

# GENERAL RULES AND CIRCULAR ORDERS (CRIMINAL) VOL. - I PART - I CHAPTER - I

## Court and Office Hours and Court Seal

\*1. (a) 1[**Court hours** - The Court hours shall ordinarily be from 10.30 AM. to 5.00 P.M. with recess of half an hour between 1.30 and 2 P.M. Except in morning sittings when it would be from 7.00 A.M. to 1.00 P.M. with a recess of half an hour between 10.00 A.M. to 10.30 A.M.]

\*(B) **Sitting and rising hour** - The Courts shall ordinarily commence the sittings not later than 11 A.M. and rise at 4 P.M. When day sittings are held and in case of morning sittings not later than 7.30 A.M. and rise at 12.30 P.M.]

**Note 1** - The exact period during which morning sittings of the Courts will be held shall be fixed by the High Court, by the issue of general or special orders.

**Note 2** - The recess facility will be available only to the Presiding Officers.

**Note 3** - The hours of work and commencement of sittings of Criminal Courts shall be regulated from time to time by issue of general or special orders by the High Court, as and when necessary.]

2. (a) **Use of Saturdays by Sessions Judges and Chief Judicial Magistrates** - 2[The Sessions Judges will devote all working Saturdays and the Chief Judicial Magistrates will devote first and last working Saturdays of a month for administrative work at the Headquarters subject to adjustment of hearing of part-hard Sessions cases]

(a) 3[**Clearance day** - The last Saturday of each month may be observed as 'Clearance Day' by the Judicial Magistrates at the stations to be specified by the High Court by General or Special Orders. Whenever such Saturday is a holiday, the working day preceding that holiday will be observed as 'Clearance Day'.]

**Note - 4**[\* \* \*]

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1. Substituted by C.S. No.S-IX-1S/79, dt.19. 7.1980.
  2. Substituted by C.S. No.76-XLIX-D-4S/93, dt.19.12.1996.
  3. Substituted by C.S. No.61-IX-9/89, dt.11.2.1992.
  4. Deleted by C.S.No. 62-IX-9/89, dated 11.2.1992.

**3. Court not to sit on holidays** - Without the consent of parties and in absence of urgent necessity, no criminal enquiry or trial shall be held on Sundays or gazetted holidays.

**4. Suspension of Court hour** - The Presiding Officer of Courts are authorised to suspend the work for about half an hour or to stand in silence for a minute or two after a suitable reference has been made when a man of repute passes away and when request (either oral or in writing) for suspension of work is made to the Court by the Bar Association. Facility should be given to the litigants and members of the Bar who wish to attend the funeral ceremony.

**5. Closure of Court in case of danger of Court's property** - Should any occasion arise when there is disturbance exposing the Court's property to danger, the Presiding Officers may close the Court when no other course is available. Such instances shall, however, be very rare and shall be immediately reported to the District Judge and the High Court explaining in detail the circumstances leading to the closure.

**6. Courts to be open** - Ordinarily all judicial matters shall be disposed of in open Court. The public should have access to or remain in the room or the building used by the Court except when the Presiding Officer thinks it fit in any particular case, to exclude either the public in general or any particular person. The grounds for doing so should, however be recorded in the Court's Diary and order sheet of the case.

**Note 1 - Trial in camera** - Cases of kidnapping, abduction, rape and proceedings under Section 493, 497 and 498, I.P.C., may be tried *in camera*.

**Note 2 - Routine duties** - The Judicial Officers in cases of indisposition are allowed to perform their current and routine duties in the Chamber for a maximum period of three days during any calendar year.

**7. Court language** - The State Government of Orissa have declared the following as Court language in the different districts in the State of Orissa in supersession of all previous notifications and orders on the subject -

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|---|---------------------------|
| (1) In the district of Ganjam except Ghumsar and the Balliguda Subdivisions and the '[Civil Judge (Junior Division)]'s Court at Aska. | English, Oriya and Telegu |
| (2) In Gunpur, Rayagada, Bissam-katak, Pottangi and Malkangiri taluks in Koraput district.  | English, Oriya and Telegu |
| (3) In all the districts of the State except Nos. 1 and 2 above   | English and Oriya         |

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1. Substituted by C.S. No. 3, IX-1/95, dt. 31. 10. 1995.

**8. Regular seal** - The regular seal of the Court shall be placed in custody of a responsible Officer of the Court and the documents required to be sealed with it should be under his superintendence. This seal is to be used for sealing judgment, writs, processes, copies and other documents made or issued judicially.

**9. Date seal** - The date seal shall be affixed to all documents and papers presented to Court in such a way as to show clearly the date on which they are presented. It shall be affixed a second time in such a way as to deface the Court-fee levels, if any, appearing on them.

**10. Orders as to custody of seals** - The orders making the officers responsible for the custody and the use of the seals should be recorded in writing.

**11. Use of name seals prohibited** - The use of name seals whether by judicial or ministerial officers is. Prohibited.

**12. Destruction of seals** - The worn-out and useless Court - seals when replaced by new ones should be destroyed in the presence of the Presiding Officers concerned and note of such destruction should be made in the Order Book under the dated signature of the Presiding Officer.

**13. Custody of seals of abolished Courts** - When a temporary Court ceases to exist, the seals used by it shall be kept in the safe custody of the Registrar of the Civil and Sessions Courts at the headquarters station or the Chief Ministerial Officer of the Court of the Sub-divisional Judicial Magistrate, or Judicial Magistrate, as the case may be, at the outlying stations.

## **CHAPTER - II** **Petitions, Complaints and Affidavits**

**14. Petitions and affidavits how to be drawn up** - All petitions and affidavits should be in the language of the Court and as far as practicable typewritten. Every page of the petition and every interlineation, alteration or erasure therein shall be authenticated by initial of the petitioner, declarant or the appellant as the case may be or of his Pleader by whom it is presented.

**Note** - All petitions should be either typewritten or written on fullsize paper, the quarter margin together with at least 1" of space at the top and bottom of each sheet being allowed.

**15. Contents of petitions** - Every petition shall state concisely and clearly, (1) the facts, matters and circumstances upon which the petitioner relies; and (ii) the matter of complaint, if any, and the relief sought or prayer made.

**16. Separate petition for distinct subject** - Applications in regard to distinct subject-matter with separate prayer shall be made in separate petitions.

**17. Service of copy of petitions** - In contested cases, no petition or list of document shall be filed in Court unless copies thereof have been previously served on the opposite party or his Pleader. The opposite party or the Pleader served with such copies shall give receipt on the original petition or list.

**18. Complaints to be received in fixed hours** - Private complaints should be received daily at fixed hours, ordinarily at the commencement of the day's sitting, but not later than 12 Noon.

**19. (a)** All complaints and charge - sheets shall at subdivision headquarters be received by the Sub - divisional Judicial Magistrates and subject to control by the High Court by such other Judicial Magistrate specially designated in tilis behalf by the Chief Judicial Magistrate.

**(b)** At other places where there are more than one Judicial Magistrate, the Chief Judicial Magistrate would designated the Magistrate who shall receive the complaints and charge-sheets.

**20. Contents of complaint petitions** - Every petition of complaint shall contain the following particulars -

- (1) The name, age and other description of the complainant.
- (2) The name, age and other description of the accused.
- (3) The date, time and place of occurrence.
- (4) The list of witnesses with addresses.
- (5) Nature of offence with section of statute.
- (6) Whether any information was given at the Police-Station and if so, the' action taken thereon.
- (7) Whether any previous complaint regarding the same occurrence was filed, and if so, the name of the Court and the date and manner of disposal of the same.
- (8) Facts of the case.
- (9) Documents, if any relied upon by the complainant.

¡[**Note** - While making an application for issue of an order under Sections 94, 97 and 98 of the Code of Criminal Procedure, 1973, the applicant (or the party) should file an affidavit that he has not filed any such application on the same facts before any other Magistrate or in any other Court.]

**21. Examinatori. of complainant** - The examination of the Complainant under Section 200 of the Criminal Procedure Code should be a thorough and intelligent enquiry into the subject - matter of a complaint to enable the Magistrate to find out whether the complainant is really aggrieved, or whether it would amount to

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1. Inserted by C.S. No.1-XLIXD-9/74, dt. 23.12.1977.

Abuse of the process of the Court and harassment to the accused. The examination of the complainant at this stage should be made by the Magistrate himself.

**Note** - Statement of the complainant should ordinarily be recorded on the back of the petition of complaint.

### **CASE LAW**

*Examination of the complainant under Sec. 200 Cr. P. C. should be a thorough and intelligent enquiry into the subject matter of a complaint to enable the Magistrate to find out whether the complainant is really aggrieved or whether it would amount to abuse of the process of the Court and harassment to the accused:*

**Debaki Pradhan v. Prakash Chandra Pal: 2010 (Supp.-II) OLR 803.**

*The Magistrate has to act while considering the question whether cognizance is to be taken or not. At the stage of taking cognizance Magistrate has simply to be satisfied whether the allegation make out a prima facie case for trial or not :*

**Sk. Siraj v. State of Orissa : 1994 (I) OLR 403.**

**22. Undesirability of using police agency for enquiry into cases** - Magistrate are cautioned against indiscriminate use of police agency for the purpose of ascertaining matters as to which a Magistrate is bound to form his own opinion upon evidence given in his presence. This caution should be specially borne in mind in respect of all cases regarding offences not cognizable by the Police.

**23. Registration of complaints and Police reports** - All complaints and Police reports should be Registered immediately after their receipt in order of their receipt.

**24. Affidavits before whom to be sworn** - Affidavits to be sworn or affirmed before any Judge, Magistrate or Commissioner of Oaths appointed by the High Court or Court of Sessions or any Notary appointed under the Notaries Act, 1952 for use before any Court shall be drawn up in the first person and divided into paragraphs, numbered consecutively and each paragraph, as clearly as may be, shall be confined to a distinct portion of the subject and may be sworn or affirmed before any Judge, Magistrate or Commissioner of Oaths appointed by the High Court or Court of Sessions or any Notary Act, 1952 (54 of 1952).

**25. Full description of deponent** - Every affidavit shall state the full name, age, description and place of abode of the deponent and shall be signed or marked by him.

**26. Authentication of corrections in affidavits** - Alterations and interlineations shall, before the affidavit is sworn or affirmed, be authenticated by initials of the officers before whom the affidavit is taken.

**27. Particulars to be noted by the Commissioner of Affidavits** - The officer before whom the affidavit is taken shall state the date on

which and the place where the same is taken, sign his name and mention his designation at the end.

**28. Certificate to be given by the Commissioner of Affidavits -**

When an affidavit is sworn or affirmed by any person who appears to the officer taking the affidavit to be illiterate, blind or unacquainted with the language in which the affidavit is written, the officer shall certify that the affidavit was read over, translated or explained in his presence to the deponent, that the deponent seemed to understand it and made his signature or mark in the presence of the officer ; otherwise the affidavit shall not be used in evidence.

**29. Affidavits to state on whose behalf it is filed -** Every affidavit shall bear an endorsement stating on whose behalf it is filed.

**30. Source of knowledge to be stated in affidavit -** Every affidavit containing statements made on the information or belief of the deponent shall state the source or ground of the information or belief.

**CHAPTER - III**

**Diary and Cause List**

[Vide Rules on the subject in the General Rules (Civil), Volume I]

**[Extracts from G.R.C.O. (Civil) Vol. I]**

**6. Diary -** (a) Every Civil Court shall maintain a diary in the prescribed form. Each case for any day shall be entered in advance immediately upon a date or adjourned date being fixed, and the entry as to each case shall show the purpose for which it is set down on each of issues, or for trial after adjournment. The diary will show briefly the progress made in each case, and when witnesses are examined in any case, when witnesses are examined without contest separately shall be stated. A running total in red ink should be inserted from day to day, in order to show the total number of witnesses examined during each quarter of the year. A new serial number should be started at the commencement of each quarter.

(b) The top most heading should be "**For peremptory hearing**" and under each heading should be grouped separately each class of cases in their chronological order according to the dates of their institution. The part-hard case adjourned on the previous day should be shown as the top case under the heading "Peremptory hearing".

(c) Appeals and Miscellaneous cases should also be shown in the diary in the above manner. Execution cases should be noted last of all.

(d) The reason for adjournment shall be briefly stated in the Diary.

(E) The Presiding Judge shall insert with his own hand in the appropriate place (i) the hours of his arrival in the office, (ii) the hour at which he takes his seat for judicial work and (iii) the time of rising and (iv) the time of departure. In the case of any unusually short sitting on any day, a short note explaining the reason shall be given in the Diary.

**Note - (1)** When an officer has to perform criminal duties in addition to his work as a Civil Judicial Officer, he will maintain two separate diaries in the prescribed form, one for civil and the other for criminal work. He shall note the hours of sitting and rising in the civil diary only. On the Actual time devoted

to criminal work in the criminal work, he shall note the hours of sitting and rising in the civil diary or criminal diary only, as the case may be.

**Note - (2)** The Diary shall be signed each day by the Presiding Judge after careful scrutiny on completion of all the entries therein.

**Note - (3)** A separate diary should be maintained for the cases fixed for each place of circuit.

**8. Daily causes lists** - A daily list of case shall be posted in some conspicuous place in every Court house for the information of the parties and their pleaders. The cases should, as far as possible, be arranged in the order in which they are likely to be taken up. Execution and Miscellaneous cases may be shown either in the same list or in a separate list. The said list shall be prepared and posted on the preceding working day at 4.30 P.M. or in the case of morning sittings before 12 A.M.. In the list, the cases will be sufficiently described by their number, year and class. At the close of each day, the Peshkar shall prepare four copies of advance daily cause lists in prescribed forms in a bound book of printed lined perforated pages, with the help of carbon papers showing therein the cases fixed for the next day. One copy of the list shall be posted in the Court's notice board and another sent to the Secretary Ministerial employee or any other person authorised by the local Bar Association for being posted in the notice board of the Bar Association. The remaining two copies should be kept by the Peshkar for his next day's use. At the close of the following day, he shall fill up the adjourned dates in the two copies of advanced daily cause lists in the Court's notice board and take down the copy which was posted on the preceding day and will send the other copy to the Secretary or ministerial employee of the Bar Association for publication in the notice board of the Association. He will further prepare four copies of advance daily cause lists for the next day in the same manner. The advance daily cause lists shall be sent to the Secretary, Bar Association through the Despatch Register in which the dated signatures of the recipient will be obtained.

**Note - (1)** The maximum number of cases to be fixed for hearing on any day may be half more than could be done on that day and preference be given to undone work of that day on the next day.

**Note - (2)** The lists shall be prepared in the language of the Court and shall remain posted for one week after which they shall be filed in office for future reference, if necessary. At the end of every quarter the lists for the previous quarter will be destroyed.

**Note - (3)** The lists shall be signed by the Presiding Judge and exhibited before he leaves the Court.

#### **CHAPTER - IV** **Processes**

**31.(a) Process to contain full description** - Every person on whom a process is to be served or executed shall be described therein in ink in such manner as will serve to identify him clearly, *i.e.*, by the statement of his correct name and address and such further description as will serve to identify him.

**Note** - In the case of service or execution of a process to be effected in large towns, the name of the street, ward number of the Municipality and the number of the house, if known, should be given.

(b) Language of the process - The process shall ordinarily be issued in any one of the languages of the Court. But process sent for service at another place where the language is different from that of the Court issuing them, should be accompanied by translation in the language of such place or in English.

1[[c) Whenever notices / summons / warrants are to be issued by the Court, the following shall be mentioned on the bottom of form for information about free Legal Services .

“You are hereby informed that free legal services from the State Legal Services Authorities, High Court Legal Services Committee, District Legal Services Authorities and Taluka Legal Services Committees, as per eligibility criteria, are available to you and in case you are eligible and desire to avail of the free legal services, you may contact any of the above Legal Services Authorities/Committees.”

<sup>2</sup>(C)(i) You are further informed that alternative resolution (A.D.R.) “Meditation”<sup>3</sup> facilities are also available in case you desire to avail the said facilities.

“ଏଥୁ ସହିତ ଆପଣଙ୍କୁ ଜଣାଇ ଦିଆଯାଇଛି କି ଯେ, ଆପଣଙ୍କୁ ନାଗଣାରେ ଆଇନଗତ ସେବା ଯୋଗାଇଦେବାପାଇଁ ରାଜ୍ୟ ଆଇନ ସେବା ପ୍ରାଧିକରଣ, ଛକ ନ୍ୟାୟାଳୟ ଆଇନ ସେବା କମିଟି, ଜିଲ୍ଲା ଆଇନ ସେବା ପ୍ରାଧିକରଣ ଏବଂ ତାଲୁକା ଆଇନ ସେବା କମିଟି ପ୍ରତିଷ୍ଠା କରାଯାଇଅଛି । ଯଦି ଆପଣ ଆଇନ ଅନୁଯାୟୀ ନାଗଣାରେ ଆଇନଗତ ସେବା ପାଇବା ପାଇଁ ଯୋଗ୍ୟ ବିବେଚିତ ହେଉଥାଆନ୍ତି ଏବଂ ଏହି ସେବା ପାଇବା ପାଇଁ ଚାହୁଁଥାଆନ୍ତି, ତେବେ ଆପଣ ଆଇନ ସେବା ପ୍ରାଧିକରଣ/ଆଇନ ସେବା କମିଟିର ପରାମର୍ଶ ନେଇପାରନ୍ତି ।”]

**32. Persons authorised to issue summons** - Summons issued to witnesses shall ordinarily be signed by the Chief Ministerial Officer of the Court with the words ‘BY ORDER OF THE COURT’ prefixed to signature; but Magistrates and Judges shall themselves sign the summons issued to the accused persons. All summonses shall bear the seal of the Court.

**33. Time and place of hearing to be stated in summons** - Every summons relating to a case shall state the place of hearing and the date and time when the presence of the person summoned is required.

**34. Summons to Military Officers** - Whenever it may be necessary to summon an officer or soldier in Military employ to attend a Criminal Court as a witness, the process-server who is to serve the summons, shall be instructed to take it under cover to the Officer-in-Command of the Regiment or detachment with which the witnesses may be serving and to apply for his assistance in serving it. With his assistance the process-server shall then proceed to serve the process and shall make his return direct to the Court. In such cases sufficient time should always be given to admit of arrangement being made for the relief of the witness summoned.

**35. Summons to expert** - All summons meant for the Fingerprint or Handwriting Expert should not be sent to any particular expert by name. They should be sent to the Director of the Fingerprint Bureau by designation.

1. Inserted by C.S. No. 95 (XLIX-O-3/2009, Ot. 3.4.2010)

2. Inserted by C.S. No. 95 (XI-31/2011, dated the 18th January 2014)

3. Inserted by C.S. No. 95 (XI-31/2011, dated the 26th September 2014)



**36. Non-bailable warrant** - The date of execution to be stated - The Court may record a separate endorsement on every non-bailable warrant of arrest the date by which the Officer-in-Charge of the Police-station shall report to the issuing Court that the fact of execution or non-execution of the warrant.

**37. (1) Time for delivery of process in the Nizarat** - Processes should, except in urgent cases, be made over to the Nazir or the Police Officer at least 10 days before the date fixed.

**(2) Register of processes made over for service to Nazir** - A Register of processes made over to the Nazir for service shall be maintained in the Form No. (R) 9-A.

**(3) Register of processes issued to police** - A Register of warrants and other processes issued to each Police Station shall be maintained in the ledger Form No. (R) 10, some pages being allotted to each specified Police-Station.

**38. Return of processes** - Processes made over to the Nazir or the Police Officer for service must be returned to the issuing Court as soon as possible, and atleast one day before the date fixed.

**39. English translation of the report when necessary** - When the process which has been served or returned unserved is the process of a Court outside Orissa transmitted for the purpose of service only, then the report regarding service or non-service of the process shall be accompanied by an authorised English translation thereof.

**40. Different Register of processes** - Rules 35 to 39, 41 and 43 of Part I, Chapter - II of General Rules and Circular Orders (Civil), Volume I shall also apply to processes issued on the criminal side and one common set of Registers in Form Nos. (R) 11, (R) 12 and (R) 13 of the General Rules and Circular Orders (Civil), Volume II be maintained in respect of both Civil and Criminal processes issued from the Nizarat.]

**41. Production of post office records** - As regards production of post-office records under Section 92, Criminal Procedure Code, by Post-masters, see Rule 74, Chapter - I, Page 31 of the Post-Office Manual, Volume I, 1912.

**42. Process against Members of the Parliament and State Legislature** - No summons or other process issued against a Member of the Parliament or of a State Legislature shall be sent for service to the Presiding Officer or the Secretariat of the Parliament or the State Legislature. No such summons or other process shall be served on any Member within the precincts of the House of which he is a Member.

**43. Letter of request** - A Letter of request instead of summons should be issued to the Secretary of the House of Parliament or of the

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1. Substituted by C.S. No. 1S-IX-1 0/82, dt. 9.6.1982.

State Legislature for examination of any officer of the Secretariat as a witnesses in the Court of law or for production of any document in the possession of the House of Parliament or State Legislature.

**44. Production of record from the custody of Parliament or State Legislature** - Original documents in the custody of the House of Parliament or of the State Legislatures should not be called for if certified copies thereof would serve the purpose. It is only in cases where parties insist upon strict proof that the Courts should call for the originals.

**Note** - In this connection attention of the Judges and Magistrates is also called to Section 78 (2) of the Indian Evidence Act which specifies the way in which the proceedings of the Legislature can be proved

**45. (i) Arrest of Members of Parliament and State Legislature** - When a Member of the House of the People is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a Court, the Judge or Magistrate, 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 prescribed form.

(ii) When a Member is arrested and after conviction released on bail pending an appeal or otherwise such fact also be intimated to the Speaker by the concerned authority in the appropriate prescribed form;

(iii) The provisions contained in the above sub-rules will apply *mutatis mutandis* to Members of the Council of State and of a State Legislature.

## **CHAPTER - V**

### **Process - Servers and Nizarat**

**46.** Rules relating to service of process and the duties of Nazir and his staff and the maintenance of various Registers contained in the G.R. & C.O. (Civil), Volume I shall be followed by the Criminal Court.

*[Extracts from G.R.C.O. (Civil) Vol. I]*

#### **II - PROCESS-SERVER AND NAZARAT**

##### A- Process-serving establishment

**67. Process serving establishment** - There shall be a joint process serving establishment for all the Civil Courts, Sessions Courts and Courts of Judicial Magistrates at the same station under the direct control of the Nazir who will be responsible for proper service of process made over to him for the purpose. The process-serving peons recruited on the civil and criminal side shall be entrusted to execute processes, both on the civil and criminal sides. The Nazir and the staff shall also be subordinate to any such Court issuing process for the purpose of execution of that particular process and shall place themselves under the order of the Presiding Officer in that regard. The Register of process-serving peons shall be maintained in the prescribed Form (H) 9-R.

**68. Strength of process-servers to be determined in every five years -**

The Judge of every district shall ascertain after every five years' the average number of original processes issued from his own Court from each of the Courts subordinate thereto during the immediately preceding five years' and fixed the number of process servers to be employed, each peon being for this purpose considered capable of executing during the year the number of original processes given in the following table :

District [Civil Judge (Junior Division)]	Summons and Notices issued by all Courts and other processes issued by 1[Civil Judge (Junior Division)] except in cases valued at over R. 1,000	Processes other than those mentioned in Column (2)
1	2	3
Bhadrak, and Kendrapara	500	225
Sambalpur, Bargarh, Nawpara, Cuttack, Jajpur, Balasore and Angul	450	200
Ganjam	400	300
Puri	450	200
Dhenkanal	450	200
Bolangir	450	200
Koraput	400	200
Kalahandi	400	200
Phulbani...	400	200
Mayurbhanj...	400	200
Keonjhar...	400	200
Sundargarh...	400	200

**Note - (1)** For the purpose of this rule all copies of processes served in one village in one case by a process-server at one and the same visit shall be reckoned as one original process, while copies served in the same village for separate visits or in different villages shall be reckoned as separate visits to the same village.

**Note - (2)** Where a summons or notice is served by a peon at Sadar within the jurisdiction of any outlaying 1[Civil Judge (Junior Division)] under the special orders of the Court, it will be treated as belonging to the class mentioned in Column 3.

**Note - (3)** Processes served by special peons as in the cases of warrants or arrest, should be reckoned as service of three original processes only in case of due execution and not when returned unexecuted.

1. Substituted by C.S. No. 33, IX-1/95, dt. 31.10.1995.

**Note - (4)** Each day on which a peon is occupied in keeping custody of attached movable property, standing crops or of a person under arrest in attending on Commissioners deputed to deliver possession or in taking records, letters etc. from one station to another or in guard duty at the residential office of Judicial Officers should be reckoned as service of 3 original processes.

**69. Distribution of process servers** - The District Judge may authorise the appointment of such total number of peons for the whole district as may suffice for the execution of all the processes issued for service within it and may from time to time apportion such peons among different stations in such manners as may appear necessary.

**70. Increase or decrease of strength of process-servers** - On the examination of the figures in the manner as in Rule 68, the District Judge shall increase or reduce the number of peons according as the number of processes has increased or decreased by 10 percent, the surplus permanent hands in case of diminution being gradually absorbed against permanent vacancies by stopping fresh recruitment until the permissible limit has reached.

**47. Determination of the Strength of Process Serving establishment** - The Sessions Judge of every Sessions Divisions shall ascertain the average number of original processes issued during the last three years from his own Court and from each of the Courts subordinate to him and the peons to be employed in the Sessions Division shall be sufficient for the execution of that number. The process serving establishment of the Criminal and Civil Courts in the State of Orissa having been amalgamated, each peon of the process serving establishment shall for this purpose, be considered capable of executing during the year the number of original Criminal Processes noted against each district in the following table -

District	Number of original processes	
Cuttack	.....	900
Balasore	.....	900
Puri	.....	900
Sambalpur	.....	900
Ganjam	.....	900
Bolangir	.....	900
Dhenkanal	.....	900
Koraput	.....	600
Kalahandi	.....	600
Phulbani	.....	600
Mayurbhanj	.....	600
Keonjhar	.....	600
Sundargarh	.....	600

**Note** - The term 'original process' means the original document which is filed with the record of a case, including the names of all persons residing within the jurisdiction of the Court upon whom copies of it (whether it be a summons warrant, notice or other process) are to be served in the same case and at the same time.

## **CHAPTER - VI**

### **Proceedings under Sections 145 and 147, Cr.P.C.**

**48. Final orders in proceedings under Sections 145 and 147, Cr.P.c.** - Final orders in proceedings under Sections 145 and 147 of the Criminal Procedure Code should be drawn up in Form Nos. 25 and 27 of the Second Schedule of the Code (High Court Forms Nos. (M) 47 and (M) 49, Volume (II) such modifications being made therein in accordance with the provisions of Section 476 of the Code as the circumstances of each case may require.

## **CHAPTER - VII**

### **Confessions and statements of Accused**

**49. (i) Time for reflection to confessing accused** - The recording of the confession of an accused person immediately on his production by the Police should be avoided. Ordinarily, he should be allowed a few hours for reflection, free from the influence of the Police, before his statement is recorded. The Police should not be allowed to be present when a confession is recorded.

**(ii) Confession to be recorded in open Court** - Confession should be recorded in open Court and during the Court hours except when unusual circumstances require a different procedure as, for instance, when an open record would be detrimental to the public interest or when the recording of the confession in open Court is rendered impracticable by reason of the fact that the Court is closed for two Or more successive days on account of holidays.

**(iii) Precautions to be followed before recording confession** - A Magistrate recording a confession should satisfy himself in every reasonable way that the confession is made voluntarily. It is not necessary actually to invite complaints of police ill-treatment, though of these, if spontaneously made, cognizance should be promptly taken of the same. However, it should be made clear to the prisoner that the making or with holding of a statement is within his discretion and any indication of use of improper pressure should be at once investigated.

**(iv) Certificate about the genuineness of the confession** - The Magistrate should question a confessing prisoner with a view to ascertaining exact circumstances in which the confession was made and the connection of the Police with it, in other words the Court should

record the confessions inasmuch detail as possible with a view to obtaining materials from which its genuineness can be judged and to testing whether it is freely made or is the outcome of suggestion. To the certificate required by Section 164 of the Criminal Procedure Code, the Magistrate should add a statement in his own hand, of the grounds on which he believes that the confession is genuine, of the precautions which he took to remove accused from the influence of the Police and of the time, if any given to him for reflection [*vide* Form No. (M)2].

**(V) Warning to the confessing accused** - The Magistrate should formally warn the accused though not necessarily in set words, that anything said by him will be taken down and may therefore be used as evidence against him, even if he retracts the same.

**(vi) Remand to police custody** - A remand to police custody should not be allowed unless good and satisfactory grounds are shown for it, a general statement that the accused may be able to give further information should not be accepted.

**(vii) Remand to Magistrate's custody** - Whenever possible, where the object of the remand is the verification of the prisoner's statement he should be remanded to the charge of a Judicial Magistrate.

**(viii) Period of remand** - The period of the remand should always be as short as possible.

**(ix) Remand not allowed when confession is declined** - A prisoner who has been produced for the purpose of making a confession and who has declined to do so, or has made a statement which, from the point of view of the prosecution, is unsatisfactory, should in no circumstances be remanded to police custody.

**(x) Statement by prisoner declining to make confession** - If a prisoner produced for the purpose of making a confession declines to make any, the Magistrate before whom he is brought shall record in Form No. (M) 2 the refusal of the prisoner in his own words, and shall also record any statement which the prisoner may desire to make in lieu of a confession.

### CASE LAW

*After warning sufficient time should be given to reflect and the prisoner should be left alone for some time to collect his mind : AIR 1956 SC 217, 222 : 1956 Cri.L.J. 421. Half an hour was considered insufficient and generally it would be reasonable to insist upon at least 24 hours time : AIR 1957 SC 737.*

**CHAPTER - VIII**  
**Commitment of the Accused to the Court of Sessions**

**50. Procedure to be followed by the Magistrate committing an accused to the Sessions Court - 1**[A Magistrate, while committing the accused to the Court of Sessions, under Section 209 of the Code of Criminal Procedure, shall supply to the accused copies of police reports and other documents as required under Sections 207 and 208 of the Criminal Procedure Code on proper receipt. All the commitment records of the Magistrate should also be sent to the Sessions Court immediately for being tagged on with the records of the sessions trial and the Sessions Judge after final disposal of the case, should consign those papers to the Record Room along with the Sessions case record for preservation and destruction with the sessions case record as per the rules prescribed. The Committing Magistrate shall also supply to the Public Prosecutor and the State Defence Lawyer, if any, a brief of the case records which shall consist of the following : -

- (a) The report of the Police Officer of the complaint.
- (b) The First Information Report recorded under Section 154 of the Criminal Procedure Code or the complaint petition.
- (c) Statements recorded under Sub-section (3) of Section 161 of the Criminal Procedure Code of all persons cited as witnesses in the charge-sheet or the statements recorded under Section 200 or 202 of the Criminal Procedure Code of all persons examined by the Magistrate.
- (d) The confession and statements, if any, recorded under Section 164, Cr.P.c.
- (e) Seizure List.
- (f) Spot Map.
- (g) Inquest Report.
- (h) **Post-mortem** certificate or injury certificate
- (i) Dead body chalan.
- (j) Command certificate.
- (k) Letter forwarding articles to the Chemical Examiner.
- (l) Report of the Chemical Examiner and seizure list.
- (m) T.I parade report.

The receipt of the above shall be obtained in Form No. (M) 24 (A) and the same shall be forwarded along with the record to the Court of Sessions.

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1. Substituted by C.S. No.13, XLIXD-23-82, Dt. 9.6.1982.

**CASE LAW**

When the case is committed to the Court of Session, the Committing Court shall remand accused to custody till conclusion of trial : **1993 (I) OLR 532 : *Amiya v. State.***

**51. Enquiry as to the means of the accused committed** - When a Magistrate commits an accused to the Court of Sessions, he should enquire whether the accused has sufficient means to engage a pleader and he should question the accused whether he desires to make his own arrangements for his defence in the Sessions Court or whether arrangements should be made by the Sessions Court to engage a lawyer on his behalf. In either case the Magistrate should when committing the accused intimate the Court of Sessions accordingly.

**52.** [The Committing Magistrate while committing the accused to the Court of Session under Section 209, Criminal Procedure Code, will fix a date on which the accused will appear in the Court of Session and will obtain a personal bond from the accused whom he releases on bail. On the accused appearing the Sessions Judge will decide whether the case will be retained in his Court or will be transferred to the Court of additional/Assistant Sessions Judge and fix the date for appearance of the accused before the said Court.]

**CHAPTER - IX**  
**Sessions Business**

**53. Register of Sessions cases** - Cases committed to the Court of Session shall be entered in the Register of sessions cases in Form No. (R) 23 serially in the order of receipt of commitment records in the Sessions Court. The series of numbers shall be separate for each calendar year. A separate index number shall be given to each accused.

**Note - (1)** Separate Registers for each Revenue district shall be maintained.

(2) Special cases under the Criminal Law Amendment Act, 1952 (XLVI of 1952) shall be entered in the Trial Registers in Form No. (R) 3, separate Registers being maintained for each Revenue district.

(3) For statistical purposes, sessions cases should be treated as brought to trial during the year when the accused is committed irrespective of the fact whether the records are received in the Court of Sessions during the year or during the next succeeding year.

**54. Abstract of charge** - Column 4 of (R) 23 is meant to contain an abstract of the charge, offences are to be stated as concisely as possible with the section of the Indian Penal Code or other law applicable. When a prisoner is charged with several offences, the heads

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1. Substituted by C.S. No.72, XLIX - D6/91, Dt. 4. 4. 1996.



of charge on which he has been convicted must be indicated by red underlining.

**55. Reasons of adjournment and passing of light or severe sentence to be noted in the Register** - In the column of Remarks of Form (R) 23, Sessions Judges should state the grounds of postponement when any trial is postponed; the sentence passed on any prisoner in addition to any other sentence in a different case passed at the same Sessions or one which is to take effect on the expiration of another sentence which the prisoner may be undergoing; the reasons which have prompted a specially light or specially severe sentence in any particular case and generally any matter necessary to enable the High Court to exercise the power of revision vested in it by Chapter - XXX of the Code of Criminal procedure.

**56. Particulars of previous conviction** - Whenever an enhanced sentence is passed upon an accused on conviction on a charge within the terms of Section 75 of the Indian Penal Code, the Sessions Judge should enter in the column of Remarks of (R) 23, the date of each previous conviction, the offence charged, and the sentence passed on each occasion.

**57. Priority to sessions case** - Sessions cases should usually be given preference over civil and other criminal matters, but every Sessions Judge should arrange as he finds most convenient, for the disposal of urgent civil and criminal matters.

**58. Sessions case to be heard in order of receipt** - Sessions trials should ordinarily be held in the order in which commitments are made. Sessions Judge should, however, exercise his discretion in the matter of giving priority to certain cases, particularly cases involving capital sentence subsequently received judging the seriousness of the offence and the convenience of the accused. It should always be the endeavors of every Sessions Judge to see that the sessions trial is brought to a close with due expedition and without unnecessary adjournments.

**59. Fixing Circuits at a place not notified** - If any Sessions Judge wants to fix any circuit at a place not notified to be a place of circuit, he should in advance intimate the reasons thereof to the High Court and obtain prior approval.

**60. Arrangement of Sessions business in Circuits** - As far as possible at least two sessions cases should be posted for hearing in every circuit. Part-heard sessions cases should be combined with other sessions cases. A circuit solely for the purpose of consideration of charge or hearing on the question of sentence or for delivery of judgment should, as far as possible, be avoided. If, however, no other business is available, the Sessions Judge should devote the rest of the day in inspection work.

Instances of fixation of circuits for anyone of the above purposes should be intimated to the Court.

**61. Posting of civil and criminal appeal** - The Sessions Judge may also post some civil and criminal appeals [and civil and criminal revisions] arising out of the place of circuit and presented by local lawyers for hearing along with sessions cases.

**62. Court hours not to be spent on journey** - Save in exceptional circumstances working hours of the Court should not be wasted merely for journey to and from the place of circuit and the place of the headquarters.

**63. When an Asst. Sessions Judge to submit records to the Sessions Judge** - When an Assistant Sessions Judge on consideration of the records and documents and after hearing the parties finds that a case comes within the purview of Section 228 (1) (a), Criminal Procedure Code, he shall instead of framing charges resubmit the record to the Sessions Judge along with a report supported by reasons that the case is not triable by the Court of Sessions. The Sessions Judge would then make arrangements for transfer of the cases to the file of the concerned Chief Judicial Magistrate for disposal according to law.

**64. Arrangement to be made when Sessions Judge is unable to proceed to a place of circuit** - When a Sessions Judge has fixed cases at different places of circuit one after another, and is unable to close the case at the first place to enable him to proceed to the next place, he shall make such arrangements sufficiently ahead at the second place as he deems fit to relieve the prisoner from unnecessary prolonged detention as also to minimise inconvenience to the witnesses.

<sup>2</sup>**65.** Rules relating to appointment of the State Defence Counsel Rules, 1974 as amended is reproduced below:

(1) These rules may be called the "Appointment of State Defence Counsel Rules, 1974".

(2) They shall extend throughout the State.

(3) These rules shall come into force at once.

(4) <sup>3</sup>[(a) *State Defence Counsel*- 'State Defence Counsel' means a counsel appointed by a Court of Sessions or by a Court of Magistrate for defence, at the expenses of the State, of an accused who is not represented by a Pleader and who has not sufficient means to engage a Pleader in sessions trial or in any other criminal trial, as the case may be.

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1. Inserted by C.S.No. 85, XLIX-D-8/98, dt. 31.12.1998.

2. Substituted by C.S. No.32-XI-1 /81, dated 21.1.1984.

3. Substituted by C.S.No. 71 - IX-6/90, Dt. 4.4.1996.

(b) If an appellant in a Criminal Appeal pending before the Sessions Judge/Additional Sessions Judge/ Assistant Sessions Judge has no means to engage an advocate or if an advocate appearing for him does not attend the Court and does not argue when called on for hearing or submits a memo of "no instruction" the Sessions Judge, or the Additional Sessions Judge or the Assistant Sessions Judge, as the case may be, shall appoint an advocate *amicus curiae* to represent the appellant and dispose of the appeal after hearing him.

(C) The advocate *amicus curiae* so appointed shall be governed by the same terms and conditions which govern the State Defence Counsel appointed in a Sessions case under these rules.]

(5) **Panel of Defence Counsel** - The Sessions Judge shall prepare a panel of legal practitioners with their consent for each place of sitting of the Court of Sessions and for each Magisterial Station in his Sessions Division, keeping in view the need of such station, for being appointed as State Defence Counsel every calendar year.

(6) (i) **Qualification** - A person shall be eligible to be included in the panel for appointment as State Defence Counsel in sessions cases only if :

- (a) he has been in practice as a lawyer for not less than 7 years ;  
or
- (b) he had been a member of Judicial Service of the State for not less than 7 years :

Provided that in computing the period of service as aforesaid, the period of practice as a lawyer shall be taken into account.

(ii) A person shall be eligible for inclusion in the panel of State Defence Counsel in Magisterial Courts only if :-

- (a) he has been in practice as a Lawyer for not less than 5 years;  
or
- (b) He had been a member of Judicial Service of the State for not less than 5 years.

(7) A Court of Session or a Criminal Court shall not, so long as a Panel Lawyer is available, appoint an outsider as State Defence Counsel.

- (i) **Resignation** - Any person in the panel may tender his resignation in writing to the Sessions Judge.
- (ii) **Filling up vacancy** - Any vacancy in the panel caused by resignation or otherwise may be filled up by Sessions Judge.
- (iii) **Penalty for negligence or refusal to accept any engagement** - If any person after having agreed to serve in a Panel neglects or refuses to accept an engagement without any reasonable cause his name will be struck off the panel.

(iv) *Removal from Panel* - If any counsel after accepting any engagement neglects or refuses to discharge his duties properly, his name may be struck off the panel.

(8) *Time for appointment* - The appointment of State Defence Counsel shall be made, sufficiently ahead of the commencement of the trial. The concerned Magistrate shall make the appointment from out of the panel prepared by the Sessions Judge under Rule 5 for that station.

(9) *Supply of brief* - The State Defence Counsel shall be furnished with a brief of the case free of cost at least seven days before the commencement of the trial. If after appointment of State Defence Counsel, the accused appoints another counsel, the appointment of State Defence Counsel shall cease and the brief prepared for the State Defence Counsel shall be made available to the Counsel privately engaged by the accused.

(10) *Grant of free copies* - No fees are to be required or paid for searching for or copying papers wanted by the State Defence Counsel for the purpose of defending the accused in the case.

(11) *Fees of defence counsel* - The daily fees of the State Defence Counsel in Sessions and Criminal Cases shall be the same as the fees of Public Prosecutor or Assistant Public Prosecutor, as the case may be, as fixed by the State Government from time to time.

(12) *Fees when employed outside headquarters* - The fees of the State Defence Counsel when employed outside their usual headquarters shall be double the usual daily fees at the headquarters.

(13) *Fees during halt on holidays* - The daily fees at the headquarters shall ordinarily be allowed to the State Defence Counsel for the days of necessary halt at intervening holidays during the absence from headquarters.

(14) *No fees if case is adjourned without hearing* - [The State Defence Counsel shall not be entitled to any fee on dates when cases are adjourned without hearing but half fee may be admissible when he attends the Court to hear the judgment pronounced or for all un-expected adjournments of a case and for putting appearance in interlocutory matter including hearing of bail applications.]

(15) *Travelling allowance* - The State Defence Counsel shall be entitled to traveling allowance at the rate admissible to Public Prosecutors.

(16) *Separate defence counsel for separate accused when necessary* - If a State Defence Counsel has to be engaged for several accused persons and their respective defences are such that it appears to be undesirable to entrust the defence of all the accused persons to a single

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1. Substituted by C.S.No. 63 - XLIX-O-4/89, Ot. 18.9.1992.

Counsel, as many pleaders may be appointed for the defence, as the necessity of the case seems to require :

Provided that a single Defence Counsel shall be appointed for more than one accused unless there is conflict of interest.

**CASE LAW :** Whenever a criminal appeal is filed and the appellant does not appear, then the course open to the appellate Court is to appoint an Advocatus curiae: *Tikan Bindhani v. State of Orissa* : 2010 (I) OLR 190.

## **CHAPTER - X**

### ***General Provisions as to Enquiry or Trial***

**66. List of witnesses to be filed in the first hour** - In Sessions cases and Police cases, the Public Prosecutor or the Assistant Public Prosecutor and in non-police cases the parties shall be required to make over to the Bench Clerk not later than 11 A.M. (Standard time) in case of day sittings and 7.30 A.M. (Standard time) in case of morning sittings, a list, verified dated and initiated by such officer or the witnesses who are in attendance for examination. The omissions of a name of the witnesses from the list shall be no bar to such witness being examined if presented for examination but no costs shall be allowed to any witness on account of his expense for the day's attendance if his name is neither entered in the list nor he is actually examined.

**Note 1** - This rule in no way affects the obligation on the part of witnesses to attend punctually at the time for which they are summoned.

**Note 2** - Not only the names of the witnesses entered in the lists mentioned in this rule but also of those whose names though not so entered are actually examined will find entry in the Register of attendance of witnesses which is to be filled up by the Bench Clerk.

**67. Convenience of lawyers no ground for adjournments** - The convenience of lawyers shall not ordinarily be regarded as a good ground for adjourning a case.

**68. Examination of witnesses proceeding outside India** - All Courts should take care that officers who are about to proceed on leave out of the State, are examined before their departure, in any pending criminal cases in which they are important witnesses.

**69. Prolonged postponement of cases for examining handwriting expert to be discouraged** - Where the evidence of the Government expert in handwriting cannot be obtained without undue delay and inconvenience, other available evidence should be taken. The prolonged postponement of criminal trials for the purpose only of obtaining expert evidence of handwriting should be discouraged.

**70. Accused may sit during trial** - The accused person should be informed by the Court at the beginning of every trial that he may sit, if he desires to do so, and chairs or benches should, whenever available, be provided for this purpose. The accused must, however, stand up, whenever he is addressed by the Court.

**71. Witnesses to give evidence from the witness box** - No witness should be provided with any seat in the dias. All witnesses should give their evidence from the witness box. A witness should normally stand when giving the evidence. But, however, a chair may be provided in the witness box, upon which any witness may sit receiving the prior permission of the Presiding Judge or Magistrate, as the case may be. This permission may be given on valid grounds such as (a) health, (b) age, and (c) the length of time to be occupied in giving the evidence and the like.

**72. (1) Verification of solvency of sureties** - The responsibility for accepting the surety as solvent for the required amount is primarily that of the Presiding Officer of the Court and in ordinary cases he should discharge it himself by making such summary enquiry as in the circumstances of the case he might think fit. This enquiry should in no event be left to be done by the Bench Clerk or any other official of the Court.

**(2) Insistence upon the possession of immovable property by sureties in bonds of small amounts not exceeding R. 1,000** would cause serious inconvenience to the accused in procuring a surety. The Judge or Magistrate may, therefore, in suitable cases, where the amount of the bond does not exceed R. 1,000 / - assess the solvency of the surety even upon the basis of his movable property and assets. The intending surety should present his application for surety ship in Form No. (83-A). The Judge or Magistrate should consider the application in the light of proof produced and, if necessary, examine the surety personally and may also require further proof as he deems fit. The Judge or Magistrate after necessary enquiry may pass an order either accepting or rejecting the application.

**1[72. A.** Whenever an accused is released on bail he need not ordinarily be required to appear before the Court until the charge sheet is filed and the process is issued by the Court. The Magistrate while releasing the accused on bail should require execution of a bond with or without surety, as the case may be, binding the accused not only to appear as and when required before him but also to appear when called upon in the Court of Sessions.]

## **CHAPTER - XI**

### **Mobile Courts**

**73. Holding of Mobile Courts** - The Judicial Magistrates who have powers to take cognizance should comply with the requisitions for holding Mobile Courts but always subject to their previous engagement in the Court.

**74. Mobile Court Magistrate should dissociate from Police Officers** - The Judicial Magistrates should dissociate themselves from investigation or detection of offences by the Police and Excise Officers.

**75. Manner of noting the Mobile Court cases in the Register** - The Judicial Magistrate holding Mobile Courts should take with him the Trial Register of his Court and enter all cases of which he takes cognizance during mobile duty. After return to the Court, the Bench Clerk should fill up these cases in the appropriate Register in Form No. (R) 1 with the help of the Trial Register and also fill up Column 2 of the latter Register. To facilitate quick compilation of figures, these cases may be indicated by the letter 'M' below the serial number of the cases in Column 1 of the Trial Register for the purpose of distinguishing them from the regular cases.

**76. Realisation of fines in Mobile Courts** - Realisation of fines imposed in Mobile Courts should in no case be left to the Bench Clerk. The Magistrate holding Mobile Court should himself collect the fines and deposit the same with the Nazir on return to headquarters.

**77. Issue of receipts** - The Magistrate shall issue a receipt in Form No. (A) 8-D to the persons paying fines at the spot in the Mobile Court.

## **CHAPTER - XII**

### **Commission for Examination of Witnesses**

**78. Commission to the Master of the Mint of the Controller of Paper Currency** - When the evidence of an officer connected with the Mint of the Currency Department at Calcutta is required as to the genuineness or spuriousness of a coin or currency note, the Court or Magistrate concerned should ordinarily send the coin or currency note, to the Magistrate of the Mint or the Controller of paper currency as the case may be, under cover of the Court-seal or by a messenger for his examination and report. As to the summoning and examining officers of the Mint, attention of the Judicial Officers is drawn to Section 292 of the Criminal Procedure Code, 1973.

**79. Commission to the Controller of Printing, Stationery and Stamps, Calcutta** - Summoning of officers of the Stamp Department, Calcutta to give evidence in Criminal Courts regarding the secret water mark causes considerable inconvenience to that Department. In cases, therefore, in which such evidence is required the Court should, unless there be special reasons to the contrary, consider the desirability of sending the papers to the Controller of Printing, Stationery and Stamps, Calcutta, under cover of the Court-seal, or by a messenger for his examination and report. As to the summoning and examining officers

Of the Controller of Printing, Stationery and Stamps attention of the Judicial is inflicted to the Criminal Procedure Code, 1973.

**Note** - The procedure indicated in Rules 78 and 79 above shall be followed *mutatis mutandis* for the examination as witnesses of the Indian Security Press, Currency Note Press and the Central Stamp Store, Nasik Road.

**80. Issue of commission of foreign Court** - Commission for the examination of witnesses residing in the foreign countries to be issued under the Criminal Procedure Code, 1973 should be issued to the Courts or Judges or Magistrates as specified in Appendix VII as having authority in this behalf in that country.

**81. Form to be used** - In issuing such commission, Form No. (M) 88-A should be used except in the case of colony of Singapore in respect of which Form No. (M) 88-B should be used.

**82. Commission to be forwarded through High Court** - It should be noted that commission issued to witnesses residing in the colony of Singapore are to be forwarded through the High Court which has to forward it direct to the High Court in the colony of Singapore unlike the Commission issued to witnesses residing in other foreign countries specified in Appendix VII which have to be sent through the Channel of Ministry of External Affairs, Government of India, New Delhi, for onward transmission to the foreign Courts concerned.

### CHAPTER - XIII Mode of Recording Evidence

**83. Manner of recording deposition** - Depositions should be written on both sides of the paper, a margin of one-fourth of the sheet being left blank. Only one deposition should be written on each sheet of paper.

**84. Use of typewriting machine for recording deposition** - A typewritten machine may be used for the purpose of recording depositions and memoranda of evidence in criminal cases. The typewriting machine must be used by the Presiding Officer himself or by the person who records the depositions and memoranda of evidence to the dictation of the Presiding Officer in open Court and a certificate must be given that this has been done. Each page of the record so made must be attested by the Presiding Officer's signature.

**85. Description of witness and accused to be in the hand of the Presiding Officer** - Every Sessions Judge and Magistrate shall, in the examination of witnesses and accused persons, record in his own handwriting in each deposition or statement, the name of the person



Examined, the name of his or her father and if a married woman the name of her husband, profession and age of the witness or accused person and the village, thana and district in which the witness or accused person reside. The entry of age shall be the Presiding Officer's own estimate and in his own handwriting.

**Note** - In recording the profession a general word like 'service' should not be used. The precise nature of the service should be indicated.

**86. Expression of doubtful expressions** - (a) In depositions in which there may be any doubt as to the exact meaning of any expression used and in which the doubtful expression has an important bearing on the defence with which the accused is charged, the words actually used should be transliterated in order that the Court may be in a position to determine their exact signification.

**(b) Use of interpreter** - Should any instance occur in which a foreign language is used or in which the evidence may be given in a dialect with which a Judge may be unaccustomed, an interpreter may be employed.

**(c) Expenditure of interpreter** - All Sessions Judges and District Magistrates are authorised to incur expenditure on account of interpretation of evidence given in Kui, Khond, Ho, Savara and other Adibasi languages not understood by the accused or Court or the Lawyers, [to a limit not exceeding Rs.25/- per day]. Sessions Judges and District Magistrates are also empowered within the limit prescribed to pass similar charges incurred by Magistrates subordinate to them. Sessions Judges and District Magistrates will report to the High Court expenditure incurred under this rule, as it is incurred.

**87. Deposition to be paragraphed** - Deposition of each witness should be separately paragraphed and consecutive numbers. should be assigned by them.

**88. Reading over certificate to be personally signed by the Presiding Officer** - The Magistrate or Presiding Judge shall personally sign the certificate at the bottom of the deposition of each witness to the effect that "Read over and explained to the witness in presence of the accused/pleader representing the accused and admitted to be correct."

### CASE LAW

*Rule 88 - Magistrate/Presiding Judge, shall personally sign certificate at Bottom of deposition of each witness - Duty of trial Jutiqe or Magistrate - Discussed: Radheshyam Singhania v. Ranjit Kumar Patnaik and another : 1(1999) CCR 546 : 1 (1999)BC 157.*

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1. Substituted by C.S.No. 57-XLIX-D-22-85, dt. 20.1.1990.

*Rule 88 - Trial Court's duty under - Indicated.*

*Held, according to the provisions in Chapter XIII in the General Rules and Circular Orders of the High Court of Judicature, Orissa (Criminal) (Vol. I) in Short, "G.R.C.O.) Rule 88 after recording the deposition of a witness it is a bounden duty of a trial Judge or the Magistrate, as the case may be, to read over and explain the contents of the deposition to the witness in the language he understands and thereafter the witnesses called upon to sign on the deposition and accordingly that certificate is granted: Radheshyam Singhania v. Ranjit Kr. Patnaik and another : 85 (1998) CLT 407 : (1998) 15 OCR 282.*

**89. Deposition regarding several accused of the same name at one trial** - When several accused persons bearing the same or similar names are included in one trial, care should be taken in recording the evidence given by such witness, to specify the name of the father of the accused whenever the name of anyone of them is mentioned.

**90. Evidence of person who is about to die** - When any person whose evidence is essential to the prosecution of criminal charge against any accused person, or to the proper investigation of an alleged crime with which no person has been specifically charged, may be in imminent danger of dying before the case comes to trial, the deposition of such persons, if possible, be recorded in the presence of such accused person (if any), or of attending witnesses, and in the event of his death, submitted at the trial as evidence of this fact.

**91. Marking of documents on behalf of defence on** - The Courts shall mark the documents (a) which are admitted as evidence on behalf of the prosecution with figures in the order in which they are admitted thus :

Exhibit I, Exhibit 2, etc.

**(b) Making of documents on behalf of defence** - The documents admitted as evidence on behalf of the defence with capital letters, thus :

Exhibit A, Exhibit B, etc.

**(c) Documents marked by the Court** - When documents are admitted at the instance of the Court and neither party is willing to accept them as evidence on his behalf, they shall be marked as C-I, .C-II, etc., Etc.

**92. Marking of a series of documents of the same nature** - When a number of documents of the same nature are admitted, as for example a series of receipt for rent, the whole series shall bear one number or capital letters, a small number, or small letter being added to distinguish each paper of the series, thus :

Exhibit I1, 12, etc.

a b etc., Etc.,

Exhibit Aa, Ab, etc., etc.

Exhibits C-I/1, C-II/2, etc., Etc.

**93. List of documents admitted in evidence** - A list of the documents admitted in evidence on behalf of the prosecution and another of document admitted in evidence of the defence shall be prepared by the Clerk of the Court, and signed by the Judge/Magistrate. The documents shall be entered in these lists in the order in which they are admitted and marked. [*For form of list see Form No. (M) 20, Volume II*].

**94.** Whenever a document is admitted in evidence it should not ordinarily be returned until the case in all its stages is over. Return of documents may, however, be ordered whenever the Court is of opinion that a reference to the original documents is not necessary. But in all such cases the document can only be returned on substitution of a certified copy.

**95. Separate file for documents received in evidence** - Documents admitted as evidence at the trial and not included in file A, shall not be shown in the table of contents of that file, but shall be placed in a separate or supplementary file to which is to be attached to the list referred to in Rule 93. This file will include not only documents produced for other purposes, but also documents used to refresh the memory of witnesses, e.g., reports of a medical witness, etc.

**96. Documents not admitted in evidence** - Documents which have not been admitted in evidence should not be made part of the record unless the Court directs otherwise. They should immediately on the conclusion of the trial, be returned to the person producing them or his pleader after he has signed the receipt for the same in the appropriate column of the list [*Form No. (M) 21*]. A Pleader when required to do so is bound to take back any document produced by his client which has not been admitted in evidence and to sign the receipt referred to above.

**97. Marking of Articles admitted in evidence** - When any article connected with the offence charged is produced in a Criminal Court and, after being proved is admitted in evidence, it shall be marked by the Court with a Roman Number, thus -

M.O.I., II, III, etc.

**98. List of articles admitted in evidence** - List of such articles admitted in evidence shall be prepared by the Clerk of the Court, and shall be signed by the Judge. The articles shall be entered in the list in the order in which they are admitted and marked. [*For form of list, see Form No. (M) 20, volume II*].

**99. Return of articles to be marked in the list** - Whenever an article, which has been admitted in evidence is returned, or destroyed, a note of the fact shall be made in the column for remarks.

**CHAPTER - XIV**  
**Judgment and Sentence**

**100. Judgment to be legibly written** - Judgment should be written with a margin of one-fourth of each sheet being left blank.

**101. Procedure when the Judgment is transcribed by Stenographer or typed by Typist** - A Stenographer may be employed to record judgment in criminal cases, provided that the Presiding Judge attaches a certificate to the effect that the judgment has been recorded Athis dictation and attests each page thereof by his signature.

**Note** - (1) When a Presiding Judge uses a typewriting machine himself, a certificate must be given that this has been done and each of the record so made shall be attested by his signature.

1[ \* \* \* \* \* ]

**102. Judgments to be paragraphed** - Judgment should be written down in separate paragraphs by assigning consecutive numbers to them.

**103. (a) Remarks in culpable homicide cases** - Sessions Judges, in all cases in which they convict persons for culpable homicide not amounting to murder, shall invariably mentioned in their judgment the circumstances under which the culpable homicide was held not to amount to murder.

**(b)** Sessions Judges shall invariably record their opinion whether the act by which death was caused was done with the intention of causing death or of causing such bodily injury as was likely to cause death, or with the knowledge that it was likely to cause death, but without any intention to cause death, or to cause such bodily injury as was likely to cause death.

**104. Noting the nature of case at the end of acquittal judgments** - The Judicial Magistrates are required to declare at the end of their acquittal judgments whether the cases are found to be true, intentionally false, mistake of fact or mistake of law, as the case may be, for statistical purposes.

**105. (a) Hearing on the question of sentence** - The hearing of argument on the question of sentence should be taken up soon after the pronouncement of the judgment of conviction. If, however, it is considered necessary to adjourn hearing on the question of sentence, adjournment may be granted for a short period and necessary measures

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1. Deleted by C.S.No. 4-XLIX-D-21 /79, dt. 19.10.1979.

may be taken for securing the attendance of the accused on the date of hearing on the question of sentence and the passing thereof.

**(b)** Judgment in any criminal case cannot be deemed to be complete unless the sentence is passed. The Presiding Officers should, therefore write and sign the judgment up to the stage of finding the accused guilty and convicting him for particular offence and after completion of the hearing of argument on the question of sentence, the Judge or the Magistrate, as the case may be, may pronounce the sentence imposed. The list of witnesses examined, documents and material objects exhibited should then be appended to the judgment thereby making it complete in all respects.

**106. Procedure of passing enhanced sentence** - Whenever an enhanced sentence is passed on conviction on a charge within the terms of Section 75 of the Indian Penal Code, the Sessions Judge or Magistrate shall state in his judgment the date of such previous conviction and the sentence passed as well as particular offence charged.

**107. Mode of recording of order of acquittal of Lunatics** - The following is suggested a suitable form of finding of acquittal on the ground of insanity:

"The Court finds that (.....) did kill (.....) by striking him on the head with a club but that, by reason of unsoundness of mind, he was incapable, of knowing that he was doing an act which was wrong or contrary to law, and that he is not therefor guilty of the offence specified in the charge, viz .....and the Court directs that the said (.....) be acquitted, and that, under the provisions of Section 471, Criminal Procedure Code, the said (.....) be kept in safe custody in the ".

**108. List of witnesses, documents and material objects to be appended to the judgment** - The list of the witnesses examined, the documents and material objects admitted in evidence in the case should be appended to the judgment of every case in chronological order. For copying purposes, however, such lists will not be treated as a part of the judgment unless the copy applied for is for the purpose of appeal or revision.

**109. Time for delivery of judgment** - Ordinarily judgment in all criminal cases, appeals and revisions should be delivered soon after the hearing. But where it is not possible to do so, either on account of the length of the case or for other sufficient reasons, the delivery of judgment should not be postponed *sine die*. A definite date should be fixed not more than 1[three weeks] after the conclusion of arguments on which the judgment should be delivered. But in any case, the judgment must be

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1. . Substituted by C.S, No. 23-XLIX-D-1 0/82, dt. 13.1.1983.

delivered within 30 days from the date of conclusion of arguments. All cases in which the judgment is not delivered within '[three weeks] from the date of the conclusion of argument, should be brought to the notice of the Registrar, High Court direct by means of a demi-official letter by the first day of every month next succeeding the date of delivery of the judgment furnishing copies thereof to the respective Sessions Judges stating therein the names of the parties and the numbers of the cases in which judgments are delivered after more than 1[three weeks] in their respective Courts. Particulars as to the number of adjournments made, if any, after the conclusion of hearing and the dates of such adjournments till the delivery of judgments shall also be stated.

**Note** - The period of 30 days and 2[three weeks] may be reckoned from and exclusive of the date on which arguments are heard and concluded.

**110. Delivery of all pending judgments by Judicial Officers either proceeding on leave or on transfer** - Judicial Officers before proceedings on leave or transfer and before making over charge should deliver all pending judgments and intimate the fact of clearance to the Sessions Judge and in case of Sessions Judges to the High Court.

**111. (a) Communication of observations in judgments** - When a Sessions Judge or a Magistrate has any occasion in any judgment whether at any trial or on appeal or in revision expressly to condemn or to praise the action of the police or of any particular police officer, a copy of such judgment should be forwarded to the District Magistrate for his information and necessary action.

**(b)** Observations, either of an adverse or commendatory nature made about an Executive Magistrate by any Sessions Judges or Judicial Magistrate should be forwarded to the State Government in Home Department by the Sessions Judge concerned, for their information and necessary action.

**(c)** Such observation made about any other public servant made by the Court of Sessions or Magistrate should be brought to the notice of his immediate superior officer.

**112. (a) Forwarding copies of judgments of Courts to different authorities** - Sessions Judges and Magistrates should forward to the Defence Department (Army Branch) of the Government of India copies of judgments of all cases in which Commissioned Officers have been tried for criminal offences. In the case of other ranks, it is not necessary to supply copies of judgments, but the Defence Department should be supplied with copies of the conviction and sentence only.

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1. Substituted by C.S. No. 23-XLIX-D-1 0/82, dt. 13.1.1983.

2. Substituted by C.S. No. 24-XLIX-D-1 0/82, dt. 13.1.1983.

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Whenever a Military pensioner is convicted and sentenced to imprisonment and also when such conviction and sentence are confirmed in appeal, a copy of the judgment should be sent by the Criminal Court or the Appellate Court, as the case may be, to the Controller of Defence Accounts (Pension), Allahabad and another copy to the pension paying officer concerned.

(b) In the case of a reservist of the Army who may be sentenced by a Criminal Court to imprisonment for any term exceeding three months, a report should be made to the Commandant of the Regimental Centre (Ministry of Home Affairs letter No. 110/50-Judl., dated the 12th October 1950). A list of Regimental Centres will be found in Appendix VI.

(c) Sessions Judges and Magistrates shall forward to the Registrar of the Council of Medical Registration, Orissa, free of charges, a copy of the judgment in all cases where a Registered medical practitioner is convicted of any non-bailable offence. In other cases when a judgment contains any unfavorable remarks on the professional conduct of a Registered medical practitioner, whether accused in the case or a witness, a copy of the judgment or relevant extracts therefrom, shall be sent if the Court pronouncing the judgment considers that the conduct of the Registered practitioner has been such that it is desirable to call the attention of the Medical Council to it.

(d) Sessions Judges and Magistrates shall forward to the Inspector General of Registration, a copy of judgment in which the official character and conduct of a Registering officer is impugned.

(e) Copies of judgments should be sent by all Sessions Judges and Magistrates to the Forensic Science Laboratory in all cases where a reference was made to the Laboratory for examination of exhibits which helped the investigations of cases. Copies of such judgments or orders or the manner of disposal of the case may be sent to the S.P. (C.I.D.) Crime Branch who will transmit the same to the Laboratory concerned.

(f) Copies of judgments in cases tried by a Court of Session or a Chief Judicial Magistrate should invariably be sent to the District Magistrate concerned within 3 days of the delivery thereof.

(g) In all criminal cases instituted on the complaint of a Court, a copy of the trial Court's judgment may be sent to the complaining Court as soon as practicable after judgment has been pronounced.

**113. Copy of Sessions judgment to committing Court** - Copies of judgments in sessions cases should be sent to the committing Court who after making necessary entries in the concerned Registers shall return the same.

**114. Copy of appellate judgment to the trial Court** - The appellate Courts shall send a copy of judgment in appeal to the Court against whose judgment the appeal was preferred.

**115. Shorthand note books to be page-marked and signed** - Every shorthand note book used by a Stenographer for taking down dictations of judgments and orders shall be page marked consecutively according to the sequence in which the pages of the note book are made use of and signed by him in each page. He shall put his signature with date at the end of the record of every dictation.

**CHAPTER - XV**  
**Appeals**  
**(CHAPTER - XXIX, CR.P. CODE)**

**116. Separate or joint appeals** - Where several accused persons are convicted in a single trial, each of them can prefer an appeal against his conviction either separately or jointly with one or more of the other accused when one accused has been convicted at different trials, he should prefer a separate appeal in each case.

**117. Manner of forwarding Jail appeals** - Petitions of appeal against the sentence or orders of Sessions Judges, presented to officers in charge of Jails shall be forwarded by such officers direct to the Registrar of the High Court, intimation of the fact being at once given, in each instance, to the Judge whose sentence or order is appealed against by sending him a copy of the letter [*in Form No. (M) 16, Volume II*] addressed to the Registrar with forwarding Memo.

**Note** - Sessions Judges need not send the records of such cases to the High Court until they are requested to do so upon the admission of the appeal.

**118. Manner of intimation of the date of hearing and calling for record** - In the case of appeals preferred to the Court of Session by persons convicted or directed to execute bonds under Sections 108 to 110, Cr.P.c. by Judicial Magistrate or directed to execute bonds under Section 107, Cr.P. C. By an Executive Magistrate at the Sadar Subdivision of a district, the letter intimating the date fixed for the hearing and calling for the record of the case [*Vide Form No.(M) 11, Volume II*] should be sent by the Sessions Judge to the Chief Judicial Magistrate in case of appeals against the sentence or order of a Judicial Magistrate or to the District Magistrate in case of appeals against the order of an Executive Magistrate for compliance. In the case also of persons convicted or directed to execute bonds as aforesaid by Magistrates at other subdivisions the letter should be sent to the Chief Judicial Magistrate or the District Magistrate as the case may be for compliance, and duplicate thereof sent' at the same



Time, to the Sub-divisional Judicial Magistrate or Sub-divisional Magistrate concerned.

**Note** - Notice of hearing of the appeal shall be given to the complainant (Private prosecutor, mentioning therein that the State has the right to appear to oppose the appeal and that except where the right is given by the law to him, the person to whom the notice is issued, requires the permission of the Court to appear, and ordinarily will not receive such permission, if the State appears.

**119. Forwarding sessions records to the High Court** - When the record of a case tried at the Sessions is submitted to the High Court, the Sessions Judge shall forward simultaneously all the police diaries connected with the case. He should also forward such of the material exhibits in his opinion will be of importance at the hearing in the High Court and if any such exhibit is bulky, he should ask for the instructions of the High Court. It is important to send any material exhibit directly connecting the accused with the crime. In murder and homicide cases all weapons of offence should invariably be forwarded. Such of the material exhibits as are not sent up with the record should not be returned or destroyed until the period for filing an appeal has expired, or if an appeal is filed, until the appeal has been decided.

**Note** - When records are called for by the Appellate Court for purpose of reference in appeals, revisions and references, the trial Court or the Court which is in custody of records should call for all the records and documents even if they were returned to the parties, make the records complete and then send them to the Appellate Court.

**120. Report about the means of the accused to engage a pleader**- When the records of a case tried at the Sessions is submitted to the High Court in connection with Section 366 or 378 of the Code of Criminal Procedure, the Sessions Judge shall also state whether the accused has funds or not to employ a pleader in the High Court for his defence and in the case of an appeal under Section 378 or of a revision under Section 397 of the Code of Criminal Procedure when notice has been given to the accused to show cause why the order passed should not be set aside, and sentence of death passed, the Chief Judicial Magistrate shall, in returning the notice, state thereon whether the accused has funds or not to employ a pleader in the High Court.

**121. Manner of sending bail orders by the Appellate or Revisional Courts** - When an Appellate Court or a Court of Revision directs the release of a prisoner on bail pending the hearing of an appeal or an application for revision, such Court shall send the warrant for his release on bail to the Chief Judicial Magistrate or if the order under appeal or revision was passed by a Court in an outlying subdivision, in the

Alternative to the Sub-divisional Judicial Magistrate of such subdivision or, if the said order was passed by a Court not at the sub-divisional headquarters, to the Judicial Magistrate concerned and send a copy of the order to the trial Court. The Magistrate concerned shall comply with the bail orders on the every day of its receipt and in case of non-compliance on that day shall note the reasons for the same in the order sheet. If such person is unable to furnish the bail required to him, the Court receiving the warrant for the release of the prisoner on bail shall forthwith return the same to the Appellate Court or the Court of Revision which issued it, with an endorsement thereon to the effect that the prisoner is unable to furnish the bail.

### CASE LAW

*Duty of the Magistrate to keep the appellate Court and the revisional Court informed in case the accused does not furnish bail within 15 days - Bail order should be treated to be operative even after that - Prisoner should be released on bail as soon as he is able to furnish the bail bond - Magistrate need not wait for any further clarification or order from appellate/revisional Court : **Thabir Suna v. State of Orissa : 1999 (II) OLR 257 : 1 (2000) CCR 166 (Cri.)**.*

**122. Order of suspension to be sent to Jail** - Whenever an Appellate Court orders the suspension of the execution of a sentence of imprisonment under Section 389 of the Code, it shall send a copy of the order to the Superintendent or Officer-in-charge of the Jail in which the appellant is confined.

**123. Effect of order of suspension** - The effect of an order by an Appellate Court suspending the execution of a sentence of imprisonment pending disposal of an appeal, is that the appellant, if detained in jail, is to be treated, in all respects, as an under-trial prisoner.

**124.** In case of an order for stay of realisation of fine, it will have the effect of suspension of all proceedings relating to realisation of fine and warrant for realisation of fine issued shall, on receipt of order of stay, be forthwith recalled.

**125. Application for return of articles retained in the High Court** - Articles as are sent up with the record such as Sticks, Stones, Knives, Bill hooks, Axes, Guns, rags or clothing, earth, etc. And all articles of trifling values are ordinarily retained in the High Court and destroyed there. Any application for the return of these articles (for return to parties or for reference in any other case) or of any articles that High Court has omitted to return, shall be made within one month from the date on which the records of the case are received back in the Lower Court.

**CHAPTER - XVI**  
**Reference and Revision**

**126. Certificate in revision application** - Every criminal revision application shall contain a certificate that no revision application in respect of the same matter has been previously filed.

**127. Certified copy of judgment or order to be filed in revision cases** - Every criminal revision application shall invariably be accompanied with a certified copy of the judgment or order sought to be revised.

**128. Compliance of requisitions of Sessions Judges** - Sessions Judges are guided but not to go beyond the following instructions in communication with the Magistrates.

Chief Judicial Magistrates and District Magistrates are to comply with all requisitions for records, returns and information made by Sessions Judges with regard to any case appealable to them or referable by them to the High Court, decided by any Judicial Magistrate or Executive Magistrate respectively or made by Sessions Judge under the orders of the High Court in exercise of their duties of superintendence over subordinate Courts. The Chief Judicial Magistrates and District Magistrates are also to render any explanation which the Sessions Judge may require from them and to obtain and submit any explanation which Sessions Judges may require from the Judicial Magistrate and Executive Magistrates respectively in order to assist the Appellate Courts in respect of, all the three classes of cases above referred to.

**Note** - The attention of Sessions Judges and Chief Judicial Magistrates is invited to the provisions of Section 405 of the Criminal Procedure Code that in the case of prisoners whose conviction and sentence by a Magistrate is affirmed by a Court of Session or Chief Judicial Magistrate but modified by the High Court of Sessions Judge on revision it is the duty of the Sessions Judge or the Chief Judicial Magistrate, as the case may be, to whom the decision or order of the High Court or Sessions Judge is certified, to issue order comfortable to the decision so certified.

**129. Manner of calling for the records** - When the record of a proceeding in the Court of any Judicial Magistrate or Executive Magistrate is called for by the Sessions Judge under Section 395, Criminal Procedure Code, it shall always be done through the Chief Judicial Magistrate or the District Magistrate respectively.

**130. 1[ \* \* \* ]**

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1. Deleted by C.S. No. 69 - IX-3/95, Dt. 11.12.1995.

**CHAPTER - XVII**  
*Execution of Sentences*  
**(CHAPTER - XXXII, CR.P.C.)**

**131. 1** [Whenever a Magistrate convicts an accused and sentences him to fine either with or without any substantive sentence of imprisonment, there should be a separate order mentioning whether the fine has been paid or not and if the fines is not paid, there should be a further order in the order-sheet to start a miscellaneous case in which the original order of the Court imposing the fine and default sentence should be extracted. The Magistrate should then take action in the miscellaneous case record either to grant time under Section 424 of the Code of Criminal Procedure or to send the accused to jail custody. The miscellaneous case should bear a separate number in order to distinguish it from the original case record. The question of issue of warrant for realisation of fine may be taken up only after the accused has undergone the whole of default sentence. In this connection, reference is also invited to Sub-rule (b) of Rule 140 *infra*].

**132. (a) Issue of Fine Cheque** - When an offender is sentenced to fine by a Magistrate, a small printed form, called the Fine Cheque, shall be at once filled in by the Bench Clerk with the particulars, and sent by him with the person fined, in charge of a constable, to the Nazir, i.e., the Clerk who is employed as the cashier.

(b) The printed forms prescribed in the above rule will be bound together like a cheque book, each book containing 100 forms with the serial numbers printed on both foil and counterfoil. The foil or outer section will be torn off and sent with the person fined to the Nazir and the counterfoil retained in the Magistrate's office. The form should be used by the Magistrate in all cases, whether the fine is imposed by himself or by the Court of Sessions or High Court. The counterparts will enable the Register of Criminal Fines to be easily checked.

**133. (a) The duty of Nazir on receiving the Fine cheque and the convict** - The Nazir will call upon the prisoner to pay the amount of fine. If the fine be paid in full the person fined should be released unless he be also sentenced to substantive imprisonment. The Nazir will then report the fact to the Court on the foil received by him from the Bench Clerk. If the sentence be one of fine only without any imprisonment in default of payment and the fine be paid. in part, the prisoner 'Will be released and the

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1. Substituted vide C.S. No.2-XLIXD. 5/79 - Dt. 16.2.1979.

sentence in order that a warrant may be issued for the realisation of the balance. If the sentence be one of fine only and the fine be not paid tall, the Nazir shall apply for a warrant for the realisation of the whole amount and other necessary orders. No person not under sentence of imprisonment alternative or otherwise shall be detained on account of inability to pay the fine. Where the sentence is one of fine, with or without a substantive term of imprisonment, but with an alternative sentence of imprisonment in default of payment of the fine, if the fine be not wholly satisfied at once, the Nazir shall report to the Court which imposed the sentence for its orders as to the term of imprisonment proportionate to the amount still unpaid which, under Section 69 of the Indian Penal Code, the convicted person has yet to undergo. In such cases the fact of the payment of the fine, in part, should be noted on the warrant of imprisonment by the Magistrate who issued it. Where, however, the fine has not at all been paid, the fact of non-payment should be noted in the warrant of imprisonment in every case.

**(b) Duty of the Clerk-in-charge of the fine Register** - The Clerk-in-charge of Fine Register who will ordinarily be the Magistrate's peskar, will make the necessary entries in the Register of Criminal Fines. The foils with the Nazir's report thereon shall be shown to the Clerk-in-charge of the Fine Register without delay.

**134. Receipt for payment of fine** - A receipt should be granted to the person paying a fine by the Nazir in Form No. A-8 (D).

**135. Procedure on realisation of fine during the currency of the term of Imprisonment** - Any payment made during the currency of the term of imprisonment must be at once reported by the Nazir to the Magistrate who, after satisfying himself that the necessary entries relating to the payment have been made in the Fine Register, shall immediately give notice of such payment to the Superintendent of the district jail in which the prisoner was first confined after conviction with a view to the amendment of the sentence of imprisonment or the release of the prisoner, as the case may be. The fine realisation statement shall be drawn up by the Court in the prescribed form and in the English language, and shall be sent in duplicate, with the Court-seal affixed thereto, to the jail, the original being sent on the first opportunity and the duplicate on the following day. The responsibility of the Court shall not cease until it has received back the duplicate statement with an acknowledgment from the jail showing that the necessary corrections have been made in the release diary.

**Note** - If the fine is paid before the transfer of a prisoner from the subsidiary jail in which he was first confined to the district jail, the fine realisation statement should be sent to the subsidiary jail.

**136. (a) Procedure when Sessions Court imposes a sentence of fine** - <sup>1</sup>[When a Court of Sessions issues a warrant for realisation of fine imposed by. it the same shall be sent for realisation of the fine to the Chief Judicial Magistrates of the district who shall treat it in all respects as a fine imposed by him. After making necessary entries in the Register of Criminal Fines maintained by him, the Chief Judicial Magistrate shall take steps for realisation of the fine amount. He is also competent to write off the fine amount in terms of Rule 145, if the fine amount cannot be recovered.

**Note** - If the fine mentioned in this rule was imposed in any previous quarter, it shall for all purposes be treated as an outstanding fine brought forward in red ink from the previous quarter.]

**(b)** In cases in which the Sessions Court itself realises the fine it has imposed, it shall prepare the usual warrant for the realisation of the fine and forward it to the Chief Judicial Magistrate of the district with an endorsement thereon to the effect that the fine has been realised and the fine shall thereupon be entered in the Register of Criminal Fines.

**137. Procedure to be followed when an order of fine is either confirmed or enhanced on appeal** - When an order of fine is confirmed on appeal, the fine amount will continue to be shown in the Register in which it was originally entered and be treated as one imposed by the Court which originally tried the case. If the fine is enhanced in appeal or a new fine is imposed in modification of a sentence of imprisonment, the additional fine or new fine will be entered in the Register of Criminal Fines of the Court originally trying the case as a fine imposed by the appellate Court and for purpose of its realisation, will be treated as a fine imposed by the original Court. When a fine is enhanced on appeal, the entry of the original fine in the Register of Criminal Fines will remain unchanged, a note only being made against it about the order of the appellate Court. The trying Judge or Magistrate or his successor-in-office would take necessary steps for realisation of the fine amount after disposal of the appeal.

**138. Realisation of fines by police** - At each Police Station a Register in Form No. (A) 19 shall be kept of all warrants received by the police for realisation of fines within its jurisdiction. Every such warrant shall specify the time within which it should be returned which ordinarily should not exceed six months. The police must return the warrant in due time whether the- amount of the fine imposed or any part of it be realised or not. They should not retain time-expired warrants in their possession.

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1. Substituted by C.S. No. 30-IX-2/81-dt.3.1.1984.

nor after the warrant has been returned, pay any domiciliary visit to a defaulter with a view to the realisation of any portion of the fine outstanding, unless fresh orders to that effect are issued. Any enquiries they may make when they have no warrant to authorise their action should be made only under the order of a Magistrate with a view to ascertaining whether there are grounds for the issue of a fresh warrant. Such enquiries should not ordinarily be made, by an officer lower in rank than a Sub-Inspector of Police.

**Note** - In exercise of the power conferred by Sub-section (2) of Section 386 of the Code of Criminal Procedure, 1898 (Act V of 1898), the Governor-in-Council is pleased to make the following rules to regulate the manner in which warrants under Sub-section (1), Clause (a) of the said section are to be executed, and for the summary determination of any claims made by any person other than the offender in respect of any property attached in execution of such warrant, namely :

- (1) A warrant issued under Sub-section (I), Clause (a) of Section 386 of the Code of Criminal Procedure, 1898, for the levy of a fine shall ordinarily be directed to a police officer (*see Form No. XXXVII, Schedule V of the said Code.*) The authority issuing it shall specify a time within which the attached property is to be sold or the return of the warrant.
- (2) The police officer or other person to whom a warrant is directed under Rule 1 shall attach any movable property belonging to the offender.
- (3) If no person claims the property attached, the police officer or such other person directed to execute the warrant, shall sell it within the time specified in the warrant without any previous reference to the Magistrate.
- (4) If any person makes any claim in respect of the property attached, then the ownership of such property shall be determined by the Magistrate who issued the warrant or his successor-in-office or the Magistrate-in-charge of the accounts, The services of a Junior Deputy Magistrate or Sub-Deputy Magistrate or Circle Officer may be utilized, if necessary, for the investigation of such claims.
- (5) Subject to the proviso to Section 386 (1) of the Code of Criminal Procedure, 1898, if at any time subsequent to the return of the warrant, and within the period of six years from the passing of the sentence, the fine, or any part thereof remains unpaid (*see Section 70 of the Indian Penal Code*) and the Court has reasonable ground for believing that any

movable property belonging to the offender is within its jurisdiction, it may issue a fresh warrant for the attachment and sale of such property. Such warrant shall be made returnable within a time to be definitely fixed therein.

**139. Report about the assets of the defaulter** - If it appears that a defaulter can, in all probability, pay the amount of fine outstanding against him, the police officer shall forthwith report the matter to the Magistrate having jurisdiction with a view to the issue of a warrant. In all other cases he will merely note 'no assets' in the remarks column, dating the entry.

**Note** - Report of subordinate police officer that the offender has no assets should be checked by local enquiry by a superior police officer, <sup>1</sup>[not below the rank of Sub-Inspector of Police] before the same is accepted by the Magistrate. The checking officer should furnish a certificate to the following effect.

I verified on the spot in presence of Shri.....and found that the convict has no movable/immovable properties.

**140. (a) Levy of fine within six years and thereafter** - Section 70 of the Indian Penal Code gives power to levy a fine within six years from the passing of the sentence or during the term of imprisonment of the offender if this exceeds six years. But this is subject to the provisions contained in the proviso to Section 421 (i) of the Code of Criminal Procedure.

**(b)** <sup>2</sup>[ \* \* \* ] Should the fine be paid or levied by process of law, whether in whole or in part while the offender is undergoing imprisonment in default, Sections 68 & 69 of the Indian Penal Code will apply. When, however, efforts made to realise the fine in full have proved unsuccessful and the offender has undergone the whole of the imprisonment awarded in default of payment of the fine, the Court must proceed according to the proviso to Section 421 (1) of the Code of Criminal Procedure. Before issuing a warrant in such a case, the Court must record in writing the special reasons which, in its opinion, make the issue of a warrant necessary, it would, for example, be open to the Court to take into consideration such a fact as the persistent refusal to pay fine by an offender who is well able to do so. On the other hand it would also be open to the Court to consider whether the circumstances of the case or the means of the offender justify any further action.

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1. Substituted by C.S.No. 68/1X-4/95, Dt. 11.12.1995  
2. Deleted by C.S. No.10-XLIX-D-15/80, dt. 9.2.1982.

