

# **The General Rules (Criminal), 1980**

RAJASTHAN

India

## **The General Rules (Criminal), 1980**

### **Rule THE-GENERAL-RULES-CRIMINAL-1980 of 1980**

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## **Chapter I Preliminary**

The High Court of Judicature for Rajasthan, in exercise of the rule making powers conferred upon it by Article 227 of the Constitution of India and all other powers enabling it in that behalf, and with the approval of Governor of Rajasthan, has made the revised Rules annexed hereto for the guidance of the Criminal Courts subordinate to it. These Rules are published for general information.

### **1. Title.**

- These Rules may be called the General Rules (Criminal), 1980.

### **2. Application.**

- These Rules shall come into force on the first day of April, 1980, and shall so far as may be, apply to all proceedings and matters in all Criminal Courts subordinate to the High Court of Judicature for Rajasthan, commenced on or subsequent to the date, and so far as may be, to all proceedings and matters pending in such Courts on that date.

### **3. Repeal.**

- All previous rules, orders, or regulations relating to the matters which are provided for in these Rules, are hereby repealed: Provided that the repeal shall not affect the previous operation of the rules, orders or regulations so repealed or anything duly done or to be done or suffered thereunder.

#### **4. Definitions.**

- In these Rules, unless there is anything repugnant in the subject or context: -(i)"Court" means and includes every Criminal Court subordinate to the High Court of Judicature for Rajasthan.(ii)"High Court" means the High Court of Judicature for Rajasthan(iii)"Code" means the Code of Criminal Procedure, 1973(iv)"Government" means the Government of State of Rajasthan.

## **Chapter II**

### **Processes**

#### **5. Contents of process or order.**

- (i) In every process or order issued or made by the Presiding Officer of a Court, the name and powers of the officer issuing or making it. together with the name of the district and of the Court, shall be clearly and legibly set out or printed. Every officer signing a process or order shall sign his name legibly and in full. The practice of signing initials only or affixing stamp is strictly forbidden.(ii)Every person for whom a process is issued shall be described therein in such a manner as will correctly identify him. His full and correct name, address, parentage and such further description as will serve to identify him must be mentioned. In case of service and execution of a process to be effected in large towns and cities, the name of the street. Ward No. of Municipality and the number of the house, if known, should be given.

#### **6. Signing summons to witnesses.**

- In all Criminal Courts, summonses issued to witness may be ordinarily signed by the Munsarim or the Reader, as the case may be, with the words 'By order of the Court', prefixed to his signature. However, the Presiding Officer of the Court may by an order in writing empower any official, not below the rank of an Upper Division Clerk to sign the summonses and notices issued to witnesses as referred to above.

#### **7. Language of the process.**

- Every process requiring the appearance or attendance of a person, shall be in Hindi and shall be written in Devnagari script unless required to be in any other language under any law for the time being in force, or if the Court so directs, in any other language. In every such process requiring appearance or attendance of a person the day, the month and the hour fixed for such appearance or attendance shall be stated in words as well as figures. It shall also mention the place of appearance or attendance clearly.

## **8. Processes to Court of which language is other than Hindi.**

- When the process or summons are issued in a language other than the official language of the receiving court, such process or summons should be accompanied by an authorised English translation. Similarly, the report from the receiving court to the originating court regarding the execution of the process or summons should be accompanied by an authorised English translation of the report.

## **9. Process to military personnel.**

- In case of any person in military employment, the summons should be sent to the officer-in-command of the corps or detachment in which such person is serving.

## **10. Process to Government servants.**

- When a Government servant other than a military personnel is required to attend at a Court beyond the limit of the district or area in which he is serving, the Court issuing the process or summons, unless the case is of extreme urgency, shall allow sufficient time for arrangements to be made for the performance of the duties of such person during his absence.

## **11. Notice in case of arrest of Government or railway servants.**

- (i) When circumstances permit notice of the intended arrest of a Government servant shall be given to the Head of Office in which the Government servant is working, & in case of a Government servant working in the secretariat, to the Chief Secretary to the Government so as to allow proper arrangements to be made to have such person relieved. (ii) Notice of the intended arrest of person working in railway in the service of a contractor shall be given in a similar manner when circumstances permit, to the contractor.

## **12. Process against Members of the Parliament and State Legislature.**

- No summons or process against a Member of Parliament or a Member of State Legislature shall be sent to the Presiding Officer of the House for service or execution. No such summons or other process shall be served on any member within the precincts of the House of which he is a Member. Summons addressed to a Member of a Parliament or a State Legislature should be sent directly to the Member concerned at his residence or at some other place.

## **13. Intimation of arrest, detention, convictions and release of Members of Parliament and Members of State Legislature.**

- (i) When a Member of the House of the People is arrested on a criminal Charge or for a criminal offence or is sentenced to imprisonment by a Court, the Judge or Magistrate as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention

or conviction, as the case may be as also the place at detention or imprisonment of the Member in the appropriate prescribed form (F 1).(ii)When a Member is arrested and after conviction released on bail pending an appeal or otherwise such fact shall also be intimated to the Speaker by the concerned authority in the appropriate prescribed form (F 1).(iii)The Provisions contained in the above-sub-rules will apply mutatis mutandis to Members of the Council of States and of a State Legislature.

#### **14. Dress of military or police personnel appearing before the Courts.**

- (i) An officer or soldier in the military employ or a police official, if required to attend the Court in his official capacity should appear in uniform.(ii)An officer or soldier or a police official required to attend a Court otherwise than in his official capacity, may appear either in plain clothes or in uniform. However, such officer or soldier or police official shall not carry any arms.

#### **15. Notice of conviction of military personnel.**

- If any officer or soldier in military employ is convicted of any offence, by a court, such conviction shall be intimated to the Officer Commanding of the Unit, Regiment or detachment to which he is attached.

#### **16. Processes for execution in a foreign country.**

- No legal process of any kind shall be sent for execution in a foreign or common wealth country except through the High Court and the Ministry of External Affairs, Government of India.

#### **17. Process fees.**

- The fees hereinafter mentioned shall be chargeable for serving and executing processes issued by Criminal Courts in the case of offences other than offences for which police officers may arrest without a warrant: -(1)Warrant of arrest. -In respect of each person to be arrested Re. 1/- (2)Summons. -(a)in respect of one person or the first person 50 paise.(b)in respect of each additional person 30 paise.(3)Proclamation for absconding person under section 32 of the Code Re. 1 / -(4)Warrant of attachment. -(a)in respect of the warrant. Re. 1 / -(b)Where it is necessary to place officers-in-charge of property attached, in respect of each officer so employed per day, not more than Rs. 3 / -(5)In cases where an application is made by a complainant for the recovery of compensation allowed under Section 357(3) of Code or for the recovery of costs awarded under section 359 of the Code or where a person applies for the recovery of compensation awarded to him under section 250 of the Code-In respect of the warrant for the levy or the fees, fine or compensation Re. 1 / -:Provided that no fee shall be chargeable for any process issued upon the complaint or application of any public officer as defined under section 2(17) of the Code of Civil Procedure, 1908 or of any railway servant as defined in section 3(7) of the Indian Railways Act, 1890 or of the officer or servant of any local authority, when acting as such public officer, railway servant or officer or servant or a local authority, as the case may be:Provided further, the Presiding Officer

of the Court may remit in whole or in part, a fee chargeable under this rule whenever he is satisfied that the person applying for the issue of the process has not the means of paying the same.

### **18. Process fee to be prepaid.**

- The process shall not be drawn up for execution of service unless the fee chargeable under rule 17 has been paid or remitted. The fee shall be paid in court fee stamps, which shall be affixed either to the application by which the Court is moved to issue the process (in addition to the court fee chargeable upon the application itself), or if no such application be filed, to a separate sheet of paper giving particulars of the case and also reference to the order by which the Court directs the issue of the process. The fee prescribed in rule 17(4)(b) shall be paid in cash and shall be disbursed by the Court to meet the expenses incurred.

### **19. Service of summons on witnesses by post.**

- In a case instituted upon a complaint or otherwise than on a police report, if the complainant applies for the service of summons on witness by post as contemplated by section 69 of the Code or if the Court so directs, such complainant, shall present in the Court, within the time fixed by it, an envelope bearing requisite postage stamps for registered-acknowledgment. due letter, for each witness to be served by post. The envelope and the acknowledgment form shall bear the full and correct address of the witness, number and title of the case.

### **20. Certificate of pleader.**

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

### **21. Production of documents in the custody of Parliament or State.**

- In all cases where a document in the custody of Lok Sabha/Rajya Sabha/Legislative Assembly/Legislative Council is required to be produced before a Court or an officer of the Secretariat of the House is required to appear before the Court for the purposes of giving evidence, instead of sending of summons in the ordinary form, a letter of request in the prescribed form (F. 2) shall be sent.

### **22. Summoning of Magistrate.**

- Ordinarily the Magistrates who had recorded the statements and confessions under section 164 or section 281 of the Code shall not be summoned by the Presiding Officers to give evidence except where the Presiding Officer is of the opinion that their statements are necessary to be recorded in view of section 463 of the Code.

### **23. Issue of warrants to be executed outside the local jurisdiction.**

- While issuing warrant to be executed outside the local jurisdiction of the Court, the Presiding Officer shall see that provisions of section 78(2) of the Code have been complied with. Necessary documents for enabling the receiving Court or the Police Officer for taking action under section 81 of the Code must always be sent along with a warrant.

### **24. Summoning of officers of the Indian Security Press (Stamp Press) the Currency Notes Press and the Central Stamps Stores.**

- The Presiding Officers may issue as far as possible, commissions under Section 284 of the Code for the examination of officers of Indian Security Press (Stamp Press), Currency Notes Press and the Central Stamps Stores, Nasik Road. Whenever their evidence is required in cases arising out of forged currency notes, stamps (Postal, Revenue, Judicial etc.) petrol coupons, excise banderoles and the like which are manufactured in the Indian Security Press and the Currency Notes Press, as their attendance in person involves considerable inconvenience to them and dislocation in their normal work.

## **Chapter III**

### **Preparation of Records**

### **25. Numbering of cases.**

- A serial number shall be assigned to each case in each Court, -(i)in the Court of a Magistrate taking cognizance of an offences as soon as cognizance is taken, but if the case is at once made over under section 192 of the Code, it shall not be numbered as a case;(ii)in the Court of a Magistrate on receiving a case under section 192 of the Code or by transfer or by submission under section 322 of the Code, as soon as the case is received;(iii)in a Court of Sessions receiving a case made over under section 194 of the Code for trial, as soon as the case is received.(iv)In a Court of Sessions receiving a case on commitment or on reference under section 122 of the Code, as soon as notice of the commitment or the record in a case of reference is received;(v)the number in a regular case shall be the same as that belonging to the case in the register of case in a Magistrate's Court or in a Court of Sessions, even though the case is transferred. The case number of the Court from which the case has been received by transfer shall be shown in Red Ink;(vi)a separate series of numbers shall run in each Court for cases entered in the Register of Miscellaneous Criminal Cases. Every such number in the series shall be followed by the letters "MISC";(vii)a separate series of numbers shall run in each Court before which the proceedings are laid under section 122(2) of the Code or to which case is submitted under section 322 or section 323 or section 325 of the Code. Every number in this series shall be followed by the word 'REFERRED';(viii)a separate serial number shall be given to cases tried summarily under section 260 of the Code which shall be followed by the letter 'S';(ix)a separate file shall be prepared for each "Panchayatnama" i.e., inquest report under section 174 of the Code. It shall be entered individually in the register of inquest report. On the close of each month the case in

which the action is complete should be consigned to the record room in a bundle prepared every month and a note be made in the remarks column against each inquest report thus -"Filed in the monthly bundle for the month of....."

## **26. Order-sheet.**

- Upon institution of a case, an order-sheet in the prescribed form (F. III) shall be opened. Upon it shall be recorded -(i)every routine order passed by the Court in the case;(ii)a note of every other order passed (including every order regarding the production of a document before the Court);(iii)a note of the date of each hearing attendance of parties by name, the names of the pleaders appearing and the proceedings on that date. An order, not being an order for adjournment or postponement, the reasons for which are required to be recorded at length shall not be written on the order-sheet but only note of the order and of the date on which it was made shall be entered on it. Every entry upon the order-sheet shall be made at the earliest opportunity and shall be signed by the Presiding Officer. Every order-sheet shall bear at its top the number and the title of the case;(iv)all financial transaction relating to the case.

## **27. General Index.**

- Upon institution of a case, a General Index in the prescribed form (F. IV) shall be opened. In it shall be entered a note of every paper or document along with the date of its presentation, in the order in which they were brought on record: -(a)When a paper is removed from the record the fact of such removal shall at once be noted in the General Index & the appropriate index of exhibits against the entry of that paper.(b)Upon institution of a case, an index of prosecution exhibits and index of defence exhibits and an index of material exhibits in the prescribed form (F.V) shall be prepared. Every document or material exhibit such as a weapon or any other thing, which is admitted in evidence as an exhibit shall be entered with its exhibit number in the appropriate index of exhibits. When a document or article admitted as an exhibit is subsequently rejected or returned or otherwise cases to be an exhibit, a note of the fact shall be at once be made in the appropriate index of exhibits and also in the General Index against the entry of the document and article.(c)There shall be one file of exhibits and this shall remain intact. It shall be opened in the Magisterial Court and shall continue as a single exhibit file even in the Court of Sessions. If the Sessions Court adds any exhibits, which was not before the Magisterial Court, it will place the exhibit in the exhibit file giving after the last serial number or letter giving to the exhibit in the Magisterial Court.

## **28. Contents of record.**

- The record shall include every paper in the case from the information on which cognizance was first taken up to and including the warrant returned under section 430 of the Code.

## **29. Forms of Record.**

- All pleadings, applications and partitions of whatsoever nature except those presented by a prisoner or other person in duress or under restraint in Court or its officer filed in the course of criminal judicial proceedings shall be written legibly in hand or type-written on Government water-marked paper. Only one side of the paper shall be used. A quarter margin together with at least 1" of space at the top and bottom of each sheet, shall be allowed. Every such application or petition shall at the time of presentation bear the name of the person actually presenting the same and the date of the presentation. As soon as such an application or petition is presented, an endorsement specifying the name of the person actually presenting it and the date of its presenting shall be made. Notwithstanding anything contained above, the Court may, when necessary, permit any other paper of foolscap size to be used for the purpose, if the Government water-marked paper is not available.

## **30. Impounded documents.**

- When a document or material exhibit produced before a Court is impounded, a note regarding that it has been so impounded shall forthwith be made upon it or attached to it and shall be signed by the Presiding Officer. Such a note shall also be made in the General Index of the file after entering the document in it. Such impounded document or other thing shall not be allowed to pass out of the custody of the Court, save by written order of the Court.

## **31. Marking of exhibits.**

(a) Upon every document produced and admitted in evidence and proved before a Court shall be clearly marked the number it bears in the General Index of the case and the number and title of the case. (b) The Court shall mark the documents admitted in evidence on behalf of the prosecution with the letter 'P' and a numeral in the order in which they are admitted, thus: -Ex. P. 1, Ex. P. 2, and Ex. P. 3 etc. and the documents admitted on behalf of the defence with the letter 'D' and numeral thus: -Ex. D. 1. Ex. D. 2. and Ex. D. 3 etc. (c) In the same manner every material exhibit admitted in evidence on behalf of prosecution shall be marked with numerals in serial order followed by the word 'ART' as Ex. Art. 1, Ex. Art. 2. Ex. Art. 3 and the material exhibit admitted on behalf of the defence shall be marked with the letter 'A' with numerals in serial orders viz. Ex. Art. A-1, Ex. Art. A-2 and Ex. Art. A-3 etc. (d) All exhibit marks on the documents and material exhibits shall be recorded in red ink and in block letters and shall be initialled with designation and dated by the Presiding Officer of Court. (e) No document or material exhibit, which has been admitted in evidence and exhibited shall be returned or destroyed until the period for appeal or revision has expired or until the appeal or revision has been disposed of. (f) Documents and material exhibits, which have not been admitted in evidence should not be made part of the record and should be returned to the party by whom they have been produced with an endorsement mentioning the number and title of the case, name of the person producing the document and by the word 'returned' endorsed on it, which shall be signed or initialled by the Presiding Officer.



## **32. Duties of officer in-charge.**

- The officer, for the time being in charge of the record shall: -(a)enter on the General Index every paper as it is filed with the record:(b)punch out the figure-head of each court fee stamp upon such paper, and record below the stamps the aggregate number and value of the stamps used to denote each separate fee:(c)certify in the General Index state of any exhibit filed noticing any erasure and interlineation therein together with its condition whether it is torn or pasted on a paper:(d)take the orders of the Court, if necessary, as to the correct entry to be made under the above clause.

## **33. Parts A and B in records.**

- Every paper as it is brought on the record shall be marked as belonging to either Part A or Part B. Part A shall include the following paper: -

### **1. Record of statement or confession (under section 164 of the Code) -**

(i)plea (under sections 228, 299, 240(2) and 241 of the Code), and(ii)Examination (Sections 313 and 281 of the Code) of the accused and written statement of the accused, if any.

### **2. Proceeding on which cognizance was first taken. Police Report etc. (Section 190 of the Code).**

### **3. Charge and altered charge, if any.**

### **4. Order consenting to the withdrawal of stay or charge (Sections 224 and 321 of the Code).**

### **5. Record in summary trial.**

### **6. Record of proceedings under section 236 of the Code.**

### **7. Record of composition of an offence (u/s 320 of the Code).**

### **8. Record of evidence.**

### **9. Judgment and sentence.**

### **10. Copies of orders of High Court regarding sentence of death (Section 371 of the Code).**

- 11. Warrant or other paper returned on execution of sentence.**
- 12. Copy of order commuting a sentence or suspending the execution thereof or remitting punishment.**
- 13. Petition of appeal or application for revision.**
- 14. Copy of judgment or order in appeal or revision.**
- 15. Certificate of judgment or order in appeal or revision.**
- 16. Commission with return thereto and deposition.**
- 17. Deposition of medical witness.**
- 18. Report of Chemical Examiner and other reports mentioned in section 292 and 293 of the Code.**
- 19. Proof of previous conviction.**
- 20. Order for disposal of property (Chapter XXXIV of the Code).**
- 21. Order of transfer.**
- 22. Order-sheets.**
- 23. General Index.**
- 24. Treasury receipts.**
- 25. File of exhibits including indexes of exhibits.**
- 26. Bonds under sections 106, 107, 108, 109, 110 and 360 of the Code and bonds under section 4 of the Probation of Offenders Act.**
- 27. Papers relating to the identification of the accused person in the jail or elsewhere.**

**28. Papers relating to the identification of stolen property.**

**29. Site plan or map of the locality placed on the file of the case and site inspection of the locality drawn by the Presiding Officer of Court u/s. 310 of the Code.**

**30. The statement prepared for the purpose of Section 428 of the Code.**

**31. Memorandum of arguments u/s. 314(1) of the Code.**

**32. Consent or sanction to the initiation of proceedings under sections 196 and 197 of the Code or under any other law for the time being in force.**

**33. Deposition of witnesses, who are absent at the trial, which have been admitted in evidence under section 33 of the Evidence Act.**

**Part B – shall include every other paper in the record unless, for reasons to be stated thereon in writing, the Court orders any such paper to be placed in Part A.**

In any case in which a proceeding belonging to Part A and a proceeding belonging to Part B are recorded on one and the same paper, such paper shall be placed in Part A. The arrangement of papers in the record shall be in the order of the serial numbers of the papers in the General Index.

**34. Return of exhibits.**

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

**35. Record of Appeal or Revision.**

- A copy of judgment or order appealed against accompanying a petition of appeal, and a copy of any order, sentence, finding or other proceeding filed with an application for revision of such order, sentence, finding or other proceeding shall remain with the record of the appellate or revisional court and not be returned.

### **36. Title Page.**

- A cover or title page in the prescribed form (F. VI) shall be placed over the record of every case.

### **37. Use of documents exhibited in another record.**

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

### **38. Officer for checking and Cancelling stamps.**

(a) Each Magistrate or Sessions Judge shall under sub-section (2) of section 68 of the Rajasthan Court Fees and Suits Valuation Act, 1961 (Act no XXIII of 1961) appoint by an order in writing, an officer for the purpose of cancelling stamps. That officer' who should ordinarily be the Reader for documents filed in the Court and the Munsarim for the documents presented before him shall personally attend to and be personally responsible for the strict fulfilment of the duty of receiving documents to be filed, examining the correctness and adequacy of stamps attached thereon and immediately cancelling such stamps as required by section 68(2) of the Court Fees and Suits Valuation Act, 1961. Note. - (i) The Presiding Officer should see that punching is done immediately on presentation of the petition and other documents in Court. (ii) A rubbed stamp in the following form shall also be used: Cancelled. Dated..... It should be applied across the adhesive stamps and upon the paper on either side of it but not in such a way as to obliterate the entries there on or to render the detection of forgeries more difficult. (b) In all cases it should be carefully seen that the figure-heads of the court fee stamps are punched out, that the pieces are destroyed before the documents to which stamps are attached are filed or acted upon. (c) Every Judicial Officer should inspect the work of his officers from time to time so as to ensure attention to their duty and to obviate any opportunity for fraud. A very efficient check could be kept on any attempt to defraud Government if each Presiding Officer examines daily some of the records he handles and if he also examines periodically bundles of records of cases dealt with by him, taken out at random from the shelves, in which they are placed.

## **Chapter IV**

### **Trials In Courts of Sessions**

### **39. Procedure on commitment.**

- When an order of commitment for trial has been made, the Magistrate shall at once report the fact to the Court to which the commitment is made by a letter in the prescribed Form (F. VII): and shall

within eight days from making the said order, submit the entire record to the Court of Sessions and shall send material exhibits and articles within a fortnight thereof together with a calendar in the prescribed Form (F. VIII). The entries in the calendar with regard to witnesses shall be full and accurate, so as to give the Court receiving it a clear idea of the matters to which each witness will depose.

#### **40. Examination of record of commitment in Sessions Court .**

- The record of each case shall be carefully examined immediately on receipt, and the sessions clerk shall report whether it is complete and properly arranged and indexed, whether all material exhibits and articles have been received. The committing Magistrate shall be asked to have deficiencies, if any, made up, and the record may be returned to him for this purpose, if necessary.

#### **41. Expenses and allowances to witnesses.**

- The payment of reasonable expenses of complainants and witnesses attending Criminal Court for the purpose of any enquiry trial or other proceedings shall be regulated by the rules made by the Government under section 544 of the Code of Criminal Procedure, 1898 and which are deemed to have been made and published under the corresponding provisions of the Code by virtue of clause (b) of sub-section (2) of section 484 of the code and published in the Rajasthan Gazette as amended up-to-date.

#### **42. Allotment of days Sessions Cases.**

- Sessions cases should be disposed of with the greatest possible expedition. Sessions Judge should reserve particular number of days in a week for session work. In cases where the Sessions Judge decides to proceed under section 228(1)(b) of the Code, he shall after recording the plea of the accused, shall fix the date for the evidence of the prosecution and may, on the application of the prosecution, issue process forthwith for compelling the attendance of witnesses or the production of any document or other thing.

#### **43. Expeditious disposal of Sessions Cases.**

- Sessions trials should ordinarily be held in order in which commitments are made. The Presiding Officer may however exercise his discretion in the matter of giving priority to certain cases particularly cases involving capital sentence subsequently received or where the accused is in jail. Once a Sessions trial is opened the Sessions Judge shall see that it is disposed of in the same session and not adjourned to next session. The sessions cases shall be taken up day to day until all the witnesses in attendance have been examined and discharged. The Sessions Judge shall take necessary steps to get the summons served on the witnesses in time and if necessary the Superintendent of Police of the district may be asked to make special efforts to secure the attendance of the witnesses. A sessions trial shall not be adjourned or postponed except in exceptional circumstances for reasons to be recorded in writing.

#### **44. Statement of result of sessions trials.**

- At the conclusion of each trial the Sessions Judge shall -(i)record a specific order as to what material exhibits are to be forwarded to the High Court along with the record in the event of an appeal, while selecting material exhibits the Sessions Judge shall keep in mind that unnecessary material exhibits which have no bearing on the merits of the case are not sent up.(ii)pass order of disposal of case property specifically.(iii)forward to the District Magistrate, a copy of the judgment and also cause a statement of the result of the sessions trials showing prisoners punished and acquitted to be prepared in the prescribed Form (F. IX).

#### **45. Report if Sessions Judges leaves division.**

- In the event of the Sessions Judge leaving his sessions division, he shall make arrangement for disposal of urgent criminal work in view of section 10(3) of the Code in his absence. On return he shall report to the High Court, the date of his departure from, and his return to his headquarters. Any Additional Sessions Judge or Assistant Sessions Judge, who is leaving the sessions division shall make report of his absence to the Sessions Judge as well as to the High Court. The arrangements for disposal of urgent criminal work in the absence of such Additional Sessions Judge or Assistant Sessions Judge shall be made by the Sessions Judge.

#### **46. Court dress for officers and lawyers.**

- The following distinctive costumes shall be worn by Presiding Officers of Sessions Courts and other Criminal Courts and by advocates and pleaders practising in such Courts:Black coat (buttoned up or of open collar) or achkan with bands. With a coat, trousers and with the achkan, churidar pajama or trousers shall be worn. Ladies presiding over or appearing before the Sessions Court and other Criminal Courts as advocates, shall wear a white saree and white blouse along with an open neck or open collar black coat with bands.

#### **47. Accused sentenced to death to be warned to appeal within 30 days.**

- A Sessions Judge, in a case in which a person is sentenced to death, shall record that he has informed him that, if he wishes to appeal, his appeal must be preferred within thirty days (of Art. 115 of the Limitation Act. 1963).

### **Chapter V**

## **Legal Aid to Accused at State Expense in Sessions Cases**

#### **48. Assigning of defence counsel.**

- Where the accused in a trial before the Court of Sessions is not represented by a pleader and where it appears that the accused has not sufficient means to engage one, the Court shall assign a pleader

for his defence at the expense of the State.

#### **49. Eligibility.**

- An accused whose annual income from all sources is less than Rs. 3,000/- shall only be entitled to legal aid.

#### **50. Enquiry for eligibility.**

- The Court may hold such summary enquiry as it deems fit into the means of the accused for ascertaining his financial status.

#### **51. Mode of selecting pleaders.**

(1)The Sessions Judge shall prepare a panel of pleaders for each place of sitting of the Court of Sessions for a term of 3 years from amongst the practising advocates. The panel shall not include any advocate of less than 3 years standing and experience on the criminal side.(2)A sessions Judge may fill any vacancy occurring in the panel prepared under sub-rule (1) due to removal, resignation, death or otherwise.

#### **52. Assignment of a pleader.**

(1)The Court shall assign a pleader sufficiently ahead of the commencement of the trial, ordinarily by rotation, out of the panel prepared under sub-rule (1) of rule 51, for the defence of an accused, if he is not already represented by a pleader and has not sufficient means to engage one.(2)Where there are more accused than one they have no conflicting interest, one pleader may be sufficient to defend all of them. If there are conflicting interests one pleader shall be appointed for each accused or number of accused having common and similar interest.(3)The pleader appointed under sub-rule (2) to represent more than one accused would not be entitled to any additional fee for representing them.(4)If, at any stage of the case, another pleader is engaged by the accused for defending himself, the Court may cancel the assignment of the pleader appointed under sub-rule (1) or sub- rule (2) and the latter would be entitled to only such fee under rule 53 as may be determined by the Court having regard to the time spent and work done by him.(5)If a pleader assigned for the defence of an accused sub-rule (1) of rule 52 after accepting the assignment, neglects or refuses to discharge his duty properly, his name may be struck out from the panel and another pleader from the panel shall immediately be appointed in his place and shall be paid such fee as may be determined by the Court.(6)The brief prepared shall be made available by the pleader whose assignment has been cancelled under sub-rule (4) or who has been removed under sub-rule (5) or who has resigned, to the pleader privately engaged or assigned, as the case may be.(7)If such a pleader does not make the brief available without sufficient cause, the Court may forfeit the whole or part of fee payable to him under rule 53.

### **53. Fee payable to pleaders.**

- The fee payable by the Government to the pleader assigned for defence of an accused shall be as under: -

(1) Murder:

Culpable homicide, riot and dacoity cases. Rs. 250/-

(2) Other sessions cases including cases under section 307, I.P.C. Rs. 200/-

### **54. Facilities to defence pleaders.**

(1) The pleader assigned for the defence of a case shall be entitled to get copies of the following documents free of cost (if not already given to the accused under any other law or rule in force):

-(a) Copies of the documents filed with the report u/s. 173 of the Code and of the statements recorded at the trial. (b) Copies of other documents which are considered to be material and relevant by the Court. (2) The pleader will be entitled to inspect record of the case free of cost in accordance with the rules relating to Inspection of Records

### **55. Register of panel of defence pleader.**

- A register of panel lawyers or pleaders shall be maintained regularly in the Court of Sessions. (2) Every assignment of the defence pleader shall be entered in the register and shall be initialled by the Presiding Officer.

