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CHAPTER – I

PRELIMINARY

1. Title.

These rules shall be called the General Rules (Criminal), 1977.

2. Application.

These rules shall come into force from the date of publication in the official gazette¹ and shall, so far as may be, apply to all proceedings and matters in all criminal courts subordinate to the High Court commenced on or subsequent to that date, and, so far as may be, to all proceedings and matters pending in such courts on that date.

3. Former rules cancelled.

The rules contained in the General Rules (Criminal), 1957, and all other rules or regulations relating to the matters which are provided for in these rules are hereby cancelled:

Provided that nothing in this rule shall affect anything done, or to be done, under such rules and orders or any of them prior to the coming into force of these rules.

4. Definitions.

In these rules, unless there is anything repugnant in the subject or context,-

'Code' means the Code of Criminal Procedure, 1973.

'Court' means and includes every criminal court subordinate to the High Court of Judicature at Allahabad.

'High Court' means the High Court of Judicature at Allahabad.

'State' means the State of Uttar Pradesh.

5. Weekly list of cases.

A weekly list of cases fixed for hearing, in the court of a magistrate prepared in prescribed form in legible Hindi, shall be posted on the last working day of the previous week in some conspicuous place in every court house. Space

¹ Note: Published in U.P. Gazette part-II, dated 5th November 1983.

shall be left in the list, at the head of the entries for each day, for subsequent insertion, if necessary, of adjourned cases.

PRESCRIBED FORM

Serial no. of the case	Parties	PS	Section and Act	Purpose	Counsel for accused
1	2	3	4	5	6

Relevant Circular Order:

C.L. No. 31, dated the 7th March, 1952

A list in the form subjoined of cases including criminal cases, if any, fixed for hearing during the following week prepared in legible Hindi and signed by the Munsarim of the Court should be posted on the last working day of the week in some conspicuous place of every court house. In the preparation of such list precedence should be given to cases which are part-heard or have previously been adjourned, and the order in which cases are entered should not be departed from without the express order of the Presiding Judge of the court.

Space should be left in the list at head of the entries for each day for the subsequent insertion, if necessary, of adjourned cases.

In the fourth column should be noted against each case the purpose for which it is to be laid before the court; whether, for instance, for settlement of issues or final disposal or for delivery of judgment.

5A. Memorandum Book of dates for Criminal Courts.

A memorandum book of dates of all cases and applications fixed before the Court shall be maintained in the form given below:

Court of the .....of								
Date of previous	Description							
	Number and yr. of the	Name of parties	Section	Police Station	Name of Counsel	Purpose	Result with reason for adjournment and date to which it is adjourned if an adjournment is granted	Remarks
1	2	3	3A	3B	4	5	6	7

Relevant Circular Order:

C.L. No. 78/VIII-b-121, dated 6th November, 1973

The Readers of the Courts doing exclusively criminal work should maintain a diary in the following proforma: -

FORM

Date, month and year

Case Number	Name of parties	Counsel's name	Purpose	Date fixed in adjourned cases	Remarks
1	2	3	4	5	6

5B. Court Diary.

A Court diary shall be maintained in the forms given below by the Presiding Officer doing purely criminal work in his own handwriting:

COURT DIARY

The number of times already					Particulars					
adjourned										
Case No.	At the instance of prosecution/	At the instance	Otherwise	P.S.	Section	Name of parties	Purpose	Rough estimate of time	Remarks	
1.	2A.	2B.	2C.	3.	4.	5.	6.	7.	8.	

(Note - Outcome of the case and in the event of adjournment the adjourned dates shall also be noted in the remarks column.)

Relevant Circular Orders:

1. C.L. No. 11/VIII-b-121, dated the 16th August, 1952

The diary should be so arranged that the oldest cases appear on the top and later ones are entered lower down on the page. This can be easily done if the top portion of the space allotted to a particular day is reserved for entering the oldest cases fixed for hearing on that day, the middle portion being similarly reserved for later cases and bottom portion for the more recent ones. It is considered that if the diary is maintained in the manner indicated above and the cases are taken up in the order in which they appear

in the diary, the disposal of the older cases will be expedited.

2. C.L. No. 56/VIII/b/121, dated 6th July, 1973

Presiding Officers should avoid ambiguity while making entries in their diary and should clearly mention the purpose for which the case is fixed on a particular date in the purpose column. Vague words like P.H. and F.H. should not be used and the purpose shown in the diary should tally with the business done on a particular date. "Remarks column" should indicate the outcome of the case, the number of witnesses examined, the number of pages in which the evidence has been recorded and the date to which the case has been adjourned. The Memorandum Book and the Reader's Diary should also be maintained in the like manner.

CHAPTER – II

LEGAL PRACTITIONERS

6. Persons authorized to practice.

The legal practitioners authorized to practice in criminal courts in the State are the advocates, vakils, pleaders and mukhtars hereinafter mentioned.

Any advocate entitled to practice in the High Court and not under suspension shall be entitled to practice as such in any court on his satisfying the presiding officer of such court by means of his certificate of enrolment in the High Court or otherwise of the fact of such enrolment, and shall be entitled to appear in a particular case on filing a memorandum of appearance.

A pleader or mukhtar shall be entitled to practice if he has been enrolled as such in accordance with the rules in force at the time of his enrolment. He shall be entitled to practice only in such court as is mentioned in his certificate of enrolment. He shall be entitled to appear in a case after he has filed his vakalatnama in the case of a pleader or his mukhtarnama in the case of a mukhtar.

Relevant Circular Orders:

1. C.L. No. 588, dated 3rd March, 1897

Subordinate Courts of all grades are responsible for keeping a proper watch that legal practitioners who do not renew their certificates in time and still practise and appear without a certificate are reported promptly to this Court.

2. CL. No 4/25FAdm.(D) dated January 11, 1979

I am directed to draw your attention to section 55 of the Advocates Act 1961, which provides that, notwithstanding anything contained in this Act, every pleader or vakil practising as such immediately before the date on which Chapter IV of the Act (which deals with rights to practice and came into force on June 1,1969) comes into force by virtue of the provisions of the Legal Practitioners Act, 1879, who does not elect to be, or is not qualified to be enrolled as an Advocate under the Advocates Act, 1961 shall, notwithstanding the repeal of the relevant provisions of the Legal Practitioners Act, 1879 continue to enjoy the same rights as respects practice in any court or before any authority or person and shall be

subject to the disciplinary jurisdiction of the same authority which he enjoyed or, as the case may be, to which he was subject immediately before the said date.

In view of the above provision a pleader or a vakil, who was not practising immediately before the commencement of Chapter IV of the Advocates Act, 1961 will not be entitled to practice as a pleader or a vakil thereafter.

3. C.L. No. 47/VII-F-187/Admn (G) Sec. Dated 4.11.97

It has come to the notice of the court that some times Vakalatnama on behalf of clients in Subordinate Courts are not filed by genuine Advocates. The Vakalatnama may be general, but it confers vide authority upon the lawyer. Instances have come to the notice of Bar Council that even persons who are not enrolled as Advocates are filing Vakalatnama and putting appearance in the court. In case such misrepresentation and fraud are not checked and is permitted to continue it would cause irreparable loss to the litigant public. This malignancy is to be checked and for that purpose the registration number/enrolment number and full name of the Advocate must necessarily be specified on Vakalatnama so as to establish the identity of the Advocate.

In order to avoid aforesaid misuse of Vakalatnama by unauthorized persons, the court has been pleased to direct you as provided in rule 550(1) of General Rule (Civil), the presiding officers should call for the certificate of enrolment or otherwise satisfy himself of the fact of enrolment of the person appearing as an Advocate.

The aforesaid direction may be complied with meticulously.

4. C.L. No. 1/VII-f - dated January 8, 1999

Uttar Pradesh Advocates Welfare Fund (Amendment) (Second) Ordinance, 1998(U.P. Ordinance No. 14 of 1998) has been promulgated vide notification No. 1880 (2) XVII-V-1-2(KA) 20-1998 dated 15.10.98. The provisions of the aforesaid Ordinance have also come into force from 3.12.1998 vide Notification No. 1053/VII-Nyay-7-127/ 90 dated 31.10.1998.

By virtue of amendment in Section 2 of Uttar Pradesh Advocates Welfare Fund Act, 1974 every Advocate is now required to affix on every Vakalatnama accepted by him a Welfare Stamp of the value of Rs. 5/-and no Court, Tribunal, Authority or person shall receive any Vakalatnama in favour of such Advocate

unless it is so stamped in addition to any stamp required under any other law for the time being in force. Further the deficiency of Welfare Stamp in the Vakalatnama already filed in the pending cases shall also be made good.

I am desired to inform you that the provisions of the Ordinance should be strictly followed and the Vakalatnama unless bears the Welfare Stamp of Rs. 5/- should not be accepted.

Effective implementation of Uttar Pradesh Advocate Welfare Stamps on Vakalatnamas

5. C.L. No. 26/2011/Admin. 'G-II' dated: Allahabad 21.7.2011

By virtue of Section 9(1) of the Uttar Pradesh Advocates' Welfare Fund Act, 1974 (as amended) it has been made mandatory to affix Advocate Welfare Stamps of Rs. 10/- denominations on Vakalatnamas, being filed by Advocates in cases being instituted before all Courts, Tribunals, Authorities and persons. Government of Uttar Pradesh vide its letter No. 188/Seven-Nyaya-7-2011-155/90TC-A dated 30.3.2011 (copy enclosed) has brought to the notice of the Hon'ble Court that the Advocate Welfare Tickets are not being affixed in every court as provided in rules, resulting in lesser income to the Trustee Committee than it should actually accrue.

I am, therefore, directed to request you kindly to ensure compliance of the provisions as contained in the U.P. Advocates Welfare Fund Act, 1974 (as amended) as well as the directions contained in Circular Letters (**1. C.L. No. 1/VII-f-249, dated Jan. 8, 1999. 2. G.L. No. 10239/VII-f-249, dated Aug. 10, 2001. 3. C.L. No. 43/VII-f-249, dated Dec. 10, 2002. 4. C.L. No. 42/VII-f-249, dated Dec. 12, 2003. 5. C.L. No. 4/2005, VII-f-249, dated Jan. 22, 2005. 6. C.L. No. 17/2007, dated 10.05.2007**) issued by the Hon'ble Court time to time in this regard.

Kindly bring the contents of this Circular letter to the notice of all the Judicial Officers and other concerned for strict compliance.

7. Language.

Hindi written in Devnagri script shall be the language of all criminal courts subordinate to the High Court. Legal practitioners may, however, address any such court in English with the permission of the presiding officer, provided the other party has no objection.

Relevant Circular Orders:

1. G.L. No. 8/X-e-5, dated 11th August, 1951

Presiding officers will be guided solely by the provisions of the Code of Civil Procedure, 1908, and the Code of Criminal Procedure, 1973, bearing in mind the fact that the language of all subordinate courts now is Hindi written in Devnagri script.

2. C.E. No. 125/X-e-5, dated 2nd December, 1972

Hindi being the official language of the State, only Hindi should be used not only in the correspondence work but also for writing notes and comments on the files. Similarly inspection reports, proceedings, tour programmes, etc., should also be prepared in Hindi. Registers, diaries, etc., should also be maintained in Hindi. Use of a language other than Hindi is unauthorized and improper.

8. Brief holders.

Brief holders - A legal practitioner when unable personally to attend to a case in which he is briefed, may hand over the brief to another legal practitioner without the latter filing a Vakalatnama.

CHAPTER – III

PROCESSES

9. Contents of process or order.

In every process or order issued or made by judicial officer the name and power of the officer issuing or making it together with the name of the district and of the court, shall be clearly set out. Every officer signing a process or order shall sign his name legibly. The practice of signing with initials only or of using a signature stamp is forbidden.

10. Contents of process or order.

In every process requiring the appearance or attendance of any person, the day of the month and the hour fixed for such appearance or attendance shall be stated in words and in figures. The place of appearance or attendance shall also be stated.

Relevant Circular Orders:

1. CL.No.77j dated 17th May, 1875

Summons in the printed Form No. 1 prescribed under section 68² of the Cr. P. C., should not be issued to respectable witnesses without making necessary alterations therein.

Dasti summonses and urgent orders should, whenever possible, be delivered or issued within two days of the passing the order,

2. C.L. No. 19/VIII-a-84 dated 24th April, 1967

Magistrates should invariably mention the names of parties and particulars of the case in the letter of request, in H.C.J. Form No. IX-27, issued to the Civil Surgeons³/Medical Officers-in-charge in order to give them an idea of the case in which they are required to give evidence.

3. C.L. No. 123/VII-b-68 dated 7th October, 1971

² NOTE: Sec Section 61 of the new Code. -Ed.

³ Chief Medical Officer. -Ed.

Delay in disposal of cases can be avoided to some extent if summonses are served well in time and the witnesses turn up on date fixed. A monthly statement showing the number and percentage of summonses not returned after service, the number of witnesses who did not turn up and the time of the court wasted due to non - appearance of the witnesses duly scrutinized by the District Judge should be sent to the Court regularly on or before the 10th of every month. The time wasted due to non-appearance of witnesses may also be entered in the daily sitting register.

All the working days, excluding Saturdays if wanted for miscellaneous work, should be devoted to sessions work whenever it be heavy. Criminal appeals in which accused persons are in jail may also be heard according to convenience on the days indicated for sessions work.

4. C.L. No. 92/IVh-36, Dated Allahabad 24th March, 1977

I am directed to say that the Court has decided that on the Criminal side the processes should be filled in by the Court Moharrir or any other police official before filing them in Courts.

I am, therefore, to request that necessary orders may kindly be issued immediately to the authorities concerned the effect that henceforth the Court Moharrirs or any other police official should file up the processes before filing them in the Courts.

11. Contents of process or order.

Every process and order shall be written in Hindi in the Devanagri script or, if the court so directs, in another language.

Relevant Circular Orders:

1. G.L. No. 1902/35(a)-I (7) dated 9th March, 1921 read with

C.L. No. 25d dated 19th March, 1959

Ordinarily every process shall be written in the court language. But where a process is sent for execution to a court where the court language is different it shall be written in English and shall be accompanied by a letter in English requesting its execution,

In cases where the return of service is in a language different from that of the district from which it is issued it shall be accompanied by an authorized English translation.

2. C.L. No. 100 VIIIb-16, Dated 6th October, 1951

When notices, summonses, etc. are to be issued to the Reserve Bank of India they should be issued in English.

3. C.L. No. 68/VIII-b-14 dated 26th November, 1966

In the processes issued for service in Jammu and Kashmir the addresses of the parties and witnesses on whom service is to be effected as also the date fixed should be written in English, besides, Hindi to facilitate easy and quick service.

4. C.L. No. 88/VII-b-107 dated 8th July, 1975

Summonses should not be issued to the accused until the charge sheets are received in the courts from the police.

12. Register of Processes.

A register of processes shall be maintained in the form given below in all Criminal Courts:

PROCESS REGISTER

Particulars of cases	Date of order for	Date of Des patch of processes from	Description of processes and of	Initials with date of police or other	Name of Thana or district to which	Date Fixed For	Actual Date of	Action taken for late receipt of	Remarks
1	2	3	4	5	6	7	8	9	10

Relevant Circular Order:

C.L. No. 42/98 Dated Allahabad 20.8.1998

The Hon'ble Court has noticed that the present system of service of summons is not effectively working and service upon the witnesses/ accused persons are not being effected with in the period fixed by the Courts. The system is affecting the speedy trial of sessions and magisterial cases. In this regard the Court has taken the following decisions for strict compliance by all: -

- (i) Old practice of fixing one sessions trial for three days in continuation, is revived. No other sessions trial except any formal part-heard trial in which one or two formal witnesses are to be examined, should be fixed on that day.

- (ii) The process register as mentioned in rule 12 of Chapter III of G.R. Criminal be strictly maintained by all courts. A police official who is receiving the summons must state his name and number in clear block letters in column no. 5 so that the responsibility be fastened upon him.
- (iii) Public Prosecutor and D. G.C. (Criminal), as the case may be, should be asked to apply to the court for issue of summons by giving complete particulars of the witnesses. The summons should, thereafter be prepared and served upon the witnesses.
- (iv) If the police personnel are not complying with the directions of the court then appropriate action under the provisions of the Contempt of Courts Act be initiated against them.
- (v) A Monitoring cell be constituted under the supervision and control of the Sessions Judge and the Chief Judicial Magistrate of the Judgeship to monitor the matter relating to service of summons on witnesses/accused persons both in the Sessions as well as in Magisterial Courts.

I am, therefore, directed to communicate the aforesaid directions of the Hon'ble Court for compliance.

13. Summons to Government servants.

When under section 66(i)⁴ of the Code a summon is to be served on a person in the active service of the State, the "head of the office" to whom the summons shall ordinarily be sent (in duplicate) shall in the case of a Person in the civil employ or a soldier, sailor or airman in the Defence Department, be the local head of the office or local officer in command of the corps or department in which such person may be serving at the time, and in the case of a local "head of the office", be the authority to which he is immediately subordinate.

A list of officers with their "head of offices" is given in Appendix E. In the case of officers not included in the list, summons shall be dealt with by the court in the light of the instructions contained in this rule after such enquiry, if any, as may be considered necessary.

⁴ NOTE: Now see section 61 of the new Code. -Ed.

When a gazetted officer is required to attend a court beyond the limits of the district or area in which he is serving, the court issuing the summons, unless the case is one of extreme urgency, shall allow sufficient time for arrangements to be made for the performance of the duties of such person during his absence.

Relevant Circular Orders:

1. C.L. No. 1581, dated 19th May, 1904

All summonses intended for service on an officer serving under the Government of India shall be forwarded through the head of his department for service so as to admit of suitable arrangements being made for the conduct of public business during the absence of the officer concerned.

2. G.L. No. 10/VII b/68 dated 17th March, 1947

Government have directed the Inspector General of Police to issue circular order to ensure that police officers attend court without fail on the date fixed by the Sessions Judge, and that careful attention is paid to the service of summonses and their return to the courts concerned.

District Magistrates have also been asked to issue instructions to all Magistrates subordinate to them that they should attend the sessions court on the due date whenever required to do so.

3. G.L. No.7/VIIIa-5 dated 7th August, 1951

A medical practitioner whether he be a private practitioner or a government servant should not be summoned to appear at 10 a.m. on the date on which he is summoned as a matter of course but should be summoned to attend at a time when the court thinks it will be able to examine him. Every effort should be made to accommodate him so as to interfere as little as possible with his professional work.

4. C.L. No. 65/VII-b-68 dated 13th June, 1951

This Court has received report that summonses issued in sessions cases are not invariably received back after service before the trial commences. Complaints have also been received indicating that Magistrates and Police Officers summoned to give evidence in sessions courts do not always attend in time and

on the dates fixed. This result in unnecessary adjournments and delay in the disposal of sessions cases.

District and Sessions Judges and Additional District Judges should send a report to the Court whenever a sessions trial has to be adjourned due to the default of the police or the Magistrate.

5. C.L. No. 126/IV-g-3 dated 14th December, 1951

The summoning of District Election Officers and Returning Officers to give evidence outside the district their posting dislocates election work. Sessions Judges and Assistant Sessions Judges may, therefore, consider the advisability of not summoning District Election Officers and Returning Officers to give evidence outside their districts up to the end of the general elections to enable them to devote their whole time to the proper discharge of their duties connected with the elections. If it is found absolutely necessary to examine any particular officer, Sessions Judges may consider the possibility of examining him on commission or, of recording his evidence on one day in all the cases in which his attendance might be required before the end of the general elections.

6. C.L. No. 83/VII-d-41 dated 8th September, 1961

When the officers of the Regional Passport Office or staff working under them situated at Delhi, Calcutta, Bombay, Madras and Lucknow are required to appear in courts of law in connection with cases arising out of forgery of passports and documents have to be produced and testified to, summons may be sent to the Regional Passport Officers to depute any competent person from their staff and officials may be summoned by name only when their personal attendance is considered essential.

7. C.E. No. 108/VII-d-41 dated 24th November, 1961

Officials of the Home branch of Uttar Pradesh Government may be summoned by name only when their personal attendance is absolutely essential; and if certain document, etc., are only to be produced or testified to, before the court or some evidence is to be tendered on the basis of official records, the summons may not be issued by name of the officials, so that the Government may be able to depute any competent person from their staff to appear before the court to do the needful.

8. C.L. No. 5 dated 16th January 1965 read with

C.L. No. 53/VII-6-52 dated 4th October, 1960

Frequent summoning of Civil Surgeon* and Medical Officers and at too short notice dislocates normal working of the hospitals. This should be avoided as far as possible and the instructions contained in the above-noted circular letters should be followed.

9. C.L. No. 19/VIII-a-84 dated 24th April, 1967

Magistrates should invariably mention the names of parties and particulars of the case in the letter of request, in H.C.J. Form No.IX-27, issued to the Civil Surgeons/Medical Officers-in-Charge in order to give them an idea of the case in which they are required to give evidence.

10. C.L. No. 28 dated 26th March, 1968

Assistant Sessions Judges and Magistrates should, as far as possible, accommodate district authorities by not insisting on appearance of the Magistrates detained on law and order duties during festivals like Id, Moharram and Holi, etc. as witnesses on those dates. Convenient dates should be fixed for their appearance.

11. C.L. No. 82/VII b-52 dated 23rd September, 1968

While issuing summons to a medical officer full particulars of the case in which he is to be examined should be furnished by, the courts concerned so as to enable him to come prepared with the case. The medical officer so summoned should be relieved as soon as practicable to avoid dislocation of work of the hospitals due to his long absence.

12. C.L. No., 45/VIII a-5 dated 24th March, 1971

Evidence of medical officers coming from outside should be fixed after lunch interval and of those who are posted at the place where the court is situated should also be recorded after lunch interval keeping in mind the convenience of the doctors. If bail applications are taken up soon after lunch interval, the time for appearance of medical practitioners may be fixed keeping in mind the time

* Chief Medical Officer.

generally taken in such applications. In case any bail application remains undisposed of it may be taken up after, the medical evidence has been recorded or on the next day as may be desired by the parties. Steps should also be taken that the medical practitioners do not have to wait standing outside the courtroom for want of furniture.

13. C.L. No. 48/VIIb-68, dated 30th May, 1973

Summons should be sent in case of Government servants locally posted either through Police or through other serving agency so that signed acknowledgement on one of the files is received back in the court in time. Simultaneously, information or another copy of the summons should also be sent to the Head of the Department or office so that non-appearance on the date fixed may be avoided.

Wireless message

14. C.E. No. 2/VII-b-68 dated 3rd January, 1975

With a view to avoid undue pressure on police wireless grid and to enable it to control the law and order situation, the services of the police wireless grid can be utilized with the permission of the District Judge for summoning witnesses in Sessions Trials only in special circumstance and subject to the following conditions in supersession of G.O. no. 22 65/VIII-2088-1948, dated August 22, 1955:

- (1) Radiogram can be used only in cases where information cannot be sent in time through postal service.
- (2) Radiogram should be written in telegraphic language.
- (3) Radiogram should be sent under the signature of the District Judge only.

Summoning of Witnesses

15. C.L. No. 77/IV h-36 dated 28th May, 1976 as modified by

C.L. No. 51/IV-h-36 dated 10th March, 1977

Procedure

- (a) Besides normal summons, simultaneous service by registered post direct from the court may be made in case the party so applies.
- (b) Normal summons should be sent through the Superintendent of Police to the Station Officer concerned within three days. The Station Officer shall report compliance directly to the court concerned within 15 days of the receipt of the summons in the office of the Superintendent of Police.
- (c) The Inspector General of Police, Uttar Pradesh has issued separate directions in this behalf to his subordinate officers. In case, however, no report is received from the S.O. concerned within the prescribed time or report of non-compliance is received with regard to witness, the court should take up the matter with the Superintendent of Police concerned immediately.
- (d) Notice to the accused also should be sent by registered post. (Government has been moved separately to amend sections 62, 65 and 69 Cr.P.C.).
- (e) The court Ahalmad and the Thana Moharrir concerned should meet once every month and in the presence of the Chief Judicial Magistrate and compare their order books relating to summons and other processes so that the discrepancies, if any, may be reconciled. Necessary directions to the police officers have been issued by the Inspector General of Police in this behalf also.

16. C.L. No. 82 dated 31st May, 1976

At these meetings, two of the court Ahalmads should be required to bring their respective registers of service of summonses and compare them in the presence of the Chief Judicial Magistrate. If the court Ahalmad is found to be in, any way slack or lacking in his work, the matter- should immediately be brought to the notice of District Judge by the Chief Judicial Magistrate and severe action should be taken against the defaulting court Ahalmad.

The meetings should be held outside court hours.

17. C.L. No. 102/VI b-11 dated 9th June, 1976

The Government has restored the wireless facilities for summoning of prosecution witnesses. The facility so restored may please be utilized for summoning of prosecution witnesses.

18. C.L. No. 124/VII b-107 dated 29th July, 1976

All the magisterial courts, while issuing summons or warrants under sub-section (1) of section 204 Cr.P.C. 1973, should strictly follow the provisions of sub-section (3) of the said section and ensure that the summons and warrants issued in complaint cases are invariably accompanied by a copy of the complaint.

19. C.E. No. 65/IVh-36 dated 24th March, 1977

It informs all the District and Sessions Judges that the Court has decided that on the criminal side the processes should be filled in by the Court Moharrirs or any other police official before filing them in courts and directs in future no process should be accepted unless it is duly filled up.

20. C.L. No.65/VIIb-9 dated 14th June, 1979

The summonses requiring appearance of transferred police officers or officials, as witnesses should, instead of being sent to the Police Headquarters, Allahabad be sent to the Superintendent of Police of the district concerned after ascertaining their address from the Public Prosecutor. In case it is not possible to ascertain the addresses of transferred police officers or officials from the Public Prosecutor, the summonses of non-gazetted police officials should be sent to the local Superintendent of Police and that of gazetted police officers to the Assistant Inspector General of Police, U.P., Lucknow, requesting them to arrange for the service of summonses.

21. C.L. No. 96/VIII b-16 dated 10th August, 1979

The summonses for service may be sent to Government only when all possible efforts to find out the address of the witnesses at the local level have failed; and in the event, a summons is sent to the State Government it should be ensured that the State Government has at least about a fortnight at its disposal to effect service. The summonses should contain the full name and designation of the Officer issuing the summons with a legible seal of the court.

22. No. 96/VIIIb-16, dated 10th August, 1979

It has been brought to the notice of the Court that sometimes summonses or notice to witness are sent to the State Govt. for effecting service on officers who have been transferred from the districts leaving a margin of only 2 or 3 days for effecting service. Due to shortage of time the State Govt. finds it difficult to comply with the directions of the Court and complaints about the non-service of summonses or processes are received from the courts.

It had also been discovered that such summonses do not clearly disclose the name of issuing courts. Further, the seals affixed on such summonses or notices are often illegible and do not contain the description of the issuing court.

It has also been noticed that summonses to witnesses posted outside the district are sent to Govt. without making an effort in the district itself to find out their present places of posting with the result that the number of such summonses that are being sent to Government are increasing day by day.

It is, therefore, requested that instructions may be issued to all the subordinate courts working under your kind control that summonses for service may be sent to Govt. only when all possible efforts to find out the address of the witnesses at the local level have failed, and in the event a summon is sent to the State Government it should be ensured that the State Government has at least about a fortnight at its disposal to effect service. It may also be impressed that the summonses should contain the full name and designation of the officer issuing the summons with a legible seal of the Court. The seals in use should be periodically checked and replaced as soon as they become unserviceable.

23. C.L. No. 88/VIIb-52 dated 4th November, 1980

The summons to the doctors should be routed through the Chief Medical Officer of the district and should be issued well in advance so as to reach at least a week before.

The evidence of doctors should as far as possible be taken after lunch.

Police Officers

24. C.L. No. 69/VIIb-9 dated 28th October, 1983

In future summonses for the attendance of Police Officials/ Officers as witnesses should not be sent to the U.P. Police Head Quarters, Allahabad and are served on the Police Officials/ Officers of the district concerned in the manner prescribed in the Court's Circular Letter No. 65/VII b-9 dated 14.6.1979.

25. C.L. No. 81/VIIb-68-Admn. 'G' dated 19th November, 1984

A police officer need not be summoned for evidence by any court during the period of time he is attending a training course in any police training institution.

In case a summons has already been issued and the date of his evidence falls during the period of his training course, and the office in-charge of the police training institution informs the court that the said police witness is attending an

in-service training, the courts shall do well to postpone the date of evidence' to a date after the completion of his training course. It is expected that the officer in-charge of the police training institution shall be informing the court concerned the date on which the training course is expected to conclude.

In exceedingly rare and exceptional cases where the court concerned is personally satisfied that further postponement of evidence is not possible, the court concerned shall forward such summons to the officer-in-charge of the police training institution with a covering D.O. emphasizing the importance of the matter and directing him to relieve the witness to enable his appearance on the, due date.

It is expected that officer-in-charge of police training institutions, on receipt of such D.O. from any court, shall not seek any further adjournment and relieve the police officer to appear for his evidence in the concerned court on the due date, provided again, that the date does not clash with the dates of the final examination of the trainee.

26. C.L. No.24/VIIb-9 Dated Allahabad 13.7.1998

I am directed to say that Director General of Police. U.P. has apprised to the Court that summons/warrants for the appearance of Police officials/officers are being sent to the Head quarters Director General of Police, U.P. directly for service. The Directorate has no such track for keeping the posting of Sub-Inspector/Head Constable as to where they had been transferred. This results in non service of the summons/warrants in time.

Considering above situation it indicates that directions contained in Court's Circular Letter No. 65/VIIb-9, dated 14.6.79 and Circular Letter No. 69/VIIb-9, dated 28.10.83 (copy enclosed for ready reference⁵) are not being complied with strictly by the presiding officer working under you.

I am therefore, directed to impress upon all the Presiding Officer to follow directions contained in the aforesaid Court's circular letter for the attendance of Police officials/officers as witnesses with the modification that if the service of

⁵ NOTE: Printed at page 466 of the Book of Circular Orders of High Court. 1990 Edition published by the Institute of Judicial Training and Research, Lucknow.-Ed.

summons/ notices is not possible through the Senior Superintendent of Police/Superintendent of Police of district concerned for the want of present address of transferred Police officials below the rank of the Inspector the same be got served through Inspector General of Police Headquarters, Allahabad.

This may kindly be communicated to all concerned for strict compliance.

Service of summons upon witness and accused persons

27. C.L.No.42/98 Dated: Allahabad: 20/8/1998

The Hon'ble court has noticed that the present system of service of summons is not effectively working and service upon the witness/accused persons are not being effected within the period fixed by the courts. The system is effecting the speedy trial of sessions and magisterial cases. In this regard, the court has taken the following decisions for strict compliance by all:-

1. Old practice of fixing one sessions trial for three days in continuation is revived. No other sessions trial except any formal part-heard trial in which one or two formal witnesses are to be examined should be fixed on the that day.
2. The process register as mentioned in rule 12 of chapter III OF G.R.Criminal be strictly maintained by all courts. A police official who is receiving the summons must state his name and number in clear block letters in columns no.5 so that the responsibility be fastened upon him.
3. Public prosecutor and D.G.C. (Criminal), as the case may be, should be asked to apply to the court for issue of summons but giving complete particulars of the witness. The summons should, thereafter be prepared and served upon the witnesses.
4. If the police personnel are not complying with the directions of the court then appropriate action under the provision of the contempt of courts Act be initiated against them.

28. C.L. No.43/98 Dated Allahabad 20.8.1998

The Hon'ble Court has noticed with concern that the criminal cases are prolonging because the formal witnesses are not attending the courts on the date fixed for their evidence. In order to ward off this evil the Hon'ble Court has taken a decision that the cases of such formal witnesses who have been transferred

from the district be fixed on one single day for evidence and summons be sent to them by registered post on the current place of posting intimated by them.

I am therefore, directed that the aforesaid directions of the Court be strictly followed.

Non-submission of Service Report in Contempt matters by the Chief Judicial Magistrates

29. C.L. 23/2006: Admin 'G'; Dated: 29.05.2006

Hon'ble Court while dealing with Contempt Petition has noticed that the reports with regard to the service of the summons are not being submitted by the Chief Judicial Magistrates within time. As a result of which, the contempt matters cannot proceed get delayed on account of the non-availability of the service report.

Therefore, while drawing attention of all concerned to Court's Circular letter No. 109/VIIC-2/Admin. 'G' dated 30.11.1990 and Circular letter No. 19/Admin. 'G' dated 3.2.1991 : I am directed to request that the contents of and directions in the circulars aforesaid, be unerringly gone through all the way for ensuring strict compliance by all concerned especially the Chief Judicial Magistrate under your administrative control by transmitting service reports within the time prescribed. Non-submission of service report within time may be viewed seriously and action might be initiated against the defaulting Chief Judicial Magistrate.

30. C. L. No.51/2007Admin (G): Dated: 13.12.2007

The Hon'ble Court has noticed that the delay in disposal of criminal trials is attributable to non-service of summons/notices for want of addresses of witnesses. Frequent transfers of police officers, doctors and other witnesses also causes delay in disposal of cases for want of their correct addresses. Therefore, the Hon'ble Court has been pleased to direct that where summons/notices are returned on account of non-availability of the witnesses for want of correct addresses, they shall send those summons/notices to the Director General (Medical and Health) and Director General (Police) respectively for effecting service such summons/ notices and it shall be duty of the Directorate concerned to return them to the Court concerned after service.

I am further to request you to kindly bring the contents of this Circular Letter to all the Judicial Officers working under your administrative control and to impress upon them to ensure compliance of the above directions of Hon'ble Court in letter and spirit.

Effective control on Summons Cells

31. C.L. No. 76/Admin. (F); Alld. Dated: 14.12.2007

Identifying the delay in service of Summons to be the main cause for delay in disposal of the Criminal Cases, on the recommendations of Hon'ble Court a cell with adequate number of police constables to be attached to each district court exclusively, has been constituted to attend the work of each court as per direction of the Sessions Judges/CJMs.

I am directed to say that you shall exercise effective control over such cell and shall also submit a quarterly statement to the Hon'ble Court showing the performance for each month on the enclosed prescribed proforma.

Therefore, I am to say that kindly ensure the compliance of above direction in right earnest.

14. Arrest of Government servants.

When circumstances permit notice of the intended arrest of a Government servant shall be given to the head of the office in which the Government servant is working, and in the case of a Government servant working in the Secretariat, to the Chief Secretary to Government so as to allow proper arrangement to be made to have such person relieved, deferring arrest until he is relieved.

Relevant Circular Orders:

1. C.L. No. 83/VIII-b-10, dated 7th September, 1953

Whenever there is an occasion to give notice of the intended arrest of a Government servant under rule 13⁶ Chapter III, General Rules (Criminal). 1957, to the Head of his Office or Department, an informal letter should be sent on the lines indicated below:

⁶ NOTE: Rule 13 G.R, (Criminal) 1957 now shall be read as Rule 14 G.R. (Criminal). 1977-Ed.

31.3.1992 for compliance. A copy of the same is attached for information and for circulation to all concerned.

2. A perusal of the Judgment of the Supreme Court will also show that the Apex Court has also observed that

"No Judicial Officer should visit a Police Station on his own except in connection with his official and judicial duties and functions. If it is necessary for a Judicial Officer or a Subordinate Judicial Officer to visit the Police Station in connection with his official duties, he must do so with prior intimation of his visit to the District and Sessions Judge."

3. It is requested that the above observations of the Supreme Court may also kindly be brought to the notice of all concerned including the Subordinate Courts under the jurisdiction of your High Court for compliance.

Practice of handcuffing the arrested persons by police as a matter of routine-guidelines regarding.

L.No.L.19017/4/90-Jus.Government of India, Ministry of Law & Justice (Department of Justice) dated 26.4.1990/2.5.1990

I am directed to invite your attention to the judgment of the Supreme Court in *Prem Shankar Shukla v. Delhi Administration* (AIR 1980 SC 526) wherein the indiscriminate use of handcuffs by the law enforcing agencies has not been approved by the Supreme Court. The Honourable Court has also laid down suitable guidelines in the matter. The directions of the Supreme Court had been circulated to all State Government by Ministry of Home Affairs vide their letter No. VII-11017/15/88- G.P.A. II, dated 4.10.1988 (Copy enclosed) for compliance. A perusal of the judgment will show that a duty has also been cast on the judiciary as well for ensuring proper implementation of its directives.

I am therefore, to request you kindly to bring these directives of the Supreme Court to the notice of all Subordinate Courts under the jurisdiction of your High Court for proper compliance.

Use of handcuffs-guidelines regarding

L.No. VII-11017/15/88-GPA.II Government of India, Ministry of Home Affairs, dated 4.10.88

I am directed to say that this Ministry has issued instructions on the use of handcuffs by police from time to time. It was stressed in this Ministry's letter No. F .2/13/57-P .IV dated 26th July, 1957 (copy enclosed) that the use of handcuffs should be restricted to cases where the prisoner was a desperate character or there were reasonable grounds to believe that he would use violence or attempt to escape or where there were other similar reasons. While reiterating these instructions, it was impressed upon the State Government vide this Ministry's letter No.8/70/74-GPA.I dated 8th November, 1974 (copy enclosed) that there should ordinarily be no occasion to handcuff the prisoners such as Satyagrahis, persons occupying good positions in public life and professionals like journalists, jurists, doctors, writers, educationists. The instructions were reiterated in this ministry's D.O.No. 15/38/76-G.P.A.II dated 29.7.1976 (copy enclosed).

2. Further instructions on the use of handcuffs by Police were communicated to State Government in a letter-dated 22.8.1978 (copy enclosed) written by the then Prime Minister to State Chief Ministers. In this letter, the Prime Minister suggested that handcuffs should not be used except where there was a reasonable apprehension of violence, escape or reasons and, in no case, merely to humiliate or harass a person. Generally, even such apprehensions would be justified only where such a person is suspected of being involved in any grave non-bailable offence, has a history of previous conviction for serious offence, or is a known bad character. There should also be a clear prohibition in the rules of the use of handcuffs in respect of persons who are bed-ridden in hospital, old and infirm, women prisoners, juveniles and prisoners involved in Civil Proceedings. Persons accused of violating prohibitory orders in the context of political or other similar demonstrations should also not be subjected to handcuffs.

3. The Supreme Court of India, however, in its order of Writ Petition (CRL) No.163 of 1988 dated 4.8.1988 has directed that rules or guidelines may be issued in conformity with the judgment of that Court in a case of *Prem Shankar Shukla v. Delhi Administration* (SCR 855 of 1980) as regards the circumstances in which handcuffing of the accused should be resorted to. While declaring Rule 26.21A and 26.22 of Chapter XXVI of the Punjab Police Manual as violative of Articles 14, 19 and 21 of the Constitution, the Supreme Court laid down the following guidelines for handcuffing the prisoners:

- (i) That no prisoner shall be handcuffed or fettered routinely or merely for the convenience of the Custodian or escort.
- (ii) That it is arbitrary and irrational to classify prisoners for purposes of handcuffs, into 'B' Class and ordinary class. No one shall be fettered in any form based on superior class differentia as the law treats them equally.
- (iii) Handcuffing of prisoners should be resorted only in exceptional circumstances where there is a clear and present danger of escape or where the concerned accused is so violent that he cannot otherwise be secured. Handcuffing may be avoided by increasing the strength of the armed escort or by taking prisoners in well-protected vans.
- (iv) It is only in exceptional circumstances where there is no other reasonable way of preventing the escape of the prisoner that recourse to handcuffing him may be taken. Even in such extreme cases where handcuffs have to be put on, escorting authority must record contemporaneously the reasons for doing so. The belief in this behalf must be based on antecedents, which must be recorded, and proneness to violence must be authentic. Vague surmises or general averments that the under trial is a crook or desperado, rowdy or maniac cannot suffice. Merely because the offence is serious, the inference of escape proneness or disparate character does not follow.
- (v) These recorded reasons must be shown to the Presiding Judge and his approval should be taken. Once the Court directs that the handcuffs are not to be used, no escorting authority should over-rule this correction.

4. It is requested that the above guidelines may kindly be brought to the notice of all concerned through the Directors General of Police and Inspectors General of Prisons. It may kindly be ensured that the instructions are scrupulously observed.

5. A copy of the instructions issued in the matter may kindly be endorsed to this Ministry.

**D.O.No. VI-25013/42/89-GPA-II Bharat Sarkar/ Government of India
Grih Mantralaya/Ministry of Home Affairs dated 27.3.1992/31.3.1992**

Please refer to this Ministry's instructions regarding use of handcuffing by the Police issued vide this Ministry's letter No. VII-11017/15/88-GPA-II, dated 4.10.88. Recently the Supreme Court of India in its Judgment in a Writ Petition (Criminal) No. 517,518 and 523-27 of 1989-*Delhi Judicial Service Association, Tiz Hazari Court, Delhi v. State of Gujarat and others*, have laid down following guidelines which should be followed in the case of arrest and detention of Judicial Officers:

- (a) If a judicial officer is to be arrested for some offence, it should be done under intimation to the District Judge or the High Court as the case may be.
- (b) If facts and circumstances necessitate immediate arrest of a judicial officer of the subordinate judiciary, a technical or formal arrest may be affected.
- (c) The fact of such arrest should be immediately communicated to the District and Sessions Judge of the concerned district and the Chief Justice of the High Court.
- (d) The Judicial Officers so arrested shall not be taken to a police station, without the prior order or directions of the District and Sessions Judge of the concerned District, if available.
- (e) Immediate facilities shall be provided to the Judicial Officer for communication with his family members, legal advisers and judicial officers, including the District and Sessions Judge.
- (f) No statement of a judicial officer who is under arrest be recorded nor any panchnama be drawn up nor any medical tests be conducted except in the presence of the Legal Adviser of the Judicial Officers concerned or another judicial officers of equal or higher rank, if available.
- (g) There should be no handcuffing of a judicial officer. If, however, violent resistance to arrest is offered or there is imminent need to effect physical arrest in order to avert danger to life and limb, the

persons resisting arrest may be over powered and handcuffed. In such a case, immediate report shall be made to the District and Sessions Judge concerned and also to the Chief Justice of the High Court. But the burden would be on the police to establish the necessity for effecting physical arrest and handcuffing the judicial officer and if it is established that the physical arrest and handcuffing of the judicial officers was unjustified, the police officers causing or responsible for such arrest and handcuffing would be guilty of misconduct and would also be personally liable for compensation and/or damages as may be summarily determined by the High Court.

2. The above guidelines are not exhaustive but those are minimum safeguards, which must be observed in case of arrest of a judicial officer. These guidelines should be implemented by the State Government.

3. The State Government/Union Territories Administration are requested to bring these guidelines to the notice of the concerned officers for compliance. A copy of the instructions issued by the States/ Union Territories may also be forwarded to this Ministry.

Arrest and detention of Judicial Officers-Guidelines

3. C.L. No. 54/IX-f-69/Admn.'G' dated October 22, 1992

I am directed to enclose herewith a copy each of letter No. F.No.L.19017/3/92-Jus, dated 13.4.92/23.4.1992 a copy of letter No. L.19017/4/90-Jus., dated 26.4.1990/2.5.1990 from the Government of India, Ministry of Law and Justice (Department of Justice) New Delhi with a copy of letter No. VII-11017/15/88- G.P.A.II, dated 4.10.1988, and D.O. No.VI-25013/42/89-G.P.A.II, dated 27.3.92/31.3.1992 from the Joint Secretary to Government of India, Ministry of Home Affairs, New Delhi regarding use of handcuffing by the Police and on the subject noted above, for information and necessary compliance.

I am to add that the contents of this letter and enclosures may kindly be brought to the notice of all judicial officers working under your supervision for their information and future guidance.

15. Summons to a Member of Parliament or Legislature.

No summons shall be served upon a Member of Parliament or a Legislature while he is within the precincts of the House of Parliament or Legislature, as the case may be, nor shall it be served through the Presiding Officer or the Secretariat concerned. It shall be served direct upon the member outside the precincts of the House of Parliament or Legislature, as the case may be, at his residence or at some other place.

Rules of procedure in the Lok Sabha regarding intimation to the Speaker of the arrest, detention, conviction or release of a member of the House as well as forms for communication to the Speaker are to be found in Appendix 'J'. A similar procedure may be followed and similar forms used in respect of members of the Rajya Sabha or a State Legislature.

Where a document in the custody of the House of the People, Council of States, State Legislative Assembly or Legislative Council is summoned from the Speaker/The Chairman or where a witness is summoned through any such authority, a letter of request in the form given below (and not a summons) shall issue.

FORM

To

The Speaker/Chairman of.....

Subject: Production of document

Sir,

In the proceedings noted on the margin, the complainant/accused propose to rely on the documents specified in the annexure, which are in the custody of the House of the People/the Council of States/the Legislative Assembly/the Legislative Council. I am to request you to arrange to send the documents so as to reach me on or before through an officer in the Secretariat of the House, with the permission of the House.

Yours faithfully,

Judge

Signature of Magistrate

FORM

Subject: Production of an officer of the Secretariat of the House for purposes of giving evidence

Sir,

In the proceedings noted on the margin the complainant/accused proposes

to exami..... an officer in the Secretariat of the House of the People/the Council of States/ the Legislative Assembly the Legislative Council as a witness. I am to request you to direct the officer to appear in my court at 10.30 a.m. on with the permission of the House.

Yours faithfully,

Judge

Signature of Magistrate

Relevant Circular Orders:

Privileges of Legislatures

Arrest, detention etc. of members

1. C.L.No.114/VIII-c-24-1-51,dated 16th November, 1951 read with

C.L. No.91/51 read with

C.L. No. 70/VIII-e-24 dated 29th November, 1954 and

C.L. NO.103/VIII-e-24 dated 13th October, 1953

C.L. No. 22 dated 19th March, 1960

C.L.No.79/VIII-e-24 dated 14th August, 1961

C.L. No.8/VIII-e-24 dated 23rd January, 1965

C.L.No.127/VIII-e-24 dated 6th December, 1969 and

C.L. No.104/VIII-e-24 dated 15th July, 1974

Immediately after the arrest on a criminal charge or imprisonment consequent upon a sentence passed by a Court or in the case of detention under executive order or transfer from one jail to another of a member of parliament, the House concerned is entitled to be informed of the event. Such a communication regarding arrest, imprisonment, detention or transfer of a member should be made by a letter addressed to the Hon'ble the Speaker/the Chairman by the committing judge or Magistrate or other executive authority and in the case of conviction, the offence and sentence should also be communicated. It is also necessary, in case the judgment is reversed by a superior court and the member concerned is consequently released, that further intimation is immediately sent to the Hon'ble the Speaker/the Chairman by the same committing judge, Magistrate or executive authority, and in the same manner, Non-compliance with the requirement of the law of privilege results in a breach of the privilege of Parliament.

Besides the information that should be communicated to the Hon'ble the Speaker/the Chairman by the authorities concerned after the arrest,

imprisonment, detention or transfer of a member, it is necessary that the form in which the communication should be sent also observed very strictly. In case the form of the communication from the authority concerned is not strictly complied with, the Hon'ble the Speaker/the Chairman may hold that a breach of privilege has occurred notwithstanding the fact that a communication has been sent to him. The specimens of such communications addressed to the Hon'ble the Speaker/the Chairman are reproduced below. The communications invariably disclosed the reasons and place of arrest, detention or imprisonment and the sentence passed by the court.

In Civil case, the privilege of freedom from arrest extends during the continuance of the session of Parliament and forty days before its commencement and after its conclusion.

It is also pointed out that the privileges of the State Legislatures and their members are also the same as those of members of the parliament. Similar action should be taken mutatis mutandis in cases where a member of State legislature is arrested or detained.

The extreme importance and necessity of strictly observing the above procedure is impressed upon the authorities concerned.

FORM OF COMMUNICATION

(See: Rules 229 and 230 OF RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN LOK SABHA)

Place -----

Date -----

To,

THE CHAIRMAN,

THE SPEAKER

COUNCIL OF STATES,

HOUSE OF THE PEOPLE,

NEW DELHI.

FORM 'A'

DEAR MR SPEAKER,

I have the honour to inform you that I have found it my duty in the exercise of my powers under section ----- of the ----- (Act), to direct that Sri ----- Member of the Council of States/House of the People be arrested/detained for ----- (reasons for the arrest or detention as the case may be).

Sri ----- M.P., was accordingly arrested/taken into custody at ----- (time) on ----- (date) and is at present lodged in the -----(Jail) -----(Place).

FORM 'B'

I have the honour to inform you that Sri ----- Member of the Council of States/House of the People was tried at the -----Court, before me on a charge (or charge of) ----- (reasons for the conviction).

On ----- (date) after a trial lasting for ----- days, I found him guilty of ----- and sentenced him to imprisonment for -----(period).

His application for leave to appeal to ----- (Name of the Court) is pending consideration.

FORM 'C'

I have the honour to inform you that Sri ----- Member of the Council of States/House of the People who was arrested/detained/convicted on ----- for ----- (reasons for arrest/detention/conviction) was released on ----- (date) on ----- (grounds for release).

Yours faithfully,

(Judge, Magistrate or Executive Authority)

Where intimation of arrest or detention is sent by telegram, it is necessary that information on all the points mentioned in the appropriate forms should be given succinctly but clearly. The Speaker and Members of Parliament always desire to know whether an arrested member has been released on bail pending prosecution or trial. The authority giving intimation of the arrest of a Member of Parliament should, therefore, invariably furnish this information also.

2. G.L. No. 4/VIII-b-28 dated 12th September, 1953

Attention of all Judicial Officers and Magistrates in the State is invited to the provisions of Article 105(3) of the Constitution which provides the same

privileges for Members of Parliament in India as are enjoyed by Members of British Parliament. One of the privileges is that no service of summons can be effected upon the Members when they are within the precincts of the Parliament. It is not desirable that courts should attempt to serve such summonses through the Presiding Officer or through the Parliament Secretariat. The appropriate procedure would be for the summons to be served direct upon the Member concerned outside, the precincts of the Parliament, i.e. at their residence or at some other place.

Same procedure should be followed for effecting service of summons upon Members of the State Legislatures who enjoy the same privilege under Article 194(3) and Article 238 of the Constitution and Section 19(3) of the Government of part C States Act, 1951.

3. C.L. No. 95/VIII-e-24, dated 15th November, 1958

Intimation of arrest, detention, conviction, release, etc. of a Member of Parliament should be sent in two stages:

By telegram giving in case of arrest, the information of -

- (a) Place of arrest,
- (b) Law and section under which arrest was made,
- (c) Name and designation of the sender of the intimation,
- (d) Authority, which ordered the arrest.
- (e) Formal communication giving brief reasons for arrest, conviction or detention to the Speaker/Chairman Lok Sabha/Rajya Sabha.

4. C.L. No. 64/VIII-e 24, dated 23rd July, 1959

The correct procedure regarding execution of warrants of arrest against Members of Parliament and State Legislature within the precincts of the House is as follows:

Rule 232 of the Rules of Procedure and Conduct of Business in Lok Sabha (Fifth Edition) provides that "No arrest shall be made within the precincts of the house without obtaining the permission of the Speaker." Rule 233 lays down that a legal process, civil or criminal, shall not be served within the precincts of the House without obtaining the permission of the Speaker.

The term 'precincts of the House' has been defined as follows in rule 2 of the Rules of Procedure of Lok Sabha (Fifth Edition) and Direction 124 of the Direction by the Speaker (Second Edition):

“Rule 2(1) - In these rules, unless the context otherwise requires –

‘Precincts of the House’ means and includes the Chamber, the Lobbies, the Galleries and such other places as the Speaker may from time to time specify.”

Direction 124 - The term 'Precincts of the House/Parliament House' used in the Rules of Procedure shall, except for the purpose of rule 374, include in addition to places specified in rule 2, the following:

- (i) The Central Hall and its Lobbies;
- (ii) Members’ Waiting Rooms;
- (iii) Committee Rooms;
- (iv) Parliament Library;
- (v) Members' Refreshment Rooms;
- (vi) Lok Sabha offices located in Parliament House and the hutments adjoining the Parliament House;
- (vii) Corridors and passages connecting or leading to the various rooms referred to in (i) to (vi) above; and
- (viii) Parliament House Estate and approaches to the Parliament House.

To enable the Speaker/Chairman to decide whether he should grant or withhold permission for arrest within the precincts of the House, it is necessary that in making a request for such an arrest, the warrant should be accompanied by a brief and concise statement containing a well reason request setting out the grounds therefore and explaining why it is desired that the arrest be made within the precincts of the House and why the matter cannot wait till the House adjourns for the day. In the absence of such a statement, is often not possible for the Speaker/Chairman to come to a decision whether permission should be granted or withheld.

Since provisions similar to the aforesaid rules 232 and 233 of the Rules of Procedure and Conduct of Business in the Lok Sabha exist in rules 87 and 88 of the Rules of Procedure and Conduct of Business of the Uttar Pradesh Legislative Assembly, a similar procedure may be followed in respect of the members of the

State Legislature also. The term 'Precincts of the House' as defined in Rule 3 of the said Rules of the Uttar Pradesh Legislative Assembly as also under the direction of the Speakers is as follows:

"Precincts of the House" means and includes the Chamber, the Lobbies, the Galleries and approaches leading thereto and all other accommodation in possession of the Speaker or the officers of the Assembly Secretariat in the Vidhan Bhawan and such other places as the Speaker may from time to time specify.

DIRECTION

"The Precincts of the House" means clearly the Assembly Hall, Lobbies, the rooms in occupation of the Legislature Secretariat, Speaker's room, Deputy Speaker's room, Committee room, Library, Party rooms and approaches thereto.

"Precincts of the House" means and includes the Chamber, the Lobbies, the Galleries, Reading room and Legislature Library and approaches leading thereto, and all accommodation in possession of the Chairman or officers of the Council Secretariat in the Vidhan Bhawan and such other places as the Chairman may from time to time specify.

5. C.E. No. 19/VIII-h-23 dated 27th March, 1962

Replies sent to non-officials including Members of Parliament and the State Legislature as well as representatives of foreign countries in India should be in form of an official letter or semi-official letterform, as the circumstances of the case may be. A communication in the form of an office memorandum cannot as a rule be regarded as a proper communication when addressee belongs to the categories of persons mentioned above. Such communications besides, being polite, should be in proper style and form.

6. C.L. No. 37/VIII-e-24, dated 30th May, 1963 and

G.Os. (1) B-955XXV/CX-55-B-55 dated 24th July, 1958

B-1679-XXV-CX-55-B-55 dated 13th October, 1958, and

B-712-XXV/CX-A-55-B-55 dated 9th July, 1961

Drawing their attention to the G.Os. noted in the block, it is brought to the notice of all the subordinate courts by way of general clarification that according to the Government of India when a bail is cancelled and the

person surrenders to custody, he is arrested “in the legal sense of the term” and, therefore, rules 229 and 230 of the Rules of Procedure and Conduct of Business in Lok Sabha are attracted, in case the person is a Member of Parliament. This view is supported by the Third Schedule to the Rules, as the Form of Communication regarding arrest, etc. of a Member given in it refers to “arrested/taken into custody”.

Communication addressed to Speaker, etc., by a member under judicial custody

7. C.L. No. 70/VIII-f-9 dated 12th November, 1963

All communications addressed by a member of Parliament/ State Legislature who is in judicial custody to Speaker or Chairman of the House shall immediately be forwarded by the Presiding Officer under whose orders he is under arrest or detention in judicial custody, to Government in Judicial Department, so as to be dealt with, with regard to his rights and privileges as a member of the House to which he belongs.

8. C.L. No. 29/VIII-c-24, dated 9th June, 1967

As envisaged in G.O. no. 65(1)/1-66-CX, dated January 16, 1957, intimation about the arrest, detention and release of Members of Parliament should be sent to the Speaker, Lok Sabha in prescribed form. In this connection, attention is invited to rule 229 and 230 of Rule of Procedure and Conduct of Business in the Lok Sabha for scrupulous compliance. A similar procedure is to be adopted in respect of Members of Rajya Sabha and State Legislature. Information about the arrest, detention, release, etc. of members of the Lok Sabha/Rajya Sabha, Members of State Legislature, should invariably be sent either by telegram or wireless to Speaker/Chairman immediately followed by a formal written communication in the prescribed form in terms of G.O. no. 65/1-66-CX, dated November 18, 1966.

9. C.L. No. 16/VIII-b-28 dated 20th February, 1968

Procedure for service of summons on Members of the State Legislature as indicated in Court's G.L. No. 4/VIII-h-28 dated September 2, 1953, be strictly followed.

Mode of addressing non-officials

Interrogation of a Member of Parliament by the Police

10. C.L. No. 120/VIII-c-24 dated 30th November, 1969

When it is found from disclosure made by a Member of the Rajya Sabha that he is in possession of a vital information in a criminal case which is under investigation the matter should be referred by the concerned Superintendent of Police to the State Government/Union Territory Administration and if he is also of the opinion that the information in possession of a member is of such vital importance that his assistance should be sought, a detailed report may be sent to the Ministry of Home Affairs enclosing a list of points on which the information is sought from the member. The matter will then be taken up by the Minister of Home Affairs with the Member concerned through the Chairman of the Rajya Sabha. The information that might be made available by the member will be communicated to the State Government/Union Territory Administration and the extent to which it might be used in the investigation of case will also be indicated."

Sending of timely information of arrest, detention, conviction and release of the Members of Parliament and Members or Legislative Assembly to the Parliament and Assembly

11. C.L. No. 85/VIII-E-24, dated 25th August, 1970

As Hindi is the language of the U.P. Legislative Assembly, information about arrest and detention of members should be given in Hindi only.

12. C.E. No. 99/VIII-e-24, dated 21st December, 1973

Information regarding arrest, detention and release of the Member of Parliament should be communicated to the Chairman/Speaker in Hindi language.

13. C.L. No. 156/VIII-c-24, dated 16th October, 1974

Information regarding arrest, detention, etc. of a Member of Parliament or State legislature should be sent in typed letters so that it may be legible.

14. C.L. No. 41/Eight-E-24, dated 2nd March, 1977

The instruction contained in G.O. No. 65/1/66-CX-(2) dated 25th April, 1968, 4th Oct., 1975, 16th July 1976 and 24th Dec., 1976 of confidential Section-2 regarding arrest, detention and handcuffing of M.Ps./M.L.As. should be strictly complied with.

15. C.L. No. 3/VIII-24/Admn.(G-2) dated January 13,1993

1. G.L. No. 4/VIIIb-28 dated 12.9.53
2. C.L. No. 16/VIII-28 dated 20.3.68
3. C.L. No. 32/VIII-26 G dated 7.5.84

I am directed to invite your attention to Rule 121 of General Rules (Civil) and Rule 15 of General Rules (Criminal) and marginally noted Circular Letters on the above subject, and to say that it had repeatedly been emphasized in the marginally noted Circular Letters that it is not desirable that Courts should attempt to serve summonses upon any member of the House through the Presiding Officers or through Parliament Secretariat. It had also been envisaged that summons should be served direct upon the members outside the precincts of the House of Parliament or State Legislature, as the case may be i.e. at their residence at some other place as required the provisions of General Rules (Civil) and General Rules (Criminal).

I am to add that it has come to the notice of the Court that inspite of instructions contained in General Rules (Civil) and General Rules (Criminal) and aforementioned Circular Letters issued by the Court in this respect, subordinate courts send summonses to serve upon the members of the House or State Legislature for Service through the Presiding Officer of the House or Stale Legislature.

I am, therefore, to request you kindly to ensure that in future service of summonses upon any member of the House or Stale Legislature be not served through the Presiding Officer of the House or State Legislature, as the case may be. The Officers posted in your Judgeship be apprised of the instructions issued by the Court from time to time in this respect and it may be ensured that such situation may not arise again otherwise the Court will take serious view to the non-compliance of the instructions issued by the Court in this regard.

16. C.L. No. 62/VIII-24, Admn.'G' dated July 22, 1994

I am directed to send herewith a copy of Government letter No. 76/1/93-c-x-2, dated 30.3.1994 along with two proformas and to request you kindly to bring the contents of the aforesaid letter to the notice of all concerned with the direction that information with regard to arrest,

detention, conviction and release of Members of Parliament and Members of Legislative Assembly may be sent on prescribed proforma provided with the Government letter dated 30.3.1994 to the Speaker/Chairman immediately.

I am further to say that a copy of aforesaid letter along with proforma may be given to each Presiding Officer working under you for strict compliance in future.

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**Sending of timely information of arrest, detention, conviction and release of
the Members of Parliament and Members of Legislative Assembly to the**

Speaker

17. C.L. No. 14407/VIII-2-24/Admin. (F-II) Dated: 28th September, 2002

I am directed to invite your kind attention to Court's circular letter dated 29.7.98 wherein it was impressed upon that the information of arrest, detention, conviction and release of Member of Parliament and Member of Legislative Assembly may be sent to the Speaker concerned timely.

It has come to the notice of the Court that the direction contained in Court's circular letter No. 12012/VIII-e-24/Admin.(f), dated 29.7.98 are not being complied with strictly by the Presiding Officer working under you.

I am, therefore, to request you kindly to impress upon all the Presiding Officers to follow the directions contained in circular letter cited above may be complied with concerning information regarding arrest, detention, conviction and release of M.Ps. and M.L.As. to the Speaker concerned timely.

16. Process for execution in foreign countries.

No legal process of any kind shall be sent for execution in a foreign country, whether within or without the Commonwealth except through the High Court and the Ministry of External Affairs, Government of India.

Relevant Circular Orders:

Investigation

Letter of request to competent authority for investigation in a country or place outside India and vice-versa

1. C.L. No. 102/VII-b-1/Admn.(G) dated November 16, 1990

I am directed to say that the Ministry of Home Affairs, Government of India has forwarded a copy of Notification No. 2/8/90- Judl. Cell dated 4.6.1990 (Copy enclosed) in pursuance of sub-section (2) of Section 166-A of the Code of Criminal Procedure, 1973 (2 of 1974), on the above subject, specifying the procedure to be followed in the above matter for being followed. A copy of the extra ordinary Gazette of India Part II dated 20.4.1990 is also enclosed herewith by which amendment has been made in the Code of Criminal Procedure.

I am, therefore, to request you kindly to apprise all courts under your supervision the contents of this Circular Letter for information and necessary action.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ACT, 1990

(No.10 of 1990)

(20th April. 1990)

An Act further to amend the Code of Criminal Procedure, 1973.

Be it enacted by Parliament in the Forty- first Year of the Republic of India as follows:-

1. (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1990. Short title It and commencement.

(2) It shall be deemed to have come into force on the 19th day of February, 1990.

2. In the Code of Criminal Procedure, 1973 (hereinafter referred to as the Code of Criminal Procedure), in Chapter XII, after Section 166, the following sections shall be inserted, namely:-
2 of 1974

Insertion of new Sections 166-A and 166-B.

"166-A. (1) Notwithstanding anything contained in this Code, if, in the course of an investigation into an offence, an application is made by the investigating officer or any officer superior in rank to the investigating officer that evidence may be available in a country or place outside India, any Criminal Court may issue a letter of request to a Court of an authority in that country or place competent to deal with such request to examine

Letter of request to competent authority for investigation in a country or place outside India.

orally any person supposed to be acquainted with the facts and circumstances of the case and to record his statement made in the course of such examination and also to require such person or any other person to produce any document or thing which may be in his possession pertaining to the case and to forward all the evidence so taken or collected or the authenticated copies thereof or the thing so collected to the Court issuing such letter.

(2) The letter of request shall be transmitted in such manner as the Central Government may specify in this behalf.

(3) Every statement recorded or document or thing received under sub-section (1) shall be deemed to be the evidence collected during the course of investigation under this Chapter.

Letter of request from a country or place outside India to a Court or an authority for investigation in India.

166-B.(1) Upon receipt of a letter of request from a Court or an authority in a country or place outside India competent to issue such letter in that country or place for the examination of any person or production of any document or thing in relation to an offence under investigation in that country or place, the Central Government may, if it thinks fit-

(i) forward the same to the Chief Metropolitan Magistrate or Chief Judicial Magistrate or such Metropolitan Magistrate or Judicial Magistrate as he may appoint in this

behalf, who shall thereupon summon the person before him and record his statement or cause the document or thing to be produced; or

(ii) send the letter to any police officer for investigation, who shall thereupon investigate into the offence in the same manner, as if the offence had been committed within India.

(2) All the evidence taken or collected under sub-section (1) or authenticated copies thereof or the thing so collected, shall be forwarded by the Magistrate or Police Officer, as the case may be to the Central Government for transmission to the Court or the authority issuing the letter of request in such manner as the Central Government may deem fit."

Repeal and Saving 3 (1) The Code of Criminal Procedure Ord. 1 of 1990 (Amendment) Ordinance, 1990 is hereby repealed.
(2) Notwithstanding such repeal, anything done or any action taken under the Code of Criminal Procedure, as amended by the said Ordinance, shall be deemed to have been done or taken under the Code of Criminal Procedure, as amended by this Act.

Recommendation made by the Inter Ministerial Committee constituted by Ministry of Overseas Indian Affairs, Government of India to curb the menace of the fraudulent overseas marriages and to determine legal action against such overseas Indian spouses

2. C.L. No. 43/2009/Admin. 'G-II' Dated: Allahabad 2.9.2009

The Secretary, Ministry of Overseas Indian Affairs, Government of India has brought to the notice of Hon'ble Court on the issues relating to delivery of justice to the Indian women, who were married and thereafter deserted by their overseas husband to prevent such fraudulent marriages and to determine the possible legal action that could be taken against such overseas spouses.

Upon consideration of the matter, the Hon'ble Court is of the view that the situation, however, needs attention as it involves the right of the married women subjected to cruelty on demands of dowry, concealment of earlier/existing marriages, marriages of convenience; and deceit in marital affairs.

To overcome the problem and to determine possible legal action that could be taken against such Indian overseas spouses, the Hon'ble Court has desired that all such matters pending for maintenance before the Chief Judicial Magistrate and 1st Class Magistrates and the suits for restitution of conjugal rights, divorce and custody of children pending before the Civil Judges and Sessions Judges, wherever the family courts have not been set up, and all such cases, where the family courts are set up (in 12 districts in the State of Uttar Pradesh), should be put on Fast Track. Wherever the woman deserted by her overseas husband, is claiming maintenance, and is seeking some relief relating to her marriage including custody of children, the cases should be decided very expeditiously. All these cases should not be unnecessarily adjourned and that as far as possible these cases should be decided within a period of six months from the date they are instituted.

I am further directed to say that upon consideration of the matter the Hon'ble Court has desired that the District Judges concerned shall report back the data of such cases in every six month, so that the Court may suggest measures, if any unnecessary delay is being caused in such cases.

I am, therefore, directed to request you to kindly bring the above directions to the notice of all the Family Courts and all the Judicial Officers working under your administrative control for information and strict compliance.

Service of summons/judicial processes etc. Outside India in Criminal/Civil & Commercial matters.

3. C.L. No. 36/VII-C-6/Admin.(F)/dated Allahabad: 05.11.2011

In continuation of earlier court's circular letter no. 21/VIIC-6/Admin.(F) dated 13.8.2004 & another court's circular letter no. 44/VIIC-6/Admin.(F) dated 19.10.2006, on the above subject I am enclosing a copy of Central Government office Memorandum F.No. 12(77) 10 Judl. Government of India Ministry of Law and Justice Department of Legal Affairs (Judicial Section) Shastri Bhawan, New

Delhi dated 18.08.2011 for your information and necessary action with the request to kindly bring the contents of circular letter to the notice of all the Judicial Officers in your judgship for their guidance and necessary strict compliance.

Encl. As above.

ENCLOSURE

F.No. 12(77) 10 Judl

Government of India

Ministry of Law and Justice

Department of Legal Affairs

(Judicial Section)

Shastri Bhawan, New Delhi

Dated 18.8.2011

Office Memorandum

Sub.: Service Abroad of Judicial and Extra-judicial Documents under the Hague Convention of 1965/Mutual Legal Assistance Treaties/Reciprocal arrangements with foreign countries in Civil and commercial Matters-regarding.

The undersigned is directed to refer to the subject cited above and to state that this Department is the Central authority for service of summons/notices in foreign countries under the provisions of the above Agreements.

2. It has been observed by this Department that a large numbers of documents received from the various courts are incomplete in one respect or the other and it gets quite difficult to process those documents to the foreign countries for service.

3. It is therefore requested to all Registrar Generals of Supreme Court/High Courts to circulate the following information to the courts within their jurisdiction

with the direction to ensure the particulars of documents before sending the same to this Department:-

- | S.No. | Particulars of information |
|-------|---|
| 1. | Summons/Notices in duplicate shall be issued providing 3 months time in advance this to Department for affecting the service in foreign countries. |
| 2. | Full address of the party and translation of the documents in the official language of requesting country wherever necessary. |
| 3. | The Central Authority, USA has authorized to receive the summons/notices under Hague Convention of 1965 to an agency, Process Forward International. The Notice/summons for USA may therefore be sent directly by the Courts to Process Forwarding International, 633 Yesler Way, Seattle, WA 98104, USA alongwith the required fee etc. (details available at www.hcch.net). |
| 4. | Ministry of Home Affairs is the nodal ministry and Central Authority for seeking and providing the mutual legal assistance in criminal law matters Ministry of Home Affairs receives all kind of such requests, examines and takes appropriate action (as per circular no. T4410/14/2006 dated 30.04.2010 of Ministry of External Affairs). |
| 5. | The Central Authorities in Canada are charging a cost of Rs. \$50.00 Canadian for the process of service under the Hague convention of Service Abroad of Judicial and Extra Judicial Matters, 1965. The payment accompanying the documents to be served must be in the form of a traveller's cheque or a cheque, in the amount of Can \$50 per request. The travellers cheque or cheque must be drawn on a <u>Canadian Bank</u> . The details may be seen at www.hcch.net |

6. Consulate General of India in Sydney has informed that the Sheriff's Office of NSW levies a fee of AUD 54 for serving summons through their office. The fee could be remitted in favour of the Consulate General of India, Sydney and the details of the 'Head of Account' under which such payment has to be debited be provided for making necessary action. (details available at www.hcch.net).
7. This Department process the service of summons/notices in civil and commercial matters issued by an Indian court force service on a person residing in a foreign country with which there is any reciprocal arrangement. The list of member State/non-member State may be seen at www.hcch.net
4. Since the number of requests from various courts on the subject has increased to manifold, the incomplete documents received in this regard will be returned to the court concerned with a copy of this circular.
5. This issues with the approval of Hon'ble MLJ

(M.A. Khan Yusufi)

Joint Secretary and Legal Adviser

17. Process fee.

The fees here in after mentioned shall be chargeable for serving and executing processes issued by criminal courts in the case of offences other than offences for which police officers may arrest without a warrant.

	<u>Rs. ps.</u>
1. Warrant of arrest	^Ω 10.00
2. Summons	Ω5.00
3. Proclamation for absconding person under section 82 of the	Ω10.00

^Ω Note: Substituted by notification No. 338/xb-88, dated July, 26 1996. Published in U.P. Gazette Part-2, dated 28th September. 1996, -Ed.

- Code
4. Warrant of attachment
 - (a) in-respect of the warrant Ω20.00
 - (b) Where it is necessary to place officers incharge of property attached, in-respect of each officers so employed, per diem Ω10.00
 5. In cases where an application is made by a complainant for the recovery of compensation granted under section 357 of the Code or where a person applies for the recovery of compensation awarded to him under section 250 of the Code -

In-respect of the warrant for the levy of the fees, fine or compensation Ω10.00

Provided that no fee shall be chargeable for any process issued upon the complaint or application of any public officer as defined in section 2 of the Code of Civil Procedure, 1908, when acting as such public officer or of any railway servant as defined in section 3 of the Indian Railway Act, 1890, when acting as such railway servant or of an officer or servant of a local authority acting in that capacity:

Provided also that the Presiding Officer of the Court may remit in whole or in part a fee chargeable under this rule, whenever he is satisfied that the person applying for the issue of the process has not the means of paying it.

18. Processes fee to be prepaid.

A process shall not be drawn up for execution of service unless the process fee chargeable under rule 17 has been paid or has been remitted.

The fee shall be paid in court fee stamps, which shall be affixed either to the application by which the court is moved to issue the process (in addition to the court fee chargeable upon the application it self), or, if no such application be filed, to a separate sheet of paper giving particulars of the case as also a reference to the order by which the court directs the issue of the Process.

19. Certificate of pleader.

Every application for the issue of process for the attendance of witnesses shall, if the party presenting the application is represented by a legal practitioner,

contain a certificate signed by such legal practitioner that he has satisfied himself that the evidence of each one of the witnesses is material to the case.