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(c) In cases where a substantive sentence of imprisonment is awarded in addition to a sentence of fine, a warrant for the levy of the amount by distress and sale of movables should, if the Court elects to adopt this particular method, be issued with as little delay as possible. Realisation or payment of the fine in whole or in part while the offender is in jail whether under the substantive sentence or the sentence in default will under Sections 58 and 59 of the Indian Penal Code cancel or proportionately reduce the sentence of imprisonment awarded in default. When, however, the offender has undergone the full term of imprisonment awarded in default and the fine still remains unrealised the Court must proceed, as indicated above, in accordance with the proviso to Section 421 (1) of the Code of Criminal Procedure.

**141. Entry of warrants in Thana Register** - Warrant of this description, subsequent to the first must be entered in the Thana Register in red ink but be treated as a fresh entry, a reference being made in the remarks column to the year and number of the original warrant.

**142. Enquiry as to the assets of a defaulter after his death** - In the event of the death of a defaulter being reported one final and formal enquiry should be made as to whether he has left anywhere any property of any kind liable for his debt.

**143. Return of warrant after realisation of fine** - All fines realised should be remitted with the returned warrant at once to the Magistrate's Nazir. The Nazir shall send the returned warrant to the Clerk-in-charge of the fine Register noting on it the amount received and the date of receipt.

**144. (a) Inspection of Thana Register by the Magistrate** - The Magistrate should call for the Register of each Thana at least once a quarter and have it compared with the Fine Register of his Court. He should also note that the police enquiries have been regularly made and properly recorded. The comparison must never be made by the Nazir. It should, when possible, be done by a Magistrate.

(b) Entries in the Thana regarding realisation of fines imposed in other districts, or in a subdivision of the same district should be compared with the entries of the fine warrants in the Court's Register of processes and with the Magistrate's cash-book, once a quarter.

**145. Writing off of irrecoverable fines** - Subject to the control and supervision of the Sessions Judges, the Chief Judicial Magistrates in respect of fines imposed by Judicial Magistrates, the District Magistrate subject to the control and supervision of the Revenue Divisional Commissioners may at their discretion, give orders for the writing off of all fines which (a) in consequence of the death of the defaulter or (b) after

due enquiry that there are no assets of the defaulter or (c) the whereabouts of the defaulters cannot be ascertained and the defaulters have undergone default sentence may be irrecoverable.

[Provided that-

- (1) Where the apprehension of the defaulters cannot be secured on account of their change of places or abode after their appearance in Court either in person or through recognised agents, to commit them to jail custody to undergo the default sentences, the fines imposed upon them may be written off.
- (2) Where the defaulters have been released on bail, the fines imposed upon them may be written off only after taking appropriate steps against the bailers for realisation of the bail amounts.
- (3) Where a Magistrate decides not to issue a distress warrant after the convict has undergone the whole of default sentence, there being no special reason for it, he shall be competent to write off the fine amount. After passing the order to write off the fine amount, he should close the connected misc. case and direct that the connected entry in the fine Register may be struck off.]

**146. Realisation of fines imposed in other districts** - In cases of fines imposed in one district but realised in another, the following procedure is to be observed:

(a) The Court imposing the fine will issue a distress warrant direct to the Magistrate of the district or districts where the property of the prisoner is supposed to be. The Magistrate of the district, on receipt of this warrant, will deal with it as if the fine was imposed in his own district. This warrant shall contain the following particulars : Name of prisoner, sentence, date of sentence, name of the district jail in which the prisoner was first confined after conviction and name of the Court issuing the warrant.

**Note** - If the prisoner has not been transferred from the subsidiary jail in which he was first confined to the district jail, then the name of the subsidiary jail.

(b) The proceeds of all fines so realised will be paid into the local treasury, with the realisation of the Court that makes the recovery. The amount should be carefully distinguished from local fines, and will be separately acknowledged by the Treasury Officer. No entry of these fines will be recorded in the Fine' Registers of the district where the fine was recovered, but the amount realised must be credited in the Magistrate's

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1. Added by C.S. No.3-XLIX-D-5/79, dt 16.2.1979.

cash-book and in the Register of Criminal Fines of other districts and a footnote made in his fine statement of the total amount realised on account of their districts, the sums relating to each district being carefully distinguished for comparison and check in the Accountant-General's Office. The Magistrate-in-charge of Fines should examine and sign the Register of Criminal Fines of other districts daily and should see that realisations are promptly acknowledged.

(c) The Clerk-in-charge of the Fine Register is responsible for seeing that the realisation of all such fines is immediately communicated to the Chief Judicial Magistrate or Sub divisional Judicial Magistrate, as the case may be, of the concerned district or subdivision in which the fine was imposed by the despatch to him of both the treasury receipts and the warrant. The use of remittance transfer receipts is strictly prohibited. The Chief Judicial Magistrate or Subdivisional Judicial Magistrate, as the case may be, will at once send an acknowledgment of the receipt of the Treasury receipt and warrant to the Magistrate of the district where the fine was realised. He will also note the realisation in his Register of Criminal Fines and include the amount in the monthly statement of fines which he renders to the Accountant-General with a note against the item showing into which treasury the amount has been paid and the date of payment.

The rule is applicable *mutatis mutandis* in respect of fines imposed by a Magistrate at headquarters and realised in a subdivision, or imposed in one subdivision and realised in another of the same district.

(d) The fact of recovery will then be reported to Superintendent of Jail referred to in Clause (a) by the Chief Judicial Magistrate of the district or Sub divisional Judicial Magistrate in which the fine is imposed, provided that if the fine is realised in the district in which the prisoner is confined, the Magistrate of the district should also immediately send intimation direct to the Superintendent of Jail in which the prisoner is confined.

(e) In all cases of communicating the realisation fines by the despatch of the treasury receipt to the district or subdivision where such fines were imposed, it will be the duty of the Clerk-in-charge of the Fine Register to send reminders whenever acknowledgements of receipts of such communications are unduly delayed.

**Note** - When the distress warrant is issued to the Magistrate of a district in another Part 'A' State or 'C' State a clear note should be made on it as to the manner in which the amount is to be credited, i.e. whether to Government, or to a Municipality or to Cantonment fund or to any other Local Body, or whether it is to be held as a criminal deposit. If the amount is creditable to Government or to criminal deposits, the proceeds of the fine should be paid into the local

treasury for credit to Government, as required by Clause (b) and an intimation should be sent to the Chief Judicial Magistrate or Subdivisional Judicial Magistrate as laid down in Clause (c). If the amount is creditable to a Municipality or to a Capital Cantonment Fund or to any other local body, the proceeds of the fine should be remitted by a remittance transfer receipt to the Chief Judicial Magistrate or Subdivisional Judicial Magistrate on whose account the fine has been collected. He will endorse a receipt to the Treasury Officer if the Municipality or Cantonment fund or other local body banks with the district treasury for credit to its account ; otherwise the receipt should be endorsed to the Chairman or Secretary of the Municipality or local body concerned.

**147. Execution of substantive sentence of imprisonment** - In all cases where the accused is a soldier or a person holding any rank in the army, the warrant for detention or imprisonment shall set forth accurately the rank of the prisoner, and the Regiment of Military Department to which he belongs.

**148. Committing Prisoner** - Every Criminal Court when committing a prisoner to jail, shall attach to the warrant of commitment a note in criminal process Form No. (M) 61, Volume II.

**149. Committing persons to jail who fail to furnish security** - When a Magistrate passes an order to give security under Section 122, Criminal Procedure Code for a period exceeding one year and such security is not given on or before the date on which the period for which such security is to be given commences, he should commit the person against whom the order is made to prison, until the orders of the superior Court are received making the necessary modification in Form No. (M) 39 or (M) 40 of the Second Schedule, Criminal Procedure Code. When he receives the order of the superior Court, he should, if the order is one to detain the person in jail, issue a revised warrant in the terms of that order. The warrant will not, in such a case, be issued by the superior Court but by the Magistrate before whom the proceedings were instituted.

**(b)** Where a superior Court, on a reference being made to it under Section 122(2), Criminal Procedure Code directs release of the person detained, the warrant for release shall, as in the case of an appeal, be issued by the superior Court in Form No.17 of the Second Schedule, Criminal Procedure Code [Form No.(M) 41, Volume II.]

**150. Sentences to take effect one after the other** - When a person has been committed to jail under two separate warrants, the sentence in the one is to take effect from the expiry of the sentence in the other, the date of such second sentence shall, in the event of the first being remitted on appeal be presumed to take effect from the date on which he was committed to jail under the first or original sentence.

**151. Recommendation for remission or suspension to be made through High Court** - All recommendations for remission or suspension of a sentence made, under Section 432 of the Code of Criminal Procedure by officer of any subordinate Court to State Government in regard to a convict whose case has been before the High Court on appeal, shall be made through the High Court.

**152. Recommendation to Government in case of infanticide** - In all cases in which women are convicted for the murder of their infant children, the records shall be submitted promptly through the High Court to the Government with any recommendation under Section 432, Cr.P.C. by the Sessions Judge as to the propriety or otherwise of commuting or reducing the sentence with his reasons for the same.

**153. Copy of order passed under Section 356, Cr.P.C. to be attached to warrant** - In the case of convict, against whom an order is passed under Section 356 of the Criminal procedure Code, a copy of the order passed under that section should be attached by the convicting Court to the warrant referred to in Section 418 of the Code.

**154. Appellate Court to send release warrant to jail on reversing the sentence** - In every case in which a sentence is reversed, the appellate Court shall fill in the prescribed Form No. (M) 77 warrant of release on appeal, and shall send the same direct to the Officer-in-charge of the jail in which the appellant is confined.

**155. Appellate Court to send modified warrant to jail** - In every case in which a sentence is modified on appeal the Appellate Court shall prepare a fresh warrant in Form No. (M) 78 in accordance with the terms of the order passed and shall send the same direct to the Officer-in-charge of the jail in which the appellant is confined. When the fresh warrant is returned with an endorsement of execution under Section 430, Criminal Procedure Code, the Appellate Court shall forward it to the Court, from the decision of which the appeal was preferred, to be attached to the original record.

**156. Procedure to be followed when Appellate Court issues release warrant or modified warrant** - The Appellate Court shall, at the same time when the release warrant or fresh warrant is issued recall and cancel the original warrant of commitment and this warrant as well as the release warrant when returned with an endorsement of execution shall be attached to the record of the original Court.

**157. Procedure to be followed when retrial is ordered** - In the event of the conviction and sentence being set aside and retrial ordered the Court directing the retrial shall communicate its order to the jail authorities with a view to the necessary action being taken under Rule 558 of the Orissa Jail Manual, 1942, Volume I (Part I).

**158. Telegraphic release orders prohibited** - Judicial Officers are prohibited sending by telegraph orders to Officers-in-charge of jails for the release of prisoners in their custody.

**159. Appellate Court to notify result of appeal of prisoners to officers-in-charge of jail** - Irrespective of the procedure prescribed in Rules 154 to 157 above, the Appellate Court shall, for the information of the appellant, notify to the Officer-in-charge of jail in which such appellant is confined the result of his appeal. The notification shall be made in Form No. (M) 14, Volume II.

**160. Issue of revised warrants** - Judicial officers must understand that this notice is intended solely for the purpose of communicating the result of the appeal to the appellant, and in no way relieves them from the duty of issuing revised warrant whenever necessary.

**Proviso 1. (a) Forwarding warrant of commitment to Appellate Court** - Provided that, where an accused has been admitted to bail pending the hearing of his appeal, the original warrant of commitment shall after being returned by the jail authorities to the Court which issued it be forwarded to the Appellate Court.

**(b) Return of warrant on sentence being reversed** - In every case in which a sentence is reversed on appeal the Appellate Court shall return the original warrant, with a copy of its order to the Court by which the accused was admitted to bail with direction to discharge him.

**(c) Return of warrant on order of retrial** - If the conviction and sentence are set aside and a retrial of the accused is ordered by the Appellate Court, that Court shall return the original warrant together with its order on the appeal, either to the Chief Judicial Magistrate or to the Court which tried the case, with directions to retry the prisoner for the offence charged.

**(d) Issue of modified warrant** - In every case in which a sentence is modified on appeal, the Appellate Court shall prepare a fresh warrant [in the Form No.(M) 78, Volume II] and shall forward the same with the original warrant and with a copy of its order to the Court by which the accused was admitted to bail, with directions to take measures to secure his surrender and commitment to jail on the modified warrant.

**(e) Return of warrant on confirmation of sentence** - In every case in which a sentence is confirmed on appeal, the Appellate Court shall return the original warrant, with a copy of its order, to the Court by which the accused was admitted to bail, with directions to take measures to secure his surrender and recommitment to Jail on the original warrant.

**Duty of the Court on surrender of the convict** - In each of the last above-mentioned cases, it shall be the duty of the Court to which the accused surrenders to his bail to endorse on the warrant the dates of his release on bail and of his subsequent surrender.

**Despatch of the order of the Appellate Court** - The copy of the order of the Appellate Court referred to in Clauses (b) to (e) of this proviso shall be in Form No. (M) 15, Volume II and shall be prepared and despatched immediately after the order has been passed without waiting for the judgment, a copy of which shall be sent to the Court concerned as soon as it is prepared. A direction by the Appellate Court to take measures to secure the surrender of an accused and his recommitment to jail on an original or on a modified warrant shall be carried out by the Court or Magistrate to whom it has been issued without any delay.

**Note** -The bail bond, if any must invariably accompany the copy of the order.

**Proviso 2. Procedure on surrender of accused in Appellate Court** - Provided also that where an accused surrenders to his bail in the Appellate Court such Court in every case in which the sentence is reversed on appeal, shall discharge him; and in every case in which the sentence is modified or confirmed on appeal, such Court shall forward the accused in charge of a police officer, with the modified or the original warrant, to the Chief Judicial Magistrate, with directions to commit him to custody as in cases (d) and (e) of Proviso 1.

**Note** - Whenever a Sessions Division consists of more than one the Chief Judicial Magistrate in this proviso shall be held to be the Chief Judicial Magistrate of the district in which the Sessions Court is sitting for the hearing of appeals.

**161. Duty of Court to which High Court certifies judgment** - The Court to which the judgment of the High Court may have been certified for the purpose of giving effect thereto will be guided by the above Rules (154 to 160). Except when the High Court otherwise directs, the lower Court shall issue the warrant of release or modification of sentence.

**Note** - When an appeal is preferred to the High Court against the conviction and sentence passed by the Sessions Judge and the prisoner is admitted to bail, the original warrant in case of reversal or modification of the sentence should be returned by the Magistrate to the Sessions Judge to be filed with the Sessions record.

**162. Sentences finally passed to Court** - Where the High Court simply modifies a sentence passed by a Sessions Judge without change of section, and where the High Court passes a new sentence by changing the conviction section or punishment section or otherwise, the sentence finally passed shall count, unless specially otherwise, the sentence finally passed shall count, unless specially otherwise directed, from the first day of imprisonment under the original sentence.

**163. Issue of dusti release order prohibited** - Issue of dusti orders for the release of prisoners is strictly prohibited. Orders for release of prisoners should in no case be made over to private individuals for delivery to the jail authorities. It is, however, the duty of all Criminal Courts to see that order of release is taken to the jail authorities without delay.

**164. Duty of trial Court to secure return of warrant** - It is the duty of the trial Court to issue reminders to the jail authorities from time to time to secure the return of the original warrant and that its duty of complying with Rule 156 is not discharged until the original has been obtained from those authorities and cancelled and attached to the record.

**165. Particulars of the case and offence to be noted in modified warrant** - The Appellate Courts while issuing modified warrants [*Form No. (M) 78*] should note the number of the case both of the trial Court and the Appellate Court and sections under which the original conviction was recorded.

**166. Separate warrant for each convict** - When two or more persons are convicted and sentenced to imprisonment at the same time a separate warrant of commitment shall be issued for each one of them.

**167. Manner of calculation of term of imprisonment** - In calculating the sentence of imprisonment the date on which the sentence is passed and the date of release both ought to be included and considered as day of imprisonment.

**168. Returned warrants to be filed with the record** - Warrants of commitment which are returned to Courts after execution should be filed with the records of the respective cases and dealt with under rules, or destruction of records.

**169. (a) Procedure in case of death sentence** - Sessions Judge shall make arrangements for communicating every order of the High Court or Supreme Court imposing, confirming, reversing or commuting a sentence of death to the Superintendent of the Jail, where the prisoner is confined within 24 hours of the receipt of the order in the Court of Session.

**(b)** Immediately after the receipt of the order of the Supreme Court or the High Court confirming or passing the sentence of death, the Sessions Judge shall issue a warrant in Form No. 42 of Second Schedule of the Code of Criminal Procedure, (Suitably amended with regard to cases in which a sentence of death is passed by the Supreme Court or High Court) accompanied by a copy of judgment for delivery to the convict, transmit the same to the Superintendent of the Jail in which the person so sentenced is confined :



Provided that, the Sessions Judge shall withdraw the warrant-

- (a) On receipt of an order of stay either from the High Court or the Supreme Court ; or
- (b) On receipt of direction from the High Court to postpone the execution; or
- (c) When the Sessions Judge, for any sufficient reason, considers that the execution should be postponed to a future date :

Provided further that, on receipt of a copy of an order from the High Court or the Supreme Court of the stay having been vacated, or on receipt of further instructions from. the High Court that the sentence may be executed, the Sessions Judge shall issue a fresh warrant fixing a date for the execution.

In any case in which the warrant has been withdrawn by the Sessions Judge, consequent on his having postponed the execution to some future date, the Sessions Judge shall issue a fresh warrant for the execution of the sentence being carried out on that date.

**170. Time of execution of death sentence** - The date named by the Sessions Court in its warrant for the execution of a sentence of death shall not be less than twenty-one or more than twenty-eight days from the date of issue of such warrant.

**171. No modified warrant to issue on communication of death sentence** - No modified warrant should be issued when the sentence of death is commuted by the order of the President or Governor. The order itself will serve the purpose of a, warrant. A copy of such order need only be sent to the jail authority.

## CHAPTER - XVIII

### Custody and Disposal of Property

172. Register of property - 1[Any property produced in the Criminal Courts should be entered in the Property Register to be maintained in Form No. (R) 27, immediately after receipt thereof. The primary responsibility of preparing and signing the Register shall be of the Nazir 2[or the Clerk-in-charge of the Malkhana as the case may be] both in the District Courts and in the outlying stations. The Registrar, Civil and Sessions Courts at the district Headquarter Stations and at outlying stations the Subdivisional Judicial Magistrate and where there is no Sub-divisional Judicial Magistrate, the Judicial Magistrate shall be the Judge-in-charge of the Malkhana. The entries made in the Property Register should be countersigned by the Judge-in-charge of Malkhana to indicate that the property received in the Court is actually so entered.]

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1. Substituted by C.S.No. 25-IX-9/82, dt. 16.5.1983.  
2. Inserted by C.S.No. 36-XLIXD-36/83, dt. 6.6.1984.

<sup>1</sup>[**Note** - The Mal chalans under which properties are received from the prosecuting agencies shall be first entered in the Register of letters Received maintained in the Court and thereafter sent to the Nazir/Clerk-in-charge of Malkhana who shall make entries of the properties in the Register of property (R) 27 and note the C.M.R. No. assigned to such properties against the corresponding entry in the Register of letters received and preserve the Mal Chalans till disposal of the properties.]

**173. Description of incriminating articles** - When death or hurt has been caused by a blow from a stick or other weapon, or when any person is convicted of the offence' of being in illegal possession thereof, the height and dimensions of the weapon should be stated in the Register and the list of exhibits with such particularity as may enable the Appellate or Revisional Court to form an opinion as to the character of the weapon and the intention with which it was probably used and to enable such Court to judge the gravity of the offence and the appropriateness of the sentence.

**174. Description of valuable properties in the Register** - In case of valuable properties such as valuable metals or ornaments prepared out of such metals, full description of such properties along with their weight shall be noted in Column 4 of the Register.

**175. Verification of the Register** - <sup>2</sup>[The Judge-in-charge of the Malkhana] should verify personally at least every 3 months, the property with reference to the Property Register and make an endorsement with the date of the verification in the remarks column of the Register. He should also make a report to the Sessions Judge every three months of having verified the properties indicating in brief the result of his verification.

**176. Unclaimed notes and coins how to be dealt with** - Currency notes and coins, if not claimed by any person within 30 days from the final disposal of the case, should be remitted to the person concerned by money-orders. If the amount remitted is returned undelivered by the Post Office because the payee could not be traced, it should be credited to Government.

<sup>3</sup>[**176 (a)** As to the proper custody of the goods in the Malkhana, if identification of cash be not required, the sum if it be beyond R. 1,000 should be deposited in the Bank].

**177. Disposal of property to await the result of appeal** - In cases where appeal or revision lies to the High Court, <sup>4</sup>[all Criminal Courts including] the Court of Sessions should not dispose of the material

1. Inserted by C.S.No. 73-IX-6/95, Dt. 6.4.1996.
2. Substituted by C.S.No. 26-IX-9/82, dt. 16.5.1983.
3. Inserted by C.S. 78 (XLIX-D-14/97, Dt. 21.4.1998)
4. Inserted by C.S.No. 75-IX-7/95, Dt. 4.10.1996.

objects for four months after the expiry of the period of limitation for appeal or revision; and if intimation regarding the filing of appeal or revision is received, till the disposal-of the appeal or revision.

**178. Report of loss or defalcation** - A report should be made to the High Court and the Accountant-General as soon as a loss or defalcation occurs.

**179. Half-yearly report of property** -A half-yearly report should be submitted to the High Court to the effect that the material objects in cases decided six months prior to the date of the report have been disposed of. The report should also state the number of cases in which the material objects remained to be disposed of with the necessary explanation therefor.

**180. Special orders regarding disposal of property** - In cases where the property cannot be disposed of in the' manner directed by the Court specific orders of the Court should be obtained from the Court for its disposal in any other manner.

**181. Disposal of property subject to speedy and natural decay** - Notwithstanding anything contained in these rules the Court may dispose of immediately after the disposal of the case any seized property consisting of livestock or property subject to speedy and natural decay or the property in respect of which a bond has been executed under Sub-section (2) of Section 452 of the Code of Criminal Procedure.

**182. Notice to take back property** - In other cases, the person concerned, should after the final disposal of the case or two months after the expiry of the period of appeal or revision, be asked by service post-card to appear before '[The Judge-in-charge of the Malkhana] to receive the property. If he fails to do so within 15 days from the date of intimation, the property should be sold at his cost by public auction and the amount so realised credited to criminal deposit.

**183. Sale when to take place** - The property mentioned in the preceding rule and the property ordered to be forfeited to the State shall be sold as soon as possible four months after the expiry of the period of limitation of appeal or revision or two -months after disposal thereof, as the case may be. 2[The Judge-in-charge of the Malkhana] shall make proper enquiry and ascertain the fact that neither appeal nor revision is filed in the matter before the property is put to auction.

**184. (i) Sale by whom to be conducted and how to be made** - The sale should be conducted by the Nazir of the Court. 3[Judge-in-charge of Malkhana] shall cause a proclamation of the intended sale to be made in the notice board of such Court.

1. Substituted by C.S.No. 27-IX-9/82. dt. 16.5.1983.
2. Substituted by C.S.No. 28-IX-9/82, dt. 16.5.1983.
3. Substituted by C.S.No. 29-IX-9/82, dt. 16.5.1983

(ii) Such proclamation shall state the date, time and place of sale and specify as fairly and accurately as possible the description of the property to be sold.

(iii) It shall also state that the bidders will have to pay the price immediately.

(iv) It shall be incumbent upon <sup>1</sup>[The Judge-in-charge of Malkhana] of outlying Court to fix up-set price of the articles sold.

(v) The sale shall not take place until after the expiration or at least 15 days from the date on which the copy of the proclamation has been affixed on the Court's Notice Board.

(vi) Auction sale should be held during the Court hours and within the Court premises.

(vii) The Officer conducting the sale may in his discretion adjourn the sale to a specified date and hour recording his reasons for such adjournment.

(viii) No public servant and no officer or other person having any duty to perform in connection with the sale shall bid for, acquire or attempt to acquire an interest in the property sold.

(ix) Proceeding of the sale be recorded on the bid sheet.

(x) If convenient, the property may be sold by lots.

(xi) Valuable articles, however, should not, as far as possible, be sanctioned in lots.

(xii) Sale shall be confirmed in the name of the highest bidder unless <sup>2</sup>[The Judge-in-charge of the Malkhana] thinks that the bid offered is grossly inadequate, in which case the property shall be put to sale again.

(xiii) The price of the articles shall be paid at the time of sale.

(xiv) The officer conducting the sale shall pass a receipt for the price paid and then hand over the property to the purchaser.

(xv) If the price not paid, the property shall be resold.

185. (a) Forwarding of counterfeit coins and implements to the Treasury - Criminal Courts in making orders under Sections 452, 453 and 458 of the Criminal Procedure Code or the disposal of counterfeit coin should consider whether the coin should not be forwarded to the nearest Treasury or Sub-Treasury Officer with directions to him to deal with it in a manner similar to that prescribed by Rules by the Government of India, in the Department of Commerce and Industry.

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1. Substituted by C.S.No. 29-IX-9/82,dt. 16.5.1983.

2. Substituted by C.S.No. 27-IX-9/82,dt. 16.5.1983.

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(b) The above instructions should be held to apply also to any implements such as dies, moulds, etc. used in coining. When in case, such coins or implements are forwarded to a Treasury Officer, a copy of the judgment delivered in the case with which they are connected, should at the same time be forwarded to that officer.

**186. (1) Forged currency notes and implements confiscated how to be dealt with** - In the case of forgery of currency notes, the disposal of implements, such as moulds, dies etc., produced in, and confiscated by a Court of law, is a matter for the decision of the Court which tries the case; and when they are ordered by the Court to be delivered to the police for destruction, the police shall themselves arrange for their destruction/ and not send them to the currency offices or mints for destruction; provided that, if the police consider any particular implements are of special interest and should be preserved, they shall make them over to the Criminal Investigation Department for this purpose.

(2) All forged currency notes brought before the Court shall be handed over to the police for being forwarded to the Issue Department of the Reserve Bank of India, with a brief report of the case.

(3) All arms, ammution of prohibited bore which are confiscated should be sent to the nearest arsenal for disposal.

**187. Disposal of excisable goods in Court custody** - In the case of excisable goods held in the custody of Criminal Courts, notice of the date of auction or other method of disposal shall be issued to the Excise authority concerned requiring such authority to arrange for the collection of the duty leviable, if any, on the goods for the issue of transport permits where necessary. The Excise authority may also be required to satisfy itself that the purchaser in auction or otherwise is licensed to deal in such goods.

## **PART - II**

### **RECORDS**

#### **CHAPTER - I**

#### **Arrangements of Records of Criminal Proceedings**

##### **A - Records of Court of Sessions**

188. Sessions Records - Every record of a Court of Session shall consist of two files, to be styled and marked, respectively, File A and File B.

189. File A shall contain the following papers which shall be arranged in the following order-

- (1) Title Page\*
- (2) Table of Contents\*
- (3) Order Sheet
- (4) Papers showing how the proceedings were initiated together with any sanction to the proceeding granted under Section 195, 196 or 197, Criminal Procedure Code that is to say: the complaint, first information to the police or order of the Magistrate under Section 190 (1) (c) on which the proceedings were taken, final reports of the police under Section 173 of the Criminal Procedure Code.
- (5) The charge under which the trial has been held, amended or otherwise with a record thereon that it has been read and explained to the accused, and the plea of the accused.
- (6) Any document or documents connected with the offence charged, or in respect of which the charge is made, *e.g.* the statements made by the accused which form the subject of a charge of giving false evidence.
- (7) List of articles connected with offence, which has been proved and exhibited, but which cannot be attached to the records, *e.g.* any weapon used in the commission of any offence against the person, stolen property in an offence against property, counterfeit coin and materials for counterfeiting, etc.
- (8) The deposition of the witnesses for the prosecution examined at the trial in chronological order, except that when a witness had been cross-examined, or Re- examined in a later stage of the proceedings, such cross-examination or re-examination, shall be attached to his original deposition.

**Note** - When a witness has been cross-examined under Section 145 of the Evidence Act, for the purpose of contradicting him as to previous statements made by him in writing or reduced into writing (*e.g.* deposition taken during the enquiry before the Magistrate), such statements shall be filed in the record immediately after the deposition of the witnesses to which these relates. Every such statement, when proved, shall be marked by the Court in a series of its own which shall be noted in the order sheet, but need not be included in any list.

- (9) The depositions of witnesses who are absent at the trial, which are admitted under Section 33 of the Evidence Act, or Section 299 of the Criminal Procedure Code or otherwise, *e.g.* depositions of witnesses taken on commission; dying declarations .admitted in evidence.

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\* The title page and table of contents in records of Courts of Sessions should invariably be written up in English and in the combined form prescribed.

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- (10) Deposition of medical witnesses admitted under Section 291, Criminal Procedure Code.
- (11) Report of the Chemical Examiner or Assistant Chemical Examiner to Government admitted under Section 293, Criminal Procedure Code.
- (12) Documents admitted as evidence on behalf of prosecution.
- (13) Confession or statement, if any, of the accused recorded under Section 164, Criminal Procedure Code, and admitted in evidence.
- (14) The examination (if any) of the accused before the Sessions Court.
- (15) Any written defence that may be laid before the Court.
- (16) The depositions of the witnesses examined for the defence in chronological order.
- (17) Documents admitted as evidence for the defence.
- (18) Memorandum of arguments, if any.
- (19) If the trial involves a charge of previous convictions, the evidence for the prosecution to prove such convictions and the evidence for defence, if any.
- (20) Judgment, finding and sentence.
- (21) Police case diary.

The following papers shall be subsequently added to complete the record-

- (22) Copy of the judgment, or order of the Appellate, or Revisional Court.
  - (23) Warrant returned after execution by the jail authorities.
  - (24) If the sentence has been remitted in whole, or in part by the President or the Governor, a copy of the order of remission.
- 190.** File B shall contain
- (1) Title Page
  - (2) Table of contents, \* and
  - (3) All other papers not included in File A

### **B-Magistrate's Records**

#### **Warrant and Summons Cases**

**191. Magistrate's Records** - The record. of every warrant or summons case tried by a Magistrate shall consist of two files, to be styled and marked, respectively, File A and File B.

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\* To be written up in English and in the combined form prescribed.

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**192.** The following papers shall be included in File A in the following order :-

- (1) Title Page
- (2) Table of Contents
- (3) Order Sheet'
- (4) Papers showing how the proceedings were initiated together with any sanction to the proceedings granted under Section 195, 196 or 197 of the Criminal Procedure Code, that is to say, the petition of complaint, the first information, or other report to the police or order of the Magistrate under Section 190 (1) (c) Criminal Procedure Code, on which the proceedings were taken, and if there has been a police investigation, the final report of the police under Section 173 of the Criminal Procedure Code.
- (5) The charge with a record therein that it has been read over and explained to the accused and plea of the accused in warrant case instituted on a police report.
- (6) Statement, if any, of the accused under Section 252, Criminal Procedure Code, in summons cases (For summons cases only).
- (7) Deposition of witnesses for the prosecution examined at the trial in chronological order, except that, when a witness has been cross-examined, or re-examined in later stage of the proceedings, such cross-examination, or re-examination shall be attached to original deposition.
- (8) Deposition of witnesses who are absent at the trial, which had been admitted in evidence under Sections 32 and 33 if any, of the Evidence Act, or otherwise.
- (9) Report of the Chemical Examiner or Assistant Chemical Examiner to Government admitted under Section 293, Criminal Procedure Code in warrant cases (For warrant cases only.)
- (10) Documents admitted as evidence for the prosecution.
- (11) List of articles connected with the offence which have been proved and exhibited but which cannot be attached to the record, e.g., any weapons used in commission of an offence, stolen property, etc.
- (12) The charge with a record therein that it has been read over and explained to the accused and the plea of the accused in warrant cases instituted otherwise than on a police report.



- (13) Any document or documents, connected with the offence charged or in respect of which the charge is made, *e.g.*, statement made by the accused, which form the subject of a charge of giving false evidence, etc. (For warrant cases only).
- (14) Any confession or statement made by the accused before a trial and recorded under Section 164, Criminal Procedure Code (For warrant cases only).
- (15) Examination of the accused under Section 254, Criminal Procedure Code, in summons cases or under Section 313, Criminal Procedure Code, in warrant cases and any writtez: statement filed by the accused during the trial.
- (16) The deposition of the witnesses examined for the defence in chronological order.
- (17) Documents admitted as evidence for the defence.
- (18) Memorandum of arguments, if any, filed by the parties.
- (19) Judgment, finding and sentence.
- (20) Police case diary.

The following papers shall be subsequently added to complete the record:

- (21) Copy of the judgments or order of the Appellate or Revisional Court or Courts.
- (22) Warrant returned by the jail authorities after execution of sentence.
- (23) Any petition, or other paper bearing on the offence charged and material to elucidate or justify the decision of warrant cases (For warrant cases only).

**193.** File B shall contain:

- (1) Title Pages,
- (2) Table of contents, and
- (3) All other papers not included in File A.

Complaints dismissed under Section 203, Criminal Procedure Code.

**194. (a) Record of Complaint dismissed** - It shall not be necessary to prepare a title page, table of contents, or order sheet in the case of complaints dismissed under Section 203, Criminal Procedure Code, but such complaints (with the order passed thereon), shall be formed into weekly, monthly, or quarterly files as may be most

convenient and each such file shall constitute one record, to which shall be attached a title page and a table of contents of each file or record thus formed as single entry shall be made in the list which accompanies all records sent to the District Record Room. These files shall be preserved for one year from the date of the latest order in each.

(b) No title page and table of contents need be attached in the case under the Municipal Bye-laws nor in those under Section 34 of the Police Act.

**195. Records of summary trials** - In cases tried summarily, the A file should contain only the form of summary trial kept under Section 263 or 264 of the Criminal Procedure Code, and whatever else the Court may record under the provisions of these Sections; and all other papers connected with the trial, should be placed in the B file. In the absence of express orders to the contrary, the A file alone should be forwarded to a Court of Appeal or Revision. In the case of such records, no title page, table of contents or order sheets need be prepared.

**196. Records of inquiry** - The rules relating to the records of summons cases shall apply to the records of inquiries under Section 107, Criminal Procedure Code and to such other proceedings as, under the Code, the procedure applicable to summons cases applies; and the rules relating to the records of warrant cases shall apply to the records of inquiries in other cases with such modification in details as the circumstances of such cases may require.

**197. Appellate records** - The record of the Appellate or Revisional Court shall be arranged in the same way as that of the Court of Original Jurisdiction, except that there shall be no separate B file, the papers which would belong to the B file being attached to the A file.

**198. Arrangement of papers** - In every case, the papers shall, as far as possible, be attached to the file to which they belong as the trial proceeds, and shall be arranged in the order in which they are brought before the Court. The necessity of sorting papers in the record room must be avoided.

**199. Combined title page and table of contents** - To each file of every record there shall be prefixed a combined title page and table of contents in Form No. (M) 19, Vol. II. This form should be written up in English.

**200. Table of contents** - The Table of Contents should be written up in the manner indicated in Form No. (M) 19, Vol. II.

**CHAPTER - II**  
**The Order sheet**

**A-Order sheet for Sessions Courts**

**201. Order sheet in Sessions trial** - An order sheet in Form No. (M) 18, Volume II, shall be used in all Sessions trial, and shall form part of the record of such trial.

**Note** - 1[Order shall not be written on petitions, reports and similar documents. The serial number and the date of the order passed on any petition shall be noted on such petition].

**202. Manner of maintaining order sheet** - The order sheet shall contain a complete record of the proceedings from the commencement to the conclusion of the trial, and every order passed during the trial. It may be written by the Bench Clerk, but shall be signed, at the end of the proceedings on each day, as well as on the conclusion of the trial by the Sessions Judge after he has satisfied himself about the correctness of all the entries made therein. The order sheet shall invariably be written in English.

**203. Contents of order sheet** - It shall contain :

- (1) An abstract of the charge or charges.
- (2) A note of the fact that charge has been read out and explained to the accused and a note of his plea.
- (3) A note stating by whom the case is opened, and, if any preliminary objections are taken, the substance of such objections with the orders passed thereon.
- (4) The names of the witnesses for the prosecution, as they are examined.
- (5) Particulars of any documentary evidence, or articles, admitted in evidence for the prosecution with a note, if any, tendered in evidence and rejected as well as the order passed.
- (6) If the accused has been examined, a note of the fact and whether on being asked, he has stated that he means to call Evidence.
- (7) A note of the fact that the prosecutor sums up his case (as the case may be) before, or after any defence made.
- (8) If accused or his pleader addresses the Court a note of such fact.
- (9) The names of any witnesses examined for the defence, and particulars of any documentary evidence or articles admitted for the defence.

Note - If any, are rejected, the order should be noted.

(10) If the prosecution replies, the fact should be noted.

(11) The fact that there was a hearing on the question of sentence.

### **B-Order sheet for Magistrate's Courts**

**204. Magistrate's order sheet** - A form of order sheet in Form No. (M) 17, Volume II is to be used by the Magistrate and it shall form part of the record of each trial. The order sheet should be written in English.

**Note** - 1[Order shall not be written on petitions, reports and other similar documents. The serial number and the date of the order passed on any petition shall be noted on such petition].

**205. Contents of order sheet** - The order sheet shall include every interlocutory order from the date of complaint or the date on which the accused is sent in custody to the Magistrate by the police and shall also contain the substance of the final order.

**206. Signing of order sheet** - Each order entered in the order sheet shall be signed by the Magistrate.

**207. Nothing in the order sheet about commitment or re-commitment of the convict to jail** - The commitment of the convict to jail, his release on bail granted by the trial appellate or revisional Court and his re-commitment to jail after disposal of the appeal or revision should invariably be noted in the order sheet of the original record of all the Criminal Courts.

Note - When the original record is in the Appellate or Revisional Court the order may be recorded in a separate sheet and the same be sent to the Appellate or Revisional Court for being tagged to the original record.

## **CHAPTER - III**

### **Inspection of Records**

**208. Inspection of pending records** - No record not deposited in the Record Room shall be inspected without the permission of the Sessions Judge or the Magistrate to whose file it appertains.

**209. Procedure of inspection of pending records** - The Sessions Judge or the Magistrate may either in his presence or in the presence of the Registrar, Civil & Sessions Court or the Chief Ministerial Officer allow inspection of any such record to public officers, pleaders and mukhtars in the case, subject to the general conditions laid down for inspection of records in the Record Room (*vide Chapter - VI, Rule.230 post*).

**210. Inspection of records on the date fixed** - The Presiding Judge or Magistrate may, in his discretion without making a written order in that behalf, permit a party or his pleader to inspect in the Court room the record of a pending case fixed for the day.

**211. Inspection of records of subordinate Courts by the Sessions Judge** - When the Sessions Judge desires to examine the record of a case in a Court subordinate to his Court, he may order the Court forthwith to forward the same to him.

**212. Inspection by the High Court** - Nothing in these rules above shall apply to any inspection by or on behalf of the High Court.

#### **CHAPTER -IV**

##### **Transmission of Records to the District Record Room**

**213. Record Room** - 'Record Room' is a room set apart for the storage of the records of decided cases and 'Record Keeper' is the ministerial officer in immediate charge of such records.

**Note** - The rules contained in the General Rules and Circular Order (Civil) Volumes I and II in so far as they relate to the maintenance of Registers, arrangement of records, receipt of records, custody and removal and transmission of records and of the documents for which no provisions has been made in these rules shall be followed in respect of criminal records.

**214. Consignment of records of decided cases** - The records of all the decided proceedings before the Court of Sessions and Judicial Magistrate will be kept in the District Record' Room and records of all decided proceedings before the Executive Magistrate will be kept in the District Magistrate's Record Room.

**215. Consignment of dormant file records** - Records transferred to the dormant file shall be consigned to the Record room with a separate list in Form No. (E) 13-A. They shall be kept in separate bundles without being mixed up with records of disposed of cases so as to trace them out easily.

**216. Period of consignment** - The records of all decided cases shall be forwarded to the District Record Room of the Sessions Judge by-' officers at the headquarters in the course of second month and by officers at out stations in the course of the fourth month succeeding the month in which they were decided or disposal of, on the dates fixed by the District Judge for the despatch of civil records.

**217. Period of consignment** - The records of all decided cases shall be forwarded to the District Magistrate's Record Room by the Executive Magistrates at the headquarters in course of the second month and by the Executive Magistrate at out stations in the course of the fourth month succeeding that in which they were decided.

**218. Time of periodical consignment** - The District Magistrate shall fix the dates on which the records of each Court shall be despatched to his Record Room endeavoring so to fix the date that too many records shall not reach the Record Room at one and the same time.

**219. Consignment of used up shorthand note books** - Completely used up shorthand note books shall be consigned to the Record Room along with the consignment of records.

**CHAPTER - V**  
**Preservation and Destruction of Records and**  
**Returns of Exhibits**

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**220. List of records consigned** - A list in Form No. (R) 13, Volume II shall accompany all the records sent by Magistrates to the Record Room and a list in Form No. (R) 14, Volume II shall accompany all records in Sessions Cases, Criminal Appeals and Revisions sent to the Record Room.

One list only shall be prepared for the records of all the four classes into which the cases have been classified under Rule 223. The records of cases mentioned in proviso in Rule 223 shall be entered in a separate list.

**221. Size and shape of the lists** - These lists must be uniform in size and shape and shall be bound up from time to time, so as to constitute catalogues of the records sent to the Record room. They shall be preserved for the same period as the record to which they relate.

**222. Manner of preparation of the lists** - The lists required by Rule 220 shall contain an entry of every case disposed of during the period to which they relate and be prepared in duplicate by means of Zanetic (Pen) carbon paper. One copy of each list shall be forwarded with the records. The duplicate copy shall be sent to the Registrar or the Judge-in-charge of the Record Room under a separate cover and shall be returned to the issuing Court duly signed by the Record Keeper who shall acknowledge that the records have been received. These duplicate copies, shall on return, be preserved by the issuing Court for 1[Three years] from the dates of despatch of the original copies to the Record Room.

**Note 1** - In every list entries shall be serially numbered Cadre should be taken to correct the classification of records as shown in the lists when this becomes necessary owing to the convictions being modified or set aside by higher Court.

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1. Substituted by C.S. No. 17-IX-23/80, dt. 9.6.1982.

**Note 2** - A note shall be made against each entry in the list of records mentioned in the proviso to Rule 223 if and when destruction is carried on.

**223. Calculation of period of preservation of records** - The period from which the records shall be preserved, such period being calculated from the date of the final judgment or order in each case, shall be as follows -

**Note - 1**[The records of Sessions cases in which sentence of imprisonment for life has been passed shall be preserved till the lapsed jail warrants and received back in the concerned Courts].

**2**[**Note - 2** The Records of Narcotic Drugs and Psycho tropic Substances Act cases, in which the convict is sentenced to undergo imprisonment for 20 years or more, shall be preserved till the lapsed jail warrants are received in the concerned Courts"]

**Class I - To be preserved for 14 years**

- (a) Files A and B of Sessions and 'Magistrates cases in which the accused has been acquitted or convicted of offences punishable under Sections 392 to 402, Indian Penal Code, inclusive.
  - (b) Files A and B of proceedings under Sections 109 and 110, Criminal Procedure Code.
  - (c) File A of Sessions cases other than those mentioned in (a) above, resulting in the conviction of the accused.
  - (d) File A of non-bailable Magistrates' cases other than those mentioned in (a) above resulting the conviction of the accused.
  - (e) File A of appeals and applications for revisions against judgment or orders passed by Magistrates in cases (a), (b) and (d).
3. (f) The case records of Motor Accidents Cases shall preserved permanently.]

**Class II - To be preserved for five years**

- (a) File A of possession cases under Chapter - XI, Criminal Procedure Code.
- (b) File A of Security cases under Chapter - VIII, Criminal Procedure Code, other than those mentioned in I (b) above.
- (c) File A of appeals and applications for revision in respect of the cases mentioned in (a) and (b) above.
- (D) File A of appeals preferred under Section 6 (c) of the Essential Commodities Act, 1955.

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1. Inserted by C.S. N0.43-XLIX-D-31/85, dt. 23.1.1986.

2. Inserted by C.S.No. 70-XL-D- 16/95, Dt. 6.2.1996.

3. Inserted by C.S.No. 87, XLIX-D-7/98, dt. 27.1.1999.

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**Class III - To be preserved for two years**

- (a) Files A and B of other miscellaneous cases.
- (b) Files A and B of Magistrates' bailable cases.
- (c) File A including B papers of appeals and applications for revision in respect of cases mentioned in (a) and (b) above.
- (d) File B of cases mentioned in Classes I and II, excepting cases in (a) and (b).

**Class IV - To be preserved for one year**

- (a) Files A and B of cases in which Magistrates has declined to issue process.
- (b) Files A and B of cases in which a Magistrate has passed an order of discharge under Sections 118 or 245 or 249, Criminal Procedure Code.
- (c) Files A and B of cases in which the accused has been acquitted, excepting the cases referred to in Class I (a) above.
- (d) Cases in which the accused has been executed under a capital sentence, except in cases in which such sentence has been passed under Section 396, Indian Penal Code, vide Class I (a) above.

**Proviso 1** - Provided that the following records shall be treated as permanent:-

- (i) The record of any case in which any of the accused or parties proceeded against has not been apprehended.
- (ii) File A or form of summary trial under Section 263, Criminal Procedure Code, as the case may be, in cases in which the accused has been convicted of an offence, a repetition of which renders the offender liable to enhanced punishment.
- (iii) Records of any case in which an order for maintenance has been made under Section 125, Criminal Procedure Code.

**Note** - The records mentioned, in Clauses (i), (ii) and (iii) of this proviso may however be destroyed when all the persons on whose account they have been preserved are known to be dead.

And the case of the records mentioned in Clauses (i) and (ii) of this proviso (except when offence is one punishable with death or imprisonment for life) shall be presumed when the records have been preserved for 30 years, and the records may then be destroyed.

**Proviso 2** - Provided that the record of no case in which the sentence has not expired shall be destroyed.

**Proviso 3** - Provided that record of any case in which an order of attachment has been made under Section 146, Criminal Procedure Code: shall not be liable to destruction so long as such order remains in force.



**Note** - A quinquennial revision should be made in respect of the records mentioned in Proviso 1 of Rule 223 with a view to the destruction of those that have become liable to destruction under the instructions contained in note to it.

224. Preservation of records beyond the preservation period  
Sessions Judges and Magistrates may, at their discretion, preserve any particular paper on the record of any particular case, beyond the above period.

**Return of Exhibits.....**

**225. Return of exhibits** - When an entry in a public Register, or in a private account book or other bulky record, not being itself an entry in respect of which an offence has been committed, or is alleged to have been committed is produced in evidence, and made an exhibit in the case, and the retention of such Register, account book or record would cause inconvenience to the public, or the person producing the same, such Register, book or record shall not be retained by the Court but shall be returned to the person by whom it has been produced. Before returning the Register, book or record the Court shall mark, for the purpose of identification, such entry or entries as have been exhibited in evidence, and shall cause a certified copy of the entry or entries to be filed with the record of the case. The person to whom the Register, book or record is returned, shall be bound to produce the same before the Court when required to do so, and may be required to enter into a bond to that effect.

**226. (a) Notice to return exhibits** - On the judgment, or order, in any case becoming final notice shall be given to the person by whom any document admitted and used in evidence, was brought into Court, or to his pleader, requiring him to take it into his keeping, requiring him to take it into his keeping, within six months from the date of the notice, failing which the document will be destroyed, when the records to which it relates is destroyed. The notice must distinctly warn the owner that the document will be kept at his own risk, and that the Court declines all responsibility for its safe custody.

**Note** - For form of notice, see Form No. (M) 22, Volume II.

**(b)** A copy of the notice shall be put in the Court in which the case was tried.

**227. Not to return impounded document** - When returning documents, care must be taken that any document which the Court has impounded is not delivered out of the custody of the Court.

**228. Destruction of records** - The destruction of records in accordance with these rules shall take place at the end of each quarter by burning in the presence of the Record-Keeper, Sessions Judges and District Magistrates will note in their Annual Reports whether these rules have been duly observed.

Note - The above rules must be read in connection with provisions of Section 5 of the Destruction of Records (Act V of 1917).

**CHAPTER - VI**

Custody and Examination of and Requisitions for  
**Transmission of Records from one Court to another**

**229. Custody of disposed of records** - The records of decided cases shall be retained in the Record-rooms of the Courts to which they appertain or of the superior Court of the district, and shall not be allowed to pass, out of the custody of the officers of such Courts, except when called for by superior judicial authority, or required for the purposes of Order XIII, Rule 10 of the Code of Civil Procedure by a Civil Court. His improper and inconvenient that records of the Courts of Justice should be sent to other public officers or functionaries. If a reference to their contents is required the proper procedure is ordinarily to obtain copies of the requisite papers.

**230. (a) Access to the Record-Rooms** - The Record Rooms of the Criminal Courts are not open to the public generally, but public officers of the district, including Head Clerks, may, with the permission of the Sessions Judge or District Magistrate, as the case may be, be allowed to enter the Record Room, and in the presence of the Record-Keeper or one of his Assistants deputed for the purpose and under his control, to examine the record of any specified case, provided that such entry is made in pursuance of a public purpose.

Pleaders and Mukhtars, duly authorised by any person in that behalf, may, under similar conditions, and at a place to be provided for the purpose in the Record-Keeper's office, examine any specified record; but in doing so, shall make only brief notes.

**231. Time for Inspection of records** - The examination of records by Pleaders shall be allowed only on office days and during such office hours as the Sessions Judge or District Magistrate may prescribe.

**232. Calling for the records** - When in the course of proceedings in a Criminal Court, it becomes necessary to refer to the contents of public documents deposited in other Courts, the ordinary procedure is to require copies of them to be filed. It frequently happens, however, that in the course of a criminal trial the production of an original record becomes necessary. In such case, the Court where the record deposited shall comply with the requisition of the Court requiring it even though the reason given for the production of the original record may be considered insufficient.

**Note** - This course should also be followed when no reason is given in the requisition. If the record required is that of an appeal pending before the Sessions Judge or the Chief Judicial Magistrate, he should intimate the fact to the officer making the requisition, and request him to return the record without delay.

**233. Complying with requisitions of the Commission** - When the State Government appoints a Commission of Inquiry into misconducting on part of a police officer in consequence of strictures expressed by a Court, the original record of the decided cases in question should be forwarded to the Commission on requisition.

**How records should be transmitted from one Court to another**

234. Transmission of records - The following instructions should be observed in transmitting records from one Court to another :

- (a) If the two Courts are situated in the same station, the record should be despatched by hand properly packed with a Peon Book in which a serial number and date should be entered, and the signature of recipient should be taken. The serial number and date appearing in the Peon Books should be reproduced in the remarks column of the Register of records removed. If requisitioning Court is situated in a different station, records should be sent by parcel post, the Postage being paid by means of service stamps.
- (b) Records relating to different cases may, if not inconvenient, be packed in the same parcel, provided such records are separately tied up.
- (c) In the parcel containing a record should be enclosed a forwarding letter and the cover of the parcel should bear the distinguishing number and date of that letter.
- (d) A letter of advice should be forwarded simultaneously with the despatch of the parcel by post but separately and by ordinary letter post and in it the number and date of the following letter referred to in the preceding clause should be quoted.
- (e) An acknowledgement should invariably be required from the Court to which a parcel containing a record has been sent, and in the event of none being received

**Note 1** - For forms of covering letter and of letter advising despatch of records, see Forms Nos. (M) 23 and (M) 24, Volume II.

**Note 2** - For cost of transmission of records to Civil Courts at the instance of a party, see Rule 309, Part IV, post.

**235. Report of lost or missing records** - Whenever it is discovered that a record or portion of a record or a document on the file of a record or Register, etc. Is destroyed or missing, the loss or theft shall be immediately reported to the Sessions Judge in whose division of office

the loss or theft has occurred, and he, in turn, shall report the fact to the High Court and state the steps taken to try and recover the papers missing. The Presiding Officer of the Court concerned should take personal charge immediately of their remanents and proceed with the work of construction of records.

**PART III**  
**CHAPTER -I**  
**Information and Copies**  
**PRELIMINARY**

**236. Judge-in-charge** - At headquarters, the Registrar, Civil and Sessions Courts and at the outlying stations, such officers as may be appointed by the District and Sessions Judge co to be the Judge-in-charge of the copying section will be responsible for the strict compliance of the rules relating to the same.

**237. Time for presenting applications** - All applications for information or copies shall be made in the prescribed Form Nos. (M) 3A and (M) 3B during the first two hours of the Court's sitting to the Register or the Judge-in-charge of the copying section as the case may be :

Provided that an application either for copy or information may be presented at any time during Court hours of expedition fee has been paid.

**Note** - An application for copies of running depositions may be filed at any time during Court hours.

**238. Procedure for prisoners to apply for copies** - An application by a prisoner may be made through the Superintendent of the Jail or through a friend on the prisoner's behalf; in the latter case the application shall be sent to the Superintendent of the Jail, to be attested by the prisoner, and if it be so attested, shall thereafter be treated as the prisoner's own application. The Superintendent of the Jail shall note on the application whether the prisoner wishes the copy to be Sent to the jail or to be delivered to the friend, if any, who applied for it.

**239. Number of application** - Only one application should be made for copies of papers or for information required in respect of a single cause or matter from a single record or Register and it should be limited to a single question. In other words where copies are required of several separate papers on a single cause or matter from the same record, only one application need be made. Where several causes on a single matter or cause have been tried together, separate applications are not required in respect of each cause. A single application for a copy of all or any part of the record is sufficient.

**240.** Records called for in connection with the original case or appeal, revision or review will be treated as part of the record of such case.

**Note** - Questions regarding particulars of any document or record necessary to be inserted in an application for copy for its proper identification (e.g., date of document, date of disposal, number of the case, names of parties, etc.) will be treated as a single question.

**241.** Where copies or information relating to papers or Registers connected with different matters or cause are wanted as many applications as the matters or causes to which they relate are necessary.

**242.** When an application for information or for a copy is filed and search in once made, no amendment in the application shall be allowed unless a further search or extra searching fee is paid.

**243.** Sale of Forms - The form of application for information and copy [*Form Nos. (M) 3A and (M) 3B*] will be obtained from the Nazir or any other employee in charge of saleable form at. 1[R. 85 per 100 copies or R. 1 per sheet].

**244.** From Nos. (M) 3A and (M) 3B shall be indented from the Government Press. The saleable forms shall be kept in the personal custody of the employee in charge of such forms and shall be properly accounted for in the Register in Form No. (A) 17 B.

**245. Application to be rejected for want of searching fee** - An application will not be considered complete or preparation of copy will not commence until the requisite searching fee is paid in full. If full payment is not made within three days of notifying the same, the applications may be rejected unless the Registrar or the Judge- in-charge of the copying section thinks fit to grant extra time.

**246. Copies required by public officers** - No fee will be payable for searching or for copying or for typing papers required by public officers for public purposes. In these cases copies are to be made on plain paper.

**Note 1** - Local bodies and Managers under the Court of Wards are not to be treated as public officers for the purpose of this rule.

**Note 2** - Remissions and reductions of Court-fees for grant of copies ordered by the Government under Section 35 of the Court-fees Act, 1870 are detailed in Rule 330 Post.

**247. Procedure on presentation of application** - Applications shall be consecutively numbered and Registered as they are received in the Register in Form No. (R) 28 and the date of receipt shall be noted or stamped thereon; the receipt portion after being initiated shall be forthwith made over to the applicant.

Note 1 - Application for free copies shall be entered in the Register (R) 29.

**Note 2** - Urgent applications will be entered in the Register in red ink. An application for information will be entered under a sub-number to the last preceding application for copy.

**248. Reference to Clerk-in-charge of records** - The application after being Registered shall be sent to the Clerk-in-charge of the record who shall take necessary further action.

**249. Manner of dealing referred applications by ministerial officers** - Each ministerial officer through whose hands the application passes shall put his initial, the date and hour of receipt and passing on the application by him on the back of the application. These entries should be made one below the other and must be legibly written, the dates and hours being shown against the entries beyond a vertical line on the left to be drawn about three inches from the left hand side on the reverse of the application. Each Clerk receiving an application shall at once comply with the requisition on its back or pass it on to another who can do so.

*Note* - There should be no unnecessary delay in complying with the requisitions of the copying section.

**250. When application may be rejected** - Applications in respect of which the information for copy asked for cannot for any reason be given, shall be rejected. Such applications are to be destroyed at the end of every quarter.

If the application is merely defective in that search is necessary in order to trace the record, a searching fee, except when it is an application for free copy, shall be demanded and affixed to the application for copy and the information shall be supplied on the application form without any separate application in accordance with the rules.

This concession is to be liberally interpreted in favour of the application for copy.

**Note** - When an application for copy is rejected on the ground that the original has been destroyed, the fact should be noted on the back of the application and the endorsement should be signed by the Judge-in-charge.

## **II. INFORMATION**

**251. Who can apply for information** - Any person may apply for information from the records and Registers of any Court.

**252. Information applied for should be short answers** - Information requiring anything but short answers shall not be given. If any extract from the record is desired the proper course is to apply for a copy.

**253. How application for information is to be dealt with** - After an application for information has been Registered it shall be sent to the ministerial officer in immediate charge of the record and it shall be the duty of the latter to note the necessary information and to return the

the application to the Head Comparing Clerk with the least possible delay. On the applicant's appearance and on his producing the receipt referred to in Rule 247 above, the application shall be made over to him.

Information will be given in writing in the remarks column of the application ordinarily on the next open day after its presentation. Urgent applications. for information will, if possible, be complied with on, the same day.

### III. COPIES

**254. Supply of copies** - A party to criminal proceeding may at any stage, before or after the disposal of the case, obtain copies of the records of the case or proceeding including exhibits [except printed or lithographed maps and plan] which have been put in and finally accepted by the Court as evidence :

#### CASE LAW

Pleader can file an application for certified copy of the order under Rule 254 on behalf of the party if such power is given by the party to make such an application on his behalf : ***Bighneswar Patra v. The Officer-in-charge, Copying Section, Kendrapara Court and another: 2004 (I) OLR 631.***

**2[254-A.** The District Judge while finding any of the copying sections of his Judgship failing to cope up with the work load and facing difficulty in making copy within the prescribed period, be may engage a private Entrepreneur to instal a photo copier machine within the Court premises as a licensee in order to facilitate the parties in securing early supply of certified copies of documents on his agreeing to abide by the following terms and conditions:

- (A) That he shall work under the control and supervision of the Court ;
- (b) That he will charge at the rate of 50 paise per sheet of photo copy taken out by his machine;
- (c) That he will bear the cost of the photo-copy papers used for drawal of copy ;
- (d) That he will always keep his photo copier machine in order during working hours on all working days of the Court ;

.3[(e) Copiers as licensees in the premises of various Courts may take up private work otherwise than entrusted with them by the

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1. Inserted by C.S.No. 74- IX-12/93, Dt. 30.8.1996.  
2. Added by C.S.No. 44-XLIXD-29/86, Dt.12.12.1986.  
3. Substituted by C.S.No. 86, IX-14/96, Dt. 23.1.1999.

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Courts whenever there is no work of the Courts entrusted to them. The time in this regard will be fixed by the District Judges.]

- (f) That he will prepare photo copy of documents entrusted with him on the very day of entrustment under the direct supervision of an assistant of the Copying Department defailed for the purpose and no sooner the copies are made out, hand over the original documents as also all of the copies taken out of the same to the said Assistant;
- (g) **That he shall not lift copy of the seal or signature of any of the Hon'ble Judge of the Court or Presiding Officers of the Subordinate Courts while taking out the copies of the documents;**
- (h) That he will not destroy tamper with or mutilate in any manner any of the original documents entrusted with him for being copied out and shall make himself personally responsible for safe custody of the entrusted documents;
- (i) That he will remove his machine from the Court premises immediately as and when directed to do so;

**AND**

- (j) That he will furnish personal security and also cash security of R.,000 (which is liable to forfeiture on violation of the terms and conditions) for abiding by the aforesaid terms.

2. Grant of certified copy of xerox process shall not be allowed of judgments and orders which are in the manuscript form or upon which the Judge/Presiding Officer concerned has indicated for not issuing certified copy by appending a mark such as 'n-x', upon the document concerned, unless permission of the Judge/Presiding Officer concerned is taken in that behalf.

3. An applicant requiring to have copy of any document drawn by means of photo copier machine shall so indicate by putting the words "Xerox copy" on the top of the copy application form.

4. Where the facility of taking out copy by means of a photo copier machine is available and drawal of copy by means of such a machine is permissible, the applicant intending to avail of the benefit may, in lieu of supplying the required impressed stamp papers, supply, for being affixed to the copy, adhesive stamps of the value thereof in addition to depositing with the Assistant concerned of the Copying Department, the value of the photo copy papers required to be used for drawal of the copy at the rate of R. 0.50 paise per sheet.



5. The Assistant concerned on receiving applications for supply photo copy shall, after evaluation, collect from the applicant photo-copy-paper charges at the rate of Rs. 0.50 paise per sheet of paper in the manner indicated in Sub-rule (4) and indicate the amount collected by him for the purpose, separately on the counter foil of the application where he is required to state the date and hour when the copy is to be made ready for delivery while acknowledging receipt.

1[5.(a)(i) The installation of photo copier machine, in the Court premises shall be made after consultation with the High Court.

(ii) Register, Civil Court/ other officer appointed by the concerned District Judge will remain in-charge of the Xerox machine.

(iii) All the documents for which certified copies are required be given by the Xerox process subject to order of the competent authority. Rules granting for certified copies will be applicable as per the existing provisions in the C.R. & C.O. The persons desirous to get the certified copies by Xerox process are to give the proper charge-sheet as would have been fixed by the District Judge and required adhesive stamp. The District Judge should fix the maintenance charge to be paid on each ,of the copy application considering the number of papers used.

(iv) No such fees are required where there is provision for supply of free copies. The amount collected from the parties be deposited in the local treasury to facilitate for withdrawal by the District Judge for purchase of papers and other connected articles and payment of maintenance charge to the company concerned.

(v) The party desirous of taking certified copies of civil matters by Xerox process may apply to the District Judge after considering the urgency of the matter and pendency of the application for urgent criminal matters may allow to grant of certified copies by Xerox process.

(vi) No private work will be allowed to be done by the departmental Photo copier machines.

(vii) After installation of departmental Photo copier machines in their respective judgship may consider to take action against the private entrepreneurs under Rule 254-A of the G.R. & C.O. (Criminal) Volume-I for removal of the machine from the Court premises.]

6. The Assistant of the Copying Department in charge of receiving application for supply of copies shall enter each applications made for preparation of copy with the aid of a photo copier machine chronologically, in a separate Register in the following *pro forma* no sooner all the requisites are made available and thereafter, he shall take the original document

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1. Inserted by C.S.No. 90, IX-5/99, dt. 12.7.1999.

shall take the original document along with the Register and amount deposited in cash to the operator of the Photo copier machine and get the photo copy drawn by the operator in his presence and under his supervision. After drawal of the copy, he shall collect the original document as also all the copies thereof drawn with the aid of the machine from the said operator and making him over the charge for preparation of the-copy. collect his signature in token on payment of the charges in Column 8 of the Register, maintained in the following *pro forma* : (See Page No.102)

7. After the photo copies of the documents are received in the Copying Department immediate steps shall be taken for certifying the copies after erasing the signature and seal of Hon'ble Judges of the High Court of Orissa, or of the Presiding Officers of the Subordinate Courts if available upon the photo copies.

8. The Assistant as also the Head Comparing Clerk of the Copying Department shall draw daily total of the collections and disbursements indicated in the Register maintained under Sub-rule (6) and sign against the same in token of correctness of the entries. The Judge-in-charge, Copying Department shall inspect the Register maintained under Sub-rule (6) once in a week.]

255. Supply of copies of judgment, etc., to a stranger - A stranger to criminal proceeding may, after final disposal of the proceeding, obtain copies of judgment or orders at any time.

256. Restriction to the supply of copies of private documents to a stranger - A stranger to a proceeding has no right to obtain copies of private documents except with the consent of the person by whom they were produced or is successor-in-interest. He may obtain copies of other documents in which he has an interest including depositions for *bona fide* use in the Courts.

1[Note - Copies of police papers and other relevant documents relating to any accident should be supplied to the claimants instituting cases under Section 11 O-A of the Motor Vehicles Act.]

2[256-A. Certified copies of the documents collected by the investigating agency which have linked with the Motor Vehicles Accident cases shall be granted to the Insurance Company after following usual procedure for obtaining such copies, in case of pending proceedings, as, if a case is disposed of, even a third party can apply for certified copy of document :

Provided that if the case is disposed of in Lok Adalat a copy of such order be given to Insurance Company in free of cost.]

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1. Added by C.S.No. 53-XI-6/87, dt.1 0.3.1988.

2. Inserted by C.S.No. 81 (XLIX-D-26/97, Dt. 8.6.1998).

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**257. Copies of private documents when to be withheld** - Copies of public documents which applicants may have a right to inspect are not to be withheld from them even though they may be used as evidence against Government; but discussions or opinions of public officers written previously to a decision, as they can be no legal evidence and no one has a right to inspect them, are not to be given.

**258.** A copy of a copy should not be granted unless good grounds are shown for not applying to the office where the original is kept.

**259. Restriction to the supply of copy from a record called from another Court or office** - Copies of papers from a record called for from another Court or office not being subordinate to the Court or office to which the copy section is attached shall not be given, unless an application for copy is made through the Court or office which sent the record or paper and such Court or office forwards the application for compliance.

**260. Supply of copy of any paper in a pending case** - Every application for copies of papers in a pending case shall be laid before the Court with whom the case is pending for such orders as in the discretion of the Court may be made.

**261. Copies of printed maps not to be supplied by the copying Section** - Copies of printed or lithographed maps and plans will not be supplied by the copying Section. Applications should be made to the office where the original maps are deposited or to the office where they are available for sale.

**262. Specification as to the purpose for which copy wanted** - Every application for copy shall state whether or not the person applying is a party to the case from the record of which copy is wanted. If the applicant is not a party or: his pleader, the application shall state the Object for which a copy is required.

**263. Doubt as to propriety of giving copy** - Where there shall arise any doubt as to the propriety of giving copy, the Clerk-in-charge of the record shall take orders of the Judge-in-charge of the Court concerned in this regard before the document is made over to the Copyist or Typist for preparation of copies.

**264. Application fee for copy** - <sup>1</sup>[Each application for copy is required by Article (a) of Schedule II of the Court-fees Act, 1870 as amended by the Orissa Court-fees (Surcharge Amendmen.) Act, 1947, Orissa Court-fees (Surcharge Amendment) Act, 1951, Orissa Court-fees (Surcharge Amendment) Act, 1958 (Acts 16 and 17 of 1958) and the Court-fees (Orissa Amendment) Act, 1974 to bear Court-fees Stamps worth fifty-five paise to the affixed to the application In the form of adhesive Court-fee Stamps.]

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1. Substituted by C.S. No. 8-1XS-87/81, dt. 9. 2. 1982

**REGISTER FOR XEROX COPY**

S1. No	Name of applicant	Date of application	Nature of document of which copy is applied for and number of the case and year in which filed	Number of pages of which Xerox copies to be prepared	Charges for preparation of the Xerox copy collected from the applicant	Amount paid to the operator of the photo copier machine towards preparation of photo copy	Signature of the operator of Xerox machine in token of receipt of the amount mentioned in Col. 6	Signature of the Assistant acknowledging the receipt of original documents and the xeroxed copy	Remarks
1	2	3	4	5	6	7	8	9	10

265. Duty of Head Comparing Clerk - After an application for copy has been Registered, <sup>1</sup>the Head Typist or the Head Comparing Clerk shall forward the application to the proper officer who shall at once enter it in a Register to be kept in Form No.(R) 30, bring out the document to be copied and keep it in readiness for the estimating of the folios and Court-fee stamps required for the copy. The Head Typist or the Head Comparing Clerk shall depute a Comparing Clerk to make the estimate by reference to the original document. The Comparing Clerk shall enter the amount of Court-fee stamps and the number of folios required in the space provided for the purposes in the application, sign and date the entries, make the necessary entry in Column 5 of Register No. (R) 30 and return the completed application to the Head Typist or the Head Comparing Clerk. The number of folios required should be carefully calculated so that it may not be necessary to obtain additional folios from the applicant, a contingency which ordinarily under a proper system ought never to arise.

Note 1 - The expression "Head Comparing Clerk" in the rules In this CHAPTER - includes a Comparing Clerk to whom the functions of the Head Comparing Clerk have been delegated by the Sessions Judge for the purpose of these rules.

**Note 2** - In outlying stations where there is only one Comparing Clerk the estimating of the folios and Court-fee stamps may, if the Judge-in-charge so directs, be made by the officer to whom the application is forwarded.

**266. Notifying folios and stamps** - <sup>2</sup>The Head Typist or the Head Comparing Clerk shall notify the number of folios and Court-fee stamps required for the copy in the case of each application on the same day, or, at the latest, on the day following, unless they have already been filed by means of an entry in the prescribed Register [*Form No. (R) 32*]. This Register shall be kept at a convenient place prescribed by the Sessions Judge for public inspection during such hours as the Judge-in-charge may direct. When the folios or stamps are deficient, the deficit shall be notified in the same manner. Rejected applications shall also be shown in this Register.

**267. Time for filing folios and stamps** - The requisite folios and stamps shall be filed before the Head Typist or <sup>3</sup>the Head Comparing Clerk within three days of the giving of the notice prescribed in Rule 271. If this is not done the application may be rejected. If the application has been rejected, a note to that effect shall be made against the entry of the application in the Register No (R) 32. The Comparing Clerk while going round the offices to make estimates shall take with him the rejected applications and shown them to the Judge- in-charge who shall sign the applications on the reverse and after restoring the documents to the proper places make the appropriate entries in Column 7, 8 and 9 of Register No.(R) 30.

1. Substituted by C.S. No. (IV-21/1992,dt. 18.1.2014)

2. Substituted by C.S. No. (IV-21/1992,dt. 18.1.2014)

3. Substituted by C.S. No. (IV-21/1992,dt. 18.1.2014)

**268. Procedure for supply of Court-fees folios by the applicants**

The applicants should file along with the folios a list showing the number and date of the application, the name of the applicant and the number of folios filed. Court-fee stamps for either copying fees or for value of forms or tracing cloth should be noted. Before they are made over to the copyist, the lists and papers should be stitched to the respective original applications, should be compared with the reports of the Copyists on the back of the applications and should be initiated by the Judge-in-charge as a token of the fact that the correct number of folios, plain paper and Court-fees of required value, as reported by the Copyists, have been filed.

**269. Additional folios** - If the folios supplied by the applicant fall short of the actual requirement, additional folios should be called for. The additional folios should be filed during the prescribed hours with a list in the same manner as ordinary folios are filed, and before they are distributed to the Copyists concerned. The list stitched with the original application, should be compared with the report of the Copyist and initiated by the Judge-in-charge. The ministerial officer attending the Court Officer Room of the Judge-in-charge will enter them in the prescribed Register. A receipt for them should be given on the counterfoil as prescribed by the rules.

**270. Distribution of completed applications among Copyists or Typists** - After the requirements of Rules 1[266, 267 and 268] are complied with and the applications satisfy all conditions for copying, the \*Head Typist or the Head Comparing Clerk 2[in out-lying stations and Head Typist in the District Headquarters Stations] will distribute the completed applications for copying among the Copyists and Typists indicating the date by which copy should be made ready. 1[The Head Typist or the Head Comparing Clerks in the Out-lying Stations and the Head Typists or the Head Comparing Clerk in the Headquarters Stations] will maintain a Register in Form No. (R) 33 in which he should enter the distribution of applications aforesaid. Each type folios shall contain 180 words in English or partly in English and partly in vernacular or 240 words in vernacular, four figures counting as one word.

**271. Copying of document written in language or character not known to the Copyist/Typists** - When an application is made for the copy of any document in a language or character which the Copyists/Typists are not acquainted, the Judge-in-charge shall arrange, if possible, for a copy to be made thereof and compared with the original by such persons acquainted with the aforesaid language or character as

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1. Substituted by C.S.No. 79, IX-3/96, dt. 28.5.1998.

2. Added *ibid*.

\* Substituted by IV-21/92, dt. 18.1.2014

\* Substituted by IV-21/92, dt. 18.1.2014

\* Substituted by IV-21/92, dt. 18.1.2014

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Are forthcoming and may in his opinion be relied upon for the purpose.

272. Comparing - When a copy required in respect of an application is completed, it will be made over by the Copyist/Typist concerned together with all unused folios and the original documents to the \*Head Typist or the Head Comparing Clerk. The prepared copy shall, at the end bear the initial of the Copyist/Typist and the date of copying/typing. The \*Head Typist or the Head Comparing Clerk will distribute the prepared copies among the comparers for comparing by the time and date fixed by the former. The prepared copies together with the documents, unused folios, etc. should be returned by the comparers concerned, after comparing to the \*Head Typist or the Head Comparing Clerk. Every page of the compared copy will be initiated by the comparers in token of comparison. All cuttings and corrections made during comparison will be initiated by the comparers. On the completion of comparison the comparers will put with signature and the date at the foot of the last page of the copy. On no account any alterations or erasure are to be made in any copy. A mistake must be scored through, initialled and the correct entry made above it. All movements of prepared copies to and from the comparers should be noted in a Register in Form No. (R) 34 to be maintained by the \*Head Typist or the Head Comparing Clerk.

**273. Preparation of ordinary copies should not suffer on account of urgent copies** - Care should be taken to ensure that application for copies for which expedition fees have not been paid do not materially suffer on account of grant of urgent copies.

**274. Delivery of copies** - All copies ready for delivery shall be entered day by day between 2 and 3 P.M. or in the case of morning sitting between 9 and 10 - A.M. in a Register in Form No. (R) 35 which shall be placed outside for public inspection. The copies shall be made over in open Court in the presence of the Judge-in-charge, the appropriate entries in the Register being at the same time struck out and initiated by the officer in whose presence the copy is delivered.

**Note** - Loose forms of the above Register may also be used for the purpose and posted up on the Notice-board.

**275. Return of receipt by applicant** - When the copy is delivered to the applicant, his receipt therefor with the date will be taken on the counter-foil which should at the same time be given up. Unused folios and stamps returned with the copy should be noted by the applicant in the receipt taken as above from him. To counterfoil will be kept attached to the application. If the counterfoil is missing or lost, the Judge-in-charge after satisfying himself about the identity of the applicant, may take his receipt on the application and deliver the copy.

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1. Substituted by C.S.No. 107, of dt. 18.1.2014.

\* Substituted by IV-21/92, dt. 18.1.2014

\* Substituted by IV-21/92, dt. 18.1.2014

\* Substituted by IV-21/92, dt. 18.1.2014

**276. Undelivered copies and unused folios how to be dealt with -** Should the applicant, in any case, fail to appear to claim either the copy or the unused folios both must of necessity be retained temporarily but on the last day of each month all unclaimed copies ready for delivery before the close of the preceding month together with all unused folios attached thereto and copies, if any, which remained in complete on account of the failure of the applicant to furnish the extra folios required within the prescribed period shall be destroyed in the presence of the Judge-in-charge of the Copying Department.

**277. Return of unused folios and stamps -** In any case in which copy cannot be granted the folios and stamps supplied by the applicant for the copy should be returned to him when he is so informed. This should be done also where the application is withdrawn and the folios and stamps have not been used. Such stamps would not include searching fee and expedition fee affixed to the application.

**278. Safe custody of undistributed, incomplete copies -** At the end of the working day all undistributed work and all incomplete copies with the originals, shall be locked up in an almirah/ chest, the key of which will be kept by the Head Comparing Clerk. Separate compartment in the almirah/ chest or separate boxes to be kept in the almirah or chest as the case may be, shall be allotted to each Copyist/Typist/Comparer in which to place the papers.

**279. Responsibility of the Head Comparing Clerk and comparer - in-charge relating to copying -** The Head Comparing Clerk shall be responsible to ensure that the copy prepared is a correct copy and has been prepared strictly according to the rules prescribed for the purpose. If he finds that a copy has not been written or typed legibly and with proper ink or has not been compared properly or has not been prepared strictly according to the requirements in the prescribed rules, he shall bring it to the notice of the Judge-in-charge who may require the Copyists z Typists /Comparers to prepare. fresh copies at their cost. In case it is noticed that a folio contains more words than the prescribed limit, (under Rule 275) additional copying charges in shape of Court-fee stamps should be realised from the applicant before making over the copy to him.

**280. Disposed of copy applications -** 1[(1) Applications for information and copies which have been disposed of shall be recorded in the copying section and filed in a separate bundle for each month. At the dose of each quarter they will be examined by the Chief Ministerial Officer, who will bring to notice any irregularity or unpunctuality that may bE apparent in the section. The Judge-in-charge after satisfying himself as to the working of the office by an inspection of the forms recorded will then direct their destruction.]

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1. Renumbered by C.S.No. 37 -XLIXD-48/83, dt.16.6.1984.



1{(2) All endeavors should be made to deliver copies of briefs prepared for use of public officers and free copies of documents, judgments and orders prepared for supply to public officers. If not claimed by and delivered to the persons concerned for whose use or at whose instance those are prepared, they should be destroyed after a period of six months from the date on which they are made ready, in presence of the Judge-in-charge of the Copying Departments.]

**281. Transmission charge-in application for copy for records of outlying Court deposited in record room** - An application for copy of a document from the records of the outlying Courts deposited in the District Record Room may be made by the applicant to such outlying Court with a transmission fee of 2[Re.10.00] in the shape of Court-fee stamp affixed thereon. The outlying Court may thereafter send the application to the District Record Room for necessary compliance and return.

282. Proper custody of documents - The Sessions Judge should make special arrangements for the proper custody of the documents removed from themselves for compliance with applications for copies until the document is sent to the Copying Department to be copied or until intimation is received of the rejection of the application.

**283. Copy of English documents** -Copies of English documents shall as far as possible be typewritten.

**284. Examination of copies** - All copies must be examined before issue by a responsible officer.

**285. Certificate to be appended to the copy** - A copy must be “certified to be a true copy” must bear the seal of the Court and must be signed, if not by the Judge-in-charge, then by the officer hereinafter named :

**At the headquarters of a district** - By such officer as may be appointed by the Registrar, Civil and Sessions Court with the approval of the Sessions Judge.

**At outstations** - By the Chief Ministerial Officer of the office of the Judge-in-charge.

In every case the certifying officer will append to his signature the words “Authorised under Session 76, Act 1 of 1872” The words :

“Certified to be a true copy”.

“Authorised under Section 76, Act 1 of 1972, may be impressed by means of a stamp.

**Note 1** - The above certificate shall not be given on a blank sheet. If the last has been fully taken up by the copy, the certificate may be given on its reverse.

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1. Inserted by C.S.No. 37-XLIXD-48/83, dt. 16.6.1984.

2. Substituted by C.S. No. 94-IX-4/2006, dt. 10.9.2009.

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**Note 2** - In each sheet of the certified copy, the certifying officer shall sign an endorsement "True Copy".

286. In case of copies filed, exhibited, or recorded in any Court, the Court-fee chargeable under the Court-fees Act should be levied by of fixing the necessary stamps to the first folio of the copy.

**287. Particulars to be noted on the copy** - The following particulars must invariably be recorded on the last sheet of the copy:

- (a) Date of application for copy.
- (b) Date fixed for notifying the requisite number of folios and stamps.
- (c) Date of delivery of the requisite folios and stamps.
- (d) Date on which the copy was ready for delivery.
- (e) Date of making over the copy to the applicant.

In the case of a copy of judgment, or order, the date excepting the date of making over copy to the applicant shall also be expressed in words.

**Note 1** - Each date on which extra folios are to be notified and each date on which they are delivered shall also be recorded.

**Note 2** - In case of free copies only the particular noted in (a), (D) and (e) above should be given.

**288. Particulars as to cost** - On the back of the last sheet of the copy shall be recorded the costs paid by the parties applying for copies in the form given below:

Application for copy	....	Rs.	P.
Searching fee	....		
Extra fee for urgency	....		
Folios, if any	....		
Other items, if any	....	-----	
Total	....	-----	

The entries shall be made by the examiner of the copy. A rubber stamp may be used for the form of these particulars.

**289.** Full particulars of the names and address of all the parties to a case must be invariably stated in the certified copies of judgments and orders.

**290. Incomplete copy to be made ready on fresh application with extra stamps, folios** - In any case in which the application is rejected on account of the failure of the applicant to furnish the extra stamps and folios within the prescribed period, the applicant may present a fresh application together with the extra stamps and folios, whereupon the incomplete copy shall be made ready for delivery. Where the application relates to a number of documents from one record and from one record and copies of some of the

Documents are complete, the applicant may at his choice take delivery of these documents after filing a memo to that effect.

**291. Time for granting ordinary copies** - In ordinary circumstances a copy shall be furnished not later than 4 P.M. or 10 A.M. as the case may be on the fifth open day after the application.

**292. Time for granting urgent copies** - Urgent copies should be furnished on the day of the application and where this is not possible on day, following :-

**Note** - No application is complete stamps until the necessary and folios have been filed. When these are not filed, with the period referred to in this rule it will be reckoned from the date of their being filed.

**293. Copy of running deposition** - Every application for copies of depositions in a case which is being heard shall be laid before the Presiding Officers for such orders as he in his discretion may make. If such Officer so directs so much of the deposition shall each day be given to the \*Head Typist or the Head Comparing Clerk as there is a reasonable hope or being copied in the course of the day. The \*Head Typist or the Head Comparing Clerk shall return the deposition to the Bench Clerk at the close of the day.

Subject always to (a) the precedence which must invariably be given to applications on which an expedition fee has been paid and (b) delay occurring as a consequence in respect of ordinary applications of an earlier date, such copies will ordinarily be issued on the same day or the following day .

**294. Copy during summer vacation** - Application for copies both urgent and ordinary, should be entertained and complied with during the period of Summer Vacation. For this purpose, the Judge-in-charge of the copying section should make necessary arrangements to retain necessary staff during the Vacation.

**295. Daily outturn** - Daily outturn for Typists and Copyists working both on Civil and Criminal sides should at least be 2(50) folios in type and 2[30] folios in handscript respectively. For Typists and Copyists engaged in preparation of briefs and copies of case diaries the daily outturn should be at least 3[35] pages of typed material and 3[20] pages manuscript respectively, each page containing 180 words. When the whole-time of a Typist or Copyist is not covered according to the above standard outturn he may be employed in other office work.]

