

THE KARNATAKA CRIMINAL RULES OF PRACTICE, 1968

NOTIFICATION

**No. Sp!. 1 of 1962, dated 19th January 1968
[KARNATAKA GAZETTE, dated 28-3-1968]**

[As Amended by Notification Nos. ROC 2390/1960, dated 7-m-1968 (KGD 24-10-1'968); ROC 1796/68, dated 11/23-12-1968 (KGD 26-12-1968); ROC 3297/68, dated 10-1-1969 (KGD 23-1-1969); ROC 168/69, dated 22/23-1-1969 (KGD 30-1-1969); ROC 3346/N68, dated 26/27-9-1969 (KGD 9-10-1969); ROC 49/69, dated 27-1-1970 (KGD 5-2-1970); ROC 16/70, dated 14-10-1970 (KGD 22-10-1970); LCA-1/499/84, dated 18-8-1993 (KGD 2-9-1993) and LAW 12 LAC 2003, dated 30-12-2003 (KGD 2-9-2004)]

Whereas, it is expedient to have uniform Criminal Rules of Practice throughout the State of Karnataka, in exercise of the powers conferred by Article 227 of the Constitution of India and of all other powers thereunto enabling and with the previous approval of the Governor of Karnataka, the High Court of Karnataka hereby makes the following Rules for the guidance of all Criminal Courts in the State.

CHAPTER I PRELIMINARY

1. (1) These Rules shall be called The Karnataka Criminal Rules of Practice, 1968.

(2) They shall extend to the whole of the State of Karnataka and shall come into force on, '[such date as the High Court of Karnataka may, by notification in the Karnataka Gazette, appoint.]

(3) On the coming into force of these Rules, all previous Rules governing any matter dealt with or covered by these Rules shall stand repealed and all Circulars previously issued shall cease to have effect to the extent to which such Circulars are inconsistent with these Rules:

Provided that, nothing in these Rules shall affect the validity of anything done, any action or decision taken, any disposal made, any order or proceeding made or issued under the previous Rules or Circulars before the commencement of these Rules.

2. (1) In these Rules, unless there is anything repugnant to the subject or context,-

- (a) 'Code' means the Now See Cr.P.C. 1973, (Act 2 of 1974). ²[Code of Criminal Procedure, 1898], as amended, from time to time;
- (b) 'Section' means the section of the Code;
- (c) 'Form' means the form in Appendix I;
- (d) 'Court' means the Court of Session or the Court of a Magistrate;

CASE LAW

Rule 2(d).- Held: By looking into the aims and objects and various provisions of the Mysore Criminal Rules Of Practice, it is apparent that these rules have been framed for the purpose of having uniformity of procedure in respect of subordinate Courts.

1. This rules came into force w.e.f.' 2-1-1969 vide High Court Notification No. ROC (spl.) 1/62 dated 18-10-1968 (KGD 31-10-1968).

2. Now See Cr.P.C. 1973, (Act 2 of 1974).

Under the said 1968 Criminal Rules, especially Rule 2(d) 'Court' means the Court of Session or the Magistrate Court and as these rules are framed in exercise of the jurisdiction under Article 227 of the Constitution of India by the High Court itself for the guidance of all Criminal Courts, viz., Sessions Court and the Magistrate Court, and in the absence of inclusion of High Court in these rules it is clear that the procedure and the provisions under the 1968 Criminal Rules are not at all attracted to the Criminal proceedings in the High Court. The High Court Act and the Rules are framed exclusively for the purpose of procedure restricting the operation of the same only to the cases filed in the High Court and as such it is this Act and the Rules framed thereunder which prevail and not the 1968 Criminal Rules (Mysore Criminal Rules of Practice) (*J. Jaihumar Vs. Yogesh Lemichwal* • *ILR 1998(1) Kar. 494: 1998(2) Kar.L.J..455*).

- (e) 'Magistrate' shall mean a Magistrate belonging to the State Judicial Service;
- (f) 'Charge Sheet' means a report made under Section 173 of the Code by the Police after investigation with a view that the Magistrate may take cognizance of the case.

(2) Terms not defined in sub-rule (1) shall have the meaning assigned to them in the '[Code of Criminal Procedure, 1898], or the Indian Penal Code, 1860, as the case maybe.

CHAPTER II GENERAL

1. The hours of sittings of all Criminal Courts shall be such as may from time to time be determined by the High Court by a Notification issued for the purpose; and until otherwise directed by such Notification, every Criminal Court shall sit on every day (other than a public holiday) from 11 AM. to 2 P.M. and 3 P.M. to 5 P.M.

1. Now See Cr.P.C. 1973, (Act 2 of 1974).

¹[1-A. No Judicial order be made on a Sunday or any public holiday save in cases of absolute urgency.]

2. Forms prescribed by these Rules shall be used for the respective purposes therein mentioned with such variations as the particular circumstances of each case may require.

CHAPTER III PROCESSES

²(Vide Section 68 of the Code)

1. Summons,;,s issued to witnesses shall ordinarily be signed by the Chief Ministerial Officer with the words "By Order of the Court" prefixed to his signature; but Magistrates shall themselves sign the summonses issued to the accused persons. All summonses shall bear the seal of the Court.

2. 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.