CHAPTER – IV

PREPARATION OF RECORDS

20. Title of case.

In every case, other than a case in which the offence alleged falls under chapters XIX, XX or XXI of the Indian Penal Code, 1860, the style and title used to designate the prosecution shall be "STATE" and no other.

21. Number.

A serial number shall be assigned to each case in each court -

- (i) in the Court of a Magistrate taking cognizance of an offence, as soon as cognizance is taken; but if the case is at once transferred under section 192 of Code, it shall not be numbered as a case;
- (ii) in the Court of a Magistrate receiving a case by transfer or by submission under section 322 of the Code, or in a Court of Session receiving a case made over under section 194 of the Code for trial, as soon as the case is received;

Provided that in the case of transfer of criminal cases from the Court of one Magistrate to the Court of another Magistrate, anew serial and number shall be given showing the new number in the numerator and the old number in the denominator.

- (iii) in a Court of Session receiving a case on commitment or on reference under section 122 of the Code, as soon as notice of the commitment or the record, as the case may be, is received.

The number in a regular case shall be the same as that given to it in the register of cases in form no. 9 in a Magistrate's Court, or in form no. 15 in a Court of Session.

A separate series of numbers shall run in each court for cases entered in the register of miscellaneous cases in form no. 11. Every number in this series shall be followed by the letter "m".

A separate series of numbers shall run in each court before which proceedings are laid under section 122 or to which a case is submitted under section 323 or section 325 or section 360 of the Code. Every number in this series shall be followed by the word "referred".

A separate serial number shall be given to cases tried summarily. A Court of Session exercising criminal jurisdiction over two or more district shall keep a separate series of numbers for each district.

A separate file shall not be prepared for each *panchayatnama* (inquest report). It shall be entered serially in register no. 12. At the close of each month all reports in which no further action is required shall be consigned to the record room in a monthly bundle, a note being made in the remarks column against each *panchayatnama*, thus-

Filed in the monthly bundle for the month of....."

Relevant Circular Orders:

1. C.L. No. 16/D-2 dated 4th February 1952 as amended by

C.L. No. 69/26-B, dated 9th June, 1952

As under rule 21 Chapter IV General Rules (Criminal), 1957⁷ a separate series number is to be allotted to each district, a separate register in Form No. 15 should be maintained for each revenue district in a sessions division.

2. C.L. No. 1/Adm. (B), dated 12th February, 1971

On transfer of a criminal case from the court of one Magistrate to another Magistrate the case may be given a new number with new date which shall be the date of receipt after transfer. At the same time the earliest number of the cases as also the date of the initial institution be noted below the new number so that it may give an idea of the period for which that case is pending.

3. C.L. No.45/VI-h-36 dated 8th March, 1977

On each charge sheet filed in the courts, a rubber seal indicating the following should be impressed:-

(a) Charge-sheet received on.....

⁷ NOTE: Figure 1957 shall now be read as 1977. -Ed.

- (b) Paper sent for copying on.....
- (c) Papers and copies received back on

4. C.L. No. 39/VIII-108 dated 19th April, 1978

I am directed to invite your attention to Court's circular letter no. 1/Adm. (b), dated 12.2.1971 regarding the numbering of criminal cases transferred from one court to another and to say that Hon'ble T.S. Misra, A.J.L. 2, has been pleased to observe in his inspection notes that in a large number of cases new numbers are allotted by the transferee court to cases received on transfer from another court and the original number of the case is not indicated in the institution register with the result that the period of pendency of the case since its first institution cannot be ascertained. All this is done in spite of clear instructions contained in the aforesaid Court's circular letter dated 12.2.71 that the earliest number of the transferred case and the date of the initial institution must also be shown below the new number of the case given by the transferee court.

I am, therefore, to request you to issue necessary directions to all the Presiding Officers under you to the effect that the instructions contained in the Court's circular letter No. 1/Adm. (B) dated 12.2.71 may be strictly followed in the matter.

Numbering of criminal cases

5. C.L. N0.75/VIII-8-108 Admn.(G)(B) dated 29th October, 1984

All the criminal courts should strictly comply with rule 21 and rule 91 of the General Rules (Criminal),* with regard to numbering of criminal cases.

22. Order-Sheet.

Upon the institution of a case an order-sheet in the prescribed form (Part IX, no. 10) shall be opened. Upon it shall be recorded (i) every routine order passed by the court in the case; (ii) a note of every other order passed, including every order regarding a document produced before the court; and (iii) a note of the date of each hearing and the proceedings on that date. An order the reason for which require to be recorded at length, shall not be written on the order-sheet, but only a note of the order and of the date on which it was made, shall be entered on it. Every entry upon the order-sheet, shall be made at the earliest opportunity and shall be signed by the presiding officer.

* Now 1977vide notification no. 504/Vb-13 dated 5.11.83.

Relevant Circular Order:

G.L. No. 887/44-28 dated 3rd March, 1914

District Judges shall take steps to ensure that the orders on order sheets are written in a clear and legible hand.

If the Ahalmad and Court Reader cannot write legible, they should not be promoted.

23. General Index.

Upon the institution of the case a general index in the prescribed form (Part IX, no. 9) shall be opened. In it shall be entered a note of every paper or document as it is brought upon the record, and also a note of every material exhibit which is produced in evidence. When a paper is removed from the record, a note of the fact shall at once be made in the general index against the entry of that paper. If the paper is an exhibit, a note shall also be made in the index of exhibits.

Index of exhibits

Upon the institution of a case an index of prosecution exhibits, an index of defence exhibits, and an index of material exhibits in the prescribed form no. 33 (Part VIII, no. 69) shall also be prepared. Every document or weapon or other thing which is admitted in evidence as an exhibit shall be entered with its exhibit number in the appropriate index of exhibits. When a document or article admitted as an exhibit is subsequently rejected or returned, or otherwise ceases to be an exhibit, a note of the fact shall at once be made in the appropriate index of exhibits and also the general index against the entry of the document or article.

There shall be one file of exhibits and this shall remain intact. It shall be opened in the magisterial court and shall continue as a single exhibit file even in the Court of Session. If the Sessions Court adds any exhibit which not before the magisterial court, it shall be placed in the exhibit file and given a serial number or letter next after the last serial number or letter given to the exhibits in the magisterial court.

24. Contents of records.

The record shall include every paper in the case from the information on which cognizance was first taken up to and including the warrant received back under section 430 of the Code.

Relevant Circular Order:

Charge-Sheets and Final Reports

As modified by C.L. No. 51/IV h 36 dated 10th March, 1977

Charge sheets should be accepted even though they have been filed without copies of documents, but they should invariably be accompanied by the original documents. The receipt of every charge sheet shall be acknowledged by the ahalnads.

25. Form of records.

All affidavits, pleadings, applications and petitions of whatsoever nature except those presented by a prisoner or other person in duress or under restraint of any court or its officers, filed in the course of a criminal judicial proceeding shall be fairly and legibly written or type written on Government water-marked paper.

Only one side of the paper shall be used with a quarter margin and with at least one inch of space both at the top and the bottom of each sheet.

Every application or petition shall at the time of presentation bear the name of the person actually presenting the same together with the date of presentation.

Provided that when Government water-marked is not available, courts may accept affidavits, pleadings, applications and petitions on stout durable paper.

Relevant Circular Order:

C.L. No. 134-VIIB-15 dated Allahabad 27 November, 1978

It has come to the notice of the Court that in some cases the original case diaries of the cases are retained by the magistrates as judicial record.

I am therefore, directed to request you to impress upon the Presiding Officers of the Courts under you that the case diaries should invariably be returned to the Police after being made use of by the courts and should not be made part of the Judicial record.

26. Impounded documents.

When a document or thing produced before a court is impounded, a note recording that it has been impounded shall forthwith be made upon it or attached to it, and shall be signed by the presiding officer and such document or other thing shall not be allowed to pass out of the custody of the court, save a written order of the court.

27. Marking of Exhibits.

- (a) Every document, weapon or other article admitted in evidence before a court shall be clearly marked with the number it bears in the general index of the case and the number and other particulars of the case and of the police station.
- (b) The court shall mark the documents admitted in evidence on behalf of the prosecution with the letter K followed by a serial numeral indicating the order in which they are admitted, thus-

Ex. d1, Ex. d2, Ex. d 3, etc.

and the documents admitted on behalf of the defence with the letter Kha followed by a numeral, thus-

Ex. Â1, Ex. Â2 Ex. Â3 etc-
- (c) In the same manner every material exhibits admitted in evidence shall be marked with numerals in serial order, thus -

Ex.1, Ex, 2, Ex. 3, etc.
- (d) All exhibit marks on documents and material exhibits shall be initialled by the presiding officer,
- (e) No document or material exhibit which has been admitted in evidence and exhibited shall be returned or destroyed until the period for appeal has expired or until the appeal has been disposed of, if an appeal be preferred against the conviction and sentence.
- (f) Documents or material exhibits which have not been

admitted in evidence should not be made part of the record, but should be returned to the party by whom they were produced.

Relevant Circular Orders:

Exhibits

1. G.L. NO. 11/VIII-a-40 dated 17th March, 1949 read with

G.L. No. 14/VIII-a-41 dated 22nd April, 1949

When only a portion of a statement previously made by a witness has been put to him for the purpose of corroborating or contradicting him under section 157 or 145 of the Indian Evidence Act, only such portion of the statement should be proved. The Sessions Judge should get an extract prepared from the statement and have an exhibit mark put on such extract only and not on the whole statement. The extract should indicate the source from which it has been prepared and a copy of the entire statement which may be on the file should be placed among papers on the record which have not been proved and exhibited so that it may be referred to, if and when necessary.

2. G.L. No. 14/VIII-a-42 dated 22nd April, 1949

In cases in which a witness is asked as to why he failed to state certain facts in the lower court, which he has subsequently added in his statement before the Court of Session, it is not necessary for the purpose of proving such omissions to exhibit the entire statement of the witness before the lower court. The Judge should, in such cases, read the statement and make a note to the effect that the omission exists. A copy of the entire statement in which the omission exists should, however, be put on the file among the papers not proved and not exhibited so that it might be referred to, if and when necessary.

28. Duties of officer in-charge of record.

The officer for the time being in-charge of the record shall-

- (a) enter in the general index every paper as it is filed with the record:
- (b) punch out the capital of each court-fee stamp upon such paper, and record below the stamp the aggregate number and value of stamp used to denote each separate fee :

- (c) certify in column 8 of the general index the state of any exhibit filed, noticing any erasures or interlineations therein:
- (d) take the orders of the court, if necessary, as to the correct entry to be made in such column.

29. File A and B in records.

Every paper as it is brought on to the record shall be marked as belonging to either file A or B. All the papers relating to each file shall be kept stitched. File A shall include the following papers, namely:

- (1) Record of statement or confession (section 164) plea (sections 228, 229) and examination (sections 313 and 281)
- (2) Proceeding on which cognizance was first taken, police report, etc., (section 190)
- (3) Charge and altered charge, if any
- (4) Order consenting to withdrawal or stay of charge (sections 224 and 321)
- (5) Sentence
- (6) Record in summary trial
- (7) Record of proceedings under section 236
- (8) Record of composition of an offence (section 320)
- (9) Record of evidence
- (10) Judgment
- (11) Copy of High Court's order regarding a sentence of death (section 371)
- (12) Warrant or other paper returned on execution of sentence
- (13) Copy of order commuting a sentence or suspending the execution thereof, or remitting punishment
- (14) Petition of appeal or application for revision
- (15) Copy of judgment or order in appeal or revision
- (16) Certificate of judgment or order in appeal or revision
- (17) Commission with return thereto and deposition
- (18) Deposition of medical witness
- (19) Report of Chemical Examiner
- (20) Proof of previous conviction
- (21) Order for disposal of property (Chapter XXXIV)
- (22) Order of transfer
- (23) Order sheet
- (24) General index

- (25) Treasury receipt
- (26) File of exhibits including indices of exhibits
- (27) Bonds under sections 106, 107, 108, 109 and 110 of the Code and section 4 of U.P. First Offenders' Probation Act, 1938⁸
- (28) Papers relating to the identification of the accused person in jail or elsewhere
- (29) Papers relating to the identification of stolen property
- (30) Map of the locality placed on the file of a case

NOTE: Reference to any section or chapter in this rule when not indicated is to the section or chapter of the Code.

File B shall include every other paper in the record unless, for reasons to be stated thereon in writing, the court orders any such paper to be placed in file A.

In any case in which a proceeding belonging to file A and a proceeding belonging to file B are recorded on one and the same paper, the paper shall belong to file A.

30. Return of exhibits.

A notice shall be fixed up in a conspicuous part of every court- house giving warning that if an exhibit which has been filed in a case is left in a court, it will be kept there at the owner's risk. Before making an order for the return of an exhibit, the court shall consider whether it is expedient to return it; whether, if returned, a copy should be required in its place; and, if so, whether the copy should be prepared at the expense of the person to whom the exhibit is returned or at the expense of the Government.

Relevant Circular Order:

C.L. No. 10/VIIIe-88/A-3 Dated: 26th February 1998

⁸ NOTE: Now also the Probation of Offenders Act, 1958 (section 4) and Juvenile Justice Act, 1986 (section 21). - Ed.

I am directed to say that for imparting basic and in-service training to the IPS, Probationers, Senior Police Officers from different-States, Central Police Organisations and officers from other countries, Govt. of India have set up Police Science Museum in Sardar Ballabh Bhai Patel National Police Academy Hyderabad. The said Museum is desired to be equipped with the objects of historical and scientific importance. All criminal courts after the conclusion of trial may make an order for the disposal of property having historical and scientific importance by way of sending them to Police Science Museum for the purpose of preservation.

I am further directed to say that while delivering the Judgment of acquittal or conviction, the Courts shall also make it clear that disposal of the material exhibits shall not be made in any manner till to the expiry of the Period of appeal. If appeal filed the disposal of such material exhibits shall depend upon the directions of the appellate Court,

31. Record of appeal or revision.

A copy of a judgment or order appealed against accompanying a petition, and a copy of any order, sentence, finding or other proceeding filed with an application for revision of such order, sentence, finding or other proceeding shall remain with the record of the appellate or revisional court and shall not be returned.

32. Wrapper for records.

The record of every case shall be kept in a wrapper in the prescribed form (Part IX, no. 28), so long as it remains in the court.

Wrapper in Original Cases

[Rule 32, Chapter IV, General Rules (Criminal), 1957]⁹

Name of Court
Name of the Presiding Officer
Powers

⁹ NOTE: Figure 1957 shall now be read as 1977. -Ed.

No. and year of the case with nature
 i.e., whether regular or
 miscellaneous Police Station

Name of accused

Date			Duration of the case in days	Offence with section		Nature of record Chapter XII, Rule 117
Date of				Mentioned in report or initial complaint	According to judgment	
FIR in case sent by police	Complaint in every other case	First date of arrest or appearance of an accused and not the date of arrest or					Date of decision
1	2	3	4	5	6	7

Certificate by the Reader:

I have satisfied myself that the bail bonds, reports for grant of remands¹⁰ Hawalat warrants,¹¹ processes and all other papers which should form part of the file are on the file and that the duration has been calculated correctly.

Signature of the
Reader

Date

33. Use of document exhibited in another record.

When a document in any record, civil or criminal, is made an exhibit in another record, civil or criminal, and is removed to that record, a certified copy of the document shall be retained in the record from which the document is removed, and a note of the removal made on the general index and the order-

¹⁰ NOTE: If it is a complaint case these words be struck off.

¹¹ NOTE: If it is a complaint case these words be struck off.

sheet. The certified copy shall be prepared by the court reader or ahlmad, and shall be signed by the presiding officer of the court. After the decision of the appeal or after the expiry of the period of appeal, if no appeal has been brought, the document shall be returned to the record of which it originally formed part, its place being taken by the certified copy.

Relevant Circular Order:

Transmission of exhibits to court

G.L. No. 11/VIII-a-41 dated 2nd May, 1950

Sessions Judges should follow the provisions of rule 135, Chapter XIII of the General Rules (Criminal), 1957* and exercise their discretion carefully in the matter of selecting exhibits for transmission to the High Court so as to ensure that all important and necessary material exhibits are sent to the Court in the event of an appeal. Even if, in the opinion of the Judge, no material exhibits need be transmitted to the High Court in the event of an appeal, an order to that effect should be recorded by him at the conclusion of the trial.

* Note: Now 1977 vide notification no. 504/Vb-13 dated 5/11/83

34. Officer for checking and cancelling stamps.

(a) Each presiding officer shall under section 30 of the Court-fees Act, 1870, formally appoint an officer for the purpose of canceling stamps on documents filed in the court. That officer, who should ordinarily be the reader for document filed in court and the munsarim for documents presented before him, shall be personally responsible for the strict fulfillment of the duty of receiving documents, examining the correctness and adequacy of the stamps attached thereto and immediately canceling such stamps as required by section 30 of the Court-fees Act. There is no objection to the ministerial officer so appointed employing with the approval of the court, a trust worthy subordinate to do the mere manual work of canceling stamps; but it shall be on the distinct understanding that the officer shall be personally responsible for the due execution of the duty and for any defalcation or fraud that may occur in connection with it.

NOTES: (1) The presiding officer should see that the punching is done immediately on presentation of petition and other document in court.

(2) A rubber stamp as indicated below shall be used for the purpose of cancelling stamps: -

CANCELLED

SIGNATURE.....

DATE.....

It should be applied across the adhesive stamp and upon the paper on either side but not in such a way as to obliterate the entries thereon or to render the detection of a forgery more difficult.

(b) Too strict a compliance with the provisions of section 30 of the Court-fees Act cannot be enjoined. In all cases it should be carefully seen that the capital on the court-fee stamp is punched out, that the part removed by punching is burnt or otherwise destroyed and that the stamps are registered before the document to which the stamps are attached is filed or acted upon.

(c) Every judicial officer should inspect and test the work of the officer from time to time so as to ensure that he pays proper attention to this duty

and to limit opportunities for fraud. A very efficient check can be kept on any attempt to defraud Government if each Presiding judge is able to examine daily from this point of view some of the records that he has occasion to handle and examine periodically records of cases that have been dealt with by him taken out at random from the shelves on which they are placed.

Relevant Circular Orders:

1. C.L. No. 15/Stamps 947/G dated 21st May, 1963, read with

C.E. No. 50/VIIIId-149, dated 21 August, 1963

In order to prevent reuse of court fee stamps the attention of all the presiding officers, is invited to section 30 of the Court Fee Act and Rules 252 to 261 of the Stamps Rules which lay down that no document shall be filed or acted upon in any court or office until the stamps affixed thereto have been cancelled and they are also required to pay personal attention to see that strict compliance of the aforesaid provisions of law is made by the presiding officers of courts and the officials concerned. Failure to punch and cancel stamps should be taken serious notice of and suitable action should be taken against the negligent officials.

2. C.L. No. 65/VIIIa-66/2 dated 24th September, 1984

I am directed to invite your attention to Court's Circular Letter No. 64/IVh-36 dated 24.3.77 already issued by the Court, on the said subject and to say that in spite of the specific instructions already issued by the Court, that a Siyaha Register shall henceforth be maintained for all Criminal Courts and an application for obtain in copy should be directly filed before the head copiest who will also, maintain a Siyaha Register, it has again been brought to the notice of the Court, that some of the Criminal Courts are not maintaining the Siyaha Register at all. The stamps are neither been cancelled nor punched nor the proper entry is made in the Siyaha Register where maintained. This lapse is very serious, because due to this it is not possible to find out the revenue earned by each court and this practice also encourages undesirable persons to use the said stamps again.

I am, further directed to request you to see, that henceforth, the Siyaha Register is properly maintained in all the Criminal courts working under your administrative control and that orders are passed on the applications etc. only

when the stamps affixed on such applications are cancelled and punched. You may impress upon all the Officers concerned that the Court will take a serious view of the matter, if any deviation from the above instructions is again brought to the notice of the Court.

The above instructions may please be brought to the notice of all concerned for strict compliance.

34A. Time Limit for Magistrates to dispose of police cases.

Magistrates shall ordinarily dispose of a case within two months from the date of receipt of charge- sheet in police cases and date of appearance of the accused in court in other cases.

Relevant Circular Orders:

1. C.L. No. 47 dated 21st September, 1967

Cases should be handled in a business like manner. Adjournments should be avoided. Special efforts ought to be made to secure attendance of witnesses on the date fixed, redundant, prolix and irrelevant cross-examination should not be permitted. Monthly statements of the progress of work with each officer should be submitted to the Court. In case an officer is unable to put in good work the Court will have to take steps to revert him as Civil Judge. A special eye should be kept on sessions cases and Criminal Appeals and proper guidance be given to subordinate offices.

2. C.L. No. 123/VII-b-68 dated 7th October, 1971

Delay in disposal of cases can be avoided to some extent if summonses are served well in time and the witnesses turn up on date fixed. A monthly statement showing the number and percentage of summonses not returned after service, the number of witnesses who did not turn up and the time of the court wasted due to non-appearance of the witnesses duly scrutinized by the District Judge should be sent to the Court regularly on or before the 10th of every month. The time wasted due to non-appearance of witnesses may also be entered in the daily sitting register.

3. C.L. No. 96/VII-b-21 dated 19th July, 1971

Magistrates should pass orders on final reports submitted to them by

the Police within one month of their submission.

4. C.L. No. 95/VII-g-38 dated 21st December, 1973

Cases arising out of violent agitations in the country are not allowed to protract in the courts and should be disposed of expeditiously to enable anti-social elements being kept under control.

5. C.L. No. 23/VIII-b-249 dated 3rd February, 1975

For early disposal of criminal cases, Judicial Magistrates should classify all criminal cases in various groups. Criminal cases of similar nature should be classified in one group, i.e., petty and minor cases be classified in one group and be disposed of by Magistrates under Section 206 of Cr.P.C. 1973.

6. C.L. No. 93/VII-b-l03 dated 19th December, 1978

Instruction contained in C.L. No. 6/Admn. (B) dated May 1, 1971, more particularly in paragraph 3 thereof, regarding the keeping of criminal cases pending without date till such time as the court is in a position to fix a date in a reasonable time, the operation of which was suspended under C.L. No. 60, dated May 23, 1972, are put into effect again. The latter C.L. is to be treated as withdrawn.

7. C.L. No. 28/VIIIh-13 dated 7th March, 1979

All the Magistrates and Sessions Judges should adopt all possible measures to expedite the disposal of cases of under trials.

8. C.L. No. 10/VII-c-/25/Admn. (G) dated 24th January, 1986

Attention of all the Presiding Officers is invited to the judgment of Supreme Court in the case of Bhagwant Singh v. Commissioner of Police, reported in A.I.R. 1985 S.C. 1285 regarding issue of notice to the informant in cases where the Magistrate to whom a report is forwarded under Sub-Sectioned) of Section 173, decides not to take cognizance of the offence and to drop the proceedings or takes the view that there is no sufficient ground for proceeding against some of the persons named in the F.I.R.

Expeditious disposal of cases in which Foreigners are involved

9. C.L. No. 25/VIIg-38/Admn.(G) dated March 3, 1994

I am directed to say that it has been brought to the notice of the Court that the cases involving Foreign Nationals are pending in the Indian Courts for a long time. It has been felt that inordinate delay in the disposal of such cases is being viewed as a violation of Human Rights. Therefore, with a view to give quicker relief to the Foreigners involved in cases, it has been decided that such cases be segregated and they may be put before such Courts as may be

specifically earmarked by you for their quick disposal to achieve cutting down delay in trial of these cases.

I am, therefore, to request you kindly to bring the contents of this letter to the notice of the concerned Presiding Officers for strict compliance.

Expeditious disposal of the cases of under trial foreign nationals

10. C.L. No. 48/Admn. 'E' Section, dated May 21, 1994

I am directed to request you that the Chairman, National Human Rights Commission has expressed concern about the foreign nationals who are languishing in various jails. He is also of the view that unless the trials are expedited, on the plea of violation of human rights, an issue having international implication would soon be raised.

I am, therefore, to request you kindly to furnish the particulars of all foreign nationals in custody, as under trial prisoners in your district on the proforma attached herewith to this Court, and one copy may be sent to Sri L.C. Bhadoo, Registrar (Admn.), Hon'ble Supreme Court of India, New Delhi. You are also requested to issue suitable directions to all the courts working under you to expeditiously dispose of the cases of under trial foreign nationals.

11. C.L. No. 8053/Admn. 'E' Section, dated May 30, 1994

In continuation of Courts Circular Letter No. 48/Admn. 'E' Section dated 21st May, 1994, on the subject noted above, I am directed to enclose herewith proforma* as mentioned in above cited letter.

Implementation of guidelines for expeditious disposal of pending cases of under trial prisoners, as given in the order dated 4.8.95, passed by the Hon'ble Supreme Court in Writ Petition (Criminal) No. 57/1979 (Hussainara Khatoon and others v. Home Secretary, Bihar and others with W.P. (Cri.) No. 222/1979 (Shri Rahim Malla & others v. The Home Secretary, Govt. of Jammu and Kashmir).

12. C.L.No.44/VIII 6-287(PIL) dated November 9, 1995

I am directed to send herewith a copy of order dated 4.8.1995 of Hon'ble the Supreme Court, on the above subject and to request you kindly to ensure the

* Proforma could not be procured.

compliance of the guidelines, given in the aforesaid order of the Hon'ble the Supreme Court strictly under intimation to the Court.

(See for Judgment 1995 Cri. L.J.-4020)

Implementation of guidelines for expeditious disposal of pending cases of under trial prisoners, as given in the order dated 4-8-95 passed by the Hon'ble Supreme Court in writ petition (criminal) no. 222/1979 (Shri Rahim Malla & others vs. The Home Secretary, Govt. of Jammu & Kashmir)

13. C.L. No. 31/VIII-b287 Admn 'G' sect Allahabad, June 12, 1996

It encloses copy of judgment dated 1.5.1996 of the Apex Court in the case of common cause. A registered society vs. Union of India & others (reported in J.T. 1996 (4) S.C 701) and says that the District Judges should communicate the contents of judgement to all criminal courts for strict compliance as directed by the Hon'ble Supreme Court in the above noted judgement.

14. C.L.No.9/VIII b-287 (PIL), dated February 29, 1996

With reference to the Court's Circular letter No. 44/VIIIb-287(PIL), dated 9.11.1995, I am directed to send herewith a copy of order dated 4.8.1995 passed by the Hon'ble Supreme Court, on the above subject and to request you kindly to ensure the compliance of the guidelines, given in the aforesaid order of the Hon'ble the Supreme Court strictly under intimation to the Court.

WRIT PETITION (CRIMINAL) No. 222 of 1979

(Under Article 32 of the Constitution of India for the enforcement of fundamental rights).

Rahim Malla v. The Home Secretary, Government of Jammu & Kashmir*.

HON'BLE THE CHIEF JUSTICE OF INDIA

HON'BLE MR. JUSTICE B.L. HANSARIA

HON'BLE MR. JUSTICE S.C. SEN

* Reported in 1995 AIR SCW 3520

The Petition above mentioned along with the connected matter being called on for hearing before this Court on the 3rd day of January, 1995, upon perusing the record and hearing Counsel for the parties herein the Court took time to consider its Judgment and the petition alongwith the connected matter being called on for judgment on the 4th day of August, 1995, this Court for the reasons and observation made in its Order DOTH PASS inter alia the following Order:-

“.....We share the sympathetic concern of the learned counsel for the petitioners that under-trials should not languish in jails for long spells merely on account of their inability to meet monetary obligations. We are, however, of the view that such monitoring can be done more effectively by the High Court since it would be easy for that court to collect and collate the statistical information in that behalf, apply the broad guidelines already issued and deal with the situation as it emerges from the status reports presented to it. The role of the High Court is to ensure that the guidelines issued by this Court are implemented in letter and spirit. We think it would suffice if we request the Chief Justices of the High Courts to undertake a review of such cases in their States and give appropriate directions where needed to ensure proper and effective implementation of the guidelines. Instead of repeating the general directions already issued, it would be sufficient to remind the High Courts to ensure expeditious disposal of cases. Withdrawal of cases from time to time may not always be an appropriate and acceptable remedy, but what is required is to evolve a mechanism, which would enable early disposal of cases. The High court being on the spot would be able to diagnose the ailment rather than merely deal with symptoms. We are, therefore, of the view that these petitions have served their purposes and should stand disposed of leaving the further implementation to the High Courts.”

IN ADDITION, THIS COURT DOTH FURTHER ORDER that the ORDER dated the 30th April, 1979 passed by this Court in the above said Petition granting bail shall stand vacated subject to the Order quoted above:

IN ADDITION, THIS COURT DOTH LASTLY ORDER THAT THIS ORDER be punctually observed and carried into execution by all concerned.

WITNESS the Hon'ble Shri Aziz Mushabbar Ahmadi, Chief Justice of India at the Supreme court, New Delhi, dated this the 4th day of August, 1995.

Compliance of the direction of Hon'ble the Supreme Court issued in Writ Petition No. 340-343 of 1993 Vineet Narain and others vs. Union of India

15. C.L. No. 15/VIIIb-287 dated March 16, 1996

While enclosing a copy of the order passed, in the aforesaid Writ Petition, I am directed to communicate you and all the Judicial Officers posted in the Judgeships that the direction containing in the order* of Hon'ble the Supreme Court, be complied with.

I am therefore to direct you that the direction of Hon'ble the Supreme Court be brought to the knowledge of the officers posted in the Judgeship for strict compliance.

WRIT PETITION (CRL.) Nos. 340-343 OF 1993

Vineet Narain v. Union of India, 1996 (2) SCC 199: 1996 A Cr R 216 (SC)

J.S. Verma,

S.P.Bharucha

S.C. Sen, J.J.

ORDER

The true scope of this writ petition has been indicated during the earlier hearings. At this stage, when some charge sheets have been filed in the special court and there is considerable publicity in the media regarding this matter, with some speculation about its true scope, it is appropriate to make this order to form a part of the record.

The gist of the allegations in the writ petition are that Government agencies, like the CBI and the revenue authorities, have failed to perform their duties and legal obligations inasmuch as they have failed to properly

* Reported in (1996)2 SCC 199: 1996 A Cr R 216 (SC): 1996 A W C 465 (SC)

investigate matters arising out of the seizure of the so called "Jain Diaries" in certain raids conducted by the CBI. It is alleged that the apprehending of certain terrorists led to the discovery of financial support to them by clandestine and illegal means, by use of tainted funds obtained through 'hawala' transactions; that this also disclosed a nexus between several important politicians, bureaucrats and criminals, who are all recipients of money from unlawful sources given for unlawful considerations; that the CBI and other Government agencies have failed to fully investigate into the matter and take it to the logical and point of the trail and to prosecute all persons who have committed any crime; that this is being done with a view to protect the persons involved, who are very influential and powerful in the present set up; that the matter discloses a definite nexus between crime and corruption in public life at high places in the country which poses a serious threat to the integrity, security and economy of the nation; that probity in public life, to prevent erosion of the rule of law and the preservation of democracy in the country, requires that the Government agencies be compelled to duly perform their legal obligations and to proceed in accordance with law against each and every person involved, irrespective of the height at which he is placed in the power set up.

The facts and circumstances of the present case do indicate that it is of utmost public importance that this matter is examined thoroughly by this Court to ensure that all Government agencies, entrusted with the duty to discharge their functions and obligations in accordance with law, do so, bearing in mind constantly the concept of equality enshrined in the Constitution and the basic tenet of rule of law: "Be you ever so high, the law is above you". Investigation into every accusation made against each and every person on a reasonable basis, irrespective of the position and status of that person, must be conducted and completed expeditiously. This is imperative to retain public confidence in the impartial working of the Government agencies.

In this proceeding, we are not concerned with the merits of the accusations or the individuals alleged to be involved, but only with the performance of the legal duty by the Government agencies to fairly, properly and fully investigate into every such accusation against every person, and to take the logical final action in accordance with law.

In case of persons against whom a prima facie case is made out and a charge sheet is filed in the competent court, it is that court which will then deal with that case on merits, in accordance with law.

However, if in respect of any such person the final report after full investigation is that no prima facie case is made out to proceed further, so that the case must be closed against him, that report must be promptly submitted to this Court for its satisfaction that the concerned authorities have not failed to perform their legal obligations and have reasonably come to such conclusion. No such report having been submitted by the CBI or any other agency till now in this Court, action on such a report by this Court would be considered, if and when that occasion arises. We also direct that no settlement should be arrived at nor any offence compounded by any authority without prior leave of this Court.

We may add that on account of the great public interest involved in this matter, the CBI and other Government agencies must expedite their action to complete the task and prevent pendency of this matter beyond the period necessary. It is needless to observe that the results achieved so far do not match the available time and opportunity for a full investigation ever since the matter came to light. It is of utmost national significance that no further time is lost in completion of the task.

Disposal of cases of under trials

16. C.L.No.68/ VIIg-38: Admin (V) Dated: DEC: 10, 1996

Special secretary, State of U.P. has informed that large number of cases of under-trials is pending in the Subordinate Courts. The under-trials are languishing in jails for want of disposal of their cases.

By enclosing a list of the under trials showing the period of their detention, I am directed that the directions contained in circular Letter 59/VIIIg 38/ Admin 'G' Dated 16.9.1981 be followed strictly.

I am, therefore, to request you that kindly make all out efforts in disposal of cases of under trials prisoners confined in jails for over six months and report of the compliance be sent to this Hon'ble court in each month.

17. C.L. No. 11/VIII b- 287 Admn (G) Dated Allahabad March 17, 1997

It encloses copy of order dated 28.11.96 of the Apex Court in the case of common cause, A registered society vs. Union of India & others (reported in 1997 Cri, L.J. 195) by which the order passed on 1.5.96 was modified & says that the District Judges should communicate the contents of the modified order to all the

criminal courts for strict compliance as directed by the Hon'ble Supreme Court in the above noted judgment.

Disposal of the cases of under trials expeditiously
18. C.L.No.43 Dated: 30th September, 1997

It has come to the notice of the Hon'ble court that cases of under trials are not transferred for disposal from the vacant court. The Hon'ble court has expressed its concern on such situation.

Speedy trial is a right of the accused whether he be a suspect or under trial, he is not denuded of his right to have expedient fair trial. It is an obligation of each court to ensure that there is no infringement of the indefeasible rights of the accused on account of delay in disposal of their cases. Social interest also lies in punishing the guilty and exoneration on of the innocent, but this determination must be arrived with reasonable disposal.

By enclosing the copy of the order of the Hon'ble court passed in bail Application No. 6128/1997, I am Directed to request you that the said order be circulated amongst all the district Judges and additional District Judges for guidance and strict compliance in future.

I am, therefore, to request you that the direction of the Hon'ble court be complied.

19. C.L. No. 61 dated, Allahabad 17 to 21st Nov, 1998

It encloses copy of judgment dated 8.10.98 of the Apex Court in the case of Rajdeo Sharma v. The State of Bihar¹² (reported in 1998 Cri. L. J, 4596) & requires the District Judges to communicate the contents of the judgment to all the criminal courts for strict compliance as directed by the Hon'ble Supreme Court.

Resorting provisions of the code in the matters where accused are absconding
20. C.L.No.24/VIIb-65/Admn. (G) Dated: 16th June, 2000

The delay in the disposal of criminal cases at the trial stage is not

¹² NOTE: Directions given in this case on 8.10.98 have been further clarified by the Apex Court by order dated 22.9.99 in the case of Rajdeo Sharma v. State of Bihar reported in 1999 Cr. L. J. 4541.

only against the principal of the law but it also does a great injustice both to the victim and the society as also to the assailant. Although human memory is sharp but with the passage of time much of evidence is lost as apparently many influences are at work. The criminal remains absent from court proceedings and the courts are not resorting to the provisions as contained in the code (Section 299) which in fact gives encouragement to the criminal. That is how the delay in the disposal of criminal cases becomes in a way the negative contribution to the Judicial system. It has come to the notice of the Hon'ble Court that almost in each district a large number of cases are awaiting trial on account of nonappearance of the accused despite several steps for procuring the attendance of the accused have been taken. Justice suffers, and so does the society. To overcome such a situation the provisions of section 299 of code should be resorted expeditiously which would give relief to over burdened court dockets.

I am, therefore to bring to your notice that the matters of the absented accused be taken up on priority basis and every quarterly the position of such be brought in to the notice of Hon'ble Court.

Court Management for expeditious disposal of cases by Subordinate courts
21. C.L.No.27 admin A/DR (S) Dated: June 21, 2000

It has been observed by the Hon'ble court that in the event of a Presiding Officer being transferred from a district in midterm and being not replaced by an officer of comparable seniority at that level, the working of the courts is substantially disturbed as the shifting in offices takes places on seniority basis. It then creates a situation in which the officer move up in the numbered hierarchy leaving many, if not all, of their cases behind. They inherit the caseload of the numbered position into which they move. The same situation arises every June when in the normal course Presiding Officer receive order of their transfer. Besides disrupting many of the cases pending in these courts, such a practice does little to promote an interest in the efficient disposal of cases and commitment to a particular caseload. The realization that without the foreseeable future most or all of their cases be left behind encourages a wait-and-so attitude.

Hon'ble court with a view to effectively manage the court dockets and as ensuring expeditious disposal of cases have pleased to give following directions:-

1. All Sessions trials which are not part heard on tied-up to any Session judge or Special Judge or designated court shall be so allocated as to enable the senior most amongst the Session Judges to begin with the latest committal proceedings. the rest in seniority to deal with the session cases of a year before and so on and each one them will fix dates and rescheduling of the calendar/cause-list maintained by them may be done as necessary. Sessions Trial shall be fixed on day to-day basis as far as possible.
2. All the cases which are pending where no officers have yet been posted should be transferred to the courts which are functioning and a criteria be fixed that the entire list of pending cases in the absent a court be divided half and half on year wise basis and the latter half dealing with old cases should first be transferred within 15 days and the other half may be retained in those courts for a period of three months in the hope of courts being manned by the officers within that period. If no posting takes place then those cases shall also stand transferred in the like manner as the latter set of cases.
3. On a transfer to a court on its vacancy, the officer may be posted in that court without indicating his nomenclature and affecting his

seniority. Such officer is to continue in the same court till he is transferred to some other district or he is posted to the parent (instituting) court such as the Court of J.S.C.C., Chief Judicial Magistrate, Civil Judge (Senior Division) Civil Judge (Junior Division). Special Courts under Special Acts or for some administrative reasons he is transferred to some other post or place.

4. The Posting & transfer will not affect his enter seniority vis-à-vis local officers irrespective of the Court where he may be posted for the purposed functioning.
5. The officer in the district court shall be assigned the work according to the court number though for administrative purposes for maintaining seniority a different list may be prepared.
6. In the district court, every courtroom will be serially numbered excepting the court of District Judge and the officers will be posted as presiding officer of a particular court irrespective of their seniority in the district. However, in posting the officers in parent (Instituting) of special courts it may not be necessary to post the officer with reference to court numbers and they shall be posted by the designation.
7. The District Judge in his discretion on certain contingencies may change the place of sitting of a Presiding Officer of the court and give number of such court according e.g. if a senior officer is posted as court no.16 while a junior officer is posted as court no.1 in a most spacious court room the senior officer may be assigned court room no.1 renumbering the court No.1 as court no.16 and vice versa.

I am, therefore, to request you kindly to ensure compliance of the above directions of the Court and it be brought to the notice of all the Presiding officers posted in the judgeship for their information.

I am, further to request you that the arrangement so made compliance of the directions aforesaid be intimated to the court.

Expediting the old cases of 'Older Persons'

22. C.L.No.30 dated: 10th July, 2000

In the chief Justice conference held in the year 1999 it was resolved that the High court shall vigorously pursue for quicker disposal of cases of persons aged above 65 years as far as practicable on priority basis. Government of India have also adopted "National Policy for Older Persons

because the India has Largest population of older persons in the world. At present, large number of older persons is passing through an era of difficulties and hardships because the family, which used to traditionally look after them, is no longer being able to do so. There is high incidence of litigation concerning property and inheritance, two of the most common issue in which elderly persons who are generally involved. There are some older persons who are facing criminal charges and are languishing in jails as under-trial persons. The elderly people deserve to be attended by the legal system somewhat on priority basis. There is no built-in provision in the judicial system to ensure speedy or time bound disposal of cases. Many of the cases take years to conclude and may extend beyond the lifetime of orderly persons.

I am, directed to request you that the precedence should be given for hearing and final disposal of those cases wherein one of the parties is passed the age of 65 years, as a time bound project and to clear the docket of such cases by 31.12.2000.

To ensure effective management of court docket in the light of certain circular letters issued by the court recently

23. C.L.No.46 /Admin G. dated: October 20, 2000

Kindly take reference of the marginally noted court's circular letters in regard to bring effective management of the court dockets and for ensuring expeditious disposal of cases, certain directions were issued by the court through the above noted circular letters.

C.L.No. 24 dated 16.6.2000
C.L.No.25 dated 16.6.2000
C.L.No. 26 dated 18.6.2000
C.L.No. 27 dated 21.6.2000
C.L.No. 28 dated 5.7.2000
C.L.No.29 dated
6/10.07.2000
C.L.No.30 dated 10.7.2000.

A progress report regarding speedy disposal of cases as directed in the above-mentioned court's circular letter is needed.

I am, therefore directed to request you kindly to submit progress report in the matter to the court latest by 1st week of November, 2000.

24. C. L. No. 52/2006 Dated 15.11. 2006

In order to take care of the huge arrear of cases the Hon'ble court has desired that in appropriate cases the Subordinate *Judiciary* must scrupulously follow the provisions of Section 258 of the Code of Criminal Procedure, 1973 in the event police fails/neglects to serve notice upon the accused.

Therefore, I am directed to say that all the Chief Metropolitan Magistrates, Additional Chief Metropolitan Magistrates, Chief Judicial Magistrates, Additional Chief Judicial Magistrates and Judicial Magistrates working in the Judgeship under your administrative control, dealing with petty cases, especially the Challan cases, may please be Instructed to give limited opportunities to the police to secure presence of the accused strictly in accordance with law and in case the police machinery fails to secure presence of the accused, the Magistrate, except for the reasons recorded otherwise, in suitable matters, should take steps to decide the cases relying on provisions like Section 258 of the Code of Criminal Procedure, 1973.

I am to further request you to kindly provide to the Hon'ble Court a monthly report of all such cases decided under Section 258 Cr.P.C. so that it may be monitored accordingly.

Timely disposal of cases

25. C.L. No. 1/ Admin 'G' /2006: Dated: 15th February, 2006

The continuing adds to the institutions together with failure to maintain momentum by way of clearance has resulted in a disquieting increase in the pendency of the cases. With the end in view of striking at the problem of docket explosion and to energize the judicial system the Hon'ble Chief Justice of India is pleased to well-express that the cases in which proceedings before the Trial Court have been stayed by Sessions Courts/ Fast Track Courts of Session Judges, Sessions cases in which the accused person is in jail for more than 3 year and civil cases in which injunction/ stay have been granted by Subordinate Courts, be identified and such cases be taken up for hearing on priority basis ensuring an all out effort by all concerned to dispose them of as far as possible, within one year.

Therefore, the Hon'ble Court has been pleased to order that all such cases in the judgeship under your administrative control, be immediately identified and taken up for hearing to ensure their disposal within one year. Further monthly progress of identification and disposal of such cases be monitored and reports be transmitted to the Court recurrently and punctually so as to reach by 10th day of next following month, for further monitoring of the matter.

I am, therefore, wished-for requesting, you to bring the contents of this circular to the notice of all the judicial officers in the judiciary in your

administrative authority and take all such steps as possibly will be decisive in accomplishment of the objective.

Expeditious disposal of cases

26. C.L. No. 4/ Admin 'G' /2006: Dated: 15th February, 2006

The gradual increase in the institution coupled with failure to keep pace with them has resulted in an alarming rise in the pendency of the cases. Invigorating the judicial system to bid a go bye to the problem of docket explosion, is the bewail call of the social order.

Colossal pendency of significantly old civil cases and criminal cases involving petty offences including traffic and municipal challans also criminal complaint cases under Section 138 of Negotiable Instruments Act has caused sombre anxiety. Therefore, the Hon'ble the Chief Justice of India wishes that significantly old civil cases as also all criminal cases involving petty offences including traffic and municipal challans and complaints under Section 138 of Negotiable Instruments Act, are as for as possible, taken up on day today basis and are disposed of without any further postponement.

As a step crucial in attainment of unqualified sense of contentment amongst the litigants, the Hon'ble Court has been pleased to order that radically old civil cases as also all criminal cases involving petty offences including traffic and municipal challans and complaints under Section 138 of Negotiable Instruments Act, be, as for as possible taken up on day to day basis and disposed of without any deferral. If need be, referred to herein above criminal case might be assigned to all the judicial officers including Special Judicial Magistrates/ Special Metropolitan Magistrates exercising powers of Judicial Magistrate-first Class, in the judiciary under your administrative control. Further monthly progress of disposal of such cases be monitored and reports be sent out to the Court periodically and promptly so as to reach by 10th day of next following month for further monitoring of the matter.

Therefore, I am directed to request you to take all such steps as might be obligatory in execution of the goal.

27. C. L. No.54/2007Admin (G): Dated: 13.12.2007

The Hon'ble Court has been pleased to express deep concern over the state of trial of the under trial prisoners languishing in jail for a considerably long period of time, sometimes even longer than the maximum period stipulated under law for which they could be convicted.

Therefore, I am directed to say that in continuation of a catena of Circular

1. C.L.No. 114/VIIIb-3 dated 05.09.1975. Letters issued on the subject earlier
2. C.L.No.28 /VIIIh-13 dated 07.03.1979. by the Hon'ble Court noted in the
3. C.L.No. 90/VIIIg-38 Admin.(G) dated margin, the priority should be given
01.12.1980. to the trial of the cases of such under
4. C.L.NO. 59/VIIIg-38Admin.(G) dated trial prisoners of the above category.

I am, further to request you to kindly bring the contents of this Circular Letter to all the Judicial Officers working under your administrative control for strict compliance.

28. C. L. No.49/2007Admin (G): Dated: 13.12.2007

With a view to bringing heavy pendency of Criminal Cases under control, on the recommendations of Malimath committee, Chapter XXI-A consisting of 12 Sections has been added in the Code of Criminal Procedure which provides a self contained procedure for implementation of the concept of 'Plea Bargaining' to be used in Criminal cases except relating to offenses affecting the Socio economic condition of the Country. This is a special provision where a suspect may be advised to admit a part or all the crime charged, in return for a specified punishment rather than await trial with the possibility of either acquittal or a more serious punishment. The Hon'ble Court has desired that in proper cases the subordinate Courts must make application of these provisions.

Therefore, I am directed to request you kindly to impress upon all Judicial Officers working under your administrative control to make maximum use of provisions of Chapter XXI-A Cr.PC.

29. C. L. No-31/2007: Admin 'G' Dated: 29 August, 2007

With reference to above, I am directed to say that in the Chief Justices Conference-2007 upon consideration of matter of speedy disposal and reduction of arrears it has been resolved that while issuing summons to an accused, he may

be informed of the provisions of 'plea bargaining' contained in Chapter XXI-A of the Code of Criminal Procedure.

I am, therefore to request you to kindly bring the contents of the Circular Letter to the notice of all the Judicial Officers working under your supervisory control for strict compliance of the directions of the Hon'ble Court.

Strict compliance of Circular letters issued by Hon'ble Court in respect of expeditious disposal of cases and elimination of arrears in District Courts

30. C.L. No. 16/2007: Dated: 25.04.2007

While referring to circular letters [(1) CL No. 14, dt. 20.3.1998 (2) CL No. 33, dt. 20.3.98 (3) CL No. 39 dt. 20.8.1998 (4) CL No. 59 dt. 11.11.1998 (5) CL No. 18 dt. 19/21.4.2000 (6) CL No. 27 Dt. 21.6.2000 (7) CL No. 30 dt. 10.7.2000 (8) CL No. 28 dt. 10.8.2001 (9) CL No. 13 dt. 16.4.2001 (10) CL No. 20 dt. May/June 6, 2003 (11) CL No. 28 dt. 4.8.2003 (12) cL No. 41 dt. 29.10.2003 (13) CL No. 44 dt. 20.12.2003 (14) CL No. 46 Dt. 20.12.2003 (15) CL No. 2586 dt. 19.2.2005 (16) CL No. 23, dt. 23.8.2004 (17) CL No. 7/2005 dt. 10.2.2005 (18) CL No. 1 dt. 15.2.2006 (19) CL No. 2 dt. 15.2.2006 (20) CL No. 3 dt. 15.2.2006 (21) CL No. 7 dt. 20.2.2007] I am desired to communicate that the Hon'ble Court has noticed with dismay that the Subordinate Courts are not paying adequate attention in carrying out the instructions issued by the Hon'ble Court in these circular letters and the purpose of passing these circular letters has become ineffectual.

I am, therefore, desired to communicate to you kindly to impress upon the Judicial Officers working under your supervision & control in the judgeship to ensure strict compliance of the directions issued by the Hon'ble Court in the marginally noted circular letters.

31. C. L. No.68/2007Admin (G): Dated: 13.12.2007

The growing docket explosion in both civil as well as criminal side of cases has necessitated an exploration of a device to meet this mammoth challenge. Hon'ble Court has envisioned that if at the level of subordinate courts, the practice of grouping the cases of like nature is adopted and such group of cases is listed before the courts, a considerable dent may be made in containing the rising number of cases.

Therefore, I am directed to request you to kindly instruct all the judicial officers to get the cases of identical nature sorted out by their respective offices and get them listed before the court in such a manner so that cases of one nature happen to be heard by the presiding officers on a particular date.

I am to add further that kindly bring the contents of this Circular Letter to all the Judicial Officers working under your administrative control to make strict compliance of the directions given.

32. C. L. No.57/2007Admin (G): Dated: 13.12.2007

The Hon'ble Court has been pleased to observe that Section 258 is included in chapter XX of the Code of Criminal Procedure in the form of an exception to the aforesaid normal progress chart of the trial in summons cases. By S.258, the power of Court to discharge an accused at midway stage is restricted to those cases instituted otherwise than on complaints. This section vivisepts only "summons cases instituted otherwise than on complaints" into two divisions. One division consists of cases in which no evidence of material witness was recorded in which case the magistrate shall discharge the accused at midway stage recording the reasons .The other division consists of cases where stoppage of proceedings is made after the evidence of the principal witnesses has been recorded and in such case he shall pronounce the judgment of acquittal.

Therefore in continuation of the earlier Circular Letter no. 52 /2006 dated 15.11.2006, I am directed to say that the Magistrate Courts in their discretion may resort to the provisions U/s 258 of Cr.P.C. in appropriate cases.

I am further to say that kindly bring contents of this Circular Letter to the knowledge of all the Magistrates working under your administrative control to strictly comply with the above direction of the Hon'ble Court.

Creation of a Cell in each district for monitoring of compliance of directions for speedy disposal of matters

33. Letter No. 1354/2011/Admin. G-II dated 24.01.2011

It has come to the notice of Court that officers are not giving due attention to the matters in which the Hon'ble Court or Hon'ble Supreme Court has recommended or issued directions for speedy disposal, making day to day hearing. Therefore, I have been directed to ask you to form a Cell, of which you or

senior Additional District Judge shall be incharge, for monitoring of aforesaid matter and, please report compliance to the Court within fifteen days.

Frequent strikes and boycott of subordinate courts by the lawyers

34. C.L. No. 37/IIIb-36/Admin.'G-I' Section, Dated 8.11.2011

In continuation of C.L. No. 112/Admin.G dated 23.11.1994, C.L. No. 113/Admin. G 23.11.1994, C.L. No. 125/IXg-22/Admin. G dated 9.12.1994, C.L. No. 126/IIIb-36/Admin. G dated 9.12.1994, C.L. No. 20/IIIb-36/Admin. G dated 9.5.1995, C.L.No. 50/IIIb-36/1997 dated 13.11.1997, C.L. No. 31/98 dated 20.8.1998, C.L.No. 37/98 dated 20.8.1998, C.L.No. 15/III-36/Admin. G dated 30.3.2000, C.L.No. 35/IIIb-36/Admin. G dated October 4, 2004, C.L. No. 15/Admin. G dated 13.4.2007, C.L.No. 72/2007/Admin. G. Dated 13.12.2007, C.L.No. 27/Admin. G-1 Section dated 12.12.2008, C.L.No. 10/2009/IIIb-36/Admin. G dated 7.4.2009, I have been directed to say that if the lawyers go on strike without any sufficient cause, such calls should not be entertained by the District Judge and the President, Secretary or other office bearers of the Bar Associations should be convinced by the District Judge not to proceed on strike. The District Judge will create an environment of work in the Judgeship after proper counselling and convincing the lawyers in this regard.

I have been further directed to say that in case of the strike by lawyers for local problem, the District Judge may be asked to immediately solve the problem with the cooperation and coordination of the office bearers of the Bar Associations. The District Judge may also form a redressal committee in the District consisting of senior most Judicial Officer as Chairman, some other senior Judicial Officer, C.J.M. and Civil Judge (Senior Division) as its members. The President and Secretary of the Bar Association should also be kept as ex-officio members of the said committee. The said committee should be sensitive towards the problems of the Members of Bar and the staff of the Judgeship and should solve the problem in justifiable manner so that nobody can have any grievance against the judgeship.

You are, therefore, requested to kindly bring the contents of this circular letter to the notice of all concerned and ensure strict compliance with the intimation to the court.

CHAPTER – V

TRIALS IN COURTS OF SESSION

35. Procedure on commitment.

When an order of commitment for trial has been made, the Magistrate shall at once report the fact to the court to which the commitment is made by a letter in the prescribed form (Part IX, no. 2); shall notify the Public Prosecutor of the commitment of the case to the Court of Session and shall within eight days from making the said order, submit the entire record of the case and the documents and articles, if any, which are to be produced in evidence to the Court of Session or, when the commitment is made to the High Court, to the Clerk of the State together with a calendar in the prescribed form (Part IX, no. 3).

The entries under head 9 of the calendar shall be full and accurate, so as to give the court receiving it a clear idea of the matters to which each witness will depose. The Public Prosecutor shall submit a list of witnesses whom he would not examine out of the, witnesses mentioned in the calendar.

Relevant Circular Orders:

1. C.L. 60/VII-d-21 dated 16th September 1948

On the commitment of a case by the Magistrate a date should be fixed for its hearing without waiting for evidence under section¹³ 219 of the Code of Criminal Procedure. If such evidence is not recorded by the Magistrate by the date of hearing Sessions Judges may use their discretion and either proceed with the trial or adjourn it for the remaining evidence only. The entire hearing is to be adjourned only in very exceptional circumstances. It may, however, be borne in mind that after commitment the trial in the sessions court is by no means to depend on the proceedings in the court of the Committing Magistrates.

2. G.L.No. 73/VIII-a-14 dated 29th October, 1948

If the record is not received within eight days of the order of commitment, an explanation of the Committing Magistrate should be called for and an entry made in the remarks column of the Sessions statement. At the same time the Sessions Judge should act in accordance with the directions contained in G.L. No.

¹³ NOTE: This section has been omitted in new Cr. P. C. - Ed.

54/T, dated the 30th August, 1948, and summon the record for fixing dates if necessary.

3. G.L. Nos. 54/T and 56/T dated 30th August, 1948

The calendar and the record of the case committed to sessions are generally sent by Committing Magistrates to the courts of sessions long after the date of commitment in contravention of the provision of rule 35, Chapter V of the General Rules (Criminal), which requires that the record should be submitted within eight days of the order of commitment. This is highly objectionable.

In cases where the record is likely to take long in preparation or when it is required for recording evidence under section 219¹⁴ of the Code of Criminal Procedure, it should not be allowed to be detained in the Magistrate's court. The sessions court should get it for fixing dates and may return it when not required to the committing court for preparation or for the taking of proceedings under section 219 of the Code of Criminal Procedure as the case may be.

Institution of Sessions Trial

4. C.L. No. 54/D-1950 dated 28th August, 1950

In the case of Additional Sessions Judges (Additional District Judges) not at headquarters of a Sessions division the Government have issued a notification under sections 193(2) (new. section 194) and 409 (new section 381) of the Code of Criminal Procedure 1898, authorizing Additional Sessions Judges to try all cases committed by, and hear appeals arising from judgments passed by the magistrates of their respective districts. Notifications issued under the above provisions of the Code do not authorize Additional Sessions Judges to receive institution of cases direct but merely empower them to try the cases and hear the appeals after their institution in the Court Of Sessions.

To avoid inconvenience to the residents of the districts not at the headquarters of a Sessions Division, Sessions Judges should direct an official on the staff of such courts of Additional District and Sessions Judges to receive on their behalf sessions trials and criminal appeals and also revisions. Sessions Judges may also pass a general order of transfer in respect, of revisions under section 4 38(2) (new section 400) Code of Criminal Procedure.

¹⁴ NOTE: This section has been omitted in new Cr. P.C. - Ed.

**5. C.L. No.16/D-2 dated 4th February, 1952 as amended by
C.L. No. 69/26-B dated 9th June, 1952**

As under rule 21 Chapter IV General Rules (Criminal), 1957* a separate series of numbers is to be allotted to each district, a separate register in Form No. 15 should be maintained for each revenue district in a sessions division.

6. C.L. No. 1 dated 4th January, 1957

It is the duty of the Magistrate committing a case to inform the Sessions Judge who are the witnesses to be examined for the prosecution and for the accused. He is required under section 207-A (6) to consider all the documents referred to in section 173 and it is on the basis of this consideration and the evidence given before him by the witnesses to the actual commission of the offence alleged that he decides to commit the case to the court of session. He is therefore, in the best position to know who will give evidence for the prosecution in the sessions court. If he cannot obtain a complete list of witnesses from the documents referred to in section 173 he may consult the public prosecutor; but the duty of ascertaining who be the witnesses for the prosecution in the sessions court is his and must be performed by him. He must state in the calendar the names of the witnesses to the actual commission of the offence examined by him and gist of the evidence given by them: he must also mention the remaining witnesses to be examined for the prosecution including formal witnesses and state what they are likely to depose about. It is not enough to state in the calendar that a particular witness is a formal witness or that he will give formal evidence; the gist of the evidence to be given by him should be stated, for example, that he will prove the identification proceedings or confession or dying declaration or carrying the dead body for post mortem examination and so on. If he has considered all the documents referred to in section, 173, he must know what evidence they are likely to give for the prosecution. Though the law regarding inquiries into cases triable by courts of sessions has been altered by the Amendment Act (No. XXVI of 1955), there is no alteration in the rules regarding preparation of the calendar. The attention of all the District Judges and District Magistrates is drawn to rule 35 in the General Rules (Criminal), 1957¹⁵ which requires that the entries under heads 9 and 11 of the calendar must be full and accurate.

* Now 1977 vide notification no. 504/Vb-13 dated 5.11.83

¹⁵ NOTE: Figure 1957 shall now be read as 1977. - Ed.

Their attention is also drawn to the new section¹⁶ 510-A of the Code which should be used in appropriate cases. In sessions inquiries also Magistrates may accept evidence of formal witnesses by affidavit; when they do so the fact that the witness has given evidence by affidavit should be stated in the calendar and the affidavit should be marked with an exhibit number and included among the documents.

Notice to D.G.C. (Criminal)

7. C.E. No. 77/VIII f-11 dated 20th December, 1962

The necessity of strict compliance of the directions contained in paragraph 161 and 162 of the Legal Remembrancers' Manual regarding notice of date of hearing of cases to Government Pleaders [D.G.C. (Criminal)], hearing of the cases on the date fixed, cases to be taken up in succession, reasonable notice when the Presiding Officer does not propose to attend the court on days on which criminal work is fixed etc. is impressed on all the presiding officers.

Chemical Examiner's Report

8. C.E. No. 44/VIII b-53 dated 11th August, 1964

Para 14 of Annexure V of the Hand Book for Criminal and Revenue Courts enjoins upon the Police to send all articles suspected to be stained with human blood in a case under investigation, to the Magistrate within 24 hours of recovery and the latter should send the same to the Chemical Examiner within 24 hours of their receipt from the Police.

It is also added that no case should be committed to the court of Sessions, until the entire prosecution case is completely ready and includes the reports of the Chemical Examiner and the Serologist where it is necessary to rely on these for deciding the case. If a case is committed without these reports the Sessions Judge would proceed with the case on the assumption that these reports are not needed for deciding the case.

9. C.L. No. 52/VII c-9 dated 6th May, 1969

In order to obviate the difficulty of witnesses showing reluctance to depose against Goondas in open court the presiding officers should allow increasing recourse to trial of cases against Goondas in camera whenever it is considered necessary by the court trying them.

¹⁶ NOTE: See section 296 of the new Code. - Ed.

In case it becomes necessary to start the trial in Jail, prior permission should be obtained from the Court.

10. C.L. No. 120/VII-d-68, dated 16th November, 1970

Instructions in G.O. No. 1166/VI-6-19-1964.-dated the July 15,1964 should be strictly followed while committing cases to the court of sessions keeping in mind that the entire prosecution case is completely ready and includes the reports of the chemical examiner and the serologist where it is necessary to rely on these for deciding the case.

Sessions Judges should, however, impress upon Judicial Magistrates that cases should not be committed to sessions unless all the evidence and specially the important evidence has been completed and that if in any particular case evidence under section 219 of the Code of Criminal Procedure remains to be recorded, it should be finished before the date fixed by the Sessions Judge for the hearing of the case.

11. C.L. 156/VII-b-21st December, 1971

Committing courts should exercise their discretion judicially while committing a case to the court of sessions and should keep in mind the total evidence, direct or circumstantial. If a case cannot result in conviction even though the evidence relied upon by the prosecution is accepted it should not be sent up for trial.

12. C.L. No. 77/VII-b dated 5th November, 1973

Committing courts should finalise the committal proceedings expeditiously so that the disposal of criminal cases is not unnecessarily delayed. Delay in committal proceedings gives an opportunity to the accused, on bail to win over the prosecution witnesses and weaken the evidence against them.

13. C.L. No. 118/VIII-a-99 dated 6th August, 1974

Under rule 35 of General Rules (Criminal) the committing Magistrates shall continue to send along with the record of the case a calendar in the prescribed form (part IX, No. 3) to the court of sessions as they have been doing prior to the commencement of the Code of Criminal Procedure, 1973. The words "examined in this court" shall however be ignored from head no. 11 of the form in view of Section 209 thereof.

Supply of copies of relevant papers to D.G.C. (criminal)

14. C.L. No. 77/VI-b-35 dated 20th May, 1974

Copies of relevant papers in cases committed to sessions should invariably be prepared by the additional staff provided for the purpose and supplied to the District Government Counsel (Criminal) by the committing courts themselves.

Hearing of cases

15. C.L. No. 151/VII-a-18 dated 28th September, 1974

Criminal courts, while taking up kidnapping and abduction cases, may consider the desirability of conducting proceedings in camera in case they are satisfied that the said procedure would be helpful in the dispensation of justice.

16. C.L. No. 151/VIIIa-99 dated 15th December, 1975

Separate registers for F.I. Rs., statements under section 164, Cr.PC. dying declarations, report of Chemical Examiner Serologist and other experts including ballastic experts, affidavits and identification memos should be maintained in the courts of every Magistrates and all those documents, whichever may be available at the time of passing of the committal orders, be submitted to the courts of sessions along with the committal orders.

17. C.L. No. 8/iv f 80 Admn. (A) dated 18th February, 1981

There should be a regular flow of commitment of cases to the sessions so as to avoid increase or decrease in pending sessions trials all of a sudden. If cases are committed to the court of sessions regularly, the pending files of sessions trials may not increase or decrease from month to month-necessitating withdrawal or posting of additional courts at short intervals.

18. C.L. No. 70/VII-F-229/Admn.(A) dated 4th November, 1982

Sessions trials and other work may, as usual, be transferred to the courts of Special Judges, if and when necessary to keep them fully engaged.

19. C.L. No. 46/VII a-19/Admn.(G) dated 4th June, 1986

The District Judges should ensure strict compliance of the provisions of section 327(2) Cr.P.C. as amended by Section 4 of Criminal Law (Amendment) Act, 1983 prescribing clearly, that the trial of cases under sections 376-376A-376B-376C, or 376-D, I.P.C. should be held in camera, by all the concerned judicial officers.

Non-adjourment of the Sessions Trial by the Sessions Judges

20. G.L. No. C-73/1990, dated July 26, 1990

I am directed to say that it has come to the notice of the Court that the Sessions Trial, after is opened, is being frequently adjourned by the Sessions Judges. This practice is contrary to law and is also not desirable.

I am, therefore, to request that Sessions Judges may kindly be directed that the Sessions Trials should proceed from day to day, once it is commenced and should be not ordinarily adjourned.

The Sessions Judges may also be directed to follow the said direction, strictly.

Disposal of committal cases by the Judicial Magistrates

21. C.L No. 25/VIII -106/ Admn./96 dated May 18, 1996

I am directed to say that a large number of cases are pending in your judgship for committal. The delay in committing the cases to the Court of Sessions results in tampering the witnesses and furnishes a ground to the accused to seek bail. The Hon'ble Court has taken a serious note of the aforesaid facts and has directed as under:

1. The committal proceedings in which the role of the Magistrate is limited should not take more than two months time and the cases should be committed to the Court of Session within two months.
2. In the monthly and quarterly return of the Subordinate Court the number of enquiries, which are pending for more than one year, six months and three months must be given specifically.
3. The arrear of committal enquiries must be disposed of by the Chief Judicial Magistrates/all other Magistrates within the next three months.

Therefore, you are requested to ensure the compliance of the above observations.

Quarterly return of pending committal enquiries in the Subordinate courts for more than one year, six months and three months

22. C.L.No.46/Admin (E)/96 Dated: August: 13, 1996

In continuation of C.L. No. 25/VIII Admin. Dated May 18, 1996 on the above subject, I am directed to say that the requisite figures of pending committal enquiries in your judgship for the quarter ending June, 1996

have not been received here so far.

I am, therefore to request you to kindly send immediately the figures of pending committal enquires for the quarter pending June, 1996 in your judgeship for more than one year, Six months and three months in the prescribed proforma, attached herewith to the Joint Registrar, Administrative (E) Section of the court and the same may also be sent henceforth regularly.

23. C.L. No. 27 dated 14.10.99

Hon'ble Court has issued directions in the form of circular letter from time to time showing its concern over the disposal of committal cases. Such instructions were issued by C.L. No. 25/VII-106/Admn/06 dated May 18,1996 and C.L. No. 60/VII-d-21 dated 16th September, 1948.

The latest report received from Judgeships show that despite, adequate directions of the Court, due attention for the disposal of Committal cases is not being given. Taking stock of the situation Hon'ble Court has issued following directions for strict compliance: -

1. Every Magistrate will fix up committal proceedings serially from the pending dates.
2. The Magistrate shall pass orders in accordance with law in those committal proceedings in 8 to 10 such cases in a week.
3. A fortnightly report will be sent by the District Judge about such committal proceedings and the nature of the order passed serially from every such court.
4. If any committal case remains pending after one month from the date of receipt of direction which has matured as per the serial maintained, the Magistrate concerned shall send his report to the District Judge in duplicate and a copy shall be forwarded by the District Judge to the Court along with his comment of such report.

The directions of the court are being communicated to you for strict compliance along with copy of circular letters mentioned above.

Direction regarding committal of cases pending in the Court of C.J.M./Judicial Magistrate

24. C.L. NO. 44/Admn. (E-2) Dated 21st September, 2000

I am directed to invite your attention to the Court circular letter No. 27 dated 14.10.99, on the above subject and to request you kindly to send the court

time to time fortnightly consolidated statement regarding committal of cases pending in the court of C.J.M./Judicial Magistrate in your Judgeship.

To ensure strict compliance of the Judgment and order of Hon'ble Supreme Court passed in petition for special Leave to Appeal (C) No.9140 of 2003: Ch. Venkateshwar Rao Vs. The Registrar (Administration) High Court of Andhra Pradesh, Hyderabad, A. P. & anr

25. C.L.No. 30 /2003 Dated: Aug19, 2003

The Hon'ble Supreme Court in Petition for special leave to appeal (C) No.9410 of 2003: Ch. Vakateshwar Rao Vs. The Registrar (Administration) has observed with concern that in district Courts charge sheets have been found lying with the concerned staff without any action having been taken by verifying and placed them before the presiding officer and in not sent to the sessions court even after committal of the cases. The Hon'ble Supreme Court has further observed that several private complaints, criminal petitions in maintenance cases and criminal petitions were not called and were not placed before the officer.

I am, therefore, directed to a copy of order dated 5.5.2003 passed by Hon'ble Supreme court in Petition for Special Leave to Appeal (C) No 9140: Ch Vakateshwar Rao Vs. The Re Latter (Administration) High court of Andhra Pradesh, Hyderabad, U. P. & Anr. For your Information and necessary action.

Assignment of the work of committal of cases and remand/bail by Magistrate locally pertaining to jurisdiction of outlying courts in all sessions divisions in the State of U.P.

26. C.L.No.19/ 2006/ Dated Allahabad: May 10th May, 2006

I am directed to say that after consideration of larger interest of society and efficient functioning of the criminal Judicial Apparatus .the Hon'ble court has been pleased to resolve as follows:-

- i. The committal and remand/bail work in sessions triable cases should not be assigned to the outlying court where there is no sub-Jail.
- ii. The work of committal of cases and remand/bail for offences punishable under section 302,304,304-B and 396 I.P.C. and under the N.D.P.S. Act should be retained at the District Headquarter.
- iii. Committal and remand/bail of the offences of lesser gravity (other than Section 302,304,304-B and 396 I.P.C. and under the N.D.P.S. Act,) triable by the court of sessions may be assigned to the outlying courts where there is sub jail.
- iv. A sub-copying section should be made functional under the senior-most judicial officer of the outlying court for copying case diary/document in respect of cases, committal proceeding of which to be handled there.
- v. The scheme of assignment of committal and remand/bail work, as proposed here in above, in some measure should be

kept flexible in case some modification is required, keeping in view the condition of a particular district. In that eventuality, the District Judge may approach the High court setting out the detailed exceptional and special reasons seeking modification in the above scheme for his district.

- vi. Such request of the District Judge concerned should be jointly examined by the Hon'ble Administrative Judge of that district and another Hon'ble Judge of the Administrative Committee, to be nominated by Hon'ble the Chief Justice. The report should then be placed before the Administrative Committee for appropriate orders as may be suggested by such two Hon'ble Judges.

I am, therefore, to request you kindly to bring this fact to the notice of all the Judicial Officers posted in your judgeship and ensure the compliance strictly.

Submission of reports with regard to committal of Sessions Trials

27. C.L. No. 10/VIII-C-114/Admin.(G)/Dated: Allahabad: 20.3.2008

In continuation of the Court's earlier Circular Letters (C.L. No. 77/VII-b, dated 5.11.1973; C.L. No. 25/VIII-106/Admin./96 dated 18.5.1996), I am directed to say that upon consideration of the matter the Hon'ble Court has desired that the District Judges concerned shall report back within one week from the receipt of the letter as to how many cases (with year-wise break up) in that district are pending for committal to the Court of Sessions of their Judgeships. Also, the District Judges will instruct all the concerned Presiding Officers to take steps to commit all such matters to the court of Sessions forthwith in accordance with law. Further, the position as it reaches by the end of April, 2008 be reported back so as to positively reach the Court by the 1st week of May, 2008. Similar follow up reports shall be sent in the first week of September, 2008 and January, 2009. The Magistrates will be instructed by the District Judges for expediting the committal of cases.

I am therefore to request you to kindly submit compliance report as per schedule prescribed by the Hon'ble Court and bring the contents of this Circular Letter to all concerned and impress upon all the Magistrates working under your administrative control to expedite the committal of cases and follow the directions in true letter and spirit.

35-A. Certificate by Magistrate.

The Magistrate shall record in the commitment order a certificate to the effect that the provisions of section 173(4) of the Code have been complied with and that either copies of all the documents required to be supplied to the accused under that section have been supplied or orders have been passed approving the withholding of issue of such copies.

36. Examination of records of commitment in Sessions Court.

The Sessions Judge shall have the record of each case committed to his court carefully examined so as to satisfy himself that the magistrate has carried out the requirements of the law and the instructions issued by the High Court. This should be done immediately on receipt of the record by the sessions clerk so that it may be returned at once to the committing Magistrate for the removal of the defects if there be any.

Relevant Circular Order:

C.L. No. 6 dated 19th January, 1965

The Sessions Judge on receipt of calendar from the committing Magistrate will carefully scrutinize in the presence and with the help of D.G.C. (Criminal) and eliminate such witnesses as are unnecessary for the trial and only such witnesses as are considered necessary for trial be summoned.

