

DISTRICT COURT, MALKANGIRI

INDUCTION TRAINING STUDY MATERIAL — 2026

GENERAL RULES AND CIRCULAR ORDERS

(CRIMINAL)

HIGH COURT OF ORISSA — THIRD EDITION

(All Amendments till 12.02.2025 incorporated)

Prepared for — Trainees

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Scope of this Study Material

This material provides a brief but comprehensive reference to the key rules of the **General Rules and Circular Orders (Criminal), High Court of Orissa** that are most relevant to newly recruited ministerial staff. Topics covered include: Court Hours & Seal, Petitions & Complaints, Processes & Summons, Warrants, Evidence Recording, Judgments, Appeals, Execution of Sentences, Fine Registers, Custody of Records & Property, and Key Registers.

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CHAPTER I — COURT & OFFICE HOURS AND COURT SEAL [Rules 1–13]

1. Court Hours

Rule 1(a)/(b)	Timings
	Day Sittings: Court shall ordinarily sit from 10:30 AM to 5:00 PM with a recess from 1:30 PM to 2:00 PM.
	Morning Courts: 7:00 AM to 1:00 PM with recess 10:00–10:30 AM.
	Court shall commence not later than 11:00 AM (day) or 7:30 AM (morning) and rise at 4:00 PM or 12:30 PM respectively.

Rule 2	Clearance Day
	On the last Saturday of every month, a Clearance Day shall be observed for disposal of pending work.
	If such Saturday is a holiday, the preceding working day is observed as Clearance Day.

Rule 3	No Sitting on Holidays
	Without consent of parties, no criminal enquiry or trial shall be held on Sundays or gazetted holidays , except in urgent necessity.

♦ **Ministerial Duty:** Ensure cause list is prepared by the previous evening and placed on the Presiding Officer's table before court hours.

2. Court Seal

Rule 7	Court Language — Malkangiri
	For Gunpur, Rayagada, Bissamkatak, Pottangi and Malkangiri Taluks in Koraput District — the Court language is English, Oriya and Telugu .
	All documents, processes and correspondence shall be in the Court language.

Rule 8	Custody of Regular Seal
	The Court seal shall be placed in custody of a responsible officer of the Court .
	Documents required to be sealed shall be sealed under the superintendence of the custodian officer.
	The seal shall be used for all official documents and processes issued by the Court.

Rule 12	Destruction of Worn-out Seals
	Worn-out seals, when replaced, shall be destroyed in the presence of the Presiding Officer.
	A note of such destruction shall be made in the Order Book under the dated signature of the Presiding Officer.

■ **WARNING:** The court seal must never be used by unauthorised persons. Misuse of court seal is a serious misconduct.

CHAPTER II — PETITIONS, COMPLAINTS & AFFIDAVITS [Rules 14–30]

1. Form and Presentation of Petitions

Rule 14 Form of Petitions and Affidavits

All petitions and affidavits shall be in the **language of the Court** and, as far as practicable, **typewritten**.

Every page and every interlineation, alteration or erasure shall be authenticated by the initial of the petitioner/appellant or his pleader.

Specifications: Superior quality A4 paper (29.7 cm × 21 cm), ≥75 GSM, Font: Times New Roman, Size 14, 1.5 line spacing; margins: 5 cm left/right, 3 cm top/bottom.

Rule 17 Service of Copies

In contested cases, no petition or list of documents shall be filed unless copies have been **previously served on the opposite party or his pleader**.

The opposite party or his pleader shall give **receipt on the original petition**.

2. Complaints

Rule 18 Time for Receiving Complaints

Private complaints shall be received daily at fixed hours, **ordinarily at the commencement of the day's sitting, but not later than 12 Noon**.

Rule 19 Who Receives Complaints

At subdivision headquarters: All complaints shall be received by the **Sub-divisional Judicial Magistrate**.

At outlying stations: By the Judicial Magistrate having jurisdiction.

All complaints shall be registered on the same day of receipt.

Rule 21 Examination of Complainant (Section 200 BNSS/CrPC)

The examination of the complainant shall be a **thorough and intelligent inquiry** to enable the Magistrate to determine if the complainant is genuinely aggrieved.

The examination shall be made by the Magistrate himself.

The statement of the complainant shall ordinarily be recorded on the **back of the petition of complaint**.

3. Affidavits

Rule 27 Particulars by Commissioner of Affidavits

The officer taking the affidavit shall state: (i) date, (ii) place, (iii) sign his name and (iv) mention his designation at the end.

