Administration reports received from the High Court and Government	20 years from termination
8.	20 years from termination	

	a. Criminal Administration Report	20
	salient features.	
9.	Other correspondence	3 years from termination
10.	Yearly and half-yearly statements	5
11.	Monthly and Quarterly statements	3
	a. Criminal Statistical returns.	3
	b. Review of pending criminal cases in the Courts of the Magistrate by the Sessions Judge.	1
	c. Copies of calendars and Judgments submitted by Magistrate to the Sessions Judge.	3
	Magisterial diaries, Police arrest Returns, Police	
12.	Occurrence reports and Police Reports on unnatural and sudden deaths.	3
13.	Bond volumes of Printed Sessions Judgments.	35

* In cases in which the sentence passed is one of imprisonment for life the Judgment must be preserved until the reports is received of the convicts death or release. FORM No. 53 Calendar case No. of 19 on the file of the Magistrate of

Date of occurrence	Date of report or complaint	Date of issue of process	Date of appearance of accused	Date of commencement of Case	Date of order	Explanation for delay
1	2	3	4	5	6	7

FORM No. 54 Foil [Form of receipt to be granted by the Court] IN THE COURT OF THE Received this day of 19 from son of the sum of Rs. being the whole/part of the fine/compensation directed to be paid by the accused/complainant in C.C. No. on the file of this Court. Rs.
 _____ Magistrate/Judge Counterfoil [Form of receipt to be granted by Court] Received

this day of 19 from son of the sum of Rs. being the whole/part of the fine/compensation directed to be paid by the accused/complainant in C.C. No. on the file of this Court.Rs. _____Magistrate/JudgeFORM No. 55Form of receipt to be granted by the CourtIN THE COURT OF THEReceived this

day of 19 from son of the sum of Rs. being the amount deposited by the complainant/accused petitioner/C.P. in CC./M. No. on the file of

..... Court.FORM No. 56Form of receipt to be used when valuables are sent for Disposal

SESSIONS COURT

SESSIONS COURT

ACKNOWLEDGEMENT

Dated 19

Dated 19

[To be returned after verification and Signature]

FromSession Judge

FromSession Judge

Chief Judicial Magistrate,

ToThe District magistrate

To The District magistrate

.....Office,Dated....19....

Sir,Under Section....., Criminal ProcedureCode, I am to forward herewith for...19.... ..the undermentionedproperties un Sessions Case No..... Of (PRC. No.....of19....., on the file of the Mgistrate,) and to requestthat the accompanying acknowledgement may be returned to me afteryour verification and Signature.

Sir,Under Section....., Criminal ProcedureCode, I am to forward herewith for...19.... ..the undermentionedproperties un Sessions Case No..... Of (PRC. No.....of19....., on the file of the Mgistrate,) and to requestthat the accompanying acknowledgement may be returned to me afteryour verification and Signature.

Sir,I am to acknowledge the receipt of theproperties noted below and accompanied your letter No.....of19.... (PRC No..... of 19....on the file of the Chief JudicialMagistrate).

SEssions Judge.

Sessions Judge

Chief Judicial Magistrate.

Certain Basic Rules Of Conduct Which Have To Be Followed By The Presiding Officers While Performing Their Duties In CourtsTo start with, it is necessary to impress upon the Presiding Officers the need of observance of a judicial code of conduct.It is the duty of every Presiding Officer to create and maintain confidence in the administration of justice. That is possible not only if he decides the cases fairly, impartially and with great objectivity but also preserves outward appearances which inspire in the minds of the parties a confidence that nothing but justice would be done to them. He should maintain equanimity of temper and observe restraint in his utterances. Getting excited on trivial grounds and using harsh words towards the parties or their witnesses under examination is a practice which must always be condemned. The Presiding Officer should develop an impartial and impersonal attitude to whatever he sets his hand. Wherever he has a personal interest or private knowledge of any case, it is always essential that he should not try that case. The proper course in that event would be to have the case transferred to some other Court.The necessity of maintaining cordial relations and mutual confidence between the Bench and the Bar is vital in the interests of the smooth and efficient administration of justice. With patience and courtesy, a Presiding Officer is bound to rise high in the estimation of the public and the Bar. A cool temper and politeness towards all is a great safeguard against any breeze or scenes in the Court which undermine the dignity and render the maintenance of decorum of the Court impossible. The Presiding Officer representing, as he does, impersonal authority of law, should not permit himself to get personally embroiled with the persons. This is bound to lead to a scene of intermittent wrangle

on an unedifying level. He must necessarily have sufficient knowledge of human psychology. He must not forget that at times a lawyer works under great stress. The nature of his work is such that he will have many difficulties of his own. He has to keep a close eye on the proceedings of the Court and note the points raised by his opponent. He has to follow closely the deposition of witnesses, take objections as to relevancy and admissibility of evidence and think out questions for cross-examination. He has to be prepared for the situation when suddenly a witness deposes to facts contrary to his expectation and instruction. He has to make up his mind just at the spur of the moment how to deal with such a situation. Of course, even in the midst of these and other distractions, he has to maintain his equilibrium of mind and behave courteously. But, if out of inexperience, or excitement or any other reason, he commits a mistake or in the heat of moment uses expressions which he never meant to utter, too serious a view may not be taken. If reproof is necessary it may be uttered gently and courteously. But that does not mean that the recalcitrants should not be dealt with sternly or suitably. The treatment meted out to witnesses should be polite and gentle. Unless a witness is given evidence which is palpably false or persistently refusing to give evidence which is obviously within his knowledge, he should not be threatened with the penalties of law. Certain powers are no doubt given to the Courts in relation to witnesses who refuse to answer questions or produce any document or article in their possession and in case there be persistent refusal, a witness can be dealt with under Sections 345, 346 or 350 of Cr.P.C., but such powers should be exercised only in cases where the witness is intentionally recalcitrant. It is the primary duty of every Presiding Officer to maintain the dignity of his Court. He should always be in full control of the business in the Court. This is possible if he is thorough with his work and is equipped with tact and natural shrewdness. It is only then that he can be relied on to hold his office with dignity. It is further necessary that he should maintain strict discipline in the office as well. It should be his endeavour and he must always ensure that sense of duty is instilled in the minds of the clerks and the work is done with due promptitude allowing no scope for complaints of corruption or laziness. Much depends on the methods followed by the Presiding Officer in controlling his staff. A vigilant eye on their work and a little strictness will put them on their guard against practices of corruption or lethargic attitude. Punctuality should be the watch-word of the Presiding Officer. He can, by his example create an atmosphere of punctuality in all the rank and file. Non-adherence to the rule of punctuality will be attended with serious inconveniences not only to the litigants, their witnesses and lawyers but also to the Presiding Officer himself as he will not be able to cope up with the work in the limited period which will in due course inevitably result in the huge pendency of cases.

Recording Of Confessions The substantive law as to confessions is in Sections 24 to 30 Indian Evidence Act and the adjectival law in Sections 163, 164, 281(2) to (6) of the Criminal Procedure Code. Section 164 of the Code of Criminal Procedure, 1973 lays down that any Magistrate of the First Class or any Magistrate of the Second Class specially empowered may record any statement or confession made to him in the course of investigation under Chapter XIV of the Code or at any time afterwards before the commencement of the enquiry or trial. Such confessions shall be recorded and signed in the manner provided in Sections 164 and 281(2) to (6) of the Code of the Criminal Procedure. Both these Sections are to be read together and the procedure which is laid down therein with minute particularity, must be meticulously followed. It must be remembered that Section 164 is not restricted to recording of confession. It has reference to statements as well. The statements need not amount to a confession. They may be partly confessional and partly exculpatory. They may not be confessions at all. The distinction between statement and confession assumes importance in view

of the different mode of recording thereof as would appear from sub-section (2) of Section 164. If it is a confession, it should be recorded and signed in the manner provided in Section 281(2) to (6) and the direction in sub-section (3) should be strictly complied with. The confession need not be of a person already accused, it may be of a person who may ultimately be an accused. Sub-section (3) has reference to the person and has not specifically used the word 'accused'. The act of recording confessions under Section 164 is a very solemn act and in discharging his duties under the said section, the Magistrate must take care to see that the requirement of Section 164(3) are fully satisfied. (AIR 1957 SC 637). Before recording the confession, the Magistrate should explain to the person that he is not bound to make confession and that if he does so, it may be used as evidence against him. The Magistrate should satisfy himself that it is a voluntary confession. For that purpose, he should question the person or the accused making confession whether he has been bullied, influenced, tortured or induced by any threat or promise to make the statement. The record should show all the questions put by the Magistrate and answers given by the accused. The questioning must be a real endeavour to find out why the accused has offered to make a statement. The object of putting questions to an accused, who offers to confess is to obtain an assurance of the fact that the confession is not caused by any inducement, threat or promise having reference to the charge against the accused person as mentioned in Section 24 of the Evidence Act. No element of casualness should be allowed to creep in and the Magistrate should be fully satisfied that the confessional statement which the accused wants to make is in fact and in substance voluntary. (See AIR 1957 SC 637). The extent to which the Magistrate should question the person offering to make the confession must necessarily depend upon the facts of each case. All that can be laid down to serve as a guideline is that the Magistrate should feel that he has a reason to believe that the confession is voluntary. The following observations of the Supreme Court on this aspect may be noted for guidance : "Now the law is clear that a confession cannot be used against an accused person unless the Court is satisfied that it was voluntary and at that stage the question whether it is true or false does not arise." "It is abhorrent to our notions of Justice and fairplay, and is also dangerous, to allow a man to be convicted on the strength of a confession unless it is made voluntarily and unless he realises that anything he says may be used against him, and any attempt by a person in authority to bully a person into making a confession or any threat or coercion would at once invalidate it if the fear was still operating on his mind at the time he make the confession. (Vide 1956 Cr.L.J. 426 at 431) The practice of making examination of an accused immediately after he is produced by the police before the Magistrate must necessarily be deprecated. It is essential to give the accused, in all cases, sufficient time for reflection at a place and in the circumstances in which he cannot be influenced by the police before his statement is recorded. When the Magistrate has any doubt as to whether the accused will be able to make a statement voluntarily, he must necessarily remand him to judicial custody for reflection before recording his statement. It would be difficult to lay down a hard and fast rule as to the time to be given for reflection. Normally, it may be reasonable to remand the accused to judicial custody at least for 24 hours (vide AIR 1957 SC 637 and 1963 (2) SCJ. 209). However, there can be no inflexible rule in the matter for the Magistrate has to satisfy himself that the mind of the accused has been freed from fear or other complexes developed during the police custody. Having regard to the circumstances of each case, the Magistrate has to decide how much time should be given to the accused before his confession is recorded. It is desirable to exclude all police officers from the place, when the Magistrate records the statement of an accused. The police officers should not be present during the

examination of the accused or when his confession is recorded unless, in the opinion of the Magistrate, safe custody of the prisoner cannot otherwise be secured. In any case no Magistrate should question the accused or record any statement of his, in the presence of the police officer who has arrested him or produced him before the Magistrate or has investigated the case, or is in any manner concerned with the prosecution. The warning prescribed by Section 164 of the Code and Rule 29 of the Criminal Rules of Practice shall be administered to the accused as soon as he is produced and before he is told he would be allowed time for reflection. If the recording of confession is not completed in one sitting and has to be continued later, whether on the same day or on a different date, the warnings prescribed by Section 164 Criminal Procedure Code and Rule 29 of the Criminal Rules of Practice should be repeated before recording of the confession is resumed. It is necessary that the Magistrate should record the confession in open Court and during Court hours, save for exceptional reasons to be recorded in writing. Recording of confessions in the Court-hall during Court hours is a sure safeguard for the accused person knows and feels that he is in the free atmosphere of the Court before a Magistrate and is absolutely free from any fear or apprehension that might have been induced by reason of the fact that he was in the custody of police. Before recording confession of an accused, the Magistrate should question the accused in order to ascertain the exact circumstances in which his confession is being made and to the extent to which the police had relations with the accused before the confession is made. The Magistrate may usefully put the following questions to the accused: (i) When were you taken into custody by the police and where were you detained and how long till you were produced before me? (ii) Were you detained anywhere by the police before you were taken Formally into custody and if so, in what circumstances? (iii) When did the police first question you? (iv) How often were you questioned by the police? (v) Were you induced, coerced, promised or advised by the police to make a confessional statement? (vi) Did the police or anyone else suggest or promise to you that you would be taken as an approver? (vii) Is the confessional statement you offer to make induced by any harsh treatment and if so, by whom? (viii) How much time were you given for reflection after you were removed from the police custody? (ix) Did anyone induce, promise or threaten you during this period to make confessional statement? (x) Look on all sides. There is no police here. You need no longer entertain any fear of the police. (xi) Remember you are before the Magistrate. (I am the Magistrate). You are a free agent and no longer in custody of the police. You are not bound to make confession. It is open to you to make confession or not. You will not be given back into the custody of the police. (xii) The confession which you may make may be used as evidence against you at the trial. You may bear this well in mind before you make your statement (xiii) While making confessional statements do not proceed on the erroneous impression that you will be taken as an approver or that anyone has promised you to take you as an approver? (xiv) What is it that prompts you to make a confessional statement? (xv) Now say what all you want to say. These questions and any others which may suggest themselves to the Magistrate before he records the confession of the accused should Form part of the record made under Section 164 of the Code. The Magistrate should note that all these questions should be put when the accused is produced from judicial custody and before recording his confession. Even after production from judicial custody, it is advisable that the accused, if necessary, may be given one hour time for reflection allowing him to remain in the Court before recording his confession. When upon questioning the accused and from observation of his demeanour, the Magistrate has reason to believe that the accused has shaken off the effects of police custody, the Magistrate should proceed to record his confession. The Magistrate should also examine the body of