CASE LAW

Rules 2 and 7 - Failure to supply a copy of the complaint to the accused along with summons does not vitiate the proceedings. It is purely a procedural irregularity curable under Section 537 of Criminal Procedure Code /*Y. V. Shanthamurthy and another Vs. State of Mysore - 1972(1) Mys.L.j, 569*).

3. In all summonses issued by the Criminal Courts in regional languages, plural of the pronoun shall be used in addressing the persons summoned.

4. All warrants shall be signed by the Judge or the Magistrate, as the case may be, and shall bear the seal of the Court.

1. Rule 1-A inserted by Notification No. ROC 1796/68 dated 11/12-12-1968.

2. Now see Section 61 of Cr.P.C. 1973, (Act 2 of 1974)

5. (1) Summonses to Medical Officers of the Government or Municipal Authority should be served direct on them when their absence from the station is not involved, and the fact intimated to the District Health Officer in the case of Medical Officers in the mofussil or Municipal Authority concerned.

(2) If their attendance in Court involves absence from the station, summonses shall be served through the District Health Officer or Municipal Authority and in case of urgency, advance copies of the summonses shall be served on the Medical Officers direct.

(3) In the case of Superintendents of hospitals and Surgeons, summonses shall be sent to them direct when their absence from station is not involved, the fact being intimated simultaneously to the Director of Medical Services; and when their absence from station is involved, summonses shall be issued through the Director of Medical Services, advance copies being sent to the Officers directly in urgent cases.

(4) In cases where the head of the hospital is the Dean, Surgeons and Assistant Surgeons working under him shall be summoned through the Dean. But in case of urgency, advance copies of the summonses shall be sent to them directly.

Note.- Medical Officers when summoned shall be given preference and examined first. The Presiding Officers of Courts shall see that the absence of such Medical Officers from their duties is as brief as possible.

6. When the serving officer delivers or tenders a copy of the summons to the person sought to be served personally or to an agent or other person on his behalf, he shall require the signature of the person to whom the copy is so delivered or tendered to an acknowledgment of service endorsed on the original summons.

7. In a case instituted upon a complaint, a copy of the complaint shall be served on the accused along with the summons.

*8. All processes shall be served or executed by the Police unless the Court which issues the processes otherwise directs,

¹[Read with Section 68 (2) of the Code]

¹Criminal Circular No. ROC 2762-62, dated 19th November, 1962.

The Presiding Officers of Criminal Courts are hereby directed to forward hereafter, the processes in all judicial proceedings concerning Railways, direct to the General Manager, the Deputy Manager, or the Chief Administrative Officer of the Railway concerned, instead of serving them on the Secretary to the Railway Board or any other **official of the Board and also to see that these processes are addressed with specific designation and accompanied invariably by a copy of the complaint or petition, as the case may be.**

9. In witness summonses issued to persons residing outside the State of Karnataka for giving evidence in Criminal Courts, a foot-note to the effect that travelling allowances will be paid in accordance with the rules shall be added.

10. A summons or process intended to be served on military personnel or on any person residing outside the State shall be either in English or be accompanied by a translation thereof in English.

*11. No Court shall issue any process to compel the attendance of a State prisoner and the evidence of such person, whenever necessary, shall be taken in the jail itself.

Explanation.- State prisoner in this Rule means a person in respect of whom an order made by the State

1. Now see Section 62(1) of Cr.P.C. 1973, (Act 2 of 1974).

* **Vide Section 3 and 4 of the Prisoners (Attendance in Courts) Act, 1955 (Central Act No. 32 of 1955).**

Government under Section 4 of the Prisoners (Attendance in Courts) Act, 1955 (Central Act No. 32 of 1955) is in force.

'12, (1) Any Criminal Court may, if it thinks that the evidence of any prisoner other than the one mentioned in Rule 11 is material in any matter pending before it, make an order in Form No. 1 and send the same to the officer-in-charge of the prison wherein such prisoner is confined.

(2) Any Criminal Court may, if a charge of an offence made against a person confined in any prison is pending before it, make an order in Form No. 2 and send the same to the officer in charge of the prison,

CHAPTER IV CASES OF ABSCONDING ACCUSED

1. When process has been issued for the attendance of the accused, but the case has remained pending for a period of six months owing to the non-appearance of the accused and the Magistrate is satisfied that the presence of such accused cannot be secured within a reasonable time or when the accused person found to be of unsound mind is released under '[Section 466 (1)] or detained in safe custody under '[Section 466(2)] of the Code, the Magistrate shall report the case for the orders of the Sessions Judge; who may, if he thinks fit, order that the name of such accused shall be removed from the Register of Criminal Cases (Register No. III). The case shall then be entered in the Register of Long Pending Cases (Register No. XIII), to be maintained by all Magistrates;

* **Vide Section 3 and 4 of the Prisoners (Attendance in Courts) Act, 1955 (Central Act No. 32 of 1955).**

1. Now See Section 330(1) of Cr.P.C. 1973, (Act 2 of 1974).
 2. Now See Section 330(1) of Cr.P.C. 1973, (Act 2 of 1974).
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Provided that, before making such a report to the Sessions Judge, the Magistrate shall have complied with the requirements of ¹[Section 87 and 88] of the Code and, whenever practicable, the provisions of ²[Section 512].