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1. Substituted by C.S.No.14-XLIXO-7/81. dt.9.6.1982.
  2. Substituted by C:S.No.82-IX-2/98. dt. 7.10.1998.
  3. Substituted by C.S.No.S9-IX-6/89. Dt.11.2.1992.
  4. Substituted by C.S.No.109 of Dt.18.1.2014.
  - \* Substituted by IV-21/92,dt.18.1.2014

**PART IV**  
**FEES AND COSTS**

**CHAPTER - I**

Process and other fees

**PRELIMINARY**

**Concerned Court to decide whether process fee is chargeable -** Rules framed by the High Court of Judicature, Orissa under Clause (ii) of Section 20 of the Court-fees Act, chargeable for the service and execution of processes issued by the Criminal Courts.

**Note 1** - These rules do not apply to the service and execution of processes in the case of cognizable offences and no fee can legally be charged for the issues of process in the case of a cognizable offence, whether the case be instituted on complaint or not.

The question whether fees are chargeable in any particular case should be determined by the Court with reference to the Section of the -Indian Penal Code or other law relating to the offence in respect of which it directs process to issue, whatever the Section of the Indian Penal Code or other law may be quoted in the complaint.

**Note 2** - Under Clause XVIII of Section 19 of the Court-fees Act, VII of 1870, no Court-fee is liveable on a complaint preferred by Municipal Officer. Court-fee should, however, be levied for processes issued in non-cognizable cases instituted by such officers.

**296. Rates of process fee** - The fee hereinafter mentioned shall be changeable for serving and executing the processes to which the fees are respectively attached ; viz. -

	R. P.
1. Warrant of arrest - For the warrant in respect of each person named therein.	3.00
2. Summons - For the summons in respect of the person, or of the first two persons residing in the same place.	1.50
In respect of every additional person named therein	0.75
3. Proclamations for absconding party under Section 82 of the Criminal Procedure Code.	4.50
4. Proclamation for witness not attending (Section 12)-For the proclamation.	1.50
5. Warrant of attachment-For the warrant. When it is necessary to place officers-in-charge of property attached for each officer so employed, per diem	3.00
	0.75

(6)	Written order - For the order	3.00
(7)	Injunction - For Injunction	3.00

**Note** - The provision of Section 359, Cr.P.C. and of Rules 299 and 301 below, apply also to injunctions. Criminal Officers are, however, reminded that injunctions in proceedings not connected with offences are not chargeable with any fee. An injunction under Section 143, Criminal Procedure Code would, for example, be chargeable with the above fee; whereas an injunction under Section 144 or 145 of the Code would not carry any fee.

(8)	Notic - For the notic	3.00
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**297. Additional process fee** - (1) In such part of the district, where the destination cannot be reached by a process server during the rainy season without hiring a boat or without payment of ferry toll, the area and duration of the year should be declared by the Sessions Judge for the purpose of levy of additional fees towards boat hire and ferry toll which shall be realised from the party in the shape of Court-fee stamps in addition to ordinary fee chargeable for the service of process as follows :

(i)	Boat hire charge per day per boat	.....	Rs. 2.25
(ii)	Ferry toll charge	.....	Rs. 0.18

(2) The boat hire and ferry toll charge shall be paid by the Court executing process from its special permanent advance to the process server entrusted with the service of process.

**298. Costs of process fee to be realised from the accused when convicted** - No fee shall be chargeable in advance on any process of a Criminal Court in any case where the prosecution is on the part of Government, but it shall be competent to any Court in such case, if the accused is convicted, to order that such fee shall be paid up by the accused, or any of them, in like manner as if such fees had been paid by the prosecutor in the first instance.

**299. Application for issue of process to be duly stamped** - No process which comes within the operation of Rule 296 shall be drawn up for service or execution except upon an application made to the Court for that purpose in writing on a document bearing upon its face stamps not less in amount than the fee which is directed to be charged for serving and executing the process so sought to be drawn up. This application may however, at the option of the party making it, be included in the petition by which he moved the Court to order the process to issue, but in that case the petition must bear the requisite stamps for the process fee, in addition to such stamps, if any, as are needed for its own validity ; and in

either case the filing of the application, thus duly stamped. Shall constitute payment of the fee chargeable for the process.

**300. No process fee chargeable for realisation of costs and compensation** - Cost awarded under Section 359, Criminal Procedure Code and compensation awarded under Section 250 and 255(1) and (2) of the Code of Criminal Procedure shall be realised by Courts of . their own motion, and without payment or recovery of process fee.

**301. When witness to pay costs of proclamation** - When a proclamation has been issued for an absent witness, if the Court shall be of opinion that such witness had absconded or concealed himself for the purpose of avoiding the service of warrant upon him, such Court may order the witness to pay the cost of proclamation.

**302. No fees for process issued by the Court of its own motion** - No fee shall be chargeable for service and executing any process, such as a notice rule, summons or warrant of arrest, which may be issued by any Court of its own motion solely for the purpose of taking cognizance of, and punishing any act done or words spoken in contempt of its authority.

#### **REDUCTION AND REMISSION OF COURT - FEES**

#### **Extracts from orders of the Government of Orissa under Section 35 of the Court-fees Act**

**303.** In exercise of the powers conferred by Section 35 the Court-fees Act, 1870 (VII of 1870) as amended by the Orissa Court-fee (Amendment) Act, 1939 (Orissa Act V of 1939), and in supersession of all previous notifications on the subject, heretofore in force in any part of the Province, the Governor of Orissa is pleased to make in the Province of Orissa the reduction and remission hereinbefore set forth in fees liveable under Schedules I and II to the said Act, Namely:-

X                      X                      X                      X                      X                      X

- (4) to remit the fees chargeable on-
- (a) Copies of village settlement records furnished to land holders and cultivators during the currency or at the termination of settlement operations;
  - (b) Lists of fields extracted from village settlement records for the purpose of being filed with petitions of complaint in Settlement Courts:

Provided that nothing in this clause 'shall apply to copies of judicial proceedings, or to copies of village settlement records (other than lists of fields) extracted as aforesaid which may be filed in any Court or office ;

X X X X X X

(6) to remit the fees chargeable on security bonds for the keeping peace by, or good behaviour or persons other than the executants ;

(7) to remit the fees chargeable under Articles 6, 7 and 9 of Schedule I on copies furnished by Civil or Criminal Courts or Revenue Courts or offices for the private use of persons applying for them :

Provided that nothing in this clause shall apply to copies when filed, exhibited or recorded in any Court of Judicial or received by any public officer.

(8) to remit the fees chargeable under paragraph 4 of Clause (a) and paragraph 2 of Clause (b) of Article I of Schedule II on applications for orders for the payments of deposits in cases in which the deposit does not exceed Rs. 25 in amount:

Provided that the application is made within three months of the date on which the deposit first became payable to the party making the application;

X X X X X X

(12) to remit the fees chargeable on the following documents, namely :-

X X X X X X

(c) Copy or translation of judgment in a case other than a summons case when the copy of translation is given under Section 363 of the Criminal Procedure Code to an accused person

(d) Copy or translation of the judgment in a summons case when the accused person to whom the copy or translation is given under Section 363 of the said Code is in jail.

(e) Copy of an order of maintenance when the copy is given under Section 490 of the said Code to the person in whose favor the order is made, or to the person to whom the allowance is to be paid.

(f) Copy furnished to any person affected by a judgment or order passed by a Criminal Court, deposition or other part of the record when the copy is not a copy which may be granted under any of the preceding sub-clauses without the payment of a fee, but is a copy which on its being applied for under Section 363 of the said Code, the Judge or Magistrate for some special reason to be recorded by him on the copy, thinks fit to furnish without any such payment.

(g) Copies of all documents furnished under the orders of any Court or Magistrate to any Government Advocate or Pleader or other person specially empowered in that behalf for the purpose of conducting any trial or investigation on the part of the Government before any Criminal Court.

(h) Copies of all document, which any such Advocate, Pleader or other person is required to take in connection with any such trial or investigation, for the use of any Court or Magistrate or is considered necessary for the purpose of advising the Government in connection with any Criminal Proceedings.

(I) Copies of Judgment or deposition required by officers of the Police Department in the course of their duties.

X X X X X X

(14) to remit the fees chargeable on an application presented by any person for the return of a document filed by him in any Court or public office ;

(17) to direct that no Court-fee shall be charged on an application for the repayment of a fine or any portion of a fine the refund of which has been ordered by competent authority.

(18) to remit the fee chargeable on applications for copies of documents detailed in Clauses (4) and (12) supra;

X X X X X X

(31) to remit the fees chargeable on copies of documents furnished by a Criminal Court to a Pleader of the Court to defend a pauper accused in a Sessions Case.

X X X X X X

(34) to remit the fees chargeable on copies of judgments or relevant extracts thereof furnished to the Registrar of the Council of Medical Registration, Orissa, by Courts exercising criminal jurisdiction in cases in which a Registered medical practitioner is convicted of a non-bailable offence or in which the Court pronouncing the judgment considers that the professional conduct of a Registered medical practitioner has been such that it is desirable to bring it to the notice of the Council.

**304.** Searching and copying fees shall be charged according to the scale shown in the table below except in the cases where the law requires copies to be given free of cost ;-



Nature of fee or charge (1)	Cash in which to be paid (2)	Amount (3)	How to be paid (3)
Rs. P.			
1. Searching fee.	On all applications		
(1) For Information whether the record is deposited in the Record Room or not.		0.50	By a Court-fee stamp to be affixed to the application.
<b>Note-</b> This is the only fee to be paid on such a p p l i c a t i o n			
(2) For inspection where the record is deposited in the Record Room.		0.50	By a Court-fee stamp to be affixed to the application.
Note- No searching fee to be charged to Pleaders for looking at the record of pending cases.			
(3) For copy (In addition to the prescribed fee of 1[fi fty-five paise] under the Court Fees Act) where the record is deposited in the Record Room.		0.50	By a Court-fee stamp to be affixed to the application.
<b>Note</b> - (1) One searching fee shall be charged for any number of copies taken from the same record and included in the same application.			

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Nature of fee or charge (1)	Cash in which to be paid (2)	Amount (3)	How to be paid (4)
		Rs. P.	

Note-(2) Records called for in connection with original case or appeal will be treated as a part of the record of such case or appeal.

2. Copying charges.

(a) Typed copies-  
(b) Manuscript copies.

For every 180 words English or any fraction thereof in case of typed copies or 180 words partly English or partly in an Indian language or 240 words in an Indian language or any fraction thereof in case of manuscript copies, four figures or less e a c h abbreviation official counting one word.

By means of a folio of 75 paise to be provided by the applicant for copy.

Note- If a folio of 75 paise value contains more than 180 words English in case of typed copies or 180 words partly English and partly in any Indian language or 240 words in an Indian language in case of manuscript copies a copying charge of 75 paise shall be paid in the shape of adhesive Court.

Nature of fee or charge (1)	Cash in which to be paid (2)	Amount (3)	How to be paid (4)
		Rs. P.	
			fee stamps to be affixed across the perforated line on the top of the impressed stamp of the folio.
(c) Expedition Fee on urgent application.			
(i) For inspection or information.		1.50	By means of Court fee stamp to be affixed to the application.
(ii) For copies-			
(1) Not exceeding 720 words English or 960 words in any Indian language.		3.00	By means of Court-fee stamp to be affixed to the application.
(2) Exceeding 720 words English or 960 words in an Indian language.		0.75 for every 180 words English or 240 words in an Indian language or part thereof.	By means of Court-fee stamp to be affixed to the application.
			Note - This calculation is to be made on the aggregate number of folios covered by the same application.

**Note 1** - Complainants must pay copying fees whenever they want copies. But an accused under Section 363 of the Code in all appealable cases is entitled to a copy of judgment absolutely free of cost. Similarly, under Section 128 of the same Code, copy of an order of maintenance, shall be given without payment to the person in whose favour it is made, or to his guardian, if any, or to the person to whom the allowance is to be paid.

**Note 2** - The provisions of Sections 363 of the Code should also be referred to.

**Note 3** - See also Rule 303 of this Chapter regarding remission of copying fees in certain cases.

**Note 4** - Court-fee stamps for extra fee in respect of urgent copies should find entry in the Register of Court-fee stamps.

**305. No fees for copy to public officers** - No fees are to be required or paid for searching or, copying papers wanted by public officers for public purposes.

**Note** - In their Resolution No. 1248-64, dated the 31st August 1899, the Government of India directed that the existing practice of supplying free of charge to the Head of the office concerned, copies of judgments convicting Government officers or criminal offences should be continued and that in future, copies of judgments of acquittal and orders of discharge should also be supplied free of charge on the application of the Head of Department.

**306. Charges for map and plans** - In the case of maps and plans no general rule can be laid down. In each case the charges will have to be fixed with reference to the difficulty or intricacy of the work to be done. The charges shall be realised by means of adhesive stamps to be affixed to the map or plan.

In case of urgent copies of maps and plans the expedition fee will also be fixed by the Judge-in-charge to be paid by means of Court-fee stamps affixed to the application for copy.

### **FEES FOR AFFIDAVITS**

#### **Fees for administering oaths on affidavits.**

**307. Fees on affidavits** - The charge for administering the oath to the deponent in the case of any affidavit - one rupee.

(1) Except affidavits made by process-servers regarding the manner of service of processes.

(2) Affidavit made by any public officer in virtue of his office.

**308. Mode of paying fees** - The above fee shall be paid by means of a Court-fee stamp.

**Note** - Fees for affidavits are to be entered in the Daily Register Court-fees.

### **COST OF TRANSMISSION OF RECORDS**

**309. Cost of transmission of records** - When a record is called for by a Civil Court from a Criminal Court, at the instance of party, the cost of postage should be borne by such party at a uniform rate of Rs. 1[30.00]

per record to be paid in Court-fee stamps for transmission of the record and its re-transmission.

**CANCELLATION OF COURT-FEE STAMPS**

310. Appointment of officers for cancellation of stamp - Each Judicial Officer should under Section 30 of the Court-Fees Act VII of 1870, formally appoint an officer for the purpose of cancelling stamps and should see that officer, and no other is allowed to do the work.

**311. Triangular punching** - The second or triangular punching of Court-fee stamps prescribed in Rule 313 post should be made on the day the records are received in the District Record Room or as soon after as possible, and should not await the inspection or examination of the records.

**312. Duty of Record Keeper to examine stamps** - The Record Keeper should on receiving records from a Muharrir or other, ascertain that all the papers in the record which require stamps are properly stamped and that the rules regarding their cancellation have been properly carried out. Should any of the stamps show signs of having been properly tampered with or any suspicious circumstances he must at once submit a report to Presiding Officer of the Court. Record Keepers should be reminded that the appointment of a special peon or any other officer to punch stamps or records received into the Record Room in no way absolves them from the duty of seeing that the stamps are duly punched.

**313. (a) Punching a Second hole in the Record Room** - The Record Keeper of every Court or office shall, when a case is decided and the record consigned to his custody punch a second hole with a triangular punch in label distinct from the first and at the same time note upon the table of contents the date of his doing so. The second punching should not remove so much of the stamps as to render it impossible or difficult to ascertain its value or nature.

**Note** - In case tried summarily, the note referred to above should be entered in the forms of Summary trial, kept under Section 263 or 264 of the Criminal Procedure Code.

**(b)** These directions apply only to adhesive labels used under the Court-fees Act. Impressed stamps used for denoting Court-fees need not be cancelled or punched otherwise than as required by Section 30 of the Court-fees Act.

**314. Square punching of copies, certificates, etc.** - 2[The Court or office receiving copies, certificates or other similar documents liable to

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1. Substituted by C.S.No. 92-IX-4/2001, dt.6.11.2001.

2. Substituted by C.S.No. 18-XIXD-19/81, dt.20.1.1983.

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liable to stamp duty shall, on receipt cancel the levels affixed to them by punching out the figure-head with a round punch. As an additional precaution the Clerk-in-charge of the Register of Petitions and Court-fees shall when entering the value of the Court-fee stamps in the said Register, put his signature with date across the label and upon the paper on either side of it, as is frequently done by persons signing stamped receipts.

**Note** - Stamps affixed to affidavits presented to a Commissioner for the purpose of administering an oath or affirmation to the deponent, shall be cancelled by punching out with a square punch, a portion of the stamp in such a manner as to remove neither the figure-head nor the part of the stamp upon which the value is expressed.]

**315. Inspection of documents by Judicial Officers** - Each Presiding Officer should cause an occasional inspection to be made of documents that have been filed in order to ascertain that the stamps have been properly punched and defaced and have not been subsequently removed from the documents on which they have been used. The inspection should be made at least once a quarter. The check herein prescribed applies equally to all papers which require adhesive label, and they should be subjected to similar scrutiny.

### **EXPENSES TO ACQUITTED PRISONERS**

**316. Expenses to acquitted prisoners** - 1[Sessions Judges and Magistrates may grant travelling and subsistence allowances to prisoners who have been acquitted or discharged and released from custody by them and to prisoners who having been arrested under Section 340 of the Code of Criminal Procedure are subsequently released at the following rate to enable them to return to their villages:

Provided. that such prisoners reside at a distance of more than “eight kilometer” from the place where they are released from custody and are not possessed of sufficient means to return to their village.

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T.A. By rail	T.A. By Public motor bus	T.A. by road otherwise than by public motor service	T.A. by sea or canal	Subsistence allowance
Second Class fare	Actual bus fare	0.05 per K.M.	Actual expenses of passage	As admissible to a witness in the lowest grade with chances from time to time]

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1. Substituted by C.S.No. 16-IX-10/81 dt. 20.05.1982

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**317. Determination of distance** - The distance for which fare or mileage and the number of days for which subsistence allowance should be allowed for the journey shall be determined by the Judge or Magistrate ordering the payment in each case.

**INSPECTION OF RECORDS BY REGISTRATION OFFICER**

**318. Inspection of records by registration officer** - Government having directed the Inspector-General and Inspectors of Registration. to examine the Record Room of various Courts in the mufassil in order to see how far the rules and instructions on the subject of the punching, custody and sale of stamps are carried out, every assistance should be afforded by Presiding Officers to those officers in the discharge of their duty.

**319. Duties of Registration Officer** - Government having ordered that on the discovery of any irregularity in respect of punching or otherwise defacing Court-fee stamps the Inspecting Registration Officer should at once bring the matter to the notice of the Presiding Officer of the Court, such officer should go into the matter at once and then trace the person who is responsible for the omission pointed out by the Inspecting Officer.

**PART - V**

**REGISTERS, PERIODICAL RETURNS**

**STATEMENTS AND ANNUAL REPORTS**

**CHAPTER - I**

**Registers**

**320. List of Registers** - While the Court do not positively forbid the maintenance of other Subsidiary Registers in the various Criminal Courts subordinate to it, the list of Registers given in Volume II specifies all the Registers which, it is believed, are absolutely necessary for judicial, administrative or statistical purposes.

**321.** All Registers shall be kept in English.

**322. Registers to be kept in English** - Preservation and destruction of Registers - The list of Registers given in Volume II shows the period for which each is to be preserved. Registers of Magistrate's Courts which are to be preserved for three years or less should not be consigned to the Record Room, but should be retained in the office in which they were written and should be destroyed by that office in With the Magistrate's sanction on the expiry of the prescribed period. All other Registers of such Courts are to be consigned to the Record Room along with the consignment of records. Those that are to be preserved permanently will be entered by the Record-Keeper In a Register in Form No. (R) 37 and those that are to be preserved for more than three years, but not permanently, in another Register in Form No. (R) 38. The Registers in Form Nos.(R) 37 and

38 are to be preserved permanently.

1[322-A.- Registers (R) 1 and (R) 2 which are required to be preserved for 7 years are to be consigned to the District Record Room after 3 years from the date of last entry in the Registers.]

## CHAPTER - II

### Periodical Returns and Statements

#### A. General

**323. Forms** - The forms of periodical statements entered under the heading of " Appendix A" in the list at the beginning of Volume II, are prescribed for adoption by the Criminal Courts shown against each. On the forms themselves some instructions or observance will be found, and the following general instructions are also issued in order to secure the correct and uniform preparation of the statements.

**324. Returns have references to judicial work** - Apart from certain miscellaneous proceedings under the Criminal Procedure Code, the returns have reference to judicial work alone.

**325. Persons who have not appeared not to be shown in returns** - No person who has not appeared personally or by urgent in Court is to be included in the returns; but all persons who have appeared, whether in obedience to summons, warrant or other process or voluntarily to answer a criminal charge, should be shown as under trial. Persons discharged from bail taken under Section 169, without appearing before a Magistrate should not be entered in the returns.

**Note 1 - Witnesses examined during enquiry not to be included** - Witnesses examined by Magistrates in Court in Preliminary inquiries under Sections 202 and 340, Criminal Procedure Code, need not be included in the periodical returns.

**Note 2 - Cases of Lunatics not be shown as pending** - Cases of lunatics. dealt with under Section 330 of the Code of Criminal Procedure should not be shown as pending on the files. When such lunatics are subsequently brought before the Court and found to be capable of making defence. their cases should be entered as new cases.

**Note 3 - Cases remanded to be treated as new cases** - Cases finally remanded should be treated as new cases.

#### Dormant File

**326. Dormant file** - Records of the following categories of cases shall be transferred to the "Dormant File" and from the date of such transfer they shall not be shown in any periodical returns.

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1. Inserted by C.S.No. 42-IX-13/83, dl.5.9.1985.



(a) <sup>1</sup>[All cases where action has been taken under Sections 82 and 83 Criminal Procedure Code and evidence of witnesses, if any, for the prosecution has been recorded under Section 299 of the Code of Criminal Procedure.]

(b) In cases where during a period of one year from the first date of issue of process, repeated attempts to serve summons and warrants have failed on account of the fact that the whereabouts of the accused is not known and the prosecution is unable to furnish any further particulars about the whereabouts of the accused.

(c) In police cases where action under Sections 82 and 83, Criminal Procedure Code has been taken, but the proclamation and attachment have not been effected by the police during a period of three months from the date of issue of such proclamation and attachment.

<sup>2</sup>[(d) Where the address of the accused is not furnished by the prosecution within a period of three months from the date of institution of the case.]

**327.** After the appearance or the production of the accused, the concerned <sup>3</sup>[Court of Session or] Magistrate would call for the record from the Dormant file and shall proceed with the case according to law in its original number and thereafter show the case in the periodical returns.

**328.** <sup>4</sup>[The Sessions Judge shall maintain a Common Register of cases transferred to the Dormant file in Form No.(R) 26 and in the Register, the cases transferred by him to the Dormant file and also the cases transferred by Additional Sessions Judges and Assistant Sessions Judges in his jurisdiction shall be entered date wise. It shall be the duty of Additional Sessions Judges and Assistant Sessions Judges in the Sessions Division to supply necessary information to the Sessions Judge on the very date they transfer any case to the Dormant file.

The Sub divisional Judicial Magistrate shall similarly maintain a common Register of cases transferred to the Dormant file in Form No.(R) 26 and the cases transferred by him and also the cases transferred by other Judicial Magistrates of the Station to be entered in the Dormant file date wise. It shall be the duty of other Magistrates to supply necessary information on the very date they transfer any case to the Dormant file.]

**329.** <sup>5</sup>[At the time of transferring a record to the Dormant file necessary entries with the date shall be made in the remarks column in the Register of Sessions Cases when the records relate to a case on the file of the

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1. Substituted by C.S.No. 19-XIIX-D 46/82, dt. 13.1.1983.
  2. Added by C.S. No.41-IX-2/85, dt. 26.6.1985.
  3. Added by C.S. No.20-XIIX-D-46/82, dt.13.1.1983.
  4. Substituted by C.S.No.21-XLIX-D-46/82, dt.13.1.1983.
  5. Substituted by C.S.No. 22-XLIX-D 46/82, dt. 13.1.1983.
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Sessions Court and in the primary and trial Registers if the records relate to a case on the file of the Magistrate for facilitating the tracing out of the record when necessary.]

**330. Cases received or disposed of by transfer** - It is not intended that any case should be entered in the returns as received or disposed of by transfer unless the transfer was from one district to another, or from one kind of Court to another, as for example from a Civil or Revenue Court under Section 346 of the Criminal Procedure Code. A note should always be made in the column of remarks of the number, in any, of cases and persons transferred to, received from places outside the jurisdiction of the High Court as this information is required in order to the compilation of the returns for the whole State. Cases received or disposed of by transfer should not be shown under Column 3, 'brought to trial' or Columns 5 and 6. 'Disposed of' of the criminal statement in Form No. (S) 3 but same should be included or excluded from Column 4 under the heading "Total for disposal" with a note in the "Remarks" column against each Court indicating the number of cases received by transfer or transferred to the Courts.

**331. Cases referred and received in reference** - The columns headed 'Referred' "and" Received on reference" are meant to exhibit cases in which an enquiry or trial has been held, and the proceedings of the Court are submitted for confirmation, or the orders of, a higher Tribunal; for example cases submitted by Subordinate Magistrates under Sections 323 and 325, by District Magistrate, etc., under Section 122 and by Sessions Judges under Section 366 of the Criminal Procedure Code. Mere reference for trial under Section 192 are not to be entered in these columns, nor in the columns exhibiting transfers; they are to be entered against the Court which decided them, and not against the Court which may have merely received the complaint.

**332. Cases submitted for confirmation or orders** - Cases of the kind alluded to above, in which the proceeding of one Court are submitted for the confirmation or orders of another, will, like cases committed to the Sessions, find entry in the returns of both Courts. The persons concerned will appear in the returns of the referring Courts not as convicted but as 'referred'. In the returns of the Court receiving the references, they will be shown as convicted, acquitted, etc. according to the result of the reference in each case, or as 'pending' if orders have not been passed on it.

**333. Duration of cases** - In calculating the duration of cases before Magistrate, time is to be counted in police cases from the date of supply of police papers to all the accused and in complaint cases from the date of appearance of all the accused.

**334. Counting of duration in the receiving Court** - A case is regarded as coming on the file of the receiving Court from the date of commitment, reference or order of transfer.

### **SUBMISSION OF PERIODICAL RETURNS**

#### **General**

**335. Monthly Statement** - 1[Monthly and quarterly statements of pending cases should be despatched by subordinate Courts to the Chief Judicial Magistrates or the District Magistrates as the case may be on or before the 5th and 10th of the month next succeeding the period to which they relate respectively and Annual statements on or before the 28th February of the new year. Monthly consolidated statements of pending criminal cases relating to the Courts of the Chief Judicial Magistrates and other subordinate Criminal Courts should be despatched by the Chief Judicial Magistrates to the Sessions / Judges on or before the 15th and quarterly statements by the 20th of the month respectively next succeeding the period to which they relate.]

**336. Quarterly Statement** - Quarterly statements should be submitted by District Magistrates and Sessions Judges to the High Court 2[by the last day of the succeeding month] and annual statements, along with the annual report on the Administration of Criminal Justice, on or before the 10th March of each year. The punctual despatch of correct statements is an important duty, the neglect of which will not be overlooked by the Court.

**337. Punctuality in the submission of statements** - Punctuality in the submission of annual statements and annual reports must be insisted upon and the Chief Judicial Magistrates and District Magistrates should be careful to take necessary steps to ensure the accurate compilation and prompt despatch of the same. The Court will be compelled to take a serious view of the conduct of any officer who neglects to give due attention to these rules.

**338. Statement to be prepared correctly** - Both Magistrates and Judges are required to see that the statements are prepared neatly as well as correctly, in respect of the entries made, and that they are not disfigured by slovenly or bad writing. When Such defect are noticed, the statements will be liable to be returned.

**339. Explanation for figures differing** - Where the figures given in any return differ from those given for the same period in the returns previously submitted, explanation should always be offered to avoid the necessity for a reference in the matter.

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1. Substituted by C.S. No.50-IX-20/87, dt. 21.1.1988.

2. Substituted by C.S. No.51-IX-20/87, dt. 21.1.1988.

**340. Particulars which cannot be shown in other columns to be shown in remarks column** - The column of remarks should contain the mention of any cases or particulars which do not appear to be fairly provided for in other columns and should also contain brief explanation of any noticeable results appearing on the face of the returns, especially of such which, if unexplained might lead to erroneous conclusions; in short, any comments which will tend to throw light upon the figures.

**341. Prescribed statements not be discontinued** - No statement in use by authority of the High Court may be discontinued without an express order of such Court.

**B. Monthly and quarterly and half-yearly statement by Magistrates**

**342. Monthly statements by Magistrates** - Judicial and Executive Magistrates shall submit monthly to the Chief Judicial Magistrate and District Magistrate respectively a statement *at* pending files. They are required to submit along with monthly statements explanations of the cause of delay in the disposal of cases pending more than 1[one year].

**343. Quarterly statement by Magistrates** - Judicial and Executive Magistrate shall also submit to the Chief Judicial Magistrates and District Magistrates respectively quarterly a general statement of the business coming before their Courts.

**344. Compilation of statements** - 2[With the figures submitted by their Subordinates, the Chief Judicial Magistrate and District Magistrates shall compile a General Statement for the whole District and submit it to the High Court in every quarter. However, the explanation of the delay, where any case has been pending for more than one year shall be submitted to the High Court half-yearly. The Chief Judicial Magistrate shall submit such statement through the Sessions Judge.]

**Note 1** - Explanation of delay in disposal of cases should indicate briefly the time consumed in securing the apprehension of or appearance of the accused, attendance of the witnesses, in adjourning the case for want of Court's time or other such reason as may appear relevant.

The explanation furnished by the Judicial Magistrate and Executive Magistrate with the remarks of the Chief Judicial Magistrate and the District Magistrate should be forwarded to the High Court. Copies of order sheets not be submitted to the High Court unless called for.

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1. Substituted by C.S. No.50-IX-20/87, dt. 21.1.1988.  
2. Substituted by C.S. No.51-IX-20/87, dt. 21.1.1988.

statement a certificate under his signature to the effect that cases shown as disposed of on contest were all of real contest and that regular judgments were delivered in those cases. The Chief Judicial Magistrate should after verification of these certificates personally make a note in the consolidated statement that the same has been duly furnished by the Subordinate Magistrates under him.

**345. Balance sheet of fines** - A quarterly balance sheet of fines in Form No. (S) 3-E shall be prepared in book kept for the purpose. The balance sheet of fine should contain a certificate signed both by the Judicial Officer and Treasury Officer concerned to the effect that the total of the realised fines, plus the balance in hand of the preceding quarter minus the amount, credited as criminal deposit and the balance in hand, has been brought to the credit in the Treasury Account. It shall be the duty of the Treasury Officer to scrutinise the balance sheet of criminal fines prepared by the Judicial Magistrates immediately after its receipt by him and to return the same within a week from the date of its receipt. A copy of each subdivisional balance sheet of criminal fines must be sent to the Chief Judicial Magistrate within 10th of the month succeeding the quarter to which it relates and the balance sheet of the Sadar Station ought to be ready within the same time. A general district balance sheet in the form prescribed (S) 3-E shall be sent to the Sessions Judge by the 15th of the month succeeding the quarter. Along with the quarterly balance sheet of fines, the Judicial Magistrates, shall furnish a list of cases in which retaliation of fine has been stayed indicating therein the number and year of the appeal or revision in which orders for stay of retaliation of fine has been made. The Chief Judicial Magistrate shall prepare a consolidated list of such cases for the entire district and submit the same to the Sessions Judge along with the general district balance sheet. The Sessions Judge shall examine the correctness of the balance sheet of fines and the list of cases in which retaliation of fine has been stayed and after making necessary correction, if any, shall transmit the same to the High Court by the 25th of the month with his comments.

**346. Half-yearly statement of irrecoverable fines** - The Judicial Magistrates shall submit a half-yearly statement of irrecoverable fines written off by Chief Judicial Magistrate to him (the Chief Judicial Magistrates) in Form No. (S) 3-H who shall submit the same to the High Court through the Sessions Judge. Such statements should be submitted by the Judicial Magistrates to the Chief Judicial Magistrates by the 10th of the month succeeding the half-year to which it relates to. The Chief Judicial Magistrate shall submit the same to the Sessions Judge by the 5th of that month and the Sessions Judge shall forward the same to the Court with his comments, if any, by the 25th of that month.

**347. Half-yearly statement regarding the steps taken for realisation of fines and recommitment of accused** - The Chief Judicial Magistrate shall submit to the High Court through the Sessions Judge a half-yearly statement showing the effective measures taken for recommitment of convicts to jail and for realisation of fine amounts. Along with such statement the Chief Judicial Magistrate shall append a certificate that in all cases where fines have been imposed, necessary action has been taken in time by the Courts concerned for realisation of the same and that whenever necessary, the defaulter has been committed to jail to undergo the default sentence.

**348.** The Chief Judicial Magistrate and District Magistrate are expected to examine carefully the statement, monthly and quarterly half-yearly submitted by the Courts subordinate to them and to satisfy themselves that the business in these Courts is transacted with due despatch. They may, if consider necessary, call for full explanation from a Subordinate Court in regard to any case on its file. A case which calls for special attention may be brought to the notice of the High Court. They will submit with the quarterly returns a concise statement in Form No. (S) 3-A, regarding the outturn of work done by each of the Subordinate Magistrates and an expression of their opinion on any deficiency apparent in this respect.

**349. Sessions statement** - The Sessions Judge maintain a Register of Sessions cases in Form No. (R) 23. At the end of each 1[quarter] a statement in Form No. (S) 2 shall be submitted to the High Court, showing all cases pending for trial at the commencement of the 1[quarter] or brought before the Court during the 1[quarter]. He shall also submit along with the sessions statement a memorandum indicating the number of the sessions cases fixed for trial during the next 1[quarter] and the date fixed therefor.

**350. Adjourned Sessions statement** - Along with the 2[quarterly] statement in Form No. (S) 2 every Sessions Judge, Additional and Assistant Sessions Judge shall submit a special statement of adjourned Sessions cases in Form No. (S) 2-A with particulars therein mentioned duly filled in.

**Note - 1** - A blank special statement should always be submitted if no Sessions case was adjourned in the 1[quarter].

**351. Explanation of delay in capital sentence cases** - In all capita sentence cases where there has been an interval of 9 months or more between the apprehension of the accused and the conclusion of the trial in the Court of Sessions, a full explanation of such delay should be sent to the High Court along with the proceeding submitted under the provisions of Section 366 of the Code of Criminal Procedure.

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1. Substituted by C.S.No.45-IX-11 /86, dt.12.12.1986.
  2. Substituted by C.S.No.46-IX-11 /86, dt.12.12.1986.
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The period of 9 months here allowed should not however, be taken as the normal period which should intervene between the apprehension of the accused and the conclusion of the trial in the Court of Sessions. Every efforts should be made to dispose of capital sentence cases as expeditiously as possible.

**352. Quarterly Sessions statement** - 1[(i) Sessions Judges shall also submit quarterly to the High Court a statement showing the result of commitments to the Court of Sessions and of appeals and applications for revision made to them. The Additional or Assistant Sessions Judge, if any, will furnish similar return for his own Court and the Chief Judicial Magistrates in respect of appeals only to the Sessions Judge, who will exhibit the figures separately in his return. However, the Sessions Judges shall submit explanation half-yearly, regarding causes of delay in disposal of sessions cases pending over six months from the date of commitment and of appeals and revision pending over six months and three months respectively from the date of their filing.]

2[(2) The Special Courts shall submit their respective statements showing the number of pending cases under Special Acts to the High Court, in the prescribed Form No. (S) 2-AA of the G.R. & CO. (Crl.) Volume-II in each quarter of the year.]

**353. What cases are to be included in the quarterly statements** - In the quarterly statements, columns headed 'Brought to Trial' or "Preferred" unlike those headed "Under Trial" or "Total dealt with" are intended to show only cases brought to trial, or appeals or applications filed during the period to which the return relates, and are not intended to include cases pending at the commencement of such period.

**354. Memorandum regarding outturn of work** - Sessions Judges shall submit to the High Court along with the quarterly statement a memorandum showing separately the outturn of criminal work of each officer exercising the powers of a Sessions Judge or of an Assistant Sessions Judge in Form No.(S) 4-A. In the case of each such officer, the number of days devoted to criminal work, the number of criminal cases disposed of, and the number of witnesses examined should be shown.

**355. Explanation for delay undelivery of judgment** - Sessions Judges, Chief Judicial Magistrates and District Magistrates should in the remarks column of the quarterly returns note the Criminal cases, appeals and revisions heard during the period in question whether decided or otherwise in which judgment or order was delayed for one month or over together with a full explanations of delay. When there is no such delay a positive certificate

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1. Substituted by C.S. No. 97 (XLVA-13/2006, Dt. 21.9.2010).  
2. Inserted by C.S. No. 91-XLV-1/2000, dt. 5.10.2001.

To that effect must be given by them under their signature in the remarks column of the return.

**356. Annual Statement** - Most of the annual statements can be readily compiled from the statistical and other Registers. In the case of others it is essential that the requisite information should be collected from time to time so as to be available without delay at the close of the year. In the latter case, the Chief Judicial Magistrates and District Magistrates must take care that the proper officers of their own Court and of the Courts subordinates to them collect the information at convenient intervals.

**357. Channel of submission of annual statement** - District Magistrates shall submit their annual statement direct to the High Court. The Chief Judicial Magistrate shall submit such statements to the High Court through the Sessions Judge.

### **CHAPTER - III**

#### **Annual Reports**

**358. Annual reports** - Sessions Judges and District Magistrates shall submit to the High Court along with the annual statements, a Report for the year to which they refer upon the Administration of Criminal Justice. The Form No.(S) 11 shall be incorporated in their reports by Sessions Judges and District Magistrates. Sessions Judges and District Magistrates should be careful to secure a correspondence between the figures given in the Table in the body of their reports and those contained in the annual statements submitted by them, and they are expected to see that no discrepancies occur in this regard.

**359. Contents of report** - The Court do not consider it necessary to prescribe the use of any particular form of Report; but the Report, in whatever form, should contain such remarks as they consider fit on a consideration of the figures entered in the statements. Any great variation between the result exhibited for the year under report and for the previous year should receive notice and be explained, if possible.

**360. Additional information** - Amongst other matters, the following must be noticed in the report :

(a) The condition of the Record Room which must be ascertained by careful personal enquiry and not from the mere report of the Record Keeper.

**Note** - The Court will not be satisfied with a mere cursory mention but require. clear description of the statement of the Record Room and the date up to which the records have been stored or destroyed so that it may appear without doubt that this duty has not been neglected.



(b) The extent to which effect has been given to the rule regarding arrangement of the records in the course of the trial and rules regarding the destruction of useless records.

(c) The working of the rules under the Court-fees Act.

(d) The effect of recent Legislation on the working of the Criminal

## **PART - VI**

### **CHAPTER - I**

#### **Inspection of Courts & Officers**

**361. Inspection by Sessions Judge -** 1[Sessions Judge shall inspect once in two years each of the Courts of Judicial Magistrates and also inspect the Courts of the Chief Judicial Magistrate once in a year in his Sessions Division and submit the report of his inspection to the High Court. Ordinarily, such inspection in the outlying stations should be made at the time of inspection of the Court of Civil Judge (Jr. Division)] or Civil Judge (Sr. Division)] of such station.]

**362. Inspection of the Courts of Executive Magistrates -** When convenient, as for instance during any vacation, not availed of, or at the time of inspecting the Courts of Judicial Magistrates of 2[Civil Judge (Junior Division)], the Sessions Judge should visit the Courts of Executive Magistrates (Excluding District Magistrates). His inspection of these Courts should be of a general character and directed rather to judicial than executive matters.

**363. Inspection by Chief Judicial Magistrates -** The Chief Judicial Magistrates shall inspect the Courts of the Judicial Magistrates subordinate to them quarterly, half-yearly or annually as may be specified by the Court from time to time. These inspections should be detailed and should amongst other matters, be directed to the Following:

- (1) Proper maintenance of all important Registers.
- (2) Proper arrangement of records.
- (3) Punctual submission of periodical statements.
- (4) Examination of records of pending cases specially the year old ones.
- (5) Rash issue of process to the accused.
- (6) Undue detention of witnesses.
- (7) Adequacy of examination of accused.
- (8) Framing of charges.

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1. Substituted by C.S.No. 93 - (XLIX-D-7/2004. Dt. 17.5.2005).

2. Substituted by C.S.No. 93 - IX-1/95, dt. 31.10.1995

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- (9) Delay in delivery of judgment.
- (10) Quick disposal of cases.
- (11) Adequacy or otherwise of the sentences passed.
- (12) Compliance of the provisions of the Probation of Offenders' Act and Rules.
- (13) Observance of Rules and Procedure.
- (14) Due execution of sentences.

**364. Sitting inspection by Chief Judicial Magistrate** - Whenever a Chief Judicial Magistrate inspects any particular Court, on the first day, he would sit with the Magistrate on the dias during Court hours. In his presence the Magistrate would do the entire work for the day and the Chief Judicial Magistrate would not interfere with the work of the Magistrate. He would note all the defects committed by the Magistrate in a Register maintained for the purpose separately for each Magistrate. After the Magistrate rises for the day, the Chief Judicial Magistrate would have full discussion with him and make an endorsement to that effect and obtain the signature of the Magistrate thereto. A verbatim copy of this inspection note should be sent to the High Court through the Sessions Judge. From the next day, he would inspect the office of that particular officers.

**Note** - This rule does not apply to the Inspection of the Courts of Magistrates who have rendered service for five years or more. But the Chief Judicial Magistrates may sit on the dias of Magistrates of such experience for such number of hours exercising his best discretion in the matter.

**365. Notes of Inspection to be forwarded through Sessions Judge** - 1[2[(i) The Chief Judicial Magistrate, after inspection of Magisterial Courts will send a copy of the inspection report to the concerned Magistrate within one month from the date of his inspection. The concerned Magistrate will submit his views/compliance report within a period of six weeks from the date of receipt of the copy of the inspection report.]

(ii) The Chief Judicial Magistrate will forward a copy of his inspection report along with the views/ compliance report of the concerned Magistrate to the District and Sessions Judge within a period of four weeks from the date of receipt of the Magistrate's views. In case no views/compliance report are received from the concerned Magistrate within the aforesaid period of six weeks, the Chief Judicial Magistrate will send his inspection report to the District and Sessions Judge without waiting for the views/compliance from the concerned Magistrate.

(iii) The District and Sessions Judge shall examine the inspection report of the Chief Judicial Magistrate along with the views/compliance

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1. Substituted by C.S.No. 80, IX-12/96, dt. 27.5.1998.

2. Substituted by C.S. No. 98 (IX-3/2006, Dt. 26.11.2010).

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reports of the concerned Magistrate and thereafter he shall pass appropriate orders/ directions to the Chief Judicial Magistrate and the concerned Magistrate for taking appropriate action. However, in cases where orders / directions of the High Court are necessary, it shall be referred to the Registry of the Court.

(iv) A copy of the order/direction issued by the District and Sessions Judge along with a copy of the inspection report of the Chief Judicial Magistrate shall be sent to the Registry of this Court for record.]

**366. Inspection of Mobile Courts** - The Chief Judicial Magistrates may hold inspections of Mobile Courts while engaged on duty.

**367. Control of Subdivisional Judicial Magistrates over Judicial Magistrates** - The Subdivisional Judicial Magistrates may, subject to the control of the Chief Judicial Magistrate, so as to satisfy himself that the business of the office is transacted with regularity, punctuality and efficiency. He may also call for information relating to office of such Judicial Magistrates and give directions in the matter of clearance of arrears.

**368. Inspection by officers of their own offices** - The Chief Judicial Magistrates, Subdivisional Judicial Magistrates and Judicial Magistrates should make thorough inspection of their offices once a year and submit to the Sessions Judge for his information a copy of their inspection notes by the 15th February of each year. The Subdivisional Judicial Magistrates and Judicial Magistrates will submit their annual inspection reports through the Chief Judicial Magistrate. The Sessions Judge may pass such orders on such inspection notes as he considers necessary. It is not necessary to forward to the Court either a copy of such notes of inspection or the orders passed by the Sessions Judge. It should, however, be noted in the annual administration report whether all the Criminal Courts have been inspected by the Presiding Officers. Where an office has not been inspected the name of the officer who has failed to make the inspection should be reported and his explanation obtained and forwarded to the Court.

**369. Inspection by Registrar, Civil and Sessions Court** - The Registrar, Civil & Sessions Courts, who is also the Officer-in-charge of the different Criminal Sessions in the headquarters should inspect the work of those sections in cyclic order and place notes of their inspection before the Sessions Judge who shall pass necessary orders on those inspection notes. These inspections should be in accordance with the programmes drawn up by the Sessions Judge in the month of January every year.

**370. Information sheet** - Subordinate Courts, after receipt of intimation of inspection should prepare an information sheet in the

*pro forma* given in Appendix VIII and place the same before the Inspecting Officer.

**371. Sessions Judge's authorisation to Chief Judicial Magistrate for inspection of some branches** - The Sessions Judge may authorise Chief Judicial Magistrates at headquarters station to inspect the Nizarat, Record Room, Accounts and Copying Department once a quarter so far as they relate to criminal side. The Chief Judicial Magistrates posted at stations other than the headquarters of the Sessions division may likewise be authorised to inspect the aforesaid departments of those stations. The Chief Judicial Magistrate would forward the notes of inspection prepared by him to the Sessions Judge who would pass necessary orders thereon.

**Note** - These inspections would be in addition to the inspection required to be done by the Registrar, Civil and Sessions Courts and Sheristadars.

<sup>1</sup>[**371-A.** The Sessions Judge should himself examine at least half-yearly a certain proportion of the records to the criminal cases consigned to the Record Room for the purpose of satisfying himself that the business in the Subordinate Criminal Courts is transacted with due despatch and that there is proper conduct of cases in accordance with law and rules of procedure.]

**372. Chief Judicial Magistrate's inspection of Magisterial work of Sub-Judge and <sup>2</sup>[Civil Judge (Junior Division)]** - The Chief Judicial Magistrates shall inspect the records and Registers maintained by <sup>2</sup>[Civil Judge (Senior Division)] and <sup>2</sup>[Civil Judge (Junior Division)] in their capacity as Judicial Magistrates.

**373. Inspection by the Chief Ministerial Officer** - The Chief Ministerial Officer of every Criminal Court shall inspect once in every quarter the work of each member of the staff <sup>3</sup>[of the said Court as well as the Court of the Judicial Magistrate of that station] and submit his inspection report to the Presiding Officer who shall pass necessary orders thereon.

**374. Summary of defects** - Every inspection note shall contain a summary of major defects noticed.

**375. Inspection defect Register** - Every Criminal Court shall maintain an inspection defect Register in Form No. (R) 39. The Presiding Officer should take particular care to see that all the defects pointed out in the inspection report are noted in this Register and they are promptly rectified.

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1. Inserted by C.S.No. 31-XLLX-D-50/81, dt.5.1.1984.

2. Substituted by C.S. No. 33, IX-1/95, dt. 31.10.1995.

3. Added by C.S.No. 35-XLIX-D-33/83, dt.8.5.1984.

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**376. Checking of rectification of previous defects** - It shall be duty of the Inspecting Officer to check the inspection defect Register to find out if all the defects noticed during previous inspection have been rectified and noted therein.

**CHAPTER - II**

**Office and Correspondence**

[Vide Rules on the subject in the General Rules  
(Civil) Volume I]

**CHAPTER - III**

**Forms and Stationery**

[Vide Rules on the subject in the General Rules  
(Civil), Volume I]

**CHAPTER - IV**

**Library**

[Vide Rules on the subject in the General  
Rules (Civil), Volume I]

**CHAPTER - V**

**Dress of Judicial Officers and Pleaders and  
witnesses belonging to  
Military**

**377. Rules regarding dress** - Rules prescribing the dress of the District Judges, Additional District Judges and [Civil Judge (Senior Division)] while presiding on the Bench contained in Chapter III, Part IX of the G.R. and C.O. (Civil), Vol. I would apply to the Sessions Judges, Additional Sessions Judges and Assistant Sessions Judges and Chief Judicial Magistrates and those prescribed for the [Civil Judge (Junior Division)] in the said Chapter would apply to the Judicial Magistrates.

**378. Dress of Military officer while attending Court** - The attention of all Criminal Courts is invited to the following rules which have been approved by the Government of India, relating to the dress of Military officers and soldiers appearing before Civil or Criminal Courts (other than Courts established under Military Law)

- (1) An officer or soldier required to attend a Court in his official capacity should appear in uniform with sword or side arms. Attendance in an official capacity includes attendance:

- (a) As witness when evidence has to be given of matters which come under the cognizance of 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 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 Commander-in-Chief.
- (4) Fire-arms shall, under no circumstances be taken into Court.

## CHAPTER - VI

### Registration of Pleader's and Mukhtar's Registered Clerks

**379. Registered Clerk; Definition** - The expression 'Registered Clerk' means a Clerk who is employed by a Pleader or a Mukhtar in connection with his legal business and who is Registered under these rules.

**380. Limit of the number of Registered Clerk** - A Pleader or Mukhtar may have at a time not more than two Registered Clerks employed by him unless the District Judge by general or special order otherwise directs.

**381. Qualification** - No persons shall be Registered as a Legal Practitioner's Clerk unless he : -

- (a) has passed the Middle School Examination ;
- (b) has worked for one year in the office of a Legal Practitioner under a Registered Clerk ;
- (c) has obtained (1) a certificate from the Registered Clerk under whom he has worked countersigned by the Legal Practitioner concerned that he has working knowledge about the rules and practice of the Courts and can maintain accounts, and (2) a certificate of honesty and good character from the Legal Practitioner in whose office he has worked :

Provided that a person who is Registered as a Clerk of a Legal Practitioner before the commencement of these rules and was acting as such on the date of the commencement, may notwithstanding the fact that

the fact that he does not possess the qualification mentioned in Clauses (a), (b) and (c) (1) above, be re-Registered as such Clerk.

**382. Disqualification** - A person suffering from any infectious, contagious disease or who has been convicted of any offences involving moral turpitude or is an undischarged insolvent or has ever been declared a tout shall not be Registered as a Legal Practitioner's Clerk.

**383. Registering authority** - At Sadar Stations, the Registering authority shall be the Chief Judicial Magistrate in the case of Clerks of Mukhtars, ordinarily practising in the Magisterial Courts, and the District Judge in all other cases. In the outlying stations, such authority shall be the principal Civil Court. When there is more than one Civil Court of the same grade at any such station, the power shall be exercised by the senior officer unless the District Judge otherwise directs.

**384. Contents of the application** - (a) Every application for the registration of a Clerk shall be made to the Registering authority by the Pleader or Mukhtar desiring to employ him. It shall also be signed by the Clerk proposed to be employed.

(b) Such application shall be on plain paper and shall contain:-

- (i) A certificate from the Pleader or Mukhtar that the person proposed is to the best of his belief fit to be so employed and would be employed *bona fide* for his own service and for the purpose of the legal business ;
- (ii) The name or names of the Registered Clerks, if any, under him ;
- (iii) A statement declaring that he has no un Registered Clerk and an undertaking not to employ any such Clerk during the year ;
- (iv) A written undertaking from the proposed Clerk to the effect that during the continuance of his serving as such Registered Clerk he shall not write any deed or document for any person other than the clients of his master.

**385. Manner of disposal of the application** - The Registering authority on receiving the application may (1) dispose of it at once when the person proposed is known to it; or (2) refer it to the Bar Association or the Mukhtars' Association, as the case may be, for their opinion; or (3) make such other enquiry as it thinks necessary.

**386. Manner of registration** - When the Registering authority is of the opinion that the person proposed is fit and proper person to be employed as a Registered Clerk he shall enter his name in the register of

Clerks Form No. (R) 22 and issue to him a 1 [Laminated Photo Identity] card in Form No. (R) 98. These cards shall be strictly non-transferable and shall be returned 2[after 3 years] when Clerks must be re-Registered

**387. Copy of the Register to the District Judge** - Each Registering authority shall at the beginning of the year send a copy of its Register and of all subsequent alterations and additions therein immediately after they are made to the District Judge who shall maintain a Register of all Registered Clerks within his jurisdiction containing the name, father's name and residential address of each Registered Clerk and the name of the Pleader under whom he is employed. Such Register shall be maintained in Form No. (R) 22.

**388. Renewal of the application** - 3[Application for renewal of licence shall be made to the concerned Registering authority 4[after 3 years]. The said application shall be accompanied by the old licence and a written consent of the Legal Practitioner who has already engaged or proposed to engage the applicant as his Clerk 5[One pass-port size photograph and a copy of challan receipt bearing Rs. 50 duly deposited in the concerned Court]. The application shall also contain the particulars as laid down in Rule 384. The renewal shall not ordinarily be refused. If refused, the reasons, therefor shall be recorded in writing by the Registering authority. The renewed licence, if not received by the concerned Clerk, shall be destroyed by the end of the following March.

**Note** - No card which has been lost can be renewed without payment of fee of Re. 1 to the credit to the Government the same fee shall also be levied while a Pleader or Mukhtar applied for registration of a Clerk in place of another unless he gives up the card of such other Clerk.]

**389. Cancellation of the card** - Whenever a Pleader or Mukhtar ceases to employ a Registered Clerk he shall notify the fact to the Registering authority. Registering authority shall thereupon order the removal of such Registered Clerk's name from the Register and cancel the card and notify the same. On such notification of cancellation, the Clerk shall surrender the card to the Registering authority. He shall, however, have the liberty of applying for continuance or renewal of the card, if he secures employment under another Legal Practitioner. In such an event, he should produce written consent of the said other Legal Practitioner to employ him.

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1. Added by C.S.No. 88, XLIX-7/97, dt. 30.4.1999.
  2. Substituted *ibid*.
  3. Substituted by C.S. No. 47 -IX-9/87, dt.25.9.1987.
  4. Substituted by C.S.No. 89, XLIX-O-7/97, dt. 30.4.1999.
  5. Added *ibid*.
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**390. Suspension or cancellation of card** - The Registering Authority in the case of a Clerk Registered by it shall have the power to enquire into any misconduct or default on the part of the Registered Clerk and if after giving an opportunity to the Clerk of being heard, the Registering Authority is satisfied that the Clerk is guilty of misconduct or default in the course of his duties as Registered Clerk, he may, by an order, suspend for a specified period. or cancel the card issued to him. The period of suspension shall be noted in the Register as well as in the card. If the card is cancelled, the Registered Clerk shall surrender it to the Registering authority and his name shall be struck off from the Register.

**391. Appeal** - Proceeding taken against the Registered Clerk under the preceding rule are administrative and not judicial proceedings. The Registered Clerks may appeal against the orders passed by the Registering Authority other than the District Judge to the District Judge whose orders in the matters shall be final. In case of Clerks whose Registering Authority is the District Judge, no appeal would lie against the order of the District Judge which shall be final.

**392. Acts which may be performed by a Registered Clerk** - A Registered Clerk shall not make any motion or advance any argument in Court. He may act in matters of routine nature and may do the following acts, viz. :

- (1) receiving notices on behalf of his master;
- (2) taking back an appeal or application filed, in any Court if found defective or return for presentation in another Court ;
- (3) presenting an application signed by his master in any Court of office for copy of document, inspection of a record; and
- (4) filing necessary stamps and Court-fees in Courts, depositing money, filing Vakalatnama and identifying persons known to him.

**393. Prohibition for recommendation** - No person whose name has been struck off the Register shall be recommended for registration by any Pleader or Mukhtar at the same or any other station.

**394. Registered Clerk not to work for other Legal Practitioners** - No Clerk Registered as the Clerk of one Pleader or Mukhtar shall work or do business on behalf of any other Pleader or Mukhtar or in any case in which his employer is not engaged.

**395. Restriction on the filing of papers in Court by a Registered Clerk** - No Clerk Registered as the Clerk of a particular Pleader or Mukhtar shall except in the absence of his employer pass or hand over to another Pleader or Mukhtar any paper written by him to be

**396. Restriction on the writing deed or document by a Registered Clerk** - No person Registered as the Clerk of a Pleader or Mukhtar shall write out any deed or document for any client of his master unless an endorsement is made on the document itself by the Pleader or Mukhtar as the case may be, to the effect that it has been written at his direction.

**397. Applicability of the rules to Advocate's Clerk** - The Rules regarding registration of Pleader's Clerks shall also apply to the Clerks of the Advocate ordinarily practising in Subordinate Courts

## CHAPTER - VII

### Rules Regarding Vakalatnama and Mukhtarnama

**398. Vakalatnama and Mukhtarnama** - No Pleader shall be entitled to make or do any appearance, application or act in any criminal case or proceeding for any person unless he presents an appointment in writing duly signed by such persons or his recognised agent or by some other agent duly authorised by power-of-attorney to act in his behalf, or unless he is instructed by an attorney or Pleader duly authorised to act on behalf of the person:

Provided that no such appointment in writing shall be necessary in the case of Pleader appointed by the Government or the Court to act, appear or plead on behalf of an accused or convicted person.

**Note** - The term 'Pleader' in the rule is to be understood as defined in Section 2(q) of the Code of Criminal procedure, 1973.

**399. Stage up to which the appointment continues** - Notwithstanding the termination of all proceedings in the trial or inquiry, the appointment of a Pleader in a criminal case, shall, unless otherwise provides therein or determined by the death of the party engaging him or of the Pleader or by revocation in due course, be deemed to authorise him to appear or to make any application or to do any act in connection with getting copies of judgments or other documents and obtaining return of document or exhibits produced or filed in the case.

**400. Fresh appointment when permissible** - An Advocate or a Pleader proposing to file a Vakalatnama or an appearance in any criminal case or proceeding in which there is already an Advocate or a Pleader on record, shall not do so, unless such Advocate or Pleader is dead or has retired from the case, or unless a written consent of such Advocate or Pleader is produced, which consent will not be refused when his dues according to the written terms of the agreement signed by the client or duly authorised agent have been paid to him subject, however, to the discretion of the Court to pass orders to the contrary, or when the consent of such Advocate or Pleader is refused, unless he obtains the permission of the Court.

**401. Legal Practitioner when cannot stand as a bailor** - An Advocate or Pleader holding a power to conduct any case or proceeding for the accused shall not stand as a bailor or a surety for him in the said case.

## **CHAPTER - VIII**

### Miscellaneous Instructions

#### **GENERAL**

**402. Channel of correspondence for Judicial Officers** - Every communication made to the High Court by a Judicial Officer under the Administrative control of the District Judge whether it be an application regarding leave, transfer, promotion or any matter, shall be made through the Sessions Judge and not otherwise.

**403. Mode of communication to the High Court** - All communications intended for the High Court should be addressed to the Registrar, unless they relate to case work in its appellate or revisional jurisdiction in which case they should be addressed to the Deputy Registrar. For telegrams sent to the Registrar, the State Code Address "High Court" will be sufficient.

**404. Numbering pages and paragraphs** - The pages and paragraphs of annual and inspection reports and similar lengthy communications submitted to the High Court should invariably be numbered.

**405. Prohibition of issue of general order** - Sessions Judges, Chief Judicial Magistrates and District Magistrates are prohibited from issuing general orders in the form of circulars on judicial matters to the officers subordinate to them. If there be any matter connected with the administration of criminal justice which, in their opinion, require the issue of a general order for the information and guidance of Courts subordinate to them, they should submit such orders for the confirmation and approval of the High Court without which it should, in no case, be issued. While submitting such orders relating to law and procedure, they should give an analysis of relevant provisions of law with reference to all authorities for and against the proposal.

**Note** - This rule is not to be avoided or defeated by the issue of such orders under the guise of 'Standing Orders'.

**406. Prohibition of issue of general instructions** - Sessions Judges, Chief Judicial Magistrates and District Magistrates, should not without permission previously obtained from the High Court issue general instruction or circular orders of any kind for the guidance of officers subordinate to them.

**407. Administrative Control of Sessions Judge** - Subject to the superintendence of the High Court, the Sessions Judge shall have administrative control over all Criminal Court within his jurisdiction.

**408. Channel of returns and correspondence** - The Chief Judicial Magistrate should submit returns and make correspondence with the High Court and the Government through the Sessions Judge except in cases of exceptional urgency when he may correspond direct with the High Court after sending a copy to the Sessions Judge.

**409. Advance tour programme of the Chief Judicial Magistrate** - The Chief Judicial Magistrate should submit tour programme in advance and tour diaries subsequently to the Sessions Judge for the latter's scrutiny.

**PART VII  
RULES UNDER SPECIAL ACTS  
CHAPTER - I**

**[The Oaths Act, 1969 (Act No.44 of 1969)]**

**410.** The forms of oath or affirmation prescribed under Section 6 of the Oaths Act, 1969 (Act No.44 of 1969) shall be used].

**FOR WITNESSES**

**Oath**

I swear that the evidence which I shall give in this case shall be true that I will conceal nothing, and that no part of my evidence shall be false.

So help me God.

**Affirmation**

I solemnly declare that the evidence which I shall give in, this case shall be true, that I will conceal nothing and that no part of my evidence shall be false.

**FOR INTERPRETERS**

**Oath**

I swear that I will well and truly interpret, translate and explain all questions and answers, and all such matters as the Court may require me to interpret, translate and explain

So help me God.

**Affirmation**

I solemnly declare that I will well and truly interpret, translate, and explain all questions and answers, and all such matters as the Court may require me to interpret, translate, or explain.

2. Christian witnesses and interpreters, to whom oaths are administered are to be sworn upon the New Testament.

3. In other cases the oaths are to be administered upon such symbol or accompanied by such act, as may be usual or as. Such witness or interpreter, may acknowledge to be binding on his conscience.

**CHAPTER - II**  
**Trial of Persons subject to Military,  
Naval or Air Force Law**

411. Following rules by the Central Government are reproduced:

- (1) (i) These rules may be called the Criminal Courts and Court Martial (Adjustment of Jurisdiction) Rules, 1952.
- (ii) The extend to the whole of India except the States of Jammu and Kashmir and Manipur.
- (2) 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 subject 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, corps or independent brigade or sub-area in which the accused person is serving and [except in cases falling under Section 70 of the Army Act, 1950 (LVI of 1950)] where 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 the Naval Staff or Flag Officer (Flotilla) Indian Fleet or Commodore-in-charge, Bombay, Commodore-in-charge, Cochin, or Naval Officer-in-charge, or Senior Naval Officer present; and
- (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)] 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 written notice to the Commanding Officer of the accused and until the expiry of a period of seven days from the date of the service of such notice, he shall not-

- (a) convict or acquit the accused under Sections 243, 245, 247 or 248 of the Code of Criminal Procedure, 1898 (V of 1898), or hear him in his defence under Section 244 of the said Code; or
- (b) frame in writing a charge against 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 or trial under Section 192 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 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 such authority, the accused should be tried by a Court material, 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) (i) 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 may be, shall, as soon as may be, inform the Magistrate whether the accused has been tried by a Court martial or the effectual proceedings have been taken or ordered to be taken against him.

(ii) 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 be a written notice required 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 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.

### **CHAPTER - III**

#### **Probation of Offenders Act**

**412. Register of probation of offenders** - All Criminal Courts except the Court of Executive Magistrate shall maintain a Register of probation of offenders in Form No. (R) 40 in which cases of all, persons dealt with under the provisions of Probation of Offenders Act shall be entered.

**1[413. Probation meeting** - District Level Probation Meetings may be convened at least once in three months at every district headquarters. The District Probation Officer shall be convener of such meetings and it shall be presided over by the Sessions Judge at the headquarters of the Sessions Division. Such meetings should be arranged on a Saturday in the afternoon, if not on a holiday .. ]

**CHAPTER -IV**  
**The Indian Stamps Act, II of 1899**

**414. Action to be taken when there is doubt as to genuineness of stamp** - When a Judicial Officer sees reason to doubt the genuineness of a stamp filed before him, the stamp should be forwarded to the Collector of the district, who will examine it and satisfy himself, if possible as to its character, reporting the result to the officer sending it.

**415. Retention of a copy of the document** - Care should be taken to retain an examined copy of any document bearing a stamp which may be forwarded the Collector under the above orders.

**PART VIII**  
**ACCOUNTS**  
**CHAPTER - I**  
**General**

**Application of the Rules**

**416. Account rules** - The following rules prescribe the procedure for the receipt and payment of money and for keeping accounts to be observed by officers exercising judicial powers and dealing with money in that capacity. They apply to all Criminal Courts of the State.

**417. (a) Definitions - In these rules -**

- (i) "*Sessions Judge*" means the officer who renders accounts to the Accountant-General in respect of his own Court and the Court subordinate to him.
- (ii) "*District Magistrate*" means the officer who is liable to render accounts to the Accountant-General in respect of his own Court and the Courts of Executive Magistrates subordinate to him.
- (iii) "*Chief Judicial Magistrate*" means the officer who, in the district where there is no Sessions Judge, renders accounts to the Accountant-General in respect of his own Court and Courts of Judicial Magistrates of the District subordinate to him.



- (iv) “*Judge-in-charge*” means, in the headquarter station of the Sessions division, the Registrar, Civil and Sessions Court who supervises the single set of accounts maintained for all the Judicial Courts in the station. In the other district headquarters any Judicial Officer of the station authorised to be in charge of accounts with the approval of the Sessions Judge, by the Chief Judicial Magistrate and in the outlying station the Subdivisional Judicial Magistrate or any other Judicial Magistrate (as the case may be) authorised with the approval of Sessions Judge by the Chief Judicial Magistrate to be in charge of account.
- (v) “*Magistrnte-in-ciwrge*” in regard to the Courts of Executive Magistrate at the district headquarters is the officer who supervises the single set of accounts for all the Courts of Executive Magistrates of the station. In the outlying Subdivision the Subdivisional Magistrate would function as the Magistrate-in-charge of accounts for all the Courts of Executive Magistrates of the station. In the outlying station any Executive Magistrate authorised by the District Magistrate to be in charge of accounts shall be the Magistrate-in-charge of accounts.
- (vi) “*Day*” shall be taken to close at 1 P.M. on week days and 11-30 A.M. on Saturdays, and the “next day” to extend from that hour to 1 P.M. of the following calendar day, if it is a week day and to 11-30 A.M. if it is Saturday : “Provided that in case of morning sittings of the Court Day shall be taken to close at 9 A.M., on all days and the next day to extend from that hour to 9 A.M. of the following calendar day”.
- (vii) “*Month*” shall be taken to close in Courts at district headquarters at the end of the last account day of the month.
- (v iii) “*Year*” shall be taken to being on the 1st April and to close on the 31st March.

(b) **Delegation of Powers** - A Sessions Judge, a Chief Judicial Magistrate or a District Magistrate cannot delegate powers as regards accounts to any of his subordinates. What he can do, when necessary is to authorise any other officer to be in charge of accounts without In any way relieving himself of the responsibility for the due accounting of all receipts and payments. When this is done, the Sessions Judge's or Chief Judicial Magistrate's or District Magistrate's establishment will do all the work in connection with the accounts and the officer - in-charge of accounts will sign the papers as if he ere placed in

Charge of the current duties of the Sessions Judge, Chief Judicial Magistrate or the District Magistrate as the case may be.

**418. Heads of account** - The following are the heads of accounts in the public accounts under which the money received and paid by Criminal Courts or under their orders, is classified :-

- (A) Criminal deposits including compensation, fines and costs in criminal cases not paid at the spot in open Court.
- (B) Fines (Judicial) - refunds of the same.
- (c) Stamp duty and penalties realised in Court.
- (D) Value of the unclaimed property credited to Government.
- (e) Other general fees, fines and forfeiture, i.e., General forfeitures and forfeitures of earnest money by defaulting bidders.
- (f) Miscellaneous receipts, that is, other items.

**Note 1** - Details of accounts credited as "other items" should invariably be furnished to the Treasury Officer

**Note 2** - Service books are sold direct from the Treasury to parties requiring them. There can, therefore, be no cash receipts on this account.

**Note 3** - The Collectorate Nazir sells saleable forms and keeps an account in the form prescribed by the Board of Revenue. The Nazir of other Courts who also sell saleable forms keep an account in Form No. (A) 17-B.

- (g) Sale proceeds of old stores and materials.

**Note** - The Treasury Officer should invariably be informed of the nature of the items, i.e., whether furniture or stores, etc.

- (h) Peremptory receipts, i.e., Witnesses, expenses, prisoners, diet money, boat-hire and other peremptory receipts

**Note** - Peremptory cash-book is not required to be maintained by Executive Magistrates, such receipts must be entered in the general cash-book.

**419. Manner of showing different heads of accounts** - The receipts and payments under head (a) must appear in the Court's account in detail but in the treasury account in which a personal ledger account only is maintained for this head, the daily totals of receipts and payments at the Court and the individual items of receipts and payments at the treasury will appear. All receipts and payments under heads (b) and (d) to (f) must appear in the Court's accounts and in the treasury account in detail. An account in detail of all receipts under heads (c) and (g) must be kept in Court, but only the daily totals of each kind of receipts will appear in the treasury books. All receipts and payments under head (h) will be made on the responsibility of the cashier whose security must be sufficient to cover any amount in his hand and the balance in the hand of the cashier must be included in

hand of the cashier must be included in the cash-book. They will not appear in the treasury accounts, but a statement in Form No. (A) 6-A showing the gross amount of receipts and disbursements during the month must be sent to the treasury on the last working day of each month of incorporation in the treasury accounts for the same month.

**1[Note** - Fractions of a rupee shall be brought into accounts by rounding off to the nearest rupee, i.e. fractions of 50 paise and above to be rounded off to the next higher rupee and the fractions of less than 50 paise to be ignored.]

**Direct payment by one person to another not to appear in Court's account** - Provided that where money has to be paid by one person to another and both are present in Court, the money should be passed direct from the one to the other under the sanction of the Court, the fact being noted in the record of the case. No officer of the Court shall, however, receive or become in any way responsible for the money. These transactions will not appear in the Court's account at all.

**Note** - Advantage of this proviso may be taken in cases where compensation is awarded to accused persons or costs to complainants by the Criminal Courts in non-appealable cases or when sums in excess of those paid into Court are to be paid to witness. Compensation to accused persons or costs to complainants in criminal cases, whether paid on the spot in open Court or not shall be entered in red ink in the Register of criminal fines as laid down in Rule (18) (b) of Appendix IV.

**420. Direct receipts and payments when to be avoided** - Judges and Magistrates will as far as possible in their transaction with public avoid direct receipt and payment of money under head (a) of Rule 418 :

Cash receipts - Provided that the cash must be received in the following cases -

When any sum is tendered in payment of criminal fines including compensation under Section 250, Criminal Procedure Code or Section 357, Criminal Procedure Code, or Section 22 of the Cattle Trespass Act and costs awarded in non-cognizable cases under Section 359 of the Criminal Procedure Code.

**421. Receipts and repayments** - (a) Money under heads (b) and (h) of Rule 418 may ordinarily be received in cash in the Criminal Courts.

(b) The repayment under any of the heads of the Rule 418 except (h) should be made only through the treasury.

(c) Under head (h) payments will ordinarily be made in cash by the cashier on his own responsibility.

(d) No refund should be made on account of head (g).

## **CHAPTER - II** **Receipt of Money**

**422. Chalans to accompany payments** - Payment of sum falling under heads (a) to (g) of Rule 418 cannot be accepted at the treasury unless the payment is made by the Nazir, with the pass book and a chalan in duplicate.

**Note** - No chalan is necessary for paying into Court criminal fines including compensation and costs.

**423. Chalans to be supplied free of cost** - Any person desirous of paying money into the treasury or in the case of collections made by any officer, the officer who has realised the money, shall be furnished free of cost with three forms of chalan (A-I) in each of which he must enter in English the particulars required from him.

**Note** - In the case of deposit chalan, care must be taken to enter fully the nature of the deposit, the number of the case (if any), the name of the person on whose behalf the money is paid or the person to whom it is to be paid over to, etc.

**424. No chalans for peremptory cash payment** - Peremptory receipt under head (h) of Rule 418 shall be tendered to the cashier direct without the intervention of the Accountant. A chalan is not required in respect of such payments.

**425. Receipt of money by cashier** - The cashier of the Court of Executive Magistrate on receiving money under Rule 424 shall accept it and enter the amounts as a receipt in the cash book in Form No. (A) 16. The cashier of all other Courts shall on receipt of such amounts shall enter therein detail in the peremptory cash book in Form No. (A) 16 and carryover the daily totals to the general cash book in Form No. (A) 16.

**426. Acknowledgement of payment by means of Chalan** - Or presentation of the chalan (in triplicate) at the treasury and on payment of the money, the payer shall receive, as an acknowledgement, one of the three chalans signed, by the Treasury Officer if the amount be Rs. 500 or more by the Accountant and Treasurer if less than that sum. Of the two copies of the chalans retained by the Treasury Officer, one copy shall be forwarded to the Judge-in-charge or Magistrate-in-charge, as the case may be, together with the advice lists referred to in Rule 446 ..

**427. Grant of receipt by cashier** - When money is tendered under Rule 424 the cashier shall enter the amount in the foil and counterfoil of a bound book of receipts numbered in serial order

[Form No. (A) 24]. He shall then tear off the counterfoil, sign it and give it to the payer as his voucher.

**428. General cash book to exhibit details** - The Cashier's general cash book shall be maintained in Form No.(A) 16 and shall exhibit in detail all receipts, repayments and remittances to the treasury.

**429. General cash book to show balance of all accounts** - The cashier shall then strike a balance in words as well as in figures in his general cash book. He should be required also to enter here a note of the moneys held by him upon any other accounts, such as for contingent expenditure. These forms no substantive part of the judicial accounts, but the Sessions Judge, Chief Judicial Magistrate or District Magistrate, as the case may be, ought to have in a single view a statement of all the money in the cashier's possession. This statement may be made as follows :-

	Rs.	P.
Balance of general cash-book as above :-		
General balance	.....	
Balance of permanent advance	.....	
as per Contingent Register.	.....	
Other amounts (which should be Explained)	.....	
	-----	
Total money in cashier's possession		-----

### CHAPTER - III Payment of Money

**430. Application for payment** - Persons desiring to draw money deposit in Court, and payable to them shall submit to the Chief Ministerial Officer of the Court under whose order the money was tendered, an application in Form No. (A) 2 Criminal. One copy of such form shall be supplied free of charge. In this form the applicant shall enter all particulars necessary for the identification of the credit. If it is intended to withdraw more than a single item of deposit made in the same case by one application, the number or date and amount of each deposit must be distinctly stated. Separate applications are necessary when cases are different.

**Note 1** - If the party entitled to the money does not appear in person, the applicant must satisfy the Court that he is duly authorised, by an instrument in writing, to draw the money for the person so entitled.

**2.** The applicant must comply strictly with the terms of the order under which the money is claimed.

**431. Audit of application** - (a) The Chief Ministerial Officer shall compare the application with the record of the case and carefully test the validity of the claim. If he finds that the name of the payee has been correctly given, and that there is no objection to the payment of the money on the ground of attachment or otherwise, he shall sign the certificate at the foot of Part I of the application. The application will then be laid before the Presiding Officer along with the record of the case. The Presiding Officer after any enquiry that may be necessary about the identify of the claimant, shall sign the certificate in Part I in open Court and hand over the certified application then and there to the claimant or his Pleader for presentation to the Accountant. At the same time a note of the issue of the payment order shall be made (in red ink) in the order sheet of the original case and installed by the Presiding Officer, and an endorsement shall be made on the back of the application and signed by the Presiding Officer to the following effect -

Certified by me and issued to the applicant, who is identified by Mr. .... Pleader, or to Mr. .... the applicant, a Pleader who acknowledged his signature on the face thereof. The issue of this payment order has been noted on the order sheet of Case No. .... of .....

(Signed) X. Y.

Name and designation

(b) The Accountant shall compare the contents of the application with the Register of Deposits receipts and shall satisfy himself that the amount as shown has been received and is still unpaid and that the name of the claimant corresponds with the name of the payee entered in the Register, and that no order for the attachment of the money is in force. If deposit has been transferred to the Clearance Register, such Clearance Register shall be deemed to be the Register of Deposit receipts within the meaning of this rule and Rules 434 to 437.

**Note** - The Chief Ministerial Officer will note in the order sheet of the record of the case that the application for payment order has been passed so that a second claim for the amount may be checked. This note should be signed by the Chief Ministerial Officer and also by the Presiding Officer.

**432. Audit of application in the Record Room** - If the record of the case has been despatched to the Record Room of the Sessions Judge or the District Magistrate under the orders of the High Court relating to the periodical despatch of records, the Presiding Officer of the Court, to which the application is made, shall forward it to the Sessions Judge or District Magistrate, as ,the case may be, whose record keeper will certify, under countersignature of the Judge-in-charge or Magistrate-in-charge of the Record Room as the case

may be that a specified sum of money is due to the applicant. On receipt of such certificate the Chief Ministerial Officer of the Subordinate Court, if he finds that there is no objection to the payment of the money, shall sign the certificate at the foot of Part I of the application and then lay it before the Presiding Officer who shall deal with it in the manner prescribed by Rule 431.

**Note** - The Record-Keeper will enter in the order sheet of the record of the case a note that an application for payment order has been countersigned, so that a second claim for that amount may not be passed. This note shall be signed by that officer and also by the Judge-in-charge or Magistrate-in-charge of the Record Room, as the case may be. A similar note shall also be endorsed at the same time on the back of the application for the information of the Presiding Officer.

**433. Return of defective application** - If the application for payment is found to be incorrect or defective the Accountant shall note the error or defect, and return it to the applicant for correction by him, or for reference by the applicant to the Court.

#### **Payment Order and Registry**

**434. Registry of payment order** - If the application is found to be correct, and the deposit has not lapsed, the Accountant shall fill up the of payment order [*Form Na.(A) 9*], numbered with its proper index number and make the requisite entry in the Register of Deposit Receipts. Finally the application, with the Register of payment orders and the Register of deposit receipts shall be laid before the Judge-in-charge or Magistrate-in-charge as the case may be.

#### **Approval by Judge-in-charge**

**435. Passing of payment order** - Before passing the application for payment the Judge-in-charge or the Magistrate-in-charge as the case may be, is required to satisfy himself, in the first instance that the requirements of Rule 431 have been complied with. He shall further satisfy himself by personal inspection of his Register of Deposits, that the balance of credit of the particular Deposit is sufficient to meet the payment, and that no order for the attachment of the money has been noted. If the result of his scrutiny is satisfactory, he may sign the order for payment of the amount from the local treasury as prescribed in Rule 421 and shall attest with his initials the note of the order of repayment made in the Register of Deposit Receipts. He shall also initial the entries in the Register of Payment Orders [*Form Na.(A) 9*]. The payment order shall then be made Over to the applicant for presentation to the Treasury Officer.

**Note** - A list of all payment orders made ready during the day should be sent to the Bar Association before 3 P.M. in case of day sitting and 10 A.M. In case of morning sittings.

**436. Passing of payment order application relating to one Court filed in another Court** - When the money sought to be drawn, out of Court is in deposit, not in the Court to which the application is made but in an other Court, as for example, where two or more Courts at one station are combined for the purposes of accounts in every such case, the duty of the Court to which the application is made shall be merely to receive such application and forward it to the Judge-in-charge or Magistrate-in-charge, as the case may be, with a certificate, made after examination of the record, as provided in Rule 431, that the applicant is the proper party to receive payment of the amount claimed. In any case in which the amount has been transferred from the credit of the original payee to that of the claimant this fact should be stated. This certificate shall be compared with the deposit Register in the office of the Judge-in-charge or Magistrate-in-charge, as the case may be. Such Register, if the sum is shown therein to be in deposit, will inform the concerned Magistrate whether there is any bar to payment. If there is no such bar, the payment order may be issued by the Judge-in-charge or the Magistrate-in-charge, as the case may be and the fact of its issue shall be communicated to the Court upon whose certificate the application was passed in order to enable it to enter satisfaction for the amount upon the record of the case.

**Note** - The certificate should be given on the payment order, that is to say in the triplicate Form No.(A) 2 Criminal at foot of Part I in the place intended for it; and in recording the payments in the Register of Payments, particulars may be entered as to the Court under whose orders the payments have been made.

### **Lapse of Order**

**437. Time for encasement of payment** - (a) An order for payment from the local treasury is valid for ten days only, and may not be cashed after the expiry of ten clear days subsequent to the date thereof. An order which has not been paid within ten days, as aforesaid, may be presented to the Court which issued it, and such Court may re-enface thereupon a new payment order, which shall remain valid for ten clear days immediately after the date thereof. When the last day of any such period of ten days is a day on which the treasury is closed, the order may be cashed on the day on which such treasury reopens.

(b) When such orders as aforesaid, is for a sum exceeding Rs.100 it should be included in a 'Daily Advice List in Form No. (A) 5, Criminal, to be issued by the Court making the order to the local treasury where the cheque is to be paid.

(c) When the treasury accounts are closed on the 31st day of March in each year, every order for payment issued on or before



that date shall lapse absolutely, and Treasury Officers are forbidden to cash after the 31st March, orders issued on or before that date. An order which has lapsed under this clause cannot be renewed but a new order may be obtained upon delivering up the old order and making a fresh application under Rule 430

**Note** - Judges and Magistrates should warn persons who apply for orders at the end of March to be effect of this rule, and tell them to wait till April 1st unless they mean to cash immediately any order that they may obtain.

(d) Immediately after 31st day of March in each year, the Judge-in-charge and Magistrate-in-charge shall ascertain that payment orders issued on or before that date are still uncashed, and shall mark them off under their initial in the Registers (1) of payment order and (2) of deposit receipts, as “cancelled under Rule 437 (c)”.

### **Lapsed Deposits**

**438. Lapsed deposits** - (1) When an application is made to draw money at credit under a deposit which has lapsed under Rule 463 but the payment of which is otherwise unobjectionable, the application shall be made in Form No. (A) 2 and the procedure prescribed in Rule 431 above shall be followed after which the Accountant shall prepare a special form of application in Form No.(A) 3 Criminal, which, when passed by the Judge-in-charge, after the examination prescribed by Rule 435, shall be dealt with under Rule 466.

(2) At the time of passing the application in Form No.(A) 3, the Judge-in-charge or Magistrate-in-charge as the case may be shall have an endorsement written on the back of the application in Form No.(A) 2 to the following effect : -

“Certified that an application to the Accountant-General in Form no. (A) 3 has been prepared and passed by me on (date).

(Signed) X.Y.

Judge-in-charge / Magistrate-in-charge”

### **Refunds under heads (c) to (g) of Rule 418**

**439. (a) Refund under heads (b) to (g)** - When an application is made for the refund)of fine or a miscellaneous receipt under heads (b) and (d) to (f) of Rule 418 the payment order shall be prepared by the Accountant in Form No. (A) 4 after checking the application by a reference to the Find Register or Miscellaneous Receipt Register and the Judge-in-charge or Magistrate-in-charge as the case may be at the time of passing the Refund Order, shall note the repayment against the entry of the receipt in such Register. The Payment Order shall also be noted in the Register of Payment Order Form NO.(A) 9 and installed by the Judge-in-charge or the Magistrate-i-charge as the case may be.

**(b) Refund of fines on orders by the Appellate Courts** - When an Appellate Court orders a fine to be refunded, it shall be the duty of the Court which imposed the fine immediately on receipt of the Appellate Court's order for the refund, to prepare a payment order on the treasury, if the fine has been levied, attaching a copy of the Appellate Courts order thereto and to deliver it to the payee whether he applies for it or not with instructions to duly receive the bill and present it for payment at the treasury. In such case, no written application shall be required from the payee and should such an application be made, it shall be exempted from stamp duty.