the accused for marks of violence if that is suspected or the accused makes grievance of the same. The Magistrate must avoid questions in the nature of cross-examination. He should record the confessional statement so far as it is possible in the words of the accused or as made by him. After recording the statement, the Magistrate should read it over to the accused and obtain his signature. The certificate as required by Section 164(3) of the Code of Criminal Procedure should be appended to the Statement as follows: -"I have explained to (name) that he is not bound to make a confession and that, if he does so any confession he may make may be used as evidence against him, and I believe that this confession was voluntarily made. It was taken in my presence and hearing and was read over to the person making it and admitted by him to be correct and it contains a full and true account of the statement made by him." A Magistrate who records the confession, when called as a witness under Section 463 Criminal Procedure Code, 1973 should be able to give details as to how long he kept the accused under observation, how he satisfied himself whether the confession was voluntary or whether there was any reason to think that violence, threat or other influence had been used to obtain the confession. The Magistrate should make a full note of all those details in the record of the confession itself instead of relying upon his memory to supplement the information in the event of his giving evidence under Section 463 of the Code of Criminal Procedure.

Recording Of Dying Declaration Sometimes Magistrates are required to record the statement of a person who is in imminent danger of death. On receiving a requisition to record a dying declaration, the Magistrate should at once proceed to the hospital where the said person is being treated. The principle on which the dying declaration is admitted is indicated by the Maxim of the Law - *nemo moriturus proesumitur mentiri* - a man will not meet his Maker with a lie in his mouth. The statements made by a person as to the cause of his death or as to any of the circumstances of the transaction which resulted in his death are relevant whatever may be the nature of the proceeding in which the cause of the death of the person who made the statement comes into question. On reaching the hospital, the Magistrate should verify the particulars of the person who is expected to give the declaration. Then he should inform the intended declarant that he is a Magistrate and that he would record the declaration. The name and other particulars should be noted as given by the declarant. While recording a dying declaration, the Magistrate shall keep in view the fact that the object of such declaration is to get from the declarant the cause of probable death or the circumstances of the transaction which may result in death. Before taking down a declaration, the Magistrate may put some simple questions to elicit answers from the declarant with a view to know his state of mind, and record every question put to the declarant and every answer given in reply. The recording should be in the Form of questions and answers. As far as practicable, the declaration should be recorded in the exact words of the declarant. It should be *ipsissima verba* of the person making it. It should be a complete record conveying the whole of what the declarant wished or intended to say. It has to be recorded carefully. When the declarant is not able to speak, his dying declaration made by signs or gestures in response to questions, should be meticulously recorded. In such cases, the record should show the question put and the nature of the signs made in reply. The record should be so complete as to avoid all scope of misapprehension. The Magistrate should also note the patient's condition, the manner of making the statement, and also, the persons, if any, near the patient. After completing the recording, the statement must be read over and explained to the deponent and his signature or mark obtained thereon, if possible. Then the Magistrate should append a certificate stating that he has recorded the whole statement truly and correctly and that it has been read over and explained to the deponent who admitted it to be correct. It shall also be signed, wherever

possible, by the Medical Officer concerned, who will clarify with regard to the state of mind of the declarant. In cases where the accused has been already arrested and committed to judicial custody and is readily available, it will be proper that the dying declaration be recorded, so far as the circumstances may permit, in his presence and he may be allowed to put questions, if necessary. Value of Dying Declaration: - It is not possible to lay down any hard and fast rule when a dying declaration should be accepted, (i.e., acted upon) or not, beyond saying that each case must be decided in the light of the other facts and the surrounding circumstances. The Supreme Court on a review of the relevant provisions of the Evidence Act and the decided cases in different High Courts has ruled - *AIR 1958, SC 22 and AIR 1970, SC 1566

- 1. that it cannot be laid down as an absolute rule of law that a dying declaration cannot Form the sole basis of conviction unless it is corroborated;**
- 2. that each case must be determined on its own facts keeping in view the circumstances in which the dying declaration was made ;**
- 3. that it cannot be laid down as a general proposition that a dying declaration is a weaker kind of evidence than other pieces of evidence ;**
- 4. that a dying declaration stands on the same footing as any other piece of evidence and has to be judged in the light of surrounding circumstances and with reference to the principles governing the weighing of evidence ;**
- 5. that a dying declaration which has been recorded by a competent Magistrate in the proper manner, that is to say, in the form of questions and answers, and as far as practicable, in the words of the maker of the declaration, stands on a much higher footing than a dying declaration which depends upon oral testimony which may suffer from all the infirmities of human memory and human character ; and**
- 6. that in order to test the reliability of a dying declaration, the Court has to keep in view the circumstances like the opportunity of the dying man for observation, for example, whether there was sufficient light if the crime was committed at night; whether the capacity of the man to remember the facts stated has not been impaired at the time he was making the statement by circumstances beyond his control ; that the statement has been consistent throughout if he had several opportunities of making a dying declaration apart from the official record of it ; and that the statement had been made at**

the earliest opportunity and was not the result of tutoring by interested parties.

* AIR 1958, SC 22 and AIR 1970, SC 1566. Identification Parades are generally held during the course of investigation with the primary object of enabling the witnesses to identify persons who are suspected to have committed the offence and who were not previously known to them or to identify property which is the subject-matter of the offence. Requisition for holding such parades to identify persons who took part in the occurrence under investigation is made to the Magistrate, having territorial jurisdiction, by the Police as per the Police Standing Orders. The conduct of such proceedings is called for only when there is a reasonable belief that certain arrested persons are concerned with commission of the crime. Once a requisition is made to the Magistrate, control over the proceedings is and should necessarily be with the Magistrate. Having regard to the purpose of identification parades and their evidentiary value in the case full precautions are taken, it is of paramount importance that identification proceedings should be absolutely above suspicion. Bereft of these essential precautions the identification parade will be devoid of all evidentiary value. It is of vital importance that care should be taken that even a semblance of unfairness is eschewed in the conduct of proceedings and chances of testimonial errors are reduced to nil. It is necessary that no undue delay is caused in either summoning the witnesses or in holding the identification parade and the persons required to identify an accused should have had no opportunity of seeing him at any time after the commission of the crime and before the identification parade and further no mistakes are made by them at the time of identification parade or the mistakes made are negligible. It is also proper that the ability of the witness to identify should be tested first without showing him first the suspect or his photograph or furnishing him the data of identification. It should be ascertained from him what are the characteristic features of the person he seeks to identify. On a requisition to conduct identification parade, the Magistrate should hold it as expeditiously as possible. It should be held during day time, in conducting the parades, the Magistrate should observe the following principles:

- 1. Selection for the parade of non-suspects of the same religion status, height, age, etc., unknown to the witness to be mixed with the suspects. Their number should be sufficiently large (ie.) not less than 5 times. They should have similar wear as the suspects, so far as it is possible. At any rate the bearing and general appearance should not be glaringly dissimilar.**
- 2. There should be a separate parade for each accused securing privacy from the public view preferably by enclosing, if possible, the place of parade.**
- 3. He should be allowed to select his own position and should be asked if he has any objection to the persons present or the arrangements made.**

- 4. Enumeration of the number of non-suspects and total number on parade.**
- 5. Exclusion of everyone, specially the Police, from the proceedings ; prevention of all jail authorities from coming and going.**
- 6. jail authorities, if present, shall not be allowed access either to the witnesses who have to be summoned for identification or to the persons assembled at the parade till the completion of the parade.**
- 7. Changing the place or places in the line of persons to be identified at discretion before the arrival of each witness.**
- 8. Seclusion till the completion of the proceeding of each witness as finished with, from others whose evidence has still to be taken. This precaution would exclude the possibility of signals.**
- 9. Exclusion of the man deputed to call each witness from a view of the proceedings.**
- 10. Definite information as to whether the witness has any prior acquaintance with any suspect he identifies.**
- 11. Recording any well founded objection by any suspect to any point in the proceedings.**
- 12. Every circumstance connected with the identification shall be carefully recorded by the officer conducting it, whether the suspect or any other person is identified or not. Any particular blemish of the suspect facilitating recognition such as 'one-eyed' etc., shall also be noted. If the Magistrate is eventually cited as a witness, he should be in a position to speak to everything relevant with reference to the record instead of relying upon his memory.**

As a measure of precaution, the Magistrate may take the thumb-impression of the suspects put up for identification on the record of the proceedings after the parade is over. This would ensure that the correct persons were put up for the parade. Similarly the thumb-impressions of each witness may be taken to show that the witnesses actually participated in the parade are in fact the same persons who come to the Court later to give evidence at the time of the trial. The personal marks of identification of the witnesses should also be noted. If the Magistrates carefully follow the above

procedure at the time of conducting identification parades, there may not be any occasion to commit any error or omission. Examination Of The Accused Under Section 313 Of The Code Of Criminal Procedure Section 313 of Criminal Procedure Code empowers the Court to put to the accused at any stage of inquiry or trial such questions as it considers necessary without previous warning. The power thus conferred, exercisable at its discretion at any stage of the inquiry or trial, has to be necessarily exercised under the terms of the section after the witnesses for the prosecution have been examined and before the accused is called upon to enter on his defence. The questions to be put, have a limited purpose. The object mainly and solely is to enable the accused to explain any circumstances appearing in the evidence against him. Whereas there is a statutory obligation on the Court to put such questions, no such obligation is cast on the accused to answer them. The accused is at liberty to answer them or refuse to do so. No punishment can flow from his refusal to answer or giving false answers. All that is permissible in such cases for the Court or to the Jury is to draw such inference from refusal to answer as it thinks just. The answers he gives may be taken into consideration in the inquiry or trial or put in evidence in any other inquiry or trial for any other offence which such answers may tend to show that he had committed. No oath shall be administered to him at the time of examination. This is short in the limited province of examination under Section 313 of Criminal Procedure Code. It may be seen that the language in which Section 313 of Criminal Procedure Code is couched is plain and simple and leaves no room for any misapprehension as to the scope and purpose of the section. The scope and purpose is obvious. The questions may be put at any stage at the discretion of the Court; but they have to be necessarily put at the crucial stage referred to in the section. The need or occasion for such questions arises only if there are any incriminating or adverse circumstances against the accused appearing in the prosecution evidence; but not otherwise. The only purpose of putting questions besides, is to give him a fair and full opportunity to explain before the said circumstances may be used against him. So then naturally the appropriate stage where such questions should necessarily be put is the stage when the prosecution evidence has been closed and the accused has not yet entered on his defence, for it is at that point of time that the Court will be in a position to know all the circumstances which have been brought in evidence against the accused, and the questions put by it can cover the whole gamut of circumstances against him. The Statute, therefore, has cast a duty upon the Court to put questions at that stage. Examination at that stage will besides put the accused on notice as to the adverse circumstances he has to meet and he will be able to adduce evidence effectively with full knowledge of the facts he has to rebut. All the questions which are necessary for the purpose of explaining each hostile circumstance have to be necessarily put. That can be satisfactorily done if the Presiding Officer and he alone analyses the entire evidence brought on record by that time and arrange all the adverse circumstances requiring explanation in logical order and frames questions in an understandable Form leaving no room for doubt or confusion. Having regard to the object to be achieved, the questions which may be put must in reason be simple in Form and in no manner complex. They should be in a Form that even an illiterate person may be able to appreciate and understand. In no circumstances, they should be of an inquisitorial or cross-examination character. They should be free from all tendencies to entrap the accused or pin him down to incriminating statements. Nor can the questions be designed or have tendency to fill up the gap of the prosecution evidence. Scrupulous care, therefore, should be taken with regard to the Form and nature of the questions. It is not proper to read out a long string of questions and ask what the accused has to say about them. The proper way is to put to him one by one all the vital and salient points in the