37. When counsel should be engaged for accused.

In any case which comes before a Court of Session, the court may engage counsel to defend the accused person if –

- (a) the charge against him is such that a capital sentence is possible, and
- (b) it appears that he has not engaged counsel and is not possessed of sufficient means to do so.

To enable the Sessions Court to arrive at a decision as regards the second condition in the preceding paragraph, the committing magistrate, shall in such case make enquiries from the accused at the time of commitment and after making such other enquiries as may be necessary, report within a month of the commitment order to the court to which the commitment is made whether the accused is possessed of sufficient means to engage counsel. Each case must be decided on its merits and no hard and fast rule as to insufficiency of means should be applied. The Sessions Court in making its decision shall not be bound by the report of the committing magistrate.

Counsel appointed under this rule shall be furnished with the necessary papers free of cost and allowed sufficient time to prepare for the defence.

Relevant Circular Orders:

1. C.L. No. 38/VIII-c-89 dated 14th April, 1951

Unless there is no choice, lawyers of less than five years' standing should not be appointed to defend the accused at the cost of the State. Every effort should be made to secure the services of competent and senior lawyers in such cases. Even senior lawyers may often be prepared to defend pauper accused in capital cases without regard to the actual remuneration paid to them on behalf of the State.

2. C.L. No. 2/VIII-C-89 dated 8th January, 1952

As soon as a report under rule 37 of Chapter V, General Rules (Criminal), 1957¹⁷, has been received from the Committing Magistrate that an accused person is possessed of sufficient means to enable him to engage counsel for his defence in the Court of Sessions, a Sessions Judge should inform him, if in custody, of the contents of the Magistrate's report and tell him that the court would not engage counsel to defend him. This will give the accused person, if he is not satisfied with such report, an opportunity of pointing out, that the Committing Magistrate's report is incorrect and will enable the Sessions Judge to verify his statement, if necessary, by a further reference to the Magistrate concerned and to come to a decision on the point well ahead of the date fixed for the commencement of the trial. This procedure is meant to be followed, where necessary in addition to that prescribed in rule 37 of Chapter V, General Rules (Criminal), 1957+ and not in substitution thereof.

3. C.L. No. 102/VIII-e-89 dated 15th November, 1961

To avoid chances of discrimination and complaint and to ensure better and proper defence of pauper accused a list of willing and competent lawyers be maintained and cases should be allotted to them in rotation. The list should be revised in February and given effect to from March each year.

4. C.L. No. 18 dated 18th January, 1969

¹⁷ NOTE: The figure 1957 shall now be read as 1977. - Ed.

Amicus curiae under rule 37, General Rules (Criminal) should be appointed at least two weeks before the date fixed for hearing of the trial because if the amicus curiae is appointed on the date fixed for the hearing of the Sessions trial, the trial has necessarily to be adjourned. In case the Judge proceeds with the trial the same day the trial is ab-initio invalid as held by the Supreme Court.

Implementation or directions of Hon'ble Supreme Court dated 29.8.1990 in Criminal Appeal No.386 of 1978 Kishore Chandra v. State of Himachal Pradesh

5. C.L. No. 23/IXf-69/Admn. (G) dated April 2, 1992

I am directed to send herewith a copy of the Government letter No. D 372/VII-Nyaya-3-1899/90, dated January 31, 1992 containing an extract of the Hon'ble Supreme Court's judgment*, dated August 29, 1990, on the above noted subject and to request you kindly to circulate a copy of this letter with enclosures to all the Judicial Officers under your supervision, the Bar Associations at Headquarters and at Tehsil levels, for their information and necessary action.

In this case, the Hon'ble Supreme Court has made the following observations:-

Before parting with the case, it is necessary to state that from the facts and circumstances of this case it would appear that the investigating officer has taken the appellant, a peon, the driver and the cleaner for ride and trampled upon their fundamental personal liberty and lugged them in the capital offence punishable under Section 302, I.P.C. by freely fabricating evidence against the innocent. Undoubtedly, heinous crimes are committed under great secrecy and that investigation of a crime is a difficult and tedious task. At the same time, the liberty of a citizen is a precious one guaranteed by Art. 3 of Universal Declaration of Human Rights and also Art. 21 of the Constitution of India and its deprivation shall be only in accordance with law. The accused has the fundamental right to defend himself under Art. 10 of Universal Declaration of Human Rights. The right to defence includes right to effective and meaningful defence at the trial. The poor accused cannot defend effectively and adequately. Assigning an experienced defence counsel to an indigent accused is a facet of fair procedure and an inbuilt right to liberty and life envisaged under Arts. 14, 19 & 21 of the Constitution.

* For perusal of Judgment see Kishore Chandra v. State of Himachal Pradesh (1991) 1 SCC 286:1991 SCC (Cri) 172: AIR 1990 SC 2140: 1990 Cr.L.J.2289 (SC).

Weaker the person accused of an offence, greater the caution and higher the responsibility of the law enforcement agencies. Before accusing an innocent person of the commission of a grave crime like the one punishable under Section 302, I.P.C., an honest, sincere and dispassionate investigation has to be made and to feel sure that the person suspected of the crime alone was responsible to commit the offence. Indulging in free fabrication of the record is a deplorable conduct on the part of an investigating officer, which undermines the public confidence reposed in the investigating agency. Therefore, greater care and circumspection are needed by the investigating agency in this regard. It is time that the investigating agencies evolve new and scientific investigating methods, taking aid of rapid scientific development in the field of investigation. It is also the duty of the State, i.e. Central or State Governments to organize periodical refresher courses for the investigating officers to keep them abreast of the latest scientific development in the art of investigation and the march of law so that the real offender would be brought to book and the innocent would not be exposed to prosecution.

Though Art. 39A of the Constitution provides fundamental rights to equal justice and free legal aid and though the State provides amicus curiae to defend the indigent accused, he would be meted out with unequal defence if, as is common knowledge the youngster from the Bar who has either a little experience or no experience is assigned to defend him. It is high time that senior counsel practicing in the court concerned, volunteer to defend such indigent accused as a part of their professional duty. If these remedial steps are taken and an honest and objective investigation is done, it will enhance a sense of confidence of the public in the investigating agency.

We fervently hope and trust that concerned authorities and Senior Advocates would take appropriate steps in this regard.

38. Allowances to witnesses.

The payment of reasonable expenses to complainants and witnesses attending criminal courts for the purpose of any enquiry, trial or other proceeding is regulated by rules framed by Government under section 312 of the Code

contained in notification no. 1793/VI-2234-40, dated July 11, 1941, as amended from time to time and reproduced in Appendix 'I'.¹⁸

Relevant Circular Orders:

1. C.L. No. 75/VIII a-53 dated 27th November, 1948

When daily payment is made to a witness entries in Form No. 18 of the General Rules (Criminal), 1957¹⁹ should be made on the date of his arrival (Provided it be a date fixed for the hearing of the case), whether the case be or be not heard on the date of arrival.

The entries relating to witnesses who attend court on several dates should not be made at one and the same place irrespective of the date on which they attend. The entries should, on the other hand, be made date-wise, but in order that the register may indicate at a glance whether a witness has or has not appeared in the same case on a previous date as well, subsequent entries relating to the same witness in column 1 should be made in red ink.

2. C.L. No. 41/VIII d-6 dated 4th May 1956

The rules framed by the State Government under section 544 (new section 312) of Criminal Procedure Code regulating the payment of expenses to complainants and witnesses attending criminal courts, have been reproduced as Appendix 1 of the General Rules (Criminal), 1957⁺ Rule 8(5) of these rules provided that witnesses following any profession such as medicine or law shall receive a special allowance according to circumstances and usage of courts. It is merely illustrative. There is no bar to the payment of such allowance to witnesses other than those following the medical or legal profession. Presiding officers have full discretion to allow the claims of other categories of witnesses as well.

3. C.L. No. 102/VIII b-108 dated 1st December, 1959

Monies received for payment to witnesses as diet money and travelling allowances should not be entered in the public account every day.

¹⁸ NOTE: These rules have been repealed by the Uttar Pradesh Payment Expenses to Complainants and Witnesses (Criminal Courts) Rules 1976, Up to date rules are separately reproduced at page 330 - Ed.

¹⁹ NOTE: The figure 1957 shall now be read as 1977. -Ed.

⁺ The figure 1957 shall now be read as 1977. - Ed.

Such monies may be utilized for payment to witnesses as and when required during the month and only the balance at the end of the month deposited in public account.

4. C.L. No. 66 dated 7th November, 1960

Whenever employees of the Life Insurance Corporation of India are called upon to give evidence in criminal courts in their private capacity, the travelling expenses and other allowances admissible to ordinary citizens under the rules should be paid to them by courts concerned and certificates of attendance should not be issued to such employees.

5. C.L. No. 100/VIII e-52 dated 28th July, 1971

Under rule 8 (3) of Appendix 1 of General Rules (Criminal), diet money is permissible not only for the days of actual detention in court but also for the time occupied in the journeys to and from the court and the officer ordering payment of diet money is authorised to determine the number of days which should be allowed for the journey to and from the court.

6. C.L. No. 53/VIII d-9 dated 5th May, 1972

In criminal cases to which State is a party, a Government servant giving evidence regarding facts of which he has official knowledge, will on production of certificate of attendance issued by the summoning court, be paid travelling allowance by the Government under whom he is serving.

In criminal cases to which State is not a party' the Government servant shall be paid by the summoning court according to rules of travelling allowance applicable to him and the charges will be borne by the Central Government or the State Government according as the court is situate in a Union Territory or the State of U.P. In order to enable the court to assess the amount admissible, the Government servant will carry to the court a certificate duly signed by his Controlling Officer showing the rates of travelling and daily allowances admissible to him on tour. If he is himself his Controlling Officer the certificate will be signed by him.

When a Government servant serving in a commercial department or when any other official is summoned to give evidence as a technical or expert witness, the pay of the Government servant concerned for the period of his absence from his headquarters and travelling allowance and other expenses due to him will first be borne by the Government under whom he is serving and subsequently be

recovered from the Central Government or the Government of U.P. according as the court in which the officer is summoned is situated in a Union Territory or in the State of Uttar Pradesh.

7. C.L. No. 129/X b-2 (J.O.) dated 18th December 1972

Diet money, etc. relating to the courts of the Chief Judicial Magistrates and Judicial Officers should be paid from the head "21 -Administration of Justice-non -plan-F-Criminal Courts."

Payment of diet money to witnesses

8. C.L. No. 35/VIII Dated: 24.9.2003

The Hon'ble Court has observed with concern that traveling allowances and diet money are not being paid in time to the Prosecution witnesses who are summoned for statement in criminal cases earning lack of interest by the witnesses to appear in the courts on the date fixed. As such, for want of the said allowances/diet money they become hostile resultantly causing delay in disposal of criminal cases.

I am, therefore, directed to request you to kindly issue necessary instructions to all the concerned in your Judgeship to ensure payment of traveling allowances and diet money to the witnesses timely so as to enable them to succour the courts with their testimony for reaching judicial findings.

I am also to add to kindly ensure strict compliance of above directions of the Court.

39. Statement and result of Sessions.

At the conclusion of each trial in the course of a sessions, the Sessions Judge shall at once cause statements in form no. 1 to be prepared and forthwith despatched to the Chief Metropolitan Magistrate or the Chief Judicial Magistrate as the case may be. On the conclusion of the sessions, the Sessions Judge shall send to the Chief Metropolitan Magistrate or the Chief Judicial Magistrate, as the case may be, an index certified by him to be a full and correct list of all cases disposed of as mentioned above in the course of the sessions. The Chief Metropolitan Magistrate or the Chief Judicial Magistrate, as the case may be, shall cause this index to be bound up with the statements he has already received. This shall form the sessions statement and shall be circulated for the inspection of the subordinate magistrates. If for any reason a copy of any judgment has not been supplied to the Chief Metropolitan Magistrate or the Chief Judicial Magistrate, as

the case may be, the Sessions Judge shall, when sending the index, certify the reasons which prevented a copy being supplied. If the Sessions Judge has recorded in any judgment any comment as to conduct of the preliminary enquiry by any magistrate in any of the cases entered in the statement the Chief Metropolitan Magistrate or the Chief Judicial Magistrate, as the case may be, shall bring such comments to the notice of the magistrate concerned; but he shall not do so by writing or otherwise putting any marks on the statement itself. When the statement has been inspected by the subordinate magistrates it shall be deposited in the Sessions Judge's record room, and destroyed as directed in rule 120, Chapter XII.

Relevant Circular Order:

C. L. No. –28/2007: Dated: 29 June, 2007

It has come to the notice of Hon'ble Court that the Presiding Officers of the Courts working on the Criminal Side, while delivering judgments/Orders, in the criminal matters are often not citing particulars such as name of the Police Station, District, Crime Number and Sections of the case at the beginning of the judgement at the top of the right side of the page, which has resulted in tremendous difficulty for Hon'ble Court in appreciation at the appellate level.

Therefore, I am directed to say that, the Hon'ble Court has resolved that from now onwards all the judgments. In criminal matters shall bear the name of the Police Station and the District to which the case belongs and also the relevant Sections and the crime number at the top of the page on the right side without fail. Further the issuing authority shall ensure before issuing the certified copy of the Judgement/Order that the same bears above particulars.

I am to request you to kindly ensure that the above directions are complied with by all the concerned under your administrative control, in letter and spirit.

40.

An order passed by the Sessions Judge on an application for transfer of a case should be communicated to Court concerned within three days along with the record of the case. The parties should be directed to appear before the Court concerned on a fixed date which should be communicated to the parties or their counsel and their signature obtained on the order sheet.

41. Report if Sessions Judge leaves division.

In the event of the Judge of a Court of Session leaving his division, he shall make arrangement for the disposal of urgent criminal work in his absence, and shall on return report to the High Court the date of his departure from, and of his return to, his headquarters.

Relevant Circular Order:

Disposal of urgent criminal work during absence

G.L. No. 10/VII-b-62 dated 10th March, 1949

The Sessions Judge can make arrangement with the District Magistrate only when no Additional or Assistant Sessions Judge is available in the division.

A difficulty is likely to arise when during the Sessions Judge's absence the Additional or Assistant Sessions Judge in charge of urgent criminal work, has himself to be unavoidably absent or is incapable of acting by reason of sudden illness or some such cause. To avoid such a contingency Sessions Judges may themselves direct before their departure from the judgeship that during their absence the Additional or Assistant Sessions Judge, as the case may be, shall dispose of, urgent applications, but that if such Judge is also unavoidably absent or incapable of acting the District Magistrates shall do so.

42. Judges and Counsel's dress.

All presiding officers of sessions and²⁰ [Magisterial courts under the Administrative control of the High Court] and pleaders appearing before them shall wear a buttoned up coat, *achkan* or *sherwani* of a black colour. They may wear an open neck coat of the same colour instead, but if they are not entitled to use bands, they shall wear a black tie with it. During the summer, the colour need not be black and a coat, *achkan* or *sherwani* of a light colour may be worn. With the coat, trousers and with the *achkan* or *Sherwani chooridar pyjama* or trousers shall be worn. Ladies appearing before the *[Magisterial courts under the Administrative control of the High Court] as pleaders shall wear a black or a white sari and blouse.

They shall also wear distinctive costumes as indicated below:

- (i) Presiding Officers: a gown made after the pattern of Queen's Counsel's gown of black silk or stuff, with bands;

²⁰ NOTE: Substituted by notification no. 2/VIII-b-223 dated January 7, 1989
Published in U.P. Gazette Part II dated 16th September 1989. - Ed

- (ii) Advocates: a gown similar to a barrister's gown with bands; and
- (iii) Pleaders and Vakils: a gown similar to the gown worn by the presiding officers, but without sleeves and bands.

If it is desired to wear a head dress, a turban may be worn.

Relevant Circular Orders:

1. G.L. No.23/4513 dated 19th August, 1941

The provisions contained in rule 615. Chapter XXVII of the General Rules (Civil), 1957, which provide for the wearing of proper dress in court are mandatory and it is the duty of each presiding officer not only to see that he is properly dressed according to the rule but also that all legal practitioners appearing, before him are so dressed.

2. C.L. No. 1514/Adm.(B) dated 9th November, 1970

The Chief Judicial Magistrates and Judicial Magistrates shall put on the same dress in court as is prescribed for the members of the Civil Judicial Service.

43. Accused sentenced to death to be warned to appeal within thirty days.

In a case in which a person is sentenced to death, the Sessions Judge shall put on record the fact that he has informed him that if he wishes to appeal his appeal must be preferred within thirty days.

Relevant Circular Orders:

Measures to safeguards a convict's right to appeal and suspension of sentence

1. G.L. No. 1/VIIIb-35 dated 23rd August, 1956

In Criminal Revision no. 1113 of 1952 Shambhu, etc. v. State, reported in 1956 Allahabad Law Journal, page 521, it has been pointed out that -

- (i) an order or an order sheet (fard ahkam) is not a judgment;
- (ii) a memorandum of appeal must therefore be accompanied by a copy of judgment;
- (iii) if it is accompanied by a copy of the order in the order sheet and not the judgment it is not entertainable and can be rejected straightaway;
- (iv) an appellate court can exercise its powers of enlarging an appellant on bail under section 426(1) (new section 389) of the Code only when there is a valid appeal before it;
- (v) an appellant cannot be released on bail unless the memorandum of appeal filed by him is accompanied by a copy of the judgment; and
- (vi) there must be reasons for enlarging him on bail and they must be stated in the order.

The question of releasing an appellant on bail can arise only after the execution of the sentence of imprisonment is suspended; therefore, an appellate court must first pass an order suspending the execution of the sentence and then order him to be released on bail. Since actually the reasons are required for suspending the execution of the sentence, it is obligatory upon an appellate court to read the judgment before suspending the execution of the sentence.

The following instruction should be noted for strict compliance in all cases where an application for copy or translation of judgment under section 371(1) (new section 363), of Code of Criminal Procedure is made by or on behalf of a convict:

- (i) Ordinarily, a judgment by which an accused person is sentenced to a term of imprisonment should be delivered in the early part of the day.

- (ii) The Presiding Officer should take steps to ensure that there is no delay in furnishing a convicted person sentenced to a term of imprisonment upon his application, with a copy of the whole of the judgment. Save in exceptional circumstances, a copy should be supplied within 24 hours unless he is to be released on bail under sub-section (2-A) of section 426 (new section 389) of the Code.
- (iii) The work of preparing a copy of the judgment should be taken in hand as soon as the convicted person applies and the copy delivered to him as soon as it is ready.
- (iv) Sessions Judges should watch the compliance of these instructions by the Magistrates in their judgship and report to the Court when delay in the supply of a copy to an accused person comes to their notice.

2. C.L. No. 45 dated 19th August, 1960

All Magistrates, Sessions Judges, Additional District and Sessions Judges and Assistant Sessions Judges should note that the identification memos particularly in dacoity cases are important documents.

By constant and careless use in subordinate courts those memos are sometimes' reduced to tatters by the time they reach the High Court in appeal or revision. The result is that the most important information required by the Court is not available on the record.

They should, therefore, take proper care to see that the identification memos are properly preserved.

3. C.L. No. 20 dated 3rd April, 1964

(v) The accused in a case of death sentence, should, as required by section 371 (3) (new section 363) of the Code of Criminal Procedure, be invariably informed that if he wishes to prefer an appeal, his appeal should be preferred within thirty days of the date of sentence as provided under Article 115 (a) of the Limitation Act (Act no. 36 of 1963).

4. C.L. No. C.V./8/78 dated 6th October, 1978

The Presiding Officers should avoid keeping part-heard criminal cases pending unnecessarily on their files.

CHAPTER – VI

OATHS AND AFFIRMATIONS

44. Form of oath and affirmation.

The following forms of oaths and affirmations are prescribed under section 6 of the Oaths Act, 1969, namely:

I-Form of Oath or Affirmation to be administered to a witness in any other criminal case.

I do swear in the name of God that what I shall state

solemnly affirm

shall be truth, the whole truth and nothing but the truth.

II-Form of oath or Affirmation to be administered

to the interpreter

I do swear in the name of God that I will well and truly

solemnly affirm

interpret and explain all questions put to and evidence given by witness and translate correctly and accurately all documents given to me for translation.

45. Note to be made of the official giving oath.

When an oath or affirmation is administered, the name of the (Presiding Officer)²¹ who administers the oath or affirmation shall be noted upon the deposition of the witness or other person to whom it is administered.

²¹ NOTE: Substituted by notification no. 78/IV-h-36, dated February 12,1990, published in U.P. Gazette, Part 2, dated 29th June, 1991. -Ed.

CHAPTER – VII

THE RECORDING OF EVIDENCE

46. Record in summary trial.

In summary trials the record shall be made in the manner and form prescribed there for (Part IX, no. 31), as provided in section 263 and 264 of the Code.

Relevant Circular Orders:

1. C.L. No. 152/VIII b-13, dated 28th September, 1974

Attention is drawn to general instructions contained in Court's Circular Letter No. 55/VIII-b-13 dated April 19,1971 for recording of full evidence and arguments in cases fixed before the Magistrates for the day. The same should be strictly followed with regard to summary trials as well. No piecemeal evidence should be recorded in such (summary) trials.

Attention is also drawn to the second proviso to sub section (2) of section 309, Cr.P.C., 1973 and explanation no. 2 below the aforesaid section. Adjournment should, as far as possible, be refused in summary trials also. If however, adjournment is granted, the party applying for the same should be taxed with costs sufficient to compensate the other party and his witnesses.

Summary Trial

2. C.L. No. 4 dated 3rd October, 1975

Please invite the attention of all officers under your charge to section 206 Cr.P.C. and invite them to make use of this provision as and when occasion arises. In such cases the accused should be told in- plain and simple language, *inter alia*, that if he so desires he can plead guilty without appearing and by transmitting, before the specified date, by post, or by a messenger, to the Magistrate such plea as well as the amount specified in the summons.

3. C.L. No. 104/VII-b-108 dated 6th August, 1975

Magistrate should strictly follow the provisions of section 206(i) of the Code of Criminal Procedure, 1973 while deciding cases under section 260 of the said Code.

4. C.L. No. 1 dated 14th January, 1976

In criminal cases, a very liberal use of sections 205 and 206 Cr.P.C. should be made.

5. C.L. No. 4 dated 3rd February, 1976

The provisions of sections 205 and 206, Cr.P.C. should invariably be used in petty cases. It is true that forms for section 206 are not yet available. The substance of section 206, Cr.P.C. is that the accused need not come. He may not even engage a counsel. He is required to send the proposed amount of fine to the Court along with a plea of guilty. This idea can be formulated in simple language so that a villager may understand and comply. The District Judges may prepare rubber seals, containing a few sentences to convey the idea behind section 206 and get the seals stamped on the usual summons or on its reverse side.

Section 206 will help in improving the disposal of the officers and in executing the policy of the legislature in saving unnecessary cost to the litigant.

6. C.L. No. 66 dated 11th May, 1976

The District Judges are requested to arrange rubber stamps for all the magisterial courts, in following words:-

“If you desire to plead guilty without appearing in person, send written confession along with fine by post or messenger, on or before the date fixed.

If you desire to plead guilty through pleader, he may confess and pay fine on showing written authority from you.”

7. C.L. No. 13-VII d-92/Adm. (A) Allahabad dated 18th January, 1978

I am directed to say that it has come to the notice of the High Court that the Magistrates who are conferred with summary powers under section 260 of the Code of Criminal Procedure, 1973, do not generally exercise these powers while deciding criminal cases. This results in delay in disposal of even those cases which can be tried and disposed of summarily.

I am, therefore, to request you kindly to issue suitable directions to all the Magistrates in your District impressing upon them that in the interest of expeditious disposal of criminal cases, such cases which can be tried summarily should generally be tried summarily.

While inspecting cases of Magistrates, the District Judges/the Chief Judicial Magistrates are requested to verify whether the Magistrates try summarily those cases which can be tried summarily.

8. C.L. No. 85/VIII b-108-Admn. (G) dated 24th November, 1984

The District Judges should see that henceforth, the aforesaid instructions are strictly complied with by the Magistrate. If any Magistrates do not do so, it may be treated adversely against him.

9. C.L. No. 65/VII b-108/Admn. (G), dated November 11, 1991

I am directed to invite your attention to Court's Circular Letter noted on the margin and printed at pages 457 & 459 of the book of Circular Orders 1990 Edn. on the above subject, and to say that in spite of repeated instructions, this Court is receiving complaints that the provisions of section

- | | |
|--|---|
| 1. C.L. No. 4, dated 3.10.1975 | 206 (i) of the Code of Criminal Procedure are not being followed by the trying Magistrates while deciding cases under section 260 of the said Code causing harassment to the accused. Thus, with a view to give |
| 2. C.L. No. 104/VIIb-108, dated 6.8.1973 | |
| 3. C.L. No.1, dated 14.1.1976 | |
| 4. C.L. No.4, dated 3.2.1976 | |
| 5. C.L. No.66, dated 11.5.1976 | |
| 6. C.L. No.13/VII d-92, dated 18.1.1976 | |
| 7. C.L. No.85/VIIb-108, dated 24.12.1984 | |

quicker relief to the accused persons involved in petty offences the Magistrates may be directed to have the list of such cases prepared where punishment is possible in the form of fine where after the Magistrate may call upon the accused by a notice in writing fixing some date therein on which if the accused pleads guilty, his case may be disposed of on the date fixed, by imposing the sentence of fine only. The Magistrates can make this fact of imposition of fine, only known to the litigants in general through the lawyers by giving them the option that in case the accused give an application where by they plead guilty and want to get the sentence of fine only, then on getting their files from the record room, the Magistrate, may dispose of those matters by imposing fine only.

I am, therefore, to request you kindly to bring in the notice of all trying Magistrates the contents of this letter for their information and necessary compliance.

Petty criminal cases

Transfer of Petty Criminal Cases under the Local and Special Acts to the Courts of Executive Magistrate having powers of special Judicial Magistrate First Class

10. C.L. No. 47/Admn. (A) dated May 19, 1994

I am directed to send herewith a copy of G.O. No. 4521/8/9/26(5)/89, dated August 2, 1989, issued by the Special Secretary, Government of U.P., Home (Police) Section-9, Lucknow, addressed to all the District Magistrates of U.P., regarding disposal of petty criminal cases by the Executive Magistrates having powers of Special Judicial Magistrates and to request you kindly to get 100 petty criminal cases in which the offence is punishable with fine only under the Special and Local Acts and in which the offence is triable by the Special Executive Magistrates who have been conferred with such powers of Special Judicial Magistrate, by this Court from time to time, under Section 13(3) of Code of Criminal Procedure, 1973 (Act No. 2 of 1974), transferred to the Court of Executive Magistrates posted in his District immediately under intimation to the Court and the list of such cases transferred to the Courts of Executive Magistrates may also be sent to this court as well as to the Government.

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11. C.L.No.17/Main 'A'/ J.R (I) dated: 21-4-2000

The Government of Uttar Pradesh, by Notification no. 3093/VII-Nayay-2-201 G/92 dated 26.8.96, had established courts of special Judicial Magistrate, I class and of special metropolitan Magistrate in only 46 districts of the state of UP. As defined in Rule 2 of the Uttar Pradesh Petty Offences (Trial by Special Judicial Magistrate) Rule, 1997, Special Judicial Magistrate will try petty offences. In order to dispose of the pendency of petty cases, Hon'ble court is considering for creation of further courts of Special; Judicial Magistrate. In this regard, the details of pending cases in your judgeship, which can be triad Special Judicial Magistrate/ Special Metropolitan Magistrate are required.

I am, therefore, to request you kindly to submit details showing number of pending cases of petty offences, which can be triad by Special Judicial, Magistrate/ Special Metropolitan Magistrate in your Judgeship to the Hon'ble court at the earliest.

12. C.L.No.19/ Main 'A'/J.R. (I) /Dated: May 12, 2000

This is in reference to court's circular letter No. 17/main 'A' /J.R. (I) dated 21.4.2000 pertaining to pendency of cases of petty offences in your Judgeship. With a view to dispose of the cases, Hon'ble court is considering for creation of more court of Spl. Judicial Magistrate/ special Metropolitan magistrate in the district.

I am to say that Government of India has also sought information by 31.5.2000 for creation of more courts of special Judicial Magistrate/Special Metropolitan Magistrate in the district of Utter Pradesh, which has to be furnished to Parliament in respect of parliamentary question.

In order to prepare proposal on the aforesaid reference, information on the following proforma is to be obtained from you:-

1. Total number of pending cases of petty offences in your Judgeship as on 01.4.2000.
2. Indicate probable number of post of SJM/SMM (excluding existing posts) as per norms, if required, to be created on the basis of pendency of cases in your Judgeship.

I am, therefore, to request you kindly to furnish the latest information as on 1.4.2000 on the above proforma to the court by return post/fax.

13. C. L. No. 56/2007Admin (G): Dated: 13.12.2007

The Hon'ble Court has been pleased to observe that the pendency of criminal cases has swelled to a large extent by inclusion of criminal cases of petty nature and the same could be brought down by making maximum use of the provisions made under Section 206 (1) Cr. P.C. which provides for summary disposal of such cases by the Magistrates U/s 260 of Cr.P.C.

Therefore, I am directed to request you to kindly bring contents of this Circular Letter to all the magistrates working under your administrative control and to impress upon them to ensure compliance of the above directions of Hon'ble Court in letter and spirit.

Disposal of cases involving petty offences

14. C.L. No. 23/2010/Admin. E (F.T.C. Cell): Dated 12.08.2010

I have been directed to say on the above subject that the Hon'ble Court has directed as follows:-

That the Chief Metropolitan Magistrate and all Addl. Chief Metropolitan Magistrates/Metropolitan Magistrates/Chief Judicial Magistrates/Addl. Chief Judicial Magistrates/Judicial Magistrates/Civil Judges (Junior Division) has empowered for summary trial under Section 260(1)(C) of Cr.P.C. shall issue Special Summons under Section 206 Cr.P.C. on Form No. 30 of Schedule-II of Cr.P.C., in the following form:-

Form No. 30

SUMMONS TO A PERSON ACCUSED OF A PETTY OFFENCE

To (Name of the accused)of (address)

WHEREAS your attendance is necessary to answer a charge of a petty offence(state shortly the offence charged), you are hereby required to appear in person (or by pleader) before(Magistrate) ofon theday of20 ..., or if you desire to plead guilty to the charge without appearing before the Magistrate, to transmit before the aforesaid date the plea of guilty in writing and the sum of ...rupees as fine, or if you desire to appear by pleader and to plead guilty through such pleader, to authorise such pleader in writing to make such a plea of guilty on your behalf and to pay the fine through such pleader. Herein

thisday of 20.....

(Seal of the Court)

(Signature)"

A note shall also be mentioned on the aforesaid Special Summons that if the accused desires to deposit the amount of fine after pleading guilty, he may deposit the fine in the Bank. The Special Summons will be enclosed a receipt in three parts with the mention of particulars of the case, the amount of fine to be deposited and the Account Number of the Bank. One part or such receipt shall be given to the litigant after he deposits fine in the Bank, the second part shall be sent by the Bank to the court concerned and third part shall be retained by the Bank.

(2) That with effect from 1st of July, 2010, a separate register shall be maintained for registering the cases involving petty offences and if possible, the registration of such cases can be done directly on computer.

(3) The office of the District Court shall identify all such cases, which deal with petty offences and ensure that sufficient numbers of cases are listed before the Courts each day and the summons are issued immediately after orders are passed by the Courts.

(4) A Website be created for each District containing details of such cases involving petty offences where summons have been issued.

(5) A Centralized Account be opened in each District in one Bank for the purpose of deposit of fine by the accused persons against whom special summons are issued and the same can be transferred in the Government Account where amount of fine is deposited.

(6) Each District Judge shall inform the High Court every fifteen days about the progress made in his district so that the data can be compiled and placed before the Committee monitoring the disposal of such cases.

I am, therefore, to request you to kindly direct all concerned under your administrative control to ensure compliance of the above directions of the Hon'ble Court in right earnest.

47. Record of the accused's statement in cases other than summary trials.

In every case other than one tried summarily or tried by a Metropolitan Magistrate, the examination of accused under section 281 of the Code shall be recorded upon the printed form (Part VIII, no. 23 and if necessary, Part IX, no. 26,

in continuation). Upon this record, the signature of the accused shall be taken and the certificate of the Presiding Officer shall be made as required by law. In case the Presiding Officer is unable to record the statement owing to a physical or other incapacity, he shall get it recorded by an officer of the Court appointed by him in this behalf. In any case in which the accused is examined by a Metropolitan Magistrate, the Presiding Officer shall use the prescribed form (Part VIII, no, 24) to make his memorandum. It will not be necessary to take the signature of the accused on the memorandum.

Relevant Circular Order:

Endorsement regarding age of he accused when he mention his age at the time of his examination under Section 313 Cr. PC.

C.L. No. 5/2006 Admin 'G' Dated: 15th February, 2006

While taking orientation and inviting attention to court's Circular Letter Nos. 69 dated 13.8.1968, 117/VIIc-34 dated 5.8.1974, 89 /Admin. 'A' dated 3.5.1977, 71/VIIc-34 /Adm. 'G' dated 7.11.1981 and 33/ Admin, 'G' /VII-f-45 dated 13.5.1986. I am desired to say that the Hon'ble Court (coram Hon'ble Mr. Justice Imtiyaz Murtaza and Hon'ble Mr. Justice Amar Saran) in Cri. Jail appeal No.58 of 2001- Kaloo Vs. State of U.P. 2006(54) ACC 343 has been pleased to "direct all the Sessions Judges and Magistrates in the State of U.P. to make a positive endorsement as to their own estimate of the age of the accused when the accused mention their ages at the time of their examination under Section 313 Cr. P.C. This endorsement must be made in each and every case even if the Court concerned is in agreement with the age as mentioned by the accused. This direction has become necessary because we are finding that the requirement in Rule 50 of the General Rules (Criminal) that the court must not down its own estimate of age in case it is not in agreement with the age mentioned by the accused are more often than not being overlooked by trial courts. Only if the Court is required to record a positive finding about the age of the accused in each trial after looking to the age mentioned by the accused in his statement, other material on record, the court's subjective impression of the age, and in the event that the court deems it appropriate by getting the medical examination of the accused conducted or by seeking further documentary or other evidence of age, that we can ensure that the mandate of Rule 50 of the General Rules (Criminal) and directions of the Apex Court are observed in letter and spirit. Only by this exercise will a proper estimate of the age be available on record which is very necessary for deciding on questions of the appropriateness of the procedure

adopted for the trial of the case, i.e. whether the trial of the accused should have been conducted according to the procedure prescribed under the Juvenile Justice Act or otherwise, what should be the appropriate sentence, if the accused is of very young age or he is very old, and certain cases whether death or life sentence would be the appropriate sentence considering the age of the Accused”.

Therefore, I am directed to send out her with a copy of the judgment and order dated 30.9.2005 in Crl. Jail Appeal No. 58 of 2001- Kaloo vs. State of U.P. with the request that the contents of and directions in the judgment and orders afore stated, be unerringly gone though all the way for ensuring strict compliance by all concerned.

48. Memo of evidence.

In a case in which the record is made in the manner prescribed by section 274, the memorandum shall be commenced upon the printed form IX, no. 1

49. Forms for recording of evidence.

In a case other than one mentioned above the evidence shall be recorded, (1) upon the printed form Part IX, no. 1 (and if necessary, no. 26, in continuation) for the first witness in a case before a Magistrate; (2) upon the printed form Part IX, no. 25 (and, if necessary, upon no 26, in continuation) for every other witness. In any case before a Magistrate in which the Presiding Officer does not make this record with his own hand and makes only memorandum, the memorandum of the evidence of the first witness shall be commenced upon printed form (Part IX, no. 1).

The record shall follow as closely as possible the actual words expressions used by the witness.

Relevant Circular Order:

G.L. Nos. 19/X-e and 20/X-e-5, dated 16th October, 1951

Where the translation or transliteration in Hindi of any English technical term used by a witness in the course of his statements is likely to cause confusion or difficulty in understanding the correct import of such term, courts should, while recording the deposition of such witness in Hindi, also put down within brackets against such translation or transliteration the actual English term used by him in his evidence.

50. Forms for recording evidence.

Every such record made by a Presiding Officer or an officer of the court shall be legibly written. If in making the record an officer uses a typewriter he shall sign every page of it and shall initial every correction or alteration therein. On every statement of an accused and deposition of a witness and on the memorandum of every such statement and deposition, the person mentioned, whether examined on commission or otherwise, shall be indicated by his full name, father's name, profession or occupation, residence and age. Abbreviations and elliptical forms of expressions shall be avoided particularly abbreviations of names of persons or places.

If the court considers the age given by a witness or accused to be an underestimate or an overestimate it should form its own estimate and mention it also in the record. If the accused is charged with an offence punishable with death and the court considers the age given by him to be an underestimate, or an overestimate, it may order medical examination of the accused about his age and should direct the State Counsel to produce documentary evidence of his age, if any, is available.

Relevant Circular Orders:

1. C.L. No. 31/VU-b-32, dated 30th March, 1951

The letter noted on the margin contains similar directions with respect to the memorandum of the substance of the evidence in criminal cases with reference to the provisions of section 275 of the Code of Criminal Procedure.

2. C.L. No. 52/VII-b-32, dated 28th September, 1954

In the first instance, each accused in a murder case at the time of his examination by the Magistrate or the Sessions Judge should be specifically asked as to what his age is, and that age should be recorded. If the Magistrate or the Sessions Judge suspects that the age stated by the accused, having regard to the general appearance of the accused or some other reason, has not been correctly stated it is either an overestimate or under-estimate than the Magistrate or the Sessions Judge should note his own estimate and if he considers it necessary orders medical examination of the accused about his age. If any documentary evidence on the point of age is readily available, the prosecution should be asked to produce it.

3. C.L. No II/VIII-a-16, dated 25th February, 1965

Under Rule 53²² of General Rules (Criminal), Volume 1, Presiding Officers of the Criminal Courts are required to record, inter alia, the age of the accused persons while examining them under section 342 (new. section 313) of the Code of Criminal 1 Procedure. Recording of age is an important factor in awarding sentence and considering the petition for mercy of condemned prisoner and for remission of unexpired portion of the sentence by the Government.

4. C.L. No. 63/VIII-b-32 dated 13th October, 1966

In criminal cases, however, under section 275, Cr.P.C., it is open to the presiding officer to record evidence in his own hand or have it recorded from his dictation in open court, or cause the same to be recorded in his presence and hearing under his personal direction and superintendence. If guidance is not taken down in own hand or from dictation in open court, open for the presiding officer to record in his own hand a memorandum of substance of evidence and in that case he has also to give the reasons of his inability to do so.

5. C.L. No. 35 dated 12th April, 1968

With a view to facilitate reference of a particular portion of the deposition by the advocate during arguments, the deposition should be recorded in proper paragraphs and such paragraphs should be serially numbered.

6. C.L. No. 69, dated 13th August, 1968

Sessions Judges and Magistrates should give their estimate of the ages of the accused persons while recording their statements.

7. C.L. No. 6/Adm.(B) dated 1st May, 1971

In every case the statement of the complainant under section 200 Cr. P.C. be recorded on the same day on which the complaint is made. Where for some good reason the statement cannot be recorded on the same day. It should be recorded on the following day. It should be ensured that the complainants do not have to come to the court often for this purpose and minimum inconvenience is caused to them.

The recording of statement of witnesses u/s 202 Cr.P.C. should not become a matter of routine. If the case is one in which notice shall be issued to the accused no detailed enquiry u/s 202 Cr.P.C. need be conducted and soon after

²² NOTE: Rule 53 of G.R. (Criminal) 1957 shall now be read as Rule 50 of Gen Rules (Criminal) 1977. -Ed.

recording the statement of the complainant notice can be issued to the accused. Where an enquiry u/s 202 Cr.P.C. is considered necessary the Magistrates must take personal interest while recording the statement of witnesses. They can, on their own, put a few Questions and find out the status of the witnesses and also whether they had an opportunity to see the occurrence. By so doing a much larger number of complaints can be dismissed u/s 203 Cr.P.C.

Further, the complaint cases should be kept pending without date only after the accused persons have been served so that such cases can be taken at short notice whenever necessary.

8. C.L. 138/IV-f-46, dated 7th September, 1974

Judicial Officers and Judicial Magistrates should strictly follow the provisions of law while recording evidence in civil and criminal cases respectively in accordance with rules 5 and 8 of Order XVIII, C.P.C. and sections 275 and 276 of the Code of Criminal Procedure. 1973.

9. C.L. No. 144/VIII-b-52, dated 17th September, 1974

Injuries should invariably be noted in detail while recording the depositions of medical experts examined by the defence in the subordinate courts.

10. C.L. No. II/VIII-b-281 dated Allahabad, January 17, 1978

I am directed to refer to the Court's Circular Letters No. 98/VIII-b-281 dated 7.6.1976 and No. 19 I/VIII-b-281 dated 27.11.1976 on the above subject, and to say that if the State Counsel makes a request for supply of copies of deposition') of witnesses, one set of such copies, wherever practicable, be supplied to him free of cost. The free copy/copies so supplied shall be deemed to have been supplied under rule 143 of the General Rules (Criminal) and Rules 251, 252 of the General Rules (Civil) Volume 1,1957.

The above instructions may kindly be brought to the notice of all concerned for compliance in future.

Recording of statements U/s. 200 Cr.PC.

11. C. L. No.53/2007Admin(G): Dated: 13.12.2007

The Hon'ble Court has been pleased to observe that section 200 Cr.P.C. mandates that the substance of the information/statement only is required to be recorded by the magistrate which should be done by him in his handwriting as that would facilitate in pinpointing the controversy and check frivolous complaints .

Therefore, in continuation of earlier Circular letter no. 6 Admn.(B) dated 1st May 1971 , I have been directed to say that all the Magistrate working under your administrative control may please be directed to record statements under Section 200 Cr.P.C. in their own handwriting.

I am, further, to request you to kindly bring the contents of this Circular Letter to all the Judicial Officers working under your administrative control for strict compliance.

51. Certificate on certain depositions.

In the case of depositions referred to in section 291 of the Code other than those taken on commission under Chapter XXIII, a Magistrate taking the deposition of a Deputy C.M.O. (Medical) or other medical witness, shall sign at the

foot of the deposition a certificate in the form indicated below or a memorandum to the same effect, namely;

"The foregoing deposition was taken in the presence of..... accused who had an opportunity of cross examining the witness. The deposition was explained to the accused; and was attested by me in the presence of the accused."

Relevant Circular Order:

C.E. No. 88 dated 31st May, 1976

Evidence of medical witnesses may be tendered by means of affidavits which should necessarily contain a detailed description of the injuries, the nature of weapon by which such injuries could be caused and the duration of the injuries, etc. and the affirmation of the witness that he had prepared the injury report in his handwriting and that the original was before him and that it bore his signature.

CHAPTER – VIII

GENERAL PROVISIONS REGARDING TRIALS

52. Trial of persons subject to court martial law.

When a person subject to military, naval, or air force law is brought before a Magistrate and charged with an offence for which he is liable to be tried by a court martial, such magistrate, unless he is moved by the competent military, naval or air force authority, as the case may be, to proceed against the accused under the Code shall, before so proceeding, comply with the rules in Appendix 'H'.

Relevant Circular Orders:

1. C.L. No. 4/VII-f-50 dated Allahabad, 10th February, 1901

I am directed to say that on the suggestion of the Government to the effect that criminal cases involving Military Personnel be decided on priority basis in view of the fact that they are engaged in arduous nature of duties and it is not possible either for them to take to leave frequently or for the Defence Department to spare them to attend courts on every date of hearing of the case in which they are involved, the Court has acceded to the suggestion of the Government.

I am, therefore to request you kindly to issue necessary directions to all the Presiding Officers of the criminal courts in your judgeship to ensure that criminal cases involving Military Personnel are dealt with on priority basis and every possible effort should be made to avoid adjournments of such cases.

Trial under Military Law

2. C.L. No. 20/VIII-a-69 dated 5th March, 1951 as amended by

C.L. No. 56/VIII-a-69 dated 30th May, 1951 read with

G.O. No. 303/VI-872-41 dated 14th February, 1951

The attention of all the subordinate courts is invited to the mandatory provisions of sections 125 and 126 of the Army Act, 1950 and also to the rules made under section 549 (new section 475) of the Code of Criminal Procedure, 1898 (Act -V of 1898), contained in Appendix H of General Rules (Criminal), 1957⁺,

⁺ The figure 1957 shall now be read as 1977. – Ed.

stressing the necessity of strict compliance with the requirements laid down for the trial of persons subject to military law.

Commission for examination of witnesses in Pakistan

3. C.E. No. 44/VIII-b-31 dated 29th July, 1963

The Central Government in pursuance of sub-section (3) of section 504* of the Criminal Procedure Code 1898 read with section 137 of the Army Act, 1950 directs that commission from the Judge Advocate General of the Army, or the Chief Legal Adviser of the Air Force, at the instance of Courts Martial in India for the examination of witnesses in Pakistan shall be issued in the Form annexed (to the C.E.) to the Court of the D.M. or Magistrate of the 1st Class within the local limits of whose jurisdiction in Pakistan the witness resides and that such commission shall be sent to the Ministry of External Affairs, Government of India, new Delhi, for transmission to the court concerned.

4. C.E. No. 62/VII-a-83 dated 1st October, 1964

All the District Judges and Additional District and Sessions Judges should forward free of charge a copy of its judgment on conviction of military pensioners to the pension-paying officer concerned and the Controller of Defence Accounts (Pensions) Allahabad to enable them to suspend convicted pensioners under the provisions of Pensions Regulations for the Army/Air Force/ Navy. Rule 143(ii) of General Rule (Criminal), 1957* (now 1977 vide notification no. 504/vb-13; dated 05.11.1983) to be followed strictly.

53. Senior S.P. or S.P. to be informed of police errors.

When in any case of which a court has taken cognizance, the Presiding Officer has occasion to notice any erroneous practice on the part of the police, or has reason to believe that a confession has been elicited by the police from an accused person by the use of force or undue influence, or that any other grave irregularity has occurred, he shall bring the matter to the notice of the Senior Superintendent of Police or Superintendent of Police as the case may be.

Relevant Circular Orders:

1. C.L. No. 27 dated 19th March, 1957

* Now Section 284 of Cr.P.C.1973

• The figure 1957 shall now be read as 1977. – Ed.

Copies of judgments in which strictures are passed against police officers should be sent to District Magistrate concerned as soon as judgment is pronounced.

Report by the Court concerned against the defaulting investigating officer to Higher Authorities

2. C. L. No. 52/2007Admin (G): Dated: 13.12.2007

The Hon'ble Court has noticed that the delay takes place in submission of Police Report before the Magistrate on account of various reasons such as the investigating officer being biased in favour of accused, investigation being transferred from one police officer to another on account of their transfer. Such delay at times results in the accused getting undue advantage of being set at liberty due to non filing of Police report within the time stipulated u/s 167(2)(b)Cr.P.C. .The Hon'ble Court has been pleased to recommend that all the criminal courts shall write to S.P./S.S.P. Concerned for necessary action against an investigating officer if he is found to be wanting in discharge of his duties deliberately in submitting the Police report within time as per mandate u/s. 167(2)(C) of Cr. P. C.

Therefore, I am directed to request you to kindly bring the contents of this Circular Letter to the notice of all the Judicial Officers working under your administrative control and to impress upon them to ensure compliance of the above directions of Hon'ble Court in letter and spirit.

54. Note to be made about defence witnesses.

In every case in which an accused has claimed to be tried, the court shall note in its judgment whether the accused had examined witnesses in his defence. If witnesses were summoned for the defence, and were not examined, the court shall state why they were not examined.

A Court of Session shall further record at the conclusion of its examination of an accused that he has been asked whether he means to adduce evidence, and his reply or that of his pleader, if any If he asks that certain witnesses may be examined, it shall record whether they are present and may examine the same or else summon them for a future date unless for reasons to be recorded their examination appears to be unnecessary.

55. Previous conviction to be noted in judgment.

In a case in which an accused is liable to enhanced punishment or to punishment of a different kind for a subsequent offence, on account of any previous conviction or convictions the court, if it convicts the accused, shall set forth in its judgment each such previous conviction proved against or admitted by, the accused, specifying the date of the conviction, the section under which he was convicted and the sentence imposed.

56. Post office record not to be disclosed unnecessary.

When any journal or other record of a post office is produced in court, the court shall not permit any portion of such journal or record to be disclosed other than that the portion which seems to the court necessary for the determination of the case then before it.

57. Affidavits to be stamped.

A magistrate shall not allow an affidavit, which is not one exempted from stamp duty by Article 4 of Schedule I of the Indian Stamp Act, 1899, to be shown before him, unless it is duly stamped.

Relevant Circular Order:

C.L. No. 110/V11-98 dated 2nd September, 1971

Affidavits filed by or on behalf of the Government come within the purview of proviso (i) to clause (bb) of section 3 of the Stamp Act and as such are exempt from stamp duty.

58. Warrants out side jurisdiction to be sent to police.

Warrants to be executed outside the local limits of the jurisdiction of the court issuing the same under the provisions of section 78 of the Code, shall invariably be sent to the Superintendent of Police concerned and not to a magistrate.

59. Medical Council to be informed of medical practitioner's conviction.

In the case of conviction of any medical practitioner by a court, and in the case of censure or comment on him in a court's judgment, the court shall forward a duly certified copy of the judgment, free of cost, to the Registrar, Medical Council, Lucknow.

60. Classification of accused.

A convicted prisoner shall be classified according to the rules in Appendix 'F'.

Relevant Circular Orders:

1. C.E. No. 20/VIII-a-21 dated 24th February, 1970

Presiding Officers should use only revised form of classification of prisoners instead of the old one and while doing so they should keep in mind that the form is properly filled in. All the courts concerned should make strict compliance of the Provisions of the rules 58, and 73 of General Rules (Criminal). The details of previous convictions must invariably be given in the judgments and should be endorsed in the warrants.

2. C.L. No. 96/VII-b-47 dated Allahabad, 14th September, 1978

I am directed to say that it has come to the notice of this Court that the Sessions Judges do not mention in their judgments whether or not the persons convicted were on bail during their trial in the Court below. Therefore, the Sessions Judges may be directed to henceforth mention specifically this fact in the operative portion of their judgments.

3. C.L. No. 72/VII-b-28, dated Allahabad, 10th November, 1982

I am directed to invite attention to the provisions of Paragraphs 27, 286(Ga) and 286(Gha) of the Jail Manual and specially to Note 1 at the foot of the 'Form of Classification' under Para 286(Ga) *ibid.* and to say that it has been brought to the notice of the Court that often classification of minor prisoners and also of other prisoners as Casual Offender or Habitual Offender according to the form prescribed in para 286(Ga) of the Jail Manual is not done by the Courts while convicting them (prisoners) with the result that unnecessary delay is caused in transferring from the concerned Jail to Kishore Sadan, Bareilly, such minor convicted prisoners as come into the category of Casual Offender and who have not been convicted for heinous crime mentioned in sub-para (3) of para 327 of the Jail Manual. Sometimes for want of classification such minor convicted prisoners are deprived of the facilities which could be available to them at the Kishore Sadan.

The Court views this state of affairs with great concern, I am, therefore, to ask you to impress upon all the convicting courts to classify at the time of conviction the minor prisoners and also other prisoners as Casual Offender or Habitual Offender according to the Form of Classification prescribed under para 286(Ga) of the Jail Manual and strictly follow the instructions contained in Note 1 at the foot of the said Form of Classification so that the minor convicted prisoners of the aforesaid category are not deprived of the facilities to be provided to them at the Kishore Sadan.

The above instructions may kindly be brought to the notice of all concerned for guidance and strict compliance in future.

Strict compliance of the provisions as contained in Appendix 'F' of the General Rules (Criminal), 1977 regarding Rules framed under section 59(17) of the Prisons Act, 1894 for the classification of prisoners as reproduced from Chapter XII of the Jail Manual, Uttar Pradesh

4. C.L. No. 21/2009 Admin. (G-II): Dated: 30.04.2009

Upon consideration of the letter no. 22480/Sama-1(3)/Bandi Vargikaran/2008 dated 26.8.2008 of Inspector General (Prisons) drawing attention towards the Subordinate Courts not providing information on the forms prescribed in accordance with the Rules framed under section 59(17) of the Prisons Act, 1894 read with Ch. XII para 286-C of the Jail Manual, Uttar Pradesh for classifying prisoners as professional or non-professional accused along with their conviction warrants which is resulting in difficulty to dispose of matters wherein consideration is to be made of their release prior to end of the term of punishment awarded serious concern is expressed by the Hon'ble Curt.

Therefore, while enclosing a copy of the letter no. 22480/Sama-1(3)/Bandi Vargikaran/2008 dated 26.8.2008 of Inspector General (Prisons), in continuation of the circular Letters noted in the margin, I am directed to say that all the judicial officer under your administrative control be directed to make strict compliance of the provisions as contained in Appendix 'F' of the General Rules (Criminal) by filling up Form of Classification of convicted prisoners as prescribed in para 286-C, to be sent with conviction warrant.

61. Memo of identification proceedings.

Identification proceedings in jail for the identification of suspects shall invariably be recorded by magistrates in Form No. 34 (Part IX No. 65) in duplicate by the use of carbon paper and ball-pointed pencils. The original ' ' shall be sent to the court concerned and the carbon copy shall be made over to the jail authorities for record and production in court, when needed.

Relevant Circular Orders:

1. C.L. No. 61/Adm.(B) dated 24th April, 1974

C.L. No. 70/Adm. (B) dated 7th May, 1974 (modified)

Recording of dying declarations and identification proceedings should continue to be done by the Executive Magistrates as was done by them prior to April 1, 1974, and that the Judicial Magistrates need not do this work.

2. As modified by C.L. No. 51/lvh-36 dated 10th March, 1977

Documents like report of the Civil Surgeon, identification memo, etc. should be used in evidence without examining the witnesses who had prepared them.

62. Expert opinion of Civil Surgeon, Lucknow⁺.

Courts and Magistrates deciding medico-legal questions may when the evidence of the doctor is not considered sufficient, refer them for opinion to the C.M.O., Lucknow in his capacity as Government Medico-Legal Expert. No fees are charged but if X 'ray photographs are taken the usual fee for such photographs must be paid to the X 'ray Department of the Gandhi Memorial and Associated Hospitals, Lucknow.

Private persons may also consult the Expert but he shall be entitled to charge fees in such cases in accordance with the provisions of paragraphs 738 to 740 of the Medical Manual.

Such references shall be made by Additional or Assistant Sessions Judges through the Sessions Judge and by magistrates through the District Magistrates or the Chief Metropolitan Magistrate or the Chief Judicial Magistrate as the case may be.

Relevant Circular Order:

Medico Legal Report

C.L. No. 62 dated 18th July, 1968

The procedure decided upon with regard to disposal of reports of medico-legal analysis with a view to lessen the time taken to reach the reports to the courts is that the original copy of the report will be sent to the original sender (S.Ps., Chief Judicial Magistrates, Munsif Magistrates, etc., as the case may be) while a copy will be sent to the Chemical Examiner concerned. In case of non-receipt of or mislaying of the reports, the courts concerned should contact the original sender and the Chemical Examiner concerned and the Chemical Examiner will correspond with the Department of Serologist and Chemical Examiner to the Government of India, 3, Kyd Street, Calcutta-16. If the report has been mislaid, the Chemical Examiner will supply the copy lying with him to meet the emergency and will ask the Serologist to replenish the report. In case the report has been received by the court concerned through a channel other than the original sender an intimation to that effect should be sent to the Serologist. All correspondence to the Serologist should be routed through the Chemical Examiner concerned.

⁺ NOTE: Now Chief Medical Officer, Lucknow. – Ed.

63. Transmission of release order to jails.

- (a) When an order for the release of a prisoner, on bail or otherwise issued by a magistrate, he shall see that it is entered in a peon book and sent to the Nazir Sadar by the time prescribed by the District Magistrate in this behalf. The Nazir shall enter in a peon book all the release orders received by him within the prescribed time and arrange to deliver them through a peon to the officer in-charge of the jail by 4 p.m. in winter and 5 p.m. in summer at the latest. In exceptional circumstances the order of release may be sent to the jail in the manner laid down in sub-rule (b).
- (b) When an order for the release of a prisoner is issued by a court other than a magistrate, it shall be entered in a peon book and may be sent through one of the court peons to the officer in-charge of the jail so as to reach the jail ordinarily not later than 4 p.m. in winter and 5 p.m. in summer.
- (c) A release order should in no case be made over to private persons for delivery to the jail authorities.

Relevant Circular Orders:

1. C.L. No. 42/VII-b-47 dated Allahabad 28th April, 1978

It has been brought to the notice of the Court that very often remand and release orders passed by the courts of Magistrates and Judges do not contain their clear signature and designation as required under Rule 9 and 66 of the General Rules (Criminal)²³.

Your attention is therefore, drawn to Court's Circular Letter No. 78/VII-b-47 dated 21.5.1971, in respect of bail applications, and you are requested to issue instructions to all Presiding Officers working under you to comply with the provisions of the above mentioned rules strictly and to check carefully that their signatures on the release or remand orders are quite legible. They may further be instructed that a rubber seal indicating their name and designation and also the name of the district is invariably affixed to such orders below their signatures and they should ensure that the remand or release orders are despatched punctually

²³ NOTE: The figures 1957 shall now be read as 1977. -Ed.

so as to reach the jail authority latest by 4.00 p.m. in winter and 5.00 p.m. in summer.

2. C.L. No. 114/VII-b-47 dated Allahabad, 7th October, 1978

It has been brought to the notice of the Court that very often warrants of intermediate custody and release orders sent by the subordinate courts do not contain all the necessary details. They generally do not contain case number, name of police station, father's name, age and residential address of the prisoner. They also do not contain description of offences, crime number and section of Indian Penal Code and other Acts and the date of conviction.

I am, therefore, to request you to issue instructions to all the Presiding Officers working under you to clearly fill in all the aforesaid details in the warrants of intermediate custody and release orders issued by them.

3. C.L. No. 124/VII-b-47 dated Allahabad, 24th October, 1979

It has come to the notice of the Court that often accused are released on account of forged release orders. It appears that the instructions issued from the Government in their Circular Letter No. 145/XXII-2132-1955 dated February 6, 1956 and those contained in Court's Circular Letter No. 114/VIIb-47 dated October 7, 1978 are not being strictly and faithfully followed. In order to rule out the possibility of a Prisoner securing his release from jail on the basis of a forged release order, the Court considers it desirable that the following instructions, in addition to these already existing on the subject, should be strictly and faithfully followed by the

Presiding officers and the officials concerned in issuing and scrutinizing release orders.

- (a) The release orders must contain the full name of the Presiding Officer of the issuing court below his signature and bear the seal of the Court invariably in distinct manner;
- (b) When an order for the release of a prisoner, who has already been transferred to another jail outside the district, is received and returned by the Superintendent of Jail to the issuing Court with a report indicating the date of transfer and the name of the jail to which prisoner was transferred, the court shall then send the release order by post to the jail concerned and at the same time follow the procedure laid down in (c) below:

- (c) When a release order is issued by post to a jail outside the district, the Presiding Officer of the Court shall immediately give an intimation about its despatch by radiogram to the Superintendent of that jail.
- (d) In addition to supplying a list containing the names and specimen signatures of all Presiding Officers of Courts to the Superintendent of local District Jail (and also to any other jail or similar institution that functions in the district), changes in the posts of Presiding Officer should also be intimated from time to time as they occur.

The above instructions may kindly be brought to the notice of all concerned for strict compliance. Any failure in complying with these instructions by those concerned will be viewed seriously by the Court and action taken accordingly.

4. C.L. No. 53/VIII-a-18-Admn.'G' dt. Allahabad, 7th August, 1986

I am directed to say that it has come to the notice of the Court that in some districts release orders are being prepared by the court moharrirs (police constables) attached to different courts and not by the court clerks. It has also come to the notice of the Court that in some districts the aforesaid court moharrirs keep with them the papers relating to cases, such as F.I.R., Bail Bonds. Remand papers. Final report etc. This practice is most undesirable. Besides, it causes great hardship to the litigants and facilitates corruption in the offices of courts.

The Court, therefore, takes a serious view of the above matter and directs that this practice should be stopped forthwith wherever it be prevalent.

I am, Therefore, to request you to ensure that henceforth release orders are prepared by the court clerks only and not by the court moharrirs (police constables). It may also be ensured that all the papers concerning any case, viz., F.I.R., Remand papers. Final Reports, Bail Bonds, etc., are kept by the court clerk in his custody and not by the court moharrirs (police constables).

The contents of this Circular Letter may please be brought to the notice of all concerned for strict compliance.

CHAPTER – IX
SUBMISSION OF SENTENCE FOR CONFIRMATION
AND EXECUTION OF SENTENCE

64. Procedure on passing sentence of death.

When a Court of Session passes a sentence of death, it shall forthwith commit the prisoner by a warrant in the appropriate form to the jail from which he came to stand his trial, and shall submit its proceedings to the High Court with a letter in the prescribed form (Part IX, no. 39) at the latest on the fourth day after the Sentence of death has been pronounced. A copy of the judgment shall be furnished to the prisoner free of cost immediately after the pronouncement of the Judgment.

Relevant Circular Orders:

1. C.L. No. 47 dated 23rd April, 1958

Under rule 67 of the General Rules (Criminal), 1957²⁴ the Sessions Court is required to submit its proceedings to the High Court at the latest on the fourth day after the sentence of death has been pronounced.

All the Sessions Judges should, therefore, submit the proceedings along with the complete record of the case on fourth day at the latest.

2. C.L. No. 47/VIIb-43/Admn. (G) dated 8th May, 1978

A death case is to be listed for hearing within 30 days of receipt of reference from the District and Sessions Judges for confirmation of death sentence. The District Judges should therefore see to it personally that the record of a death case is transmitted to the Court along with the reference for confirmation of death sentence without any delay. To avoid delay in transit, the record of a death case should invariably be sent by registered parcel and not by R.R.

65. Procedure on passing sentence of death.

²⁴ NOTE: Rule 67 G.R. (Criminal), 1957, shall now be read as Rule 64 of G.R. (Criminal), 1977. -Ed.

When a Court of Session submits its proceedings to the High Court in the manner laid down in the preceding rule, it shall state in the prescribed form (Part IX, no. 39) whether the prisoner has funds or not to employ counsel in the High Court, and whether, the prisoner will employ counsel or not.

66. Female prisoner sentenced to death.

When a Court of Session sentences a female prisoner to death, it, shall consider after enquiring from such prisoner herself, if necessary, whether she is pregnant and if it thinks that it is likely that she is so it shall have her examined by the Deputy C.M.O. (Medical), or such other doctor as it may consider fit, and if it finds that she is in fact pregnant, it shall make a report the High Court. But the submission of the proceedings to the High Court under rule 64, shall not be delayed on this account.

67. Date of execution.

The date fixed by a Court of Session in a warrant for execution of a sentence of death shall be not less than twenty-one nor more than twenty-eight days from the date of the issue of such warrant, unless it be otherwise directed in the order of confirmation.

NOTE:

Instructions regarding procedure to be observed by State for dealing with petitions for mercy from or on behalf of convicts under sentence of death and with appeals to the Supreme Court and applications for special leave to appeal to that court by such convicts are contained in Appendix 'G'.

Relevant Circular Order:

C.L. No. 28/VIII-a-19 dated 21st March, 1957

The provisions of the Supreme Court Rules and the instructions issued by the Government of India, Ministry of Home Affairs regarding procedure to be followed in relation to petition for mercy appeals and applications for special leave to the Supreme Court by or on behalf of the prisoners sentenced to death should be strictly followed while fixing the date for execution of the condemned prisoners.

Article IX of the aforesaid instructions, inter alia, provides that the sentence of death shall not be executed until the expiry of the period of limitations prescribed or preferring applications for special leave to the Supreme

Court. Under Order XXI, rule 2 of the Supreme Court Rules, 1950, such a period of limitation is thirty days from the date of the order of the High Court refusing certificate of leave to appeal to the Supreme Court.

Sessions Judges should, therefore, fix the date for execution of the prisoners sentenced to death after the expiry of the period of limitation prescribed for preferring application for special leave to the Supreme Court by or on behalf of the condemned prisoners.

68. If date postponed fresh warrant to be issued.

When a warrant for the execution of a sentence of death has not been executed upon the date fixed owing to the postponement of execution by Government Order, and is returned to the court with a certificate to that effect, the Judge shall, if the Government has refused to interfere with the execution of the sentence of death, issue a warrant in the same form as before, fixing another date for the execution of the sentence, which shall be not more than seven days from the date of issue of such warrant.

Where the sentence of death is commuted, a fresh warrant shall issue in the appropriate form as if the Court of Sessions had passed such a sentence.

69. Copy of warrant to be sent to District Magistrate.

On issuing a warrant for the execution of a sentence of death, the Court of Session shall forward a copy of the same to the District Magistrate for information.

70. Separate warrant to jail for each convict.

A separate warrant shall be directed to the officer in-charge of the jail for each prisoner in respect of whom a sentence of imprisonment is passed: the warrant shall show the Crime number, i.e., the number by which the case was registered, serial number of the case, and shall bear the same date as the sentence bears. It shall state the period (in words and figures) and description of imprisonment; and shall be drawn upon the prescribed form. It shall contain full particulars as to any sentence of imprisonment to be undergone in default of payment of fine or any period of solitary confinement order.

If the prisoner is a military officer or soldier, his rank and regiment or department shall be stated in the warrant.

If the prisoner has been previously convicted, particulars of each previous conviction showing the date and nature of each sentence, and the section and Act under which it was passed, shall be endorsed upon the warrant.

The magistrate shall also fill the form prescribed by the rules contained in Chapter XII of the U.P. Jail Manual (reproduced in Appendix-F) and attach it to the record in the cases of prisoners sentenced by him or committed to Sessions, in order that it may be filed with the prisoner's warrant and sent to the jail along with the prisoner. Entries nos. 7 to 9 shall be filled in by the Presiding Officer of the convicting court in his own handwriting.

Relevant Circular Orders:

Consecutive or concurrent

1. G.L. No.4/VII-b-82-51 dated 18th April, 1951

The letter invites attention to the following observations contained in a judgment of the High Court in a Criminal Revision.

"I find that magistrates invariably make the several sentences concurrent without exercising any discretion in the matter. It is laid down in section 35 (new section 31) of the Code, that one sentence of imprisonment will commence after the expiration of other sentence of imprisonment unless the court directs that such sentences shall run concurrently. Obviously, the normal rule is that the sentences should be consecutive and they may be made to run concurrently only if there is some reason. Whether the sentences should run consecutively or concurrently is left to the discretion of the court, but the court must exercise its discretion judicially. It must not exercise it arbitrarily and must not on every occasion blindly order the sentence to run concurrently as if there were no alternative."

Set-off

2. C.L. No. 142/VIIb-110 dated 19th December, 1978

Section 428 of the Code of Criminal Procedure, 1973 provides that the period of detention, if any undergone by an accused person during the investigation, inquiry or trial of the same case and before the date of such conviction, shall be set off against the term of imprisonment imposed on him on such conviction. In order to facilitate the jail authorities to find out the period of detention already undergone by a particular convict as an under trial the court is

taking steps to bring about relevant amendments in form nos. 35, 42, 43 and 44 in Appendix B (part VIII) of General Rules (Criminal), 1957*.

Till such amendments are finalised, while filling in such forms the Presiding Officers/officials are directed to mention crime no. 19- below the words case no. or trial no. as the case may be in the relevant forms.

Detention of convicted prisoners on robkars in Jails

3. C.L. No. 3/2009/Admin. 'G-II' Dated 12.01.2010

I have been directed to inform you that no convicted person should be committed to Jail by the trial courts or Chief Judicial Magistrates/Judicial Magistrates for detention on the basis of robkars and they must be committed to Jail by the trial court in accordance with Section 418 Cr.P.C. and Rules 96 to 99 of General Rules (Criminal) to serve out the sentence alongwith conviction/sentence warrants prepared on the proforma attached herewith mentioning details of sentence awarded by the trial court or appellate court against him.

I am, therefore to request you kindly to bring the contents of this Circular Letter in the notice of all the Judicial Officers working under your administrative control to make strict compliance.

WARRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE IF PASSED BY A MAGISTRATE

(Section 245 and 258, Schedule V from XXIX, Old Cr.P.C.)

Case No. of 20

To the Superintendent of the Jail at

Whereas, on theday of20, (Name of prisoner)thePrisoner incase no.of the calendar for 20 was convicted before me (Name and official designation) of the offence of(mentioned the offence or offences concisely) under section (or sections) the Indian Penal Code (or of Act),.....and was sentenced to (State the punishment fully and distantly).

This is to authorize and require you, the said Superintendent, to receive the said (prisoner's name) in to your custody in the said jail together with this warrant, and there carry the aforesaid sentence into execution according to law.

* Note: Now 1977 vide Notification no. 504/Vb-dated 5.11.1983

Given under my hand and the seal of the Court, this day of 20

Seal

Magistrate

To mention the age of convicted persons in the conviction warrants by the Trial Courts

4. C.L. No. 6/Admin. 'G-II' Dated 11.02.2010

The Hon'ble High Court has been pleased to direct that the age of convicted persons must be recorded in the conviction warrants, sent to jail.

I am, therefore, to request you to kindly bring the contents of this Circular Letter to the notice of all concerned working under your administrative control for strict compliance.

71. All orders of fine to be registered.

- (i) Whenever any person convicted of an offence is sentenced or ordered to pay a fine;
- (ii) Whenever any person is ordered to pay into court for delivery to any other person any sum by way of compensation, or reimbursement of fines or fees paid;
- (iii) Whenever any person is permitted to deposit a sum of money in lieu of executing a bond;
- (iv) Whenever any person is called upon to pay the penalty of a forfeited bond; and

Whenever a criminal court orders payment of court fees; the presiding officer shall, with his own hand, at once enter the amount of the fine, compensation or other sum, deposit, penalty or fee in the prescribed register of fines, compensation; deposits, Penalties and fees (form no. 2, Part IX 78).

72. Deposit of fine etc. paid into Court.

When the amount of any fine, compensation or other sum, deposit, penalty or fee is paid into Court, the Presiding Officer shall, as soon as may be, send the money to the Nazir through the Criminal Ahalmad, for onward transmission to the nearest treasury or sub-treasury. The money so sent shall be accompanied by an invoice in duplicate in Form (Part IX no. 74) signed by the Presiding Officer himself. In the case of any sum which is to be credited as a deposit the invoice shall be made out in triplicate. One copy of the invoice shall be returned by the Officer-in-charge of the treasury or sub-treasury concerned with an endorsement showing receipt of the amount.

73. Fine not paid at once may be paid into another court.

When the amount of any fine compensation or other sum, deposit, penalty or fee is not paid at once into the court which directed the payment, the court may allow the person liable to make the payment to pay the amount required within a period which shall be fixed by the court, into any other criminal court except a Court of Session or the High Court. In such case the court shall give such person a slip in form (Part IX 76) to be presented by him when paying the amount.

When a person is undergoing imprisonment in default of any such payment, the officer incharge of the jail may receive payment of the whole amount or of any part thereof, and shall thereupon complete the execution of the warrant or order of imprisonment as provided by law.

Relevant Circular Order:

Realisation of fine

C.L. No. 169/VIII a-105 dated 28th October, 1976

The Criminal Courts should take all possible steps for expeditious realization of unpaid amounts of fines imposed by them in Criminal Cases.

74. Procedure in such other court.

When any court or officer receives a payment as described in rule 73 or when the officer conducting a sale under a warrant receives the sale proceeds, the money so received shall be sent-with as little delay as possible to the nearest treasury or sub-treasury with a pass-book in form No. 3 (Part IX, 70), and a separate extract (Part IX, no. 71) there from in duplicate respecting each item entered therein.

The officer incharge of the treasury or sub-treasury shall on receipt of the money sign the pass-book and one of the extracts and return them.

The extract so returned shall be forwarded by the court or office realising the amount to the court which ordered the payment or sale.

75. Details to be noted in invoice.

In every invoice in form (Part IX, no. 74), in every slip in form (Part, IX, no. 76), every warrant of distress and sale (Part VIII, no. 56) and in every pass-book (Part IX no. 70) or extract (Part IX, no. 71) there from there shall be made a clear entry of the number of the case, of the exact nature of the payment or to be

made, of the person who is or was liable for the payment, and of the manner in which the amount paid is to be credited in the treasury, i.e., whether it is to be credited to Government or to a Municipal or Corporation or Cantonment fund as required by law or the orders of the Government, or as a Criminal Court deposit.

