

The Orissa Service of Summons of Criminal Courts Rules, 1977

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Rule

THE-ORISSA-SERVICE-OF-SUMMONS-OF-CRIMINAL-COURTS-RULES of 1977

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The Orissa Service of Summons of Criminal Courts Rules, 1977Published vide Notification No. S.R.O. 637/77, dated 8th September, 1977, Orissa Gazette Part 3 No. 38, dated 23.9.1977Notification No. S.R.O. 637/77, dated 8th September, 1977. - In pursuance of Sub-section (1) of Section 62 of the Code of Criminal Procedure, 1973 (Act 11 of 1974), the State Government do hereby make the following rules for service of summons on persons for appearance in Court with immediate effect namely :

1.

Summons issued by the Criminal Courts under the Code of Criminal Procedure, 1973 (Act II of 1974), shall be served by the Process Serving Staff under their control :Provided that in cases exclusively triable by a Court of Session, the Presiding Officer may direct, in special circumstances and for reasons to be recorded in writing that summons to a witness be served through a police officer.

2. Plural form to be used for persons summoned.

- In all summons issued by the Criminal Courts in the Court language, the plural form of form of the pronoun shall be used in addressing the persons summoned.

3. Medical witnesses how to be summoned.

(1)Summons to the following classes of Medical Officers in the districts, namely :(i)Government

Medical Officers in Government Medical Institutions;(ii)Government Medical Officers in Local Fund and Municipal Taluk Headquarters Medical Institutions;(iii)Government Medical Officers lent for services in Local Fund and Municipal Medical Institutions;(iv)Local Fund and Municipal Medical Officer;(v)Rural Medical practitioners in charge of Local Fund Rural Dispensaries (who are neither Local Fund servants nor Government servants);(vi)Honorary Medical Officers, shall be served direct on the Medical Officers when their absence from the station is not involved, and the fact intimated to the Chief District Medical Officer concerned for information.

4.

In cases involving absence of the Medical Officers specified in Rule 3 from the station, summons shall be served through the Chief District Medical Officer in respect of all classes of Medical Officers except Honorary Medical Officers. The Chief District Medical Officer, while forwarding the summons to Medical Officers employed in Local Fund and Municipal Medical Institutions, whether they are Government servants lent to Local Bodies or are servants of the Local Bodies should simultaneously send intimation to the Executive Authority of the Municipal Council or Notified Area Council, through the Chairman concerned. The same procedure shall be adopted in the case of Rural Medical Practitioners also. The arrangement for the running of the Medical Institution will be made by Chief District Medical Officer wherever he has to do so and in other cases the Executive Authority of the Municipal Councillor Notified Area Council through the Chairman concerned.

5.

In the case of Honorary Medical Officers, the summons shall be served through the Superintendent or Medical Officer-in-charge of the Medical institution so that he may make the necessary arrangements for the relief of the Honorary Medical Officer,

6.

In all cases where the time available is short or the Medical Institution is far off, a telegram may be sent.

7.

In cases where the Superintendents of hospitals and Civil Surgeons are required to attend Criminal Courts to give evidence on professional matters, the summons shall be served on them direct when their absence from station is not involved ; but the fact should be intimated simultaneously to the Director of Health Services, Orissa. In the case of summons intended for the Chief District Medical Officers to attend Criminal Courts to give evidence on professional matters, the summons need-not be sent through the Director of Health Services, Orissa, except in cases in which their absence from their jurisdiction is involved.

8.

Presiding Officers of Courts should see that their special orders are taken before the summons is issued to a medical witness and that, a convenient date is fixed for his examination. If there is more than one medical officer in a hospital only one officer should as far as possible be summoned at a time. If possible it may be previously ascertained from the medical officer what time would best fit in with his professional duties. A medical witness should be summoned only when the presence of the accused is certain and where there is no likelihood of the cases being adjourned for any other reason. The Presiding Officer of the Court should see that the time fixed for the examination of the medical officer from his duties is as brief as possible.

9. Mode of service.

- When the serving officer delivers or tenders a copy of the summons to the person sought to be served personally or to an agent or other person on his behalf he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgement of service endorsed on the original summons. In the case of illiterate persons their thumb impressions should be taken and duly attested by person of the locality or by the serving officer himself.

10. Service of notice issued by the High Court.

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

11. Production of prisoners not permitted in some cases.

- No State prisoners or prisoner under sentence of death shall be removed under the Prisoners (Attendance in Courts) Act, 1955 from the jail in which he may be confined without the special sanction of Government except in the case of a prisoner under sentence of death whose presence is required by a Sessions or High Court for the purpose of taking additional evidence in the case under Section 391 of the Code, in all other cases in which the evidence of such a prisoner is required, the Court shall proceed to the jail and there record the evidence of the prisoner, unless the Government have sanctioned his removal from the prison to the Court-house for the purpose.