evidence against him, each in a short sentence of simple Form. Each question should be put separately in logical sequence leaving no room for misapprehension, and he should be asked if he has to say anything about it. Each answer should be recorded separately. The examination should be thorough and only with a view to enable the accused to explain the circumstances against him to the best of his ability. No vital or salient or incriminating point should be left out which might result in prejudice. If any vital point is left out it cannot be used against the accused. Any such lapse on the part of the Court may prove fatal. The Supreme Court has time and again stressed on the importance of proper examination and regretted that the importance of the rule of proper examination so vital has so often been ignored. A careful reading of the various decisions of the Supreme Court will enable the Presiding Officers to understand fully the significance of drawing attention of the accused to each of such matter separately by putting him separate questions on each of such points in a Form easy to understand and appreciate and giving him a fair and full opportunity to explain the circumstances against him. (See *Tarasingh vs. The State*) (1951 S.C.441). All the questions must necessarily be put even though the accused may refuse to answer. The examination must be thorough and not perfunctory or erroneous. It is not possible to exhaustively lay down the various points which the Court has put to the accused. All that can be said is that all the vital, salient and incriminating points must need be put to the accused. It all depends upon the circumstances of each case. The points on which the questions are ordinarily put are as follows: (1) The presence of the accused at the scene of occurrence. (2) The part alleged to be played by him at the scene of occurrence in the commission of the offence. (3) The motive for crime. (4) Anything revealed by the medical evidence as against him. (5) Any objects recovered from him tending to incriminate him. (6) Confession. (7) Extra-judicial confession. (8) Disinterested character of the witnesses or motive of the witnesses to depose against him. (9) Dying declaration. These are merely illustrative. They are mentioned here to suggest the nature of the points to be dealt with at the time of the examination. It should after all depend upon the facts of each case. The rule is but salutary that it is necessary that all the incriminating points should be put to him in the manner stated above. In order to ensure thoroughness of the examination as a rule he must be necessarily asked at the end, the following questions. (1) Can you mention any reason why you have been falsely implicated? (2) What else have you to say? These questions in addition to the other questions are warranted by the facts of the case will enable the accused to explain fully the circumstances against him. It must be borne in mind that the statement of the accused even though not on oath has the same value as evidence. It is just like any other piece of evidence which may be taken into consideration in the case. As the presumption of innocence is in his favour, even when he is not in a position to prove the truth of the story, his version should be accepted if it is reasonable and accords with probabilities unless the prosecution can prove beyond reasonable doubt that it is false. This fundamental approach cannot be ignored in any case. When the accused has put forth a reasonable explanation which might have been true and if the Court finds that there is no reason to reject it as false, the Court must accept the explanation and give the accused the benefit of doubt and acquit him. (See: *Hate Singh Bhagat Singh vs. State of Madhya Bharat*. A.I.R. 1953 S.C.468). It is unnecessary here to cover the other aspects of Section 313 of Criminal Procedure Code, 1973. It is hoped the above instructions, though not quite exhaustive, will furnish sufficient guidelines for correct examination of the accused under Section 313 of Criminal Procedure Code. Judgment, Its Contents, Composition And Quality Of the several functions which the Court is called upon to discharge, the most onerous and important one is the writing of judgment. Its significance cannot

be overemphasised when it is manifest the whole edifice of public confidence in Courts is built on the quality of judgment that the Courts produce. The Judgment should, therefore, be a product of clear sustained thinking, sound analysis of facts, application of correct legal principles and condensed commonsense and ripe experience of men and matters. It should represent the best that can be drawn from human thought and mind on the subject. The judgment in criminal cases concerned, as it is, with life, liberty, honour and property of a citizen, must necessarily be clear and systematic. Sections 353 & 354 of Criminal Procedure Code, 1973, provides inter alia for the contents of judgments. A judgment should contain: (1) A concise statement of facts. (2) The point or points for determination, (3) The decision thereon. (4) The reasoning for such decision. (5) If there is conviction, it should specify the offence of which and the section of law under which the accused is convicted and the punishment is inflicted. (6) If the conviction is under the Indian Penal Code and it is doubtful under which of two sections or two parts of the same section the offence falls, it should be distinctly specified and the judgment should be passed in the alternative. These are the essentials which the judgments should contain. It is so not only in relation to the judgments of the trial Court but also of the appellate Court. Indeed, the judgments of the appellate Court must be independent. It should stand by itself without being supplementary to the judgments of the trial Court. It must contain a careful appraisal of the whole evidence on record and it must show that the appellate Court has applied its independent mind to all the circumstances from all aspects. It must be clear that every item of evidence, on which the findings of the trial Court are based has been carefully scrutinised and weighed. See *Arjunlal Misra vs. The State* (A.I.R. 1953 S.C.411); *Aftab Ahmed Khan vs. State of Hyderabad* (A.I.R. 1954 S.C.436). It is not sufficient if one is conversant with what the requisite contents of a judgment are. It is also necessary that he should be able to write good judgment, for after all, it is the quality of the judgment that is of paramount importance. Its composition is of no less significance. Writing of judgments is an art which has to be cultivated and developed by regular study of judgments of eminent English and Indian Judges. Study helps a good deal. But ultimately the judgment depends upon individual talent, grasp of facts, command of legal principles, clarity of thought, power of expression and natural proclivities of elaboration or compensation. It is not possible to give precise or exact instructions of universal application as to the manner in which the judgment should be composed because the facts of each case coming up for discussion are never as a rule stereotyped. They may differ widely from each other. All that need be stressed upon is that the judgment should not be prolix or a mere mechanical reproduction of facts and evidence. It should contain a concise and precise statement of facts chronologically arranged bringing to the fore points for determination. The narrative must be precise and clear. The marshalling of facts should be thorough. Repetition must be avoided so far as it is possible. All that happened at the time of the occurrence and the incidents which took place in so far as they are material, should be narrated in their natural sequence. While brevity is a great virtue, clarity of thought and expression should be the watchword. If the sequence is duly observed and facts are logically arranged, the narrative will be precise, clear and impressive. It will be profitable if the following sequence in writing judgments so far as it is possible, is followed :

1. The Statement of facts.

- 2. The occurrence and the gist of the offence with some details.**
- 3. Motive Forming the background of the offence.**
- 4. First Information Report time of its despatch and receipt.**
- 5. Post mortem or wound certificate, if any.**
- 6. Anything worthy to mention with regard to investigation.**
- 7. The plea of the accused and the defence that is set up.**
- 8. The points for determination.**
- 9. Discussion of the merits of the prosecution evidence.**
- 10. Discussion of the defence evidence, if necessary.**
- 11. Conclusion and Sentence to be passed.**

After narrating the facts as gathered from the prosecution case and stating the plea of the accused, the points which require judicial determination should be clearly stated. The weight and value of evidence in support of the prosecution should then be considered and if it makes out a case, the defence evidence should be discussed. It should be judged whether the defence evidence does or does not rebut the prosecution evidence. All this involves appreciation of evidence both oral and documentary. The function of appreciation of evidence is not an easy task. Its technique requires a separate chapter for due consideration. Therefore, it is dealt with in another chapter. So also the question of conviction, punishment and sentence. It is sufficient here if it be stated that reproduction of the evidence of each witness in the case in the judgment is of no use. The evidence should be discussed and evaluated. Corroboration and contradiction of material facts must necessarily be commented and reasons for believing or disbelieving the evidence must be stated and the findings on the points requiring decision must be recorded. It is of vital importance that the judgment must be temperate and sober. Commenting on the conduct of the parties should not go beyond what is really necessary. Damaging remarks against a witness should not be made without trustworthy proof of the record. Remarks prejudicial to the character of a person who is neither a party nor witness in the case should be wholly avoided. While coming to a decision various aspects of the matter as may present themselves should be fully discussed. Just as it is the duty of a Criminal Court to get to the bottom of a case and see that every scrap of relevant evidence is brought before it so that justice be done, so also it is its duty to test the entire material and the various theories set up and points raised fully and satisfactorily and reach its conclusion. Each point should be dealt with fully before the other is taken up. Findings on the points must be precise and clear. The question of sentence should then be considered and appropriate sentence should be awarded. Thus, the

judgment must be comprehensive enough to cover all the aspects in the manner described above. Sometimes the Magistrates, before considering whether the prosecution has made out its case, proceed indiscreetly to comment on the witnesses for the defence and discuss the incredibility of the defence witnesses to declare the case of the accused as untrue. On that basis they accept the case set up by the prosecution as true. This approach is wholly wrong and is fraught with grave consequences. The legal presumption about the accused is that he is innocent till the guilt is brought home to him by positive and credible evidence. The onus of proving all that is necessary for the establishment of guilt is wholly on the prosecution. If the prosecution evidence is doubtful or unsatisfactory, it cannot gain any strength from the weakness in the defence case as it should stand or fall on its own strength. If the guilt is not proved beyond reasonable doubt on the basis of the prosecution evidence, the accused is entitled to benefit of doubt and consequent acquittal. The defence evidence has to be discussed only if the prosecution has discharged the onus of proving the guilt and not otherwise. Of course, if the accused pleads the right of private defence or any other general or special exceptions under the Penal Law and the facts alleged by the prosecution are not disputed, it may not be necessary to discuss at length the prosecution evidence first. It will be sufficient to set out the main features of the prosecution case and take up the evidence for the defence. It should be noted that the standard of proof as required of the accused is not the same as that of the prosecution. He need not prove his defence beyond reasonable doubt. It is sufficient if there is preponderance of probability in his favour. Further, even though he might not have established his case quite satisfactorily, should the Court on a reading of the evidence on record as a whole i.e., of the prosecution together with the defence evidence, has reason to believe that there may be truth in what the accused says, the accused is entitled to acquittal. The judgment, therefore in cases like these must contain full discussion from this point of view. In connection with the judgment it must always be remembered that what is of essence is not the mere Form or composition of judgment but its quality. A judgment of quality postulates indeed sound knowledge of law and of rules of evidence. But that alone may not be sufficient. What is of vital importance and an essential requirement in judgments in criminal proceedings is the natural and acquired shrewdness and experience by which a Judge has to Form his opinion as to whether a witness is or is not lying. The rules of evidence may provide tests as to the quality of materials on which the judgment may proceed without any obvious objection. But they do not profess to enable the Judge to know whether a witness is telling the truth and what inference should be drawn from particular facts. That must depend on the natural sagacity, logical power and practical experience of the Presiding Officer and this, however, has to be developed to its full measure within one's capacity to ensure satisfactory results. As this aspect is closely allied with the question of appreciation of evidence, it is appropriate that it may be dealt with in the relevant chapter. Something, however, must need be said also as to the necessity of having a good command of law and of legal principles and requisite ability of correct application thereof to the facts of the case as that contributes a good deal to the quality of judgment. A thorough knowledge of substantive and procedural law is imperative for a good judgment Its right application to the facts is no less important. Obviously enough, unless the Presiding Officer is sure of law before he proceeds to apply it to the facts, he cannot hope to reach correct results. An element of slight approximation in facts will not do so much harm as uncertainty in law. The knowledge of law has to be exactly right The exactitude demanded is one of mathematical precision. Any flaw in the understanding of law will upset the whole judgment It may be remembered that a Magistrate combines in himself the dual capacity of a Judge