CASE LAW

Rule 1 • Magistrate cannot pass an order of committal against the accused who is not produced before him. In such a contingency, the magistrate should adopt the procedure prescribed in Rule 1, and seek permission to remove the case from the register of criminal cases and enter it in the register of long pending cases (*State of Mysore Vs. Anten Bastynau Vaniyache Siddi - 1972(1) Mys.L.J. 573 (DB)*).

2. When there are several accused persons in a case and only some of them have appeared or have been produced before the Court or some of the accused have remained absent or having appeared or having been produced, remain absent at subsequent stages, if the Magistrate is satisfied that the presence of those accused cannot be secured within a reasonable time, he shall proceed with the case as against such of the accused as are present and dispose it of according to law. *AB* regards the other accused, he shall give the case a new number and enter it in the Register of Criminal Cases (Register No. III) and, if it remains pending for six months or more and efforts to secure the presence of the accused have failed and the case against the accused who have appeared has been disposed of, the Magistrate shall report to the Sessions Judge, who may direct that the case against the absentee accused be removed to the Register of Long Pending Cases (Register No, **XIII**):

Provided that, before making such a report to the Sessions Judge, the Magistrate shall have complied with

1. Now See Section 82 and 83 of Cr.P.C. 1973, (Act 2 of 1974).

2. Now See Section 299 of Cr.P.C. 1973, (Act 2 of 1974)..

the requirements of '[Sections 87 and 88] of the Code and, whenever practicable, the provisions of ²[Section 512].

CASE LAW

Rule 2 - Substituted service of summons to accused in Criminal trial is permissible - Held, In a criminal trial where the presence of the accused is a must and where the presence of the accused could not be secured in the manner known to law within a reasonable time, the case against such accused will have to be split up in the manner as provided under Chapter fV of the Karnataka Criminal Rules of Practice and the case against the remaining accused who are present before the Court could be proceeded with further in accordance with law. The same will be the procedure applicable even in cases instituted for the alleged offences under Section 138 of the Negotiable Instruments Act. (*Mis. Mac Charles (I) Ltd. Vs. Chandrashekar and another*, ILR 2005 (3) Kar. 3648: 2005 AIR Kant H.C.R. 2038 : 2005(2) KCCR 2202: 2005 Cri.L.J 3700 : 2006(2) Kar.LJ 570 (DB)).

3. (1) Before directing the transfer of a case, other than a case dealt with under '[Sections 466(1) and 466(2)] of the Code, to the Register of Long Pending Cases (Register No. XIII) the Sessions Judge shall satisfy himself that all reasonable steps have been taken to follow the procedure prescribed under '[Sections 87 and 88] and also, when practicable, that the provisions of Now See Section 299 of Cr.P.C. 1973, (Act 2 of 1974). ⁵[Section 512] of the Code have been complied with.

(2) Every Sessions Judge shall furnish to the High Court a list of cases directed by him to be transferred to the Register of Long Pending Cases (Register No. XIII) during each quarter. Such list shall be submitted in the first half of the month succeeding the quarter.

1. Now See Sections 82 and 83 of Cr.P.C. 1973, (Act 2 of 1974).

2. Now See Section 299 of Cr.P.C. 1973, (Act 2 of 1974).

3. Now See Sections 330(1) & 330(2) of Cr.P.C. 1973, (Act 2 of 1974).

4. Now See Sections 82 and 83 of Cr.P.C. 1973, (Act 2 of 1974).

5. Now See Section 330(2) of Cr.P.C. 1973, (Act 2 of 1974).

4. If subsequently, the absentee accused or any of them are produced or appear before the Magistrate, or the accused who was insane ceases to be insane, the case against them shall be registered under a new number and proceeded with in accordance with law.

5. If an accused person before the Court of Session has been released under Now See Section 330(1) of Cr.P.C. 1973, (Act 2 of 1974). ¹[Section 466(1)] or detained in safe custody under ²[Section 466(2)] of the Code and the case has not been proceeded with for six months and there is no reasonable prospect of the trial of the accused being resumed within six months after the date of the order on account of the accused not being traced or not being capable or undergoing trial on account of his continued insanity, the Court may, with the previous approval of the High Court, transfer the case to the Register of Long Pending Cases (Register No. XIII):

Provided that, in the case of absconding accused, action shall have been taken under '[Section 87 and 88] of the Code and to enforce the bond of the surety, if any, and whenever practicable, under ⁴[Section 512] thereof.

CASE LAW

Chapter 4.- Where the accused is absconding in a warrant case, the correct procedure to be followed is that after obtaining the permission of the Sessions Judge the case has to be entered in the register of long pending cases. Offences under Sections 354 and 324 of L.P.C., are warrant cases and the above procedure applies. (State of Karnataka Vs. Lambadi Chandranaik - 1996(2) Kar.L.J. 157).

¹ Now See Section 330(1) of Cr.P.C. 1973, (Act 2 of 1974).

² Now See Section 330(2) of Cr.P.C. 1973, (Act 2 of 1974).

³ Now See Sections 82 and 83 of Cr.P.C. 1973, (Act 2 of 1974).

⁴ Now See Section 299 of Cr.P.C. 1973, (Act 2 of 1974).

CHAPTER V INVESTIGATION AND PROSECUTION

A. Investigation

***1. Report under Section 154.-** (1) On receipt of the report of the Police Officer under Section 154 of the Code, the Magistrate shall make a note on the report of the date and time of the receipt thereof and initial the same. Before initialling, the Magistrate shall also endorse on the report whether the same has been received by post or muddam.