### **56. Submission of bill of fees.**

(1) A pleader assigned for the defence of an accused under rule 52 shall send his bill for the fee payable him under rule 53 in duplicate along with the details of the case, date of his assignment, name of the accused to the secretary to the Government in the law & Judicial Department, for payment through the Presiding Officer of the Court concerned. (2) In every Criminal Court a register (Reg. No. II) shall be maintained in respect of pleaders appointed under section 304(1) of the Code and an extract of this register pertaining to each case shall be enclosed while forwarding the bill of fee of the pleader to the Government.

### **57. Applicability to other criminal trials.**

- These Rules shall apply mutatis mutandis to trials in other Criminal Courts on the issue of a notification by the State Government under sub-section 304 of the Code subject to the following notification: -(a) The fees allowable to the pleader assigned for defence in other trials shall be as follows:-

(i) Warrant cases Rs. 150/-

(ii) Summons cases Rs. 100/-



(iii) Summary trials Rs. 50/-

(b) Assignment of the pleader for the defence of the accused under the rules shall be made by the Presiding Officer ordinarily by rotation from the panel prepared under rule(c) If a pleader assigned for the defence of an accused under the rules, after accepting the assignment neglects or refuses to discharge his duty properly, the Presiding Officer other than the Sessions Judge shall strike out his name with the approval of the Sessions Judge and another pleader from the panel shall immediately be appointed in his place and shall be paid such fee as may be determined by the Court.(d) The presiding Officer of a Court other than the Sessions Judge shall exercise all the powers under the rules in the matter of determination of the payment or part payment, as the case may be, of the fees to the panel lawyers or pleaders.

## **Chapter VI**

### **Oath and Affirmation**

#### **58. The oath shall be administered in the language of the Court.**

- The provisions of the Oaths Act, 1969 (Central Act No. 44 of 1969) shall be followed in administering oaths and affirmations. The forms of oaths and affirmations given in the Schedule to said Act are reproduced below: Form No. 1 (Witnesses) 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. Form No. 3 (Interpreters) I do swear in the name of God/solemnly affirm that I will well and truly interpret and explain all questions put to and evidence given by witnesses and translate correctly and accurately all documents given to me for translation. Form No. 4 (Affidavits) I do swear in the name of God/solemnly affirm that this is my name and signature (or mark) and that the contents of this my/affidavit are true.

## **Chapter VII**

### **The Recording of Evidence**

#### **59. Mode of recording evidence.**

- Every record of evidence and statements made by a Presiding Officer or an officer of the Court shall be legibly written. If in making such record an officer uses a typewriter, he shall sign every page of such record and shall initial every correction or alteration therein. In every record and on each deposition, the deponent, where examined on commission or otherwise, shall be indicated by his/her full name along with his/her father's/husband's name, age, profession and residence and on each subsequent page of the deposition, the number of the witness, case number and page number shall be mentioned. In no case a witness shall be indicated by a number only. Abbreviation and elliptical forms of expressions shall be avoided, particularly abbreviations of names of persons or places. The record made shall follow as closely as possible the actual words and expressions used by each witness.

## **60. Certificate on certain deposition.**

- In the case of depositions referred to in section 291 of the Code other than those taken on commission under Chapter XXIII of the Code, a Magistrate taking the deposition of District Medical Officer or other medical witness, shall sign at the foot of the deposition a certificate in the form indicated below or a memorandum to the same effect. The foregoing deposition was taken in the presence of..... accused who had an opportunity of cross-examining the witness. The deposition was explained to the accused & was attested by me in the presence of the accused.

## **61. Numbers of witnesses examined.**

- The Presiding Officers shall invariably give the number of each witness as he is examined in any enquiry, trial or proceeding. The witness produced by the prosecution should be numbered as PW 1, PW 2, PW 3 etc. and those by defence as DW 1, DW 2, DW 3 etc. Witnesses examined under Section 311 of the Code as court witnesses shall be numbered as CW 1, CW 2, CW 3 etc.

## **62. Contradiction of witnesses by their previous statements.**

- When a witness is contradicted by his previous statements and a particular portion is put to him, it is necessary for the Judges and Magistrates to incorporate the portions of the earlier statements which are put to the witness, and about which answer is given by the witness before them while recording the evidence.

# **Chapter VIII**

## **General Provisions Regarding Inquiries and Trials in Criminal Courts**

## **63. Daily Cause List.**

- A daily list of cases fixed for hearing in every Court prepare in legible Hindi in the prescribed form (F. X) shall be pasted on the previous working day in some conspicuous place of the court house. The cause list shall also show the purpose for which a case has been fixed. If a case for a day on which the Court does not sit on account of its being later found or declared to be a holiday is not taken up on that day, it will be taken up on the next day on which the Court sits.

## **64. Distribution of work by the C.J.M.**

(1) Subject to the control of the Session Judge, the Chief Judicial Magistrate may from time to time give special orders under section 15(2) of the Code as to the distribution of the business among the Judicial Magistrate subordinate to him. (2) Complicated, important or serious cases shall ordinarily be tried by the Chief Judicial Magistrate.

## **65. Brief Holders.**

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

## **66. District Magistrate and Inspector General of Police to be informed of police errors.**

- When in any case of which a Court has taken cognizance, the Presiding Officer has occasion to notice any erroneous practice on the part of the police or has reason to believe that a confession has been elicited by the police from an accused person by the use of force or undue influence, or that any other grave irregularity has occurred, he shall bring the matter to the notice of the District Magistrate concerned or Inspector General of police. It shall be incumbent on the authority so informed to apprise the Presiding Officer concerned of the action taken by it in the matter.

## **67. Previous conviction to be noted in judgment.**

- In a case in which an accused is liable to enhance punishment or to punishment of a different kind for a subsequent offence on account of previous conviction the Court if it convicts the accused, shall set forth in its judgment each such previous conviction Proved against or admitted by the accused, specifying the date of the conviction, the section under which it was had, and the sentence imposed.

## **68. Post Office records not to be disclosed unnecessarily.**

- When any journal or other record of a post office is produced in Court, the Court shall not permit any portion of such journal or record to be disclosed other than the portion which seems to the Court necessary for the determination of the case than before it.

## **69. Affidavit to be stamped.**

- A Magistrate shall not allow an affidavit, which is not one exempted from stamp duty to be sworn before him unless it is stamped.

## **70. Memo of identification proceedings**

- Identification proceedings in jail for identification of suspects shall invariably be recorded by Magistrate in the prescribed form (F. XI). Proceedings for identification of property shall be recorded by Magistrates in the prescribed form (F. XII).

## **71. Release order to be sent to jail, if person bailed be in jail.**

- When a person confined in jail is admitted to bail by order of a Court, the Presiding Officer shall see that the order of release is entered in a letter delivery book in the prescribed form (Reg. III) and

sent through one of the Courts peons to the officer-in-charge of the jail whose signatures should be obtained in the letter delivery book in taken of the delivery of the release order to him. Such orders should in no case be made over to private persons for delivery to jail authorities.

## **72. Custody of property concerning a criminal case.**

- The property concerning a criminal case produced in a Court shall be kept in custody of the Court officer attached to the Court or of any other officer as may be convenient and proper.

## **73. List of documents.**

- All documents filed in the Court by a Court by a party or a witness shall be accompanied by a list of documents in Form (F. XIII) as envisaged by section 294( 1) of the Code.

## **74. Witnesses to give evidence from the witness box.**

- No witness should be provided with any seat on the dias. All witnesses shall give their evidence from the witness-box. A witness should normally stand when giving evidence. However, the Presiding Officer may allow the witness to be seated while giving evidence considering valid grounds such as (i) Infirmary, (ii) old age, (iii) Inordinate length of time in giving evidence, and (iv) for any other sufficient reason to be recorded in writing.

## **75. Statement of result of cases by the CJM.**

- At the conclusion of each trial the Chief Judicial Magistrate shall forward a copy of his finding and sentence, if any to the District Magistrate within whose local jurisdiction the trial was held. He shall also cause a statement of the result of criminal trials showing the prisoners punished and acquitted to be prepared in the prescribed form (F. XIV) and forward it to the District Magistrate concerned immediately.

## **76. Matter of public importance disposal thereof.**

- In any criminal case or proceeding if the Advocate General or the Public Prosecutor gives a certificate to the effect that a matter of urgent public importance is involved therein, the Court shall give such case or proceeding top priority and shall hear and dispose it of as expeditiously as possible.

## **77. Court dress for Assistant Public Prosecutors.**

- An Assistant Public Prosecutor while appearing before a Criminal Court shall wear black coat (buttoned up or open collar) or black achkan, with a coat, trousers and with achkan, churidar pajama or trousers shall be worn. With open collar coat black necktie shall be worn. Ladies appearing before Criminal Courts as Assistant Public Prosecutors shall wear white saree and white

blouse with open collar black coat.

## **78. Disposal of cases involving petty offences.**

- For expedition disposal of cases involving petty offences, the procedure laid down in sections 206 and 253 of the Code shall be strictly adhered to. Special summons in such cases shall be issued in the prescribed form No. 30 of Second Schedule of the Code. The list of petty offences under section 206(2) of the Code which though not exhaustive but illustrative is given in Appendix-A for the guidance of the Presiding Officers.

## **79. Police diaries not to be made part of record.**

- Presiding Officers summoning police diaries from the investigating agencies shall not keep them tagged with the Court file in view of sub-section (3) of section 172 of the Code. Such case diaries shall be kept separately and may be looked into by the Presiding Officers whenever need arises and in case they are not required any further they should be returned immediately to the investigating agency concerned.

## **80. Fixing of date in transferred case.**

- When a case is transferred from one Court to another, the Court which is seized of the case should fix a date for the appearance of the parties in the transferee Court before sending the record and should give intimation to the pleaders of the parties about it.

## **81. Expeditious disposal of commitment case.**

- Magistrate dealing with commitment cases shall give them priority and complete inquiry most expeditiously.

## **82. Communicating results of trials to F.S.L.**

- The Sessions Judges and Magistrates shall send copies of the relevant extracts of the Judgment in all cases to the Forensic Science Laboratories and the Laboratory of Serologists and Chemical Examiners, Government of India, Calcutta, where a reference was made to them for the examination or exhibits which helped in investigation of such cases and where the Court had taken an adverse view about the opinion given by the experts of such laboratories.

## **83. Attendance of appellant in criminal appeals.**

- Ordinarily, the judgment in appeal should be pronounced in the presence of the accused, appellant so that if he is convicted he may be taken in custody forthwith. Therefore, the Presiding Officers hearing appeals must insist on the presence of the accused in Court particularly at the time when the judgment is pronounced.

## **Chapter IX**

### **Custody and Disposal of Property**

#### **84. Register of malkhana articles.**

- Any property produced in the Criminal Courts shall be entered in the Malkhana Register (Reg. No IV) immediately after the receipt thereof. It shall be the primary responsibility of the Clerk-in-charge, Malkhana or any other clerk nominated in that behalf by the Sessions Judge to maintain the register regularly who shall also sign every entry. The entries made in the register shall be countersigned by the Presiding Officer or the Officer-in-charge, Malkhana, as the case may be.

#### **85. Description of articles.**

(a) Accurate and correct description of every article must be mentioned in the Register of Malkhana articles. In case of weapons, the description thereof must be mentioned with such particulars as may enable the Clerk-in-charge to produce it in the Court without delay. (b) In case of valuable property such as valuable metals or ornaments prepared out of such metals, full description of such properties along with their weight shall be noted in column No. 9 of the register.

#### **86. Storage of case property.**

(a) The entry number of the Malkhana Register shall be noted on each property. Identity slips giving full particulars of the case shall be attached to the articles. A list of articles indicating serial number of each set of articles case-wise may be hung at a conspicuous place in the Malkhana. The Clerk-in-charge of Malkhana, will issue Malkhana Slip (F. XV) to the case clerk after incorporating necessary entries in it. (b) Valuable property shall immediately be kept in the double lock. One key of the double lock will be kept by the Officer-in-charge of Malkhana or the Presiding Officer, as the case may be, and other by the Clerk-in-charge of Malkhana. The double lock safe shall always be opened in the presence of the Officer-in-charge of Malkhana or the Presiding Officer, as the case may be. The register of valuable properties (Reg. No. V) shall be kept in it and entry shall be made every time it is operated under the signatures of the Officer-in-charge or the Presiding Officer, as the case may be and Clerk-in-charge of Malkhana.

#### **87. Security by Malkhana Clerk.**

- The Clerk-in-charge, Malkhana will furnish security of the amount as may be directed by the Sessions Judge from time to time.

#### **88. Receipt of case property by the Malkhana Clerk.**

- All property forwarded by the police to a Criminal Court shall be accompanied by an inventory (F. XVI) in triplicate. The clerk-in-charge on receiving the property shall satisfy himself that it

corresponds with the description given in the inventory and shall endorse a receipt on one copy of the inventory and hand over the same to the police officer who produced the property. One of the copies of the inventory shall be retained by the Clerk-in-charge, Malkhana, while the third copy shall be placed on the record of the case concerned.

## **89. Arrangement for production of property in different Courts.**

- When a property is to be taken away from one Court to another Court located at a different place to be produced before the High Court, it shall be carried by a member of the staff of the Court. The valuable articles, arms and ammunition shall be carried with the police escort which shall be provided by the Superintendent of Police.

## **90. Production of properties from Malkhana.**

- The Case Clerk or the Reader shall give the Malkhana Slip (F. XV) to the Clerk-in-charge, Malkhana a day before the date of hearing. The Malkhana Clerk shall hand over the property to the Reader or the Case Clerk before the case is called for hearing and obtain a signature on the Malkhana Slip. The property shall be returned to the Malkhana Clerk the same day after the hearing of the case when it is not required, under his signature on the Malkhana Slip. The Malkhana Slip shall be tagged with the file.

## **91. Verification of Malkhana Register.**

- The Presiding Officer or the Officer-in-charge of Malkhana, as the case may be, shall verify personally at least every 6 months the property with reference to the registers of Malkhana articles and shall make an endorsement with the date of verification in the remarks column of the registers. Every Presiding Officer or the Officer-in-charge, Malkhana, other than the Sessions Judge shall make a report to the Sessions Judge every 6 months, of having verified the properties indicating in brief, result of such verification.

## **92. Disposal of property to await the result of appeal or revision.**

- In cases where appeal or revision lies to the Supreme Court, High Court, Sessions Court or the Court of Chief Judicial Magistrate, the Court shall not dispose of the case property for 6 months after the expiry of the period of limitation for appeal or revision or both and if intimation regarding the filing of appeal or revision is received, till the disposal of the appeal or revision.

## **93. Special order regarding disposal of property.**

- In case where the property cannot be disposed of in the manner directed by the Court, specific orders of the Court should be obtained for its disposal in any other manner. In case no order has been passed for disposal of any property, order for its disposal shall be obtained from the Court.

#### **94. Notice for the return of property.**

- After a case is finally disposed of by the Appellate or Revisional Court or where no appeal or revision has been filed & the period of limitation of appeal or revision has expired the person to whom the property is to be delivered, be notified to appear before the Officer-in-charge of Malkhana or the Presiding Officer concerned, as the case may be, to receive the property. If he fails to do so within 30 days from the date of receipt of notice, the property shall be sold at his cost by public auction and the amount so realised credited to Government account. In case the person entitled to the property fails to claim the same prior to the sale thereof, the Court may on his application subsequently direct payment of the amount obtained from the sale of such property after deducting the expenses in conducting the sale thereof.

#### **95. Unclaimed notes and coins.**

- In case the property referred to in the preceding rule consists of currency notes or coins or both, the person entitled to the same shall be notified to receive the same. If he fails to appear for receiving the same within 30 days of the receipt of the notice, the amount shall be credited to the Government. If the person entitled to the property appears subsequently, the Court may, on his application direct payment of the amount in its discretion.

#### **96. Public auction when to take place.**

- The property ordered to be forfeited to the State shall be disposed of by the public auction and sale after the final disposal of the case, appeal or revision or if no appeal or revision has been preferred, 6 months after the expiration of period of limitation of appeal or revision.

#### **97. Sale by whom to be conducted and how to be made.**

(a) The sale shall be conducted by the Nazir or any other officer duly authorised by the Court. The Officer-in-charge of Malkhana or the Presiding Officer, as the case may be, shall cause a proclamation of the intended auction and sale so made not be notice board of the Court concerned and in such other manner if the Court may so direct. (b) Such proclamation shall state the date, time and place of sale and specify as accurately as possible the description of the property to be sold. (c) It shall also state that the highest bidder will have to pay the price immediately. (d) It shall be incumbent on the Officer-in-charge of Malkhana or the Presiding Officer, as the case may be, to fix up-set sale price of the articles to be sold. (e) The sale shall not take place until after the expiration of at least 15 days from the date on which the copy of the proclamation has been affixed on the Court's notice board. (f) Auction sale shall be held during the Court hours and within the Court premises. (g) The Nazir or the officer conducting the sale may adjourn the sale to a specified date and hour, not exceeding a period of 7 days within the approval of the Officer-in-charge of Malkhana or the Presiding Officer, as the case may be. (h) No public servant and no officer or other person concerned with the sale in any manner, shall bid for, acquire or attempt to acquire an interest in the property sold. (i) Proceedings of the sale shall be recorded on the bid-sheet. (j) Sale shall be confirmed



in the name of the highest bidder unless the Officer-in-charge of the Malkhana or the Presiding Officer, as the case may be, thinks that the bid offer is grossly inadequate, in which case the property shall be put to sale again.(l)The Nazir or the officer conducting the sale shall issue a receipt for the price paid and then hand over the property to the purchaser.(m)If the price is not paid, the property shall be resold.

### **98. Disposal of forged currency notes, counterfeit coins and implements.**

- All counterfeit coins and formed currency notes forfeited by the Court shall be forwarded to the Issue Department of the Reserve Bank of India or the Master of the Mint, Security Press, as the case may be, with a brief report of the case. Similarly, molds, dies and any other implements used for counterfeiting coins and forging currency notes should be sent to the Master of Mint, Security Press, Nasik Road.

### **99. Disposal of fire-arms.**

- All arms and ammunition which are confiscated shall be sent to the District Magistrate concerned. Firearms and ammunition should not be delivered to a person till a licence is produced by him. If the licence is not produced within a reasonable time, the articles should be sent to the District Magistrate for disposal in accordance with law.

### **100. Disposal of excisable goods in court's custody.**

- Excisable goods which are confiscated to the State, shall be dealt with according to rule 78 of the Rajasthan Excise Rules, 1956.

### **101. Sub-mission of quarterly return.**

- By the 10th of April, 10th of July, 10th of October and 10th of January, every Magistrate doing criminal work and every Assistant and Additional Sessions Judge shall submit to the Sessions Judge a statement of Malkhana articles in the prescribed form (Ret. I). The Sessions Judge shall compile the statements after adding the figures of his own Court to those of Courts subordinate to him, shall scrutinize all the statements and shall submit them with his comments to the High Court by 15th of April, 15th of July, 15th of October and 15th of January.

## **Chapter X**

### **Sub-Mission of Sentence For Confirmation and Execution of Sentence**

## **102. Procedure on passing sentence of death.**

- When a Court of Sessions passes a sentence of death, it shall forthwith commit the prisoner by a warrant in the appropriate form to the jail from which he came to stand his trial, and shall submit its proceedings to the High Court with a letter in the prescribed Form (F. XVII) at the latest on the fourth day after the sentence of death has been pronounced. A copy of the judgment shall be furnished to the prisoner immediately free of cost as contemplated by the proviso to sub-section (2) of section 363 of the Code.

## **103. Counsel for prisoner.**

- When a Court of Sessions submits its proceedings to the High Court in the manner laid down in the proceeding rule, it shall state in the prescribed form (F. XV) whether the prisoner has funds or not to employ counsel in the High Court and whether the prisoner will employ counsel or not.

## **104. Female prisoner sentenced to death.**

- When a Court of Sessions sentences a female prisoner to death, it shall consider after enquiring from such prisoner herself, if necessary, whether she is pregnant and if it thinks that it is likely, it shall have her examined by the District Medical Officer or such other doctor as it may consider fit and if it finds that she is in fact pregnant, it shall make a report to the High Court. But the submission of the proceedings to the High Court under rule 102 shall not be delayed on this account.

## **105. Date of execution.**

- The date fixed by a Court of Sessions in a warrant for execution of a sentence of death shall be not less than 67 days not more than 74 days from the date of confirmation of the death sentence by the High Court, unless it be otherwise directed in the order of confirmation.

## **106. If date postponed fresh warrant to be issued.**

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

## **107. Copy of warrant to be sent to District Magistrate.**

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

### **108. Separate warrant to jail for each convict.**

- A separate warrant shall be directed to the Officer-in-charge of the jail for each prisoner in respect of whom a sentence of imprisonment is passed; the warrant shall show the serial number of the case, and shall bear the same date as the sentence bears. It shall state the period in words as well as in figures and description of imprisonment and shall be drawn upon the prescribed form (F. XVI). It shall contain full particulars as to any alternative sentence of imprisonment to be undergone in default of payment of fine, and as to any period of solitary confinement ordered. It shall mention the period of preconviction detention for the purpose of set off as contemplated by section 428 of the Code. The following particulars must be clearly and legibly mentioned in the warrant: -(1)Date of arrest of the convict;(2)Date of remand to the police custody and the period spent in police custody;(3)Date of remand to the judicial custody and the period spent in judicial custody;(4)Date of release on bail, if any, and period spent on bail;(5)The total period of detention to be set off against the sentence of imprisonment.If the prisoner is a military officer or soldier, his rank and regiment or department shall be stated in the warrant.If the prisoner, has been previously convicted, particulars of each previous conviction showing the date and nature of each sentence, and the section and Act under which it was passed, shall be endorsed upon the warrant.The Court shall fill in the prescribed form (F. XVIII) regarding classification of convicts (vide Government Notification No. D 169/Jails/50, dated 25-3-50, read with Notification No. F. 1(89) Jails/5, dated 20-9-50) and attach it to the record in all cases of prisoners sentenced by it or committed to the sessions, in order that it may be filed with prisoner's warrant and sent to jail with the prisoner.

### **109. All orders of fines to be registered.**

- (i) Whenever any person convicted of an offence is sentenced or ordered to pay a fine;(ii)Whenever any person is ordered to pay into Court for delivery to any other person any sum by way of compensation, or of reimbursement of fines or fees paid;(iii)Whenever any person is permitted to deposit a sum of money in lieu of executing a bond;(iv)Whenever any person is called upon to pay the penalty or aforesaid bond; and(v)Whenever a Criminal Court orders repayment of court fee; the Presiding Officer shall at once enter the amount of the fine, compensation or other sum, deposit, penalty or fee in the prescribed register of fines, compensation deposits, penalties and fees (Reg. VI).

### **110. Fines paid Into Court to be sent to treasury.**

- When the amount of fine, compensation or other sum, deposit, penalty or fee is paid into Court, the Presiding Officer shall send the money, as soon as possible, to the nearest treasury or sub-treasury or a scheduled bank authorised to receive money on behalf of the Government, as the case may be and shall send therewith a challan in triplicate in the prescribed form (F. XIX) signed by him.

### **111. Fines not paid at once may be paid to Officer**

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

### **112. Procedure in cases under rule 111.**

- When any officer receives a payment as described in rule 111 or when the officer conducting a sale under a warrant receives the sale proceeds, the money so received shall be sent, as soon as possible, to the nearest treasury or sub-treasury or a scheduled bank authorised to receive money on behalf of Government, as the case may be. The Court or officer receiving the money shall inform the Court which ordered the payment about the amount received and forward the original treasury voucher under which it was paid into the treasury or an attested copy thereof to such Court.

### **113. Details to be noted in challan.**

- In every challan and every warrant for distress and sale, there shall be made a clear entry as to the number of the case, the exact nature of the payment made or to be made, the person who is or was liable for the payment, and the manner in which the amount paid is to be credited to Government or to a Municipal or Cantonment fund as required by law or the orders of Government or as a Criminal Court deposit.

### **114. Payment to Treasury to be made as early as possible.**

- Every sum received by a Court or officer in the immediate vicinity of a treasury or sub-treasury or where there is no treasury or sub-treasury as a Scheduled Bank authorized to receive money on behalf of the Government, as the case may be, shall be paid therein [within three days] [Substituted by Notification No.9/S.R.O./91. G.S.R. 61, Dated 16.9.1991; Published in Rajasthan Government Gazette Extraordinary Part 4(GA)(I), Dated 3.10.1991, page 112] of receipt or if the treasury or sub-treasury or the Bank be closed on [last] [Substituted by Notification No.9/S.R.O./91. G.S.R. 61, Dated 16.9.1991; Published in Rajasthan Government Gazette Extraordinary Part 4(GA)(I), Dated 3.10.1991, page 112] day, then the next day on which the treasury or sub-treasury or the Bank is open. When a court or officer is at a distance from the treasury or sub-treasury or such Bank, receipts shall be paid therein at least once every month or as the receipts exceed the sum of [Rs. 2,000/-] [Substituted by Notification No.9/S.R.O./91. G.S.R. 61, Dated 16.9.1991; Published in Rajasthan Government Gazette Extraordinary Part 4(GA)(I), Dated 3.10.1991, page 112] whichever is earlier. When sums more than one are sent at the same time, a separate Challan in triplicate shall be sent for each sum exceeding Rs.15/- Sums not exceeding Rs.5/- shall be sent through a Challan (F.XIX) which shall contain details regarding each item included in the amount remitted by the Challan. When any sum received in a Court is not sent to the treasury or sub-treasury or Scheduled Bank authorized to receive money on behalf of the Government, as the case may be, [within three days] [Substituted by Notification No.9/S.R.O./91. G.S.R. 61, Dated 16.9.1991; Published in

Rajasthan Government Gazette Extraordinary Part 4(GA)(I), Dated 3.10.1991, page 112], the presiding officer shall make arrangements for its safe custody until it can be remitted.

### **115. Court receipt book.**

- Every Court shall be furnished with a receipt book in the prescribed form (F. XX) which shall be used by the Court for granting receipt to be payee in respect of payment made by him. The receipt shall be prepared in Hindi. Each book shall bear a printed number repeated on every form in the book, and the forms in each book shall bear printed numbers in regular series from 1 to 100.

### **116. Payment to be entered in register and receipts given.**

- When any payment is made into Court under rule 110 and when duly authenticated intimation of any payment is received under rule 112, the Court shall make an entry of the receipt in the appropriate register and shall cause a receipt for the amount to be prepared in triplicate, one for depositor, one for record and one for accounts. Such receipt shall be made over to the payer if he is present. If he is not present, it shall be sent to him by post, if he is not in custody or through the officer-in-charge of the jail, if he is in Jail. The Court receipt shall be prepared in Hindi but the international form of Indian numerals shall be used. The words and figures denoting the sum for which each receipt is being issued shall be written on the receipt by the Presiding Officer of the Court in his own hand and it shall be signed by him. The receipt shall also be signed by the cashier who actually receives the money. Upon the counterfoil of every Court receipt, the number and the date of treasury receipt upon the challan under which the money was paid into the treasury shall be entered as soon as possible and such challan shall then be filed with the record.

### **117. Refunds.**

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

### **118. Register of fines.**

- The register of fines, compensation, deposits, penalties and fees shall be maintained in the prescribed form (Reg. VI). A fresh page shall be begun each month as provided in rule 120. A separate line shall be given for each person ordered to make any payment even if two persons or more are subjected to such an order in one case. The entries in columns 1 to 8 shall be made as soon as the warrant is issued. The entry in column 9 shall be made as soon as the warrant is issued. The entries in columns 10, 11, 12 and 13 shall be made as soon as payment is made or on receipt of information from the Treasury that the deposit has been credited to Government. These entries shall be checked and initialled by the Presiding Officer. He shall compare the amount entered in the Court receipt book with that entered in the treasury receipt and also with the amount entered in column 7 of the register. In column 18 a note to the following effect shall be made, -(a) The number of

credit of every fine which is not wholly credited to the Government.(b)Exact nature of every sum other than a fine entered in column 7.(c)Provision of law under which every sum entered in column 8 is awarded and a clear statement whether it is intended as compensation or reimbursement or reward.(d)When a deposit made in lieu of executing a bond is forfeited either wholly or in part, then the serial number and the year of the entry of penalty, against the entry of the deposit.A separate entry shall be made in columns 1 to 7 when a deposit made in lieu of executing a bond is forfeited wholly or in part, as soon as the order of forfeiture is passed.