**(c) Refund of fines on order of the revisional Courts** - The same procedure shall also be followed in respect of cases dealt with on revision.

**(d) Procedure when the Court sets aside the sentence of fine-** In case in which a sentence of fine passed by a Magistrate is on firm by Court of Sessions, but set aside by the High Court on revision, it shall be the duty of the Sessions Judge to whom the order of the High Court is certified immediately to apprise the Magistrate concerned of the order of the High Court by sending him a certified copy of such order.

**Refunds of criminal deposit when the amount does not exceed Rs.100**

**440. Refund of criminal deposits not exceeding Rs.100** - Notwithstanding anything contained in the rules in this Chapter refunds of criminal deposits or amounts deposited in excess where the amount involved does not exceed Rs.100 may be paid by postal money order subject to the following rules:-

- (1) On receipt of a refund order passed by the Sessions Judge, Chief Judicial Magistrate, District Magistrate or other officer concerned, the Treasury Officer may, at his discretion, issue a notice: (a) inviting the person to whom the refund is to be made, to receive payment at the treasury; and (b) intimating that the failure to comply with the invitation within one month (or such longer period as may appear necessary), the amount of the refund will be remitted to the payee by postal money order at his expense.
- (2) When the payee appears in person at the treasury, the Treasury Officer should see that no avoidable delay occurs in getting the voucher for the refund signed by the payee who may then receive the payment personally or by a duly authorised agent, or by money order at his own expense.

- (3) When a money order is issued under Clause (b) of the notice referred to in Sub-rule (1), the purpose of the remittance should be stated briefly by the Treasury Officer on the acknowledgment portion of the money order in continuation of the printed entry there "Received the sum specified above on ....." sufficient space being left below the manuscript entry thus made for the signature or thumb impression of the payee. The amount of the money order should not be remitted in cash to the Post Office but the Treasury Officer should send a money order form duly filled in together with a certificate that the amount of the order and the money order fee thereon have been credited to the Post Office in the treasury account by *per contra* transfer. The Post Office will accept the money order on the authority of the Treasury Officer's certificate.
- (4) On receipt of the money order acknowledgment duly signed by the payee, it should be attached to the usual receipt in Form 13 or 31 as the case may be, in which the full amount of the refund and the deduction made here from on account of the money order fee should be shown clearly; the receipt will then be disposed of in the usual way. The Accounts Department will accept such voucher with the money order acknowledgment as a valid receipt for the full amount of the refund entered therein.

**441. Each item of payment order to be connected with Courts debit in the treasury** - In so far as concerns the accounts system, it is invariably necessary to trace each item of payment under the Court's orders back, to its corresponding item of receipt; in other words to connect each item of a Court's debit in the treasury with the corresponding item of credit however far in time the two may be separated from each other. Accordingly, the Court must take care to furnish itself and the treasury with the necessary particulars for this purpose.

#### CHAPTER - IV

##### Account Keeping and Remittance to Treasury Courts near Treasuries

**442. Details of cash receipts to be shown in treasury pass book** - The Nazir shall, after the close of business each day make the proper entries in the treasury pass book Form No, (A) 10 showing in Detail the sum received from the public in cash.

**443. Receipts in different heads of accounts** - Every chalan or money received under heads (a) to (g) shall be shown in detail in the pass book, and the head of account shall be noted against each, so as to enable the .Treasury Officer to bring the transactions in detail upon his books and classify them correctly.

**Note** - It is necessary to show in the pass book the totals only of each chalan. Each chalan may contain any number of items provided they belong to the same head of account. .

#### **Daily Remittance**

**444. Balance of peremptory receipts to be within the limit** - The balance of the cashier's account in respect of diet money and other peremptory receipts should be observed every day by the Judge-in-charge or Magistrate-in-charge as the case may be. He shall fix the amount which the balance in the hands of the cashier shall not be permitted to exceed. He shall for this purpose regularly transfer to deposit such amount as will keep down the balance within the limit prescribed. Should the money be subsequently required it shall be withdrawn from deposit in the manner prescribed before and credited in the General cash book. If such sums remain in deposit for three years, they must be carried to credit of Government under Rule 463 relating to lapsed deposits.

**Note** - Chalans for such deposits should be kept in a guard file.

**445. Remittance to appear in cash book** - (a) Having installed the accounts of the day and signed the cash book, the Judge-in-charge or the Magistrate-in-charge as the case may be, shall send the pass book to the treasury or to a branch Bank together with the net amount in cash and the chalans. This remittance must be entered in the cash book as a payment for the day on which it is made.

**(b) Cashier to keep only certain balance** - It is important that this be done before the business of the new day commences, and the cashier should have in hand after each such remittance, only the balance of the peremptory cash transactions and the other balances referred to in Rule 429.

#### **Treasury Advice List**

**446. Treasury Advice List** - At the close of business each day, the Treasury Officer shall prepare Advice list, in Form (A) 6 of all such chalans and payment orders of the Judge-in-charge or Magistrate-in-charge, as the case may be, as have been brought upon the treasury accounts in the course of the day and shall forward them to such Judge-in-charge or Magistrate-in-charge, as the case may be together with the chalans referred to in Rule 426. In these lists shall be entitled in detail such chalans and payment orders as have been received or paid at the treasury or sub-treasury in cash.

**447. Advice list of sub-treasury** - The list prepared at the Sadar Treasury for the Sessions Judge, Chief Judicial Magistrate or District Magistrate shall include, besides the moneys received and paid on account of their Courts, those transactions also which belong to their respective subordinate Courts.

#### **Comparison by Magistrate**

**448. Comparison of advice list with Court's Register** - On receipt of this Advice List, the Judge-in-charge or Magistrate-in-charge, as the case may be, shall cause the particulars of the payment orders shown in it to be compared with the details recorded in his Register of payment orders Form No. (A) 9 and shall further cause the date of actual payment as certified by the Treasury Officer, to be entered in the column prescribed for that purpose.

**449. Checking to be followed by initial** - These entries must be installed by the Judge-in-charge or Magistrate-in-charge, as the case may be, when he checks the posting in the deposit Register, as prescribed in Rule 451 below.

### **CHAPTER - V**

#### **Deposit and Repayment Registers, Separation of Petty Deposits**

**450. Deposit and repayment Registers** - Two Registers of Deposit Receipts shall be kept in Form No. (A) 11 and two Deposit Repayments in Form No. (A) 12. One of these shall be termed as Register of A deposits, and there shall be entered all deposits originally exceeding 1[Rs.25]. The other shall be termed as Register of B Deposit, and there shall be entered all deposits not originally exceeding Rs. 25. Both Registers shall be kept in the same Form and shall be posted in the same manner but with separate series of number distinguished by the initial letter A and B, respectively.

#### **Posting**

**451. Posting** - As Soon as the treasury Advice List is received (Rule 446), the Deposit Register will be posted for the date to which it refers. The transactions shall be written up from the Advice List chalans and Register of payment orders.

**Note** - The date of granting the payment order should be entered in the repayment column in the Register of deposit receipts and the date of actual payment in Column 4 of the Register of Deposits repaid.

**452. Register of receipts** - All items of deposit in these Registers must, as directed above, be numbered in an annual consecutive series of numbers commencing on 1st April and ending with the

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1. Substituted by C.S. No. 64/95.

last day of March in each official year. Only the first eight columns shall be filled in at first, the other column being intended for the record of subsequent repayments.

**Notes of claims, etc.**

**453. Notes of claim** - As it is important that the Deposit Registers in the Accounts Section should set forth in respect of each item all information necessary in order to deal at once with applications to draw money, all attachment processes and all orders as to the substitution of parties which affect money in deposit, shall be noted at the time in the Deposit Register. The Chief Ministerial Officer of the Court concerned or some other specified under his supervision, shall be made responsible for this duty.

**Note** - Whether the Chief Ministerial Officer's responsibility is or is not to end with the communication to the Accountant is a matter left to the discretion of each Court but some specific order should be recorded.

**Registers of Repayments**

**454. Posting in the Deposit Repayment Register** - The Register of deposit repayment Form No. (A) 12 shall be posted from the Treasury Advice List and the payment order Register as directed above.

**455. Monthly closing of deposit and repayment Register** - (a) The Registers of deposit receipts and deposit repayments in Courts at a Sadar station, shall be totaled and closed on the last day of each month upon which the Sadar Treasury remains open, in such a way that the period and the transactions included in the Court's books and returns may correspond exactly with those included in the Treasury book and returns.

(b) **Final remittance to be in time** - Care must be taken to make the final remittance to the treasury in such time that it may be entered in the accounts of the treasury for the month to which it belongs.

(c) **Plus and minus memorandum** - In each of the Registers of Deposit Receipts prescribed by Rule 450, a plus and minus memorandum must be drawn up at the end of the months entries in the following terms :-

Balance of deposits from last month .....  
Received during the month, as per Register .....  
Total  
Repayment, as per Register .....

**CHAPTER - VI**  
**Control over Subordinate Court**  
**Responsibility**

**456. Responsibility of the Judge-in-charge** - Every Judge or Magistrate is responsible for all payments of deposits made on his certificate or under his orders. In the case of receipts and payments of petty or B deposits, no detailed check is exercised over his proceedings, the accounts which he is required to render of these showing totals only. In the case of A deposits, however, all sums received, and not paid out during the month in which they have been received, and the balance of such of case deposits as have been partly paid out, must be reported to the Sessions Judge or Chief Judicial Magistrate or the District Magistrate, as the case may be. It must be included in that officer's accounts and in his return to the Accountant-General.

**Daily return of subordinate Courts**

**457. Daily return of the Subordinate Courts** - Every day, after the Treasury Advice List has been received, and the deposit and other Registers have been written up and checked with it, two statements, showing the transactions of the date to which it refers shall be prepared by the Judge-in-charge and forwarded to the Sessions Judge, Chief Judicial Magistrate or District Magistrate, as the case may be. The First of these statements Form No. (A) 22 shall show the total amount of the entries in the deposit Registers and the totals of other transactions brought on the Registers. The second shall be an extract from Part I of the Register of deposit repaid Form No. (A) 12 giving the particulars of repayments on account of deposits received during previous months. At the foot of the first statement the Judge-in-charge or Magistrate-in-charge, as the case may be, shall certify that his Registers of B deposits are written up-to-date and are in order.

**Note 1** - It will be observed that these returns are intended to exhibit actual receipts and payments, and that they are therefore to be compiled from the deposit Register, and not from the Register of payment orders.

**2.** - The Subordinate Courts referred to in Rule 456 and in Rule 457 are those which keep their own accounts and the accounts of other Courts as well.

**458** - At out-stations some delay in submitting the daily returns is unavoidable, but this delay should not exceed the time necessary for the Treasury Advice List to reach the Court. The date on which the returns are actually signed should be noted on them by the Judge-in-charge or Magistrate-in-charge, as the case may be.

**Verification by Judge-in-charge or Magistrate-in-charge**

**459. Verification by the Judge-in-charge or Magistrate-in-charge** - At the time of signing the returns the Judge-in-charge or Magistrate-in-charge, as the case may be, should have before them the Registers of receipts and payment of deposits and the Treasury Advice List.

**Examination by Sessions Judge**

**460. Examination by Sessions Judge** - The statements furnished by the Subordinate Courts shall, when received in the Session Judge's/ Chief Judicial Magistrate's or District Magistrate's office, be compared with the corresponding Advice List supplied to him by the Treasury Officers, under Rule 451. In the case of out-stations, the totals for the whole month supplied by the Judge-in-charge or Magistrate-in-charge, as the case may be, must agree with the totals for the whole month supplied by the Treasury Officer, if only attention has been paid to the rules regarding periodical remittance. In the course of the month the former totals will ordinarily exceed the latter, and the difference must be taken to represent cash transactions advised by the Court, but not yet brought on the treasury books. In the case of Courts near treasuries, no such discrepancies should occur if the rules are properly observed. When any such are noticed, immediate steps must be taken, under Sessions Judge's orders, to reconcile them.

**Judge's Register of Totals**

**461. Judge's Register of totals** - After examination, the totals of deposits received and paid shall be posted into a Register to be kept by the Sessions Judge or Chief Judicial Magistrate/District Magistrate in Form No. (A) 22. This Register contains two sets of columns, one set relating to A deposits and the other to B deposits. Separate portions of the Register for the month must be allotted to each Subordinate Court, that is, for each Subordinate Court a number of pages, according to the probable work, must be assigned in the leaves devoted to that particular month. The entries in respect of each Subordinate Court will thus come continuously and in order of date, and they must be totalled at the end of the month.

**462. Daily balance** - In the portion of the Register which relates to B deposits, a column has been provided for a daily balance which must be struck by adding together the preceding day's balance and receipts, and deducting the payments. The object of the daily balance is to afford the Sessions Judge/Chief Judicial Magistrate/District Magistrate a ready means of controlling Subordinate Courts in the receipt and payment of small deposits as any excess of payments over receipts will be at once detected.



**Posting of Repayments of A deposit**

**463. Posting of repayment of A Deposit** - (a) Taking up next the detailed daily Register of deposits repaid Form No. (A) 12 the repayments must be posted against the corresponding entries in the judge's daily Register of deposits received [*Form No. (A) II*] and must be installed by the Sessions Judge Chief Judicial Magistrate/District Magistrate in the same manner as repayments authorised by himself. They must also, at the same time, be copied into his Register of deposit repayments [*Form No. (A) 12*].

(b) As each payment is noted in the Session Judge's/Chief Judicial Magistrate's/District Magistrate's Register and district number (Rule 467) against which the payment is charged must be noted in the Subordinate Court's return.

**Note** - In noting the repayments, care should be taken to see that the amounts thus reported as repaid are actually repayable, and that amounts which should be credited to Government are not repaid to individuals.

**Monthly return**

**464. Monthly return** - (a) At the end of the month there shall be furnished by the Subordinate Courts to the Sessions Judge/Chief Judicial Magistrate/District Magistrate a statement of all deposits received. but not wholly repaid during the month. This statement will be an extract from the Register of Deposit Receipts [*Form No. (A) 11*] omitting the items which have been wholly repaid during the same month of deposits received and partially repaid in the same month, the unpaid balance only is to be shown in this statement. The dates of despatch from the Subordinate Court and of receipt by the Sessions Judge/Chief Judicial Magistrate/District Magistrate shall be noted on this statement.

**Explanation** - An A deposit, the balance of which has been reduced below, Rs. 5 by a payment made in the same month, is to be included among the 'A' and not among the 'B' deposits.

(b) On the 31st March of each year the Subordinate Courts shall, in addition, submit to the Sessions Judge/Chief Judicial Magistrate/District Magistrate a certificate that all uncashed orders to be cancelled under Rule 437 (c) have been marked off in their Registers.

**465.** There shall be appended to the monthly statement of deposits receipts a plus and minus memorandum in Form given below in Rule 468.

**Examination by Sessions Judge**

**466. Examination by Sessions Judge** - On receipt of the monthly statement and the plus and minus memorandum, the Register Form

No.(A) 22 shall be compared therewith. First as regards ‘ A’ deposits the total of the column headed “Repaid on account of current month” should agree with the amount shown in the plus and minus memorandum; and when this amount is deducted from the total of the column headed "Total Amount Received" the balance ought to agrees exactly with the total of the statement of outstanding ‘ A’ deposits received from the Court to which the figures relate. Second, as regards ‘B’ deposits the balance itself can be tested in detail only once a year, when the yearly statement under Rule 472 is received but every month the difference between the opening and the closing balance should be equal to the difference between the receipts and payments reported in the plus and minus memorandum.

### **Posting Receipts of A Deposits**

**467.** The Subordinate Court's monthly detailed statement of ‘A’ Deposits received shall be attached by the Sessions Judge/Chief Judicial Magistrate/District Magistrate to his own Register of deposits received after he has closed the accounts of the Criminal Courts at the Sadar Station. The Session Judge/Chief Judicial Magistrate/District Magistrate will also number the deposits in the Subordinate Court’s return in continuation of his own series.

**Note** - The Sessions Judge/Chief Judicial Magistrate/District Magistrate should examine the receipts so as to see that no item has been improperly held in deposit; and if he finds amounts so held which should be credited to Government, he should direct the Subordinate Court accordingly.

## **CHAPTER - VII**

### **District Monthly Returns**

**468. Plus and minus Memorandum** - (a) A plus and minus memorandum in the Form given below including the figures of the Subordina te Courts as well as of their own Courts shall be prepared by the Sessions Judge/Chief Judicial Magistrate or District Magistrate and forwarded to the Treasury Officer for transmission after comparison with his accounts to the Accountant-General.

		Rs.	P.
Balance of last month			
Amounting of ‘A’ deposits received during the month.	}	Repaid during the month.	
		Not paid during the month.	
Amount of ‘B’ deposits received during the month.	}	Repaid during the month.	
		Not paid during the month.	
Amount of ‘A’ deposits repaid during the month	}	Received during 20	
		Received during 20	
		Received during 20	

	Received during the current year	Previous month Current month
Amount of 'B' deposits repaid} during the month	Received during 20	
	Received during 20	
	-----	
	Total	

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Balance of deposits outstanding.

### Certificate

Certified that on a comparison with the Treasury Advice with postings therefrom in the guard file of chalans and Registers of payment Order of Deposit Receipt and of Repayments, the amounts entered above as received and paid are correct.

The .....20

Judge-in-charge / Magistrate-in-charge

**Notes** - 1. The opening balance in the plus and minus memorandum for the month of April each year should be classified year wise and the totals of the statement of the Lapsed Deposits must be reduced by a separate entry from the plus and minus memorandum drawn up at the end of April, so that the plus and minus memorandum upon the Register of the Court concerned .

2. The repayments of '8' deposits received in the year of account and in the year next preceding should be shown separately.

3. - As the lapsed statement is divided into four parts, the amount under each part be indicated separately in the plus and minus memo.

(b) This plus and minus memorandum is to show as repayment the actual repayments at the treasury, and is further to show the treasury balance outstanding.

**Notes** - 1. It will be found convenient to keep in a separate Register a copy of this plus and minus memorandum, with further memoranda of the details from the figures have been arrived at. It is important that there should be no difficulty at any time in reconciling the figures of the Court with those of the treasury.

2. The repayments of all 'A' deposits for the previous years, other than the current year, shall be reflected in the plus and minus memo, year wise, and in the plus and minus memo for the month of April, the opening balance shall be shown with year wise balances.

## CHAPTER - VIII

### Annual Clearance Register of Deposits

**469. Clearance Register** - (a) At the end of each year Registers of 'A' Deposits received in the next preceding year shall be closed by transcribing into the last column, headed as 'Transferred to Clearance Register' every balance which exceeds 1[Rs. 25]. An Annual Clearance Register shall then be drawn up in form No.(A) 13 showing all these balances against their original numbers showing in other words, all the unpaid balances of 'A' Deposits of the preceding account year next but one. For example, the Clearance Register of April 1973, will show all unpaid balances of Deposits in 1971-72.

(b) Of balances which do not exceed 1[Rs. 25] a separate list shall made out under Rule 474 below.

**470. Future repayments in Clearance Register** - The items in this account been carefully compared with the corresponding balances in the Original Register of Deposits Received [*Form Na.(A) 11*], the last named document shall be laid aside and future repayments recorded only on the Clearance Register.

**Notes - 1.** If against any of the items transferred to Clearance Register a repayment order has been issued and cancelled under Rule 437 (c) a note to that effect must be made in the clearance Register, so that if application for repayment is again made, an order may not be issued without recalling the original cancelled one.

**2.** The total repayments made out of the Deposits during the years as well as the total amount lapsed to Government shall be indicated separately in order to arrived at the outstanding balance at the close of the year.

**471. Items to be included in Clearance Register** - The Clearance Register of the Sessions Judge or Chief Judicial Magistrate or District Magistrate necessarily includes the items of the Subordinate Courts.

#### Verification of Petty Deposit Balance

**472. Verification of 'B' Deposits** - In order to verify the balance of 'B' Deposits each Court shall make a list of the unpaid balance of receipts of the past twelve months, and by actual summation of these balances, find the total amount outstanding on account of the year's Deposits. Each Court is required to submit along with the Clearance Register of 'A' Deposits a certificate that the balance of 'B' Deposits of the past year has been found by actual summation to be Rs. ....

**473. Verification of 'B' Deposits with plus and minus memorandum** - The balance found under the last rule, together

with the total of the list prepared under Rule 474 (2), must equal the total balance of petty Deposits on March 31, and must be so verified by each Court with the forward balance in the plus and minus memorandum.

### **CHAPTER - IX** **Lapse of Deposits**

**474. Which Deposits to lapse** - On the 31st March of each year, the following unpaid balances of Deposits lapse to Government, and are to be written off in the Clearance Register and Registers of receipts respectively.

(1) Of 'A' Deposits, first, all balances which do not exceed 1[Ra.S] in respect of Deposits made during the last three years including the year then closing; Secondly, all balances of Deposits outstanding over three complete years that is all balances in the Clearance Register prepared two years before.

These balances should be marked 'lapsed' in the column of the Register of Receipts or the Clearance Register, as the case may be.

(2) Of 'S' Deposits, first, all Deposits outstanding over one complete year; secondly, all balances of Deposits which are remaining after part payment during the year. These balances are to be marked 'lapsed' in the columns of the Register of Receipt.

Example - The balances which lapse on the 31st March, 1973 are -

- (a) All balances of 'A' Deposits received in 1969-70;
- (b) All balances of 'A' Deposits received in 1970-71, 1971-72, 1972-73 which do not exceed 1[Rs.25] after repayments made during 1972-73.
- (c) All outstanding 'B' Deposits received in 1971-72.
- (d) All balances of 'B' Deposits received in 1972-73 which have been partly repaid in 1972-73.

### **Statement of Lapsed Deposit**

**475. Statement of lapsed Deposits** - (a) Four statements of the balances to be written off shall be prepared in Form No. (A) 7. One for each of the four classes (a), (b), (c) and (d) specified in the example under Rule 474. These statements shall be submitted by the Subordinate Courts along with the Clearance Register. The Sessions Judge's, Chief Judicial Magistrate's and District Magistrate's, District Magistrate's numbers, the lapsed balances of 'A' Deposits of the Subordinate Courts.

**Note** - The note under Rule 470 applies to these statements of lapsed Deposits also.

### **Corrections of Balance**

**476. Correction of balance** - These statements must all be submitted during April and the totals thereof must be deducted by a separate entry from the plus and minus memorandum drawn up at the end of April, so that the plus and minus memorandum may show only the balance actually outstanding upon the Registers of the Court concerned.

### **Refund of Lapsed Deposits**

**477. Refunded of lapsed Deposits** - In the case of payment of Deposit lapsed under Rule 463 the application prepared by the Accountant in Form No. (A) 3 under Rule 438 shall after examination by the Sessions Judge, Chief Judicial Magistrate or District Magistrate, as the case may be, forwarded to the Accountant-General. Several Deposit 'numbers may be included in a single application, if they are payable to the same person. The Accountant-General's letter of authority, when received, shall be noted against the items in the Clearance Register or Original Register in case of Deposits not transferred to the Clearance Register, so as to prevent a second application. This letter shall then be passed for payment at the treasury, as prescribed in the Form no other record of these refunds is necessary; and such payments are not to be shown in the plus and minus memorandum.

**478. Return of the letter of authority of A.G.** - If the letter of authority received from the Accountant-General is not claimed by the payee within twelve months from the date thereof, it shall be returned to the officer.

## **CHAPTER - X**

### **Supplementary Rules as to Receipts under head (b) to (9) of Rule 418**

**479. Realisation and refund of fines** - The procedure for Criminal Courts in respect of the realisation and refund of fines is given in Appendices IV to VI annexed to these rules. The rules of the Account Code, which prescribe a monthly statement to be sent by Subordinate Magistrate to Sessions Judge, Chief Judicial Magistrate and District Magistrate to the Accountant-General are reproduced in Appendix VII.

**Note** - The monthly statement should continue to be sent in the form now in use (Accountant-General's No. 122-A, dated the 22nd April, 1881).

**480. Register of Miscellaneous Receipts** - Every Judge-in-charge and Magistrate-in-charge shall maintain a Register of Miscellaneous Receipts 'in Form No. (A) 14. In this Register, all receipts are to be posted which do not come under head (a) (Deposits) or head (h) (peremptory receipts) of Rule 418. The entries shall be made and checked in the same way as the entries in the Register of Deposit

receipts of the Subordinate Courts, the amounts of petty receipts under (f) to (g) are to be shown only in a single total for each day.

**Note** - No Register of stamp duty and penalties need be kept by the District Magistrate, There is no refund of Court-fee stamps in the District Magistrate's Court.

### **Credits to Government**

**481. Credits to Government** - It is the duty of every Judge and Magistrate to see that sums which are in Deposit, but which under any rule or law are forfeited or become the property of Government are duly credited to Government. In every such case there shall be prepared simultaneously: (1) a payment order addressed to the Treasury Officer and directing payment of the Deposit "by transfer as per chalan No of this date", and (2) a chalan crediting it to the proper head. Such payment order shall be Registered.

**482. Register of Unclaimed property** - With regard to unclaimed property it will be seen that Register No. (A) 14 deals only with receipts under this head which have remained in Deposit for the prescribed period. A Register showing the property in detail must be kept in Criminal Courts in the Form No. (R) 27.

**483. What head (e) to include** - Under head (e) (other general fees, fines and forfeitures) of Rules 418 shall be comprised all receipts not falling within any of the other principal heads of receipt, e.g. forfeiture of earnest money, etc.

**484. Previous receipts under head (e) to be immediately credited to Treasury** - Receipts under the head of account, mentioned in Rule 483 are at once credited at the treasury to Government. They are not to be retained intermediately in Deposit either at the Court or at the Treasury.

### **Monthly return**

**485. Monthly returns** - At the close of the month every Judge-in-charge and Magistrate-in-charge shall prepare a list in Form No.(A) 14 of all the miscellaneous receipts paid by him into the Treasury. Subordinate Courts shall forward their lists in duplicate to the Sessions Judge, Chief Judicial Magistrate or District Magistrate, as the case may be, and the latter officers shall add the totals of these lists at the foot of their own list, and appending one of the copies received by them from each subordinate Court, shall forward the whole to the Accountant-General for check against treasury accounts.

**Note** - As regards fine in Magistrate's Courts this is done under a separate set of rules.

**CHAPTER - XI**  
**Miscellaneous**

**486. Accountant and cashier to be distinct persons** - In carrying out these rules, care just be taken by all officers, that, in respect of each transaction in Court, distinct officers are employed as Accountant and Cashier. In other words, the same officer shall not keep the Registers of Payment Orders, Deposit Registers, etc. and also receive the money.

**487. Order regarding responsibility of Chief Ministerial Officer** - Every officer shall keep his accounts in English and it must be distinctly recorded by him whether the Chief Ministerial Officer is or is not responsible for a general control and supervision over the accounts.

**488. Prohibition of manuscript forms** - Manuscript account forms are prohibited. All account books should be paged before they are brought into use.

**489. Daily examination of Accounts** - The Accounts and Registers of which a list is given in Appendices I and II annexed to these Rules, must be compared daily by the Judge-in-charge or Magistrate-in-charge, as the case may be, and this rule is on no account to be neglected, as its observance is essential to the integrity of the transaction and the correctness of the books. The notes at foot of the Forms indicate how the verification is to made.

**APPENDICES**  
**APPENDIX I**

**List of Registers to be compared daily by Judge-in-charge/  
Magistrate-in-charge**

For Judicial Officers	(Kept by the Accountant)	(1) Register of payment order Form No.(A) 9.	
		Register of judicial deposits received, Part I, Part II.	Form No.(A) 11 (i) and (ii)
		Register of repayments Part I, Part II.	Form No.(A) 12 (i) and (i i)
		(4) Register of miscellaneous receipt.	Form No.(A) 14 Form No.(A) 13
		(5) Clearance register of A' deposits	



(Kept by the Cashier)	(1) General cash book	
	(2) Counterfoils of receipts granted by cashier for peremptory cash receipts.	Form No.(A) 16 Form No.(A) 15
	(4) Treasury pass book	Form No.(A) 10

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**APPENDIX II**  
**Transactions at Treasury**

Comparison of Treasury Advice with posting therefrom in the Registers of Payment Orders or Deposit Receipts and Miscellaneous Receipts

Comparison of. Treasury Advice with treasury pass book.

**Sessions Judge/Chief Judicial Magistrate/  
District Magistrate's Monthly Examination of Accounts**

1. The proper closing and totalling of all Registers.
2. Comparison of out-going statements with office Registers.
3. Comparison of *plus* and *minus* memorandum with totals of Registers.
4. Ascertainment and verification of outstanding Payment Orders.

**APPENDIX III .**  
**List of Returns**

*From the Sessions Judge/Chief Judicial Magistrate/District  
Magistrate through the Treasury Officer .....*

Plus and minus memorandum (Rule 468) ..... Monthly

*From the Sessions Judge/Chief Judicial Magistrates/District  
Magistrates to the Accountant-General direct*

Statements lapsed Deposits of their Courts and of the Courts subordinate to them with certificates of the examination of 'B' Deposits enfaced (Rule 174) ..... Annually.

**APPENDIX IV**  
**Rules Relating to Fines**

“A Register of criminal fines in Form No.(A) 17 and another in Form No. (A) 17-A shall be maintained in the office of every Chief Judicial Magistrate and District Magistrate and Subdivisional Judicial Magistrate and Subdivisional Magistrate or the Judicial Magistrate in the outlying areas for the purpose of keeping an account of all Judicial

finer, and all sums which under any law are realisable as fines. Only one Register in each of these forms shall be maintained at each office. The Registers will ordinarily be kept by the Magistrate's Peshkar, who for the purpose of these rules, is hereinafter described as "The Clerk-in-charge of the Fine Register."

**Note 1** - Penalty imposed under Section 446, Criminal Procedure Code are to be noted in the Register (A) 17.

(a) At the Register of criminal fines (A) 17 shall be entered in consecutive quarterly series all fines imposed by any of the Magistrate of the station within the jurisdiction of the station.

(b) In the end of each quarter the outstanding balance in each case shall be shown in Column 14 of the Register and all the outstanding entries, i.e., those in respect of which there is a balance in Column 14 brought forward in red ink before the entries for the current quarter are made. The balance in Column 14 will be entered in Column 6 for the current quarter. The original quarterly serial No. shall be shown below the new quarterly serial number of the outstanding fines like this -

**1**

---

15th first quarter of 1974

3. Realisation during the same quarter in which the Fine was imposed shall be entered in the proper column of the Register of Criminal Fines opposite the original entry. Realisation of outstanding Fines shall be entered against their red ink entries for the quarter in which the realisations are made. When more than one realisation is made within a quarter in respect of any Fine; a total should be struck in the body of the page. The Clerk-in-charge of the Fine Register after the amount is realised in the Register of Criminal Fines shall submit it to the Magistrate, who will initial the entry of realisation.

4. When any Fine or part of a Fine is remitted in any quarter subsequent to that in which it may have been imposed, whether on appeal or otherwise, or becomes irrecoverable in consequence either of the lapse of six years from the date of sentence or of imprisonment having been suffered in lieu of Fine in the cases mentioned in Rule 5, the amount remitted or lapsing shall be entered in Column 18 under the quarter in which it is so remitted or lapses. When a Fine is remitted in the same quarter in which it may have been imposed, the entry will be made in the appropriate column (Column 18) of the Register of Fines.

### **IMPRISONMENT IN LIEU OF FINE**

5. In any case when under any special or local law, imprisonment in lieu of Fine is to be taken as a full satisfaction of the penalty, if

the convicted person is sentenced to undergo the imprisonment, the Clerk-in-charge of the Fine Register shall at once obtain a certificate from the Court imposing the sentence that the Fine is not to be realised, and the amount of Fine shall, if entered, be struck out of the Register or Criminal Fines. Nothing here laid down shall interfere with any special directions of law for the attempted realisation of Fine by distress. or otherwise before carrying out any sentence of imprisonment upon the offender.

6. (a) All Fines or part of Fines received by the Nazir must be paid in by him daily to the Treasury (or to the local branch of the "State Bank" where there is no District Treasury). The chalan sent with them should be in detail and accompanied by the Register of Criminal Fines and at the district headquarters also by the pass book and the Treasury Muharrir receiving them will check each entry with the chalan by the Register putting his initial to each in the proper column thereof.

**Notes** - 1. At the headquarters of district where it is found inconvenient, owing to the Treasury work being done in a Branch Bank or for other reasons, to send the Fine Register with the chalan, the chalan should be in duplicate and accompanied by the pass book as usual. The duplicate chalan duly receipted by the Treasury is to be given to the Clerk-in-charge of the Fine Register, the Nazir keeping the pass book as his acquittance. In subdivisions, the chalans may be in duplicate, and the duplicate chalan will be the Nazir's acquittance as no pass book is kept there.

2. - In subdivisions having not Treasury, however, the remittance will be made at convenient intervals.

7. Fines imposed before and tendered during the Dasahara holidays should, both at district and subdivisional headquarters or in the outlying stations be paid to the Nazir, who will receive any Fine that may be paid during the holidays, and will, if necessary, get a release warrant signed by the Subdivisional Judicial Magistrate or by the Magistrate-in-charge for him if the Fine is paid in a subdivision, or if is paid at district headquarters, by any Magistrate who may be available at the Sadar. The Treasury need not be kept open for the sole purpose of receiving such Fines, which may remain in the custody of the Nazir unless the amount is exceptionally large, in which case the orders of the Judge-in-charge or Magistrate-in-charge, as the case may be, should be taken.

8. The chalan, receipted by the Treasury, will be kept filed by the Clerk-in-charge of the Fine Register as his authority for making necessary entries in the Fine Register, where the Fine Register is not sent to the Treasury with the money.

9. In no case any disbursement is to be made from realised Fines in the hands of the Nazir to meet contingent or other expenses

of the Court. Any refund of Fines will be made by the Treasury Officer on the order of the Magistrate.

### **Checking of the Fine Registers**

10. In each Court, one of the Muharrirs, to be known as 'the Fine Muharrir', shall be specially charges with the duty of looking after the Fines or other sentences passed by the Court. It shall be the duty of the Fine Muharrir of each Court to examine daily the Fine Register and to ascertain that each necessary entry is made and made correctly. He will certify this by his initials in the proper column. He is also responsible for the speedy preparation of warrants.

11. Each Magistrate should examine the Fine Register daily and check his own Fines, signing his initials to each entry. He should see that warrants are issued and remittance paid in and acknowledged without delay.

12. The Judge-in-charge or the Magistrate-in-charge, as the case may be, shall once a week compare the entries in the Registers of Criminal Fines and the Fine cheque counterfoils with the trial Register in all Courts in which this Register is maintained and with the Register of complaints, General Register of cognizable cases, Register of unimportant cases and Register of Miscellaneous cases in all other Courts. He should satisfy himself that the entries of the amount of balance outstanding have been correctly brought forward from the preceding quarter and check the totals of the Fine Register.

At the time of the weekly checking of the entries in the Fine Register the Judge-in-charge or Magistrate-in-charge entrusted with his duty should carefully ascertain that all Fines purporting to have been remitted or written off under the orders of competent authority, have been accounted for and should certify that he has done so.

### **Compensation Fees**

13. (a) Compensation awarded under Section 250 of the Criminal Procedure Code and under Section 22 of the Cattle Trespass Act, cost of processes, etc., recoverable under Section 359 of the Criminal Procedure Code, and such amount of a Fine as is awarded as compensation under Section 357 of the Criminal Procedure Code shall be entered in red ink in the Register of Criminal Fines. The balance, if any, of the Fine imposed after compensation has been awarded under Section 357, Criminal Procedure Code, should be credited to Government, the entry in the Register being made in black.ink.

(b) On realisation, in whole or in part these compensation Fines and costs, whether paid on the spot in open Court or not, shall be entered in red ink in the Register of Criminal Fines. Such sums shall be credited as Criminal Deposits, and the fact of their having been so credited shall be noted in red ink in the remarks column of the

Register. All other entries which it may be necessary to make in the Registers relating to such Fines and costs shall likewise be in red ink.

14. After realisation of the Fine, the disbursement of the compensation will in every case be made from the Treasury on the Magistrate's order.

15. (a) In non-appealable cases, however, should the Nazir report that the Fine or amount of award has been paid to him before the parties leave the Court, the Magistrate may direct payment to be made to the person entitled to compensation from his permanent advance, such payment being afterwards adjusted at the Treasury against the Fine account as though originally disbursed there.

(b) When costs of process under Section 359 of the Criminal Procedure Code are realised from accused persons at once, they should then and there be paid over in open Court to the complainant, a note being made in the records to show that this has been done.

(c) In all other cases, the Magistrate will give an order on the Treasury for the amount as prescribed in Rule 14.

16. In Subdivisions where there is no Subdivisional Treasury and the Fine collections remain in the hands of the Nazir till the close of the month, payment of compensation, where this 'can legally be given, may be made by the Nazir on the Magistrate's order in any case in which the Fine has not formed an item in the chalan to the District Treasury. Where the Fine has been chalanned the Magistrate may order payment of the compensation from his permanent advance, adjusting it afterwards as prescribed in Rule 15. In these Subdivisions, however, Column 15 of Register No. (A) 17 should be subdivided so as to show separately amounts paid by the Nazir and compensation out of realised Fines, and amounts remitted to the Treasury.

### **Miscellaneous**

17. All officers receiving and remitting money from the officer who actually realises the Fine to the officer who finally remits the same to the Treasury, are in all cases bound to remand receipts from the payees. The responsibilities of officers remitting money will not cease until acknowledgement of receipts have been duly received.

18. All Fines, under whatsoever law they may be imposed, are payable to the Court imposing the Fine, to the Magistrate of the District in which the prisoner is confined, or to the officer entrusted with the warrant for its realisation. The receipt of Fines by the Jailer in unauthorised and Jailers are, therefore, prohibited from receiving payments on account of Fines under any circumstances Whatever.

19. When a Fine or a portion of a Fine, which has been entered or should, according to these rules, be entered in the Register of Criminal Fines maintained at the headquarters of a subdivision of a district, is received by the District Magistrate, the amount so received will be shown in the District Magistrate's Cash Book, but not in his Fine Register, and a copy of a chalan of payment and of the Fine realisation statement sent to the Jail will be forwarded to the Subdivisional Judicial Magistrate or Subdivisional Magistrate, as the case may be, in order that the amount may be written off as paid in this Register of Criminal Fines.

#### **APPENDIX V**

#### **List of Army Reserve Centres referred to in Sub-rule (b) of Rule 112 of Part I, Chapter X**

The following are the Reserve Centres -

Skinner's House, 2nd Lancers 3rd Cavalry	Indian Cavalry regiment station at Lucknow at the time.
Hudson's Horse Probyn's House 6th Lancers	Indian Cavalry regiment stationed at Lahore at the time.
7th Lt. Cavalry, 8th K.G.O., Lt.'Cy. The R.Decan Horse	Indian cavalry regiment stationed at Poona at the time.
The Guides, Cary, P.A.V.O. Cavy Sam Browner's Cy.	Indian cavalry regiment stationed at Rawalpindi at the time.
13th D.C.O. Lancers, the Scinde Horse 15th Lancers.	Indian cavalry regiment stationed at Jubbulpore at the time.
16th Lt. Cavalry, The Poona Horse 18th K.E.O. Cavy.	Indian cavalry regiment stationed at Jhansi at the time.
19th K.G.O. Lancers, 20th Lancers, The C.I. House	Indian cavalry regiment stationed at Delhi at the time
<b>Artillery</b>	
Horse Field Medium	..... Royal Artillery Training Centre, Muttra.
Mountain and Light Centre,	..... Mountain Artillery Training Ambala.
<b>Sappers and Miners</b>	
Q.V.O. Madras Sappers and.... Miners.	Corps. Headquarters, Q.Y.O. Madras Sappers and Miners, Bangalore.

K.G.O. Bengal Sappers and Miners.	....	Corps. Headquarters, Royal Bombay Sappers and Miners, Rurkee.
Royal Bombay Sappers and Miners.	....	Corps. Headquarters, Royal Sappers and Miners, Kirkee.

### **Indian Signal Corps**

#### **Signal Training Centre, Indian Jubbulpur Pioneers**

Madras Pioneers	....	Corps. Headquarters, Madras Pioneers, Bangalore.
Bombay Pioneers	....	Corps. Headquarters, Bombay Pioneers, Kirkee.
Sikh Pioneers	....	Corps. Headquarters, Sikh Pioneers, Sialkote.
Hazara Pioneers	....	Office Commanding Hazara Pioneers, Quetta

### **Indian Infantry**

1st Punjab Regiment	....	10th Bn. 1st Punjab Regiment, Jhelum.
2nd Punjab Regiment	....	10th Bn. 2nd Punjab Regiment, Meerut.
5th Maharatta L.I.	....	10th Bn. 5th Maharashtra L.I., Belgaum.
7th Rajput Regiment	....	10th Bn. 7th Rajput Regiment, Fategarh
8th Punjab Regiment	....	10th Bn. 8th Punjab Regiment, Lahore.
9th Jat Regiment	....	10th Bn. 4th-9th Regiments, Bareilly
4th Bombay Grenadiers, 10th Baluch Regiment	....	10th Bn. 10th Baluch Regiment, Karachi.
11th Sikh Regiment	....	10th Bn. 11th Sikh Regiment, Nowshera.
12th F.F. Regiment	....	10th Bn. F.F. Regiment, Sialkot
13th F.F. Rifles	....	10th Bn. 13th F.F. Rifles Abbottabad
14th Punjab Regiment	....	10th Bn 14th Punjab Regiment, Ferozepore.
15th Punjab Regiment	....	10th Bn. 15th Punjab Regiment, Amala.
16th Punjab Regiment	....	10th Bn. 16th Punjab Regiment, Multan.
17th Durga Regiment	....	10th Bn. 17th Durga Regiment, Jullundur.
18th R. Garhwal Rifles	....	19th Bn. 18th R. Garhwal Rifles, Lansdowne.
19th Hyderabad Regiment	....	10th Bn. 19th Hyderabad Regiment.
1st Kumaon Rifles	....	Benaras.

20th Burma Rifles  
Gurkha Regiments

10th Bn. 20th. Burma Rifles, Maymyo  
Gurkha Reserve Centre, Gorakhpur

### **Indian Army Service Corps**

Animal Transport

Headquarters of Animal Transport  
Training Company (Mule) or Animal  
Transport Company (Camel) to  
which the reservists belong.

Mechanical Transport

Headquarters of Mechanical  
Transport Companies to which the  
reservists belong.

### **Indian Supplementary Reservists (I.A.S.C.)**

Supply

'G' 'K' 'M' and 'N' Supply Depot  
Companies; Officer-in-charge, Supplies  
Lahore, Karachi and Bombay.

Animal Transport

Animal Transport Training Companies  
(Mule), Lahore and Meerut.

Mechanical Transport

Heavy Repairs shops, M.T., Class I  
and Class II and the Mobile Repair Units.

### **Indian Army Veterinary Corps**

All personnel

....

Indian Army Veterinary Corps  
Depots, Ambala.

### **Indian Hospital Corps**

No. 1 Company Headquarters, Peshwar.

No. 2 Company Headquarters, Rawalpindi.

No. 3 Company Headquarters, Lahore.

No. 4 Company Headquarters, quetta.

No. 5 Company Headquarters, Rangoon (a)      Reservation of No. 5  
Coy. who reside in  
training at the Coy.  
Headquarters nearest  
to their homes.

No. 6 Company Headquarters .... Poona

No. 2 (E.C.) Ditto .... Lucknow

No. 9 Ditto .... Bolarum Engineer Depot, Lahore.

Personnel of the Corps of Indian Engineers found from the  
Indian Supplementary Reserve.



**APPENDIX VI**

**List of Regimental Centres Referred to in Sub-rule (B) of Rule 123, Part I, CHAPTER - X**

The following are the Regimental Centres :-

1. Punjab Regimental Centre, MEERUT
2. The Madras Regimental Centre, WELLINGTON
3. The Grenadiers Regimental Centre, NASIRBAD
4. The Marhattas Regimental Centre, BELGAUM
5. The Rajputtana Rifles Regimental Centre, DELHI  
CANTONMENT
6. The Rajput Regimental Centre, FATEGARH
7. The Jat Regimental Centre, BARELLY
8. The Sikh Regimental Centre, AMBALA
9. The Dorga Regimental Centre, JULLUNDAR
10. The Garhwal Rifles Regimental Centre, LANSDOWNE
11. The Kumaon 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, FERROZEPURE
16. 1st Gorkha Rifles Regimental Centre, DHARAMASALA  
CANTONMENT
17. 3rd Gorkha Rifles Regimental Centre, DEHRADUN
18. 4th Gorkha Rifles Regimental Centre, BAKLOH
19. 5th Gorkha Rifles Regimental Centre, DEHRADUN
20. 8th Gorkha Rifles Regimental Centre, DEHRADUN
21. 9th Gorkha Rifles Regimental Centre, DEHRADUN
22. 11th Gorkha Rifles Regimental Centre, PALAMPUR
23. Armoured Corps Centre and School, AHMEDNAGAR
24. Artillery Centre, DEOLALI
25. Madras Engineer Centre, BANGALORE
26. Bengal Engineer Centre, ROORKE
27. Bombay Engineer Centre, KIRKEE
28. Signal Training Centre, JUBBALPORE
29. Army Service Corps Centre (South), BANGALORE
30. Army Service Corps Centre (North), MEERUT

31. Remount Veterinary and Farma 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 Ordinance Corps Centre, POONA
36. Intelligence Training School Depot, MHOW
37. Pioneer Corps Centre, MATHURA
38. Army Educational Corps Centre and School, PANCHMARHI
39. Army Physical Training Corps Centre, POONA
40. General Service Corps Depot, BELGAUN
41. Army Postal Service Centre, KAMPTEE
42. Corps of Military Police Centre and School, FAIZABAD

#### APPENDIX VII

#### Commission for the Examination of Witnesses

Country (1)	Courts, Judges or Magistrates (2)
1. United Kingdom	(a) The Supreme Court of Judicature at the Royal Courts of Justice, London, in case the witnesses resides in England; (b) The Supreme Court of Northern Ireland, in case the witness resides in Northern Ireland ; or (c) The Court of Sessions, Scotland in case the witness resides in Scotland.

(Government of India Notification, Ministry of Home Affairs, No.20(3) / 55-Judl.II (A), dated the 5th May 1955)

2. Federation of Malaya .... The Chief Justice of the Federation of Malaya.

(Government of India Notification, Ministry of Home Affairs, No.20 (3) / 55-Judl. II (A), dated the 5th May 1955)

3. Union of Burma
- (a) A Sessions Judge, an Additional Sessions Judge and a Social Investigation Administrative Board and Bureau of Special Investigation Act, 1951 (Burma' Act No. 50 of 1951); and
  - (b) Any Magistrate to through the District Magistrate whom he is subordinate.
  - (c) The Special Criminal Courts exercising jurisdiction in the Union of Burma having authority under the law in force in that Country.

(Government of India Ministry of Home Affairs, Notification, No.F-11/6/65-Judl.II, dated 10th May 1966).

4. Dominion of Canada .... Any Superior Court in the Dominion of Canada within the local limits of whose Jurisdiction the witness resides.

(Government of India Notification, Ministry of Home Affairs, No.20 (3)/55-Judl.II (D), dated the 5th May, 1955)

5. Colony of Singapore .... The High Court in Singapore

(Government of India Notification, Ministry of Home Affairs, No.20/4/55-Judl. II, dated the 6th September 1955

6. Pakistan .... The Court of the District Magistrate or Magistrate of the First Class within the local limits of whose jurisdiction the witness resides.

7. Australia .... (a) The Chief Justice of the Supreme Court of the State in which the witness resides,  
or,  
(b) The Judge of the Supreme Court of the Australian Capital Territory, Canberra, in case the witness resides in that territory, or

(C) The Judge of the Supreme Court of the Northern Territory, Darwin in case the witness resides in that territory.

(Government of India Notification, Ministry of Home Affairs, No.13/1/58-Judl. II (ii), dated the 20th August 1958)

8. Ceylons .... The Supreme Court of Ceylon.  
9. Mauritius .... The Supreme Court of Mauritius

(Government of India Notification, Ministry of Home Affairs, No.F-11/6/62-Judl. II, dated the 17th July 1962)

**APPENDIX VIII**  
**Information Sheet**  
**Pro forma**

1. Names of the Presiding Judges since the last inspection till now showing the periods of occupation of office.
2. State of Court building.
3. Information about the pending building projects.
4. List of the staff of the Court's establishment since the last inspection giving the following particulars : -
  - (a) Name.
  - (b) Date of first appointment.
  - (c) Educational qualification.
  - (d) Date since which serving in the Court under inspection.
  - (e) The branch of the office to which he is attached.
5. Number of Advocates, Pleaders and Mukhtars practicing at the station (for outlying Courts only).
6. Number of licensed typists/petition writers showing their names and the dates since which they hold the licence.
7. (a) Dates of last inspection by the Presiding Officer of the Court under inspection and by higher authorities.
  - (b) The dates of sending compliance reports.
  - (c) If the compliance report of any of the items has not been submitted, the reason for not doing so.
  - (d) Whether any of the instructions issued at the time of previous inspections have not been carried out and if so, the reason therefor.

- (e) If the Presiding Officer checked the entries made in the Inspection Defects Removal Register before submitting reports of compliance.
8. Furniture:
- (a) Has the Stock Register of Furniture been maintained up-to-date.
- (b) Date of last verification of the furniture by the Presiding Officer.
9. Stationery and forms :-
- (a) Are the stationery articles and forms required by the Court being indented from the Government Press on due dates ?
- (b) The last dates on which indents for forms and stationery articles were submitted since the last inspection.
- (c) Are the Stock Register of stationery and forms maintained up-to-date ?
- (d) Are receipts and issues of forms and stationery articles duly entered in the Register ?
- (e) Are the forms neatly arranged and kept ?
- (F) Dates of verification of forms and stationery articles by the Presiding Officer since the last inspection.
10. Library:-
- (a) Is the catalogue up-to-date ?
- (b) Are all the books and periodicals received in the library correctly labelled and properly arraed ?
- (c) Are all correction slips pasted at proper place ?
- (d) Are loss of books and periodicals reported to the appropriate authority and steps taken for replacement ?
- (e) Date of verification of the library by the Presiding Officer and the date of submission of the certificate.
11. State of file ?-
- (a) Number of different types of cases on the file on the last date of the previous month preceding inspection to years of institution.
- (b) Number of different types of cases on the corresponding day of the previous year.
- (c) Number of different types of cases disposed of 1[during the year] 2[by] the corresponding day of the previous year.

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1. Inserted by C.S.No.55-IX-15/87, dt.23.5.1988.

2. Substituted by C.S.No.11-IX-1/80, dt.9.2.1982.

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- (d) Number of different types of cases disposed of<sup>1</sup> [during the year] <sup>2</sup>[by] the corresponding day of the previous month preceding Inspection.
  - (e) Reason for increase or decrease of pendency.
  - (f) Number of year-old cases and the reason of such pendency.
  - <sup>3</sup>[(g) Number of under trial prisoners detained for one year or more by the date of inspection and reasons for detention in brief.]
  - (a) Total Number of working days during each calendar year since the last inspection.
  - (b) Number of days devoted to Civil work.
  - (c) Number of days devoted to Criminal work.
  - (d) Contested disposal during each calendar year after the last inspection.
  - (e) Whether the disposal is according to the yardstick and if not the number of days by which the outturn falls short.
13. Are the records of the Court properly arranged ? If not, the reason therefor.
14. (a) Are the judgments delivered with due promptitude according to Court's instructions?  
(b) List of cases, the judgment whereof were delivered:  
(i) After expiry of 30 days from the date of conclusion of hearing, and  
(ii) after expiry of <sup>4</sup>[21] days from the date of conclusion of hearing.
15. Are the arguments being heard soon after evidence is closed and is continued from day to day ? If there is any departure, the reason therefor.
16. (a) Number of cases stayed by the appellate or revisional Courts.  
(b) Have any attempts been made to know the stages and results of the appeals and revisions ? If so, the list be prepared and appended.
17. Have all the decrees been drawn up-to-date of inspection ? If not, the list of cases in which decrees have not been drawn up be prepared and appended  
Assigning reason therefor.

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1. Inserted by C.S.No.55-IX-15/87, dt.23.5.1988.

2. Substituted by C.S.No.11-IX-1/80, dt.9.2.1982.

3. Inserted by C. S.No.54-IX-24/87, dt.1 0.3.1988.

4. Substituted by C.S.No.60-IX-8/90, dt.11.2.1992.

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18. Court diary :-
- (a) Is the diary legibly written and neatly maintained?
  - (b) Are the adjournments correctly posted ?
  - (c) Does not Presiding Officer note the time of arrival and departure from the Court and the time he transacts judicial business?
19. Copying Department :-
- (a) Number of copy applications filed during each calendar year since the last inspection.
  - (b) Number of copy applications pending on the date of inspection.
  - (c) Number of urgent and ordinary copies prepared and delivered beyond the prescribed period. In case of delay, reasons therefor.
20. Have the disposed of records been co signed up-to-date ? If not, the reasons therefor.
21. Number of kept back records according to year of disposal.
22. Are all the records due for destruction destroyed ?  
If not, the reasons therefor.
23. Has the Sheristadar inspected the different branches on clearance days? If so, a list be furnished showing the dates and the sections inspected since the last inspection.
24. Has the Presiding Officer inspected different branches of his office on Clearance Days? If so, a list showing the dates and branches inspected since the lasts inspection be furnished.
25. The date of the nual inspection of the office by the Presiding Officer. .  
The information sheet has to be signed both by the Sheristadar / Chief Ministerial Officer and the Presiding Officer.

### **APPENDIX - IX**

#### **The Orissa Professional Typists for the Civil and Criminal Courts (Registration) Rules, 1981**

In exercise of the powers conferred by Clauses (2) and (3) of Article 227 of the Constitution of India, the High Court with the prior approval of the Governor, hereby makes the following rules, namely-

- 
1. Inserted by C.S.No.7 - IV-27/76, Dt. 12.8.1981.
-

1. Short title and commencement - (1) These rules may be called the Orissa Professional Typists for the Civil and Criminal Courts (Registration) Rules, 1981.

(2) They shall come into force on the date of their publication in the *Orissa Gazette*.

2. Definition - In these Rules, unless the context otherwise requires -

- (A) "*Civil Court*" means the Civil Court established under the provisions of the Bengal, Agra and Assam Civil Courts Act, 1887;
- (b) "*Criminal Court*" means the Criminal Court established under the provisions of the Code of Criminal Procedure, 1973;
- (c) "*Form*" means a form appended to these rules;
- (d) "*Professional Typist*" means a Typist who engages himself, in general, to carry on Court business in the premises of Civil or Criminal Courts for typing out plaints, written statements, petitions, affidavits and such other matters as may be filed in the said courts;
- (e) "*Registering Authority*" means the District and Sessions Judge of the Judgship and Sessions Division within whose jurisdiction the Professional Typist desires to work.

3. Qualification - No person shall be Registered as a professional typist unless he-

- (i) possesses a certificate from a recognised institute that he is a qualified typist;
- (ii) is of respectable character and produces certificates of good character from at least two legal practitioners of the Civil and Criminal Court where he proposes to work as a Professional Typist;
- (iii) has a clear working knowledge in English so as to type out correctly and legibly; and
- (iv) has knowledge of the Court language of the Civil or Criminal Court, as the case may be.

4. A Professional Typist shall not be below eighteen and over sixty years of age.

5. Certificate of typing - No Civil and Criminal Court shall accept a plaint, written statement, petition, affidavit or such other matters unless it bears a certificate of having been typed by a -



- (i) Registered typist;
- (ii) Registered Clerk of a legal practitioner engaged by the party in the suit, case or legal proceedings;
- (iii) Legal practitioner engaged by the party in the suit, case or Legal proceedings :

Provided that any certificate, licence or order granted to a Professional Typist by a District and Sessions Judge having jurisdiction and in force immediately before the commencement of these rules shall be deemed to continue in force for the period allowed under the provisions of these rules.

6. Disqualifications - A person shall be disqualified for being a Registered Professional Typist and for continuance as such if he,-

- (i) has been convicted by a Criminal Court of any offence involving moral turpitude; or
- (ii) has been adjudged by a competent Court to be of unsound mind or is a deaf mute, a leprosy or tuberculosis patient; or
- (iii) is an undischarged insolvent; or
- (iv) is a paid employee in any office, institution or under any person either whole time or part time; or
- (v) has been found guilty of misconduct.

7. **Application for registration and registration fee** - (1) Every application for registration as a Professional Typist shall be made to the Registering Authority in Form I.

(2) Every such application shall be accompanied with certificates of character of at least two legal practitioners and a Treasury chalan showing Deposit of registration fee as may be fixed by the High Court from time to time by notification in the *Orissa Gazette*.

8. **Registration** - On receipt of the application referred to the Sub-rule (1) of Rule 7, the Registering Authority may-

- (i) dispose of the application at once if he is satisfied that the applicant is fit to be Registered as a Professional Typist ; or
- (ii) refer the application to the President of the local Bar Association for his opinion as to the fitness of the applicant for being Registered as a Professional Typist; or
- (iii) make such other enquiry as he deems necessary for disposing of the application.

9. **Registration and licence** - (1) When the Registering Authority is satisfied that the applicant is a fit person to be Registered as a

Professional Typist, he shall enter his name in the Register to be maintained in Form II and grant a licence to the Professional Typist in Form III.

(2) The licence granted to a Professional Typist shall be non-transferable and shall remain valid till the end of the calendar year in which it is granted, and may be renewed thereafter from time to time.

10. Application for renewal and payment of fee - (1) Application for renewal of licence shall be made to the Registering Authority thirty days prior to the close of the calendar year.

(2) Every such application for renewal of licence shall be accompanied with a Treasury chalan showing Deposit of the renewal fee as may be fixed by the High Court from time to time by notification in the *Orissa Gazette*.

(3) Renewal of licence shall not ordinarily be refused. If renewal is refused on any ground the reason therefor shall be recorded by the Registering Authority and communicated to the Professional Typist.

11. Duplicate licence on payment of fee - If the licence is lost, destroyed or defaced, a duplicate thereof may be obtained from the Registering Authority on application made therefor, accompanied with a Treasury chalan showing Deposit of the required fee as may, by notification, be fixed by the High Court, from time to time, for that purpose.

12. Suspension or cancellation of licence - (1) The Registering Authority, may on an application presented before him by any aggrieved person or on any information coming to his notice otherwise as to any misconduct on the part of a Professional Typist, suspend or cancel the licence of the Professional Typist:

Provided that no such suspension or cancellation of the licence shall be made unless an enquiry by the Registering Authority into the alleged misconduct is made and the Professional Typist is given a reasonable opportunity of being heard in the matter.

(2) The punishment imposed on a Professional Typist shall be recorded in the Register maintained under Sub-rule (1) of Rule 9.

13. Surrender of licence - (1) On cancellation or suspension of the licence, the Professional Typist shall surrender his licence to the Registering Authority.

(2) On expiry of the period of suspension the licence shall be returned to him with an endorsement of the period of suspension.

(3) In the case of a cancellation of the licence an endorsement to that effect shall be made on it and the name of the Professional Typist shall be struck off the Register

**14. Misconduct** - The following acts and omissions shall be deemed to be misconducts on the part of a Professional Typist, namely :-

- (i) violation of any of the conditions of these rules.
- (ii) violation of the conditions of licence;
- (iii) acceptance of paid employment otherwise;
- (iv) persistent absence from the Court premises during Court hours ;
- (v) participation in any illegal transaction or unfair dealing ;
- (vi) disobedience of order passed by the Registering Authority or the Presiding Officer of a Court ;
- (vii) working for any litigant in a suit, case or other proceedings ;
- (viii) such other grounds as the Registering Authority or the Presiding Officer of the Court considers sufficient misconduct.

15. Bar for fresh registration on cancellation of licence - If a licence is cancelled on the ground of misconduct, the Professional Typist shall not be eligible to make an application for registration as a Professional Typist for a period of two years from the date of removal of his name from the Register:

Provided that the Registering Authority may in his discretion refuse to grant a licence in consideration of the gravity of the misconduct after recording reasons therefor.

16. (1) A Professional Typist, against whom an order refusing renewal, suspension or cancellation of licence has been passed by the Registering Authority may file an appeal against such order to the Registrar of the High Court within a period of thirty days from the date of communication thereof.

(2) The Registrar may call for the records from the Registering Authority and may after hearing the party, either confirm or modify or set aside the order passed by the Registering Authority or may pass such other order as he deemed proper.

17. Typing charges - The scale of typing charges to which a Professional Typist is entitled shall be such as the High Court may, by notification, fix from time to time in that behalf.

**FORM - I**  
**[See Rule 7 (1)]**

Application for Registration as a Professional typist before  
the District and Sessions Judge .....

1. Name and address of the applicant in block letters
2. Father's name of the applicant
3. Permanent address
4. Present address
5. Educational qualification
6. Description of certificate of knowledge in typewriting
7. Particulars as to the knowledge of languages including Court language.
8. Date of birth and age on the date of application with certificate of age.
9. Past experience as Typist, if any.
10. Name of the station and Court within the premises of which he intends to work as a Professional Typist.
11. Number' and date of Treasury chalan showing the Deposit towards registration fee.
12. Particulars of registration as a Professional Typist in any other Judgeship or Sessions Division and reason for making fresh application.
13. Certificate to the effect that he will abide by the professional conduct as may be prescribed regulating work as a Professional Typist in the Court premises.
14. Names of the two legal practitioners as referees.
15. Particulars of documents enclosed to the application.

Signature .....

Date .....

**FORM - II**  
**[Rule 9 (1)]**  
**Register of Professional Typists**

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
Serial No.	Name.	Father's Name .	Permanent address .	Present address .	Date of birth.	Name of the station of the Court Where he would work .	Licence No. and date of issue .	Renewal of the licence .	Educational qualification.	Qualification for typewriting .	If punished for misconduct, if so, when particulars to be stated .	Cancellation or cessation of the licence.	Remarks .

**FORM III**  
**[See Rule 9 (1)]**

**Licence for Professional Typist**

Licence No. .... Date of issue .....

Shri/Smt. ....son/daughter of .....  
is hereby authorised to sit in the premises of Civil or Criminal Court  
at .....in the Judgeship and Sessions Division of .....  
to type out plaints, written statements, petitions, affidavits and such  
other matters as are required to be filed in suits, cases and  
proceedings, subject to the. following conditions, namely:

1. He shall attend the Court regularly and be available within Court hours.
2. He shall charge remuneration at the prescribed scale, a copy of which he shall keep exhibited in a conspicuous place near the place where he sits.
3. He shall sign on each page of the paper typed out by him.
4. He shall type legibly in double space keeping margin of 1½" on the left side, 1" on the right side, 1½" at the top, as well as, at the bottom.
5. At the bottom he should clearly mention his name and licence number.
6. He shall initial on each cutting or erasure on the typed paper.
7. He shall not keep any copy of the plaint, written statements, petition, affidavit and other such materials.
8. He shall not work directly or indirectly for any legal practitioner or any person involved in a suit, case or other proceedings in a Court.
9. He shall not solicit work for himself.
10. He shall not make over copies of plaints, written statement, petitions, affidavits or other typed materials to any person other than the person for whom he has typed the same.
11. He shall not engage any other typist for typing out the plaints, written statements, affidavits and other materials for which he has been entrusted.
12. Any other conditions as the Registering Authority deems fit to impose.

Signature of the Registering Authority  
(Seal) /Date.....

**G. R. C. O.**  
**Crimonal**

**Vol. - II**





**LIST OF FORMS IN APPENDIX A****I. LIST OF ACCOUNT FORMS**

(a) Occasional

Form No.	Description of Form	Rules by which prescribed
1	2	3
		Volume I
(A) 1	Challan	Part VIII, Rule 423
(A) 2	Payment Order	„ 430
(A) 3	Refund of Lapsed Deposits	„ 438
(A) 4	Refunds of Revenue	„ 430
(A) 5	Advice list to Treasury for Cheques issued above Rs.100 in amount	„ 437
(A) 6	Daily Advice List from Treasury	„ 446
(A) 6A	Monthly statement of total peremptory receipts and disbursements.	„ 419
(A) 7	Statement of Lapsed Deposits	„ 475
(A) 8A	Bill for diet and travelling allowance to witnesses	
(A) 88	Cheque book for diet and travelling expenses of complainants and witnesses	
(A) 8C	Plus and minus memorandum of deposits.	„ 468
(A) 80	Receipt Books	„ 77

**I. LIST OF ACCOUNT FORMS - Contd****(b) Registers**

Form No.	Description of Form	Rules by which prescribed	By which Court to be maintained	Period which to be preserved
1	2	3	4	5
(A) 9 ..	Register of Payment Order.	Volume 1 Part Rule VIII 435	Sessions Judge/ Chief Judicial Magistrate / District Magistrate.	Twelve years
(A) 9A	Register of applications of payment order		All Criminal Courts.  Sessions Judge/ Chief Judicial Magistrate/District Magistrate	Twelve years  Twelve years
(A) 10 ..	Treasury Pass Book ..	Do. 442		
(A) 11 (i)	Daily Register of deposits received.	Do. 450	Ditto	For ever
(A) 11 (ii)	Part I, A-Deposits Part II, B-Deposits			
(A) 12 (i)	Daily Register of deposits received.	Do. 450	Ditto	Twelve years
(A) 12 (ii)	Part I, A-Deposits Part II, B-Deposits			
(A) 13 ..	Clearance Register of A-Deposits.	Do. 469	Ditto	For ever
(A) 14 ..	Register of Miscellaneous Receipts.	Do. 480	Ditto	Twelve years
(A) 15 ..	Resister of Court-terfoils of Cashiers receipts granted for Cash Receipts.	Do. 427	Ditto	Three years
(A) 16 ..	General Cash-book	Do. 428	Ditto	Twelve years
(A) 17 ..	Register of Criminal Fines.	Rules relating to fines part VIII Appendix IV Rule 1.	Chief Judicial Magistrate/Sub-divisional Judicial Magistrate/ District and Subdivisional Magistrates and Judicial Magistrate, Executive Magistrate, Magistrates other than at Sub-divisional Headquarters.	Twelve years

**I. LIST OF ACCOUNT FORMS - Contd**  
**(b) Registers**

Form No.	Description of Form	Rules by which prescribed	By which Court to be maintained	Period which to be preserved
1	2	3	4	5
(A) 17 A	Register of Criminal Fines of other districts.	Rules relating to Fines Part VIII, Appendix IV, Rule 1.	Chief Judicial Magistrate, Subdivisional Judicial Magistrate, District and Subdivisional Magistrates and Judicial Magistrate, Executive Magistrate, Magistrates other than at Subdivisional Headquarters.	Twelve Years
(A) 17 B	Account of saleable forms		Ditto.	Twelve Years
(A) 18 ..	Thana Register of warrants for the levy of Fines.	Part 1 138	At police-stations	Twelve Years
(A) 19 ..	Register of Contract Contingent Charges.	Government Account Rules	Sessions Judges/ Chief Judicial Magistrates/ District Magistrates.	Twelve Years
(A) 20 ..	Register of Contingent Charges	Government Account Rules	Ditto.	Twelve Years
(A) 21 ..	Subordinate Court's Daily Advice List to District Court.	Part VIII, Rule 457	Subordinate Criminal Court.	Six Years
(A) 22 ..	Sessions Judges Daily Register of deposits advised by subordinate Courts.	Part VIII, Rule 461	Sessions Judge	Twelve Years
(A) 23 ..	Peremptory Cash Book.	Part III, Rule 418	Judge in Charge of Accounts.	Twelve Years

**II LIST OF REGISTERS**

Form No.	Name of Register	By which Court to be maintained	Period for which to be preserved
1	2	3	4
(R) 1 ..	Register of - (1) Complains of offences (2) Unimportant cases sent up by the police in which a first information report is not used. (3) Miscellaneous cases	Courts empowered to receive complaints.	Seven years  One Year
(R) 2 ..	Magistrates' General Register of cases cognizable by the police. Trial Register	Sub-divisional Judicial Magistrate.  All Magistrate who try original cases.	Ditto
(R) 3 ..	Register for pending split up records	All Criminal Courts	Three years
(R) 4 ..	Register of Appeals/ Revision cases.	Appellate/Revisional Courts.	Seven years
(R) 5 ..	Register of warrants of substantive imprisonment.	All Criminal Courts	Till all the prisoners entered in it have been released.
(R) 5-A .	Register of warrants of imprisonment in default of payment of fines.	Ditto	Ditto
(R) 5-B .	Separate Receipt Register	Ditto	Ditto
(R) 6 ..	Diary	All Criminal Courts	Three years
(R) 7 ..	Daily Register of Court fees realised.	All Criminal Courts	Three years
(R) 8 ..	Register of attendance of witnesses.	All Criminal Courts	
(R) 9 ..	Register of processes received for issue.	Nizarat or all Criminal Courts.	Ditto
(R) 9-A .	Register of processes made over to Nazir for service.	All Criminal Courts	Ditto

**II. LIST OF REGISTERS**

Form No.	Name of Register	By which Court to be maintained	Period for which to be preserved
1	2	3	4
(R) 10	Register of processes issued to each police station.		Three years
1[(R) 10-A	Courts of Sessions Judge and Addl. & Ast. Sessions Judge.	Register of Verification of Service Returns of the prosecution witnesses in Sessions Cases.	One year from the date of last entry.]
(R) 11 ..	Register of pleaders and Mukhtars.	Courts of Chief Judicial Magistrate / Sub-divisional Judicial Magistrate and Judicial Magistrate other than at Subdivisional Headquarters . Court Inspectors ..	
(R) 12 ..	Court Inspector's Daily Book of Prisoners to be brought before the Magistrate.	Court Inspectors ..	Not specified
(R) 13 ..	List of Records sent to District Record Room.	All Criminal Courts	As long as record are preserved with District Record Room.
(R) 13-A ..	List of Records placed on the dormant file and consigned to the Record Room.	Subdivisional Judicial Magistrate /Judicial Magistrate in single Judicial Magistrate Station/Record Room.	For Ever.
(R) 14 ..	List of the record of sessions cases, Criminal Appeals and Revision sent to the Sessions Judges/District Record Room.	Sessions Judges Additional and Assistant Sessions Judges, Chief Judicial Magistrate.	As long as the records are preserved in Session Judges, Court or Chief Judicial Magistrate Court.
(R) 15 ..	Register of records removed from the Room entered in the despatch list but kept back by the despatching Court.	District Record Room ...	Twelve years

**II. LIST OF REGISTERS - Contd.**

Form No.	Name of Register	By which Court to be maintained	Period for which to be preserved
1	2	3	4
1[(R) 15A	Register of requisitions for documents and records.	District Record Room ...	One year.
2[(R) 15B	Register of defect reports	Dist. Record Room	One year.
(R) 16 ..	Register showing under each head of crime, the number of offences reported, of cases struck off as false or brought to trial and of persons acquitted, discharged or convicted or released under the Probation of Offenders Act.	All Magistrate empowered to take cognizance of offences in complaint and police cases.	One year.
(R) 17 ..	Instructions filing up the above Register.		
(R) 18 ..	Register of cases decided.	Courts of all Magistrates	One year.
(R) 19 ..	Register of requisition for record received.	All Criminal Courts	Six years.
(R) 20 ..	Register of requisitions for records issued.	All Criminal Courts	Six years.
(R) 21 ..	Register of Receipts and issue of printed forms.	Court of Sessions Judges, Chief Judicial Magistrate, Sub divisional Judicial Magistrate.	Three years
(R) 22 ..	Register of clerks Pleaders/ Mukhtars.	Court of Sessions Judges, Chief Judicial Magistrate, Subdivisional Judicial Magistrate other than at Subdivisional Headquarters.	For ever
(R) 23 ..	Register of Sessions cases ..	Courts of Sessions Judges and Additional and Assistant Session Judges.	Twelve years

1. Inserted by C.S. No. 22, IX-11/85, Dt. 26.6.1985.

2. Inserted by C.S. No. 63, IX-5/96, Dt. 18.6.1997.

**II. LIST OF REGISTERS - Contd.**

Form No.	Name of Register	By which Court to be maintained	Period for which to be preserved
1	2	3	4
(R) 24 ..	Register of Bail orders ..	Court of Chief Judicial Magistrate, Subdivisional Judicial Magistrate and Judicial Magistrate other than at Subdivisional Headquarters.	Three years from the date of the last order of recommitment.
(R) 25 ..	Register of Miscellaneous Criminal Cases.	Courts of Sessions Judges and Additional and Assistant Session Judges.	Two years
(R) 26 ..	Dormant File Register	1[Court of Sessions Judge] Subdivisional Judicial Magistrate, Judicial Magistrate in single Judicial Magistrate station.	For ever.
(R) 27 ..	Register of property..	All Criminal Courts	For ever.
(R) 28 ..	Register of applications for copies.	Ditto	Two years
(R) 29 ..	Register of requisition and applications for free copies required by Public Officers.	Ditto	Three years
(R) 30 ..	Register of requisitions from the copying Department.	All Criminal Courts District Records Room.	One year
(R) 31 ..	Register of unclaimed property ..	All Criminal Courts	Twelve years
(R) 32 ..	Register of information to parties about stamps and folios necessary for.	All Criminal Courts	One year
(R) 33 ..	Register of Distribution of completed applications for copying.	Copying Department	One year

1. Inserted by C.,S. No. 11, XLIX-D - 46/82, Dt. 13.1.1983.

**II. LIST OF REGISTERS - Contd.**

Form No.	Name of Register	By which Court to be maintained	Period for which to be preserved
1	2	3	4
(R) 34 ..	Register of distribution of prepared copies to comparers.	Ditto	1 year
(R) 35 ..	Register of copies and information ready for delivery.	All Criminal Courts	1 year
(R) 36 ..	Register showing daily outturn of typists and copyist.	All Criminal Courts	1 year
(R) 37 ..	Register of all registers to be preserved permanently.	All Courts ..	For ever
(R) 38 ..	Register of all registers which are to be preserved for more than three years but not permanently.	All Criminal Courts	3 years
(R) 39 ..	Inspection Defect Register.	All Criminal Courts	6 years
(R) 40 ..	Register of cases dealt with under the Probation of Offenders Act, 1932	All Criminal Courts	12 years
(R) 41 ..	Register of cases in which proceedings have been stayed.	All Criminal Courts	12 years
(R) 42 ..	Register of enquiry into cases triable by the Courts of Sessions.	All Criminal Courts	6 years
(R) 43 ..	Register in token of acknowledgement of receipt of Jail warrant and convict	All Criminal Courts	3 years
[1(R) 44]	Register of T.I. Parade	All Criminal Courts	5 years]
2[(R) 45]	Register mentioning the particulars of the U.T.Ps.	All Criminal Courts	5 years]

1. Inserted by C.S. No. 37, No.XLID-13/90, Dt. 11.2.1992.

2. Inserted by C.S. No. 60, IX-5/96, Dt. 18.6.1997.



**III. LIST OF PERIODICAL RETURNS AND STATEMENTS**

Form No.	Description of periodical return or statements	By what Courts to be prepared and submitted	To what Court to be submitted
1	2	3	4
	<i>Monthly Returns</i>		
(S) I	Statement of cases brought to trial and disposed of and pending in the Courts of Subordinate Magistrates.	Judicial Magistrates, Executive Magistrates.	Chief Judicial Magistrate/ District Magistrate/ Sessions Judge,
(S) I-A	Statement showing monthly progress on the disposal of the year old cases.	Judicial Magistrates, Executive Magistrates, Chief Judicial Magistrates.	Chief Judicial Magistrate, District Magistrate, Sessions Judge.
(S) 2	1 [ * * * ]		
(S) 2-A	Special Statement showing adjourned Sessions Cases.	Addl. Asst. Sessions Judges, Sessions Judges.	Ditto
2[(S) 2-AA	Statement showing the number of cases under different Special Acts	Special Court	High Court]
3[(S) 2-B	Monthly statement showing the information to be entered in the dormant file Register (R) 26	Additional Sessions Judge Assistant Sessions Judge Judicial Magistrates	Sessions Judge Sub-Divisional Judicial Magistrate
<i>Quarterly Returns</i>			
(S) 3 ..	Statement A-of cases brought to trial, etc. and of Miscellaneous cases, remand of cases to the Trial Court, etc. before the Magistrates.	Judicial Magistrate, Executive Magistrate, Chief Judicial Magistrate, Sessions Judge, District Magistrate, Judicial Magistrates,	Chief Judicial Magistrate, District Magistrate, Sessions Judge, Chief Judicial Magistrate.
(S) 3-A	Conscience statement of Outtum of work of Magistrates employed in Criminal Courts.	E x e c u t i v e Magistrates ... C.J.M. Sessions Judge District Magistrate.	District Magistrate, Sessions Judges. High Court

1. Deleted by C.S. 39 XLIX-D-24/88, Dated 16.3.1992.
2. Inserted by C.S.No. 71, XLV-1/2000, Dt. 5.10.2001
3. Inserted by C.S.No. 69, XLIX-D-8/99, Dt. 18.1.2000.

**III. LIST OF PERIODICAL RETURNS AND STATEMENTS**

Form No.	Description of periodical return or statements	By what Courts to be prepared and submitted	To what Court to be submitted
1	2	3	4
(S) 3-B ..	Statement showing the Judicial and other work done by the Chief Judicial Magistrate	Chief Judicial Magistrate. Sessions Judge	Sessions Judge  High Court
(S) 3-C ..	Statement showing the case of which proceedings have been stayed.	Additional Sessions Judge, Assistant Sessions Judge, Chief Judicial Magistrate, Sessions Judge	Sessions Judge
(S) 3-D ..	1 [***]		
(S) 3-E ..	Quarterly Balance Sheet of Fines	Subdivisional Judicial Magistrate and Judicial Magistrate in outlying Stations. Chief Judicial Magistrate, Sessions Judge	High Court Chief Judicial Magistrate. Sessions Judge High Court Chief Judicial Magistrate.
(S) 3-F ..	Statement of cases of embezzlement of Government money.	Judicial Magistrate Chief Judicial Magistrate Sessions Judge Judicial Magistrate.	Chief Judicial Magistrate Sessions Judge High Court
(S) 3-G ..	Statement showing the examination of witnesses and the amount paid as expenses during the quarter.	Executive Magistrate. Chief Judicial Magistrate.	High Court  Sessions Judge
		Sessions Judge/ District Magistrate.	High Court

1. Deleted by C.S. No.8 IX-D-3/92. Dt. 9.6.1992.

**III. LIST OF PERIODICAL RETURNS AND STATEMENTS**

Form No.	Description of periodical return or statements	By what Courts to be prepared and submitted	To what Court to be submitted
1	2	3	4
(S) 3-H ..	Half-yearly statement of irrecoverable fines written off by the Chief Judicial Magistrate.	Judicial Magistrate Chief Judicial Magistrate Sessions Judge ..	Chief Judicial Magistrate Sessions Judge High Court
(S) 4	Statement B of cases pending and disposed of, results of appeals and applications for revision, remand of cases to the Trial Courts, cases decided under the miscellaneous provisions of the Cr.P.c.	Additional Sessions Judge Assistant Sessions Judge . Chief Judicial Magistrate . Sessions Judge -	Sessions Judge  High Court
(S) 4-A ..	Statement of outturn of work of Sessions Judges and Assistant Sessions Judges.  <i>Annual Statements</i>	Additional Sessions Judge. Assistant Sessions Judge . Sessions Judge.	Sessions Judge High Court
(S) 5	List of Sessions Division and Subdivisions; number of officers employed and the receipt and charges of Criminal Courts.	Additional and Assistant Sessions Judges . Sessions Judges District Magistrate.	Sessions Judge High Court
(S) 6	Statement showing the number of offences reported, etc. and of persons acquitted, convicted, etc.	Judicial Magistrate,  Chief Judicial Magistrate, Sessions Judge	Chief Judicial Magistrate, Sessions Judge High Court

**III. LIST OF PERIODICAL RETURNS AND STATEMENTS**

Form No.	Description of periodical return or statements	By what Courts to be prepared and submitted	To what Court to be submitted
1	2	3	4
(S) 7	Statement of Miscellaneous proceedings under the Criminal Procedure Code.	Judicial magistrate Executive Magistrate Additional and Assistant Sessions Judges Chief Judicial Magistrate	Chief Judicial Magistrate District Magistrate. Sessions Judge.
(S) 8	Statement showing the results of trials before Criminal Courts.	District Magistrate .. Judicial Magistrate Chief Judicial Magistrate	High Court Chief Judicial Magistrate. Sessions Judge ..
(S) 9	Statement showing the punishments inflicted by Courts of original jurisdiction.	Sessions Judge. Judicial Magistrate Chief Judicial Sessions Judge. Sessions Judge	High Court Chief Judicial Magistrate. Sessions Judge .. High Court
(S) 10	Statement showing the results of appeals and applications for revision in Criminal Courts.	Additional Sessions Judge, Assistant Sessions Judge, Chief Judicial Magistrate Sessions Judge.	Sessions Judge High Court
	<b>Annual Table</b>		
(S) 11	Statement showing the detention of witness, the number of witnesses discharged without examination and the amount paid as expenses.	Judicial Magistrate, Executive Magistrate C.J.M. <u>Sessions Judges</u> Dist. Magistrate	C.J.M. Dist. Magistrate Sessions Judge .. High Court
(S) 12	Statement showing the persons dealt with under the Probation of Offenders Act ..	All Judicial Magistrates. Chief Judicial Magistrate Sessions Judge	Chief Judicial Magistrate Sessions Judge High Court

## IV. LIST OF MISCELLANEOUS FORMS

Serial No.	Form No.	Description of Form
1	2	3
1	(M) 1	Form for recording deposition
2	(M) 2	Form for recording confessions
3	(M) 3	Form for recording examination of accused
4	(M) 3-A	Application for copies
5	(M) 3-B	Application for information
6	(M) 4	Letter to Chief District Medical Officer to hold <i>post-mortem</i> examination.
7	(M) 5	Letter to Chief District Medical Officer to examine if persons said to be insane.
8	(M) 6	Letter from committing Magistrate to Sessions Judge notifying commitment.
9	(M) 7	Court Certificate to be given to Government or Local Funds servants who attend Court as witnesses.
10	(M) 8	Letter to the Chemical Examiner / Serologist requesting him to send his report to the Court of Sessions.
11	(M) 9	Petition of Appeal
12	(M) 10	Letter calling for records under Section 385(2) or 397 Criminal Procedure Code.
13	(M) 11	Notice of hearing appeal under Section 385(1) and calling for records under-section 385(2), Criminal Procedure Code.
14	(M) 11-A	Notice to respondent (accused) in appeal against acquittal.
15	(M) 12	Notice to Public Prosecutor intimating him the time and place of hearing of appeal.
16	(M) 13	Hearing of Judgment of Appellate Court.
17	(M) 14	List of Criminal Appeals decided by Sessions Judge/Chief Judicial Magistrate to be forwarded to the Supdt. Of Jail for communication of results of appeal to prisoners.
18	(M) 15	Form for intimating orders in Criminal Appeals and Motions.
19	(M) 16	Letter from the Superintendent of Jail for warding petition of appeal to the High Court.
20	(M) 17	Order-Sheet for Magistrate's Records.
21	(M) 18	Order-Sheet for Sessions Records.