of facts and of law. He has, therefore, to be careful in relation to both the aspects. As regards the facts, he has to be alert from the outset when he starts recording evidence and has to Form his own impressions as the case progresses and finalise his opinion at the end. At every stage he has to apply his commonsense and knowledge of men and matters to judge the questions of facts involved. He has also to bear well in mind the substantive and procedural laws and rules of evidence while dealing with cases before him. He has, of course, to be fully conversant with statute law. So also he has to be familiar with the case law on the subject But the basic legal principles have to be necessarily assimilated by him. Or else it will not be possible for him to proceed further and discharge his functions efficiently. Besides, time and again, he has to refer to Sections of the law and study them very carefully. Commentaries will be helpful but he should know how to use them. Whether at the time of framing charge or awarding punishment he should keep the relevant Sections always in view to avoid possible mistake and should in no circumstances exclusively rely on memory. While referring to the relevant rulings he must not be merely guided by headlines or headnotes. He should go through the entire rulings carefully and have an analysis of the same so that he may be sure of the true scope and correct application thereof. There may be a few other precautions which the Magistrate should take to impart fullness and soundness to his judgment. It is not necessary to dilate on this aspect any further as any amount of instruction given cannot be exhaustive and much depends on the natural capabilities of the Presiding Officer. I may, however, invite attention to the following general principles which will be of immense help to the Courts while dealing with the guilt or innocence of the accused: (1) The onus of proving everything essential for the establishment of the charge against the accused lies on the prosecution. (2) The decision of the case must rest on legal grounds based on legal testimony or evidence, both oral and documentary; but never on speculative theory or upon suppositions or mere suspicions created by the circumstances in the evidence. (3) The evidence to justify conviction should be such as to exclude to moral certainty every reasonable doubt as to the guilt of the accused. In case of doubt it is always safer to acquit than to condemn. Indeed the accused, in law, is always entitled to benefit of doubt. (4) While coming to the conclusion as to the guilt or innocence of the accused, the Court should take the following circumstances into consideration; (a) The circumstances in which the offence is said to have been committed. (b) The motive for the offence or false accusation. (c) The consistency of the story told by the prosecution, its probability or plausibility. (d) The nature of evidence on behalf of the prosecution. (e) Its credibility. (f) The character, position and independence of the witnesses. (g) How far their testimony is consistent with itself and conforms to experience and accords with collateral circumstances. (h) Exaggeration and discrepancies in their statement; their cause and effect together with the explanation as offered by the witnesses or the counsel of the parties. (i) The reasons for accepting or rejecting any portion of the statements ; its effect on the testimony. (j) The value of confession, if any. (k) The examination of the accused explaining the facts in the evidence against him. (l) The evidence adduced in support of the defence theory. As regards the recording of findings it is necessary that in the judgments findings on all charges must be clearly given. They should be recorded in distinct and definite terms so as to afford no room for doubt as to what they are and no scope for dispute that on the findings, no offence has been committed. Where there are several accused, the case of each accused should be dealt with in sufficient detail and the decision with regard to each with reasons therefor should be given. The names of the accused should be set out in the judgment In cases of conviction, as already stated, the judgment must specify the offence of which and the sections of the law under which the accused is convicted and also the punishment

inflicted under each. In case the previous convictions are relevant and have been proved, they should be duly stated with the details of dates, and extent of punishment. The reasons for the particular punishment also must be stated. If the conviction is under the Indian Penal Code and it is doubtful under which of the two sections or under which of two parts of the same section of the Code the offence falls, the Court must distinctly express the same, and pass judgment in the alternative. If the judgment is one of acquittal, the judgment shall state the offence of which the accused is acquitted. These in short are the various features which require mention in connection with the judgments in criminal cases. It must be remembered that the purpose of instructions is merely to provide some guidelines. It must all depend upon the originality and accomplishments of the Presiding Officer to make his judgments not only thorough and interesting but also highly satisfactory and convincing.

Appreciation Of Evidence

In order to arrive at a just conclusion with regard to the guilt or innocence of the accused, the evidence on record has to be properly and carefully weighed and valued. The evidence adduced may be direct or circumstantial. It may present a true picture or a false or distorted one. If it is circumstantial, the chain of circumstances may not be quite complete to connect the accused. The oral evidence may be biased, interested, exaggerated, purchased, perjured, tutored etc. In order to give any weight or value to the evidence, its true nature has first to be appreciated. But, dependent as the oral evidence is, on the variable and inconsistent factors such as human nature, the appreciation thereof can be reduced to a set of Formulae. There can be no canon either for weighing evidence or drawing inference therefrom. Much must depend upon the Presiding Officer's commonsense, knowledge and experience of men and matters as each case presents its own peculiarities. Conflicting versions with seeming realities make the task of appreciation of evidence all the more difficult. The power of judgment is put to hard test. The Presiding Officer has to bring to bear on facts elicited a fair amount of common sense, shrewdness, his knowledge and experience, taking into consideration at the same time the ordinary course of events and human conduct. The correct position would be, while considering the evidence he should put to himself whether he, as a reasonable person is convinced that the evidence he has heard satisfies beyond reasonable doubt that what is said to have taken place has really occurred in that manner. This matter is not of a simple nature and mistakes committed in this direction entail serious consequences. It is noticed that sometimes accused are acquitted on what we may call flimsy or inconsequential grounds while on other occasions conviction are based on material which does not justify convictions at all. Acquittal in most of the cases is based on an erroneous impression and application of the rule of benefit of doubt. It is not every contradiction or discrepancy however inconsequential, in the testimony, that should raise a doubt warranting acquittal. One has to bear in mind that men's powers of observation and expression vary and an account given by two or more witnesses equally truthful may be discrepant yet sufficiently accurate. Care must, therefore, be taken in sifting the evidence. The story, if found truthful otherwise, should not be brushed aside by reason of a slight discrepancy or defect which is explicable. *Fiat Justitia* should be the motto of the Court and discovery of truth should be attempted with the help of the evidence adduced. It will be wrong to decline to make such an attempt on the plea of discrepancies which may be the product of natural imperfections of human nature. It should be remembered that letting off the guilty without punishment is as much shocking to the public conscience as punishing the accused despite the absence of legal grounds based on legal testimony. Most of such evils follow in the wake of misappreciation of or inability to appreciate evidence by reason of inexperience or ill-equipment of law. Of course, mathematical precision cannot be claimed in matters like these. But reasonableness

of view must at all events be ensured by correct approach to the subject. In this behalf the following guiding principles may be of great help to the Presiding Officers in achieving that object: - (i) The Standard of Proof in Criminal Cases is not the same as in the Civil. In criminal cases as life and liberty of the accused are involved, a strict standard of proof is required as to the guilt of the accused. It is not the preponderance of probabilities that establishes the guilt of the accused. It is necessary that the evidence on record must prove it beyond reasonable doubt. A conviction cannot be based on the consideration that the prosecution story may be true. The accused can only be convicted if the Court reaches the conclusion that the prosecution story must be true. Considered as a whole the prosecution story may appear to be true but between "may be true" and "must be true" there is a long distance and the whole of this distance has to be covered by legal, reliable and unimpeachable evidence. (See *Sarwan Singh Rattan Singh vs. State of Punjab*: A.I.R. 1957 S.C. 637; *In re Shivabasappa Rayyappa Channali* A.I.R. 1959 Mysore 47.) If the evidence on record establishes the truth of the charge and satisfies the reason and judgment of the Court such evidence must be taken to have proved the charge beyond reasonable doubt justifying conviction. The law always requires that the conviction should be certain and not doubtful. Otherwise, no man can be safe. The burden of proving the guilt of the accused is upon the prosecution. Upon such proof as is adduced, if there is a real and reasonable doubt as to his guilt, the accused is entitled to the benefit of the same. The defence evidence does not come up for consideration at all as the prosecution has not discharged its onus. If the prosecution story is weak it cannot gain strength from the weakness of the defence evidence. It should stand by itself. Then again, where the circumstances of a case point to the conclusion that the accused committed the offence but at the same time there is also a reasonable probability raised by the state of evidence which is compatible with his innocence, there is no justification for the conviction of the accused. The accused must be acquitted. But where the burden of proof relating to an issue in a case is on the accused, the standard of proof required of him is not the same as is required from the prosecution. The accused need not establish his case beyond reasonable doubt. It is enough if he shows that the preponderance of probability is in favour of his case. What is thus required of him is the standard of proof required in civil cases. (See *V.C. Jhington vs. State of U.P.* 1966 S.C. 1762). Thus where the accused person claims exemption under a general exception or a special exception under the Penal Law it will be sufficient if he succeeds in proving preponderance of probabilities. (See: *Harbhajan Singh vs. State of Punjab*) (1966 S.C. 97). In fact, in case he pleads right of private defence, even if the evidence read as a whole, both of the prosecution and the defence, leaves the Court in doubt that the circumstances are such that the accused may have a right of private defence, the accused is entitled to that benefit of doubt. (ii) Extraneous factors and elements must always be kept out of mind while judging or determining the guilt. The determination of guilt must be based on legal evidence brought on record and not on outside material. The position of the accused in public life, his status or rank, the interest which the general public takes in the case, the publicity which the case is receiving in the local press or the sensation or stir it may have caused all these are definitely elements which are extraneous to the case and should never be allowed to affect the judgment of the Court in any manner. (See: *Palvinder Kaur vs. State of Punjab* A.I.R. 1952 S.C. 354). Likewise the Magistrate should never import his own knowledge of facts or of the character of the witnesses into the case nor refer to matters which come to his knowledge from other sources. Personal impressions should not find place in judicial orders. He should not be moved by hearsay evidence either and should not allow it to be brought on record. (iii) Evidence should be weighed but not counted. Section 134 of the Evidence Act enacts that

no particular number of witnesses is required for proof of any fact. The evidence of witnesses indeed has to be weighed and tested whatever their numerical strength be. The conscience of the Court should be satisfied as to the guilt of the person before he can be convicted. It is the probative force and the value of the evidence and not the sheer numerical strength of the witnesses which determines the guilt of any accused. If the case against the accused rests on the evidence only of a single witness to the crime and his testimony is entitled to full credit, that evidence would be sufficient to sustain a conviction. The question of corroborative evidence would not then arise at all. Thus, the evidence of a single witness would in law warrant conviction if it is true and above reproach or suspicion and does not suffer from any infirmity or taint (See *Vadivelu Thevar vs. State of Madras*: A.I.R. 1957 S.C. 614). The same principles which apply to proof apply equally to disproof, and even as guilt of an accused may be proved by a single witness; his innocence also may be accepted on the testimony of a single reliable witness even though a number of other witnesses not so reliable may have testified to his guilt. (iv) Evidence must conform to ordinary human conduct, natural course of events and probabilities of the transaction. The object of hearing evidence is to enable the Court to Form its belief in the truth or otherwise of the alleged occurrence and of the guilt of the accused. This, it has to do by evaluating or correlating the various facts in the evidence on which the proof of guilt is made to rest. The occurrence and the commission thereof by the accused are the two essential facts the truth whereof is to be discovered. The discovery of any fact can be had either by direct perception or by inference. The Courts have, of necessity, to infer the truth or otherwise from the testimony of the persons who are said to have knowledge thereof by direct perception. But whether their testimony is worthy of acceptance has to be judged, regard being had to the circumstances under which they observed, the state of their observation, whether casual, disturbed or distracted, their power of observance, the elasticity of their impressions, facility of description and possible lapse of memory. Allowance also must be made for possible distortion of the story and even lying. In order to ensure that the testimony accords with facts or contains the whole truth it has to be necessarily subjected to scrutiny. It is capable of being tested as there is cosmos and not chaos in the universe of facts. All the facts of the Universe are consistent with one another. There is order, regularity and system in the interrelation of facts. There is, indeed, a logical sequence in them as of cause and effect. Their interrelationship is so close that one fact can be traced out with the help of the other. It is, therefore, possible to reach the truth by process of reasoning on the strength of the facts known which have logical connection therewith. Inference or reasoning to lead us to truth must of course proceed on facts which can be believed to be true. Belief can be engendered only if the said facts accord with reason and commonsense. The Court, therefore, while judging the testimony or evidence before it, has to necessarily examine whether it is consistent with itself, conforms to the ordinary course of human conduct, the natural course of events and probabilities of the transaction. Of course, in this task effective cross-examination by the party may help the Court a good deal. But absence of such cross-examination does not relieve the Court from its duty to test the evidence. The Court has to undertake its task even though the witnesses are not effectively cross-examined by the party or his counsel, It cannot, in this behalf, afford to act mechanically. It has to subject the evidence to strict scrutiny. In weighing and evaluating the evidence, the Presiding Officers are bound to call in aid their knowledge and experience of life in discovering the truth. (See: *Chaturbanj Pande vs. Collector, Raigarh* A.I.R. 1969 S.C. 255 at page 257). The evidence of a witness shall be regarded with suspicion if it does not accord with the probabilities of the transaction to which he deposes. It should certainly be rejected when it is not

