

Copy of L.No.12522/XLIXD-42/79 dt. Cuttack the 24th Nov.1983 received from Shri R.N.Panda, M.A.,B.L., Registrar of the High - Court of Orissa; addressed to All the District and Sessions Judges of the State.

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Sub: Maintenance of a common Malkhana and common Register of properties for Sessions and Magisterial Courts.

Sir,

I am directed to say that a question as to whether there is any necessity for Chief Judicial Magistrate-cum-Assistant Sessions Judges to maintain a register of Material Objects where there is no Malkhana under their exclusive control, was under consideration of the Court. From the reports of Sessions - Judges it revealed that at district headquarter stations, the Sessions Judges are having a separate Malkhana in respect of properties relating to Sessions cases pending in Courts of all the Sessions Judges and Assistant Sessions Judges of the station and a separate Register is being maintained by them in respect of such properties kept in that Sessions Malkhana.

For the Court of the Judicial Magistrates, there are separate Malkhanas and separate Registers being maintained for the properties kept therein.

Their reports regarding the Malkhanas of Courts of Judicial Magistrates reveal unsatisfactory state of affairs. Maintenance of a common Register is likely to lead to confusion in detecting the properties.

In the circumstances, the Court have been pleased to observe that the prevalent practice of maintenance of separate Malkhana for the Sessions courts and Magisterial Courts should - continue. Action is being taken for construction of Malkhana rooms for outlying courts of Addl.Sessions Judges and Asst.Sessions - Judges. Pending such constructions, the properties relating to the Sessions cases should be preserved in the Malkhana of the Judicial Magistrates. The Judge in-charge of the Malkhana shall maintain a separate Register in Form No.R.27 in respect of properties relating to sessions cases. He should take steps to produce the properties during the trial of the Sessions cases and should dispose of the properties in accordance with the direction of the trying Judge.

I am, therefore, to request that the above - instructions may be brought to the notice of all Criminal courts subordinate to you for their future guidance.

Yours faithfully,

Sd/- 24.11.83.  
For Registrar.

memo no.12523(25) dt.24.11.83.

Copy forwarded to the Sessions Judge, Ganjam for information and guidance and for favour of communication to and guidance of all the Criminal courts subordinate to him.

Sd/-  
Special officer. 24.11.83