76. Payment into treasury to be made as early as possible.

Every sum received by a court or officer in the immediate vicinity of a treasury or sub-treasury shall be paid into such treasury or sub-treasury on the day of receipt, or if the treasury or sub-treasury be closed on that day, then on the next day on which the treasury or sub-treasury is open. When a court or officer is at a distance from a treasury or sub-treasury, receipts shall be paid into such treasury or sub-treasury at least once every month, or as soon as the receipts exceed the sum of rupees fifty. The money should be remitted by money-order whenever it is more economical to do so.

When more than one are sent at the same time, a separate invoice in duplicate (in a case falling under rule 72) or pass-book extract in duplicate (in a case falling under rule 74) shall be sent for each sum.

When any sum received in a court is not sent to the treasury or sub-treasury on the same day, the presiding officer shall be responsible for making arrangement for its safe custody until it can be paid in.

77. Officer incharge of jail to be informed of payment.

Every court upon receiving a payment on behalf of a person who is in jail under a warrant directing imprisonment in default of such payment, shall if the payment is received otherwise than through the jail at once inform the officer incharge of the jail.

78. Cheque receipt book.

Every court shall be furnished with two cheque receipt books in the prescribed form (Part IX, no. 72). These books shall be used one in each alternate month; at the end of each month the book in use during that month shall be transmitted to the officer incharge of the treasury, or in the case of an outlying court to the sub-treasury for examination and attestation as provided in Rule 80.

Each book shall bear a printed number repeated on every form in the book, and the forms in each book shall bear printed numbers in regular series from 1 to 100.

79. Payments to be entered in register and receipt given.

When any payment is made into court under Rule 72 or when any duly signed extract has been received by a court under Rule 74 the court shall make an entry of the receipt in the appropriate register and shall cause a cheque-receipt

for the amount to be prepared in triplicate. The original receipt shall be retained by the court issuing it, the counterfoil bearing the words "For the officer incharge of the jail" shall at once be sent to the Superintendent of the jail in which the prisoner on whose behalf the payment is made, is confined, and the counterfoil bearing the words "For the payer" shall be made over to the payer, if he is present; if he is not present, it shall be sent to him by post if he is not in custody, or through the officer incharge of the jail, if he is in jail. If the person sentenced to imprisonment is not in custody, the counterfoil of the cheque receipt meant for the jail shall be ordered by the presiding officer to be kept on the record of the case.

The words and figures denoting the sum for which the receipt is being issued shall be written on the receipt by the presiding officer of the court with his own hand and he shall sign the receipt.

Upon the counterfoil of every cheque-receipt, as it is made out or so soon thereafter as possible, shall be entered the number and date of the treasury receipt upon the invoice made under rule 75 or the pass-book extract made under rule 77 and such invoice or extract shall then be filed with the record.

80. Fly-leaf to cheques receipt book.

To each cheque receipt book shall be prefixed as a fly-leaf in the prescribed form (Part IX, no. 73). At the close of each month the presiding officer shall note or cause to be noted on the fly-leaf the sum for which receipts have been issued during the month, and forward the book to the officer incharge of the treasury or sub-treasury for comparison with the treasury accounts and for attestation. If the officer incharge of the treasury or sub-treasury finds that the sums for which receipts were issued by the court have been paid into the treasury or sub-treasury and properly, credited there, he shall sign the fly-leaf in the column provided for the purpose and return the book to the court. If there is any discrepancy, he and the court shall take steps to reconcile it. The treasury staff shall also check the total given on the fly-leaf against the totals of all amounts shown on the counterfoils of the cheque receipt book.

Presiding Officers of Courts shall submit every month to the District Magistrate or the Chief Metropolitan Magistrate or the Chief Judicial Magistrate, as the case may be, certificate in the following form:

“The fine receipt book of my court was sent to the treasury/sub-treasury at the close of the previous month, that no discrepancies were found or that the following discrepancies were found and have been/are being reconciled, that the total amount levied in the previous month was that the amount actually received was and that the amount outstanding at the end of the month was

Where there has been no fine levied in the previous month, the certificate shall state that the book is blank. This certificate shall be verified at the treasury with respect to the figures relating to the actual realizations entered in the treasury accounts.

81. Refunds.

When an order is made for the refund of a sum that has been credited in the treasury, the order or a copy thereof shall at once be sent to the court which directed the credit, and that court shall take the necessary steps for its refund.

Special Judicial Magistrates and Special Metropolitan Magistrate, however, are not empowered to make refunds in cases where appeals against their decisions have been allowed; in such cases the refund shall be made by the court which allows the appeal or in case of a refund on revision, by the court to which appeals ordinarily lie.

82. Register of fines.

The register of fines, compensations, deposits, penalties and fees shall be in form no. 2 (Part IX, no. 78). A fresh page shall be begun each month as provided in rule 84. A separate line shall be given to each person ordered to make any payment, even if two or more persons are subject to the same case. The entries in columns 1 to 7 shall be made as soon as the order is made. The entry in column 8 shall be made as soon as the warrant is issued. The entries in columns 9,10, 11 and 12 shall be made as soon as payment is made or the court is informed thereof. These entries shall be checked and initialled by the presiding officer. He shall compare the amount entered in the cheque receipt book with that entered in the treasury receipt and also with the amount entered in column 6 of this register. In column 17 shall be made a note of the manner of credit of every fine that is not simply credited to Government; a note of the exact nature of every sum, other than a fine, entered in column 6; and a note of the section and the law

under which every sum entered in column 7 is awarded and a clear statement whether it is intended as compensation or reimbursement or reward. When a deposit in lieu of executing a bond has been made and has been entered in this register and an order is passed for its forfeiture a fresh line shall be given to the entry of the penalty, and entries made thereon as far as column 6, as soon as the order is passed; and at the same time a note of the forfeiture and of the annual serial number of the entry of the penalty shall be made in column 17 against the entry of the deposit. On receipt of information from the treasury that the deposit has been credited to Government, columns 9 to 12 of the entry of the penalty shall be filled up.

83. Irrecoverable amounts.

A Sessions Judge or a District Magistrate or a Chief Metropolitan Magistrate or a Chief Judicial Magistrate, and with the written permission of the District Magistrate or the Chief Metropolitan Magistrate or the Chief Judicial Magistrate, as the case may be, a magistrate subordinate to such District Magistrate or Chief Metropolitan Magistrate, or Chief Judicial Magistrate, may at any time write off as irrecoverable any amount of which payment has been ordered in his Court or in the Court of his predecessor in office, if it appears to him that the amount cannot be recovered :

Provided that the sanction of the District Magistrate or the Chief Metropolitan Magistrate or Chief Judicial Magistrate is unnecessary when the ground for remission of the fine is that the offender has undergone all imprisonment awarded by the Court in default.

NOTE:

For the purposes of this rule the term "Sessions Judge" shall be deemed to include an Additional or Assistant Sessions Judge.

84. Monthly certificate on register of fine.

At the end of every month the presiding officer of each court shall certify on the register of fines, compensations, deposits, penalties and fees that he has examined all outstanding items that seem capable of realization and has taken proper steps in each case.

The first entries on the next page, before any entry of an order made in the next month is made, shall be of all the outstanding items in detail of the previous months, which remained unrealized or were not written off.

85. Statement of fines etc.

A monthly return of all amounts realized by criminal courts as fines and credited as required by law to a Municipal or Corporation fund, shall be transmitted to the Municipal Board or Corporation concerned.

The return shall be made in form (Part IX no. 77).

86. Record keeper not to receive record till receipt of payment of fine is filed.

The record-keeper shall not take delivery of the record of any case in which any payment of money has been ordered, unless there be filed therein an acknowledgement of its receipt by the officer incharge of the treasury or sub-treasury or other person entitled to receive the money, or a report signed by the presiding officer of the court accounting for non-payment. Such report shall ordinarily be made and the record transmitted to the record-room, on receipt of the return of the first warrant issued for the recovery of the money.

87. Warrant to be filed after execution.

When a warrant or an order upon which a sentence is executed is returned after execution to the court from which it was issued, the court shall send it to the record-room of the District Magistrate or the Sessions Judge as the case may be to be filed with file A of the record of the case to which it belongs.

CHAPTER – X

APPEAL AND REVISION

91. Appeals and revisions to be registered.

The provisions of the rules relating to the numbering and the initial treatment of a case and in particular those contained in Chapter IV, shall be followed in appeal and revision cases also.

The papers of an appeal or revision case while they are in the court, shall be kept stitched together in a wrapper in the prescribed form (Part IX no. 29).

Relevant Circular Order:

1. C.L. No. 32/VIII-a-14 dated 7th April, 1956

A criminal appeal, in which an advocate practicing in the High Court is expected to appear, may if the Sessions Judge so wishes be fixed for hearing on a Saturday.

2. C.L. No. 40, dated 11th April, 1958

Appeals under section 476 (new section 340) Criminal Procedure Code are heard by a Civil, Criminal or Revenue Court depending upon the court from whose order the appeal is filed. All such appeals should not be entered in the register of appeals in Form no. 13 of the General Rules (Criminal), 1957²⁵ maintained in Criminal Courts.

Appeals from orders of criminal courts under section 476, (new section 340) Criminal Procedure Code only should be shown in the register in Form no. 13 of the General Rules (Criminal), 1957²⁶ Other appeals under section 476-B (new section 341) Criminal Procedure Code should be shown in the register of Miscellaneous Appeals (Form no. 81) of General Rules (Civil), 1957.

3. C.L. No. 32/IV-4 dated 26th February, 1971

In order to bring the civil work under control most of the criminal appeals and revisions be entrusted to Additional Sessions Judges for disposal and important sessions trials, criminal appeals, revisions and civil work including appeals be done by the District Judges themselves.

²⁵ Note: The figure 1957 shall now be read as 1977. -Ed.

²⁶ Note: The figure 1957 shall now be read as 1977. -Ed.

4. C.L. No. 23/2004 dated: 23rd August, 2004

It has been noticed that a large number of criminal appeals are pending disposal since long in the Subordinate Courts. The Hon'ble Court expressing its utmost concern has desired that the pending criminal appeals are taken up and decided on priority basis to avoid unsustainable and protracted litigation in Subordinate Courts. The delay in the disposal of criminal appeals at the first appellate stage is not only against the mandate of Law but it also does a great injustice both to the victim and the society as also to the assailant it is injustice to the victim and to the society.

In view of the above, the Hon'ble Court has directed and desired that the criminal appeals be disposed of on war footing during the 'Arrear Clearance Year 2004'.

I am, therefore, directed to request you that the directions of Hon'ble court be complied with in letter and spirit and the contents of the circular letter may kindly be brought to the notice of all Judicial Officers in your Judgeship for strict compliance.

92. Report by munsarim or reader.

Every petition of appeal, when received by an appellate court, shall be examined at once by the proper officer, who shall endorse upon it a report (i) whether or not it is barred by the limitation; and (ii) whether or not the appeal lies to the court. The proper officer in the Court of Session shall be either the munsarim or the reader, as the Judge may direct. In every other court the reader shall be the proper officer.

Date to be fixed if not rejected summarily

For every appeal that is not summarily rejected and every revision in which the court thinks fit to hear the parties, a date shall be fixed as soon as may be, and an entry of the case shall be made forthwith by some officer of the Court appointed by the court for that purpose in a list in the prescribed form (Part IX, no. 33). This list shall be brought up to date daily by such officer, and shall be posted on the notice board.

And record to be sent for

In every such case the record shall be obtained from the record-room or the court concerned, as the case may be, by means of requisition in the prescribed form (Part IX, no. 13).

Relevant Circular Orders:

Appeals under section 124-a of the Indian Penal Code and section 110 of the Code of Criminal Procedure

1. G.L. No. 20/18B dated 2nd May, 1932

When the offence is of such a nature that the appellant may be a source of danger to the public, as in the case of an offence under section 124-A and other seditious activities or a case under section 110 of the Code of Criminal Procedure, the appeal should be disposed of with the least possible delay even if the appellant has for some special reason been released on bail.

2. G.L. No. 15/X dated 20th September, 1951

Unless on a perusal of the judgment and the grounds of Criminal Revision filed under section 435 (new section 397) of the Code of Criminal Procedure the Judge is satisfied that notice should issue, counsel for the applicant may be heard first. Notice should be issued to State Counsel and the opposite parties (if any) if the court after hearing counsel for the applicant is satisfied that there is prima facie some merit in the application.

These instructions do not fetter the discretion of Sessions Judges to dispose of any revision application without hearing any party as provided under section 440 (new section 403) of the Code of Criminal Procedure; and where an application appears to be obviously frivolous or groundless there is no reason why a Session judge may not, if he thinks fit, reject it without hearing counsel for the applicant.

Revisions

3. C. L. No. 50/2007Admin (G): Dated: 13.12.2007

It has been observed by the Hon'ble Court that in many cases, the Criminal revisions may be decided without the compulsion of issuing notices to the opposite parties and the revisional power should be exercised when it is shown that there is legal bar against the continuance of the criminal proceedings or the framing of the charge or the facts as stated in F.I.R. even if taken at the face value and accepted in their entirety, do not constitute offence which the accused has been charged with. In that situation even without issuing notice to the opposite party the Court exercising revisional jurisdiction may make the disposal of that revision.

Therefore, in continuation of the earlier issued G.L.No. 15/X dated 20th September, 1951, I am directed to say that in above noted circumstances without issuing notice to the opposite party the Court concerned may proceed to decide the revision and summary disposal of the revision may also be made in accordance with the directions given by the Hon'ble Apex Court in AIR 2000 S.C. 522 Kanti Bhadra Shah and another Vs. State of West Bengal and AIR 2002 S.C. 107 Munna Devi Vs. State of Rasjasthan.

Therefore, I am directed to request you to kindly bring the contents of this Circular Letter to all the Judicial Officer under your administrative control for their guidance and Strict compliance.

93. Notice to appellant and Dist. Magistrate.

As soon as the date is fixed, the appellate court shall cause notice to be given to the appellant as well as to the District Magistrate who shall inform the appellate court whether any one will appear to support the conviction.

94. Notice to Government counsel.

In all appeals, other than those received through the officer in-charge of the jail, notice shall be given to the District Government Counsel concerned. In appeals received through the officer in charge of the jail such notice shall be given only if the appellate court so directs.

95. Notice to appellant in jail.

Where a notice of the time and place at which an appeal will be heard is to be given to an appellant who is in jail, the notice (Part VIII, no. 16) shall be sent under a covering docket (part IX, no. 38) by the appellate court direct to the Superintendent of the Jail for communication to the appellant and return with an endorsement that the appellant has been duly informed.

Procedure when appeal decided

The same procedure shall be observed when the court orders notice to be given to an applicant for revision who is in jail.

Relevant Circular Orders:

Appearance of prisoners before High Court

1. C.L. No. 24/VIII-a-28 dated 17th March, 1956

The issue of a notice for the hearing of a criminal appeal by the High Court does not necessitate the appearance of the prisoner in person before the Court on the date of hearing.

Therefore, unless the High Court issues a specific order that the accused should be produced from jail. The Magistrate should not issue orders to the jail authorities for the appearance of accused in person.

Forwarding a surrender certificate of convict to hon'ble the Apex Court

2. C.L. No. 12/Admin. G-II dated 11.03.2011

While enclosing herewith a copy of letter dated 20.12.2010 of Sri A.I.S. Cheema, Secretary General, Supreme Court of India, I am directed to say that when a convict surrenders to undergo the term of imprisonment and informs the Court or the Jail Authorities that he has filed a petition before Hon'ble the supreme Court, the Courts as well as the Jail Authorities concerned shall ensure that on the same day of surrendering, surrender certificate is furnished to the Registrar (Judicial), Supreme Court of India, New Delhi and a copy thereof be immediately faxed to him.

You are therefore, requested to communicate the contents of this circular letter to all the Judicial Officers/Courts subordinate to you and the Jail Authorities of your District to ensure strict compliance.

96. Appeal dismissed.

When an appellate court has sent for a record under section 423²⁷ of the Code, it shall after deciding the appeal, send back the record. If appeal is dismissed and the appellant is on bail, the court, which passed the original sentence, shall issue the necessary orders requiring the appellant to surrender, or in default of his surrendering, the necessary orders for his arrest and confinement in jail. If the appellant is in jail and the appeal is rejected or dismissed, the appellate court shall also certify the judgment or order to the officer incharge of the jail for communication to the appellant.

Provided that the appellant who is on bail is present in court when the appeal is dismissed, he may by order of the court be taken into custody by the constable of the court and sent to the Superintendent of the jail with a robkar

²⁷ NOTE: See section 385 and 386 of the new Code. -Ed

asking him to admit the accused to the jail to serve out the remainder of the sentence.

The above procedure shall also be followed in the case of an application for revision, and in proceedings in courts of Session under section²⁸ 123 of the Code.

²⁸ NOTE: See Section 122 of the new code. -Ed.

Relevant Circular Order:

C.L. No. 6 dated 7th March, 1952

Where the applicant is on bail the Sessions Judge should so far as possible require his personal attendance on the dates of hearing of the appeal.

If the judgment is not delivered on the date on which arguments are concluded the Sessions Judge may fix a date for the delivery of judgment and require the personal attendance of the appellant also on that date.

If for any reason judgment is delivered in the absence of the appellant and requires that he should surrender to his bail, the Sessions Judge should satisfy himself that a copy of the judgment or order has been certified to the trial court without delay for compliance and that it has been informed of the fact that the appellant has not yet surrendered. The Sessions Judge should also satisfy himself that the orders passed by him in every case been duly complied with.

97. Procedure when High Court rejects appeal or application.

When the appeal or application of any person on bail has been dismissed by the High Court, the Sessions Judge and the District Magistrate shall report to the High Court that the order to surrender to bail has been carried out.

All the Sessions Judges and District Magistrates shall maintain a register Form no. 3-A and all the Magistrates, shall maintain a register in Form no. 3-B to ensure the compliance of the orders of the High Court and the Sessions Court, as the case may be.

Relevant Circular Orders:

1. G.L. No. 2/VIII-b-6-30, dated 5th may, 1943, read with

C.L. No. 45/VIII-a, dated 4th May, 1953

A certificate that the judicial orders of the High Court exercising criminal jurisdiction has been complied with and necessary action taken, must be sent by lower criminal courts invariably to the High Court in every case.

2. C.L. No. 41/VIII-a-30 dated 28th May, 1965

In addition to the certificate mentioned above a quarterly statement showing compliance and reasons for non-compliance of the Court's orders should be sent to the Court by the end of the month following the quarter in question.

Further, as soon as in compliance with the order to surrender to bail, the accused has surrendered or is arrested, the fact should be communicated by the Sessions Judge to the District Magistrate or vice versa before whom the convict has surrendered or has been produced after arrest.

3. C.L No. 88/Adm.(B) dated 1st June, 1974

Chief Judicial Magistrates must make prompt compliance of all judicial orders issued by the Court.

4. C.L. No. 27/dated July 7, 1995

It has come to the notice that the orders passed by the Hon'ble Court in criminal cases are not often complied and in most of the cases compliance reports are not submitted to the Court properly and promptly despite C.L.No. 88/Admn. (B), dated June 1, 1974 and C.L. No.32, dated 22.5.1984. The Hon'ble Court has taken a serious view of the matter.

I am, therefore, to request you to kindly look into the matter personally and direct the Chief Judicial Magistrates to enter all process and orders issued by the Hon'ble Court in the process register maintained in their offices and it shall be their personal responsibility to ensure that due compliance is made and timely information is sent to this Court.

Compliance of the Judicial Orders of the High Court and Hon'ble Supreme Court in Criminal Cases

5. C.L. No.10 dated March 1, 1996

It has been brought to the notice of the Hon'ble Court that subordinate Courts who have passed a sentence of convictions are not often issuing the conviction warrants when the criminal appeal or criminal revisions preferred against their orders are dismissed. Attention of all the Officers is drawn to provision contained in Section 418 Cr. P.C., Rules 24 & 97 of General Rules (Criminal) and C.L. No. 88/Admn. (B), dated 1.6.1974.

Kindly impress upon all the officers working under you that compliance of the orders of superior Courts in such matters shall be their personal responsibility. The Court shall take a serious view in case of default reported to the Court.

6. C.L. No. 6 Dated February 25, 1997

It is found that these days forged bail orders are being produced in subordinate Courts and are being complied with. A decision has been taken by the court to take precautionary measures. The specimen signatures of the three officers of the court namely Sri R.P. Dubey, Joint Registrar (Criminal) Sri R.S. Pandey, Dy. Registrar (Copying) and Sri Ram Lakhan Srivastava, Deputy Registrar (Listing) duly attested by the Registrar are being sent to you. Before the compliance of the order the specimen signature must be tallied with the signature on the bail order²⁹. To make more authentic these three officers of the court will use ink pen only for signature and not the ball pens etc. Same practice will be adopted at Lucknow Bench also and you will get the specimen signatures of the officers of Lucknow Bench duly counter signed by Sri J. C. S. Rawat, Additional Registrar, Lucknow Bench.

The District Judge will send the statement of bail orders showing the crime number, case number, S.T. number, name of the accused etc. received from the High Court in the end of each month.

In case of any doubt the District Judges are supposed to contact these officers on telephone and get it verified.

This order will be implemented with immediate effect.

7. C.L. No. 45/98 Dated Allahabad 20.8.1998

The High Court has noticed that complaints are being received from the districts that forged and fabricated bail orders and other orders are being submitted in the districts in order to obtain release of the accused and other favours on the civil side. In order to check the said malpractice the Court has decided that certified copy of the order of the High Court should also be followed by a fax copy of the said order. The District Judges and the Chief Judicial Magistrates may also inquire on telephone about the validity of the order of the High Court if they suspect that the said order has not been passed by the High Court.

I am, therefore, directed to communicate you the aforesaid directions of the Court for strict compliance.

8. C.L. No. 46/98 dated Allahabad 20.8.1998

²⁹ NOTE: Specimen signatures sent by Hon'ble High Court from time to time shall be tallied. -Ed.

The problem of non-inclusion of bail bonds in the file was considered by the Hon'ble Court in the Administrative Conference held in the month of December, 1997. On the basis of the recommendations of the Committee the Court has taken the following decisions for strict compliance by all the subordinate courts :-

- (A) The bail bonds of the cases in which investigation is pending and the charge sheet has not been submitted, be kept in cabinet.
- (B) All such bail bonds will be entered into a register.
- (C) After the submission of the charge sheet the bonds will be attached in the relevant file and an entry to that effect shall be made in the register maintained for that purpose.
- (D) If the case results in conviction and an appeal is preferred and in the appeal bail is granted, then the bail bonds must be attached in the original record. If the record has been transmitted to the High Court before the bail bonds could be attached, then the bail order along with the bail bonds will be kept in a separate cabinet meant for such bail bonds.
- (E) In the appeal pending in the High Court the photostat copy of the bail order together with the bail bonds should be immediately sent to the High Court in the criminal appeal in which bail order has been received.
- (F) The confirmation letter of the High Court confirming to the Sessions Judge that the bail order along with photostat copy of the bail bonds have been received in the High Court, should also be entered in a separate register maintained for that purpose.
- (G) The original bonds shall remain in the cabinet in the Sessions Division in which the bail has been granted by the High Court and the record has been sent to the High Court in appeal.
- (H) This cabinet shall remain in the direct charge and control of the Sessions Judge.
- (I) The Chief Judicial Magistrate will continue to maintain the bail register strictly and the Sessions Judge will supervise himself that the registers are being maintained.

I am, therefore, desirous to communicate the aforesaid directions of the Hon'ble Court for compliance.

Strict compliance of the direction as contained in the Judgment and Order passed by the Hon'ble Court in Habeas Corpus Petition No. 35964 of 2003

9. C.L. No. 5/2005 Dated: 5th February, 2005

While deciding the Habeas Corpus Petition No. 35964 of 2003 in re-Lakshmi Narain Vs. State of U.P. & others the Hon'ble Court (Hon'ble Mr. Justice S.K. Agarwal & Hon'ble Mr. Justice R.C. Panday) has noticed with concern that despite directions of the Court for arrest of the of the accused Lakshmi Narain alias Lallu to serve out the sentence. He continued to enjoy the liberty as if he was never convicted. It cannot be said that the office of the lower Court was not in collusion as without their collusion this accused Lakshmi Narain alias Lallu would not have remained out of jail after dismissal of his appeal from this Court for such a long period of 18 years. Possibility of many more persons in the State who might be enjoying freedom like Sri Lakshmi Narain alias Lallu. Even after their conviction without being lodged in jail due to connivance of the staff of the District Judgeships concerned and the local police may not be ruled out.

Therefore, I am directed to send herewith a copy of Court's order referred to hereinabove and request you to kindly direct and require the Chief Judicial Magistrate of the judgeship under your administrative control to submit a report as soon a copy of the judgment of conviction or a copy of the order-sheet of this court is received by him from this Court in compliance specifically indicating therein whether the accused has been arrested and remanded to jail or not in pursuance thereto.

(See for Judgement 2005(51) ACC 55)

98. Procedure when sentence altered or revised.

When a finding, sentence or order is reversed or altered in appeal, the appellate court shall issue a fresh warrant or order confirmable to its judgment or order and notify the same in its certificate to the court by which the finding, sentence or order was recorded or passed for necessary action.

A separate warrant or order shall be issued for each prisoner in respect of whom a finding, sentence or order has been reversed or altered in appeal, and the original warrant shall be recalled and cancelled under his hand by the presiding officer of the court by which the finding, sentence or order was recorded or passed.

In the following cases an abstract shall also be sent by the appellate court direct:

- (i) To the Superintendent of the Jail in which the prisoner is confined, where a prisoner confined in jail has been ordered to be acquitted or released on appeal.

- (ii) To the Superintendent of the District Jail, whereas the prisoner is on bail and is present when the judgment or order is pronounced by the appellate court and the court after cancelling his bail takes him into custody and remands him to jail.

99. Duty of trial court on receipt of judgment or order of appellate or revisional court.

The court by which the finding, sentence or order was recorded or passed shall, on receipt of a copy of the judgment or order of the appellate court or of an abstract therefrom, carefully peruse the same and consider whether any further steps have to be taken to carry out the finding, sentence or order of the appellate court. If any such steps have to be taken it shall pass such order as may be necessary and shall see that they have been duly complied with. After compliance has been made the papers shall be put up before him again and he shall, after satisfying himself that the orders have been duly complied, make an endorsement thereon to that effect before the papers are sent to the record-room to be filed with the record. If no further steps are required it shall make an endorsement thereon to that effect before that papers are sent to the record room to be filed with the record. A similar procedure shall be followed by the court when its finding, sentence or order has been reversed or altered in revision,

Relevant Circular Orders:

1. C.L. No. 32 dated 22nd May, 1981

All the District Judges and Chief Judicial Magistrates are directed to see that the orders of the Court are properly complied with, with all promptness and reports regarding compliance of Court's orders are sent immediately to the Court after the orders have been served and complied with.

2. C.L No. 19/VIIIb-119Admn.(G) dated 11th April, 1989

Whenever a reference is made to the Chief Judicial Magistrate of the district concerned regarding an inquiry and report about demise of an appellant in a case pending in the Court, the Chief Judicial Magistrate generally forwards to this Court the statement of the police pairokar and statements of one or two witnesses of that area, without applying his mind. This practice is not satisfactory.

Henceforth in such matters the Chief Judicial Magistrate should ensure that the police submit a correct report regarding the death of the appellant and after getting himself satisfied with the report so submitted by the police, he should forward the same to the Court.

Compliance of orders of Supreme Court and High Court

Copy of Court's order dated 25.11.1993 passed in Criminal Misc. Case No.669 of 1993 Surya Prakash Dubey and another v. C.J.M. & others.

3. C.L. No. 80/Admn.(A) dated December 15, 1993

I am directed to send herewith a copy of Court's order dated 25.11.1993 passed to Criminal Misc. Case No.669 of 1993 *Surya Prakash Dubey and another v. Chief Judicial Magistrate and others* for compliance.

I am also to request you kindly to emphasize upon the Chief Judicial Magistrate, working under you to comply with the aforesaid orders of the Court strictly, in future.

Hon'ble R.K. Agarwal, J

Compliance report from the C.J.M. Pratapgarh has not been received regarding service on opp. party no.4. Notice was sent by the office to the C.J.M. Pratapgarh on 27.10.93 with a direction that the notices be returned to this Court by 11.11.93. It is a matter of regret that C.J.M. Pratapgarh has not taken any care to see that the compliance of the Court's order is made. The Court has noticed that C.J.Ms. do not pay proper attention for complying with the Court's order and the cases are to be adjourned on account of non-compliance of the Court's orders. This state of affair is highly deplorable. District Judge concerned also cannot ignore this state of affair and should during regular inspection as well as surprise inspection must see that the court's orders are, as this lapse also would affect their efficiency regarding administrative control, duly complied with by the C.J.Ms. concerned. Addl. Registrar is directed to send a copy of this order to all the District Judges and C.J.Ms. and also to the Government advocate. List in the week beginning from 20th December, 1993.

Compliance of the direction of the Hon'ble Supreme Court passed in criminal appeal no.82 of 1995 – Bani Singh and others v. State of U.P.

4. C.L.No.65/ Admin: (G) Dated 02 Dec., 1996

While enclosing a copy of the judgment dated 9.7.1996 passed in the aforesaid criminal Appeal reported in Judgment Today (1996 (6) S.C.287. I am directed to communicate you and all the officers posted in the judgship that directions given in the judgment of Hon'ble Supreme Court be complied with so that the administration of Criminal Justice may be toned up.

I am, therefore to direct you that the direction of the Hon'ble Supreme Court be brought to the knowledge of the officers posted in the

Judgeship for strict compliance.
(See for Judgment AIR SC 2429)

To ensure strict compliance of the orders of Hon'ble the Supreme Court passed in Special Leave Petition (Cri.) No. 2745 of 2002. Sunderbhai Ambalal Desai Vs. State of Gujarat

5. C.L. No. 39/2002 Dated: 26th November, 2002

I am directed to send herewith a copy of orders dated 1st October, 2002 passed by Hon'ble the Supreme Court in Special Leave Petition (Cri.) No. 2745 of 2002. Sunderbhai Ambalal Desai Vs. State of Gujarat and to request you kindly to bring the contents of the order of Hon'ble the Supreme Court to the notice of all the officers concerned in your judgeship and to ensure strict compliance of the directions as contained in the aforesaid orders of the Apex court.

(See for Judgment A.I.R. 2003 S.C. 638)

To ensure strict compliance of the Court's directions passed in fist Appeal from Order No. 1010 of 2003. The Oriental Insurance Company Ltd. vs. Smt. Nargis and others

6. C.L. No. 8/2004 Dated: 29th March, 2004

In First Appeal from Order No. 1010 of 2003, The Oriental Insurance company Ltd. vs. Smt. Nargis and others, the Hon'ble Court (Hon'ble M.Katju, J. and Hon'ble R.S Tripathi, J.) has expressed its concern that provision as contained in Section 170 of the U.P. Motor Vehicles Act, 1988 and directions passed by the Hon'ble Supreme Court in United India Insurance Co. Ltd. vs. Jyotsanaben Sudhirbhai Patel and others –Jt 2003 (6) SC 547 are not being complied with strictly by the tribunal in passing order. As such, the Hon'ble Court has been pleased to issue a general direction to all the Motor Accident Claims Tribunals in the State of U.P. that in future they must record reasons in writing before allowing any application U/S 170 of the Act since it is a statutory requirement of section 170 and failure to do so may invite disciplinary action against the Judge of the Tribunal by this Court under its general supervisory powers.

In this regard, I am directed to send herewith a copy of the order dated 12.2.2004 passed by the Hon'ble Court in First Appeal from order No. 1010 of 2003, referred to above, and to request you to kindly communicate the same to all the Motor Accident Claims Tribunal in your district for their information and strict compliance of the directions as contained in the aforesaid order of the Hon'ble Court.

(See for Judgment 2004 A.L.J. 2124)

Submission of Death Report by the Chief Judicial Magistrate in the cases pending in the Court

7. C.L. No. 15/2005: VIIIb-119: Dated: 19th April, 2005

In criminal appeal No. 2408 of 1981- Ram Chand vs. State, the Hon'ble Court (Hon'ble Imtiyaz Murtaza ,J and Hon'ble M. Caudhary, J.) has observed and ordered as under:-

“It has come to our notice that whenever it is reported that any of the accused appellant or revisionist has died and report regarding verification of the death is called for from the CJM concerned the reports submitted in most of the cases are vague and enigmatic based on the reports of head constable and that too not within the time specified by the Court. It is not proper.

Henceforth Sessions Judges should ensure and emphasize upon the Chief Judicial Magistrates that in case an accused appellant whose death is required to be verified is either murdered or killed in police encounter the report of the police officer not below the rank of sub-inspector along with particulars of the crime countersigned by the station officer should be submitted and Chief Judicial Magistrate concerned should record the statement of the Sub-Inspector concerned on oath who shall prove the GD entry regarding registration of the crime and get its true copy proved and filed.

In other cases CJM concerned should ensure that fact regarding death of any accused appellant should be enquired by any police officer not below the rank of sub-inspector posted at the police station concerned who himself shall enquire into the matter carefully and promptly and submit his report under his signature countersigned by the station officer concerned. After receiving the police, report in the court CJM concerned shall record statement of the sub-inspector on oath who enquired into the matter in addition to the statements of any of the witnesses having personal knowledge of the matter. And then CJM concerned after his subjective satisfaction shall submit his report along with the statements of witnesses recorded by him and the report submitted by the police along with the papers concerned to this court within the time specified.”

Therefore, in continuation of Court's earlier C.L. No. 19/VIII-b-119/Admin. “G”, dated April 11, 1989 and C.L. No. 7/ VIII-b199, dated March 29, 2003 I am directed to send herewith a copy of the order dated 2.12.2004 passed by the Hon'ble Court in criminal Appeal No. 2408 of 1981, aforesaid, for your information and compliance with the request to kindly bring the contents of the Court's circular letters, referred to above, as well as the order dated 2.12.2004 to the notice of the Chief Judicial Magistrate in your Judgeship for strict compliance of the directions issued by the Court in this regard.

100. Explanation of officer reported on to be submitted.

When the Court of Session or the District Magistrate, on examining the record of any proceeding, thinks fit to report for the orders of the High Court the result of such examination, then, except in a case in which delay should be avoided, the explanation of the officer whose proceedings have been examined shall also be called for. Such explanation should be couched in respectful language and confined to matters which need explanation or clarification.

The report shall contain a brief analysis of the proceeding, shall indicate the portion of the finding, sentence or order recommended for revision, and shall state the grounds upon which, in the opinion of the court making the report, the finding, sentence or order should be reversed, set aside or modified. It shall be submitted to the High Court along with the record and the explanation of the Magistrate, if any.

When such report is made by the District Magistrate, he shall send it through the Court of Session. If the case be one in which an appeal lies to the Court of Session, such report shall not be made until the period of limitation for an appeal has expired. The Sessions Judge shall while forwarding the report and the record, State-

- (1) whether an appeal has been presented, and, if so, with what result; and
- (2) whether the period of limitation for an appeal has expired.

Relevant Circular Order:

G.L. No. 12/VII-a-82 dated 2nd May, 1950

The provision in rule 100, Chapter X of the General Rules (Criminal), 1957,³⁰ that when a Sessions Judge on examining the record of any proceeding, thinks fit to report the result of examination for the orders of the High Court, he should, except in a case in which delay should be avoided, call for and submit with the report the explanation of the officer whose proceedings have been, examined by him, was made with the object of getting the views of the officer whose proceedings have been examined by the Sessions Judge as well. It is, however, impressed upon all District Magistrates and all Magistrates in their districts that whenever they are called upon to give explanations as required by the rules or by order of the High Court or the Sessions Judge, they have to carry out the orders

³⁰ NOTE: The figure 1957 shall now be read as 1977.-Ed.

and whatever explanation they submit should be properly worded and should not show either disrespect or discourtesy to any superior officer or court.

101. Order suspending sentence to be certified.

When a court orders that the execution of a sentence be suspended, it shall certify its order to the court by which the sentence was passed, and, if the appellant or applicant is in jail, also to the officer incharge of the jail for communication to the appellant or applicant, and for report that the direction has been complied with.

102. No judicial order by telegram.

A court shall not issue a judicial order or communicate the purport of a warrant or process by telegram.

103. When High Court to be informed if accused has funds.

In the case of an appeal under section 417³¹ or of a revision under section 435³² and 439³³ of the Code where notice is given to the accused to show cause why the order passed should not be set aside and a sentence of death passed, the District Magistrate shall, while returning the notice state thereon whether the accused has funds or not to employ counsel in the High Court and also whether he proposes to employ such counsel or not. The District Magistrate shall also make a similar report when notice is sent by the High Court to a convicted person to show cause why his sentence should not be enhanced.

104. Jail appeal

On receipt of an appeal from a convicted person in jail the presiding judge of the appellate court shall ascertain whether an appeal through counsel has also been filed on behalf of the same person, and if it is found that no such appeal has been filed the final disposal of the appeal shall be postponed till after the expiry of the period of limitation:

Provided that in any case in which the presiding officer on a perusal of the record considers it necessary to hear the District Government Counsel, he shall issue notice to him without waiting for the period of limitation to expire.

104-A. Delegation of power to release prisoner on bail.

³¹ Note: See section 378 of the new Code. - Ed.

³² Note: See Section 397 of the new Code.-Ed.

³³ Note: See Section 401 of the new Code.-Ed.

Where an order of bail directs the District Magistrate to release the prisoner, the District Magistrate may delegate his power to any Magistrate under him.

CHAPTER – XI

PRESERVATION OF RECORDS

105. Certificate before transmission of record.

Whenever a record is to be sent from a court to another court or the record-room or from the record room to a court, the reader or the record-keeper, as the case may be, shall carefully examine the record before transmitting it, and shall attach and sign at the foot of the general index a certificate on printed form as prescribed in case of civil courts.

Relevant Circular Orders:

1. C.L. No. 27/46-54-252 dated 3rd September, 1940

- (a) Each record should be carefully packed in brown paper and labelled with the description of the case.
- (b) Records of civil and criminal cases should not be sent together, that is to say, civil records should not be included in the same parcel that contains criminal records, and vice versa.
- (c) The records should always be accompanied by a list as required by rule 218(3) of Chapter VIII of the General Rules (Civil). 1957.

2. C.L. No. 24/VIII-b-70 dated 27th February, 1952

Whenever the complete record of a case is transmitted to any court on requisition or otherwise a fresh order sheet should be opened and the requisition slip, if any should be kept along with it. The requisitioning court should be periodically requested to return the record, if no longer required. The issue of such reminders should be noted on the order sheet.

3. C.E. No. 134/VIIIa-41 dated 31st January, 1974

While despatching records of criminal cases to the Court the following instructions should invariably be followed -

- (1) The files of each case should be stitched together along with police papers.
- (2) The envelope of every file and police papers should bear the number and year of the case allotted by the Court so that it may be placed on the relevant record without any difficulties and waste of time.
- (3) Every record should be accompanied by a forwarding letter in Form no. 24 indicating correctly the enclosures sent therewith so that it may be convenient to check up the number of files received in the office of the Court.

106. Examination on receipt and report, if necessary.

When the record of a case is received in a court from another court or from the record-room, the reader shall carefully examine the record and shall at once report to the court if the record is not in all respects in order or does not correspond to the general index so as to prevent the possibility of doubt as to the offices being responsible for any missing document or for any errors or deficiencies to be found in record.

If the record is received from the High Court, the reader or the record keeper shall carefully examine the record and lay it before the court. Every copy or certificate received from the High Court shall be placed upon the general index and filed with the record.

107. Division of record into classes.

When a record is complete, and before it is sent into the record-room, the reader shall note thereon the class to which it belongs under Chapter XII, and shall in any doubtful case take the orders of the court. Thereafter the clerk incharge of the record shall in every record belonging to class II or class III, separate the papers belonging to file A from those belonging to file B, put the papers belonging to file A in a stiff cover in book form and paste the front part of the wrapper on the outside of the book thus formed. He shall also make up the papers belonging to file B in book form, and attach the file B book to the file A book. Every record belonging to class I shall be sent to the record-room in its own wrapper and shall not be made up into book form.

108. When records are to be sent to record room.

The records of completed cases in the courts of magistrates shall be transmitted to the record-room of the District Magistrate on such dates and in such manner as the District Magistrate may, from time to time by written order, prescribe; provided that records shall be sent in from every court at headquarters not less than twice in every month, and from every court on tour or not at headquarters at least once in every month. For the return of records of cases under appeal or revision that have been sent for by the courts of appeal or revision, the form for transmission of record (Part IX, no. 61) shall be used. The records of completed cases in courts of Session shall be forwarded to the record-room of the Sessions Court not later than the last day of the month succeeding the month in which judgment was pronounced.

Records received back from the High Court, and papers received in a court after a record has been sent to the record-room (e.g. orders summarily rejecting appeals, warrants returned after execution, etc.) shall be sent to the record-room on the next subsequent date fixed for the sending of records of completed cases to the record-room.

Relevant Circular Orders:

1. C.L. No. 43/VIII-b-60-51 dated 4th May, 1951

All decided cases should be consigned to the record-room on or before the date fixed under rule 181 of Chapter VII of General Rules (Civil), 1957 and rule 108, Chapter XI of General Rules (Criminal), 1957³⁴ for the purpose and not on any subsequent date even if the prescribed date falls on a holiday.

2. C.E. No. 44 dated 21st April, 1969

Referring to rule 108 of General Rules (Criminal), 1936 it has been directed that the records of cases decided by Munsifs working as Magistrates, like records of cases decided by other magistrates, be consigned to the judicial-record-room of the Collectorate.

109. List of records to be maintained.

Records of completed cases relating to the Sessions Court shall be sent to the record-room in separate bundles for each different classes of records as

³⁴ Note: The figure 1957 shall now be read as 1977. -Ed.

defined in Chapter XII, rule 117 and those relating to the courts of magistrates shall be sent in separate bundles for each class relating to each thana. Each bundle shall be accompanied by a list of the records it contains. The clerk incharge of the records shall prepare the list and shall enter the records therein in the order of the dates of decision. But if the dates of decision of two or more cases or proceedings of the class or thana to which the list relates are the same they shall be entered in the order in which they stand in the court's registers. A case, however, shall not be retained merely because an earlier case has not yet been completed. In the case of the Sessions Court the munsarim and in the case of the magistrates the reader shall examine the list and when he has seen that every case ready to be sent to the record-room has been duly entered therein, he shall sign it.

The list shall be on the prescribed printed form (Part IX, no. 34 or 37), and shall be placed on the top of the records in the bundle. When the records have been examined as provided in rule 111 and have been placed in their racks, the list shall be bound with previous lists of records of the same class in the record-room of the Sessions Court and of the same thana and the same class in the record-room of the District Magistrate, so as to form a continued register of decided cases.

The munsarim or the reader, as the case may be, shall make out an invoice on the prescribed printed form (Part IX, no. 40) of all the records and other papers forming each consignment to the record-room. The invoice (but not the counterfoil or the whole book) shall be sent to the record-keeper, who shall compare the number of records and papers entered therein with the number actually received and shall sign the invoice and return it to the court. The munsarim or the reader, as the case may be, shall then attach it to its counterfoil in the book.

110. Record to be kept in a rack.

Until the records and papers received in the record-room can be examined by the record-keeper as provided in rule 111 they shall be kept in a rack set apart for the purpose.

111. Records to be examined by the record keeper.

As soon as may be after the records and papers have been received, the record-keeper shall examine each record and satisfy himself-

- (1) that every record is properly entered in the list of the bundle to which it belongs, and that it has been properly classified;
- (2) that the papers in the record correspond with those entered in the general index;
- (3) that the papers in the record bear no erasures or interlineations but those noted in the general index (column 8);
- (4) that the papers bear the stamps entered in the general, index (column 5 and 6);
- (5) that the stamps have been duly cancelled;
- (6) that on each paper the number and aggregate value of the stamps on it have been recorded;
- (7) that all orders have been duly signed; and
- (8) that the provisions relating to the realisation of fines given in Chapter IX have been properly complied with.

If the record be found in order, the record-keeper shall enter and sign below the certificate signed by the munsarim or the reader, as the case may be, a certificate to the following effect:

'Record examined and found correct.'

If a list be found incorrect or a record be found defective in any respect, the record-keeper shall submit with a report for the orders of the officer incharge of the record-room, or of the District Magistrate or the Sessions Judge, as the case may be. When making his examination, the record-keeper shall punch a hole in each stamp, distinct from the hole previously punched, and shall at the same time note thereupon the date of his doing so. The punching shall invariably be made in the middle of that part of the label on which its value is printed in eight principal languages but shall not remove so much of the stamp, as to render it impossible or difficult to ascertain its value or nature.

112. Subsequent papers to be filed.

A paper sent to be filed with a record already in the record-room (e.g. an order summarily rejecting an appeal, a warrant returned after execution, etc.)

shall be filed with such record as soon as may be after examination. The record-keeper as directed in the previous rule, shall punch every stamp which such paper may bear, and enter the paper in the general index. The entry shall be made below the certificate signed by the munsarim or the reader, as the case may be, or, if necessary on a fresh sheet of the general index.

113. Names of accused to be registered.

When the record-keeper of the District Magistrate's record-room examines a record belonging to class III, he shall enter the name of every person accused in the case in a register in form no. 4 (part IX, no. 42). This register shall be separate for each calendar year. It shall have a separate page or pages for each initial letter and the name of each accused person shall be entered on the proper page. If any person be indicated by more names than one, each name shall be entered on its proper page. Against every name so entered the record-keeper shall at once fill up the particulars of the case in which the person bearing the name was accused.

NOTE: Cases in which the order under section 133 of the Code is made absolute under sections 136, 137³⁵ and 140³⁶ or the order under section 145 is made absolute under section 146 or 147 of the Code, shall not come within the scope of this rule unless action is taken under the provisions of section 188 of the Indian Penal Code.

114. Arrangements of records.

The records shall be examined and the entries in the register of accused persons completed within one month of receipt of a bundle in the record-room. The bundles of records belonging to class I shall be kept on the lowest shelves just as they are, until the time arrives for their destruction, each bundle being marked "class I" and labelled with the name of the court and the date of the list with which it was received.

115. Arrangement of records.

For records belonging to classes II and III in the courts of magistrates, a separate part of the record-room shall be assigned to each police station. For each police station and for each class there shall be one bundle or more for the records

³⁵ Note: See Section 138 of the new Code. - Ed.

³⁶ Note: See Section 141 of the new Code. - Ed.

of each year, in which the records shall be arranged according to the dates of decision.

Records belonging to these classes received in the record-room of the Sessions Judge shall be arranged according to dates of decision.

116. Prohibition against unauthorized removal of records.

No judicial record or portion of any judicial record shall be taken out of court building or premises by any ministerial officer on any pretext whatever. A breach of this rule will render the officer liable to dismissal.

Relevant Circular Order:

**G.L. No. 4053/2C-2(1) dated 18th December, 1920 read with
C.L. No. 29/2-A dated 30th March, 1951**

Rule 9 Chapter 1 of the General Rules (Civil), 1957, must be strictly enforced. All subordinate officials are strictly prohibited from removing records from the precincts of the court and any one breaking the rule will be severely punished.

If necessary the office may be opened on a Sunday or other holiday but in no case shall any judicial or departmental record be removed from the court buildings.

CHAPTER – XII

DESTRUCTION OF RECORDS

117. Classes of Records.

Records shall be classified as follows:

Class I –

- (1) Every complaint dismissed under section 203 of the Code.
- (2) Every case compounded under the law.
- (3) Every application dismissed.
- (4) Every miscellaneous report or proceeding, which is entered in form no. 12, when not filed as part of the record of a regular case.
- (5) Every case in which an accused person is discharged under the provisions of section 259³⁷ of the Code.
- (6) Every case under section 133 of the Code.
- (7) Every case in which an accused person is acquitted under section 247³⁸ or 248³⁹ of the Code.
- (8) Every case under the following Acts in which the offence charged is punishable with fine only or with imprisonment not exceeding one year with or without fine.
 - (i) The Police Act, 1861.
 - (ii) The Stage Carriages Act, 1861.
 - (iii) The Cattle Trespass Act, 1871.
 - (iv) The Northern India Canal and Drainage Act, 1873.
 - (v) The Hackney Carriage Act, 1879.
 - (vi) The Vaccination Act, 1880.
 - (vii) The Prevention of Cruelty to Animals Act, 1890.
 - (viii) The Indian Stamp Act, 1899.

³⁷ Note: See section 249 of the new Code. - Ed.

³⁸ Note: See section 256 of the new Code. - Ed.

³⁹ Note: See section 257 of the new Code - Ed.

- (ix) The Cantonments Act, 1924
- (x) The Indian Forest Act, 1927.
- (xi) The Sugar Cane Act, 1934.
- (xii) The Motor Vehicles Act, 1939.⁴⁰
- (xiii) The U.P. Town Areas Act, 1914.
- (xiv) The U.P. Municipalities Act, 1916.
- (xv) The U.P. District Boards Act, 1922.⁴¹
- (xvi) The U.P. District Boards Primary Education Act, 1926.
(Now read as U.P. Basic Education Act 1972-Ed.)

NOTE:

- (1) The register in form no. 9 should be properly maintained and should show convictions where sentences are passed.
- (2) Cases in which the order under section 133 of the Code is made absolute under sections 136, 137⁴² and 140⁴³ of the Code should be treated as falling in class III.

Class II - Every case in which the offence charged is punishable with fine only or with imprisonment not exceeding one year with or without fine, except offences under the Acts mentioned in Class I above or under the following Acts:

- (i) The Public Gambling Act, 1867.
- (ii) The Central Excises and Salt Act, 1944.
- (iii) The U.P. Excise Act, 1910.
- (iv) The UP Opium Smoking Act, 1934.

Every appeal and revision case.

Class III- All other cases including cases under section 108 of the Code: Provided that a court, for reasons to be recorded in writing, may order that any case or proceeding belonging to Class I be treated as belonging to Class II or Class III, or that any case belonging to Class II be treated as belonging to Class III.

⁴⁰ Note: The figure 1939 shall now be read as 1988. -Ed.

⁴¹ Note: Now, read U.P. Kshetra Samities and Zila Parishad Adhinyam, 1961. -Ed.

⁴² Note: See section 138 of the new Code. -Ed.

⁴³ Note: See section 141 of the new Code. -Ed.

118. Destruction of Papers.

The entire record in Class I shall be destroyed upon the expiration of one year, file B in Classes II and III upon the expiration of two years, and file A in Class II upon the expiration of five years reckoning from the 30th June or the 31st December next following the order disposing of the case.

File A in Class III shall be destroyed upon the expiration-

- (a) of ten years in a case under section 108 of the Code and in a case tried by a Court of Session or by a Magistrate, in exercise of the powers granted to him under section 30⁴⁴ of the Code except that (i) in every case the judgment or final order of the Sessions Judge or Magistrate shall be retained for 50 years; and (ii) in a case in which a conviction was had under Chapter VI of the Indian Penal Code, the whole of file A shall be retained for 50 years; Provided that in cases tried by a Sessions Judge in which punishment awarded is more than seven years rigorous imprisonment special orders of the Sessions Judge shall be obtained in each case before destroying file A of Class III after 10 years;
- (b) of five years in other cases; except that in every case the judgment or final order of the Sessions Judge or magistrate in cases in which the offence proved is an offence punishable under Chapter XII or Chapter XVII of the Indian Penal Code with imprisonment of either description for a term of three years and up wards shall be retained for 50 years;

Reckoning from the 31st December next following the order disposing of the case:

Provided always that -

- (i) If the warrant with the certificate as to the manner in which the sentence has been executed has not been filed with the record before the expiration of the period abovementioned, the record shall be laid before the court for further orders.

⁴⁴

NOTE: Omitted now. -Ed.

- (ii) A Sessions Judge or District Magistrate for reasons to be recorded in writing, may direct that any record or part thereof be 'retained permanently;
- (iii) The record of a case in which an accused has absconded or is a lunatic, or a person has been ordered to pay maintenance shall not be destroyed until it be proved to the satisfaction of the District Magistrate that such accused or other person is dead, or until a period of fifty years has elapsed since the order was passed.
- (iv) The records of cases of non-criminal lunatics shall be destroyed upon the expiry of three years from the date of non-criminal lunatic is either discharged from the hospital or is dead or from the date of application filed under section 5 of the Indian Lunacy Act, 1912⁴⁵ is dismissed under section 10(2) of the Act.

Relevant Circular Orders:

1. C.L.No. 74/X-e-3, dated 22nd December; 1954 read with G.O. No. 5477-XXV-CX-278-1950 dated 1st December, 1954

Proviso (II to Rule 118 of Chapter XII General Rules) (Criminal), 1957⁴⁶ gives ample discretion to the District Judges and District Magistrate to order the preservation of any record permanently and hence all judicial records in criminal cases connected with the Freedom Movement in India and having a historical value should be retained permanently, and in case of any doubt about the historical value of any record, the matter should be referred direct to the State Government for orders.

2. C.L No. 68/IVb-36 dated April, 1977

I am directed to say, that the Court has ordered that hence forth the records of petty cases involving punishment not exceeding two years shall not be consigned in the record room; and shall instead be weeded out by the Court itself after the expiry of the period for filing appeal or revision if provided under the statutes and in case of an appeal or revision having been filed, after its disposal, in accordance with the periods for weeding mentioned in the rules.

⁴⁵ Note: Now replaced by Mental Health Act 1986. -Ed.

⁴⁶ Note: The figure 1957 shall now be read as 1977. -Ed.

Steps to amend the General Rules (Criminal), 1957 in this behalf are being taken by the Court.

The above order of the Court may kindly be brought to the notice of all concerned for compliance with immediate effect.

119. Destruction of Paper.

As soon as may be after the 1 st January, and 1 st July on each year, the records liable to be destroyed under the preceding rule shall be examined, and if their time for weeding has expired shall be disposed of as follows:

- (1) Confidential papers and stamps and court-fee labels shall be torn to pieces and burnt in the presence of the record-keeper. Notes and orders on administrative matters must be treated as confidential papers.
- (2) All original documents and papers forming part of records as also certified copies of such documents and papers shall be torn across and then sold as waste paper to the best advantage.
- (3) Papers not covered by clauses (1) and (2) and the accumulation of waste paper baskets shall be sold as waste paper without being torn at all.

The sale-proceeds of paper shall be credited to Government and in order to secure that the best price is obtained inquiries should be made from time to time as to the prices obtainable in the neighbouring districts.

As each record is weeded, a note of the fact shall be made in the list with which it was received in the record-room.

120. Retention of Registers, Books etc.

The following books shall be retained for the periods specified against of them, computed from the date of the latest entries.

Provided that if any dispute or necessity arises within the prescribed period of its retention, no such record shall be destroyed unless the dispute is settled or the necessity ceases.

No.	Description of book or register	Period
1.	Register of inspections (Form no. 6)	One year
2.	Register of copies (Form no. 8)	Ditto
3.	Register of punishments inflicted (Form no. 16)	Ditto
4.	Attendance Register prescribed under paragraph 2 of Chapter 1 of Handbook for Criminal and Revenue Courts, 1954	Ditto
5.	Register of decided cases of Class 1 (lists in Forms, Part IX, no. 34 or no. 37 bound up).	Two years
6.	Register of Miscellaneous reports and proceedings (Form no. 12)	Ditto
7.	Register of appeals (Form no. 13)	Five years
8.	Register of revision cases (Form no. 14)	Ditto
9.	Pass book (Form no. 3)	Three years
10.	Cheque receipt book (Part IX, no. 72)	Ditto
11.	Register of requisitions (Form no. 5)	Ten years
12.	Register of decided cases of Class II (list in Form Part IX, no. 34, bound up).	Five years
13.	Register of witness (Form no. 18)	Ditto
14.	Register of fines (Form no. 2)	Ditto
15.	Register of cases under section 466 ⁴⁷ of the Code (Form no. 10)	Ditto
16.	Register of miscellaneous criminal cases (Form no.11)	Ditto
17.	Counterfoils of deposit repayment order books	Twelve years
18.	Record-keepers alphabetical register of accused persons (Form no. 4)	Sixty years
19.	Register of cases (Form no. 9)	Ditto
20.	Register of committed cases (Form no. 15)	Ditto
21.	Register of cases submitted (Form no. 17)	Ditto
22.	Register of decided cases of class III (lists in Form, Part IX, no. 34, bound up)	Ditto

⁴⁷ NOTE: See section 330 of the new Code. -.Ed

23. Register of registers (Part IX, no. 66) Permanently

121. Retention of other papers.

The following papers shall be retained for the periods specified against them, computed from the 31st December of the year to which they relate:

No	Description of paper	Period
1.	Periodical statements and returns and office copies of them, and correspondence regarding them	Three year
2.	Copies of orders forwarded under section 167 of the Code, if not filed with the record of a case	Ditto
3.	Proceedings in respect of absconding witnesses under section 87, 88 and 89 ⁴⁸ of the Code, if not filed with the record of a case	Ditto
4.	Invoice of consignments to the record-room (Part IX.no.40)	Ditto
5.	Papers relating to contingent charges	Ditto
6.	Punishment of officials, after final orders have been carried out and entry made in service book	Ditto
7.	Papers relating to the 1857 uprising or to the forfeiture of the property of persons connected therewith	Permanently

122. Retention of other papers.

The following papers shall be retained for one year, computed from the 31st December of the year in which they were written:

No.	Description of paper
1.	Applications for copies, if not filed with the records of the cases to which they relate and correspondence relating to them.
2.	Reminders.
3.	Lists of unanswered references and explanations of delay with calling for them.
4.	Covering dockets and letters.

⁴⁸ NOTE - See section 82, 83, 84 and 85 of the new Code. - Ed.

5. Correspondence regarding books, furniture and repairs of courts.
6. Indents for forms, stationery or additional copies of circulars and correspondence relating thereto.
7. Correspondence relating to leave and transfers, and certificates of transfer of charge of office.
8. Correspondence relating to the service or execution of criminal processes and to the summoning of jurors and assessors.
9. Correspondence with other departments regarding criminal proceedings under special laws.
10. Nominal rolls of female prisoners about to be released and correspondence relating thereto.
11. Correspondence relating to salary, traveling allowance and contingent bills.
12. Office copies of calendars of committed cases.
13. Correspondence relating to questions of practice of procedure which is concluded by the publication of a rule or order of competent authority.
14. Correspondence and applications regarding employment.
15. Sessions statement.

123. Destruction of registers, books.

At the end of the periods specified for retention the books and papers mentioned in the three rules immediately preceding shall be destroyed in the manner prescribed in rule 119.

Provided that a Sessions Judge or a District Magistrate, as the case may be, may at his discretion direct the retention for a longer period or permanently of any paper which he may consider likely to be useful in the future.

124. Notice to be given before destruction of original document.

In cases in which original documents have been filed in a criminal record, the Sessions Judge or the District Magistrate, as the case may be, shall before destroying the record on expiration of the period of retention, give notice by post 'service unpaid' to the parties concerned, intimating to them the impending

destruction of the record and calling upon them to take back the original document in question. If the document is not claimed, it shall be destroyed after the expiry of three months from the date of such notice.

CHAPTER – XIII

REQUISITIONS FOR RECORDS

125. Requisition for records.

When under any law or any rule having the force, of law a court sends for the record of a criminal case, whether pending or decided, the court shall send a requisition in the prescribed form (Part IX, no. 13) and the cost of transmission shall ordinarily be borne by the Government.

126. Requisition for records.

When a record or a portion of a record pertaining to a court in another State is required, the requisition shall invariably be sent through the High Court. In no case must it be sent to the court direct. The court summoning the record or a portion of it must state whether it has satisfied itself that the production of the original record or of a portion of it is actually necessary.

127. Requisition by party through court.

For the requisition of a record or portion of a record on behalf of a party to a case from any civil, revenue or criminal court, written application shall be made stating the purpose for which the record is required. A separate application shall be made for each record or portion of a record required, and each such application shall bear a court-fee label of the amount provided in the Court-fees Act, 1870, Schedule II, Article I(b).

128. Record may be issued to Government, Commissioner etc.

A court (including the officer in-charge of a record-room) shall ordinarily without objection send a record for inspection on receipt of requisition from the Government, the Board of Revenue, the Head of a department of Government, the Commissioner of a division, the District Magistrate, or any court, civil, criminal or revenue. It shall not issue a record to any other person except for special reasons to be recorded. In any doubtful case a report shall be made for the orders of the High Court.

129. Printed forms.

When an order for the transmission of a record has been made, the reader or the record-keeper, as the case may be, shall send the record under cover of a printed form for transmission (Part IX, no. 61) after filling up columns 1

to 12 of the form. The form of requisition received shall be kept in the place from which the record was taken.

130. Register of requisitions.

The departmental clerk in each court and the record-keeper in the record-room shall maintain a register of requisitions for records in form no. 5, (Part IX, no. 43) columns 1 to 11 of which shall be filled up as soon as a requisition is received, and column 12 when the record is transmitted.

131. Record to be promptly returned.

When the record is no longer required, it shall be promptly returned, columns 13 and 14 of the form of transmission shall be filled up and the form shall be returned with the record.

Relevant Circular Order:

C.L. No. 12, dated 16th December, 1902

The attention of all District Judges and Magistrates is invited to the necessity of dealing with greater promptitude with requisitions demanding the return of records.

Where an order has been issued by the High Court directing the performance of a specific act, if the direction cannot be immediately complied with the reason for non-compliance should be promptly intimated.

132. Examination of record on receiving back.

On receiving back the record the reader or the record-keeper, as the case may be, shall make an examination as prescribed in Chapter XI, rule 106 and after filling up columns 13 and 14 of the registers of requisitions, form no. 5, he shall file the requisition and the form for transmission with the record, and restore the record to its proper place.

133. Scrutiny of Registers.

Once in every quarter the register of requisitions shall be laid before the court or the officer in-charge of the record-room, as the case may be, for orders as to records which have been issued more than three months and have not been returned.

134. Mode of transmission of record.

The following instructions shall be observed for the transmission of records from one court to another:

- (1) Records shall be securely packed (in wax-cloth, when necessary), and shall, subject to the proviso hereinafter contained, be transmitted by post or rail. Each parcel shall contain the papers connected with one case only. Postage shall, except when the requisition otherwise states, be prepaid by service postage stamps:

Provided that in a case of urgent necessity or if the record is to be transmitted to a court situated in the same place as the court transmitting it, it may be sent by a Government messenger.

- (2) An acknowledgement shall invariably be required from the court to which a parcel containing a record has been despatched, and, in the event of none being received within a reasonable time, inquiry shall be made to ascertain the cause.
- (3) Records weighing under 250 tolas⁴⁹ may be sent by parcel post; those weighing 250 tolas and over by rail (passenger train).

Relevant Circular Order:

C.L. No. 27/46-54-252 dated 3rd September, 1940

- (a) Each record should be carefully packed in brown paper and labelled with the description of the case.
- (b) Records of civil criminal cases should not be sent together, that is to say, civil records should not be included in the same parcel that contains criminal records, and vice versa.
- (c) The records should always be accompanied by a list as required by rule 218(3) of Chapter VIII of the General Rules (Civil), 1957.

135. What material exhibits to be sent to High Court.

At the conclusion of a trial liable to come up before the High Court in appeal, the Sessions Judge shall, after consulting counsel on both sides, where necessary, record a specific order as to what material exhibits are to be forwarded to the High Court along with the record in the event of an appeal. All

⁴⁹ Note: This approximates to 3 Kg. - Ed.

such exhibits shall invariably be submitted to the High Court along with the record.

In selecting these material exhibits the Sessions Judge shall pay special attention to the fact that bulky and clearly unnecessary exhibits are not sent up and that important ones, e.g., weapons which are alleged to have been used to commit an offence, but about which there is any doubt as to their capacity to inflict the alleged injuries are not omitted.

When a material exhibit is sent up a note to that effect shall be made in red ink against its number in the index of exhibits.

Relevant Circular Orders:

1. G.L. No. 11 VII-a-41 dated 2nd May, 1950

Sessions Judges should follow the provisions of rule 135, Chapter XIII of the General Rules (Criminal), 1957⁵⁰ and exercise their discretion carefully in the matter of selecting exhibits for transmission to the High Court so as to ensure that all important and necessary material exhibits are sent to the Court in the event of an appeal. Even if, in the opinion of the Judge, no material exhibits need be transmitted to the High Court in the event of an appeal, an order to that effect should be recorded by him at the conclusion of the trial.

2. C.L. No. 63 dated 16th October, 1962

The Sessions Judges should pay personal attention to the compliance of rule 135 General Rule (Criminal), the intention of which is that, all such material exhibits which are likely to be of assistance in disposal of an appeal should be submitted to the Court in consultation with the counsel for the parties.

When there is any dispute between the prosecution and the defence as to any fact or any inference from facts in the decision of which an inspection of the material exhibit would be helpful, it should invariably be sent to the Court. For example, where injuries have been caused by a sharp or pointed weapon and there is dispute as to whether the weapon exhibited could have caused the particular injuries the weapon should be sent. In case of gunshot injuries, the dispute as to whether the injuries could have been caused with the particular gun is not so frequent. Similarly, bloodstained clothes of the victim will normally not be of help to the Court except in a case where the number or nature of holes in

⁵⁰ Note: The figure 1957 shall now be read as 1977- Ed.

clothing may give any indication as to the manner of assault suggested by the prosecution. In the former case the trial Judge would be justified in not sending the clothes but in the latter case they should properly be submitted.

The trial Judge would be well advised to ask the counsel for the parties to note their opinion on the margin of the order sheet or himself give the detailed opinion in his order sheet on the date the arguments are heard.

CHAPTER – XIV

INSPECTION OF RECORDS

136. Taking Charge of record.

A Judge or Magistrate requiring to examine at his private residence the record of a case pending in his court may take charge of such record.

137. Records of pending cases how inspected.

A Judge or Magistrate in his discretion may by verbal order permit a party to a case or his pleader to inspect on the date of hearing before the rising of the court the record of a pending case in the court room, or in the presence of the reader or munsarim.

Any Government officer authorized to examine records either on behalf of the Government or by way of scrutiny of the work of an office or any Public Prosecutor, may with the permission of the Presiding Judge at all reasonable times be allowed to inspect any record, book or register in a pending case without any formal application to or order by the Presiding Judge or Magistrate. No fee shall be paid for an inspection made under this rule.

Relevant Circular Order:

C.L. No. 12/VIII-a-40 dated 31st January 1953

Prosecuting Inspector and Prosecuting Sub Inspectors may be permitted by District and Sessions Judges to inspect the records of sessions cases.

138. Inspection in Sessions Court.

For any inspection, other than one made under the last preceding rule, of a record in a Court of Session or in record-room, the rules governing inspections in civil courts shall apply.

Relevant Circular Order:

C.L. No. 96/VIII-42 dated 28th September, 1970

Under Rules 138 of General Rules (Criminal), 1957⁵¹ a separate register for making entries with respect to inspection applications in criminal cases only should be maintained in Form no. 26 of General Rules (Civil), 1957.

139. Inspection in Magistrates' Court.

For any inspection, other than one made under rule 137 of a record in a Magistrate's Court or record-room a verbal application may be made on any court day within the first four working hours to the court or the officer, in charge of the record-room. If such officer rejects such application, he shall record his order and the reasons thereof. If such application be granted, the reader or record-keeper shall make an entry of the inspection in an inspection register in the prescribed form no. 6(Part IX, no. 44); and shall cause to be affixed in column 5 by the applicant a court-fee stamp of the value of fifty paise if he be a party to the case or such party's pleader, and of one rupee in any other case.

Such applicant shall make his inspection in the presence of the munsarim, reader or of the record keeper or his assistant, and at such place and between such hours as may be appointed for the purpose by the court or by the officer incharge of the record-room, but not in the record-room itself. He shall not be allowed (i) to have with him or to use any pen or ink, (ii) to remove any record from the place of inspection, or (iii) to make any mark, upon, or in any respect to mutilate the record or paper which is being inspected. He may, if he so desires, make full copies in pencil of any papers that he is inspecting. A separate fee shall be levied for each record inspected; if the inspection lasts for more than one day, a separate fee shall be levied for each day or part of a day occupied in the inspection.

Where a party to a case applies that any record, book, or register, or set of books of registers be sent for and inspected during the hearing of the case, the applicant shall, on the application being granted, pay into court a court fee stamp of the value of one rupee for each such record, court-book, or register, or set of books or registers. If, for any reason, such record, book, or register is not sent for inspection the applicant shall be entitled to a refund of the inspection fee paid under this clause, less 6 paise in a rupee, provided he applies for such refund

⁵¹ Note: The figure 1957 shall now be read as 1977. -Ed. 94

within three months from the date of the order granting the application for inspection.

Refund of inspection fee under this rule shall be made by a certificate for refund in the form prescribed in similar cases for civil courts, granted by the court to the person entitled to such refund authorizing him to receive from the Collector the amount therein specified.

Before any refund of inspection fees is made, there shall be an order of the court on an application bearing an office report, or on an office report. The presiding officer shall, with his own hand, note in figures the amount to be refunded, and the officer shall refer to such order before signing the certificate for refund.

Relevant Circular Order:

Inspection of record in criminal cases

C.L. No. 96/VIII-42 dated 28th September, 1970

Under rule 139 of General Rules (Criminal) 1957⁺ a separate register for making entries with respect of inspection in criminal cases only should be maintained in Form No. 6 of General Rules (Civil), 1957.

140. Application for inspection of books, registers etc.

For any inspection, other than one made under the second paragraph of rule 137 of any prescribed book or register maintained in a court or record-room, a written application shall be made stating the purpose for which inspection is required. Upon such application shall be made an order in writing of the Judge or Magistrate or the officer in-charge of the record-room, either allowing or refusing the application; if inspection is allowed, it shall be made in the presence of the officer whose duty is to keep such book or register. A fee of 50 paise shall be paid for each inspection made under this rule and for each day or part of a day occupied in the inspection.

141. Application for information.

Any person desiring to ascertain the serial number, date of institution or other registered particulars respecting a case or any proceeding therein, or of any judicial proceeding, the record of which is in the judge's or the magistrate's court

⁺ Note: Now 1977 vide Notification No. 504/Vb-12 dated 5.11.1983

or record-room, shall present or send by post to the officer in-charge of the record-room, an application preferably in Form 7(Part IX, no. 45), to which shall be affixed a court-fee label of five rupees⁵² giving the best particulars he can as to the year of institution and names of parties. He shall be entitled to have a search made and the information, if obtainable, given to him in writing signed by the record-keeper within ten days of the date of receipt of application.

The record-keeper shall mark each application with a serial number. In case the information be not supplied within ten days as aforesaid, the record-keeper shall forthwith on the expiration of the said period of ten days report in writing to the court the cause of noncompliance with the application.

The application shall after disposal be pasted under a separate serial number in a file book kept for the purpose and consigned to the record-room annually.

Where the applicant desires that the information be supplied to him by post, he shall give his address at which it may be sent and affix to his application postage stamps of the requisite value.

A printed copy of this rule in Hindi shall be posted on a notice-board in a conspicuous place in every court and also in the record-room.

Relevant Circular Order:

C.L No. 60/VIII-I/Admn. (G) dated November 30 1992

I am directed to say that it has been brought to the notice of the Court that Rules 224 and 225 of General Rules (Civil), 1957 and Rule 141 of General Rules (Criminal), 1977 are not being complied with by the subordinate courts in true letter and spirit of the rules. With the result, the informations are being supplied in such matters which are not registered particulars of suits and other proceedings. The aforesaid rules are being wrongly utilized for avoiding the expenditure in obtaining certified copies etc. which is not the intention of the aforesaid rules. The abuse of rule should be checked

I am to add that the application through which information sought under Rule 224 of General Rules (Civil), 1957 and Rule 141 of General Rules (Criminal), 1977 is also returned to the applicant, in spite of the provision that after disposal

⁵² Note: Substituted by notification no. 338/xb-88 dated July 26. 1999 Published in U.P. Gazette Part 2 dated 26 September 1996. - Ed.

the application for search it shall be posted in file book in serial order and each file book shall be consigned to the record room at the end of each of the calendar year.

I am, therefore, to request you kindly to ensure that the aforementioned rules of General Rules (Civil) and General Rules (Criminal) be complied with strictly in its true letter and spirit by all concerned.

141-A. Fees.

The fee prescribed by this chapter shall be in addition to the fee payable under the Court-fees Act [Article I(b), paragraph 6 of Schedule II] on a written application for inspection or search.