consistent with itself nor conforms to the natural course of events, or ordinary human conduct. This principle in the appreciation of evidence is of paramount importance.(v)In judging the credibility of the witnesses, the demeanour of witnesses, their position, character and antecedents also are to be taken into consideration.In judging the truth or falsehood of the testimony of witnesses; regard must also be had to the factors, such as, the demeanour of witnesses, their position, character and antecedents and their possible and probable motive for giving evidence. The demeanour of a witness under examination, if minutely and skilfully observed, would give an important clue to the nature of his evidence.Indeed Section 280 of the Criminal Procedure Code, 1973, casts a duty on a Sessions Judge or Magistrate to record such remarks (if any) as he thinks material respecting the demeanour of any witness whilst under examination. The Code thus attaches significance to anything discovered worthy of note in the demeanour and takes care that such impressions are protected from fading away so that the Courts may be in a position to eventually act upon them. By making a notice of the demeanour, the trial Court keeps the impression fresh in its memory. The appellate Court also will not miss this important feature in estimating the value of the evidence by reason of the record. Of course, the remarks contemplated are remarks in relation to unfrank, suppressive and evasive replies of the witness or as to other demeanour in the manner of his speech or otherwise, which has a bearing on the question how far his evidence can inspire confidence. The Presiding Officer, however, has to be cautious in making remarks or judging the credibility of the witness on the basis thereof. Before he can make use of them he has to certainly make considerable allowance for the unaccustomed situation in which the witness is placed and the impressions which such a situation are calculated to make upon his mind. Certain particular features noticed may as well spring from the state of agitation and embarrassment under a searching cross-examination or novelty of the position in which the witness is placed or his constitutional nervousness. Nevertheless if the demeanour is minutely and skilfully observed, the eye, the tone, the voice and the mouth may reflect the state of his mind and will give a valuable clue to a skillful observer to come to the conclusion whether he can be said to be a witness of truth or not If while making a statement he takes him to think about the materiality of his evidence and the effect that his answer will produce on the case or gives an evasive reply or answers a question put to him with great hesitation, the evidence that he gives may ordinarily be open to much suspicion. The Magistrate however has to be very cautious in noting his demeanour in drawing an adverse inference against his bona fides.It is not unusual that uneducated witnesses or those who are not accustomed to the ways of the Court do in their confusion of thought create discrepancies under a severe test of cross-examination. But on that account their story, if honest and substantially true, should not be rejected. The demeanour, though of great importance, has to be closely, carefully and critically watched and the conclusion on the basis thereof must be reached with due caution. Further, it is not only the demeanour of a witness but also his position, character and antecedents and his probable motive for giving evidence which are also to be taken into consideration. After all, the question of credibility of the witness comes for consideration only at the end when the Presiding Officer takes the overall picture and judges the evidence in that light.(vi)The testimony of partisan or interested witnesses or relatives cannot be discredited merely by reason of that character. What principles should be kept in view in judging the testimony of such witnesses.Evidence given by witnesses should not be discarded merely on the ground that it is evidence of relations or partisan or interested witnesses. Where offences are committed in residential houses, the witnesses to the offences generally are relations and servants. When factions prevail in villages where offences are committed, evidence available may be largely of

partisan or interested witnesses. The testimony of these witnesses cannot be mechanically rejected on the mere basis of interestedness. Such a rejection is calculated to result in failure of justice. Their interestedness may render their testimony open to strict scrutiny; but interestedness by itself is not a good cause for rejecting or brushing aside their testimony. It may be rejected when the witnesses are discredited as regards their good faith and honesty or their evidence otherwise does not bear scrutiny. The Court has, therefore, to be careful in weighing such evidence and see whether or not their evidence is discrepant, whether the story disclosed by this evidence is probable, whether their testimony appeals to reason and commonsense and appears to be true. In short, the evidence is to be judged taking into account all matters which the Court has to keep in view for testing the evidence and the testimony should be accepted, or rejected consequently. *Vide Masalti vs. State of U.P.* (A.I.R. 1965 S.C.202). Again the witnesses coming under the description of interested witnesses may have further traits. A person may be interested in a victim as being either his relative or his friend; but he may not share with the victim hostility against the assailants. If the relationship of the witness with the victim is close enough and friendship is very intimate, all that the Court should do is, be careful to note is whether his testimony bears strict scrutiny. The witness cannot, at any rate, be discredited on the ground of mere interestedness. The Court must consider whether the witness is a chance witness or can be accepted as being present at the scene of offence. Further, if there is no reason to disbelieve the truth of the account given by him, there is no reason why his statement should not be acted upon. Even where the witness, besides being a relative or friend of the victim, shares the hostility of the victim against the assailant, on principle it is difficult to accept the plea that his evidence can never be accepted unless it is corroborated in material particulars. See *Dayra Singh vs. The State of Punjab* A.I.R. 1965 S.C. 328. The testimony of the mother or a near relative of a girl against whom an offence of rape is committed, cannot be discounted dubbing it as interested evidence. In the absence of sufficient circumstances or motive for giving false evidence, such as enmity, ill will or grudge against the accused the testimony of such a witness should be judged on the same footing as that of an independent witness. Even where, in the circumstances of the case, some corroboration is required, if the girl against whom the offence is committed has complained to such a witness, her evidence is sufficient corroboration. See: *Rameswar Kalyan Singh vs. State of Rajasthan* A.I.R. 1952 S.C. 54. A witness is normally to be considered as independent unless he is traceable to a source which is likely to be tainted and a witness is to be considered to be tainted only if he has been shown to have a reason or motive for implicating the accused falsely, such as, enmity or grudge. Ordinarily, a close relative of the victim would be the last person to screen the real culprit and falsely incriminate an innocent person, and the mere fact of relationship, far from being a ground for suspicion, is often a guarantee of truth. There is no rule of prudence that a relative's evidence requires corroboration, and the fallacy often noticed that there is any such should be clearly dispelled. However, Courts must carefully see that out of feelings of relationship, innocent persons are not roped in. Each case must be judged on its own facts. (See *Dalip Singh vs. State of Punjab* (A.I.R. 1953 S.C.364)).

Partisan witnesses: - In factious cases the names of the innocents are not unoften tacked on to the really guilty ones. It is therefore, necessary that in such cases the Judge should scrutinise the evidence of partisan witnesses with particular care to exclude the danger that out of spite or enmity all the important members of the opposite faction are implicated so as to destroy them root and branch. It is important that evidence of such partisan witnesses be scrutinised with more than ordinary care and in particular sweeping statements and wholesale implications should be received with utmost caution. The above principles are well settled. The

Courts would do well to keep in view the following points relating to appreciation of evidence, while considering the evidence of interested witnesses or relatives :-

1. The testimony of a close relative cannot be discarded merely because of relationship. In fact, his evidence in a large number of cases would be very material, for a close relative would be the last person to screen the real culprit and falsely implicate an innocent person. The mere fact of relationship, far from being a ground of suspicion or the foundation of criticism of evidence, is thus often a sure guarantee of truth. It is not a general rule of prudence to require corroboration before such evidence is believed. Of course, if the culprits are more than one, rule of prudence may in certain circumstances require corroboration. It must all depend upon the particular circumstances of each case and the degree of confidence inspired by the statement of the witness.

(2) A person may be interested in the victim being his relation or otherwise and may not necessarily be hostile to the accused. In that case, the fact that the witness was related to the victim or was his friend may not necessarily be a ground to subject the statement of the witness to more than ordinary scrutiny. (3)(a) Where the witness is a close relation of the victim and is shown to share the victim's hostility against his assailant, that naturally would impel the Court to put the evidence to strict scrutiny before deciding to act upon it. In dealing with such evidence, the Courts will have to ascertain whether such witnesses are chance witnesses and whether their testimony, having regard to its nature, consistency with itself and conformity with the other circumstances of the case, appeals to reason or commonsense and should be accepted as correct, or is fairly corroborated by other evidence. (b) It must always be remembered that interested witnesses are not necessarily liars. Their testimony cannot be rejected and must be acted upon if it bears scrutiny. Their statement may, however, having regard to the circumstances of the case, be judged with care taking into account the possible bias. (c) The testimony of partisan witnesses in factious cases must be scrutinised with more than ordinary care and accepted with due caution. (4) It is not the rule that if a witness is shown to be a relative of the victim and it is also shown that he shares the hostility of the victim towards the assailant, his evidence can never be accepted unless it is corroborated on material particulars. All that can be said is that his testimony should be accepted if it bears scrutiny and the conscience of the Court is satisfied that it is true. (vii) The Rule of Best Evidence should never escape one's attention in evaluating evidence. In attaching weight and value to the evidence the Court should also see why the best evidence which could be produced by the Prosecution was not so produced. Where, for instance 'A' a respectable man of the village who was present when the occurrence took place, is not produced but instead two labourers living at a distance from the place of occurrence are produced, the Court should view their evidence with suspicion unless good reasons are given for not producing 'A' and there are other circumstances to believe the testimony of the labourers. It goes much to the discredit of a party if good evidence which is worthy of credit is kept back and not produced. But if the best evidence has not been produced it does not mean that the other evidence admissible in law should be rejected forthwith. As observed above, the Court has still to consider the weight and the legal

effect of the witnesses produced in the case.(viii)The evidence of child witnesses should be accepted with due care.The competence of a witness is determined by Section 118 of the Evidence Act According to the said section, every person is competent to give evidence, except when the Court considers that he or she is unable to understand the questions put to him or her, or give rational answers. Such incompetency may arise from causes like tender years, old age, disease, etc.The proviso to Section 5 of the Oaths Act prescribes that when a witness is a child under 12 years of age and the Court considers that though he understands the duty of speaking the truth, he does not understand what oath means, the Court may dispense with the administration of oath. But the Judge should always, when dispensing with an oath, make a clear record that he was satisfied that the child understands the duty to speak the truth and should also state his reason for thinking so. (See *Rameshwar Kalyan Singh vs. State of Rajasthan* 1952 S.C.54.)Although the unworn testimony of a child is admissible, it must be received with great caution. Children of tender age, generally speaking, are pliable and their evidence can easily be shaped and moulded. They can be made to repeat glibly a story put into their mind. They do not possess the discretion to distinguish between what they have witnessed and what they have heard. It is therefore desirable that absolute reliance should not be placed on the evidence of a solitary child witness. One should look for corroboration of the same from other circumstances in the case. The tender years of the child, coupled with other circumstances appearing in the case, for example its demeanour, unlikelihood of tutoring and so forth, may render corroboration unnecessary. But that is a question of fact in every case. If, after carefully scrutinising the evidence, the Court comes to the conclusion that there is a great impress of truth in it, there is no bar in law in the way of accepting the evidence of a child witness. The Court should look for corroboration as a matter of caution and not as a rule of law. That is the guiding principle in appreciation of evidence of a child witness. There is no law which says that the evidence of a child witness should not be accepted unless it is corroborated. But the rule of prudence requires corroboration. (See *Mohammed Sugul Esa vs. The King*. 1946 P.C.3).(ix)Evidence of Accomplice requires corroboration for conviction.Section 133 of the Evidence Act provides that "An accomplice shall be a competent witness against an accused person; and a conviction is not illegal merely because it proceeds upon the uncorroborated testimony of an accomplice."The provision thus places no limitation on the acceptance of the testimony of an accomplice against the accused on the ground that he is an accomplice. It does not impose any condition or correlation for purposes of conviction.But illustration (b) under Section114 of the Act says that the Court may presume that an accomplice is unworthy of credit, unless he is corroborated in material particulars. It follows that notwithstanding that an accomplice is a competent witness against the accused, his testimony is inherently of a tainted nature and by itself it is not sufficient to sustain a conviction. Of course, it is legal evidence. It can be relied upon in proof of the guilt of the accused if it is worthy of credit but conviction can follow if it finds corroboration from other evidence. To sustain conviction it should thus satisfy two tests:(1)The version must be a reliable account which means that there is nothing inherently improbable in the story.(2)There must be sufficient corroboration of his evidence before it is accepted or acted upon.(See *Piara Singh vs. The State of Punjab*, 1969 SC 961*Sarvan Singh vs. The State of Punjab*, 1957 SC 637*Lachhiram vs. The State of Punjab*, 1967 SC 792, and*Seshanna vs. State of Maharashtra*, 1970 SC 1330 at 1333).The nature and extent of corroboration that the Court should look to depends upon the facts and circumstances of each case. It is not possible to Formulate any rules. However, the following principles are well established:(a)Corroboration must be from an independent source.(b)Corroboration need not be by direct evidence. It is sufficient