### **119. Irrecoverable amounts.**

- Any Sessions Judge or District Magistrate and any judicial or executive Magistrate, as the case may be, with the written permission of the Sessions Judge or the District Magistrate, as the case may be, may at any time write off as irrecoverable any amount of which recovery has been ordered by his Court or in case that Court has been abolished, by the successor Court, if it appears to him that the amount cannot be recovered:Provided that the sanction of the Sessions Judge or the District Magistrate, as the case may be, shall be unnecessary when the ground for remission of the fine is that the offender has undergone the imprisonment for the full term awarded by the Court in default of payment of fine.Explanation. - For the purpose of this rule, the term Sessions Judge be deemed to include an Additional or Assistant Sessions Judge.

### **120. Monthly certificate on register of fines.**

- At the end of every month, the Presiding Officer of each Court shall certify on the register of fines, compensations, deposits, penalties and fees that he has examined all outstanding items that seem capable of realization and has taken proper steps in each case.At the beginning of every year, before making entries for that year, all the outstanding items which remain unrealised shall be entered in red ink.

### **121. Statement of demand, collection and balance of fines.**

- At the end of every month, the Presiding Officer of each Court shall submit to the Sessions Judge or to the District Magistrate, as the case may be, a statement in the prescribed form (Ret. No. II) showing the demand, collection and balance of fines levied and written off. The statement shall refer to the account month of the treasury or subtreasury with which the Court deals. The Sessions Judge and the District Magistrate should each consolidate these returns into a monthly fines statement (Ret. No. III) for the Courts under him and for his own and forward it to the Treasury Officer, as soon as possible, after the end of the month, for verification of the amounts shown as remitted into the treasury with the credit appearing in the treasury account. The Treasury Officer should certify the correctness or otherwise of these amounts. Where there is any discrepancy between a consolidated statement and the treasury account the Treasury Officer, may if necessary, before giving his certificate request the Sessions Judge or the District Magistrate, as the case may be, to explain the discrepancy.

## **122. Statement of fines.**

(a) All amounts realised by Criminal Courts as fines and payable to municipal funds should be credited to the local fund account concerned. (b) A monthly return in the prescribed form (Ret. No. IV) of all amounts realised by Criminal Courts as fines and credited as required by law to local fund account shall be transmitted to the concerned local body.

## **123. Record-keeper to decline taking record till recovery or non-payment accounted for.**

- The record-keeper shall not take delivery of the record of any case in which the recovery of payment of money has been ordered unless money is realised or reported to be irrecoverable or an acknowledgment of its receipt by the Officer-in-charge of the treasury or sub-treasury or other person entitled to receive money, or a report signed by the Presiding Officer of the Court accounting for non-payment is filed therein.

## **124. Officer-in-charge of jail to be informed of payment.**

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

## **125. Warrant to be filed after execution.**

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

## **126. Money received by Money Order.**

- If any amount is received by a Presiding Officer by Money Order as payment of fine etc. in response to special summonses as referred to in section 206 of the Code though money order or under cover of letter through a messenger, the Munsarim or the Reader, as the case may be, shall place the Money Order Register (Reg. No. 21) prescribed under General Rules (Civil) duly filled in before the Presiding Officer concerned. The Presiding Officer shall personally verify before putting his signature of acknowledgment that necessary entries have been made in Register (Reg. No. 21) and its serial number has been mentioned on the acknowledgment by the Munsarim or the Reader, as the case may be. The acknowledgment under the signature of the Presiding Officer shall then be given or sent to the sender of the amount or the messenger, as the case may be. Necessary orders shall be passed on the relevant file simultaneously by the Presiding Officer. Necessary entries shall also be made in the Register of Fines, Compensation. Deposits Penalties and Fees (Reg. VI).

## **Chapter XI**

### **Appeal and Revision**

#### **127. Appeal and Revision to be registered.**

- The provisions of the rules relating to the preparation of record of a case as contained in Chapter III shall be applicable mutatis mutandis to appeals or applications for revision. The papers of an appeal or revision shall be kept stitched together in a cover in the prescribed form (F. XXI).

#### **128. Report by Munsarim or Reader.**

- Every petition of appeal, when received by an appellate court shall be examined at once by the proper officer, who shall endorse upon it a report -(i)whether it is within limitation;(ii)whether the appeal lies to the Court;(iii)whether the Court fees paid are sufficient; and(iv)whether it is accompanied by requisite documents. The proper officer in the Court of Sessions shall be either the Munsarim or the Reader, as the Judge may direct. In every other Court the Reader shall be the proper officer.

#### **129. And record to be sent for.**

- In every such case the record shall be obtained from record-room or Court in which it is, by means of a requisition in the prescribed form (F. XXII).

#### **130. Notice to appellant and the officer appointed under section 385 (i) of Cr. P.C.**

- As soon as the date of hearing is fixed, the appellate court shall cause notice thereof to be given to the appellant or his pleader. A notice of the date of hearing in the prescribed form (F. XXIII) shall also be given to the Public Prosecutor along with a copy of memorandum of appeal. The same procedure shall also be applicable in case of revision if the Court orders notice to be given. Explanation. - The expression 'Public Prosecutor' shall include Additional Public Prosecutor, Assistant Public Prosecutor and Special Public Prosecutor appointed by the Central or State Government, as the case may be.

#### **131. Notice to appellant in jail.**

- Where the appellant is in jail, a notice specifying time and place at which the appeal will be heard shall be sent in the prescribed form (F. XXIII) under a covering docket in the prescribed form (F. XXIV) by the appellate court directs to the Superintendent of the jail for the communication to the appellant and return with an endorsement that the appellant has been duly informed. The same procedure shall be observed in case of revision when the Court orders notice to be given to an applicant who is in jail.



### **132. Procedure when appeal decided u/s. 385(2).**

(1)When an appellate court has sent for the record under section 385(2) of the Code it shall, after deciding the appeal send back the record along with a certified copy of the judgment or order in appeal.(2)Appeal dismissed. - If the appeal is dismissed and the appellant is on bail, the Court which passed the original sentence, shall issue the necessary orders requiring the appellant to surrender, or in default of his surrendering, the necessary orders for his arrest and confinement in jail; provided that if the appellant who had been released on bail is present in Court when the appeal is dismissed, he may, by the order of the Court, be taken into custody by the constable of the Court and sent to the Superintendent of the jail with a warrant to admit the accused to serve out the remainder of the sentence.(3)If the appellant is in jail and the appeal is rejected or dismissed, the appellate court shall also certify the judgment or order to the Officer-in charge of the jail for communication to the appellant.(4)The above procedure shall also be followed in the case of an application for revision and in proceedings in Courts of Sessions u/s. 122 of the Code.

### **133. Procedure when High Court rejects appeal or application.**

- When the appeal or application of a person on bail has been dismissed by the High Court, the Chief Judicial Magistrate shall report to the High Court that the order to surrender to bail has been carried out.

### **134. Procedure when sentence altered reversed or confirmed.**

(1)When the sentence under which the applicant is in confinement is reversed or modified, the appellate court shall issue a fresh warrant in conformity with its judgment or order, after including therein all appropriate endorsements on the original warrant, and shall send the new warrant direct to the Officer-in-charge of the jail in which the appellant is confined. A copy thereof will be sent to the Court from whose order the appeal was preferred to be attached to the original record.The Presiding Officers submitting record to the appellate or revisional court shall see that the original warrant, if necessary, has been drawn and placed on record.(2)When a sentence is modified or reversed in appeal by the High Court, the warrant shall be signed and issued by the Court to which the appellate judgment or order is certified under section 388 of the Code; provided that if it is shown that delay in the release of a prisoner would otherwise be caused, the warrant may be issued direct by the High Court and the fact intimated to the lower Court.(3)When the appellant has been admitted to bail pending the hearing of the appeal, the following special rules shall apply: -(a)When a sentence is reversed on appeal, the appellate court shall return the original warrant with a copy of its order to the Court by which the appellant was admitted to bail, with a direction to discharge him.(b)When a sentence is modified on appeal, the appellate court shall prepare a fresh warrant in conformity with its order, and shall send it with the original warrant and with a copy of its order to the Court by which the appellant was admitted to bail, with directions to take measures to secure his surrender and recommitment to jail on the modified warrant, if under the latter, the appellant remains liable to imprisonment.(c)When a sentence is confirmed on appeal, the appellate court shall return the original warrant with a copy of its order to the Court by which the appellant was admitted to bail, with directions as in sub-rule (b) of the rule.(d)When the appellant surrenders to

his bail in the appellate court the Court shall, -(i)If the sentence is reversed on appeal, discharge him;(ii)If the sentence is modified or confirmed on appeal and the appellate court is not the High Court of Judicature, send him in custody with the modified or the original warrant, as the case may be, to the Officer-in-charge of the jail of the district in which the appeal has been heard, with direction to recommit him to jail; and(iii)If the sentence is modified or confirmed on appeal and the appellate court is the High Court of Judicature, send him to the Superintendent of the jail at Jodhpur or Jaipur, as the case may be, in the manner directed in clause (ii).(4)It is the duty of the Court to which the appellant surrenders, in view of the provisions of section 389(4) of the Code, to endorse on the warrant, the date of his release on bail and of his subsequent surrender.The original Court or the trial court from whose order the appeal was preferred must prepare and place on record the warrant under section 418(1) of the Code even if the sentence is suspended by it or by the appellate court. The appellate court shall send that warrant along with the warrant of its own to the Officer-in-charge of the jail in which the appellant is confined. The original warrant shall mention the following particulars also: -(i)Date of arrest of the convict by the police.(ii)Date of remand to the judicial custody.(iii)Date of release on bail.(iv)Whether at present in custody.(v)Number of days to be set off against sentence of imprisonment in view of section 428 of the Code. The warrant prepared and sent by the appellate court to the Officer-in-charge of the jail in which the appellant is confined or is to be confined must also mention all relevant information required for the purpose of set off under section 428 of the Code.

### **135. Order suspending sentence to be certified.**

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

### **136. No judicial order by telegram.**

- A Court shall not issue a judicial order or communicate the purpose of a warrant or process by telegram.

### **137. Date of appearance of parties in remanded appeal.**

- When a case is remanded by the appellate court or an order staying proceedings is discharged by such Court, a date for the appearance of the parties in the trial court shall be fixed by it at the time of passing the order and the appellate court shall see that record is transmitted to the trial court without any unnecessary delay.

## **Chapter XII**

### **Preservation of Record**

### **138. Custody of the record.**

- Except as otherwise provided for in these Rules, no Judge or Magistrate shall part with the custody of the record of a case or any document therein.

### **139. Certificate before transmission of record.**

- Whenever a record is to be sent from a Court or record-room to another Court or record-room the reader or record-keeper, as the case may be, shall carefully examine the record before transmitting it, and shall attach and sign at the foot of the general index, a certificate on prescribed form (F. XXV).

### **140. Examination on receipt and report if necessary.**

- When the record of a case is received in a Court from another Court or from the record-room, the reader shall at once report to the Court if the record is not in all respects in order and corresponding to the general index so as to prevent the possibility of doubt as to the office responsible for a missing document or for errors and deficiencies in the record. If the record is received from the High Court, the reader or record-keeper, as the case may be, shall carefully examine the record and shall lay it before the Court. Every copy of judgment or order received from the High Court shall be placed on the general index and filed with the record.

### **141. Division of record into classes.**

- When a record is complete, and before it is sent to the record-room, the reader shall note thereon the class to which it belongs under Chapter XIII and shall, in any doubtful case take the order of the Court. The Clerk-in-charge of the record shall in every record belonging to Class I or Class II, separate the papers belonging to Part A from those belonging to Part B, and put the papers belonging to Part A into a cover in book-form and shall affix the front part of the wrapper on the outside of the book thus formed. He shall make up the papers belonging to Part B in book-form and attach the Part B book to the A Part book.

### **142. When records are to be sent to record-room.**

- The records of completed cases in the Courts of Judicial Magistrates shall be transmitted to the record-room of the Sessions Judge on such dates, in such manner as the Sessions Judge may, from time to time by written order prescribe; provided that record shall be sent from every Court at headquarters of the Court of Sessions not less than twice in every month, and from every mobile Court or Court not at headquarters, at least once in every month. For the return of records of cases under appeal or revision that have been sent for by Courts of appeal or revision, the form prescribed (F. XXVI) for transmission of record shall be used. The records of completed cases in Courts of Sessions shall be forwarded to the record-room of the Sessions Court not later than the last day of the month succeeding the month in which the judgment was pronounced. Records received back

from the High Court and paper received in a Court after a record has been sent to the record-room e.g. orders summarily rejecting appeals, warrants returned after execution etc.) shall be sent to the record-room on the earliest occasion after their receipt on which records of completed cases are being sent there. The records of completed cases in the Courts of Executive Magistrates shall be transmitted to the record-room of the District Magistrate on such dates and in such manner as the District Magistrate may from time to time, by written order, prescribe.

### **143. List of records to be maintained.**

(1) Each bundle of completed records shall be accompanied by a list of the records, if contains. The Clerk-in-charge of the records shall prepare the list and shall enter the records therein in the order of the dates of decision. But, if the dates of decision of two or more cases to which the list relates are the same, they shall be entered in the order in which they stand in the Court's registers. The reader shall examine the list and when he has checked that every case ready to be sent to the record-room has been duly entered therein, he shall sign the list. (2) If a completed record is required for use in the Court in which it was completed, or if it has been requisitioned by another Court or if, for any other reason, a completed record is not sent to the record-room, there shall be sent to the record-keeper, in the monthly bundle, in place of every such record, a copy of the form of requisition under which it has been detained, or transmitted elsewhere; the record-keeper shall deal with this as an original requisition. (3) The list shall be in the prescribed form (F. XXVII or F. XXVIII) and shall be placed on the top of the records in the bundle. When the records have been examined, as provided in rule 145, and have been placed in their racks, the list shall be bound with previous lists of records in the record-room so as to form a register of decided cases. The Reader shall make out an invoice in the prescribed form (F. XXIX) of all the records and other papers forming each consignment to the record-room. The invoice (but not the counterfoil or the whole book) shall be sent to the record keeper, who shall compare the number of records and papers entered therein with the number actually received and shall sign the invoice and return it to the Court. The Reader shall then attach it to its counterfoil in the book.

### **144. Record to be kept in a rack.**

- Until the records and papers received in the record-room can be examined by the record-keeper as provided in rule 145, they shall be kept in a rack set apart for the purpose.

### **145. And examined by the Record-Keeper.**

- As soon as may be, after the records and papers have been received, the record-keeper shall examine each record and satisfy himself: -(1) that every record is properly entered in the list of the bundle to which it belongs, and that it has been properly classified; (2) that the papers in the record correspond with those entered in the general index; (3) that the papers in the record bear no erasures of interlineations but those noted in the general index; (4) that the papers bear the stamps entered in the general index; (5) that the stamps have been duly cancelled and punched; (6) that on each paper the number and aggregate value of the stamps on it have been recorded; (7) that all orders have been duly signed; (8) that the provisions relating to the realisation of fines given in Chapter X have been

properly complied with. If the record be found in order, the record-keeper shall enter and sign below the certificate signed by the Reader a certificate to the following effect. - "Record examined and found correct." If a list be found incorrect or a record found defective in any respect a record-keeper shall submit it with a report for the orders of the Officer-in-charge of the record-room or of the Sessions Judge or of the District Magistrate, as the case may be. While making an examination the record-keeper shall punch a hole in each stamp distinct from the hole previously punched. The punching shall invariably be made in the middle of that part of the label on which its value is printed but shall not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature.

#### **146. Subsequent papers to be filed.**

- A paper to be filed with a record already in the record-room (e.g., an order summarily rejecting an appeal, a warrant returned after execution etc.) shall be sent after its stamps, if any, duly punched to the record-room as soon as may be after its receipt and requisite entries in the prescribed registers. The record-keeper shall, on receipt of such paper, enter it in the general index of the relevant record. An entry shall be made below the certificate signed by the Reader or if necessary, on a fresh sheet of the general index.

#### **147. Prohibition against unauthorised removal of records.**

- No judicial record or its part shall be taken out of Court building or premises by any ministerial officer on any pretext whatsoever. A breach of this rule will render the officer liable to dismissal.

### **Chapter XIII**

## **Destruction of Records**

#### **148. Classification of records.**

- Records shall be classified into two categories as follows; -Class I. Every case in which the offence charged is punishable with imprisonment exceeding two years, with or without fine and cases not otherwise provided for in these Rules including cases under section 108 of the Code. Class I. - (i) Every complaint dismissed under section 203 of the Code. (ii) Every case compounded under the law. (iii) Every application dismissed and every miscellaneous report of proceedings, when not filed as part of the record of a regular case. (iv) Every case in which an accused person is discharged under the provisions of section 249 of the Code. (v) Every case under section 133 of the Code. (vi) Every case in which an accused person is acquitted under sub-section (1) of section 256 of the Code or under section 257 of the Code. (vii) Every case in which the offence charged is punishable with fine or with imprisonment not exceeding two years, with or without fine. (viii) Every Appeal and Revision case. (ix) Every Criminal Miscellaneous case including transfer petitions. (x) Cases under Chapters VIII and IX of the Code except cases under section 108 of the Code; Provided that a Court for reasons to be recorded in writing may order that any case or proceeding belonging to Class II be treated as belonging to Class I or vice versa.

## **149. Destruction of papers.**

- The entire record in Class II shall be destroyed on the expiration of one year. Part B in Class I shall be destroyed on the expiration of two years and Part A in Class I shall be destroyed on the expiration of three years, except in case hereinafter provided, reckoning from the 30th June or 31st December next ensuing after the order disposing of the case. In the following cases Part A of Class I shall be destroyed on the expiration of: -(a) Ten years in a case under section 108 of the Code and in a case tried by the Court of Sessions or by a Chief Judicial Magistrate, except that -(i) in every case the judgment or final order of the Sessions Judge or the Chief Judicial Magistrate shall be retained for 50 years; and (ii) in a case in which conviction was had under Chapter VI of the Indian Penal Code, the whole of Part A shall be retained for 50 years. Proviso. - In cases tried by Sessions Judge in which punishment awarded is more than seven years imprisonment, special order of the Sessions Judge shall be taken in each case to destroy Part A of Class I after 10 years. (b) Five years in other cases; except that in every case the judgment or final order of the Sessions Judge or Magistrate in cases in which the offence proved is an offence punishable under Chapter XII of Chapter XVII of the Indian Penal Code with imprisonment of either description for a term of three years and upwards shall be retained for 50 years; reckoning from the 31st December next ensuing after the order disposing of the case: Provided always that -(i) if the warrant with the certificate as to the manner in which the sentence has been executed has not been filed with the record before the expiration of the period above mentioned, the record shall be laid before the Court for further orders; (ii) a Sessions Judge or a Chief Judicial Magistrate or the District Magistrate, for reasons to be recorded in writing, may direct that any record or part thereof be retained permanently; (iii) the record of a case in which an accused has absconded or is a lunatic or person has been ordered to pay maintenance, shall not be destroyed until it be proved to the satisfaction of the Chief Judicial Magistrate that such accused or other person is dead, or until a period of 50 years has elapsed since the order was passed; (iv) the records of cases of non-criminal lunatic shall be destroyed upon the expiry of 3 years from the date, the non-criminal lunatic is either discharged from the hospital or is dead or from the date the application filed under section 5 of the Indian Lunacy Act (Act No. IV of 1912) is dismissed under section 10(2) of the Act.

## **150. Disposal of records liable to be destroyed.**

- As soon as may be, after the 1st January and 1st July of each year, the records liable to be destroyed under the preceding rule shall be examined, and if their time for weeding has expired, shall be disposed of as follows; -(1) Confidential papers and stamps and court-fees labels shall be torn to pieces and burnt in the presence of the record-keeper. Notes and orders on administrative must be treated as confidential papers. (2) All original documents and papers forming parts of records as also certified copies of such documents and papers shall be torn across and then sold at waste-paper to the best advantage. (3) Papers not covered by Clauses (1) and (2) and the accumulation of waste-paper baskets shall be sold as waste-paper without being torn at all. The sale-proceeds of the paper shall be credited to Government and in order to secure that the best price is being obtained, inquiries should be made as to the prices obtainable in the neighbouring districts. As each record is weeded, a note of the fact shall be made in the list with it was received in the record-room.

## 151. Retention of registers, books etc.

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

S. No.	Description of book or register	Period
1.	Register of fines, compensation, deposits penalties and fees.	5 years
2.	Register of requisitions of records	3 years.
3.	Registers of records requisitioned and returned	3 years
4.	Inspection Registrar	1 year
5.	Register of copies	1 year
6.	Stock book of printed forms	3 years
7.	General register of correspondence file	6 years
8.	Register of letters received	3 years
9.	Register of letters issued	3 years
10.	Register of general letters and circulars	
11.	Register of complaints	6 years
12.	Register of Regular Criminal Cases	50 years
13.	Register of Miscellaneous Criminal Cases	5 years
14.	Register of Regular Criminal Cases disposed of	2 years
15.	Register of Malkhana Articles	15 years
16.	Register of Police Reports of offences	6 years
17.	Register of Miscellaneous Police Reports	2 years
18.	Register of cases transferred under section 192 of the Code of Criminal Procedure, 1973	3 years
19.	Register of Criminal Appeals	3 years
20.	Register of Criminal appeal disposed of	2 years
21.	Register of Criminal Revision	2 years
22.	Register of Criminal Revisions disposed of	2 years
23.	Register of Sessions Cases	50 years
24.	Register of cases referred under section 122 of the Code	5 years
25.	Register of Sessions Cases disposed of	3 years
26.	Register of Closed Registers	Permanently
27.	Register of witnesses	3 years
28.	Register of Valuable Properties	15 years

## 152. Return of certain papers for more than one year.

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

S. No.	Description of papers	Period of retention
1	Periodical statements and returns other than annual reports or returns and office copies of them and correspondence regarding them	3 years
2	Copies of order forwarded under section 167 of the Code if not filed with the record of a case	3 years
3	Proceedings in respect of an absconding person under sections 77, 78, 80, 82, 83, 84 and 85 of the Code, if not filed with the record of a case	3 years
4	Invoice of consignments to the record-room	3 years
5	Papers relating to contingent charges	3 years
6	Punishment of officials, after final orders have been carried out and entry made in service book	3 years
7	Certificate of Transfer of charge of office	5 years
8	Annual reports and returns	20 years

## 153. Retention of certain papers for a period of one year and three years.

(1) The following papers shall be retained for one year; computed from the 31st December of the year in which they were written and in case of letters from the 31st December, of the year in which the correspondence was closed:-

S. No.	Description of papers
1	Applications for copies, if not filed with the records of the cases to which they relate and correspondence relating to them.
2	Reminders
3	Correspondence relating to leave and transfers
4	Correspondence relating to the service or execution of criminal processes.
5	Correspondence with other departments regarding criminal proceedings under special laws.
6	Office copies of calendars of committed cases.
7	Correspondence relating to questions of practice of procedure which is concluded by the publication of a rule or order of competent authority.
8	Correspondence and applications regarding employment.
9	Copies of judgments and statement of result of session trials (Chapter IV Rule 44).

(2) The following papers shall be retained for three years, computed from the 31st December of the year in which they were written and in case of letters, from 31st December of the year in which they



were written and in case of letters, from 31st December of the year in which the correspondence was closed: -

**S. No. Description of papers**

- 1 Correspondence regarding books, furniture and repairs of Courts.
- 2 Indents for forms, stationery or additional copies of circulars and correspondence relating thereto.
- 3 Correspondence relating to salary, travelling allowance and contingent bills.

**154. Destruction of papers.**

- At the end of the periods specified for retention, the books and papers mentioned in rules 151, 152 and 153 shall be destroyed in the manner prescribed in rule 150: Provided that a Sessions Judge or Chief Judicial Magistrate or the District Magistrate, as the case may be, may at his discretion direct the retention for a longer period or permanently of any paper which he may consider likely to be useful in the future.

**155. Notices to be given before destruction of original documents.**

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

## **Chapter XIV**

### **Requisition For Records**

**156. Requisition for record.**

- When under any law or any rule having the force of law a Court sends for the record of a criminal case, whether pending or decided, the Court shall send a requisition in the prescribed form (F. XXII) and the cost of transmission shall ordinarily be borne by the Government.

**157. Requisition by party through Court.**

- For the requisition of a record or portion of a record on behalf of a party to a case from any Civil Revenue or Criminal Court, a written application shall be made stating the purpose for which the record is required. A separate application shall be made for each record or part of a record required and each such application shall bear a court fee table as provided by the Rajasthan Court fees and Suits Valuation Act. 1961.

### **158. Record may be issued to Government Commissioner etc.**

- A Court (including the Office-in-charge of record-room) shall ordinarily without objection send a record for inspection, on receipt of requisition from the Government, the Board of Revenue, the Head of Department of Government, the District Magistrate, or any Court, Civil, Criminal or Revenue. It shall not issue a record to any other person except for special reasons to be recorded in any doubtful case a report shall be made for the orders of the High Court.

### **159. Printed forms.**

- When an order for transmission of a record has been made, the Reader or record-keeper shall send the record under the prescribed form (F. XXVI) for transmission after filling up the appropriate columns of the form. The form of the requisition received be kept in the place from which the record was taken.

### **160. Register of requisition.**

- The clerk of the concerned section in each Court and the record-keeper in the record-room shall keep a register of requisitions for record in the prescribed form (Reg. VII). Columns numbers 1 to 14 of which shall be filled up as soon as requisition is received, and columns 15 to 16 when the record is transmitted.

### **161. Record to be promptly returned.**

- When the record is no longer required, it shall be promptly returned. The appropriate columns of the form of transmission shall be filled up and the form shall be returned with record.

### **162. Examination of Record on receipt.**

- On receipt of the record, the Reader or the record-keeper shall make an examination as prescribed in rule 145, Chapter XII, after filling up columns Nos. 9 to 13 of the register of requisitions he shall file the requisition and the form for transmission with the record, and restore the record to its appropriate place.

### **163. Scrutiny of register.**

- Once in every quarter, the register of requisitions shall be laid before the Court or the Officer-in-charge of the record-room, as the case may be, for orders as to records which were issued more than three months back and have not been returned.

## **164. Mode of transmission of record.**

- The following instruction shall be observed for the transmission of records from one Court to another: -(i)Records shall be securely packed (in wax-cloth, when necessary). and shall subject to the proviso hereinafter contained, be transmitted by post or rail. Each parcel shall contain the papers connected with one case only. Postage shall, except when the requisition otherwise states, be prepaid by service postage stamps :Provided that if the record to be transmitted to a Court situated in the same place as the Court transmitting it, it shall be sent by a Government messenger.(ii)An acknowledgment shall invariably be required from the Court to which a parcel containing a record has been despatched, and in the event of none being received within a reasonable time, inquiry shall be made to ascertain the cause.(iii)Records weighing under 2.92 grams may be sent by parcel post, those weighing 2.92 grams and over, by rail (passenger train).

## **165. What material exhibits are to be sent to High Court.**

- At the conclusions of a trial liable to come up before the High Court in appeal, the Sessions Judge shall, after consulting counsel on both sides, where necessary, record a specific order to what material exhibits are to be forwarded to the High Court along with the record in the event of an appeal. All such exhibits shall be invariably submitted to the High Court along with the record. In selecting these material exhibits, the Sessions Judge shall pay special attention to the fact that bulky and clearly unnecessary exhibits are not sent up and that important one, e.g., weapons which are said to have been used for committing an offence or which are alleged to have been used, but about which there is any doubt as to their capacity to inflict the alleged injuries, are not omitted. When a material exhibit is not sent up, a note to that effect shall be made in red ink against its number in the index of exhibits.

## **166. Register of Records requisitioned and returned.**

- All records received on requisition, and which are to be returned, shall be entered in the 'Register of Records, requisitioned and returned' (Reg. No. VIII) as soon as they are received. An entry regarding return shall be made in the register when the record is returned.

## **Chapter XV**

## **Inspection and Search of Records**

### **167. Separate room for inspection.**

- The Presiding Officer of each Court, or where there are centralised arrangements for the inspection of records of more than one Court located at the same station, the senior-most. Judicial Officer shall allot a room for the inspection of records. Where there is no official appointed exclusively as an inspection Clerk, he shall appoint one of the clerks to perform the duties of the Inspection Clerk, in addition to his own duties.

### **168. Prohibition against giving surreptitious information.**

- Ministerial Officer and the fourth grade staff of the Court should be made to understand that no information or copy shall, in any circumstances, be given otherwise than as laid down in the rules and that surreptitious or gratuitous supply of information or copy is strictly forbidden.

### **169. Application for information.**

- Any person desiring to ascertain the serial number and date of institution of any case or any proceeding therein, registered particulars respecting a case or any proceeding therein or of any judicial proceedings, shall present or send by post a written application stamped with a Court label of 25P. and giving the best particulars he can as to the year of institution and the names of the parties. The Munsarim or the Reader, as the case may be, shall mark such application with a serial number and direct the Official-in-charge of the relevant register to make a search. The information if obtainable, shall be given to the applicant in writing, signed by the Official-in-charge of the register within 3 days from the date of the receipt of the application. The information shall be sent by post, if necessary, postal charges have been paid. In case such information cannot be given within 3 days, the Munsarim or the Reader, as the case may be shall forthwith, on the expiration of the said period, report in writing to the Judge/Magistrate for his orders, the cause of the non compliance with the application. A printed copy of this rule in Hindi shall be pasted on the notice board in a conspicuous place in every Court, and also in the office of every Munsarim or Reader, as the case may be. After disposal, the application for search shall be kept in a file book in serial order. Each file book shall be consigned to the record-room at the end of each such calendar year.