¹Criminal Circular No. ROC 3031-62, dated 30th November 1962.

In almost all the Criminal Appeals coming up for hearing from the Bombay Area, it has been noticed that the F.I.Rs. sent to the jurisdictional Magistrates will not be in the records of either the Sessions Court or the committing Magistrate's Court. It appears that the practice followed by the Magistrates in this area is to file the F.I.Rs. separately. The result of this practice is that F.I.Rs sent to the **jurisdictional Magistrates will not at all be available for reference either** by the Sessions Judge or by the High Court in appeal.

It is very necessary that, as an invariable practice, the F.I.Rs sent to the jurisdictional Magistrates (or to any other Magistrate) should be available in the records pertaining to the committal proceedings.

All the Judicial Magistrates in the Bombay Area who receive the F.I.Rs. are hereby directed to see that the same F.I.R. is placed in the records of the case, once the charge sheet is placed by the police. When the F.I.R. has been received by some Magistrate other than the trial or committing Magistrate, he should send the same without delay, to the Court of trying or committing Magistrates. Whenever a Magistrate takes up a case for enquiry or trial he ought to see that the F.I.R. sent by the police in respect of that offence is available in the records of that case. It is also impressed upon the Magistrates that there is necessity to note on the F.I.Rs. the date and time of the receipt **of the same and initial thereunder.**

(2) The report shall be entered in Register No. I.

2. (1) When a Magistrate directs an investigation of a case under Sections 155(2), 156(3) or 202 of the Code, he shall specify in his order the rank and designation of the Police Officer or the Police Officers by whom the investigation shall be conducted.

Note.- Ordinarily the investigation should be directed to be held by a Police Officer below the rank of an Assistant Superintendent of Police. But where for special reasons to be recorded in writing, the Magistrate considers it necessary that the investigation should be held by an officer of superior rank, he may direct an Assistant Superintendent of Police to conduct the investigation.

(2) Magistrates shall take proper steps to enforce the prompt submission of the final report in cases referred by them to the Police for investigation.

3. (1) Application for Remand under Section 167.- An application for remand to police custody shall mention the grounds and shall also be accompanied by a copy of all entries made up to that stage in the diary maintained under Section 172(1) of the Code.

(2) The order remanding the accused person to police custody should be made in the presence of the prisoner and after hearing any objection he may put forward to the proposed order.

(3) Such remand shall be granted only for sufficient reasons to be recorded in writing and only for such period as the Magistrate considers necessary.

[Vide Section 167(2), (3) and (4) of the Code]

(4) An accused person who has been produced before a Magistrate for the purpose of making a confession and who has declined to make the same or has made a statement shall not be remanded to police custody.

On his remand to judicial custody, the Police Officers shall not, except in the presence of a Magistrate, be allowed either to see him or to have any communication with him.

4. When a requisition for recording a statement under Section 164 of the Code is received by a Magistrate having jurisdiction to try the offence or commit the accused for trial, he shall direct the accused to be taken before another Magistrate for that purpose, unless the Magistrate, for reasons to be recorded in writing, deems fit to record the statement himself; and when he does so, he shall report the case to the Sessions Judge, who may take case on his own file or refer it to another Magistrate.

5. Recording of Confession Statements.- (1) When an accused person is produced before a Magistrate for recording a confession statement, the Magistrate shall explain to him that he is before a Magistrate, that he is under no obligation at all to make any statement, that he is free to make a statement or refrain from making any as he pleases, that it is not intended to take him as an approver and that anything said by him will be taken down and thereafter may be used as evidence against him.

The Magistrate shall make a record of the fact that he has complied with the above requirements.

[Vide Section 164 (2) of the Code]

- (2) (a) A Magistrate may put such questions as he considers necessary to assure himself that the accused is making the statement voluntarily.
- (b) Further, the Magistrate shall put the following questions:-
- (i) When were you arrested?
 - (ii) When did the police first question you?
 - (iii) How often did they question you?
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- (iv) Were you detained anywhere before you were taken to custody? If so, when and where?
- (v) Were you induced to make a confession statement and are you making the statement as a result of any ill-treatment?

(c) The questions put by the Magistrate as well as the answers given by the accused shall be reduced to writing.

(3) If the accused person, after being so questioned still expresses a desire to make a statement, the Magistrate shall give him reasonable time for reflection, which shall ordinarily be not less than 24 hours. During this period he shall be kept in judicial custody.

CASE LAW

Rule 5(3) and Cr.P.C. 1898, Section 164.- Magistrate has to give reasonable time to the accused for reflection, which should not ordinarily be less than 24 hours. (*Yusuff Sab Vs. State of Mysore - 1973(2) Mys.L.J. (SN) 138*).

(4) When the accused person is produced before the Magistrate after the expiry of the period so granted, he shall again warn the accused that he is not bound to make any statement and that any statement made by him may be used against him during the trial of the case.

(5) If the accused still desires to make a statement, and the Magistrate is satisfied that he is doing so voluntarily, the Magistrate shall record the statement of the accused.

(6) The Magistrate shall record the statement of the accused in Court and during court hours, save for exceptional reasons to be recorded in writing.

(7) The Magistrate shall see that during the questioning of the accused and the recording of his statement, there are no police officers either in the Court-house or in the vicinity.

(8) Every question put to the accused and every answer made by him shall be recorded in full.