eventhough it is circumstantial in nature.(c)Corroboration is required on material particulars and not confirmation of every detail deposed to by the approver.(See, Bhiva Doulu Patel vs. State of Maharashtra, 1963 SC 599 and Sarvan Singh vs. State of Punjab. 1957 SC 637).(d)Corroboration required to the extent stated in both as to the commission of offence and identity of the accused or each one of the accused (as the case may be) as actual participants in the Crime.(x)Nature and extent of corroboration wherever it is required by law should always be kept in mind.In all cases where corroboration is required, the nature and extent of corroboration that the Court should look to must necessarily vary with the circumstances of each case and also according to the particular circumstances of the offence charged. There can, therefore, be no set Formula which may be of universal application. However, there are certain guiding principles which will be of great help to the Presiding Officer in this behalf. These principles have been succinctly laid down in King vs. Baskerville, 1916(2) KB. 658 which is the locus classicus on the subject.One of the important principles according to it is that wherever corroboration is required, what should be looked into is not independent corroboration of every circumstances in the sense that there should be independent evidence which by itself de hors the testimony of the complainant or the accomplice be sufficient to sustain conviction. As Lord Reading says: -"Indeed, if it were required that the accomplice should be confirmed in every detail of the crime, his evidence would not be essential to the case, it would be merely confirmatory of other and independent testimony".All that is required is that there must be "some additional evidence rendering it probable that the story of the accomplice (or complainant) is true and that it is reasonably safe to act upon it".The second principle is that the corroborative evidence must not only make it safe to believe that the crime was committed but also must in some way reasonably connect or tend to connect the accused with it by confirming in some material particular the testimony of the accomplice or complainant that the accused had committed the crime. This does not, however, mean that the corroboration as to identity must extend to all the circumstances necessary to identify the accused with the offence. It is nevertheless essential that there should be independent evidence which will make it reasonably safe in believe the witness's story that the accused was the one among those who committed the offence. The reason for this part of the rule is that "a man who has been guilty of a crime himself will always be able to relate the facts of the case, and if the confirmation be only on the truth of that history, without indentifying the persons, that is really no corroboration at all. It would not at all tend to show that the party accused participated in it."The third principle is that the corroboration must come from independent sources or sources other than tainted. Ordinarily, therefore, the testimony of one accomplice would not be sufficient to corroborate that of another. But of course, the circumstances may be such as to make it safe to dispense with the necessity of corroboration and in those special circumstances a conviction would not be illegal.The fourth principle is that the corroboration need not be by direct evidence that the accused committed the crime. It is sufficient even if it is circumstantial evidence as to his connection with the crime. Were it otherwise "many crimes which are usually committed in secret, such as incest, offences with females (or unnatural offences) could never be brought to justice".The above rules were approved or followed in Rameshwar Kalyan Singh as. State of Rajasthan (1952 SC 54). Sidheshwar Ganguly vs. State of West Bengal (AIR 7958 SC 143) and Major E.G. Barsay vs. State of Bombay (1961 SC 1762).(xi)Former statement of a witness may be used as corroboration of his testimony.The previous statement of a witness may be corroboration of the evidence of the witness. Illustration (j) under Section 8 of the Indian Evidence Act reads as follows: -"The question is whether A was ravished. The fact that shortly after the alleged rape, she made a complaint relating

to the crime, the circumstances under which, and the terms in which the complaint was made are relevant". Thus the previous statement of a female who is ravished is admissible under Section 8 of the Indian Evidence Act by way of the conduct of the party. The question is whether such a statement may be proved to corroborate the subsequent testimony as to the same fact. In this regard Section 157 of the Indian Evidence Act reads thus: "In order to corroborate the testimony of a witness, any Former statement made by such witness relating to the same fact, at or about the time when the fact took place or before any authority legally competent to investigate the fact, may be proved". Thus according to this section any Former statement made by a witness may be proved to corroborate his testimony provided the conditions laid down therein are satisfied. One of the conditions is that the Former statement must have been made 'at or about the time' when the fact took place. At or about the time' would mean as early as can reasonably be expected in the circumstances of each case. See: *Rameshwar Kalyan Singh vs. State of Rajasthan* 1952 SC 54. In that case, a girl who was raped told her mother about the incident about 4 hours after it occurred. The reason for the delay was that the mother was not at home when the girl went there. When the girl went home, she lay down and went to sleep and when her mother returned from the field at about 4 p.m. she told her mother what had happened. It was held in that case that the Former statement of the girl was made at or about the time when the fact took place. (xii) The Probative Value of evidence of the complainant or the prosecutrix in sexual offences. A woman who has been raped is not an accomplice. She is the victim of an outrage. If the woman gave her consent, there is no offence unless she happens to be a married woman in which case consequences of adultery may follow. In the case of a girl below the age of consent, her consent will not matter so far as the offence of rape is concerned. In all sexual offences, including unnatural offences, the evidence of the complainant or the prosecutrix has to be treated with caution. Though the complainant or the prosecutrix is not an accomplice, and though corroboration is not essential before there can be a conviction, the necessity of corroboration must be present to the mind of the Judge and in the case of trial by Jury there must be an indication in this charge to the Jury about the necessity of corroboration of such evidence though such corroboration may be dispensed with in the particular circumstances of a case when it is safe to do so. When the child on whom the sexual offence is committed is of tender years and has no opportunity of being tutored having regard to her demeanour, corroboration may be dispensed with. See: *Rameshwar vs. The State of Rajasthan* (1952 SC 54) and *Sidheswar Ganguly vs. State of West Bengal* (1958 SC 143). (xiii) The value of evidence of trap witnesses in cases relating to bribery. In cases relating to bribery, sometimes in order to entrap the persons receiving the bribe, the persons offering the bribe produce currency notes before the police authorities or Executive Magistrates. After some marks are made on the currency notes, the same are handed over to the person receiving bribe and he is entrapped and caught. In some cases, the Police Officers and Executive Magistrates themselves provide such money. The point for consideration is whether the evidence of the witnesses of the raiding party and the Officer is to be treated as that of accomplices. The persons who under compulsion offer money to the person receiving bribe cannot be said to be accomplices. They are in the nature of only partisan or interested witnesses. Their evidence cannot be rejected on the ground of absence of independent corroboration. Their evidence has to be judged by the same standard as the evidence of other partisan or interested witnesses. Vide *State of Bihar vs. Basawan Singh* (1958 SC 500) *Ramanlal vs. State of Bombay* (1960 SC 961). The inexpediency of employing Magistrates as trap witness has been stressed upon in various cases. In *Brannan vs Peek* 1947 (2) All E.R. 572 Goddard, C.J. made the following observations: - "I hope the

day is far distant when it will become a common practice in this country for police officers to be cold to commit an offence themselves for the purpose of getting evidence against someone". This point was again stressed upon in *Ramjanam Singh vs. The State of Bihar* (1956 SC 643 at 651). It was observed therein thus: "The very best of men have moments of weakness and temptation, and even the worst, times when they repent of an evil thought and are given an inner strength to set Satan behind them; and if they do, whether it is because of caution, or because of their better instincts or because some other has shown them either the futility or the wickedness of wrong doing it behoves society and the state to protect them and help them in their good resolve, not to place further temptation in their way and start afresh a train of criminal thought which had been finally set aside." The inexpediency of employing Magistrates as trap witnesses cannot be resolved into an inflexible rule that their evidence should be totally rejected in the absence of independent corroboration. Vide *The State of Bihar vs. Basawan Singh* (1958 SC 500). (xiv) The value of evidence of a person seeing the commission of a crime and not giving information of it to anyone else. A man who sees the perpetration of a crime and does not give information of it to anyone else cannot be regarded in law as an accomplice. But there can be no doubt that evidence of such a man should be scanned with much caution and the Court must be fully satisfied that he is a witness of truth especially when no other person was present at the time to see the crime or murder. Though he is not an accomplice, the Court would still require corroboration on material particulars as he is the only witness to the crime and as it would be unsafe to hang the accused on his sole testimony unless the Court feels convinced that he is speaking the truth. Vide *Vemireddy Satyanarayana Reddy vs. State of Hyderabad* (1956 SC 379). (xv) Contradictions and Discrepancies have to be carefully judged. How far they are material. The duty of the Court is to discover the truth and to find out whether the accused is guilty or not. It has to reach its conclusion in this behalf on the basis of legal testimony or the evidence brought before it. This evidence may be direct or indirect. It may be based on perceived facts or inferred facts. Facts based on direct observation are perceived facts. What may be inferred from the facts known by a process of thinking or reasoning are inferred facts. Even the perceived facts come before or to the knowledge of the Court by way of testimony of persons who say they have seen them. This testimony cannot be free from certain natural defects. To start with, human observation itself has its own imperfections. It cannot possibly cover all the particulars of the incident at one time. It is not therefore free from possibility of mistake. Mistakes again may be of observation or they may be of description. The version coming before the Court besides cannot be free from mistakes of memory and what is more of the possibility of careless reporting or deliberate lying. The amount of confidence which has to be placed on legal testimony based on observation must, therefore, be judged by references to various factors such as (1) the subject matter, i.e., the nature of the occurrence, (2) the time of the observation (3) whether the observation was casual or deliberate (4) the type of mind of the observer, (5) the state of mind at the time, (6) the possibility of elaboration and distortion of the facts perceived, (7) the length of time that elapsed between the observation and the recording of testimony (8) the amount of corroboration from other observers, and (9) whether the testimony is consistent with the probabilities of the transaction. So then, while considering the testimony, we are obliged to take into account not only the possibilities of mistakes of observation and mistakes of memory but also the possibilities of careless statement or deliberate lying. Of course, a thorough and skillful cross-examination should enable the Court to judge the state of observation and the witness's memory. It may expose any attempt at deliberate falsehood as well. But an inference as to the truth or otherwise of the story told has to be drawn even from out of

seeming conflicts, contradictions or discrepancies, found in the testimony occasioned by cross-examination or otherwise. These contradictions and discrepancies may flow from natural defects of observation and vagaries of human nature or they may betray that the versions of the deponents are false or unworthy of credit. It all depends upon the nature of the defects and the type of the witnesses examined. It must be remembered that contradictions and discrepancies are natural and inevitable in the testimony of even truthful witnesses. There can be discrepancies of truth as of falsehood. It all depends upon the natural causes thereof. While minor discrepancies cannot be of any consequence, contradictions in the statement of witnesses cannot be lightly passed over as they seriously affect the creditability of witnesses. Discrepancies of minor character are generally those which are attributable to inattention to all the details or the elasticity of human impressions, men's varied powers of observation and expression. A version given by two persons in relation to some incident though sufficiently accurate may not be free from discrepancies. It is not possible for any two persons to observe all the minutest details of the occurrence with equal care. Their power of appreciation or expression also differs. The discrepancies, therefore, both as a result of inattention to details and due to natural tendency to exaggerate or belittle are but natural and inevitable. Indeed, the absence of such discrepancies may, in a large number of cases, be attributable to tutoring. So then "when the evidence is discrepant or exaggerated allowance has to be made for the idiosyncrasies of the class from which the witnesses are drawn, their powers of observation, strength of memory and facility of description with a discount for possible bias or prejudice". (See Taylor on Trial or Cases, Page 86). The discrepancies may sometimes be due to confusion of thoughts when the witness is subjected to severe test of cross-examination. Such defect will be more prominent in cases of persons who are not accustomed to the ways of Courts or are nervous. Certainly these factors have to be borne in mind while evaluating the evidence of the witnesses. While contradictions on material points cannot be easily ignored as they affect the truth of the story, not much importance should be attached to the minor discrepancies. These discrepancies may not be merely in relation to the details of the occurrence but also to the time and date or day of the occurrence as well. As a matter of fact the time and date as given by most of the witnesses are approximate and there ought to be great margin for honest error. It is not possible for the witnesses to give the exact time in relation to each instance of the incident. They may not have watches with them and even if they have, they may not closely note the same, being wholly absorbed in the observation of the incident. Even though they may at times remember the date, when they have to give their evidence after a long interval, failure of memory in this behalf may be inevitable. They will not be able to recall the exact date. Indeed it is impossible to expect any witness much less an illiterate witness to describe the particulars as to time and distance and the movements of persons in such a scientific detail as to stand the test of calculation. See *Nitta Singh vs. State of Punjab* (1965 SC. 26 at 30). Where a large number of offenders or victims are involved in an offence, it is often not possible for the witnesses to describe accurately the part played by each one of the assailants. In such cases, it is usual to adopt the test that the conviction should be sustained only if it is supported by two or three or more witnesses who give a consistent account of the incident (See *Masalti vs. State of U.P.* 1965 SC. 202). Sometimes illiterate witnesses from villages who are dull witted are unable to separate in their minds what they saw from what they heard, from the inferences they themselves draw and from the inferences other persons draw for them. It is due to this inability certain discrepancies creep in their statements. These discrepancies are to be judged carefully. The Court has to subject each material contradiction or discrepancy to strict scrutiny and see whether its