**IV. LIST OF MISCELLANEOUS FORMS - *Contd.***

Serial No.	Form No.	Description of Form
1	2	3
22	(M) 19	Combined Title page and Table of Contents.
23	(M) 20	List of Articles/Documents admitted in evidence in Criminal Courts.
24	(M) 21	List of documents produced by Complaint/Applicant/ Accused Opposite Party.
25	(M) 22	Notice to take back documents.
26	(M) 23	Letter accompanying a Record and Memo of acknowledgement.
27	(M) 24	Letter advising the despatch of a Record.
28	(M) 24-A	Receipt of copies of documents on commitment of the accused to the Court of Session.
29	(M) 25	Summons to an accused person. Section 61, Criminal Procedure Code.
30	(M) 25-A	Order for transmission of summons to be served on public servant who is an accused or witness in a Criminal case.
31	(M) 26	Warrant of arrest. Section 70, Criminal Procedure Code.
32	(M) 27	Bond and bail-bond after arrest under a warrant (Section 81, Criminal Procedure Code).
33	(M) 28	Proclamation requiring the appearance of a person accused (Section 82, Criminal Procedure Code).
34	(M) 29	Proclamation requiring the attendance of a witness (Section 82, 87 and 90, Criminal Procedure Code).
35	(M) 30	Order of attachment to compel the attendance of a witness (Section 83, Criminal Procedure Code).
36	(M) 31	Order of attachment to compel the appearance of a person accused (Section 83, Criminal Procedure Code).
37	(M) 32	Order authorizing an attachment by the District Magistrate or Collector (Section 83, Criminal Procedure Code).
38	(M) 33	Warrant in the first instance to bring up a witness (Section 81, Criminal Procedure Code).
39	(M) 34	Warrant to search after information of a particular offence (Section 93, Criminal Procedure Code).
40	(M) 35	Warrant to search suspected place of deposit (Section 94, Criminal Procedure Code).
41	(M) 36	Bond to keep the peace (Sections 106, 107, Criminal Procedure Code).

**IV. LIST OF MISCELLANEOUS FORMS - *Contd.***

Serial No.	Form No.	Description of Form
1	2	3
42	(M) 37	Bond for good behavior (Sections 108, 109, 110, Criminal Procedure Code).
43	(M) 38	Summons on information of a probable breach of the peace (Section 113, Criminal Procedure Code).
44	(M) 39	Warrant of commitment on failure to find security to keep the peace (Section 122, Criminal Procedure Code).
45	(M) 40	Warrant of commitment on failure to find security for good behavior (Section 122, Criminal Procedure Code).
46	(M) 41	Warrant to discharge a person imprisoned on failure to give security. (Sections 122, 123, Criminal Procedure Code).
47	(M) 42	Order for the removal of nuisances (Section 133, Criminal Procedure Code).
48	(M) 43	Magistrate's Notice and peremptory Order (Section 141, Criminal Procedure Code).
49	(M) 44	Injunction to provide against imminent danger pending inquiry (Section 142, Criminal Procedure Code).
50	(M) 45	Magistrate's Order prohibiting the repetition, etc., Of a nuisance (Section 143, Criminal Procedure Code).
51	(M) 46	Magistrate's Order to prevent obstruction, riot, etc. (Section 144, Criminal Procedure Code).
52	(M) 47	Magistrates Order declaring party entitled to retain possession of land, etc., In dispute. (Section 145 Criminal Procedure Code).
53	(M) 48	Warrant of attachment in the case of a dispute as to the possession of land, etc. (Section 146, Criminal Procedure Code).
54	(M) 49	Magistrate's Order prohibiting the doing of anything on land or water (Section 147, Criminal Procedure Code).
55	(M) 50	Bond or bail-bond on a preliminary inquiry before a Police Officer (Section 169, Criminal Procedure Code).
56	(M) 51	Bond to prosecute or give evidence (Section 170, Criminal Procedure Code).
57	(M) 52	Special summons to a person accused of a petty offence (Section 206, Criminal Procedure Code).
58	(M) 52-A	Special summons to a person accused of a petty offence (Section 206, Criminal Procedure Code).
59	(M) 52-B	Form of admission of offence by the accused
60	(M) 52-C	Form of admission of offence by the accused in Oriya
61	(M) 53	Notice of commitment by Magistrate to Public Prosecutor (Section 209, Criminal Procedure Code).
62	(M) 54	Warrant of commitment for intermediate custody in cases committed to the sessions (Section 209, Criminal Procedure Code).
63	(M) 55	Charge with one head (Sections 211, 212, 213, Criminal Procedure Code).

**IV. LIST OF MISCELLANEOUS FORMS - *Contd.***

Serial No.	Form No.	Description of Form
1	2	3
64	(M) 56	Charges with two heads. (Sections 211, 212, 213, Criminal Procedure Code).
65	(M) 57	Charges with three heads. (Sections 211, 212, 213, Criminal Procedure Code).
66	(M) 58	Charges with four heads. (Sections 211, 212, 213, Criminal Procedure Code).
67	(M) 59	Charges after a previous conviction. (Sections 211, 212, 213, Criminal Procedure Code).
68	(M) 60	Warrant of commitment on a sentence of imprisonment or fine passed by a Magistrate (Sections 248, 255, Criminal Procedure Code).
69	(M) 61	Form to be attached to all warrants of commitment. (Sections 248, 255, Criminal Procedure Code).
70	(M) 62	Warrant of imprisonment on failure to pay compensation. (Section 250, Criminal Procedure Code).
71	(M) 63	Summons to witness. (Sections 61, 244, Criminal Procedure Code).
72	(M) 64	Order requiring productions in Court of person in prison for answering to charge of offence (Section 267, Criminal Procedure Code).
73	(M) 65	Order requiring production in Court of persons in prison for giving evidence. (Section 267, Cr.P.C).
74	(M) 66	Form of letter of request in the case of examination of witness who is an officer of the House of People/Council of States.
75	(M) 67	Form of letter of request to be issued for the production of documents in Court of law from the records of the House of the People/ Council of States.
76	(M) 68	Form of letter of request in the case of examination of witness who is an officer of the Legislative Assembly /Legislative Council of States.
77	(M) 69	Form of letter of request to be issued for the production of documents in Courts of law from the records of the Legislative Assembly / Legislative Council of States.
78	(M) 70	Warrant for intermediate custody. (Section 309, Criminal Procedure Code).
79	(M) 71	Warrant of commitment under sentence of death (Section 366, Criminal Procedure Code).
80	(M) 72	Warrant of execution of sentence of a death. (Section 414, Criminal Procedure Code).
81	(M) 73	Warrant after a commutation of a sentence. (Section 386, Criminal Procedure Code).



**IV. LIST OF MISCELLANEOUS FORMS - *Contd.***

Serial No.	Form No.	Description of Form
1	2	3
82	(M) 74	Warrant to levy a fine by attachment and sale (Section 421, Criminal Procedure Code).
83	(M) 75	Warrant of recovery of fine. (Section 421 (b), Criminal Procedure Code).
84	(M) 76	Bond of appearance of offender released pending realization of fine. (Section 424, Criminal Procedure Code).
85	(M) 77	Warrant of release on appeal, (Section 386, Criminal Procedure Code).
86	(M) 78	Warrant for use by Appellate Court when sentence is modified on appeal. (Section 386, Criminal Procedure Code).
87	(M) 79	Order by the Sessions Judge for the release of prisoner on bail. (Sections 389, 397, Criminal Procedure Code).
88	(M) 80	Warrant of commitment in certain cases of contempt when a fine is imposed. (Section 345, Criminal Procedure Code).
89	(M) 81	Magistrate's or Judge's Warrant to commitment of witness refusing to answer, or to produce document. (Section 349, Criminal Procedure Code).
90	(M) 82	Warrant of imprisonment on failure to pay maintenance. [Section 125(3), Criminal Procedure Code].
91	(M) 82-A	Warrant to in force the payment of maintenance by attachment and sale .. (Section 125, Criminal Procedure Code).
92	(M) 83	Bond and Bail-bond on a preliminary inquiry or trial before a Magistrate. (Sections 436, 441, Criminal Procedure Code).
93	(M) 83-A	Form of application by the surety.
94	(M) 83-B	Bond and Bail-bond after conviction [Sections 389(3), Criminal Procedure Code]
95	(M) 84	Bond and Bail-bond upon Appeal (Sections 389, 441, Criminal Procedure Code).
96	(M) 85	Bond and Bail-bond on Appeal against acquittal (Sections 390, 441, Criminal Procedure Code).
97	(M) 86	Notice to Bailor to produce a person released on bail by order of the Appellate Court.
98	(M) 87	Warrant to discharge a person imprisoned on failure to give security (Section 442, Criminal Procedure Code).
99	(M) 88	Commission to examine a witness. (Sections 284, 287, Criminal Procedure Code).
100	(M) 88-A	Commission to examine witness outside India. (Section 290, Criminal Procedure Code).

**IV. LIST OF MISCELLANEOUS FORMS - *Contd.***

Serial No.	Form No.	Description of Form
1	2	3
101.	(M) 88-8	Commission to examine witness outside India. [Section 285 (3) of the Code of Criminal Procedure].
102.	(M) 89 ..	Warrant of attachment to enforce a bond. (Section 446, Criminal Procedure Code).
103.	(M) 90 ..	Notice to surety on breach of a bond. (Section 446, Criminal Procedure Code).
104.	(M) 91..	Notice to surety for forfeiture of bond for good behaviour. (Section 446, Criminal Procedure Code).
105.	(M) 91..	Warrant of attachment against a surety (Section 446, Criminal Procedure Code).
106.	(M) 93 ..	Notice to the Principal for forfeiture of a bond to keep the peace. (Section 446, Criminal Procedure Code).
107.	(M) 94 ..	Warrant to attach the property of the Principal on breach of a bond to keep the peace (Section 446, Criminal Procedure Code).
108	(M) 95 ..	Warrant of attachment and sale on forfeiture of bond for good behaviour. (Section 446, Criminal Procedure Code).
109	(M) 96 ..	Warrant for detention in a Reformatory - order of detention in a Reformatory School.
110	(M) 97 ..	Notice to be issued in cases under Section 113 of the Indian Railways Act, 1890.
111	(M) 98 ..	Form of card for pleader's and Mukhtar's registered clerks.
112	(M) 99 ..	Daily Cause list.
113	(M) 100 ..	Summons to produce documents/things (Section 88 of the Criminal Procedure Code).
114	(M) 101..	Form of Order for the detention in custody of an accused person (Section 167, Criminal Procedure Code).

## 1. ACCOUNT FORMS

**FROM NO. (A) 1  
CHALLAN  
PART I**

**TO BE FILLED IN AT COURT BY THE PAYER**

Name, father's name and address of person or persons on whose behalf the money is tendered	Name, father's name and address of person of persons to whose credit the amount is to be placed in the Court's Books.	Number of suit or date of judicial decree or order (if any) under which the amount is tendered	Particulars of receipts	Amount rendered	Remarks (if any)
1	2	3	4	5	6

*Signature of Chief Ministerial Officer*

*Signature of the person tendering the money*

1. ACCOUNT FORMS

**PART II**  
**TO BE FILLED BY THE COURT OR UNDER ITS ORDERS**

Serial number of challan	Date of challan	Account to be credited, whether Civil suit deposits, fines or forfeitures stamp duty and penalties, or miscellaneous or other receipts	Remarks
1	2	3	4

*Signature of the Accountant*

TO THE Cashier of the/Officer-in-charge of the Treasury

Receive and credit the above sum if tendered to you before 3 P.M. to

Dated

today /tomorrow.

Signature of JucLge-in-Charge

**PART III**

**TO BE FILLED IN AT COURT BY CASHIER OR AT TREASURY BY TREASURY OFFICER**

Received notes (1)

Received silver and copper

RECEIVED TOTAL RUPEES

Treasury No.

Examined and entered in the books of the Treasury on the (2L \_\_\_\_\_

**NOTE** - Four copies of this form are furnished free of cost

(1) Enter here numbers of the notes (2) To be filled in only when presented at Treasury.

*Cashier of Court or the Treasury*  
*Accountant of the Treasury*  
*Signature of Treasury Officer*

1. ACCOUNT FORMS

Schedule XLIII-High't:ourt No.(A) 2

**FORM No.(A) 2  
PAYMENT ORDER**

PART I - Application for payment of Judicial deposits. (To be filled in by the applicant)

Name, father's name and address of applicant.	Date of the Court's decree or order	Names of the parties in the case, and number of the suit case	Date and amount of deposit	Amount to be paid	Remarks
1	2	3	4	5	6

Date .....

Examined and found correct

*Signature of Chief Ministerial Officer*

*Signature of Presiding Officer*

PART II - to be filled in by the Court or under its orders

Serial No.	Date of payment order	Court's challan number	Challan date of the original deposit from which the payment is sought	Court's number of original deposit	Date of original deposit"	Actual amount in deposit	Name, father's name and address of the person at whose credit in deposit"	Details of repayment if any out of the original deposit
1	2	3	4	5	6	7	8	9

*Officer-in-charge of the Treasury*

To the .....

Cashier of the Court

*Signature of Court's Accountant*

As per Court's register of deposits received [Form No.(A) 11]\*\*

PLEASE pay as above to

or order Rs.\*\*

*Signature of Judge-in-charge*

Words and figures.

## 1. ACCOUNT FORMS

**Note 1** - This order is not payable more than ten days after date, without a renewal entorGement by the Court, and it absolutely lapses and ceases to have effect on the 31 st March next.

**Note 2** - Payee is hereby to take notice that after tender and payment of this order the Treasury Officer will admit no further responsibility. It is the duty of the payee to see to the proper custody of his document until it is cashed.

**Note 3** - The signature below the words "Examined and found correct" in Part 1 of this form must of course be held to indicate that the officer signing the certificate has satisfied himself that the applicant is the proper party to receive payment of the amount claimed," and that the particular stated are correct; while the Judge-in-charge will be responsible that the amount claimed is in deposit, that there is no bar to payment and that the name of the claimant corresponds with that of the payee entered in his Register.

**PART III. to be filled in at Treasury (or at Court, if payable there)**

**Received Contents, Rupees**

Stamp of 20  
P. if for  
more than  
Rs.20

*Signature of disbursing cashier*

**Payee's Signature**

Treasury No.

Pay Rupees.

The .....19

Exd. and Entd. Accountant

Officer-in-charge of Treasury

*For use in Accountant-General's Office*

Admitted in full.. .....Auditor, Admitted Rs.....

Objected Rs .....

*Grounds of objections-*

*Auditor*

1. ACCOUNT FORMS

Schedule XLIII-High Court No.(A) 3 **FORM No.(A) 3**  
**REFUND OF LAPSED DEPOSIT**

**To**  
**THE ACCOUNTANT-GENERAL, ORISSA**

Sir,  
 The following refunds, Lapsed Deposits, Aggregating Rs. (in words ) have been claimed by ..... of ..... whose identity and title to the money I have satisfied myself. I request you sanction to be refund :-

Class of deposit	Particulars of Original Deposit		Balance credited to Government	Date of lapsed statement	Amount claimed	Remarks
	Year	No.				
			Rs.	P.	Rs.	P.

**The** **20** **Judge, Magistrate or other officer**

1. ACCOUNT FORMS

*Dated*

*Accountant-General's Office No.*

**Sanctioned**

Received payment

*Accountant-General*

**Receipt  
Stamp**

*Claimant*

*Date*

)

Pay Rupees (

only  
Examined  
*Accountant*

20

*The*

***Treasury Officer***

**Note** - The signature of the claimant should be obtained on this form and the form should be returned as voucher support of the debit.



1. ACCOUNT FORMS

Schedule XLIII-High Court No.(A) 4 **FORM No.(A) 4**

**FORM OF ORDER FOR REFUNDS OF REVENUE**

District of	Refunds of Revenue including fine							Voucher No. of List of payment For 20	
	Refund and Drawbacks								
Head to which Chargeable	Amount realised	Date of payment into Treasury	Amount in which included and head to which credited	Treasury Officer's signature in token of verification of Treasury Credit.	Name of payee	Amount refunded to be	Reasons and (authority) for refund	Certificate of departmental note of refund	
1	2	3	4	5	6	7	8	9	10

This order of refund has been registered and noted against the original receipt for entry in the departmental account under my initials and previous order for refund of the same sum has not been issued.  
 Signature -----  
 Designation -----  
 Date -----

Received payment  
 The *Claimant's Signature* \_\_\_\_\_ 20  
 Examined

Stamp, if required

Passed for payment  
 Pay Rupees \_\_\_\_\_  
 Accountant

Magistrate or other Officer ( ) only  
*Officer-in-charge of Treasury*

**Note 1** - This order is not payable more than ten days after date without a renewal enforcement the Court, and it absolutely lapses and ceases to have effect on the 31 st March next.

**Note 2** - No useful check can be exercised over refunds of revenue in the Account Office, exception in cases where full details of the collections of such revenue are received in that office, other than the Treasury accounts or other documents, e.g., Fine Statements. It is therefore essential that every refund should be noted against the original credit in the court's account where all sums 3 entered in detail. This voucher for refunds provides for a certificate of such note having been made The officer who received the amount should fill in columns 1 to 5 of the form and sign the certificate in column 10, while the Treasury Officer or the Sub - Treasury Officer should verify the credit by means of the particulars in columns 4 and 5 and after his signature in columns 6 in token of his having done so. The sanction necessary for refunds of revenues is regulated by the order of the State Government. This sanction may either be given on the voucher itself or quoted in it a certified copy being attached when such orders are not separately communicated to the Audit Office .

1. ACCOUNT FORMS

**FORM No.(A) 5**

**ADVICE LIST TO TREASURY FOR CHEQUES ISSUED  
ABOVE RUPEES 100 IN AMOUNT**

To

The Officer in-charge of the Treasury.....

At ..... Dated ..... the ..... 20 .....

Sir,

I am to advise having to-day issued upon you the under noted cheques for sums exceeding Rs. 100, amounting in the aggregate to Rupees.\*

\*Amount to be entered in words.

Yours faithfully,

Judge-in-charge / Magistrare-in-charge

Serial number of payment order	To whom payable	Amount	Date of payment	Amount paid	Initials for Treasury Officer checking issue	Remarks
1	2	3 4	5	6 7	8	9
		Rs. P.		Rs. P.		

1. ACCOUNT FORMS

Schedule XLIII-High Court No. (A) 6 **FORM No. (A) 6**  
**DAILY ADVICE LIST OF RECEIPTS AND PAYMENTS AT THE TREASURY AT ON THE REQUISITION.**

Court's number of challan	Court's date of challan	Detailed head of receipts			Total Reports	Court No. of the Payment order	Court's date of Payment order	Detailed head of payments				Total payments	
		Criminal Court deposits						Refund of unclaimed property	Miscellaneous refund	Refund of unclaimed property	Refund of unclaimed property		Refund of unclaimed property
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>
Total receipts and payments at the Treasury		Rs. P.	Rs. P.	Rs. P.	Rs. P.				Rs. P.	Rs. P.	Rs. P.	Rs. P.	
Total as per Pass Book dated													
<b>Grand Total</b>													

\* The date of last prior transaction should Invariably be filled in.

1. ACCOUNT FORMS

Schedule XLIII - High Court No. (A) 6-A.

**FORM No. (A) 6 - A**

Monthly statement of total peremptory receipts and disbursements for the month of -

The account of money in the hand of the Nazir for the month of -

(A) Balance in hand -		Rs.
(B) Total Receipts during the month -		Rs.
	Total	Rs.
(i) Withdrawals from Treasury		Rs. _____
(ii) On other account		Rs. _____
	Total	Rs. _____
(C) Total payment during the month -		Rs. _____
		Rs. _____
(i) Into the Treasury		Rs.
(ii) On other account		Rs.
	Total-	Rs.
(D) Balance in hand		Rs. _____

Abstract for use in Treasury

Receipts	Payments
(A) + (B) (ii) Rs.	(c) (ii) Rs.
	“Deduct (C) (i) Rs. * Deduct
+Deduct (D)	(A) (ii) Rs .
Balance	Balance
Rs.	Rs.

\* Because the amount has already been incorporated in Treasury. Because the Amount will not appear in the Treasury account during the month.

Pasted on the receipt Rs. and on the payment side Rs. *per contra*

A-G's Office	Treasury Officer
Auditor	Superintendent

Forwarded to the Treasury Officer

for incorporation in the  
Treasury  
Designation

1. ACCOUNT FORMS

**FORM No. (A) 7**

Schedule XLIII - High Court (A) 7

*Statement of Lapsed (i) Deposits of the Treasury for the year, '20*

(1) Civil  
Criminal  
Courts

PARTICULARS OF DEPOSITS				FOR USE IN ACCOUNT ANT GENERAL'S OFFICE			REMARKS
Year	Number	Balance lapsed		Number and date pf refund order	Amount of refund sanctioned		Initials
		Rs.	P.		Rs.	P.	

**NOTE** - A separate statement must be rendered for each of the three kinds of balances therein indicated to be transferred to credit of Government, and only one kind of hem should be entered in each page of this form, i.e., this page should contain six items.

1. ACCOUNT FORMS

Schedule XLIII - Form No. 8-A		Voucher No. _____ of _____ list for _____ 20_____										FORM (A) 8-A	
		<b>BILL FOR DIET AND TRAVELLING ALLOWANCE TO WITNESSES ATTENDING THE COURT FOR THE PURPOSE OF GIVING EVIDENCE DURING THE MONTH OF .....20.....</b>											
		Class of witness	No. of witnesses	Diet Allowance		Amount	Travelling Allowance			Professional allowance	Total of columns 5, 7, 9 10 & 11		
Daily rate*	Total No. of days for which the allowance is given			By Road	By Road		By Rail						
					Total No. of Kms	Amount	Total No. of Kms	Amount	Amount (for details see reverse)				
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	
Class (a) Labour or the poorer class. Class (b) - Cultivators, artisans petty traders and others in a similar condition of life. Class (c) - Persons of better position.													
<b>Grand Total</b>													
*Vide paragraph 237 (7) B & 0 Treasury Manual Pay Rs .....F .....Rupees (in words) examined and entered. <i>Treasury Officers</i> Dated 20 _____													
Certified that the allowance charged in this bill have actually been disbursed and are in accordance with the rates authorised by Government. Vouchers for payment in excess of Rs. 25 to anyone person are attached. I have, as far as possible, obtained vouchers for other sums and am personally responsible that they have been so destroyed, defaced or mutilated that they cannot be used again. <span style="float: right;"><i>Received contents</i></span>													
<b>NOTE of audit in Accountant General's Office</b>													
Admitted Rs Objected Rs on the following grounds - District <i>SigInltre</i> . <i>Auditors Examiner Su perinten dent Dnted..... Designation .</i>													

## 1. ACCOUNT FORMS

*Statement of details in support of Travelling charges of witnesses drawn overleaf*

Class of witnesses	Single or return journey	From	To	Rate	No. Of fares	Total charges	Remarks
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>



1. ACCOUNT FORMS

**FORM No. (A) 8-B**  
**A.G.No.222**

**CHEQUE BOOK FOR DIET AND TRAVELLING  
EXPENSES OF COMPLAINANTS AND WITNESSES**

No .....  
Date .....20 .....  
Pay .....  
Rupees .....  
for attending my Court as a Witness or Complainant in  
case .....  
Versus  
To

THE NAJIR OF THE COURT

Magistrate

Schedule XLIII - High Court (A) 8-B

**FORM No. (A) 8-B**  
**A.G.No.222**

No .....  
Date .....  
To whom payable .....  
Case .....

Total Rs. ....

Magistrate

1. ACCOUNT FORMS

**FORM No. (A) 8-C**

Schedule XLIII - High Court No. (A) 8-C

**PLUS AND MINUS MEMORANDUM OF DEPOSITS IN  
THE OFFICE OF .....FOR THE  
MONTH OF .....20.....**

Balance of last month			
Amount of A deposits received during the month	Repaid during the month		
	Not repaid during the month		
Amount of B deposits received during the month	Repaid during the month		
	Not paid during the month		
	Total		
	Received in all previous year		
	Received last year		
Amount of A deposits repaid during the month	Received during current Year. {Current month		
	{Previous month		
Amount of A deposits repaid during the month	Received during 20	- 20	
	Received during 20		-20
	Total		
	Total		
Balance of deposits outstanding -			

**CERTIFICATE**

CERTIFIED that on a comparison of Treasury Advices with postings therefrom in the \*guard file of chalang and in the Registers of Payment Order of Deposits.

Receipts and of Repayments, the amount entered above as received and paid are correct.

The

20

*[u dge-in-ch arge  
Magist r a tc-in-cluirge*

**NOTE** - The repayment of B deposits received in the year of account and in the year next proceeding should be shown separately.

For use in Civil Courts only.

1. ACCOUNT FORMS

**FORM No. (A) 8-D**

Schedule XLIII - Form (A) 8-0

RECEIPT BOOK

No .....  
Book No. .... Of 20.....

From whom received .....

On what account .....

Amount  
Rs. P.

In cash .....

In stamps .....

Total. ....

.....

Rupees .....only

Receiving Officer

Receiving Officer

Dated..... 20 .....

**FORM No. (A) 9**

Schedule XLIII - High Court (A) 9  
Register of payment orders issued by the \_\_\_\_\_ of \_\_\_\_\_ in the month of \_\_\_\_\_ 20\_\_\_\_

Date	Consecutive number of payment orders	To whom paid	Nature of repayment and number of item the Register of receipts against which it is to be taken	Amount cashed in Treasury		Initials of Judge-in-charge/Magistrate in-charge	Date of payment by judge-in-charge/Magistrate in-charge	Initials of Session Judge/Chief Judicial Magt./Distrte Magistrate	Remarks
				Court	Treasury				
1	2	3	4	5	6	7	8	9	10
				Rs. P.	Rs. P.				

**NOTE 1** - After the receipt from the Treasury advice of the last day of the month the monthly totals of this Register should be compared with the monthly totals of the Register of Repayments of Deposits and of any refunds of fines or miscellaneous receipts granted. The difference, if any will be on to orders but cashed and the amount of those which have lapsed should be written off.

2. The signature of the recipients with the date of receipt of the payment order should be taken in the Remarks column.

## 1. ACCOUNT FORMS

**FORM No. (A) 9**  
**REGISTER OF APPLICATION FOR PAYMENT ORDER**

Schedule XLIII - High Court (A) 9 - A

1.	Serial number
2.	Name of applicant
3.	Nature, number and year of the case
4.	Name of the Court
5.	Date of application
6.	Date of sending to the Accountant for audit
7.	Date of return by the Accountant
8.	Date when sent to the Record Room
9.	Date of receipt in the Record Room
10.	Date of return by the Record-keeper
11.	Date of receipt in the office
12.	Date of audit by the chief ministerial officer.
13.	Date when sent to the Accountant.
14.	Date when sent to the Acct. General for sanction
15.	Date when received back from the Acctt. - General
16.	Date when payment order passed or in case of refund orders the date when sent to the Treasury for encasement
17.	Remarks

**Note 1** - This Register will be kept by every Sheristadar, Accountant and Record-keeper. The Record-keeper will be required only to fill up columns 1 to 4 .and 9 and 10 and the Accountant Columns 1 to 4, 6, 7 and 13 to 16.

**2.** Entries should be numbered serially according to the financial year.

**3.** Applications for payment orders filed by the Nazir should be entered in the Register maintained both the Sheristadar and the Accountant.

Schedule XLIII -. High Court (A) 10

**FORM No. (A) 10**

**TREASURY PASS BOOK**

Remittance from the Court of the Sessions Judge/Chief Judicial Magistrate/District Magistrate to the Treasury

Date of remittance to the Treasury	Court's serial number of chalan	Court's particulars of receipt	Head of account under which to be scheduled at Treasury	Amount	Signature of initials of Treasury Officers
1	2	3	4	5	6
				Rs. P.	

## 1. ACCOUNT FORMS

Schedule XLIII - High Court (A) 11 (i) and (A) 11 (ii).

**FORM Nos. (A) 11 AND (A) 11 (ii)**  
**DAILY REGISTER OF DEPOSIT RECEIVED IN COURT OR ADVISED AS HAVING BEEN RECEIVED IN THE TREASURY OF**

ART I-A-DEPOSITS		IN THE MONTH OF		20		PART II-B DEPOSITS	
1.	Date of receipt						
2.	Annual consecutive No.						
3.	No. of calan and date						
4.	From whom received						
5.	Nature of deposit with						
6.	Amount of each deposit						
7.	Initials of Judge-in-charge /Magistrate-in-charge						
8.	Monthly total						
9.	Date						
10.	Amount of each repayment						
11.	Initials of Judge-in-charge/						
12.	Date						
13.	Amount of each repayment						
14.	Initials of Judge-in-charge /						
15.	Date						
16.	Amount of each repayment						
17.	Initials of Judge-in-charge/						
18.	Date						
19.	Amount of each repayment						
20.	Initials of Judge-in-charge /Magistrate-in-charge						
21.	Total repayment						
22.	Amount lapsed and credited to Government						
23.	Balance credited to Clearance Register.						

Note - A separate Register in is form will be maintained for each of the two classes of deposits A and B. Each entry in this Register should be initialised by the Judge-in-charge/Magistrate-in-charge after comparison with the corresponding entries in the Chalan and Register of Payment Orders. This form should be used for two years only., after which the unpaid balance should be transferred to the Clearance Register as required by Rule 450, Part VIII, Page 145, Vol. 1.

**FORM Nos. (A) 12 (i) AND (A) 12 (ii)**  
**Schedule XLIII - High Court (A) 12 (i) and (A) 12 (ii).**  
**DEPOSITS REPAID AT THE TREASURY OF OR REPAID AT THE COURT**  
**AND ADVISED TO THE TREASURY DURING THE MONTH OF**  
*[To be maintained by the Judge-in-charge of Accounts and to be preserved for 12 years]*

Date	Details of deposits		Dates as to Present Repayments		Number of repayment voucher	To whom paid	Whether paid in cash or by transfer	Received in all iprevious year	Received last year	Received during current year		Initials of		Remarks
	Number as per Register of receipts	Account or balance of deposit	Date of cashing payment order whether at Court or at Treasury	Date of granting payment order as per Court's Register						Previous month	Current month	Accou-ntan	Judge in- char gn	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
								Rs. P.	Rs. P.	Rs. P.	Rs. P.			

**Note 1** - Separate Register must be maintained for each of these two classes of deposits.

**Note 2** - Columns 13 and 14 are not required to be filled up in the copy sent to the Accountant-General

**Note 3** - Each entry in this Register should be compared with the corresponding entries in the Register of Payment Orders.



1. ACCOUNT FORMS

<b>FORM No. (A) 13</b>			
Schedule XLIII - High Court No. (A) 13		<b>CLEARANCE REGISTER OF "A" DEPOSITS RECEIVED AT .....</b>	
Details of Repayments to be posted			
In the second year after Receipt			
1. Date	2. Number of each deposit	3. Name, Father's name and caste and address of the person from whom received.	4. Name, father' name, caste and address of the payee.
		5. Nature of each deposit	6. Balance of each deposit
7. April	Rs. P.	Rs. P.	Rs. P.
8. May	Rs. P.	Rs. P.	Rs. P.
9. June	Rs. P.	Rs. P.	Rs. P.
10. July	Rs. P.	Rs. P.	Rs. P.
11. August	Rs. P.	Rs. P.	Rs. P.
12. September	Rs. P.	Rs. P.	Rs. P.
13. October	Rs. P.	Rs. P.	Rs. P.
14. November	Rs. P.	Rs. P.	Rs. P.
15. December	Rs. P.	Rs. P.	Rs. P.
16. January	Rs. P.	Rs. P.	Rs. P.

## 1. ACCOUNT FORMS

<b>TREASURY IN 20</b>		<b>STILL OUTSTANDING ON 1ST APRIL 20</b>	
(In the Accountant-General's Office)			
In the Third year after Receipt			
17.	February	Rs. P.	
18.	March	Rs. P.	
19.	April	Rs. P.	
20.	May	Rs. P.	
21.	June	Rs. P.	
22.	July	Rs. P.	
23.	August	Rs. P.	
24.	September	Rs. P.	
25.	October	Rs. P.	
26.	November	Rs. P.	
27.	December	Rs. P.	
28.	January	Rs. P.	
29.	February	Rs. P.	
30.	March	Rs. P.	
31.	Total repayments on each deposit	Rs. P.	
32.	Balance of each deposit lapsed and credited to Government.	Rs. P.	

## 1. ACCOUNT FORMS

## FORM No. (A) 14

Schedule XLIII - High Court (A) 14

**REGISTER OF MISCELLANEOUS RECEIPTS IN THE COURT OF THE DURING THE MONTH OF**

Consecutive number in the Register	Date of realisation	Number of challan	Date of remittance to the Treasury	From whom receive	Nature of receipt <i>i.e.</i> , - (1) Sale or credit of unclaimed property credited to Government (2) Forfeitures (3) Sale-proceeds of old furnitures and store, etc. (4) Other Miscellaneous receipts.	Amount	Total	Remarks
1	2	3	4	5	6	7	8	9
						Rs. P.	Rs. P.	

Schedule XLIII - High Court No. (A) 15

No .....

Dated .....

Name of payer .....

.....

.....

On what account .....

.....

.....

Amount.....

.....

.....

**Note** - The counterfoils and the corresponding receipts should be serially numbered before this book is brought into use.

**FORM No. (A) 15**  
**REGISTER OF COUNTER-FOILS OF RECEIPTS**  
**GRANTED BY CASHIER FOR PEREMPTORY**  
**CASH RECEIPTS**

No ..... Date .....

Received from .....

the sum of.

Rupees (signed)

Cashier of the Court of the .....

At .....

## 1. ACCOUNT FORMS

Challan number		From whom received	On what account	Amount received		Number of payme order	To whom paid	Amount paid
				Petty receipts	Other receipts			
1	2	3	4	5	6	7	8	

**FORM No. (A) 16**  
**GENERAL CASH BOOK**

Schedule XLIII - High Court (A) 16

Dr.

## 1. ACCOUNT FORMS

Schedule XLIII - High Court (A) 9 - A

**FORM No. (A) 17**  
**Register Of Criminal Files Of The Office For The Month Of 20**

1.	Consecutive number	
2.	Number of case	
3.	Name of Magistrate imposing fine	
4.	Name and palace of residence of offender	
5.	Offence and date of sentence	
6.	Amount of fine	
7.	Substantive	
	In default fine	
8.	Date of issue of warrant for realisation of fine	
9.	The Police-station/Collector of the District or both to which issued	
10.	Signature of the Bench Clerk of the Magistrate imposing fine	
11.	Signature of Magistrate imposing fine	
12.	Date of return of warrant	
13.	Amount realised and date of realisation	
14.	Balance	
15.	Amount paid into Treasury and date of payment	
16.	Signature of Clerk-in-charge of the fine Register	
17.	Amount remitted, written off or lapsed	
18.	Signature of Bench Clerk of Court to which the entry relates	
19.	Signature of Magistrate imposing fine	
20.	Signature of Judge-in-charge/Magistrate-in-charge of the fine register	
21.	Date on which the notice of realisation of fine is sent to jail	
22.	Date on which the notice is received back from jail after amendment of warrant.	
23.	Remarks	

1. Substituted by C. S. No. 67, XLIX-D, 20/97, Dt. 21.4.1998.

## 1. ACCOUNT FORMS

FORM No. (A) 17		REGISTER OF CRIMINAL FINES OF OTHER DISTRICTS FOR THE MONTH OF 20	
1.	Serial Number		
2.	Number of case		
3.	District of Court imposing fine		
4.	Name and office of Judge/Magistrate imposing fine		
5.	Name and place of residence of offender		
6.	Amount of fine		
7.	Date of receipt of warrant for realisation of the fine amount from other district		
8.	Date of issue of warrant to police-station		
9.	Police-station to which issued		
10.	Signature of the Clerk-in-charge of the Fine Register.		
11.	Signature of Judge-in-charge /Magistrate-in-charge of fines		
12.	Date of return of warrant		
13.	Amount realised and date of realisation		
14.	Balance		
15.	Amount paid into Treasury and date of payment		
16.	Signature of the Treasury Muharrir		
17.	Date on which notice of realisation of fine is sent to other district.		
18.	Date on which acknowledgment of receipt of notice is received.		
19.	Signature of the Clerk-in-charge of the fine Register.		
20.	Signature of the Clerk-in-charge/Magistrate-in-charge of fine		
21.	Remarks		

Schedule XLIII - High Court (A) 17-8

FORM No. (A) 17-B

**ACCOUNTS OF SALEABLE FORMS**  
(with sample entries)

Date	Application for copy	Application for information	Price	Number and date of chalan by which paid into treasury	Initials of the Judge-in-charge	Remarks		
1	2	3	4	5	6	7	8	9

**Note** - The balance should be struck at the close of the month.

**FORM No. (A) 17-C**

**Fine Realisation Statement**

- Serial No.
- Name of the Court
- Name and address of the convict
- No. and year of the Case nature of offence.
- Date of conviction
- The Sentence imposed in the Case
- Date of commitment to Jail to serve out the substantive imprisonment and / or imprisonment in default of payment of fine.
- Date of termination of the Sentence
- Date of realisation of fine amount
- Whether fine realised in full or part
- Remarks

No..... Dated .....

Forwarded to the superintendent of :..... Jail at ..... in duplicate for effecting necessary amendment in the original commitment warrant, release diary in accordance with the above memorandum and release him if otherwise not required to be detained.

Returned to the ..... Magistrate/Judge ..... after effecting necessary correction in the original commitment warrant and release diary on this day of ..... 20, in accordance with the memorandum.

1. Inserted by C.S. No. 56, IX-9/93, dt. 4.4.1996.



## 1. ACCOUNT FORMS

## FORM No. (A) 18

Schedule XLIII - High Court (A) 18

## THANA REGISTER OF WARRANTS FOR THE LEVY OF FINES

Consecutive number year-wise	Number and date of warrant	Officer issuing	Name of offender and offence, and date of sentence	Amount for which warrant is issued	Date of its receipt in the police station	Date of its return to Court issuing the warrant	Amount realised and remitted to Court	Date of remittance	Balance of fine outstanding	Remarks
1	2	3	4	5	6	7	8	9	10	11

**FORM No. (A) 19**

Schedule XLIII - High Court (A) 19

**REGISTER OF CONTRACT CONTINGENT OF THE ..... DEPARTMENT OF THE .....  
DISTRICT FOR 20 .....**

Registers - A separate register must be maintained for each Department on account of which there is a separate allotment for contract contingencies. It should be opened with the allotment on 1st April, the bank money column being filled in with such headings as are peculiar to the department in addition to those printed, Classification \_ The kinds of payments, to be recorded under each head are detailed in Appendix C to the Bihar and Orissa Treasury Manual, expenditure must be shown as incurred on the account on which it is made. Permanent Advance - The permanent advance must be recouped on the last working day of each month as also when the charge of office is transferred in course of the month. Contract Contingent Bill - When it becomes necessary to draw money from the Treasury, the several columns should be totalled, and only the totals of the each of the columns should be posted against the printed hearing in the contract contingent bill - Numbering Bills. There should be a separate annual series of numbers given to the bills drawn against each allotment. Allotment - It must be distinctly borne in mind that, for any excess over allotment the drawing officer is held personally liable, and that unless he can procure exemption from Government the amount will be recovered from his personal allowances. Variations in Allotment - Each increase or decrease should be entered in the columns provided therefor immediately it is known.

	Explanation of each addition and deduction in columns 2 and 3
1. Date	
2. To whom paid	
3. Description of charge	
4. Number of Sub-voucher	
5. Number given to each Contract bill	
6. Hot and cold weather charges	
7. Tour charges	
8. Country stationery	
9. Repair to tents	
10. Purchase and repaid of furniture	
11. Office expenses	
12. Miscellaneous	
13. Service postage stamps	
14. Service Telegram	
15.	
16.	
17.	
18.	
19.	
20.	
21.	
22. Total of present up-to-date	
23. Total of all bills drawn and there after Allotment as per bill last presented column 4.	
25. Add	
26. Deduct	
27. Net allotment at time of present bill	
28. Other uses	
29. Transfer to	
30. Controlling Officer's	
31. Other uses	

1. ACCOUNT FORMS

**FORM No. (A) 20**

**REGISTER OF CONTINGENT CHARGES**

(N.B. - A.G. B. & O. Form No. 241 of Schedule XXV is to be intended for and used.)

**FORM No. (A) 21**

Schedule XLIII - High Court No. (A) 21

*Subordinaie Court's Daily Advice List of slims received and paid un der the Order of the Court of ..... on the ..... day of .....20, being the date of actual receipt of act u at disbursement at the Court of at the Treasury.*

**N.B.** - [This statement is to be complied from registers Nos. (A), 11 (A), 12, (A), 14]

Receipts	Rs.	P.	Payment	Rs.	P.
Judicial deposits exceeding Rs. 5 each			Repayment of deposit exceeding in amount Rs. 5 each received in all previous years as per detailed register attached [Form No. (A) 12]		
Judicial deposits of Rs. 5 and under Fines and forfeitures			Repayment of deposits exceeding in amount Rs. 5 each received in last year.		
Stamps duty and penalties			Repayment of deposits exceeding in amount Rs. 5 each received during the previous months of the current year.		
Miscellaneous and petty receipts			Repayment of deposits exceeding in amount Rs. 5 each received during the current month.		
			Repayment of B deposits received during the year of account.		
			Repayment of B deposits received during the year of account.		
Total			Total		

Certified that this statement has been examined with the Cash Book and Registers of chalan and payment orders and is correct.

Certified also that the registers of deposits not exceeding Rs. 5 are written up to date and are in order.

To the Session Judge of

The date of last prior transaction should invariably be filled in.

**Note** - This daily advice list will be furnished only by the Judge-in-charge of accounts of the Courts at other than the Sadar Station who may either the Subordinate Judge and Munsif but no such list will be sent by any of the Court to the Sadar Station - Vide Signature at foot.

1. ACCOUNT FORMS

**FORM No. (A) 22**

Schedule XLIII - High Court (A) 22

**DISTRICT JUDGE'S DAILY REGISTER OF DEPOSITS ADVISED AS HAVING BEEN RECEIVED AND REPAID UNDER ORDER OF THE SUBORDINATE COURTS**

Date of actual receipt or repayment as advised	Total amount received	Deposits exceeding in Amount Rs. 5 Each				Deposits of Rs. 5 and Under				Initial of District Judge			
		Repaid on account of all previous years		Repaid on account of past year	AMOUNT REPAID		Daily Balance B	Rs. P.	Rs. P.				
		Rs. P.	Rs. P.		Previous months A	Total Amount repaid					Previous years	Current year	
<b>1</b>	Rs. P.	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	Rs. P.

**Note** - The column marked A should be proved monthly by comparing the different between it and the column "Total amount received" with the statement of outstanding deposits. The columns marked 8 should be tested by comparing the balance on the last day of each official year with the list of in paid deposits.

## 1. ACCOUNT FORMS

FORM No. (A) 23

Schedule XLIII - High Court (A) 23

## PEREMPTORY CASH BOOK OF THE COURT OF THE FOR THE DAY OF THE MONTH OF 20

Dr.

	1. Serial number of deposits	
	2. From whom received	
	3. Particulars	
ON ACCOUNT OF	4. Witnesses expenses	
	5. Prisoner's diet	
	6. Commissioner's travelling allowance	
	7.	
	8.	
	9.	
	10. Total	
	II. Date (and amount) of repayment	
	12. Initials of the Cashier	
	13. Initials of the Checking officer	
14. To whom paid		
15. Particulars		
16. Serial number of the deposit		
ON ACCOUNT OF	17. Witnesses' expenses	
	18. Prisoner's diet	
	19. Commissioner's travelling allowance	
	20.	
	21.	
	22.	
	23. Total	
	24. Signature of payee	

**Note** - (1) When unexpended diet money is refunded by a peon the amount shall be entered in this Register against a new serial number. The serial number of the original deposit being written the letter thus 27/7.

(2) Recipients of money should be required to affix their signatures in the last column against each item of money paid to them. The practice of bracketing two or more items and affixing one signature should not be permitted.

(3) When any payment is made by money orders, the money order receipts in original shall be pasted into the column provided for "Signature of Payee".

**FORM No. (R) 1**

**Register of - (1) Complaints of offences**

- (2) Unimportant cases sent up by the Police in which a First Information report is not used  
 (3) Miscellaneous cases

Serial number for the year	Date of complaint or information or institution	Name of complainant/ informant/ applicant	Number and names of accused person or persons/ opposite party against whom the information	Nature of case and section of law	Order passed with date		Remarks
					PreLimi nary	Final	
1	2	3	4	5	6	7	8

Note 1 - Separate volumes should be kept for Register of (1) Complaints of offences, (2) Unimportant cases sent up by the Police in which a First information report is not used, (3) Miscellaneous cases.

2. The register of complaint of offences should be divided as follows-

- (i) 1 C.C. Register - Register of complaints filed by private individuals.
- (ii) 2 C.C. Register - Register of complaints on written report filed by Government officials.
- (iii) 3 C.C. Register - Register of complaints filed by local bodies or authorities.

2. C.C. Register should be Sub-divided into three parts namely 2 (a) C.C. Register of complaints filed by Excise Department, 2 (b) C.C. Register of cases filed by Forest Department and 2 (c) C.C. Register of cases filed by all other Government Officials. Similarly, 3 C.C. Register should be Sub-divided into three parts, namely, 3 (a) C.C. Register of cases filed by the Municipality, 3 (b) C.C. Register of cases filed by Grama Panchayats and 3 (c) C.C. Register of cases filed by local bodies except Municipality and Grama Panchayats. Separate serial numbers should be assigned in each volume to different types of cases from number one and the case number noted against the same.

3. Every order of transfer shall be entered in Column 6.

4. The result of any appeal or application for revision should be entered in the column for Remarks.

## II. REGISTERS

5. The dates of adjournment till the date when the case is sent to the trial file of each case should be entered in column 6.

6. In the case of the Register of "Unimportant cases" the name of police-station may be noted in the remarks column or in column 1.

The following additional instructions should also be observed in the case of Register of Miscellaneous cases.

1[7. In this Register will be entered all cases falling under Sections 82, 83, 107, 108, 109, 110, 133, 143, 144, 145, 190 (1 )(c), 345, 349, 350, 125,127,128,446,457 and preliminary enquiries under Section 340 and proceedings for realisation of amounts recoverable as fines under Sections 250, 357, 359, 421 and 424 of the Criminal Procedure Code and Section 22 of the Cattle Trespass Act 2[and case under Section 11 (4) of the Prevention of Food Adulteration Act, 1953.] For cases under Sections 113 and 114 of the Indian Railways Act, a separate register shall be maintained.]

8. This Register is intended to show all cases instituted and dealt with in the district or sub-division as the case may be. When subordinate Magistrates deal with such miscellaneous cases, their Bench Clerks should, at regular intervals furnish the Head Clerk of the Chief Judicial Magistrate or Sub-divisional Judicial Magistrate with information regarding them in order that they may be entered in the District or Sub-divisional Register.

(i) As stated in Note 8 above, this Register is intended to show all cases instituted and dealt with by the Magistrates. Applications, petitions etc. which have been simply filed and no action taken thereon, should not be entered in it.

(ii) The date of institution in miscellaneous cases is the date on which any proclamation is published, process issued, or order made, or on which the accused is produced in Court or called upon to show why an order should not be made against him.

(iii) An order for sale of attached property under Section 83 of the Code should be treated as equivalent to a conviction even though the attached property be subsequently restored under Section 85 (3).

(iv) The number of persons discharged or against whom order is made should in cases other than those under Sections 107, 108, 109, 110, 144, 145 of the Criminal Procedure Code be noted in the column for remarks.

9. Magistrate holding Mobile Courts should take the Trial Register with them and enter all cases taken cognizance of by them during Mobile duty. After return to the Court the Bench Clerk should fill up those cases in the concerned register in this form with the help of the Trial register.

10. Cases under Sections 112 and 122 Indian Railways Act not cognizance by the Police are to be entered in this register. Cases sent up by Police without First Information Report should be entered in the register of unimportant cases.

3[11. Serial number of the pending cases at the end of the year should be noted in red ink at the front page)

- 
1. Substituted by C.S. No. 27-XLIX-Dt. 20/87, Dt 26.9.1987.
  2. Added by C.S. No. 41-IX 4/89, Dt. 27.6.1992.
  3. Inserted by C.S. No. 28-IX-17/87, Dt. 25.9.1987.
-

**FORM No. (R) 2**  
**MAGISTRATE'S GENERAL REGISTER OF CASE COGNIZABLE BY THE POLICE**

Serial No. for the year.	I[police-station and police case number]	Date of information and crime as reported to the Police with Section of Penal Code and other law	Date of receipt by the Magistrate	Name of Parties	Return of police investigation i.e. (1) Nature and date of offence Crime established before police with Section and, (2) Arrests made, etc.	Order passed with date		Remarks
						Preli-minary	Final	
1	2	3	4	5	6	7	8	9

**Note** - (1) Every order of transfer shall be entered in remarks column.

(2) The dates of adjournment of each case should also be entered in remarks column.

(3) The result of any appeal or application for revision should be entered in the column for remarks.

(4) Cases under Section 112 and 122 Indian Railways Act, cognizable by police should be entered in this Register 2[(5) Serial number of the pending cases at the end of the year should be noted in red ink at the front page].

1. Substituted by C.S.No. 12.IX- 12/82, Dt. 13.1.1983.

2. Inserted by C.S.No. 29, IX -17/87, Dt. 25.9.1987.



II. REGISTERS

**FORM No. (R) 3  
TRIAL REGISTER**

*Register of cases instituted or received on transfer for enquiry or trial in the Court of Magistrate of*

Serial number for the year	Case number	Date of institution Appearance of the last accused	Date of receipt of the case	Name of complainant or informant	Number of accused	Nature of the case with the section of the Penal Code or other act	Final order and date	Result of appeal or revision	Remarks
1	2	3	4	5	6	7	8	9	10

**Note 1** - Each Court will have a serial number of its own.

2. The dates of adjournment of each case should be noted in the Remarks column.
3. Case number of different register should be distinguished by the letters C for "Complaint Register" case G. for "General Register" case U for "Unimportant Register" case M for "Miscellaneous Register" case.
4. This Register shall be maintained by all Magistrates who try original cases.
5. Receipt of the case upon remand shall be noted in red ink in column 1.
6. A case in which the proceeding is stopped under Section 258 Cr.P.C. and subsequently revived after appearance fo the accused should be restored to its original number but where accused is apprehended and brought to trial after destruction of the trial register, a new case should be registered in the register which is in use then.
7. Serial number of the pending cases at the end of the year should be noted Cases under Sections 113 and 114 Indian Railways Act should be entered in the Register only when they become contested.
9. In all instances where the accused is in custody, the letter 'C' in capital shall be written within bracket in red ink in column 6 immediately after the name of the accused concerned and it should be scored through as soon as he is enlarged on bail wh the date of release noted under a line below the bracket. The entry shall be made each time and when the accused is subsequently taken to custody in the case date of such remand to custody noted below the entry.
10. Magistrates holding Mobile Courts should carry the registers with them and enter all cases taken cognizance of by them during Mobile duty. After return to the Court the Bench Clerk will fill up the column 2 of this register. These cases may be indicated by the letter 'M' below the serial number of cases of column 1 for the purpose of distinguishing them from regular cases.
11. Cases instituted under the Criminal Law Amendment Act should be entered in this Register, separate register in respect of such cases should be opened for each district.

## II. REGISTERS

**FORM No. (R) 3-A**  
**Register For Pending Split Up Records**

Sl. No.	Case No. Trial No.	Name of the absentee accused persons with address	Name and address of the bailor for the absentee accused persons	Order No. and date of split up record	Date of consignment of the original record to the record room	Action taken against absentee accused, persons	Date of appearance or apprehension of the absentee accused persons	Whether split up records find entry in (R) 1 and (R) 3	Date of disposal of the split up records and date of consignment of the same to record room	Date of transfer of the split up records to dormant file if any	Remarks]
1	2	3	4	5	6	7	8	9	10	11	12

1. Inserted by C.S. No. 62 IX - 5/96, dT. 18.6.1997

## II. REGISTERS

**FROM No .. (R) 4  
REGISTER OF APPEALS/REVISION CASES**

Serial number for the year	Date of filing	Number and name of appellants or applicants	Number and names of respondents or of opposite parties	Order or sentence appealed against or of which revision is sought	By whom the order or sentence was passed	Final order passed with date	Remarks
1	2	3	4	5	6	7	8

**Note** 1. Separate volumes should be used for Appeals and Revision cases.

2. The date of sending a copy of the judgment to the lower Court shall be entered in the remarks column.

3. When appeal or revisions are transferred to the other Courts, the date and the Court to which transferred should be noted in the remarks column.

4. When Criminal appeals or revisions are transferred to the file of Additional Sessions Judge or Assistant Sessions Judge or Chief Judicial Magistrate and disposed of by those Courts necessary information shall be sent to the Court of Sessions Judge for filling column 7 of the Register.

**FORM No. (R) 5**  
**REGISTER OF WARRANTS OF SUBSTANTIVE TERMS OF IMPRISONMENT**

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.
Number and year of the case	Name of the person sentenced	Date of sentence	Term of imprisonment with Section (s) of the offence.	Date of commitment to	Date (s) of bail order	Date (s) of release of the convict on bail.]	No. and year of the case with name of the Court other than the convicting Court granting the bail.	No. of appeal or revision [with name of the Court and result of the same with date.	Steps taken for recommitment of the accused with date.	Date of recommitment to the jail.	Date on which the imprisonment would ordinarily terminate	Steps taken for return of warrant after termination of imprisonment.	Date on which the warrant is received by the Court after execution.	Whether the fine amount has been written off or remitted	The precondition period of detention of convict]	Remarks
<p><b>Notes -</b> (1) Prisoners should be entered according to the date of sentence in chronological order. Warrants when returned shall be filed with record of the case to which they belong so as to form part of that record. (2) In case of release of convict on bail on the day of judgment, column 11 shall be left blank and shall be filled up at the time of commitment to jail. (3) When the accused is sentenced to imprisonment for life, the words "whole life" shall be entered in column 11. (4) When the sentence of imprisonment is set aside, the original entry in column 11 shall be refunded up in red ink. (5) When sentence of imprisonment is modified, a fresh entry in red ink be made below the original entry in column 11. *(6) Names and addresses of the surety/sureties and the period for which the interim bail order enures shall be noted in the "Remarks column. (7) This register shall be put up to the Presiding Officer or his successor-in-office once a week, for his verification. (8) Cases in which sentence is imposed for the first time by the appellate Court, i.e. in case of appeal against acquittal, shall be entered in this Register. The date of sentence passed in the High Court or Supreme Court shall be deemed to be date when the original sentence was passed and accordingly the entries in other columns as necessary would be made. (9) Case of persons imprisoned under Section 122 Criminal Procedure Code for failure to give security should be entered in this register. (10) Cases of persons referred for confirmation of death sentence need not be entered in this register.</p>																
<p>* Deleted Foot Note NO.6 foot note No. (7) to (11) renumbered as foot notes No. (6) to (10) vide <u>C.S.</u>No. 3,IX-21/80, Dt. 9.2.1982. 1. Inserted by C.S.No. 55, XIX-O-24/95, Ot. 6.2.1996. 2. Inserted by C.S. No. 19, XIX-O-14-84 Ot. 25.8.1984 and Columns 7 to 14 re-numbered as Columns 8 to 15. 3. Inserted by C.S. No. 30, IX-21/87 Dt. 23.5.1988.</p>																



**FORM No. (R) 5-B**  
**SEPARATE RECEIPT REGISTER**

Serial No.	Number of the case	Name of the parties	i[ Nature of the orders passed by the Trial Court]	3[ Date on which orders appellate or revisional Court is received]	6 Nature of the orders passed by the appellate/ revisional Court	7 3[ Number of appeal or revision and name of the Appellate Court/ Revisional Court.]	8 Action taken for recommment of the convict to jail	9 Date of recommitment the of convict	10 Remarks
1	2	3	4	5	6	7	8	9	10

1. Inserted by C.S. No. 73 (IX-3/2009, Dt. 19.1.2010)

2. Re-numbered *ibid.*

3. Inserted by C.S.No. 18, XLIX-D, 21/84, Dt. 6.10.1984.

II. REGISTERS

**FORM No. (R) 6**  
**DIARY**

..... Magistrate took his seat  
at .....A. M.  
Petitions Nos. .... To .....received

The following work fixed for the day was dealt with in the  
manner indicated in each case -

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The Court rose at ..... P.M.

Statement regarding the No. of witnesses in attendance, examined,  
discharged, etc.

1. No. of witnesses in attendance
2. No. of witnesses examined and discharged
3. No. of witnesses examined in chief
4. No. of witnesses declined and discharged
5. No. of witnesses detained
6. No. of witnesses examined under Secs. 202, 340 Cr.P.C.

**FORM No. (R) 7**  
**I[REGISTER OF PETITIONS AND COURT-FEES IN THE**  
**COURT OF THE] ..... ]**

.....

[The Form No. (R) 9 of the G.R. & C.O. (Civil) Volume - II  
be used]

2[ \* \* \* ]

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1. Substituted by C.S.No. 9, XLIX-S/80 Dt. 9.6.1982.
  2. Deleted by C.S.No. 26, IX-10/87, Dt. 26.9.1987
-

## II. REGISTERS

FORM No. (R) 8

## REGISTER OF THE ATTENDANCE OF WITNESSES

1. Sl. No. of witnesses	2. Name of witness	3. Number of case in Registers Nos. (R) 1 or (R) 2	Date of attendance								14. Examined	15. Tendered but cross examination declined	16. Not examined	17. Initials of Presiding Officer	18. Remarks		
			Discharged														
			4. 1st day	5. 2nd day	6. 3rd day	7. 4th day	8. 5th day	9. 6th day	10. On the 1st day	11. On the 2nd day	12. On the 3rd day	13. After the 3rd day					

**Note - (1)** For instruction *see* Rule 85 Part I, General Rules and Circular Orders, Volume I.

**Note - (2)** Columns 1 to 4 should be filled in daily for every witness reported to be in attendance for the first time, and columns 5 to 9, as may be necessary, on account of the subsequent appearance of the same witness. If a witness has to re-appear after having been six times in attendance, a new series of entries in red ink must be made in columns 4 to 9 immediately under the previous entries. Columns 10 to 16 should be filed up after the witnesses' final discharge according to the entries made in columns 4 to 9 and the initials of the Presiding Officer are required in column 17 to vouch for the correctness of the entries in the Register.

**Note - (3)** Witnesses who, after having been discharged are resummoned for cross-examination under the provisions of Sections 243 and 247 Criminal Procedure Code, should be regarded as witnesses who have reappeared and should in accordance with the instructions given in Note 2 above, be entered in columns 5 to 9.

**Note - (4)** Case number of different Registers should be distinguished by the letters C for "Complaint Register" case, G for "General Register" case, U for "Unimportant Register" case and M for "Miscellaneous Register" case.

**Note - (5)** Information regarding witness examined in chief only should be noted in the remarks column.

**Note - (6)** When a case has been transferred from one Court to another and entries in respect of the witnesses who had appeared in the transferer Court columns 10 to 13 in respect of discharge of this register of the transferer Court should be left blank with a note underlined and dated in red ink to the effect that the case in which these witnesses had appeared has been so transferred.

**Note - (7)** When a Magistrate receives a case on transfer for trial, the witnesses in attendance on the day of the transfer should be entered in this Register and opposite each such entry a note within brackets should be made showing the date or dates of the appearance of such witnesses before the transferer Court to transfer of the case.



## II. REGISTERS

**FORM No. (R) 9**  
**REGISTER OF PROCESSES RECEIVED FOR ISSUE**

1. Serial No. of process	2. Nature of process whether to be served by post or by process server	3. Court from which the process is issued	4. Number of case	5. Beyond 8 kilometres by village unit systems	6. Within 8 kilometres of village unit system	7. Number of duplicate processes accompanying the original.	8. Date of deposit of Talbana	9. Date of receipt by Nazir	10. Name of serving Officer and date of delivery to him	11. Date, when returnable	12. Date of return to Nazir	13. Date of return of process/postal A.D. or the postal cover to the Court	14. 2[Signature of the clerk of the Court with date]	15. Remarks
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**Note** - Processes received from other districts should be entered in red ink and steps should be taken for prompt and effective service of such process.

1. Inserted by C.S.No. 10, XLIXD-11/82 Dt. 9.6.1982 and Columns 6 to 14 renumbered as Columns 7 to 15.
2. Substituted by C.S.No. 2, IX-16/80 Dt. 2.1.1981.

## II. REGISTERS

**FORM No. (R) 9-A**  
**REGISTER OF PROCESSES MADE SERVICE OVER TO THE NAZIR**

Serial No.	Number and year of the case to which the process relates	Name of person to whom issued	Nature of processes	Date of issue	Date when returnable	Receiver's initials with dates	Date of return	Remarks
1	2	3	4	5	6	7	8	9

**Note -** If the process is sent by post, the fact may be noted in the remarks column.

II. REGISTERS

**FORM No. (R) 10**

**REGISTER OF PROCESSES ISSUED TO EACH POLICE-STATION**

Police-Station :-

Serial No.	Number and year of the case	Name of the person to whom issued	Nature of processes	Date when issue of processes was ordered	Date when sent to police station	Date when received back	Remarks
1	2	3	4	5	6	7	8

**Note** - This register should also be maintained in ledger from ..... one section being allotted to one specified police-station.

**FORM No. (R) 10-A**

**REGISTER OF VERIFICATION OF SERVICES RETURNS OF THE PROSECUTION WITNESSES IN SESSIONS CASES**

Serial No.	Name of the Court	No. and Year of the Sessions Case	Date fixed for Trial	Names of prosecution witnesses with addresses who are summoned as witnesses .	Date of Issue of Summons	Mode of Service against each witness	Date of return after service	Whether Service is sufficient/ insufficient	Steps taken to procure the attendance of witnesses, If summons not received after due service	Remarks
1	2	3	4	5	6	7	8	9	10	11

1. Inserted by C.S.No. 57-IX-6/96, dated 30.1.1997.

**FORM No. (R) 11**  
**REGISTER OF PLEADERS AND MUKHTARS IN THE**  
**COURT OF THE**

At

*[Form No. (R) 24 of Schedule XLII of Volume II, Civil, is to be indented for and used]*

**FORM No. (R) 12**  
**COURT SUB-INSPECTOR'S DAILY BOOK OF PRISONERS**  
**TO BE PRODUCED BEFORE MAGISTRATE**

Name of prisoner	Date and time when received by the Court Sub-Inspector	Initial of Court Sub-Inspector receiving the prisoner before the	Date and time when produced before the Magistrate	Order of Magistrate	Signature of Officer-in-charge of escort against the names of the prisoners sent from Court	Initial of Jailor against the names of prisoners sent from Court
1	2	3	4	5	6	7

II. REGISTERSS

**FORM No. (R) 13**  
**LIST OF RECORDS SENT TO DISTRICT RECORD ROOM FROM THE COURT OF**

Sl. No.	Serial number of case in the Primary register	Name of Magistrate and station	Number and year of the case on the trial register	Name of complainant	Name of accused	Final order passed with details of sentence and date of decision	Result of appeal or revision	Class of each file (A) & (B) of the case under Rule 223 Part III	Date when kiisposed of and shelved in the District Record Room	Number of shelf and rack in the District Record Room	Date of destructio of files and initials of officers superint ending destruction	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13

Date of despatch..... Signature of officer of despatching Court

Date of receipt ..... Signature of District Record-keeper

**Note 1** - Separate list should be prepared for cases falling under the proviso to Rule 223, Part III, Volume I, Criminal.

**Note 2** - Case number of different primary registers should be distinguished by the letter C for Complaint Register Case, G for General Register case, U for Unimportant Register case and M for Miscellaneous case.

## II. REGISTERS

**FORM No. (R) 13 - A**  
**LIST OF RECORDS PLACED ON THE DORMANT FILE AND CONSIGNED TO THE RECORD**  
**ROOM FROM THE COURT OF SHRI .....**

Sl. No	No. year of of the case	Names of the parties.	Date of order placing the record on the dormant file	Date when received in the Record Room	No. of shelf and rack in the Record Room	Date when requisition for record is received from the Trial Court	Date when record is sent to the Trial Court	Remarks
1	2	3	4	5	6	7	8	9

## II. REGISTERS

**FORM No. (R) 14**  
**1ST OF RECORDS OF SESSIONS CASES, CRIMINAL APPEALS AND REVISION CASES SENT TO THE SESSIONS JUDGE'S/DISTRICT RECORD-ROOM FROM THE COURT AT .....**

Serial Number	Register	Nature of the case with the section of the Penal Code or other Act application.	Name of parties	Date of decision	File A or B	Date when disposed of and shelved in the Record room.	Number of shelf and rack in the Record room.	Date of destruction of files and initials of officers supervising destruction.	Remarks
1	2	3	4	5	6	7	8	9	10

Date of despatch -

- Signature of the Officer of despatching Court

Date of receipt -

- Signature of the Sessions Judge's/District Record-keeper.

**Note** - Class of case under Rule 223, Part III, Volume I, Criminal should be noted in the column for remarks.

1. REGISTERS

**FORM No. (R) 15**  
removed from the Record Room

**REGISTER OF RECORDS** ..... **BUT KEPT BACK BY THE DESPATCHING COURT**  
entered in the despatch list

1	2	3	4	5	6	7	8	9	10
Record-keeper's number and date (on the requisition) or date of receipt of despatch list.	Designation of the Court or office to which the record is sent or by which the record has been kept back after due date	Court's date and number (on the requisition) (a).	Consecutive number in despatch list and date to decision of record kept back (b).	Nature, number and year of case with date of disposal and the name of the Court to which the record relates.	Names of the parties	Date of removal of record (with initials of the clerk who removes it (a).	Date of return record from Court.	Date of restoration of record to its proper place with initials of the clerk who restored it.	Remarks

(a) This column need not be filled up when the record has been kept back by a despatching Court.  
 (b) This column need not be filled up when record is removed from Record room on requisition.  
**Note 1** - When a portion only of the record is removed particulars of the papers should be entered in column 5.  
**Note 2** - The number and date of each reminder issued should be entered in column 10.

**IFORM No. (R) 15-A**

**REGISTER OF REQUISITIONS FOR DOCUMENTS AND RECORDS**

Date when received in record room	Serial No.	Tow horn handed over for compliance	Date of compliance, or (in the case of a defective requisition) of return with initials of Record Keeper
1	2	3	4

1. Inserted by G.S.No. 21



## II. REGISTERS

**[FORM No. (R) 15 - B**  
Register of Defect Reports

Sl. No	No. Of the Court	No. and year of suit or case with date of disposal	No. and date of issue of defect report	Nature of defects found	No. and date of reminders if any	No. of date of requisition received for the record for compliance of defect found	Date of sending requisitioned record to the Court concerned from the District Record room	Date of receipt of the record and the original defect report after compliance	Date of restoration of records to its place	Remarks
1	2	3	4	5	6	7	8	9	10	11]

1. Inserted by C.S.No. 64, IX-5/96, Dt. 18.06.1997.

II. REGISTERS

**[FORM No. (R) 15 - B**  
**Register of Defect Reports**  
**REGISTER SHOWING UNDER EACH HEAD OF CRIME THE NUMBER OF OFFENCES REPORTED, OR**  
**CASES STRUCK OFF AS FALSE OR BROUGHT TO TRIAL' AND PERSONS ACQUITTED' DISCHARGED,**  
**OR CONVICTED, IN THE COURT NUMBER OF HEAD OF CRIME .....IN 20 .....**

1	Serial number for the year																					
2	Register of complaints of offences																					
3	Magistrate's General Register of cases cognizable by the Police																					
4	Register of unimportant cases sent up by the Police in which a first information report is not used.																					
5	Register of miscellaneous cases																					
6	Offences reported in	Previous year 20																				
7		Current year 20																				
8	Complaints dismissed under Section 203 Criminal Procedure code																					
9	Other cases found to be false																					
10	Case found of be true of offences reported in	Previous year 20																				
11		Current year 20																				
12	Cases pending at the close of the year																					
13	Number of persons	Cases brought to trial during the current year																				
14		Acquitted or discharged																				
15		Convicted																				
16		Died, escaped or transferred																				
17		Remaining under trial at the end of the year																				
18	Remarks																					

II. REGISTERS

**FORM No. (R) 17**

**INSTRUCTIONS FOR WRITING UP STATISTICAL REGISTER 1**

1. This Register is intended to facilitate the preparation of Annual Statement 2, and the following instructions should be observed in writing it up.

General

2. Apart from Certain miscellaneous proceedings under the criminal Procedure Code, this register has reference to Judicial work alone.

3. Offences under each head of crime, as specified in the "SCHEDULE OF OFFENCES" appended to Form No.(S) 6, infra, should be entered in a separate page or pages, as may be necessary. No cases under the Criminal Procedure Code except those indicated in it must be entered. The list given of offences under "Special and Local Laws" is not meant to be exhaustive. Separate pages should be provided and arranged in alphabetical order for each law against which it is alleged that offences have been committed. Separate pages should also be provided for attempts, where not separately specified in the schedule. Abetment should be included in the pages provided for the substantive offences abetted. In the pages provided for heads of crime, numbers 9 and II, an entry should be made in the column for remarks of the persons dealt with summarily under the provisions of chapter XXI of Criminal Procedure Code; and in the pages provided for other heads of crime, an entry of the cases in which the complainant was required to pay compensation to the accused under Section 250 in addition to the punishment inflicted upon him, was required to give recognizance or security to keep the peace under Section 106. In the page provided for heads of Crime 79 and 80, "Security for good behaviour," a note should be made in that column of the cases in which the orders of the Court of Sessions were taken under Section 122.

4. Entries relating to the cases of escaped prisoners should be struck out. On the recapture of the latter, their cases should be entered as new cases.

5. The final result of trial as regards each person will determine the head of crime under which entries regarding him are to be made, and the Magistrate who disposes of the case should in case of doubt, himself give the necessary direction, In the case of complaints dismissed under Section 203 of the Criminal Procedure Code or where the charge is found to be false or the facts alleged do not amount to an offence the head of crime should be that of the offence substantially imputed. Where an accused is tried under more than one head of charges he should be exhibited under the principal one only unless he happens to be accused of entirely distinct offences supported by separate evidence, in which case the trials should be shown separately, and the results independently.

II. REGISTERS

6. Cases should be entered in the Register as final orders are passed in cases pending in the close of the previous year in columns 1,2 to 5, 6 and in columns 8, 9 or 10; cases instituted during the year in columns 1,2 to 5, 7 and in column 8, 9 or 11. The series in column 1 will be continuous and with the exception of columns 2 to 5 the entries in the other columns up to and inclusive of column 13 will be in the form of a separate series for each column. At the close of the year, pending cases will be added in columns 1, 2 to 5, 7, 12 and also, if necessary, in column 13 in which cases the persons concerned should be entered in column 17. The aggregate of the fine entries in columns 8 to 12 should agree with those of columns 6 and 7. The last entries in columns 6 to 13 and the totals of columns 14 to 17 will give the figure required for the corresponding columns of Annual Statement 2.

Regarding the filing up of the several columns.

7. Columns 2 to 5 - The number of the case as given in Primary Registers 1 to 4 should be entered in these columns.

8. Column 6 - Enter all offences (cases) pending at the close of the previous year.

9. Column 7 - All offences (cases) of which information was given complaint made or cognizance taken under Chapters XII, XV of the Criminal Procedure Code, for the first during the year, are to be shown, if alleged to have occurred in the district, although some of the charges may not have been prosecuted or may have been found to be false, provided that the cases were/dealt with by a Magistrate in his Judicial capacity. .

10. Column 8 - Enter all complaints (cases) inclusive of cases reported during, and pending at, the close of the previous year, dismissed under Section 203 of the Criminal Procedure Code, during the year.

11. Column 9 - Enter all cases other than those shown in column 8, in which during the year a Magistrate declared that the charge was false or that the facts alleged did not amount to an offence or that the offence never occurred, inclusive of cases pending from the previous year and so dealt with during the year. Include cases in which the complaint was adjudged to be frivolous or vexatious, and the complainant was fined under Section 250 of the Criminal Procedure Code. Exclude charges rejected by the Police unless a Magistrate declared them to be false, acting in a Judicial capacity.

12. Column 10 - Enter cases found to be true during the year out of those entered in column 6. (This information, though required by the Court is not required by the Government).

13. Column 11 - Enter cases found to be true during the year out of those entered in column 7.

14. Column 12 - The entry in this column should be the balance of the cases entered in columns 6 and 7 after deducting those entered in columns 8, 9, 10 and 11.

## II. REGISTERS

15. Column 13 - Is intended to show only cases brought to trial during the year and should not include cases pending at the close of the previous year.

16. Column 13 to 17 - No person who has not appeared personally or by agent in Court is to be included in Annual Statement - (2), but all persons who have appeared, who is obedience to summons, warrant, or other process or voluntarily, to answer a criminal charge should be shown as under trial. So also persons discharged from bail taken under Section 169 without appearing before a Magistrate should not be entered. Accordingly, those cases only in which an accused persons has appeared personally or by agent before a Court and the persons who so appeared, are to be entered in these columns. Persons remaining under trial at the close of the previous year and those received by transfer from other districts during the year should be included in columns 14 to 17.

17. Columns 14 and 15 - These columns are intended to show the result of trials in Magistrate's Court as regards persons whose case were disposed of by Magistrates and in Court of Sessions as regards persons whose cases were disposed of by those Courts. In cases referred to by subordinate Magistrates under Section 323 and 325, and by Courts of Session under Section 366 of the Criminal Procedure Code, the results to be shown are those of the Court which received and dealt with the reference. Should this Court not have decided in any case by the end of the year, the person concerned in the case should be entered in the column "Remaining under trial at the close of the year".

18. Column 16 -It is not intended that any person should be entered in this column as disposed of by transfer was from one district to another, or from one kind of Court to another. As for example, from a Civil or Revenue Court under Section 346 of the Criminal Procedure Code.

19. Column 17 - Persons remaining under trial in Courts of Magistrates and in the Courts of Sessions in cases of commitment to those Courts, as also the persons whose cases were referred to a Superior Court, alluded to in the instructions regarding the filling up of columns 14 and 15, and undecided at the close of the year should be entered in this column.

20. Column 18 - In this column should be noted the names of the Courts or districts to which the cases of any of the persons entered in columns 16 were transferred. If the acquittal or discharge of the person shown in column 14 was due to the case having been compounded, withdrawn or dismissed for default of appearance under Sections 256, 257,249,320 of the Criminal Procedure Code, the fact should be noted in this (column 18) in order to facilitate the compilation of the figures which are required to be noted in Annual Statement 2 (vide "Instruction" and "Note" to Annual Statement 2)

**NOTE** - This Register should not be kept in the form of a bound book, but the pages of the different heads of crime should be filled together and additions and insertions made as required.

**FORM No. (R) 18**  
**REGISTER OF CASES DECIDED IN THE COURT OF ..... EXERCISING THE POWERS OF**  
**AT ..... IN THE YEAR 20 .....**

Serial No. In the	Number of persons dealt with		Persons whose cases were disposed of		On summary trial
	Brought to trial during the present year	dealt with	On regular trial	Released under the Probation of Offender's Act	
1.			Released under the Probation of Offender's act	Released under the Probation of Offender's Act	Youthful offenders dealt with under Section 31, Act, VIII of 1897
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.					

**II. REGISTERS**

II. REGISTERS

REGISTER OF CASES DECIDED - CONTD.

Persons sentenced to		Detail of punishment			
Number of cases	Disposed of during the year	Imprisonment			
		15 day and under	6 months and under	2 years and under	7 years and under
24.	Committed or referred				
25.	Total of column 17 17 to 23				
26.	Brought to trial during the year				
27.	On regular trial				
28.	On summary trial				
29.	Number of witnesses examined				
30.	Forfeiture of property				
31.	Rigorous				
32.	Simple				
33.	With imprisonment				
34.	Without imprisonment				
35.	Rupees 10 and under				
36.	Forfeiture of property				
37.	Rigorous				
38.	Simple				
39.	With imprisonment				
41.	Without imprisonment				
42.	Rupees 10 and under				
43.	Rupees 50 and under				
44.	Rupees 100 and under				
45.	Rupees 1,000 and under				
46.	Above Rupees 1,000				
47.	Amount of fine, imposed				
48.	Amount realised				
49.	Amount paid by way of compensation				
50.	Rigorous				
51.	Simple				
52.	Rigorous				
53.	Simple				
54.	Rigorous				
55.	Simple				
56.	Rigorous				
57.	Simple				
58.	Number of boys whose sentence were commuted to detention in reformatory school				
59.	Remarks				

**Instructions** - A separate Register must be kept for each Court and the designation of the Presiding officer and the powers exercised must be stated in the title with a view to the entry of the figures against the proper Sub-heads in Column 1 of Annual Statement 4. Only cases of the kinds provided for in the schedule attached to Annual Statement 2 should be included in this Register. The entries are to be made in it at once the conclusion of each trial and the persons entered will either then or afterwards, as found convenient, be set up in Statistical Register under each head of crime. The headings of the Register it will be observed, must exactly correspond with the headings of Annual Statements 4 and 5.

This Register and the Preceding Statistical Register are to be kept up for the purpose of the compilation of Annual Statement.

In Column 32, cases brought to trial during the year will be distinguished. At the close of the year the persons concerned in the cases in the pending file must be added in the appropriate columns 1 to 6 and 10 to 15 the number of cases in column 32 and the number of witnesses examined in column 35 to complete the figures for the Annual Statement.

A separate note should be made in column 59 of this Register to show how many of the persons entered in column 10 were brought to trial under arrest by the police and how many under arrest by other agency e.g. Forest or Excise officers, private prisons, etc.

Column 48 - A separate page or separate pages of the Registrar of a current year should be reserved and utilized for fines imposed during previous years, but realized during such current year.

Section of the Penal Code or other Local or Special Laws applicable should be noted below the case number.

If in any case compensation was allowed under Section 250 of the Criminal Procedure Code or recognizance or security taken under Section 106 of the Criminal Procedure Code, the fact should be noted in the remarks Column. Cases dealt with under Section 258 Cr.P.C. may be shown in Column 17.

Cases U / S 446 Criminal Procedure Code, should be entered in this register.

<sup>1</sup>[In Column 6, the date on which copies of Police Papers have been supplied to the accused in Police Cases and the date on which all the accused appear in complaint cases should be noted.]

1. Inserted by C.S.No. 34, IX-6/88 Dt, 13.2.1992.



II. REGISTERS

**FORM No. (R) 19**  
**REGISTER OF REQUISITION FOR RECORD RECEIVED**  
(Form No.(R) 19-A (Civil) is to indented for and use]

**FORM No.(R) 20**  
**REGISTER OF REQUISITION FOR RECORDS ISSUED**  
(Form No.(R) 19-8 (Civil) is to indented for and used]

**FORM No.(R) 21**  
**REGISTER OF RECEIPTS AND ISSUES OF PRINTED FORM**  
(Form No. 114 of Schedule LIII to be indented for and used]

**FORM No.(R) 22 CIVIL & CRIMINAL**  
**REGISTER OF CLERKS OF PLEADER/MUKHT AR**

(Form No. (R) 25 of Schedule XLII, of Volume II, Civil is to be indented for and used]

## II. REGISTERS

[FORM No. (R) 23 REGISTER OF SESSIONS CASES	
1.	Serial No.
2.	Name of the committing Magistrate and the number of the case on his file.
3.	Name, age or supposed age and description of each accused persons
4.	Offences-nature of
5.	Whether the accused is In jailor on bail
6.	Date of offence
7.	Date of apprehension
8.	Date of commitment
9.	Date of receipt of commitment in the Sessions Court
10.	Final order with date
11.	Results of appeal or reference, if any
12.	Remarks

**NOTE - 1.** Separate register shall be maintained for each district.

2. The date of sending copies of Judgments to the District Magistrate should be noted in the Remarks column .

3. When Sessions cases are transferred to the file of additional Sessions Judges or Assistant Sessions Judges and disposed of by those Courts, necessary information shall be sent to the Court of Sessions Judge for filling columns 10 and 11 of the Register.

4. Cases transferred to the Chief Judicial Magistrate under Section 228 (1) Criminal Procedure Code, 1973 shall be noted in the Remarks column.

## II. REGISTERS

<b>[FORM No. (R) 23 REGISTER OF BELL ORDERS</b>	
1.	Name of accused
2.	Court by which sentenced [and the case number]
3.	Date of sentence
4.	Original term of sentence
5.	Date of bail order
6.	Date of release on bail
7.	Name and address of surety
8.	Date of order of the court of appeal or revision terminating bail
9.	Term of modified sentence
10.	Date of receipt of the order of recommittalment
11.	Date of commitment or recommittalment as the case may be.
12.	Remarks

**NOTE** - Both the dates of bail order by the trial Court under Section 389 (3) Cr.P.C. And by the appellate Court under Section 389 (1) Cr.P.C. should be shown in Column 5 and the date of release on bail by the trial Court in Column No.6.

1. Added by C.S. No.16 XLIX D-16/83 dt.5.1.1984.

## II. REGISTERS

**FORM No.(R) 25****REGISTER OF MISCELLANEOUS CRIMINAL CASES**

Serial No.	Date of Application	Number of the section	Name of parties	Result	Remarks
1	2	3	4	5	6

**NOTE** - 1. Cases under Section 123 (1) and (2) Criminal Procedure Code dealt with by the Chief Judicial Magistrate may be entered in this register.

2. Petitions under Section 116 (7), 123 (2), 167 (6), 408, 439 (2), 440 [\*\*\*] Criminal Procedure Code, shall be registered as Miscellaneous cases.

2[3. Petitions for bail filed under the second proviso to Section 81 of the Criminal Procedure Code, 1973 dealt with by the Chief Judicial Magistrate shall be entered in this register].

**FORM No.(R) 26****DORMANT FILE REGISTER**

Serial No.	No. & year of the case	Name of the parties	Date of Order for keeping the case on doormat file.	Reason for keeping the case on doormat file.	Date when sent to the Record room for being placed on the doormat file.	Date when taken out from the doormat file 7 deal in the trial file.	Date of disposal of the case.	Date when consigned to record room.	Remarks
1.	2.	3.	4.	5.	5.	6.	7.	8.	9.