### **170. Information by means of questions.**

- It will also be open to a party to obtain information regarding any case by means of written questions. To an application for such information must be affixed for every question asked pertaining to the same, a court fee label of 12 paisa, if the case is pending, and of 35 paisa if the case is decided. Note. - In no circumstance shall the right conferred by this rule be so exercised as to be in such substitution of the method of obtaining more detailed information by an inspection of the record or by copies.

### **171. Powers of Presiding Officers to examine records.**

- The Presiding Officer of a Court requiring to examine at his private residence a record of a case in his Court, may take charge of such record. The Official in whose custody such record may be shall enter in a book to be kept in the Office for that purpose, a note describing the record so taken charge of by the Officer, the date when the officer took charge of the record, & the date when the same was returned to the said Official.

## **172. Papers in office not open to inspection.**

- The papers other than those of a judicial record shall not be open to inspection except under an order in writing of the Presiding Officer made on an office report.

## **173. Inspection of papers in office.**

- No record or paper in the office or in the custody of an officer of the Court shall be inspected by any person other than the Presiding Officer or an officer of the Court, except under an order in writing signed by the Presiding Officer: Provided firstly, that the Presiding Officer may, in his discretion, without making a written order in that behalf, permit a party to a case or his pleader to inspect in the court room the record of a pending case on the day of hearing and Provided secondly, that memorandum book of dates of hearing (or Peshi Register) shall be made available for inspection free of charge, without any written application or order.

## **174. Application for inspection.**

- Except in the case mentioned in the provisos to rule 173, no order for the inspection of a record or of any paper in a record, or for the inspection of a book or register shall be made except upon a written & duly stamped application, provided that no stamps shall be required in case of application for inspection made on behalf of the Government, or of the accused where the latter is defended by counsel provided by Government or is in custody.

## **175. Application for inspection by party to a case.**

- Any party to a case, appeal or other proceedings in the Court, & any such party's advocate, attorney or Vakil, who has duly filed a Vakalatnama or power of attorney, may apply for an order to inspect the record, or any papers in such case, appeal or other proceeding.

## **176. Application for inspection by non-party.**

- Any person, other than a person to whom rule 175 applies, may apply for an order for the inspection of a record or paper in a case, appeal or other proceeding: No such person shall be entitled as of right to obtain an order for inspection, nor shall he in any case, be allowed to inspect exhibits put in evidence except with the consent in writing of the person by whom they were produced or his successor-in interest. Such consent shall invariably be filed along with the application for inspection.

## **177. Form and fees for application.**

(1) Every application for inspection of a record shall be in writing in the prescribed form (F. XXX) & shall set forth: -(a) the name & description of the applicant and his position (if any) in the case or proceeding; (b) the following particulars concerning the record of which inspection is desired:

-(i)Number and year of case,(ii)Name of Court,(iii)Title of case.(iv)Date of disposal when the case has been disposed of & date of hearing when the case is pending.(2)The fees for the inspection of records shall be paid in court fee labels in accordance with the following scale, namely: -

(i) Ordinary 50 paise

(ii) Urgent Rs. 1/-

(3)Inspection of an ordinary application shall be allowed on the day following the day on which the application is made or on subsequent day mentioned in the order.

### **178. Application for sending of a record from another Court.**

- Where a party to a case applies that any record, book or register, or set of books or registers, be sent for and inspected during the hearing of the case, the applicant shall, on the application being granted, pay into Court a court fee stamp of the value of one rupee for each such record, book or register or set of books or registers. If for reason, such record, book or register is not sent for inspection, the applicant shall be entitled to a refund of the Inspection fee paid under this rule less 6 paise in a rupee, provided he applies for such refund within three months from the date of order granting the application for inspection.

### **179. Application for inspection of more than one record or register.**

- There shall be separate application for inspection of each record or register. For the purposes of this rule, the record of an appellate court & of the lower court or courts relating to same case shall be treated as one record.

### **180. Inspection of records by legal practitioner's clerk.**

- Inspection of records by legal practitioner's clerk is not permitted. However, a registered clerk may be permitted to make full copies in pencil of any papers which are inspected by the legal practitioner. Such clerk, however, shall withdraw from the inspection room as soon as the copies are made within the time allowed.

### **181. Day and time for inspection of records.**

(1)Every order for inspection shall specify the day on which such inspection may be made.(2)Inspection on any one application shall be allowed for one day only between 12 noon to 3-00 P.M. or during morning hours from 8.00 A.M. to 10.30 A.M.

### **182. Order for inspection.**

- Every order for the inspection of a record or paper shall be sent to the inspection clerk & will entitle the person or persons named in such order, but not any other person or persons, to inspect the record or paper specified in the order on the date mentioned in the order but on no other date. If

no inspection is made on the date fixed, the application shall be filed with the record and shall not entitle the applicant to inspect on any other date: Provided that if the inspection could not be made for reasons not arising from the fault of the inspecting party, a fresh time will be fixed for inspection on the same fee.

### **183. Duty of Record-keeper.**

- The Record -keeper of the Officer-in-charge of the record shall, on or before the day mentioned in the order required by rule 181, deliver to the inspection clerk the record or paper mentioned in the order, and shall receive an acknowledgment from the inspection clerk.

### **184. Duty of inspection clerk.**

- The inspection clerk shall, on the day of the inspection and immediately after the inspection has begun, make on the order, a memorandum showing the date on which the order has been complied with, and shall, on the same day, return it to the official from whom he received every record or paper and every order. Such official shall forthwith file every order which has been returned to him and shall not again issue for inspection on an order so filed any record or paper. The inspection shall be made in the presence of the inspection clerk, who before returning the file, shall examine the record and satisfy himself that all papers in the records rate as they were before inspection.

### **185. Inspection Register.**

- The inspection clerk shall keep an inspection register in the prescribed form (Reg. IX).

### **186. Use of pen and ink during inspection prohibited.**

- No person inspecting a record shall be allowed to bring into the room in which the inspection is made any pen or ink, nor to use any pen or ink; nor shall he be allowed to make any mark upon, or in any respect to mutilate, any record or paper which is being inspected. Note. - The use of a fountain pen or point ball pen is also prohibited. He may, if he so desires, make full copies in pencil of any papers that he is inspecting within the time allowed.

## **Chapter XVI**

### **Copies**

#### **187. Order necessary for copy.**

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

## **188. Register of applications for copies.**

- The head copyist under the supervision of the Officer-in-charge of the copying department for the Court shall enter every application for a copy in a register in the prescribed form (Reg. X) to be maintained for the purpose. In such register the entries relating to urgent applications shall be made in red ink, and all other entries shall be made in black ink. In the column of remarks an entry shall be made showing the manner of disposal of each fee paid in cash.

## **189. Copy to be sent to certain authorities.**

- Notwithstanding anything contained in these Rules: -(i) The Presiding Officer of a Court or the Officer-in-charge, as the case may be, shall order a copy of any proceeding in the Court to be made and delivered upon receiving a written request to that effect from -(a) the District Magistrate; (b) the Public Prosecutor or the Assistant Public Prosecutor or other Legal Practitioner authorised in this behalf by the District Magistrate; (c) any gazetted officer of Government of India who as such is interested in the proceeding; (d) the Government or any High Court in India, any authority in India exercising jurisdiction similar to that of a High Court, any Court subordinate to the High Court for Rajasthan or any principal Court in any other country: Provided that if in the opinion of such Presiding Officer or the Officer-in-charge, as the case may be, there is any objection to compliance with the request he shall refer the matter for the orders of the High Court. (ii) The Presiding Officer of a Court or the Officer-in-charge, as the case may be, shall order a copy of every judgment in which a Government servant, soldier, reservist or pensioner has been convicted of an offence to be sent to the officer at the Head of the department, office, regiment or other body to which such servant or soldier belongs, to the Adjutant-General in India or to the officer responsible for the audit of payment of the pension of such pensioner. In cases concerning Government servants accused of criminal offence, copies of judgment of acquittal and of orders of discharge shall be supplied free of cost on the application of the Head of the Department in which such servant is employed. In addition to the copies of judgments to be sent to the authorities mentioned in the foregoing paragraphs of this clause, a copy of judgment in all criminal cases (including cases of assaults and affrays) in which a Commissioned Officer or soldier is involved and the case ends in conviction, shall be sent to the Secretary to the Government of India, Ministry of Defence. Every copy ordered to be furnished under this rule shall be prepared on plain paper, but rules 188, 198 and 199 shall apply to the preparation of such copy. Applications for copies of the documents detailed in this rule are not chargeable with fees under Schedule II of the Court Fees Act.

## **190. Who can obtain copies in criminal proceeding.**

(1) Parties to a criminal proceeding are entitled to obtain copies of any portion of the record of trial or enquiry including such police papers as may be made use of as evidence at the trial or enquiry and final reports submitted by police under section 173 of the Code. (2) Subject to the provisions of sub-rule (3) a stranger to a case, may, after final order, obtain copies of any order, proceeding or paper on the record and may for sufficient reason shown to the satisfaction of the Presiding Officer of the Court, obtain at any time before final order, copies of any order, proceeding or papers on the record. (3) As a general rule, copies of exhibits in a criminal proceeding shall not be granted to



persons who are strangers to it.

## **191. Application for copy how presented.**

- Every application for a copy shall be presented or sent by post prepaid, to the Officer-in-charge of the copying department for the Court or record-room who is for the time being incharge of the record. Such officer shall then and there enter in clear bold words and figures on the left hand centre portion of each paper (obverse side) the date of the application and the serial number. A rubber stamp may be used for this purpose, the Official-in-charge merely initialling the entry. When the application is for a copy to which by any law or by any rule having the force of law the applicant is entitled and is in other respects in order. Such officer shall make an order for the copy to be granted; in every other case where such officer is not the Presiding Officer of a Court, he shall lay the application for orders before the Sessions Judge or the senior-most Judicial Officer at the headquarter or the District Magistrate or the officer specially appointed in this behalf by the Sessions Judge or the District Magistrate, as the case may be. Except for special reasons, to be noted on the order made upon the application, a copy shall not be granted; (1) of official correspondence of reports or (2) of a document which is itself a copy. In the case of official correspondence or reports an order for a copy shall not be made, until permission has been obtained from the highest authority concerned with such correspondence or reports. A copy of a copy may only be granted, if the original document is not traceable, or is not accessible to the applicant for the purpose of obtaining a copy. Each page of such copy shall bear, in red ink, the remark that it is a copy of a copy. For the purpose of these Rules the in-charge of the copying department shall be deemed to be: -(a) for a Court of Sessions the Munsarim, or the Reader where is no Munsarim, (b) for any other Court of the Executive Magistrate at head quarters or the District Magistrate's record-room the Of-ficer-in- charge of the District Magistrate's record-room, or such other person as the District Magistrate may appoint, from time to time, by written order. (c) for any other Court of Judicial Magistrate or the Chief Judicial Magistrate, the Presiding Officer. In every application sent by post the applicant shall give his full address, and shall state whether he will attend in person to receive the copy or desires it to be sent by post. In the latter cases, the applicant shall also send a duly stamped addressed envelope with the application.

## **192. Free copies to impecunious accused.**

- A Criminal Court may order for the issue of certified copies free of cost to an accused under detention or who has been provided free legal aid under-section 304 of the Code. [192A. A copy of Statement, document, judgment, order, etc. in a criminal case may be supplied free of cost, on an application on priority basis, to Legal Aid Committees of the Supreme Court, High Court and District Courts, as the case may be. Such copies may also be supplied free of cost to the party to a case on an application having been received through the Legal Aid Committee of the Supreme Court, High Court and District Courts, as the case may be.] [Inserted by Notification No. General/XV (C)/1-85-3881, GSR 123, Dated 21.9.1987; Published in Rajasthan Government Gazette Part 4(ga)(I), Dated 17.3.1988, page 455]

### 193. Application for prisoner in jail.

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

### 194. Copy of judgment to be sent for to the Jail Superintendent.

- On the conviction of any non habitual prisoner, a copy of the judgment should on requisition be sent to the Superintendent of Jail to enable him to determine whether the prisoner should be classed as 'Star' or Ordinary".

### 195. Form of application.

- An application for a copy shall ordinarily be written upon the prescribed form (F. XXXI). It shall State: -(i)whether the applicant is entitled to the copy;(ii)whether he is entitled to such copy free of cost;(iii)if the applicant is not entitled to such copy; the object for which the copy is required and ground upon which the application should be granted;(iv)the paper or document of which the copy is applied for;(v)the record, if any, containing such paper or document; and(vi)whether the application is urgent or ordinary.

### 196. Charges for a copy.

- A copy which is not to be given without a fee, shall be charged for under the following scale: -(a)For a copy containing 400 words or less in any Court in any case other than a summary trial: -

	Judgment	Deposition	Any other paper except a book, register, map or plan, etc. or an extract thereof
Ordinary copy	Rs.1/-2/-	Rs.1.-2/-	Rs.1.-2/-
Urgent copy			
(b) For a copy containing 200 words or less: -			
(i) of any paper in the case of a summary trial,			
(ii) of the order-sheet, sentence or charge in the cases of regular trial: -			
	Ordinary Copy	Re. 0.50	
	Urgent copy	Rs. 1.00	

- (c) For a copy mentioned in clause (a) containing more than 400 words or a copy mentioned in clause (b) containing more than 200 words: -

For the first 400 or 200 words

As detailed above.

For every subsequent 100 words less-

An extra charge.

(i) in case of ordinary of 25 P. copies

(ii) in case of urgent of 50 P. copies

(d) In case an applicant desires to have more than one copy of a document, and typed copies can be given, each copy after the first shall be supplied at half the rates prescribed above.

(e) In the case of a book, register, map or plan or an extract thereof, or any other document the preparation of which requires any special apparatus or skill, the charge shall be fixed in each case by the Court with reference to the difficulty or intricacy of the work to be done.

Notes. - (1) If the order-sheet contains a judgment of the Court, a separate fee is chargeable for a copy of that judgment as given in the rules. (2) Copying fee is not to be charged for each order on the order sheet but a copy of the order-sheet is to be furnished as that of any other paper, except a book, register, map or plan or an extract thereof.

## **197. Fees to be paid in stamped paper.**

- Except in the case of an application for a copy of a book, register, map or plan or an extract thereof, an application for a copy for which a charge is to be made shall not be entertained unless it is accompanied by a sheet or sheets of stamped copying paper of the value required under preceding rule. The copy shall be written so far as possible upon such sheet or sheets, and if the whole cannot be written thereon, the remainder shall be written upon foolscap paper of durable texture supplied by the Government. If the copy does not extend over every sheet filed, the head copyist shall make and sign upon each blank sheet an endorsement to the following effect: - "This sheet was filed with application No dated....." If necessary stamp paper is not available, judicial water marked paper or pie paper with adhesive stamps of the requisite value may be provided instead; The charge fixed by a Court for a copy of a book, register, map or plan or any extract thereof shall be levied and disposed of as such Court by written order may direct. Any portion of charge as may be required for meeting the expenditure on the cost of material required for the preparation of a copy of map, plan etc. and payment of fees to an expert who assist in preparing such copy may be levied in case. Such

portion of the charge as may be required to meet the expenses of the copying department may be levied in stamped copying paper. Any portion of such charge which such Court may direct to be levied in stamped copying paper shall be subject to the foregoing provisions of this rule. If an application for a copy is rejected, the Officer-in-charge of the copying department shall at once return to the applicant any stamped paper filed there with and take his receipt for the same in column 16 of the register of copies (Reg. X). If the applicant be not present, the officer shall inform him by post of the fact and direct him to appear without delay and take back the stamped sheet forwarded by him with his application provided that he has previously sent a duly stamped address envelope. The officer before returning any stamped sheet shall endorse each sheet with the words 'Returned unused to' (being the applicant) and initial them, Stamped sheet so returned may be used by the same applicant in a subsequent application for copy. These applications for copies shall be consigned to the record-room in monthly bundles on the first day of each month following that to which they relate; If no applicant appears within 30 days of the date when the letter was sent to him, the officer shall render useless the stamped sheets by folding them down the middle vertically, tearing off the right half of each sheet destroying it and causing the left half on which is entered the date and number (Rule 191) to be filed in the record along with the application. An entry of the fact of destruction shall be made in the register of copies (Reg. X) against the application.

## **198. Procedure on order for copy.**

- As soon as an application for copy is received entries shall be made by the head copyist in the first nine columns of the register of copies; and the order with the application, if any, and the stamped paper, if any, accompanying the application shall be forwarded forthwith by the Officer-in-charge of the copying department to the Officer-in-charge of the record, who shall without delay send such order, application and stamped paper and the record to the head copyist, and shall take from the head copyist, in a book in the prescribed form (Reg. XI) to be kept for the purpose, a receipt containing a note of the date and hour when such record was delivered to him and the head copyist shall enter in his register of copies the date and hour on which he received the aforesaid paper on record. As soon as a copy is made, the head copyist shall forthwith return the record, together with the order and the application, to the official from whom he received them, and such official shall forthwith place such order and application in Part B of the record. The head copyist shall at the end of each working day, deposit all document under copying in a locked box to be kept for that purpose. At head quarters such box shall be kept in the record-room. When the copy has to be made in the office of a Court on tour, the Presiding Officer shall appoint some person to perform the duties of head copyist.

## **199. Form of copy.**

- Every copy that is not made on stamped paper shall be made on paper of durable texture supplied at the cost of the Government. Every copy of a proceeding in a case shall be made with a heading containing the following particulars: -(i) name of the Court, name and powers of Presiding Officer; (ii) serial number, nature and year of case; (iii) name of police station; (iv) name, caste, parentage and residence of accused, if any, and in case of copies of judgments, of all accused, if there are more than one; (v) the number of words in the copy. When a copy has been made, it shall be

signed by the person who made it. If such person is not the head copyist, the head copyist shall than examine the copy and correct it, if necessary, when it is correct, he shall certify it to be a true copy, stamp each sheet of the copy or blank sheet with the stamp of the Court or record-room and serially number the sheets. If the head copyist made the copy, such duties shall be performed by some person appointed for the purpose by the Officer-in-charge of the copying department. A copy shall not be certified as a true copy unless it sets out the value of each stamp, if any, upon the original. A copy shall not be issued to any person until it has been examined certified, stamped and paged.

## **200. Date of delivery of a copy.**

(1) A definite date not ordinarily exceeding seven days ahead shall be fixed for the delivery of the copy and intimated to the applicant. The copy, as far as possible, shall be delivered on the date so fixed. (2) If for any reason, the copy is not ready for delivery on the date so fixed, the applicant shall be directed to attend on another date, when the copy may be expected to be ready for delivery. (3) If the copy is not ready and the applicant does not appear on the date fixed, notice of the next date fixed for the delivery of copy shall be sent to him by post, if he has deposited the necessary postal charges. If necessary postal charges have not been deposited, it shall be affixed on the notice board of the Court.

## **201. Disposal of a copy, when ready.**

(1) When a copy is ready, and the applicant or his authorised agent is present, the copy shall be given to him. If the applicant or his authorised agent is not present, a notice over the signature of the head of office shall be affixed to the notice board notifying that the copy is ready for delivery. If from the date of the fixing of the notice, the applicant appears within three months, the copy shall be delivered to him. (2) If the applicant does not appear within this period, a copy shall be destroyed under the order of the Presiding Officer, an entry to that effect being made in the remarks column in the register of copying applications (Reg. X). (3) A register of applications for copies of record disposed of shall be maintained in the prescribed form (Reg. XII). All copies issued and all applications disposed of without issue of copies shall be entered in this register.

## **202. Priority of orders.**

- (i) Save as provided in these Rules, orders made on urgent applications shall have priority over all orders made on ordinary applications shall have strict priority amongst themselves according to the date and serial number of each order. (ii) A copy for which an order has been made on an urgent application shall be delivered, as a rule, not later than the working day next after the day on which the order was made. (iii) A copy for which an order has been made on an ordinary application shall be delivered as a rule, not later than a week after the day on which the order was made.

## **203. When copy cannot be supplied.**

- In case any difficulty arises in complying with an order for a copy, the order and application, if any,

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

## 204. Correction of defective application.

- If an application for copy is found defective or does not contain sufficient information to enable the record to be traced or the copying fee filed is insufficient the applicant shall, if not present, be asked by post (provided that he has previously deposited the requisite postage stamps) to remove the defect within ten days. But if the postage stamps have not been so prepaid, the nature or extent of deficiency of information or copying charges shall be recorded in red ink and pasted on the notice board. On the expiry of ten days from the date of pasting, the application shall, if the defect is not removed, be rejected for default.[205 Photostat copies. [Substituted by Notification No. General/XV/(b)/2/87/1276, S.O. 43 dated 6.1988; Published in Rajasthan Government Gazette Part 4(GA)(II), Dated 28.4.1988, Page 24](1)The scale of charges for photostat copies of any judgment, decree, document, book, register, map, plan, photograph or any other paper is prescribed as under]:

-

For one copy :- Rs. 1.50 per page.

For each additional copy, Re. 1.00 per page.

(2)When any change in the scale of charges mentioned in sub-rule (1) becomes necessary, the Registrar of the High Court may, with the approval of the Chief Justice, make such change.(3)The charges shall be payable in copying stamps and/or cash as may be determined by the Sessions Judge.(4)As soon as an application for a photostat copy is made, the Head Copyist shall register the same in a separate register (Register No XIII) as an urgent application and send for the record. He shall then prepare an estimate of the charges according to the scale prescribed in sub-rule (1) and ask the person applying for copy to pay the charges accordingly.(5)When copying charges are to be paid in cash also, the Head Copyist shall maintain separate cash book for photostat copies in which he shall enter the cash deposited and issue a receipt to the depositor. The document of which the copy is required will then be sent to the person, firm or company at the Headquarters of the Court approved by the Sessions Judge for preparing photostat copies with a responsible clerk working as a copyist in the Copying Section together with the amount of charges received in cash from the applicant. The copyist shall get the copy prepared in his presence, pay the amount of charges and obtain receipt thereof. Necessary entry of payment of the charges will be made in the Cash Book on the basis of that receipt.(6)The copy will be certified to be the photostat copy by the Head Copyist and shall bear the following endorsements: -(a)Number of the application in the register and the year;(b)Date of presentation of the application;(c)Number of pages;(d)Amount of copying fee paid in copying stamp and/or in cash;(e)Name of the photostat copier;(f)Date fixed for issue of copy;(g)Date on which copy was ready;(h)Date of issue of notice to applicant (if issued);(i)Date of delivery/posting.)

## **Chapter XVII**

### **Inspection of Courts and Offices**

#### **206. Inspection by Sessions Judge.**

- Sessions Judge shall inspect every year each of the Court of Judicial Magistrates including the Chief Judicial Magistrates in his sessions division and submit a report of his inspection to the High Court.

#### **207. Inspection by Chief Judicial Magistrates.**

- The Chief Judicial Magistrates shall inspect the Court of the Judicial Magistrates subordinate to them, half yearly under general or special directions of the Sessions Judge. The inspection shall be detailed and shall amongst other matters, be directed to the following:-(a) Proper maintenance of all-important registers.(b) Proper arrangements of records.(c) Punctual submission of periodical statements and returns.(d) Examination of records of pending old cases.(e) Care taken in issue of processes to the accused.(f) Undue retention of witnesses.(g) Adequacy of examination of accused.(h) Framing of charges.(i) Delay in delivery of judgments.(j) Quick disposal of cases.(k) Compliance of the provisions of the Probation of Offences Act and Rules.(1) Observance of rules and procedures.(m) Due execution of sentences and any other matters as directed by the Sessions Judge. The Chief Judicial Magistrates shall submit their notes of Inspection of the Court of Judicial Magistrates to the Sessions Judge concerned who shall forward the same to the High Court with his comments;

#### **208. Inspection by Presiding Officers of their own offices.**

- Every Presiding Officer shall make through inspection of his office once a year. The Presiding Officers subordinate to the Sessions Judge shall submit to the Sessions Judge for information, a copy of their inspection note by the 15th of February, each year. The Judicial Magistrates shall submit their annual inspection reports through the Chief Judicial Magistrates. The Sessions Judge may pass such orders on these inspection notes as considered. A copy of the inspection note by the Sessions Judge shall be submitted to the High Court by the 15th February, each year. The Sessions Judge shall note in the annual administration report whether all the Criminal Courts have been inspected by the Presiding Officers. Where an office has not been inspected, the name of the officer who has failed to make the inspection should be reported and his explanation obtained and forwarded to the High Court.

#### **209. Sessions Judge's authorisation to Chief Judicial Magistrate or Officer-in-charge for inspection of different Sections.**

- The Sessions Judge may authorise the Chief Judicial Magistrate at the headquarters or the officer-in-charge of the different sections to inspect the Nazarat, Record room, Copying Department

etc., once a year so far as they relate to criminal side. The Chief Judicial Magistrate posted at stations other than the headquarters of the Sessions Judge may likewise be authorised to inspect the aforesaid section of those stations. The Chief Judicial Magistrate or the Officer-in-charges, as the case may be, shall forward the notes of inspection prepared by them to the Sessions Judge who would pass necessary orders thereon.

### **210. Inspection by the Reader or Munsarim.**

- The Munsarim or the Reader, as the case may be, of every Criminal Court shall inspect once in every quarter the work of each member of the staff of section and submit his inspection report to the Presiding Officer who shall pass necessary orders thereon.

### **211. Inspection and compliance registers.**

- Every Criminal Court shall maintain an inspection and compliance register (Reg. XVI). The Presiding Officer shall take particular care to see that all the defects pointed out in the inspection report are noted in the register and they are promptly rectified. The compliance report shall be noted in the register.

### **212. Checking of compliance of previous inspection report.**

- It shall be the duty of the inspecting officer to check the inspection and compliance register to find out if all the defects noticed during previous inspection have been rectified and compliance noted therein.

## **Chapter XVIII**

### **Forms**

#### **213. Printed forms.**

- A list of printed forms authorised for use in Criminal Courts is given in Appendix D. No printed form other than an authorised form shall be used in any Court.

#### **214. Indent for printed forms.**

- Non-salable forms shall be obtained in the following manner:-In Courts subordinate to the Court of Sessions, the indent shall be prepared under the supervision of the Presiding Officer and shall be submitted to the Sessions Judge not later than 15th January. Forms enough to last for a whole year and to leave margin of three month's consumption at the end of that year shall be entered in the indent. When forms are published in book, the number of books should be stated. The Sessions Judge having received the indents for all Courts subordinate to him, shall despatch them with the indent for his own Court in time to admit of their reaching the Superintendent, Press and



Stationery, by the first March. Forms for Courts at the headquarters, will be sent, separately packed and labelled for each Court, to the Sessions Judge. Forms for subordinate outlying Courts located at places remote from a railway will be sent to the Sessions Judge or to some Judicial Magistrate on a line of railway who will cause them to be forwarded to such Courts in the manner he may consider most convenient and economical. Outlying subordinate Courts located on or near of railway will receive their forms direct from the Press. In Court Subordinate to the Court of District magistrate the indent shall be prepared under the supervision of the Presiding Officer and shall be submitted to the District Magistrate not later than 15th of January. Forms enough to last for a whole year and to leave margin of three months consumption at the end of that year shall be entered in the indent. When forms are published in book, the number of books should be stated. Forms for Courts at headquarters will be sent, separately packed and labelled for each Court, to the District Magistrate. Forms for subordinate outlying Courts located at places remote from a railway will be sent to the District Magistrate on a line of railway who will cause them to be forwarded to such Courts in the manner he may consider most convenient and economical. Outlying subordinate Courts on or near a line of railway will receive their forms directed from the press.

## **215. List and stock of forms.**

- The list of authorised printed forms is arranged in parts. The stock of forms shall be stored upon racks or in press, the forms being arranged in parts and by numbers according to the list.

## **216. Stock book of forms.**

(1) A stock book of printed forms shall be maintained by the Reader or some other clerk nominated by the Presiding Officer, of each Court in the prescribed form (Reg. XV). A separate page shall be given to each form in use in the Court; the balance shall be struck after each transaction, and the balance of 30th June and 31st December, of each year, shall be verified by counting the forms on the racks or in the presses and a note of the verification made on each page of the stock book on the pages relating to those forms of which a stock in hand. (2) A register of printed forms shall also be maintained in the prescribed form (Reg. XVI).