Rule 28 Illiterate/Blind Deponent

When the deponent appears illiterate, blind, or unacquainted with the language of the affidavit, the officer shall certify that the affidavit was **read over, translated or explained** in his presence and that the deponent understood it.

The deponent's signature or mark shall be made in the presence of the officer; otherwise the affidavit shall not be used in evidence.

♦ **Ministerial Duty: Register all petitions and complaints received, note the date and time, and place them before the Presiding Officer on the same day. Never return a petition without official receipt.**

CHAPTER IV — PROCESSES (SUMMONS, WARRANTS & SERVICE) [Rules 31–45]

1. Form and Contents of Process

Rule 31(a)	Full Description in Process
	Every process shall contain the correct name, address and sufficient description to clearly identify the person on whom it is to be served.
	In large towns: street name, ward number, and house number (if known) shall be stated.
	Process shall be written in ink .
Rule 31(b)	Language of Process
	Process shall ordinarily be issued in the language of the Court.
	Process sent to another place with a different language shall be accompanied by a translation in the language of the receiving court .

2. Summons

Rule 32	Authority to Issue Summons
	Summons to witnesses shall ordinarily be signed by the Chief Ministerial Officer of the Court with the words ' BY ORDER OF THE COURT '.
	Summons to accused shall be signed by the Presiding Officer or authorised officer.
	Under BNSS, summons must also inform the accused about his right to bail (if bailable offence) and availability of ADR/Virtual Court.

3. Warrants

Rule 36	Non-Bailable Warrant — Date of Execution
	Every non-bailable warrant of arrest shall record, by separate endorsement, the date by which the Officer-in-Charge of the Police Station shall report to the issuing Court about execution or non-execution.
Rule 37	Delivery of Process — Time
	Processes shall, except in urgent cases, be made over to the Deputy Administrator or Police Officer at least 10 days before the date fixed .
	A Register of processes made over to the Deputy Administrator shall be maintained in Form No. (R) 9-A.
	A separate Register of warrants and processes issued to each Police Station shall also be maintained.
Rule 42	Process Against Members of Parliament/Legislature
	No summons or other process issued against a Member of Parliament or State Legislature shall be sent to the Presiding Officer or Secretariat of Parliament or Legislature.
	No such process shall be served within the precincts of the House of which he is a Member.

A **Letter of Request** to the Secretary of the House is the correct procedure.

NOTE: *NSTEP (National Service & Tracking of Electronic Processes): Process Servers must now use the NSTEP mobile app for serving processes, capturing GPS location, photograph, and e-signature of the person on whom the process is served. This generates an electronic service report.*

♦ **Ministerial Duty: Record every process issued and received in the Process Register on the same day. Non-entry of a process is a serious lapse.**

CHAPTER VII — CONFESSIONS & STATEMENTS OF ACCUSED [Rules 49–55]

Rule 49(i) Time for Recording Confession

Recording of confession **immediately on production by Police** should be avoided.

Ordinarily, the accused should be allowed **a few hours for reflection**, free from Police influence, before the statement is recorded.

The **Police shall not be present** when a confession is recorded.

Rule 49(ii) Place of Recording

Confession shall be recorded in **open Court during Court hours**, except in unusual circumstances requiring otherwise (e.g., public interest or security).

♦ **Ministerial Duty: The confession record must be placed in a separate sealed cover and must be treated as confidential until produced in evidence. No person other than the Presiding Officer shall handle this document.**

CHAPTER XIII — PROCEDURE, EXPEDITIOUS TRIAL & RECORDING OF EVIDENCE [Rules 83–99]

1. Expeditious Trial

Rule 83	Day-to-Day Trial
	Once examination of witnesses has begun, it shall be continued from day to day until all witnesses in attendance have been examined.
	Adjournment beyond the next day requires reasons to be recorded under Section 309 BNSS/CrPC.
	The Presiding Officer shall fix the next date of trial at the end of each hearing.

2. Recording of Evidence

Rule 84	Manner of Recording Depositions
	Depositions shall be written on both sides of A4 paper , leaving a margin of one-fourth blank.
	Only one deposition per sheet .
	Evidence shall be recorded in typed/computer format if available .
	The Presiding Officer shall not record evidence in more than one case at the same time .

Rule 88	Numbering of Witnesses
	Prosecution Witnesses: PW-1, PW-2, etc. (seriatim)
	Defence Witnesses: DW-1, DW-2, etc.
	Court Witnesses: CW-1, CW-2, etc.