1. Deleted by C.S, No.171X-1/82 dt. 8.5.1984.

2. Inserted by C.S. No. 52 IX -7/92 dt. 3.4.1993

## II. REGISTERS

<b>FORM No. (R) 27 REGISTER OF PROPERTY</b>	
1. [Serial No.	2. Number of Sessions or Criminal cases
3. No. & Year of the case of the Magistrate /Police-station.	4. [Date and signature of the Malkhana clerk in token of receipt of the property.]
5. [Description of the properties with particulars including exhibits Marks, if any (Weights in cases of valuables) and the name and address of the person from whom the properties have been seized.	6. Initials of the Judge or the Magistrate in-charge as to receipt of property.
7. Date of disposal of the case	8. Whether any appeal has been preferred and if so the result of the appeal with date.
9. Particulars of the property sent to the appellate Court.	10. Date when sent to the appellate Court
11. Date when received back from the appellate Court	12. Particulars of order for disposal in original case / appeal/revision.
13. Date of notice to the party to take return of the property.	14. Signature and date of the party or agent taking return of the property.
15. If sold by auction, the date of auction and the amount realised.	16. Date of remittance of sale proceeds to the Treasury.
17. Date when otherwise disposed of	18. Remarks of the Inspecting officers if any

**NOTE** - 1. This register shall be inspected at least once in three months by the presiding judge or the Magistrate who will check the valuables and record the results of his inspection on the column for "Remarks".  
2. Along with quarterly return, each Criminal court shall send a certificate of having checked the valuables with the Register.

1. Inserted by C.S.No. 33, IX-S/88 Dt. 5.5.1989.
2. Substituted by C.S.No. 1, IX-14/79 Dt. 27.10.1979.
3. Substituted vide C.S.No. 5, XLIXD-18/8 Dt. 9.2.1982

## II. REGISTERS

[FORM No. (R) 28  
 REGISTER OF APPLICATION FOR COPIES IN THE COURSE OF THE

17.	Remarks.	
16.	Name of Typist or Copyist	
15.	Date on which delivery was taken or unused folios and stamps returned	
14.	Date on which document copied was returned to proper office	
13.	Date on which copy is ready for delivery	
12.	Information fee	
11.	Searching fee	
10.	Urgent fee	
9.	Number of folios and the amount of Court fees used.	
8.	Number of folios and amount of court fees filed.	
7.	Date on which document to be copied was received in Copying Department.	
6.	Date of putting in requisite folios and stamps or deficit in respect thereof.	
5.	Date of notifying requisite number of folios and stamps	
4.	Nature of document of which copy is applied for and number of year and case in which filed	
3.	Date of application	
2.	Name of applicant	
1.	Serial Number	

## II. REGISTERS

**FORM No. (R) 29**  
**REGISTER OF REQUISITION AND APPLICATIONS FOR FREE COPIES REQUIRED BY PUBLIC OFFICERS**

Sl. No	Date of requisition or application, if any	Name of the applicant	Description of document or paper of which copy is required	Date when made over to the typist or copyist	Name of typist or copyist	Signature of typist or copyist	Date when the copy is made over to the Sheristadar to the Head Clerk	Date when copy is made over or despatched to the concerned public officer	Remarks
1	2	3	4	5	6	7	8	9	10

**Note** - The Presiding Officer of Subordinate Courts should frequently scrutinise the entries in this Register and see that there is no undue delay of copies to the public officers. The Inspecting officers should also during their periodical inspection effectively check this register and issue instructions where necessary.

## II. REGISTERS

**[FORM No. (R) 30  
REGISTER OF REQUISITIONS FROM THE COPYING DEPARTMENT**

1	2	3	4	5	6	7	8	9	10
Date of receipt of the application in record room or copying Section	Sl.No.	Sl. No. of the application for copy	Description of record or document	Date of estimating the folios with initial of the estimating Clerk	[The date of receipt of requisition for supply of documents with initial of the receiving Clerk]	Date of sending the document or record to the copying Section with initial of the receiving clerk	Date of return of document with initial of the clerk receiving back the document	Date of restoration of the document to its place	Remarks

**Note** - If the application is rejected otherwise disposed of, a note to that effect shall be entered in the remarks column against the particular entry.

1. Inserted by C.S.No. 72, IX-3/2001, Dt. 21.5.2002.
2. Re-numbered *ibid*.



## II. REGISTERS

**FORM No. (R) 31**  
**REGISTER OF UNCLAIMED PROPERTY**

Report of Intestate Movable Property from Station District  
Dated .....

Annual Number	Date and place of death	Name and residence of deceased, if known	Names of claimant or claimants	Particulars of each claim	List of property	Remarks
1	2	3	4	5	6	7

Memo No.

Dated

Forwarded to the District Judge of  
Signature of Magistrate

for information and orders  
Signature of the Police Officer

**FORM No. (R) 32**  
**REGISTER OF INFORMATION TO PARTIES ABOUT STAMPS AND FOLIOS NECESSARY FOR COPIES APPLIED FOR**

Notice - Applicants are informed that if folios and stamps specified in columns 5, 6, 7, 8 and 9 are not supplied within three days of the date given in Column 1. Their applications will be struck off.

Date of entry in this register	Serial No. of application	Case No.	Name of applicant	No. of impressed stamped sheets at 20 paise	No. of adhesive stamps at 10 paise	Searching fee	Expedition fee	Remarks
1	2	3	4	5	6	7	8	9

**Note** - The Judge-in-charge shall put his signature below the last entry for each day.

II. REGISTERS

**FORM No. (R) 33  
REGISTER OF DISTRIBUTION OF COMPLETED APPLICATION FOR COPYING**

1	Date	2	Name of the copyist or typist, to whom application made over.	3	Serial number and date of application.	4	4. Details of documents, stamps, folios etc. made over.	5	Signature of the receiving copyist/ typist.	6	Date and time by which copy to be made ready	7	Date and time by which copy is made ready.	8	Details of documents, folios, stamps, forms, etc. Returned.	9	Initial of the Head Comparing Clerk with date.	10	Remarks
---	------	---	---	---	--	---	---	---	---	---	--	---	--	---	---	---	--	----	---------

**FORM No. (R) 34  
REGISTER OF DISTRIBUTION OF PREPARED COPIES COMPARERS**

1	Date	2	Name of comparer for whom made over	3	Sl. No. and date of application	4	Details of documents, folios, stamps, forms etc. made over	5	Signature of the receiving comparer	6	Date and time by which documents to be returned after comparing	7	Date and time by which. Returned	8	Details of documents, folios, stamps, and forms returned	9	Initial of the Head Comparing Clerk, Comparer-in-charge with date	10	Remarks
---	------	---	-------------------------------------	---	---------------------------------	---	--	---	-------------------------------------	---	---	---	----------------------------------	---	--	---	---	----	---------

II. REGISTERS

**FORM No. (R) 35**

**REGISTER OF COPIES AND INFORMATION READY FOR DELIVERY**

(To be laid at some conspicuous place for inspection of the party)

Date of entry in the Register	Name of the applicant	Number of the application	Remarks
1	2	3	4

**FORM No. (R) 36**

**REGISTER SHOWING THE DAILY OUTTURN OF TYPISTS AND COPYISTS WORKING IN THE COURT OF**

.....  
Name of the typist or copyist

Date	No. and date of application	Date of receipt of the original document from the Head Comparing Clerk	Date fixed by the Head Comparing Clerk for making the copy ready for delivery	Date when copy handed over to the Head Comparing Clerk	No. of folios typed or copied
1	2	3	4	5	6

No. of maps, plans etc., copied and adhesive stamps affixed to the map of plan	Total outturn in terms - of folios	Initials of typists and copyist with date in token of correctness of entries in cols. 1 to 8	Initials of the Head Comparing Clerk with date in token of check	Signature of Judge-in-charge	Remarks
1	2	3	4	5	6

## II. REGISTERS

**FORM No.(R) 37**  
**REGISTER OF ALL REGISTERS TO BE PRESERVED**  
**PERMANENTLY**

Department to which the register refers	Serial Number of entry	Name of the register	Period to which each register refers	Number of he volume
1	2	3	4	5
Number of entries in each volume	Date on which sent to Record room	Date of receipt by Record Keeper and his signature	Rack and shelf where kept	Remarks
1	2	3	4	5

**Note** - Columns 8 to 10 are to be filled up by the Record Keeper in the Record Room.

**FORM No. (R) 38**  
**REGISTER OF ALL REGISTERS WHICH ARE TO BE**  
**PRESERVED FOR MORE THAN THREE YEARS BUT NOT**  
**PERMANENTLY**

Department to which the register refers	Serial Number of entry	Name of register	Period to which each register refers	Number of volumes	Date on which sent to Record room
1	2	3	4	5	6
Date of receipt by Record Keeper and his signature	Year when to be destroyed	Initial of officer sanctioning destruction and date	Rack and shelf where kept.	Remarks	
6	7	8	9	10	

**FORM No. (R) 39**  
**INSPECTION DEFECTS REGISTER**

Serial No.	Name and designation of the Inspecting Officer	Date of the receipt of the Inspection report	Gist of defect pointed out along with number of page Inspection note	Nature of compliance of defects	Date of compliance of defect	Date of intimation to the Inspecting Officer about the compliance of defect	Signature of the concerned Clerk	Signature of the Chief Ministerial Officer	Signature of the Pn: Sding Officer	Remarks
1	2	3	4	5	6	7	8	9	10	11

**FORM No. (R) 40**

**REGISTER OF CASES DEALT WITH UNDER THE PROBATION OF OFFENDERS ACT, 1958**

Serial No.	Case No.	Name, age & residence of the accused	Name of father or guardian	Section of law	Letter No. with date calling for report from the Probation Officer	Letter No. & date of the report of the Probation Officer	Final result and the nature of order passed	Order, if any, passed varying the probation or when the offender fails to observe conditions of the bond	Result of appeal revision	Remarks
1	2	3	4	5	6	7	8	9	10	11

**Note** (1) The names of the sureties, if any, be entered in the remarks column.

(2) If the offender is sentenced for the original offence under Section 9 of the Act, necessary entry have to be made in the Register of warrants of Imprisonment (R) 5. [1. Inserted by C.S.No. 15 XLIX-D 19/83 Dt. 16.5.1983.]

## II. REGISTERS

**FORM No. (R) 41**  
**REGISTER OF CASES IN WHICH THE PROCEEDINGS HAVE BEEN STAYED**

Serial No.	Number and year of the case of which the proceeding is stayed in the Trial register	Name of the Court staying the proceedings	Description of the proceedings in which stay order was passed	Date of stay order	Remarks
1	2	3	4	5	6

**FORM No. (R) 42**  
**REGISTER FO ENQUIRY INTO CASES TRIABLE BY THE COURTS OF SESSION**

number for Serial the year	Case number	Date of receipt of the case and the date of apprehension 01 appearance of the accused	Name of the accused	Nature of case with Section of the Penal Code	Date of commitment	[Date of notification to the Public Prosecutor regarding commitment of the cases to the Court of Sessions	Date on which the record and articles were transmitted to the Court of Session	Remarks
1	2	3	4	5	6	7	8	9

1. Vide C.S.No. 50 - IX-3/92, dated 30.12.1992.

## II. REGISTERS

**FORM No. (R) 43**  
**REGISTER IN TOKEN OF ACKNOWLEDGMENT OF RECEIPT OF JAIL WARRANT AND CONVICT**

Serial number	No. & year of the case	Name of the convict	Date of conviction	Date and hour of delivery of warrant to the convict of the Police Officer	Name of the Police Officer receiving the warrant and the convict	Signature of the Police Officer receiving the warrant and convict	Remarks
1	2	3	4	5	6	7	8

## II. REGISTERS

1]FORM No. (R) 44

## REGISTER OF TEST IDENTIFICATION PARADE

Serial No.	Case No.	Date when request is made by the Police for T.I. Parade.	Nature of T.I. Parade whether of person or properties.	Date when order is made for holding T.I., Parade.	Date of receipt of record by the Magistrate conducting the parade	Date when T.I. parade is conducted.	Reason for delay, if any, in holding the parade.	Remarks
1	2	3	4	5	6	7	8	9

1. Inserted by C.S.No. 36 - XLIXD - 13/90, Dt. 11.2.1992



FORM No.(R) 45

REGISTER OF PARTICULARS OF THE UNDER TRIAL

PRISONERS IN THE COURT OF

Name and address of the Under Trial Prisoners	No. of the case & Section (s) of law in which the prisoner is facing trial	Date of admission into the jail	Date of release, either from the Court or from Jail	Remarks
1	2	3	4	5

1. Inserted by C.S. No. 59-IX-5/96 Dt. 18.6.1997.

III. PERIODICAL RETURNS AND STATEMENTS

**FORM No. (S) 1**  
**MONTHLY STATEMENT OF CASES BROUGHT TO TRIAL DISPOSED OF AND PENDING IN**  
**THE COURT OF SHRI .....**  
**JUDICIAL MAGISTRATE .....**  
**AT THE CLOSE OF .....**  
**CLASS IN THE DISTRICT OF .....**  
**AT THE CLOSE OF .....**

Designation and powers	Number of cases						Total number of working days No. of days devoted to									No. of witnesses examined		Remarks		
	Pending from the last	Brought to trial	Total for disposal	Contested	Uncontested	Pending	Criminal	Civil	Administrative work	Clearance day	HRC	Mobile Court	Casual Leave	Other Purpose	Total	Contested	Uncontested			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	

Certified that no judgment or order in any case was delivered or was pending delivery for more than one month from the date of conclusion of trial.

Judicial Magistrate

## III. PERIODICAL RETURNS AND STATEMENTS

**FORM No. (S) 1 A**  
**STATEMENT SHOWING MONTHLY PROGRESS ON THE DISPOSAL OF YEAR-OLD CASES**  
**FOR THE MONTH OF ..... IN THE DISTRICT OF .....**

Name of the Magistrate	No. of year-old cases pending at the beginning of the month	Became year-old during the month	Total for disposal	Disposed of during the month	Pending at the end of the month	Pending year-wise			Remarks
						20	20	20	
1	2	3	4	5	6	7	8	9	10

*Judicial Magistrate*

Note - Explanation of cases pending over one year should be submitted along with this statement

**FORM No. (S) 2**

1[\*\*\*]

## III. PERIODICAL RETURNS AND STATEMENTS

**FORM No. (S) 2-A**  
**SPECIAL STATEMENT SHOWING ADJOURNMENT IN SESSIONS CASES FOR THE QUARTER**  
**OF ..... 20 .....**

1. Sl. No.	2. G. R. Case	3. Date of commitment	4. Date of commitment to trial	5. Each date of adjournment of the case	6. Reasons for adjournment of the case	7. To what stage proceeded	8. Text date fixed	9. The number of prosecution and defence witnesses present and the amount paid to them	10. Remarks
1.									

**Note - (1)** This statement may be furnished in respect of cases which are adjourned for the same purpose for which they were fixed; either at the instance of parties, for want of Court's time, or for non-appearance of the witnesses or the accused person.

**(2)** A blank form should be submitted when no case was adjourned in the quarter with a note to that effect.

1. Substituted by C.S.No. 65, XLIX-D/96, Dt. 18.6.1997.

III. PERIODICAL RETURNS AND STATEMENTS

**FORM No. (S) 2-AA**  
**STATEMENT SHOWING THE NUMBER OF CASES UNDER DIFFERENT SPECIAL ACTS DURING THE..... QUARTER OF THE YEAR..... IN THE DISTRICT OF.....**

Sl. No.	Name of the Court	No. Year and nature of case and Sec. Of law.	Pending at the beginning of the quarter	Instituted during the quarter	Total No. Of pending of disposal	Disposed of during the quarter		Remarks
						Contested	Uncontested	
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								

1. Inserted by C.S.No. 70, XLV-1/2000, Dt. 5.10.2001.

III. PERIODICAL RETURNS AND STATEMENTS

I[FORM No. (S) 2-B

STATEMENT SHOWING THE INFORMATIONS TO BE  
ENTERED IN THE DORMANT FILE REGISTER (R) 26

S1. No.	No. & year of the Case	Names of the parties	Date of order keeping the case on dormant file	Reasons for keeping records in the dormant file	Date when sent to record room for being placed on the dormant file	Remarks
1	2	3	4	5	6	7

1. Inserted by C.S.No. 68, XLIX-D-8/99, Dt. 18.1.2000.

## III. PERIODICAL RETURNS AND STATEMENTS

**FORM No. (S) 3**  
**QUARTERLY STATEMENT - A**  
**(TO BE SUBMITTED BY THE JUDICIAL MAGISTRATES TO CHIEF JUDICIAL MAGISTRATES**  
**AND BY CHIEF JUDICIAL MAGISTRATES TO THE SESSIONS JUDGE AND BY SESSIONS JUDGE**  
**TO THE HIGH COURT)**

**PART - I**

Statement of cases brought to trial, disposed of and pending in the Courts of Judicial Magistrates in the district of..... in the..... quarter of 20 .....

1. Designation and powers of Magistrates	Number of cases			Total number of working days number of days devoted to										18. Remarks			
	2. Pending at the close of the preceding quarter	3. Brought to trial	4. Total for disposal	5. Disposed of		7. Pending at the close of the quarter	8. Pending over one year from institution and the year-wise pendency	9. Criminal	10. Civil	11. Administrative work	12. Clearance day	13. H.R.C.	14. Mobile Court	15. Casual leave	16. Other purposes	17. Number of witness examined]	
				Contested	Uncontested												

1. Inserted by C.S.No. 7

## III. PERIODICAL RETURNS AND STATEMENTS

**PART - II**  
**STATEMENT OF CASES UNDER THE MISCELLANEOUS PROVISIONS OF THE CRIMINAL  
 PROCEDURE CODE DURING THE QUARTER OF 20**

(To be submitted by the Subordinate Judicial/Executive Magistrates to the Chief Judicial Magistrate/District Magistrate. The District Magistrate would submit the Statement to the High Court. The Chief Judicial Magistrate would submit to the Sessions Judge and Sessions Judge to the High Court.)

Number of cases and power of Magistrate	Pending at the close of the preceding quarter	Brought to trial	Total for disposal	Disposed of	Pending	Pending over three months	Remarks
1	2	3	4	5	6	7	8

**Note 1** - Explanation for cases pending over one year should be submitted along with this statement.

**Note 2** - Cases stopped under Section 116(6) of the Criminal Procedure Code should be included in Col. 5

**Note 3** - Cases revived by the orders of the Sessions Judge under Section 116(7) should be included in Column 3 .



## III. PERIODICAL RETURNS AND STATEMENTS

**PART - III**  
**STATEMENT SHOWING REMAND OF CASES TO THE TRIAL COURTS**  
**BY THE APPELLATE COURTS**

Serial No.	Name of the Court passing the Order of remand	Number and year of appeal	Names of parties	Date of remand	Purpose for remand	Date, if any, given by the appellate Court for compliance of directions in the remand order	Remarks
1	2	3	4	5	6	7	8

**Note** - The Cases shall be entered Court-wise.

## III. PERIODICAL RETURNS AND STATEMENTS

## FORM No. (S) 3-A

**CONCISE STATEMENT OF OUTTURN OF WORK OF MAGISTRATES EMPLOYED IN {CRIMINAL  
COURTS IN THE DISTRICT OF DURING THE QUARTER OF 19**

Name of Magistrates	Designation and powers of the Court	Number of days employed in Criminal work	Number of cases decided				Number of l-witnesses examined		Total number of judgments delivered	Remarks
			Under regular trial	Under summary trial	Miscellaneous cases under Cr.P.C.	Appeal	In cases under regular trial	In cases under summary trial		
1	2	3	4	5	6	7	8			

**Note - 1.** In the remarks column should be shown the number of judgments pending for or delivered after 15 days with a brief explanation and the comments of the Chief Judicial Magistrate thereon.

**Note - 2.** Judgments in contested cases should be shown in brackets, i.e. if 30 judgment have been delivered out of which 20 are contested, the entry in column 10 should be 30 (20).

**Note - 3.** A witness should be counted as a full witness only after he is examined. Cross-examined and discharged.

## III. PERIODICAL RETURNS AND STATEMENTS

## FORM No. (S) 3-B

## STATEMENT SHOWING THE JUDICIAL AND OTHER WORK DONE BY THE CHIEF JUDICIAL MAGISTRATE ..... DURING THE ..... QUARTER 20 .....

Name of the Chief Judicial Magistrate	Total number of working days during the quarter	Number of days devoted to judicial work	Number of days justifying employment according to the yard-stick	Number of working days spent on Inspection and Journey	Number of working days spent on administrative and other work including casual leave	Remarks
1	2	3	4	5	6	7

Chief Judicial Magistrate

III. PERIODICAL RETURNS AND STATEMENTS

**FORM No. (S) 3-C**  
**STATEMENT SHOWING THE CASES OF WHICH THE PROCEEDING HAVE BEEN STAYED**  
**DURING THE QUARTER .....20 IN THE DISTRICT OF .....**

Number and Year of the case of which the proceeding is stayed in the trial register	Name of the Court staying the proceeding	Description of the proceedings in which stay order was passed	Date of stay order	Date when stay order was vacated	Remarks
1	2	3	4	5	6

*Chief Judicial Magistrate*

**FORM No. (S) 3-D**  
**QUARTERLY STATEMENT OF PENDENCY AND DISPOSAL CASES DURING THE..... QUARTER**  
**20 .....**

Name of Magistrate	No. of cases pending at the beginning of the quarter	No. of cases received during the quarter	No. of cases for disposal	No. of cases disposed of		No. of cases pending at the end of the quarter	No. of year-old cases pending year-wise						No. of witnesses examined	Remarks	
				Con-tested	Uncon-tested										
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

*Chief Judicial Magistrate*

certified that I have checked the statements submitted by the Judicial Magistrate of the District of for the quarter 20..... and found that the cases shown as disposed on contest were really contested in nature that separate judgment was delivered in each such case and that no order or judgment in any case was delivered or was pending for delivery of Judgment for more than one month from the date of conclusion of trial.

*Chief Judicial Magistrate*

1. Dispensed with by C.S.No. 6

III. PERIODICAL RETURNS AND STATEMENTS

FORM No. (S) 3-E

Balance sheet of fines for the quarter of 19  
in the district of

Rs. P.

1. Opening grand balance of fines outstanding
2. Amount imposed during the quarter, i.e., Total of entries in column 6 of the Register of Criminal fines excluding the entries brought forward in red ink from the previous quarter.

GRAND TOTAL RELIZABLE

3. Amount remitted on appeal, etc., or written off by Sessions Judge's, Chief Judicial Magistrate's order. Total of column 18 of the Register of Criminal fines including the red ink entries mentioned in (2)
4. Amount realized -
  - (a) Of new fines; i.e., total of column 13 of the Register of Criminal fines excluding the red ink entries mentioned in (2)
  - (b) Of old fines; i.e., Total of column 13 of red ink entries of the Register of criminal fines mentioned in (2)

GRAND TOTAL REALIZED AND REMITTED

5. Balance -
  - (a) Of new fines; i.e., total of entries in column 14 of the Register of Criminal fines excluding the red ink entries mentioned in (2).
  - (b) Of old fines; i.e., total of column 14 of red ink entries of Registers of Criminal fines mentioned in (2) .....
6. Closing grand balance of fines outstanding
7. Amount credited as Criminal deposit

8. Amount stayed in Appeal

1[9. Amount of fine covered under requisition under sec. 421 (1) (b) of the code of criminal procedure]

Certified that the total of the above realized fines, plus Rs..... the balance in hand of the preceding quarter minus Rs .....credited as criminal deposits and Rs ....., balance in hand, has been brought to credit in the Treasury Accounts.

Initials of the Treasury Officer

Initials of the Nazir

Initials of the Fine Muharrir of the Principal Court

District

The ..... Chief Judicial Magistrate

**Note - 1.** A list showing the cases in which realisation of fines has been stayed in appeal or in revision indicating original No. Of the case, amount of fine imposed, the connected number of the fine miscellaneous case, number and year of the Criminal appeal or revision should be enclosed to this statement.

2[**Note - 2.** A list of requisitions under Section 421 (1) (b) Cr.P.C. showing the case number, total amount of fine under Warrants or requisitions issued to the Collector, the despatch number and the date of sending requisitions to the Collector be separately appended.]

1. Inserted by C.S. No.13, XUD - 16/82, dated 13.1.1983.
2. Inserted by C.8'. No.14, XUD - 16/82, dated 13.1.1983.

III. PERIODICAL RETURNS AND STATEMENTS

**FORM No. (S) 3-C**  
**STATEMENT SHOWING THE CASES OF WHICH THE PROCEEDING HAVE BEEN STAYED**  
**DURING THE QUARTER .....20 IN THE DISTRICT OF .....**

Name of Magistrate	No. of cases pending at the beginning of the quarter	No. of cases received during the quarter	No. of cases for disposal	No. of cases disposed of		No. of cases pending at the end of the quarter	No. of year-old cases pending year-wise						No. of witnesses examined	Remarks	
				Con-tested	Uncon-tested										
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

*Chief Judicial Magistrate*

Certified that I have checked the statements submitted by the Judicial Magistrates of the District of for the quarter 20 ..... and found that the cases shown as disposed on contest were really contested in nature that separate judgment was delivered in each such case and that no order or judgment in any case was delivered or was pending for delivery of judgment for more than one month from the date of conclusion of trial.

**Note -** The above information shall be furnished in red ink by Magisterial Courts.]

**FORM No. (S) 3-G**  
**STATEMENT SHOWING THE EXAMINATION OF WITNESSES AND THE AMOUNT PAID AS**  
**EXPENSES DURING THE QUARTER ENDING**

Name of Magistrate with Class of powers exercised	Number of witnesses examined and discharged			Amount paid as expenses	Remarks
	On the 1st day	On the 2nd day	On the 3rd day		
1	2	3	4	5	6
				After the 3rd day	7

*Chief Judicial Magistrate*

1. Dispensed with by C.S.No. 6

## III. PERIODICAL RETURNS AND STATEMENTS

**FORM No.(S) 3-H**  
**HALF YEARLY STATEMENT OF IRRECOVERABLE FINES WRITTEN OFF BY THE CHIEF**  
**JUDICIAL MAGISTRATE IN THE..... HALF-YEAR 20.....IN THE DISTRICT OF.....**

1.	Name of the Magistrate, station and place	
2.	Serial Number	
3.	Serial Number ill the fine Register	
4.	Name of the defaulter	
6.	Date of sentence	
7.	Amount of fine imposed	
8.	Amount if any, realised	
9.	Term of default sentence	
10.	Whether the convict has undergone the default sentence	
11.	Date of last enquiry made by the police officer.	
11.	Date of counter-signature by the superior police officer.	
12.	Result of enquiry	
13.	Date of order writing off fines	
14.	Amount written off by the Chief Judicial Magistrate / District Magistrate.	
15.	Remarks	

## III. PERIODICAL RETURNS AND STATEMENTS

## FORM No. (S) 4

## SESSIONS STATEMENT (TO BE SUBMITTED BY SESSIONS JUDGES TO THE HIGH COURT AT THE END OF EACH QUARTER)

## PART - I

Calendar of accused persons tried or brought before the Court of Sessions and cases pending and disposed of in the Sessions Division of ..... for the quarter ..... of 20 .....

Sl. No	No of the case	No. of the case pending at the close of the previous quarter	Cases received during the quarter		Name of the accused person		Result of the case disposed of during the quarter				Case pending at the close of the quarter	Remarks			
			No. of the case accused	Name of each accused persons	Age or supposed age of the accused	Of fences nature of	Ac- quittal	Con- victed	Date of offence	Date of apprehension			Name of the Com- mitting Mag- is- trate	Date of Com- mit- ment	Date of sen- tence
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

1. Substituted by C.S.No. 40, XLIX-D - 24/88, Dt. 16.3.1992



## III. PERIODICAL RETURNS AND STATEMENTS

FORM No. (S) 4  
PART-IISTATEMENT SHOWING THE RESULT OF APPEALS AND APPLICATIONS FOR REVISION IN  
CRIMINAL CASES IN THE COURTS OF SESSIONS JUDGES, ADDITIONAL SESSIONS JUDGES,  
ASSISTANT SESSIONS JUDGES AND CHIEF JUDICIAL MAGISTRATES

Name of the Court	Court to which the Appeal was preferred or application made	Number of cases				Remarks
		Pending at the end of the previous quarter	Received on transfer or remand during the quarter	Disposed of during the quarter	Pending at the close of the quarter	
1	2	3	4	5	6	7
Appeals (i) Court of Sessions Judge (ii) Additional Sessions Judge (iii) Asst. Sessions Judge (iv) Chief Judicial Magistrate. Applications for Criminal Revision :i) Court of Sessions Judge :ii) Additional Sessions Judge						

**Note - 1.** Order passed under Sections 439 and 440 Cr.P.C., should not be shown in this statement.

**Note - 2.** Explanation for delay in disposal of cases pending over six months should be submitted along with the statement.

**Note - 3.** In the column of Remarks should also be entered the number of convicted persons required to keep the peace under Section 106 (3) Criminal Procedure code. Courts of Appeal or Revision and the number of youthful offenders sent to a Reformatory School by Appellate Courts under Section 8(2) of the Reformatory Schools Act, 1897.

**Note - 4.** Aggregate and average duration of Criminal Appeal or revision should be noted in the Remarks Column.

## III. PERIODICAL RETURNS AND STATEMENTS

**FORM No. (S) 4**  
**PART - II-A**  
**STATEMENT SHOWING REMAND OF CASES TO THE TRIAL COURTS BY THE APPELLATE COURTS**

Name of Courts	Name of the Court passing the order of remand	Number and year of appeal	Names of parties	Date of remand	Purpose of remand	Date if any given by the appellate Court for Compliance of the directions in the remand order	Remarks
1	2	3	4	5	6	7	8

**Note** - The Cases shall be entered Court-wise.

**FORM No. (S) 4**  
**PART - III**  
**STATEMENT OF CASES DECIDED UNDER THE MISCELLANEOUS PROVISIONS OF THE CRIMINAL PROCEDURE CODE IN THE COURT OF SESSIONS DURING THE QUARTER OF 20**

Name of Courts	Pending at the dose of the Preceding quarter	Number of Cases			Pending over three months	Remarks
		Instituted during the quarter	Total for disposal	Disposed of during the quarter		
1	2	3	4	5	6	7
Total						8

**Note** - Explanation of delay in disposal of cases pending over three months should be submitted along with the Statement.

## III. PERIODICAL RETURNS AND STATEMENTS

**FORM No. (S) 4-A**  
**STATEMENT OF OUTTURN OF WORK DONE BY THE SESSIONS JUDGES AND ASSISTANT**  
**SESSIONS JUDGE IN THE SESSIONS DIVISION OF DURING THE QUARTER**  
**ENDING .....20.....**

Name of officer with designation	Number of days employed	Cases disposed of -						Remarks	
		Sessions cases	Criminal appeals	Jail appeals out of Col. 4	Criminal Revision	Criminal Miscellaneous cases	Original criminal cases		Witnesses examined
1	2	3	4	5	6	7	8	9	10

**Note** - Certificate should be furnished that no judgment in any case was delivered beyond 30 days of the close of the hearing or is pending for delivery for over a month from the date of conclusion of trial.  
*Sessions Judge*

## III. PERIODICAL RETURNS AND STATEMENTS

**FORM No. (S) 5**  
**ANNUAL STATEMENT - I (CRIMINAL) FOR THE OF ..... FOR YEAR 20 .....**

**PART - I**

**LIST OF JUDICIAL DIVISIONS**

Name of Sessions Divisions	Names of Chief Judicial Magistrate/District Magistrate	Names of Sub-divisions
<b>1</b>	<b>2</b>	<b>3</b>

1. Give separately the area and population of each subdivision.

## III. PERIODICAL RETURNS AND STATEMENTS

**FORM No. (S) 5**  
**PART - II**

**RETURN SHOWING THE NUMBER OF OFFICERS OF EACH CLASS VESTED WITH JURISDICTION IN CRIMINAL CASES PRESENT IN THE DISTRICT AT THE CLOSE OF THE YEAR, AND THE NUMBER OF WORKING DAYS OF ALL OFFICER'S EMPLOYED IN THE DISTRICT DURING ANY PART OF THE YEAR**

Class of Courts	Exercising Criminal Powers only (1)	Criminal and Civil Powers (1)	Criminal and Revenue Powers (1)	Total number of working days employed			Remarks (3)
				On Criminal work (2)	On Civil work (2)	On Revenue work (2)	
<b>1</b>			<b>2</b>			<b>3</b>	
Courts of Sessions Judge							
Additional Sessions Judge							
Assistant Sessions Judge							
Total							
Magistrates (Judicial)							
1st Class							
2nd Class							
Total							
Special Judicial Magistrate under Section 13, Cr.P.C.							
Executive Magistrate							
Total							

**Note - (1)** Enter only officers employed in the district at the close of the year.

**(2)** Include the working days of every officer exercising Criminal Powers, during any part of the year.

**(3)** Note in the column of Remarks, the number of officers of each class who, though vested with powers did not do any criminal work during the year.

**(4)** Includes the Chief Judicial Magistrate/District Magistrate.

III. PERIODICAL RETURNS AND STATEMENTS

FORM No. (S) 5  
PART - III

STATEMENT SHOWING THE RECEIPTS AND CHARGES OF THE CRIMINAL COURTS AND THE PROPORTION OF THE SALARY OF JUDICIAL OFFICERS DEBITABLE TO CRIMINAL JUSTICE FOR THE YEAR 20 .....

Class of Courts (1)	Receipts 2										15. Total of columns 9 to 14	15. Remarks				
	In Court fees Stamps			In Cash or special Stamps			Salaries of Judicial officers		Establishment				Con-tingen-cies			
	2. Process Fees	3. Other Fees	4. Fines (3)	5. Copying and comparing Fees	6. Other Receipts credited to Government	7. Total	8. Gross	9. Share debit to Criminal Justice (4)	10. Process Servers				11. Salaried Copying Clerks	12. Others	13. Others contingencies	14. Refunds
									11. Salaried Copying Clerks							
Total.....																

1. District Magistrates/Chief Judicial Magistrates will give total figure separately for each station at which there is a Magistrate, Sessions Judge will give them separately for each district within the Sessions Divisions. 2. Omit fractions of a rupee. 3. Magistrates will not include realisation on account of fines imposed on persons committed for trial to the Court of Session which will be shown by the Sessions Judge in his statement. They will include all other Judicial fines realised by them, whether afterwards to local funds or not. 4. The Proportion of an officers time shown in part II to have been devoted to Criminal work will determine the proportion of his salary to be debited to Criminal Justice.

**Note.** 1. Column 2 This column is intended to exhibit all receipts under rules framed by the High Court in accordance with clause 2, Section 20 of the Court Fees Act VII of 1870. The Court fees realised on warrants in non-cognisable cases by whomsoever executed should, therefore, be shown in it. 2. Column 4 should include all judicial realised whether imposed in the exercise of appellate or original jurisdiction, and also the realisation on account of forfeited bailor recognisance (Chapter XXXIII of Criminal Procedure Code) in the cases entered against cross-heading 9 of Annual Statement 3 Amount paid away as compensations should not be included in this column, nor in any of the other columns of this statement.

**Note.** 3. Column 14 The term "Refunds" is applicable to such fines only as only 'as are remitted under proper authority and have to be paid back to the parties on whom they were levied.

## III. PERIODICAL RETURNS AND STATEMENTS

**FORM No. (S) 6**  
**ANNUAL STATEMENT - 2 (CRIMINAL)**  
**STATEMENT OF OFFENCES REPORTED AND OF PERSONS TRIED, CONVICTED AND**  
**ACQUITTED OF EACH OFFENCE IN THE IN THE YEAR 20 .**

1.	Description of offences	Number of Cases		Number of trial		13.	Remarks						
		2.	3.	4.	5.			6.	7.	8.	9.	10.	11.
		Offences reported	Complaints dismissed under Criminal Procedure Code	Other cases found to be false	Cases returned as true	Brought to trial	Under trial including pending from previous year	Acquitted or discharged	Found guilty and placed on probation	Convicted	Died, escaped or transferred to another district	Remaining under trial	

III. PERIODICAL RETURNS AND STATEMENTS

**INSTITUTIONS FOR THE PREPARATION OF ANNUAL STATEMENT-2 (CRIMINAL**

*This Statement should be prepared from statistical Register 1, No. (R) 16*

·*Column 1* - The printed scheduled of offences must be adhered to. Attempts, where not separately specified in the scheduled, should be entered immediately after the offences at which they are attempts. Abetment should be included with the substantive offences abetted.

Every criminal conspiracy falling under Chapter V-A of the Indian Penal Code, should be included with the offence to which the conspiracy in each case relates.

*Column 7* - Include persons pending trial at the close of the previous year and those received by transfer from other districts during the year to which the return relates.

*Column 12* - In this column may be noted how many of the persons entered against Column 7 were dealt with under summary provisions of Chapter XXI of the Criminal Procedure Code; in how many cases entered against other columns, the complaint was required to pay compensation to the accused under Section 250, in addition to the punishment inflicted upon him, was required to give recognizance or security to keep the peace under Section 106.

The number of persons out of those shown in column 8, the cases against whom were compounded, withdrawn or dismissed for default or appearance (*Sections 256, 257, 249 and 320 of the Code of Criminal Procedure*) should also be noted in this column against the total of each class of offence.

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**Note** - The totals of columns 8 to 11 should tally with the total of column 7.  
The name of the district to which transfer should also be noted in column of Remarks.



III. PERIODICAL RETURNS AND STATEMENTS

**SCHEDULE OF OFFENCES**

Attempts where not separately specified in the Schedule should be entered immediately after the offences at which there are attempted. Abetment should be included with the substantive offences abetted.

Nomenclature of Offences, with Chapter and Section of the Penal Code or other Law applicable

**1. OFFENCES UNDER THE PENAL CODE**

Offences against the State..	Chapter VI	Section 121 to 130
Offences against the Army and Navy	Chapter VII	Section 131 to 140
Offences against the Public' tranquility	Chapter VIII	Sections 143 to 145, 149 to 151, 157, 158-Unlawful Assembly Sections 147, 148, 152, 153 and 154 to 156 etc. Rioting, Sections 153-A- Promoting enmity between classes. Section 160-Affray
Offences by or relating to public servants	Chapter IX	Sections 161 to 169 by public servants Sections 161, 170 and 174- Rela ting to public servants Sections 172 to 190
Contempt of the lawful authority of public servants. False evidence and offences against public justice		Sections 193 to 200-False evidence, etc. Sections 201 to 229- Offences against public justice.
Offences relating to coin and Government stamps	Chapter XII	Sections 231 to 254 Offences relating to coin . Sections 255 to 263 - Offences relating to stamps.
Offences relating to weights and measures	Chapter XIII	Sections 264 to 267
Offences affecting the public health, safety, convenience, decency and morals	Chapter XIV	Sections 269 to 278 - Offences affecting public health. Sections 279 to 289 - Offence affecting safety. Sections 290 to 291 - Offences affecting convenience. Sections 292 to 294 - Offences affecting decency and morals. Sections 294 A-Keeping lottery office of publishing proposals for lottery.

III. PERIODICAL RETURNS AND STATEMENTS

Offences relating to religion	Chapter XV	Sections 295 to 298 Sections 302 and 303- Murder Section 307-Attempt to murder Section 304-Culpable homicide. Section 304-A-Causing death by rash or negligent act. Section 308-Attempt at culpable homicide Section 305 and 306- abetment of suicide Section 309-Attempted suicide Sections 311- Thug. etc. Sections 312 to 315- Causing miscarriage Section 316-Injury to unborn children.
Offences affecting the human body	Chapter XVI	Section 317-Expose of infants Section 318- Concealment of birth by secret disposal of dead body. Sections 325 to 331 and 333- Hurt with aggravating circumstances. Sections 323, 324, 332 and 334 to 338 - Other cases. Section 341-Wrongful restraint Sections 343 to 348- Wrongful confinement. Sections 352 to 358- Criminal force or assault Sections 364, 366, 367- Kidnaping of forcible abducting circumstances. Sections 363, 365, 368, 369- Other cases Sections 370 & 371 - Salvory Sections 372 & 373- Buying or selling a minor for the purposes of prostitution. Section 374-Forced labour Section 376-Rape Section 377-Unnatural Offences

III. PERIODICAL RETURNS AND STATEMENTS

Offences Against Property	Chapter XVII	Section 382- Theft with aggravating circumstances. Sections 379 to 381 and 401 - Other Cases Sections 386 to 389- Extort ion with aggravating circumstances. Sections 384 and 385- Other cases. Sections 392, 393 and 394 - with hurt - Other case - Attempts with murder Sections 396, 397- With attempt to cause death or grievous hurt. Section 39B-Attempted robbery or dacoity when armed with deadly weapons. Sections 395, 399, 400 & 402- Other cases Sections 403 to 404 - Criminal misappropriation of property. Sections 406 to 409 - Criminal breach of trust Sections 411 to 414 - Receiving or habitually dealing in stolen or plundered property. Sections 417 to 420 - Cheating Sections 421 to 424- Fraudulent deeds or disposition of property. Sections 429 to 433 & 435 to 440 - Mischief with aggravating circumstances. Sections 426 to 428 & 434 Mischief in other cases. Sections 459 & 463 - Criminal trespass resulting in death or grievous hurt. Sections 449 to 452, 454, 455, 457 & 458 - Criminal trespass for Commission of serious offences. Sections 447, 448, 453, 454, 461 & 462 - Criminal trespass in other cases.
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III. PERIODICAL RETURNS AND STATEMENTS

Offences relating to documents Chapter XVIII and to trade or property mark		Sections 465 to 471 and 474 - Forgery or uttering or possessing forged documents or papers. Sections 472 to 476 - Counterfeiting or making or possessing a counterfeit seal, etc., for purposes of forgery. Section 477 - Fraudulently destroying or defacing a will of other document. Sections 482, 486, 487 and 488 - Using a false trade or property mark and knowingly selling property so marked. Sections 483 to 485 - Counterfeiting or making or possessing a die plate, or instrument for counterfeiting a trade or property mark. Section 489 - Removing, destroying etc., a trade or property mark with intent to cause injury. Sections 489-A to 489- D- Counterfeiting currency notes or bank notes or using as genuine or possessing forged or counterfeit currency notes or bank notes or making or possessing instruments or materials for forging or counterfeiting the same. Sections 490 to 492 Sections 493 to 498
Criminal breach of contract of service	Chapter XIX	
Offences relating to marriage Defamation	Chapter XX	
Criminal intimidation insult and annoyance	Chapter XXI Chapter XXII	Sections 500 to 502 Section 506- The threat being to cause death of other grievous hurt. Sections 504 to 510- Other cases.

## III. PERIODICAL RETURNS AND STATEMENTS

**FORM No. (S) 7**  
**ANNUAL STATEMENT 3 - (CRIMINAL)**  
**STATEMENT OF MISCELLANEOUS PROCEEDING UNDER THE CRIMINAL PROCEDURE CODE**  
**IN THE..... DURING 20 .....**

Nature of Proceedings	Total number dealt with during the year		Disposed of during the year			Remarks
	Cases	Persons	Cases	Persons		
				Discharged	Convicted	
1	2	3	4	5	6	7
1. Proceedings against witnesses under Chapter VI-C and Section 349 2. Proceedings under Chapter VIII. To prevent breach of the peace 3. Proceedings under Chapter VIII, Security for good behaviour 4. Proceedings against local nuisances, Chapter X-8 5. Possessions, Chapter X-D 6. Maintenance, Chapter IX 7. Forfeiture of bail or recognisance under Chapter XXXIII 8. Proceeding under Section 8 and 9 of the Probation of Offenders Act, 1958 (Act 20 of 1958)						
Total.....						

SUB-HEADS 2 and 3 - Cases under Sections 107, 108, 109, 110, 119, 121, 124, 125 and 126 Criminal Procedure Code, will also appear under the appropriate head of the schedule in Statement 2 and Statement 4. Persons convicted under these heads, and required to give security or recognisance under Sections 121, 124, 125 and 126, Criminal Procedure Code, will also appear in Statement 5.  
 SUB-HEADS, 4, 5 and 7 - Cases under these sub-heads will not appear in Statements 2, 4, or 5.  
 SUB-HEAD 8 - Number of enquiries ordered by the Courts under the Probation of Offenders Act, 1958 shall be noted in the Remarks Column against this Sub-head.  
**Note** - Column 7 vide final paragraph of the Note, to Annual Statement 5.

## III. PERIODICAL RETURNS AND STATEMENTS

<b>FORM No. (S) 8</b>										
<b>ANNUAL STATEMENT - 4 (CRIMINAL)</b>										
<b>STATEMENT SHOWING THE GENERAL RESULT OF CRIMINAL TRIALS IN</b>										
<b>THE COURTS OF VARIOUS CLASSES IN THE YEAR 20</b>										
Class of Tribunal	Number of persons under trials									
	Brought to trial during the year									
	2	3	4	5	6	7	8	9	10	11
	Remaining at the end of the previous year	Under arrest	Upon warrant	On summons	Voluntarily	Received on commitment or reference	Received by transfer	Total	Died, Escaped or transferred	Discharged or acquitted or released under Sections 249 and 258, Criminal Procedure Code.
1										
<b>I. JUDICIAL MAGISTRATES</b> 1. Chief Judicial Magistrates 2. Judicial Magistrate, 1 st Class including Sub-divisional Judicial Magistrate 3. Judicial Magistrate - Second Class 4. Special Judicial Magistrate under Section 13, Criminal Procedure Code 5. Cases referred under Sections 323,325, Criminal Procedure Code										

III. PERIODICAL RETURNS AND STATEMENTS

Class of Tribunal	Persons whose cases were disposed of												22 Committed or referred to 1	23 Total of column 11 to 22
	On regular trial Convicted						On summary trial							
	Youthful offenders dealt with under Sec 31, Act VIII, 1897			Youthful offenders dealt with under Act 20 of 1958.			Found guilty and placed on probation under Act 20 of 1958.			Discharged after admonition				
	12 Appalable sentence passed	13 Non-appalable sentence passed.	14 Found guilty and placed on probation under Act 20 of 1958.	15 Discharged after admonition	16 Delivered to parent or guardian	17 Appalable sentence passed.	18 Non-appalable sentence passed.	19 Found guilty and placed on probation under Act 20 of 1958.	20 Discharged after admonition	21 Delivered to parent or guardian.	22 Committed or referred to 1	23 Total of column 11 to 22		
1														
<p>II. EXECUTIVE MAGISTRATES</p> <p>1. District Magistrates</p> <p>2. Sub-divisional Magistrates .</p> <p>3. Executive Magistrates of other categories</p> <p>Total</p>														
<p>III. COURTS OF SESSIONS</p> <p>Assistant Judges .</p> <p>Judges and Additional Judges</p> <p>Total</p>														
<p>IV. SUPERIOR COURTS OF ORIGINAL JURISDICTION</p> <p>High Court</p> <p>Cases under Section 407, Criminal Procedure Code</p> <p>Cases referred by Sessions Judges under Section 366, Criminal Procedure Code</p> <p>Total</p> <p>Grand Total</p>														

III. PERIODICAL RETURNS AND STATEMENTS

Class of Tribunal	Persons under trial at the end of the year	Brought to trial during the year	Disposed of during the year (3)				Number of cases						Remarks
			Under the I.P.C.	Under the special and local laws.	Remaining at the close of the year	Number of cases entered in Cols. 26 and 27 tried unmarily.	Aggregate number of days during which the cases entered in Cols. No. 26 and 27 lasted (4)	Average number of days during which each case lasted.	Under the I.P.C.	Under the special and local laws.	Number of witnesses examined		
1	12	13	14	15	16	17	18	19	20	21	22	23	Note the number of person entered in columns 8 and 10 transferred from or to another Province. Note also how many of the person entered in Col. 3 were brought to trial under arrest by the police, and how many under arrest by other agency (e.g. Forest or Excise Officers, Private persons, ect.)

1. Persons whose cases were referred to a Superior Court for higher punishment for orders under Section 325, Criminal Procedure Code, or for confirmation of sentence will be entered in Column 22 and not in columns 12 to 21 against the Court making the reference. Against the Court receiving the reference they will be shown as convicted or acquitted, according to the orders passed by it, or as pending if orders have not been passed.

2. These cases will also be shown against the Magistrates who made the reference, entry being made as directed above.

3. Omit cases in which the accused died, escaped or was transferred.

4. In calculating the duration before the Magistrates Courts the starting point to be taken is not the date of complaint or information, but from that of apprehension or attendance on summon or otherwise. As regards Courts of Sessions of Sessions the number of days occupied should be given commencing from the date of commitment



III. PERIODICAL RETURNS AND STATEMENTS

**FORM No. (S) 9**  
**ANNUAL STATEMENT - 5 (CRIMINAL)**  
**STATEMENT SHOWING THE PUNISHMENTS INFLUENCED BY THE VARIOUS CRIMINAL**  
**COURTS IN THE EXERCISE OF ORIGINAL JURISDICTION IN THE YEAR 20**

Class of Court	Persons sentenced to			Persons ordered to execute bonds				Persons imprisoned in default of security for good behaviour								
	Imprisonment	Fine	To keep the peace	To be good behavior		Under Section 108, Criminal Procedure Code	Under Section 109 and 110 of Criminal Procedure Code	Under Section 108, Criminal Procedure Code	Under Sections 109 and 110 of Criminal Procedure Code							
				For file	Regorous					Simple	With imprisonment	Without imprisonment	Without Sureties	With Sureties	Without Sureties	With Sureties
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	

III. PERIODICAL RETURNS AND STATEMENTS

ANNUAL STATEMENT - 5 (CRIMINAL) - Contd.																													
Details of Punishment																													
Fine						Imprisonment																							
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 realised during the year (2).		Total amount of fines realised during the year (3).		Amount paid by way of compensation		15 days and under		6 months and under		7 days and under																			
Rigorous		Simple		Rigorous		Simple		Rigorous		Simple																			
17.		18.		19.		20.		21.		22.		23.		24.		25.		26.		27.		28.		29.		30.		31.	
Details of Punishment												Number of persons dealt with by probation																	
Imprisonment												Imprisonment																	
7 years and under		Above 7 years		Rigorous		Simple		Number of boys whose sentences were commuted to detention in a Reformatory school		Released on admonition		Released on probation without supervision.		Released on probation on furnishing surety or in charge of a Probation Officer specially appointed by Court.		Released on probation and placed under the supervision of Officer.		Released on probation and reside at Home/Hostel or other places.		Released on probation with a requirement to pay compensation to the victim.									
32.	Rigorous	33.	Simple	34.	Rigorous	35.	Simple	36.	Number of boys whose sentences were commuted to detention in a Reformatory school	37.	Released on admonition	38.	Released on probation without supervision.	39.	Released on probation on furnishing surety or in charge of a Probation Officer specially appointed by Court.	40.	Released on probation and placed under the supervision of Officer.	41.	Released on probation and reside at Home/Hostel or other places.	42.	Released on probation with a requirement to pay compensation to the victim.								

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III. PERIODICAL RETURNS AND STATEMENTS

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1. Omit fraction of a rupees
2. Include all judicial fines imposed during the year by the Criminal Courts in the exercise of Original Jurisdiction.
3. Include all such fines realised during the year, though imposed in previous years.

**INSTRUCTIONS** - In the case of offences triable jointly under Section 219 of the Code of Criminal Procedure, the sentences passed should be exhibited separately if consecutive, and once only if concurrent. The number of case such as those in which fulfilment of contract is ordered Under Act XIII of 1859 should be noted in a foot note.

As regards persons whose cases have been referred for higher punishment, for orders under Section 25 of the Criminal Procedure Code or for confirmation of sentence, the punishment, if any, sanctioned by the High Court should be entered against such higher Court and not against the Court making the reference.

**Note** - Column 23 - This column should exhibit all fines imposed during the year on the persons shown in Columns 7 to 22 of the Statement, by Officers in the exercise of original jurisdiction.

Column 24 should exhibit the realized portion of the above fines, including realization of fines imposed but not recovered in a previous year.

Column 25 represents compensation awarded to complaints under Section 357, Criminal Procedure Code. These award should also be shown under the head fines "imposed" and "realized" in columns 23, 24 for the part of such fines. Compensation paid away out of realisations under Section 250, Criminal Procedure Code should not be entered in statement, except in the columns for Remarks of Annual statement 3.

Column 26 to 35 should include the persons entered in Columns 5, 6, 11, 12 and 15.

Youthful offenders whose sentence have been committed to detention in a Reformatory schools should be entered not only column 36 but also in column 5 and 6 of this Statement, according to the nature of the sentence of

III. PERIODICAL RETURNS AND STATEMENTS

**FORM No. (S) 10**  
**ANNUAL STATEMENT-6-(CRIMINAL)**  
**STATEMENT SHOWING THE RESULT OF APPEALS AND**  
**REVISIONS IN CRIMINAL CASES IN THE DISTRICT**  
**OF..... DURING THE YEAR 20.....**

Number of persons		Number of cases							Remarks
1.	Class of Court								
2.	Total number of appellants, and applicants for revision including pending from previous year.								
3.	Died, escaped, transferred								
4.	Appeals summarily dismissed or application rejected (1).								
5.	Sentence confirmed or order								
6.	Sentence enhanced								
7.	Sentence reduced or order otherwise altered								
8.	Reversed								
9.	Proceedings quashed								
10.	New trial or further enquiry ordered								
11.	Total whose cases were disposed of including entries-in columns 4 to 10.								
12.	Remaining at the end of the year								
13.	Preferred during the year								
14.	Disposed of during the year								
15.	Remaining at the close of the year								

APPEALS

To

Court of Session

From

Magistrates .....

Assistant Judges .....

III. PERIODICAL RETURNS AND STATEMENTS

To Superior Courts	{ by persons convicted by Government from judgments of acquittal, Section 378 REVISION	From All Courts  Total.....
Court of Sessions ..... High Court (cases referred for ..... order under Section 395)	}	From the order of Magistrates Any Criminal Court  Total.....
		Grand total.....

1. Persons whose appeals and application were dismissed under Section 384 of the Criminal Procedure Code, should be in column 4, in which, Sessions Judges should also include applicants for revision whose cases they rejected
2. Excluding cases in which appellant or applicant died, escaped or was transferred -

**NOTE.** The words ' Applicants for Revision' in the heading of Column 2 should be held to include all person (except complainants) on whose behalf an application for revision is made, or in whose interest the Judge may take steps to obtain revision on his own motion. Where. such application is made or such steps are take on behalf of a complainant, the fact should be noted, with the number of complainants and accused persons concerned, in the column of remarks. In the latter case, the accused persons against whom the application is made, though not appearing in column 2, will fail into their proper places in Columns 3 to 12 according to the result of such application.

**FORM No. (S) 11**  
**TABLE 1- (CRIMINAL)**  
**ORIGINAL JURISDICTION**  
**STATEMENT SHOWING THE DETENTION OF WITNESSES,**  
**THE NUMBER OF WITNESSES DISCHARGED WITHOUT**  
**EXAMINATION AND THE AMOUNT PAID AS EXPENSES DURING THE YEAR 20.....**

Courts	Number of witnesses examined and discharged					Number of witness discharged without examination	*Amount paid as expenses	Remarks
	On the 1st day	On the 2nd day	On the 3rd day	After the 3rd day				
1	2	3	4	5	6	7	8	

\* Omit fractions of a Rupee.

1. Chief Judicial Magistrates, District Magistrates should give separately the total figures for each station where a Magistrate is posted, Sessions Judges should give separately the figures for each district within the Sessions Division.

2. Explain entries in Column 5 and name of officers before whom delay principally occurred by a separate sheet.

**Note** - The figures in Columns 2, 3, 4 and 5 should exhibit the total number of witnesses discharged either after examination or without examination.

III. PERIODICAL RETURNS AND STATEMENTS

**FORM No.(S) 12**  
**ANNUAL STATEMENT**  
**STATEMENT SHOWING THE PERSONS**  
**DEALT WITH UNDER THE**  
**PROBATION OF OFFENDERS ACT DURING 20.....**

---

	No. of persons	
	Below 21 year of age	21 years of age and above
1. Released on Admonition	.....	.....
2. Released on Probation without Supervision	.....	.....
3. Released on Probation on furnishing surety or in charge of Probation Officer specifically appointed by the Court	.....	.....
4. Released on Probation and required to reside at Probation Home, Hostel or other places	.....	.....
5. Released on Probation and placed under the supervision of a Probation Officer	.....	.....
6. Released on Probation with requirement to pay compensation to the victim	.....	.....
	Total .....	.....

IV. PERIODICAL RETURNS AND STATEMENTS

**IV. MISCELLANEOUS FORMS**

**FORM No.(M) 1**

**FORM OF HEADING OF DEPOSITION**

**[Form No. (J) 12 of Schedule XLII, Civil, Volume II,  
is to be intended for and used]**

**FORM No.(M) 2**

**FORM FOR RECORDING CONFESSIONS AND  
STATEMENTS (SEE SECTION 164 OF THE CODE OF  
CRIMINAL PROCEDURE AND G.R. & C.O.,  
VOLUME I, PAGES 11-12**

Before.....Judicial Magistrate.....at  
(a) .....in Subdivision.....of  
District..... (1) The accused.....is  
brought by.....police (Sub) Inspector /  
(Head) Constable before me at my .....Court/  
Camp .....(a).....on the (b).....  
(c) .....A.M./P.M. to have his confession/  
Statement recorded. The letter/memo given to me,  
dated .....from the (d) is attached to the record.  
I have ascertained that the offence was committed  
at (a) .....on the (b).....(c).....  
A.M./P.M.

(2) The accused is placed in charge of (g) I have  
satisfied myself that there is no police officer in the Court or  
in any place whence the proceedings can be seen or heard  
except the above named (g) ..... who have/has not been  
concerned in the investigation of the crime or in the arrest or  
production of the accused.

(3) The accused is questioned regarding the time  
during which and the places where he has . been under the  
control of the police.

Questions

Answers

First placed under observation I was  
detained/arrested at..... (e)..... A.M./  
P.M .....on.....i.n village/  
town/ city .....of.....I was taken to (f).....  
at .....on .....I was sent to you from (e)  
..... at.....on .....

4. The accused is then cautioned as follows :-

“You should remember that I am a Magistrate, that you are not bound  
to make a confession and that such a confession may be used in  
evidence against you.



IV. MISCELLANEOUS FORMS

Further cautions, if any.

The accused is then questioned to ascertain whether he has understood the warning and whether the confession is voluntary or is caused by any inducement, threat or promise referred to in Section 24, Indian Evidence Act.

Questions

Answers

(5) Record of statement made :-

The statement of .....aged about .....years, made in the language .....My name is .....My father's name is.....  
.....and by occupation..... My home is a Mouza.....Police-station.....District.....I reside at .....

Questions

Answers

Signature or mark of accused  
Signature of Magistrate

(6) Prescribed Memorandum :-

I have explained to (h) .....that he is not bound to make a confession and that, if he does so any confession he may make be used as evidence against him and I believe that this confession was voluntarily made. It was taken in my presence and hearing and was read over to the person making it and admitted by him to be correct, and it contains full and true account of the statement made by him.

(Signature of Magistrate)

(7) Brief statement of Magistrate's reasons for believing that the statement was voluntarily made.

(8) The statement having been recorded, the accused is forwarded -to .....at.....

(Signature of Magistrate)

**Note** - The questions noted below are specimen questions and the Magistrate should merely use them for the purpose of helping him to put the particular questions he considers desirable, having regard to the circumstances of the case and the character of the accused :-

- (i) Do you know that I am not an officer of the police but a Magistrate?
- (ii) Do you know that you are not bound to make a confession?
- (iii) Do you know that if you make a confession it may be used in evidence against you?
- (iv) Do you know that you should not say anything because others have told you to say so and that you are at liberty to say whatever you really desire to say?
- (v) What are the reasons which have weighed with you in deciding to make a confession ?

IV. MISCELLANEOUS FORMS

**FORM No. (M) 3**

**Form of recording Examination of Accused  
EXAMINATION OF ACCUSED PERSON**

Case No.                                  Of          20

*(Section 281 of the Criminal Procedure Code)*

The examination of .....aged about .....years taken before me .....Sessions Judge/Judicial Magistrate of the .....Class, at' .....on the..... day of .....20 ....., in the .....language interpreted by .....

My name is .....My father's name is .....I am aged .....years. I am by occupation ..... My home is at mouza ..... Police-station .....District.....I reside at.....

(Signature or mark of the accused)

Signature of Sessions Judge/Magistrate

The above examination was taken in my presence and hearing, and contains a full and true account of the statement made by the accused. It was read over to the accused or interpreted to him in the language which he understands and was admitted by him to be correct.

Signature of Sessions Judge/Magistrate

IV. MISCELLANEOUS FORMS

Space for expedition fee

**FORM No.(M) 3-1**

**APPLICATION FOR COPIES**

Serial No .....

IN THE COURT OF

Application for Urgent/Ordinary Copy

\* ..... No..... of 20.....

Space for searching fee

\* Here state the class of case .....

*Versus*

Description of document of which copy is wanted with date and the purpose for which copy is applied for  Dated..... 20.....	Application is made by .....the undersigned, for copy of the marginally named document in the above case which was disposed of on/is still pending.....The following stamps and stamped sheets are filed :-  Signature of applicant
---	---

<p align="center"><b>ESTIMATE OF COSTS</b></p> <p>(Excluding what has been filed)</p> <p align="center">Rs. P.</p> <p>..... Stamp sheet @ 20 P.</p> <p>..... Court-fee stamps @ 20 P.</p> <p>Extra stamp for urgency .....</p> <p>Searching fee in stamp.....</p> <p align="center">Total</p> <p>Date Clerk-in-charge Head Comparing Clerk</p>	<p>Estimated stamps, etc, notified on ..... supplied on.....</p> <p align="center">Applicant,</p> <p>Record received on .....</p> <p>Copy will be ready on .....</p> <p>Copy actually ready on .....</p> <p>Copy delivered on</p>
--	---

<p>Serial No .....</p> <p>Received an application for copy bearing the above number to attend for estimate on .....</p> <p>Estimated stamp and sheets valued at Rs. P.</p> <p>Supplied on .....</p> <p>To attend for copy on .....</p>	<p><b><u>HEAD COMPARING CLERK</u></b></p> <p><b><u>CLERK-IN-CHARGE</u></b></p> <p>Date .....20 .....</p> <p>Received copy on .....with unused stamps and sheets valued at Rs. P.</p> <p align="right">Applicant</p>
--	---

**NOTE** - The application will not be considered complete until stamps and costs have been supplied in full which must be done within 3 days of the date of the estimate. All inquiries and complaints shall be accompanied by this counterfoil. It will be given up when the copy is delivered.

IV. MISCELLANEOUS FORMS

**FORM No.(M) 3-B  
APPLICATION FOR INFORMATION**

No & date	Name and residence	Nature of the information	Date on which the information is to be ready	Signature of officer receiving the application	Remarks
1	2	3	4	5	6

Received from ..... Application No..... of date .....  
for information which will be ready .....

Dated,

Clerk-in-charge

**FORM No. (M) 4  
LETTER TO CHIEF DISTRICT MEDICAL  
OFFICER TO HOLD POST-MORTEM EXAMINATION  
No .....**

From

THE MAGISTRATE OF

To

THE CHIEF DISTRICT MEDICAL OFFICER OF

Dated, the 20..... 20.....

Sir,

I am to request that you will make post-mortem examination of the body of .....herewith sent to you, and report the result to this office.

Yours faithfully,  
Magistrate

IV. MISCELLANEOUS FORMS

**FORM No.(M) 5**  
**LETTER TO CHIEF DISTRICT MEDICAL OFFICER TO**  
**EXAMINE PERSON SAID TO BE INSANE**

*[Sections 328 (1) and 329 of the Criminal Procedure Code]*

No. ....

From

THE SESSIONS JUDGE OF  
MAGISTRATE

To

THE CHIEF DISTRICT MEDICAL OFFICER OF  
MEDICAL OFFICER

Dated, the ..... 20.....

Sir,

I am to say that .....son/daughter/wife of .....of  
village .....P.S .....District.....is alleged to be of unsound  
mind. He/she is forwarded to you for examination .

I am to request you to examine the said .....and forward  
your certificate in the prescribed form to this Court by to which date the  
case has been posted.

Yours faithfully,  
Sessions Judge  
Magistrate

**FORM No.(M) 6**  
**LETTER FROM COMMITTING MAGISTRATE**  
**TO THE SESSIONS JUDGE**  
**NOTIFYING COMMITMENT**

No. ....

From

THE..... MAGISTRATE OF

To

THE SESSIONS JUDGE

Dated, the..... 20

Sir,

I am to report that I have this day committed,  
..... to take his trial before the Court of Session

IV. MISCELLANEOUS FORMS

The person named below. The record of the G.R. / Complaint Case No. .... of 20 .....along with case diary is forwarded herewith. The receipt of the same may kindly be acknowledged. Copies of papers required under Section 207/208 Criminal Procedure Code have been supplied to him. The receipt granted by the accused is enclosed herewith. The accused is on bail/in jail custody. He has/has not the means to engage a lawyer for his defence (1). The reports of the Chemical examiner and the Serologist along with material object have been received.

[1. Strike out the portion which is unnecessary 1

The material objects have been forwarded to the Chemical examiner of .....under this office letter No .....dated ..... which have not yet been received.

Magistrate

(Name of the persons committed)

- 1.
2.

FORM No.(M) 7
COURT'S CERTIFICATE TO BE GIVEN TO GOVERNMENT OR LOCAL FUND SERVANTS WHO ATTEND COURT AS WITNESSES

(Articles 1133 and 1134, Civil Service Regulations)

COURT OF THE .....

- 1. Name Certified that 1.....
2. Designation 2. ....

3. Here state whether official or private Appeared before me as a witness on behalf of .....in a Civil/Criminal case for .....days from .....to in his .....capacity to depose to facts within his (3)..... knowledge, and that he has been paid (4)..... The undermentioned allowances.

- 4. If nothing is paid under either head it should be clearly stated. As travelling allowance ..... Rs.
As subsistence allowance ..... Rs.
Presiding Officer of the Court

Dated .....

IV. MISCELLANEOUS FORMS

**NOTE** - (1) Government officers summoned to give evidence in their private capacity, i. e. of depose to facts not coming to their knowledge in the Course to their official duties or with which they have not had to deal Officially are not entitled to travelling allowances from Government and subsistence allowances paid to them under the Rules of the Court [1134 (b) Civil Service/Regulations] must be deducted from their salaries if they are allowed to draw pay for those days.

**NOTE** - (2) Official witnesses appearing at the instance of a private party will be paid by that party through the Court, and the facts certified as in the case of a payment by the Government.

**FORM No.(M) 8  
LETTER TO THE CHEMICAL EXAMINER/  
SEROLOGIST REQUESTING HIM TO  
SEND HIS REPORT TO THE  
COURT OF SESSION**

From

THE SESSIONS JUDGE OF

To

THE CHEMICAL EXAMINER/SEROLOGIST  
TO GOVERNMENT

Dated, the..... 20 .....

State  
Vs.  
..... Accused  
Committed on  
charges under  
Sections .....  
I.P.C. By the  
..... of .....

Sir,

I am to inform you that the Sessions Case No. noted on the margin has been fixed for the trial on/am to request that the following material object (s) sent to you by letter No ..... dated ..... of the Judicial Magistrate of ..... may be returned along with your report before the date fixed.

Yours faithfully,

Sessions Judge

IV. MISCELLANEOUS FORMS

**FORM No.(M) 9  
PETITION OF APPEAL**

**of**

**CONVICTED AND SENTENCED BY THE**

*Of..... On the ..... Day of ..... 20 .....*  
*Under section (s)*

Sheweth

**FORM No.(M) 10  
LETTER CALLING FOR RECORDS UNDER SECTION 385 (2)  
OR; 397 OF THE CRIMINAL PROCEDURE CODE  
No.**

From

THE SESSIONS JUDGE/CHIEF JUDICIAL MAGISTRATE OF

To

THE

Dated, the..... 20 .....

Sir,

I am to request that you will forward to this office, on or before the ..... the original records of the case noted on the margin. The records are required under Section 385 (2) 397 of the Criminal Procedure Code, 1973 (Act II of 1974).

Complainant  
Versus  
Accused,  
Case  
decided  
by .....  
on .....  
20 .....

Yours faithfully,

Sessions Judge/Chief Judicial Magistrate

**MEMO No.**

Dated, the .....20 .....

Copy forwarded to the Chief Judicial Magistrate of .....for information.

For use in  
Sessions  
Judge's  
office

Sessions Judge



IV. MISCELLANEOUS FORMS

**FORM No.(M) 11**

**NOTICE OF HEARING APPEAL UNDER SECTION 385  
(1) AND CALLING FOR RECORDS UNDER SECTION**

From  
THE SESSIONS JUDGE OF

To  
THE  
Dated, the..... 20 .....

Sir,

Under Section 385 (1) of the Criminal Procedure Code, I am to inform you that the case marginally noted is set down for hearing on the , and also to request that you will give notice thereof to the appellant and the complainant (Private prosecutor, if any) intimating to me hereof that you have done so.

Convicted  
by the of on  
the 20

\* Omit this  
paragraph  
when not  
necessary

\*2. I am also to request that you will forward the original records of the case so as to reach this office at least days before the date fixed for hearing the appeal. A brief may be prepared for the use of the Public Prosecutor before the record is sent.

Yours faithfully

---

**Note 1** - When notice is issued to the complainant he should be informed that the State has the right to appear to oppose the appeal and except where the right is given by law to him, the person to whom notice is issued, requires the permission of the Court to appear and ordinarily will not receive such permission if the State appears.

**Note 2** - Brief is to be supplied to the Public Prosecutor where State is the respondent.

**MEMO No.**

Dated, the ..... 20 .....

Copy forwarded to the Chief Judicial Magistrate/Subdivisional Judicial Magistrate/Subdivisional Magistrate of .....for information.

The original records of the case should be forwarded so as to reach this Court at least .....day before the date fixed for hearing. Before doing so, the Subdivisional Judicial Magistrate/Subdivisional Magistrate is requested, if necessary to have a brief of the case prepared for the use of the Public Prosecutor.

*Sessions Judge*

IV. MISCELLANEOUS FORMS

**FORM No.(M) II-A**

**NOTICE TO RESPONDENT (ACCUSED) IN APPEAL  
AGAINST ACQUITTAL**

*(Section 385 of the Criminal Procedure Code)*

No .....of 20 .....

..... Complainant

*Versus*

..... Respondent

Convicted of an offence under Section..... I.P.C. by  
the Magistrate of .....on the .....20..... and acquitted  
on appeal by the Sessions Judge of .....on the .....20 .....

In the matter of a petition of appeal filed by the State of Orissa,  
under Section 378 of the Code of Criminal Procedure, in connection  
with the case noted above.

Take notice that the aforesaid appeal has been set down for  
hearing before the Hon'ble High Court on .....20 .....at Cuttack.  
You are hereby required to appear either in person or through Advocate at  
the hearing of the appeal on the said date. Herein fail not.

A copy of the petition of appeal is enclosed.

In case you desire legal assistance of the Court for your  
defence, necessary report to the effect may be filed before me  
by .....20 .....

Date this ..... day of .....

*Magistrate*

**FORM No.(M) 12  
(Section 385 Cr.P.C.)**

**NOTICE TO PUBLIC PROSECUTOR INTIMATING HIM  
THE TIME AND PLACE OF HEARING OF APPEAL**

From

The

SESSIONS JUDGE

CHIEF JUDICIAL MAGISTRATE

To

THE PUBLIC PROSECUTOR

Dated, the ..... 20 .....



IV. MISCELLANEOUS FORMS

Memo No .....dated  
Forwarded to the Superintendent of the Jail.....for  
Communication to the appellants.  
The .....20 .....

Sessions Judge or  
Chief Judicial  
Magistrate.

**FORM No.(M) 15**  
**FORM FOR INTIMATING ORDERS IN**  
**CRIMINAL APPEALS AND MOTIONS**

In the Court of .....Criminal.  
Appeal No. .... of 20 .....against the order  
Application  
of .....dated  
The ..... 20 .....Present.

Appellant  
Petitioner

*Versus*

Respondent  
Opposite-Party

I direct that the .....Judgment follows  
The .....20 .....

(Sd)

Memo No .....Dt. ....

Copy with the warrant and bail-bond, if any, forwarded to the  
.....of .....for information and which the direction to -

- (1) discharge the accused from his bail, Strike out (1), (2) or (3)
- (2) retry the prisoner for the offence as may be necessary  
charged
- (3) take immediate measures to secure the surrender of the accused and  
his commitment to jail on the Original/modified warrant.

Dated the .....20 .....

Sessions Judge  
Chief Judicial Magistrate

IV. MISCELLANEOUS FORMS

**FORM No.(M) 16**  
**LETTER FROM THE SUPERINTENDENT**  
**OF JAIL FORWARDING PETITION OF**  
**APPEAL TO. THE HIGH COURT**

No .....

From

THE SUPERINTENDENT OF JAIL AT

To

THE DEPUTY REGISTRAR OF THE HIGH COURT, ORISSA

Dated, the .....20.....

Sir,

I forward, for the purpose of being laid before Court, petition of appeal (with copy of the judgment annexed) dated the..... day of .....20..... from .....convicted by the..... at .....of an offence under Section (s) .....of.....on the .....day of .....20 .....

Yours faithfully,

Superintendent of the Jail

Memo No .....Dt. ....

Copy forwarded to the Sessions Judge/Chief Judicial Magistrate of .....

Dated .....

Superintendent of the Jail

The .....20 .....

**FARM No.(M) 17**  
**ORDER SHEET FOR MAGISTRATES'/RECORDS**

In the Court of .....at .....Case No .....of 20

*Versus*

Serial number of order	Date of order	Order with initials of the Magistrate	Office note as to action taken on order (if any) and date
<b>1</b>	<b>2</b>	<b>3</b>	

4

**Note** - This form should be written up in English, whenever possible.

IV. MISCELLANEOUS FORMS

**FORM No. (M) 18**

**ORDER SHEET FOR SESSIONS. RECORD**

In the Court of the Sessions Judge of ..... Trial No .....  
of 20 ..... of the Sessions Division of ..... Case No.....of  
20 .....of the Magistrate's .....Calendar for

The State - Vrs. No. 1  
No. 2  
No. 3

The charge (s) under section (s) ..... Framed, read and  
explained to the accused who plead.

No.  
No.

Enter below all proceedings and orders

**FORM No. (M) 19**

**COMBINED TITLE PAGE AND TABLE OF CONTENTS**

**FILE .....**

IN THE COURT OF.....

Case No. ....of 20.....

Complainant  
Applicant

Accused  
Opposite-Party

Section(s) of the Indian Penal Code or other law .....

Date of the decision of the original Court .....

Date of the decision of Appellate or Revisional Court .....

**Table of Contents**

Serial No. Of papers	Sheets	Description of the paper	Value of Court-fee stamps	Period for which to be preserved	Remarks
<b>1</b>	<b>2</b>	<b>3</b>		<b>4</b>	<b>5</b>
1	1-3	Order sheet	Rs. P.		
2	4-5	Petition of			
3	6-8	Complaint			
4.	9	Confession of			
5.	10-12	accused Charge Judgment			

IV. MISCELLANEOUS FORMS

1	2	3	4	5
6.	13-14	Copy of Judgment of Appellate or Revisional Court		

Total value of Court-fee stamps

Signed

Compared and found correct

Officer of Court

Record-Keeper

**NOTE** - (1) This form should be maintained in English.

Column 1 will give the consecutive number of the different papers in the file. The sheets in the file shall be numbered consecutively and column 2 should be kept blank and filled in after the file is complete. Column 1, 3 and 4 will be filled in as the trial proceeds and in column 5 the record-keeper will enter the number of years for which each paper on the record to be preserved according to the rules for the preservation and destruction of records.

[NOTE - (2) The fact of conviction or acquittal of the accused and pendency of split up records, if any, be noted in the remarks column (Column 6) in the red ink.]

**FORM No.(M) 20**

**LIST OF ARTICLES/DOCUMENTS ADMITTED IN EVIDENCE IN CRIMINAL COURTS**

**(LIST OF EXHIBITS)**

Court of..... at

Case No ..... of 20 .....

Complainant  
Applicant

*Versus*

Opposite Party  
Accused

IV. MISCELLANEOUS FORMS

Section(s) of the Indian Penal Code or other law

Distinguishing mark or number	Description of Documents! Articles	By whom filed	Date of admission	Whether admitted after or without objection	Date of return of the articles ! documents with the Signature of the recipient	Remarks
1	2	3	4	5	6	7

The ..... 20 ..... Signature of

*Sessions fudge  
Magistrate*

**NOTE** - This form should be maintained in English.

**FORM N o.(M) 21**

**LIST OF DOCUMENTS PRODUCED .....**

Complainant  
Applicant

Accused  
Opposite Party

District .....

In the Court of .....at .....

Case No..... of 20 .....

..... Complainant  
Applicant

*Versus*

..... Accused  
Opposite Party

Number	Description of Documents	Date, if any, which the document bears	Signature of party or Pleader! Mukhtar producing	If admitted into evidence the date of admission with exhibit mark	Date of return of document with Signature of recipient	Remarks
1	2	3	4	5	6	



IV. MISCELLANEOUS FORMS

**FORM No.(M) 22**  
**NOTICE TO TAKE BACK DOCUMENTS**

In the Court of .....  
Case No. .... of 20 .....

Complainant  
Applicant

*Versus*

Accused  
Opposite Party

The parties in the above cases are hereby required to take back into their custody, within six months from the date hereof the documents now in the custody of the Court, filed by them as evidence in the above case the judgment (or order) now having become final. The parties are distinctly warned that the documents are kept at their own risk, and that the Court from this date declines all responsibility for their safe custody, and that, if not taken back, they will be destroyed when the record is destroyed.

The ..... 20 ..... *Presiding Officer*

**FORM No.(M) 23**  
**LETTER ACCOMPANYING A RECORD AND MEMO OF**  
**ACKNOWLEDGEMENT**

No. ....

From

To

Dated..... the ..... 20

Sir,

I am to return/forward herewith by 1 the original record of the case noted on the margin 2 called for in/received with your .....No. dated the .....20 .....

Yours faithfully,

Memo of acknowledgement

Received the record forwarded with letter No.....  
dated.....20..... from the .....of.....

Dated the .....20..... Signature and designation of  
Receiving Officer

- 
1. Here state method of despatch.
  2. Note also on the margin the number of files and pages in each file.
-

IV. MISCELLANEOUS FORMS

**FORM No.(M) 24**

**LETTER ADVISING THE DESPATCH OF RECORD**

No .....

From

Dated ..... 20.....

To

Sir,

I am to advise the despatch this day by 1 .....to your address the original record of the case, noted on the margin, called for in/received with your letter No.....dated the 20.... The Parcel bears the number and date of the letter enclosed therein, viz., No..... dated .....the..... 20....he return, duly signed, of the memorandum annexed to the forwarding letter above quoted, is requested.

Yours faithfully,  
Signature of the Officer  
despatching the record

**FORM NO.(M) 24 - A**

**RECEIPT OF COPIES OF DOCUMENTS  
ON COMMITMENT OF THE  
ACCUSED TO THE COURT OF SESSION**

In the Court of .....at .....Case No. .... of  
..... State/Complainant  
*Versus*

..... Accused  
Received .....the brief/copies of the documents as  
per Rule 50 of the G.R. & C. O. (Criminal) Volume I -

*Signature of the accused  
Pleader for the accused  
Public Prosecutor*

**FORM No. (M) 25**

**SUMMONS TO AN ACCUSED PERSON**

**No.1, Schedule II, Act II, 1974**

*(Section 61 of the Criminal Procedure Code)*

To

of

---

1. Here state method of despatch

---

IV. MISCELLANEOUS FORMS

WHEREAS,

Your attendance is necessary to answer to charge of 1.....  
You are hereby required to appear 2before the .....of.....  
on the .....day of .....

Herein fail not.

Dated this .....day of.....20.....

(Seal of the Court)

Sessions Judge/Magistrate

**NOTE - 1.** In cases where the accused is a public servant of forwarding letter to the Head of office in which such public servant is employed in Form No. M-25-A is to be enclosed to the summons.

**3[NOTE - 2.** If you are a member of Scheduled Castes/Scheduled Tribes Community, a woman, minor, physically handicapped and unable to file a case or to contest owing to financial stringency, you may seek Legal Aid in the matter from the Legal Aid and advice Board or Local Legal Aid and Advice Committee in the prescribed form.

ଯଦି ଆପଣ ଅନୁସୂଚୀତ ଜାତି/ଜନଜାତି/ସ୍ତ୍ରୀ ଲେବ/ନାବାଳକ/ବିକଳାଙ୍ଗ ହୋଇଥାଆନ୍ତି ବା ଆର୍ଥିକ ଦୁରାବସ୍ଥା ହେତୁ ମୋକଦ୍ଦମା କରିବାକୁ ଜିଣା ଲଢ଼ିବାକୁ ଅସମର୍ଥ ତେବେ ନିର୍ଦ୍ଧାରିତ ଫର୍ମରେ ଆଇନଗତ ସାହାଯ୍ୟ ଓ ଉପଦେଶ ବୋର୍ଡ଼/ସ୍ଥାନୀୟ ଆଇନଗତ ସାହାଯ୍ୟ ଓ ଉପଦେଶ କମିଟିକୁ ଦରଖାସ୍ତ କରନ୍ତୁ ।

FORM No.(M) 25-A

**ORDER FOR TRANSMISSION OF SUMMONS TO BE  
SERVED ON A PUBLIC SERVANT WHO IS AN ACCUSED  
OR WITNESS IN A CRIMINAL CASE**

*(Section 66 of the Criminal Procedure Code)*

District .....

In the Court of ..... at..... Case No .....  
of .....

To

Under the provisions of Section 66 of the Code of Criminal Procedure, 1973, a summon in duplicate is herewith forwarded for service on the accused/witness..... who is stated to be serving under you. You are requested to cause a copy of the said summons to be served upon the said accused witness and to return the original to this Court signed by the said accused / witness with statement of service endorsed thereon by you.

*Sessions Judge/Magistrate.*

1. State the offence charged.
2. In person or by pleader as the case may be.
3. Inserted by C.S.No. 35, - IX-13/89, Dt. 11.2.1992.

IV. MISCELLANEOUS FORMS

**FORM No.(M) 26**  
**WARRANT OF ARREST**

No.2, Schedule II, Act II, 1974  
*(Section 70 of the Criminal Procedure Code)*

To

(1) .....Whereas (2) .....of.....stands.....  
charged with the offence of (3) .....You are hereby directed  
to arrest the said (2) and produce him before me. Here in fail not.

Dated the .....day of .....20 .....

*Sessions judge/Magistrate*

(See Section 71)

This warrant may be endorsed as follows

If the said (2) .....shall give bail himself in the sum  
of .....with one surety .....in the sum of rupees  
..... (or two sureties in the sum of rupees.....) to attend  
before me on the .....day of .....and to continue so to  
attend until otherwise directed by me, he may be released.

