



HIGH COURT OF ANDHRA PRADESH::AMARAVATI

ROC.NO.216/2023-VIGILANCE CELL

DATED:17.01.2023

C I R C U L A R

SUB: Courts - Criminal - Pronouncement of Judgments in all Criminal Cases - Strict compliance of Section 363 of Cr.P.C- Certain instructions - Regarding.

- REF: 1. High Court's Circular Roc.No.459/SO/79, dated 30.04.1979.
2. High Court's Circular Roc.No.1059/SO-82-2, dated 30.06.1982.
3. High Court's Circular Roc.No.4456/2003/OP.CELL-E, dated 11.09.2003.
4. High Court's Circular Roc.No.2963/OP.CELL-E/2004, dated 15.07.2004.

-oOo-

Attention of all the judicial officers in the State of Andhra Pradesh is hereby drawn to the High Court Circular instructions issued under references 1st to 4th cited.

As per Section 363 of Code of Criminal Procedure, when the accused is sentenced to imprisonment, a copy of the judgment shall, immediately after the pronouncement of the judgment, be given to her/him free of cost.

In the references 1st to 4th cited, all the judicial officers in the State who are presiding over the criminal courts were directed to adhere to the mandatory provision of Section 363 of Code of Criminal Procedure.

Inspite of above instructions issued from time to time, High Court has been receiving complaints against certain Judicial Officers that they are delivering judgments without making copies of the judgments ready and available and not adhering to the above instructions issued under references cited supra.

Cyber
18/1/23

Therefore, reiterating the instructions already issued under references cited supra, all the Judicial Officers who are presiding over the criminal courts shall deliver judgments after making copies of the judgments ready and available for supply of the same to the accused (convicts), immediately after pronouncing the judgments.

The circular instructions under 1st to 4th cited are enclosed herewith.

Sankh

17.01.23

REGISTRAR (VIGILANCE)

To

All the Unit Heads in the State of Andhra Pradesh
(with a request to communicate the circular to all the Officers working
in their units)

DISTRICT COURT, KRISHNA, MACHILIPATNAM, Dt.:19.01.2023.

While communicating the Circular in R.O.C., No.216/2023-VIGILANCE CELL, dated 17.01.2023 along with Four (4) references enclosures with regard to Section 363 Cr.P.C for supply of the copy of the Judgment to the accused (Convicts) immediately after pronouncing the judgment, all the Judicial Officers in the District are requested to follow the instructions issued by the Hon'ble High Court of A.P., scrupulously, as directed.

S. Anu

PRINCIPAL DISTRICT JUDGE,
KRISHNA, MACHILIPATNAM.

Encl:

As above

Dis No. 5/2
19/1/23

To

1. All the Judicial Officers in the District
2. The System Officer, Prl. District Court, Krishna at Machilipatnam (with a request to upload the Circular and Four (4) reference enclosures in the official website immediately)

HIGH COURT OF ANDHRA PRADESH :: AT. HYDERABAD

ROC.NO.459/SO/79.

Dated: 30.4.1979.

CIRCULAR

Sub: Delays in furnishing copies of Judgements in sessions cases to the police where accused are acquitted - Instructions - Issued.

Attention is invited to the High Court's Circular ROC.No.1062/SO/76, dated: 9.12.1976, wherein instructions have been issued by the High Court to all the Sessions Judges, Additional Sessions Judges, and Assistant Judges to adhere Strictly to the provisions of Sec.363 of the Code of Criminal Procedure, 1973 and to supply to the accused sentenced to imprisonment, free of cost a copy of the judgement immediately, after pronouncement of the judgement. Instructions were also issued that where the judgement is voluminous and where there were number of accused persons, instead of retyping judgements several times the fair copy of the judgement itself can be conveniently cyclostyled as is done in some of the sessions courts so that copies are available for being furnished to the accused persons sentenced to imprisonment immediately after the judgement is pronounced.

It has been brought to the notice of the High Court that in some of the Courts copies of the judgements are not furnished to the police immediately after the pronouncement of the judgement and on account of the long delay in printing of sessions cases, difficulty is being experienced by them for taking prompt action in preferring appeals in cases where the accused are acquitted.

All the Sessions Judges including the Additional Sessions Judges and the Assistant Sessions Judges are informed that in view of the delay in supplying printed copies of judgements under Rule 145 of the Criminal Rules of Practice and the consequent delays in preferring appeals in cases of acquittal, they may supply type written or cyclostyled copies of judgements to the Superintendent of Police, concerned and the Superintendent of Police, Crime Branch C.I.D. where the cases are investigated by the latter, as expeditiously, as possible in any case within 15 days prescribed under Rule 145 of the Criminal Rules of Practice so that there may not be delay in preferring appeals where the accused are acquitted.

Where it is considered that there would be undue delay in furnishing printed copies of Sessions Judgements under Rule 145 of the said Rules and necessary arrangements are available in the Court to supply cyclostyled copies instead of printed copies, Cyclostyled copies may be furnished to the authorities mentioned in the said Rule.

Sd/- REGISTRAR (ADMN)

HIGH COURT OF ANDHRA PRADESH HYDERABAD

Roc.No.1059/SO/82-2,

Dated 30th June, 1982.