Rule 91	Marking of Documents/Exhibits
	Prosecution documents: Exhibit P-1, P-2, etc.
	Defence documents: Exhibit D-1, D-2, etc.
	Court documents: Exhibit C-1, C-2, etc.
	Material Objects: MO-1, MO-2, etc.
	Exhibit number shall also show the witness number through whom the document was introduced (e.g., Exhibit P-1/PW-1).

Rule 87	Paragraphing Depositions
	Each deposition shall be separately paragraphed with consecutive numbers .
	Documents admitted in evidence should not ordinarily be returned until the case is over at all stages.

♦ **Ministerial Duty: List of Exhibits must be maintained in the case file. Every exhibit shall be entered in the Exhibit Register on the day it is marked.**

CHAPTER XIV — JUDGMENT & SENTENCE [Rules 100–115]

Rule 100	Form of Judgment
	Every judgment shall be legibly written on superior quality A4 size paper , Font: Times New Roman, Size 14, 1.5 line spacing; margins: 5 cm left/right, 3 cm top/bottom.
	Every judgment shall be written in paragraphs, each numbered seriatim .
	The judgment shall commence with a preface (Form-A) showing names of parties, date of judgment, sentencing order, accused details, offences charged, conviction/acquittal, sentence, and period of detention undergone.
Rule 109	Time for Delivery of Judgment
	Judgment shall ordinarily be delivered soon after hearing .
	Where not possible, it shall be delivered within 30 days (Sessions cases) or three weeks (Magistrate cases) from the date on which arguments are heard.
Rule 110	Pending Judgments on Transfer/Leave
	Before proceeding on leave or transfer and before making over charge, every Judicial Officer shall deliver all pending judgments and intimate the fact of clearance to the Sessions Judge or High Court.
♦ Ministerial Duty: After delivery of judgment, immediately enter outcome in the General Register, update CIS, prepare the certified copy (if applied for), and note the date of judgment in all relevant registers.	
NOTE: Free copy of judgment: Under Section 363 CrPC/BNSS, in all appealable criminal cases, a copy of the judgment shall be given FREE OF COST to the convicted accused on his request.	

CHAPTER XV — APPEALS [Rules 116–125]

Rules 116–125	Key Points on Appeals
	Appeals against conviction or acquittal lie to the designated appellate court.
	The trial court shall, immediately on receipt of a notice of appeal, forward the original record to the appellate court.
	Free copies of the judgment shall be made available to the accused for the purpose of filing appeal (Rule 116).
	Section 481 BNSS (Section 437-A CrPC): At the time of acquittal, the court shall require the accused to execute a fresh bail bond to ensure appearance before the appellate court if an appeal is filed. This bail bond remains in force for 6 months .
	Ministerial staff must ensure that bail bonds taken under Section 481 BNSS are entered in the Bail Bond Register and a copy is sent to the Prosecution.
♦ Ministerial Duty: On filing of appeal, update CIS, note appeal number in the General Register, prepare paper book of appeal record, and despatch to appellate court within 7 days.	

CHAPTER XVII — EXECUTION OF SENTENCES [Rules 131–171]

1. Imprisonment

Rules 131–140	Warrant of Commitment to Jail
	After conviction and sentence, a Warrant of Commitment in the prescribed form shall be issued immediately.
	The warrant shall specify: name of accused, offence, section of law, sentence, date of commencement, and any period of detention already undergone (Section 428 BNSS/CrPC).
	The period of detention during trial shall be set off against the sentence (Section 428 BNSS/CrPC).
	The warrant shall be signed by the Presiding Officer and sealed with the Court seal.

2. Fines — Execution

Rules 155–171	Realisation of Fines
	A Distress Warrant shall be issued for realisation of unpaid fine against the property of the convict.
	Fine imposed under any law is payable to: (a) the Court imposing the fine, (b) the Magistrate of the district where the prisoner is confined, or (c) the officer entrusted with the warrant.
	Jail Superintendents are prohibited from receiving payments on account of fines under any circumstances.
	Fine warrants have a limitation period of 6 years from the date of sentence, after which the fine lapses.