# **Chapter XIX**

## **Correspondence**

## **217. Classification of correspondence.**

- The departments into which the correspondence of Criminal Courts should be classified, are as follows; -

### **1. Establishment.**

**2. Legal Practitioners.**

**3. Processes.**

**4. Bills. Budgets and Accounts.**

**5. Building and furniture.**

**6. Books, maps, forms and stationery.**

**7. Inspection of Courts.**

**8. Rules and Practice.**

**9. Miscellaneous.**

**10. D.O. and Confidential letters.**

No change in this classification shall be made without the sanction of the High Court.

**218. Arrangement of files.**

- The correspondence under each head shall be arranged by files; each file shall consist of all the letter received and issued in the course of a consecutive correspondence upon the subject. The letters in each file shall be arranged in chronological order; the first letter received or issued being at the bottom of the file, and the last letter received or issued being at the top.

**219. General Register of correspondence files.**

(a)As soon as a correspondence file is started, it shall be entered in the general register of Correspondence Files in the prescribed form (Reg. XVII).(b)This register shall be put at the end of every month to the Presiding Officer, in order that he may see that unnecessary delay does not take place in any case.

**220. Register of letters received.**

- Every letter received shall be docketed and entered in the register of letters received in the prescribed form (Reg. XVII). The date of receipt of the letter and its register number shall be entered on the docket in red ink.

## **221. Register of letters issued.**

- Every letter issued shall be fairly copied, the original draft and the fair copy shall be numbered with the annual serial number, one set of such serial number running through all the Court correspondence for the calendar year; the letter shall then be entered in the register of letters issued in the prescribed form (Reg. XIX) and the draft letter shall be docketed, the date of issue and annual serial number being entered on the docket. Note. - Docketing of a letter means entering of the letter in office notes portion of the file.

## **222. Marking of serial number of letter.**

- The serial number of the letter in its file shall also be marked in red ink on the docket of each letter, i.e. the first letter received or issued on a file shall be marked Serial Number 2 and so on. When a letter is received or issued if it pertains to a previously existing file, the file shall be got out, and the next consecutive serial number of the series of that shall be assigned to the letter.

## **223. Office notes.**

- Office notes relating to a correspondence shall be maintained in one continuous series and filed together and shall not be interspersed between letters.

## **224. Connected files.**

- If a letter refers to, or be connected with, another file under the same or another head, that file shall be linked with the file to which the letter pertains, the files being separately tied up, but connected by a piece of tape. The linked files shall remain together until the file containing the reference or connection has been finally disposed of, when they shall be relegated to their proper places, a note being made on each that it was linked with the other or receipt of the letter.

## **225. Division of files into two classes.**

- Files shall be divided into two classes, namely: -(i) Closed files, that is to say, files in which further correspondence is not expected: and (ii) Pending files, that is to say, files in which further correspondence may be expected.

## **226. Correspondence press.**

- A separate press, divided into nine or more compartments, shall be reserved for closed files, and over each compartment, the head to which it is appropriated, shall be noted. This Press shall be known as the 'Correspondence Press'.

## **227. Closed files.**

- The closed files pertaining to each head shall be tied together between stiff boards in separate annual bundles of convenient size, and on the upper board shall be written, the head and the year, or the portion of the year, to which the bundle relates. No closed file should be out of its bundle, except when it is in actual use.

## **228. Pending files.**

- Pending files shall be in two packets: those of: -(i) Files containing references that have been answered or require no answer; and (ii) Files containing references that are un-answered. As soon as a pending file is closed, the entries in the General Register of Correspondence Files (Reg. XVII) relating to it shall be completed, and it shall be entered in the File Index in the prescribed form (Reg. XX) and removed from the packet of pending files and placed in its appropriate compartment in the correspondence press.

## **229. File Index.**

- In the file Index a few pages shall be allotted to each head of correspondence; and to facilitate reference, the right hand margin of the file index shall be so out and numbered as to show where the entries under each head of correspondence are to be found.

## **230. Re-opening of closed file.**

- If correspondence relating to a closed file be re-opened, the file shall be withdrawn, from the correspondence press and placed among pending files, with which it shall be kept till the renewed correspondence terminates. It shall then be returned to the correspondence press and placed in the bundle for the year, or the portion of the year, in which the renewed correspondence terminated, when a closed file is thus withdrawn, and returned, a note of the date of withdrawal at the time the file is withdrawn, and a reference to the bundle in which the file has been placed at the time the file is returned, shall be made in column of remarks against the former entry in the file index (Reg. XX). A slip of paper with a similar note recorded on it shall be placed in the bundle from which the file was withdrawn.

## **231. General letters and circulars.**

(a) General letters and circulars fall under three categories: -(i) General letters and circulars containing general instructions or orders, but only calling for information or explanation in regard to particular matter (e.g. questions in Parliament or Legislative Assembly or Remarks in Audit Inspection Report). (ii) General letters and circulars containing general instructions or orders, but of only Ephemeral Value, (e.g. declaring a day as a special holiday, or saying that the Registrar would be away during a certain period and D.O. letters during this period should be addressed to the Deputy Registrar, or asking that monthly establishment bills for a certain month should be

submitted before a certain date).(iii)General letters and circulars containing general instruction or orders of permanent or lasting importance (e.g., saying that applications for leave should be submitted one month in advance of the date from which leave is required or that process-serves are entitled to T.A; when they travel by rail or that evidence in sessions cases should be recorded in English).(b)The general letters and circulars falling under the first category shall be treated as ordinary correspondence.(c)The general letters and circulars falling under the second categories shall be kept in one consolidated file without reference to the subject, to which the letter or circular relates.The file shall be styled Ephemeral circulars and general letters.The general letters or circulars falling under the third category shall be entered in a register called the Register of General Letters and Circulars (Reg. XXI). They shall be, however, filed in separate file books as follows: -

- 1. General letters of the High Court (Civil).**
- 2. General letters of the High Court (Criminal).**
- 3. Circulars of the Government.**
- 4. Circulars of the Board of Revenue.**
- 5. Circulars of the Accountant-General.**
- 6. Circulars of the Inspector-General of Registration and Stamps.**
- 7. Circulars of the Inspector-General of Police.**
- 8. Other Circulars.**

To each file book shall be prefixed an index in which the number, date and subject of each circular shall be entered at the time the circular is filed, A reference to the entry in the index shall be noted in the Register of General Letters and Circulars.

## **232. Supply of copies of General Circulars and Letters.**

- The Sessions Judge or the District Magistrate, as the case may be, shall supply or arrange to supply copies of general letters and circular-letters to all the Judicial Magistrate, Chief Judicial Magistrates and Executive Magistrates respectively working under them in the district.When any circular relates to the duties of any official or specially affects the work of any official, an additional copy shall be furnished to such official, who shall paste it into a file book, and shall prefix to the file book an index containing the particulars mentioned in Rule 231.

### **233. Correspondence originating in a circular.**

- If an circular gives rise to correspondence, the correspondence shall be kept in a separate file, a note being made on the first letter in the file that the circular referred to is passed into its appropriate file book, and a note bearing reference to the correspondence being recorded, on the circular itself. An extra copy or extract copy of the circular, as the case requires, may be placed on the correspondence file.

### **234. Return press for periodical returns.**

- A separate press, divided into as many compartments of varying sizes as there are periodical returns; shall be reserved for such return and over each compartment, the description of the return to which it is appropriated, shall be noted. This press shall be known as the 'Return Press'. Correspondence relating to periodical returns shall like correspondence connected with circulars, be kept in separate files, and, when closed, shall be placed in the correspondence pass, a note bearing reference to the correspondence being recorded on the particular return.

### **235. Lists of Returns and Reports due.**

- In every office a list showing the returns and reports due, the office to which they are sent, and the date they are due shall be hung up near desk of the Chief Ministerial Officer. A similar list shall be hung up in the chamber of the Presiding Officer. Every clerk responsible for preparing a return shall be given a similar list of those returns for which he is responsible and such list shall be hung up near his desk or place in the office.

### **236. List of registers.**

- In every office, a list showing the registers to be maintained, and the official by whom each such register is to be maintained shall be hung up near the desk of the Chief Minister Official. A similar list shall be hung up in the chamber of the Presiding Officer. Every clerk responsible for maintaining any register shall be given a similar list of those registers for which he is responsible and such list shall be hung up near his desk or place in the Office.

## **Chapter XX**

### **Registers**

### **237. Schedule of Offences.**

- For the purposes of maintaining the registers and preparing the statements of regular case-work prescribed by these rules, the following Schedule of offences shall be observed: -

# of Offences

## Description of Offences

### Part I.-Cases Punishable under the Indian Penal Code.

1. Criminal Conspiracy	Chapter VA
2. Offences against the State	Chapter VI
3. Offences relating to the army and navy	Chapter VII
4. Offences against the public tranquillity	Chapter VIII
5. Offences by or relating to public servant	Chapter IX
6. Offences relating to elections	Chapter IXA
7. Contempts of the lawful authority of public servants	Chapter X
8. False evidence and offences against public justice	Chapter XI
9. Offences relating to (a) coin and (b) Government stamps separately	Chapter XII
10. Offences relating to weights and measures.	Chapter XIII
11. Offences affecting the public health, safety, convenience, decency and morals.	Chapter XIV.
12. Offences relating to religion	Chapter XV
13. Offences affecting life	Ss. 302 to 311
14. Causing of miscarriage, injuries to unborn children exposure of infants and the concealment of births	Ch. XVI Ss. 312 to 318
15. Hurt	323 to 338
16. Wrongful restraint and wrongful confinement	341 to 348
17. Criminal force & assault	352 to 258
18. Kidnaping, forcible abduction, slavery and forced labor.	363 to 374.
19. Rape	376
20. Unnatural offence	377
21. Theft	Ch. XVII Ss. 379 to 382
22. Extortion	Ch. XVII 384 to 389
23. Robbery and dacoity	Ch. XVII 392 to 402
24. Criminal misappropriation of property	Ch. XVII 403 to 404
25. Criminal breach of trust	Ch. XVII 406 to 409
26. Receiving of stolen property	Ch. XVII 411 to 414
27. Cheating	

	Ch. XVII 417 to 420
28. Fraudulent deed and disposition of property	Ch. XVII 421 to 424
29. Mischief	Ch. XVII 426 to 440
30. Criminal trespass	Ch. XVII 447 to 462
31. Offences relating to documents & trade or property marks	Ch. XVIII
32. Criminal breach of contract	Ch. XIX
33. Offences relating to marriage.	Ch. XX
34. Defamation	Ch. XXI
35. Criminal intimidation, insult and annoyance	Ch. XXII
Part II.-Cases under the Code.	
36. Proceedings under Chapter VH-Security for keeping the peace	
37. Proceedings under Chapter VUI-Security for good behaviour	
38. Proceedings under Chapter IX-Maintenance of wives, children and parents	
39. Proceedings under Chapter X-Maintenance of public order and tranquillity.	
Part III.-Cases under Special and Local Laws.	
In a statement or return, including any cases under special or local laws, each special or local law under which a case is instituted, shall be entered as a separate heading under Part III. The entries shall be made in alphabetical order.	

## **238. Registers.**

(a) The following registers shall be maintained in the Court of every Magistrate

- 1. Register of complaints (Reg. XXII);**
- 2. Register of Regular Criminal Cases (Reg. XXIII);**
- 3. Register of Miscellaneous Criminal Cases (Reg. I);**
- 4. Register of Regular Criminal Cases disposed of (Reg. XXIV);**
- 5. Register of Malkhana Articles (Reg. V);**



## **6. Register of Absconding Persons (Reg. XXV).**

(b)The following register shall be maintained in the Courts of Magistrates empowered to take cognizance of offences on police report: -

### **1. Register of Police Reports of Offences (Reg. XXVI);**

### **2. Register of Miscellaneous Police Reports (Reg. XXVII).**

(c)The following register shall be maintained in the Courts of Magistrates empowered to transfer cases under section 192 of the Code. Register of cases transferred under Section 192 of the Code (Reg. XXVIII). Every Executive Magistrate shall maintain a register for cases under the Code of Criminal Procedure, 1973; Proceedings under Chapters VIII, IX and X of the Code (Reg. I).

## **239. Register of Closed Registers.**

- A register of closed registers in the prescribed form (Reg. XXIX) shall be maintained in the record-rooms and in Courts where any closed registers are retained.

## **240. Register of Appeals.**

- The following registers shall be maintained in Court having appellate jurisdiction; -

### **1. Register of Criminal Appeals (Reg. XXX);**

### **2. Register of Criminal Appeals disposed of (Reg. XXXI);**

### **3. Register of Absconding Persons (Reg. XXV).**

## **241. Register of Revisions.**

- The following registers shall be maintained in Courts having revisional jurisdiction: -

### **1. Register of Criminal Revisions (Reg. XXXII);**

### **2. Register of Criminal Revisions disposed of (Reg. XXXIII).**

## **242. Registers.**

- The following registers shall be maintained in Courts of Sessions; -

- 1. Register of Sessions Cases (Reg. (XXXIV);**
- 2. Register of cases referred under section 122 of the Code (Reg. XXXV);**
- 3. Register of Miscellaneous Criminal Cases (Reg. I);**
- 4. Register of Sessions Cases Disposed of (Reg. XXXVI);**
- 5. Register of Malkhana Articles (Reg. IV).**

#### **243. Register of Witnesses.**

- In every Court shall be maintained a register of witnesses in the prescribed form (Reg. XXXVII). The following instructions for the maintenance of this register must be strictly carried out: -

**1. At the close of each day (or during the course of the day, if necessary or convenient) or where a case lasts more than one day, at the close of each hearing (or during the course of the hearing, if necessary or convenient) at which witnesses are examined and discharged, the Presiding Officer shall direct the Court Reader (or any other official) immediately to make the necessary entries in this register in regard to each witness then discharged. In the case of witnesses to whom the Court does not order expenses to be paid, a line shall be drawn through columns 13 to 23.**

**2. When the Presiding Officer decides to grant expenses, he shall direct the Sessions Clerk (or any other official) at once, in addition to filling in the register (Reg. XXXVII) to draw up the order for payment of diet money in the prescribed form (F. XXXII). The Presiding Officer shall see that the entries in the register and the order form agree and then sign the order form. The signed order together with the Register (Reg. XXXVII) shall be taken by the Court official to the Nazir who shall verify the total of the order against the entries in the register, and enter the amount payable on the order, in column 19 of the register and initial and date each such entry in column 20. If more than one witness has to be paid, he shall bracket the items in column 18 included in the order and enter the total amount of the order against this bracket in column 19 of the register and shall initial and date entry.**

The Nazir shall then pay the amount of the order to the official who brought it and take his acknowledgment on the order form and return to the official the Court register duly filled up as

above. The official shall take the cash and register to the Presiding Official who shall see that the amount paid by the Nazir tallies with the amount in the register, and shall then direct each witness concerned to be called up and paid before him (or his office Superintendent or Munsarim in the case of District Magistrate and Sessions Courts respectively) by the Court official. As each witness is paid, his acknowledgment in writing or thumb mark shall be taken in column 21 of the register. When all the witnesses have been paid the Presiding Officer (or his office Superintendent or Munsarim in the case of District Magistrate and Sessions Court) shall sign and date the register in column 22.

**3. A witness shall not be paid nor shall any entry in respect of him be made in the register (Reg. XXXVII) or diet money until he is discharged. A witness shall not be regarded as discharged, if he is allowed to leave the Court under the orders to attend again in the same Court in the same case, and he shall be regarded as in attendance on every day on which he is actually present under orders, even though a case is not called up for hearing on any such date:**

Provided that the Presiding Officer, if he considers that adherence to this rule would involve hardship to any witness, may in his discretion, pay diet money to such witness from day to day.

**4. Every Magistrate shall, on the first or second working day of each month, send to the Officer checking the Nazir's account, a note stating in figures as well as in words, the total amount paid by him as diet money to witnesses during the preceding month to enable him to check the Nazir's contingent register.**

Note. - If in any case the payment of diet money and travelling expenses to a witness have to be made by money order, the money order acknowledgment receipt shall be pasted in the register (Reg. XXXVII) in lieu of payee's signature against the particular entry.

#### **244. Register of Court fees and process fee.**

- A register of Court fees and process fees (Reg. XXVIII) shall be kept in each Court by such officer as the Presiding Officer may appoint.

#### **245. Memorandum book for all Criminal Courts.**

(1) A memorandum book of dates for cases (Reg. XXXIX) shall be maintained in all Criminal Courts. (2) The entries in this book for each day for different kinds of cases e.g., original cases, appeals, miscellaneous cases, shall be grouped separately. Note. - The memorandum book shall be open to inspection by lawyers, registered clerks of lawyers and the parties between hours to be fixed by the presiding judge.

## **Chapter XXI**

### **Periodical Returns and Reports**

#### **246. Statement to be prepared.**

- The statements prescribed in the following rules shall be prepared by every Criminal Court concerned. The statements of all the Courts of Judicial Magistrate, Chief Judicial Magistrates, Assistant Sessions Judges and Additional Sessions Judges in a Sessions Division shall be submitted to the Sessions Judge. The statements for the Courts of all the Executive Magistrates in the District shall be submitted to the District Magistrate. The District Magistrate shall forward the statements for his district to the Sessions Judge on or before the date fixed for each statements and the Sessions Judge shall add thereto statistic of the Court of Sessions pertaining to the same district, and shall total the figures, and shall forward them along with statements relating to the Court of Sessions to the Registrar of the High Court on or before the date fixed for each statement. The statements for the Court of Sessions shall in every case be submitted to the High Court by the Sessions Judge of the Division, whether or not the whole or part of the work in that Court has been performed by an Additional or Assistant Sessions Judge, or by the Sessions Judge of another Division acting as Additional Sessions Judge.

#### **247. Intimation if statement be blank.**

- When any return or statement required by these Rules to be submitted in blank, a report should be made in the prescribed form (Ret. V). a blank copy of the return itself should not be sent.

#### **248. Sessions statement.**

- A sessions statement in the prescribed form (Ret. VI) shall be prepared by the Sessions Judge at the end of each quarter showing all sessions trials concluded or pending on 31st March, 30th June, 30th September and 31st December. It shall be certified by him to be a full and correct list of all cases disposed of during the quarter, as well as those pending at the close of the quarter. The statement shall be despatched to the Registrar of the High Court not later than fifteenth day of the month following the quarter to which it relates, accompanied by copies of judgments in all decided cases bound together with an index showing number of the case, the name of the Presiding Officer and an appropriate reference to page(s) where the judgment is to be found.

#### **249. Statements of cases in which judgment is given with delay.**

- By the 10th April, 10th July, 10th October and 10th January, every judicial Magistrate, Chief Judicial Magistrate and every Assistant or Additional Sessions Judge shall submit to the Sessions Judge, a statement in the prescribed form (Ret. VII) of all cases in which in the preceding quarter, there has been a delay of more than a fortnight in the delivery of judgment since the conclusion of a trial or arguments in an appeal or revision. Every Executive Magistrate doing criminal work shall

submit the statement mentioned above through the District Magistrate to the Sessions Judge of the Division. The Sessions Judge shall scrutinize the statement, pass necessary orders, and report to the High Court such cases as he considers necessary. For his own Court the Sessions Judge shall submit a similar statement (Ret. VII) to the High Court by the 15th April, 15th of July, 15th of October and 15th of January.

## **250. Other annual statements from Magistrates.**

- The annual statements hereinafter mentioned shall be prepared for each Court of a Judicial Magistrate, Chief Judicial Magistrate and an Executive Magistrate. The statements for the Court of Judicial Magistrate. The statements for the Court of Judicial Magistrates shall be consolidated for each district in the office of the Sessions Judge. However, the statements pertaining to the Courts of Executive Magistrates shall be consolidated in the office of the District Magistrate concerned. They shall be forwarded by the District Magistrate on or before 31st Day of January of each year to the Sessions Judge, who shall add to the statements [excepting No. 6 below], the statistics of the Court of Sessions pertaining to that district and shall forward the statements so as to reach the Registrar of the High Court on or before 15th day of February:-(i)annual statement (Ret. VIII) showing the general result of criminal trials in the tribunals of various classes in the district:(ii)annual statement (Ret. IX) showing the dispositions by the various criminal tribunals in the exercise of original jurisdiction in the district.(iii)annual statement (Ret. X) showing offences reported and persons tried, discharged, acquitted, convicted and committed be Magistrate for each offence;(iv)annual statement (Ret. XI) showing the general result of criminal cases in the Courts of various classes in the district along with a statement explaining delay in criminal cases pending over two years (Ret. XII).(v)annual statement (Ret. XIII) showing proceedings of Magistrates under the Code.(vi)annual statement (Ret. XIV) concerning witnesses in all Courts;(vii)annual statement (Ret. XV) showing the result of appeals; (viii) annual statement (Ret. XVI) showing the result of revisions;(ix)annual statement (Ret. XVII) showing the number of Sessions Judges and Magistrates employed to dispose of criminal work.

## **251. Annual statements in Sessions Courts.**

- The annual statements hereinafter mentioned shall be prepared in the Court of Sessions and shall be forwarded by the Sessions Judge to the Registrar of the High Court on or before the 15th day of February next after the close of the year to which the statements refer: -(i)For each district in the Sessions division;(ii)Annual statement in the prescribed form (Ret. XVIII) showing the number and result of trials in the Court of Sessions;(iii)Annual statement in the prescribed form (Ret. XIX) showing proceedings in the Court of Sessions under the Code.

## **252. Monthly return of Sessions cases pending and disposed of.**

- Every Additional Sessions Judge and Assistant Sessions Judge shall send to the Sessions Judge of the division by the 5th day of succeeding month, the return of Sessions cases disposed of during the month with explanation for low disposal, if any. The return shall be filed in Return No. XX. The Sessions Judge shall prepare the return for his own Court and along with all the other returns

received in this connection by him, shall submit them to the High Court by the 10th of following month. He shall make suitable comments for the low disposal, whenever required.

### **253. Annual report of Magistrates on criminal administration.**

- Together with the annual statements prescribed in Rule 250, the District Magistrate shall submit an annual report (Ret. XXI), in which he shall notice the main feature in the administration of criminal justice in his district during the preceding year, the quality and quantity of work performed by the Executive Magistrates, the method of disposal of cases by subordinate Executive Magistrates, the extent to which effect has been given to the rules regarding records and the record-room, the effect of recent legislation and rules, if any, on the working of the Executive Court and other points connected with the working of Executive Courts, which may seem to him to be worthy of notice or record. The report shall be type-written and any remarks which the Sessions Judge shall deem it necessary to record shall be made in a forwarding letter.

### **254. Annual report from Sessions Judge.**

- Together with the annual statements prescribed in Rule 251, the Sessions Judge shall submit an annual report (Ret. XXII) in which he shall notice the main feature in the administration of criminal justice before himself and any other judge of the Court of the Sessions and the Chief Judicial Magistrate and the Judicial Magistrate the extent to which effect has been given in the Court of Sessions and in the Courts subordinate to him to the rules regarding records and the record-room, the effect of recent legislation and rules upon the working of the Criminal Court and other points connected with the administration of criminal justice, which may seem to him to be worthy of notice or record.

### **255. Judge and Magistrate to leave notes for annual report.**

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

### **256. Check over entries of receipt of money.**

- The Presiding Officer of each Court shall, before the 15th of every month, prepare a statement (Ret. XXIII) showing the amounts of receipts under the respective revenue heads which were credited into the treasury during the previous month, and shall send the statement to the local treasury. The treasury officer shall check the total with his accounts; and if he finds them correct, he shall certify on the statement of that effect. If there be any discrepancy, he shall note the same upon the statement. The treasury officer shall in either case return the statement to the Court from which it was received. The discrepancies, if any, pointed out by the treasury officer shall be reconciled and after the statement has been duly verified it should be submitted to the District Magistrate, or the

Sessions Judge, as the case may be. who, has controlling officer, will see that the dues of Government are regularly paid into the treasury.

## **Chapter XXII**

### **Oath Commissioners and Petition Writers**

#### **257. Appointment of Oath Commissioners.**

- Every Sessions Judge shall draw a panel of Oath Commissioners to be appointed under section 297(1)(b) of the Code. The panel shall be valid for one year. The number of Advocates to be included in the panel shall depend on the number of Criminal Courts in the Judgeship which shall ordinarily be three for one Court. The Sessions Judge shall invariably appoint Oath Commissioners from the panel so drawn before 15th January of each calendar year under intimation to the High Court.

#### **258. [ Fee of Oath Commissioner. [Substituted by Notification No. 06/S.R.O./2014, dated 30.7.2014-Rajasthan Gazette Extra Ordinary Pt. I(B), dated 7.8.2014, p.39]**

- Oath Commissioners appointed by the Sessions Judge under the provisions of Section 297(1)(b) of Code shall charge a fee of Rs. 15/- for each affidavit. Every Oath Commissioner shall maintain a register in the prescribed form (Register XL) regularly and correctly and shall place it for inspection, before the Sessions Judge quarterly.]

#### **259. Persons who cannot be petition writers.**

- No official of any Court and no person employed in any institution connected with the court whether and no person employed in any institution connected with the Court whether as clerk, copyist or peon or in any other capacity shall write petitions.

#### **260. Persons who can write petitions.**

- No person shall for remuneration of any kind write petitions for presentation in any Criminal Court unless he: -(a)has been duly licensed by the Presiding Officer of a Court having authority to grant such licence under these rules; or(b)is a legal practitioner; or(c)is a registered clerk to a legal practitioner and writes the petition in the course of such employment in respect of the cases in which the legal practitioner is engaged, provided the petition is signed by the latter.

#### **261. Number of Petition Writers to be fixed by the High Court.**

- The number of petition writers licensed to practise at any place shall not exceed the number fixed from time to time by the High Court. Pending any further orders under this rule, the number of petition-writers licensed to practise at any place at the commencement of these Rules, shall be

deemed to be the number fixed for the place.

## **262. Who can grant a licence to practise.**

(a) In the case of Courts of Judicial Magistrates and of combined Civil and Criminal courts, the scale of charges for writing petition, complaints and memoranda of appeals shall be fixed by the District Judge in accordance with the rule 593 of the General Rules (Civil), 1952. The petition-writers appointed for the Civil Court shall act for the attached Criminal Court also. (b) (i) In the case of Courts of Executive Magistrate sitting at the headquarters of the District Magistrate, licence to practise shall be given by the District Magistrate. (ii) In the case of Courts of Executive Magistrate sitting at the headquarters of the Sub-Divisional Magistrate but not at the headquarters of the District Magistrate licence to practise shall be given by the Sub-Divisional Magistrate. (iii) In the case of Courts of Executive Magistrates sitting at places which are not the headquarters of the District Magistrate or Sub-divisional Magistrate, licence to practise shall be given by the Sub-Divisional Magistrate and where there is no Sub-Divisional Magistrate by the District Magistrate.

## **263. Grant of a licence and fee therefor.**

- A person wishing to practise as a petition-writer within the precincts of the Criminals Court must present petition bearing a proper court fee stamp, to the Presiding Officer of the Court which has authority to grant licence. Every petition-writer licensed under these Rules shall pay a fee of Rs. 25/- per year payable in advance. The licence, it shall be in the prescribed form (F. XXXIII).

## **264. Qualifications for a licence.**

- Licence shall not be given unless the applicant shows: - (a) that he is of respectable character: (b) that he has a good knowledge of Hindi and can draw up a clear, straight-forward petition, complaint or memorandum of appeal in Hindi: (c) that his hand-writing is easily legible.

## **265. Scale of charges of writing petitions.**

- In case of Court of Executive Magistrates sitting either at the headquarters of the District Magistrate or the Sub-Divisional Magistrate or at places which are not at the headquarters either of the District Magistrate or the Sub-Divisional Magistrate, the District Magistrate, in consultation with the Additional District Magistrate, if any, the Sub-Divisional Magistrate and other Executive Magistrate at his headquarters and the President of the Local Bar Association shall fix scales of charges for writing petitions and complaints etc. A copy of the scale of charges fixed shall be sent by the District and Sessions Judge and the District Magistrate, as the case may be, to the High Court for information. No petition-writer shall ask for or accept a fee in excess of the sanctioned scale. A table in Hindi of the prescribed scale of charges shall be exhibited in a conspicuous place outside the Court house and a copy shall be also be kept by the petition-writer always in public view at the place where he sits. The petition-writer shall always endorse the amount actually received by him below his signature on the petition written by him. If any petition-writer asks or accepts a fee in excess of



the sanctioned scale either for himself or for any other person connected with the Court, the District and Sessions Judge and the District Magistrate or the Sub-Divisional Magistrate competent to grant licence, on compliant being made to him, may, in his discretion, withdraw his licence and may also order the return of the amount received in excess in addition to taking any legal steps that the nature of the case may require.

### **266. Formalities to be completed with by a petition-writer.**

- Every petition-writer shall write out a brief note of the contents of the petition as a head-note to the same quoting specially the law, section or rule under which the petition is made. He must record precisely what he is asked to write in plain and simple language such as the petitioner can understand and refrain from introducing additional irrelevant, imaginary or fabricated matter of his own conception. He shall record at the foot of every petition written by him other than a petition of a merely formal character, a declaration under his signature that to the best of his knowledge and belief the petition expressed the true meaning of the petitioner to whom the contents thereof have been fully explained.