CHAPTER – XV

COPIES

142. Order necessary for copy.

Except as may be otherwise directed by any law for the time being necessary in force or by any rule having the force of law, a copy shall not be made of any record or part thereof save under an order of the court upon an application made as hereinafter mentioned.

143. Copy to be sent to certain authorities.

Notwithstanding anything contained in these rules-

(i) the Presiding Officer of a court shall order a copy of any proceeding in the Court to be made and delivered, upon receiving a written request to that effect from -

- (a) the District Magistrate;
- (b) the District Government Counsel or other legal practitioner authorized in this behalf by the District Magistrate;
- (c) any gazetted officer of Government of India who as such is interested in the proceeding;
- (d) the Government or any High Court in India, any authority in India exercising jurisdiction similar to that of a High Court, any court subordinate to the High Court or any principal court in any other country:

Provided that if the opinion of such Presiding Officer there is any objection to compliance with the request he shall refer the matter for the orders of the High Court.

- (e) the Public Prosecutor in respect of a case before a Magistrate.

(ii) the Presiding Officer of a court shall order a copy of every judgment, in which a Government servant, soldier, reservist pensioner or a servant of a local

authority has been convicted of an offence, to be sent to the head of the department, or office, regiment or other body to which the soldier or servant belongs, as the case may be. In the case of a soldier or reservist a copy of the order shall also be sent to the Adjutant-General in India. Similarly, in the case of a pensioner it shall also be sent to the officer responsible for the audit or payment of the pension to such pensioner.

In cases concerning Government servants or the servants of a local authority accused of criminal offences copies of judgments of acquittal and of orders of discharge shall be supplied free of cost on the application of the Head of the Department in which such servant is employed.

In the case, however, of any reservist of the Indian Army who is sentenced to imprisonment for a term exceeding three months, a copy of the order of conviction shall be sent to the Commandant of the appropriate Regimental Centre instead of the Adjutant General in India.

The following are the Regimental Centers which are also Reserve Centers.

- (1) The Punjab Regimental Centre, Meerut.
- (2) The Madras Regimental Centre, Wellington.
- (3) The Grenadiers Regimental Centre, Nasirabad.
- (4) The Maharatas Regimental Centre, Belgaum.
- (5) The Rajputana Rifles Regimental Centre, Delhi Cantonment.
- (6) The Rajput Regimental Centre, Fatehgarh.
- (7) The Jat Regimental Centre, Bareilly.
- (8) The Sikh Regimental Centre, Ambala.
- (9) The Dogra Regimental Centre, Lansdowne.
- (11) The Kumaun Regimental Centre, Ranikhet.
- (12) The Assam Regimental Centre, Shillong.
- (13) The Bihar Regimental Centre, Dinapore.
- (14) The Mahar Regimental Centre, Saugor.

- (15) The Sikh Light Infantry Regimental Centre, Ferozepore.
- (16) First Gorakha Rifle Regimental Centre, Dharmshala Cantonment.
- (17) Third Gorkha Rifles Regimental Centre, Dehra Dun.
- (18) Fourth Gorkha Rifles Regimental Centre, Bakloh.
- (19) Fifth Gorkha Rifles Regimental Centre, Dehra Dun.
- (20) Eighth Gorkha Rifles Regimental Centre, Dehra Dun.
- (21) Ninth Gorkha Rifles Regimental Centre, Dehra Dun.
- (22) Eleventh Gorkha Rifles Regimental Centre, Palampur.
- (23) Armoured Corps Centre and School, Ahmadnagar.
- (24) Artillery Centre, Deolali.
- (25) Madras Engineer Centre, Bangalore.
- (26) Bengal Engineer Centre, Roorkee.
- (27) Bombay Engineer Centre, Kirkee.
- (28) Signal Training Centre, Jabalpur.
- (29) Army Service Corps Centre (South), Bangalore.
- (30) Army Service Corps Centre (North), Meerut
- (31) Remount Veterinary and Farms Corps Centre and School, Meerut.
- (32) Army Medical Corps Centre (South), Poona.
- (33) Army Medical Corps Centre (North), Lucknow.
- (34) Electrical and Mechanical Engineering Centre, Jalahalli.
- (35) Army Ordnance Corps Centre, Poona.
- (36) Intelligence Training School and Depot, Mhow.
- (37) Pioneer Corps Centre, Mathura.

- (38) Army Educational Corps Centre and School, Pachmarhi.
 - (39) Army Physical Training Corps Centre, Poona.
 - (40) General Service Corps Depot, Belgaum.
 - (41) Army Postal Service Centre, Kamptee.
 - (42) Corps of Military Police Centre School, Faizabad.
- (iii) in all criminal cases in which a commissioned officer is involved, whether the case ends in conviction, acquittal or discharge, a copy of the judgment shall be sent to the Secretary of the Ministry of Defence, Government of India (Army Branch). In the case of a soldier also, a copy of the judgment shall be sent to him only if the case ends in conviction. In the case of a reservist such copy of the judgment need not be sent unless the reservist has been called up for military service.
- ⁵³(iv) Where the opinion of any Government Scientific Expert of -
- (a) A Forensic Science Laboratory of Uttar, Pradesh
 - (b) The Serologist and Chemical Examiner to Government of India, Calcutta is received in evidence and adversely commented upon in the judgment or some guidelines relating thereto are laid down in the judgment, a copy of the judgment or in the discretion of the Court relevant extract thereof, shall be sent to the Officer-in-charge of such Laboratory or the Serologist and Chemical Examiner, as the case may be and another copy or extract shall be sent to the Superintendent of Police of the District concerned for information and guidance.

Every copy ordered to be furnished under this rule shall be prepared on plain paper, but

(iv) ⁵⁴rules 150,151 and 154 shall apply to the preparation of such copy.

⁵³ Note: Inserted by notification no. 156/VII-b-53, dated April 13.1990, published in U.P. Gazette, Part-2, dated 29th June, 1991. -Ed.

⁵⁴ Note: After insertion of clause (IV), it appears that the original clause (iv) is not re-numbered - Ed.

Applications for copies of the documents detailed in this rule are not chargeable with fees under Schedule II of the Court-fees Act, 1870.

Relevant Circular Orders:

1. C.L. No. 10/VII-b-35- dated 30th January, 1951

There is no objection to copies of judgments, depositions of witnesses, etc., being supplied free of cost to public prosecutors conducting Special Police Establishment cases, when applied for by them.

2. C.L. No. 21/VII-b-35, dated 9th March, 1951

The Superintendent, Model Prison, Lucknow, shall be supplied free of cost with a copy of the judgment of the Sessions Court in the case of every convict who is sentenced to a term of five years or more and who is classified in the star sub-category of casual prisoners.

3. C.L. No. 25/VII-b-35, dated 28th February, 1979

I am directed to invite your attention to section 25 of the Navy Act, 1957 which provides that a Criminal Court before which any proceedings have been taken against a person in the naval service while subject to naval law shall, on application by the Chief of the Naval Staff or the Commanding Officer of that person, grant copies of the judgment and final orders in the case free of cost and without delay.

I am, therefore, to request you kindly to bring the above provision of the Navy Act to the notice of all concerned directing them to supply copy of judgment and final orders free of cost to naval authorities expeditiously.

144. Stranger may obtain copy of judgment.

A stranger to a case shall be entitled to receive a copy of the judgment or order in a criminal case on payment of proper fees.

145. Application for copy how presented.

Every application for a copy shall be presented or sent by post prepaid to the officer-in-Charge of the copying department for the court or record-room in which the record may be for the time being. Such officer shall then and there enter in clear bold words and figures on the left hand centre portion of each paper (obverse side) the date of the application and the serial number of the day.

A rubber stamp may be used for this purpose, the officer in-Charge merely initialing the entry.

When the application is for a copy to which by any law or by any rule having the force of law the applicant is entitled and is in other respects in order, such officer shall make an order that the copy be granted; in every other case he shall lay the application for orders before the Sessions Judge or District Magistrate, or officer specially appointed in this behalf by the Sessions Judge or the District Magistrate.

Copies of official reports and of copies

Except for special reasons, to be noted by the Presiding Judge on the application, no copy shall be granted of (1) official correspondence and reports; (2) a document which is itself a copy; and (3) a document which does not form part of the record.

In the case of official correspondence or report an order for a copy shall not be made, until permission has been obtained from the highest authority concerned with such correspondence or report.

For the purpose of these rules the officer in-charge of the copying department shall be deemed to be -

- (a) for a Court of Session the munsarim;
- (b) for any other court at headquarters or the Magistrate's record-room the officer in-charge of the District Magistrate's record-room, or such other person as the District Magistrate may appoint from time to time by written order; and
- (c) for any other court, the Presiding Officer.

In every application sent by post the applicant shall give his full address, and shall state whether he will attend in person to receive the copy or desires it to be sent by post. In the latter case the applicant shall also send a duly stamped addressed envelope with the application.

146. Application by prisoner in jail.

An application for a copy by a prisoner may be made through the Superintendent of the Jail or through someone acting on the prisoner's behalf; in the latter case the officer in-charge of the copying department shall, if satisfied

that the application is made on behalf of the prisoner, order the copy to be made and sent to the jail, unless for good reasons shown he directs it to be made over to the person through whom the application is made.

Provided that the Courts shall forthwith furnish a free transcript of the judgment when sentencing a person to prison terms.

Relevant Circular Orders:

1. C.L. 94/VII-b-35 dated 17th September, 1953

All applications under section 363 of the Code of Criminal Procedure for copies of judgment from prisoners confined to jail should be treated as urgent applications and should be issued without any delay.

2. C. No. 75/VIII-a-51 dated 3rd December, 1960

The court has noticed that copies of judgments were supplied to the appellants even up to 2 years after the orders were passed, in several cases in which appeals were filed by convicts from jail. This indicates that some courts do not give effect to section 363(1) of the Code of Criminal Procedure and rules 152 and 155 of the General Rules (Criminal) 1957⁵⁵ which provide that, on the application of the accused, a copy of the judgment should be given to him without delay, that a copy is to be delivered to a prisoner it should be dispatched to the jail at once and that if the order for issue of the copy cannot be completed or complied with by reason of the record being in the appellate court or in any other court, it should be sent on to the court concerned for completion or compliance forthwith.

All subordinate criminal courts, shall, therefore, strictly follow the provisions of section 363(1) of Criminal Procedure Code and rules 152 and 155 of the General Rules (Criminal) 1957⁵⁶ so that delay may not occur in the issue of copies to the accused in future.

3. C.L. No. 23/VII-b-35 dated 28th February, 1961

An accused sentenced to imprisonment should be supplied, free of cost and without delay, a copy of the finding and sentence. The convicted person

⁵⁵ Note: The figure 1957 shall now be read as 1977. - Ed.

⁵⁶ Note: The figure 1957 shall now be read as 1977. - Ed.

should not be given a copy of the complete judgment but only a copy of that part of the judgment which gives the finding and the sentence.

4. C.L. No. 42/VII-b-47 dated 8th March 1977

In continuation of the Court's Circular Letter No. 194/VII-b-47. dated 8.12.76, on the above subject, I am directed to say that in order to enable a party applying for bail a copy of the order passed by the Magistrate in the same matter, the Magistrates shall, while recording their order refusing bail, prepare a copy of such order by placing a carbon and paper below the paper on which they write the order in their own hand, and deliver the same free of cost to the counsel for the accused immediately. Similarly a carbon copy of the order refusing bail shall also be prepared by the Sessions Judges and delivered free of cost to the counsel for the accused immediately so that the same may be annexed to the application for bail made to the High Court.

The above instructions may kindly be brought to the notice of all the Magistrates and Sessions Judges under your administrative control for guidance and strict compliance in future.

5. G.L. No. 128/IX-f-69, Admin. (G) dated 20th November, 1978

I am directed to say that rules 146 and 152 of the General Rules (Criminal) provide for preparation and delivery of copies of judgments on receipt of application for copies from the prisoner from jail. In view of the mandatory requirement of subsection (1) of section 363 of the Code of Criminal Procedure, 1973 for giving a free copy of the judgment to the accused when sentenced to jail imprisonment, immediately after the pronouncement of the judgment, and the directions of the Supreme Court in Special Leave Petition (Criminal) No. 408 of 1978 (Madhav Hayawadanrao Hoskot v. State of Maharashtra) decided on 17th August, 1978 that the "Courts shall forthwith furnish a free transcript of the judgment when sentencing a person to prison terms", it is necessary that such copies whether from appellate, revisional or other courts, should be quickly despatched to the jail authorities for delivery to the prisoner.

I am, therefore, to say that the above directions may kindly be brought to the notice of all concerned for strict compliance.

147. Form of application.

An application for a copy shall ordinarily be written upon a printed application form (Part VIII, no. 64) which can be procured free of cost from the officer in-charge of the copying department. It shall state-

- (i) Whether the applicant is entitled to the copy;

- (ii) whether he is entitled to such copy free of cost;
- (iii) if the applicant is not entitled to such copy; the object for which the copy is required and the ground upon which the application should be granted;
- (iv) the particulars of the paper or document of which the copy is applied for;
- (v) The particulars of the record, if any, containing such paper or document; and
- (vi) whether the application is urgent or ordinary.

148. Charge for copy.

The following shall be the scale of charges for copies for which a fee is payable, namely -

- (a) For a copy containing 1000 words or less -
 - (i) In any court in any case other than a case tried summarily:

	Judgment	Deposition	Sentence or Charge	Any other paper except a book, register map or plan, etc., or an extract therefrom
	Rs.	Rs.	Rs.	Rs.
Ordinary copy	5.00	5.00	5.00	5.00
Urgent copy:	10.00	10.00	10.00	10.00

- (ii) in the case of a record of a summary trial:

Ordinary copy : Rs. 5.00

Urgent copy : Rs. 10.00

- (b) For a copy ordinary or urgent, containing more than 1000 words-

For 1000 words the charge shall be the same as detailed above and for every subsequent 300 words or less an extra charge

of Rs. [1.00 and Rs. 2.00]⁵⁷ respectively, for an ordinary or urgent copy shall be made.

- (c) When in addition to the copy of a judgment which is supplied free of cost to an accused person one more copy is required by him for the exclusive use of his counsel in an appeal or revision, the charge for one such copy shall be one-half of the usual rates subject to the minimum prescribed in clause (a) (i) or (ii) above. When the judgment happens to be a printed one, the charge shall not exceed the actual cost of production.
- (d) In case an applicant desires to have more than one copy of a document, and typed copies can be given, each copy, after the first, shall be supplied on payment of half the charges as prescribed above.

⁵⁸(xxxxxxxxx)

- (e) In the case of a book, register, map or plan, or an extract there from, or any other document, the preparation of which requires any special apparatus or skill, the charge shall be fixed in each case by the court with reference to the difficulty or intricacy of the work to be done.

NOTE:

- (1) If an order-sheet contains a judgment of the court a separate fee shall be charged for a copy of that judgment as given in the schedule of rate.
- (2) Copying fee shall not be charged for each separate order on the order-sheet and a copy of the order-sheet shall be furnished as that of "any other paper except a book, register, map or plan or an extract there from."

⁵⁷ Note: Substituted by notification no. 338/xb-88 dated July 26, 1996 published in U.P. Gazette Part 2 dated 28th September 1996. -Ed,

⁵⁸ Note: Proviso to rule 148 (d) deleted by notification no. 338/xb-88 July 26,1996 published in U.P. Gazette part 2 dated 28th September 1996. - Ed.

149. Fees to be paid in stamped paper.

Except in the case of an application for a copy of book, register, map or plan or an extract thereof, an application for a copy for which a charge is to be made shall not be entertained unless it is accompanied by a sheet or sheets of stamped paper of the value required under the preceding rule.

The copy shall be written so far as possible upon such sheet or sheets, and if the whole cannot be written thereon, the remainder shall be written upon foolscap paper of durable texture supplied by the Government.

If the copy does not extend over every sheet filed, the head copyist shall make and sign upon each blank sheet an endorsement to the following effect:

“This sheet was filed with application no..... dated.....”

The charge fixed by the court for a copy of a book, register, map or plan or any extract thereof shall be levied and disposed of as such court by written order may direct: any portion of such charge which such court may direct to be levied in stamped copying paper shall be subject to the foregoing provisions of this rule.

If an application for a copy is rejected, the officer in-charge of the copying department shall at once return to the applicant any stamped paper filed there with and take his receipt for the same in column 13 of the register of copies (form no. 8). If the applicant be not present, the officer shall inform by post of the fact and direct him to appear without delay and take back the stamped sheets forwarded by him with his application, provided that he has previously sent a duly stamped addressed envelope.

The officer before returning any stamped sheets shall endorse each sheet with the words “Returned unused to.....” (being the applicant) and initial them.

These applications for copies shall be consigned to the record-room in monthly bundles on the first day of each month following that to which they relate.

Stamped sheets so returned may be used by the same applicant in a subsequent application for copy.

If no applicant appears within thirty days of the date when the letter was sent to him, the officer shall render useless the stamped sheets by folding them down the middle vertically, tearing off the right half of each sheet, destroying it

and causing the left half on which is entered the date and number (rule 145) to be filed in the record along with the application. An entry of the fact of destruction shall be made in the register of copies (Form no. 8) against the application.

150. Procedure on order for copy.

As soon as an order for a copy has been made, entries shall be properly made by the head copyist without delay in the first four columns of the register of copies; and the order with the application, if any, and the stamped paper, if any, accompanying the application shall be forwarded forthwith by the officer in-charge of the copying department to the official incharge of the record, who shall without delay send such order, application and stamped paper and the particular paper out of the record of which a copy is desired to the head copyist, and shall take from the head copyist in a book to be kept for the purpose a receipt containing a note of the date and hour when such paper was delivered to him; and the head copyist shall enter in his register of copies the date and hour when he received the aforesaid paper or the paper of which a copy is required.

Where the officer in-charge of the record-room considers that it is inconvenient or unsafe to break the Natthi of the record, the copy shall be made and compared by the copyist in the record room under the direct supervision of the record-keeper.

As soon as a copy is made, the head copyist shall forthwith return the paper of which the copy has been prepared together with the order and the application, to the official from whom he received them; and such official shall forthwith place such order and application in file B of the record.

The head copyist shall at the end of the each working day deposit all document under copy in a locked box to be kept for that purpose. At headquarters such box shall be kept in the record room. When the copy has to be made in the office of a court on tour, the presiding officer shall appoint some person to perform the duties of the head copyist.

151. Form of copy.

Every copy that is not made on stamped paper shall be made on paper of durable texture supplied by the Government.

Every copy of a proceeding in a case shall be made with a heading containing the following particulars:

- (i) name of the court, name and power of presiding officer;
- (ii) serial number, nature and year of case;
- (iii) name of police station;
- (iv) name, parentage and residence of accused, if any; and
- (v) the number of words in the copy.

When a copy has been made it shall be signed by the person who made it. If such person is not the head copyist, the head copyist shall then examine the copy and correct it, if necessary; when it is correct, he shall certify it to be a true copy, stamp each sheet of the copy or blank sheet with the stamp of the court or record-room and serially number the sheets. If the head copyist made the copy, such duties shall be performed by some person appointed for the purpose by the officer in-charge of the copying department. A copy shall not be certified as a true copy unless sets out the value of each stamp, if any, upon the original.

A copy shall not be issued to any person until it has been examined, certified, stamped and paged; and a copy shall not be delivered to an applicant until the requirement of rule 152 have also been complied with.

Relevant Circular Orders:

1. C.L. No. 59/Ve-5 dated 22nd September, 1950

The issue by the subordinate courts of incorrect or undecipherable copies, copies prepared faintly, or copies prepared on brittle or worn-out paper, can be ascribable only to lack of appreciation of the object for which these copies are filed in court and lack of interest on the part of the officer concerned. It seems that the instructions of the Court issued from time to time are not carefully followed but merely shelved. Copies issued by the subordinate courts and certified as "true" have a sanctity of their own and if they abound in mistakes it defeats the very object of a certified copy. It is unnecessary to emphasize that, when originals are destroyed or weeded out, their certified copies serve the purpose of the originals and if they are not correctly prepared the results that incorrect copies would produce can very well be imagined. Mistakes detected in copies are of multifarious types: sometimes dates are incorrect; at other times mistakes occur in numbers, words or expressions, or tabular statement. Sometimes abbreviations are used. In one case it was discovered that a pedigree was not correctly copied out in a certified copy in which a person was shown as the son of his grandfather.

Incorrect and undecipherable copies have to be sent back to the court concerned for correction. This entails unnecessary correspondence and impedes the progress of cases in which they have been filed in the High Court. A little vigilance and effort on the part of District Judges, and on the part of the officer-in-charge of the Copying Department is sure to lead to better and desirable results.

District Judges should take more interest in the matter and issue necessary instructions to the officer-in-charge of the Copying Department and the head copyist to ensure that incorrect and undecipherable copies, faint copies and copies prepared on worn out and used paper are no longer allowed to issue from their office. One way of detecting mistakes and carelessness on the part of copyists is for the officer-in-charge of the Copying Department to send for some copies prepared by the department at random and to punish the copyists who prepared them and examined them if they contain any mistakes or have been illegibly and faintly prepared. If, after due and sufficient warning, the examiner or the copyist does not improve he should be reduced or even removed from service on the ground of inefficiency.

Whenever a copy is sent back for correction, not only should the mistakes be rectified, but the explanation of the copyist or the examiner called for the suitable departmental action taken against him. In all such cases, a report on the action taken by the District Judge and the punishment awarded to the persons at fault should invariably accompany the letter returning the copy after correction. The court trusts that District Judges and officers-in-charge of Copying Department would take personal interest in eradicating this evil which is apparently on the increase and that it will no longer be necessary in future to issue any instructions in this behalf.

2. C.L. No. 41/Ve-65 dated 6th May, 1957

C.L. No. 21/Ve-65 dated 31st January, 1975

It is the duty of the District Judge and the Officer-in-charge of the Copying Department to ensure that legible and accurate copies are issued. When they inspect the Copying Department they must examine some of the copies that are ready and take severe action if they have been prepared in contravention of the instructions issued by the Court.

3. C.L. No. 56 dated 24th September, 1963

In spite of detailed and repeated instructions incorrect and undecipherable copies are being issued. This can be ascribed only to lack of appreciation of the object for which these copies are filed and lack of interest on the part of the officers concerned. The instructions issued must be carefully and strictly followed. There should be regular checking by the officer-in-charge, who should maintain a record of such checking so that action may be taken against habitual defaulters.

4. C.L. No. 105/VIII-b-85 dated 8th October, 1969

As recommended in paragraph 39 of the Report on the Reorganization and Rationalization of the Civil Courts copy folio supplied with application for copies should invariably be fully utilized for preparing copies.

5. C.L. No. 6/Ve-65/Admn.(G) dated January 31,1991

I am directed to invite your attention to the Circular letters noted on the margin issued by the Court from time to time and printed at pages 221 to 227 of the Book of Circular Orders of High Court 1990 Edition published

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|-----|---------------------|--------------|--|
| 1. | C.L.No.59/Ve-65, | D/22.9.1950 | by the Institute of Judicial Training & Research, Lucknow, on the above subject and to say that inspite of detailed and repeated instructions incorrect and undecipherable copies are being issued by the Subordinate Courts. This can be ascribed only to lack of appreciation of the object for which these copies are filed and lack of interest on the part of the officers concerned. |
| 2. | C.L.No.41/Ve-65, | D/6.5.1957 | |
| 3. | C.L.No.59, | D/15.10.1960 | |
| 4. | C.L.No.56, | D/24.9.1963 | |
| 5. | C.L.No.5/Ve-65, | D/19.1.1970 | |
| 6. | C.L.No.21/Ve-65, | D/31.1.1975 | |
| 7. | C.L.No.64/IVh-36, | D/24.3.1977 | |
| 8. | C.L.No.23/Ve-65, | D/7.4.1981 | |
| 9. | C.L.No.58/VIIIb-58, | D/22.9.1982 | |
| 10. | C.L.No.53/Budget, | D/25.8.1983 | |
| 11. | C.L.No.80/Ve-65, | D/2.11.1985 | |
| 12. | C.L.No.39/Ve-65, | D/26.8.1988 | |
| 13. | C.L.No.67/Ve-65, | D/22.9.1989 | |

Besides, the Court has noticed several defects in the matter of preparing and issuing certified copies of the judgments, which betrays total lack of control over Copying Department in the Districts.

With a view to eradicate these defects the Court directs that henceforth, the following instructions must be strictly complied with by all concerned in the above matter :-

1. It should be made compulsory that certified copy shall be issued only when the application is accompanied by requisite stamp folio and not otherwise. An effort be made that Stamp folio are available in sufficient number in all the Districts.

2. The certified copies shall bear the date of application, the date when the copy was ready and the date of its delivery both in figures and words to avoid any tampering in dates.
3. The copies be issued only as far as possible on a paper of standard weight as may be prescribed.
4. The certified copies so desired by the applicants shall be typed only on one side, with double space, using a good ribbon and a good carbon.
5. The hand-written copies may be prepared only by such persons whose handwriting is fair and legible. No one should be employed or retained in Copying Section if his handwriting is not up to the mark. The Officer Incharge, Copying Department shall certify that the handwriting of each such person in the Copying Department is good and legible.
6. The Head Copyist, before putting his seal and signature, should ensure that certified copy ready for delivery is legible, in good handwriting, fairly typed and is readable.

I am, therefore, to request you kindly to direct the Copying Department of your judgeship accordingly for strict compliance.

6. C.L. No. 41/98 Dated Allahabad 20.8.1998

I am directed to say on the above subject that with a view to avoid unnecessary delay in furnishing certified copies of the judgments/orders/interim orders, the Court' has been pleased to direct that an extra copy be taken out by the P.As. / Stenographers of the judgments/orders/interim orders and be presented in the Copying Department for supplying certified copies whenever necessary.

I am, therefore, to request you kindly to ensure strict compliance of the aforesaid direction.

152. Delivery.

When a copy made under an order upon an application is ready for delivery, notice thereof in the prescribed form (Part VIII, no. 65) shall forthwith be placed on the notice-board of the court. The head copyist shall endorse upon the last sheet of the copy of the date of the application, the date of posting the notice on the notice-board, and the date of delivery of the copy of the applicant. Such dates shall be written in words as well as figures.

If delivery of the copy is not taken within fifteen days of the notice being posted on the notice-board, the orders of the court shall be taken as to the disposal of the copy;

Provided that when a copy is to be delivered to a prisoner, it shall be dispatched at once to the jail:

Provided also that when a copy is to be sent by post, it shall be dispatched as soon as the notice is placed on the notice-board.

153. Priority of orders.

Save as provided in these rules orders made on urgent applications shall have priority over all orders made on ordinary applications; orders on urgent applications and orders on ordinary applications shall have strict priority amongst themselves according to the date and serial number of each order.

A copy for which an order has been made on an urgent application shall be delivered, as a rule, not later than the working day next after the day on which the order was made.

154. Register of applications for copy.

The head copyist under the supervision of the officer-in-charge of the copying department for the court shall enter every order for a copy -

- (1) in the Court of Session, in the appropriate register prescribed for civil courts,
- (2) in other courts in a register in form No. 8.

When such order was made on an application, the serial number marked on such application shall be entered in the register.

In such register the entries relating to urgent application shall be made in red ink, and all other entries shall be made in black ink.

In the column of remarks, an entry shall be made showing the manner of disposal of each fee paid in cash.

155. When copy cannot be supplied.

In case any difficulty arises in complying with an order for a copy, the order and application, if any, shall be laid forthwith before the court for orders with a report by the head copyist. If a copy cannot be given the court shall direct that the stamped paper, if any, be returned. If the order cannot be completed or

complied with by reason of the record being in the appellate court or in any other court, it shall be sent on to the court concerned for compliance. In such case the applicant shall be furnished with any copies which may have been prepared, and shall be informed by which court the remaining copies required will be supplied.

156. Correction of defective application.

In case any difficulty arises in complying with an order for want of sufficient information to enable the record to be traced or the copying fee filed is insufficient, the applicant shall, if not present, be asked by post (provided that he has previously deposited the requisite postage stamps) to remove the defect within fifteen days. But if the postage stamps have not been so deposited, the nature or extent of the deficiency in the information or copying charges shall be recorded in red ink and posted on the notice board. On the expiry of fifteen days from the date of posting, the application shall, if the defect is not removed, be rejected for default.

CHAPTER – XVI

PRINTED FORMS AND FILE-BOOKS

157. Printed forms.

A list of printed forms authorized for use in criminal courts is given in Appendix 'B'. No printed forms other than an authorized form shall be used in any court.

Relevant Circular Orders:

1. C.E. No. 31/VIII-b-206 dated 4th April, 1973

Use of forms printed by agencies other than the Government Press must not be allowed and directions contained in letter No. Inspection 1906, dated January 6, 1973, from the Superintendent, Printing & Stationery, U.P, should be strictly followed.

2. C.L. No. 9/VIIb-16 dated 22nd February, 1989

The Court has noticed that warrants for intermediate custody on remand, prescribed as Form No. 47 under Rule 157 of the General Rules (Criminal), 1957 for the subordinate criminal courts, are not being used properly.

All concerned Presiding Officers are directed to comply strictly with the contents of the Prescribed Form No. 47. The Form should be used in its entirety, and it should not be split into two for use in respect of different prisoners.

158. Indent for forms.

As required by paragraph 37 of the Printing and Stationery Manual, the indent for printed forms shall be prepared in State form no 173. The form shall be carefully filled up and the numbers of forms indented shall not be more than are sufficient to keep a stock throughout the years for which the supply is required and to leave a margin of three months' consumption at the end of that year. The entries in columns 2 to 5 of the form shall be checked (if any), showing the number of incidents each year for which the form is used, or by a consideration of the form itself and the likelihood of the consumption suggested by the office being a real consumption. The Sessions Judge shall include in his indent all forms required by every court of session in his Session Division and the District Magistrate, all forms required by every Magistrate or Bench in his district.

Relevant Circular Orders:

1. G.L. No. 22/I J dated 1st April, 1937

Rule 40, on page 12 of the Printing & Stationery Manual shows that indenting officers should not ask the press to supply any part of the annual indent in advance of the due date, but should submit an emergent indent through the proper channel in accordance with the provisions of that Manual.

2. G.L. No. 5 dated 16th February, 1943

Indents should not be delayed and should be submitted in the light of remarks made in G.O. No. U.O. 907/XVIII- 163(L), dated the 5th October, 1940, regarding the late dispatch of indents by indenting officers.

3. C.L. No. 13 Q-(a) dated 16th February, 1950

The indent should be prepared with due care so that it may not be necessary to send emergent indents during the course of the year and large surplus stocks are also not left at the close of the year. No emergent indents will be passed unless there are very cogent reasons to the contrary.

4. C.L. No. 52/10-Q(a) dated 26th August, 1950

Emergent indents should be submitted only when the stock of forms has, for reasons beyond the control of the indenting officers, been exhausted. In all such cases reasons necessitating submission of an emergent indent should be clearly given either in the indent itself or in the letter accompanying it.

5. C.L. No. 3-Q(b) dated 7th January, 1953

Provisions of paragraphs 38 and 43 of the Printing and Stationery Manual relating to preparation, submission and compliance of indents for forms should be strictly followed and due consideration be given to avoid the necessity of placing supplementary and emergent indents. Both over-estimating and under-estimating lead to unwelcome issues and unnecessary extra expenses to Government. Every effort should, therefore, be made to estimate the requirement very correctly taking into consideration all possible foreseen demands. The indents should cover the requirements for 15 months minus the stock in hand and should be prepared on the basis of past three years' average consumption. They should be made in the prescribed form only and be submitted through the proper channel strictly according to the timetable laid down in paragraph 42 of the Manual. Submitting of indents in contravention of programme, with any special requests followed by

telegrams or D.O. letters to comply before time, upset the regular programme of supply in the office of the Superintendent. Printing and Stationery, U.P., Allahabad.

6. C.L. No. 4/Q (b) dated 20th January, 1961

In compliance with paragraph 42 of the Printing and Stationery Manual indents for forms should be submitted well in advance so as to reach the court positively before the date fixed for the purpose. Delay in submission of the indents results in ultimate delay in supply of Forms by the Press. Further, there should be no difference between estimate submitted under C.L. No. 66 dated July 11, 1958 and the requirements shown in the annual indent and where figures are excessive reasons may be recorded.

7. C. No. 87/Main C, dated the 28th August, 1969

While sending either the indent of stationery or the demand of local purchases the provisions contained in the Printing & Stationery Manual should strictly be complied with. The indent for the above purpose should invariably be submitted to the Court in duplicate well in advance so that the same may be scrutinized by the Court and forwarded to the Superintendent, Printing & Stationery, U.P., Allahabad for expeditious supply of stationery. In case stationery is not supplied within a reasonable period, the matter should be taken up with the Superintendent, Printing and Stationery, so that local purchase may, as far as possible be avoided.

In case it is felt that local purchases are necessary in the interest of Government work, prior sanction of the Court should be obtained and while making a request therefore, it should be ensured that there is no infringement of the provisions contained in the Printing & Stationery Manual.

8. C.L. No. 103 VII-b-206 dated 29th September, 1969

In order to avoid delay in meeting demand of saleable forms, the Indenting Officers should take prompt action themselves by submitting the indents for the said forms to the Press well in advance in accordance with the provisions given in the Manual of Printing and Stationery and should follow the direction given in Chapter XX of General Rules (Civil), 1957 in this regard rigidly.

The shortage of forms can be avoided if the quantities of saleable forms which is allowed as a permanent advance to District recouped in accordance with the provisions laid down in para 42 of the printing and stationery manual and rules 514 of the General Rules (Civil) well in advance. If, however the quantities of

saleable forms fixed by the Court as permanent advance is considered inadequate the matter may be reviewed every third year and variation, if any brought to the notice of the Court so that timely steps for increase in the permanent advance may be taken and that, in case, the saleable forms in question are not supplied by the Government Press within a reasonable time, the matter be taken up with it direct so that Government work may not suffer.

9. C.L. No. 34/98 dated Allahabad 20.8.1998

The Hon'ble Court has noticed the non-supply and short supply of registers, saleable and non-saleable forms by the Superintendent, Printing and Stationery, U.P, Allahabad. The Court has taken a decision that the District Judges initially will indent for the supply of registers and forms to the Superintendent, Printing and Stationery. In case the Superintendent, Printing & Stationery, does not supply the required quantity then the District Judges can get these forms etc. printed locally and the payment of the charges of such printing and paper be made from the deposition funds. The District Judges are further directed that they will submit a proposal of Rs. 5000/- in their annual budget to meet such exigencies.

I am, therefore, directed to communicate you the directions of the Hon'ble Court for compliance.

159. List and stock of forms.

The list of authorized printed forms is arranged in parts. The stock of forms kept by the Sessions Judge and the District Magistrate shall be stored upon racks or in presses, the forms being arranged in parts and by numbers according to the list.

160. Stock book.

The stock of forms kept by each Sessions Judge and District Magistrate shall be placed under the charge of ministerial officer appointed for that purpose : and such officer shall keep up a stock-book in State form no. 175 as prescribed under paragraph 50 of the Printing and Stationery Manual.

In the stock-book a separate page shall be given to each form in use in the courts. Whenever any forms are received from the press or returned by a court, entries shall be made in columns 1, 2 and 4 of the stock-book; whenever forms are issued, entries shall be made in columns 1,3,4, 5,6 and 7 of the stock-book; the balance shall be struck after each transaction, and the balance on the 30th June and the 31st December of each year shall be verified by counting the

forms on the racks or in the presses, and a note of the verification made on each page of the stock-book.

161. Supply of forms to courts.

Courts at headquarters shall be supplied with forms according to needs, and the courts away from head-quarters once a quarter. The requirements of each court shall be calculated with reference to the state of business before it.

162. File book for circulars.

Every District Magistrate shall cause to be kept for the use of his office and other magistrate separate file-books for spare copies of Circular, General, and other printed or duplicated letters received from the High Court; and each letter as it is received shall be pasted in the appropriate file-book.

To each file-book shall be prefixed an index in which the number, date and subject of each letter shall be entered at the time the letter is pasted in.

Relevant Circular Orders:

1. C.L. No. 59/7-67 dated 17th November, 1927 &

C.L. No. 105/VIII-b-8 dated 30th August, 1971

A complete file of all General and Circular Letters issued by the High Court should be kept in the office of the District Judge and whenever an officer arrives of his first appointment or on transfer to a Judgeship, he should be directed to read all the General and Circular Letters and to put his signature and date on some permanent record to be maintained for the purpose in proof of his having done so.

2. C.L. No. 105/VIII-b-8, dated 30th August, 1971

According to the provisions of rule 441, General Rules (Civil), 1957, Volume 1, a register should invariably be maintained of all General and Circular Letters issued by the court and missing intervening General or Circular Letter should be requisitioned from the court at the earliest.

3. C.L. No.78/VIII-b-8 dated 3rd August, 1972

As required under rule 441 of General Rule (Civil) the register of General and Circular Letters should be kept complete and a copy of each of the G.L.s and C.L.s. regarding procedure, listing of cases and working of subordinate courts may be sent to the District Bar Association under intimation to the Court.

CHAPTER – XVII

REGISTERS

163. Schedule of offences.

For purposes of maintaining the registers and preparing the statements of regular case-work prescribed by these rules, the following schedule of offences shall be observed

Schedule of Offences

Schedule number	Description of offence	Chapter	Sections
	<i>I - Under the Indian Penal Code</i>		
1.	Criminal conspiracy	V-A	
2.	Offences against the State	VI	
3.	Offences relating to the Army, Navy and Air Force	VII	
4.	Offences against the public tranquility	VIII	
5.	Offences by or relating to public servants	IX	
6.	Offences relating to elections	IX-A	
7.	Contempts of the lawful authority of public servants	X	
8.	False evidence and offences against public justice	XI	
9.	Offences relating to coin and Government stamps	XII	
10.	Offences relating to weight and measures	XIII	
11.	Offences affecting the public health, safety, convenience, decency and morals	XIV	
12.	Offences relating to religion	XV	
13.	Offences affecting life		302 to 309

			& 311
14.	Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births		312 to 318
15.	Hurt		323 to 338
16.	Wrongful restraint and wrongful confinement	XVI	341 to 348
17.	Criminal force and assault		352 to 358
18.	Kidnapping, abduction, slavery and forced labour		363 to 374
19.	Rape		376
20.	Unnatural Offence		377
21.	Theft		379 to 382
22.	Extortion		384 to 389
23.	Robbery and dacoity		392 to 402
24.	Criminal misappropriation of property		403 & 404
25.	Criminal breach of trust		406 to 409
26.	Receiving of stolen property	XVII	411 to 414
27.	Cheating		417 to 420
28.	Fraudulent deed and disposition of property		421 to 424
29.	Mischief		426 to 440
30.	Criminal trespass		447 to 462
31.	Offences relating to documents and trade or property marks	XVIII	
32.	Criminal breach of contracts of service	XIX	
33.	Offences relating to marriage	XX	

34.	Defamation	XXI	
35.	Criminal intimidation, insult and annoyance	XXII	

II- Under the Code of Criminal Procedure

36.	Proceedings under Chapter VIII - security for keeping the peace.
37.	Proceedings under Chapter VIII - security for good behaviour.

III - Under special and local laws, e.g.,

The Bengal Chaukidari Act, 1856.

The Opium Act, 1857.

The Police Act, 1861.

The Stage Carriages Act, 1861.

The Public Gambling Act, 1867.

The Press and Registration of Books Act, 1867.

The Cattle Trespass Act, 1871.

The Northern India Canal and Drainage Act, 1873.

The North-Western Provinces Village and Road Police Act, 1873.

The Opium Act, 1878.

The Indian Arms Act, 1878.

The Northern India Ferries Act, 1878.

The Hackney Carriages Act, 1879.

The Legal Practitioners Act, 1879.

The Vaccination Act, 1880.

The Indian Telegraph Act, 1885.

The Births, Deaths and Marriages Registration Act, 1886.

The Police Act, 1888.

The Indian Railways Act, 1890.

The Prevention of Cruelty to Animals Act, 1890.

The Prisons Act, 1894

The Reformatory Schools Act, 1897.

The Indian Stamp Act, 1899.

The Indian Railway Board Act, 1905.

The Explosive Substances Act, 1908.

The Indian Registration Act, 1908.

The Indian Electricity Act, 1910.

The Indian Emigration Act, 1922.

The Cantonments Act, 1924.

The Indian Forests Act 1927.

The Indian Press (Emergency Powers) Act, 1931.

The Indian Air Force Act, 1932.

The Children (Pledging of Labour) Act, 1933.

The Factories Act, 1934.

The Employment of Children Act, 1938

The Central Excises and Salt Act, 1944.

The U.P. Water Works Act, 1891.

The U. P. Excise Act, 1910.

The U.P. Municipalities Act, 1916.

The U.P. District Board Act, 1922.

IV- Abetments of any of the abovementioned or attempts to commit them

The list under Part III is not exhaustive; only the more important Acts are mentioned. Every offence under any special or local law which creates a substantive offence should be entered in the same registers and statements in which an offence under the Indian Penal Code is entered.

164. Registers for Magistrates' courts.

The following registers shall be maintained in the court of every Magistrate-

- (1) Register of cases in form no. 9.
- (2) Register of miscellaneous criminal cases in form No. 11.
- (3) Register of miscellaneous reports and proceedings in form no. 12
- (3-A) Register of bail applications in form no. 12-A.

In the court of every District Magistrate shall also be maintained-

- (4) Register of decided criminal cases in form no. 45.
- (5) Register of cases under section 466⁵⁹ of the Code (Form no. 10).

Relevant Circular Orders:

1. C.L. No. 151/VIII-a-99 dated Allahabad December 15, 1975

I am directed to invite attention to the provisions of section 209 Cr.P.C. and Rule 35 of General Rules (Criminal) and to say that at the Conference of the District Judges, Additional Commissioners and Senior Chief Judicial Magistrates held recently at the Lucknow Bench of the Court it was decided, inter alia, that separate registers for F.I.Rs. statements under section 164 Cr.P.C., dying declarations, reports of Chemical Examiner. Serologists and other experts including ballistic experts, affidavits and identification memos be maintained in the courts of every Magistrate and all these documents, whichever may be available at the time of the passing of the committal orders, be submitted to the Courts of Sessions along with the committal orders.

⁵⁹ Note: See section 330 of the new code. - Ed.

The aforesaid decision may, therefore, be brought to the notice of all the courts concerned for strict compliance in future.

2. C.L. No. 64/IV-h-36 dated 24th March, 1977

A Siyaha Register shall henceforth be maintained for all criminal courts.

165. Register of registers.

A register of registers in the prescribed form (Part IX, no. 66) shall be maintained in the record rooms of the District Magistrate and Courts of Sessions.

166. Register of appeals and copies of judgments in appeals.

A register of appeals in form no. 13 and a register of dispatch of copies of judgments in appeals in form no. 43 shall be maintained in every appellate court by such clerk as the Presiding Officer shall by written order direct.

Relevant Circular Orders:

1. C.L. No. 47/VIII-233, dated the 4th April, 1952

A register in the form appended to the letter noted on the margin should be maintained in all appellate criminal courts. The Munsarim should occasionally check this register to ensure that copies of judgments are actually certified to trial courts without avoidable delay.

Appeals under section 476,* Criminal Procedure Code

2. C.L. No. 40 dated 11th April, 1958

Appeals under section 476 (new section 340) Criminal Procedure Code are heard by a Civil, Criminal or Revenue Court depending upon the court from whose order the appeal is filed. All such appeals should not be entered in the register of appeals in Form no. 13 of the General Rules (Criminal), 1957, maintained in Criminal Courts.

Appeals from orders of criminal courts under section 476, (new section 340) Criminal Procedure Code only should be shown in the register in Form no. 13 of the General Rule (Criminal), 1957.⁺ Other appeals under section 476-B (new section 341) Criminal Procedure Code should be shown in the register of Miscellaneous Appeals (Form no. 81) of General Rules (Civil), 1957+.

167. Register of revisions.

⁺ Note: Now 1977 vide Notification No. 504/Vb-12 dated 5.11.1983

A register of revision cases in form no. 14 shall be maintained in the court of every District Magistrate and in every Court of Session by such clerk as the Presiding Officer shall by written order direct.

168. Registers in Sessions Courts.

The following registers shall be maintained in every Court of Sessions by such clerk as the Presiding Judge, may, by written order, direct -

Register of committed cases (Form no. 15).

Register of punishments (Form no. 16).

Register of cases submitted to the Court of Sessions (Form no. 17). Register of miscellaneous criminal cases (Form no. 11).

Register of miscellaneous reports and proceedings (Form no. 12). Register of bail applications (Form no. 12-A).

Register of cases under section 466⁶⁰ of the Code (Form no. 10).

Relevant Circular Order:

C.L. No.64/IV-h-36 dated 24th March, 1977

A Siyaha Register shall hence forth be maintained for all criminal courts.

169. Register of Witnesses.

In every court shall be maintained a register of witnesses in form no. 18. The following instructions for the maintenance of this register must be strictly carried out -

(1) At the close of each day (or during the course of the day, if necessary or convenient) or where a case lasts more than one day, at the close of each hearing (or during the course of the hearing, if necessary or convenient) at which witnesses are examined and discharged the Presiding Officer shall direct the court reader (or any other official) immediately to make the necessary entries in register no. 18 of witnesses in regard to each witness then discharged. In the case of witnesses to whom the court does not order expenses to be paid, a line shall be drawn through columns 12 to 20.

⁶⁰ Note: See section 330 of the new Coe. - Ed.

(2) When the Presiding Officer decides to grant expenses, he shall direct the sessions clerk (or any other official) at once, in addition to filling in register no. 18 to draw up the order for payment of diet money (form no. 19). The presiding officer shall see that the entries in the register and the order form agree and then sign the order form. The signed order together with the register (form no. 18) shall be taken by the court constable or a court official to the Nazir who shall verify the total in the order against the entries in the register, and enter the amount payable on the order in column 19 of the register and initial and date each such entry in column 20. If more than one witness has to be paid he shall bracket the items in column 18 included in the order and enter the total amount of the order against this bracket in column 19 of the register and shall initial and date the entry.

The Nazir shall then pay the amount of the order to the official who brought it and take his acknowledgement on the order form and return to the official the court register duly filled up as above. The official shall take the cash and register to the Presiding Officer who shall see that the amount paid by the Nazir tallies with the amount in the register, and shall then direct each witness concerned to be called up and paid before him (or the Office Superintendent or Munsarim in the case of District Magistrates and Sessions Courts) by the court constable or the court official. As each witness is paid his acknowledgement in writing or thumb-mark shall be taken in column 21 of the register. When all the witnesses have been paid the Presiding Officer (or his Office Superintendent or Munsarim in the case of District Magistrates and Sessions Courts) shall sign and date the register in column 22.

(3) A witness to whom any expenses are due shall not be paid nor shall any entry in respect of him be made in register no. 18 of diet-money until he is discharged. A witness shall not be regarded as discharged if he is allowed to leave the court under orders to attend again in the same court in the same case and he shall be regarded as in attendance on every day on which he is actually present under orders, even though a case is not called up for hearing on any such day:

Provided that the presiding officer may, if he considers that adherence to this rule would involve hardship to any witness, in his discretion pay diet money to such witness from day to day where diet money is paid to witnesses from day to day the entries in form no. 18 in respect of the diet money shall also be made from day to day.

(4) Every Magistrate shall on the first or the second working day of each month send to the officer checking the Nazir's accounts a note stating in figures as well as in

words the total amount paid by him as diet money to witnesses during the preceding month to enable him to check the Nazir's contingent register.

NOTE: (1) Diet money and travelling allowances paid to jurors and assessors shall be entered in this register.

(2) If in any case the payment of diet money and travelling expenses of a witness has to be made by money order, the money order acknowledgement receipts shall be pasted in register no. 18 in lieu of payee's signature against the particular entry.

Relevant Circular Orders:

1. C.L. No. 75/VIII-a-53 dated 27th November, 1948

When daily payment is made to a witness entries in form no. 18 of the General Rules (Criminal), should be made on the date of his arrival (provided it be a date fixed for the hearing of the case), whether the case be or be not heard on the date of arrival.

The entries relating to witnesses who attend court on several dates should not be made at one and the same place irrespective of the date on which they attend. The entries should, on the other hand, be made datewise, but in order that the register may indicate at a glance whether a witness has or has not appeared in the same case on a previous date as well, subsequent entries relating to the same witness in column 1 should be made in red ink.

2. C.L. No. 3/VIII-52 dated 6th January, 1966

According to provisions of Rule 169 of the General Rules (Criminal), 1957⁶¹ the register of witnesses should be maintained in Form No. 18 by the Reader or an official of the court and not by the Court Moharrir and the names of all the witnesses, whether examined or discharged without examination, should be entered therein irrespective of the payment of allowances and also without taking into consideration that it is police case or not. In the case of the witnesses to whom the court does not order expenses to be paid, a line is to be drawn through columns 12 to 20 of the register. It is also added that the drawal of expenses of the witnesses to be paid in police cases from the account of the police office and not the Court Nazir in accordance with the instructions contained in para 3 of the Government Order no.

⁶¹ Note: The figure 1957 shall now be read as 1977. - Ed.

916/0 & M, dated March 26, 1956, docs not warrant a deviation from the procedure indicated in the preceding paragraphs.

3. C.L.No. 88 VIII/ d-6 dated 25th August, 1970

All criminal courts working under the District Judges must invariably use Form Nos. 18 and 19, General Rules (Criminal), 1957⁶² for register of witnesses and payment order respectively.

CHAPTER – XVIII

PERIODICAL RETURNS AND REPORTS

170. Statement to be prepared.

The statements prescribed in the following rules, except those prescribed in rules 173 and 174, shall be prepared in the office of the District Magistrate for his own court and for all courts subordinate to him, and in the office of the District and Sessions Judge, or, in Districts where there is no District and Sessions Judge, the senior most Civil and Sessions Judge⁶³ for all Judges exercising jurisdiction in the District. For the District of Almora the statement shall be prepared by the District Judge of Kumaun and for the district of Garhwal and Tehri-Garhawal, they shall be prepared by the Civil and Sessions Judge⁶⁴ having jurisdiction in those districts.

All such statements except those referred to in rule 176, shall be collected in the office of the District and Sessions Judge concerned who shall on the date fixed therefore, forward them to the High Court in accordance with the directions given in these rules.

Relevant Circular Orders:

1. G.L. No. 15 dated 16th December, 1909

⁶² Note: The figure 1957 shall now be read as 1977. - Ed

⁶³ Note: The word 'Civil and Sessions Judge' shall now be read as 'Additional District and Sessions Judge-Ed.

⁶⁴ Note: The word 'Civil and Sessions Judge' shall now be read as 'Additional District and Sessions Judge-Ed.

District and Sessions Judges and Magistrate should now allow the statements to be dispatched without satisfying themselves that the correct figures have been entered. The Court looks to District Judges and District Magistrates to see that these instructions are fully carried out.

2. C.L. No. 41/Adm. (B) dated 3rd April, 1975

Statement of Criminal cases pending trial should be sent to the Court after ensuring its correctness with the figures submitted by the Superintendent of Police.

171. Intimation if statement be blank.

When any return or statement required by these rules to be separately submitted is blank, intimation as to it shall be sent to the High Court on a small piece of paper. In no case should a blank form of return be submitted in such case.

172. Sessions statement.

A sessions statement in the prescribed form no. 39 (Part IX, no. 64) shall be prepared every month by the District and Sessions Judge or by the senior most Civil and Sessions Judge⁶⁵, in a district where there is no District and Sessions Judge, showing sessions trials concluded or pending at the end of the month in his court and in the courts of other Sessions and Assistant Sessions Judges in the district. It shall be certified by him to be a full and correct list of all cases disposed of during the month as well as those pending at the close of the month. The Civil and Sessions Judge⁶⁶ shall send the statements prepared by him to the District and Sessions Judge while the latter shall dispatch the statements prepared by him along with those sent to him by the Civil and Sessions Judges⁶⁷, if any, to the High Court not later than the seventh day of the month following that to which they relate. These statements shall be accompanied by copies of judgment in all decided cases bound together an index showing the number of the case, name of the Presiding Officer and an appropriate reference to the page or pages where the judgment is to be found.

Monthly statement

65 Note: The word 'Civil and Sessions Judge' shall now be read as 'Additional District and Sessions Judge-Ed.

66 Note: The word 'Civil and Sessions Judge' shall now be read as 'Additional District and Sessions Judge-Ed .

67 Note: The word 'Civil and Sessions Judge' shall now be read as 'Additional District and Sessions Judge-Ed .

A monthly statement in the prescribed form no. 36 (Part IX no. 36) shall also be submitted by the District and Sessions Judge or the senior most Civil and Sessions Judge⁶⁸, as the case may be, showing the state of criminal work in the district, along with the one referred to above.

Relevant Circular Orders:

1. G.L. No. 20, dated 30th March, 1948

The following particulars should invariably be mentioned in the remarks column of the session's statement in respect of each pending sessions trials-

- (1) All the dates fixed for the hearing of the Case.
- (2) If the case has been heard in part, it should be so stated and the reasons for not continuing its hearing from day today and for its adjournment should also be shown.
- (3) Where long dates are fixed in adjourned cases, the remarks column should contain reasons there for against such cases.

2. G.L. no. 67/VIII-a-14, dated 18th October, 1948 as amended by

C.L. Nos.105/VIII-a-14, dated 16th October, 1951 and

108/VIII-a-14, dated 23rd October, 1951 read with

C.L. No. 78/7-T(A-St.)-6-51 dated 25th July 1951 &

C.L. No. 63/VIII-a-14, dated 7th June, 1972

The following instructions are issued for careful compliance while preparing monthly statements of sessions trials concluded or pending in the courts of sessions:

- (1) In Form no. 39 prescribed under Rule 172. Chapter XVIII of the General Rules (Criminal), 1957⁶⁹ (HCJ part IX, no. 64), additional

⁶⁸ Note: The word 'Civil and Sessions Judge' shall now be read as 'Additional District and Sessions Judge-Ed

⁶⁹ Note: The figure 1957 shall now be read as 1977. -Ed.

information should invariably be furnished on the points indicated below:

- (2) The decided and pending sessions trials should be divided into three groups:
 - (a) Decided,
 - (b) Transferred (to other courts), and
 - (c) Pending,

and their particulars given separately on the same sessions statements. Cases transferred shall thus be shown in the above return.

- (3) The first column of the form should contain the original number of sessions trials and they should be arranged serially.
- (4) Column no. 2 should ordinarily contain the name of the first accused and the number of the rest.
- (5) Column no. 8 should give the result of trial of all the accused individually or in groups as may be necessary. The section or sections under which the accused are convicted should also be mentioned in this column.
- (6) Column nos. 9 and 10 should contain the number of witnesses for prosecution and defence already examined in the case in red ink and also the number of witnesses for prosecution and defence likely to be examined in the case on future dates in blue ink.
- (7) Column no. 11 should contain the number of days actually occupied in the trial, with dates of hearing. For example, if the case was taken up on five dates but no work was done on one day and half day's work on another day, the number of days occupied would be only 3-1/2, the entry shall be made as follows.

March 15,1948 (1); March 16,1948 (1); March 17, 1948 (1); March 18,1948 (0); and March 19,1948 (1/2);

Total 3-1/2 days work.

- (8) All the future dates fixed for trial should be noted in the remarks column. If record has not been received or if a date has not been fixed, it should be so noted in this column,
- (9) The remarks column should contain interalia:
- (a) in case of adjournments, work done on the previous date and reasons of adjournment and reasons for fixing long dates if that be case as required above (Court's General Letter no. 20. dated March 30, 1948):
 - (b) explanation in brief of Committing Magistrate for not sending the record after commitment within the prescribed period. (The explanation need not be repeated in subsequent monthly returns);
 - (c) the date and substance of the last report received from the mental hospital in cases stayed under section 330, Criminal Procedure Code and a very brief summary of proceedings taken and the date of the last action taken in cases in which the accused is absconding.
- (10) Full particulars of the cases of the High Court on account of which proceedings in sessions trials are held up in the courts of session, i.e.. the number, year and the nature of proceeding pending in the Court or the number of the Court's letter, as the case may be, due to which the cases are held up in the courts of session, should invariably be indicated in the remarks column of the statement against cases so stayed.
- (11) The result should be tabulated in the following form at the bottom of the statement:
- (i) Pending at the end of the last month.....
 - (ii) Number of cases committed.....
 - (iii) Number of cases received by transfer or otherwise.....
 - (iv) Number of cases decided.....

- (v) Number of cases transferred to other courts.....
 - (vi) Pending at the end of the month.....
- Fixed in the month of..... No..... date.....
- Fixed..... Record not yet received.

- (12) The certificate of the presiding officer that the statement contains full and correct list of all cases disposed of during the month, as well as those pending at the close of the month, as required under Chapter XVIII, rule 172 of General Rules (Criminal), 1957⁷⁰ should be appended to this statement, in token of his having checked and verified the statement.
- (13) Copies of judgments in all cases decided during the month bound together with an index should be dispatched before the prescribed date to the Registrar of the High Court at Allahabad, or to the Joint Registrar of the Lucknow Bench⁷¹ at Lucknow depending upon where an appeal would lie against such decisions.

3. C.L. No.125/IV-h-50, dated 10th December, 1952

Figures of cases under section 6(1) of the Criminal Law (Amendment) Act, 1952 should also be given separately in Form no. 36 prescribed under rule 172, Chapter XVIII G.R. (Criminal), 1957.⁷²

4. C.L. No. 2 dated 7th January, 1964

Out of the figures of Sessions Trials pending at the end of the month shown in column no. 7 those triable by an Assistant Sessions Judge are to be shown separately in the remarks column.

5. C.L. No. 18 dated 20th February, 1968

Monthly statements of pending criminal cases of the Courts of Chief Judicial Magistrates, Judicial Officers⁷³ and Munsif Magistrates should be prepared and

70 Note: The figure 1957 shall now be read as 1977. -Ed.
 71 The word 'Joint Registrar' should now be read as Registrar – Ed.
 72 Note: The figure 1957 shall now be read as 1977. -Ed.
 73 Note: The words 'Judicial Officers' should now be read as 'Judicial Magistrates.' -Ed.

submitted to the Court in the first week of the following month with particulars duly filled in the form prescribed under the C.L.

6. C.L. No. 68 (b) dated 12th August, 1968

District Judges should invariably submit monthly report about pendency of civil and criminal cases in their Judgeships so as to reach the Court by the 7th of the succeeding month which is possible only when they despatch the same from their office by the 3rd of that month.

7. C.L. No. 73/VIII-a-14, dated 12th May, 1971

The directions contained in G.L. 67/VIII-a-14, dated October 18,1948, should be strictly followed and Form no. 39 should be correctly filled in. The number of the accused, the number of witnesses for prosecution and defence already examined, the number of days actually occupied, all the future dates fixed for trial, etc., must clearly be mentioned.

8. C.L. No. 117 dated 11th September, 1975 read with

C.L. No. 156 dated 23rd December, 1975

Consolidated monthly information of the Judgeship and Magistracy regarding institution and disposal of criminal cases should be furnished to the Court regularly by the 10th day of following month in the following forms for onward transmission.

PROFORMA 1

CRIMINAL CASES

Sessions Court - Name of the Judgeship.....

Total no. of courts functioned during	Nature of cases	Total no. of cases pending at the beginning of the	Total no. of cases instituted During	Total	Total no. of cases disposed of	Total no. of cases which Remained pending at the
1	2	3	4	5	6	7

Original (Sessions Trials) Appeals Originals.						
---	--	--	--	--	--	--

NOTE:

- (1) Total figures of the judgeship should be furnished and not court-wise.
- (2) The figures should be properly checked before submission. The opening balance must be maintained with closing balance of the previous quarter.
- (3) Internal transfer of cases should not be treated as disposed of cases and they should not be shown in Column no. 6.

PROFORMA II

CRIMINAL CASES

Subordinate Courts - Names of the judgeship.....

Total no. of courts functioned during the quarter	Nature of cases	Total no. of cases pending at the beginning of the quarter	Total no. of cases instituted during the quarter	Total no. of cases brought to trial during the quarter	Total no. of cases disposed of during the quarter	Total no. of cases remained pending at the end of the quarter
1	2	3	4	5	6	7

Police						
Challan cases						
Complaint cases						

NOTE: (1) Total figures of the judgeship should be furnished and not court wise.

(2) Top priority should be given to this work and the statement mentioned above should be sent separately and not stitched along with any other monthly or quarterly statements sent to the Court.

9. C.L. No. 26, dated 1st March, 1976

As required by rule 172 of General Rules (Criminal), 1957⁷⁴ and rule 415 of General Rules (Civil) monthly statements of pending cases in Form nos. 36 and 146 of Criminal and Civil cases should be sent to the Court by the 7th of the following month. Directions contained in the Courts letter referred to above should be strictly followed.

173. Statement of cases in which judgment is given with delay.

By the seventh day of every month every Magistrate doing criminal work, and every Assistant or Additional Sessions Judge shall submit to the Sessions judge a statement, in the form given below, of all cases in which in the preceding month there has been a delay of more than a fortnight in the delivery of judgment since the conclusion of the trial or arguments in an appeal or revision. The Sessions Judge shall scrutinize the statements, pass necessary orders, and report to the High Court such cases as he considers necessary.

For his own court the Sessions Judge shall submit a similar statement to the High Court by the seventh day of every month.

⁷⁴ Note: The figure 1957 shall now be read as 1977. -Ed.

Form

Particulars of cases	Date of conclusion of trial or arguments	Date of Judgment	Brief reason for delay
1	2	3	4

173A. Monthly chart of dates fixed in Sessions cases.

A monthly chart showing the dates fixed in Sessions cases shall be maintained by every Sessions Judge/Civil and Sessions Judge⁷⁵ as the case may be, in respect of the cases pending in each court in the Sessions district/ division:

Monthly Chart of dates fixed in Sessions cases during the month of.....20.....

⁷⁵ Note: The word 'Civil and Sessions Judge' shall be read as ' Additional District and Sessions Judge'. -Ed.

Names of Courts

Court of the sessions Judge	of Court of the Civil and Sessions Judge ⁷⁶	Court of the 1 st Temporary Civil and Sessions Judge ⁷⁷	Court of the Assistant Sessions Judge	And so on.....
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Dates	Number, year	remarks	Number, year and section of	remarks	Number, year and	remarks	Number, year and	section	remarks
1	2	3	4	5	6	7	8	9	
1									
2									
3									
4									
and so on									

(1) Number of cases lying undated with sections.

(2) Note - Cases more than six months old should be indicated in red ink.

174. Quarterly statement in murder cases.

A quarterly statement in Form no. 40 shall be submitted by the Sessions Judge showing the duration of murder cases decided by all Sessions Judges in his Sessions Division. It shall be submitted on or before the fifteenth day of the month succeeding each quarter. A brief explanation in respect of cases in which there has been delay of over three months in disposal should be given in the remarks column.

175. Quarterly statement of result of trials.

⁷⁶ Note: The word 'Civil and Sessions Judge' shall be read as 'Additional District and Sessions Judge'. -Ed

⁷⁷ Note: The word 'Civil and Sessions Judge' shall be read as 'Additional District and Sessions Judge'. -Ed

A quarterly statement in Form no. 32 shall be submitted from each district for the first and third quarters of the calendar year. It shall be dispatched by the Chief Judicial Magistrate or the Chief Metropolitan Magistrate, as the case may be, to the District and Sessions Judge and, if there is no District and Sessions Judge in the district, to the Additional District and Sessions Judge of the judgship on or before the 10th day of April or October as the case may be. The District and Sessions Judge shall after such scrutiny as he may think necessary send the statement received by him from any district in his judgship together with the statement relating to his own district to the High Court on or before the 15th day of the same month.

Relevant Circular Order:

C.L. No. 77/S.T.AD(E) dated Allahabad, December 8,1981

At the end of the each quarter a statement in the same proforma shall be prepared by each Court showing the details of only such cases in which the undertrial prisoners could not be released and shall be sent to the Chief Judicial Magistrate in the case of the Magisterial Courts and to the District & Sessions Judge in the case Sessions Courts. The Chief Judicial Magistrate or the District & Sessions Judge, as the case may be, shall cause a consolidated statement of all the Courts under him to be prepared latest by the 8th day of the same month. Thereafter the District & Sessions Judge shall get a consolidated statement of all the Sessions and Magisterial courts prepared and sent to the High Court so as to reach there latest by the 15th day of the said month.

176. Explanation of delay in trials.

Together with the quarterly statement in form no 32, the Chief Judicial Magistrates shall submit an explanation in the prescribed form (Part IX, no. 35) explaining the cause of delay for all such cases which are more than six months old and are entered in column 6 of the statement. However, cases which can be tried summarily or in cases which are triable by the Court of Sessions and in which Magisterial Courts have only to make an order of commitment, explanation for delay will be submitted for all such cases which are more than three months old. The reader shall fill up from the order sheet the entries in the form regarding each such case, and the entries shall be checked and verified by the Presiding Officer of the court. A separate form shall be used for each case. In column 5, if the case has not been disposed of on the last day of the quarter, the word "pending" shall be written. In column 6 the reasons for adjournment shall be stated briefly and distinctly, e.g., adjourned for witnesses for defence, summonses not returned from Gwalior, accused under observation by the Civil Surgeon⁷⁸ etc.

The Chief Judicial Magistrates shall record in column 8 suitable orders on each point requiring notice in each case.

These statements shall be scrutinized by the District and Sessions Judge or the Additional District and Sessions Judge, as the case may be, and forwarded to the

⁷⁸ Note: The word ' Civil Surgeon' shall now be read as ' Chief Medical Officer.-Ed.

High Court. They shall not be sent by the Additional District and Sessions Judge to the District and Sessions Judge.

Relevant Circular Orders:

1. C.L. No. 56/o(a)-4 dated 5th September, 1949, as explained by

C.L. No. 116/0(a), dated 7th December, 1951

All these delay statements should be thoroughly scrutinized by Sessions Judges before they are submitted to this Court and their remarks, if any, should be made in a covering letter. No remarks should be made on the delay statements.

All delay statements relating to districts other than the headquarters of the Judgeship should be scrutinized by Additional Sessions Judges and submitted to the Court direct with their remarks, if any contained in a covering letter.

2. C.L. No. 84 dated 13th December, 1949

They should also comment on the reasons given by the Magistrates subordinate to them regarding delay in the disposal of criminal cases.

3. C.L. No. 85 dated 13th December, 1949

All Sessions Judges should see that explanations of delay in disposal of criminal cases pending in their court where the delay is abnormal are also forwarded with the quarterly statement of their district.

4. G.L. No. 95/0, dated 27th December, 1950

Late submission of the delay explanation prescribed under rule 176, Chapter XVIII, General Rules (Criminal), 1957⁷⁹ by District Magistrates frustrates the very purpose for which they have been prescribed. It also causes inconvenience to the Sessions Judges as they do not get sufficient time to pursue and forward them to the Court in time.

District Magistrate should, therefore, impress upon the Magistrates of their districts the desirability of early submission of the explanation of delay and to see that the explanations are received and submitted to the Sessions Court concerned in time so as to enable Sessions Judges to forward them to this Court within the prescribed period.

177. Other annual statements from Magistrates.

⁷⁹ Note: The figure 1957 shall now be read as 1977. -Ed.

The annual statements hereinafter mentioned shall be prepared for each district by the District Magistrate, the Chief Metropolitan Magistrate and Chief Judicial Magistrate in respect of cases done by them and the Magistrates subordinate to them soon after the close of the calendar year, and shall be forwarded by the 31st of January each year to the District and Sessions Judge or in the districts where there is no District and Sessions Judge, to the senior most Additional District and Sessions Judge who shall add to form no. 20, 21, 25, 27, 28, 35 and 44 the statistics of the Court of Sessions pertaining to that district and shall, along with the statements prepared by him, forward these so as to reach the High Court on or before the 15th day of February-

- (i) annual statement in form no. 20;
- (ii) annual statement in form no. 21;
- (iii) annual statement in form no. 22 showing offences reported and persons tried, discharged, acquitted, convicted and committed by Magistrates for each offence;
- (iv) annual statement in form no. 24 showing proceedings of Magistrates under the Code;
- (v) annual statement in form no. 25 concerning witnesses in all courts;
- (vi) annual statement in form no. 27 showing the result of revisions;
- (vii) annual statement in form no. 28 showing the number of Sessions Judges and Magistrates employed to dispose of criminal work;
- (viii) annual statement in form no. 35 showing the general result of trial in original criminal courts;
- (ix) annual statement in form no. 38 showing the number of criminal cases tried by Panchayati Adalats, and
- (x) annual statement in form no. 44 showing the disposition by various criminal tribunals under the U.P. First Offenders Act of 1938⁸⁰

Relevant Circular Orders:

1. C.L. No. 62, dated 11th November, 1954

While preparing the annual statement in form no. 35, General Rules (Criminal) showing general result of the trials in original criminal courts, the figures relating to cases under the Criminal Law Amendment Act, 1952 should be shown separately below the figures of cases under the Indian Penal Code and other laws.

⁸⁰ Note: Also see Probation of Offenders Act. - Ed.

2. C.L. No. 19/Xg-I, dated 21st February, 1957

The figures relating to each of the three categories, namely, persons who died, escaped or transferred to another district required to be entered in column 11 of the annual statement in form no. 20 of G.R. (Criminal), 1957⁸¹, showing the general result of criminal trials in the Tribunals of various classes, should be separately and not collectively.

3. C.L. No. 15 Adm. (E) dated Allahabad, March 4, 1982

I am directed to invite your attention to the provisions of the General Rules (Criminal), 1957⁸² according to which annual statements relating to the fines imposed and realized in the Subordinate Courts are submitted to the Court in Form No. 21 (Column Nos. 21 and 22). The Court has now decided that statements of fines imposed and realized by the Sessions as well as Magisterial Courts should henceforth be submitted to the Court quarterly as well.

I am accordingly to request you kindly to instruct all the Presiding Officers working under you to prepare such monthly statements of their respective Courts and submit the same to you latest by the second day of the following month without waiting for the clearance from the Treasury. The statements thus received from the Presiding Officers should be compiled in the Office of the District Judge who in turn will prepare quarterly statements of the fines imposed and realized in the Sessions and Magisterial Court separately and submit the same to the Court latest by the seventh day of the following month of each quarter.

I am, further, to request you kindly to look into the matter personally and see that the requisite quarterly statements are prepared and submitted to the Court regularly in time.

I am to add that the said quarterly statements relating to Sessions and Magisterial Courts for the quarter ending December 1981 may kindly be sent to the Court along with the annual statements for the year 1981 at an early date.

178. Annual Statements in Sessions Courts.

The annual statements hereinafter mentioned shall be prepared in the court of the District and Sessions Judge and shall be forwarded by the latter to the High

⁸¹ Note: The figure 1957 shall now be read as 1977. – Ed.

⁸² Note: The figure 1957 shall now be read as 1977. - Ed.

Court on or before the fifteenth day of February next after the close of the year to which the statements refer:

- (1) For each district in the Sessions Division -
 - (i) annual statement in form no. 29 showing the number and results of trials in the Court of Session;
 - (ii) annual statement in form no. 30 showing proceedings in the Court of Session under the Code; and,
 - (iii) annual statement in form no. 26 showing the result of appeals.
- (2) For the Sessions Division -
 - (i) annual statement in form no. 31 showing the use of jurors and assessors in Courts of Session; and
 - (ii) annual statement in form no. 41 showing women convicted for the murder of their infant children under six years of age.

179. Draft copies of statement prepared by District Magistrate to be available for inspection by Sessions Judges.

The draft copies of all statements prescribed under rules 173 and 175 to 177 prepared in the office of the District Magistrate, shall be available for the use of the Sessions Judge upon his written requisition.

180. Annual report of Magistrates of criminal administration.

Together with the annual statements prescribed in rule 177 the District Magistrate shall submit an annual report (Part IX, no. 57) in which he shall notice the main features in the administration of criminal justice in his district during the preceding year, the quantity and quality of work performed by honorary magistrates, the method of disposal of cases by subordinate Magistrate, the extent to which effect has been given to the rules regarding records and the record room, the effect of recent legislation and rules on the working of the criminal court, and other points connected with the administration of criminal justice which may seem to him to be worthy of notice or record. The report shall be typewritten upon the full width of the form, and any remarks which the Sessions Judge shall deem it necessary to record shall be made in a forwarding letter.