(9) The accused person shall be questioned in the language known to him and the answer given by him shall be recorded in his own words, as far as possible,

(10) After recording the statement of the accused, the same shall be read out and explained to him in the language known to him and the fact of having read the statement to the accused and the accused having admitted its correctness shall be recorded.

(11) The Magistrate shall thereafter append a certificate as required by Section 164(3) of the Code.

•B. Prosecution

¹Criminal Circular No. 8, dated 26th August 1963.

Withdrawal from prosecution under ¹[Section 494], Code of Criminal Procedure.-Though ²[Section 494] does not prescribe that **reasons should be given or recorded, it is necessary in the interest of justice** that the Judge should require the Public Prosecutor to state the reasons for withdrawing from the prosecution. It is also desirable that the Judge should record the reasons for giving his consent to such withdrawal. If no reasons are given by the Public Prosecutor, it will not be possible for the Court to consider the question concerning the giving of consent in a judicial manner. If the Public Prosecutor submits **that the reasons are of a confidential nature, such as, for reasons of State, the Court should require him to furnish an affidavit of some responsible officer of the State who has dealt with the matter to the effect that it would not be in the public interest to disclose them. Where such an affidavit is given it will then be for the Judge or Magistrate to decide whether considering the nature of the case, he should give his consent without further disclosure of reasons.**

1. Now See Section 321 of Cr.P.C. 1973, (Act 2 of 1974).

2. Now See Section 321 of Cr.P.C. 1973, (Act 2 of 1974).

¹ [6. (1) Every Advocate appearing for the prosecution in any criminal proceedings other than criminal appeals shall file in Court a vakalatnama from his client authorizing him so to appear. In all criminal appeals, such Advocate shall file either a vakalatnama or a memorandum of appearance. Such memorandum of appearance vakalatnama shall contain enrolment number and address of the Advocate representing the accused either in a printed form or affixed by a rubber stamp or written by hand.

(2) Every such Advocate defending an accused person in any criminal proceedings in any Court shall file a vakalatnama or a memorandum of appearance containing a declaration that he has been duly instructed to appear by or on behalf of the party whom he claims to represent, every such memorandum of appearance or vakalatnama shall contain the enrolment number and address of the Advocate representing the accused, either in a printed form or affixed by a rubber stamp or written by hand. It shall clearly mention the name and address of the person who has given, instruction to him to represent the accused:

Provided that where memorandum of appearance or vakalatnama is being filed by more than one Advocate, it is sufficient if the name and address of the senior most among them is furnished.]

CASE LAW

Rule 6 & Cr.P.C. 1973, Section 317.- It is not necessary for an advocate or pleader appearing on behalf of accused in a Criminal case in the Court of Magistrate to file vakalatnama. (K. Subba Rao Vs. State of Karnataka -1979(1) Kar.L.J. 148).

7. (1) A vakalatnama shall be executed before, or its execution attested by any of following persons:-

1. Rule 6 substituted by Notification No. LAW 12 LAC 2003, dated 30-12-2003, w.e.f. 2-9-2004.

Any Judicial Officer; Registrar, Deputy Registrar or Assistant Registrar of a High Court; a Sheristedar, Head Munshi or Head Clerk of any Civil Court; a Member of the Parliament of India; a Member of the Legislative Assembly or Council of any State in India; a Member of any Taluk Board, Municipal Council or Panchayat; a Shanbogue, a Patel, a Village Munsiff; any Advocate on the rolls of the Supreme Court or of any High Court in India including the Advocate in whose favour the vakalatnama is executed; any Pleader or other Legal Practitioner.

(2) If the person executing the vakalatnama appears to the attesor to be blind, illiterate or unacquainted with the language in which the vakalatnama is written, the attesor shall certify that the vakalatnama was read over and explained to the executant in a language known to him in the presence of the attesor and that the executant seemed to understand the same and made his signature or mark in his presence.

¹[(3) Every memorandum of appearance or vakalatnama submitted by the Advocate containing the enrolment number and address either in a printed form or affixed by a rubber stamp or written by hand shall be recorded by the office in the computer or in the relevant register.]

(4) A complainant who has engaged a pleader or an advocate to appear for him shall not be entitled to be heard in person unless he withdraws the vakalatnama executed by him.

8. (1) Notwithstanding the termination of all proceedings in the trial or inquiry, the appointment of a pleader in a criminal case shall, unless otherwise

1. Sub-rule (3) substituted by Notification No. LAW 12, LAC 2003, dated 30-12-2003, w.e.f. 2-9-2004.

provided for 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.

(2) A pleader or an advocate shall not be entitled to take delivery of the property or documents on behalf of his client in the absence of a provision for such delivery in his vakalatnama or power-of-attorney specially authorising him to take delivery of the property or documents.

9. A complaint in writing shall be accompanied by a sufficient number of copies to be served on each of the accused persons.

10. Charge Sheet. (1) As soon as a charge sheet is received by a Magistrate, he shall put his initials on the same together with the date of its receipt. The same shall be entered in Register No. I. The entries in the said Register shall show the number and names of the accused persons and the offences mentioned in the charge sheet. It shall be the responsibility of the Chief Ministerial Officer of the Court to see that such entries are made immediately after the charge sheet is initialled by the Magistrate.