conscience is satisfied that the witnesses are speaking the truth. The Court has, always, to bear in mind that the benefit of reasonable doubt has to go to the accused. Where the evidence is conflicting or where there is an indication that false evidence has been introduced the probability or improbability of the transaction should be taken into account to arrive at the truth. Of course, the rejection of certain specific statements of a witness is not necessarily a ground for disbelieving the whole of his evidence. Where the untruth spoken to, by a witness is merely in embroidery to the story and is attributable to lack of memory, the whole statement should not be disregarded and an attempt should be made to disengage the truth from the falsehood. But if it is established that he has prejudiced himself either with regard to a particular accused or on a major part of the case, that should be enough to discredit the testimony altogether. (See *Sukha vs. State of Rajasthan* 1956 SC. 513). Hardly we come across a case where there is not a grain of untruth in the evidence of a witness. Often the statements of witnesses contain exaggerations, embellishments, and embroideries; but on that ground alone their evidence cannot be discarded. Truth must be separated from falsehood in the same manner as chaff should be separated from grain. But where the material portion of the evidence is not believed, it is wholly unsafe to convict any person on a small piece of evidence that may possibly be true. *Ugar Ahir and others vs. The State of Bihar* 1965 SC 277, *Nisar Ali vs. The State of U.P.* 1957 SCJ 392: AIR 1957 S.C. 366). If the statement of a few witnesses is not believed with respect to some of the accused persons, it does not necessarily follow that their evidence should not be relied on with reference to other accused as well (See *Gullusah vs. The State of Bihar*, 1968 SC 813). (in the case cited the evidence of witnesses was not accepted in respect of some of the accused but was relied on against the appellant). Witnesses who retract their statements in the trial Court should be looked upon as witnesses not above suspicion and their evidence should be regarded with great caution. Where a witness for the prosecution makes a statement in the trial Court contradictory to the one before the Inquiry Magistrate or the Police casting a serious doubt about the case for the Prosecution, there is no guarantee of truth in either of his statements and his evidence entirely unreliable. (See *Madan Mohan Singh vs. State of U.P.*, AIR 1954 SC 637). Witnesses who kept silent for a long time about the incidents to which they have deposed and who, moreover, when first questioned by the Police had denied all knowledge of the affair, are not entitled to have their testimony believed. (xvi) Circumstantial Evidence is of considerable help in determining the guilt. Circumstantial evidence is sometimes of very great importance. Indeed in some heinous crimes it is the only evidence available. It provides links in a chain of facts which go to establish the guilt of the accused. Where there is no direct evidence and the proof is made to rest on circumstantial evidence, the principles which should be kept in view in judging the guilt are as follows: (1) Each fact and circumstance on which the prosecution relies in support of its cause must be such as to lead to a reasonable inference about some aspect of the guilt of the accused. (2) Every such fact or circumstance on which the prosecution relies must be clearly proved beyond doubt. (3) The chain of proved facts and circumstances must be of such nature as to point, in their total effect, irresistibly and unmistakably to the only conclusion that the accused is guilty of the offence. The Chain of evidence must be so far complete as not to leave any reasonable doubt for the conclusion consistent with the innocence of the accused person. The circumstances should be of a conclusive nature and tendency and they should be such as to exclude every hypothesis but the one proposed to be proved. In short, the incriminating facts established must be incapable of explanation upon any other hypothesis than that of the guilt of the accused. Otherwise the accused must be given the benefit of doubt. See *Anant Chintaman Lagu vs. State of Bombay*, AIR 1960 SC

500 ; Govinda Reddy vs. State of Mysore, AIR 1960 SC 29, Eradu vs. State of Hyderabad, AIR 1965 SC 316; See Charan Singh vs. State of U.P. 1967 SC 520 and See Hanumant Govind Nargundkar vs. State of M.P., 1952 SC 343.(xvii)The Significance of Evidence of Motive.Motive is the reason which induces and actuates a man to do a certain act. It is a sense of injury or a long cherished feeling of resentment which induces a person to commit an offence. Motive is thus no doubt an important factor and is therefore relevant under Section 8 of the Evidence Act. Existence of adequate motive for the perpetration of crime is an important factor which strengthens the general body of evidence. But failure to prove motive cannot outweigh the positive evidence as to the crime. Thus motive, though an important factor, adequacy or absence of motive may not affect the merits of the case if there is positive evidence as to the crime which brings home the guilt of the accused.(xviii)The evidence regarding conduct is relevant. The degree of probative value depends on the particular circumstances of each case.In some cases the prosecution seeks to establish that the accused when arrested manifested a great agitation and alarm or that when the accused came to know that the police machinery is set in motion in relation to the occurrence, he immediately took to flight or that every since the incident the accused has been absconding.Wills in his Book on Circumstantial Evidence at page 126 says: -"Men are differently constituted as respects both animals and moral courage and fear may spring from causes very different from that of conscious guilt ; and every man is therefore entitled to a candid construction of his words and actions, particularly if placed in circumstances of great and unexpected difficulty".Mr. Justice Abbot in a trial for murder where evidence was given of flight, observed in his charge to the Jury, that"a person, however, conscious of innocence, might not have courage to stand a trial ; but might, although innocent, think it necessary to consult his safety by flight."It may be a conscious anticipation of punishment for guilt, as the guilty will always anticipate the consequences ; but at the same time it may possibly be, according to the frame of mind, merely an inclination to consult his safety by fight rather than stand his trial on charge so heinous and scandalous as this is".These passages show that the evidence of such a conduct unless it is traceable to the conscious guilt of the accused is not of much consequence. (See Khushal Rao vs. State of Bombay, 1958 SC 22). Of course, when there is no sufficient explanation and the other evidence pointing to the guilt is overwhelming, this conduct adds to the proof of guilt (See Pritam Singh vs. State of Punjab, 1956 SC 415).(xix)Confession and their valueDeliberate and voluntary confessions of guilt, if clearly proved, are amongst the most effectual proofs in the law. That is because it cannot be ordinarily presumed that a rational being will wantonly make admissions prejudicial to his interests and safety. But in a large variety of cases it is seen that the confession is retracted at the trial. So then, it falls to the duty of the Court to determine if a confession is voluntary. The burden will be on the prosecution. If the circumstances in which a confession was made throw a doubt upon its voluntary character, it must be rejected. If the accused claims that the confession was induced or coerced, unless the voluntary nature is fully proved, the confession has no value. The accused is not required to prove his assertion affirmatively. All that may have to be considered is whether what he says is possible. If there is nothing on record to show that his assertion is false and, judged from other circumstances, such things can happen and may have happened in the instant case, that is enough to give the benefit to the accused. (See Nathu vs. State of U.P. 1956 SC 56 ; Aher Raja Khima vs. State of Saurashtra, 1956 SC 217). If the reasons given by the accused for withdrawing the confessional statement are palpably false and the statement is held to be true and voluntary, the question arises, what is the importance and weight to be attached to the confession, retracted as it stands. If the truth of the confession is established by

corroboration in material particulars by independent evidence, it can be acted upon. What is sufficient corroboration for this purpose has to be decided in each case on its own facts and circumstances. It may, however, be generally stated that where the prosecution by the production of reliable evidence which is independent of the confession, establishes the truth of certain parts of the account given in the confession and those parts are so integrally connected with other parts of the confession, that a prudent Judge would think it reasonable to believe, in view of the established truth of these parts that what the accused has stated in the confession as regards his own participation in the crime, is also true, that is sufficient corroboration. (See Nand Kumar vs. State of Rajasthan, 1962(2) S.C.R. 890.(xx)Extra Judicial Confession.Extra-judicial confession can be accepted as evidence only if the Court is satisfied that it is both voluntary and true. It must be received with great caution. The exact words used by the accused should always be ascertained; and before it is accepted as a piece of evidence justifying a conviction, the Court should satisfy itself on the following points: -

- 1. What were the circumstances under which it was made or in what manner was it obtained?**
- 2. Was the confession made by the accused voluntarily?**
- 3. What was the reason for the accused to have confided in the witness who proves it and to have made a clean breast of his actions?**
- 4. Did the witness truly understand the sense of what was stated to him, or is there any room for a mistake or misapprehension?**
- 5. Have the words uttered by the accused been correctly reproduced or is the witness improving on the statement which was made to him?**
- 6. Has the witness any personal motive to depose falsely against the accused, or have the police, in their eagerness to prove the commission of a crime, put up that witness to prove a confession.**

(See Ratan Gond vs. State of Bihar, 1959 SC 18; Mulk Raj vs. State of M.P. 1956 SC 902)(xxi)Value to be attached to confessional statements of co-accused.The confession of a co-accused is not evidence under Section 3 of the Evidence Act. It is not required to be recorded on oath and it cannot be tested by cross-examination. First the Court should altogether exclude such confession from consideration. It must see if there is evidence in the case sufficient to sustain a conviction. If the finding is that there is not sufficient evidence the matter ends there and a conviction cannot be upheld even though there is in addition a confession by a co-accused. If on the other hand, the Court finds that the other evidence is of such a nature as to be sufficient to sustain a conviction provided it is believed, the confession of a co-accused comes into use and can be called in aid for lending assurance to the belief in that evidence. See Nathu vs. State of U.P. (1956 SC 56).The confession must implicate the maker

himself substantially to the same extent as his companions in the crime before it can be used against the accused. See *Balbeer Singh vs. State of Punjab* (1957 Section 216). Section 30 of the Evidence Act alone permits the Court to take into considerations the confession of a co-accused against others if it is made by him affecting himself and some other. The various principles referred to above though by no means exhaustive will afford sufficient guidance to the Magistrates in particular and all the Presiding Officers of the Criminal Courts in general in appreciating the oral evidence that may be adduced in criminal cases. The Courts called upon to decide criminal cases while appreciating evidence have to take into account the documentary evidence as well. They have to call in aid sometimes certain presumptions of law. If need be, they have to take judicial notice of certain facts as well. It may be seen that whereas it is manifest that the evidence that may be given in any inquiry or trial under the mandate of Section 5 of the Evidence Act, is of the existence or non-existence of every fact is issued and of such other facts as are relevant under the Indian Evidence Act and of no others, and what are relevant facts have been referred to in Sections 6 to 55 of the said Act, the method of proof is not merely by way of oral testimony of witnesses. There are other methods as well. One such method which is most common is the documentary proof. The documents may be public or private. Private documents are other than the Public Documents. (Sections 74 and 75 of the Indian Evidence Act). Method of proof of Public Documents has been stated in Sections 77 to 79 and the presumptions which have to be raised in relation to certain documents have been mentioned in some of the subsequent sections. It is necessary that these presumptions should be kept in mind while judging the evidence. The proof of private documents has to be adduced by producing the originals, if available. They have to be duly proved by a person who wrote and signed them (Section 67) and if any such person is dead or cannot be found or denies his handwriting or signature, they may be proved by ;(a) the evidence of the person who are familiar with this handwriting or signature. (b) by a comparison of the signature or writing of that person with his signature or writing which is admitted, or proved to the satisfaction of the Court (Section 77). Thus even in relation to the documents, oral testimony becomes necessary and the principles of appreciation of evidence already referred to will apply. It should be further remembered that the documentary evidence being not prone to lapses of memory may have its special value as against the oral evidence but that has to be judged in the circumstances the document was executed or brought into being. This has to be borne in mind while attaching weight and value to the evidence. Under the Evidence Act, the Court has to take judicial notice of certain facts without calling upon the party to prove as provided in Sections 56 and 57. Thus the Court would do well to take all these factors into consideration while appreciating the evidence and coming to its conclusions in criminal cases.