181. Annual report from the Sessions Judge.

Together with the annual statements prescribed in rule 178 District and Sessions Judge shall submit an annual report (Part IX, form no. 56) in which he shall notice the main features in the administration of criminal justice before himself and any other judge of the court of Session, the date on which he sat with the Collector to revise the list of assessors and jurors, and the number of assessor and jurors left on such lists after the revision, the extent to which effect has been given in the Court of Sessions to the rules regarding record and record-room the effect of recent legislation and rules upon the working of the criminal courts, and other points connected with the administration of criminal justice which may seem to him to be worthy of notice or record.

182. Judge and Magistrate to leave note for annual report.

A Sessions Judge before leaving his division, and a District Magistrate before leaving his district, on transfer or otherwise, towards the end of the year, shall place on record for the information of his successor and for the purpose of the annual report a minute embodying any points which he would have noticed in the annual report had he stayed on to the end of the year.

CHAPTER – XIX

MISCELLANEOUS

183. Check over entries of receipt of money.

The following special procedure is laid down for observance with regard to the requirement of paragraphs 87 to 90 of the Financial Handbook, Volume V, Part I:

The Presiding Officer of each court shall before the fifteenth day of every month prepare a statement in form no. 42 showing the amount of receipts under the respective revenue heads in the form, which were credited into the treasury during the previous month and shall send the statement to the local treasury. The treasury officer shall check the totals with his accounts; and shall if he finds them correct, certify on the statement to that effect. If there be any discrepancy, he shall note the same upon the statement. The treasury officer shall in either case return the statement to the court from which it was received. The discrepancies, if any, pointed out by the treasury officer shall be reconciled and after the statement has been duly verified it shall be submitted to the District and Sessions Judge who, as controlling officer, shall see that the dues of Government are regularly paid into the treasury.

Relevant Circular Order:

C.L. No. 47/VIII-b-104, dated 30th April, 1969

All court/treasuries should submit the plus and minus memo in respect of each head, i.e., civil, criminal and revenue deposits separately in time and in proper form according to the instructions contained in Accountant General's letter no. Deposit I/EXI/2370, dated March 10, 1969, a copy of which has been sent with this C.L.

If there is any delay in the verification or reconciliation of accounts and in the return of plus and minus memos on the part of the treasury, the matter should at once be brought to the notice of District Judge who should take up the matter with the Collector, demiofficially without delay.

184. Inspection by District and Sessions JUDGE.

Every District and Sessions Judge shall inspect the courts and offices of⁸³ Additional District Magistrate (Judicial) and the Judicial Officer subordinate to him at least once a year. A report of such inspections shall be sent to the High Court.

Relevant Circular Orders:

1. C.L. No. 133/Admn.(b), dated 20th December, 1969

District Judges should make regular inspections, at least once in a year, of the courts of Chief Judicial Magistrates and Judicial Officers doing criminal work and their offices and furnish their inspection notes with compliance reports to the Court. While making inspections of the aforesaid courts and offices; the following items should also be taken into consideration: -

1. Accommodation for courts and offices.
2. Furniture.
3. Notice Boards.
4. Pending file.
5. Diaries.
6. Maintenance of Registers by the office.
7. Weekly cause list.
8. Handling to cases with reference to:—
 - (a) granting remands,
 - (b) cases of under trials in jail, if taken up expeditiously,
 - (c) bail orders, if properly passed,
 - (d) securities, if properly accepted,
 - (e) charges, if framed properly,
 - (f) summoning of witnesses and service on them,

⁸³ Note: The words Additional District Magistrate (Judicial) shall now be read as Chief Judicial Magistrate. -Ed.

- (g) adjournments, if properly granted,
- (h) commitment proceedings:-
 - (i) if all witnesses of fact and medical witnesses for the prosecution examined,
 - (ii) if calendars prepared properly,
 - (iii) whether documents given to the accused at the proper stage as required by section 173, Criminal Procedure Code,
 - (iv) whether proper control exercised over the proceedings and recording of evidence,
 - (v) examination of records of about 20 pending cases of various types.

2. C.L. No. 115/Admn(A) dated Octobers, 1979

I am directed to say that a question has been raised as to whether the work of Railway Magistrates who are notionally posted in more than one districts of the State under section 11(2) Cr. P. C. can be inspected by other Chief Judicial Magistrates and the District Judges also besides the Chief Judicial Magistrates and the District Judges of the head quarters of Railway Magistrates. The Court has examined this question and is of the view that the Chief Judicial Magistrate/the District Judge of the place where the Railway Magistrate has his headquarter is alone entitled to inspect the work of the Railway Magistrate.

I am, therefore, to request that the decision taken by the Court in this regard may kindly be followed and that the Railway Magistrates may also be informed about the same.

3. C.L. No. 29/H/Admn. (D) dated March 19,1990

I am directed to say that inspite of detailed directions contained in the various circular letters, issued by the Court on the subject, it has come to the notice of the Court that when queries are made from the District Judges regarding the compliance of the directions, issued by them during the course of inspection, the reply generally sent by them is that the official/officer concerned has noted the directions for compliance without actually obtaining the signatures of concerned officer/official and without sending the extract of the note along with the compliance report, which makes it to appear that the directions have not been complied with or noted for compliance.

It is therefore, requested that in future such compliance reports be submitted duly noted and complied with by all concerned along with extract of the note containing the compliance report.

Your attention is also drawn to the Court's C.L. No. 102/H/Admn. (D), dated 19.9.78 and C.L. No. 49H/Admn. (D) dated 25.4.79 which contain the proforma of surprise inspection note as well but it is generally noted that surprise inspection notes arc not sent on prescribed proforma with the result dial certain important informations arc not received in the Court.

The inspection notes are also not being submitted within the prescribed time. Which is only one month from the date of inspection as provided in the aforesaid Circular Letter dated 25th April, 1979.

I am, therefore, to request you to kindly send the inspection notes duly complied with well within time and in case of surprise inspection, the notes should be on the prescribed proforma and compliance thereof should also be ensured before sending copy of the inspection note to the court.

4. C.L. No. 36/98 dated 20/8/98

It has come to the notice of the Hon'ble Court that the inspections made by the District Judges and the Presiding Officers are not searching. They are stereo type. The Officers are directed to make searching inspections and may seek other informations in addition to what have been set in the proforma issued by the Hon'ble Court for the inspection of the courts. A duty is cast upon the District Judges that in the inspections they should give special attention to the disposal of the old cases. The District Judges are further directed to take care that as far as possible new cases are transferred to the courts of Civil Judge (Junior Division) initially by the parent courts. While inspecting the offices and Nazarat the District Judges must ensure that sufficient infrastructure has been provided to the court.

I am, therefore, directed that the directions contained above may be strictly complied with.

185. Inspection by other Judicial Officers.

- (i) Every⁸⁴ Additional District Magistrate (Judicial), every Judicial Officer⁸⁵ and every Munsif-Magistrate shall inspect his office effectively at least four times a year about once in every quarter.
- (ii) Every⁸⁶ Additional District Magistrate (Judicial) shall also inspect the courts and offices of the Judicial Magistrates twice a year.
- (iii) Report of such inspections shall be sent to the District and Sessions Judge. Relevant Circular Orders:

Relevant Circular Orders:

1. G.L. No. I/Adm.(B), dated 3rd September, 1974

⁸⁴ Note: The words Additional District Magistrate (Judicial) shall now be read as Chief Judicial Magistrate. - Ed.

⁸⁵ Note: The word 'Judicial Officer' shall now be read as 'Judicial Magistrate. - Ed.

⁸⁶ Note: The words Additional District Magistrate (Judicial) shall now be read as Chief Judicial Magistrate. - Ed.

The Chief Judicial Magistrates and Judicial Magistrates shall inspect their offices effectively in every branch once in every quarter as provided in rule 611 of General Rules (Civil), 1957.

The Chief Judicial Magistrates shall also make quarterly inspections of the courts and offices of the Judicial Magistrates including Munsif Magistrates (in so far as their criminal work is concerned) and Special Judicial Magistrate and submit their inspection note to their District Judge. Such inspections will not ordinarily take more than a day for each court inspected by them.

2. C.L. No. 58/H-Admn.(D) dated Allahabad, May 26,1978

I am directed to refer to the Court's General Letter No. a/Adm.(B) dated September 3, 1974 read with General Letter No. 2/H-Admn.(d) dated August 30,1976 on the above subject and to say that it has come to the notice of the Court that there is some confusion whether the Chief Judicial Magistrates should also inspect the courts of Executive Magistrates and the Deputy Revenue Officers who have been appointed as Special Judicial Magistrates under section 13 Cr.P.C. The Court has examined the matter and is of the view that since the Executive Magistrates and the Deputy Revenue Officers are also under the subordination of the Chief Judicial Magistrates under section 15 Cr.P.C. in so far as their judicial work is concerned their courts should also be inspected by the Chief Judicial Magistrates like the Courts of the Judicial Magistrates, Munsif Magistrates⁸⁷ and the whole-time Special Judicial Magistrates.

3. C.L. No. 82/VIII-g-38 Adm. G dated December 18, 1981

I am directed to say that under the Court's General letter No. 38/Adm. B dated December 9,1968 the Chief Judicial Magistrates are required to inspect the jails at least once in a month to ascertain the position of under trials and to send a copy of the notes recorded by them at the time of the inspection to the District Judge for necessary action in regard to their findings. By a subsequent circular letter No. 59/ VIII-g-39 dated September 16, 1981 in connection with the disposal of cases with in six months where under trials are confined in jail. a set of guidelines were issued. In accordance with the instructions contained in para (a) of the said guidelines the Subordinate Courts are required to get a periodical list of under trial prisoners relating to their courts prepared fortnightly and except in cases of murder

⁸⁷

Note: The words Munsif Magistrates shall now be read as Judicial Magistrate. -Ed.

and dacoity, it is expected that they might pass orders releasing such under trial prisoners (who may be in the jails for over six months) on bail or personal bonds, as the circumstances may require, in conformity with the directions of the Supreme Court contained in its order dated 30.4.1979 passed in Nimeon Sangama and others Vs. Home Secretary. Govt. of Meghalaya and others, as reported in A.I.R. 1979, S.C. page 1518. They were further required under another circular letter No. 77/S.T. Ad. (E) dated December. 1981 to maintain proper record of under trials involved in the cases and to prepare and send a quarterly statement to the High Court through the Chief Judicial Magistrate or the District Judges as the case may be.

Apart from the compliance of the above instructions since the Chief Judicial Magistrates already inspect the Jails once in a month they should while inspecting the jails make a note from the jail records about the number of undertrials confined in the jail, the offence/offences under which a particular prisoner has been charged, the date from which he is confined in jail, reasons for his continued detention and other relevant materials. If he is released during the period after the date of the last inspection then the date of release and the cause of release e.g., disposal of case, grant of bail etc., should also be noted. They shall also maintain proper record of these findings and send copy to District Judge so that the requisite information with regard to under trial prisoners may be readily available whenever so required. This would also help in submitting the information to the Court as required by the Circular letter dated December 8,1981 referred to above.

These instructions may kindly be brought to the notice of the Chief Judicial Magistrate working under you and all other concerned for strict compliance.

4. C.L. No. 82/VIII-f-9/Inspection Section dated September 12, 1994

In continuation of earlier Court's General letter No. 38/Admn.'B' dated 9.12.1968 ' and Court's Circular Letter No. 196/Admn.'A' dated 10.12.1976 and C.L. No. 82/Vfflg-38 Adnin. 'G'; dated 18.12.1981, I am directed to say that there should be quarterly visits to the jail in each Sessions Division and such periodical visits should be conducted by the District Judge, the District Magistrate and the Senior Superintendent of Police. The visit should be made by them personally. It may please be ensured that they be not permitted to depute any one else to the jail on their behalf at such joint inspection. The District Judge will keep in touch with the District Magistrate and Senior Superintendent of Police and start such joint visits to the jail as early as possible.

I am, therefore, to request that inspection reports of such joint periodical visits to the jail be prepared by District Judge and sent to this Court in time.

186. Work on holiday.

On a holiday a criminal court may dispose of such work of urgent nature like granting of bail or remand or do such other work that may with propriety be done out of court and it will not be proper to refuse to do any act or make any order urgently required merely on the ground of the day being a gazetted holiday.

Relevant Circular Order:

C.L. No. 102/VIII-b-47 dated Allahabad, August 5, 1975

I am directed to say that the Judicial Magistrates who are detained on duty for granting bails and remands and for the disposal of other urgent matters during holiday or on Sundays may kindly be asked to do this work in court at a fixed time duly notified and intimated to all concerned including the Public Prosecutor. This will not only ensure the presence of the Public Prosecutor at the time of the orders are passed but will also facilitate the work of Judicial Magistrates concerned.

187. Receipt slip.

An applicant may, if he wishes, attach to and present with, his application a receipt slip in Form no. 46. If this is done, the slip shall be signed in acknowledgment of the receipt of the application and returned to the applicant after necessary entry has been made in column 4, care being taken that all space where any interpolation or insertion of words is possible, is crossed with a line. The Presiding Officer of the Court shall satisfy himself from time to time that receipt slips are returned to applicants duly filled in without delay.

APPENDIX – A

Instructions for the dress of officers and soldiers appearing before the courts

Instructions for the dress of officers and soldiers appearing before a civil or criminal court (other than a court established under military law) are given below:

1. An officer or soldier required to attend a court in his official capacity should appear in uniform, with sword or sidearms. Attendance in an official capacity includes attendance -
 - (a) as witness, when evidence has to be given of matters which came under the cognizance of the officer or soldier in his military capacity;
 - (b) by an officer for the purpose of watching a case on behalf of a soldier or soldiers under his command.
2. An officer or soldier required to attend a court otherwise than in his official capacity may appear either in plain clothes or in uniform.
3. An officer or soldier shall not wear his sword or side arms if he appears in the character of an accused person, or under military arrest, or if the presiding officer of the court thinks it necessary to require the surrender of his arms, in which case a statement of the reasons for making the order shall be recorded by the presiding officer, and, if the military authorities so request, forwarded for the information of the Chief of the Army Staff.
4. Fire-arms shall under no circumstance be taken into court.

APPENDIX – B

(CHAPTER - XVI, RULE - 157)

List of printed forms authorized for use in subordinate criminal courts

Miscellaneous Civil Forms

For dockets and letters and certificate as to state of record (Chapter XI, Rule 105) forms prescribed for civil courts shall be used.

CRIMINAL

Old Part and Number		No. of form	Description of form
Oudh Criminal Rules	GR. (Criminal)		
1	2	3	4
			PART VIII-HINDI The Code of Criminal Procedure, 1898^Y
<u>0-1</u> B-1	<u>XVII-1</u> XI-1	1	Summons to an accused person; section 68 ⁺ (Form I, Schedule V) ^Δ
<u>0-2</u> B-2	<u>XVII-2</u> XI-2	2	Warrant of arrest, section 75 ⁺⁺ (Form II, Schedule V) ^Δ
<u>0-3</u> B-3	<u>XVII-23</u> XI-3	3	Bond and bail bond after arrest under a warrant, section 86 ⁺⁺⁺ (Form III, Schedule V). ^Δ
<u>0-4</u> B-4	<u>XVII-26</u> XI-4	4	Order for the removal of nuisance; section 133 (Form XVI, Schedule V) ^Ω .
<u>0-5</u> B-5	<u>XVII-27</u> XI-5	5	Magistrate's order prohibiting the repetition, etc. of a nuisance, section 143 (Form XX, Schedule V) [±]
<u>0-6</u> B-6	<u>XVII-28</u> XI-6	6	Magistrate's order to prevent obstruction, riot, etc. section 144 (Form XXI, Schedule V). ^Θ
*	*	*	*

+ NOTE: See section 61 of the new Code. - Ed.

++ NOTE: See section 70 of the new Code. - Ed.

+++ NOTE: See section 81 of the new Code. - Ed.

Y NOTE: Figure 1898 may please be read as 1973. -Ed.

Δ NOTE: Read Schedule II now. - Ed.

Ω NOTE: Form No. 20 Schedule II of the new Code. -Ed.

± NOTE: Form No. 23 of Schedule II of the new Code. -Ed.

Θ NOTE: Form No. 24 of Schedule II of the new Code. -Ed.

* Not printed in view of the amendments brought by new Code. -Ed.

Old Part and Number		No. of form	Description of form	
Oudh Criminal Rules	GR (Criminal)			
1	2	3	4	
<u>0-8</u> B-8	<u>XVII-19</u> XI-8	8	Bond and Security bond after conviction when released by the Trial Court (Sections ⁺ 498, ⁺⁺ 499, ⁺⁺⁺ 426 (2-A) Code of Criminal Procedure 1898). #	
<u>0-8</u> B-8	<u>XVII-19</u> XI-8	8A	Bond and Security Bond after conviction when the appeal is pending in The Court of Session (Sections ⁺⁺ 499 & ⁺⁺⁺ 426 (i) Code of Criminal Procedure 1898). #	
<u>0-8</u> B-8	<u>XVII-19</u> XI-8	8-B	Bond and Security Bond after conviction when the appeal is pending in High Court (Sections ⁺ 498, ⁺⁺ 499 & ⁺⁺⁺ 426(i), Code of Criminal Procedure 1898). #	
<u>0-34</u> B-10	<u>XVII-9</u> XI-10	10	Charge one Head	*Sections 221, 222 and 223, [Form XXVIII. (I), (II) and (III), Schedule V ±
<u>0-35</u> B-11	<u>XVII-10</u> XI-11	11	Charge two or more heads	
<u>0-36</u> B-12	<u>XVII-11</u> XI-12	12	Charge for theft after a previous conviction.	
<u>0-9</u> B-13	<u>XVII-12</u> XI-13	13	Summons to a witness; sections **68 and ***252 (Form XXXI, Schedule V). \$	

+ NOTE: See sections 439 and 440 of the new Code. - Ed.

++ NOTE: See section 441 of the new Code. -Ed.

+++ NOTE: See section 3 89 of the new Code. -Ed.

* NOTE: See sections 211, 212 and 213 of the new Code-Ed.

** NOTE: See section 61 of the new Code. - Ed.

*** NOTE: See section 244 of the new Code. - Ed.

± NOTE: Form No. 3 2 (i) (ii) and (iii) Schedule II of the new Code- Ed.

\$ NOTE: Form No. 33, Schedule II of the new Code. Ed.

Figure 1898 may please be read as 1973. Ed.

Old Part and Number		No. of form	Description of form
Oudh Criminal Rules	GR (Criminal)		
1	2	3	4
*	*	*	*
**	**	**	**
<u>0-11</u> B-16	<u>XVII-18</u> XI-16	16	Notice of time and place of hearing of appeal; section + 422 and Chapter X, Rule 95.
<u>0-12</u> B-17	<u>XVII-30</u> XI-17	17	Bond and bail bond as a preliminary enquiry before a magistrate, sections ++496 and ++499 (Form XLII, Schedule V). #
***	***	***	***
0-27	<u>XVII-6</u> XIII-8	19	Bond to keep the peace, sections 106 +++ 118 (Form X, Schedule V). \$
<u>0-14</u> B-19	<u>XVII-31</u> XI-20	20	Warrant to secure attendance of a witnesses refusing or neglecting to obey summons served upon him; section 90&
<u>0-15</u> B-20	<u>XVII-32</u> XI-21	21	Summons to produce a document; section 94. §
0-28	<u>XVII-7</u> XIII-9	22	Bond for good behaviour, sections 109 and 110 (Form XI, Schedule V)>

- * Not printed in view of the amendments brought by new Code. - Ed.
** Not printed in view of the amendments brought by new Code. - Ed.
*** Not printed in view of the amendments brought by new Code. - Ed.
+ NOTE: See section 385 (i) of the new Code. - Ed.
++ NOTE: See sections 436 and 441 of the new Code. -Ed.
+++ NOTE: See section 117 of the new Code. - Ed.
NOTE: Form 45 Schedule II of the new Code. -Ed.
\$ NOTE: Form no. 12 Schedule II of the new Code. -Ed.
& NOTE: See section 87 of the new Code. -Ed.
§ NOTE: See section 91 of the new Code. -Ed.
> NOTE: Form no. 13 - Schedule I of the new Code. -Ed.

Old Part and Number		No. of form	Description of form
Oudh Criminal Rules	G.R. (Criminal)		
1	2	3	4
O-32 B-22	<u>XVII-22</u> <u>XIII-34</u> XI-23	23	Examination of accused persons: section 364. #
B-23	XI-23A	24	Memorandum of examination of accused persons, section 364. #
B-24	<u>XIII-35</u> XI-24	25	Commission to examine a witness Section 503+ or 506+
*	*	*	*
C-1	XI-26	27	Order to produce prisoner as witness; section 3 of Act No. XXXII of 1955.
C-2	XI-27	28	Order to produce prisoner charged with offence, section 37 of Act. No. III of 1900.
B-42	<u>XVII-15</u> XIII-26	29	Order for further detention: section 167.
B-43	<u>XVII-16</u> XIII-27	30	Warrant of remand, section 344. ++
P-1	<u>XVII-35</u> XIII-37	31	Bond for good behaviour of youthful offenders, section 31 of Act no. VIII of 1897.
B-27	XV-1	32	Warrant of commitment on failure to find security to keep the peace, section 123+++ (Form XIII, Schedule V). ~

NOTE: See section 281 of the new Code. -Ed.

* Not printed in view of the amendments brought by new Code. -Ed.

+ NOTE: See section 284 or 287 of the new Code. - Ed.

++ NOTE: See section 309 of the new Code. - Ed.

+++ NOTE: See section 122 of the new Code. - Ed.

~ NOTE: Form No. 15 of Schedule II of the new Code. -Ed.

Old Part and Number		No. of form	Description of form
Oudh Criminal Rules	G.R. (Criminal)		
1	2	3	4
B-28	XV-2	33	Warrant of commitment on failure to find security for good behavior, section 123 ⁺ (Form XIV, Schedule V). ^Ω
*	*	*	*
B-30	XV-4	35	Warrant of commitment on a sentence of imprisonment or fine if passed by a magistrate, sections [¥] 245 and [¥] 258 (Form XXIX, Schedule V). [#]
B-31	XV-5	36	Warrant of imprisonment on failure to recover amends by distress, section 250 (Form XXX, Schedule V). ^{\$}
B-32	XV-6	37	Warrant of commitment under sentence of death, section ++ 374 (Form XXXIV, Schedule V) ^Ψ
B-33	XV-7	38	Warrant of execution of a sentence of death, section +++ 381 (Form XXXV, | Schedule V). [»]

- Ω NOTE: Form No. 16 of Schedule II of the new Code. - Ed.
¥ NOTE: See sections 255 (1), (2), and 248 (1), of the new Code. Ed.
NOTE: Form No. 34 of Schedule II of the new Code. - Ed.
* NOTE: Not printed. - Ed.
+ NOTE: See section 122 of the new Code. -Ed.
++ NOTE: See section 366 of the new Code.'-Ed.
+++ NOTE: See section 413 of the new Code. -Ed.
\$ NOTE: Form No. 35 of Schedule II of the new Code. - Ed.
Ψ NOTE: Form No. 40 of Schedule II of the new Code. - Ed.
» NOTE: Form No. 42 of Schedule II of the new Code. - Ed.

Old Part and Number		No. of form	Description of form
Oudh Criminal Rules	G.R. (Criminal)		
1	2	3	4
B-34	XV-9	39	Warrant of imprisonment on failure to pay maintenance, section ⁺ 488 (Form XL, Schedule V). ^Ω
*	*	*	*
B-35	XV-11	41	Warrant of sessions court for imprisonment for life.
B-35	XV-12	42	Warrant of sessions court for rigorous imprisonment and fine.
B-35	XV-13	43	Warrant of sessions court for rigorous imprisonment.
B-36	XV-14	44	Warrant of sessions court for simple imprisonment.
B-37	XV-15	45	Warrant after a commutation of a sentence; (Form XXXVI, Schedule V). ^Ψ
B-38	XV-16	46	Warrant of release on appeal, section 423. [¥]
B-39	XV-17	47	Warrant for intermediate custody on remand: section 344. ^{¥¥}
B-37	XV-16A	48	Warrant after a commutation of a sentence; section ⁺⁺ 423 (Chapter X, Rule 98).

* NOTE: Not Printed. -Ed.

Ω NOTE: Form No. 18 of Schedule II of the new Code. - Ed.

Ψ NOTE: Form No. 41 of Schedule II of the new Code - Ed.

¥ NOTE: See sections 3 85 (2) and 3 86 of the new Code. Ed.

¥¥ NOTE: See section 309 of the new Code. Ed.

+ NOTE: See sections 125 & 126 of the new Code. -Ed.

++ NOTE: See sections 385(2) and 386 of the new Code. -Ed.

Old Part and Number		Number of form	Description of form
Oudh Criminal Rules	G.R. (Criminal)		
1	2	3	4
C-3	XV-18	49	Warrant under section 8 or 9 of Act no. VIII of 1897.
C-4	XV-19	50	Warrant under section 10 of Act no. VIII of 1897.
B-40	XV-20	51	Certificate of previous convictions section 511(a). +
B-41	XV-21	52	Warrant of intermediate custody, section 123(2). ++
B-21	<u>XVII-21</u> XI-22	53	Statement under section 164.
0-20	XVII-3	54	Order of attachment to compel the appearance of a person accused, section 88 ^Ω (Form VI, Schedule V).
0-21	XVII-4	55	Warrant to search after information of a particular offence, section 96 ^Ψ (Form VIII, Schedule V).
0-25	XVII-13	56	Warrant to levy a fine by distress and sale; section 386 [£] (Form XXXVII, Schedule V, Chapter IX, Rule 78).
B-16	XVII-18	57	Notice for magistrate and appellant; section 422. +++

+ NOTE: See section 298 of the new Code. -Ed.

++ NOTE: See section 122 of the new Code.-Ed.

Ω NOTE: See sections 83, 84 and 85 of the new Code and Form No. 7 of Schedule II. - Ed.

Ψ NOTE: See section 93 of the new Code, Form No. 10 of Schedule II and rule 75 of G.R. (Criminal). 1977. -Ed

£ NOTE: See Section 421 of the new Code and Form No. 44 of Schedule II. - Ed.

+++ NOTE: See section 385 (1) of the new Code. - Ed.

Old Part and Number		No. of form	Description of form
Oudh Criminal Rules	G.R. (Criminal)		
1	2	3	4
0-17	XVII-24	58	Proclamation requiring the appearance of a person accused, section 87* (Form IV, Schedule V).
0-23	XVII-25	59	Summons on information of a probable breach of peace, section 114 ⁺ (Form XII, Schedule V).
0-24	XVII-34	60	Proclamation relating to unclaimed property; section 523 ⁺⁺ .
0-22	XXI-6	61	Warrant to search suspected place of deposit, section 98 (Form IX, Schedule V)."
0-7} 0-9}	XXI-11	62	Summons to a witness to appear before a court of session.
S-1	XXI-19	63	Form of receipt for property from Court Inspector. [£]
S-9	XXI-20	64	Application for copy (Chapter XV, Rule 147).
•••	XXI-21	65	Notice of copy ready for delivery (Chapter XV, Rule 152).
0-25	XXI-23	66	Warrant to police to levy a fine by distress.
0-26	XXI-24	67	Order to Nazir or Kurk Amin to sell the property distrained.
D-8	XXI-25	68	List of documents produced at first hearing.

* NOTE: See section 82 of the new Code and also Form No. 4 of Schedule II. -Ed.

+ NOTE: See section 113 of the new Code and also Form No. 14 of Schedule II. -Ed.

++ NOTE: See section 457 of the new Code- -Ed.

» NOTE: See section 94 of the new Code and Form No. 11 of Schedule II. - Ed.

£ NOTE: For words 'Court Inspector' words 'Assistant Prosecuting Officer' should be read. -Ed.

Old Part and Number		No. of form	Description of form
Oudh Criminal Rules	G.R. (Criminal)		
1	2	3	4
..	XXI-26	69	Index of exhibits (Form no. 33).
..	XXI-27	70	Bond for appearance of offender released pending realization of fine, section 388 ⁺ (Form XXXVII-A, Schedule V). ⁺⁺
		71	Not traceable.
		72	Special summons to an accused; Section 130, Motor Vehicles Act, 1939. ^Ω
..*	New Form	73	Warrant for keeping in custody (section 167 Cr. P. C., 1973)
..*	New Form	74	Warrant for keeping in custody (section 209 Cr. P. C., 1973)

+ NOTE: See section 424 of the new Code. -Ed.

++ NOTE: Form 44 A Schedule - II now. - Ed.

Ω NOTE: See section 208 of the Motor Vehicles Act 1988 - Ed.

* NOTE: Added by notification no. 171/VIII a-63 dated March 8, 1989 Published in U.P. Gazette Part 2 dated 26th August 1989. - Ed.

Old Part and Number		No. of form	Description of form
Oudh Criminal Rules	G.R. (Criminal)		
1	2	3	4
			PART IX- HINDI Miscellaneous
O-30	<u>XVII-19</u> XII-1	1	Form for memorandum of evidence under sections 355 ⁺ and 356 ⁺ .
D-1	XII-2	2	Letter to Sessions Judge reporting committal of case (Chapter V Rule 35).
<u>S-1</u> D-2	<u>XIV-3</u> XII-3	3	Calendar (Chapter V, Rule 35).
D-II	XII-4	4	Form for commencement of proceedings in a trial before the Court of Session.
		5	Form of register for dispatch of copies of judgments in appeals.
D-15	XII-6	6	Order in appeal when Sessions Court declines to interfere.
D-3	XII-7	7	Letter to Superintendent of Jail issuing fresh warrant and recalling original warrant (Chapter X, Rule 98).
..	XII-8	8	Letter to Superintendent of Jail forwarding for enquiry an application for a copy made on behalf of prisoner (Chapter XV, Rule 146)
<u>S-2</u> D-6	<u>XVIII-3</u> XIV-5	9	General Index (Chapter IV. Rule 23).
S-3	<u>XVIII-4</u> XIV-6	10	Order Sheet (Chapter IV, Rule 22).

⁺ NOTE: See sections 274 and 275 of the new Code. - Ed.

Old Part and Number		No. of form	Description of form B
Oudh Criminal Rules	GR (Criminal)		
1	2	3	4
B-51	XII-11	11	Letter requesting Civil Surgeon [§] to examine and report on injuries to a wounded person,
*	*	*	*
D-4	XVIII-26 XIV-28	13	Requisition for record (Chapter XIII, Rule 125).
N-3	XIV-7 XII-14	14	Annual statement in form no. 20.
N-4	XIV-8 XII-15	15	Annual statement in form no. 21.
..	XIV-9 XII-16	16	Annual statement in form no. 26.
..	XIV-9A XII-16A	17	Annual statement in form no. 27.
N-6	XIV-10 XII-17	18	Annual statement in form no. 25.
N-1	XIV-12 XII-20	19	Annual statement in form no. 22.
N-2	XIV-13 XII-21	20	Annual statement in form no. 24.
..	XIV-13A XII-21 (a)	21	Annual statement in form no. 28.
..	XIV-14 XII-22	22	Annual statement in form no. 29.

§ NOTE: For words 'Civil Surgeon' words 'Chief Medical Officer' should be read. -Ed.
 * Not printed in view of the amendments brought by new Code. -Ed.

Old Part and Number		No. of form	Description of form
Oudh Criminal Rules	GR. (Criminal)		
1	2	3	4
..	XII-24	23	Annual statement in form no. 31.
*	*	*	*
0-31	<u>XVIII-19</u> XIV-22	25	Form for recording deposition of a witness-ness under section ⁺ 356.
0-32	<u>XVIII-19A</u> XIV-22A	26	Continuation of above or of examination under section ⁺⁺ 364.
B-52	XII-27	27	Letter to Civil Surgeon ⁺⁺⁺ +++ requesting him to attend to give evidence in any case.
S-4	<u>XVIII-22</u> XIV-24	28	Wrapper in original case (Chapter IV-32).
S-5	<u>XVIII-23</u> XIV-25	29	Wrapper in appeal or revision case (Chapter X, Rule 91).
..	XIV-15	30	Annual statement in form no. 30.
<u>0-33</u> B-46	<u>XIV-21</u> XII-32	31	Record of summary trial.
*	*	*	*
..	<u>XVIII-24</u> XIV-26	33	List of appeals and revision cases for hearing (Chapter X, Rule 92).
S-6	<u>XVIII-25</u> XIV-27	34	List of records of cases sent to the record room (Chapter XI, Rule 109).
..	<u>XVIII-18</u> XII-36	35	Explanation of delay in criminal cases (Chapter XVIII, Rule 176).
..	..	36	Monthly statement form no. 36.

* Not printed in view of the amendments brought by new Code. -Ed.

+ NOTE: - See section 275 of the new Code - Ed.

++ NOTE: - See section 281 of the new Code. -Ed.

+++ NOTE: For words 'Civil Surgeon' words 'Chief Medical Officer' should be read. - Ed.

Old Part and Number		No. of form	Description of form
Oudh Criminal Rules	G.R. (Criminal)		
1.	2.	3.	4.
S-7	<u>XVIII-30</u> XIV-32	37	List of miscellaneous reports and proceedings, sent to the record room (Chapter XI, Rule 109).
..	XII-39	38	Docket to jail including notice (Chapter X , Rule 95).
B-48	XII-40	39	Letter submitting records for confirmation of sentence of death.
S-8	<u>XVIII-31</u> XIV-33	40	Invoice of consignments to the record room (Chapter XI, Rule 109).
	XII-42	41	Return of notice sent for service.
	<u>XVIII-46</u> XIV-34	42	Record-keeper's alphabetical register of accused persons (Chapter XI, Rule 113).
	<u>XVIII-47</u> XIV-35	43	Register of requisitions for records (Chapter XIII, Rule 130).
	<u>XVIII-48</u> XIV-36	44	Register of Inspections (Chapter XIV Rule 139).
	XIV-36A	45	Application for information (Chapter XIV, Rule 141).
	XIV-38 and } XIV-39	46	Register of cases (Chapter XVII, Rule 164).
	XIV-40	47	Register of miscellaneous criminal cases (Chapter XVII, Rules 164 and 168).

Old Part and Number		No. of form	Description of form
Oudh Criminal Rules	G.R. (Criminal)		
1	2	3	4
	XIV-41	48	Register of miscellaneous reports and proceedings (Chapter XVII, Rules 164 and 168).
	XIV-43	49	Register of appeals (Chapter XVII, Rule 166).
	XIV-44	50	Register of revision cases (Chapter XVII, Rule 167).
	XIV-46	51	Statement of fines.
	XII-55	52	Docket to jail intimating dismissal or rejection of appeal by High Court.
D-6	XII-56	53	Certificate regarding attendance of Government officials in court to give evidence and the amount of travelling and subsistence allowance paid to them.
D-17	XII-57	54	Letter forwarding records in a case.
	XII-58	55	Letter requesting Government Advocate High Court at Allahabad to appear and defend an appeal.
A-2	XII-59	56	Annual Criminal Returns – Sessions Court.
A-3	XII-60	57	Annual Criminal Returns- Magisterial Courts.
N-7	XIV-45 XII-61	58	Quarterly statement showing general result of trials (Form no. 32).
D-12	XII-62	59	Headings for commencement of proceedings in appeals in Sessions Courts.
D-14	XII-63	60	Headings for commencement of proceedings in applications for revision.

Old Part and Number		No. of form	Description of form
Oudh Criminal Rules	G.R. (Criminal)		
1	2	3	4
D-5	XIV-29 XII-64	61	Form for transmission of records (Chapter XIII, Rule 129).
	XII-65	62	Register of cases under section ⁺ 466 of the Code.
	XIV-49	63	Annual statement (Form no. 35).
	XII-67	64	Statement of sessions trials concluded or pending (Chapter XVIII, Rule 172).
D-20	XII-68	65	Memorandum of identification proceedings in jail (Form no. 34).
	XII-69	66	Register of registers.
	...	67	Memorandum of proceedings for identification of property (Form no. 37).
	XIV-47	68	Register of witnesses (including complainants) and allowances (Chapter XVII, Rule 169).
	XIV-48	69	Order to Nazir for payment of diet money and expenses to complainants and witnesses (Chapter XVII, Rule 169).
E-1	XVI-1	70	Pass book in books of fifty pages (Form no. 3, Chapter IX, Rules 74, 75).
E-2	XVI-2	71	Pass book extract (Form no. 3, Chapter IX, Rules 74, 75).
E-3	XVI-3	72	Cheques-receipt, in books of one hundred cheques with fly-leaf prefixed (Chapter IX, Rule 78).
E-4	XVI-3A	73	Fly- leaf to receipt book (Chapter IX, Rule 80).

⁺ NOTE: See section 330 of the new Code. - Ed.

Old Part and Number		Number of form	Description of form
Oudh Criminal Rule	G.R. (Criminal)		
1	2	3	4
E-5	XVI-4	74	Invoice of fine sent to treasury (Chapter IX, Rules 72, 75)
	XVI-5	75	Statement of expenses of complainants and witnesses with endorsement.
E-7	XVI-6	76	Slip for payment of fine, etc., into another court (Chapter IX, Rules 73, 75).
	XVI-7	77	Statement of fines imposed and arrears realized through distress warrants by court of credit to municipal fund (Chapter IX. Rule 85).
	XII-28	78	Register of fines and penalties, etc. (Form no. 2, Chapter IX, Rule 71).

APPENDIX C

Form prescribed by these rules are printed here in full
for the guidance of Subordinate Criminal Courts

Number of form	List of forms, with rules relating to them and a note whether each form is printed or not
1.	Sessions statement (Not printed).
2.	Register of fines, compensations, and deposits. Penalties and fees (Printed).
3.	Passbook (Printed).
3-A	Register of compliance of orders of the High Court.
3-B	Register of compliance of orders of the Appellate Courts.
4.	Record-keeper's alphabetical register of accused persons (Printed)
5.	Register of requisition for records (Printed).
6.	Register of requisition for inspections (Printed).
7.	Form of application for information (Printed).
8.	Register of copies (Not printed).
9.	Register of cases (Printed).
10.	Register of cases under section 466 ⁺ of the Code of Criminal Procedure (Printed).
11.	Register of cases under miscellaneous criminal cases (Printed).
12.	Register of cases under miscellaneous reports and proceedings (Printed).
12-A	Register of cases for bail applications
13.	Register of cases for appeals (Printed).
14.	Register of revision cases (Printed).
15.	Register of committed cases (Not printed).
16.	Register of cases for punishments inflicted (Not printed).
17.	Register of cases submitted under section 123 ⁺⁺ of Act no. V of 1898 (Not printed).
18.	Register of witnesses (including complainants) and of allowances (Printed.)
19.	Order to nazir for payment of diet-money and expenses to complainants and witnesses (printed).
20.	Annual statement showing the general result of criminal trials (printed).
21.	Annual statement showing the punishments inflicted in courts of original jurisdiction (Printed).

⁺ NOTE: See section 338 of the new Code. - Ed.

⁺⁺ NOTE: See section 122 of the new Code. - Ed.

22.	Annual statement showing offences reported and persons tried, discharged, acquitted, convicted and committed by magistrates for each offence (Printed).
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Number of form	List of forms, with rules relating to them <i>and a</i> note whether each form is printed or not
23.	Omitted. - Ed.
24.	Annual statement showing proceedings of magistrates under the Code of Criminal Procedure (Printed).
25.	Annual statement regarding witnesses (Printed).
26.	Annual statement showing the results of appeals (Printed).
27.	Annual statement showing the results of revision (Printed).
28.	Annual statement showing the number of Sessions Judges and Magistrates employed to dispose of criminal work (Printed).
29.	Annual statement showing the number and result of trials in the Court of Session (Printed).
30.	Annual statement showing proceedings of the Court of Session under the Code of Criminal Procedure (Printed).
31.	Omitted -Ed.
32.	Quarterly statement showing the general result of criminal trials (Printed).
33.	Index of exhibits prescribed in Chapter IV, Rule 23 (Printed).
34.	Memorandum of identification proceeding in jail (Printed).
35.	Annual statement showing the general result of trials in original criminal courts (Printed).
36.	Monthly statement of work done in sessions court (Printed).
37.	Memorandum of proceedings for identification of property (Printed).
38.	Annual statement showing average duration of criminal cases etc., tried by the Panchayati Adalats (Not Printed).
39.	Monthly statement of Sessions Trial concluded or pending (Printed).
40.	Quarterly statement showing average duration of murder cases (Not printed).
41.	Annual statement showing women convicted for the murder of their infant children under six years of age (Not printed).
42.	Statement showing the grand total of amounts of receipt under head XXI ⁺ - Administration of Justice credited into the Treasury (Not printed).
43.	Form of Register of dispatch of copies of judgments in appeals (Printed).

⁺ Note: For figure 'XXI' figure '0070' should be read – Ed.

44.	Annual statement showing the disposition by various Criminal Tribunals in the district.
45.	Form of Register for Criminal cases decided.
46.	Receipt slip to be granted to applicants.

FORM NO. 1 (CHAPTER V, RULE 39)

Statement of prisoners punished and acquitted by the					Sessions Judge of in the Sessions held at	
from				to	20.....	
Number of trial	Number and name of prisoner	Age, Religion etc.	Section of law under which charged, date of preparation of offence, name of committing officer, and date of commitment	Crime established, with section of law thereto applicable	Acquitted or convicted, with date and particulars of sentence	Copy of Judgement
1	2	3	4	5	6	7
	-					

[Not printed]

FORM NO. 2 (CHAPTER IX, RULE 71 AND 82)
Register of fines, compensations, deposits, penalties and fees

Annual serial number	Number of case	Names of parties	Date of order	Person fined or ordered to pay	Amount and whether			Date of warrant for levy	Date	Amount	Number of cheque receipt	Number and date of treasury receipt	Amount paid as refund compensation or reward		Written off as irrecoverable in appeal		Remarks
					A-Fine	B-Deposit	D-Fees						E-Compensation etc.	Date	Amount	Date		Amount
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
..	..	Outstanding items in detail of the previous months	...	..	Rs. ..	Rs. ..	...	...	Rs.	..	...	...	Rs. ..	Rs. ... 25 th April	Rs. 5	...
1	101	State v. Dukhi	1 st April	Dukhi	A	50	...	1 st April	...	...	...	....	....	...	...	...
92	30	State v. Sital	3 rd April	Sital	B	20	3 rd April	20	201	1, 3 rd April	Deposit in lieu of executing bond; forfeited by order,

																		dated 13 th April, vide no. 116
94	104	State v. Ram Bakhsh	5 th April	Ram Bakhsh	A	50	25	...	5 th April 10 th April	25 25	202	17, 5 th April	5 th May	25	...	...	Rs. 25, compensation U/s. 545, credited as a deposit
110	114	State v. Baran Ali	7 th April	Baran Ali	E	10	10	...	9 th April	10	209 208	23, 10 th April 22, 9 th April	.. 30 th May.	...	10	...	Rs. 10, compensation U/s. 22 of the Cattle Trespass Act, 1871, credited as a deposit.	
113	126	State v. Wilayat Ali	12 th April	Wilayat Ali	A D	10	1	...	12 th April	11	216	27, 12 th April	20 th May	1	...	...	Re. 1, court-fee credited as a deposit
116	30	State v. Sital	13 th April	Sital	C	20	...	...	14 th April	20	...	3, 14 th April	...	...	...	..	Penalty of forfeited bond; vide no.92
119	193	State v. Jhuman	20 th April	Ghulam Ali	E	50	50	...	20 th April	50	224	3, 14 th April	...	...	...	...	Rs.50 as compensation U/s. 250, credited as a deposit
124	200	State v. Bahadur	22 nd April	Bahadur	A	1	...	...	22 nd April	...	231	8, 22 nd April	May	...	...	...	Firozabad Municipal Fund
125	195	State v. Mohammad Hussain	22 nd April	Mohd. Hussain	A	40	30	22 nd April	26 th April	35	240	2, 27 th April	...	30	...	...	...
271	200	State v. Tota Ram	25 th April	Tota Ram	A	2	...	...	25 th April	2	236	14, 25 th April	27 th April	...	...	...	Agra Cantonment Fund

FORM NO. 3 (CHAPTER IX, RULE 74)

Passbook										
Date	Serial number of remittance	Name of court on whose account payment is made	Number of presiding officer of such court	Number and nature of case	Name of person on whose behalf payment is made	Amount and exact nature of payment	How to be credited	Signature of officer receiving payment	Signature of officer in charge of treasury or sub-treasury	Remarks
1	2	3	4	5	6	7	8	9	10	11

Printed Form, Part IX, nos. 70 and 71

FORM NO. 3-A (CHAPTER IX, RULE 74)

REGISTER OF COMPLIANCE OF ORDERS OF THE HIGH COURT
(To be maintained by the Sessions Courts and the District Magistrate)
[Chapter X, Rule 97]

Serial number	No. of case and names of parties	Date of receipt of High Court's order	Date of order of High Court	Brief description of the order	Date of communication of the order to the Magistrate concerned	Magistrate to whom communicated	Date of receipt of compliance report	Reasons for non-compliance, if any	Date of report to the High Court	Remarks
1	2	3	4	5	6	7	8	9	10	11

FORM NO. 3-B

REGISTER OF COMPLIANCE OF ORDERS OF THE APPELLATE COURTS
(To be maintained by all the Magistrates)

[Chapter X, Rule 97]

Serial number	No. of case and names of parties	Date of order of Sessions Court	Date of order of High Court	Date of receipt of order of Sessions Courts or High Court	Brief description of order	Date of dispatch of compliance report to the District Magistrate or Sessions Judge	Reasons for non-compliance	Date of submission of compliance report	To which office submitted	Remarks
1	2	3	4	5	6	7	8	9	10	11

FORM NO. 4 (CHAPTER XI, RULE 113)

Record-keeper's alphabetical register of accused persons (class III)
for the year 20....

Name	Parentage	Residence	Name of the complainant	Name of the court and presiding officer before whom trial took place	Police Station	Date of decision with result of trial	Date of list in which entered	Serial number of record in that list	Result of appeal (if any)	Remarks
1	2	3	4	5	6	7	8	9	10	11

Printed Form Part IX, No. 42

FORM NO. 5 (CHAPTER XIII, RULE 130 and 132)

Record room of thecourt
 Register of requisitions for records from the ----- district
 Court of

															Particulars of record	
1	2	2 A	3	4	5	6	7	8	9	10	10A	11	12	13	14	15
Serial number	Date of receipt of requisition	Serial number and date of receipt of requisition shown in the consolidated register	Date of requisition	Name of court sending for record	Of what court	Serial register number of case and date of institution	Police Station	Names of accused	Act and section under which offence was punishable	Date of disposal	Number and description of Appeal in the High Court in connection with which the record was sent by the Lower Court	Date by which record is required	Date of transmission of record	Date of receipt of record on its return	Date of restoration of record to its proper place	Remarks

NOTE: Entry in column no. 2-A, is to be filled in where the register is maintained by the Assistant Record-Keeper.

Printed Form, Part IX, No. 43.

FORM NO. 6 (CHAPTER XIV, RULE 139)

Court of
Register of inspections in the-----district
record room (Criminal)

Date	Name of applicant for inspection	Description of record of which inspection is required	Time occupied in inspection	Stamp affixed	Remarks
1	2	3	4	5	6

Printed Form, Part IX No. 44

CHAPTER XIV, RULE 141, G.R. (CRIMINAL)

Application for information:

141. Any person desiring to ascertain the serial number, date of institution or other registered particulars respecting a case or any proceeding therein, or of any judicial proceeding, the record of which is in the Judge's or the Magistrate's Court or record-room, shall present or send by post to the officer in charge of the record-room an application preferably in Form 7 (Part IX, no. 45), to which shall be affixed a court-fee label of five rupees giving the best particulars he can as to the year of institution and names of parties. He shall be entitled to have a search made and the information, if obtainable, given to him in writing signed by the record-keeper within ten days of the date of receipt of application.

The record-keeper shall mark each application with a serial number. In case the information be not supplied within ten days as aforesaid, the record-keeper shall forthwith on the expiration of the said period of ten days report in writing to the court the cause of non-compliance with the application.

The application shall, after disposal, be pasted under a separate serial number in a file book kept for the purpose and consigned to the record-room annually.

When the applicant desires that the information be supplied to him by post, he shall give his address at which it may be sent and affix to his application postage stamps of the requisite value.

Form no. – 7 (Chapter XIV, Rule 141)

Application for information

No.of 20.....

Versus

The applicant desires information in answer to the questions specified below:-

- (1).....
- (2).....
- (3).....

Signature of applicant or his pleader

- Note:
- (1) A fee of (five rupees^{*}) in court-fee labels shall be payable.
 - (2) When the applicant desires that the information be sent to him by post he shall attach to the application postage stamps of the requisite value.
 - (3) For the nature of questions to be asked, see rule 141 of Chapter XIV, General Rules (Criminal) reproduced on the back in Hindi.

Printed Form Part IX, No. 45.

* Note: Substituted by notification no. 338/xb-88 dated July, 26, 1996. Published in U.P. Gazette part 2, dated 28th September 1996. – Ed.

FORM NO. 8 (CHAPTER XV, RULES 154)

Register of copies (Criminal Courts) in the Court ofdistrict

1	2	3	4	5	6	7	8	9	10	11	12	13
Date	Number of application (if any)	Name of applicant or person for whom copy is made	Nature of paper to be copied	Number and full details of record containing such paper	Value of copy paper filed, or amount paid in cash	Date and hour when record was received by head copyist	Date and hour when record was returned by head copyist	Date of posting notice on notice-board	Date of delivery of copy	Name of copyist	Signature of recipient of copy	Remarks

[Not Printed]

FORM NO. 9
Register of Cases in the Court of Magistrate

Serial Register number	Schedule number of offence	Police Station	Date of taking cognizance	Date of Receipt of Charge-sheet in a police case	Offence of which cognizance was taken with Act and section	If complaint is dismissed under section 203, date of dismissal	If case is otherwise disposed of without the appearance in court of the accused, date of disposal	Without warrant	Under warrant	Upon summons	Voluntarily	Name, Parentage, residence and age of each person brought to trial	Date of decision	Act and section of offence regarding which a decision was given as to each accused	Died, escaped or transferred to another district	Discharged	Acquitted		Number of persons convicted											
																	Was brought to court under arrest	Appeared in court	If complaint is not dismissed or the case otherwise disposed of without the appearance of the accused in the court, date on which each accused	On regular trial			On summary trial							
1	2	3	4	4A	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
																			Appealable sentence passed	Non-appealable sentence passed	Released on probation, section 4 of the First Offenders Probation Act*	Released after admonition under Section 3 of First Offenders Probation Act*	Discharged after admonition	Delivered to parent or guardian	Appealable sentence passed	Non-appealable sentence passed	Released on probation under section 4 of the first Offenders Probation Act*	Released after admonition under section 3 of First Offenders Probation Act*	Discharged after admonition	Delivered to parent or guardian

* NOTE: See Section 4 of Probation of Offenders Act.-Ed.
[Printed Form Print IX, No. 46]

(CHAPTER XVII, RULE 164)

of the Class district for the year 20

	Committed for trial	Referred under section 347 or 349**	Number of days case lasted	Number of person sentenced to		Persons ordered to find, or give	Persons imprisoned in default of	Detail of punishment				Result of appeal or revision, if any												
				Rigorous imprisonment	Without solitary confinement			Simple imprisonment	Forfeiture of property	Fine	Security or recognizance to keep the peace		Sureties for good behaviour	Security to keep the peace	Security for good behaviour	Fifteen days and under	Six months and under	Two years and under	Seven years and under	number of boys whose sentences were commuted to detention in a reformatory school				
31																								
32																								
33																								
34																								
35																								
36																								
37																								
38																								
39																								
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56																								

** NOTE: See section 323 and 325 of the new Code .-Ed.

This register shall be kept up in conformity with the following instructions:

- (1) Every case falling within the schedule of offences given in rule 163 of Chapter XVII of which a court takes cognizance under section 190 of the Code of Criminal Procedure, 1898⁺, except one that is at once transferred under section 192, and every such case which is received from another court or district by transfer shall be entered in this register, and no other case shall be entered therein.
- (2) Columns 1 to 5 shall be filled up when cognizance is taken of the case.
- (3) In a case received by transfer the entries in columns 1 to 12 shall be the same as those in the register of the court from which the case is transferred, so far as they apply, and shall be made as soon as the case is received. At the same time a note shall be made in the column of remarks of the name of the court and district from which the case was transferred.
- (4) A case in which a court proceeds under section 480⁺⁺ shall be separately entered in this register.
- (5) In column 5 and against each accused in column 14 only one section shall be entered, viz., that of the principal offence, if more than one offence is charged or found applicable. But, if an accused is separately tried for two or more offences, two or more separate cases shall be registered.
- (6) If a case is dismissed under section 203 or is otherwise disposed of without the appearance of the accused in court, no entries shall be made in any of columns 8 to 51.⁺⁺⁺
- (7) In column 8 an entry shall be made regarding every accused person arrested without a warrant by whomsoever he may be arrested. A person arrested, but released on bail or recognizance to attend the

⁺ Note: Figure 1898 shall be read as 1973 – Ed.

⁺⁺ Note: See section 345 of the new Code. – Ed.

⁺⁺⁺ Note: Columns 8 to 51 should be read as columns 8 to 47. Ed.

court shall be entered in column 8 or column 9 as the case may require.

- (8) When a case is transferred to another court in the same district, no entries shall be made in columns 13 to 59⁺ but a note shall be made in the column of remarks of the name of the court to which a case is transferred.
- (9) When an entry is made in column 15, a note shall at the same time be made in the column of remarks, whether the person died or escaped or was transferred to another district if he was transferred, the name of the district should be noted.
- (10) In column 16 an entry shall be made regarding every person discharged under sections 119, 209, 249, 253, 259 or 494(a).⁺⁺
- (11) In column 17 shall be entered every person acquitted under sections 247, 248, 345 or 494(b).^ξ
- (12) In column 17 shall be entered every person acquitted under sections 245 or 258.^{ξξ}
- (13) In columns 19, 20, 25 or 26 as the case may be, shall be entered every person subjected to an order under section 118[↑] (for whatsoever period), and every person convicted under section 243, 245 or 258[↑].
- (14) A person convicted shall be entered in column nos. 19 to 30 as the case may be, and a person committed shall be entered in column 31, even though the case falls under section 341^Υ and report has to be

⁺ Note: Columns 13 to 59 shall be read as columns 13 to 55. – Ed.

⁺⁺ Note: Figures 119, 249, 253, 259 and 494(a) shall be read as 118, 258, 245, 249 and 321 respectively. – Ed.

^ξ Note: Figures 247, 248, 345 and 494(b) shall be read as 256, 257, 320 and 321 respectively. – Ed.

^{ξξ} Note: Figures 245 and 258 shall be read as 255(1) & (2) and 248(2) respectively. – Ed.

[↑] Note: In instruction no. 13 figures 118, 243, 245 and 258 shall be read as 117, 252, 255(1) & (2) and 248 of the new Code. – Ed.

[↑] Note: In instruction no. 13 figures 118, 243, 245 and 258 shall be read as 117, 252, 255(1) & (2) and 248 of the new Code. – Ed.

^Υ Note: See section 318 of the new Code. –Ed.

made to the High Court, or even though action is taken under section 8 of the Reformatory Schools Act, 1897. In such a case, a note shall be made in the column of remarks, showing what action was taken after conviction.

(15) A person, whose case is submitted to a Sessions Judge under Section 123,* shall not be entered in column 31 or 32, but in column 19 or 20, as the case may be.

(16) A. When an accused person has been found to be of unsound mind and has been dealt with under section 466,** no entries shall be made in column 13 to 32 and the case regarding him shall not be treated for statistical purposes as pending. A note shall be made in the column of remarks to the effect that case has been entered in the special register prescribed for cases of this description. The cases entered in this register shall be brought up for consideration in the court in which they are pending on the first day in January, April, July and October, on which such court is sitting. If, under the provisions of section 468(1)⁺ of the Code of Criminal Procedure, 1898,⁺⁺ the accused has been held to be capable of making his defence and the inquiry or trial has proceeded, an entry to that effect shall be made in the register. If he has not been so held capable, the case shall continue to be brought up periodically until he has been held capable or until his death is certified to the court. The duration of the case shall be reckoned from the date on which he is put on his trial.

B. When an accused person has absconded no entries shall be made in columns 13 to 32 and the case regarding him shall be treated, for statistical purposes, as pending until he has been tried or dies. But otherwise, the case shall be treated as completed and the record shall be marked as of class III in column 52[¥] and a note of the action taken in regard to the accused shall be made in the column of remarks.

* Note: See section 122 of the new Code. – Ed.

** Note: See section 330 of the new Code. –Ed.

+ Note: See section 332 of the new Code. – Ed.

++ Note: Figure 1898 shall be read as 1973. – Ed.

¥ Note: Column 52 shall be read as column 48. – Ed.

- (17) A note shall be made in the column of remarks against every case in which (i) a complainant or informant is ordered to pay compensation under section 250; or (ii) the Magistrate declares that the charge is false and that the offence never occurred. It shall be the duty of the reader to ascertain such declaration.
- (18) To the register shall be prefixed an index in two columns the first column shall contain the entries given in the schedule of offences (Chapter XVII, rule 163) and such other local and special laws as are mentioned in the register; and in the second column shall be entered the serial numbers of the cases falling within each entry. The index shall be written up as soon as the entries in columns 1 to 5 relating to all the cases on each page of the register are completed.
- (19) In calculating the duration of a police case for the purposes of the column 33 a case shall be held to begin on the date entered in column 4-A and to end of the date entered in column 13 both days inclusive. In a complaint case the case shall be held to begin on the earliest date entered in columns 8 to 11 and to end on the date entered in column 13 both days inclusive.
- (20) For every entry in columns 34, 35, 36, 44 or 45⁺, there must be a corresponding entry in columns 46 to 49⁺⁺. There can be no entry in column 50^ξ, unless there is also an entry in columns 34 to 36 and another entry in columns 46 to 49.⁺⁺
- (21) When a person is sentenced under one conviction to more punishments than one, or is committed to prison in default of compliance with an order, an entry shall be made of every such punishment or imprisonment.
- Illustrations:
- (i) A person is sentenced to rigorous imprisonment with solitary confinement and to a fine, and is ordered to execute a bond for keeping the peace. He will be shown in column 34 and in column 38 and in column 42.^ψ

⁺ Note: Columns 44 or 45 should be read as columns 41 or 42. – Ed.

⁺⁺ Note: Columns 46 to 49 should be read as columns 43 to 46. – Ed.

^ξ Note: Columns 50 should be read as columns 47. – Ed.

⁺⁺ Note: Columns 46 to 49 should be read as columns 43 to 46. – Ed.

^ψ Note: Column 42 should be read as column 39. – Ed.

- (ii) A person is ordered to give security for good behaviour and does not give it. He will in every case be shown in column 43,⁺ and he will be shown also in column 45,⁺⁺ except in a case in which the proceedings have to be submitted to a Court of Session under section 123⁺⁺⁺. In such a case the imprisonment in default will be entered in the register of the Court of Session.
- (22) For a person shown in column 31 or 32 no entry shall be made in column 34 to 51.^ζ
- (23) Any punishment or order passed regarding a person convicted that cannot be shown in any of columns 34 to 43[¥] shall be entered in the column of remarks.
- (24) When a youthful offender is dealt with under section 8 of section 9 of the Reformatory Schools Act, 1897, a note of the order and of the Magistrate by whom it was passed shall be made in the column of remarks of this register in the Court of the Magistrate who convicted him.
- (25) Entries in columns nos. 53 to 59^{ξζ} shall be made on receipt of a copy of judgment or order or an abstract under Chapter X, rule 99.

⁺ Note: Column 43 should be read as 40. – Ed.

⁺⁺ Note: Column 45 should be read as column 42. – Ed.

⁺⁺⁺ Note: See section 122 of the new Code. – Ed.

^ζ Note: Columns 34 to 51 should be read as columns 34 to 47. – Ed.

[¥] Note: Columns 34 to 43 should be read as columns 34 to 40. – Ed.

^{ξζ} Note: Column nos. 53 to 59 should be read as column nos. 49 to 55. – Ed.

FORM NO. 10 (CHAPTER XVI, RULES 164 AND 168)

Register of cases under section 466⁺ of the Code of Criminal Procedure

Number of Case	Date	Court in which pending	Name of prosecutor	Name of accused	Date when case stopped on account of accused being pronounced incapable of defending himself	Orders
1	2	3	4	5	6	7

Printed Form, Part IX, No. 62

⁺ Note: See section 330 of the new Code. – Ed.

FORM NO. 11 (CHAPTER XVII, RULES 164 AND 168)

Register of miscellaneous criminal cases in the Court of _____ for the year 20....

Serial number	Date of institution	Police Station	How instituted	Section Applicable	Date of issue of first order	Nature of order	Name of each person against whom orders were issued	Whether such person complied with such orders, with date	Proceedings, if orders were not complied with				Result of appeal or revision, if any								
									Date of appearance, if any, of such person in court	Proceedings on appearance or in default of appearance	Nature of final orders		Name of court	Date of order	Order confirmed	Order reversed	Order modified with nature and extent of modification	Date compliance with appellate court's order	Signature of presiding officer	Remarks	
											No action taken or person proceeded against discharged	Person proceeded against subjected to a final order and nature of order									
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22

In regard to this register, the following instructions shall be observed

- (1) Every case under Chapter VI-C or section 485⁺, every case under section 106, every case under Chapter X⁺⁺ (save an order under section 142, which shall not be separately registered, and an order under section 143, which shall be entered in the register in form no. 12), every case under Chapter XII⁺⁺⁺, every case under section 332^{*}, every case under Chapter XXXVI[♦], every case under Chapter XLII^ψ and every case under section 250 of the Code of Criminal Procedure, 1898^{ξξ}, shall be entered in this register and no other case shall be entered therein.
- (2) The entries in the first eight columns shall be made as soon as the first order is given by the Court. The entries in the remaining columns shall be made each at the earliest opportunity.
- (3) When a case is transferred to another court or the person concerned dies, any column which may be blank at the time shall remain blank, save the column of remarks, in which a note shall be made of the transfer or death and of the court, if any, to which the case is transferred.
- (4) If any doubt arises in any case as to the proper entry to be made, a reference shall be made to instructions on form no. 24.
- (5) In the register in the Court of Session in this form shall be entered, every case under Chapter VI-C or section 485⁺, every case under section 106, every case under section 332^{*}, every application under section 528[¥] (1-c) and every case under Chapter XLII^ψ of the Code, and no other case shall be entered therein.

⁺ Note: See section 349 of the new code. – Ed.

⁺⁺ Note: See sections 133, 134, 135, 136, 137, 138, 141 & 143 of the new Code. – Ed.

⁺⁺⁺ Note: See sections 145, 146, 147 & 148 of the new Code. – Ed.

^{*} Note: Omitted under new Code. – Ed.

[♦] Note: See chapter 9 of the new Code. – Ed.

^ψ Note: See Chapter 33 of the new Code. – Ed.

^{ξξ} Note: Figure 1898 shall be read as 1973. – Ed.

^{*} Note: Omitted under new Code. – Ed.

[¥] Note: See sections 408, 409 & 410 of the new Code. – Ed.

^ψ Note: See Chapter 33 of the new Code. – Ed.

FORM NO. 12 (CHAPTER XVII, RULES 164 AND 168)

Register of miscellaneous reports and proceedings

In the Court of for the year 20....

Serial No.	Date of first report or order	Police Station	Description of initiatory paper with name of petitioner or person making report or reference	Intermediate orders	Final order with date	Method of disposal of papers	Remarks
1	2	3	4	5	6	7	8

Printed form, Part IX, no. 48

This register shall be kept up by the departmental clerk and shall contain an entry of every report or proceeding in the court of the nature hereinafter mentioned:

- (1) ⁺Order for issue of warrant under section 98 or 100 of the Code of Criminal Procedure, 1898.
- (2) ⁺⁺Order under section 124, 125, 126 or 143.
- (3) Order under section 173, upon a report under section 169.
- (4) ⁺⁺⁺Report under section 62, 157 or 174, if not made in a case otherwise registered.
- (5) Inquiry under section 159 or 176.
- (6) ^ξInquiry under section 186.
- (7) Case transferred under section 192.
- (8) Sanction under section 195.
- (9) ^{*}Warrant received under section 400 and sent to the record-room.
- (10) ^{**}Proceeding of a Sub-divisional Magistrate under section 435.
- (11) [¥]Inquiry under section 476.
- (12) ^{¥¥}Proceedings under section 482.
- (13) [¶]Proceedings under sections 503 to 505 and 507 by a Magistrate to whom a commission is issued.
- (14) ^{¶¶}Proceedings of a District Magistrate under section 506.
- (15) ⁺Proceedings under section 518, and proceedings under sections 523 to 525, which do not belong to a case otherwise registered.
- (16) ⁺⁺Proceedings under section 549 or 552.
- (17) Order under section 18 of the Vaccination Act, 1880.
- (18) Reports of unclaimed property under section 25 of the Police Act, 1861, and other reports by the police not connected with cases

⁺ Note: Figures 98, 100 and 1898 shall be read as 94, 97 and 1973. – Ed.
⁺⁺ Note: Figures 124, 125 and 126 shall be read as 123. – Ed.
⁺⁺⁺ Note: Figure 62 shall be read as 58. – Ed.
^ξ Note: Figure 186 shall be read as 187. – Ed.
^{*} Note: Figure 400 shall be read as 430. – Ed.
^{**} Note: Figures 435 shall be read as 397. – Ed.
[¥] Note: See sections 340, 341 and 343 of the new Code. – Ed.
^{¥¥} Note: Figure 482 shall be read as 346. – Ed.
[¶] Note: See sections 284, 285, 286 and 288 of the new Code. – Ed.
^{¶¶} Note: Figure 506 shall be read as 287. – Ed.
⁺ Note: See section 452(3), 457, 458 and 459 of the new Code. – Ed.
⁺⁺ Note: See sections 475 and 98 of the new Code. – Ed.

before the court; for example, reports of the deaths of friendless, unknown or destitute persons.

- (19) Any other report or proceeding of a nature similar to any of those above mentioned.
- (20) Translations of letters, orders or other directions as to court or office work, or copies of proceeding received from superior courts.
- (21) Proceedings received from other district courts, and offices regarding service and execution of processes, realization of fines, and the like matters.
- (22) Proceedings of a District Magistrate under section 9 and section 31, sub-section (5) of the Reformatory Schools Act, 1897.
- (23) Proceedings under section 10 of the Reformatory Schools Act, 1897.
- (24) Proceedings under sections 7 and 8 of the Lepers Act, 1898.
(Note: Now repealed in U.P. – Ed.)

In column 7 shall be entered a note of what is done with the papers; for example, the following notes might be made according to circumstances.

- (i) “sent to the court of” in regard to numbers (6), (7), (10), (11), (12), (13), (16), (17) and (21).
- (ii) “filed with record of case number” in regard to numbers (1), (2), (3), (8), (14), (16), (17) and (22).
- (iii) “sent to the record-room with list, dated” in regard to numbers (3), (4), (5), (15), (17), (18), (20), (21) and (23).
- (iv) “sent to the record-room separately” in regard to number (9).
- (v) “pasted into file-book” or “returned” in regard to number (20) or (21).

In this register in a court of session shall be entered every proceeding under section 195, or under section 400⁺, or under section 476⁺⁺, or under section 482⁺⁺⁺, or under section 518^ξ, if such proceeding is taken separately from the case to which it relates, or under any other similar provision of law. As regards entries in column 7, the above instructions shall apply.

⁺ Note: See section 430 of the new Code. – Ed.

⁺⁺ Note: See section 340, 341, 343 of the new Code. – Ed.

⁺⁺⁺ Note: See section 346 of the new Code. – Ed.

^ξ Note: See section 452(3) of the new Code. – Ed.

FORM NO. 12-A (CHAPTER XVII, RULES 164 AND 168)

Register of bail applications

Serial number of application	Date of application	Name of applicant	Name of the Court refusing or granting the bail	Case no. of Crime no.	Police Station	Offence (Act and Section in respect of which the bail is applied for	Date of disposal	Whether the applicant was earlier allowed or refused bail by					Remarks
								Courts of Session			High Court		
								whether allowed or refused	Whether allowed or refused	Date of order	Whether allowed or refused	Date of Order	
1	2	3	4	5	6	7	8	9	10	11	12	13	14

FORM NO. 13 (CHAPTER XVII, RULE 166)

Register of appeals in the Court of Sessions Judge/Assistant Sessions Judge of

Serial register number of appeal			Particulars of original case								Result of appeals as regards each person entered in Column 3													
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	19A	19B	20	21	22	23

+ NOTE: See Section 384 of the new code – Ed.
 ++ NOTE: See section 385(2) and 386 of the new code-Ed.

+++ NOTE: See section 387 of the new code. – Ed
 T NOTE: See section 341(1) of the new code. – Ed

- (1) This register shall be maintained in every appellate court by such clerk as the presiding officer shall be written order direct. The entries in columns 1 to 9 shall be filled in when the petition is presented or is received from the jail, or the case is received on transfer. A separate line shall be given for every appellant named in column 3. The entries in columns 4 to 9 shall be taken from the copy of the judgment or order filed with the petition. The remaining entries shall be made at the earliest opportunity. The entry in column 13 shall be the number of days from the date entered in column 2 to the date entered in column 12 inclusive.
- (2) If an appellate court takes any action in the way of revision in a case coming before it in appeal, a separate revision case shall be commenced and registered, and the action taken in revision shall not be entered in the register of appeals.
- (3) When a case is transferred to another court in the same district, no entries shall be made in columns 12 to 22, but a note shall be made in the column of remarks of the name of the court to which the case is transferred and the law under which the transfer was made.
- (4) When an entry is made in column 14, a note shall at the same time be made in the column of remarks, whether the person died or escaped or whether his appeal was transferred to another district. If it was transferred, the name of the district shall be noted.

FORM NO. 14 (CHAPTER XVII, RULE 167)

Register of revision in the Court of District Magistrate/Sessions Judge for the year 20.....

Serial register number of revision	Date of application, if any, and of the order calling for record	On whose application on behalf the revision is		Particulars of original case							Date or receipt of record	Date of disposal of case	Number of days the case lasted	Result of case as regards each person named in column 8					No. of papers on the record of the revision case		Date of despatch of record of revision to record-room	Remarks
		Complainant	Accused	Name of Magistrate	Serial register number	Police Station	Name, etc., of each accused	Date of order under revision	Abstract of order under revision	Died, escaped or transferred to another district				Application rejected or record returned	Order reversed	Discharged, set aside or committal ordered under section 436+	Further inquiry made or ordered under section 436+ or section 437++	Report made to the High Court under section 438+++	File - A	File - B		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23

Printed Form, Part IX, no. 50

- + NOTE: See section 398 of the new code. – Ed.
- ++ NOTE: See section 399 of the new code. – Ed.
- +++ NOTE: See section 399 and 400 of the new code. – Ed.

- (1) This register shall be maintained in the court of every District Magistrate and in every Court of session by such clerk, as the presiding officer may be written order direct. Whenever an application for revision is presented, or the court sends for a record under Section 435⁺ of the Code or (in the case of a District Magistrate), receives a record under that section or takes any action in the way of revision in a case coming before it on appeal or otherwise, or receives a revision case on transfer, an entry shall be made in columns 1 to 10.
- (2) Whenever the application is made on behalf of a complainant, or the revision is undertaken in the interests of the complainant or prosecution, the name of the complainant or the words "State" shall be entered in column 3 and no entry whatever shall be made in column 4.
- (3) Whenever the application is made or the revision is undertaken in the interests of the accused, no entry shall be made in column 3, but in column 4 shall be entered the name of every accused person in whose interests the action is taken, a separate line being given to each person.
- (4) In column 8 shall be entered, each a separate line, the names of only so many of the accused in the original case as are liable to be affected by orders passed in revision, and when there is an entry in column 4 the number of the persons entered in column 4 should be the same as the number of those entered in column 8.
- (5) The entry in column 13 shall be the number of days from the earliest date entered in column 2 to the date entered in column 12 inclusive.
- (6) When a case is transferred to another court in the same district, no entries shall be made in columns 12 to 22, but a note shall be made in the column of remarks of the name of the court to which the case is transferred.
- (7) When an entry is made in column 14, a note shall at the same time be made in the column of remarks, whether the person died or escaped or his case was transferred to another district, if it was transferred, the name of the district shall be noted.
- (8) The entries in columns 14 to 19 shall be made separately against the name of each person entered in column 8.