### **267. Amending or redrafting of a petition.**

- Every petition-writer shall comply with the order of a Court as to the amending or redrafting of a petition or other paper drawn up by him.

### **268. A petition-writer to keep an official seal and a register of petitions.**

- Every petition-writer shall at his own expense provide himself with an official seal to be made under the direction of the Court which has granted him the licence, on which shall be engraved his name and the year in which he was licenced. He shall also keep a register in the prescribed form (Reg. XLI) and shall enter therein every petition written by him and shall produce the register for the inspection of any Court demanding it.

### **269. Every petition to be signed and sealed by the petition-writer.**

- Every petition-writer shall sign and seal with his official seal every petition written by him and shall enter in it the number which it bears in his register and the fee which has been charged for it.

### **270. Maintenance of a register of licensed petition-writer and ban on the writing of petition by unregistered writers.**

- A register in the prescribed form (Reg. XLII) of licensed petition-writers shall be maintained by such official in each Court of the District and Sessions Judge and the District Magistrate or Sub-Divisional Magistrate, as the case may be, as the District and Sessions Judge, the District Magistrate and the Sub-Divisional Magistrate may depute and it shall be his duty to see that the precincts of the Court are kept free of all unregistered writers and that no one writes petitions for

remuneration within the Court compound.

### **271. Yearly productions of licence for the inspection of the Court.**

- Every petition-writer shall, in the month of August, each year, produce his licence for the inspection of the Court which granted it. A note of such inspection shall be endorsed on the licence under the signature of the Presiding Officer.

### **272. Grounds for revoking a licence.**

(1)A licence issued under these Rules may be revoked by the Court which granted it on any of the following grounds. -(a)that the petition-writer has not attended the Court regularly;(b)that the petition-writer has become a legal practitioner's clerk, or has taken up so other employment;(c)that the petition-writer has failed to produce his licence for the annual inspection of the Court as required under rule, 271;(d)that the petition-writer is a tout, as defined in the Legal Practitioner's Act, 1879 (Act. XVIII of 1879);(e)that the petition-writer has not paid his annual fee;(f)that the petition-writer has been found guilty of abatement of, or participation in any illegal transaction or unfair dealings; or(g)that the petition-writer has been found guilty of disobedience of a lawful order.(2)Each licence may also be revoked for any other good cause to be recorded by the Court revoking the permission.(3)No appeal shall lie from any order passed by a Court under sub-rule (1) or sub-rule (2), the High Court may, in its discretion, revise any such order and in place thereof pass such order as it thinks fit.

### **273. A petition-writer not to enter any room in a Court.**

- No petition writer, shall, without the permission of the Presiding Officer, enter any room in a Court in the precincts of which he is entitled to practise.

### **274. Penalty for practising as petition-writer without licence.**

- Any person who practices as a petition-writer without obtaining a licence under these Rules, or while the licence is suspended, and every petition writer who practices as such without getting his licence renewed, shall be liable to a penalty not exceeding fifty rupees.

### **275. Imposition of penalty.**

(1)The penalty prescribed by rule 274 may be imposed by the Court authorised to grant the licence but no penalty shall be inflicted unless the person charged has had an opportunity of defending himself.(2)No appeal shall lie from any order passed by a Court under sub-rule (1), but the High Court may, in its discretion, revise any such order and in its place, pass such order as it thinks fit.

## 276. Grant of leave of absence to a petition-writer.

- The petition-writer may apply for leave of absence for any period to the senior-most Judicial Officer or the senior-most Executive Magistrate at the place, where he is working, who on such application, may grant leave of absence and if necessary, may, grant a temporary licence to any competent person of good character to act as petition-writer during such absence or for such period thereof as he may deem necessary.

## 277.

All existing rules or regulations relating matters which are provided for in these Rules are hereby cancelled; Provided that licences issued under the rules so cancelled, shall be deemed to have been issued under these Rules and shall remain effective till the end of the current year.

Appendix-A  
Form I (Rules 13) Form of communication regarding arrest, detention, conviction or release, as the case may be of an M.P.  
/M.L.A. Place.....Date.....To The Speaker, Lok Sabha/Rajasthan Vidhan Sabha, New Delhi/Jaipur. Dear Mr. Speaker. 'A' I have the honour to inform you that I have found it my duty, in the exercise of my powers under section.....of the.....(Act) to direct that Shri.....Member of the Lok Sabha/Member of the Rajasthan Vidhan Sabha, be arrested/detained for..... (reasons for the arrest or detention, as the case may be). Shri.....M.P./M.L.A., was accordingly arrested/taken into custody at.....(time) on.....(date) and is at present lodged in the.....Jail.....(place). 'B' I have the honour to inform you that Shri.....Member of the Lok Sabha/Member of the Rajasthan Vidhan Sabha, was tried at the Court before me on a charge (or charges) of.. (reasons for the conviction). On (date) after a trial lasting for..... days, I found him guilty of. and sentenced him to imprisonment for (period). [His application for leave to appeal to (Name of the Court) is pending under consideration.] 'C' I have the honour to inform you that Shri.....Member of the Lok Sabha/Rajasthan Vidhan Sabha, who was convicted on..... (date) and imprisoned for.....(period) for.....(reason for conviction) was released on bail pending appeal (or release on the sentence being set aside on appeal, as the case may be) on the.....(date). Yours faithfully, Judge / Magistrate  
Form No. II (Rule 21) Form of letter of request  
From.....To The Speaker of the House of the People/The Chairman of the Council of State, Parliament House, New Delhi. The Speaker/Chairman of-----Legislative Assembly/Legislative Council  
Sub. Production of documents in.....(description of the case)  
Production of an officer of Secretariat of the House for purposes of giving evidence in.....(description of the case)  
Sir, Where mere production of documents is required. - In the above proceeding, the complainant/accused proposes to rely upon the documents specified in the annexure which are in the custody of the House of the People/Council of State/Legislative Assembly/Legislative Council. I have to request you to move the House, if you have no objection, to grant leave for the production of documents in my Court and, if such leave is granted, to arrange to send the documents/certified copies of the documents so as to reach me on or before.....by registered post (A.D.) or through an officer in the Secretariat of the House. Where oral evidence of an officer in Secretariat of the House is required. - In the above proceeding, the complainant/accused proposes to examine an officer in the Secretariat

of the House of the People Council of State/Legislative Assembly/Legislative Council (or any duly informed officer in the Secretariat of the House) as a witness in regard to matters specified in the Annexure. I have to request you to move the House, if you have no objection to grant leave for the examination of the said officer in my Court, and if such leave is granted, to direct the officer to appear in my Court at.....no....Yours faithfully.Presiding Officer,Encl. AnnexureForm No. III(Rule 26)Order SheetCourt

of.....at.....vs..... Kind of case.....Number of case.....Year.....

Date Order with initials of Presiding Officer Brief note of compliance of the order

Form No. IV(Rule 27)General IndexCourt of the.....

Number of case Name of Charge Date of Complainant Accused Institution Decision

List of papers

'A' part

Serial No. Name of Paper Date of presentation C.F. Label

No. Rs. P. Pages

Total

'B' part

Serial No. Name of Paper Date of presentation C.F. Label

No. Rs. P. Pages

Total

Certified that the papers in the file have, on examination, been found to be in accordance with the entries in the index that court fee stamps worth Rs.....are affixed, that all orders have been carried out, and that the file is complete in every respect.Dated.....ReaderForm No.

V(Rule 27)Index of ExhibitsIn the Court of.....Case

No.....of

19.....vs.....

S. No.	Description of Exhibits	Date of Filing	Exhibit number in the Court of the Magistrate andby whom first proved	Filed in the court of the Sessions Judges and bywhom first proved.	Remarks
1	2	3	4	5	6

Form No. VI(Rule 36)Cover or title Page in original Cases

- 1. Name of Court.....**
- 2. Name of the Presiding Judge.....**
- 3. Powers.....**
- 4. Number and year of the Case.....**  
  
Its nature, i.e. whether regular or miscellaneous
- 5. Police Station.....**
- 6. Name of complainants).....**
- 7. Name of accused.....**
- 8. Date of Institution.....**
- 9. Date of Decision.....**
- 10. Offence with section.....**

(i)Mentioned in report or initial complaint(ii)According to Judgment

**11. Class of Record (Rule 148).**

Form No. VII(Rule 39)Letter reporting committal of case to Sessions No.....of 19.....ToThe Sessions Judge of/Deputy Registrar, High Court of Judicature forRajasthan at Jodhpur/Jaipur BenchI beg to report that I have this day committed..... to the Sessions/High Court, on charge under section.....

- 2. I have satisfied myself that the copies of documents mentioned in section 207 and 208 of the Code of Criminal Procedure, 1973 have been furnished to the accused free of cost. The accused is/are on bail..... The accused is/are in judicial custody since.....**
- 3. The entire record of the case along with all the documents and articles, which are to be produced in evidence, are submitted.**

**4. I have notified to the public prosecutor the commitment of the case to your Court.**

**5. There are.....witnesses for the prosecution and..... days are necessary for me to secure their attendance in the Sessions/High Court.**

I request you kindly to intimate to me and to the public prosecutor on what day they should be directed to attend the Court. Yours faithfully  
 Date of crime.....Date of apprehension  
 Judicial Magistrate Form No. VIII  
 Calender of a Case Committed to the Sessions  
 Cases committed to the Sessions Court of.....by the .....Magistrate.....Class of.....on the.....by the.....19.....

Prisoner's name. Parentage, caste, residence and age	Offence charged, with law applicable and date of commission	Date of apprehension	Whether in prison or on bail.	Witnesses for prosecution with an indication of the nature of evidence shown against name of each	Material evidence e.g., weapons, clothes etc.	Documentary evidence	Witnesses for defence
1	2	3	4	5	6	7	8

Form No. IX(Rule 44)Statement of the result of the sessions trial showing the prisoners punished and acquitted by the Sessions Judge of.....

Number and year of case	Name and designation of committing Magistrate	Date of commitment	Date of decision	Number and name of accused	Age, caste and religion	Date of perpetration of offence	Section of law under which charged	Crime established with section of law thereto applicable	Character
1	2	3	4	5	6	7	8	9	10

Form No. X(Rule 63)Daily Cause List  
 Date..... Month.....  
 Year.....

Serial Number	Number and year of case	Kind or nature of case	Names of parties
1	2	3	4

Name of the lawyer for the first party    Name of the lawyer for the opposite party    Purpose    Remarks

1

2

3

4

Form No. XI(Rule 70)Memorandum of Identification of suspectsMemorandum of identification  
proceedings of following accused conducted on.....at.....

Name, parentage & residence of the accused	Offence	Any distinctive remarks likely to affect identification	Steps (if any) taken by the Magistrate conducting the proceeding column 3	Date of admission into jail or on bail)	Name, parentage and residence of the witness	Name or description of the person who came to identify (in his own words)	Name of the accused correctly identified	Wrong person pointed out (if any)
1	2	3	4	5	6	7	8	9

Form No. XII(Rule 70)Identification of property held at.....in Crime No.....under  
section.....of Police Station...District in the Court of. ....

Magistrate..... class, on.19..... at.....a.m/p.m.

Serial number I II III IV V VI VII VIII IX X

Name of accused from whom recovered

Name of article to be identified

Number of articles mixed

Any condition of the article which is likely to affect identification  
of proceedings.

Precautions taken regarding above.

Names of witnesses with parentage

Result

**1. The property to be identified was brought by..... Court  
Moharrir/Police constable No.of my Court/Police Station  
in.....sealed bundles (mention.the receipt) from.**

The articles to be mixed up were brought by..... in sealed bundles. The seals were intact  
and were opened before me. The witnesses were called one by one, every precaution was taken to  
ensure that no succeeding witness communicated in any manner with preceding one.

**2. The articles mixed up were similar in appearance to those for identification  
except in details given in remarks column.**

**3.**

.....was present on behalf of prosecution..... was/were present on behalf  
of.....accused.MagistrateDate.....Form No. XIII(Rule 73)List of Documents(Section 294. Cr.  
P.C.)In the Court of.....Case

No.....of.....  
 filed by.....(Prosecution/name and number of accused).

SI. No	Description of documents along with the names of their executors	Date of each document	Whether admitted or denied by opposite party	Whether admitted in evidence or rejected	Exhibit mark if admitted in evidence	Acknowledgment of party	Remarks, if any
1	2	3	4				

Legible signature of the party or Advocate filling it with date  
 The list and documents have been checked and verified. The documents are as per list.  
 Legible signature of Munsarim/ Reader with date.  
 Form No. XIV(Rule 75)(Section 365. Cr.P.C.. 1973)Statement of the result of criminal trials showing the prisoners punished and acquitted by the Chief judicial Magistrate of.....

Number & year of case	Date of decision	Number and name of accused	Age. Caste and Religion	Date of perpetration of offence	Section of law under which charged	Crime established with section of law thereto applicable	Acquitted or convicted with particulars of sentence	Copy of judgment
1	2	3	4	5				

Form No XV(Rule 86 & 90)Malkhana SlipI. In the Court.....title of the case  
 State vs.....Session Case No.....Cr.R.No...under section.....Police  
 Station.....Date of institution.....Date of disposal...Decision of First  
 appeal.....Date of second Appeal.....Malkhana Reg.  
 No.....V.M. Reg. No.....Malkhana Articles are per Register of Malkhana: -

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.



7.

8.

9.

10.

11.

12.

Signature of  
Judge \_\_\_\_\_

Report of clerk as per order in the judgment: -Signature of ClerkOrder of the Judge for disposal of articlesSignature of the JudgeOrder of the Malkhana InchargeSignature of Malkhana InchargeIII. Malkhana articles requisitioned and returned to Malkhana Incharge: -Note. - Malkhana articles requisitioned and returned to the Malkhana Incharge as per list in this form.

Date of the requisition	Received of Reader or Clerk	Date and receipt of Malkhana Clerk
-------------------------	-----------------------------	------------------------------------

1.2.3.4.5.6.7.8.9.10.11.12.13.14.15.16.

IV. After the decision and final order passed by the Judge concerned proceeding done by the Malkhana Clerk.Proceedings: -Signature of Malkhana ClerkProceedings checked and verified by the Malkhana Incharge. Proceedings checked and verified, and the entries have been made and verified in Malkhana Register accordingly.Signature of Malkhana InchargeForm No. XVI(Rule 88)Inventory of Property

Property  
taken in  
possession

S. No. of articles	Date of recovery	By which police station with date of roz-namcha	In what town or village	In what manner whether from possession of a person unoccupied house, etc.	Complete description	Weight in case of valuable property	Value	By whom produced	Remarks
1	2	3	4	5	6	7	8	9	10

Signature of Officer-in-chargePolice StationForm No. XVII(Rule 102)No.....From,The Sessions Judge/ additional Sessions Judge,.....To.The Deputy

Registrar (Judicial), High Court of Judicature for Rajasthan, Jodhpur/Jaipur  
 Bench. Date.....19... Sir, As required by law, I submit to the High Court my proceedings in the  
 case.....being Trial No.....of.....of the..... district for confirmation of the sentence of  
 death passed upon. I have satisfied myself that the convicted person (or persons) has (or have)  
 funds/has (or have) no funds to engage counsel in the High Court. The records of the police  
 investigation and of the enquiry by the Magistrate and all connected paper accompany the  
 proceedings. Yours faithfully, Sessions Judge/Additional Sessions Judge Form No. XVIII (Rule  
 108) Form of Classification of Convicts Classification of convict.....son of.....convicted by  
 (Name of the Court and the Presiding Officer).....Section or sections under which  
 convicted.....sentence..... Date of sentence.....Professional criminal or  
 not.....Hereditary Criminal Crime for which convicted "organised" or not.....Registered  
 member of a Criminal Tribe or not.....

## 1. Whether to be treated as:

Habitual.....Casual....."A" Class....."B"  
 Class....."C" Class.....(Strike out the entries not required)

## 2. If imprisoned for failure to furnish security under section 110, Code of Criminal Procedure, 1973 number of times previously convicted under Chapters XII, XVI, XVII and XVIII of the Indian Penal Code, or required to furnish security under section 110.....

Place.....Dated.....Judge/Magistrate Form No. XIX (Rules 110 &  
 114) Challan for deposit of fine, compensation, etc.

By whom tendered	Name and designation of the person on whose behalf money is paid	Full particulars of remittance and of authority	Amount Rs. P.	Head of Account	Order to the Bank
Signature Total..					Date.....Signature with full designation of the officer ordering the money to be paid.

Total (in figures) Received

Total (in words)

Treasurer Accountant Date Treasury Officer

Note. - Details are given on reserve.

Particulars	Amount
Rs.	P.

Coins  
Notes with details  
Cheques with details  
Total

Form No. XX(Rule 115)Court receipt book

Book No.	Receipt No.	Book No.	Receipt Book No.	Receipt No.	Receipt No.
1. Date of Receipt	1. Date of Receipt	Received from.....the sum ofRupees.....P.....(Rs.....) on account ofDated the .....day of 19.....			
2. Officer who ordered payment	2. Officer who ordered payment				
3. Serial Number of entry in Register No. 2 and year ofseries.	3. Serial Number of entirely in Register No. 2 and year ofseries.				
4. Amount for which receipt is issued	4. Amount for which receipt is issued.				
5. To whom account	5. To whom issued				
6. On what account	6. On what account				
7. How amount should be	7. How account should be credit				
8. Treasury or Sub-Treasury into which amount was or is to bepaid.	8. Treasury or Sub-Treasury into which amount was or is to bepaid				
9. Number and date of treasury or sub treasury acknowledgment	9. Number and date of treasury or sub treasury acknowledgment				
10. Remarks	10. Remarks				

Cashier Presiding Officer Cashier Presiding Officer Cashier Presiding Officer  
Form No. XXI(Rule 127)Cover in appeal or revision casesAppeal

## 1. Revision number of 19

**2. Date of institution**

**3. Date of disposal**

**4. In the Court of**

**5. Name of appellant or applicant**

**6. Name of respondent**

**7. Class of record, vide Rule 148**

**8. Particulars of the case appealed against:**

(i)Name of the District Court and name of the Presiding Judge(ii)Number and year of the case(iii)Date of institution(iv)Date of disposal(v)Regular or miscellaneous(vi)Police StationForm No. XXII(Rules 129 and 156)Requisition for RecordCourt of the..... at.....vs.....Case No.....of.....To.....Dated the 19 ...Kindly transmit to this Court the record specified below. I have satisfied myself that the production of the original record is actually necessary. [\*The record should reach this Court before 19 ...the next date of hearing.] [Order of the Officer by whom requisition is received.]\*Note. - Original records should not be called at the instance of a private party if certified copies are admissible in evidence to prove facts, for the proof of which the record is required.Particulars of records sent for

Name of the Court Kind of case No. and Year Title Date of Disposal Remarks

.....Designation.....Form No. XXIII(Rules 130 & 131)Notice of appeal under section 385(1) of the Code of Criminal Procedure, 1973In the Court of Sessions Judge/Additional Sessions Judge.Sessions Division/district.....Dated.....Day of ....19StateVersus.....(Appellant)Appeal against the decision dated.....of..... in case No.....Offence u/s.....Pursuant to Section 385 of the Criminal Procedure Code, 1973 (Act No. 11 of 1974), notice is hereby given that the appeal of the appellant named above will be heard and disposed of by this Court at..... on the ( ) day of.,19 ...Sessions Judge/AdditionalSessions Judge.To\*\_\_\_\_\_

enter name of the appellant or his pleader, or if appellant be in jail, the Superintendent of the jail, on the one side; for notice on the side of the State enter the name of the Public Prosecutor or Additional Public Prosecutor, as the case may be.Form No. XXIV(Rule 131)Covering docket under which a notice to appellant in Jail is to be sent.Sessions Judge's Office/Additional Sessions Judge's OfficeDated the..... 19.....No.....19 ....FromToThe SuperintendentJAIL.Sir

I have to forward the enclosed notice in duplicate  
with therequest that

It may be served on the marginallynoted  
appellant, at presenta prisoner in your jail, and  
returned

To have Court duly served and enclosed before the  
date fixedfor hearing.

Yours faithfully,Sessions Judge/Additional Sessions JudgeForm No. XXV(Rule 139)Certificate on  
the General Index Before Transmission of RecordCertified that the papers in the file have, on  
examination, been found to be in accordance with the entries in the index, that court-fee stamps  
worth Rs.....are affixed, that all orders have been carried out, and that the file is complete  
in every respect.Record Keeper.Reader.Dated.....19.

Date of receipt of record Date of return of record Remarks

No.....From.....Dated.....19To.....  
record detailed on the reverse is returned herewith. Kindly acknowledge  
receipt.....Designation.....  
of Receipt of RecordNo.....Dated.....The record detailed on the reverse has  
been received in this Court (Record Room).....Designation.....Form No.  
XXVI(Rule 142 and 159)Form for transmission of  
recordFrom.....To.....Dated.....the  
requisition letter No.....Dated.....in.....Case  
No.....of.....in your court.....v..... was received  
hereon..... The following record is herewith forwarded.Kindly acknowledge receipt of the  
record on the duplicate of this letter attached hereto. The original record may please be returned  
without delay after it is done with.

Particulars of records  
sent

S. No.	Name of the Court	No. and Year	Kind of case	Title	Date of disposal	Remarks
1	2	3	4	5	6	7

.....Designation.....  
of Receipt of RecordsThe record detailed above was received in this Court on ..... and has been  
entered in the Register of Records received under number.....and  
date.....Dated.....19.....Designation.....Form No.  
XXVII(Rule 143)

List of recordof[.....] [Write 'Regular', 'Miscellaneous' Case sent to theRecord From thecourt  
or 'Complaints dismissed,' as the case may be.] Room on.....19.. of.....

Serial Number in the list	Kind of case as per original application	Number with Register of Cases disposed of	Date of disposal	Name of complainant
1	2	3	4	5

Name of	Police Station	Section and law under which charged	Class of record	Number of case in the register of Institution	Date of Institution
6	7	8	9	10	11

Number of Pages in	Date of Destruction	Remarks
Part A	Part B	Part A Part B
12	13	14 15 16

.....Reader's SignatureForm No. XXVIII(Rule 143)List of Police Reports and Miscellaneous proceedings not filed with the record of a regular case.

Register Number	Name of Complainant	Name of accused	Number of papers	Date of destruction	Remarks
1	2	3	4	5	6

.....Reader's SignatureForm No. XXIX(Rule 143)Invoice of Records Consigned to the Record Room InvoiceSerial NumberDate of despatchNumber of Files(1)With list of Police Reports and Miscellaneous Proceedings not filed with the record of a regular case (F. XXVII)(2)With list of Regular and Miscellaneous cases (F. XXVII)Class IClass IISignature of ReaderInvoice of Records consigned to the Record RoomSerial NumberDated 19.....

Number of files

Entered in the list of Police Reports andMiscellaneous Proceedings (F. XXVIII)

Entered in the list of Regular and Miscellaneouscases etc. (F. )

Class I

Class II

Class III

.....Reader's Signature

**1. Record - keeper do acknowledge receipt of the aforesaid files and do hereby certify that the number of files entered in each list corresponds with the number actually received.**

.....Signature of Record-KeeperForm No. XXX(Rule 177)Application for Inspection of RecordIn the Court.....Application for Inspection of RecordsI beg to apply for permission to inspect the record of the case mentioned below.I

am\* .....  
the case.% The application is  
\$. .....Particulars  
of the record of which inspection is sought:

**1. Name of the Court.**

**2. Kind of case.**

**3. Number of year.**

**4. Names of parties.**

**5. Date of decision (or hearing, if pending).**

Signature.....

- \*Here enter whether applicant is the complainant, accused etc. or the complainant's/accused's agent or counsel, as the case may be or (if the applicant is not a party or his agent or counsel, that he is not a party to the case.% If the applicant is not a party or his agent or counsel, the reasons for which he wants an inspection should be stated here.\$ Here enter 'Ordinary' or 'Urgent'.Form No. XXXI(Rule 195)Application for Copy or RecordIn the Court of.....Application for Grant of Copies of Recordin.....Case No.....,.....of.....Decided/Fixed for hearing on.....copiesKindly grant me certified copy of the papers named in the following list from the record of the above mentioned case for which I tender copying sheets of the value of Rs.....P.....The application is\* ..... % I am.....in the case.List

**1. Serial number**

**2. Description of paper of which copy required.**

**3. Number of copies required.**

**4. Object for which copy is required or ground upon which application should be granted.**

.....Signature of applicant.

- \*Here state whether the application is 'urgent' or 'ordinary'.% Here state the applicants status in the case, if he is not a party to the case, state so.In every application sent by post, the following particulars should be noted: -

**1. Full address of the applicant.**

## 2. Whether the applicant wants the copy to be sent, to him by post. Sufficient stamps should be sent, if the copy is to be sent by post.

Form No. XXXII(Rule 243)Order for payment of diet-moneyToThe

Nazir. \_\_\_\_\_ Please pay Rs.....for diet-money and expenses to complainants and witnesses in the case mentioned below: -

Date	Number of Case and names of parties	Amount of diet-money etc. required Rs.	Signature of the official receiving the moneyfrom the Nazir P.	Remarks
------	-------------------------------------	--	--	---------

Total.....Rupees (in words).....Dated.....19 ...Presiding Officer of the Court.Form No. XXXIII(Rule 263)(Obverse)Licence for petition writers.In the Court of.....Judge/Magistrate The petition- writer.....son of.....Resident of. ....is hereby authorised to sit in the compound of the Criminal Courts at.....and to write petitions.The holder of this licence is required to abide by the following rules as a condition of the licence remaining in force: -I. He shall regularly pay a yearly fee of Rs. 25/- (in advance).II. He shall regularly attend the Court.III. He shall not carry on the profession of a tout as defined in the Legal Practitioners Act, 1879. (XVHI of 1879) or accept the clerkship of a legal practitioner.IV. He shall not charge remuneration for writing petitions in excess of what is laid down in the scale of fees drawn up by the District and Sessions Judge /the District Magistrate a copy of which must be kept by him in public view.V. He shall not make any demand from any person in the name of any person or persons connected with Court or accept any sum on their behalf.VI. He shall sign each petition or paper drawn up by him and endorse thereon the amount of fee received by him.VII. He shall write petitions legibly and observe the instructions relating to the writing of petitions and shall comply with the order of a Court as to the amending or re- drafting of a petition or other paper drawn up by him.VIII. He shall not keep any private copy of any petition, plaint or memorandum of appeal which he writes.IX. On breach of the above conditions, the licence shall be cancelled by the Court which granted it after giving sufficient opportunity to the petition writer to explain his conduct.

Form No. XXXIII(Reverse)Note of payment of Renewal Fee

Date Amount Voucher No. and Date Signature of Magistrate

1 2 3 4

Appendix BRegistersRegister No. I(Rule 25, 238 & 242)Register of Miscellaneous Criminal Cases

S. No.	Date of application	Name and description of applicant	Name and description of opposite party	Particulars of application
1	2	3	4	5

Act and Section of Act, under which preferred	Final order with date	Particulars of any order made on appeal or revision	Remarks
6	7	8	9



Register No. II(Rule 56)Register of Particulars appointed under Section 304(a)(1) of the Code of Criminal Procedure

S. No.	Name of the pleader	Date of appointment	Name(s) and particulars of the impecuniousaccused	Particulars of the case in which appointment made
1	2	3	4	5

Basis for im-pecuniosity	Fee allowed to the pleader Full/Part	Reason for striking out the name of the pleader	Signature of the Presiding Officer	Remarks
6	7	8	9	10

Register No. III(Rule 71)Court of.....Letter Delivery Book

Date Number of letters etc. Address Signature of recipients

1	2	3	4
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Register No. IVRules 84, 238 and 242Register of Malkhana Articles

Serial number	Date of receipt of property	Reference to number and title of case in whichreceived	Name of police station	Owner, if known	By whom produced	How produced	Number and description of art	Weight and Estimated value	Property released or restored
1	2	3	4	5	6	7	8	9	10

To whom	Date	Signature of receiver	Attestation	Property sold	Date of Sale	Amount of sale proceeds	Treasury voucher number and date	Signature of Judge	Remarks
11	12	13	14	15	16	17	18	19	20

Register No. V(Rule 86)Register of Valuable Properties

Serial No.	Name of the Court	Particulars of the case	Description of the Valuable articles	Estimated value
1	2	3	4	5

Date and time of Transaction	Legible Signatures of the PresidingOfficer/Officer-in-charge	Legible Signatures of the AssistantNazir/Official	Remarks
Removed	Placed		
6	7	8	9
			10

Register No. VI(Rules 109, 118 & 126)Register of fines, compensation, penalties and fees

Serial Number	Number & year of case	Title of case	Particulars of offence	Date of order	Persons fined or order to Pay
1	2	3	4	5	6

Amount & Whether-A. (i) Fine to be credited to Government account.(ii) Fine to be credited to local fund account.B. DepositC. PenaltiesD. Fees.E.Compensation etc.