CIRCULAR

Sub:- Furnishing of copies of judgements in criminal cases to the accused or the parties concerned without delay instructions Regarding.

An instance is brought to the notice of the High Court that a Sessions Judgments was dictated at Home and pronounced in Court before typing and that a copy of the said judgment was furnished to the accused who was sentenced to life imprisonment long after delivery of judgment.

The attention of the District and Sessions Judges and other presiding Officers of the Criminal Courts in the State is therefore invited to the provisions of Sections 353 and 363 and other relevant Sections of the code of Criminal Procedure, 1973 with regard to pronouncing of judgments making the whole judgment or the copy thereof available for the perusal of the accused or the copy thereof available for the perusal of the accused or the parties or their Advocates free of cost and furnishing copies of judgments to the accused or the parties immediately after pronouncement and without delay and the Presiding Officers are directed to follow those provisions scrupulously.

The Presiding Officers of all the Sessions Courts and other Criminal Courts in the Stat are hereby directed to follow the Instructions mentioned hereunder in the matter:-

(a) The judgments shall be pronounced after they are type unless the whole of the judgments are dictated in the open court to the Stenographer and copies of such judgments shall be delivered to the accused or the parties concerned immediately; and.

(b) In cases where the whole of the judgments are dictated in open Court to the Stenographer, the Presiding Officers shall ensure that judgments are transcribed immediately, giving priority to the said work and that copies of judgments are delivered to the concerned without undue delay.

Sd/-
Registrar (Administration)

HIGH COURT OF ANDHRA PRADESH ; HYDERABAD

ROC.No. 4456/2003/OP. CELL-E

Dated: 11-09-2003.

CIRCULAR

Sub: Criminal cases - Pronouncement of Judgmnets in all Criminal cases - Caertain Instructions - issued.

* * *

Instances have come to the Notice of the High Court, that some of the Judicial Magistrate of First Class, Assistant Sessions Judges and Sessions Judges, those who are presiding over the Criminal Courts in the State, are delivering the Judgments in Criminal Cases without making copies of the judgments ready and available for supply of the same to the Accused/Appellants to enable them to take further steps as per the provision of law.

Therefore, the High Court after taking into consideration of the above said aspect, hereby direct all the Presiding Officers, who are manning the Courts of Judicial Magistrate of First Class, Metropolitan Magistrates, Assistant Sessions Judges, Sessions Judges and Metropolitan Sessions Judges in the State of Andhra Pradesh to pronounce judgements in all Criminal cases, only after the copies of judgments are ready and made available for supply of the same to the Accused/Appellants, under section 363 Code of Criminal Procedure, 1973 read with Rule 72 of the Criminal Rules of practice and cricular orders.

Any deviation in observing the above said directions will be viewed seriously by the High Court.

Receipt of the Circular may please be acknowledged.

Sd/-
REGISTRAR (VIGILANCE)

To

1. All the Principal and District and Sessions Judges in the State,
2. The Metropolitan Sessions Judges, Hyderabad, Vijayawada and Visakhapatnam.

(With a request to communicate the Circular to all the Criminal Courts functioning in their Units for strict observance of the directions)

3. The Director, A.P. Judicial Academy, Secunderabad.
4. The Section Officer, Spl. Officer Section, High Court of A.P., Hyderabad. (Two copies for Condification.)
5. Two spare copies to file.

HIGH COURT OF ANDHRA PRADESH : HYDERABAD

ROC.No. 2963/OP. CELL-E/2004

Dated: 15-07-2004.

CIRCULAR

Sub: Courts - Criminal - Pronouncement of Judgments in all Criminal Cases - Strict Compliance of Section 363 of Cr. PC and Rule 72 of Criminal Rules of Practice - Instructions - Reg.

Read: High Courts Circular Roc. No: 4456/OP CELL-E/2003, dated 11-09-2003.

* * *

It is brought to the notice of the High Court that inspite of the Circular Instructions, still some of the Presiding Officers manning the Criminal courts in the State are delivering the Judgements in Criminal cases without making copies of the judgments ready and abailable for supply of the same to the Accused/Appellants contrary to the mandatory provisions of Section 363 Code of Criminal Procedure read with rule 72 of the Criminal Rules of Practice and thereby causing any amount of hardship to the convicts in applying for the suspension of sentence or to take further steps in preferring appeal.

While deprecating the said practice, the High Court once again reiterates and instructs all the Judicial Officers presiding over the Criminal Courts in the State to strictly adhere to the mandatory provisions of Section 363 of Cr. P.C. and Rule 72 of Criminal Rules of Practice to safeguard the interests of the Accused/Convicts.

Any deviation in obseving the above said direction will be viewed seriously and disciplinary proceedings will be initiated against the erring Officers.

Receipt of this Circular may kindly be acknowledged.

Sd/-
REGISTRAR (VIGILANCE)

To

1. All the Principal and District and Sessions Judges in the State,
2. The Metropolitan Sessions Judges, Hyderabad, Vijayawada and Visakhapatnam.
(With a request to communicate the Circular to all the Criminal Courts functioning in their Units for strict observance of the directions)
3. The Director, A.P. Judicial Academy, Secunderabad.
4. The Section Officer, Spl. Officer Section, High Court of A.P., Hyderabad. (Two copies for Condification.)