Dated this..... day of .....20 .....

(Seal of the Court)

*Sessions ludge*

*Magistrate*



**FORM No.(M) 27**

**BOND AND BAIL-BOND AFTER ARREST**  
**UNDER A WARRANT**

No.3, Schedule II, Act II, 1974  
*(Section 81 of the Criminal Procedure Code)*

I (4) .....of .....being brought before  
the (5) .....under a warrant issued to .....compel my appearance  
to answer to the charge of (6) .....do hereby bind myself to  
attend in the Court of .....on the.....day of.....  
next to answer to the said charge and to continue so to attend until otherwise  
directed by the Court ; and in case of making default therein, I bind myself to  
forfeit to Government the sum of rupees .....

- 
- 1) Name and designation of the person or persons who is or are to execute the warrant.
  - (2) Name of the accused.
  - (3) State the offence.
  - (4) Name.
  - (5) District Magistrate or as the case may be.
  - (6) State the offence.
-

IV. MISCELLANEOUS FORMS

Dated this .....day of .....20 .....

Signature

I do hereby declare myself surety for the above-named ..... of .....that he shall attend before ..... in the Court of .....on the.....day of ..... next to answer to the charge on which he has been arrested and shall continue so to attend until otherwise directed by the Court; and in case of his making default therein, I hereby bind myself to .....Forfeit to Government of the sum of rupees.....

Dated this .....day of.....20.....

Signature

**FORM No. (M) 28**  
**PROCLAMATION REQUIRING THE**  
**APPEARANCE OF A PERSON ACCUSED**  
**No.4, Schedule II, Act II, 1974**

*(Section 82 of the Criminal Procedure code)*

WHEREAS complaint has been made before me that (1) ..... Has committed or is suspected to have committed the offence of (2) .....punishable under Section.....of the Indian Penal Code and it has been returned to a warrant of arrest thereupon issued that the said (1) .....cannot be found, and whereas it has been shown to my satisfaction that the said (3) (4).

Proclamation is hereby made that the said (3) .....of ..... is required to appear at (5) .....before (6) .....to answer the said complaint on the..... day of .....

Dated this.....day of .....20 .....

Seal of the Court

Signature



- 
- 1) 1) Name and description and address
  - (2) Mention the offence concisely.
  - (3) Name.
  - (4) Has absconded or is concealing himself to avoid the service of the said warrant
  - (5) Place
  - (6) This Courte of or before me.
-

IV. MISCELLANEOUS FORMS

**FORM No. (M) 29**

**PROCLAMATION REQUIRING THE  
ATTENDANCE OF A WITNESS**

No.5, Schedule II, Act II, 1974)

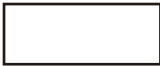
*(Sections 82, 87 and 90 of the Criminal Procedure Code)*

WHEREAS complaint has been made before me that 1.....  
.....2 ..... the offence of 3 .....  
and a warrant has been issued to compel the attendance of .....  
before this Court to be examined touching the matter of the said  
complaint ; and whereas it has been returned to the said warrant  
that the said 5 ..... cannot be served and it has been  
shown to my satisfaction that he 6 ..... Proclamation is hereby  
made that said 7..... is required to appear at 8.....  
..... before the Court of .....  
I..... on the day of..... next at 0' clock  
to be examined touching the offence complained of .

Dated this..... day of..... 20 .....

Seal of the Court

Signature.



**FORM No.(M) 30**

**ORDER OF ATTACHMENT TO COMPEL THE  
ATTENDANCE OF A WITNESS**

**No.6, Schedule II, Act II, 1974**

*(Section 83 of the Criminal Procedure Code)*

To

THE POLICE OFFICER-IN-CHARGE OF THE POLICE

STATION AT .....

WHEREAS a warrant has been duly issued to compel the  
attendance of 9 .....to testify concerning a complaint pending  
before this Court, and it has been returned to the said warrant  
that it cannot be served ; and whereas it has been shown to my

- 
1. Name, description and address
  2. Has committed or is suspected to have committed
  3. Mention the offence concisely
  4. Name, description and address of the witness;
  5. Name of witness
  6. Has absconded or is concealing himself to avoid the service of the said warrant
  7. Name
  8. Place
  9. Name description and address

IV. MISCELLANEOUS FORMS

satisfaction that he 1..... and thereupon a Proclamation has been or is being duly issued and published requiring the said ..... to appear and give evidence at the time and place mentioned therein.

This is to authorise and require you to attach by seizure the movable property belonging to the said .....to the value of rupees .....which you may find within the district of .....and to hold the said property under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this .....day, of.....20.....

Seal of the Court

Signature



**FORM No.(M) 31**  
**ORDER OF ATTACHMENT TO COMPEL THE**  
**APPEARANCE OF PERSON ACCUSED**  
No.7, Schedule II, Act II, 1974  
*(Section 83 of the Criminal Procedure Code)*

To

WHEREAS complaint has been made before me that 4.....5 .....the offence of.....punishable under Section..... of the Indian Penal Code and it has been returned to a warrant of arrest thereupon issued that the said ..... cannot be found and whereas it has been shown to my satisfaction that the said..... 7..... and thereupon a proclamation has been or is being duly issued and published requiring the said..... to appear to answer the said charge within.....days and whereas the said 6.....is possessed of the following property other than land paying revenue to Government in the 8.....of..... in the district of.....and an order has been made for the attachment thereof.....

- 
1. Has absconded or is concealing himself to avoid the service of the said warrant.
  2. Name description and address.
  3. Name and designation of the person or persons who is or are to execute the warrant.
  4. Name, description and address.
  5. Has committed or is suspected to have committed.
  6. Name.
  7. Has absconded or is concealing himself to avoid the service of the said warrant
  8. Village or town.
  9. Strike out the one which is not applicable depending on the nature of the property to be attached
-

IV. MISCELLANEOUS FORMS

You are hereby required to attach the said property in the manner specified in Clause (a) and Clause (c) or both..... of Sub-section (2) of Section 83 and to hold the same under attachment pending the further order of this Court, and to return this warrant with a endorsement certifying the manner of its execution.

Dated this..... day of..... 20 .....

Seal of the Court

Signature

**FORM No.(M) 32**

**ORDER AUTHORISING AN ATTACHMENT BY THE**

DISTRICT MAGISTRATE OR COLLECTOR

No.8, Schedule II, Act II, 1974

*(Section 83 of the Criminal Procedure Code)*

To

THE DISTRICT MAGISTRATE/COLLECTOR OF THE  
DISTRICT OF

WHEREAS complaint has been made before me that 2.....  
3.....the offence of ....., punishable under section .....  
of the Indian Penal Code, and it has been turned to a warrant of arrest thereupon issued that the said! cannot be found; and whereas it has been shown to my satisfaction that the said 4.....5 ..... And thereupon a proclamation has been or is being duly issued and punished requiring the said 4 to appear to answer the said charge within days and whereas the said 4.....is possessed of certain land paying revenue to Government in the 6.....of..... in the district of.....

You are hereby authorised and requested to cause the said land to be attached in the manner specified in Clause (a) or Clause (c) or both 7 of Sub-section (4) of Section 83 and to be held under attachment pending the further order of this Court, and to certify without delay what you may have done in pursuance of this order.

Dated this..... day of..... 20.....

(Seal of the Court)

Signature



- 
1. Strike out the one which is not applicable depending on the nature of the property to be attached.
  2. Name, description and address
  3. Has committed or is suspected to have committed
  4. Name
  5. Has absconded or is concealing himself to avoid the service of the said warrant
  6. Village or town
  7. Strike out the one which is not desired.
-



IV. MISCELLANEOUS FORMS

**FORM No.(M) 33**  
**WARRANT IN THE FIRST INSTANCE TO**  
**BRING UP A WITNESS**

No.9, Schedule II, Act II, 1974  
*(Section 81 of the Criminal Procedure Code)*

To<sup>1</sup>

WHEREAS complaint has been made before me that 2.....  
of .....3..... committed the offence of .....4.....  
and it appears likely 5 .....can give evidence. concerning the  
said complaint; and whereas I have good and sufficient reason to  
believe that he will not attend as a witness on the hearing of the said  
complaint unless compelled to do so.

This is to authorize and require you to arrest the said 6 .....  
and on the ..... day of ..... To bring him before this  
Court, to be examined touching the offence complained of.

Dated this..... day of..... 20.....

(Seal of the Court)



Signature

**FORM No.(M) 34**  
**WARRANT TO SEARCH AFTER INFORMATION OF A**  
**PARTICULAR OFFENCE**

No.10, Schedule II, Act II, 1974  
*(Section 93 of the Criminal Procedure Code)*

To<sup>7</sup> .....

Whereas 8.....

- 
1. Name and designation of the police officer or other person or persons who is or are to execute the warrant.
  2. Name and description of the accused.
  3. Has or is suspected to have.
  4. Mention the offence concisely.
  5. Name and descriptions of witness.
  6. Name.
  7. Name and designation of the police officer or other person or persons who is or are to execute the warrant.
  8. Information has been laid or complaint has been made.
-

IV. MISCELLANEOUS FORMS

Before me of the.....  
and it has been made to appear to me for ..... that the  
production of .....is essential to the .....  
enquiry<sup>4</sup> .....into the said  
.....

This is to authorise and require you to search for the 6.....  
in the 7.....and, if found, to produce the  
same forthwith before this Court, returning this warrant, with  
an endorsement certifying what you have done under it, immediately  
upon its execution.

Dated this..... day of..... 20.....

(Seal of the Court)



Signature

**FORM No.(M) 35**  
**WARRANT TO SEARCH SUSPECTED PLACE OF DEPOSIT**  
**No.II, Schedule II, Act II, 1974**  
*(Section 94 of the Criminal Procedure Code)*

To

WHEREAS information has been laid before me, and on due  
inquiry there-upon held, I have been led to believe that the 9.....  
is used as place for the 10 .....

This is to authorise and require you to enter the said<sup>11</sup>.....  
with such assistance as shall be required, and to use, if necessary  
reasonable force for that purpose, and to search <sup>12</sup>..... and

- 
1. Commission or suspected Commission.
  2. Mention the offence concisely.
  3. Specify the thing clearly.
  4. Now being made or about to be made.
  5. Offence or suspected offences.
  6. The thing to be specified.
  7. Describe the house or place part thereof to which the search is to be confined.
  8. Name and designation of the Police Officer above the rank of a constable.
  9. Describe the house or other place.
  10. Deposit or sale of stolen property. or. if for either of the other purposes expressed in 1the Section, state the purpose in the words of the Section.
  11. House or other place.
  12. Every part of the said house or other place, or if the search is to be confined to a part. specify the part clearly.
-

IV. MISCELLANEOUS FORMS

to seize and take possession of any..... and forthwith to bring before this Court such of the said things as may be taken possession of; returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Dated this..... day of..... 20.....

Seal of the Court)

Signature of the Magistrate



**FORM No.(M) 36**  
**BOND TO KEEP THE PEACE**  
**No.12, Schedule II, Act II, 1974**

*(Sections 106, 107 of the Criminal Procedure Code)*

WHEREAS, 1<sup>2</sup> .....inhabitant of 3.....have been called upon to enter into a bond to keep the peace for the term of.....or until the completion of the inquiry in the matter of .....now pending in the Court of.....

I hereby bind myself not to commit a breach of the peace or do any act that may probably occasion a breach of the peace, during the said term or, until the completion of the said inquiry; and in case of my making default therein I hereby bind myself to forfeit to Government, the sum of rupees.....

Dated this ..... day of..... 20 .....

.....4.....do hereby declare 5..... surety for the above-named..... that he shall not commit a breach of the peace, or do any act that may probably occasion a breach of the peace during the said term or, until the completion of the said inquiry; and in case of his making default therein 4..... bind 6..... to forfeit to.....Government..... the sum of rupees.....

Dated this..... day of..... 20 .....

*Signature of the Surety/Sureties.*

---

1. Property or documents or stamps, or seals or coins or absconding objects as the case may be. (Add when the case requires it) and also if any instruments and materials which you may reasonably believe to be kept for the manufacture of forged documents or counterfeit stamps, or false seals, or counterfeit coin or counterfeit currency notes as the case may be.
  2. Name
  3. Place
  4. I or we
  5. Myself or ourselves
  6. Myself or ourselves jointly and severally
-

IV. MISCELLANEOUS FORMS

**FORM No.(M) 37**

**BOND FOR GOOD BEHAVIOUR**

**No.13, Schedule II, Act II, 1974**

*(Sections 108, 109 and 110 of the Criminal Procedure Code)*

WHEREAS, I 1..... Inhabitant of2.....have  
Been called to enter into a bond to be a good behavior to Government  
and to all citizens of India or the term of 3.....or until  
the completion of that inquiry in the matter of.....now  
pending in the Court of.....

I hereby bind myself to be a good behavior to Government  
and to all citizens of India during the said term or until the completion  
of the said inquiry; and in case of my making default therein, I bind  
myself to forfeit to Government, the sum of rupees.....

Dated this.....day of.....20 .....

Signature

4..... do hereby declares 5.....surety for the  
above-named .....that he shall be of good behavior  
to Government and to all citizens of India during the said term  
or until the completion of the said inquiry; and in case of his making  
default therein 4.....bind 6.....to forfeit to Government  
the sum of rupees .....

Dated this..... day of..... 20 .....

*Signature of the Surety/Sureties.*

**FORM No.(M) 38**

**SUMMONS ON INFORMATION OF A PROBABLE  
BREACH OF THE PEACE**

**No.14, Schedule II, Act II, 1974**

*(Section 113 of the Criminal Procedure Code)*

To.....  
.....of.....

---

1. Name
2. Place
3. State the Period
4. I or we
5. Myself or ourselves
6. Myself or ourselves jointly and severally

IV. MISCELLANEOUS FORMS

WHEREAS, it has been made to appear to me by credible information that 1..... 2 .....you are hereby required to attend 3 ..... at the office of the Magistrate of on the ..... day of ..... 20 ..... at .....O'clock in the forenoon, to show cause why you should not be required to enter into a bond for rupees 4 .....that you will keep the peace for the term of .....

Seal of the Court

Signature



**FORM No.(M) 39**

**WARRANT OF COMMITMENT ON FAILURE TO FIND  
SECURITY TO KEEP THE PEACE**

**No.IS, Schedule II, Act II, 1974**

*(Section 122 of the Criminal Procedure Code)*

To the Officer-incharge of the Jail at<sup>5</sup> .....  
WHEREAS<sup>6</sup> ..... appeared before me<sup>7</sup> ..... on the ..... day of ..... in obedience to summons challenging upon him to show-cause why he should not enter into<sup>8</sup> .....that he, the said<sup>9</sup> .....would ..... keep the peace for the period of ..... and whereas an order was then made requiring the said<sup>9</sup> .....to enter into and find such security <sup>10</sup> ..... And he has filed to comply with the said order.

This is to authorise and require you the said <sup>11</sup> ..... to receive the said <sup>10</sup> ..... into your custody together with this warrant and him safely to keep in the said Jail for the said period of <sup>12</sup> ..... unless he shall in the meantime be lawfully ordered to be released ..... and to return this warrant with an endorsement certifying the manner of its execution.

Dated this..... day of..... 20 .....

*Signature of the Surety/Sureties.*

- 
1. State the substance of the information
  2. And that you are likely to commit a breach of the peace or by which acta breach of the peace will probably be occasioned
  3. In person or by duly authorised agent
  4. When sureties are required, and also to give security by the bond of one or two as the case may be, surety by the bond of one or two as the case may be, surety or sureties in the sum of rupees each (if more than one)
  5. Name of the Jail
  6. Name and address
  7. In person or by his authorised agent
  8. A bond for rupees with one surety or a bond with two sureties each in rupees
  9. Name
  10. State the security ordered when it differs from that mentioned in the summons.
  11. Officer-in-charge
  12. Term of imprisonment

IV. MISCELLANEOUS FORMS

Dated this..... day of..... 20.....

(Seal of the Court)



Signature

**FORM No.(M) 40**

**WARRANT OF COMMITMENT ON FAILURE TO FIND  
SECURITY FOR GOOD BEHAVIOUR**

No.16, Schedule II, Act II, 1974

(Section 122 of the Criminal Procedure Code)

To .....

The.....of the Jail at.....

WHEREAS.....And whereas an order has been ..... recorded stating the same and requiring the said3..... to furnish security for his good behaviour for the term of 4..... by entering into a bond with 5..... himself for rupees..... And 6..... for rupees .....and the said3..... has failed to comply with the said order, and for such default has been adjusted imprisonment for..... unless the said security be sooner furnished.

This is to authorise and require you the said ..... to receive the said .....into your custody together with this warrant and him safely to keep in the said Jail for the said period of..... unless he shall in the meantime be lawfully..... Ordered to be released ;..... and to return this warrant with an endorsement certifying the manner of its execution.

- 
1. Officer-in-charge
  2. It has been made to appear to me that (name and description) has been concealing his presence in the district and there is reason to believe that he is doing so with a view to committing a cognizable offence  
or Whereas evidence of the general character of (name and description) has been adduced before me and recorded from which it appears that he is an habitual robber of house breaker etc. (as the case may be)
  3. Name
  4. State the period
  5. One surety or two, or more sureties as the case may be
  6. The said security to each) of the said sureties
  7. State the term .
  8. Officer-in-charge of Jail
  9. Term of imprisonment

IV. MISCELLANEOUS FORMS

Dated this..... day of..... 20 .....

(Seal of the Court)



Signature

**FORM No.(M) 41**

**WARRANT TO DISCHARGE A PERSON IMPRISONED ON  
FAILURE TO GIVE SECURITY**

No.17, Schedule II, Act II, 1974

*(Sections 122 and 123 of the Criminal Procedure Code)*

To

The 1..... of the Jail at.....

WHEREAS<sup>2</sup>..... was committed  
to your custody under warrant of this Court.

Dated the..... this day of..... and 3.....

This is to authorise and require you forthwith to discharge the  
said 4..... From ..... your custody, unless  
he is liable to be detained for some other cause.

Dated, this day of..... 20.....

(Seal of the Court)

Signature

- 
1. Officer-in-charge or other officer in whose custody the person is
  2. Name and description of prisoner
  3. Has since duly given security under section of the Code of Criminal Procedure or and there have appeared to me sufficient grounds for the opinion that he can be released without hazard to the community
  4. Name
-

IV. MISCELLANEOUS FORMS

**FORM No.(M) 42**  
**ORDER FOR THE REMOVAL OF NUISANCES**  
**No.20, Schedule II, Act II, 1974**  
*(Section 133 of the Criminal Procedure Code)*

To<sup>1</sup>

WHEREAS it has been made to appear to me that you <sup>2</sup>  
I do hereby direct and require you within <sup>3</sup>.....at<sup>4</sup>  
Dated, this day of.....20.....

Seal of the Court

Signature



**FORM No.(M) 43**  
**MAGISTRATE'S NOTICE AND PEREMPTORY ORDER**  
No.21, Schedule II, Act II, 1974  
*(Section 141 of the Criminal Procedure Code)*

I hereby give you notice that it has been found that the order issued on the.....day of.....requiring you<sup>6</sup> is reasonable and proper. Such order has been made absolute, and I hereby direct and require you to obey the said order, within <sup>7</sup>.....

And in case of disobedience thereof you will be liable to the penalty provided therefor by the Indian Penal Code for disobedience thereto.

Dated, this day of..... 20.....

Seal of the Court

Signature



- 
1. Name, description and address
  2. Continue as in Form NO.20, Schedule II, Act II of 1974
  3. State the time allowed
  4. Continue as in Form NO.20, Schedule II, Act II of 1974.
  5. Name, description address
  6. State substantially the requisition in the order
  7. State the time allowed



IV. MISCELLANEOUS FORMS

**FORM No.(M) 44**  
**INJUNCTION TO PROVIDE AGAINST**  
**IMMINENT DANGER PENDING INQUIRY**  
**No.22, Schedule II, Act II, 1974**  
*(Section 142 of the Criminal Procedure Code)*

To

WHEREAS the inquiry into the Conditional Order issued by me on the ..... day of ..... 20 ..... is being and it has been made to appear to me that the nuisance mentioned in the said order is attended with such imminent danger of inquiry of a serious kind to the public as to render necessary immediately measures to prevent such danger or injury. I do hereby, under the provisions of Section 142 of the Code of Criminal Procedure, 1973 direct and enjoin you .....forthwith to2.....pending the result of the inquiry.

Dated, this day of..... 20.....

Seal of the Court

Signature



**FORM No.(M) 45**  
**MAGISTRATE'S ORDER PROHIBITING**  
**THE REPETITION, ETC., OF A NUISANCE**  
**No.23, Schedule II, Act II, 1974**  
*(Section 143 of the Criminal Procedure Code)*

To

WHEREAS it has been made to appear to me that 4 ..... I do hereby strictly order and enjoin you not to repeat or continue to said nuisances.

Dated, this day of..... 20.....

Seal of the Court

Signature



- 
1. Name, description and address
  2. State plainly what is required to be done as a temporary safeguard
  3. Name, description and address'
  4. State the proper recital guided by Form No.20 or Form No.24 of Schedule II, Act II of 1974, as the case may be
  5. As the case may be

IV. MISCELLANEOUS FORMS

**FORM No.(M) 46**

**MAGISTRATE'S ORDER TO PREVENT  
OBSTRUCTION, RIOT, ETC.**

**No.24, Schedule II, Act II, 1974**

*(Section 144 of the Criminal Procedure Code)*

To

WHEREAS it has been made to appear to me that you 2  
I do hereby

Dated, this day of..... 20.....

Seal of the Court

Signature



**FORM No.(M) 47**

**MAGISTRATE'S ORDER DECLARING PARTY ENTITLED  
TO RETAIN POSSESSION OF LAND, ETC, IN DISPUTE**

No.25, Schedule II, Act II, 1974

*(Section 145 of the Criminal Procedure Code)*

It appears to me on the grounds duly recorded, that a dispute likely to induce a breach of the peace, existed between 4..... Concerning certain 5..... suitable within the local limits of my jurisdiction, all the said parties were called upon to give in a written statement of their respective claims as to the fact of actual possession of the said 6.....and being satisfied by due inquiry held thereupon within reference to the merits of the claim of either of the said parties to the legal right of possession, that the claim of actual possession by the said 7.....is true .....

I do decide and declare that 8..... in possession of the said 6..... and entitled to retain such possession until ousted by due course of law do strictly..... forbid any disturbance of 9..... Possession in the meantime.

- 
1. Name, description and address
  2. Follow the recital given in Form No.24, Schedule II, Act II, 1974
  3. Insert the order of prohibition
  4. Describe the parties by names and residence or residence only if the dispute between bodies of villagers.
  5. State concisely the subject dispute
  6. The subject of dispute
  7. Name, Names or description
  8. He is or they are
  9. His or their

IV. MISCELLANEOUS FORMS

Dated, this ..... day of..... 20.....

Seal of the Court

Signature



**FORM No.(M) 48**  
**WARRANT OF ATTACHMENT IN THE CASE OF A**  
**DISPUTE AS TO THE POSSESSION OF LAND, ETC.**  
**No.26, Schedule II, Act II, 1974**  
*(Section 146 of the Criminal Procedure Code)*

To the

WHEREAS it has been made to appear to me that a dispute likely to induce a breach of the peace, existed between 2..... concerning certain 3.....situate within the limits of my jurisdiction, and the said parties were thereupon duly called upon to state in writing their respective claims and to the fact of actual possession of the said 4.....and whereas upon due inquiry into the said claims 5.

This is to authorize and require you to attach the said 4..... by taking and keeping possession thereof and to hold the same under attachment until the decree or order of a competent Court determining the rights of the parties or the claim to possession shall have been obtained; and to return this warrant with an endorsement certifying the manner of its execution.

Dated, this ..... day of ..... 20 .....

Seal of the Court

Signature



- 
1. Police officer-in-charge of police-station at.....
  2. Describe the parties concerned by name and residence or residence only if the dispute be between bodies of villages.
  3. State concisely the subject of dispute
  4. The subject of dispute
  5. I have decided that neither of the said parties was in possession of the said subject of dispute or I am unable to satisfy myself as to which of the said parties was in possession as aforesaid.

IV. MISCELLANEOUS FORMS

**FORM No.(M) 49**  
**MAGISTRATE'S ORDER PROHIBITING THE**  
**DOING OF ANYTHING ON LAND OR WATER**

No.27, Schedule II, Act II, 1974

A DISPUTE having arisen concerning the right of use of 1.....  
situate within the limits of my jurisdiction, the possession of which 2....  
is claimed exclusively by 3.....and it appearing to me on due  
inquiry into the same, that the said 2..... has been open to the  
enjoyment of such use by 4..... and 5.....

I do order that the said 6.....or anyone in their interest,  
shall not 7.....possession of the said 8.....to the  
exclusion of the enjoyment of the right of use aforesaid, until 8.....  
shall obtain the decree or order of a competent court adjudging 9.....  
To be entitled to exclusive possession.

Dated, this ..... day of..... 20.....

Seal of the Court

Signature



**FORM No.(M) 50**  
**BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY**  
**BEFORE A POLICE OFFICER**

No.28, Schedule II, Act II, 1974

*(Section 169 of the Criminal Procedure Code)*

110..... of..... being Charged with the offence of 11.....  
and after inquiry 12.....do hereby bind myself to appear at

- 
1. State concisely the subject of dispute
  2. Land or water
  3. Describe the person or persons
  4. The public or if by an individual, or a class of persons describe him or them.
  5. (If the use can be enjoyed throughout the year) that the said use has been enjoyed within three months of the institution of the said inquiry (or if the use is enjoyable only at particular reasons, say) "during the last of the reasons at which the same is capable of being enjoyed.
  6. The claimant or claimants of possession.
  7. Take or retain
  8. He or they
  9. Him or them
  10. Name .
  11. State offence
  12. Required to appear before the Magistrate of or and after inquiry called upon to enter into my own recognizance to appear when required.

IV. MISCELLANEOUS FORMS

..... in the Court of ..... on<sup>1</sup> .....to answer further to the said charge; and in case of my making default her in, I bind myself to forfeit to Government the sum of Rupees.

Dated, this ..... day of ..... 20 .....

Signature

.....<sup>2</sup> ..... for the above said<sup>3</sup> ..... that he shall attend at..... in the Court of ..... on<sup>4</sup> ..... further to answer to the charge pending against him; and in case of his making default therein<sup>5</sup> .....to forfeit to Government, the sum of Rupees .....

Dated, this ..... day of ..... 20 .....

Seal of the Court

Signature



**FORM No.(M) 51**

**BOND TO PROSECUTE OR GIVE EVIDENCE**

**No.29, Schedule II, Act II, 1974**

*(Section 170 of the Criminal Procedure Code)*

<sup>1</sup>, ..... of <sup>7</sup> ..... do ..... hereby bind myself to attend at .....in the Court of ..... at .....O'clock on the ..... day of next, and then and thereto <sup>8</sup> ..... in the matter of a charge of against one <sup>9</sup> ..... and in case of making default herein, I bind myself to forfeit to Government the sum of rupees.

Dated, this ..... day of ..... 20 .....

Seal of the Court

Signature



- 
1. The day of next or on such day as I may hereafter be required to attend
  2. I hereby declare myself (or we jointly and severally declare ourselves and each of us) surety or sureties)
  3. State offence
  4. The day of next (or such day as he may hereafter be required to attend)
  5. I hereby bind myself (or hereby bind ourselves)
  6. Name
  7. Place
  8. Prosecute, or to prosecute and give evidence, or to give evidence
  9. Name

IV. MISCELLANEOUS FORMS

FORM No.(M) 52

SPECIAL SUMMONS TO A  
PERSON ACCUSED OF PETTY OFFENCE

No.30, Schedule II, Act II, 1974

(Section 206 of the Criminal Procedure Code)

To 1.....

WHEREAS your attendance is necessary to answer a charge of a petty offence 2.....you are hereby required to appear in person (or by pleader) before 3.....of..... on the..... day of..... 20..... or if you desire to plead guilty to the charge without appearing before 3.....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 pleader of guilty on your behalf and to pay the fine through such pleader. Herein fail not.

Dated, this ..... day of ..... 20 .....

Seal of the Court

Signature



**NOTE** - The amount of fine specified in this summons shall not exceed one hundred rupees.

FORM No.(M) 52-A

ସାମାନ୍ୟ ଅପରାଧ ହେତୁ ଅଭିଯୁକ୍ତ ଆସାମୀଙ୍କୁ ବିଶେଷ ଚଳବ  
୩୦ ନମ୍ବର, ୨ୟ ଅନୁସୂଚୀ, ୨ୟ ଅଧିନିୟମ, ମସିହା ୧୯୭୪  
(ପୌରଦାରା ଆଇନ ବିଧି ୧୯୭୪ ଧାରା)  
ସ୍ତ୍ରୀ.....\* ଯେହେତୁ ଏକ ସାମାନ୍ୟ  
ଅପରାଧରେ, ଯଥା.....\* ଅଭିଯୋଗର ଭରସା ଦେବା  
ନିମନ୍ତେ ଆପଣଙ୍କ ଉପସ୍ଥିତି ଆବଶ୍ୟକ, ତେଣୁ ଆପଣ ନିଜେ କିମ୍ବା ଆପଣଙ୍କ ନିଯୁକ୍ତ ଓକିଲଙ୍କ  
ଜରିଆରେ.....\* କ ସମ୍ମୁଖରେ ତା.....ରେ ଉପସ୍ଥିତ

- 1. Name and address of the accused
- 2. State the offence charged
- 3. Name and designation of the Magistrate

- ୪. ଅଭିଯୁକ୍ତ ଆସାମୀଙ୍କ ନାମ ଓ ଠିକଣା ।
- ୫. ଅଭିଯୋଗର ଧାରା ।
- ୬. ବ୍ୟାଧିକାରୀଙ୍କ ନାମ ଏବଂ ପଦବୀ ।

IV. MISCELLANEOUS FORMS

ହେବେ । ନତୁବା, ଯଦି ଆପଣ ଉକ୍ତ ଦଣ୍ଡାଧିକାରୀଙ୍କ ସମ୍ମୁଖରେ ଅନୁପସ୍ଥିତରହି ନିଜକୁ ଅପରାଧୀ ବୋଲି ସ୍ୱୀକାର କରିବାକୁ ଇଚ୍ଛା କରନ୍ତି ତାହାହେଲେ ଉକ୍ତ ତାରିଖ ପୂର୍ବରୁ ଆପଣଙ୍କ ଅପରାଧର ଏକ ଲିଖିତ ସ୍ୱୀକାରୋକ୍ତି ଏବଂ ତତ୍ ସହିତ ଅର୍ଥଦଣ୍ଡ ସ୍ୱରୂପ ..... ଟଙ୍କା ପଠାଇଦେବେ । କିମ୍ବା ଯଦି ଆପଣ ଆପଣଙ୍କ ଓକିଲଙ୍କ ଜରିଆରେ ଅପରାଧ ସ୍ୱୀକାର କରିବାକୁ ଚାହାଁନ୍ତି ତେବେ ଆପଣଙ୍କ ତରଫରୁ ଆପଣଙ୍କ ଓକିଲଙ୍କୁ ଅପରାଧ ସ୍ୱୀକାର କରିବା ନିମନ୍ତେ ଲିଖିତ କ୍ଷମତା ଦେବେ ଏବଂ ଉକ୍ତ ଉକିଲଙ୍କ ଜରିଆରେ ଉକ୍ତ ଅର୍ଥ ଦଣ୍ଡ ଟଙ୍କା ଆଦାୟ ଦେବେ ।

ଏଥିରେ କୌଣସି ଅବହେଳା ବା ତ୍ରୁଟି କରିବେ ନାହିଁ ।

ଆଜ ତା .....ରିଖ.....ମାସ ୨୦.....ମସିହା  
(ନ୍ୟାୟାଳୟ ମୋହର)



ଦସ୍ତଖତ

(ଦ୍ରଷ୍ଟବ୍ୟ : ଏହି ଚଳବ ଦକ୍ଷିତ ଅର୍ଥଦଣ୍ଡର ପରିମାଣ ଏକକ୍ଷତ ଟଙ୍କାରୁ ଅଧିକ ହେବ ନାହିଁ ।)

FORM No. (M) 52-B

FORM OF ADMISSION OF OFFENCE BY THE ACCUSED

In the Court of Sub-divisional Judicial Magistrate.....

Case No...../

State.....Complainant

*Versus*

.....Accused

Section/ (s)

I, ..... (1) received the summons to answer a charge of petty offences in aforesaid case. I do hereby plead guilty and remit a sum of rupees..... (in words) ..... by postal money order and pray that the said amount may be accepted and the case may be disposed of .

.....  
Date.....

Signature of the accused

(This form need not be sent to the Court if the accused is not willing to plead guilt).

1. Name of the accused

FORM No.(M) 52-C

**ଦୋଷ ସ୍ୱୀକାର ପତ୍ର**

**ବିଚାର ବିଭାଗୀୟ ମହକୁମା ଦଣ୍ଡାଧିକାରୀଙ୍କ ସମାପେକ୍ଷ,**

ମକଦ୍ଦମାର ନମ୍ବର.....

ସରକାର.....ମୁଦେଇ

ବନ୍ଦୀମ

.....ମୁଦାଲା

ଦସା.....

ନ୍ୟାୟାଳୟଙ୍କ ଉପରଲିଖିତ ମକଦ୍ଦମାରେ ପ୍ରେରିତ ତଳବ ମୁଦାଲାଙ୍କ ହସ୍ତଗତ ହୋଇଅଛି । ମୁଦାଲା ଏହି ପତ୍ର ଦ୍ୱାରା ଉକ୍ତ ମକଦ୍ଦମାର ବର୍ଷିତ ସମସ୍ତ ଅଭିଯୋଗ ମାନି ନେଇ ଅପରାଧ ସ୍ୱୀକାର କରୁଅଛି, ଚତସଙ୍ଗେ ନ୍ୟାୟାଳୟଙ୍କ ଆଦେଶ ଅନୁସାରେ ଅର୍ଥଦଣ୍ଡ..... ଟଙ୍କା ତାଙ୍କ ଜରିଆରେ ପ୍ରେରଣ କରି ପ୍ରାର୍ଥନା କରେ ବି ମୁଦାଲାଙ୍କ ସ୍ୱୀକାର କନିତ ପ୍ରେରିତ ଅର୍ଥଦଣ୍ଡ ଟଙ୍କା ଗୃହୀତ ହୋଇ ମକଦ୍ଦମାର ତୁଚ୍ଚାନ୍ତ ନିଷ୍ପତ୍ତି ହେଉ ।

ମୁଦାଲାଙ୍କ ଦସ୍ତଖତ କିମ୍ବା ବାମହସ୍ତ ନୂଆଲୁକି ଚିପଟିହୁ ଯେଉଁ ବ୍ୟକ୍ତିଙ୍କ ସମ୍ମୁଖରେ ଚିପଟିହୁ ବା ଦସ୍ତଖତ ନିଆଗଲା ସେହି ବ୍ୟକ୍ତିଙ୍କ ନାମ, ଠିକଣା ଓ ଦସ୍ତଖତ ।

(ଦ୍ରଷ୍ଟବ୍ୟ : ମୁଦାଲା ଯଦି କୌଣସି ଅଭିଯୋଗ ସ୍ୱୀକାର ନ କରନ୍ତି, ତାହାହେଲେ ଏହି ପତ୍ର ନ୍ୟାୟାଳୟକୁ ପଠାଇବା ପାଇଁ ବାଧ୍ୟ ହୁଅନ୍ତି ।)

**FORM No.(M) 53**  
**NOTICE OF COMMITMENT BY MAGISTRATE**  
**TO PUBLIC PROSECUTOR**  
**No.31, Schedule II, Act II, 1974**

*(Section 209 of the Criminal Procedure Code)*

The Magistrate of .....hereby gives notice that he has committed one ..... for trial at the next sessions; and the Magistrate hereby instructs the Public Prosecutor to conduct the Prosecution of the said case.

The charge against the accused is that 1,

Dated, this ..... day of ..... 20 .....

Seal of the Court

Signature



1. State the offence as in the charge.



IV. MISCELLANEOUS FORMS

**FORM No.(M) 54**

**WARRANT OF COMMITMENT FOR INTERMEDIATE  
CUSTODY IN CASE COMMITTED TO THE SESSIONS**

*(Section 209 of the Criminal Procedure Code)*

To

The Officer-in-charge of Jail at.....

WHEREAS 1 ..... of .....is charged  
with 2 ..... and has been committed to take  
his trial before the Court of Session at .....

You are hereby required to receive the said ..... Into  
your custody and produce him before the said Court when so  
required.

Dated, this ..... day of..... 20 .....

Seal of the Court



Signature

**FORM No.(M) 55**

**CHARGE WITH ONE HEAD**

**No.32, (I) Schedule II, Act II, 1974**

*(Sections 211, 212, 213 of the Criminal Procedure Code)*

P3, ..... hereby charge you 4 .....  
.....as follows :

That you, on or about 5..... at 6.....  
7..... and thereby committed an offence punishable  
under Section .....of the Indian Penal Code, and  
within 8..... and I hereby direct that you be tried by  
this/ said Court on the said charge.

Dated, this ..... day of..... 20 .....

*Sessions Judge/Magistrate*

---

1. Name [with age]
2. State the offence
3. Name and office of Sessions Judge/Magistrate
4. Name of accused person
5. State the date and time
6. Place
7. State the offence
8. My cognizance or the cognizance of the Chief Judicial Magistrate in the district of, as the case may be.

IV. MISCELLANEOUS FORMS

**FORM No.(M) 56**  
**CHARGES WITH TWO HEADS**  
**No.32, (II) Schedule II, Act II, 1974**

*(Section 211, 212, 213 of the Criminal Procedure Code)*

I, 1..... hereby charge you 2..... as follows-

First - That you, on or about 3..... at 4.....5..... and thereby committed an offence punishable under Section of the Indian Penal Code, and within 6.....

Secondly - That you, on or about 3.....at 4..... 5 .....and thereby committed an offence punishable under Section(s) of the Indian Penal Code, and within 6.....

And I hereby direct that you be tried by 7.....  
This/ said court on the said charge.

Dated, this ..... day of..... 20 .....

*Sessions fudge/Magistrate*

**FORM No.(M) 57**  
**CHARGES WITH THREE HEADS**  
**No.32, (II) Schedule II, Act II, 1974**

*(Sections 211, 212, 213 of the Criminal Procedure Code)*

I 8.....hereby charge you 9..... as follows -

First - That you, on or about 10 ..... at 11 ..... 12 ..... and thereby committed an offence punishable under Section .....of the Indian Penal Code, and within 6..... 10 .....

Secondly - That you, on or about 10 ..... at 11..... 12 ..... and thereby committed an offence punishable under Section of the Indian Penal Code, and - within 13 .....

- 
1. Name and office of Magistrate, etc.
  2. Name of accused person
  3. Date and time
  4. Place
  5. State the offence
  6. My cognizance or the cognizance of the Chief Judicial Magistrate as the case may be.
  7. In cases tried by Magistrate omit "this said Court"
  8. Name and office of Magistrate, etc.
  9. Name of accused person
  10. Date and time
  11. Place
  12. State the offence
  13. My cognizance or the cognizance of the Chief Judicial Magistrate as the case may be.
-

IV. MISCELLANEOUS FORMS

Thirdly - That you, on or about 1. .... at 2 .....  
3 .....and thereby committed an offence punishable  
under Section ..... of the Indian Penal Code, and within 4.....

And I hereby direct that you be tried by 5 .....  
This/said Court on the said charge.

Dated, this ..... day of..... 20 .....

*Sessions fudge/Magistrate*

**FORM No.(M) 58**

**CHARGES WITH FOUR HEADS**

**No.32, (II) Schedule II, Act II, 1974**

*(Section 211, 212, 213 of the Criminal Procedure Code)*

I 6.....hereby charge  
..... As follows :- .....

*First-* That you, on or about 8 .....at 9 .....  
10 ..... and thereby committed an offence punishable under  
Section ..... of the Indian Penal Code, and within 11 .....

*Secondly -* That you, on or about 8 ..... at 9 .....  
10 ..... and thereby committed an offence punishable under  
section .....of the Indian Penal Code, and within 6 .....

*Thirdly -* That you, on or about 8 .....at 9.....  
10 ..... and thereby committed an offence punishable under  
Section of the Indian Penal Code, and within 6 .....

*Fourthly -* That you, on or about 8 .....at 9 .....  
10 ..... and thereby committed an offence punishable under  
Section .....of the Indian Penal Code, and within 11.....

And I hereby direct that you be tried by 12 this/ said charges.

Dated, this ..... day of..... 20 .....

*Sessions fudge/Magistrate*

---

1. Date and time
2. Place
3. State the offence
4. My cognizance or the cognizance of the Chief Judicial Magistrate as the case may be.
5. In cases tried by Magistrates omit "this said Court"
6. Name and office of Magistrate etc.
7. Name of accused person
8. Date and time
9. Place
10. State the offence
11. My cognizance or the cognizance of the Chief Judicial Magistrate as the case may be.
12. In cases tried by Magistrates omit "this said Court"

IV. MISCELLANEOUS FORMS

**FORM No. (M) 59**  
**CHARGE AFTER A PREVIOUS CONVICTION**  
**No. 32, (III) Schedule II, Act II, 1974**  
*(Sections 211, 212, 213 of the Criminal Procedure Code)*

...1.....hereby charge  
..... As follows :- .....

That you, on or about the .....  
day of ..... at .....ncommitted .  
and thereby committed an offence punishable under Section .....  
..... of the Indian Penal Code, and within the Cognizance  
of the 3 .....

and you the said 4 .....stand further  
charged that you before the committing of the said offence,  
that is to say on the .....day of .....  
had been convicted by the 5 at .....  
of an offence punishable under Chapter XVII of the Indian Penal Code,  
with imprisonment for a term of three years that is to say 6.....

Which conviction is still in full force and effect, and that you  
are thereby liable to enhanced punishment under Section 75 of  
the Indian Penal Code.

And I hereby direct that you be tried by the/said Court on the  
said charges.

Dated, this ..... day of..... 20 .....

Signature of Sessions  
Judge /Magistrate

- 
1. Name and office of Magistrate etc.
  2. Name of accused
  3. Court of Sessions or Magistrate as the case may be
  4. Name of accused
  5. State Court by which conviction was up held
  6. Describe the offence in the words used in the Section under which the offence was committed.
-

IV. MISCELLANEOUS FORMS

**FORM No. (M) 60**

**WARRANT OF COMMITMENT ON A SENTENCE OF  
IMPRISONMENT OR FINE IF PASSED BY A MAGISTRATE**

**No. 34, Schedule II, Act 11,1974**

*(Sections 248, and 255 of the Criminal Procedure Code)*

The 1 ..... of the Jail at .....  
WHEREAS on the .....day of .....20 .....2.....  
the 3 ..... prisoner in case No. .... of the calendar for 20  
..... was convicted before me 4 ..... of offence of 5.....  
..... under Section 6..... of the 7..... and  
was sentenced to 8.

This is to authorise and require you, the said 9 ..... To  
receive the said 10 into your custody in the said jail, together with this  
warrant and hereby carry the aforesaid sentence into execution  
according to law.

Dated, this ..... day of..... 20 .....

Seal of the Court



Signature

**Note** - This form applies to all criminal Courts *mutatis mutandis*.

- 
1. Officer-in-charge
  2. Name of Prisoner [with age)
  3. 1 st, 2nd, 3rd as the case m
  4. Name and official designat
  5. Mention the offence or offe
  6. Or Sections
  7. Indian Penal Code or of ..
  8. State the punishment fully
  9. Officer-in-charge, Jail
  10. Prisoner's name

IV. MISCELLANEOUS FORMS

**FORM No. (M) 61**  
**FORM TO BE ATTACHED TO ALL WARRANTS OF**  
**COMMITMENT**

1.	2.	3.	4.	5.	6.	7.	Former Conviction		10.	11.
							8.	9.		
Address	Character	Previous occupation	Circumstances under which convicted	Whether sentence appealable or not	Other charges pending against prisoner, with law and section.	Special classification under the rules of the Jail code.	Date	By whom convicted	Offence (Law and Section)	Sentence

**Note** - In column 1 not only the village, but the police-station and district within which the convict resides should be given.

**FORM No. (M) 62**  
**WARRANT OF IMPRISONMENT ON FAILURE TO PAY**  
**COMPENSATION**

**No. 35, Schedule II, Act II, 1974**

*(Section 250 of the Criminal procedure Code)*

To

The Officer-in-charge of the Jail at

WHEREAS 1.....has brought against 2 ..... the complaint that 3 ..... and the same has been dismissed on the ground that there was no reasonable ground for making the accusation against the said 4.....and the order of dismissal awards payment by the said 4 .....of the sum of rupees .....as compensation; and whereas the said sum has not been paid and an order has been made for his simple imprisonment in jail for the period of days, unless the aforesaid sum be sooner paid;

1. Name with age and description
2. Name with age and description of the accused person
3. Mention it concisely
4. Name of complainant

IV. MISCELLANEOUS FORMS

This is to authorise and require you, ..... to receive the said 1..... into your custody together with this warrant, and him safely to keep in the said jail for the said period of 1 ..... subject to the provisions of Section 69 of the Indian Penal Code, unless the said sum be sooner paid, and on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution .

Dated, this ..... day of..... 20 .....

Seal of the Court



Signature

**FORM No. (M) 63**  
**SUMMONS TO WITNESS**  
**No. 33, Schedule II, Act II, 1974**

*(Sections 6 and 244 of the Criminal Procedure Code)*

To..... of .....

WHEREAS complaint has been made before me that 3 ..... of 4 ..... committed the offence of 5 ..... and it appears to me that you are likely to give material evidence or to produce any document or other thing for the prosecution.

You are hereby summoned to appear before this Court on the .....day of .....next at 100Clock in the forenoon to produce such document of thing or to testify what you know concerning the matter of the said complaint, and not to depart hence without leave of the Court and you are hereby warned that if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Dated, this ..... day of..... 20 .....

Seal of the Court



*Sessions Judge/Magistrate*

**Note** - In cases where a witness is a public servant a forwarding letter to the head of the office in which such public servant is employed in Form No. M-25-A is to be enclosed to summons.

---

1. Name
2. Term of imprisonment
3. Name of the accused.
4. Has or is suspected to have
5. State the offence concisely with time and place
6. Or six as the case may be

IV. MISCELLANEOUS FORMS

**FORM No. (M) 64**

**ORDER REQUIRING PRODUCTION IN COURT OF PERSON  
IN PRISON FOR ANSWERING TO CHARGE OF OFFENCE**

**No. 36, Schedule II, Act II, 1974**

*(Section 267 of the Criminal Procedure Code)*

To

The Officer-in-charge of the Jail at .....

Whereas the attendance of 1 ..... at present confined/detained in the above-mentioned prison, is required in this Court to answer to a charge of 2.....or for the purpose of a proceeding 3 ..... you are hereby required to produce the said 1 ..... under the safe and sure conduct before this Court ..... on the .....day of ..... 20 .....by .....A.M. thereto answer to the said charge or for the purpose of the said proceeding, and after this Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to said prison.

And you are further required to inform the said 1 ..... of the contents of this order and deliver to him the attached copy thereof.

Dated, this ..... day of..... 20 .....

(Seal of the Court)



Countersigned

(Signature)

FORM No. (M) 65

**FORM No. (M) 65**

**ORDER REQUIRING PRODUCTION IN COURT OF  
PERSON IN PRISON FOR GIVING EVIDENCE**

**No. 37, Schedule II, Act II, 1974**

*(Sections 267 of the Criminal Procedure Code)*

To

The Officer-in-charge of the Jail at

- 
1. Name of Prisoner
  2. State shortly the offence charged
  3. State shortly the particulars of the proceeding
-



IV. MISCELLANEOUS FORMS

Whereas complaint has been made before this Court that 1 ..... of ..... has committed the offence of 2 ..... and it appears that 3 ..... at present confined/detailed in the above-mentioned prison, is likely to give material evidence for the prosecution defence ;

You are hereby required to produce the said 3 ..... under safe and sure conduct before this Court at ..... on the ..... day of ..... 20 ..... by ..... A.M. thereto give evidence in the matter now pending before this Court and after this Court has dispensed with his further attendance, cause him to be conveyed under safe and sure conduct back to the said prison.

And you are further required to inform the said 3 ..... of the contents of this order and deliver to him the attached copy thereof.

Dated, this ..... day of ..... 20 .....

(Seal of the Court)



Countersigned  
(Signature)  
FORM No. (M) 65

**FORM No. (M) 66**  
**FORM OF LETTER OF REQUEST IN THE CASE OF**  
**EXAMINATION OF A WITNESS WHO IS AN OFFICER OF**  
**THE HOUSE OF THE PEOPLE/COUNCIL OF STATES**

From

.....

To

THE SECRETARY,  
THE HOUSE OF THE PEOPLE/THE COUNCIL OF STATES,  
PARLIAMENT HOUSE, NEW DELHI.  
SUBJECT - 4

Sir,

In the above proceedings, the plaintiff/ defendant/Complainant/ accused proposes to examine ..... an Officer in the

- 
1. Name of the accused
  2. State the offence concisely with time and place
  3. Name of the prisoner
  4. Description of the case

IV. MISCELLANEOUS FORMS

Secretariat of the House of the People/Council of States (or duly informed Officer in the Secretariat of the Assembly) as a witness in regard to matters specified in the Annexure. I am to request you to move the Honorable Speaker/Chairman of the House, if necessary, to grant leave for the examination of the said Officer in my Court, and, if such leave is granted, to direct the Officer to appear in Court on at 0' clock.

Annexure

Yours faithfully

**FORM No. (M) 67**

**FORM OF LETTER OF REQUEST TO BE ISSUED FOR THE PRODUCTION OF: DOCUMENTS IN THE COURT OF LAW FROM THE RECORDS OF THE HOUSE OF THE PEOPLE/ COUNCIL OF STATES**

From

.....

To

**THE SECRETARY,  
THE HOUSE OF THE PEOPLE/THE COUNCIL OF STATES,  
PARLIAMENT HOUSE, NEW DELHI.  
SUBJECT - (1)**

Sir,

In the above proceedings, the Plaintiff! defendant/ Complainant/ accused proposes to rely upon the documents, specified in the annexure, which are in the custody of the House of the People/Council of States. I am to request you to move the Honourable Speaker/ Chairman of the House, if necessary, to grant leave for the production of the documents in my Court and, if such leave is granted, to arrange to send the documents/certified copies of the documents so as to reach me on or before ..... by registered post (A.D.) or through an Officer of the Secretariat of the House.

Annexure

Yours faithfully

---

1. Description of the case

IV. MISCELLANEOUS FORMS

**FORM No. 68**

**FORM OF LETTER OF REQUEST IN THE CASE OF  
EXAMINATION OF WITNESS, WHO IS AN OFFICER OF THE  
LEGISLATIVE ASSEMBLY/LEGISLATIVE COUNCIL OF STATE**

To  
THE SECRETARY, Legislative Assembly /Legislative Council  
OF THE STAFF  
STATE LEGISLATIVE COUNCIL  
SUBJECT - (1)

Sir,

In the above proceedings the Complainant/ accused proposes to examine ..... an Officer in the Secretariat of the Legislative Assembly /Council of States (or any duly informed Officer in the Secretariat of the Assembly /Council) as a witness in regard to matter specified in the Annexure. I am to request you to move the Hon'ble Speaker/Chairman, or the House, if necessary, to grant leave for the examination of the said Officer in my Court and, if such leave is granted to direct the Officer to appear in Court on at.. A.M.

Annexure

Yours faithfully

**FORM No. (M) 69**

**FORM OF LETTERS OF REQUEST TO BE ISSUED FOR  
THE PRODUCTION OF DOCUMENTS IN COURTS OF  
LAW FROM THE RECORDS OF THE LEGISLATIVE  
ASSEMBLIES/COUNCIL OF THE STATES**

Sir,

THE SECRETARY, Legislative Assembly /Legislative Council  
OF THE STATE

In the above proceeding the Complainant/ accused proposes to rely upon the documents, specified in the annexure, which are in the custody of the Legislative Assembly /Legislative Council. I am to request you to move the Hon'ble Speaker /Chairman of the House, if necessary, to grant leave for the production of the documents in my

---

(1) Description of the case

IV. MISCELLANEOUS FORMS

Court and, if such leave is granted, to arrange to send the documents/ certified copies of the documents so as to reach me on or before by registered post (A.D.) Or through an Officer of the Secretariat of the House.

Annexure

Yours faithfully

**FORM No. (M) 70**  
**WARRANT FOR INTERMEDIATE CUSTODY**  
*(Section 309 of the Criminal Procedure code)*

To

The Officer-in-charge of the Jail at .....

WHEREAS [name of the accused] with age .....son of .....of village .....Police-station in the district of .....is charged with 1 ..... and has been remanded to custody until 2 .....

You are hereby required to receive the said ..... into your custody and to produce him before me on the said day at 3 .....

Dated, this ..... day of..... 20 .....

Session Judge/Magistrate

**FORM No. (M) 71**  
**WARRANT OF COMMITMENT UNDER**  
**SENTENCE OF DEATH**  
**No. 40, Schedule II, Act II, 1974**  
*(Section 366 of Criminal Procedure Code)*

To

The 4..... of the Jail .....

WHEREAS at the Sessions held before me on the ..... day of .....20..... 5 the 6..... prisoner in case No of the calendar at the said Sessions, was duly convicted

- 
1. Here State offence and law
  2. Here give date
  3. Here State the hour
  4. Officer-in-charge
  5. Name of Prisoner [with age].
  6. 1 st, 2nd, 3rd as the case may be

IV. MISCELLANEOUS FORMS

of the offence of culpable homicide amounting to murder under Section .....of the Indian Penal Code, and sentenced to death, subject to the confirmation of the said sentence by the High Court of Judicature, Orissa.

. This is no authorise and require you, to receive the said 4..... into your custody in the said Jail together with this warrant and him there safely to keep until you shall receive the further warrant or order of this Court, carrying into effect the order of the said High Court.

Dated, this ..... day of..... 20 .....

(Seal of the Court)



Sessions Judge

**FORM No. (M) 72**

**WARRANT OF EXECUTION OF A SENTENCE OF DEATH**

**No. 42, Schedule II, Act, II 1974**

*(Section 414 of Criminal Procedure Code)*

To

The 2 ..... of the Jail at .....

WHEREAS 3 .....the 4 ..... prisoner in case No .....of the calendar for 20 ..... at the Sessions held .....before me on the .....day of .....20 ..... Has been by a warrant of this Court, dated the .....day of ..... committed to your custody under sentence of death, and whereas the order of the High Court of Judicature, Orissa/Supreme Court confirming the said sentence has been received by this Court.

This is to authorise and require you to carry the said sentence into execution by causing the said 3 ..... to be hanged by the neck until he be dead, at 5 ..... and to return this warrant to the Court with an endorsement certifying that the sentence has been executed.

Dated, this ..... day of..... 20 .....

(Seal of the Court)



Sessions Judge

- 
1. Prisoner's name
  2. Officer-in-charge
  3. Name of Prisoner
  4. 1 st, 2nd, 3rd as the case may be.
  5. Time and place of execution

IV. MISCELLANEOUS FORMS

**FORM No. (M) 73**

**WARRANT AFTER A COMMUTATION OF A SENTENCE**

**No. 41, Schedule II, Act II 1974**

*See 386 of Criminal Procedure Code)*

To

The 1 .....of the Jail at .....

WHEREAS at a Session held on the ..... day of the .....  
20 ..... 2 ..... the 3 ..... prisoner in case No .....of the  
calendar for 20 ..... at the said Sessions, was convicted of the  
offence of punishable under Section ..... of the Indian  
Penal Code, and sentenced to , and was thereupon committed to your  
custody, and whereas by the order of the .....Court of (a duplicate  
of which is hereunto annexed) the punishment adjudged by the said  
sentence has been commuted to the punishment of 4 .....

This is to authorise and require you, the said 5 ..... safely  
to keep the said 6 ..... in your custody in the said Jail 7.....

Dated, this ..... day of..... 20 .....

(Seal of the Court)



Sessions Judge

**FORM No. (M) 74**

**WARRANT TO LEVY A FINE BY ATTACHMENT AND SALE**

**No. 43, Schedule II, Act II, 1974**

*(Section 421 of Criminal Procedure Code)*

To 8

Whereas 9 was on the ..... day ..... 20 .....  
convicted before me of the offence of 10 ..... and sentenced to  
pay a fine of rupees and whereas the said 11 ..... although required  
to pay the said fine, has not paid the same or any part thereof.

- 
1. Officer-in-charge
  2. Name of Prisoner
  3. 1 st, 2nd, 3rd, as the case may be
  4. Imprisonment for life
  5. Officer-in-charge of the Jail
  6. Prisoner's name
  7. Continue as directed in Form No. 41 of the Schedule II, Act II, 1974.
  8. Name and designation of the Police Officer or other person who is or are to execute the warrant
  9. Name and description of the offender
  10. Mention the offence concisely
  11. Name
-

IV. MISCELLANEOUS FORMS

This is to authorise and require you to attach any movable property belonging to the said 1..... which may be found within the district of ..... and if within 2 ..... next after such attachment the said sum shall not be paid (or forthwith), to sell the movable property attached, or so much thereof as shall be sufficient to satisfy the said fine, returning this warrant, with an endorsement certifying what you have done under it, immediately upon its execution.

This warrant shall remain in force for period of six months and it must be returned by ..... whether the amount of fine imposed or any part of it, be realised or not.

Dated, this ..... day of..... 20 .....

(Seal of the Court)



Sessions Judge

**FORM No. (M) 75**  
**WARRANT OF RECOVERY OF FINE**  
**No. 44, Schedule II, Act II, 1974**  
*(Section 421 (b) of Criminal Procedure Code)*

To

The Collector of the District of .....

WHEREAS 2 ..... son of ..... of village ..... was on the ..... day of ..... 20 ..... convicted before me of the offence of 3.....and sentenced to .....and to pay a fine of rupees .....and whereas the said 4 ..... although required to pay the said fine, has not paid the same or any part thereof.

You are hereby authorised and requested to realise the amount of the said fine, as arrears of land revenue from the movable or immovable property or both, of the said defaulter and to certify without delay what you may have done in pursuance of this order.

Dated, this ..... day of..... 20 .....

(Seal of the Court)



Sessions Judge

- 
1. Name
  2. State the number of days or hours allowed.
  3. Name, address and description of the offender
  4. Mention the offence concisely
  5. Name
-

IV. MISCELLANEOUS FORMS

**FORMS FORM No. (M) 76**

**BOND FOR APPEARANCE OF OFFENDER RELEASED  
PENDING REALISATION OF FINE**

*(Section 424 of the Code of Criminal Procedure)*

WHEREAS I 1 ..... an inhabitant  
of 2 ..... has been sentenced to pay a fine of rupees  
..... and in default of payment thereof to undergo  
imprisonment for and whereas this Court has been pleased to order my  
release on condition of my executing a bond for my appearance on the  
following date (dates) namely:

I hereby bind myself to appear before the Court of .....  
at ..... O' Clock on the following date (or dates) namely  
more and in case of making default herein, I bind myself to forfeit to  
Government the sum of rupees .....

Dated, this ..... day of..... 20 .....

Signature

(Where a bond with surety/sureties is to be executed)

I/We 3..... do hereby declare ..... For  
the above-rramed"..... that he will appear before the Court  
of ..... on the following date (or dates) namely .....  
and in case of his making default therein 5 ..... forfeit to  
Government the sum of Rupees .....

Dated, this ..... day of..... 20 .....

Signature

**FORM No. 77**

**WARRANT OF RELEASE ON APPEAL**

*(Section 386 of the Criminal Procedure Code)*

In the Court of the .....at .....

To

The Officer-in-charge of the jail.....  
at.....

- 
1. Name
  2. Place
  3. Name and description of the surety or sureties
  4. Myself or ourselves surety or sureties
  5. I or we bind myself or ourselves jointly and severally



IV. MISCELLANEOUS FORMS

WHEREAS 1 ..... son of .....  
of village ..... of ..... police-station in the  
..... district ..... who was convicted by  
2 ..... of the offence of 3 ..... and was ..... sentenced  
on the ..... day of ..... to ..... has been acquitted  
on appeal by Court. You are hereby directed to discharge the  
said 1 ..... out of your custody unless he is liable to be  
detained for some other matter and for your so discharging him this  
shall be your sufficient warrant.

Dated, this ..... day of..... 20 .....

(Seal of the Court)



Sessions Judge/Magistrate

**FORM No. (M) 78**  
**WARRANT FOR USE BY APPELLATE COURT WHEN A**  
**SENTENCE IS MODIFIED ON APPEAL**  
*(Section 386 of the Criminal Procedure Code)*

In the Court of the ..... At.....

To

The Officer-in-charge of the jail .....  
at .....

WHEREAS 4 .....son of .....  
of village ..... of ..... police-station .....  
in the district of was convicted by Magistrate of .....  
of the offence of, and was .....sentenced on the .....  
day of ..... 20 ..... to 5 ..... which conviction and sentence  
have been modified on appeal by this Court, and in lieu thereof the  
said 4 .....has been convicted of the offence of .....  
and sentenced on the ..... day of ..... 20 .....  
to 6.....

This is to authorise and require you the said officer-in-charge to  
receive the said 4 ..... into your custody in the said jail,  
together with this warrant and carry the aforesaid sentence into  
execution according to law and this is further to authorise and

---

1. Name of the accused
2. Name and official designation
3. Mention the offence quoting also Act and Section.
4. Name
5. State the sentence imposed by the trial Court
6. State the modified sentence

IV. MISCELLANEOUS FORMS

require you to return to this Court the original warrant of commitment in lieu whereof this warrant is issued.

Dated, this ..... day of..... 20 .....

(Seal of the Court)



Sessions Judge/Magistrate

**FORM No. (M) 79**  
**ORDER BY THE SESSIONS JUDGE FOR THE RELEASE OF**  
**A PRISONER ON BAIL**  
*(Section 389 and 397 of the Criminal Procedure Code)*

In the Court of the..... at.....

Appeal/Revision No..... Of.....20.....

To

The..... of .....

WHEREAS 1 ..... of an offence under Section  
2 ..... by .....the Magistrate of  
..... on the day of ..... 20 ..... has been 3 .....  
and on 4 ..... to this Court an order has been passed under  
Section 5 ..... Criminal Procedure Code for his release on bail  
until his 4 ..... shall have been disposed of ..... You  
are hereby required to release the said 1 ..... on good and sufficient  
bail 6 ..... and to return to this Court the original warrant of  
commitment. If the prisoner is unable to furnish bail, ..... you  
should forthwith return this order with an endorsement to that effect.

Dated, this ..... day of..... 20 .....

(Seal of the Court)



Sessions Judge/Magistrate

- 
1. Name of the prisoner
  2. Accused or convicted
  3. State sentence or period of remand to jail
  4. Appeal or application
  5. State the Section
  6. If the amount of bail is fixed by the appeal at Court, enter it here.
-

IV. MISCELLANEOUS FORMS

**FORM No. (M) 80**  
**WARRANT OF COMMITMENT IN CERTAIN CASES OF**  
**CONTEMPT WHEN A FINE IS IMPOSED**  
**No. 38, Schedule II, Act II of 1974**  
*(Section 345 of the Criminal Procedure Code)*

To  
The 1 ..... of the jail  
at .....

WHEREAS at a Court held before me on this day 2 .....  
in the 3 ..... of the Court committed wilful contempt; and  
whereas for such contempt, the said 4 ..... has been  
adjudged by the Court to pay a fine of rupees ..... or,  
in default, to suffer simple imprisonment for the period  
of .....

This is to authorise and require you, the 6 ..... of  
the said jail, to receive the said 7 ..... into your custody  
together with this warrant, and him safely to keep in the said jail for  
the said period 8 ..... unless the said fine be sooner paid, and  
on the receipt thereof forthwith to set him at liberty, returning this  
warrant with an endorsement certifying the manner of its execution.

Dated, this ..... day of..... 20 .....

(Seal of the Court)



Sessions Judge/Magistrate

- 
1. Officer-in-charge
  2. Name and description of the offender
  3. Presence of or view
  4. Name of offender
  5. State the number of months or days
  6. Officer-in-charge
  7. Name of offender
  8. Term of imprisonment

IV. MISCELLANEOUS FORMS

**FORM No. (M) 81**  
**MAGISTRATES OR JUDGE'S WARRANT OF**  
**COMMITMENT OF WITNESS REFUSING TO**  
**ANSWER OR TO PRODUCE DOCUMENT**  
**No. 39, Schedule II, Act II of 1974**  
*(Section 349 of the Criminal Procedure Code)*

To 1

WHEREAS 2 ..... being 3.....  
..... as a witness, and this day required to give evidence on  
an inquiry into an alleged offence, refused to answer 4 .....  
..... put to him touching the said alleged offence and duly  
recorded having been called upon to produce 5 .....  
has refused to produce such document without alleging any just excuse  
for such refusal and for his refusal has been ordered to be detained in  
custody for 6 .....

This is to authorise and require you to take the said  
7 ..... into custody, and him safely keep in your custody for  
the period of ..... days, unless in the meantime he shall consent  
to be examined and to answer the questions asked of him, or to  
produce the document called for from him and on the last of the said  
days, of forthwith on such consent being known, to bring him before  
this Court to be dealt with according to law returning this warrant with  
an endorsement certifying the manner of its execution.

Dated, this ..... day of..... 20 .....

(Seal of the Court)



Sessions Judge/Magistrate

- 
1. Name and designation of officer of Court
  2. Name with age and description
  3. Summoned or brought before this Court
  4. A certain question or certain questions
  5. Nature of the document
  6. Term of detention adjudged
  7. Name
-

IV. MISCELLANEOUS FORMS

**FORM No. (M) 82**

**WARRANT OF IMPRISONMENT ON THE  
FAILURE TO PAY MAINTENANCE  
No. 18, Schedule II, Act II of 1974**

*(Section 125 (3) of the Criminal Procedure Code)*

To

The 1 ..... of the Jail  
at .....

WHEREAS 2 ..... has been proved before  
me to be possessed of sufficient means to maintain his  
3 ..... who is by reason of 4 .....  
unable to maintain 5 ..... and to have 6 ..... to  
do so, and an order has been duly made requiring the said 7.....  
to allow to the said 8 ..... maintenance the monthly sum  
of rupees ..... and whereas it has been further proved that  
the said 7 ..... in wilful disregard of the said order has  
failed to pay rupees being the amount of the allowance, for the  
month 9 ..... of .....

And there upon an order was made adjudging him to undergo  
10 ..... imprisonment in that said jail for the period of .....

This is to au thorise and require you the said 11.....  
to receive the said 2 ..... into your custody in the jail,  
together with this warrant, and there carry the said order into execution  
according to law, returning this warrant with an endorsement  
certifying the manner of its execution.

Dated, this ..... day of..... 20 .....

(Seal of the Court)



Magistrate

- 
1. Officer-in-charge
  2. Name [with age], description and address
  3. Wife, child, father or mother (name)
  4. State the reason.
  5. Herself or himself
  6. Neglected or refused
  7. Name
  8. Wife, child, father or mother
  9. Or months
  10. Simple or rigorous
  11. Officer-in-charge

IV. MISCELLANEOUS FORMS

**FORM No. 82-A**  
**WARRANT TO ENFORCE THE PAYMENT OF**  
**MAINTENANCE BY ATTACHMENT AND SALE**  
**No. 19, Schedule II, Act II of 1974**  
*(Section 125 of the Criminal Procedure Code)*

To

WHEREAS an order has been duly made requiring 2 .....  
to allow to his said 3 ..... maintenance the monthly sum  
.....and whereas the said 2 ..... rupees  
..... in wilful disregard to said order has failed to pay  
rupees .....being the amount of the allowance for the  
month 4..... of .....

This is to authorise and require you to attach any movable  
property belonging to the said 2 ..... which may be found  
within the district of ..... and if within 5 ..... Next  
after such attachment the said sum shall not be paid (or forthwith), to  
sell the movable property attached, or so much thereof as shall be  
sufficient to satisfy the said sum, returning this warrant with an  
endorsement certifying what you have done under it immediately upon  
its execution.

Dated, this ..... day of..... 20 .....

(Seal of the Court)



Magistrate

**FORM No. (M) 83**  
**BOND AND BAIL BOND ON A PRELIMINARY INQUIRY**  
**OR TRIAL BEFORE A MAGISTRATE**  
*(Sections 436 and 441 of the Criminal Procedure Code)*

I 6 ..... of 7 ..... being brought before the  
Magistrate of 8 ..... charged with the offence of .....  
And required to give security for my attendance in his Court in

- 
1. Name and designation of Police Officer or other person to execute the warrant.
  2. Name
  3. Wife, child, father or mother
  4. Or months
  5. State the Number of days or hours allowed
  6. Name
  7. Place
  8. As the case may be

IV. MISCELLANEOUS FORMS

any other Court where the case may be pending and at the Court of Session, if required, do bind myself to attend at the Court of the said Magistrate or of such other Magistrate before whom the case may be pending at 10.30 A.M./6.30 A.M.1 or such subsequent hour as may be directed on every day of the preliminary inquiry or trial into the said charge, and should the case be sent for trial by the Court of Sessions to be, and appear before the said Court when called upon to answer the charge against me and, in case of my making default herein, I bind himself to forfeit to Government the sum of rupees.

2

Signature

Surety ..... for the said 3 .....

that he shall attend at the Court of ..... or of such other Magistrate before whom the case may be pending at 10 A.M./6.30 A.M. 4 or such subsequent hour as may be directed, on every day of the preliminary inquiry of trial into the offence charged against him and should the case be sent for trial by the Court of Session, that he shall be, and appear before the said Court to answer the charge against him, and in case for his making default therein, 5 ..... For forfeit to Government the sum of rupees.

Dated, this ..... day of..... 20 .....

**Note** - The bond shall be accompanied with an application containing the particulars prescribed Form No. (M) 83-A.

**FORM No. (M) 83-A**  
**FORM OF APPLICATION BY THE SURETY**

In the Court of the Judge/Magistrate

Case No ..... of ..... 20 .....

State (or as the case may be)

Complainant

*Versus*

Accused  
Solemnly

1 (Name of Surety)

affirm and state as follows :-

- 
1. Strike out as may be necessary
  2. I hereby declare myself or we jointly, and severally declare ourselves and each of us.
  3. Name
  4. Strike out as may be necessary
  5. I bind myself or we bind ourselves jointly and severally

IV. MISCELLANEOUS FORMS

(1) I beg to offer myself as a Surety for Accused No. ....  
(full name of the accused who is charged under Section (s) .....  
and who has been ordered to be released on a bail in the sum of  
Rs. (in words) ..... with the ..... Surety /  
Sureties in the like amount, by the ..... Court of the .....  
day of .....20.....

- (2) (A) Name & address of the surety
- (B) Occupation or business :-
- (C) Name and address of the employer if the Surety is in service :-
- (D) Full particulars of house property owned, if any, its location, value and the Surety share or interest therein, and whether it is in any way encumbered :-
- (E) Banking accounts, if any :-  
Amounts now lying in each banking account: -
- (F) Length of time for which the surety has known the Accused personally: -
- (G) Whether the Surety is related to the accused; if so how ?
- (H) Whether the Surety has stood surety for any other person in the preceding six months. If so, state the names of the parties; the amount for which the Surety has stood surety for them; (the Court and the No. of the cases against those accused; and whether the case or cases against those persons are pending or have been concluded)-
- (I) Whether the surety has, at any time, had his surety bond forfeited. If so, give particulars :-
- (J) Whether the surety has, at any time, made an application for surety ship which was rejected; if so, give the particulars thereof :-
- (K) Whether the surety is, (or has been) involved in any civil litigation :-
- (L) Whether the surety himself has been concerned in any case as an accused person, if so give particulars of the case :-
- (M) Any other particulars in regard to the status of the surety, or his income and assets which the surety may desire to give :-

(3) I produce following in support of my statements, and give particulars of the same as below :-



IV. MISCELLANEOUS FORMS

Title deeds of properties, Municipal bills of the properties.  
Bank pass book  
Income-tax payment receipts  
Other proof

(4) I pray that I may be accepted as a Surety for the above -  
mentioned accused in the sum of Rs ..... (in words ..... )

Solemnly affirmed at  
this ..... day of ..... 20 .....

(Signature of Surety)

(Identified by..... Advocate)

Before me

*Judge/Magistrate,*  
Court .....

**FORM No. (M) 83-B**

**BOND AND BAIL BOND AFTER CONVICTION**

*(Section 389 (3) of the Code of Criminal Procedure)*

I 1 ..... resident of 2 ..... Police -  
station .....having been convicted by the Magistrate/Sessions  
Judge 3 ..... under Section ..... Of ..... and  
sentenced to undergo imprisonment for ..... and an order  
having been passed by the trial Court under the provisions of Section  
389 (3) of the Code of Criminal Procedure Code, 1973, for my release  
on bail pending filing of appeal and obtaining bail orders from the  
appellate Court, do hereby bind myself that I shall present an appeal  
and obtain bail order from the appellate Court, by 4 ..... and  
further bind myself to attend the Court of the above Magistrate/  
Sessions Court, on 4 ..... to furnish fresh bail as ordered by the  
appellate Court, of failing obtaining of bail order from the appellate  
Court to surrender to the said Magistrate/Sessions Judge to undergo  
the sentence, and in cases of my making default therein, I bind myself  
to forfeit to Government the sum of Rs. .... Only.

Dated this ..... day ..... 20 .....

(Seal of the Court)

Signature

- 
1. Name
  2. Village or street and Town
  3. Designation of the Court convicting
  4. Date
  5. Strike out as may be necessary

IV. MISCELLANEOUS FORMS

I hereby declare myself surety

We hereby jointly and severally declare ourselves and each of us sureties of the above said 1..... that he shall attend the said Court on .....for the purpose of furnishing bail as ordered by the appellate Court or to surrender to the Magistrate/Session Judge to undergo the sentence, and in case of his making default therein I bind myself/We bind ourselves to forfeit to Government the sum of Rs. .... Only.

Dated, this .....days of .....20 .....

Signature

**Note** - The bond shall be accompanied with an application containing the particulars prescribed in Form No. (M) 83-A.

**FORM No. 84**

**BOND AND BAIL BOND UPON APPEAL**

*(Sections 389 and 441 of the Code of Criminal Procedure)*

1 ..... resident of 2 .....  
Police-station .....having preferred an appeal to the  
3..... against a conviction by the Magistrate/Sessions  
Judge 4 of..... under Section ..... of the  
.....and an order having been passed by the Appellate  
Court under the provisions of Section 389 of the Code of Criminal  
Procedure, 1973, for my release on bail, pending decision of the  
appeal, do hereby bind myself that I shall attend if so required by the  
said Court, in the said or any other Court and that I shall, if under the  
said decision any sentence remains to be undergone by me surrender to  
the trying Magistrate/Sessions Judge on being called upon to do so by  
the Chief Judicial Magistrate/Sub-divisional Judicial Magistrate/  
Judicial Magistrate 7 on such date as he may direct to undergo the said  
sentence and in case of my-making default therein, I bind myself to  
forfeit to Government the sum of Rs. 5 .....only.

Dated, this .....days of .....20 .....

Signature

I hereby declare myself jointly and severally declare ourselves  
6 for the above said 1.....directed by the Appellate Court to

- 
1. Name
  2. Village or street and Town
  3. Designation of appellate Court.
  4. Alter as required
  5. Words and figures
  6. Strike out as may be necessary
  7. Delete if not required
  8. Words and figures

IV. MISCELLANEOUS FORMS

be released on bail pending decision of the appeal preferred by him, that he shall attend, if so required by the said Court, in the said or any other Court and that he shall, if under the said decision any sentence remains to be undergone by him, surrender to the trying Magistrate/ Sessions Judge on being called upon to do so by the Chief Judicial Magistrate/Sub-divisional Judicial Magistrate/Judicial Magistrate on such date as he may direct to undergo the said sentence and in case of his making default therein I bind myself/We bind ourselves to forfeit to Government the sum of Rs. 2..... Only.

Dated this ..... day ..... 20.....

**Note** - The bond shall be accompanied with an application containing the particulars prescribed in Form No. (M) 83-A.

**FORM No. (M) 85**  
**BOND AND BAIL BOND ON APPEAL**  
**AGAINST ACQUITTAL**

*(Section 390 and 441 of the Code of Criminal Procedure)*

I, 3..... resident of 4 .....Police-Station ..... being brought before the Court of 5 ..... on a warrant of arrest issued by the High Court under Section 390 of the Code of Criminal Procedure on an appeal against my acquittal by the Magistrate/Sessions Judge 6 ..... of 7 .....and an order having been passed under the provisions of the said Section by the Court for my release on bail, do hereby I bind myself that I shall attend in the High Court at Cuttack on 8 .....at ..... A.M. and continue so to attend until the disposal of the aforesaid appeal, and in case of my making default therein bind myself to forfeit to Government the sum of rupees 9 .....

I do further bind myself to surrender to the Chief Judicial Magistrate 7 ..... within three days after the date of decision or, if no date has been fixed for the decision, on such date as the Chief Judicial Magistrate may direct, if by the decision of the aforesaid appeal any further enquiry, retrial, or any sentence is ordered to be

- 
1. Delete if not required
  2. Words and figures
  3. Name of the accused
  4. Village or street and Town
  5. Designation of the Court.
  6. Alter as required.
  7. Place
  8. Date
  9. Words and figures

IV. MISCELLANEOUS FORMS

undergone by me and in case of my making default therein I bind myself to forfeit to Government the aforesaid sum of Rs .....

Signature

I hereby declare myself suretyt <sup>1</sup>/We hereby jointly and severally declare ourselves and each of us sureties.

for the above-named <sup>2</sup> ..... who has been ordered to be released on bail after having been arrested on an appeal against his acquittal that he shall attend in the High Court at Cuttack on <sup>3</sup> ..... at ..... A.M. and continue so to attend until the disposal of the appeal in the said Court and in case of his making default therein/bind myself/We bind ourselves to <sup>4</sup> .....forfeit to Government the sum of rupees <sup>5</sup> ..... I hereby declare myself surety/We hereby jointly and severally declare ourselves <sup>6</sup>; and each of us sureties.

That the aforesaid <sup>7</sup>..... shall surrender to the Chief Judicial Magistrate <sup>8</sup> ..... within three days after the date of decision or, if no date has been fixed for the decision, on such date as the Chief Judicial Magistrate may direct, if by the decision of the aforesaid appeal any further enquiry, retrial, or any sentence is ordered to be undergone by the said <sup>7</sup>..... and in case of his making default therein I bind myself / We bind ourselves <sup>6</sup> to forfeit to Government the sum of Rs. ....

**FORM No. (M) 86**  
**NOTICE TO BAILOR TO PRODUCE A PERSON**  
**RELEASED ON BAIL BY ORDER OF THE**  
**APPELLATE COURT**

To <sup>9</sup> ..... resident of <sup>10</sup> .....  
Police-station .....

---

1. Strike out as may be necessary.
2. Name of the accused
3. Date
4. Alter as required.
5. Words and figures
6. Designation of the Court.
7. Village or street and Town
8. Place
9. Name of the Bailor
10. Village or street and Town

IV. MISCELLANEOUS FORMS

WHEREAS you by a bail bond dated ..... declared your surety in the Sum of Rs. 1..... for 2 resident of 2 ..... police-station directed by the 3 ..... to be released on bail pending decision of his appeal and whereas under the decision of the said Court a period of sentence remains to be undergone by the said bailee, you are hereby required to procure the surrender of the said bailee before me on or before the ..... day of ..... 20 ..... failing which proceedings will be taken against you under Section 446 of the Code of Criminal Procedure.

Dated this ..... Day ..... 20 .....

(Seal of the Court)



Magistrate

**FORM No. (M) 87**

**WARRANT TO DISCHARGE A PERSON IMPRISONED ON  
FAILURE TO GIVE SECURITY**

**No. 46, Schedule II, Act II of 1974**

*(Section 442 of the Criminal Procedure Code)*

To

The 4..... of the Jail at .....

WHEREAS 5..... was committed to your custody under warrant of this Court, dated the .....day of ..... and has since with his surety (or sureties) day of .....duly executed a bond under Section 441 of the Criminal Procedure Code.

This is to authorise and require you forthwith to discharge the said 6 from your custody, unless he is liable to be detained for some other matter.

Dated this..... day..... 20.....

(Seal of the Court)



Magistrate

- 
1. Words and figures
  2. Name of the Bailee
  3. Designation of the Court
  4. Officer-in-charge or other officer in Whose custody the j:1erson is
  5. Name and description of prisoner
  6. Name

IV. MISCELLANEOUS FORMS

**FORM No. (M) 88**

**COMMISSION TO EXAMINE A WITNESS**

*(Section 284 or 287 of the Criminal Procedure Code)*

In the Court of .....

State..... Complainant/Petitioner .....

*Versus*

.....Accused / Opposite- Party

To 1

WHEREAS ..... is now under trial before the .....Sessions Judge/Magistrate of ..... and it is necessary for the purpose of such trial to examine the person named in the margin as witness on behalf of .....

You are hereby appointed Commissioner with authority under the provisions of Section 3 ..... of the Criminal Procedure Code, 1973 (Act II of 1974) to examine and cross-examine the said witness upon the interrogatories hereunto annexed or viva voce or both; and you are hereby required, at certain days and places to be appointed by you for that purpose, to examine and cross-examine the said witness as aforesaid, upon such oath or affirmation as is by law required to be taken by witnesses; and you are hereby further required to reduce the evidence of the said witness into writing, and to send the same under your signature to this Court without delay, together with such documents as may be spoken to by the said witness, marked as exhibits, and the said interrogatories and this writ.

Dated this..... day..... 20.....

(Seal of the Court)



*Sessions Judge/Magistrate*

**FORM No. (M) 88-A**

In the Court of .....

**COMMISSION TO EXAMINE WITNESS OUTSIDE INDIA**

*(Section 290 of the Code of Criminal Procedure, 1973)*

To .....

Through the Ministry of External Affairs, Government  
of India, New Delhi

- 
1. Name and designation of Magistrate or Officer to whom the commission is issued .
  2. Name of the accused
  3. 284 or 287.
-

IV. MISCELLANEOUS FORMS

WHEREAS it appears to me that the evidence of ..... is necessary for the ends of Justice in case No..... Vrs in..... the Court of and that such witness is residing within the local limits of your jurisdiction and his attendance cannot be procured without unreasonable delay, expense or inconvenience.

I..... have the honour to request and do hereby request that for the reasons aforesaid and for the assistance of the said Court you will be pleased to summon the said witness to attend at such time and place as you shall appoint and that you will cause such witness to be examined upon the interrogatories which accompany this commission (for *viva voce*)

Any party to the proceeding may appear before you by his counselor agent or if not in custody, in person and may examine, cross-examine or re-examine (as the case may be) the said witness.