■ **WARNING: Never accept fine payment at the bench or counter without issuing a proper Court receipt. All fine payments must be directed to the Deputy Administrator/Treasury.**

CHAPTER XVIII — CUSTODY & DISPOSAL OF PROPERTY [Rules 172–187]

Rules 172–187	Property in Custody of Court
	Seized Property Register: A detailed register of all property seized and produced before the Court shall be maintained in Form No. (R) 27.
	Every article of property produced before the Court shall be given a unique exhibit number and entered in the Muddamal Register.
	Property shall be kept in the Malkhana (property room) under lock and key in the custody of the Officer-in-Charge.
	Perishable property shall be disposed of promptly by order of the Court after due intimation to the parties.
	Unclaimed property and property ordered to be forfeited shall be disposed of as per the orders of the Court.
	An annual audit of Muddamal Register shall be conducted.
♦ Ministerial Duty: Every article of evidence/property must be entered in the Muddamal Register on the day of production. Verify condition and seal of property before entry. Report any discrepancy immediately to the Presiding Officer.	

APPENDIX IV — RULES RELATING TO FINES

Rule 1 Fine Register — Form No. (A) 17 & (A) 17-A

A **Register of Criminal Fines** in Form No. (A) 17 and another in Form No. (A) 17-A shall be maintained in every court of CJM, District Magistrate, SDJM, and outlying Judicial Magistrate.

Only **one register in each form** shall be maintained at each office.

The Registers will ordinarily be kept by the **Magistrate's Peshkar** (Clerk-in-charge of Fine Register).

Rule 3 Initialising Entries of Realisation

After each entry of fine realisation, the Clerk-in-charge shall submit the register to the Magistrate, who will **initial the entry of realisation**.

Rule 4 Remission and Lapse of Fine

When a fine or part of a fine is **remitted** (on appeal or otherwise) or becomes **irrecoverable** (after 6 years from sentence, or on imprisonment in lieu of fine), the amount shall be entered in the appropriate column of the Fine Register.

Fines become irrecoverable **6 years** from the date of sentence if not collected.

Rule 7 Remittance to Treasury

All fine collections shall be remitted to the Treasury **daily or at the earliest**.

A duly receipted challan from the Treasury is to be given to the Clerk-in-charge of the Fine Register.

In subdivisions without Treasury, remittance shall be made at convenient intervals.

Rule 11 Daily Examination by Magistrate

Each Magistrate shall **examine the Fine Register daily** and check his own fines, signing his initials to each entry.

He shall ensure that warrants are issued and remittances paid in and acknowledged **without delay**.

Rule 12 Weekly Comparison

The Judge/Magistrate-in-charge shall once a **week compare** the entries in the Fine Register with the Trial Register, Register of Complaints, and General Register of cognizable cases.

Rule 14 Compensation from Treasury

After realisation of fine, disbursement of compensation ordered by the Court shall be made from the Treasury on the Magistrate's order.

Rule 18 To Whom Fine is Payable

All fines under whatsoever law are payable to: (a) the Court imposing the fine, (b) the Magistrate of the district in which the prisoner is confined, or (c) the officer entrusted with the warrant.

Jailers are prohibited from receiving fine payments under any circumstances.

QUICK REFERENCE — IMPORTANT REGISTERS IN CRIMINAL COURTS

[Part V, Chapter I — Rules 320–322]

Rules 320–322 provide that the list of registers prescribed in Volume II are those **absolutely necessary** for judicial, administrative, and statistical purposes. All registers shall be kept in **English**.

1.	General Register of Criminal Cases	All criminal cases registered in the court, daily entries
2.	Register of Complaints	Private complaints received — date, time, complainant details
3.	Register of Summons (Form R-9)	All summons issued — date, case, name of accused/witness
4.	Register of Processes made over to Deputy Administrator (Form R-9A)	Processes handed to Dy. Administrator for service
5.	Register of Warrants to Police Stations	Warrants issued to each PS — date, execution status
6.	Register of Non-Bailable Warrants	All NBWs issued — date, execution date, result
7.	Register of Criminal Fines (Form A-17)	Fine imposed, realised, remitted, lapsed entries — initialled daily by Magistrate
8.	Fine Register (Form A-17-A)	Supplementary fine register — same maintenance rules
9.	Muddamal Register (Form R-27)	All property seized/produced in court — exhibit numbers
10.	Register of Bail Bonds	All bail bonds taken — surety details, condition, cancellation
11.	Dormant File Register (Form R-26)	Cases transferred to dormant file — date, reason
12.	Register of Payment Orders (Form A-9)	Payment orders issued from deposit accounts
13.	General Cash Book (Form A-16)	Daily cash transactions — maintained by Cashier

14.	Register of Judicial Deposits — Part I & II (Form A-11)	A and B deposits received
15.	Register of Repayments — Part I & II (Form A-12)	Deposits repaid — date, payee, amount
16.	Exhibit Register	Documents/articles marked as exhibits — exhibit number, case, witness
17.	Dispatch Register	All correspondence despatched — serial number, addressee, date
18.	Inward Register	All correspondence received — date, sender, subject

NOTE: Appendix I to GR&CO; (Criminal) lists registers to be compared DAILY by the Judge/Magistrate-in-charge. These include the Register of Payment Orders, Registers of Judicial Deposits, Register of Repayments, Register of Miscellaneous Receipts, Clearance Register of A-Deposits, General Cash Book, Treasury Pass Book, and Counterfoil of Receipts.