⁺ Note: See section 397 of the new Code - Ed

FORM NO. 15 (CHAPTER XVII, RULE 168)

Register of committed cases for the year 20 in the Court of theof

1	2	Particulars of inquiry										Person disposed of						Whether the Judge in Jury trials		22	23	24			
		3	4	5	6	7	8	9	10 A	10 B	11	12	13	Acquitted				19	20				21		
														14	14A	15	16							17	18
		Name of committing magistrate	District	Serial register number	Police Station	Name , parentage, residence, etc., of each person committed	Act and section found applicable by committing magistrate	Date of receipt of record from committing magistrate	Date originally fixed for trial	Dates on which trial actually takes place	Date on which case was decided	Number of days the case was pending	Act and section ultimately found applicable in Session Court	On withdrawal from prosecution	Discharged u/s 227 , Cr.P.C.++	Otherwise	Convicted	Submitted to High Court under section 307+++	Died, escaped or transferred to another Sessions division or to the High Court	Approved verdict	Did not approve verdict	Made reference under section 307+++	Schedule number of offence entered in column 13	Class of record under Chapter XII, Rule 117	Remarks

(Not Printed)

+

NOTE: See Section 345(1) of the new code – Ed.

+++

NOTE: Omitted in the new Code - Ed

++

NOTE: See section 216(1) and (2) of the new code-Ed.

- (1) Whenever the record of a case committed for trial or transferred from another court is received, the clerk in charge of this register shall at once enter it in columns 1 to 9, and in a case received by transfer he shall enter the name of the court from which it is received in the column of remarks.
- (2) Whenever a case is dealt with under section 480⁺ of the Code of the Criminal Procedure 1898,⁺⁺ he shall enter the case in columns 1, 2 and 7 leaving columns 3,4,5,6,8 and 9 blank.
- (3) The entries in columns 11 to 26^ζ shall be made at the earliest opportunity.
- (4) If the same person is tried in more than one trial on separate charges, each trial shall be separately registered.
- (5) In each case only the principal offence shall be taken for the entry of Act and section in column 8 and column 13.
- (6) In calculating the duration of a case for the purposes of column 12 the date entered in column 2 shall be taken as the first day and the date entered in column 11, 11 as the last day of the duration.
- (7) When a person is convicted and sentenced to death or is convicted under circumstances to which section 341⁺⁺⁺ applies, he shall be shown in column 16 as convicted and not in column 17, which is intended only for the entry of a person whose case is submitted under section 307*.
- (8) When an entry is made in column 18, a note shall at the same time be made in the column of remarks, whether the person died or escaped or was transferred, if he was transferred to another sessions division, its name shall be noted; and for every transfer

⁺ NOTE: See section 345(1) of the new Code. – Ed.

⁺⁺ NOTE: Figure 1898 shall be read as 1973. – Ed.

^ζ NOTE: Columns 11 to 26 should be read as columns 11 to 23. – Ed.

⁺⁺⁺ NOTE: See section 318 of the new Code. – Ed.

^{*} NOTE: Omitted in the new Code. – Ed.

the section of the law under which the transfer is made shall be noted.

- (9) When a case is transferred to another court in the same sessions division, no entry shall be made in columns 11 to 26^ξ, but a note shall be made, in the column of remarks of the name of the court to which the case is transferred.
- (10) When a commitment is quashed by the High Court, the whole of the entries relating to the case shall be struck out of the register.
- (11) In columns 7 to 25⁺ separate lines shall be given for each accused person.
- (12) In column 16 (convicted) the entry should include the figures required for columns 17 to 20 of form no. 20. These figures should be separately indicated in the remarks column of the register.

^ξ NOTE: Columns 11 to 26 shall be read as columns 11 to 23. – Ed.

⁺ NOTE: Figure 7 to 25 shall be read as 7 to 24. – Ed.

FORM NO. 16 (CHAPTER XVII, RULE 168)

Register of punishment inflicted during the year 20..... in the court of Sessions Judge of

1	2	Number of persons sentenced to -								11	12	Detail of punishment						19
		3	4	5	Rigorous imprisonment		8	9	10			Imprisonment						
					6	7						13	14	15	16	17	18	
		Death	Imprisonment	Penal servitude	With solitary confinement	Without solitary confinement	Simple imprisonment	Forfeiture of property	Fine	Persons ordered to find or give security or recognizance to keep the peace	Persons ordered to be imprisoned in default of security for good behaviour	15 days and under	6 months and under	2 years and under	7 years and under	Above 7 years	Number of boys whose sentences were committed to detention in a reformatory	Remarks

In regard to this register the following instructions shall be observed:

- (1) Whenever the clerk makes (i) an entry in column 16 of the register in form no. 15, or (ii) an entry in columns 10 and 12 or 13 of the register in form no. 17, in a case in which the court under section 123⁺ orders imprisonment in default of security for good behaviour, she shall at once enter the particulars of the case in the register in the form and no other case shall be entered in that register.
- (2) The directions contained in clauses (2), (4), (5), (9), (10) and (11), regarding entries in the register in form no. 9 shall apply to entries in this register also, the numbers of the corresponding columns being substituted, where necessary.
- (3) In column 14⁺⁺ an entry shall be made whenever the court makes an order under section 106, and on no other occasion.
- (4) In column 15⁺⁺⁺ an entry shall be made whenever the court makes an order for imprisonment under section 123⁺ and on no other occasion.

⁺ NOTE: See section 122 of the new Code. – Ed.

⁺⁺ NOTE: In instruction 3 column 14 should be read as column 11. – Ed.

⁺⁺⁺ NOTE: In instruction 4 Column 15 should be read as column 12. – Ed.

FORM NO. 17 (CHAPTER XVII, RULE 168)

Register of cases submitted under section 123+ of Code of Criminal Procedure 1898++

In the Court of Sessions Judge of

Serial	Date of submission	Particulars of case submitted							Date of disposal	Number of days case lasted	Particulars of final order			Number of papers on the record in		Date of dispatch of record to record-room	Remarks
		Name of submitting Court or Magistrate	District	Serial register number	Date of disposal by submitting court	Police Station	Name, parentage etc., of person whose case is submitted	Abstract of order, with Act and section found applicable			Order confirmed	Order altered without alteration of the finding	Order annulled	File-A	File-B		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18

+ NOTE : See Section 122 of the new Code. – Ed.

++ NOTE : Figure 1898 shall be read as 1973 – Ed.

(Not printed)

In this register shall be entered every case received on submission under section 123⁺ of the Code of Criminal Procedure 1898,⁺⁺ such case shall not be entered in any other register, save as provided in the instructions on form no. 16; and no other case shall be entered in this register. A separate line shall be given to each person mentioned in column 8. The number entered in column 11 shall be the number of days from the date entered in column 6 to the date entered in column 10 inclusive.

⁺ NOTE: See section 122 of the new Code. – Ed.

⁺⁺ NOTE: Read figure 1898 as 1973. – Ed.

FORM NO. 18 (CHAPTER XVII, RULE 169)

Register of witnesses (including complainants) and of allowance to them in the court of Magistrate/Session Judge of.....

1	2	3	4	5	Date of Discharge		Discharged on the -					Details of allowances paid							Signature of		23	
					6	7	8	9	10	11	12	13	14	15	Amount of travelling expenses (If any)		18	19	20	21		22
Serial number of witness discharged	Number of cases	* Number of witness discharged	Residence of witness	Date of arrival	After examination	Without examination	First day of attendance	Second day of attendance	Third day of attendance	After the third day of attendance	Rate according to Rules in force	Number of days allowed for journey	Number of days detained at court	Amount of diet allowance paid	By rail	By road with actual distance paid for	Total of columns 15, 16 and 17	Amount paid by Nazir	Signature of Nazir	Payee	Officer before whom paid	Remarks
20	28 of '48	Hira Singh	A	10.7.48	-	-	-	-	-	-	B	1	1	2B	X	Y 10 ** Miles	2B+ X+Y	-	-	(Sd) H.S.	(Sd) P.O.	Case not taken up
* For word number, word Name should be read. - Ed. ** For word 10 miles read words 16.5 K.M. - Ed.																						

21	Ditto	Phool Singh Constable	H	10.7.48	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Ditto
22	Ditto	Ram Bux	D	10.7.48	-	-	-	-	-	B	1 Total	1	2B 4B	E X+E	F20* Miles Y+F	2B+ E+F 4B+X+ Y+E+F	-	-	(Sd) R.B.	(Sd) P.O.	Ditto Entries checked (Sd.) P.O. 10.7.48		
21*	28 of '48	Phool Singh Constable	-	10.7.48	11.7.48	-	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Entries checked (Sd.) P.O. 10.7.48	
20*	Ditto	Hira Singh	A	11.7.48	-	-	-	-	-	B	-	1	B	-	-	B	-	-	(Sd) H.S.	(Sd) P.O.	Examination incomplete		
22*	Ditto	Ram Bux	D	11.7.48	-	-	-	-	-	B	- Total	1	B 2B 2B	- - -	- - -	B 2B	- - -	- - -	(Sd) R.B.	(Sd) P.O.	Entries checked (Sd) P.O. 11.7.48		

* For word '20 miles' read word '33 K.M.'. – Ed.

20*	28 of '48	Hira Singh	A	12.7.48	12.7.48	-	-	-	1	-	B	1	1	2B	X	Y 10 Miles	2B+ X+Y	-	-	(Sd) H.S.	(Sd) P.O.	
22*	Ditto	Ram Bux	D	12.7.48	-	-	-	-	-	-	B	1 Total	1 -	2B 4B	E X+E	F 20 miles++ Y+F	2B+ E+F 4B+X +Y+E +F	-	-	(Sd) R.B.	(Sd) P.O.	Examination incomplete Entries checked (Sd) P.O. 12.7.48
22*	Ditto	Ram Bux	D	25.7.48	25.7.48	-	-	-	-	1	B	2 Total	1 -	3B 3B	2E 2E	2F 40 Miles+++ 2F 40 Miles+++	3B+ 2E+F 3B+ 2E+ 2F¥	-	-	(Sd) R.B.	(Sd) P.O.	Entries checked (Sd) P.O. 25.7.48

+ For word '10 miles' read '16.5 K.M.' – Ed.

++ For word '20 miles' read '33 K.M.' – Ed.

+++ For word '40 miles' read '66 K.M.' – Ed.

¥ Figure '2F' seems to be misprint, it should have been 'F' – Ed.

Printed Part IX No. 68

NOTE B denotes diet money payable per day.

X denotes travelling expenses payable for the outward or inward journey to Hira Singh (H.S.)

Y ditto ditto ditto

E ditto ditto to Ram Bux (R.B).

F ditto ditto ditto

P.O. Abbreviation for Presiding Officer

* Entries to be in red ink.

Entries in the form should be made according to the above specimen.

The entries relating to the witnesses who attend the court on several dates should not be made at one and the same place irrespective of the dates on which they attend. The entries should, on the other hand be made date wise, but in order that the Register may indicate at a glance whether a witness has or has not appeared in the same case on a previous date as well subsequent entries relating to the same witness in column no. 1 only should be made in red ink.

FFORM NO. 19 (CHAPTER XVII, RULE 169)

To,
The Nazir,
Magistrate's Court,

Please pay Rs..... for diet-money and expenses to complainants and witnesses in the case mentioned below:

Date	Number of case and names of parties	Amount of diet-money, etc., required Rs. Ps.	Signature of the official receiving the money from the Nazir	Remarks
1	2	3	4	5

Total.....Rupees (in words).....

Dated 20.....

Magistrate

Printed Form, Part IX, no. 69.

FORM NO. 20 (CHAPTER XVIII, RULE 177)

Annual statement showing the general result of criminal trials in the
Tribunals of various classes in the district of _____ during the year 20.....

Class of tribunal and name of presiding officer	Number of persons under trial								Acquitted	Persons whose cases were disposal of										Committed	Referred	Total of columns 12 to 20	Persons remaining under trial at close of year	Number of cases disposed of during year	Aggregate number of days during which cases entered in column 31 lasted.	Average number of days during which each case lasted.	Number of cases pending above three months whether disposal of or pending at the close of year.	Remarks						
	Brought to trial during present year									CONVICTED																								
										On regular trial					On summary trial																			
	Remaining from last year	Under arrest	Upon warrant	Upon summons	Voluntarily	Received on commitment	Received on reference	Received by transfer from another district		On withdrawal from prosecution	Appealable sentence passed	Non-appealable sentence passed	Released on probation, section 4, U.P. First Offender's Probation Act, 1938+.	Released after Admonition section 3, U.P. First Offender's Probation Act, 1938+	Discharged after admonition	Delivered to parent or guardian	Appealable sentence passed	Non-appealable sentence passed	Released on probation section 4, U.P. First Offender's Probation Act, 1938+										Released after Admonition section 3, U.P. First Offender's Probation Act, 1938+	Youthful offenders dealt with under section 31 of Act no. VIII of 1897++	Youthful offenders dealt with under section 31 of Act no. VIII of 1897++			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35

[Printed Form Part IX, No. 41] + NOTE: See section 4 and 3 of Probation of Offenders Act, 1958-Ed.

++ NOTE: See Juvenile Justice Act, 1986. -Ed.

In the preparation of this statement the following instructions shall be observed:

- (1) In column I shall be entered on a separate line each bench of magistrates and each magistrates or court in the order of the following classes, namely:
 - (a)* Benches of magistrates, i.e., benches appointed under section 15 of the Code of Criminal Procedure, 1898**.
 - (b) Special magistrates, i.e., magistrates appointed under section 14 for some class or classes of cases, or for cases generally, in any local area; e.g.,
 - (i) A munsif*** invested with powers in a certain area;
 - (ii) A superintendent of a jail in the jail;
 - (iii) A forest officer in his division;
 - (iv) A canal magistrate;
 - (v) A cantonment magistrate;
 - (vi) A Railway magistrate, who is paid by the State;
 - (c) Honorary magistrate sitting singly, i.e., unpaid magistrate appointed under section 14 who are not members of a bench;
 - (d) Stipendiary magistrates sitting singly, i.e., magistrates appointed under section 12 to be magistrates in a district;
 - (e)+ District Magistrate under sections 10 and 11;
 - (f)++ District and sub-divisional magistrates for cases submitted under sections 347, and 349 of the Code of Criminal Procedure, 1898** and 5 of the U.P. First Offender's Probation Act, 1938+++.
 - (g) Judges of the Court of Session or Judges exercising jurisdiction therein under section 9.
- (2) The entries in column 2 shall be taken from column 30 of the statement for the preceding year, and shall be verified for magistrates' courts from the register in form no. 9 by a comparison of the entries in columns 1, 5, 12 and 13 regarding cases instituted in such preceding period and for the court of Session from the corresponding entries in the register in form no. 15.

* NOTE: Abolished under new Cr.P.C.-Ed.

** NOTE: Figure 1898 may please be read as 1973.-Ed.

*** NOTE: Word "Munsif" shall now be read as Civil Judge (Junior Division).-Ed.

+ NOTE: Now, C.J.M. under section 12 of the new Code.-Ed.

++ NOTE: Now, see sections 323 and 325 of the new Code.-Ed.

+++ NOTE: See also Probation of Offenders Act.-Ed.

- (3) The entries in column 3 for magistrates' courts shall be the total numbers of the entries in column 8, of the register in form no. 9, against cases instituted in the year, the entries in column 4 shall be the similar totals of column 9; those in column 5 the totals of column 10; and those in column 6 the totals of column 11 of the same register, omitting in every column the entries in the register against cases transferred within the district. There will be no entries in these columns for the Court of Session except in the cases of persons proceeded against under section 477⁺ or 480⁺ of the Code of the Criminal Procedure, 1898.
- (4) In column 7 there will be no entry against magistrate's courts. The entries against the Court of Session shall be the totals of the persons entered in column 7 of the register in form no. 15 against the case committed during the year.
- (5) The entries in column 9 shall be made from the entries in the column of remarks in the register in form nos. 9, and 15, and the names of the districts from which cases were received shall be noted in the column of remarks.
- (6) In column 11 against magistrates' courts shall be entered the totals of the entries in column 15 of the register in form no. 9 for the year, and against the Court of Session the totals of the entries against cases in column 18 of the register in form no. 15; the details regarding such entries in the column of remarks in the register shall be entered in the column of remarks of the statement also.
- (7) In column 12 there will be no entry against the Court of Session. The entries against magistrate's courts will be the totals of the entries in column 16 of the register in form no. 9 of the year.
- (8) In columns 13, 14 and 15 the entries for magistrate's courts will be the totals of the entries in column 17, 18 and 19, respectively, of the register in form no. 9 for the year; those for Courts of Session will be the totals of the entries in columns 14, 15 and 16, respectively, of the register in form no. 15 against all cases decided during the quarter.

⁺ NOTE: Omitted since these sections have been deleted in new Code.-Ed.

⁺ NOTE: Omitted since these sections have been deleted in new Code.-Ed.

(9) In columns 16 to 27 the entries for magistrates' courts will be the totals of the entries in columns 20 to 31, respectively, of the register in form no. 9 for the year.

For Courts of Session the entries in columns 17, 18, 19 and 20 will be the totals of the figures given in the remarks column of form no.15.

(10) In column 28 the entries against magistrates' courts will be the totals of the entries in column 32 of the register in form n. 9, for the year; those against Court of Session will be the number of the entries in column 17 of the register in form no 15 made during the year.

(11) In column 30 the entries for magistrates' courts shall be verified by counting the number of persons entered in column 12 of the register in form no. 9.

(12) In column 31 shall be entered against magistrates courts the total number of cases entered in column 1 of the register in form no. 9 during the year, omitting any case in which all the accused are entered in column 15 of the same register; against Courts of Session shall be entered the total number of entries made during the year in column 11 of the register in form no. 15, omitting any case in which all the accused are entered in column 18 of the same register.

(13) In column 32 will be entered against magistrates' courts the totals of the entries in column 33 of the register in form no. 9 during the year; against Courts of Session the totals of the entries made in column 12 of the register in form no. 15 during the year; similar omissions being made as for column 31.

(14) In column 34 will be entered against magistrates' courts every case decided during the year or pending at its close in which the entry in column 33 of the register in form no. 9 is will be more than 42.

(15) In column 35 the total number of the cases left pending at the close of the year shall be shown both by the magistrate and the Court of Session.

FORM NO. 21 (CHAPTER XVIII, RULE 177)

Annual statement showing the punishment inflicted by the various criminal tribunals in the exercise of original
Jurisdiction in the district of _____ during the year 20.....

Class of tribunal and name of presiding officer	Persons sentenced to-							DETAILS OF PUNISHMENT																						
	Death	Transportation	Penal Servitude	IMPRI- SONMENT		Persons ordered To Find or give	Persons imprisoned In default of	FINE										Imprisonment												
				With solitary confinement	Without solitary confinement			Register	Forfeiture of property	Fine	Security or recognizance to keep the peace	Securities for good behaviour	Security to keep the peace	Security for good behaviour	Rs. 10 and under	Rs. 50 and under	Rs. 100 and under	Rs. 500 and under	Rs. 1,000 and under	Above Rs. 1,000	Total amount of fines during the year	Total amount of fines realised during the year	Amount paid by way of compensation under section 545+	15 days and under	6 months and under	2 years and under	7 years and under	Above 7 years		
																													Number of boys whose sentences were com- muted to detention in a reformatory school	Number of youthful offenders dealt with under Section 31 of the Reformatory Schools Act 1897 ++	Amount paid as compensation under section 250	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31

[Printed Form Part IX, No. 15]

+ NOTE: See section 357 of the new Code. - Ed.

++ NOTE: See Juvenile Justice Act, 1986, - Ed.

In the preparation of this statement the following instructions shall be observed:

- (1) In column 1 the entries shall be made as in the statement in form no. 20 excepting cases under section 8 of the U.P. First Offender's Probation Act, 1938 (+) in instruction (f) on form no. 20.
- (2) In columns 5,6,7,8,9,11,12,13,14,24,25,26,27 and 32 against a Magistrate's court, the entries shall be the totals of the entries for the year in columns 34 to 38 and 42 to 50, respectively, of the register in Form no. 9, the entries in columns 15 to 23 shall be obtained from the fine register the total numbers entered in column 15 to 20 being equal to the number entered in column 9: the entry in column 34 shall be obtained from the notes made during the year in the column of remarks of the register in Form no. 9.+
- (3) Against a Court of Session there will be no entries in columns 12 and 34. The entries in columns 2,3,4,5,6,7,8,9,11,12,24,25,26,27,28, and 32 shall be the totals of columns 3,4,5,6,7,8,9,10,14,15,16,17,18,19,20 and 21, respectively, in the register in Form no. 16 for the year: the entries in columns 15 to 23 shall be obtained from the fine register and checked with column 9.++
- (4) Fractions of rupees shall be omitted in columns 21 to 23. The column 22 shall be included all fines realised during the year, even if some were imposed during a previous year.+++
- (5) In columns 15 to 23 shall not be included fines imposed in appeal.*
- (6) The entries in columns 32 and 33 shall be obtained from the entries in the column of remarks of the register in Form no. 9#
- (7) In the column of remarks shall be made a note of the entries made in the register under clause 12 of instructions of Form no. 9.

(+) NOTE: See also Probation of Offenders Act, 1958. - Ed.

+ NOTE: In instruction 2 figures for columns 11, 12, 13, 14, 24, 25, 26, 27, 32, 15 to 23, 15 to 20, 34 and 42 to 50 shall be read as 10, 11, 12, 13, 23, 24, 25, 26, 28, 14 to 22, 14 to 19, 30 and 30 to 47, respectively.-Ed.

++ NOTE: In instruction 3 figures for columns 11, 12, 24, 25, 26, 27, 28, 32, 15 to 23, 14, 15, 16, 17, 18, 19, 20 and 21 shall be read as 10, 11, 23, 24, 25, 26, 27, 28, 14 to 22, 13, 14, 15, 16, 17, 18, 19 and 20 respectively.- Ed.

+++ NOTE: In instruction 4 figures for columns 21 to 23 and 22 shall be read as 20 to 22 and 21 respectively.-Ed.

* NOTE: In instruction 5 columns 15 to 23 shall be read as 14 to 22.-Ed.

NOTE: In instruction 6 columns 32 and 33 shall be read as column 28 and 29 respectively.- Ed.

FORM NO. 22 (CHAPTER XVIII, RULE 177)

Annual statement showing offences reported, and persons tried, discharged, acquitted, convicted and committed by Magistrate
for each offence in the district of _____ during the year 20__.

Nomenclature of offences with chapter and section of the Indian Penal Code, or other law, applicable	Schedule number of offence	Number of cases									Number of persons										
		Offences reported		Complaints dismissed under section 203	Otherwise struck off as false	Balance returned as true			Undertrial during the year	Discharged	Acquitted		Convicted					Number of complainants fined under section 250 of the Criminal Procedure Code	Remarks		
		In and pending from the previous year	During the year			Of offences reported in and pending from the previous year	During the year	Brought to trial during the year			On withdrawal from prosecution	Otherwise	Sentenced	Released on probation under sections 3 and 4 of the U.P. First Offender's Probation Act+	Total of column 14 & 15	Committed	Died, escaped or transferred to another district			Remaining under trial at close of year	
		3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
1	2																				
SCHEDULE OF OFFENCES																					
I-Punishable Under the Indian Penal Code																					
Criminal Conspiracy Chapter VA	1																				
Offences against the State Chapter VI	2																				
Offences against the Army, Navy & Air Force Chapter VII	3																				
Offences against the public tranquility Chapter VIII	4																				
Offences by or relating to public servants Chapter IX	5																				
Offences relating to elections Chapter IXA	6																				
Contempts of the lawful authority of public servants Chapter X	7																				
False evidence and offences against public justice Chapter XI	8																				
Offences relating to (a) coin & (b) Govt. stamps separately XII	9																				
Offences relating to weights & measures Chapter XIII	10																				
Offences affecting the public health, safety, convenience, decency & Morals Chapter XIV	11																				
Offences relating to religion Chapter XV	12																				

Nomenclature of offences with chapter and section of the Indian Penal Code, or other law, applicable			Schedule number of offence	Number of cases							Number of persons										
				Offences reported		Complaints dismissed under section 203	Otherwise struck off as false	Balance returned as true		Undertrial during the year	Discharged	Acquitted	Convicted				Committed	Died, escaped or transferred to another district	Remaining under trial at close of year	Number of complainants fined under section 250 of the Criminal Procedure Code	Remarks
				In and pending from the previous year	During the year			Of offences reported in and pending from the previous year	During the year				Brought to trial during the year	On withdrawal from prosecution	Otherwise	Sentenced						Released on probation under sections 3 and 4 of the U.P. First Offender's Probation Act+	Total of column NO. 14 & 15
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
Offences affecting life causing of miscarriage injuries to unborn children, exposure of infants and the concealment of births	Chapter XVI	S. 302 to 311,	13																		
		S. 312 to 318	14																		
Hurt Wrongful restraint and wrongful confinement Criminal force and assault, kidnapping, Forcible abduction, slavery and forced labour Rape Unnatural offence	Chapter XVI	Sec. 323 to 338	15																		
		Sec. 341 to 348	16																		
		Sec. 352 to 358	17																		
		Sec. 363 to 374	18																		
		Sec. 376 Sec. 377	19 20																		

Theft	Chapter XVII	Sec. 379 to 382	21																
Extortion		Sec. 384 to 389	22																
Robbery and dacoity		Sec. 392 to 402	23																
Criminal misappropriation of property		Sec. 403 and 404	24																
Criminal breach of trust		Sec. 406 to 409	25																
Receiving of stolen property	Chapter XVII	Sec. 411 to 414	26																
Cheating		Sec. 417 to 420	27																
Fraudulent deed and disposition of property		Sec. 421 to 424	28																
Mischief		Sec. 426 to 440	29																
Criminal trespass		Sec. 447 to 462	30																
Offences relating to documents and to trade or property marks – Ch. XVIII			31																
Criminal Breach of Contracts of Service – Ch. XIX			32																
Offences relating to marriage – Ch. XVIII			33																
Offences against cruelty to women – Ch. XXII																			
Defamation – Ch. XXI			34																
Criminal intimidation, insult & annoyance – Ch. XXII			35																
II – Punishable under the Court of Criminal Procedure																			
Proceedings under Ch. VIII, for keeping the peace			36																
Proceedings under Ch. VIII, security for keeping the peace			37																
III – Punishable under Special & Local Laws (See Schedule, Chapter XVII, Rule 163)			38																

Printed Form, Part, IX, No. 19

+ NOTE: See Probation of Offenders Act. – Ed.

In the preparation of this annual statement the following instructions shall be observed:-

- (1) In column 1 the offences entered shall be the offence given under numbers 1 to 37 of the schedule of offences, and offences punishable under special and local laws, each laws being separately specified. Entries shall be made in the order observed in the schedule; except that attempts shall be entered immediately after, and abetments shall be included with the substantive offences. In every entry of a special or local law the title of each Act shall be specified as well as its number and year. An Act of the State Legislature shall be distinguished by the letters "U.P. & O" placed after the number and year of the Act.
- (2) In column 3 shall be entered the number of pending cases in all the district registers in form no.9 of the year preceding; in column 4 shall be entered the number of case entered in column 1 of all the district registers in form no. 9 minus the number transferred between courts in the district; in column 5 shall be entered the number of case entered in column 6 of such register; in column 6 shall be entered the number of cases as regards which notes have been made under clause 17 of the instructions relating to form no. 9, in the column of remarks of such registers; in column 7 shall be entered cases returned as true of the cases shown in column 3 of the annual statement; in column 8 shall be entered the number remaining after deducting the entries in columns 5 and 6 from the entry in column 4; in column 9 shall be entered the number of cases entered in the registers in form no. 9 for the year plus the number of pending cases in the same registers against which entries have been made in columns 8,9, 10 or 11 and the number of pending cases in the registers in form no. 20.
- (3) In column 10 shall be entered the number of the persons accused in the cases entered in column 9; in column 11 shall be entered the number of persons shown in column 16 of the registers in form no. 9; in column 12 shall be entered the number of persons shown in column 17 of those registers; in column 13 shall be entered the number of persons shown in column 18 of those registers; in column 14 shall be entered the number of persons shown in columns 19 to 26 of those registers; in column 17 shall be entered the number of persons shown in column 31 of those registers, and in column 18 of the number shown in column 3.

The distribution of such persons under the several offences can be effected by means of indices to the registers in form no. 9.

- (4) The number entered in column 19 shall be the number of persons entered in column 26 of the registers in form no. 9 and column 34 of the registers in form no. 20 against cases left pending at the end of the year. The totals of columns 11 to 19 should be equal to the total of column 10.
- (5) In column 21 shall be noted-
- (a) how many of the persons entered in column 18 died, how many escaped and how many were transferred to another district;
 - (b) the names of the districts to which such last mentioned persons were transferred.

In column 20 shall be noted in how many of the cases entered in column 6 against each offence the complainant was ordered to pay compensation under section 250 of the Code of Criminal Procedure, 1898+.

NOTE: Complainants fined under section 250 of the Code of Criminal Procedure, 1898+, are not to be entered as convicted in statements forms no. 20, 21 and 22 but the fact of the fines having been imposed should be noted in the column of remarks (19) of statement in form no. 22 against the complaints preferred by them. Cases under sections 107, 108, 109, 110, 118++, 120++ and 123++ only will be shown under the appropriate head of the schedule in form no. 22. Cases dealt with under section 106 of the Code, are not to be shown in form no. 22 against Part II proceedings under Chapter VIII". Security for keeping the peace" schedule number of offence 36 or in form no. 21, Column 11.

+ NOTE: Read figure 1898 as 1973. -Ed)

++ NOTE: See section 117, 119 and 122 of the new Code.-Ed

FORM NO. 23 (CHAPTER XVIII, RULE 177)

Deleted

NOTE: This form has been deleted

FORM NO. 24 (CHAPTER XVIII, RULE 177)

Annual statement showing proceedings of magistrates under the Code of Criminal Procedure, in the district of _____ during the year 20---

Nature of proceedings	Total number of cases before the courts during the year	Number of persons concerned	Disposed of during the year			Remaining		Remarks
			Cases	Persons		Cases	Persons	
				Discharged	Convicted of otherwise subjected to order			
1	2	3	4	5	6	7	8	9
1. Proceedings against witnesses under Chapter VI-C and section 485*								
2. Proceedings under Chapter XIII; to prevent breach of the peace.								
3. Proceedings under Chapter VIII; security for good behavior								
4. Proceedings against local nuisances; Chapter X.								
5. Possession; Chapter XII**								
6. Frivolous or vexatious accusations summarily dealt with under section 250.								

Printed Form Part IX, no.20,

continues on next page

* NOTE: See section 349 of the new Code.-Ed.

** NOTE: See Chapter X (D) of the new Code.-Ed.

FORM NO. 24
(continues from previous page)

Nature of proceedings	Total number of cases before the courts during the year	Number of persons concerned	Disposed of during the year			Remaining		Remarks
			Cases	Persons		Cases	Persons	
				Discharged	Convicted of otherwise subjected to order			
1	2	3	4	5	6	7	8	9
7. Maintenance; Chapter XXXVI.*								
8. Forfeiture of bail or recognizance; Chapter XLII.**								
9. Proceedings under section 7 against convicted offenders released under sections 3 and 4 of the U.P. First Offenders Probation Act, 1938.***								

* NOTE: See Chapter IX of the new Code.-Ed.
 ** NOTE: See Chapter XXXIII of the new Code.-Ed.
 *** NOTE: Also See Probation of Offenders Act.-Ed.

In the preparation of this annual statement the following instructions shall be observed:

- (1) Against sub-head shall be entered particulars of every case of the kind entered in the registers in form no. 11. Every case under section 485 shall be entered both as before the court and as disposed of and every person concerned therein as subjected to an order. As regards cases under Chapter VI-C, in column 2 shall be entered every case in which a proclamation was issued during the year, and every case in which a proclamation was issued in a previous year and the property has not finally been restored or been appropriated to the Government. In column 3 shall be entered every person concerned in the cases entered in column 2. In column 4 shall be entered every case in which an attachment was released or property restored or a final order made for appropriation to Government during the year. In column 5 shall be entered every person whose property was released from attachment or restored to him during the year. In column 6 shall be entered every person whose property was finally appropriated to Government during the year.
- (2) Against sub-head 2 in column 2 shall be entered (i) every case in regard to which an entry was made in column 42++ of the register in form no. 9 during the year; (ii) every case in regard to which an entry was made in column 16 of the register in form no. 9 if the schedule number "36" is entered against such case in the register in form no.9; (iii) every case pending at the end of the year in the register in form no.9 against which the entry in column 16 of such register is "section 107". Entries shall be made in the remaining columns regarding all such cases.
- (3) Against sub-head 3 in column 2 shall be entered (i) every case in regard to which an entry was made in column 43+++ of the register of form no. 9 during the year; (ii) every case in regard to which an entry was made in column 16 of the register in form no. 9 if the schedule number "37" is entered against such case in column 43+++ of the register in form 9; (iii) every case pending at the end of the year in the register in form no.9 against which the entry in column 5 of such register is "section 109" or "Section 110". Entries shall be made in the remaining columns regarding all such cases.

+ NOTE: See section 349 of the New Code.-Ed.

++ NOTE: Column 42 of from no.9 shall be read as column 39.-Ed

+++ NOTE: Column 43 of from no.9 shall be read as column 40.-Ed.

- (4) Against sub-head 4 in column 2 shall be entered those cases only out of the cases under Chapter X entered in the register in form no. 11 in which the persons against whom an order was made did not comply therewith under clause (a) of section 135, or in which the period for compliance has not expired at the end of the year. In column 5 shall be entered every person regarding whom no further proceedings were taken under section 137+ or section 139++, in column 6 shall be entered every person regarding whom an order was made absolute under sections 136, 137+ or 139++ or an order was made under section 141++, in column 4 shall be entered the cases of such persons as are entered in columns 5 and 6.
- (5) Against sub-head 5 in column 2 shall be entered every case under Chapter XII+++ entered in the register in form no. 11 during the year or pending from the previous year. If an order is cancelled and proceedings are stayed under the fifth clause of section 145, or if on an inquiry under section 147 no order is made, the persons concerned shall be entered in column 5. If an order is issued under the sixth clause of section 145 or an attachment made under section 146 or an order made under section 147, the persons concerned shall be entered in column 6. In column 4 shall be entered the cases of such persons as are entered in columns 5 and 6.
- (6) Against the remaining sub-heads 6 to 9 shall be entered every case of the kind entered in the register in form no. 11.

- + NOTE: See section 138 of the New Code.-Ed
++ NOTE: Omitted in the new Code.-Ed
+++ NOTE: See Chapter X(D) of the New Code.-Ed

FORM NO. 25 (CHAPTER XVIII, RULE 177)

Annual statement showing the number of witnesses (including complainants) examined and discharged without examination, the period of their detention, and the sum paid to them as diet and traveling expenses in the district of during the year 20....

Class of tribunal and name of presiding officer	Number of witnesses discharged after examination	No. of witnesses discharged without examination	Total of columns 2 and 3	Percentage of column 2 to column 4	Number of witnesses discharged after or without examination				Percentage of column 6 to column 4	Expenses paid under Government orders			Remarks
					on 1 st day	On 2 nd day	on 3 rd day	After 3 rd day		Number of witnesses to whom payments were made	Amount paid	Percentage of column 11 to column 4	
1	2	3	4	5	6	7	8	9	10	11	12	13	14

In the preparation of this annual statement the following instructions shall be observed:

- (1) The entries in column I shall be made according to the directions for the same entries in the statement in form no. 20.
- (2) The entries in the remaining columns shall be made from the registers in form no. 18.

FORM NO. 26 (CHAPTER XVIII, RULE 178)

Annual statement showing the result of appeals in criminal cases in the district of _____ during the year 20....

Class of tribunal	Number of persons									Number of appeals					Aggregate number of days during which the appeals entered in column 12 last	Average during the each appeal	Remarks
	Total number of appellants, including those remaining from previous year	Died, escaped or transferred to another district	Appeals rejected	Sentence or order confirmed	Sentence reduced or otherwise altered	Sentence reversed	New trial or committal ordered	Total whose cases were disposed of columns 3 to 8	Remaining at the end of year	Preferred during year	Disposed of during year	Pending at end of year	Pending over two months	Pending over six months			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
The Court of Session on appeal from																	
Total																	
Grand Total																	

In the preparation of this annual statement the following instructions shall be observed:

- (1) In column 1 the courts appealed from shall be entered according to the instructions for entries in column 1 of the statement in form no. 20.
- (2) The remaining columns shall be filled up from the register in form no. 13, thus:

Column	3 from column	14	
Do	4 Ditto	15	
Do	5 Ditto	16	
Do	6 Ditto	17	
Do	7 Ditto	18	
Do	8 Ditto	19	
Do	11 Ditto	1	(of the year under report only)
Do	12 Ditto	12	(omitting cases in which all the appellants are entered in column 14)
Do	16 Ditto	13	(omitting cases in which all the appellants are entered in column 14)

Regarding each person entered in column 3 the note made in the column of remarks in the register shall be reproduced in the column of remarks of the statement. For column 11 a case transferred between courts in the same district shall be counted once only.

FORM NO. 27 (CHAPTER XVIII, RULE 177)

Annual statement showing the result of revision in criminal cases in the district of _____ during the year 20....

CLASS OF TRIBUNAL	NUMBER OF PERSONS									NUMBER OF CASES					Aggregate number of days during which the case entered in column 12 lasted	Average duration of each case	Remarks
	Total number of applicants for revision including those from previous year	Died, escaped or transferred to another district	Applications rejected	Order reversed	Discharge se aside and committal ordered	New trial or further enquiry ordered	Referred for revision to the High Court	Total, whose cases were disposed of (columns 3 to 8)	Remaining at end of year	Instituted during year	Disposed of during year	Pending at end of year	Pending over two months	Pending over six months			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
The District Magistrate in revision from																	
Total																	
The Court of Session in revision from																	
Total																	
Grand Total																	

Printed Form, Part, IX, No. 17

In the preparation of this annual statement the following instructions shall be observed:

- (1) In column 1 the courts whose proceedings were had in revision shall be entered according to the instructions regarding entries in column 1 of the statement in form no. 20.
- (2) In column 2 shall be entered the number of persons entered in column 4 of the register in form no. 14 against cases instituted during the year or pending from the previous year. The remaining columns shall be filled up from the same register thus:

Column	3	from column	14	
do	4	Ditto	15	
Do	5	Ditto	16	
Do	6	Ditto	17	
Do	7	Ditto	18	
Do	8	Ditto	19	
Do	10	Ditto	8	(against pending cases only)
Do	11	Ditto	1	(of the year under report only)
Do	12	Ditto	12	(Omitting cases in which all the persons entered in column 8 are also entered in column 14)
Do	16	Ditto	13	(Omitting cases in which all the persons entered in column 8 are also entered in column 14)

Regarding each person entered in column 3 the note made in the column of remarks of the register shall be reproduced in the column of remarks of the statement. For column 11 a case transferred between courts in the same district shall be counted once only.

In the column of remarks against each revisional court shall be noted the number of complaints entered in column 3 of its register in form No. 14 and the number of accused persons entered in column 8 against cases against which such complainants are entered thus:

“59 complainant against 83 accused.”

FORM NO. 28 (CHAPTER XVIII, RULE 177)

Annual statement showing the number of Sessions Judge and Magistrates employed to dispose of
criminal work in the judgeship of _____ for the year 20....

Number of sessions and additional sessions judges who did both civil and criminal work during the year	Number of Sessions and additional sessions judges who did only criminal work during the year	Number of assistant sessions and sessions and civil judges who did both civil and criminal work during the year	Number of assistant sessions and sessions and civil judges who did only criminal work during the year	Number of district magistrates and additional district magistrates	Number of other stipendiary magistrates permanently employed and any addition temporarily made in the cadre who did both civil (excluding revenue) and criminal work during the year	Number of other stipendiary magistrates permanently employed and any addition temporarily made in the cadre who did only criminal work during the year	Number of honorary magistrates sitting singly	Number of benches of magistrates (not members of benches)	Remarks
1	2	3	4	5	6	7	8	9	10

Printed form Part IX, no. 21

continues on next page

FORM NO. 28 (CHAPTER XVIII, RULE 177)

Annual statement showing the number of Sessions Judge and Magistrates employed to dispose of criminal work in
the judgeship of _____ for the year 20....

[Continued from previous page]

- NOTES:
- (i) If an officer mentioned in columns 1-4 has done work of more than one district he should be shown in the permanent judgeship only, and not in other district.
 - (ii) In a court where more than one officer (columns 1-9) have worked owing to transfer, leave, etc, the number should always be taken as one.

[Printed Form, Part IX No. 21]

FORM NO. 29 (CHAPTER XVIII, RULE 178)

Annual statement showing the number and result of trials in the Court of Session for the district of _____ during the year 20....

Nomenclature of offences, with Chapter and section of the Penal Code or other law, applicable	Schedule number of offence Chapter XVII, rule 163	Number of cases				Number of persons											
		Pending from previous year	Committed during year	Otherwise instituted during year	Total	that came under trial				acquitted			Convicted	Referred to High Court under section 307*	Died, escaped, or transferred to another district	Whose cases were undisposed of at close of year	Remarks
						Before commencement of year	By commitment during year	Otherwise during year	Total	On withdrawal from prosecution	Otherwise	Total					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	

Printed Form Part IX, no. 22

* NOTE: Omitted in the new Code.-Ed.

In the preparation of this annual statement the following instructions shall be observed:

- (1) In column 1 the order given in the schedule of offences given in Chapter XVII, rule 163, shall be followed, attempts being entered immediately after and abetments being included with the offences named in the schedule.
- (2) The entries in the remaining columns shall be obtained from the registers in forms no, 15 and 17.

FORM NO. 30 (CHAPTER XVIII, RULE 178)

Annual statement showing proceedings of the Court of Session under the Code of Criminal Procedure, 1998⁺
for the district..... during the year 20.....

Nature of proceeding	Total number of cases before the court during the year	Number of persons concerned	Disposed of during the year			Remaining		Remarks
			Cases	Persons		Cases	Persons	
				Discharged	Convicted or otherwise subjected to an order			
1	2	3	4	5	6	7	8	9
1. Proceedings against witnesses under Chapter VI-C and Section 485. ⁺⁺								
2. Proceedings under section 106 of Chapter VIII (security for keeping the peace). ⁺⁺⁺								
3. ⁺⁺⁺								
4. Forfeiture of bail or recognizance under Chapter XLII (Chapter XXXIII of the new Code)								
Total								

Printed Form, Part IX, no. 30

⁺ Note: Figure 1898 shall be read as 1973.-Ed.

⁺⁺ Note: See Section 349 of the New Code.-Ed.

⁺⁺⁺ Note: Omitted.- Ed.

In the preparation of this annual statement of instructions given on form no. 24, as regards entries against sub-heads 1 and 8 shall apply to the entries against sub-heads 1 and 4 respectively.

The entries against sub-head 2 shall be obtained from column 14 of the register in form no. 16.

FORM NO. 31 (CHAPTER XVIII, RULE 178)

Deleted

Not printed as no longer applicable under new Cr.P.C.

FORM NO. 32 (CHAPTER XVIII, RULE 175)

Quarterly statement showing the general result of criminal trials in the courts of various classes in the district of during the first/third quarter of year 20.....

Class of Court and named of Presiding Officer	Number of cases pending from last quarter	Number of cases disposed of during the quarter	Number of cases pending at close of quarter	Average number of days each case was pending	Number of cases pending above three months whether disposed of or pending at the close of the quarter	APPEALS		REMARKS
						Pending over two months	Pending over six months	
1	2	3	4	5	6	7	8	9
Sri..... Chief Judicial/Metropolitan Magistrate								
Sri..... Judicial/Metropolitan Magistrate								
Sri..... Judicial/Metropolitan Magistrate								
Sri..... Judicial/Metropolitan Magistrate								
TOTAL								

Continues on next page

FORM NO. 32 (CHAPTER XVIII, RULE 175)

[Continued from previous page]

Class of Court and named of Presiding Officer	Number of cases pending from last quarter	Number of cases disposed of during the quarter	Number of cases pending at close of quarter	Average number of days each case was pending	Number of cases pending above three months whether disposed of or pending at the close of the quarter	APPEALS		REMARKS
						Pending over two months	Pending over six months	
1	2	3	4	5	6	7	8	9
Sri..... Special/Judicial/Metropolitan Magistrate								
Sri..... Special/Judicial/Metropolitan Magistrate								
Sri..... Special/Judicial/Metropolitan Magistrate								
Total Cases referred under section 325 of the code of Criminal Procedure, 1973								

Continues on next page

FORM NO. 32 (CHAPTER XVIII, RULE 175)

[Continued from previous page]

Class of Court and name of Presiding Officer	Number of cases pending from last quarter	Number of cases disposed of during the quarter	Number of cases pending at close of quarter	Average number of days each case was pending	Number of cases pending above three months whether disposed of or pending at the close of the quarter	APPEALS		REMARKS
						Pending over two months	Pending over six months	
1	2	3	4	5	6	7	8	9
Cases referred under the U.P. First Offenders Probation Act, 1938 Sri..... Chief Judicial/Metropolitan Magistrate Total Magistracy Cases committed to Court of Sessions under section 323 of Code of Criminal Procedure, 1973 TOTAL SESSIONS JUDGE GRAND TOTAL								

FORM NO. 33 (CHAPTER IV, RULE 23)

Index of Exhibits

In the Court of Case no..... 20.....

State

Versus

Serial Number	Description of exhibit	Date of filing	Exhibit number in the court of the magistrate and by whom first proved	Filed in the court of the Sessions Judge and by whom first proved	Remark
1	2	3	4	5	6

For instruction for filing in this form, see the Court's G.L. No. 3/8,
Dated February 21, 1929
(Printed form, Part VIII, no. 69)

APPENDIX 'C'

***FORM NO. 34 (CHAPTER VIII, RULE 64)**

Memorandum of identification proceedings of the following
accused conducted on at.....

Name, parentage and residence of the accused statement if any made by him and his signature or thumb-impression.	Offence	Any distinctive marks likely to effect identification.	Step (if any) taken by the Magistrate conducting the proceedings regarding Column 3.	Date of admission into the jail (or on bail)	Description of the accused prior to his admission in jail such as length of hair etc.	Description of the accused at the time of identification.
1	2	3	4	5	5-A	5-B

The person/persons to be identified was/were mixed up with other under trial prisoners/persons. All were made to stand in a circle. They were made to wear the clothes in which they were originally admitted to jail (with the exception of the changes mentioned in column 4). No fetters were on. The accused were given the option to change places at will, but were not allowed either to conceal their faces or stature so as to impede recognition and to exchange their clothing. The witnesses were called in one by one and asked to single out the person or persons they had come to identify and to mention the action for which they identified him or them. Every precaution was taken to ensure that no succeeding witness communicated in any manner with the preceding one. The result of the proceedings was as follows:

* NOTE: Substituted by notification no. 30/VII-a68 dated January 18, 1989 published in U.P. Gazette Part 2 dated 1st May, 1993. Ed.

(CHAPTER VIII, RULE 61)

Precautions (if any) taken by the Magistrate conducting the proceedings regarding column No. 5-B	Name, Parentage and residence of the witness.	Name or description of the person when the witness came to identify with details of the part which that person played in the crime as seen by witness (in his own words.)	Name of the accused correctly identified.	Wrong person pointed out, if any.	Any other statement made by the witness.	Magistrate's remarks if any about demeanour of witness.	Signature or thumb-impression of the witness.
5-C	6	7	8	9	10	11	12

Remarks of the Magistrate who conducted the proceeding on the following point:

- (1) Was the Superintendent of Jail informed at the time of the admission of the accused to the Jail lock up that his identification would be conducted later on?
- (2) Steps taken by the jail authorities to ensure the proper conduct of the proceedings.
- (3) How the application(s) if any, moved on behalf of the accused was/were dealt with?
- (4) Name of counsel, if any, appearing for the accused, and whether his/their signatures have been taken on the memo.
- (5) Did the counsel for accused if present, point out any other mark not noted by you?
- (6) Any other point.

Magistrate

Dated..... 20.....

N.B. – It is very useful to note whether the witness knew the name of the person he had come to identify or he only described him in some such way as the man who was standing at the door at the time of the dacoity. The witness is not to be asked in a general way.

“Identify whomsoever you know”

(Printed form Part IX, no. 65)

FORM NO. 35 (CHAPTER XVIII, RULE 177)

* Annual statement showing the general result of trials in original criminal courts of district for the year 20.....

Tried on complaint					Tried under the Indian Penal Code or Code of Criminal Procedure on police report				Tried under other laws on police report				Tried under Section 107, Criminal Procedure Code										Remarks	
Name of District	Number of persons	Number of cases	Number of persons which ended in conviction	Number of persons convicted in cases	Number of cases	Number of persons	Number of cases which ended in conviction	Number of persons convicted in cases	Number of cases	Number of persons	Number of cases which ended in conviction	Number of persons convicted in cases	Number of persons tried		Number of persons let off on the case being compromised		Number of persons let off because the occasion in connection with which the proceedings were taken had passed		Number of persons let off on the ground that the justification for such proceedings had not been established		Number of persons actually bound over			
													On police reports	On private complaints	On police reports	On private complaints	On police reports	On private complaints	On police reports	On private complaints	On police reports	On private complaints		On police reports	On private complaints
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	

* Required under G.O. no. 2006/VI-2146-1937, dated the 22nd July, 1939

Note: In the preparation of this annual statement the following instructions shall be observed: (1) The entries in this statement should relate to all criminal trials in the courts of Magistrates and Sessions Judges as courts of original jurisdiction. The results of appeals, revisions etc., are not to be shown in it.

(2) The statement should show figures about only such trials as conclude within the particular year to which the statement relates irrespective of the year in which the trial started.

Printed form part IX, no. 63

FORM NO. 36 (CHAPTER XVIII, RULE 172)

Monthly statement showing the state of criminal work in the district of during the month20.....

Serial number	Nature of case	Pending from the last month	Institutions and receipt by transfer etc.	Decided	Transferred to other district	Pending at the end of the month	Pending over six months	Particulars of three oldest cases with date of institution and commitment	Remarks
1	2	3	4	5	6	7	8	9	10
1.	Sessions trials								
2.	Criminal appeals								
3.	Jail appeals								
4.	Criminal revisions								
5.	Criminal miscellaneous cases								

FORM NO. 37 (CHAPTER VIII, RULE 61)

Identification of property held at.....in crime no. under Sectionof police station
 district in the Court ofClass on 20 atam/pm

Serial number of exhibit	I	II	III	IV	V	VI	VII	VIII	IX	X	Remarks
Name of accused from whom recovered.											
Name of article to be identified											
Number of articles mixed											
Any condition of the article which is likely to affect identification											
Precaution taken regarding above											
Name of witnesses with parentage and residence											
											Signature or thumb impressions of witnesses.

Continues on next page

FORM NO. 37

[continued from previous page]

Serial number of exhibit	I	II	III	IV	V	VI	VII	VIII	IX	X	Remarks
1.											1.
2.											2.
3.											3.
4.											4.
5.											5.
6.											6.
7.											7.
8.											8.
9.											9.
10.											10.

1. The property to be identified was brought by..... Court Moharrir/Police Constable no. of my court/Police station in sealed bundles from The articles to be mixed up were brought by..... contractor/tehsil peon in sealed bundles. The seals were intact and were opened before me. The witnesses were called one by one. Every precaution was taken to ensure that no succeeding witness communicated in any manner with the preceding one.
 2. The articles mixed up were similar in appearance to those for identification except as to details given in remarks column.
 3.was present on behalf of the prosecution andwas/were present on behalf of accused.
- Dated the.....day of.....20.....
(part IX no 67)

Magistrate

FORM NO. 38 (CHAPTER XVIII, RULE 177)

Annual statement showing the number of Criminal Cases tried by the Panchayati Adalats
in the district of during the year.....

Number of Panchayati Adalats	Number of cases before the Panchayati Adalats			Number of cases disposed of			Number of cases that remained pending at the end of the year	Number of persons				REMARKS
	Pending at the beginning of the year	Instituted during the year	Total	After trial	Otherwise	Total		Under trial during the year including those pending from the previous year	Acquitted or discharged	Convicted	Remaining under trial at the end of the year	
1	2	3	4	5	6	7	8	9	10	11	12	13

(Not printed)

FORM NO. 39 (CHAPTER XVIII, RULE 172)

Monthly statement of Sessions Trials concluded or pending in the Court of Sessions Judge
at..... during the month of.....20

Serial no. of sessions trial	Serial no. and names of accused	Sections under which charged or convicted	In jail or on bail	Name of committing officer	Date of		Result of trial in case of conviction (particulars of sentence)	Number of witnesses Examined for				Number of days occupied in the trial with dates of hearing	REMARKS
					Order of commitment	Receipt by Court of sessions of calendar and record of commitment		Prosecution of					
								Witness of facts	Formal witnesses	Other witnesses	Defence		
1	2	3	4	5	6	7	8	9A	9B	9C	10	11	12

Please see the NOTES on the next page

FORM NO. 39

[continued from previous page]

NOTES: In the column of remarks –

- (1) The ground of postponement when any trial is postponed should be stated.
- (2) Total number of cases committed and decided during the month and the number pending at the end of the month should also be indicated.
- (3) When the date in column 7 is more than eight days later than the date in column 6, the Sessions Judge shall require an explanation of the delay and shall have a note of the explanation made.
- (4) For purposes of filling columns 9-A, 9-B and 9-C, the Classification of Prosecution Witnesses is as under :
 - 9A : Witness of Facts – (a) Witnesses deposing about the commission of the offence, e.g., eye witnesses.
 - (b) : In case of circumstantial evidence witnesses deposing about material circumstances.
 - 9-B : Formal witnesses – Police Officials discharging formal duties such as accompanying the accused, taking the dead body, property, etc., and making entries in the Police papers.
 - 9-C : Other witnesses. (a) witnesses relating to recovery of property.
 - (b) : Witnesses relating to arrest of accused.
 - (c) Magistrates who conduct identification proceedings of the accused or property, or who record statements under Section 164, Criminal Procedure Code.
 - (d) Doctors who examine injuries or conduct post-mortem examination.
 - (e) Chemical Examiner.
 - (f) Serologist.
 - (g) Handwriting or Finger Print Experts.
 - (h) Ballistic Expert
 - (i) Officer of Mint who submits report regarding counterfeit coins.
 - (j) Investigating Officer.
 - (k) Such other witness as cannot be categorize as “Witness of Fact” or “Formal Witnesses.”

Printed Form, Part, IX, No. 64.

FORM NO. 40 (CHAPTER XVIII, RULE 174)

Quarterly statement showing average duration of murder cases inSessions Division for the quarter ending

Name of the presiding officer of the court	Number and year of sessions trial	Date of commitment	Date of decision	Number of days taken in the disposal of the case	Duration of case	REMARKS
1	2	3	4	5	6	7

[Not printed]

FORM NO. 41 (CHAPTER XVIII, RULE 178)

Statement showing the number of cases in which women were tried and convicted for murder of their infant children under six years of age during 20.....by

Serial No.	Sessions division	Name of woman	Date of offence	Section under which convicted	Sentence and date thereof	Sentence as modified by State Government	Brief account of the case
1	2	3	4	5	6	7	8

I. Legitimate Infant Children

(a) In which the Sessions Judge recommended reduction of sentence.

(b) In which the Sessions Judge made no recommendation.

II. Illegitimate infant children.

Dated the.....20

Examined by
Munsarim

Judge

(Not printed)

FORM NO. 42 (CHAPTER XIX, RULE 183)

Statement showing the grand totals of amounts of receipts under head “XXI – Administration of Justice”⁺
which were credited in to the Treasury at _____ during the month of _____

Name of court	Sale proceeds of unclaimed and escheated property	Court fees realized in cash	General fees, fines and forfeiture		Miscellaneous fees and fines		Miscellaneous	REMARKS
			Fees, fines and forfeitures of magisterial courts	Other items	Criminal court record room receipts	Other items		
1	2	3	4	5	6	7	8	9

[Not printed]

⁺ NOTE: For figure ‘XXI’ figure ‘0070’ shall be read. -Ed.

FORM NO. 43 (CHAPTER XVII, RULE 166)

Register of copies of judgments

In the court of the _____ of _____ for the year 20.....

Number of cases and name of parties				Date of----			Name of subordinate court to whom dispatched	Signature of official of subordinate court receiving the paper with date of receipt	REMARKS
Serial no.	Date	No. of case	Names of parties	Decision	Despatch of copy of order sheet or operative portion of judgment*	Despatch of copy of judgment			
1	2	3	4	5	6	7	8	9	10

Printed Form, Part IX, no. 5

* To be issued only in case delay is likely to occur is the issue of a copy of the judgment.

FORM NO. 44 (CHAPTER XVIII, RULE 177)

Annual statement showing the dispositions by various Criminal Tribunals in the district
during the year under the First Offender's Probation Act (VI of 1938)⁺⁺

Number of persons

Class of Tribunals	Released after admonition	Released on probation without supervision	Released on probation on furnishing surety or I/C of a Probation Officer specially appointed by Court	Released on probation and placed under the supervision of a Probation Officer	Released on Probation and required to reside at a probation home, hostel or other place	Against whom action was taken for breach of Probation Orders				
						Released on probation with a requirement to pay compensation to the victim	Number of preliminary inquiries ordered by the Court	Sentenced to imprisonment for original offence	Fined	Remarks
1	2	3	4	5	6	7	8	9	10	11

⁺ NOTE: See also Probation of Offenders Act, -Ed.

--	--	--	--	--	--	--	--	--	--	--

FORM NO. 45 (CHAPTER XVIII, RULE 177)

Form of Register for Criminal cases decided

Date of Decision	Particulars of the case	Enquiry case			Case in which the accused was convicted or acquitted after full trial	Case in which the accused was either discharged under section 251A(2)+ or convicted under section 251A(2)+ Cr.P.C.	'B' Case in which the accused was either discharged under section 253++ or convicted under section 255(2)+++ Cr.P.C.
		Number of accused	Number of accused committed to Sessions	Number of accused discharged			
1	2	3	4	5	6	7	8

continues on next page

- + NOTE: See section 239 of the new Code. -Ed.
- ++ NOTE: See section 245 of the new Code. -Ed.
- +++ NOTE: See section 246 (2) & (3) of the new Code. -Ed.

FORM NO. 45

(continued from previous page)

Warrant cases			Summons cases			
Case in which the accused was discharged under section 259 Cr.P.C.+	Case in which compounding under section 345 Cr.P.C.++ took place	Case under section 512 Cr.P.C.++ +	Case in which accused was convicted under section 243@ Cr.PC.	Case in which the accused was acquitted under section 247, 248 and 249 Cr.P.C.# after recording some evidence	Case decided after full trial	Case dismissed under section 203 Cr.P.C.
9	10	11	12	13	14	15

continues on next page

- + NOTE : See section 249 of the new Code. -Ed.
- ++ NOTE : See section 320 of the new Code. -Ed.
- +++ NOTE : See section 299 of the new Code. -Ed.
- @ NOTE : See section 252 of the new Code. -Ed.
- # NOTE : See section 256, 257 and 258 of the new Code. -Ed.

FORM NO. 45
(continued from previous page)

Summary Trials		Criminal Revisions		Transfer application	Cases transferred to other courts	Cases withdrawn by the State
Appealable cases	Non-appealable cases	Contested	Dismissed at admission stage			
16	17	18	19	20	21	22

continues on next page

FORM NO. 45
(continued from previous page)

Number of days devoted to the case	Number of days for which the case remained pending from the date of complaint or charge-sheet	Prosecution witnesses	Defence witnesses	Number of accused examined	REMARKS
23	24	25	26	27	28

FORM NO. 46 (CHAPTER XIX, RULE 187)

Receipt slip to be granted to applicants

Name and address of applicant	Abstract of application with name of parties	Court in which filed	Date fixed for hearing or abstract of order passed	Date of receipt and signature of official receiving application
1	2	3	4	5

NOTE : First three columns to be filled in by applicant.

APPENDIX D

Statement of criminal returns with their due dates of despatch

Name of statement	Rule by which prescribed	Due date
Sessions statement	Chapter V, rule 39	Immediately on conclusion of the trial
Index of cases decided during one sessions (Monthly)	Ditto	At the conclusion of the Sessions.
Statement of sessions trials concluded or pending alongwith copies of judgment. Statement showing state of criminal work.	Chapter XVIII, rule 172	7 th day of each month.
Statement showing criminal cases in which there has been a delay of more than a fortnight in the delivery of judgment after conclusion of the trial or argument.	Chapter XVIII, rule 173	7 th day of each month
Monthly statement showing the grand total of amounts of receipt. (Quarterly)	Chapter XIX, rule 183	15 th day of each month
Statement showing average duration of murder cases decided by Sessions Judges, Form no. 40.	Chapter XVIII, rule 174	15 th January, 15 th April, 15 th July and 15 th October.
Quarterly statement, Form no. 32	Chapter XVIII, rule 175	15 th February

continues on next page

APPENDIX – D
(continued from previous page)

Name of statement	Rule by which prescribed	Due date
1	2	3
(Annual Annual Statement no 20 } Ditto no. 21 } Ditto no. 22 } Deleted } Annual statement no. 24 } Ditto no. 25 } Ditto no. 26 } Ditto no. 27 } Ditto no. 28 } Ditto no. 29 } Ditto no. 30 } Ditto no. 31 } Ditto no. 35 } Ditto no. 38 } Ditto no. 41 } Criminal Administration Report	Chapter XVIII. rules 177 and 178 Chapter XVIII, rules 180 and 181	15th February 15th February

APPENDIX – E

Heads of offices through whom service may be made on Gazetted Officers in Uttar Pradesh (Chapter III rule 12)⁸⁸

Column 1	Column 2
1	2
Head of Department	Government in the Administrative Department concerned
Prohibition and Social Uplift Officers	Under Secretary to Government in the Excise Department
District Judges. Additional District Judges and Civil and Sessions Judge ⁸⁹	The Chief Justice of the High Court of Judicature at Allahabad or the Senior Judge on duty
Civil Judges and Munsifs ⁹⁰	District Judge
Judicial Members, Board of Revenue and Commissioners of Divisions	Administrative Member, Board of Revenue
Indian Civil Administrative Cadre Officers, State Civil Service Officers and all gazetted officers employed under the Land Reforms Commissioner.	Land Reforms Commissioner
Additional Commissioners, District Magistrates, Additional District Magistrates (Judicial) and Official whole-time Chairman of Municipal Board.	Commissioners of Divisions
Deputy Inspectors General of Police, Assistant Inspector General of Railway Police and Assistant to the Inspector General of Police.	Inspector General of Police

Continues on the next page

⁸⁸ NOTE: Figure 12 may please be read as 13- Ed.

² NOTE: The post of Civil and Session Judge has now been abolished.

³ The words Civil Judges and Munsifs shall now be read as Civil Judges (Senior Division) and Civil Judges (Junior Division) Respectively.- Ed.

[Contd.]

Column 1	Column 2
1	2
Superintendent of Police Headquarters	Deputy Inspector General of Police, Headquarters and Railways
Commandants of Provincial Armed Constabulary, Principal, Police Training College, Moradabad, Provincial Wireless Officer, Lucknow and Staff Officers of the Deputy Inspector General of Police, Provincial Armed Constabulary and Training	Deputy Inspector General of Police, Provincial Armed Constabulary and Training
Superintendents of Police (with the concurrence of the District Magistrate).	Deputy Inspectors General of Police of Ranges.
Junior Indian Police Service Officers and Deputy Superintendent of Police and Regional Fire Officers.	Superintendents of Police
Assistant Wireless Officers	Provincial Wireless Officer
Assistant Commandants and Adjutants, Provincial Armed Constabulary.	Commandant, Provincial Armed Constabulary.
Inspectors of Stamps and Registration	Inspector General of Registration
Deputy Inspector General of Prisons. Director and Assistant Director of Jail Industries, all whole-time Superintendents of Jail in Uttar Pradesh (under intimation to the District Magistrate concerned). Principal Jail Training School, Lucknow. Personal Assistant to the Inspector General of Prisons, and the Officer Incharge, Jail Depot, Lucknow	Inspector-General of Prisons, Uttar Pradesh.

Continues....

[Contd.]

Column 1	Column 2
1	2
All Deputy Superintendents, Jailors, Medical Officers and Assistant Medical Officers holding gazetted posts.	Superintendents of Central and Model Prisons.
Jailors and Assistant Medical Officers, who are gazetted officers	Superintendents of District Jails.
Trainees who are gazetted officers	Principal, Jail Training School, Lucknow.
Additional Director of Medical and Health Services. Deputy Directors of Medical and Health Services, Superintendent, Nursing Services, Civil Surgeons ⁺ (Under intimation to the District Magistrates of the districts). Chemical Examiner, Superintendents of Mental Hospitals and Principal, Medical College, Agra.	Director of Medical and Health Services.
Assistant Director of Medical and Health Services of the Ranges. Assistant Directors of Provincial Hygiene Institute, Malariology, Health Publicity and Epidemiology and the Assistant Drugs Controller.	Deputy Director of Medical and Health Services.
Lecturers of the Provincial Hygiene Institute, Medical Officer-in-charge, Cholera Vaccine Section, and Nutrition Survey Officers.	Assistant Director of Provincial Hygiene Institute.
Assistant Malariya Officer and the Entomologist attached to Malariya Branch.	Assistant Director, Malariology.

Continues.....

⁺ NOTE: The post of Civil Surgeon has now become 'Chief Medical Officer.

[Contd.]

Column 1	Column 2
1	2
District Medical Officers of health and Municipal Medical Officers of Health belonging to Uttar Pradesh Public Health Service (under intimation to the District Magistrate). Medical Officer-in-charge, Industrial Health Organization, Superintendent Government Vaccine Depot, Patwadanger and School Health Officers.	Assistant Director of Medical and Health Services of the Ranges.
Medical Officer-in-charge, Antiepidemic Operations, Kala Azar Medical Officers, Anti-Malarai Officers and other gazetted officers of the Public Health Department posted in the districts for non-municipal and rural areas.	District Medical Officers of Health.
Additional Municipal Medical Officers of Health	Municipal Medical Officers of Health.
All gazetted officers under them	Civil Surgeons, Superintendents of Mental Hospitals, Principal Medical College, Agra and the Chemical Examiner to Government, UP.
Conservators of Forests	Chief Conservator of Forests.
Deputy and Assistant Conservators and extra Deputy and extra Assistant Conservators.	Conservators of Forests.
All gazetted officers directly subordinate to him	Director of Agriculture.
All gazetted officers subordinate to him	Director of Cottage Industries.

Continues.....

[Contd.]

Column 1	Column 2
1	2
Assistant Entertainment and Betting Tax Commissioner	Entertainment and Betting Tax Commissioner
Officers of the Indian Civil Administrative Cadre, State Civil Service officers, Special Railway Magistrates and subordinate executive service Officers. Judicial Officers of the districts other than "Separation Districts."	District Magistrates concerned.
Judicial Officers in the Separation District".	Additional District Magistrates (Judicial) concerned.
Superintending Engineers	Chief Engineer, Public Works Department.
Executive Engineers	Superintending Engineers, Public Works Department
Agricultural and Assistant Agricultural Engineers.	Superintending Engineers, Agriculture.
Superintending Engineers and Personal Assistants to the Chief Engineer, Irrigation Department.	Chief Engineer, Irrigation department.
Executive Engineers, Irrigation Department	Superintending Engineers, Irrigation Department.
Assistant Engineers, Sub-Divisional Officers and Deputy Revenue Officers provided that previous permission of Superintending Engineer is obtained when he is touring or is about to tour within the jurisdiction of the officer summoned.	Executive Engineers, Irrigation Department.
Assistant Engineers under their control	Other Executive Engineers.
Superintending Engineers	Chief Engineer, Electricity Department.

Continues.....

[Contd.]

Column 1	Column 2
1	2
Executive Engineers	Superintending Engineers. Electricity department.
All gazetted officers attached to the Agricultural College, Kanpur	Principal, Agricultural College, Kanpur
All Headmasters of the Government Agricultural Schools, Jute Development Officer and Cotton Development Officer.	Deputy Director of Agriculture (Headquarters).
All gazetted officers subordinate to him	Director, Sugarcane Research, Shahjahanpur.
Ditto	Crop Physiologist to Government Lucknow
Ditto	Deputy Director, Seeds and Farms, Lucknow
Ditto	Deputy Director, Fertilizers and Manures, Lucknow
Ditto	Deputy Director, Soil Conservation, Lucknow
Ditto	Deputy Director, Horticulture, Lucknow
Ditto	Deputy Director, Intelligence and Publicity, Lucknow.
Ditto	Economic Botanist (Rabi cereals and potatoes) to Government, Kanpur
Ditto	Economic Botanist (Oil Seeds) to Government, Kanpur
Ditto	Economic Botanist (Cotton) to Government, Aligarh.
Ditto	Agricultural Chemist to Government, Kanpur

Continues.....

[Contd.]

Column 1	Column 2
1	2
All gazetted officers subordinate to him	Plant Pathologist to Government, Kanpur
Ditto	Entomologist to Government, Kanpur
Ditto	Excise Commissioner.
Director of Animal Husbandry, Principal, U.P. College of Veterinary Science and Animal Husbandry, Mathura, Deputy Director of Mechanised State Farms and gazetted officers directly under his control.	Animal Husbandry Commissioner, UP
Deputy Director of Animal Husbandry Incharge of Circles and Gazetted Officers directly under his control.	Director of Animal Husbandry.
All Gazetted officers subordinate to him	Deputy Director, Mechanised State Farms.
Ditto	Principal, U.P. college of Veterinary Science and Animal Husbandry.
Ditto	Deputy Directors of Animal Husbandry incharge of a circle.
Ditto	Director of Colonization.
Ditto	Director of Panchayats.
Deputy Sales Tax Commissioner, Assistant Commissioners, sales Tax and Sales Tax Officers at the Headquarters.	Sales Tax Commissioner.
Sales Tax Officers in the respective Ranges of the Assistant Commissioners, Sales Tax	Assistant Commissioners, Sales Tax.
Assistant Examiner, Local Fund Accounts	Examiner, Local Fund Accounts.

Continues.....

[Contd.]

Column 1	Column 2
1	2
Regional Harijan Welfare Officers, Group Officers and Managers of Criminal Tribes Settlements.	Director of Harijan Welfare.
Deputy Labour Commissioners, Chief Inspector of Factories, Chief Inspector of Boilers, Assistant Labour Commissioners, Officer on Special Duty, Regional Conciliation Officers and Deputy Chief Inspector of shops and Commercial Establishments.	Labour Commissioners
Labour Officers, Conciliation Officers other than Regional Conciliation Officers and all Gazetted Officers other than Inspectors of Factories and Boilers.	Deputy Labour Commissioners
Deputy Chief Inspector of Factories and other Inspectors and Gazetted Officers in Factory section of the office of the Labour Commissioner.	Chief Inspector of Factories.
Inspector of Boilers	Chief Inspector of Boilers
Deputy Development Commissioners and other Gazetted Officers under the Development Commissioner.	Development Commissioner.
Assistant Commandants	Administrative Commandant, Prantiya Rakshak Dal, Headquarters.
All Gazetted officers subordinate to him	Cane Commissioner.
Ditto	Director of Information.

Continues.....

[Contd.]

Column 1	Column 2
1	2
Deputy Transport Commissioners and other Gazetted Officers at his headquarters.	Transport Commissioner.
Regional Transport Officers and Assistant Regional Transport Officers.	Deputy Transport Commissioner, (Administration).
General Managers and Assistant Regional Manager, Service Managers and Accounts Officers of Roadways.	Deputy Transport Commissioner, (Roadways)
Deputy Superintendent of Police of the Enforcement Branch.	Deputy Transport Commissioner. (Enforcement).
All Gazetted Officers subordinate to him	Superintendent, Government Press
Deputy Directors of Education at the Headquarters, Regional Deputy Director, Directors of Education, Principal Government Central Pedagogical Institute, Allahabad, Director of Psychological Bureau, Allahabad, Director of Social Service, U.P., Director of Physical Education, Uttar Pradesh and Director of Military Education, Principal, Government Sanskrit College, Banaras, Principals of Govt. Degree Colleges, Secretary, Board of High School and Intermediate Education, Uttar Pradesh, Assistant Director of Education (women), Uttar Pradesh, Registrar, Departmental Examinations, Uttar Pradesh, Personal Assistants of Director of Education attached to Camp Office and other Gazetted Officers serving directly under him.	Director of Education, Uttar Pradesh.

Continues.....

[Contd.]