Amount awarded as compensation or reward

Date of Warrant for levy Realised

Date

Amount

7

8

9

10

11

Number of Court Receipt	Number and date of treasury receipt	Amount paid as refund Compensation, or reward	Written off as irrecoverable or remitted in appeal	Remarks
Date	Amount	Date	Amount	
12	13	14	15	16 17 18

Register No. VII(Rule 160)Register of requisition for records

Serial Number	Date of receipt of requisition	Number & date of requisition	Name of court sending for record
1	2	3	4

Particulars of case for which required Particulars of record requisitioned

Number and year	Title	Kind of case	Date of bearing	Of what Court	Number & year of case	Kind of case	Title	Date of disposal
5	6	7	8	9	10	11	12	13

Date by which record is required	Date of transmission of record	Number & date of despatch register	Date of return of record	Date of restoration of record to bundle	Remarks
14	15	16	17	18	19

Register No. VIII(Rule 166)Register of records requisitioned and returned

Serial Number	Particulars of case for which record requisitioned	Number and date of the requisition letter	To whom requisition sent
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Number and year	Kind of case	Title of case	Date of hearing
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Particulars of the record requisitioned	Date by which record is required
--	-------------------------------------

Of what Court	Title	Kind of case	Number and year of case	Date of decision
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8	9	10	11	12	13
---	---	----	----	----	----

Date of receipt of the record	From whom received	Date of the return of the record	To whom returned	Number and date of the despatch register	Remarks
----------------------------------	-----------------------	-------------------------------------	---------------------	---	---------

14	15	16	17	18	19
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Register No. IX(Rule 185)Register of Applications for Inspection of Records

Serial No.	Date of application	Value of stamp on application	Name of applicant	Whether the applicant is-(a) a party or his agent, or(b) a stranger	Particulars of the record of which inspection is sought	
Ordinary	Urgent	Of what court	Kind of case	Number and year of case	Title of case	Date of decision of hearing
1	2	3	4	5	6	7
						8 9 10 11

Date and hour when application received by officer-in-charge of record	Date and hour of receipt of record by inspection clerk	Inspection made on	Date and hour of return of record by inspection clerk	Acknowledgment by record clerk	Remarks
---	--	-----------------------	---	-----------------------------------	---------

12	13	14	15	16	17
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Register No. X(Rules 188, 197 and 201)Register of applications for copies of records

Serial Number	Date of application	Value of Court-fee on copying folios filed	Name of applicant	Whether-(a) Party, or(b) Stranger	Paper or papers of which copy applied for	Particulars of Record from which copy applied
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Ordinary	Urgent	Kind of case	Number and year of case	Title of case
----------	--------	--------------	-------------------------------	---------------

1	2	3	4	5	6	7	8	9	10
Date and hour when application received by the record-keeper or clerk-in-charge of record	Date and hour when record was received by the Head Copyist	Date and hour on which record was returned by Head Copyist	Last date fixed for delivery of copy	Date on which notice, if any, regarding preparation of copy pasted on notice board	Name of copyist	Date of delivery of copy	Remarks		
11	12	13	14	15	16	17	18		

Register No. XI (Rule 198) Register of records handed over to the Head Copyist

Serial Number	Number and date of copying application	Date and hour on which application received by the records clerks	Date and hour on which record sent to Head Copyist	Particulars of record sent	Acknowledgment of Head Copyist	Date and hour on which record received back from Head Copyist	Remarks			
1	2	3	4	5	6	7	8	9	10	11

Register No. XII (Rule 201) Register of application for copies of record disposed of

Serial Number of disposal	Date of disposal	Date of application	Serial number of application	Name of applicant	Period taken in preparation of copy				
In ordinary application	In urgent application								
1	2	3	4	5	6	7			

  

Copy not prepared	Amount of copying fees paid	Amount of copying fees ordinary payable in copies issued fees	Signature of receipt	Despatch number and date in case of copies sent by post	Remarks				
Ordinary copies	Urgent copies								
8	9	10	11	12	13	14			

Register No. XIII (Rule 205) Register of photostat Copies  
S.No.

	Date of presentation of application	Number of pages	Amount of copying fee estimated	Amount of copying fee paid in stamps	Amount of copying fee paid in cash
1	2	3	4	5	6
	Name of the photostat copier	Date fixed for issue of copy	Date on which copy was ready	Date of issue of notice to the applicant (if issued)	Date of delivery/posting
7		8	9	10	11
					Remarks
					12

Register No. XIV(Rule 211)Inspection and compliance Register

1. Inspection

Date of inspection	Name of inspecting officer	Date of receipt of inspection note	Defaults and defects to be removed
1	2	3	4

2. Compliance

Pointwise compliance	Date of compliance	Name and signatures of official making compliance	Signatures and remarks of the Presiding Officer
1	2	3	4

Register No. XV(Rule 216)Stock book of Printed Forms	Number and description of printed forms
Date	Particulars
Number received	Number issued
Closing balance	Signature of recipient
Remarks	
1	2
3	4
5	6
7	

Note. - A separate page shall be allotted to each kind of printed forms.Register No. XVI(Rule 216)Register of printed forms

Date Receipt or issue Invoice or Bill No. in case of receipt Forms Remarks

Register No. XVII(Rule 219)General Register of Correspondence Files

Serial number Date of opening of file Opening Letter Date of closing of file  
Number Date From To

Closing Letter	Subject	Head and sub-head in Index of closed files	Number and date of entry in Index of closed files	Remarks
Number	Date	From	To	
8	9	10	11	12
				13 14 15

Register No. XVIII(Rule 220)Register of letters received

S. No.	Date of receipt	From whom received	Number of letter	Date of letter
1	2	3	4	5

Subject	Reference	Acknowledgment of official to whom handed over	Remarks
6	7	8	9

Register No. XIX(Rule 221)Register of letters issued

S. No.	Date	To whom addressed	Subject or contents	Reference	Acknowledgment of Nazir or dispatcher	Remarks
1	2	3	4	5	6	7

Register No. XX(Rule 228. 230)File Index

Head and Sub-head	Serial Number (in file index)	Date of closing letter	Subject	Number of letters in file originally	Number weeded under the Rules	Date of weeding	Remarks
1	2	3	4	5	6	7	8

Register No. XXI(Rule 231)Register of General letter and Circulars

Serial No.	Date of Receipt	Issuing authority	Number and date of the circular	Subject	File on which placed	Serial number and page of the file	Acknowledgment of the official to whom copydelivered	Remarks
1	2	3	4	5	6	7	8	9

Register No. XXII(Rule 238)Register of Complaints

Serial No.	Date of receipt of complaint	Name and description of complainant	Kind of offence	Section and Act	Date	Order of Courts	Remarks			
Complaint dismissed under section 203, Cr.P.Code	Case broguht to trial	Reference to number in the register of criminalcase								
After enquiry	Without enquiry									
1	2	3	4	5	6	7	8	9	10	11

Register No. XXIII(Rule 238)Register of Regular Criminal Cases

Serial Number	Date of bringing the case to trial or of reference or transfer	Reference to entry (number and date) of the register of complaints or of police reports as the case may be, to case number in the first court in cases referred or transferred	Offence of which cognizance was taken, with Act, and section	Name, Parentage, Caste, Residence and Age of each person brought to trial
---------------	--	--	--	---

1 2 3 4 5

Date on which each accused	Date of decision	Act and section of offence regarding which a decision was given as to each accused, with abstract of order or sentence	(Number of offence) for the purpose of the annual return (ret. X) mentioned in column 11, or if there is no entry in column 11, that mentioned in column 4	Class of record under Rule 148	Note of result in appeal or revision with date	Remarks
Was arrested	Appeared in court					
Without a warrant	Under a warrant	Upon summons	Voluntarily			
6	7	8	9	10	11	12 13 14 15

Register No. XXIV(Rule 238)Register of Regular Criminal Cases Disposed of

Serial Number	Serial Number of case in register of regular criminal cases	Date	Died, escaped or transferred to another court	Discharged	Number of persons
Acquitted					
On withdrawal from prosecution	Otherwise				
1	2	3	4	5	6 7

Number of person –contd.

Convicted

On regular trial

Appealable sentence passed	Non-appealable sentence passed	Received on probation under Probation of Offenders Act/Section 360, Cr.P.C.	Youthful offenders dealt with under Probation of offenders Act/Section 360, Cr.P.C.
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Released after admonition u/s. 13  
Released and kept under Supervision 14

Number of person –contd.

Number of days case lasted

Convicted –contd.

On Summary trial

Appealable sentence Passed	Non-appealable sentence passed	Released on probation under Probation of Offenders Act/Section 360, Cr.P.C.	Youthful offender dealt with under Probation of Offenders Act/Section 360 Cr.P.C.	Commotted for trial	Referred under section 323 or 325	
13	14	15	16	17	18	19 20

Number of persons sentenced to

Persons ordered to fine or give

Rigorous imprisonment	Simple imprisonment	Forfeiture property	Security for Fine recognizance to keep the peace	Sureties for good behaviour	
21	22	23	24 25	26	27

Persons imprisoned in default of

Details of punishment

Security to keep the peace

Security for good behaviour

Imprisonment

Not exceeding 15 days	Exceeding 15 days, but not exceeding 6	Exceeding 6 months, but not exceeding two	Exceeding 2 years, but not exceeding 7	Number of boys whose sentences were commuted	Remarks
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	months	years	years	to detention in a reformatory school		
28	29	30	31	32	33	34 35

Register No. XXV(Rules 238 and 240)Register of Absconding Persons

Serial No.	Name and complete description of the absconder	Description of the case in which he absconded	Name of the Police Station	Date of issue of first process against theabsconder	Cause of non-execution of the process	Remarks
1	2	3	4	5	6	7

Register No. XXVI(Rules 238)Register of Miscellaneous Police Reports

Serial number	Date of receipt of report in court under section 157 Cr. P.C. 73.	Date of first information report to police	Date of offence	Name of Police Station	Number and date of Parcha	Kind of offence	Section and Act	Value of property stolen	Date of receipt of final investigation report from police under section 173, Cr.P.C. 73
1	2	3	4	5	6	7	8	9	10

Number of days during which the case remained under investigation	Value of property recovered	Order of the Court on Police Report	Remarks		
Date	Case struck off as false	Case filed as accused untraceable	Case brought to trial	Reference to number in the register of criminal cases	
11	12	13	14	15	16 17 18

Register No. XXVII(Rules 238)Register of Miscellaneous Police Reports

General serial number	Nature report	Serial number of reports under		
Criminal Procedure Code	Section 25, Indian Police Act	Others		
Section 58	Section 165(5)	Section 174	Section 457	
1	2	3	4	5 6 7 8

Date of receipt of report by Magistrate	Date of occurrence reported	Place of occurrence reported	Name of Police Station	Order of Magistrate with date	Remarks
9	10	11	12	13	14

Register No. XXVIII(Rule 238)Register of Cases transferred under Section..... Criminal Procedure Code

Serial number	Date of receipt	Complaint	Police report	Name of complainant
1	2	3	4	5

Name of accused	Offence	Date of transfer	To what Court transferred	Remarks
6	7	8	9	10

Register No. XXIX(Rule 239)Register of Closed RegisterList of Closed Registers in the Court of.....Name of Register.....

S. No.	Date of opening register	Date of closing of register	Remarks
1	2	3	4

Register No. XXX(Rule 240)Register of Criminal Appeals

Serial number	Date of presentation of petition or its receipt in the office	Name and description of the appellant	Name and description of the respondent	Particulars of original case				
Name of Magistrate	Number and year of the case	Police station	Name etc. of accused	Date of decision				
1	2	3	4	5	6	7	8	9

Abstract of sentence or order appealed against	Date of requisition for record	Date of receipt of record	Date of disposal of appeal	Result with abstract of order or sentence	Result with abstract of order in revision, if any	Remarks
--	--------------------------------	---------------------------	----------------------------	---	---	---------

Register No. XXXI(Rule 240)Register of Criminal Appeals disposed of

Serial number	Serials number of the register of appeals	Date of institution of appeal	Particulars of the appeal	Result of appeals as regards each appellant
Died, escaped or transferred	Appeal dismissed	Appeal dismissed Section 385 or	Sentence reduced or order	Finding and sentence reversed

to another court	summarily, Section 384, Cr.P.C.	sentence maintained though finding is altered, Section 386 (b) (ii) Cr.P.C.	otherwise altered and (S.386(d)] order altered [Section 386(e)]	accused acquitted or discharged [S. 386(b)(1) of Cr.P.C. Or order reversed Section 386(d)]
------------------	---------------------------------	---	---	--

1	2	2A	3	4	5	6	7	8
---	---	----	---	---	---	---	---	---

Result of appeals as regards each appellant –contd.	Number of papers on the record of the appeal	Date of despatch of complete record of the appeal to record room	Number of days appeal lasted	Remarks
9	9A	10	11	12
				13 14

Register No. XXXII(Rule 241)Register of Criminal Revisions

Serial Number	Date of application, if any, and of the order calling for record	On whose application or behalf of the revision is
Complainant	Accused	

Particulars of original case	Date of disposal of record	Date of disposal of case	Result of decision in revision	Remarks
Name of Magistrate	Serial Register number	Police Station	Name etc., of each accused	Date of order under revision
				Abstract of order under revision
5	6	7	8	9
				10
				11 12 13 14

Register No. XXXIII(Rule 241)Register of Criminal Revisions disposed of

Serial Number	Serial number of the register of criminal revision	Date of institution of revision	Particulars of the revision	Died, escaped or transferred to another court	Application rejected or record returned	Order reversed under section 51	Further inquiry ordered under Section 398, Cr.P.C.	Date of disposal of case	Nu of o the las
1	2	3	4	5	6	7	8	9	10

Number of papers on the record of the revision case	Date of despatch of record of revision to record room	Remarks
Part A	Part B	

11

12

13

14

## Register No. XXXIV(Rule 242)Register of Sessions Cases

Serial number	Date of commitment or receipt on transfer or institution under Section 345(1)	Name of Committing Magistrate	District	Serial register number (in the Committing court)	Police Station Magistrate's	Name, parentage, residence of each person committed	Offence(s) for which charge-sheeted	Date recorded
1	2	3	4	5	6	7	8	9

Date fixed for proceedings under Section 226	Whether discharged under Section 227	Whether case sent to the C.J.M. Under Section 228(1)(b)	Offences for which charge(s) framed under section 228(1)(b)	Date fixed for trial	Date of decision of case	Offence(s) for which each accused found guilty or acquitted	No. of days the case was pending	Class of record
10	11	12	13	14	15	16	17	18

## Register No. XXXV(Rule 242)Register of Cases referred under Section 122, Code of Criminal Procedure

Serial number	Date of submission or receipt by transfer	Name of submitting court or Magistrate	District	Serial Register number	Date of disposal by submitting court	Police station	Name, parentage and Caste of person whose case is submitted	Abstract of order with Act and Section found applicable
1	2	3	4	5	6	7	8	9

Date of disposal	Number of days case lasted	Particulars of disposal	Number of papers on the record in	Date of despatches of record to record room	Remarks
Transferred u/s. 122(5)	Order confirmed	Order altered or annulled	Part A	Part B	
10	11	12	13	14	15 16 17 18

## Register No. XXXVI(Rule 242)Register of Sessions Cases disposed of

Serial Number	Date of disposal of case	Serial register number of, case in register of Sessions cases	Whether discharged under Section 227, Cr.P.C.	Whether transferred to C.J.M. Under Section 228(1)(b)	Persons disposed of			
Acquitted	Died, escaped or transferred to another Sessions division or to the High Court							
On withdrawal from prosecution	Otherwise	Convicted						
1	2	3	4	5	6	7	8	9
Number of persons sentenced to	Persons ordered to fine or give security or recognizance to keep the peace	Persons ordered to be imprisoned in default of security for good behaviour						
Death	Imprisonment for life	With solitary confinement	Without solitary confinement	Simple imprisonment	Forfeiture of property	Fine		
10	11	12	13	14	15	16	17	18
Details of imprisonment	Section and particulars of offences for which convicted	Remarks						
Imprisonment								
Not exceeding 15 days	Exceeding 15 days but not exceeding 6 months	Exceeding 6 months but not exceeding 2 years	Exceeding 2 years but not exceeding 7 years	Above 7 years	Number of boys whose sentences were commuted to detention in a reformatory			

Register No. XXXVII(Rule 243)Register of witnesses

Rate of diet allowance according to rules inforce	Details of allowances paid	Total of pay order	Signature of	Remarks						
Number of days allowed for journey	Number of days detained at court	Amount of diet allowance	Amount of travelling experiences	Total of columns 16 & 17	Signature of Nazir	Payee	Officer before whom paid			
13	14	15	16	17	18	19	20	21	22	23

Date	Number of case and names of parties	Description of paper	Name of payer	Court fee
On plaint or morandum of appeal	On copies and translations	On probates, certificates and letters of administration	Other court fees	Total
1	2	3	4	5
				6 7 8 9

Summons of notices to defendants or respondents	Summons to witnesses	Warrant of arrest	Other processes	Emergent fee	Commissioner's attachment	Order of of services of attaching	In respect of order of sale	In respect of order of sale	Sale fee
---	----------------------------	----------------------	--------------------	-----------------	------------------------------	---	--------------------------------------	---	-------------

10	11	12	13	14	15	16	17	18	19
							officer		
Inspection fees	Search fees	Grand total	Signature of the person to whom the paper was delivered	Refund	Remarks				
Number and date of certificate	Nature of fees refundee	Amount							
23	24	25	26			27	28	29	30

**1. All court-fees, and process-fees, impressed on or affixed to the papers filed in Court, shall be entered in their appropriate columns in this register, as soon as a paper is presented to the officer presiding in a Court or to his Munsarim with a view to having the same brought on the record, and a note "entered" shall be placed under each stamp, with the date and the initials of the official-in-charge of this register.**

**2. The entries in columns 5 to 25 shall be totalled daily, weekly, monthly, quarterly and annually.**

**3. Commission fees, paid for the services of Amins, shall be entered in column 21, and those paid to other persons in column 15.**

**4. Both the ad valorem and fixed fees on plints, memoranda of appeals and applications for review of judgment shall be entered in column 5.**

**5. When sale, attachment, etc. are made by a person other than a Civil Court Amin, process - fees paid for the services of such person shall be entered in column 13 and a note of such service shall be made in the column of remarks.**

**6. Particulars of stamps on copies which court - fees have been paid before issue and or, translations, certificates, probates and letters of administration shall be entered in the register of the Court which issues the document. Stamps attached to copies after issue in order that the copies may be filed, shall be entered in the register of the Court in which the copies are filed.**

**7. The entries relating to applications for copies shall be shown as one entry, the particulars being obtained at the end of each day from register No. 7. The only columns to be used for these entries will be columns 1, 8, 9 and 25.**

Register No. XXXIX(Rule 245)Memorandum book of dates for cases

Serial No.	Kind of case original appeal etc.	Number any year of case	Complainant, Appellant or Applicant	Accused, Respondent or opposite party	Name of pleader for complainant, Appellant or Applicant	Name of pleader for accused Respondent or oppositeparty	Purpose for which case is set down for hearing	Date to which adjourned, if case not disposed of	Rem
1	2	3	4	5	6	7	8	9	10

Note: - Entries in the register for different kinds of cases shall be shown and grouped separately. Register No. XL(Rules 258 and 240)Register of Affidavits

Serial No.	Name of the court	Particulars of the case	Full description of the deponent	Signature of the Deponent	Full description of the Identifier	Signature of the Identifier	Fee Charged	Remarks
1	2	3	4	5	6	7	8	9

Register No. XLI(Rule 268)Register of petition-writers

Serial Number	Date of licence	Name	Father's name	Place of residence	Qualifications	Place of business and Court to which attached	Amount of fee paid	Reference to Treasury voucher number and date
1	2	3	4	5	6	7	8	9
Note of renewal of licence	Note of renewal of licence	Note of renewal of licence						
Date of renewal	Amount of fee paid	Reference to Treasury voucher number and date	Date of renewal	Amount of fee paid	Reference to Treasury voucher number and date	Date of renewal	Amount of fee paid	Reference to Treasury voucher number and date
10	11	12	13	14	15	16	17	18



Note of renewal of licence    Note of renewal of licence    Note of renewal of licence    Remarks

Date of renewal	Amount of fee paid	Reference to Treasury voucher number and date	Date of renewal	Amount of fee paid	Reference to Treasury voucher number and date	Date of renewal	Amount of fee paid	Reference to Treasury voucher number and date	
19	20	21	22	23	24	25	26	27	28

Register No. XLII(Rule 270)Register of Petitions to be maintained by licensed Petition-Writers

Serial No. of petition	Date on which petition was written	Name parentage, case and residence of the personat whose instance the petition was written	Name of the court in which to be presented	Description of petition	Brief abstract of contents of petition	Value of the court fee lables affixed to thepetition	Fee charged for writing the petition	Remarks	Signature of petition-wri
1	2	3	4	5	6	7	8	9	10

Appendix CReturnsReturn No. I(Rule 101).....Quarterly Statement of Malkhana articles of the Court of.....

Serial No.	No. of cases in which Malkhana articles werepending at the close of the last quarter	No. of cases in which Malkhana articles weredeposited during the quarter	Total No. cases (cols. 2&3)	Total No., Of cases in which Malkhana articleshave been	Total No.of cases (Cols. Nos. 5 & 6)	
Disposed of u/ss. 517 & 518, Cr.P.C. 1898 oru/s 452, Cr.P.C., 1973	Disposed of or given in custody u/s 516-A,Cr.P.C. 1898 or u/s 451 Cr.P.C. 1973					
1	2	3	4	5	6	7

Break up of the cases in which Malkhata articles were pending at the close of the quarter. Cases pending in	Brief reasons for not disposing the Malkhata articles of the cases mentioned in Col. 10	Remarks if any	Comments of the Sessions Judge
Appellate Court	Trial Court	Cases finally decided	
8	9	10	11
			12 13

Return No. II(Rule 121)Monthly statement showing demand, collection and balance of fines levied and written off in the Court of....for the month of.....19

Balance recoverable at the Beginning of the month	Fine imposed during the month	Total	Fine credited into Treasury during the month	Total amount of each Challan Tender
Date	Tender/Challan No.	Particulars (Case No. & name of parties)	Amount of each fine etc. (Partywise)	
1	2	3	4	5
				6 7 8

Fine written off	Fine remitted	Total	Balance recoverable at the close of the month	Remarks
9	10	11	12	13

Presiding Officer of the CourtReturn No. III(Rule 121)Consolidated figures of collection of fines etc., shown courtwise of the judgeship.....for the month of. 19 ...

Date	Tender/Challan No.	Particulars (Case No. & name of parties)	Amount of each fine etc. (Partywise)	Total amount of each Challan/Tendor	Remarks
1	2	3	4	5	6

Sessions Judge /District MagistrateReturn No. IV(Rule 122)Monthly statement of fines pertaining to Municipal Fund

Serial Number	Number and year of case	Title of case	Date of decision	Date of realisation of fine	Amount of fine realised	Head to which credited	No. and rate of Treasury Voucher	Remarks
1	2	3	4	5	6	7	8	9

Signature.....Designation.....Return No. V(Rule 247)Report of a periodical return being blankToThe.....(Here enter name of return)

Prescribed date of submission Actual date of submission Received by Submitted to High Court Received by High Court

The return noted above is blank. Magistrate / Sessions Judge Return No. VI (Rule 248) Sessions Statement

Serial Number	Number and year of case	Title of case	Offence or offences	Date of commitment	Date of institution on commitment or transfer	Name of committing court	Number of accused	Mode and Date of decision if decided during the quarter	Abstract of final order and particulars of sentence imposed
1	2	3	4	5	6	7	8	9	10

Reference to the number of the page of the file at which copy of judgment may be found	Date of next hearing, if case remained pending at the close of the quarter.	Number of prosecution witnesses whose examination is concluded	Number of prosecution witnesses still remaining to be examined, if any	Stage at which the case stands	Reasons for delay, if any, in the progress of the trial	Remarks
11	12	13	14	15	16	17

Notes. s-(1) Cases are to be entered in this statement in the order of their dates of institution.(2) Column 9 should specify whether the case was disposed of after full trial or u/s. 227 of the Code or by transfer to the C.J.M. u/s. 228(1) of the Code.(3) The statement shall bear the following certificate, viz., certified that the statement contains a full and correct list of the cases disposed of during the quarter as well as those pending at the close of the quarter. Signature of the Presiding Officer. Return No. VII (Rule 249) Statement of cases in which judgments were delivered with delay

Name of Court	Date of institution	Number & year of case	Title of case	Last date on which evidence, oral or documentary was closed	Date or dates of hearing arguments	Date or delivery of judgment	Brief explanation of delay
1	2	3	4	5	6	7	8

(By every Magistrate or Assistant or Additional Sessions Judge to the Sessions Judge). Signature..... Designation..... Return No. VIII (Rule 250) Annual statement showing the general result of criminal trials in the tribunals of various classes in the district of... during the year 19.....

Class of tribunal and name of	Remaining from last year	Number of persons under trial	Total of column 2 & 9	Died and escaped
-------------------------------	--------------------------	-------------------------------	-----------------------	------------------

presiding  
Officer  
Brought  
to trial  
during  
present  
year

Under arrest	Upon warrant	Upon summons	Voluntarily	Received on commitment	Received on reference	Received by transfer from another court in the same district	Received by transfer				
Received by transfer from another court in the another district											
1	2	3	4	5	6	7	8	9a	9b	10	11a

Transfer to another court in the same district	Transfer to a court in another district	Persons whose cases were disposed of				
Acquitted	Convicted					
Discharged	On withdrawal from prosecution	Otherwise	On regular trial	Appealable sentence passed		
Appealable sentence passed	Non-appellable sentence passed	Released on probation, section 360, Criminal Pr.Code, 1973	Offenders dealt with under the probation of Offenders Act			
Released after admonition	Released on probation with or without order	Age of the offender				

11b	11c	12	13	14	15	16	17	18	19	20	21
-----	-----	----	----	----	----	----	----	----	----	----	----

Persons whose cases were disposed of –contd.

On summary trial	Committed	Referred	Total of Columns 12 to 27	Persons remaining under trial at close of year							
Non-appealable sentence passed	Released on probation section 360, Criminal Procedure Code, 1973	Offenders dealt with under the Probation of Offenders Act									
Released after admonition	Released on probation with/without order of Supervision	Age of the offender									
22	23	24	25	26					27	28	29 30

Persons whose cases were disposed of –contd.

Number of cases during the year disposed of	Aggregate number of days during which cases entered in column 31 lasted	Average number of days during which each case lasted	Number of cases pending above six weeks, whether disposed of or pending at the close of year	Remarks							
Decided	Transferred to another court in the same district	Transferred to a court in another district									
31a	31ab	31c	32						33		34 35

Signature.....Description.....Return No. IX(Rule 250)Annual statement showing the dispositions by the various Criminal Tribunals in the exercise of original jurisdiction in the District of.....during the year 19....

Class of Persons

tribunal and  
name of  
presiding  
officers

Death	Imprisonment for life	Imprisonment Rigorous	Simple imprisonment	Forfeiture of property	Fine	Persons ordered to fine or give			
With solitary confirmant	Without solitary confinement	Security or recognizance to keep the peace	Security for good behaviour						
1	2	3	4	5	6	7	8	9	10

Persons  
sentenced  
to –contd.  
Details of  
punishment

Persons  
imprisoned  
in default of  
Fines

Security to keep the peace	Security for good behaviour	Not exceeding Rs. 10/-	Exceeding Rs. 10/- but not exceeding Rs. 50/-	Exceeding Rs. 50/- but not exceeding Rs. 100/-	Exceeding Rs. 100/- but not exceeding Rs. 500/-	Exceeding Rs. 500/- but not exceeding Rs. 1000/-	Above Rs. 1000/-	Total amount of fine during the year	Total amount of fines realised during the year
11	12	13	14	15	16	17	18	19	20

Details of  
punishment  
–contd.

Imprisonment	Number of persons dealt with by probation								
Not exceeding 15 days	Exceeding 15 days but not exceeding 6 months	Exceeding 6 months but not exceeding 2 years	Exceeding 2 years but not exceeding 7 years	Above 7 years	Released on admission	Released on probation without supervision	Released on probation on furnishing surety or incharge of a probation officer		

specifically  
appointed by  
court

22	23	24	25	26	27	28	29	
Details of punishment -contd.								
Number of persons dealt with by probation		Total	Number of boys whose sentences were committed to detention in a reformatory school		Persons ordered to pay compensation under section 250		Remarks	
Released on probation and required to reside at probation Home/Hostel or other places		Released on probation with a requirement to pay compensation to the victim						
30		31	32			33	34	35

Return No. X(Rule 250) Annual statement showing offences reported and persons tried, discharged, acquitted, convicted and committed by Magistrates for each offence in the district of during the year 19....

