

APPENDIX XXX

(Regulation 612.)

Measures to be taken against the institution of fraudulent civil suits in courts situated at such a distance from the houses of the defendants that it is practically impossible for them to contest the claims satisfactorily.

1. On receipt of intimation that a fraudulent civil suit has been instituted or a fraudulent decree obtained at a distant court against a resident of Bengal, the District Magistrate, or, in Calcutta, the Commissioner of police, shall at once communicate with the Criminal Investigation Department, Bengal, and at the same time inform the Magistrate of the district in which the suit has been instituted. If the case is instituted or fraudulent decree obtained in the Small Cause Court of Calcutta, intimation shall be sent only to the Deputy Inspector-General, Criminal Investigation Department, Bengal.
2. The Deputy Inspector-General, Criminal Investigation Department, on receipt of such information or information from other sources, shall at once cause an enquiry to be made with a view to ascertain the truth or falsity of the suit, and shall communicate the result of such enquiries to the Magistrates concerned.
3. If on enquiry the case or decree is found to be fraudulent, the Criminal Investigation Department, in consultation with the Magistrate of the district where the case has been instituted, shall arrange for the proper defense of the suit at the expense of the State or the necessary application for setting aside the decree. If the decree has passed ex-parte, an application for setting it aside shall be made to the court concerned within 30 days from the date on which the passing of the decree came to the knowledge of the defendant.
4. If the suit be dismissed or withdrawn, or the time for setting aside the ex-parte decree have expired, and if clear evidence be forthcoming that the suit has been fraudulently instituted an application shall without delay be made to the court concerned either through the defendant or by the public Prosecutor or the Deputy Inspector-General, Criminal Investigation Department, to prosecute the plaintiff and his abettor, if any.
5. When complaint is made the public prosecutor or any other competent pleader shall, with the sanction of the Legal Remembrances, be appointed by the District Magistrate to conduct the prosecution of the case in the criminal court. The public prosecutor of Calcutta shall prosecute cases in

which complaint is made by the High Court or the Small Cause Court of Calcutta.

6. Expenses incurred in the civil courts in Bengal and the Small Cause Court, Calcutta, shall be borne by the provincial Government and be met by the Deputy Inspector-General, Criminal Investigation Department, who has been granted a special sum for the purpose, Expenses incurred in prosecutions in criminal courts shall be met by the Magistrate in whose court the case is tried as in other Crown cases.

7. If a suit be instituted in any other province against a resident of Bengal, the Deputy Inspector-General, Criminal Investigation Department, Bengal, on receipt of intimation from the District Magistrate, shall at once communicate with the Deputy Inspector-General, Criminal Investigation Department of the province in which the suit has been instituted, who will act according to the rules of that province. The Deputy Inspector-General, Criminal Investigation Department, Bengal, shall at the same time cause an enquiry to be made in this province and forward the papers to the Deputy Inspector-General, Criminal Investigation Department of the province in which the suit was instituted.

8. On receipt of information from Magistrates or the Criminal Investigation Department, of another province of a suit instituted in the civil courts in Bengal or the small cause court, Calcutta, against a resident of that province, the criminal Investigation Department, Bengal shall proceed according to the foregoing rules.

9. A general power-of-attorney shall, whenever possible, be taken from the defendants in favor of the Deputy Inspector General, criminal Investigation Department, Bengal, or of any other officer selected by the Deputy Inspector General.

10. The control of these cases both in the civil and criminal courts shall remain with the Deputy Inspector-General, Criminal Investigation Department.