And I further have the honour to request that you will be pleased to cause the answers of the said witness to be reduced into writing and all books, letters, papers and documents produced upon such examination to be duly marked for identification and that you will be further pleased to authenticate such examination by your official seal (if any) and by your signature and to return the same together with this commission to the undersigned through the Ministry of External Affairs, Government of India, New Delhi.

Dated this..... day..... 20.....

(Seal of the Court)



*Sessions judge/Magistrate*

**FORM No. (M) 88-B**

In the Court of .....

**COMMISSION TO EXAMINE WITNESS OUTSIDE INDIA**

*(Section 285 (3) of the Code of Criminal Procedure, 1973)*

WHEREAS it appears to me that the evidence of ..... is necessary for the ends of Justice in case No..... Vrs..... in the Court of and that such witness is residing within the local limits of your jurisdiction and his attendance cannot be procured without an amount of unreasonable delay, expense or inconvenience.

I..... have the honour to request and do hereby request that for the reasons aforesaid and for the assistance of the said Court you will be pleased to summon the said witness to

IV. MISCELLANEOUS FORMS

attend at such time and place as you shall appoint and that you will cause such witness to be examined upon the interrogatories which accompany this commission (for *viva voce*)

Any party the proceeding may appear before you by his counsel or agent or if not in custody, in person and may examine, cross-examine or re-examine (as the case may be) the said witness.

And I further have the honour to request that you will be pleased to cause the answers of the said witness to be reduced into writing and all books, letters, papers and documents produced upon such examination to be duly marked for identification and that you will be further pleased to authenticate such examination by your official seal (if any) and by your signature and to return the same together with this commission to the undersigned.

Dated this..... day..... 20.....

(Seal of the Court)



*Judge*

**FORM No. (M) 89**

**WARRANT OF ATTACHMENT TO ENFORCE A BOND**

*Section 446 of the Criminal Procedure Code)*

To

The Police Officer, Incharge of the Police-station, at .....

WHEREAS 1..... has failed to appear on 2..... pursuant to his recognisance, and has by such default forfeited to Government the sum of rupees 3..... and whereas the said 4..... has on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him.

This is to authorise and require you to attach any movable property of the said 4..... that you may find within the district of..... by seizure and detention, and, if the said amount be not paid within ..... to sell the property so attached, or so much of it as may be sufficient to realise the amount aforesaid,

- 
1. Name description and address of person
  2. Mention the occasion
  3. The penalty in the bond
  4. Name of the person



IV. MISCELLANEOUS FORMS

and to make return to what you have done under this warrant immediately upon its execution.

Dated this..... day..... 20.....

(Seal of the Court)



Signature

**FORM No. (M) 90**

**NOTICE TO SURETY ON BREACH OF A BOND**

*(Section 446 of the Criminal Procedure Code)*

To

of

WHEREAS on the..... day of..... 20..... you became surety for 1..... of 2..... that he should appear before this Court on the..... day of ..... and bound yourself in default thereof to forfeit the sum of rupees to Government and whereas the said 1 has failed to appear before this Court and by reason of such default you have forfeited the aforesaid sum of rupees.

You are hereby required to pay the said penalty or show cause, within days from this date, why payment of the said sum should not be enforced against you.

Dated this..... day..... 20.....

(Seal of the Court)



Signature

**FORM No. (M) 91**

**NOTICE TO SURETY OF FORFEITURE OF BOND FOR**

**GOOD BEHAVIOUR**

*(Section 446 of the Criminal Procedure Code)*

To

WHEREAS on the .....day of..... 20..... you became surety by a bond for I . of 2 that he would be of good behaviour for the period of ..... to Government,

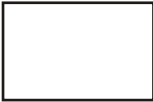
- 
1. Name
  2. Place
-

IV. MISCELLANEOUS FORMS

and whereas the said 1 ..... has been convicted of the offence of 2 ..... committed since you became such surety, whereby your security bond has become forfeited.

You are hereby required to pay the said penalty of rupees ..... or to show cause within .....days why it should not be enforced against you.

Dated this..... day..... 20.....  
(Seal of the Court)



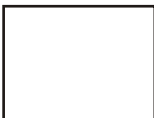
Signature

**FORM No. (M) 92**  
**WARRANT OF ATTACHMENT AGAINST A SECURITY**  
*(Section 446 of the Criminal Procedure Code)*

WHEREAS 3 ..... has bound himself as surety for the appearance of 4..... and the said 5..... Has made default and thereby forfeited to Government, the sum of rupees 6 .....

This is to authorise and require you to attach any movable property of the said 5 ..... which you may find within the district of .....by seizure and detention; and, if the said amount be not paid within ..... to sell the property so attached, or so much of it as may be sufficient to realise the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

Dated this..... day..... 20.....  
(Seal of the Court)



Signature

- 
1. Name
  2. Mention the offence concisely
  3. Name, description and address
  4. Name of person, and mention the condition of the bond
  5. Name
  6. The penalty in the bond
-

IV. MISCELLANEOUS FORMS

**FORM No. (M) 93**

**NOTICE TO THE PRINCIPAL FOR FORFEITURE OF A  
BOND TO KEEP THE PEACE**

*(Section 446 of the Criminal Procedure Code)*

To 1

WHEREAS on the..... day of .....20 .....  
you entered into a bond not to commit 2 ..... and proof  
of the forfeiture of the same has been given before me and duly  
recorded.

You are hereby called upon to pay the said penalty of rupees  
..... or to show cause before me within..... days  
why payment of the same should not be enforced against you.

Dated this..... day..... 20.....

(Seal of the Court)

Signature



**FORM No. (M) 94**

**WARRANT TO ATTACH THE PROPERTY OF THE  
PRINCIPAL ON BREACH OF A BOND TO KEEP THE PEACE**

*(Section 446 of the Criminal Procedure Code)*

To 3

..... at the Police-station of.....

WHEREAS 5..... did, on the .....  
day of..... 20..... entered into a bond for the sum of  
rupees..... binding himself not to commit a breach of the  
peace 5..... and proof of the forfeiture of the said bond has  
been given before me and duly .....recorded; and whereas  
notice has been given to the said 6 ..... calling upon him to  
pay the sum or to show cause why the said sum should not be paid and  
he has failed to show cause or to pay the said sum.

This is to authorise and require you to attach by seizure  
movable property belonging to the 6 ..... of the value of rupees  
..... which you may find within the district of .....and if

- 
1. Name, description and address
  2. As in the bond
  3. Name and designation of Police Officer
  4. Name and description
  5. As in the bond
  6. Name

IV. MISCELLANEOUS FORMS

the said sum be not paid within .....to sell the property so attached or so much of it as may be sufficient to realise the same and to make return of what you have done under this warrant immediately upon its execution.

Dated this..... day..... 20.....

(Seal of the Court)

Signature



**FORM No. (M) 95**  
**WARRANT OF ATTACHMENT AND SALE ON**  
**FORFEITURE OF BOND FOR GOOD BEHAVIOUR**

*(Section 446 of tile Criminal Procedure Code)*

To

The Police Officer-in-charge of the Police-Station.....  
at.....

WHEREAS 1..... did, on the .....  
day of .....20..... give security by bond in the sum of  
rupees .....for the good behaviour of, 2.....and  
proof has been given before me and duly recorded of the commission  
by the said 3 .....of the Offence of .....whereby  
the said bond has been forfeited; and whereas notice has been  
given to the said 3 .....calling upon him to pay the sum or to  
show cause why the said sum should not be paid, and he has failed  
to show cause or to pay the said sum.

This is to authorise and require you to attach by seizure movable  
property belonging to the said 3 ..... to the value of rupees  
..... which you may find within the district of .....  
and if the said sum be not paid within ..... to sell the  
property so attached or so much of it as may be sufficient to realise  
the same, and to make return of what you have done under this  
warrant immediately upon its execution.

Dated this..... day..... 20.....

(Seal of the Court)

Signature



- 
1. Name, description and address
  2. Name. etc., of the principal
  3. Name
-

IV. MISCELLANEOUS FORMS

**FORM No. (M) 96**

**WARRANT FOR DETENTION IN A REFORMATORY  
ORDER OF DETENTION IN A REFORMATORY SCHOOL**

*(Sections 8 and 9 of the Reformatory Schools Act, 1897)*

In the Court of .....at .....WHEREAS name of the accused with age .....son of .....resident of village ..... pragana .....district .....has on the ..... day of .....20 .....been convicted by .....at .....of the offence ..... and has been sentenced to .....for .....which sentence he is now undergoing in the jail at .....

And whereas the said ..... is under the age of fifteen years and is a proper person to be an inmate of a Reformatory School.

It is, therefore, ordered that, instead of undergoing his sentence, he be detained for a period of .....years in the Reformatory School at .....

Dated this..... day..... 20.....

(Seal of the Court)



Signature

**Note - 1** The Sessions Judge should be informed when a juvenile, whom he has dealt with under Section 8 of the Act VIII of 1897, is not admitted to the Reformatory. He may substitute for the "Order of detention" a regular warrant committing him to Jail.

**Note - 2** Every Judicial Officer should before sentencing a juvenile to be detained in a Reformatory, ascertain whether the school can receive him.

**FORM No. (M) 97**

**NOTICE TO BE ISSUED IN CASES UNDER SECTION 113  
OF THE INDIAN RAILWAYS ACT, 1890**

In the Court of .....

Magistrate ..... Class.....

District .....

Complainant

Railway Company

---

1. Imprisonment
  2. Name
-

IV. MISCELLANEOUS FORMS

To 1

of Village ..... Thana .....District .....

WHEREAS it appears from the Railway Charge-sheet that on the ..... you were found at..... by a railway servant duly appointed for the purpose by the railway administration to be liable under the provision of Section 113 of the Indian Railway Act, 1890, to pay a sum of Rs. 2 ..... in respect of fare and excess charge, of which details are given on the margin, and that you failed or refused to pay the said sum on demand, you are hereby directed either to remit the said sum of Rs..... to this Court reach the Court before the or to appear before the Court on .....at .....A.M and show cause why a warrant should not issue for the realisation of the said sum said er Section 113 of the Indian Railways Act, 1890.

Copy forwarded to .....for favour  
of service and early return.

Magistrate

Magistrate

**FORM No. (M) 98**

**FORM OF CARD FOR. PLEADERS “AND MUKHTARS”  
REGISTERED CLERK**

[Form No. (M) 21 of Schedule XU, Civil Vol. II is to be intended for and used.]

-----

- 
1. Name
  2. Fare or Excess fare Rs .....
  3. Excess charge Rs .....
- Total Rs.....
-

IV. MISCELLANEOUS FORMS

**FORM No. (M) 99**

**Daily Cause List**

Day of..... 20.....

Before -

No. and year of the case fixed for the day	Name for the parties	Date to which adjourned	No. and year of the case fixed for the day	Names of the parties	Date to which adjourned
1	2	3	4	5	6

**Note** - 1. In columns 2 & 5 of this List, the first name of each side, e.g. A. VS. B shall only be noted.

**Note** - 2. In columns 3 & 6 the dates of adjournment are to be noted at the close of the day.

**FORM No. (M) 100**

**SUMMONS TO PRODUCE DOCUMENTS/THINGS**

*(Section 88 of the Criminal Procedure Code)*

In the Court of ..... Magistrate  
of the ..... Class,

Case No..... of 20 ..... Complainant

*Versus*

.....Accused

To

(1) ..... of .....  
..... at .....

WHEREAS complaint has been made before this Court that  
(2) ..... of ..... has/is suspected to have  
committed the offence of and it appears necessary for the purpose

- 
1. Name of the witness
  2. Name of the accused

IV. MISCELLANEOUS FORMS

of that the under mentioned documents/things now in your possession or power should be produced before this Court, you are hereby summoned to attend and produce, or cause to be produced the said documents/things before this Court at ..... on the ..... day of .....20 .....at ..... O' Clock ..... in the forenoon, without fail.

Dated, this day of 20 .  
Particulars of documents/things  
(Seal of the Court)



*Magistrate*

**FORM No. (M) 101**  
**FORM OF ORDER FOR THE DETENTION IN CUSTODY OF**  
**AN ACCUSED PERSON**  
*(Section 167 of the Criminal Procedure Code)*

To

WHEREAS it appears that a charge against ..... of an offence under Section ..... of the Indian Penal Code/ Act No .....of is under investigation by the Police under the provisions of Chapter XII of the Code of Criminal Procedure, 1973 that such investigation can not be completed within the period of 24 hours fixed by Section 57 of the Code; and that there are grounds for believing that accusation/information against the said persons is well founded and the accused having been duly forwarded to this Court, this is to authorise you to detain the said ..... in custody ..... for ..... Days, ..... and to cause him to be produced before ..... this Court sitting at ..... on the ..... day of ..... at .....O' clock .....

Dated this..... day..... 20.....  
(Seal of the Court)



Signature

---

\* Note - The custody may be such as the Magistrate thinks fit.

---



# **GENERAL LETTERS OF THE ORISSA HIGH COURT**

## **MODALITIES TO BE FOLLOWED AT THE TIME OF GRANTING BAIL TO THE ACCUSED PERSONS**

(a) In suitable cases, where there is apprehension that the accused may jump bail, preferably the bailor/bailors as the case may be should be of blood relation of the accused and in case such bailor /bailors are found not solvent up to bail amount, or are not willing to take bail, the accused is to satisfy the Court on those points and in that case preferably the bailor /bailors should be of the Village, Panchayat, Sub-division or District or any other place chronologically and in case the accused prefers a bailor outside of his district, the bailor should mention in the affidavit generally required to be filed, to the satisfaction of the Court, as to how he developed acquaintance with the accused. Besides the accused would explain to the satisfaction of the Court in writing as to why he did not prefer to choose a bailor from his district giving convincing reasons for choosing the bailor out side of the District.

(b) Ordinarily the bail may not be granted when the accused has jumped bail and surrenders after the action is taken for his non-attendance in the Court in case he does not satisfy the Court for his non-attendance of the Court due to some unavoidable circumstances.

(c) While in a bail jumping case, the accused is brought under arrest, the Magistrate should not be liberal in granting bail.

(d) In case the bail-bond/bonds has/have not been forfeited and the accused prays to continue on previous bail, the order to continue on the previous bail should not be passed by the Presiding Officer behind the back of the bailor /bailors.

(e) On the day when the accused was found to have jumped bail, one Misc. Case against the bailor /bailors as well as the accused should be initiated without any further delay.

(f) The bailor /bailors in his affidavit should also mention as to whether for the 1st time he/they is/are standing sureties 0; previously he/ they was/ were bailor /bailors in one or more than one case.

(g) While checking the solvency if it is found that the property stands In the name of his (bailor's/bailors') father, the bailor /bailors should mention in his affidavit that either his/their father or fathers

is/are dead and in case it is found that his/their father or fathers is/are alive; then the present market value of the property of his/their share/shares only should be taken into consideration.

(h) When it is found that document relating immovable property stands recorded jointly in the name of 2 or more persons the share / shares of the bailor/bailors would be considered for verification of solvency.

(i) The bailor /bailors is his/ their affidavit would also mention that the land as mentioned in the document has not been sold, mortgaged or transferred in any other manner and he/they is/are in possession over the same and there is no litigation for the said land.

(j) The document showing the home-stead land having houses, should not be considered at the time of checking solvency. But when it is found that bailor /bailors has/have more than one house and the bailor /bailors has/have given one or more houses on rent and he/they is/are solvent to the bail amount, he/they should be accepted as bailor/bailors.

(k) The Presiding Officer while verifying the record should affix the Court seal endorsing the case number and signature so as to make him sure to eliminate the professional bailor.

(l) One copy of the photograph/ photographs of bailor /bailors 'should be affixed to the bail petition to identify him/them in case he / they comes / come again to take other accused persons on bail.

(m) The bailor /bailors having identity card/ cards if any, issued to him/them as a voter/voters may not affix his photograph in his bail petition in case the said identity card is produced before the concerned Magistrate for verification of documents to know that the bailor /bailors is / are solvent to the bail amount.

(n) If the bailor/bailors claims / claim to be the Government Servant/ servants or employee/ employees of any recognised institution he/they, would produce his/their pay certificate/certificates issued by competent authority.

(O) Besides the concerned Presiding Officer may ask some questions such as names of the relations of the accused, name of the important persons of the area of the accused and other questions within the frame work of law to know whether the bailor /bailors is / are fake or / and professional.

(P) While considering bail, the Presiding Officer considering the gravity of the offence may pass order regarding the bail amount which should not be arbitrarily low.

(q) The Presiding Officer should scrupulously follow the provisions made under Section 437, 438, 439 Cr.P.C. regarding imposition of conditions while granting bail.

(r) The Sessions Judge while inspecting the Court of C.J.M. should verify atleast 5 bail jumping cases, to know if the bail has been granted after due application of mind and due action has been taken against the bailor and the accused by the Presiding Officer.

(s) The Sessions Judge and the C.J.M. while inspecting magisterial Courts should also verify at least 5 bail jumping cases at random to know if the bail has been granted after due application of judicial mind and whether due action against the bailor and accused have

**No. 6627**

*Dated Cuttack the 16th/17th July, 1998*

From

Shri N. P. Rout, O.5.J.5. (Sr. Branch)  
Registrar (I & E), Orissa High Court,  
Cuttack.

To

All the District & Sessions Judges of the State.

SUB : Modalities to be followed by the Criminal Courts at the time of granting bail.

Sir,

I am directed to say that it has come to the notice of the Court that a large number of professional and fictitious bailors are operating in the State as a result of which the accused persons admitted to bail under the suretyship of such bailors try to deliberately evade Court attendance being well aware of the fact that the case stands posted for hearing. By such conduct the speedy trial of the Criminal case suffers a great set back. Besides the steps taken against such bailors, yeilds no result to procure the attendance of the accused.

In order to obviate such contingencies, the Court are pleased to prescribe a set of guidelines to be followed by the Presiding Officers at the time of granting bail.

In enclosing herewith a copy of said guidelines, I am to request that the same may be followed in future scrupulously.

Yours faithfully,

S/d-

Registrar (I & E)  
Orissa High Court, Cuttack.

**No. 3776 - XLIX - Dt. 27/81**  
***Dated Cut tack, the 9th April 1984***

From

Shri R. N. Panda, M.A., LL.B.  
Registrar of the High Court of Orissa

To

The District and Sessions Judge, Balasore

Subject : Procedure to be followed for return of documents in  
criminal cases consigned to the District Record Room.

Sir,

With reference to your letter No .. 1958, dated 16.5.1981 on the above subject I am directed to say that instructions issued in Court's Circular letter No. 1472, dated 14.3.1976 on the question of return of documents in Criminal cases are exhaustive and clear. The period of six months prescribed in Rule 226 at page 65 of the G.R. and CO. (Criminal) Volume - I, is to be counted on the judgment being final which includes the judgments of the Superior Courts also. It is the responsibility of the Judge-in-charge Record Room to give notice to the parties to take return of the documents. In spite of notice if the parties do not turn up to take their documents, the risk is theirs.

In the circumstances the Court have been pleased to observe that there is neither any necessity to modify the instructions already issued in the matter not to prescribe a separate form for return of documents in Criminal Cases ;

Yours faithfully  
R. N. Panda  
Registrar

**No. 3866-XLIX-D-17/84**  
***Dated Cuttack, the 11th April 1984***

From

Shri R. N. Panda, M.A., LL.B.  
Registrar of the High Court of Orissa, Cuttack

To

All the District and Sessions Judges of the State

Subject : Recording of confessional statements of the accused  
persons in cases triable exclusively by the Court of Sessions.

Sir,

I am directed to invite your attention to Court's circular letter No. 11825 dated the 21st December 1974 in which in durations have been issued that the Special, Judicial Magistrates appointed of the Code of Criminal Procedure will record the confession of the accused persons, statement of witnesses 161 Cr.P.C hold T.I. Parade of suspects and properties and record dying declaration even during the presence of the Judicial Magistrate in the station. It has been brought to the notice of the Court that the special Judicial Magistrates are not recording such statements properly as a result valuable piece of evidence in favour of the prosecution is lost and consequently it causes failure of justice. The matter was discussed in the last District Judge's Conference held in the month of December, 1983 and it was unanimously resolved that the confessional statements of accused persons and the statements of witnesses under Section 165, Cr.P.C in cases triable exclusively by the Court of Sessions shall be recorded by the S.D.J.M. or the Judicial Magistrates, First Class, is available at the station and the confessional statements in those cases shall be recorded by the Special Judicial Magistrates. In case no Judicial Magistrate, First Class is available at the Station, such confessional statements may be recorded by the Special Judicial Magistrates.

The Court concur with the aforesaid decision and have been pleased to observe that hereafter the Special Judicial Magistrates should not record the confessional statements of the accused persons in cases triable exclusively by the Court of Sessions but they may do so when the Judicial Magistrate, First Class, is not available at the station.

I am, therefore to request that the above modified instructions may be brought to the notice of the Sub-divisional Judicial Magistrates and Judicial Magistrates, First Class, and special Judicial Magistrates working under you for their information and guidance.

Yours faithfully  
R. N. Panda  
Registrar

**No. 4061 - XLIX - D-22/84**

*Dated Cuttack, the 17th April 1981*

From

Shri R. N. Panda, M.A., LL.B.  
Registrar of the High Court of Orissa, Cuttack.

To

All the District and Sessions Judges of the State

Subject : Writing off the penalty imposed on bailors.

Sir,

I am directed to say that a question was raised as to whether the penalty imposed on bailors can be written off by the Judicial Magistrates. The matter was discussed in the District Judges conference held in the month of December 1983. It was decided in the conference that in view of the specify provisions contained in 431 and 446 of the Code of Criminal Procedure the concerned Magistrate are competent off writ of to the penalty imposed on bailors provided the conditions laid down in Rule 115 of the General Rules and Circular Orders Criminal Volume I page 39 for writing off the fine amount are satisfied.

The Court concur with that decision and are pleased to observe that Sub-section (2) of Section 446, Cr.P.c. equates the procedure for recovery of penalty under a forfeited bond with the procedure for recovery of fine imposed by a Court. Rule 145 at page 39 of the General Rules and Circular Orders (Criminal), Volume I, laying down the principles for writing off irrecoverable fines is therefore applicable for writing off the penalty under a forfeited bond.

I am, therefore, to request t hat above instructions of the Court may be brought to the notice of all the Courts subordinate to you for their information and guidance.

Yours faithfully  
R. N. Panda  
Registrar

**No. 6828 (13) - XII - 10/84**

*Dated Cui tack, the 9th filly 1984*

From

Shri S. Misra, LL.B.  
Special Officer of the *Hfgh* Court of Orissa

To

The District and Sessions Judge

Subject : Expeditious investigation of cases treatment of offenders belonging to the armed forces.

Sir,

I am directed to invite a reference to Criminal Court and Court Martial (Adjustment of Jurisdiction) Rules, 1978, which was published as S.O. 488 in the *Gazette* of India, dated 25.2.1978, in Part II Section 3, Sub-section (11). A copy of the same has also been sent to all the District and Sessions Judges of the State for their information and communication to and guidance of the Courts Subordinate. to them vide Court's letter No. 4520, dated 20th June, 1978. The Court have been pleased to observe that the provisions of the aforesaid rules should be strictly observed while dealing with an accused belonging to Defence Forces.

I am to request that the aforesaid observations of the Court may be brought to the notice of the all the Subordinate Courts working under you for their information and guidance.

Yours faithfully  
S. MISRA  
Special Officer

**No. 7128 - XLIX-D-28/84**

*Dated Cutiack, the 19th July, 1984*

To

Shri J. M. Mohapatra, M. Com.,LL.B.  
Registrar of the High Court of Orissa

Sir,

The District and Sessions Judge of the State

Subject : Action to be taken according to provisions of Section 146-A of the Code of Criminal Procedure for failure of the conditions mentioned in the bail bond executed before the Police Officer.

Sir,

I am directed to invite a reference to the provisions of the Section 169 and 170 of the Code of Criminal Procedure and to say that as provided in Section 169, Cr.P.C. the accused is required to furnish a bond and bail bond with or without sureties in form No. 28 binding himself to appear in the Court of the Magistrate on the date fixed in that bond or on such other day as he may be directed to attend to answer further to the charge and in case of his making default to bind himself to forfeit the amount for which the bond has been executed Section 170 (1) Cr.P.c. provides that in case of bailable offence the accused is required to give security before the Officer-in-charge of a Police Station for his appearance before the Magistrate on the date fixed and for his attendance from day to day before such Magistrate until otherwise directed. Section 446-A of the Code of Criminal Procedure makes provisions that in case of failure of the accused to attend the Court on the date fixed in pursuance of the bond executed by him in Form No. 28 as required under Section 169 or 170 (1) Cr.P.c. the bond shall stand cancelled and the accused shall not be released only on his own bond. From the prevalent practice, it appears that when the accused does not appear before the Magistrate on the date fixed in the bond executed by him in Form No. 28 the said bond is not being forfeited and fresh summonses are being issued by the Courts to the accused for his appearance in Court which unnecessarily increases the clerical labour and causes delay in disposal of the case.

In the circumstances, the Court have been pleased to observe that coercive action against the accused persons and their bailors may be taken as per the provisions of Section 446-A of the Code, for failure of the conditions mentioned in the bail bond executed in Form No. 28, before the Police Officer.

I am to request that the above instructions of the Court may be strictly followed by all the Criminal Courts in your Sessions division.

Yours faithfully  
J. M. MOHAPATRA  
Registrar (Administration)



**GOVERNMENT OF ORISSA**  
**LAW DEPARTMENT**

No. 13297 - II - 16/84 (PI.) - II

*Dated Bhubaneswar, the 23rd July 1984*

From

Shri A. C. Das, LL.B.  
Joint Secretary to Government

To

The Registrar, Orissa High Court

Sir,

Subject : Criminal Courts-Witnesses Expenses-Drawal of witness expenses by Courts through A.C.Bill.

Reference : Courts Letter No. 5119, dated 8.5.1984.

Sir,

I am directed to say that in order to overcome the difficulties arising out of non-payment or belated payment of "Witnesses Expenses" to the witnesses appearing in different Criminal Courts due to non-availability of sufficient funds Government, after careful consideration, have been pleased to decide that the requirement of Witnesses Expenses be drawn by the Courts for one month through A.C.Bills and same be recovered through D.C.Bills within a period of two months. In other words, amounts drawn in August 1984 in A.C.Bills would be cleared through D.C.Bills by the end of October 1984. The Courts may would be cleared through D.C.Bills by the end of October 1984. The Courts may ensure payment to witnesses on the very day of their appearance in the Court.

I am to request that the Court may kindly issue necessary instructions in the matter to all concerned.

Yours faithfully

A. C. DAS

Joint Secretary to Government.

**No. 8537**

*Dated Cuttack the 25th August, 1984.*

From

Shri J. M. Mohapatra, M. Com., LL.B.  
Registrar of the High Court of Orissa (Admn.)

To

All the Sessions Judges of the State

Subject : Trial of cases of rape or offences under Sections 376, 376-A, 376-B, 376-C, and 376-0 of I.P.c. *in camera*.

Sir,

I am directed to say that it has come to the notice of the Court that enquiry and trial of cases of rape and offences under Section 376, Section 376-A, Section 376-B, Section 376-C and Section 376-0 of I.P.C. are not being conducted in camera by some of the Courts. In this connection, I am to draw your attention to the provisions of Sub-section (2) of Section 327 of the Code of Criminal Procedure as amended by the Criminal Law (Amendment) Act, 1983 (Act No. 43 of 1983) which lay down that the enquiry into and trial of cases of rape or an offence under Section 376-, 376-A, 376-B, 376-C or Section 376-0 of the Indian Penal Code shall be conducted in camera. According to the proviso to the said Section, the Presiding Judge may, if he thinks fit or on an application made by either of the parties, allow any particular person to have access to or be or remain in, the room or building used by the Court.

On a careful consideration of the matter, the Court have been pleased to observe that the aforesaid provisions of Section 327 (2) of the Code of Criminal Procedure being statutory should be followed strictly by all the Criminal Courts.

I am to request that the above instructions may be brought to the notice of the Subordinate Judicial Officers working under your contro for their guidance.

Yours faithfully,  
M. MOHAPATRA  
Registrar (Admn.)

**No. 8582 - XVIII - 12/82**

*Dated Cut tack the 27th Allgust 1984*

From

Shri J. M. Mohapatra, M. Com., LL.B.  
Registrar of the High Court of Orissa (Admn.)

To

All the Oistrict and Sessions Judges of the State

Subject : Procedure to be followed in filing of the charge-sheet and prosecution report in cases triable by the Special Court as per the Provisions of Essential Commodities (Special Provisions) Act, 1981.

Sir,

I am direct to say that a doubt has been entertained as to whether charge-sheets and prosecution reports in respect of offences under Essential Commodities (Special Provisions) Act, 1981 committed on or after 1.9.1992 should be continued to be filed before the cognizance taking Magistrates or before the Special Courts constituted under the Act. All the District and Sessions Judges of the State were consulted in the matter.

On a careful consideration of the matter the Court have been pleased to observe that in view of provisions of Section 12 AA (l)(a) and (e) and other Provisions of the Act, cognizance of the offence under the Act has to be taken by the Special Court upon perusal of Police report or the report made by a public servant, and as such the prosecution reports/the charge-sheets should be filed before the Special Court constituted under the Act. The Court further observe that in case of filing of charge-sheet by the Police before the Special Court, the fact be noted in the G.R. Register maintained by the C.S.I. with an endorsement that the charge-sheet has been filed before the Special Court and after disposal of the case instituted on Police report by the Special Court the result of the case may be noted in the C.R. Register on collecting the information from the said Court by the C.S.I. I am, therefore, to request that aforesaid instructions may be brought to the notice of all special Courts constituted under the Act and other Subordinate Criminal Courts working under you for their information and guidance.

Yours faithfully  
J. M. MOHAPATRA  
Registrar (Admn.)

**No. 9742-XLIX-D-24/84**

*Dated Cuttack the 20th September 1984*

From

Shri J. M. Mohapatra, M.Com., LL.B.

Registrar (Admn.) of the High Court of Orissa, Cuttack

To

The District and Sessions Judges

Subject : Maintenance of a Register for pending split up records.

Sir,

I am directed to say that the question of maintenance of a register for pending split up records in Criminal Courts in respect

of the absentee accused persons was under consideration of the Court. All the District and Sessions Judges of the State are consulted in the matter.

After careful consideration of the matter, the Court have been pleased to observe that in order to keep watch over the split up records against the absentee accused persons and to keep track of the matter a register for pending split up records be maintained in all the Criminal Courts in the pro forma appended hereto.

I am, therefore to request that the above instruction of the Court may be brought to the notice of the Criminal Courts working under you for their information and guidance.

Yours faithfully  
J. M. MOHAPATRA  
Registrar (Administration)

**No. 8095 - XLIX - D - 49/84**

*Dated Cuttack, the 9th August 1985*

From

Shri P. K. Panigrahi  
Special Officer, Orissa High Court

To

All the District & Sessions Judge of the State

Subject : Registration of appeals under Section 56 (2-e) of the Orissa Forest (Amendment) Act, 1982 (Orissa Act 9 of 1983)

Sir,

I am directed to say that a question has been raised as to whether appeals under Section 56(2-e) of the Orissa Forest (Amendment) Act, 1982 (Orissa Act 9 of 1983) should be registered as Title Appeals or Misc. Appeals on the Civil side or criminal appeals. All the Sessions Judges of the State were consulted in the matter.

The Court after careful consideration of the matter are pleased to direct that all appeals instituted under Section 56 (2-e) of the Orissa Forest (amendment) Act, 1982 should be registered as criminal appeals henceforth.

I am to request that the above instructions should be observed strictly in future.

Yours faithfully  
P. K. PANIGRAHI  
Special Officer

**No. 10859**

*Outed Cuttack the 7th November 1985*

From

Shri J. M. Mohapatra, M.Com., LL.B.  
Registrar (Admn.) of the High Court of Orissa, Cuttack

To

The District and Sessions Judges

Subject : Expeditious disposal of Sessions Cases involving under-trial prisoners.

Sir,

It has come to the notice of the Court that abnormal delay occurs in the trial and disposal of Sessions Cases of under trial prisoners in spite of issuance of instructions in Court's Letter No. 8490, dated 24.8.1984 regarding expeditious disposal of Sessions Cases involving under-trial prisoners.

Rule 58 at page 16 of the C.R. and C.O. (Criminal) Volume - I provides that it should always be the endeavor of every Sessions Judge to see that a Sessions Trial is brought to close with the expedition without any unnecessary adjournments.

The Court wish to observe that the Sessions Judges should have a close eye on the pendency and disposal of such cases in their respective jurisdictions. They further direct that the Sessions Judges should give preference to the trial of Sessions Cases involving under-trial prisoners and see that their trial is brought to close with due expedition.

I am to request that the above instructions of the Court should be strictly followed by all the Sessions Courts within their jurisdiction.

Yours faithfully  
J. M. MOHAPATRA  
Registrar (administra tion)

**No. 24 - XLIX-D - 34/85**

*Dated Cut tack, the 6th January, 1986*

From

Shri J. M. Mohapatra, M. Com.,LL.B.  
Registrar (Administration)  
Orissa High Court, Cuttack

To

The District and Sessions Judges of the State

Subject : Verification of service returns of the prosecution witnesses  
by the Courts of Sessions at least seven days before the  
date fixed for trial.

Sir,

I am directed to refer to the proceedings under item No. 14 of the agenda of the District Judges' Conference, 1981 wherein it was resolved that at the headquarters stations, the Registrar, Civil and Sessions Courts would examine the sufficiency or otherwise of the service returns of the P.Ws. in all Sessions Cases at least one week before the dates fixed for the trial of the Sessions Cases. Whereas at the outlying stations, the respective Presiding Officers are to examine in the aforesaid manner. It was further resolved that for the matter of checking the service returns the Registrar, Civil and Sessions Courts in the headquarters stations and the Presiding Officers in the outlying stations shall maintain a register for the purpose.

The Court, after careful considerations of the matter, have been pleased to concur with the aforesaid decision taken at the conference and direct that in all Sessions Cases, the Registrar, Civil and Sessions Courts at the headquarters stations and the Presiding Officer of the outlying stations would examine the sufficiency or otherwise of the service returns of the P.Ws. to take follow-up action in order to ensure the attendance of witnesses on the dates fixed. A register of verification of service returns of the prosecution witnesses in Sessions Cases shall be maintained by the Sessions Clerk in the enclosed proforma and shall be put up before the Sessions Judge one week before the date of the trial of the Sessions Cases.

I am to request that the above decision of the Court may be strictly followed in your Sessions Division.

Yours faithfully  
J. M. Mohapatra  
Registrar (Administration)

**No. 26 (26) - XLIX-D-13/83**

*Dated Cuttack, the 6th January, 1986*

From

Shri J. M. Mohapatra, M.Com., LL.B.  
Registrar (Administration),  
Orissa High Court, Cuttack.

To

The District and Sessions Judge  
The Chief Judicial Magistrate

Subject : Amendment of Rule 119 of the Orissa Police Manual Rules, 1940, Volume - I regarding testing of seized valuable materials by the goldsmith on payment of remuneration at the time of receipt in the Court Malkhana.

Sir,

I am directed to enclose herewith a copy of letter No. 51090/P. dated 18.10.1985 alongwith the broad sheet of amendment of Rule 119 of the Orissa Police Manual Rules, 1940, Volume-I on the subject noted above for your information and guidance and for issue of necessary instructions with a copy of the amendment to the subordinate Courts under your jurisdiction for their guidance.

Yours faithfully

J. M. Mohapatra

Registrar (Administration)

**GOVERNMENT OF ORISSA**

**HOME DEPARTMENT**

**No. 51989-PLA-14/84-P**

*Dated Bhubaneswar, the 18th October 1985*

From

Shrimati A. Agnihotri, I.A.s.  
Deputy Secretary to Government

To

The Director-General and I.G. of Police, Orissa, Cuttack

Subject : Amendment of Rule 119 of Orissa Police Manual Rules, 1940, VoU

Reference : Letter No. Law - 28/81-31681 - Dated 7.11.1981 of the D.I.G., C.I.D. and Rlys, Orissa, Cuttack.

Letter No. 634-S.P.A., dated 3.11.1982 of the Deputy Director,  
State Police Academy, Cuttack.

Sir,

I am directed to say that Government after careful consideration, have been pleased to amend the Rule 119 of the Orissa Police Manual Rules, 1940 Volume-I as per the broad sheet enclosed.

This amendment will come into effect from the date of issue of this order.

Yours faithfully

A. AGNIHOTRI

Deputy Secretary to Government

**INCORPORATION OF NEW RULE IN P. M. R. 119 CHAPTER  
VI POLICE MANUAL RULES, 1940 (VOL - I)**

Existing Rule P.M.R. 119(a)

Register of property in possession of the Police. All Identifiable property stolen, whether recovered or not and all articles of which the police take charge, shall be entered in detail with a description of the identifying marks on each article, in a register to be kept in P.M. Form No. 18 in duplicate, and a receipt shall be obtained whenever any article of property of which the Police take charge is made over to the owner, sold, sent to the Court or disposed of in any of the receipts shall be entered in Column - 7.

Unidentifiable property (when the rule requires its entry i.e. when the police take charge of it) shall be entered in bulk, the number of articles, value and general description being merely noted.

**Proposed Rule**

1. This i.e. 119 (a) will be numbered as P.M.R. 119 (a) (i) P.M.R. 119 (a) (ii) Gold and Silver materials and other valuable metals seized by the Police, will be tested by a goldsmith, at the time of seizure by the Police Officer (s) concerned and a certificate obtained from him in that regard. The articles will also be tested by a goldsmith at the time of their acceptance by the officer-in-charge of the Court Malkhana and discrepancy if any, should be immediately brought to the notice of the S.P. of the district by the Court concerned.

2. In order to ensure efficient working of the above procedure the district S.P. and the C.J.M. of the district, in consultation with each other, shall prepare a panel of goldsmith to attend to the work of each police-station and Court Malkhana.

3. The rate of remuneration of the goldsmiths for each police - station would be fixed by the Supdt. of Police of the District taking into consideration the nature and volume of the work.



4. The bills of the goldsmith duly certified by the O.I.C. of the P .5. for attending to the work during investigation of cases shall be paid from the investigation charges sanctioned for the District/Establishments and left at the disposal of the Superintendents of police.

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**No. 814 - XI.VIC. 82/84**

*Dated Cuttack, the 28th January, 1986*

From

Shri K. C. Mohapatra, LL.B.  
Registrar (Inspection & Enquiry)  
Orissa High Court, Cuttack.

To

All the District and Sessions Judges of the State

Subject : Giving regard to the reports of Inspection of the Court while writing out confidential Character Roll of the Officers.

Sir,

I am directed to say that report of inspections of-the Courts of the Judicial Officers of the State holiday the Chief Judicial Magistrates and the District and Sessions Judges at different times exhibit very sad state of affairs in the condition of the offices. The reason behind such affairs are that the Presiding Officers are not alive to their duties and responsibilities. They do not pay their attention to the proper maintenance of records and registers. Many of the officers go without sufficient work on many occasions on account of improper planning with regard to posting of cases in the diary. Important Registers even are not periodically scrutinised. The rules framed and instructions issued by the Court from time to time are followed more in breach than in-compliance.

The defects and irregularities pointed out in the notes of inspection for a particular period are found to have been repeated in the next notes of inspection. The Presiding Officers often do not make personal verification as to whether the defects pointed out in the notes of inspection have been actually removed or not. On the other hand, they furnish reports of compliance mechanically with certificate that the compliance reports have been furnished after personal verification. The notes of inspection which play important role in the administration of justice are often treated with empty formality.

The Court while expressing their grave concern aver the matter discussions the District and Sessions Judges arid Chief Judicial Magistrates at the time of writing out the Confidential Character

Roll of the Officers, shall have regard to the reports of inspection of their respective Courts.

Yours faithfully  
K. C. MOHAPATRA  
Registrar (I & E)

**No. 1534**

*Dated Cuttack, the 17th February, 1986*

From

Shri J. M. Mohapatra, M.Com., LL.B.  
Registrar (Administration)  
Orissa High Court

To

All the District and Sessions Judges of the State

Sir,

I am directed to furnish herewith the accompanying extract of Notification No. 2470/10, dated 15.1.1986 received from the Deputy Secretary to the Government of Orissa in Home Department declaring that any offence punishable under Section 506 of the Indian Penal Code when committed in any part of the State of Orissa shall be cognizable and non-bailable, for your information and guidance and for communication to and guidance of the Courts subordinate to you.

Yours faithfully  
J. M. MOHAPATRA  
Registrar (Admn.)

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GOVERNMENT OF ORISSA, HOME DEPARTMENT  
NOTIFICATION

*Bhubaneswar, dated 15.1.1986*

No. 2170-H.C.IRef.2.10.1984 - In exercise of the powers conferred by Sub-sections (1) and (2) of Section 10 of the Criminal Law Amendment Act, 1932 (23 of 1932) and in supersession of the Government of Orissa in the Home Department notification No. 22186-Ref.2.21-70-H.c., dated the 26th June, 1970 under SRO No. 487/70 and No. 22187-H.C. of the even date, the State Government do hereby declare that any offence punishable under Section 506 of the Indian Penal Code, when committed in any part of the State of Orissa shall, notwithstanding anything contained in the Code of Criminal Procedure" 1973 (2 of 1974) be cognizable and non-bailable, and the said Code

of Criminal Procedure shall while this notification remains in force be deemed to be amended accordingly.

By order of the Governor  
R.N.DAS  
Secretary to Government

**No. 3142 (13) - XLIX-D-28/85**  
*Dated Cuiiack, the 2nd April, 1986*

From

Shri J. M. Mohapatra, M.Com.,LL.B.  
Registrar (Administration)  
Orissa High Court, Cuttack.

To

The District & Sessions Judges of the State

Subject : Desirability of allowing normal T.A. and D.A. To the Process-Servers when they perform tour not connected with service of process and summons.

Item No. 29 of the Proceedings of the District Judges  
Conference, 1984 ..

Sir,

I am directed to invite a reference to Item No. 29 of the proceedings of the District Judges Conference, 1984 regarding the desirability. of allowing normal T.A. and D.A. To the Process Servers when they perform tour not connected with service of process and summons.

2. Rule 74(3) of Orissa Travelling Allowance Rules provides that a Government servant who proceeds on tour beyond his sphere of duty may draw mileage allowance for the entire journey including such part of it as is performed within his sphere of duty, but shall not in such case be entitled to draw the proportionate amount of permanent traveling allowance for the days on which he draws mileage allowance. This rule does not apply to a Government servant who travels beyond his sphere of duty in the course of a journey from one place to another within that sphere or to a Government servant who makes, by road alone, a journey not exceeding 32 kilometers.

3. All the District Judges were consulted in the matter and majority view is that Rule 74 (3) of Orissa Travelling Allowance Rules does not prohibit payment of usual T.A. and D.A. to the process server performing tour beyond his sphere of duty. The Court, after careful consideration of the matter observe that since the aforesaid Rule does not prohibit payment of usual T.A. And D.A to the Process

Server performing tours beyond his sphere of duty, there is no ambiguity in the Rule referred to above.

Yours faithfully  
J. M. MOHAPATRA  
Registrar (Admn.)

**No. 7853 - XLIX-D - 20/86**

*Dated Cuttack, the 26th July, 1986*

From

The Registrar (Judicial)  
Orissa High Court

To

All the District Magistrates of the State.

Subject : Submission of Certificate that the provisions of Section 116 (6) of the Code of Criminal Procedure have been followed by the Executive Magistrates.

Sir,

I am directed to enclose a copy of General letter No. 1/80 (Criminal) which enjoins up on the magistracy to furnish a certificate in the returns to the effect that the provisions of Section 116(6) Cr.P.C. have been followed. Consequent on the amendment of the Code of Criminal Procedure by the (Amendment) Act 63 of 1980 the Executive Magistrates have been empowered to deal with the cases under Sections 108, 109 and 110 of the Code of Criminal Procedure. In the last District Judges Conference, 1985 the proposal for furnishing such certificates by the Executive Magistrates was considered and it was selected that as the hearing of cases under the Preventive Sections has been entrusted to the Executive Magistrates, it would be more appropriate to insist on those Magistrate to furnish certificates showing compliance of Section 116 (6) Cr.P.c.

The Court, after careful consideration, have been pleased to concur with the aforesaid decision and observe that the Executive Magistrates shall furnish a certificate in their returns to the effect that the provisions of Section 116 (6) of the Code of Criminal Procedure have been followed and the concerned Additional District Magistrates should scrutinise the records and see that the compliance has been properly made.

I am to request that the aforesaid instructions may be brought to the notice of the Executive Magistrates working under your jurisdiction for strict compliance.

Yours faithfully  
S. MISHRA  
Registrar (Judicial)

**G. L. No.1 of 1980 (Criminal)**  
*Dated Cuttack, the 22nd May, 1980*

From

Shri B. K. Behera, LL.B.  
Registrar of the High Court of Orissa

To

All the District and Sessions Judges of the State

Subject : Expeditious disposal of cases against under-trial prisoners.

Sir,

The question of the expeditious disposal of cases against the under-trial prisoners requires utmost attention. Instructions had been issued by the Court for giving preference to such cases in Court's Letter No. 9402 - XXIX 83/72, dated the 24th October 1973. The desirability of expeditious trials of such cases has been emphasised by the Supreme Court in the decisions reported in AIR 1979 Supreme Court 1369 and 1377.

The question of expeditious disposal of such cases figured in the District Judges Conference held in the 1978 and it had been decided that apart from the instructions of the Court issued in the Magistrate exclusively in-charge of cases of under-trial prisoners at stations where there are more than one Magistrates.

It was further decided that a circular would be issued directing all the Magistrates to give certificate in the monthly statement that they have given preference to such cases. It was also decided that the Chief Judicial Magistrates should scrutinise the records to see as to whether the provisions of Section 116(6) of the Code of Criminal Procedure were being followed. It was further decided that the Sessions Judges and the Chief Judicial Magistrates would instruct all the Magistrates to follow the provisions of the Probation of Offenders Act.

It would appear that some steps have been taken by the Courts at different stations for the expeditious disposal of cases against the under-trial prisoners. However in order that appropriate steps are taken in this regard by the Subordinate Courts, the Courts direct that the following instructions be scrupulously observed by the subordinate Courts.

(a) At stations where there are more than one Magistrate the Sessions Judge would allot such cases to one Magistrate as far as possible.

(b) The Magistrates shall give a certificate in the monthly statements that they have given preference to cases of under trial

prisoners. The Magistrates shall also give a certificate that the provision of Section 116 (6) of the Code of Criminal Procedure have been followed and the Chief Judicial Magistrates should scrutinise the records and see that this has been done.

(c) The Sessions Judges and the Chief Judicial Magistrates shall instruct all the Magistrates to properly follow the provisions of the Probation of Offenders Act.

(d) The Magistrates should apply the provisions of Section 167 (5) of the Code of Criminal Procedure when investigation has not been completed within the requisite period and the fact that this has been done shall find place in the monthly statement.

(e) The Magistrates must satisfy themselves before authorising the detention of the accused persons beyond the period of 15 days that there are adequate grounds for so doing. Their attention is drawn to the provisions of Section 167 (2) of the Code of Criminal Procedure.

(f) All applications for withdrawal of cases against the under trial prisoners, whenever made by the public prosecutors, should be heard and disposed of immediately after such applications are made irrespective of the dates fixed by a dvancing the cases and giving due notices to the parties.

I am to request that these instructions should strictly be followed by all Courts within your jurisdiction.

Yours faithfully  
B. K. BEHERA  
Registrar

**No. 8161 - XLIX-D - 14/84**

*Dated C.uttack the 22nd August 1986*

From

The Registrar (Judicial) of the High Court of Orissa

To

All the District and Sessions Judges of the Sta te

Subject : Noting the pre-condition period of detention of convicts in the Register of Warrant of Imprisonment (R) 5.

Sir,

I am directed, to refer to Item No. 17 of the proceedings of the District Judges Conference held irt 1985 and to say' that the proposal, or noting the pre-condition period of detention of the convicts in the Register of Warrant of Imprisonment Form No. (R)5 was accepted and it was resolved that in order to facilitate easy verification of the date

verification of the date of detention be noted in the remarks column of the Register of Warrant in Imprisonment Form No. (R) 5.

The Court, after careful consideration, are pleased to concur with the aforesaid decision and direct that in order to facilitate easy verification of entries relating to termination of sentence by the inspecting authorities, the pre-conviction period of detention should be noted in the remarks column of the Register of Warrant of Imprisonment Form No. (R) 5.

I am, accordingly, to request that the aforesaid instructions may be brought to the notice of all the Subordinate Criminal Courts functioning in your Sessions Division for their information and future guidance.

**No. 8022 - XI - 5/85**

*Dated Cui tack, the 14th August, 1986*

From

Shri S. K. Behera, LL.B.  
Registrar (Administration)  
Orissa High Court, Cuttack

To

All the District and Sessions Judges of the State

Subject : Grant of free copies of the documents/orders/judgments in legal aid cases, to Supreme Court Legal Aid Committee and High Court Legal Aid Committee.

Sir,

I am directed to say that it has been brought to the notice of the Court that people belonging to the poor and vulnerably community are deprived of justice because of their economic inability in obtaining certified copies of Judgments/Orders/Documents etc. for preferring appeals in the Supreme Court.

The Court, after careful consideration of the matter, have been pleased to direct that henceforth copies of documents/orders/judgments, etc. should be granted free of cost when required on their behalf by the Supreme Court Legal Aid Committee or the High Court Legal Aid Committee.

I am, therefore, to request that the above instructions may be brought to the notice of the all the Subordinate Courts working under you for their information and guidance.

Yours faithfully  
S. K. BEHERA  
Registrar (Administrationj)

**No. 10121 - XLIX - D - 1/86**

*Dated Cutrack, the 18th September, 1986*

From

Shri S. K. Behera  
Registrar (Administration)  
High Court of Orissa.

To

All the District & Sessions Judges of the State.

Subject : Expeditious disposal of cases of *V.T.Ps.* detained in Jails.

Sir,

I am directed to say that the Government of Orissa in Home Department Letter No. 60583, JLS, dated 3.12.1985 have decided that for the purpose of expeditious disposal of the cases of under-trial prisoners each Superintendent of the Jail or Sub-jail as the case may be, should prepare and furnish to the concerned trial Court. Chief Judicial Magistrate, Public Prosecutors, Assistant Public Prosecutor and the Director of Public Prosecutor, a statement disclosing the list of each 'of the under-trial prisoners interned in his jail. The date of entry into the prison and the provision of the law under which he is being detained, every month. It has further been decided that the concerned Superintendent should also bring specific cases of unnecessary detention of under-trial prisoners to the notice of the concerned c.J .M., besides, bringing the fact of the notice of the Director of Public Prosecution. Effective implementation to this decision of the Government was under consideration of the Court and they, after careful consideration of the matter, have been pleased to direct that the following procedure shall be followed by each of the Subordinate Criminal Courts while being supplied with such monthly list of under-trial prisoners from the concerned jail authorities :

(A) The Magistrates shall scrutinise the list of under-trial prisoners applied by the jail authorities in order to ensure that no under-trial prisoner has been unduly detained beyond the maximum period of sentence provided for the offence for commission of which he is being detained and take prompt and suitable remedial measures for release in case of any deviation noticed;

(b) The Magistrates shall submit a quarterly statement of under-trial prisoners indicating the case number, nature of offence with Sections of law, date of arrest and the reason for the delay in disposal of the cases in respect of each of the under-trial prisoners to the concerned CrT M. certifying that no under-trial prisoner has



been in jail for a period which is more than the maximum period of sentence provided for the commission of the offence for which he is implicated; and

(c) The C.J.M., after satisfying himself about correctness of the statement submitted by the Magistrate shall submit a verified quarterly report to the concerned Sessions Judge in regard to any under detention suffered by any of the under-trial prisoners, interned within his jurisdiction.

(d) The C.J.M., shall also scrutinise the list of under-trial prisoners submitted by the jail authorities and the Magistrates while holding periodical inspection of the Court of the Magistrate with reference to the case records and take prompt remedial measures on noticing any undue detention.

(e) The C.J.M. shall take problem causing delay in disposal of the cases of under-trial prisoners to the Police Magistracy co-operation meeting with a view to securing expeditious disposal of the cases of such under-trial prisoners.

The Sessions Judge shall submit a quarterly report to the Court in respect of under-trial prisoners along with the report of the C.J.M. which shall also be sent to the Court along with his comments, separately, indicating therein the cases where the trial have not been conclude even after one year detention of the concerned prisoner in the prison.

I am, therefore to request that the above instructions may be brought to the notice of the subordinate criminal Courts your control for information and guidance and for strict compliance.

Yours faithfully,  
S. K. BEHERA  
Registrar (Administration)

**No. 13617-IX-22/81**

*Dated Cuttack, the 7th December, 1981*

From

Shri B. N. Misra, LL.B.  
Registrar of High Court of Orissa

To

All the District and Sessions Judges of the State

Subject : Registration of applications filed in the Court of Sessions under Section 116 (7), Cr.P.C. arid against the orders passed by Courts of Magistrates regarding disposal of seized properties in pending and disposed of cases.

Sir,

I am directed to say that in course of inspection of the Court of the District and Sessions Judge, Cuttack by Hon'ble Justice Shri S. K. Ray (as he then was) in August 1977 doubts were entertained as to how the following types of cases are to be registered.

(i) Applications filed in the Court of Sessions Judges against orders passed by Subordinate Criminal Courts regarding disposal of properties in pending cases.

(ii) 'Applications for orders for disposal of properties filed in the Court of Sessions Judge in cases tried and disposed of by Assistant Sessions Judge.

(iii) Application under Section 116 (7) of the Code of Criminal Procedure.

1. The Court, after careful consideration, observe that in view of the provisions laid down in the foot-note to Form No. R-25 at page 81 of the General Rules and Circular Orders (Criminal) Volume I the application under Section 116 (7) Cr.P.c. should be registered as Miscellaneous cases.

2. As there is clear provision in Section 454, Cr.P.c. for filing appeals against orders passed by the Courts of Magistrates regarding disposal of seized properties at the conclusion of the trial, such proceedings should be registered as Criminal Appeals on the filing on a Memorandum of appeal.

3. All the applications filed before the Court of Sessions against order of Magistrate with regard to disposal of seized properties in pending cases, are to be registered Criminal Revisions in the Court of Sessions. The maintainability or otherwise of the revision would however depend on the nature of order passed by the Magistrates which are sought to be revised.

I am, accordingly, to request that the aforesaid instructions of the Court may be brought to the notice of all the Courts subordinate to you for their information and guidance. .

Yours faithfully

B. N. MISRA

Registrar

Sir,

**No. 1133-XLIX-D-26/81**

*Dated Cut i ack, the 28th January, 1982*

From

Shri B. N. Misra, LL.B.  
Registrar of the High Court of Orissa

To

All the District and Sessions Judges of the State

Subject : Swearing of Affidavits in Subordinate Courts

I am directed to refer the Court's Circular letter No. 5484 (21), dated 9.6.1974 and No. 7516, dated 26.6.1981 on the above subject and to say that the question relating to swearing of Affidavits in Courts where there are no posts of Sheristadars came up for consideration of the Court.

The Court, are pleased to decide that the work of swearing of Affidavits at stations where more than one Magistrate is functioning should be entrusted to a [Junior Magistrate at the Station. In stations where a Munsif-Magistrate is functioning with a Sheristadar attached to his office, the work of swearing of Affidavits in matters relating to all the Magisterial Courts at the stations should be entrusted to that Sheristadar.

I am, therefore, to request that the above instructions of the Court may be brought to the notice of all the Courts Subordinate to you for their guidance and necessary steps for implementing the decision may be taken.

Yours faithfully  
B. N. MISRA  
Registrar

**No. 12S9-IX-2S/80**

*Dated Cu i t ack, the 3rd February 1982*

From

The Registrar of the High Court of Orissa

To

The District and Sessions Judge,  
Ca nja rn-Bo udh. Berhampur

Subject : Registration of applications filed in Sessions Court under Sections 438 and 439 (1) of the Code of Criminal Procedure as Miscellaneous Cases.

Sir,

With reference to your Letter No. 12490, dated the 11th/15th December 1980 on the above subject, I am directed to say that the question of registration of applications under Sections 437 and 438 of the Code of Criminal Procedure in Sessions Court as Miscellaneous Cases and their entry in Register of (R) 5 (Criminal) has been considered after obtaining the views of all the District and Sessions Judges of the State.

It has been observed that the Register of Miscellaneous Criminal Cases (R) 25 is to be maintained only in the Courts of Sessions Judges and Additional and Assistant Sessions Judges and there is no scope for entering applications under Section 437 of the Cr.P.C. in that register, as such application are filed before Magistrates. Therefore there is no question of making any entries with regard to applications under Section 437 in (R) 25 as such matters are dealt with by the Magistrates in the original records of the case. Registration of a Miscellaneous Case every time a bail application is filed in the Court of Magistrates would be cumbersome and inconvenient besides serving no useful purpose, and therefore applications filed under Section 437 Cr.P.C. In magistrate's Courts should not be registered as Miscellaneous Cases.

The Court have been pleased to decide therefore that applications filed under Sections 438 and 439 (1) of the Code of Criminal Procedure in Sessions Courts should be registered as Miscellaneous Cases and be entered in the Register of Miscellaneous Criminal Cases (R) 25 prescribed at page-81 of the General Rules and Circular Orders (Criminal), Volume - II.

The above instructions may be strictly followed in future.

Yours faithfully

S.DAS

Registrar

**No. 5631-XLIX-D-19/82**

*Dated the 17th May 1982*

From

Shri B. N. Misra, LL.B.

Registrar of the High Court of Orissa, Cuttack.

To

The District and Sessions Judge

The Chief Judicial Magistrate

Subject : Expeditious disposal of Criminal Appeals preferred by convicted person who are in jail.

Sir,

I am directed to say that it has been brought to the notice of the Court that jail appeals and Criminal appeals in which the convicted persons are in jail are not being disposed of expeditiously. Very often it is noticed that by the time the Criminal Appeals or jail appeals are disposed of the sentences awarded by the Trial Court are spent out. In order to prevent such a situation the Court have been pleased to direct that all Criminal appeals whether preferred from jail or otherwise, by convicts who are in jail should be disposed of by giving them priority over other cases.

I am, therefore, to request that the above instructions should be strictly followed by all the Criminal and Sessions Courts under your Sessions Division.

Yours faithfully  
B. N. MISRA  
Registrar

**No. 7284-XLIX-D-27/82**

*Dated Cuttack the 13th/14th July 1982*

From

Shri B. N. Misra, LL.B.  
Registrar of the High Court of Orissa

To

The Director of Public Prosecutions, Orissa, Bhubaneswar.

Subject : Permission to sit in different Courts exercising Criminal Jurisdiction including Court of Sessions to watch the performance of the Counsel appearing for the State and examination of the case records including the case diaries to assess the performance of the Public Prosecutors and Assistant Public Prosecutors.

Sir,

With reference to your semi-official Letter No. 29, dated the 8th May, 1982 on the above subject. I am directed to say that the Court have been pleased to permit you to inspect in Court case records including the case diaries, with the permission of the Court concerned, in accordance with Rule 209, Chapter III at page 60 of the General Rules and Circular Orders of the High Court of Judicature, Orissa, Criminal, Volume - I, to enable you to properly evaluate the work of the Public Prosecutors and Assistant Public Prosecutors.

Yours faithfully  
B. N. MISRA  
Registrar

**No. 8100(25)-XLIX-D-31182**

*Dated Cui tack, the 29th/30th July, 1982*

From

Shri B. N. Mishra, LL.B.  
Registrar of the High Court of Orissa

To

The District and Sessions Judge  
The Chief Judicial Magistrate

Subject : Non-appearance of Assistant Public Prosecutors against  
the State of Orissa.

I am directed to forward for your information and guidance and for favour of communication to and guidance of the Criminal Court's subordinate to you, the accompanying copy of letter No. 11195 (13), dated the 15th July, 1982 from the Legal Rememberancer, Law Department, Bhubaneswar in the matter of prohibiting appearance of Assistant Prosecutors against the State in Criminal cases.

Yours faithfully  
B. N. MISRA  
Registrar

**GOVERNMENT OF ORISSA**

**LAW DEPARTMENT**

**No. 11195 (13) - L.L.R. 6/82-L**

*Dated, the 15th July 1982*

From

D. Hota,  
Legal Rememberancer

To

All District Magistrates

Subject : Non-appearance of Assistant Public Prosecutors against  
the State of Orissa

Sir,

I am directed to say that Government after careful consideration of the matter have decided to prohibit the Assistant Public Prosecutor to appear against the State in any criminal matter in the Courts in their respective jurisdiction.

They may kindly be instructed accordingly.

Yours faithfully  
D.HOTA  
Legal Remembrancer

**No. 9660-XLIX-D-10/81**

*Dated Cuti ack, the 23rd September, 1982*

From

Shri B. N. Misra, LL.B.  
Registrar of the High Court of Orissa

To

All the District and Sessions Judges of the State

Subject : Non-payment of Batta witnesses.

Sir,

I am directed to say that it is noticed that the witness expenses are not being paid to the witnesses in Criminal Courts as well as Sessions Courts. As a result witnesses in Criminal Cases are being put to considerable difficulties and that is one of the reasons for non-appearance of the witnesses in Court. Very often the witnesses are asked to leave their addresses for remitting the Batta amount by Money-Order due to non-availability of funds with the Nazir. This practice not only creates a lot of difficulty to the witnesses, but also gives scope for corruption. The Court, after careful considerations are of the view that the District and Sessions Judges should ensure payment of Batta to the witnesses in the date of their appearance in Court. It should be the responsibility of the Presiding Officer to see that when witnesses from long distance are summoned, steps are taken in advance to ensure payment of Batta to them on the date of their commination. The Court, therefore, direct that District Judges should take adequate steps to raise the permanent advance at the disposal and get the Batta Bills encashed sufficiently ahead of the date of trial of the case.

I am, therefore, to request that the above directions may be brought to the notice of the Chief Judicial Magistrates and Judicial Magistrates working under you for their information and guidance.

Yours faithfully  
B. N. MISRA  
Registrar.

Sir,

**No. 3680-XII-4/83**

*Dated Cut tack, the 18th April, 1983*

From

Shri B. N. Misra, LL.B.  
Registrar of the High Court of Orissa

To

All the District and Sessions Judges of the State

Subject : Strict observance of the provisions contained in Section 361 of the Code of Criminal Procedure, Item No.2 of the proceedings of the District Judges' conference held in December, 1982

Sir,

I am directed to say that Section 361 of the Code of Criminal Procedure enjoins on the Courts to record in the judgments the Special reasons if the Court does not deal with the offenders under Section 360 Cr.P.c. or under the provisions of the Probation of Offenders act or any other Law for the treatment, training or rehabilitation of youthful offenders, It has been brought to the notice of the Court that Magistrates have not been able to appreciate the significance of Section 361 of the Code of Criminal Procedure as a result some of them do not give any reason while some others give meaningless reasons.

2. The desirability for strict adherence to the provisions of Section 361 of the Code of Criminal Procedure was discussed at the District Judges' Conference held on the 23rd and 24th December, 1982 under Item No.2 of the agenda. The Court, after fareful consideration, are pleaded to concur with the decision taken at the conference in the matter and direct that Judicial Magistrates should record, in their judgments special reasons for their not having dealt with the accused persons under Sections 3 and 4 of the Probation of Offenders Act, 1958 (20 of 1958) as required under Section 361 of the Code of Criminal Procedure in the light of the decision of the Supreme Court reported in *AIR 1979 Supreme Court 1964 (Bishnu Deo Shaw v. State of West Bengal)*.

3. I am, accordingly, request that the above instructions may be strictly followed in future by all the Subordinate Courts in your Sessions Division.

Yours faithfully  
B. N. MISRA  
Registrar



**No. 4143**

*Dated Cuitack, the 3rd May, 1983*

From

Shri B. N. Misra, LL.B.  
Registrar of the High Court of Orissa

To

All the District and Sessions Judges of the State

Subject : Swearing of Affidavits in Subordinate Courts, Item No. 29  
of the proceedings of the District Judges' Conference  
held in December, 1982.

Sir,

I am directed to refer to Court's circular letter No. 1133, dated the 28th January 1982 in which instructions were issued that the work of swearing of affidavits at stations where more than one Magistrate are functioning, should be entrusted to a Junior Magistrate at the station. The proposal for modification of the existing instructions referred to above was taken up for consideration at the District Judge's conference held on the 23rd and 24th December, 1982 under item No. 29 of the agenda.

2. The Court, after careful consideration, are pleased to concur with the decision taken at the conference in the matter and direct that at stations where there are more than one Magistrate, the Sheristadar if available at such stations would function more than one Magistrates, the Sheristadar if available at such stations would function as the Commissioner of Oaths. At the headquarters Stations the Head Clerk attached to the Chief Judicial Magistrate shall also function as the Commissioner of Oaths. In outlying stations, where there is one Judicial Magistrate exercising only Criminal Powers, the Magistrate himself should function as the Commissioner of Oaths.

3. I am, accordingly, to request that the above instructions may be strictly followed in future by all the Subordinate Courts in your Sessions Division.

Yours faithfully  
B. N. MISRA  
Registrar

**No. 4506-XLIX-O-49/82**

*Dated Cut tack, the 7th May 1983*

From

Shri B. N. Mishra, LL.B.  
Registrar of the. High Court of Orissa

To

All the District and Sessions Judges of the State

Subject : Whether a Judicial Officer should be permitted to leave the Court everyday during recess from 1.30 P.M. to 2.00 P.M. To go home for taking lunch.

Sir,

I am directed to say that the question as to whether a Judicial Officer should be permitted to leave the Court every day during recess from 1.30 P.M. to 2.00 P.M. to go home for taking lunch came up for consideration of the Court.

After careful consideration of the matter the Court are pleased to observe that no Judicial Officer should be permitted to leave the Court during recess from 1.30 P.M. to 2.00 P.M. to go home for taking lunch.

I am, therefore, to request that the aforesaid instruction may be brought to the notice of all Subordinate Judicial Officers under you for strict guidance.

Yours faithfully  
B. N. MISRA  
Registrar

**No. 5785-XLIX-O-7/78**

*Dated Cut tack, the 13th/14th May, 1983*

From

Shri B. N. Mishra, LL.B.  
Registrar of the High Court of Orissa

To

All the District and Sessions Judges of the State

Subject : Service of summons on police officers.

Sir,

I am directed to say that very often the Criminal Courts face the difficulty in procuring the attendance of the Police Officers to give evidence resulting delay in disposal of the cases pending in their Courts. It is noticed that the Courts while issuing summons to the police officers do not always give sufficient time for their appearance to give evidence and in some cases their orders in this regard are not being complied with promptly. Consequently, service of summons cannot be effected with sufficient time ahead of the

date fixed as a result the police officers who mostly remain busy in Law and order problems find it difficult to attend the Court to give evidence.

The question as to how best the attendance of the Police officers can be secured to give evidence in Criminal cases came up for consideration of the Court. On a careful consideration of the matter Court are pleased to direct that the Court's while issuing summons the police officers requiring them to give evidence, should give sufficient time and summons should be issued within three days of the order.

I am accordingly to request that the aforesaid instructions may be brought to the notice of all Criminal Courts subordinate to you for information and guidance.

Yours faithfully  
B. N. MISRA  
Registrar

**No. 11481**

*Dated Cut tack, tile 27th October, 1983*

From

Shri R. N. Panda, LL.B.  
Registrar of the High Court of Orissa, Cuttack

To

The District and Sessions Judges of the State

Subject : Expeditious disposal of cases involving person getting Legal Aid under the State Legal Aid and Advice Scheme, 1981.

Sir,

I am directed to say that it has been brought to the notice of the Court by the Member-Secretary of the Orissa Legal Aid and Advice Board that the parties getting Legal Aid are required to attend the Courts in connection, with their cases on several dates as most of the cases are being adjourned from time to time for various reasons. Under the Orissa State Legal Aid and Advice Scheme, the aided persons are allowed travelling expenses for attending the Courts. When the cases of such persons are adjourned, it causes drainage of public exchequer besides causing delay in disposal of the cases.

The Court, therefore, have been pleased to direct that the Presiding Officers of the Subordinate Civil and Criminal Courts should give priority to the disposal of the cases in which

the parties have been given the benefit under the Legal aid Scheme. However, such cases will have no preference over the criminal cases involving under trial prisoners and civil cases, which have become three years old.

I am to request that the aforesaid instructions may be brought to the notice of all the Civil and Criminal Courts in your judgeship for their information and strict guidance.

Yours faithfully  
R. N. PANDA  
Registrar

**No. 69 - XLIX-D-61/83**

*Dated Cuttack, the 4th January, 1984*

From

Shri R. N. Panda, M.A.,LL.B.  
Registrar of the High Court of Orissa

To

All the District and Sessions Judges of the State

Subject : Making correction in the depositions of witness dictated by the Presiding Officers while signing each page of such deposition.

Sir,

I am directed to say that it has come to the notice of the Court that typed depositions of the witnesses are found to contain large number of mistakes. Although Rule 84 at page 23 of General Rules and Circular Orders (Criminal), Volume - I provides that each page of the deposition typed to the dictation of the Presiding Officer must be attested by his signature, some of the Judicial Officers are found not correcting the depositions of the witnesses before putting their signatures on each page of the same. It has also come to the notice of the Court that the certified copies of the depositions and judgments very often contain several spelling and grammatical mistakes and omissions and at times it becomes difficult for the appellate and revisional Courts to quote any part of the evidence or the judgment.

The Court, accordingly direct that the Presiding Officers should correct the deposition of the witnesses dictated by them, while putting their signatures in each page of such deposition. the Court further observe that greater care should be taken by the officers-in-charge of the Copying Department to see that certified copies of depositions and judgments, are free from any mistake and omission.

I am to request that the aforesaid instructions may be brought to the notice of all the Courts subordinate to you for their information and future guidance.

Yours faithfully  
R. N. PANDA  
Registrar

**No. 693 (25) - XLIX-D-34/81**

*Dated Cuiiack, the 16th January 1984*

From

Shri R. N. Panda, M.A. LL.B.  
Registrar of the High Court of Orissa, Cuttack.

To

All the District and Sessions Judges of the State

Subject : Procedure to be followed in a case of sentence of fine when the convict is either represented or absent on the date of delivery of judgment.

Sir,

I am directed to say that in course of inspection of the Court of Judicial Magistrate First Class, Balasore made by the District and Sessions Judge, Balasore on 19.4.1980 a doubt was entertained by him regarding the procedure to be followed for realisation of fine amount in a case of sentence of fine when the convict is either represented or absent on the date of delivery of Judgment,. All the Sessions Judges of the State, were consulted in the matter.

The Court after careful consideration of the matter have been pleased to observe that pronouncement of a Judgment of fine is permissible under Section 353 (6) of the Code of Criminal Procedure in absence of the accused. If a counsel represents the-accused and is ready to pay the fine, the matter ends there. In other cases, the Magistrate has to follow the procedure laid down in Section 421, Cr.P.C for realisation of the fine amount. If there are no special reasons he has to stop all actions for realisation of fine amount unless there is an order for payment of compensation or expenses out of the fine amount under Section 357, Cr.P.C Rule 132 at page 34 of the G.R. and CO. (Criminal) Volume I has no application to such cases.

I am to request that the above instruction of the Court should be followed in future.

Yours faithfully  
R. N. PANDA  
Registrar

**No. 962 - XLIX-D-12/83**

Dated Cuttack, the 23rd January, 1984

From

Shri R. N. Panda, M.A., LL.B.  
Registrar of the High Court of Orissa

To

All the District and Sessions Judges of the State

Subject : Issue of warrants and recall notices by the Courts to the concerned Officer-in-charge of the Police Stations through the Court Sub-Inspector.

Sir,

I am directed to say that the Court have had the occasion to notice that the instructions given in the Court's Circular Letter No. 2557 (9), dated 4.9.1977 are not strictly followed in all the Judgeships. It has also been noticed that there is divergent practice in different Judgeships in the matter of issue of order recalling the warrants to the concerned Officer-in-charge of the Police-Station.

On a careful consideration of the matter, the Court direct that the extract of the order recalling the warrants should be prepared in duplicate by the concerned Courts, out of which one copy should be made over to the Court Sub-Inspector for sending the same to the concerned Police-Station after making necessary entry in the Register of Process maintained by him and the duplicate copy should be sent direct to the concerned Police-station.

The Court further reiterate their earlier instruction issued in the aforesaid circular letter that all kinds of warrants should be made over by the Courts to the Court Sub-Inspector whose duty shall to send the same to the concerned Officer-in-charge of the Police Station and submit the warrants received back from the Police-Stations, whether executed or not, to the concerned Court.

I am, therefore, to request that the above instructions may be brought to the notice of all the Courts subordinate to you for their guidance and strict compliance.

Yours faithfully  
R. N. PANDA  
Registrar

Copy of the Letter No. 2557 (9), dated 4.4.1977 addressed to the District and Sessions Judge (All) from Shri D. Hota, B. L., Registrar of the High Court of Orissa.

Subject : Despatch of warrants of all categories through the Court Sub-Inspectors.

I am directed to say that it has come to the notice of the Court that the Judicial Magistrates of the State are not following the provisions laid down in Rule 287 of the Police Manual which provides that the warrants should be routed through the C.S.I. with the result that in some cases it has been difficult to watch the movements of the warrants. In view of the appointment of A.P.Ps. for the Courts of Judicial Magistrates in the State the State Government may decide to discontinue the system of post C.S.I's. The D.LG. of Police, C.LD, and Railways and the Special Officer of the Court have undertaken a sample survey of the Lalbag P.S. with regard to the heavy pendency of warrant in the said P.S. on receipt of their joint inspection report the Court would take a final decision whether warrants of all categories should be routed through the C.S.I. Pending final decision in the matter the Court direct that all the Judicial Magistrates of the State should make over all categories of warrants issued by them through the C.S.I. attached to their Courts. It would then be the duty of the C.S.L to send the warrants to the concerned Police- Officer and on return of the warrants whether executed or not he should make them over to the Court concerned. In order to ensure that the movements of the warrants are properly watched, the Judicial Magistrates should maintain a Register in the following *pro forma*.

2. I am therefore, to request that the aforesaid instructions may be brought to the notice of all the Court's Subordinate to you for their information and guidance.

Yours faithfully  
D. HOTA  
Registrar

**No. 1673**

Dated Cuttack, the 10th February 1984

From

Shri R. N. Panda, M.A.,LL.B.  
Registrar of the High Court of Orissa

To

All the District and Sessions Judges of the State.

Subject : Disposal of properties seized in connection with the offences under the provisions of Orissa Weights and Measures (Enforcement) Act, 1958.

Sir,

I am directed to say that a doubt has been entertained regarding disposal of properties seized in connection with the offences under the provisions of the Orissa Weights and Measures (Enforcement) Act, 1958. The Court, after careful consideration of the matter have been pleased to observe that in view of the specific provisions contained in Weights and Measures (Enforcement) Rules, the Inspector concerned is required to produce the properties in Court and after conclusion of trial, he is to take possession of the properties and deal with them as per the direction of the Court. Accordingly they direct that question of making any further rules in the C.R. and C.O. (Criminal) does not arise as this provision would embrace all situations.

I am therefore, to request that the aforesaid instructions may be brought to the notice of the Subordinate Criminal Court's for strict compliance in future.

Yours faithfully  
R. N. PANDA  
Registrar

**No. 1679 (12)**

Dated Cuttack, the 10th February, 1984

From

Shri R. N. Panda, M.A.,LL.B.  
Registrar of the High Court of Orissa

To

The District and Sessions Judges of the State

Subject : Whether entries in the Register of Enquiry into cases triable by the Court of Sessions (R) 42 should be made soon after the Charge-sheet is filed or after orders for commitment are passed.

Sir,

I am directed to say that a question have had under consideration as to whether entries in the Register. of Enquiry into case triable by the Court of Sessions (R) 42 should be made soon after the charge-sheet is filed or after orders for commitment are passed. All the District and Sessions Judges of the State were consulted in the matters.

The Court after careful Consideration of The Matter Have Been pleased to observe that the cases triable by the Court of session should be entered in the register (R) 42 as soon as cognizance is



taken after receipt of the charge-sheet or complaint petition as the case may be.

I am to request that the above instructions may be brought to the notice of all the Courts subordinate to you for their guidance

Yours faithfully  
R. N. PANDA  
Registrar

**No. 1978 - XLIX-D-18/81**

Dated Cuttack, 17th February, 1984

From

Shri R. N. Panda, M.A.,LL.B.  
Registrar of the High Court of Orissa

To

The District and Sessions Judges, Puri

Subject : Whether Railway dues i.e., Railway fare and excess charges can be written off treating the same as fine.

Sir,

I am directed to refer to para 20 at pages 11-12 under the caption "examination of pending Fine Misc., Case Records" of the notes of inspection of the Court of the Special Railway Magistrate, Khurda Road made by the Chief Judicial Magistrate, Puri on 15.1.1981 on the above subject and to say that a doubt has been entertained as to whether the railway dues ordered to be recovered from the accused under Section 112 of the Indian Railways Act in addition to the fine imposed, can be treated as 'Fine' so as to enable the Magistrate to write it off in the circumstances mentioned in Rule 145 of the C.R. & C.O. (Criminal) Volume 1.

On a careful consideration of the matter the Court have been pleased to observe that the railway dues under Section 112 of the Indian Railways Act are payable by virtue of orders passed by the Court and the provisions of Section 431 of the Code of Criminal Procedure, 1973 apply to such, cases. Such dues are recoverable as fine and can be written off on the grounds mentioned in Rule 145 at page 39 of the C.R. & C.O. (Criminal) Volume 1.

I am therefore to request that the aforesaid instruction may be brought to the notice of all till' Courts subordinate to you for their information and guidance.

Yours faithfully  
Registrar, High Court of Orissa

**No. 1983**

Dated Cuttack, the 17th February, 1984

From

Shri R. N. Panda, M.A.,LL.B.  
Registrar of the High Court of Orissa

To

All the District and Sessions Judges of the State

Subject : Maintenance of the Register of the Attendance of witnesses  
(R)-8 Criminal.

Sir,

I am directed to say that a doubt has been entertained whether in the Register of Attendance of witnesses (R)-8 (Criminal) the serial numbers are to be assigned quarterly or annually.

All the District and Sessions Judges were consulted in the matter. Their reports reveal that in some of the Courts quarterly serial numbers are being assigned to the entries (R)-8 (Criminal) while in other Courts annual consecutive serial numbers are being given to the entries.

On a careful consideration of the matter the Court have been pleased to observe that quarterly serial number should be assigned to the entries in the Register of Attendance of witnesses (R)-8 (Criminal) as it would be convenient for compilation and submission of returns.

I am accordingly to request that the aforesaid instructions of the Court be strictly followed in future by all the Criminal Courts.

Yours faithfully  
R. N. PANDA  
Registrar

**No. 2560-IX 8/80**

Dated Cuttack, the 5th March, 1984

From

Shri R. N. Panda, M.A.,LL.B.  
Registrar of the High Court of Orissa

To

All the District and Sessions Judges of the State

Subject : Whether the periods of substantive sentence of imprisonment and default sentences are to be clubbed together to be entered in Col. 11 in the Register of Warrants of Imprisonment (R)-5.

I am directed to say that a doubt has been entertained as to whether in Column 11 of the Register of Warrant of Imprisonment (R)-S while noting the date of termination of sentence both the substantive sentence and the sentence in default of payment of fine should be clubbed or shown separately. All the District and Sessions Judges of the State were consulted in the matter.

The Court after careful consideration of the views of the Sessions Judges have been pleased to observe that where payment of fine is not made by the date of commitment of the convict to jail to serve out the sentence, the date of termination of substantive sentence and sentence in default of payment of fine, should be shown separately in Column 11 one below the other with a note in the remarks column of the Register that the fine has not been paid by the date of commitment.

I am, accordingly, to request that the aforesaid instructions of the Court may be brought to the notice to all Courts subordinate to you for their information and guidance.

Yours faithfully  
K.C.MOHAPATRA  
For Registrar

**No. 2562-XLIX-D-45/82**

Dated Cuttack, the 15th March, 1984

From

Shri R. N. Panda, M.A.,LL.B.  
Registrar, Orissa High court, Cuttack

To

All the District and Sessions Judges of the State

Subject : Holding of the T.I.Parades and the recording Statements  
of witnesses under Section 164, Cr.P.C.

Sir,

I am directed to invite your attention to Court's letter No. 4840, dated 10.5.1978 in which instructions were issued to hold T.I.Parades promptly whenever approached by the Investigating Officer. It has come to the notice of the Court that inordinate delay is being caused in holding T.I.Parades and the recording statements of witnesses under Section 16 of the Code of Criminal Procedure by the Judicial Magistrates and specially when the records are held up in a higher Court. The Sessions Judges of the State were consulted in the matter.

On a careful consideration of the views of the Sessions Judges the Court have been pleased to observe that in a case where the higher Courts call for records a part file should be opened by keeping therein the copies of the first and last order, FIR and seizure list while sending the original record to the higher Court so that there may not be any difficulty in holding T.!. Parade and recording the statements of witnesses under Section 164 of the Code of Criminal Procedure and confession of the accused, even if the original record has not been received back from the higher Court.

I am to request that the above instructions should be followed scrupulously in future.

Yours faithfully  
S / d.  
For Registrar

**No. 3447-XXXI-I/77**  
**Dated Cuttack, the 30th March, 1984**

From

Shri R. N. Panda, M.A.,LL.B.  
Registrar of the High Court of Orissa

To

All the District and Sessions Judges of the State

Subject : Furnishing a certificate in the bail petition filed under  
Section 439 of the Code of Criminal Procedure, 1973.

Sir,

I am directed to say that it has come to the notice of the Court that in a particular case a bail petition under Section 439, Cr.P.C. Was filed on behalf of the accused before the Court of Sessions at the headquarters station which was rejected by the said Court but on the very same day the same accused filed another petition for bail before the local Assistant Sessions Judge on the self-same grounds and obtained the order of bail resulting in conflicting. orders. A question was raised as to how such a situation can be avoided. All the Sessions Judges of the State were consulted in the matter.

The Court after careful consideration of the views expressed, have been pleased to observe that in law there is no ban in entertaining second application for bail. Second application for bail has however to indicate the subsequent developments, changes circumstances or exceptional situation, if any, entitling the accused to bail.

In the circumstances the Court direct that a petition for bail under Section 439 of the Code of Criminal Procedure, 1973 must contain a certificate showing whether an earlier application for bail had been filed or not in the Court having jurisdiction, to entertain such application. In case any earlier application had been filed, the later petition must specify the particulars of the earlier application and state the circumstances in which the subsequent application

I am to request that the above instructions may be brought to the notice of all Criminal Courts subordinate to you for their information and guidance.

Yours faithfully

R. N. PANDA.

Registrar

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