(2) The charge sheet shall be examined and the Magistrate shall ascertain and take steps to secure, if not already produced:-

- (i) the documents referred to in the charge sheet or certified extracts thereof in the case of books or Registers in the custody of Public Officers;
- (ii) the property seized in the case; and
- (iii) the report under Section 154 of the Code.

(3) When the Magistrate sees sufficient grounds to

proceed with the case and issues process to the accused the charge sheet shall be entered in the Register of Crimin_al Cases (Register No. III).

11. On receipt of a complaint, the Magistrate shall have the same entered in Register No. II and shall have it entered in Register No. III, if he sees sufficient grounds to proceed and orders issue of process to the accused.

CHAPTER VI
PRELIMINARY INQUIRY
(Read with Sections 207 and 207A-
Chapter XVIII of the Code)

1. Preference should be given to preliminary inquiries over other work and they should be conducted from day to day, as far as practicable.

2. In every case in which time taken between the date of receipt of the charge sheet and the date of the committal order exceeds six weeks, the Committing Magistrates should furnish an explanation for the delay and the same should be attached to the copy of the committal order sent to the Sessions Judge, who, whenever he considers that there has been an unreasonable delay, shall report the matter to the High Court.

3. (1) In all committal proceedings the Magistrate shall draw up a resume or statement of the case containing the reasons for the order and file it with the records, whether the accused is discharged or committed to the Court of Session and send a copy thereof within one week of making such order to the Sessions Judge.

(2) The Magistrates shall send the record of the inquiry with the charge and the order directly to the Sessions Judge, reporting at the same time the section

under which the offence charged is punishable and the number of witnesses cited for the prosecution and for the defence and estimating the probable duration of the trial. The Court of Session shall then fix a date for trial and inform him of the date fixed mentioning the date or dates for which witnesses and the accused should be summoned or bound over. Upon receipt of this intimation the Magistrate shall cause all the non-official witnesses for the prosecution as well as for the defence to be summoned before him and bind over for appearance in the Court of Session on the dates indicated by the Sessions Judge for the examination of those witnesses. He shall also issue summonses in good time to the official witnesses for their appearance before the Court of Session on the dates mentioned in the summonses. Thereafter he shall forward to the Court of Session all the material objects in the case.

(3) Along with his report, the Magistrate shall also intimate the Sessions Judge whether the accused or any of them, is or is not able to engage a counsel for his defence in the Court of Session, after making such enquiries about the means of the accused to defend his case as the Magistrate deems fit.

4. In sending up the lists of witnesses in cases committed to the Courts of Session, the Magistrate shall note how each witness is classed by him under the rules for the payment of the expenses of witnesses:

CHAPTER VII ENQUIRY AND TRIAL BEFORE A MAGISTRATE OR A COURT OF SESSION

'A-General

••1. (1) All Judges and Magistrates shall record in their own writing in the order sheet in Form No. 3 all proceedings and orders of the Court as and when the proceedings take place and the orders are pronounced and shall initial the same:

' Criminal Circular No. 7, dated 26th August 1963.

The High Court impresses upon all Sessions Judges, Assistant Sessions Judges, District Magistrates and all other subordinate Magistrates in the State the desirability of issuing as far as possible commissions under '[Section 503 of the Code of Criminal Procedure; 1898], for the examination of the officers of the Indian Security Press, 'the Currency Note Press and the Central Stamp Stores, Nasik Road' whenever their evidence is required in cases arising out of forged currency notes, stamps (Postal, Revenue, Judicial, etc.) Petrol coupons, Excise banderols and the like which are manufactured in the Indian Security Press and the Currency Note Press, instead of summoning such offices from their headquarters to give evidence in Courts

"Criminal Circular No. ROG (P) 7-61 C.B., dated October 1962

It has come to the notice of the High Court that in some of the subordinate criminal courts there is a practice of using the rubber stamps of the character noted below for passing orders instead of order being written in hand by the Presiding Magistrate and in one of the Courts, in a summons case, the Magistrate issued a non-bailable warrant to the accused before issue of summons to him by using the rubber stamp mentioned at serial No. 1. In not having issued a summons to the accused in the first instance, the Magistrate failed to comply with the provisions of Section 204 of the Code of Criminal Procedure. Even taking into account all the circumstances, it is clear that the Magistrate had not fully appreciated the serious consequences that may result to a person against whom a non-bailable warrant is issued and that an order for the issue of such a warrant should have been made only after being fully satisfied that it was necessary to secure the presence of the person concerned. The need for being so satisfied was the greater

1. Now See Section 284(1) of Cr.P.C. 1973, (Act 2 of 1974)

in a summons case. and the order has obviously been made in a mechanical way.

1. "Charge sheet presented by the Prosecuting P.I. Accused absent though served with Police Notice. Issue N.B. Warrant by ".
2. "Prosecution report explained in Kannada. Accused pleads ".
3. "Convicted under Now See Section 252 of Cr.P.C. 1973, (Act 2 of 1974). ¹[Section 243 Criminal Procedure Code] and sentenced to pay a fine of Rs..... in default S.I. for days".
4. "Found guilty. Convicted under section..... sentenced to pay a fine Rs.. ,..... dated.....19."
5. "**Order Issue process under section.....Indian Penal Code**".
6. "Questions-You have heard the charge now read over and explained to you. Do you plead guilty?
Answer ".
7. "The accused pleads guilty. The plea is accepted and he is convicted and sentenced to pay a fine of Rs1/D he shall undergo simple imprisonment for
8. "Read over, interpreted and admitted correct'.