Column 1	Column 2
1	2
District Inspectors of Schools	Regional Deputy Director of Education.
Regional Inspectresses of Girls Schools	Assistant Director of Education (Women).
Vice-Principal of Government Training College. Allahabad and Vice-Principal and other Professors of Government Central Pedagogical Institute, Allahabad.	Principal, Government Central Pedagogical Institute, Allahabad.
Registrar, Sanskrit College, Banaras and Inspector of Sanskrit Pathshalas and other Gazetted Officers subordinate to him.	Principal of Government Sanskrit College, Banaras
All Gazetted Officers under him	Secretary, Board of High School and Intermediate Education, Uttar Pradesh.
All Gazetted Officers under them	Principals of Governmental Training Colleges.
Principals of Government Higher Secondary Schools, Headmasters of Government Normal Schools and Deputy Inspectors of School.	District Inspectors of Schools.
All Class I Officers of the Co-operative Department	Joint Registrar, Co-operative Societies, Uttar Pradesh.
All Class II Officers other than those posted as Assistant Registrars in the districts.	Class I Gazetted Officers of the Co-operative Department.
Assistant Registrars, Co-operative Societies posted in the districts and District Agricultural Offices.	District Planning Officers.
Assistant to the Director of Land Records.	Director of Land Records.

Continues....

[Contd.]

Column 1	Column 2
1	2
Superintendent Mohammadan and British Monuments.	Director General of Archaeology.
Deputy Commissioners and Assistant Commissioners, Northern Indian Salt Revenue Department.	Commissioner, Northern India Salt Revenue.
Superintendents and Assistant Superintendents.	Assistant Commissioners.
Gazetted Officers, Railway Mail Service (Postal Department).	Postmaster-General.
Gazetted Officers, Opium Department	Opium Agent.
Superintendent, Survey of India.	Surveyor-General
Officers incharge of parties and officers (Survey).	Officers Incharge of parties of offices.
Gazetted Officers, Postal Department	Postmaster-General, Uttar Pradesh
Gazetted Offices, Telegraph Department	Director of Telegraphs, Uttar Pradesh
Accountant General	Comptroller and Auditor General.
Gazetted Officers, Financial Department (other than Account General)	Accountant General.

APPENDIX – F*

Rules framed under section 59(17) of the Prisons Act, 1894, for the classification of prisoners as reproduced from Chapter XII of the Jail Manual, Uttar Pradesh.

Class of Prisoners:

271. A prisoner confined in a jail may be -

- (1) a criminal prisoner, which terms includes-
 - (a) a convicted prisoner, including a prisoner committed to or detained in prison under section 123+ of the Code of Criminal Procedure, 1898,++ on his failure to give security when ordered to do so under section 118+++ of the said Code.
 - (b) an unconvicted or under trial prisoner;
- (2) (a) a State prisoner detained under Regulation III of 1818;or
(b) a prisoner detained without trial under any other law relating to the detention of such prisoners; and
- (3) a civil prisoner.

NOTE- Lunatics may also be temporarily detained in jails under the orders of a magistrate.

Definition of civil prisoner:

272. The term 'civil prisoner' includes-

- (1) a judgement-debtor confined under a warrant in execution of a decree of a civil court;
- (2) a revenue-defaulter detained in custody under section 148 of the U.P. Land Revenue Act (III of 1901); and
- (3) generally any prisoner other than a criminal prisoner or a detenu.

Classification of convicted prisoners:

273. Convicted prisoners shall be classified into two categories:-

- (a) Casual; and
- (b) Habitual.

* NOTE: Amended rules are being re-produced separately at page. 313-Ed.

+ NOTE: See section 122 of the new Code-Ed.

++ NOTE: Figure 1898 shall be read as 1973 -Ed.

+++ NOTE: See section 117 of the new Code. -Ed.

Definition of casual prisoner:

274. A casual prisoner will be one who is a first offender and who lapses into crime not because he has a criminal mentality but on account of his surroundings, physical disability or mental deficiency. The term 'first offender' in the case of a prisoner committed to or detained in prison under section 123⁺ of the Code of Criminal Procedure, 1898,⁺⁺ will mean a prisoner thus committed to or detained in prison for the first time.

Definition of habitual prisoner:

275. A prisoner who has not been classified as casual shall be classified as habitual.

Sub categories of casual prisoners:

276. Casual prisoners shall be divided into the following sub-categories:

- (1) Star; and
- (2) General.

This classification shall be made by the court concerned. These casual prisoners whose previous character was good, whose antecedents are not criminal and whose crime does not indicate grave cruelty, gross moral turpitude or depravity of mind, shall be classified into the 'Star' sub-category. The remaining casual prisoners shall be placed in the 'General' sub-category. The superintendent may revert a Star casual prisoner to the General class if after a special study of his life and habits inside the jail he considers it necessary.

Sub categories of habitual prisoners:

277. Habitual prisoners shall be divided into the following sub-categories:

- (1) Non-professional; and
- (2) Professional

The non-professional habitual sub-category will consist of those prisoners who lapse into crime owing to their surroundings or some physical or mental defect and who are not first offenders. In the other sub-category shall be included all other habitual prisoners for instance, -

- (i) those who are men with an object, sound in mind and mostly sound in body, often highly skilled, who deliberately and with their eyes open prefer a life of crime, and know the tricks and manoeuvres necessary for that life; and
- (ii) those who take to a criminal life on account of hereditary factors. The fact that such a prisoner is a first offender should not be taken into account because he is a criminal by habit.

+ NOTE: See section 122 of the new Code - Ed.
++ NOTE: Figure 1898 shall be read as 1973 - Ed.

Classification into Superior and Ordinary classes:

278. Convicted criminal prisoners shall be divided into two classes -

- (1) Superior; and
- (2) Ordinary.

Prisoners may be admitted to the superior class by order of the State Government. The rules relating to the treatment of superior class prisoners in jails are contained in Chapter XIII (Jail Manual).

All convicted prisoners, who are not admitted to the superior class, shall be known as ordinary class prisoners and shall be governed by the general rules regarding the treatment of prisoners as contained in the Jail Manual.

Recommendation for Superior class:

279. (a) The High Court, Sessions Judges, Assistant Sessions Judges and District Magistrates may, in accordance with paragraph 280, make a recommendation to the State Government for the admission to the superior class of a convicted prisoner who is an accused either in an original case or in an appeal or in a revision before them.

(b) Other magistrates may make such recommendation to the district magistrate who shall, if he agrees with the same, forward it to the State Government with his opinion.

(c) The district magistrate may make recommendation in any case when a magistrate subordinate to him has not done so, if he considers that a recommendation should be made.

Conditions for Superior class:

280. A convicted criminal prisoner may be recommended for the superior class if-

- (a) by social status, education and habit of life he has been accustomed to a superior mode of living, or
- (b) his character and antecedents, personal status, the nature of offence committed by him and the motives inspiring it justify superior class treatment.

A brief note setting forth the reasons for which superior class is recommended shall always be furnished to the State Government.

Provisional classification into Superior class:

281. Where the circumstances seem to require this, the district magistrate, in cases decided by him or by a court subordinate to him, the High Court, the Sessions Judge or the Assistant Sessions Judge, may, pending receipt of the orders from the State Government, instruct the superintendent to admit to the superior class a convicted prisoner who has been recommended for admission to that class, and the superintendent shall comply with these orders.

Military prisoners:

282. In the case of military prisoners convicted by military courts the superintendent shall inform the district magistrate of the district of residence whenever such a prisoner is admitted to the jail and the latter should obtain orders of the State Government in case he considers that the superior class should be given to such prisoner. In other respects the general instructions in paragraphs 280 and 281 will apply.

Civil prisoners:

283. There shall be two grades of civil prisoners-

- (1) Superior; and
- (2) Ordinary.

In the superior grade will be included officers of Government whose salary is not below Rs. 100 per mensem and all other persons whose mode of living conforms to a similar standard. The ordinary grade will include all other civil prisoners.

Under trial prisoners:

284. Un-convicted criminal prisoners shall be divided into two classes-

- (1) Superior; and
- (2) Ordinary

Conditions for Superior class:

285. The district magistrate on his own motion or on a reference by a magistrate competent to try or to commit to the court of session an un-convicted criminal prisoner and the sessions judge or the assistant sessions judge hearing a case committed to him, may admit to the superior class an un-convicted criminal prisoner who, in his opinion, has by social status, education or habit of life been accustomed to a superior mode of living or whose character and antecedents, personal status the nature of the offence alleged to have been committed by him and the alleged motives inspiring it justify the same. Under trial prisoners who have not been classified in the superior class shall be classified in the ordinary class.

Security prisoners:

286. Except prisoners detained under Regulation in III 1818, other detenues shall be divided into two classes-

- (1) Superior; and
- (2) Ordinary.

The classification and treatment in jail of these prisoners shall be governed by such rules as may be prescribed from time to time.

Lunatics:

286-A. Lunatics detained in jails under the orders of magistrates shall be divided into two classes-

- (1) Superior; and
- (2) Ordinary.

Conditions for Superior class:

286-B. Without prejudice to paragraph 497 (Jail Manual) lunatics who, by their social status, education or habit of life have been accustomed to a superior mode of living, may, under the orders of the district magistrate, be admitted to the superior class.

The treatment in jail of superior and ordinary classes of lunatics shall be governed by the rules applicable to superior and ordinary classes of undertrial prisoners in jails.

Form of classification:

286-C. The form of classification for convicted criminal prisoners is as prescribed below:-

(To be filed with the Warrant)

FORM OF CLASSIFICATIONS

(To be filled in court)

1. Name of convict.....
2. Son of.....
3. Name of the convicting court.....
4. Section or sections under which convicted
5. Sentence passed or order passed if imprisoned for failure to furnish security.....
6. Date of sentence.
7. Whether to be treated as -Habitual Casual.
8. If habitual
 - (i) whether to be treated as Professional. Non-professional.
 - (ii) Details of previous conviction or convictions.
 - (iii) Whether the convict is professional, hereditary or specially dangerous.
 - (iv) Whether the crime is organised.

9. If casual, whether to be treated as-
General.
Star.

Seal of the Court

Station.....

Dated.....

Signature of the
Presiding Officer

(To be filled in prison)

10. (i) Whether admitted to the superior class.....
(ii) If so, the number and date of Government Order

.....

Station... ..

Dated.....

Signature of the
Superintendent.

NOTE:

- (I) Strike out the entries not required. It is the duty of the presiding officer of the convicting court to fill in items 7 to 9 of the form in his own handwriting and attach the form to the record of the case in order that it may be filed with the convicts warrant and sent to the jail along with the convict.
- (II) In case of a court having more than one presiding officer, items 7 to 9 of the form may be filled in by any one of them in his own handwriting.
- (III) In the case of convicts sentenced to rigorous imprisonment or transportation for a term of five years or more a brief history of the case is to be prepared by the district magistrate with the assistance of the police, showing the nature of the crime; the previous conduct and association of the convict and other similar matters affecting the question of premature release whenever it may arise. One copy of this will be kept in the district office and another shall be attached to the form of classification of the convict.

Provisional classification by Superintendent:

286-D. In the absence of an order by the convicting court regarding the classification of a prisoner, in so far as the court is concerned, the superintendent shall make a reference to the court concerned and shall classify the prisoner himself pending the result of such reference.

Appeal against classification:

286-E. Any person classed as habitual may apply for a revision of the order to the district magistrate or the authority by which the classification has been made.

Revision of classification:

286-F. (a) Convicting courts or district magistrates as the case may be, may revise the classification made by them, and the district magistrate may alter any classification of a convict including a person committed to or detained in prison for failure to furnish security, made by a convicting court, provided that the alteration is made on the basis of facts, which were not before such court at the time when such classification was made.

(b) A revision of the classification into categories and sub-categories on the ground of continuous good or bad conduct may also be recommended by the superintendent to the Inspector General of Prisons and the Inspector General's order shall be final.

NOTE: The expression district magistrate means the district magistrate of the district in which the criminal was convicted or detained.

Classification necessary in the case of every convict:

286-G. The superintendent shall see that every convicted prisoner has been classified as habitual or casual in accordance with the form of classification furnished by the convicting court.

Rectification of Classification:

286-H. When a convict not classified as habitual is subsequently found to be prisoner previously convicted of any offence, the superintendent shall inform the district magistrate and forward the form of classification to him for correction, if necessary.

In any other case in which the superintendent thinks that the classification of a prisoner should be revised, he shall act under paragraph 286 -F(b).

APPENDIX – G⁺

Instructions regarding procedure to be observed by the State for dealing with petitions for mercy from or on behalf of convicts under sentence of death and with appeals to the Supreme Court and applications for special leave to appeal to that Court by such convicts.

A - Petition for Mercy

I. A convict under sentence of death shall be allowed if he has not already submitted a petition for mercy for the preparation and submission of a petition for mercy, seven days after and exclusive of the date on which the Superintendent of Jail informs him of the dismissal by the Supreme Court of his appeal or of his application for special leave to appeal to the Supreme Court:

Provided that in cases where no appeal to the Supreme Court has been preferred or no application for special leave to appeal to the Supreme Court has been lodged the said period of seven days shall be computed from the date next after the date on which the period allowed for an appeal to the Supreme Court or for lodging an application for special leave to appeal to the Supreme Court expires.

II. If the convict submits a petition within the above period, it shall be addressed-

- (a) in the case of a Part A States, to the Governor of the State and the President of India;
- (b) in the case of Part B States, to the Rajpramukh and the President of India; and
- (c) in the case of Part C States, to the President of India.

The execution of sentence shall in all cases be postponed pending receipt of their orders.

III. The petition shall in the first instance -

(a) In the case of Part A States and Part B States, be sent to the State Government concerned for consideration and orders of the Governor/Rajpramukh. If after consideration it is rejected it shall be forwarded to the Secretary to the Government of India, Ministry of Home Affairs. If it is

⁺ NOTE: Instructions regarding procedure to be observed by the State in these matters as mentioned in Legal Remembrancer's Manual Edition 1975 are being reproduced separately at page 321-Ed

decided to commute the sentence of death the petition addressed to the President of India shall be withheld and an intimation of the fact shall be sent to the petitioner.

(b) In the case of Part C States, be sent to the Chief Commissioner who shall forward it to the Secretary to the Government of India, Ministry of Home Affairs, stating that the execution has been postponed pending the receipt of the orders of the President of India.

IV. If the convict submits the petition after the period prescribed by instruction I above, it will be within the discretion of the Chief Commissioner or the Government of the State concerned, as the case may be, to consider the petition and to postpone execution pending such consideration and also to withhold or not to withhold the petition addressed to the President. In the following circumstances, however, the petition shall be forwarded to the Secretary to the Government of India, Ministry of Home Affairs.

- (i) If the sentence of death was passed by an appellate court on an appeal against the convict's acquittal or as a result of an enhancement of sentence by the appellate court, whether on its own motion or on an application for enhancement of sentence, or
- (ii) When there are any circumstances about the case which in the opinion for the Chief Commissioner or the Government of the State concerned, as the case may be, render it desirable that the President should have an opportunity of considering it as in cases of political character and those in which for any special reason considerable public interest has been aroused. When the petition is forwarded to the Secretary to the Government of India, Ministry of Home Affairs, the execution shall simultaneously be postponed pending receipt of orders of the President thereon.

NOTE: The petition made in case where the sentence of death is for an offence against any law exclusively relatable to a matter to which the executive power of the Union extends, shall not be considered by the State Government but shall forthwith be forwarded to the Secretary to the Government of India, Ministry of Home Affairs.

V. In all cases in which petition for mercy from a convict under sentence of death is to be forwarded to the Secretary to the Government of India, Ministry of Home Affairs, the Chief Commissioner or the Government of the State concerned, as the case may be, shall forward such petition as expeditiously as possible along with the records of the case and his or its observations in respect of any of the grounds urged in the petition. In the

cases of Part A States and Part B States, the Government of the State concerned shall, if it had previously rejected any petition addressed to itself or the Governor/Rajpramukh, also forward a brief statement of the reasons for the rejection of the previous petition or petitions.

VI. Upon the receipt of the orders of the President an acknowledgment shall be sent to the Secretary to the Government of India, Ministry of Home Affairs, immediately in the manner hereinafter provided. In the case of the Government of Assam all orders will be communicated by telegram and the receipt thereof shall be acknowledged by telegram. In the case of other States if the petition is rejected the orders will be communicated by express letter and receipt thereof shall be acknowledged by express letter. Orders commuting the death sentence will be communicated by express letter in the case of Delhi and by telegram in all other cases and receipt thereof shall be acknowledged by express letter or telegram, as the case may be.

VII. A petition submitted by a convict shall be withheld by the Chief Commissioner or the Government of the State concerned, as the case may be, if a petition containing a similar prayer has already been submitted to the President. When a petition is so withheld the petitioner shall be informed of the fact and of the reason for withholding it.

VIII. Petitions for mercy submitted on behalf of a convict under sentence of death shall be dealt with, *mutatis mutandis*, in the manner provided by these instructions for dealing with a petition from the convict himself. The petitioner on behalf of a condemned convict shall be informed of the orders passed in the case. If the petition is signed by more than one person, it shall be sufficient to inform the first signatory. The convict himself shall also be informed of the submissions of any petition on his behalf and of the orders thereon.

B - Appeal to the Supreme Court and applications for Special Leave to Appeal to the Supreme Court

IX. Whenever a sentence of death has been passed by any Court or Tribunal the sentence shall not be executed until after the dismissal of the appeal to the Supreme Court or of the application for special leave to appeal to the Supreme Court or in case no such appeal has been preferred or no such application has been lodged until after the expiry of the period allowed for an appeal to the Supreme Court or for lodging of an application for special leave to appeal to the Supreme Court:

Provided that if a petition for mercy has been submitted by or on behalf of the convict, execution of the sentence shall further be postponed pending the orders of the President thereon.

NOTE: If the sentence of death has been passed on more than one person in the same case and if an appeal to a higher court or an application for special leave to appeal to the Supreme Court is lodged by or on behalf of only one or more but not all of them the execution of the sentence shall be postponed in the case of all such persons and not only in the case of the person or persons by whom or on whose behalf the appeal or the application is lodged.

X. On receipt of the intimation of the lodging of an appeal to the Supreme Court or of an application for special leave to appeal to that court or of an intention to do so, the Chief Commissioner or the Government of the State concerned, as the case may be, shall forthwith communicate by telegram to the agent to the Government of India, Ministry of Law, and also to the Secretary to the Government of India, Ministry of Home Affairs:

- (i) the name of the convict under sentence of death, and
- (ii) particular relating to the appeal or the application.

If it is desired to oppose the appeal or the application, three copies of the Paper Book and of the judgment of the High Court or the Judicial Commissioner's Court or the Tribunal, as the case may be (one copy of each being a certified copy), a power-of-attorney in the form prescribed by the Supreme Court and instructions, if any, for the purpose of opposing the appeal or the application shall be immediately sent to the Agent to the Government of India, Ministry of Law. Notice of the intended appeal or application if and when served by or on behalf of the convicts shall also be transmitted to him without delay. If the intended appeal or application is not lodged within the period prescribed by the Supreme Court Rules the Agent to the Government of India shall intimate the fact by telegram to the Chief Commissioner or the Government of the State concerned, as the case may be. The execution of the sentence shall not thereafter be postponed, unless a petition for mercy has been submitted by or on behalf of the convict.

XI. If an appeal or an application for special leave to appeal has been lodged in the Supreme Court on behalf of the convict the Solicitor to the Government of India will intimate the fact to the Chief Commissioner to the Government of India, Ministry of Home Affairs. The Solicitor to the Government of India will keep the aforesaid authorities informed of all developments in the Supreme Court in those cases which present unusual features. In all cases, however, he will communicate the result of the appeal or

application for special leave to appeal to the Chief Commissioner or the State Government, as the case may be, by telegram in the case of Assam and by an express letter in other cases endorsing a copy of his communication to the Secretary to the Government of India, Ministry of Home Affairs. The Chief Commissioner or the State Government, as the case may be, shall forthwith acknowledge the receipt of the communication received from the Solicitor to the Government of India. A certified copy of the judgment of the Supreme Court in each case will be supplied by the Solicitor to the Government of India in due course to the Chief Commissioner or the State Government, as the case may be, who shall acknowledge the receipt thereof. The execution of the sentence of death shall not be carried until after the receipt of the certified copy of the judgment of the Supreme Court dismissing the appeal or the application for special leave to appeal and until an intimation has been received from the Ministry of Home Affairs about the rejection by the President of India of the petition for mercy submitted, if any, by or on behalf of the convict.

APPENDIX – H*

Rules for the trial of persons subject to Military, Naval or Air Force law by a Court to which the Code applies or by a Court Martial vide Ministry of Home Affairs Notification no. S. R. 0.709, dated the 17th of April, 1952 as amended up to date.

- (1) These Rules, may be called the Criminal Courts and Court Martial (Adjustment of Jurisdiction) Rules, 1952.
- (2) They extend to the whole of India except the States of Jammu and Kashmir and Manipur.

In these Rules unless the context otherwise requires -

- (i) “Commanding Officer”-
 - (a) in relation to a person subject to military law means the Officer Commanding the unit or detachment to which such person belongs or is attached;
 - (b) in relation to a person to naval law means the Commanding Officer of the ship to which such person for the time being belongs; and
 - (c) in relation to a person subject to Air Force law means the officer for the time being in command of the unit or detachment to which such person belongs or is attached.
- (ii) “Competent military authority” means the officer commanding the army, army corps, division, area, independent sub area or independent brigade in which the accused person is serving and, except in cases falling under section 69 of the Army Act, 1950 (46 of 1950) in which death has resulted, the officer commanding the brigade or sub-area or station in which the accused person is serving.
- (iii) “competent naval authority” means the Chief of Naval Staff or Flag Officer (Flotilla) Indian Fleet or Commodore - in - charge, Bombay or Commodore-in-charge, Cochin, or Naval Officers-in-charge, or Senior Naval Officer present; and

* Note: Rules framed in the year 1952 have been superseded-Upto date rules are being re-produced separately at page 326- Ed.

- (iv) “competent Air Force Authority” means the officer commanding the command, wing or station in which the accused person is serving, and when death has resulted [except in cases falling under section 72 of the Air Force Act, 1950 (XLV of 1950)] the Chief of the Air Staff.

3. Where a person subject to military, naval or Air Force law is brought before a Magistrate and charged with an offence for which he is liable to be tried by a court- martial, such Magistrate shall not proceed to try such person or to inquire with a view to his commitment for trial by the Court of Session or the High Court for any offence triable by such Court unless-

- (a) he is of opinion, for reasons to be recorded, that he should so proceed without being moved thereto by competent military, naval or Air Force authority, or
- (b) he is moved thereto by such authority.

4. Before proceeding under clause (a) of rule 3, the Magistrate shall give a written notice to the Commanding Officer of the accused and until the expiry of a period of:

- (i) three weeks, in the case of a notice given to a Commanding Officer in command of a unit or detachment located in any of the following areas of the hill districts of the State of Assam that is to say-
- (1) Mizo,
(2) Naga Hills,
(3) Garo Hills,
(4) Khasi and Jaintia Hills, and
(5) North Cachar Hills.
- (ii) seven days, in the case of a notice given to any other Commanding Officer in the command of a unit or detachment located elsewhere in India, from the date of the service of such notice, he shall not-
- (a) convict or acquit the accused under section 243, 245, 247 or 248[#] of the Code of Criminal Procedure, 1898 Act

[#] Note: See sections 252, 253, 255(1) & (2), 256, 257 of the new Code. - Ed

- V of 1898)⁺ or hear him in his defence under section 244⁺⁺ said Code; or
- (b) frame in writing a charge against the accused under section 254[•] of the said Code; or
 - (c) make an order committing the accused for trial by the High Court or the Court of Session under section 213⁺⁺ of the said Code; or
 - (d) transfer the case for inquiry under section of the said code.

5. Where within the period of seven days mentioned in rule 4, or at any time thereafter before the Magistrate has done any act or made any order referred to in that rule, the Commanding Officer of the accused or competent military, naval or Air Force authority, as the case may be, gives notice to the Magistrate that in the opinion of such authority, the accused should be tried by a court-martial, the Magistrate shall stay proceedings and if the accused is in his power or under his control, shall deliver him, with the statement prescribed in sub-section (1) of section 549⁺⁺⁺ of the said Code, to the authority specified in the said sub-section.

6. Where a Magistrate has been moved by competent military, naval or Air Force authority, as the case may be, under clause (b) of rule 3, and the Commanding Officer of the accused or competent military, naval or Air Force authority, as the case may be, subsequently gives notice to such Magistrate that, in the opinion of the such authority the accused should be tried by a court-martial, such Magistrate, if he has not before receiving such notice done any act or made any order referred to in rule 4, shall stay proceedings and if the accused is in his power or under his control, shall in the like manner deliver him, with the statement prescribed in sub-section (1) of section 549⁺⁺⁺ of the said Code, to the authority specified in the said sub-section.

7.(1) When an accused person has been delivered by the Magistrate under rules 5 and 6, the Commanding Officer of the accused or the competent military, naval or Air Force authority, as the case maybe, shall as soon as

⁺ Note: Cr.PC.1898 (Act V of 1898) has been substituted by Cr.PC. 1973 (Act II of 1974).-Ed.

⁺⁺ Note: See section 254 of the new Code. - Ed.

[•] Note: See section 246(1), & (2) of the new Code.-Ed

⁺⁺ Note: Omitted in the new Code.

⁺⁺⁺ Note: See section 475 of the new Code.-Ed.

⁺⁺⁺⁺ Note: See section 475 of the new Code.-Ed.

may be, inform the Magistrate whether the accused has been tried by a court-martial or other effectual proceedings have been taken or ordered to be taken against him.

- (2) when the Magistrate has been informed under sub-rule (1) that the accused has not been tried or other effectual proceedings have not been taken or ordered to be taken against him the Magistrate shall report the circumstances to the State Government, which may, in consultation with the Central Government, take appropriate steps to ensure that the accused person is dealt with in accordance with law.

8. Notwithstanding anything in the foregoing rules, where it comes to the notice of a Magistrate that a person subject to military, naval or Air Force law has committed an offence, proceedings in respect of which ought to be instituted before him and that the presence of such person cannot be procured except through military, naval or Air Force authorities, the Magistrate may by a written notice require the Commanding Officer of such person either to deliver such person to a Magistrate to be named in the said notice for being proceeded against according to law, or to stay the proceedings against such person before the court-martial, if since instituted, and to make a reference to the Central Government for determination as to the court before which proceedings should be instituted.

9. Where a person subject to military, naval or Air Force law has committed an offence which, in the opinion of the competent military, naval or Air Force authority, as the case may be, ought to be tried by a Magistrate in accordance with the civil law in force or where the Central Government has, on a reference mentioned in rule 8, decided that proceedings against such person should be instituted before a Magistrate, the Commanding Officer of such person shall after giving a written notice to the Magistrate concerned, deliver such person under proper escort to that Magistrate.

APPENDIX – I⁺

PAYMENT OF EXPENSES TO JURORS, ASSESSORS AND WITNESSES

A - Jurors and Assessors

Rule 1 to 4 relating to Jurors and Assessors not printed as no longer required. - Ed.

B – Witnesses

Summons of government or railway employees:

5. In all cases where their attendance is required by the police under section 170 of the Code of Criminal Procedure, subordinate employees in the public or the railway service should at once give intimation of the fact to their superior, so that the necessary arrangements for their work can be made.

6. There are two different processes by which attendance at the criminal courts may be enforced. Section 170 of the Code of Criminal Procedure applies to cases in which the police have power to investigate, and provides that a police officer..... is to require.....so many of the persons, who appears to him to be acquainted with the circumstances of the case, to execute a bond to appear before the Magistrate and give evidence. In this case no reference to the head of the department, in which the person from whom the bond is taken serves, is either required by the law or, ordinarily, possible.

7. Section 72 of the Code on the other hand, applies only to a summons issued by a Magistrate, and in no way justifies a person in government or railway employment in neglecting to attend when required to do so by the police under section 170 of the Criminal Procedure Code.

Rules for the payment of expenses of complainants and witnesses:

8.(1) For the purpose of payment of travelling allowance and diet money criminal courts are authorised to classify complainants and witnesses, who are legally bound to attend such courts as follows:

Class I - Persons of superior rank;

⁺ Note: These rules have been repealed. Up-to-date rules are being reproduced separately at page 330. - Ed.

- Class II - Persons such as Zamindars, traders, pleaders, and those of corresponding rank; and
- Class III - Persons belonging to the class of cultivators, labourers and menials.

(2) The rates of travelling allowance and diet money for the three classes of witnesses shall be as shown in the table below:

Class	By rail	By road	Diet money per diem
1.	One first class fare each way	Beyond diet money no travelling allowance is ordinarily admissible for journey by road, but in special circumstances the actual expenses incurred upto a maximum limit of fifty paise a mile in the case of first class witness and thirty seven paise a mile in other cases, may be allowed by the court	Above second class rate upto a maximum limit of Rs.4/-(four)
II	One second Class fare each way	Ditto	Rs. 1.25 (rupee one and 25 paise).
III	One third class fare each way	Ditto	Re. 1 (rupee one).

- (3) (a) Diet money shall be paid for the days of actual detention as well as for the time occupied in the journeys to and from the court. The number of days which should be allowed for the journey to and from shall be determined by the officer ordering payment in each case.
- (b) In the case of witnesses summoned to give evidence at Naini Tal from Tarai, Bhabhar and Kashipur Parganas belonging to the Pradhan class, the rate of diet money shall be rupee one and thirty seven paise per diem and for those of the ordinary class rupee one per diem.
- (4) When owing to distance or for other reasons it appears to a court issuing a summons that the person summoned will be put to considerable expense in attending the court, it may, at
- cdiv

the time of issuing the summons, send the whole or a portion of the travelling and diet expenses allowed by these rules by money order or otherwise to the person summoned.

- (5) Witnesses following any profession, such as medicine or law shall receive a special allowance according to circumstances and custom.

NOTE: No conveyance allowance shall be admissible to Civil and Assistant Surgeons under this rule.

- (6) No payment on account of travelling allowance or diet money shall be made from public funds to any witness in cases where under the provisions of any law in force the reasonable expenses of such witness have by order been deposited in court as a condition precedent to the issue of process to compel his attendance.
- (7) Notwithstanding anything contained in the foregoing rules a person in the service of the State summoned to give evidence in his official capacity shall draw his travelling allowance in the manner provided in rule 59 of the Financial Handbook, Volume III, and shall be granted by the court a certificate of attendance which shall be attached by him to the bill.

No expenses shall be paid to such person by the court except when he is summoned to give evidence otherwise than in his official capacity, when he will be entitled to the payment of expenses as in rule 1 to 3.

NOTE:

- (1) Rule 59 of the Financial Handbook, Volume III, reads as follows: "59
(1) A government servant whether he is on duty or on leave who is summoned to give evidence of facts that has come to his knowledge in his official capacity in any criminal case, or in any civil case to which the State is a party or in a departmental inquiry, may draw travelling allowance at the ordinary rates, on a certificate of attendance, in the prescribed form, granted by the court or the authority conducting the inquiry, which he should attach to his bill.
- (2) A government servant summoned to give evidence under any other circumstances is entitled to receive his actual travelling expenses from the court.
- (3) Any fees or expenses deposited for the subsistence allowance of the witness in a civil, or criminal court, and in the case described in

clause (1) also any fees or expenses for travelling allowance so deposited must be credited by the court to the revenues of the State;

Provided that if the witness is an employee of the Central Government or a State Railway, the fees or expenses deposited for him should be credited to the department concerned of that Government.

- (4) In the case of a witness who is subject to the Payment of Wages Act, 1936, the fees or expenses referred to in clause (3) should be credited to Government by the court itself, provided that if such a witness is an employee of the Central Government or a State Railway or any other commercial department under the Government of India, the fees or expenses deposited for him should be credited by the court direct to the department concerned of that Government.
- (5) This rule does not apply to jamadars, village chaukidars, lekhpals, in the hill pattis of Kumaun Division and in the Tarai and Bhabhar and Garhwal Bhabhar Government Estates and government servants of the fourth class (except naiks and police constables) who may receive their expenses from the court in the ordinary way"

NOTE-2:

In the case of a servant of the State who is summoned to give evidence in his official capacity the term 'reasonable expenses' used in section 244(3)⁺ of the Code of Criminal Procedure, 1898⁺⁺, shall be held to mean travelling allowance admissible to him under Financial Handbook, Volume III.

⁺ Note: See section 254 of the new Code. - Ed.

⁺⁺ Note: For 1898 read 1973. -Ed.

APPENDIX – J

(Rule 15, Chapter DI)

Rules of Procedure in case of Arrest, Detention, Conviction, or Release of a Member of Parliament or the State Legislature.

The following extracts from the Rules of Procedure and Conduct and Conduct of Business in the Lok Sabha are relevant.

“229. Intimation to Speaker by Magistrate of arrest, detention, etc. of a member. - When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a Court or is detained under an executive order, the Committing Judge, Magistrate or Executive Authority, as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate form set out in the Third Schedule.

230. Intimation to Speaker on release of a member - When a member is arrested and after conviction released on bail pending an appeal or otherwise released, such fact shall also be intimated to the Speaker by the authority concerned in the appropriate form set out in the Third Schedule.”

Third Schedule

(See Rules 229 and 230)

Form of communication regarding arrest, detention conviction or release, as the case may be, of a member.

Place:.....

Date:.....

To,

The Speaker,
Lok Sabha,
New Delhi.

Dear Mr. Speaker,

Form ‘A’

I have the honour to inform you that I have found it my duty, in the exercise of my powers under Sectionof the(Act), to direct that ShriMember of the Lok Sabha, be arrested/detained for(reasons for the arrest or detention, as the case may be).

ShriM.P., was accordingly arrested/taken into custody at(time) on(date) and is at present lodged in theJail.....(Place).

Form 'B'

I have the honour to inform you that ShriMember of the Lok Sabha, was tried at theCourt before me on a charge (or charges) of(reasons for the conviction).

On(date) after a trial lasting fordays, I found him guilty ofand sentenced him to imprisonment for(period).

(His application for leave to appeal to* is pending consideration).

Form 'C'

I have the honour to inform you that ShriMember of the Lok Sabha, who was arrested detained/convicted on(date), for(reasons for arrest/detention/conviction) was released.....on.....(date) on(grounds for release).

Yours faithfully,
(Judge, Magistrate or
Executive Authority)

* Name of the Court.

APPENDIX – K

[Not printed as rule 14 of the General Rules (Criminal), 1957 has been deleted. – Ed.]

APPENDIX – L

[Rules framed under section 555A, Cr.PC.⁺ with regard to petition writers and typists sitting in Magisterial Court compounds]

1. No official of any court and no person employed in any institution connected with the court whether as clerk, copyist or peon or in any other capacity shall write petitions.
2. No person shall for remuneration of any kind write petitions within the precincts of a magisterial court unless he-
 - (a) has been duly licenced by the District Magistrate;
 - (b) is a legal practitioner; or
 - (c) is a clerk to a legal practitioner and writes the petition in the course of such employment in respect of cases in which the legal practitioner is engaged, provided the petition is signed by the writer.
3. The number of petition-writers licensed to practice in the precincts of a magisterial court or a set of magisterial courts shall not exceed the number fixed from time to time by the District Magistrate.
4. The licence to practise as a petitioner-writer within the precincts of magisterial courts at the headquarters of a district shall be granted by the District Magistrate and in outlying courts by such officer as may be appointed by him.
5. A person wishing to practise as a petition-writer within the precincts of a magisterial court shall present a properly stamped application to the District Magistrate or the officer having authority to grant the licence, as the case may be.
6. (1) The licence shall not be granted unless the applicant shows:
 - (a) that he is of respectable character;
 - (b) that he has a good knowledge of Hindi;
 - (c) that he can draw up a clear, straight forward petition, and
 - (d) that his handwriting is easily legible.(2) If the District Magistrate, and in the outlying courts such officer, as may be appointed by him for the purpose, is satisfied that the applicant fulfils

⁺ Note: See section 477 of the new Code. - Ed.

all the conditions laid down in the preceding sub-rule, a licence in form 'A' annexed to these rules, shall be granted to him on payment of the prescribed fee.

7. A licence fee of Rs. 5 per quarter, payable in cash in advance or latest by the 15th of the first month of the quarter, shall be paid by each licenced petition-writer, failing which his name shall be removed from the register.

Where the name of a petition-writer has been removed from the register under the preceding paragraph, his name shall not be registered again unless he pays the registration fee of Rs. 5 for the quarter along with the arrears, if any, and an extra sum of Re. 1 per year (or fraction of a year) for the period of default by way of penalty:

Provided that the District Magistrate or the officer appointed for the purpose, as the case may be, may, if satisfied by affidavit or otherwise, excuse the penalty for the period or part of the period, during which he ceased to work as petition-writer in the court:

Provided further that if the petition-writer is a petition-writer under the rules contained in Appendix 22 of the General Rules (Civil), 1957, Volume II, or is a deed-writer licenced under the rules framed by the Registration Department and had already paid the prescribed fee of Rs. 5 per quarter to any authority, he shall not be required to pay an additional fee for a license issued under these rules.

8. The petition-writer practising in Magisterial Courts shall be entitled to receive the following scales of charges:

DOCUMENTS	
Complaint, Memo of Appeal, Compromise, Affidavit, Written statement, Miscellaneous applications	Rs. 1.50 for every 300 words or part thereof.
Application for Copy, inspection of record and such similar petitions, Bail Bonds, other papers/documents	Re. 0.50
Typings charges	Rs. 40 paise for the first copy Re. 0.20 per carbon copy

Provided that 50 per cent above these rates shall be chargeable in Kaval Towns, Meerut, Bareilly, Dehradun and also in hill stations.

9. Every petition-writer shall write out a brief note of the contents of the petition as a heading to the same, quoting specifically the law under which the petition is made. He shall record precisely what he is asked to write in plain and simple language such as the petitioner can understand and refrain from introducing additional, irrelevant, imaginary or fabricated matter of his own conception. He shall record at the foot of every petition written by him, other than a petition of a merely formal character, a declaration under his signature that to the best of his knowledge and belief the petition expresses the true meaning of the petitioner to whom the contents thereof have been fully explained.

Every petition-writer shall comply with the order of a court as to the amending or re-drafting of a petitioner or of other paper drawn up by him.

10. Every petition-writer shall, at his own expense, provide himself with an official seal to be made under the direction of the authority which has granted him the licence, on which shall be engraved his name and the year in which he was licensed. He shall also maintain a register in Form 'B' annexed to these rules and shall enter therein every petition written by him and shall produce the register if demanded by any court for inspection.

11. Every petition-writer shall sign and seal with his official seal every petition written by him and shall enter in it the number, which it bears, in his register and the fee that he has charged for it.

12. A register of licensed petition-writers shall be maintained by the Nazir and it shall be his duty to see that the precincts of the Courts are kept free of all unregistered petition-writers and that no one writes petitions for remuneration within the Court compound, unless he is licensed under these rules.

13. Every petition-writer shall on the first working day of August each year or as soon thereafter as demanded produce his licence for the inspection of the authority which granted it. A note of such inspection shall be endorsed on the licence under the signature of the inspecting officer.

14. (1) A licence issued under these rules may be revoked by the authority which granted it on one or more of the following grounds, namely-

- (a) that the petition-writer has not attended the court regularly;
- (b) that he has become a legal practitioner's clerk or has taken up some other employment;
- (c) that he has failed to produce his licence for annual inspection;

- (d) that he is a tout as defined in the Legal Practitioners Act, 1879 (Act XVIII of 1879);
- (e) that he has not paid his quarterly fee;
- (f) that he has been found guilty of abetment of or participation in any illegal transaction of unfair dealing; or
- (g) that he has been found guilty of disobedience of an order passed by a Court.

(2) Such licence may also be revoked for any other good cause to be recorded in writing by the officer granting the licence.

15. No petition-writer shall, without the permission of the presiding officer, enter any room in a court in the precincts of which he is entitled to practice.

16. The above rules shall apply, with such modifications and adaptations as may be necessary, to the typists who may wish to practise in the precincts of magisterial Courts.

FORM "A"

Licence for petition writing or typing

No. of licenceSri(Name of the petition-writer or Typist), Son ofis hereby authorised to sit in the compound of the Magisterial Court atand to write petitions/do typing work.

So long as he holds this licence he is required to abide by the following rules, or such rules as may be made from time to time.

1. He shall regularly pay a quarterly fee of Rs. 5 in advance
2. He shall regularly attend the Court.
3. He shall not carry on the profession of a tout as defined in the Legal Practitioners Act, 1879 (Act XVIII of 1879) or accept the clerkship of a legal practitioner.
4. He shall not charge remuneration for writing petitions or doing typing work in excess of what is laid down in the scale of fees prescribed in Rule 8 of these Rules, a copy of which he shall keep exhibited in a conspicuous place near the place where he sits.
5. He shall sign each petition or paper drawn up or typed by him and endorse thereon the amount of fee received.
6. He shall write or type petitions legibly.
7. He shall not keep any private copy of any petition, complaint or memorandum of appeal which he writes or types.

8. He shall maintain a register in the prescribed form with regard to every petition drawn up by him or every paper typed by him.

FORM 'B'

1	Serial number of petition or paper typed
2	Date on which petition was written or paper typed
3	Name, parentage and address of the person at whose instance the petition was written or typing done
4	Description of the petition or paper typed
5	Brief abstract of the contents of the petition or paper typed
6	Value of court-fee labels affixed to the petition
7	Fee received for writing or typing the petition
8	Remarks
9	Signature of the petition writer or typist

CLASSIFICATION AND SEPARATION OF PRISONERS

[Rules framed under section 59 (17) of the Prisons Act for the Classification and Separation of Prisoners as reproduced from Chapter XII of the Jail Manual, Uttar Pradesh]

271. Classes of prisoners - A prisoner confined in a jail may be - (1) a criminal prisoner, which term includes:

- (a) a convicted prisoner, including a prisoner committed to or detained in prison under section 123^{*} of the Code of Criminal Procedure, 1898^{**}, on his failure to give security when ordered to do so under section 118^{***} of the said Code;
- (b) an unconvicted or undertrial prisoner;
- (2)(a) a State prisoner detained under Regulation III of 1818;

or

- (b) a prisoner detained without trial under any other law relating to the detention of such prisoners; and
- (3) a civil prisoner

NOTE: Lunatics may also be temporarily detained in jails under the orders of a Magistrate

272. Definition of civil prisoner - The term 'civil prisoner' includes-

- (1) a judgment-debtor confined under a warrant in execution of a decree of civil court;
- (2) a revenue-defaulter detained in custody under section 148 of the U.P. Land Revenue Act (III of 1901) ; and
- (3) generally any prisoner other than a criminal prisoner or a detenu.

273. Classification of convicted prisoners - Convicted prisoners shall be classified into two categories:

- (a) Casual; and
- (b) Habitual.

274. Definition of casual prisoners - A casual prisoner will be one who is a first offender and who lapses into crime not because he has a criminal

* Note: See section 122 of the new code. -Ed.

** Note: Figure 1898 shall be read as 1973. -Ed.

*** Note: See section 117 of the new code. -Ed.

mentality but on account of his surroundings, physical disability or a mental deficiency. The term 'first offender' in the case of a prisoner committed to or detained in prison under section 123^{*} of the Code of Criminal Procedure, 1898^{**}, will mean a prisoner thus committed to or detained in prison for the first time.

275. Definition of habitual prisoner. - A prisoner who has not been classified as casual shall be classified as habitual.

276. Sub-categories of casual prisoners.- Casual prisoners shall be divided into the following sub-categories:

- (1) Star; and
- (2) General.

This classification shall be made by the court concerned. Those casual prisoners whose previous character was good, whose antecedents are not criminal and whose crime does not indicate grave cruelty, gross moral turpitude or depravity of mind shall be classified into the 'Star' sub-category. The remaining casual prisoners shall be placed in the 'General' sub-category. The Superintendent may revert a star casual prisoner to the General class if after a special study of his life and habits inside the jail he considers it necessary.

277. Sub-categories of habitual prisoners. - Habitual prisoners shall be divided into the following sub-categories:

- (1) Non-professional; and
- (2) Professional.

The non-professional habitual sub-category will consist of those prisoners who lapse into crime owing to their surroundings or some physical or mental defects, and who are not first offenders. In the other sub-category shall be included all other habitual prisoners, for instance, -

- (i) those who are men with an object, sound in mind and mostly sound in body, often highly skilled, who deliberately and with their eyes open prefer a life of crime, and know the tricks and maneuvers necessary for that life; and
- (ii) those who take to a criminal life on account of hereditary factors. The fact that such a prisoner is a first offender should not be taken into account because he is a criminal by habit.

* Note: See section 122 of the new code. -Ed.

** Note: Figure 1898 shall be read as 1973. -Ed.

278. Classification into superior and ordinary classes. – Convicted criminal prisoners shall be divided into two classes:

- (1) Superior; and
- (2) Ordinary.

Prisoners may be admitted to the superior class by an order of the State Government. The rules relating to the treatment of superior class prisoners in jails are contained in Chapter XIII.

All convicted prisoners, who are not admitted to the superior class, shall be known as ordinary class prisoners and shall be governed by the general rules regarding the treatment of prisoners as contained in this Manual.

***279. Recommendation for superior class.** - (a) In respect of Criminal Prisoner who is an accused before it, whether in trial, enquiry appeal or revision, and keeping in view the provisions of paragraph 280, the High Court may recommend to the State Government, and a Court of Session or a Magistrate may recommend to the District Magistrate for his admission to superior class.

- (b) The High Court may, pending receipt of the order of the State Government direct the Superintendent of the Jail concerned to admit the prisoner provisionally to the superior class and the Superintendent of jail shall comply with such direction.

280. Condition for admission of a prisoner into superior class (1) - Superior class shall not ordinarily be given to a prisoner who has been ordered to be detained under Chapter VIII of the Code of Criminal Procedure, 1973, or who has been convicted of any of the following offences.

- (a) Offences under Chapters V-A, VI, VII and VIII. Section 161; Chapters XII, XV, XVI, XVII, XVIII and XXVI of the Indian Penal Code.
- (b) Offences under Sections 25 and 27 of the Arms Act, 1959;
- (c) Offences under the Prevention of Corruption Act, 1947;
- (d) Offences under the Unlawful Activities (Prevention) Act, 1967;

• Note: Substituted by U.P. Classification and Separation of Prisoners Amendment Rules, 1980 vide notification No. 7102-P/XXII-2215-80, dated October 14, 1980

- (e) Offences under the Control of Goondas Act, 1970;
- (f) Offences under the Prevention of Food Adulteration Act, 1954;
- (g) Offences of abetment of any of the offences mentioned above;
- (h) Offences under Section 14 of the Foreigners Act, 1946;
- (i) any other offences involving violence or moral turpitude.

(2) If the District Magistrate is satisfied that the prisoner's, education character and antecedent, the nature of the offence committed and the motives therefore, justify superior class treatment to the prisoner, may, either on his own motion or as a recommendation made to the Court of Session or Magistrate under clause (a) of paragraph 279 accord superior class-

- (a) to a prisoner not covered by sub-paragraph (1); and
- (b) to a prisoner covered by paragraph (I) but in very exceptional cases.

(3) A brief note setting forth the grounds on which the superior class is accorded by the District Magistrate shall be furnished by the State Government.

(4) The State Government either on its' own motion or as¹ [recommendation made by the High Court may, for reasons to be recorded in writing likewise accord superior class to a prisoner if it is satisfied that his education, character and antecedents, the nature of offence committed and the motives therefore justify the same.]

²[281].

282. Military prisoners. - In the case of military prisoners convicted by military courts the Superintendent shall inform (he District Magistrate of the district of residence whenever such a prisoner is admitted to the jail and the latter should obtain orders of the State Government in case he considers that the superior class should be given to such prisoners. In other respects the general instructions in paragraphs 280 and 281 will apply.

³[**283. Civil prisoners.** - There shall be two grades of civil prisoners-

- (1) Superior; and
- (2) Ordinary.

¹ Note: Inserted by Notification No. 1151-PP/XXII-2215-80, dated 6-4-1981. -Ed.

² Note: Paragraphs 281 omitted by Notification No. 7102p./XXII-2715- 80, dated October 14,1980.-Ed. 3.

³ Note: Substituted by Notification No.7568/XVI-11-70, dated 8-1-1971. -Ed.

⁴[285

286. Security prisoners.- Except prisoners detained under Regulation III of 1818 other detenues shall be divided into two classes-

- (1) Superior; and
- (2) Ordinary.

The classification and treatment in jail of these prisoners shall be governed by such rules as may be prescribed from time to time.

286-A. Lunatics. - Lunatics detained in jails under the orders of the Magistrates shall be divided into two classes-

- (1) Superior; and
- (2) Ordinary.

286-B. Conditions for superior. - Without prejudice to paragraph 497 lunatics who, by their social status, education or habit of life, have been accustomed to a superior mode of living, may, under the orders of the District Magistrate, be admitted to the superior class.

The treatment in jail of superior and ordinary classes of lunatics shall be governed by the rules applicable to superior and ordinary classes of undertrial prisoners in jails.

286.-C. Form of classification. - The form of classification for convicted criminal prisoners is as prescribed below:

(To be filed with the warrant)
 Form of Classification
 To be filled in Court

- 1. Name of convict
- 2. Son of
- 3. Name of the convicting court,—...
- 4. Section or sections under which convicted.....
- 5. Sentence passed or order passed if imprisoned for failure to furnish security
- 6. Date of sentence
- 7. Whether to be treated as :
 Habitual

⁴ Note: Paragraph 285 omitted by Notification No. 7102p/XXII-2715-80, dated October 14,1980.-Ed.

Casual

- 8. If habitual:
 - (i) whether to be treated as:
professional.
Non-professional.
 - (ii) details of previous conviction or convictions.....
 - (iii) whether the convict is professional, hereditary **or** specially dangerous
 - (iv) whether the crime is organized:.....
- 9. If casual, whether to be treated as-
General
Star

Seal of the Court

Station
Dated

Signature of the
Presiding Officer.

To be filled in prison

- 10. (i) Whether admitted to the superior class.....
 - (ii) If so the number and date of Government Order.....
- Station.....
Dated.....

Signature of Superintendent

NOTES:-

- (1) Strike out the entries not required. It is the duty of the presiding officer of the convicting court to fill in items 7 to 9 of the form his own handwriting and attach the form to the record of the case in order that it may be filed with the convict's warrant and sent to the jail along with the convict.
- (2) In case of a court having more than one presiding officer, items 7 to 9 of the form may be filled in by any one of them in his own handwriting.
- (3) In the case of convicts sentenced to rigorous imprisonment or transportation for a term of five years or more a brief history of the case is to be prepared by the District Magistrate with the assistance of the police, showing the nature of the crime; the previous conduct and association of the convict and other similar matters affecting the question of premature release whenever it may arise. One copy of this

will be kept in the district office and another shall be attached to the form of classification of the convict.

286-D. Provisional classification by Superintendents. - In the absence of an order by the convicting court regarding the classification of a prisoner, in so far as the court is concerned, the Superintendent shall make a reference to the Court concerned and shall classify the prisoner himself pending the result of such reference.

286-E. Appeal against classification. - Any person classified as habitual may apply for a revision of the order to the District Magistrate or the authority by which the classification has been made.

286-F. Revision of classification. - (a) Convicting courts or District Magistrate, as the case may be, may revise the classification made by them, and the District Magistrate may alter any classification of a convict including a person committed to or detained in prison for failure to furnish security, made by a convicting court, provided that the alteration is made on the basis of facts, which were not before such court at the time when such classification was made.

(b) A revision of the classification into categories and sub-categories on the ground of continuous good or bad conduct may also be recommended by the superintendent to the Inspector-General of Prisons and the Inspector General's order shall be final.

NOTE - The expression 'District Magistrate' means the District Magistrate of the district in which the criminal was convicted or detained.

286-G. Classification necessary in the case of every convict. - The Superintendent shall see that every convicted prisoner has been classified as habitual/casual in accordance with the form of classification furnished by the convicting court.

286-H. Rectification of classification. - When a convict not classified habitual is subsequently found to be prisoner previously convicted of an offence, the Superintendent shall inform the District Magistrate and forward the form of classification to him for correction, if necessary.

In any other case in which the Superintendent thinks that the classification of a prisoner should be revised, he shall act under paragraph 286-F(b).

286-I. Segregation of different classes of prisoners. - In a jail where prisoners of more than one class are confined, the Superintendent shall make arrangements for the complete segregation of different classes in separate

circles, enclosures or barracks in accordance with the requirements of section 27 of the Prisons Act, 1894 and the rules contained in this chapter.

286 -J. Segregation of casual from habitual prisoners. - Casual convicts shall at all times be kept separate from habitual convicts.

286-K. Segregation of professional from non-professional habitual prisoners. - There shall, as far as possible, be separate wards for non-professional and professional sub-categories of habitual prisoners. Prisoners belonging to the latter sub-category should be kept entirely separate from all other categories of prisoners.

286 -L. Transfers to jails reserved for particular classes of prisoners. - The transfer of prisoners to jails reserved for particular classes of prisoners may, in the absence of any special provision to the contrary and subject to any general or special order passed by the Inspector-General, be made by the Superintendent without the previous sanction of the Inspector General, but their nominal rolls should in every case be sent to the Inspector-General for information and record.

Instructions regarding procedure to be observed by the States for dealing with petitions for mercy from or on behalf of convicts under sentence of death and with appeals to the Supreme Court and applications for Special leave to appeal to that Court by such convicts.

A. PETITIONS FOR MERCY⁺

I. A convict under sentence of death shall be allowed, if he has not already submitted a petition for mercy, for the preparation and submission of a petition for mercy, seven days, after, and exclusive of, the date on which the Superintendent of Jail informs him of the dismissal by the Supreme Court of his appeal or of his application for Special leave to appeal to the Supreme Court:

Provided that in cases where no appeal to the Supreme Court has been preferred or no application for Special leave to appeal to the Supreme Court has been lodged, the said period of seven days shall be computed from the date next after the date on which the period allowed for an appeal to the Supreme Court or for lodging an application for Special leave to appeal to the Supreme Court expires.

II. If the convict submits a petition within the above period, it shall be addressed -

⁺ Note - Reproduced from Legal Remembrancer's Manual Edition 1975. - Ed.

- (a) in the case of States to the Governor of the State and the President of India; and
- (b) in the case of Union Territories to the President of India.

The execution of sentence shall in all cases be postponed pending, receipt of their orders.

III. The petition shall in the first instance -

- (a) in the case of States be sent to the State Government concerned for consideration and orders of the Governor. If after consideration it is rejected it shall be forwarded to the Secretary to the Government of India, Ministry of Home Affairs. If it is decided to commute the sentence of death, the petition addressed to the President of India shall be withheld and an intimation of the fact shall be sent to the petitioner;

NOTE-The petition made in a case where the sentence of death is for an offence against any law exclusively relatable to a matter to which the executive power of the Union extends, shall not be considered by the State Government but shall forthwith be forwarded to the Secretary to the Government of India, Ministry of Home Affairs.

- (b) in the case of Union Territories, be sent to the Lieut. Governor/Chief Commissioner/Administrator who shall forward it to the Secretary to the Government of India, Ministry of Home Affairs, stating that the execution has been postponed pending the receipt of the orders of the President of India.

IV. If the convict submits the petition after the period prescribed by Instruction above, it will be within the discretion of the Chief Commissioner or the Government of the State concerned, as the case may be, to consider the petition and to postpone execution pending such consideration and also to withhold or not to withhold the petition addressed to the President. In the following circumstances, however, the petition shall be forwarded to the Secretary to the Government of India, Ministry of Home Affairs-

- (i) if the sentence of death was passed by an appellate court on an appeal against the convict's acquittal or as a result of an enhancement of sentence by the appellate court, whether on its own motion or on an application for enhancement of sentence, or

- (ii) when there are any circumstances about the case, which in the opinion of the Lieut. - Governor/Chief Commissioner/Administrator or the Government of the State concerned, as the case may be, render it desirable that the President should have an opportunity of considering it, as in cases of a political character and those in which for any special reason considerable public interest has been aroused. When the petition is forwarded to the Secretary to the Government of India, Ministry of Home Affairs, the execution shall simultaneously be postponed pending receipt of orders of the President thereon.

V. In all cases in which a petition for mercy from a convict under sentence of death is to be forwarded to the Secretary to the Government of India, Ministry of Home Affairs, the Lieut-Governor / Chief Commissioner / Administrator or the Government of the State concerned, as the case may be, shall forward such petition as expeditiously as possible along with the records of the case and his or its observation in respect of any of the grounds urged in the petition. In the case of States, the Government of the State concerned shall, if it had previously rejected any petition addressed to itself or the Governor also forward a brief statement of the reasons for the rejection of the previous petition or petitions.

VI. Upon the receipt of the orders of the President an acknowledgment shall be sent to the Secretary to the Government of India, Ministry of Home Affairs, immediately in the manner hereinafter provided. In the case of Assam and the Andaman and Nicobar Islands, all orders will be communicated by telegram and the receipt thereof shall be acknowledged by telegram. In the case of other States and Union Territories, if the petition is rejected, the orders will be communicated by express letter and receipt thereof shall be acknowledged by express letter. Orders commuting the death sentence will be communicated by express letter in the case of Delhi and by telegram in all other cases and receipt thereof shall be acknowledged by express letter or telegram, as the case may be.

VII. A petition submitted by a convict shall be withheld by the Lieut.-Governor/Chief Commissioner/Administrator or the Government of the State concerned, as the case may be, if a petition containing a similar prayer has already been submitted to the President. When a petition is so withheld the petitioner shall be informed of the fact and of the reason for withholding it.

VIII. Petition for mercy submitted on behalf of a convict under sentence of death shall be dealt with, *mutatis mutandis*, in the manner provided by these instructions for dealing with a petition from the convict himself. The

petitioner on behalf of a condemned convict shall be informed of the orders passed in the case. If the petition is signed by more than one person, it shall be sufficient to inform the first signatory. The convict himself shall also be informed of the submission of any petition on his behalf and of the orders passed thereon.

B. APPEAL TO THE SUPREME COURT AND APPLICATIONS FOR SPECIAL LEAVE TO APPEAL TO THE SUPREME COURT

IX. Whenever a sentence of death has been passed by any Court or Tribunal, the sentence shall not be executed until after the dismissal of the appeal to the Supreme Court or of the application for Special leave to appeal to the Supreme Court or, in case no such appeal has been preferred or no such application has been lodged, until after the expiry of the period allowed for an appeal to the Supreme Court or for lodging of an application for Special leave to appeal to the Supreme Court:

Provided that if a petition for mercy has been submitted by or on behalf of the convict, execution of the sentence shall further be postponed pending the orders of the President thereon.

Note (1) - If the sentence of death has been passed on more than one person in the same case and if an appeal to a higher Court or an application for Special leave to appeal to the Supreme Court is lodged by, or on behalf of only one or more but not all of them, the execution of the sentence shall be postponed in the case of all such persons and not only in the case of the person or persons by whom, or on whose behalf, the appeal or the application is lodged.

Note (2) - The date of execution of the convict under sentence of death shall always be fixed after the expiry of the period of limitation prescribed for preparing of application for special leave to the Supreme Court by or on behalf of the convict i.e., 60 days after the order refusing certificate of leave by the High Court.

X. On receipt of the intimation of the lodging of an appeal to the Supreme Court or of an application for Special leave to appeal to that Court or of an intention to do so, the Lieut-Governor/Chief Commissioner/Administrator or the Government of the State concerned, as the case may be, shall forthwith communicate by telegram to the Government Advocate, Ministry of Law; and also to the Secretary to the Government of India, Ministry of Home Affairs-

- (i) the name of the convict under sentence of death, and
- (ii) particulars relating to the appeal or the application.

If it is desired to oppose the appeal or the application, three copies of the Paper Book and of the Judgment of the High Court or the Judicial Commissioner's Court or the Tribunal as the case may be, (one copy of each being a certified copy), a power of attorney in the form prescribed by the Supreme Court and instructions, if any, for the purpose of opposing the appeal or the application shall be immediately sent to the Government Advocate, Ministry of Law. Notice of the intended appeal or application, if and when served by or on behalf of the convict, shall also be transmitted to him without delay. If the intended appeal or application is not lodged within the period prescribed by the Supreme Court Rules, the Government Advocate shall intimate the fact by telegram to the Lieut-Governor/Chief Commissioner/Administrator or the Government of the State concerned, as the case may be. The execution of the sentence shall not thereafter be postponed, unless a petition for mercy has been submitted by or on behalf of the convict.

XI. If an appeal or an application for Special leave to appeal, has been lodged in the Supreme Court on behalf of the convict, the Government Advocate, Ministry of Law will intimate the fact to the Lieut-Governor/Chief Commissioner/Administrator or the State Government, as the case may be, and also to the Secretary to the Government of India, Ministry of Home Affairs. The Government Advocate will keep the aforesaid authorities informed of all developments in the Supreme Court, in those cases which present unusual features. In all cases however, he will communicate the result of the appeal or application for special leave to appeal to the Lieut-Governor/Chief Commissioner/Administrator or the State Government, as the case may be, by telegram in the case of Assam and by an express letter in other cases, endorsing a copy of his communication to the Secretary to the Government of India, Ministry of Home Affairs. The Lieut.-Governor/ Chief Commissioner/Administrator or the State Government, as the case may be, shall forthwith acknowledge the receipt of the communication received from the Government Advocate, Ministry of Law. A certified copy of the judgment of the Supreme Court in each case will be supplied by the Government Advocate, Ministry of Law, in due course to the Lieut-Governor/Chief Commissioner/Administrator or the State Government, as the case may be, who shall acknowledge the receipt thereof. The execution of the sentence of death shall not be carried until after the receipt of the certified copy of the judgment of the Supreme Court dismissing the appeal or the application for special leave to appeal and until an intimation has been received from the Ministry of Home Affairs about the rejection by the President of India, of the petition for mercy submitted, if any, by or on behalf of the convict.

**CRIMINAL COURTS AND COURT-MARTIAL
ADJUSTMENT OF JURISDICTION RULES, 1978⁺**

S.O. 488 - In exercise of the powers conferred by sub-section(l) of section 475 of the Code of Criminal Procedure, 1973(2 of 1974), and in supersession of the Criminal Courts and Court-Martial (Adjustment of Jurisdiction) Rules, 1968, the Central Government hereby makes the following rules for the trial of the persons subject to military, naval, air force, or Coast Guard law, or any other law relating to the Armed Forces of the Union by a Court to which the said Code applies, or by a Court-Martial, namely:

1. These rules may be called the Criminal Courts and Court-Martial (Adjustment of Jurisdiction) Rules, 1978.
2. In these rules, unless the context otherwise requires,
 - (a) "Commanding Officer",
 - (i) in relation to a person subject to military law, means the Officer Commanding the unit to which such person belongs or is attached;
 - (ii) in relation to a person subject to naval law, means the Commanding Officer, of the ship or naval establishment or unit to which such person belongs; or is attached;
 - (iii) in relation to a person subject to air force law, means the officer, for the time being in command of the unit to which such person belongs or is attached;
 - (iv) in relation to a person subject to the Coast Guard law, means the Commanding Officer of the Coast Guard ship or establishment or unit to which such person belongs or is attached; and
 - (b) "competent air force authority" means the Chief of the Air Staff, the air or other officer commanding any Command, Group, Wing or Station in which the accused person is serving or where such person is serving in a field area, the Officer Commanding the forces or the air forces in the field;

⁺ Note: Rules framed in the year 1952 have been superseded. Up-to-date rules are reproduced. – Ed.

- (c) "competent military authority" means the Chief of Army Staff or Officer Commanding the army, army corps, division, area, sub-area or independent brigade in which the accused person is serving and, except in cases falling under section 69 of the Army Act, 1950 (46 of 1950) in which death has resulted, the Officer Commanding the brigade or sub-area or station in which the accused person is serving;
 - (d) "competent naval authority" means the Chief of the Naval Staff or the Flag Officer Commanding-in-Chief, Western Naval Command, Bombay or the Flag Officer Commanding- in-Chief, Eastern Naval Command, Vishakhapatnam or the Flag Officer Commanding, Southern Naval Area, Cochin or the Flag Officer Commanding, Western Fleet, or the Flag Officer Commanding Eastern Fleet or Senior Naval Officer where the accused person is serving;
 - (e) "competent Coast Guard authority" means the Director General or Inspector General or Deputy Inspector General within whose command the accused person is serving.
3. Where a person subject to military, naval, air force or Coast Guard Law, or any other law relating to the Armed Forces of the Union for the time being in force is brought before a Magistrate and charged with an offence for which he is also liable to be tried by a Court Martial, or Coast Guard Court as the case may be, such Magistrate shall not proceed to try such person or to commit the case to the Court of Session, unless-
- (a) He is moved thereto by a competent military, naval, air force or Coast Guard authority; or
 - (b) he is of opinion, for reasons to be recorded, that he should so proceed or commit without being moved thereto by such authority.
4. Before proceeding under clause (b) of rule 3, the Magistrate shall give a written notice to the Commanding Officer or the competent military, naval, air force or Coast Guard authority, as the case may be, of the accused and until the expiry of a period of fifteen days from the date of service of the notice he shall not-

- (a) convict or acquit the accused under section 252, sub-sections (1) and (2) of section 255, sub-section (1) of section 256 or section 257 of the Code of Criminal Procedure, 1973 (2 of 1974), or hear him in this defence under section 254 of the said Code; or
 - (b) frame in writing a charge against the accused under section 240 or sub-section (1) of section 246 of the said Code; or
 - (c) make an order committing the accused for trial to the Court of Session under section 209 of the said Code; or
 - (d) make over the case for inquiry or trial under section 192 of the said Code.
5. where a Magistrate has been moved by the competent military, naval, air force or Coast Guard authority, as the case may be, under clause (a) of rule 3, and such authority, subsequently gives notice to such Magistrate, in the opinion of such authority, the accused should be tried by a Court- Martial or Coast Guard Court, as the case may be, such Magistrate if he has not taken any action or made any order under rule 4, before receiving the notice shall stay the proceedings and if the accused is in his power or under his control, shall deliver him together with the statement referred to in subsection (1) of section 475 of the said Code to the officer specified in the said sub-section.
6. Where within the period of fifteen days mentioned in rule 4, or at any time thereafter but before the Magistrate takes any action or makes any order referred to in that rule, the commanding officer of the accused or the competent military, naval, air force, or Coast Guard authority, as the case may be, gives notice to the Magistrate than in the opinion of such officer or authority, the accused should be tried by a Court-Martial, or Coast Guard Court as the case may be; the Magistrate shall stay the proceedings, and if the accused is in his power or under his control, shall deliver him together with the statement referred to in sub-section (1) of section 475 of the said Code to the Officer specified in the said sub-section.
7. (1) When an accused has been delivered by the Magistrate under rule 5 or 6, the Commanding Officer of the accused or the competent military, naval air force or Coast Guard authority, as the case may be, shall, as soon as may be, inform the Magistrate

whether the accused has been tried by a Court-Martial or Coast Guard Court as the case may be or other effectual proceedings have been taken or ordered to be taken against him.

(2) When the Magistrate has been informed under sub-rule (1) that the accused has not been tried or other effectual proceedings have not been taken or ordered to be taken against him, the Magistrate shall report the circumstances to the State Government which may, in consultation with the Central Government, take appropriate steps to ensure that the accused person is dealt with in accordance with law.

8. Notwithstanding anything in the foregoing rules, where it comes to the notice of a Magistrate that a person subject to military, naval, air force or Coast Guard law, or any other law relating to the Armed Forces of the Union for the time being in force has committed an offence, proceedings in respect of which ought to be instituted before him and that the presence of such person cannot be procured except through military, naval or air force authorities, the Magistrate may by a written notice require the Commanding Officer of such person either to deliver such person to a Magistrate to be named in the said notice for being proceeded against according to law, or to stay the proceedings against such person before the Court Martial or Coast Guard Court, as the case may be if since instituted, and to make a reference to the Central Government for determination as to the Court before which proceedings should be instituted.
9. Where a person subject to military, naval, air force or Coast Guard law, or any other law relating to the Armed Forces of the Union for the time being in force has committed an offence which in the opinion of competent military, naval, air force or Coast Guard authority, as the case may be, ought to be tried by a Magistrate in accordance with the civil law in force or where the Central Government has, on a reference mentioned in rule 8, decided that proceedings against such person should be instituted before a Magistrate, the Commanding Officer of such person shall after giving a written notice to the Magistrate concerned, deliver such person under proper escort to that Magistrate.

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**THE UTTAR PRADESH PAYMENT OF EXPENSES TO
COMPLAINANTS AND WITNESSES (CRIMINAL COURTS)
RULES, 1976***

In exercise of the powers under section 312 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), read with Section 21 of the General Clauses Act, 1897 (Act No. 10 of 1897), and in supersession of all previous rules and orders on the subject, the Governor is pleased to make the following rules:

1. Short title and Commencement:

- (i) These rules may be called the Uttar Pradesh Payment of Expenses to Complainants and Witnesses (Criminal Courts) Rules, 1976.
- (ii) They shall be deemed to have come in to force with effect from February 15, 1975.

2. Definitions: In these rules

- (a) 'Court' means any Criminal Court in the State;
- (b) 'Officer' means a Presiding Officer of a Criminal Court;
- (c) 'person' means persons who attends any Criminal Court as complainant or witness;
- (d) 'Schedule' means the schedule to these rules.

3. Classification of witnesses, etc.; For the purpose of Payment of travelling allowance and diet money. Courts are authorised to classify person, who are legally bound to attend such Courts, as follows:

Class I	.....Persons of superior rank; and
Class II	.....All other persons

4. Rates for payment: The rates of travelling allowance and diet money payable to the above two classes of persons shall be, as shown in the Schedule.

5. Number of days and Special Provisions:

- (i) Diet money shall be paid for the days of actual detention as well as for the time occupied in the journeys to and from the Court. The number of days which should be allowed for the

* Note: Published in U.P. Gazette, Part I-Ka, dt. 18th Dec. 1976.

journeys to and from shall be determined by the Officer ordering payment in each case.

- (ii) In the case of persons summoned to give evidence at Naini Tal from the Tarai, Bhabhar and Kashipur areas the travelling allowance during the rainy seasons shall be the actual cost of hiring a seat in a motor, bus or lorry in addition to the toll tax charged by the Naini Tal Municipality.

Note: Travelling allowance is limited to expenditure actually incurred and no payment based on the cost of a seat in a motor and no payment on account of toll tax should, therefore, be made to a person unless he can prove that he has actually travelled by motor. A toll tax receipt should be accepted as proof of the journey having been performed by motor.

6. Advance payment: When owing to distance or for other reasons it appears to a Court issuing a Summons that the person summoned will be put to considerable expense in attending the Court, it may at the time of issuing the summons, send the whole or a portion of the travelling and diet expenses allowable at these rates by money order or otherwise to the person concerned.

7. Special allowance in certain cases: Persons following any profession, such as medicine or law, shall receive a special allowance according to the circumstances and custom.

Note: No allowance shall be admissible to the Chief Medical Officers and other Medical Officers under this rule.

8. No payment from public funds where expenses deposited: No payment on account of travelling allowance or diet money shall be made from public funds to any person in cases where under the provisions of any law in force the reasonable expenses of such person have by order been deposited in court as a condition precedent to the issue of process to compel his attendance.

9. Witnesses in service of State:

- (i) Notwithstanding anything contained in the foregoing rules a person in the service of the State summoned to give evidence in his official capacity shall not be paid any expenses by the Court and instead, shall be granted a certificate of attendance. Such person shall draw his travelling allowance in the manner, provided in Rule 59 of the Financial Handbook, Volume-III

- (ii) A person in the service of the State summoned to give evidence otherwise than in his official capacity, shall be entitled to the payment of expenses provided in Rules 3 to 7
- (iii) In the case of a servant of the State who is summoned to give evidence in his official capacity, the term 'reasonable expenses' used in Section 25 (3) of the Code of Criminal Procedure 1973, shall mean the travelling allowance admissible to him under the Financial Handbook, Volume III

10. Repeal and Saving: Rules regarding payment of expenses to complainants and witnesses attending criminal courts published with Government Notification No. 1793/VI-2234-40, dated July 11, 1941 are hereby repealed:

Provided that anything done or any action taken under the rules hereby repealed shall be deemed to have been done or taken under the provisions of these rules.

SCHEDULE
(See Rule 4)

Class of witness	Travelling allowance by rail	Travelling Allowance by Road	Diet money per diet
1	2	3	4
I	One first class fare each way	Beyond diet money no travelling allowance is ordinarily admissible for journey by road. But in special circumstances the actual expenses incurred up to a maximum limit of 50 paise per Kilometre in the case of first class witness and 37 paise per Kilometre in other cases may be allowed by Court.	Rs. 15.00
II	One Second class fare each way		Rs. 10.00