CARD A — DUTIES OF MINISTERIAL STAFF: DAY-WISE SUMMARY

Time	Duty	Register / Document
Before Court (Before 10:30 AM)	Prepare and place Cause List on Presiding Officer's table; keep case files ready in cause list order	Cause List, Case Files
Opening of Court	Attend court, assist in opening of court, read out cause list if required, call out cases	Cause List
During Hearing	Record proceedings, mark exhibits, enter date of next hearing in Diary Register, take care of processes issued	Order Sheet, Exhibit Register, Process Register
After Court (same day)	Update General Register entries, update CIS, enter fines realised in Fine Register, dispatch processes and correspondence, file correspondence in inward/outward registers	General Register, Fine Register (A-17), CIS, Dispatch/Inward Register
Daily (end of day)	Place records back in record room, hand over exhibits to Malkhana if any, ensure fine warrants are sent to Dy. Administrator	Muddamal Register, Fine Register
Weekly	Compare Fine Register with Trial Register and General Register; report arrears to Presiding Officer	Fine Register, General Register
Monthly	Prepare periodical returns and statements; ensure all registers are tallied and submitted to the CJM/Sessions Judge	Periodical Returns (Appendix III, GR&CO;)

CARD B — COMPARATIVE TABLE: CRPC vs BNSS KEY PROVISIONS FOR MINISTERIAL STAFF

Subject	CrPC 1973	BNSS 2023
Default Bail (investigation time limit)	S. 167(2): 60 days / 90 days	S. 187(3): Same; police custody can now be split over 40/60 days
Bail in bailable offence	S. 436 — mandatory right	S. 478 — same; police must inform accused of this right
Bail in non-bailable offence	S. 437 — Magistrate's discretion	S. 480 — same provisions
Undertrial bail after half sentence	S. 436A — ½ of max sentence	S. 479 — ½; first-time offenders: 1/3rd
Bail bond at acquittal for appeal	S. 437A — 6 months bond	S. 481 — 'bail and bail bond' (language change)
Service of processes (NSTEP)	Physical service; report in writing	Electronic service via NSTEP app (GPS/photo/e-sign) mandatory
Urgent transmission of bail orders	Fax/post	FASTER system — electronic transmission mandatory
Section 41A notice (appearance without arrest)	S. 41A — notice to be served personally	S. 35 BNSS — WhatsApp/electronic notice NOT valid (SC: Satender Antil 2025)
Examination of complainant	S. 200 CrPC	S. 223 BNSS — same

CARD C — COMMON MISTAKES TO AVOID (DO's AND DON'Ts)

DO's ✓	DON'Ts ✗
✓ Enter every process issued in the Process Register on the same day.	✗ Never accept fine payment at the bench or counter — always direct to Dy. Administrator.
✓ Initial every fine entry after realisation is submitted by the Clerk.	✗ Never return a petition without issuing an official receipt.
✓ Remit fine collections to Treasury daily without fail.	✗ Never issue summons or warrants without the signature of the Presiding Officer or authorised officer.
✓ Record each exhibit in the Exhibit Register and Muddamal Register on the day of production.	✗ Never allow anyone to handle the Court seal without authority.
✓ Serve certified free copies of judgment to convicted accused in all appealable cases.	✗ Never serve process on a Member of Parliament inside the precincts of the House.
✓ Prepare cause list by previous evening and keep case files ready.	✗ Never record the confession of an accused immediately on his production by Police.
✓ Use NSTEP app for all process service — GPS, photo, and e-signature mandatory.	✗ Never allow the Police to be present when a confession is being recorded.
✓ Use FASTER for urgent bail orders and communications.	✗ Never leave Muddamal (seized property) without proper entry and safekeeping.
✓ Take fresh bail bond under Section 481 BNSS at the time of every acquittal.	✗ Never send Section 41A BNSS (35 BNSS) notice through WhatsApp — it is invalid.
✓ Maintain separate files for confidential documents (confessions, statements u/s 164).	✗ Never accept any gift, gratification, or payment of any kind from litigants or lawyers.