The High Court, after carefully considering the matter and with a **view to prevent recurrence of such incidents, hereby impresses upon** all the Magistrates the need to exercise due caution before issue of non-bailable warrants. The use of rubber stamps for the purpose of issuing orders should be discontinued and all orders by Magistrates should be either written in their own hand or typed to dictation and signed by them. The use of rubber stamps for the purpose is irregular **and if it recurs, will call for severe notice.**

Provided that Judges and Magistrates may write out any order in the order sheet, or may have the same typed to their dictation on separate sheet or sheets of paper. In the latter event, the result thereof shall be recorded in the order sheet in the writing of the Judge or Magistrate.

(2) Whenever a judgment is pronounced, the result shall be noted in the hand of the Judge or the

Magistrate in the order sheet and the same shall be initialled and dated by him.

2. Every time an inquiry or trial is adjourned, the order of the Court in writing giving reasons therefor shall be recorded in the order sheet.

3. *(1) A Magistrate taking up a case for trial should, ordinarily, proceed with the trial from day-to-day until it is completed. No witness shall as a rule be sent back without examination except for unavoidable reasons to be recorded in writing.

"Criminal Circular No. 6, dated 26th August 1963

It has been brought to the notice of the High Court that a good **number of cases in which the accused are in detention are pending** disposal in the Courts of Magistrates for more than two months.

The High Court desires to emphasise the need for the expeditious **disposal of such cases. One of the cardinal principles of Criminal Law** is that no one should be detained in prison even for a day longer than is absolutely necessary. All Magistrates should take steps to see that the period of detention of under-trial prisoners is rendered as short as possible by giving priority to such cases. The District Magistrates and **Sessions Judges are requested to watch such cases and wherever** there is avoidable delay, it may be reported to the High Court

** (2) In every case in which the age of the accused is relevant either for the purpose of conviction or of the sentence to be imposed or for any other purpose; evidence should be taken for determining the age.

"Criminal Circular No. 9, dated 26th August 1963

At the conclusion of the judicial proceedings, mercy petitions are often based upon the alleged youthfulness of the condemned prisoners **and the ages mentioned in such petitions differ widely from the ages** noted by the Magistrates or Sessions Judges at the time when the **statements of the accused are recorded before them and it is not clear** from the records on what basis these ages are recorded. The High Court therefore directs that, in the first instance each accused at the time of his examination by the Magistrate or the Sessions Judge, should be specifically asked as to what his age is, and that age should be recorded. If the Magistrate or the Sessions Judge suspects that the age stated by the accused, having regard to the general appearance of the accused or some other reason, has not been correctly stated-it is

either an over-estimate or an underestimate-then the Magistrate or the Sessions Judge should note his own estimate about the age of the accused. If any documentary evidence on the point of age is readily available, the prosecution should be asked to produce it

4. Ordinarily a witness shall give evidence standing. The Presiding Judge or Magistrate may permit the witness to give evidence seated. In exercising his discretion in this behalf the Magistrate shall have regard to the age, or state of health of the witness, or any other relevant consideration.

5. Before granting permission under ¹[Section 4(r) (2) of the Code] to any person to represent the accused, it shall be lawful for the Court to enquire about the antecedents of such person and call for information regarding his general character and suitability for the purpose.

6. If it is proposed to prove more than one previous conviction against an accused person for the purpose of affecting his punishment, they should not be lumped in one head of charge, but should be set forth separately each under a distinct head of charge.

B-Recording of Evidence

*7. After the evidence of a witness is read over or interpreted to him as required by ²[Section 360 of the Code] and admitted by the witness to be correct, the Magistrate or Judge shall append a certificate to the effect that the deposition has been so read over or interpreted to the witness and was admitted by the witness to be correct.

• Criminal Circular No. ROG 2936-1961, dated 18th December, 1961

In Criminal Appeal No. 3- 1959 which was preferred against the conviction and sentence passed by the Sessions Judge, for an offence

1. Now See Section 2(a) of Cr.P.C. 1973, (Act 2 of 1974).

2. Now See Section 278 of Cr.P.C. 1973, (Act 2 of 1974).

under Section 302, Indian penal Code, the High Court has observed as follows:-

"Towards the end of the deposition of P.W. 5 in that portion which **is referred to under the heading 'Re-cross examination, in the original deposition**, we find one sentence which does not convey full meaning. That sentence runs as follows:-

'As the skin ¹[was] the nose, eyes and other parts of the face were not identifiable'.

The incongruity of this sentence would have been noticed if the deposition of this witness had been read over and interpreted to the witness after the deposition had been taken down. We find from the original deposition sheet that there is no certificate by the learned Sessions Judge to the effect that the deposition had been read over interpreted to the witness and admitted by the witness to be correct. We wish to stress the importance of the court strictly following the **correct procedure, particularly in a trial where the accused person stands charged with having committed such a serious offence as this**. Particular care should be taken to avoid anything which may give ground for objection that the deposition of a witness had not been read over to him."

The High Court desires to draw the attention of all the subordinate Courts to ²[Section 360 of the Code of the Criminal Procedure] and directs that the procedure prescribed should be strictly followed.