Punishment And Sentence And Considerations In Awarding Punishments Sections 35 and 39 of Criminal Procedure Code deal with the limits of sentences which various Courts may legally pass. The Indian Penal Code save, in certain offences where the minimum also is fixed, fixes only the maximum limits of sentences which may be passed for any offence. The same is the case even with regard to fines. The legislature thus has, in reason, left the matter of award of adequate sentence, within the limits prescribed, entirely to the discretion of the Court. This discretion has, of course, to be exercised judicially in accordance with the established principles of reason and justice regard being had to the nature of the offence, the circumstances in which it is committed, the circumstances of the accused and the policy and object of law. The question of determination of proper sentence is not free from difficulty. Indeed its importance cannot be overemphasised when it is manifest that a disproportionate sentence is likely to excite sympathy of the public for the accused

and thus defeat the very object for which it is passed. It removes all chances of reformation also. Likewise a light or a ridiculously low sentence is fraught with tendencies to prove a danger to the public peace. The question of sentence is thus both a difficult and delicate matter. No hard and fast rule can be laid down being a matter of discretion, guided by a large number of considerations. Precedents also cannot be a sure guide unless they are based upon any principle of universal application. Sentence passed by one Judge in relation to the same kind of crime or offence cannot therefore be a dependable guide. No two cases can be exactly similar in all their aspects. Indeed in a large variety of cases, there can be wide divergence both in relation to the circumstances in which the offences were committed and also those of the accused. The Presiding Officer has to fall back on his good sense and judgement taking into account various considerations while determining the sentence. The nature and gravity of the offence, the circumstances in which it was committed the degree of deliberation shown by the accused or provocation received, the age and character of the accused, his antecedents, the motive for the crime and the manner in which it was committed, etc., are all matters which have to be necessarily taken into consideration. Further, all these must be matters of a record established by evidence and not mere impressions created by the accused on the Presiding Officer. The aggravating and extenuating circumstances have an important role to play. The theory and object of punishment and the policy of law are no less significant. They have to be always kept in mind. The avowed objects of punishment are varied and manifold. But mainly and essentially the object is to ensure the protection of the public against offences to person and property. As Bentham in his works, Vol. I, page 386, has said: "If we could consider an offence which has been committed as an isolated fact, the like of which would never recur, punishment would be useless. It would be adding an evil to another. But when we consider that an unpunishable crime leaves the path of crime open not only to the same delinquent but also to all those who may have the same motives and opportunities for entering upon it, we perceive that the punishment inflicted on the individual becomes a source of security to all". Protection of the public is ensured if prevention of crime is secured. This object can be achieved in two ways: (1) by imposing punishments sufficient to deter the accused from repeating the crime and serve as a lesson or warning for others with similar bent of criminal mind; and (2) by ensuring that the punishment given serves as a reformation for the offender so that he may become a good citizen and cease to be a threat to the public. Thus the theory of punishment is based upon (1) the protection of the public; (2) the prevention of crime; (3) the reformation of the offender; and (4) corporal suffering for the crime committed. The punishment may have a deterrent element also. The concept of deterrent punishment does not take in the idea of vindictiveness; but it eschews the same. While deterrent punishment has a reformatory value, vindictiveness defeats the very object. The sentence in each case at any rate should necessarily bear reasonable proportion to the nature and gravity of the offence and circumstances of each case. If it is unduly severe or vindictive, it is apt to frustrate the very purpose. So then, what is to be considered while awarding punishment within permissible limits is firstly, the gravity of the offence; secondly, the circumstances under which it is committed; thirdly the circumstances of the accused, and fourthly, the object and policy of law. Nature and gravity of the offence is the first consideration. The measure of punishment should be determined largely having regard to the same. Offences against person are certainly of greater magnitude than those against property, for personal violence spreads a feeling of greater insecurity and terror in the community, involves the person in more bodily suffering and sometimes the injury caused is irreparable. Therefore, the former type of offence warrants a heavier sentence than the latter. At the same time,

the circumstances under which they were committed are of no less significance in determining the quantum. The offence may be attended by aggravating circumstances or there may be some mitigating circumstances. The punishment in both the cases cannot be the same or else the purpose of punishment will be frustrated. Aggravating circumstances may generally be, as Bentham has put it: "(1) Deliberate violence especially when it is super added to another crime, viz., robbery and dacoity in which case the offender justly forfeits all human sympathy. (2) Use of lethal weapon. (3) Wanton cruelty and malignity. (4) Treachery as when he is inveigled into an ambush and then murdered. (5) Nature of injury-as where a man is clubbed to death or where he is stabbed with a knife. (6) Motive which will of course play a most important part "Mitigating circumstances as mentioned by the same author are:-" (1) Absence of bad intention. (2) Provocation. (3) Self-preservation. (4) Preservation of some near friend. (5) Transgression of the limits of self-defence. (6) Submission to menace. (7) Submission to authority. (8) Drunkenness. (9) Childhood." The above list cannot be said to be exhaustive. Aggravating circumstances certainly warrant heavier sentence and the mitigating circumstances tend towards leniency. Thus the nature and enormity of the offence is a major consideration that must be primarily kept in view in awarding punishment. The measure thereof, of course, may to an extent be influenced by the other considerations which call for strict or lenient view of the matter. This depends on the circumstances under which and the manner in which the offence was committed, the personal circumstances of the offender himself and the object and policy of law. The offence might have been committed with deliberation and cruelty or it might have been committed in the supposed exercise of right of private defence or without pre-meditation or under grave and sudden provocation. It may be the product of momentary impulse or a feeling of supposed wrong. Further, the offender may be a man of tender age or immature understanding or he may be an old man of senile intellect. He may be a man given away to fits of temper or he may have acted on the authority of some person who has in a domineering position. His state of health, sex, position in life-all these must necessarily influence the determination of the appropriate measure and extent of punishment. The cases of first offenders have to be viewed with commiseration as in such cases repentance and reformation are always possible. In such cases punishment should ordinarily be of warning rather than of penalty. That is not to say that Criminal tendencies in juvenile offenders should not be taken into consideration at all in passing sentence against them. Indeed while passing sentence on such offenders also, it is necessary to guard against any danger to the public and danger to the accused himself. Where the crime committed by a young man is by no means a simple crime, such as is committed by children out of mere thoughtlessness rather than criminality, and it shows a singular combination of design and ingratitude and a general character of craft and deceit, he may not be leniently dealt with. The cases of hardened criminals may warrant a long term of imprisonment if there is no likelihood of moral improvement of the person. Considerations of public safety and protection and the risk and danger to which the public will be exposed while he is at large may justify his being awarded a long term of imprisonment. Where deliberate murders have been committed, dangerous weapons are used or a defenceless man or woman is attacked in a cowardly manner or with treacherous deceit or where the deceased is mercilessly killed or where a child is killed for its ornaments by a servant to whose care the child was committed-such cases ordinarily warrant severe sentence and may sometimes even extreme penalty of law that can be given. So also the cases dacoity or robbery with acts of great cruelty and violence; likewise rape committed upon an innocent and undefended girl or other atrocious crimes committed with deliberation all these

cases demand severe sentence. There are certain types of cases where deterrent sentences may have to be passed. These sentences will be of utility where there is a deliberate defiance of law by a large body of person. "when waves of imitative crime sweep over the State or where in times of public tumult there is danger of wide breach of public peace or security or where a highly organised or some professional association of persons "engineer series of offences or in similar circumstances" See. 63 I.C.615 (Per Bucknil-J). Exemplary punishments may be needed in cases where it is necessary to maintain as high a standard as possible of honesty and decency among public servants and persons who occupy positions of trust and confidence. They may also sometimes be needed in the case of perjury. In the case of thefts in places of public resort, such as fairs, railway trains, having regard to the circumstances, deterrent sentences may have to be passed. In offences which may be said to be terrible or in certain class of crimes which can figuratively be called 'white collar crimes' or in offences for bribery, corruption, tax evasions, malpractices in share markets and offences punishable under special enactments like the Prevention of Food Adulteration Act, the Drugs Act, Anti-smuggling Laws, Violation of Foreign Exchange Regulations and the like, they may, having regard to the circumstances in which they were committed have to be dealt with by awarding deterrent punishments. These offences are, as a rule, more dangerous than ordinary crimes not only because the financial stakes are high but also because of irreparable damage done to public morals and injustice to the society at large. The unnatural offences such as those punishable under Section 377 I.P.C. or similar offences which corrupt the society call for deterrent sentence. So also all anti-social offences where the person wants to become rich at the time of scarcity, like the offences of black-marketing, also may warrant deterrent sentence. So also certain cases under the Excise Act which are not easy to detect and are difficult to prove. Leniency in punishments may be of grate utility in cases where the mitigating circumstances warrant the same. Where the offence is purely a technical one it may call for only a nominal punishment. The fact that the accused was not cognizant of the offence committed by him also may be taken into consideration in determining the measure of punishment. In cases of political offences, arising out of beliefs of the accused but not involving heinous crimes or offences endangering the public safety severe sentence might sometimes defeat the object and create other offenders. Where the offence involves no moral turpitude though it is deliberate, having regard to the nature and gravity of the offence, sometimes it may be sufficiently punished by fine if the offender is capable of paying the same. It is not possible to cover the entire sphere of cases in connection with the question of punishment. It is sufficient to state that award of adequate punishment being a matter left to the discretion of the Court, the Court has to judiciously exercise its discretion having regard to the Principles stated above. The instances given already must furnish sufficient guidance for exercising the discretion. They should not, however, be taken as rule of thumb but only as principles regulating discretion. The question of awarding punishment arises only when the guilt of the accused is proved beyond reasonable doubt. In doubtful cases or where the evidence is weak or insufficient, it is highly improper to convict the accused and pass a nominal or inadequate sentence which is not open to appeal. Unappealable sentences are permitted by law on the basis of absolute trust in the bona fides and integrity of the Magistrates. A sacred responsibility, therefore, rests on them when they pass unappealable sentences. As already stated the sentences which the Courts may pass must be clear and complete in themselves so as to allow no scope for doubt or misapprehension about the scope and effect thereof. If the accused is convicted of two or more offences, the sentence should be passed separately for each of the offences. It should also be stated whether the punishments should run concurrently or not. Where the offence is

punishable both under the Penal Code and another law, the offender can be punished under one or the other but not under both. If an offence is punishable with death alone as in the case of Section 303 of I.P.C. that punishment alone should be inflicted on conviction. If the sentence is death or imprisonment for life, no sentence other than any of these two can be given. Fine: - In some cases fine is the only punishment which can be imposed while in other cases fine may be imposed along with the imprisonment. In awarding the sentence of fine, in addition to substantial term of imprisonment, it shall be carefully considered whether or not the circumstances of the crime desire both the fine and imprisonment. Supplement Latest Amendments Amendment to the Criminal Rules of Practice and Circular Orders, 1990 - Orders - Issued G.O.Rt. No. 2200, Law (L.A. & J - Home - Courts-B) Department, Dated: 07-11-2013 Notification In exercise of the powers conferred by Article 227 of the Constitution of India and Section 477 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) and of all other powers hereunto enabling the Governor of Andhra Pradesh in consultation with the High Court of Andhra Pradesh hereby makes the following amendment to the Criminal Rules of Practice and Circular Orders, 1990 as published in the Andhra Pradesh Gazette, RS to part-II, issue No. 6, dated the 7th March, 1991. Amendments In the Criminal Rules of Practice and Circular Orders, 1990, after Rule 116, the following rules shall be added, namely, "116A. To avoid abscondence of accused due to furnishing of bogus surety or surety bond by a stock surety, in addition to the proof as mentioned in sub-clause (2) of the Format of Surety Bond, the surety, in all cases under the NDPS Act, the cases in which offence is serious and sentence provided is of more than 10 years imprisonment or the cases under the special enactments shall furnish at least one of the documents, amongst the following :-

- 1. Ration Card (Household supply card) issued by the Civil Supplies Department.**
- 2. Passport**
- 3. Identity Card issued by the Election Commission of India.**
- 4. Permanent Account Number Card, i.e., PAN Card issued by the Income-Tax Department.**
- 5. ATM/Debit card, or Credit Card issued by any Nationalized or Private Bank of Standing at the National Level, having photograph of the holder thereon.**
- 6. Identity Card issued by the Government Authorities or the Public Statutory Corporations.**
- 7. Any such document, which is ordinarily issued by an Authority after due verification of the identity of the person and his address, which the Judge or the Magistrate may think just and proper, in the interest of justice, by**

recording specific reasons.

116B. The surety shall submit two copies of his latest passport size photographs, which are not older than six months before the date of submission, of which one copy shall be retained in the Court record and one copy be retained by the police station concerned."

Amendment to the Criminal Rules of Practice and Circular Orders, 1990 - Orders - Issued G.O.Rt. No. 2201, Law (L.A. & J - Home - Courts-B) Department, Dated: 07-11-2013. Notification In exercise of the powers conferred by the Article 227 of the Constitution of India and Section 477 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) and of all other powers hereunto enabling the Governor of Andhra Pradesh in consultation with the High Court of Andhra Pradesh hereby makes the following amendment to the Criminal Rules of Practice and Circular Orders, 1990, as published in the Andhra Pradesh Gazette, RS to Part - II, issue No.6, dated the 7th March, 1991. Amendment The existing sub-rule (2) of Rule 58 shall be read as sub-rule (2)(i) and the following rules (ii) and (iii) shall be added, namely, "(ii) each document shall be assigned separate exhibit number; (iii) where a marked document contains more pages than one, the total number of pages shall be mentioned in the endorsement".