

## THE CODE OF CRIMINAL PROCEDURE (KARNATAKA) RULES, 1984

In exercise of the powers conferred by sub-section (2) of Sections 304 and 477 of the Criminal Procedure Code, 1973 (Central Act 2 of 1974) read with Government Notification No. HD 1673 PCC 81, dated 20<sup>th</sup> April, 1983, the High Court of Karnataka, with prior approval of the State Government, hereby makes the following rules, namely.-

1. Title and commencement.- (1) These rules may be called the Code of Criminal Procedure (Karnataka) Rules, 1984.

(2) They shall come into force at once.

2. Legal Aid to the accused at State Expense in certain cases.- (1) (a) Where in a trial before a Court of Sessions, the accused is not represented by a pleader and where it appears to the Court that the accused has no sufficient means to engage a pleader, the Court shall, assign a pleader whose name is included in the panel of pleaders prepared under sub-rule (4) for his defence at the expense of the State.

(b) Wherein a trial before any Court other than a Sessions Court relating to any offence (including attempt to commit such offences and abetment thereof), but excluding offences punishable with fine only under Chapters VIII, IX, XVI, XVII and XVIII of the Indian Penal Code, 1860 (Central Act XIV of 1860), the accused is not represented by a pleader and where it appears to the Court that the accused has no sufficient means to engage a pleader, the Court shall assign a pleader whose name is included in the panel of pleaders prepared under sub-rule (4), for his defence at the expense of the State.

(2) The fact and the date of appointment of a pleader under sub-rule (1) shall be noted in the order sheet.

(3) The Court shall allow inspection of the records of the case by the Pleader appointed under sub-rule (1), and shall furnish him the necessary papers and allow him adequate time to prepare such defence. Such time shall not be less than seven days in a Court of Sessions.

(4) For the purpose of sub-rule (1) the Presiding Officer of the concerned Court shall prepare a panel of not more than four pleaders who are willing and in his opinion suitable to be appointed under sub-rule (1). Only pleaders who have put in not less than five years of practice at the Bar

shall be included in the panel prepared by a Sessions Judge and only pleaders who have put in not less than three years of practice at the Bar shall be included in the panel prepared by any other Court. A panel so prepared shall remain in force for a period of three years. The name of a pleader shall not be included in the panel for more than two terms.

(5) (a) The Presiding Officers of the Courts are authorised to sanction to each pleader engaged under sub-rule (1), payment of the fee specified below namely.-

<sup>1</sup> [(i)	In Courts of Sessions	Rs. 200/- per day of effective hearing subject to a maximum of Rs.4000/- per case.
(ii)	In other Subordinate Courts.	Rs. 100/- per day of effective hearing subject to a maximum of Rs.2000/- per case.]

(b) In exceptional cases, on account of the complexity or extra labour involved, if the Presiding Officer considers that higher amount shall be paid by way of remuneration, he may make a recommendation for that purpose to the Government through the High Court.

(b) The pleader engaged under sub-rule (1) shall not receive any fee from the party or from any other source.

1. Sub rule 5 of rule 2 in clause (a) items (i) & (ii) subs by notification no HCLC 59/2002, Bangalore, Dated 07-04-2003.