Nomenclature of offence with chapter and section of the Indian Penal Code or other law, applicable		Schedule number of offence
1		2
Schedule Of Offences		
I Punishable under the Indian Penal Code:-		Chapter
Offences against the State	VI	1
Offences against the Army or Navy	VII	2
Offences against the public tranquillity	VIII	3
Offences by or relating to public servants	IX	4
Contempts of the lawful authority of public servants	X	5
False evidence and offences against public justice		6
Offences relating (a) Coin and (b) Government stamps separately		7
Offences relating to weights and measures		8
Offences affecting the public health, safety, convenience decency and morals		9
Offences relating to religion		10
		Chapter XV -Sections
Offences affecting life		11

Causing miscarriage, injuries to unborn children, exposure to infants and the concealment of births	12
Hurt	13
Chapter XVI -Sections	
Wrongful restraint and wrongful confinement	14
Criminal force and assault	15
Kidnaping, forcible abduction, slavery and forced labour	16
Rape	17
Unnatural offence	18
Theft	19
Extortion	20
Robbery and dacoity	21
Criminal misappropriation of Property	22 23
Criminal breach of trust	24
Receiving of stolen property	25
Chapter XVII -Sections	
Cheating	26
Fraudulent deed and disposition of property	27
Mischief	28
Criminal trespass	29
Offences relating to documents and to trade or property marks	30
Criminal breach of contracts of service	31
Offences relating to marriage	32
Defamation	33
Criminal intimidation, insult and annoyance	34
II. Punishable Under the Code of Criminal Proceed:-	
Proceedings under Chapter VIII, security for keeping the peace	35
Proceedings under Chapter VIII, security for good behaviour	36
III. Punishable under Special and Local Laws	
Return	
No. X	
-Contd.	
Number of cases	
Offences reported	Complainants dismissed
Otherwise struck of as	Balances turned
Offences pending	Brought to trial
Received by	Received by transfer from a



under section 203	false	as true	investigation (by police or preliminary inquiry under section 202) at the close the year	(otherwise than by transfer during the year	transfer from another Court in the same district	Court in another district		
In and pending from the previous year	During the year	Offences reported and pending from the previous year	During the year					
3	4	5	6	7	8	8(a)	9(a)	9(b) 9

Return No. X –Contd.

Number of cases

Under trial during the year	Discharged	Acquitted	Convicted	Committed
On withdrawal from prosecution	Otherwise			
10	11	12	13	14
				15

Number of cases –Contd.	Number of complainants fined under section 250 of the Criminal Procedure Code	Remarks		
Died and escaped	Transferred to another Court in the same district, and	Transferred to a Court in another district	Remaining under trial at close of year	
16(a)	16(b)	16(c)	17	18 19

Return No. XI(Rule 250)Annual Statement showing the General Result of criminal cases in the tribunals of various classes in the district of..... during the year 19.....

Class of tribunal and name of Presiding Officer	No. of cases pending from last year	Instituted during the year	Total of columns 2 & 3	Number of cases disposed of during the year	Average number of days each case (disposed of during the year) remained pending
Instituted (otherwise than by	Received by transfer from	Received by transfer from a court in	Decided	Transferred to another court in the	Transferred to court in another

transfer) during theyear	another Court in thesame District	anotherdistrict		same district	district				
1	2	3(a)	3(b)	3(c)	4	5(a)	5(b)	5(c)	6

Number of cases pending at the close of year

Number of cases disposed of during the year, which remained pending

Up to three months

Over three months but six months

Over six months but below one year

For over one year

Number of cases pending

At the close of the year	Up to three months	Over three months but below six months	Over six months but below one year	One year old and over	Remarks
12	13	14	15	16	17

Return No. XII(Rule 250)Annual statement explaining delay in criminal cases pending over two years for the year.....in the district of.....

Court	Number and year of the case	Title of the case	If the accused is on bail or in Jail	Offence under the Penal Code or other law
1	2	3	4	5

Date of commencement of enquiry or trial	Dates on which each adjournment was granted with reasons for each adjournment	total number of adjournments	Orders of District Magistrates	Remarks
--	---	------------------------------	--------------------------------	---------

Note. - 1. In column 1, the name of the Presiding Officer of the Court is to be given.

**2. In column 4, if the accused was partly on bail and partly in Jail, the dates for each period.**

**3. In column, the date should be in all cases in which an accused person is arrested, the date of his arrest, in all other cases, the date when he appears before the court.**

Signature.....Designation.....Return No. XIII(Rule 250)Annual statement showing proceedings of Magistrates under the Code of Criminal Procedure, in the District of.....during the

year 19.....Nature of proceeding

Nature of proceeding	Total number of cases before the Courts during the year	Number of persons concerned	Disposed of during the year	Remaining	Remarks		
	Cases  Persons Convicted otherwise subjected to order	Cases	Persons				
1	2	3	4	5	6	7	8 9
1. Proceedings against witnesses under Chapter VI-Dand section 349							
2. Proceedings under Chapter VIII; to preventbreach of the peace							
3. Proceedings under Chapter VIII; security forgood behaviour							
4. Proceedings under Chapter IX; for maintenance ofwives, children & parents							
5. Proceedings against public nuisances; Chapter X							
6. Possession; Chapter X-C							
7. Frivolous or vexatious accusations summarilydealt with under section 250.							
8. Forfeiture of bail or recognizance; ChapterXXXIII							
9. Proceedings under section 360(8)(9) againstconvicted offenders released under section 360							

Return No. XIV(Rule 250)Annual statement showing the number of witnesses (including complainants) examined and discharged without examination, the period of their detention, and

sum paid to them as diet and travelling expenses in the district of.....during the year, 19....

Class of tribunal and name of Presiding Officer	Number of witnesses discharged after examination	Number of witnesses discharged without examination	Total of columns 2 & 3	Percentage of column 2 to column No. 4
1	2	3	4	5

Number of witnesses discharged after or without examination	Expenses paid under Government order	Remarks						
On first day	On second day	On third day	After third day	Number of witnesses not examined on attendance and directed to attend on adjourned hearing	Number of witnesses to whom payment were made	Amount paid	Percentage of column 12 to column 13	
6	7	8	9	10	11	12	13	14

Date.....Signature.....Designation.....Return No. XV(Rule 250)Annual statement showing the results of appeals in criminal cases In the district of.....during the year 19..

Class of Tribunal	Number of persons	Total number of applicants, including those remaining from previous year	Died and escaped	Transferred to another court in the same district	Transferred to a court in another district
1	2	3	4	5	

Chief JudicialMagistrate empowered to hear appeals on appeal fromTotal:

The Court of Sessionon appeal fromTotal:Grand Total:

RETURN  
NO. XV  
-Contd.

Appeals rejected	Sentence or order confirmed	Sentence reduced or otherwise altered	Sentence reversed	New trial or committed ordered	Total, whose cases were disposed of columns 3 to 8	Remaining at the end of the year	Pending from the previous year	Preferred during year	
Instituted (otherwise than by transfer) during the year	Received by transfer from another court in the same district	Received by transfer from a court in another district							
6	7	8	9	10	11	12	13	14	15

Disposed of during the year	Pending at end of year	Pending over three months	Pending over six months	Aggregate number of days during which the appeals entered in column 12 lasted	Average duration of each appeal	Remarks
Decided	Transferred to another court in the same district	Transferred to a court in another district				
17	18	19	20	21	22	23
						24 25

Return No. XVI(Rule 250)Annual Statement showing the results of revisions in criminal cases in the district of.....during the year, 19.....

Class of tribunal	Total number of applicants for revision including those remaining from previous year	Number of persons
Died and escape	Transferred to another court in the same district	Transferred to court in another district
Application rejected	Orders reversed	
1	2	3a
		3b
		3c
		4 5

The court Sessions in revision from

Total:

Grand Total:

Number of  
cases

Discharged set aside and committal ordered	New trial or further enquiry ordered	Total whose cases were disposed of columns 3 to 7	Remaining at end of year	Pending from the previous year	Instituted (otherwise than by transfer) during the year	Received by transfer from another court in the same district	Received by transfer from a court in another district	Decided
6	7	8	9	10	11	12	13	14

Number of  
cases –Contd.

Transferred to another court in same district	Transferred to a court on another district	Pending at end of year	Pending over three months	Pending over six months	Aggregate number of days during which the cases entered in column 12 lasted	Average duration of each case	Remarks
15	16	17	18	19	20	21	22

Return No. XVII(Rule 250)Annual statement showing the number of Sessions Judges and Magistrates employed to dispose of criminal work in the judgeship of.....for the year.....

Number of Sessions and Additional Assistant Judges who did both civil and criminal work during theyear	Number of Sessions and Additional/Assistant Judges who did only criminal work during the year	Number of Chief Magistrates and Additional Judicial Magistrates who did not both civil and criminal work during the year	Number of Chief Judicial Magistrates who did only criminal work during theyear	Number of Judicial Magistrates permanently employedand temporarily make in the cadre who did both civil(excluding revenue) and criminal work during the	Number of Judicial Magistrates permanently employedand any addition temporarily made in the cadre who did onlycriminal work during the year	Remarks
--	--	--	--	---	---	---------

					year					
1	2	3	4	5	6	7				
Signature.....Designation.....Return No. XVIII(Rule 251)Annual statement showing the number and result of trials in the Court of Sessions for the district.....during the year 19 .....										
Nomenclature of offence with chapter and section of the Penal Code, or other law, applicable					Schedule Number of offence Rule	Pending from previous year				
1					2	3				
Number of cases		Number of persons								
Committed during year	Otherwise instituted during year	Total	Before commencement of year	By commitment during year	Otherwise during year	Total	Discharged under Section 227	Transfer to C.J.M. under Section 228(1)(a)	On withdrawal from prosecution	
4	5	6	7	8	9	10	11	12	13	
Convicted	Died and escaped	Transferred to another court in the same district		Transferred to a court in another district		Whose cases were indisposed of at close of year				
15	16	17		18		19	20			
Dated.....Signature.....Designation.....Return No. XIX(Rule 251)Annual Statement showing Proceedings of the Court of Session under the Code of Criminal Procedure, for the.....district during the year 19..										
Nature of proceeding					Total number of cases before the court during the year	Number of persons concerned				
1					2	3				
1. Proceedings against witnesses under Chapter VI-D and section 349.2. Proceedings under Chapter VIII (Security for keeping the peace and for good behaviour)3. Forfeiture of bail bonds or recognizance under Chapter XXXIIITotal.....										
Disposed of during the year				Remaining	Remarks					
Cases				Persons	Cases      Persons					
Discharged				Convicted or otherwise subjected to an order						

4

5

6

7

8 9

Dated.....Return No. XX(Rule 252)Return of Sessions Cases disposed of during the month of 19 .... with explanation for low disposal, if any Name of Court Name of Presiding Officer.....

Sl. No.	Kind of cases	No. of cases pending at the beginning of the month	No. of cases instituted or received by transfer during the month	No. of cases disposed of during the month	No. of cases pending at the close of the month	No. of cases over six months old	Brief explanation for low disposal if, any
After trial	Otherwise (by transfer etc.)						
1	2	3	4	5	6	7	8
1. Murder cases.							
2. Culpable Homicide cases.							
3. Dacoity cases.							
4. Riot cases.							
5. Other Sessions Cases.							
6. Other Judge's cases.							
Total							
.....							

Note. - (a) The return for a month should be sent so as to reach this office on or before 5th of the month. (b) Part-heard cases of predecessors should be shown separately in this statement. Return No. XXI(Rule 253)Annual Criminal Report from District Magistrate.....DistrictThe following are the points on which notes should be recorded: -

### 1. Officer-in-charge of District during the year.

### 2. Returns of the incidence of complaints and applications pertaining to the security for keeping peace and good behaviour maintenance of public order and tranquility and other preventive actions.



**3. Results of such preventive proceedings.**

**4. Duration of such preventive actions and proceedings.**

**5. Proceedings under Criminal Procedure Code, 1973, under section 98, 107, 108, 109, 110, 133 and 145.**

**6. Witnesses:-(a) Detention of,**

(b)Examination of,(c)Payment of diet allowance to,

**7. General (Points not dealt within preceding Paragraphs, may be here noticed.**

Return No. XXII(Rule 234)Annual Criminal Report From Sessions Judge.....DistrictThe following are the points on which notes should be recorded: -

**1. Officers Incharge of Judgeship.**

**2. Returns of crime.-(Explain important variation in number and class of offences reported and brought to trial, notice action taken under section 203 of the Code. Assistance of the Chief Judicial Magistrate should be taken in the matter).**

**3. Trials. - (Notice important variations in number, class and results of cases, inordinate delay in individual Courts and the number of cases pending over six months, if large, should be noticed usual detention of witnesses should be explained).**

**4. Punishment. - (a) Fines-Notice realizations and cause for arrears.**

(b)Imprisonment-Life sentence.(c)Forfeiture of property(d)Other sentences.

**5. Probation. - (Number of persons released after admonition) Number of persons released under section 360 of the Code, number of persons released and put under supervision be noted. A general note regarding the implementation of reformation laws, e.g.. Probation of Offenders Act, Children Act etc. may be incorporated).**

## 6. Proceedings under Criminal Procedure Code.

### 7. Witnesses. - (a) Detention of;

(b) Examination of; (c) Payment of diet allowance to.

### 8. Appeals. - (Explain any considerable rise or fall in the number of appeals filed, comments on results).

### 9. Revisions. - As in para 8.

### 10. General. - (Notice state of record-room, weeding, accommodation of Courts, working of Oath Commissioners, Petition- writers, inspections of courts and offices and points not dealt within preceding paragraphs may be covered).

Return No. XXIII(Rule 250)Statement of actual receipts for..of the Court/Courts of.....

Major Head: Income

Minor Head: Head of Income

Name of the Court	Sale proceeds of unclaimed property	Court-fees realised in cash	General fees, fines and forfeitures	Miscellaneous fees and fines	Miscellaneous	Recoveries of over payments	Collection of payments for services rendered
1	2	3	4	5	6	7	8

Appendix D(See Section 476 of the Code)(Rule 213)List of printed forms authorised for use in Subordinate Criminal Courts: -

No.

of Description  
form

- 1.Summons to an accused person (Sections 61 and 204 of the Code, F.1. Schedule II).
- 2.Warrant of arrest (Sections 70, 71 and 204 of the Code, F. 2,Schedule II).
- 3.Bond and Bail-Bond after arrest under a warrant (Section 81 of theCode, F. 3, Schedule II)
- 4.Proclamation requiring the appearance of a person accused (Section82 of the Code, F. 4, Schedule II).
- 5.Proclamation requiring the attendance of a witness (Sections 82, 87and 90 of the Code, F. 5, Schedule II).
- 6.Order of attachment to compel the attendance of a witness (Section83 of the Code, F. 6, Schedule II).
- 7.Order of attachment to compel the appearance of a person accused(Section 83 of the Code, F. 7, Schedule II).
- 8.Order authorizing an attachment by the District Magistrate orCollector (Section 83, of the Code, F. 8 Schedule

II).9.Warrant in the first instance to bring up a witness (Section 87, of the Code, F. 9, Schedule II).10.Warrant to search after information of a particular offence (Section 93 of the Code, F. 10, Schedule II).11.Warrant to search to suspected place of deposit (Section 94 of the Code, F. 11, Schedule II).12.Bond to keep the peace (Sections 106 and 107 of the Code, F. 12, Schedule II).13.Bond for good behaviour (Sections 108, 109 and 110 of the Code, F. 13, Schedule II).14.Summons on information of a probable breach of peace (Section 113 of the Code, F. 14, Schedule II).15.Warrant of commitment on failure to find security to keep the peace (Section 122 of the Code, F. 15, Schedule II).16.Warrant of commitment on failure to find security for good behaviour (Section 122 of the Code, F. 16, Schedule II).17.Warrant to discharge a person imprisoned on failure to give security (Sections 122 and 123 of the Code, F. 17, Schedule II).18.Warrant of imprisonment on failure to pay maintenance (Section 125 of the Code, F. 18, Schedule II).19.Warrant to enforce the payment of maintenance by attachment and sale (Section 125 of the Code, F. 19, Schedule II).20.Order for the removal of nuisances (Section 133 of the Code, F. 20, Schedule II).21.Magistrate's notice and pre-emptory order (Section 141 of the Code, F. 21, Schedule II).22.Injunction to provide against imminent danger pending inquiry (Section 142, F. 22 Schedule II).23.Magistrate's order prohibiting the repetition etc. of an nuisance (Section 143 of the Code, F. 23, Schedule II).24.Magistrate's order to prevent obstruction riot etc. (Section 144 of the Code F. 24, Schedule II).25.Magistrate's order declaring party entitled to retain possession of land etc. in dispute (Section 145 of the Code, F. 25, Schedule II).26.Warrant of attachment in the case of a dispute as to the possession of land etc. (Section 146 of the Code, F. 26, Schedule II).27.Magistrate's order prohibiting the doing of anything on land or water (Section 147 of the Code F. 27, Schedule II).28.Bond and Bail-Bond on a preliminary inquiry before a police officer (Section 169 of the Code, F. 28 Schedule II).29.Bond to prosecute or give evidence (Section 170 of the Code, F. 29, Schedule II).30.Special summons to a person accused of a petty offence (Section 206 of the Code, F. 30, Schedule II).31.Notice of commitment by Magistrate to public prosecutor (Section 209 of the Code, F. 31, Schedule II).32.Charges (Sections 211, 212 and 213 of the Code F. 32, Schedule II).33.Summons to witness (Section 61 and 244 of the Code, F. 33, Schedule II).34.Warrant of commitment on a sentence of imprisonment of fine, if passed by a Magistrate (Sections 248 and 255 of the Code, F. 34, Schedule II).35.Warrant of imprisonment on failure to pay compensation (Section 250 of the Code, F. 35, Schedule II).36.Order requiring production in court of person in prison for answering to Charge of offence (Section 267 of the Code, F. 36, Schedule II).37.Order requiring in court of person in prison for giving evidence (Section 267 of the Code, F. 37, Schedule II).38.Warrant of commitment in certain cases of contempt when a fine is imposed (Section 345 of the Code, F. 38, Schedule II).39.Magistrate's or Judge's warrant of commitment of witness referring to answer or to produce document (Section 349 of the Code, F. 39, Schedule II).40.Warrant of commitment under sentence of death (Section 366 of the Code, F. 40, Schedule II).41.Warrant after a commutation of a sentence (Section 386 of the Code, F. 41 Schedule II).42.Warrant of execution of a sentence of death (Section 414 of the Code, F. 42, Schedule II).43.Warrant to levy a fine by attachment and sale (Section 431 of the Code, F. 43, Schedule II).44.Warrant for recovery of fine (Section 421 of the Code, F. 44, Schedule II).45.Bond and Bail Bond for attendance before officer-in-charge of Police Station or Court (Sections 436, 437, 438(3) and 441 of the Code, F. 45, Schedule II).46.Warrant to discharge a person

imprisoned of failure to give security (Section 442 of the Code, F. 46, Schedule II).

## Part II – Forms (Miscellaneous under the General Rules (Criminal))

(Vide Appendix-A)

No.  
of  
form

- Description
1. Form of communication regarding arrest, detention, conviction or release, as the case may be, of an M.P./M.L.A.
  2. Form of Letter of Request.
  3. Order Sheet.
  4. General Index.
  5. Index of Exhibits.
  6. Cover or title page in original cases.
  7. Letter reporting committal of case to Sessions.
  8. Calendar of a case committed to the Sessions.
  9. Statement of the result of the Sessions trial showing the prisoners punished and acquitted by the Sessions Judge.
  10. Daily Cause List.
  11. Memorandum of identification of suspects.
  12. Identification of property.
  13. List of documents.
  14. Statement of the result of criminal trial showing the prisoners punished and acquitted.
  15. Malkhana Slip.
  16. Inventory of property.
  17. Procedure on passing sentence of death.
  18. Form of classification of convicts.
  19. Challan for deposit of fine, compensation etc.
  20. Court-Receipt Book.
  21. Cover in Appeal or Revision cases.
  22. Requisition for Record.
  23. Notice of appeal under section 385(1) of the Code of Criminal Procedure 1973.
  24. Covering docket under which a notice to appellant in Jail is to be sent.
  25. Certificate on the General Index before transmission of record.
  26. Form for transmission of record.
  27. List of record of cases sent to the record.
  28. List of Police reports and miscellaneous proceeding not filed with the record of a regular case.
  29. Invoice of records consigned to the record room.
  30. Application for inspection of a record.
  31. Application for copy of record.
  32. Order for payment of diet-money.
  33. Licence for petition-writers.

## Part III – Form of Registers under the General Rules (Criminal)

(Vide Appendix-B)

No.  
of  
form

- Description
1. Register of miscellaneous criminal cases.
  2. Register of pleaders appointed under section 304(a) (1) of the Code of Criminal Procedure.
  3. Letter delivery book.
  4. Malkhana Register.
  5. Register of valuable properties.
  6. Register of fines, compensation, deposits, penalties and fees.
  7. Register of requisition for records.
  8. Register of records requisitioned and returned.
  9. Register of applications for inspection of Records.
  10. Register of applications for copies of records.
  11. Register of records handed over to the Head Copyist.
  12. Register of application for copies of record disposed of.
  13. Register of photostat copies.
  14. Inspection and compliances register.
  15. Stock book of Printed Forms.
  16. Register of printed forms. J1.
  17. General register of correspondence files.
  18. Register of letters received.
  19. Register of letters

issued.20. File Index.21. Register of General letters andCirculars.22. Register of complaints.23. Register of regular CriminalCases.24. Register of regular CriminalCases disposed of.25. Register of absconding persons.26. Register of police reports ofoffences.27. Register of miscellaneouspolice reports.28. Register of cases transferredunder section 122, Criminal Procedure Code.29. Register of Closed Register.30. Register of Criminal Appeals.31. Register of Criminal Appealsdisposed of.32. Register of Criminal Revisions.33. Register of Criminal Revisionsdisposed of.34. Register of Sessions Cases.35. Register of cases referredunder section 122, Code of Criminal Procedure.36. Register of Sessions Casesdisposed of.37. Register of Witnesses.38. Register of Court fees andprocess fees.39. Memorandum book of dates forcases.40. Register of Affidavits.41. Register of Petition-writers.42. Register of petitions to be maintained by LicensedPetition-writers.

## Part IV – Forms of periodical returns and reports under the General Rules (Criminal),

(Vide Appendix-C)

No.  
of  
form

Description  
1. Quarterly statement of MalkhanaArticles.2. Monthly statement showingdemand, collection and balance of fines levied and written off inthe Court of.....for the month of.....19  
.3. Consolidated figures ofcollection of fines etc.4. Monthly statement of finespertaining to Municipal Funds.5. Report of a periodical returnbeing blank.6. Sessions statement.7. Statement of cases in whichjudgments were delivered with delay.8. Annual statements showing thegeneral result of criminal trials in the tribunals of variousclasses in the district.9. Annual statement showing thedispositions by the various Criminal Tribunals in the exercise oforiginal jurisdiction in the district of.....10. Annual statements showingoffences reported and persons tried, discharged, acquitted byMagistrates for each offence in the district.11. Annual statement showing thegeneral result of criminal cases in the tribunals of variouscases in the district.12. Annual statement explainingdelay in pending over two years in the district.13. Annual statement showingproceedings of Magistrates under the Code of Criminal Procedure,in the district.....14. Annual statement showing thenumber of witnesses (including complainants) examined anddischarged without examination, the period of their detention andthe sum paid to them as diet and travelling expenses in thedistrict.....15. Annual statement showing theresult of appeals in criminal cases in the district.16. Annual statement showing theresult of revisions in criminal cases in the district.17. Annual statement showing thenumber of Sessions Judges and Magistrates employed to dispose ofcriminal work in the judgeship.18. Annual statement showing thenumber and result of trials in the court of Sessions for thedistrict.19. Annual statement showingproceedings of the court of Sessions under the Code of CriminalProcedure for the district.20. Return of Sessions casesdisposed of during the month of - with explanations for lowdisposal, if any.21. Annual Criminal Report fromDistrict Magistrate.22. Annual Criminal Report fromSession Judge.23. Statement of actual receipt.

Appendix E List of petty offences as defined in section 206(2), Code of Criminal Procedure, 1973.

S. No.	Name of the Act	Section
1.	Indian Penal Code-do--do--do--do-	137154171H171I290
2.	Cattle Trespass Act-do-	2627
3.	Indian Explosives Act	5(3)(C)
4.	The Lepers Act	11
5.	The Opium Act-do--do-	172123
6.	The Petroleum Act	23(1)
7.	Police Act	32
8.	Indian Post Office Act-do--do--do--do--do--do--do--do--do-	4958(1)58(2)59(1)59(2)63646
9.	The Companies Act	598(First part)
10.	Indian Telegraph Act-do--do--do-	20(First part)212329-A
11.	Indian Stamp Act-do--do--do--do--do-	626365666768
12.	Apprentices Act	31
13.	Biri and Cigars Workers(Condition ofEmployment) Act	33(1)33(2)
14.	Children (Pledging ofLabour) Act-do--do-	456
15.	Collection of Statistics Act	8
16.	Factories Act-do-	9799
17.	Indian Boilers Act	30
18.	Dock Labourers Act	9

19.	Wireless Telegraphy Act	6
20.	Employment Exchange(Compulsory Notification of Vacancies) Act	7(1)7(2)
21.	Wines Act-do-	5668
22.	Payment of Wages Act-do--do--do-	20(1)20(2)20(3)20(4)
23.	Personal Injuries (Compensation & Insc.) Act	14
24.	Trade Unions Act-do-	3132
25.	Weekly Holidays Act	9
26.	Workmen's Compensation Act	18A
27.	Registration of Births of and Deaths Act	23
28.	Registration of Foreigners Act	5(Second part)
29.	Representation of People Act	133
30.	Requisitioning and Acquisition of Immovable Property Act	120
31.	Public Premises Act (Eviction)	9
32.	Railways Act-do--do--do--do--do--do--do--do--do--do--do--do-	10610711011117(2)118(1)118(2)
33.	Dangerous Drugs Act	19
34.	Rajasthan Money Lenders Act	40
35.	Rajasthan Motor Vehicles Taxation Act	11
36.	Rajasthan Excise Act-do--do-	555862
37.	Rajasthan Nurses, Midwives, Health Visitors and Auxiliary Nurse Mid wives Registration Act, 1964-do-	31(1)31(2)31(3)

38.	Rajasthan Electricity (Duty) Act	9
39.	Rajasthan Entertainment & Advertisements Tax Act	10(2)10(3)
40.	Rajasthan Passengers & Goods Taxation Act	16
41.	Rajasthan Prevention of Juvenile Smoking Act	3
42.	Rajasthan Primary Education Act--do--do-	18(1)18(2)19
43.	Rajasthan Public Trusts Act--do-	70(1)70(2)
44.	Rajasthan Regulation of Boating Act	14
45.	Rajasthan Shops and Commercial Establishment Act--do-	33(1)33(2)
46.	Rajasthan Societies & Registration Act	48(1)
47.	Rajasthan Weights & Measures Act--do--do-	333637
48.	Rajasthan Urban Improvement Act	81
49.	Rajasthan Co-operative Societies Act--do--do--do-	131(b)131(d)131(e)131(g)
	Rajasthan Co-operative Societies Act--do--do--do-	Rs. 500/-Rs. 500/-Rs. 100/-Rs. 100/-
50.	Rajasthan Court Fees & Suits Valuation Act	70

Appendix F Rules Framed by the Central Government under Section 475 of the Code. [Published in the Gazette of India, Extraordinary, Part II, Section 3(H), dated 25-2-78]. Ministry of Home Government of India S.O. 488. - In exercise of the powers conferred by sub-section (e) of section 475 of the Code of Criminal Procedure, 1973 (2 of 1974), and in supersession of the Criminal Courts and Court Martial (Adjustment of Jurisdiction) Rules, 1952, the Central Government hereby makes the following Rules for the trial of the persons subject to Military, Naval or Air Force law, or any other Law relating to the Armed Forces to the Union by a Court in which the said Code applies, or by a Court-martial namely: -



**1. These Rules may be called the Criminal Courts and Court - martial (Adjustment of jurisdiction) Rules, 1978.**

**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 of the ship or naval establishment 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 officer for the time being in command of the unit to which such 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 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 Vishakhapatnam 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 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 Session, unless, -**

(a)he is moved thereto by a competent military, naval or air force authority; or(b)he is of opinion, for reasons to be recorded, that he should so proceed or to commit without being moved thereto by such authority.

**4. Before proceeding under clauses (b) of rule 3, the Magistrate shall give a written notice of the Commanding Officer or the competent military, naval or air force authority, as the case may be, of the accused and until expiry of a period of fifteen days from that 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 Session 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 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 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 that 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.**

**6. Where within the period of fifteen 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) 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 rule 5 or 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 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 step to insure 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 proceedings 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, on a reference mentioned in rule 8, decided that proceedings against such person should be instituted before 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.**