8. If the Judge or Magistrate does not understand the language in which the evidence is given or when he cannot interpret it in the language understood by the accused, he may require any competent person to be the interpreter and record his sworn statement that he knows the two languages which he has to interpret and that he will truly and correctly interpret the same.

CASE LAW

Rule 8 - Transfer of case from one State to another State - Talcng and recording of evidence - Change in language of Court - Translation of evidence - Entire evidence recorded by transferor Court will not become redundant and not required to be scrapped - Held, to know the evidence, understand and appreciate same, it does

1. Substituted by Corrigendum ROC No. 168/69 dated 22/23-1-1969.
2. Now See Section 278 of Cr.P.C. 1973, (Act 2 of 1974).

not require recalling of witness for fresh recording. Recoding of fresh evidence is not scope of either Section 277 or Section 278 of Cr.P.C. - However, in view of transfer for the convenience evidence is required to be translated. (Selvi J. Jayalaitha Vs. State, 2011 (3) Kar.L.J. 187: 2011(1) AIR Kar.R. 532: 2011(4) KCCR 3184)

9. A Judge or Magistrate may pay a reasonable fee, having regard to the time and work involved, to such interpreter not exceeding ¹[Rs. 50 per day] ordinarily for interpreting the deposition of a witness or witnesses.

Such payment shall be made out of the amount granted to the court towards the payment of batta to witnesses. Every such payment shall be evidenced by a proper voucher.

10. The witnesses for the prosecution shall be serially numbered as P.W. 1, P.W. 2, P.W. 3, etc., in the order of their examination; the witnesses for the accused will also be similarly numbered as D.W. 1, D.W. 2, D.W. 3, etc., and the witnesses examined as Court witnesses be numbered as C.W. 1, C.W. 2, C.W. 3, etc.

C-Documents

11. When a document produced before the Court is either illegible or badly written, the Court may require the production of a typed or neatly written copy of the document.

12. Only documents admitted in evidence shall be marked as Exhibits and they shall be serially numbered as hereinafter provided.

13. (1) The Exhibits relied upon by the prosecution shall be marked as Ex. P-1, P-2, P-3, etc., those relied upon by the accused as Ex.D-1, D-2, D-3, etc., and those marked as Court Exhibits as Ex. C-1, C-2, C-3 etc.

1. Substituted for "Rs. 5" by Notification No. LCA 1/499/84 dated 18-8-1993 [KGD 2-9 1993].

* (2) Whenever a portion of an exhibit for the prosecution is separately marked as an Exhibit for the prosecution, such separate portion shall be indicated by giving a sub-number, e.g., Ex. P-1 (a), Ex. P-1 (b), Ex. P-1 (c) and so on, Whenever any portion of a document exhibited for the prosecution is required by the defence to be marked as defence exhibit, such portion shall be given a separate number indicating that it is a defence exhibit like Ex. D-1, Ex. D-2, and so on, as the case may be. The same rule shall *mutatis mutandis* apply when marking portions of defence exhibits of Court exhibits.

'Criminal Circular No. 5, dated 26th August 1963.

It has come to the notice of the High Court that while recording depositions of witnesses, portions of their previous statements which are sought to be marked as exhibits are not reproduced in the body of depositions, but are indicated only as Exhibit-A or Exhibit-I, P(1) or D(1) and the concerned portions in the original statements are indicated by similar exhibit marks, and are enclosed within brackets, etc. This method has led to mistakes many a time of a very "serious nature, as it is not possible to know the exact portions marked as exhibits without referring to the relevant portions of the original statements, which are often found not to have been marked accurately. **To obviate such inconveniences and mistakes, it is desirable to incorporate in the deposition itself the actual words or sentences of the previous statements sought to be marked as exhibits in addition to marking as exhibits the said portion in the originals, unless the whole of the statement is marked as an exhibit.**

(3) A list of the documents admitted in evidence on behalf of the prosecution and another of documents admitted in evidence for the defence shall be prepared in Form No. 4 and be signed by the Judge/Magistrate. The documents shall be entered in these lists in the order in which they are marked.

14. Subject to any order passed by the Court in that behalf, any person, whether a party to a proceeding or not, desirous of receiving back any document produced by him in the proceedings and placed on the record shall, unless the document is impounded under Section 104 of the Code, be entitled to receive back the same;

- (a) where the proceeding is one in which an appeal is not allowed, when the proceeding has terminated; and
- (b) where the proceeding is one in which an appeal is allowed, when the Court is satisfied that the time for preferring the appeal has elapsed and that no appeal has been preferred, or, if an appeal has been preferred, when the appeal has been disposed of.

15. Summoning of a document from another Court or Public officer.- Before issuing a summons for the production of a document in the custody of another Court or Public Officer, the Court shall consider whether the party applying for such summons should not be required to obtain and file a certified copy thereof. The original shall ordinarily be summoned only if the Court is satisfied that it would entail unreasonable expense or delay to obtain a certified copy or that the production of the original is necessary for the purposes of the case.

- 16.** (a) When an article produced in a Court is admitted in evidence, it shall be marked by the Court thus; M.0.1, M.0.2, etc;
- (b) A list of such articles admitted in evidence shall be prepared in Form No. 5 and be signed by the Judge or Magistrate. The articles shall be entered in the list in the order in which they are marked;
 - (c) No article which has been admitted in evidence shall be returned or destroyed until the period for preferring the appeal has expired or until if an appeal is preferred, the appeal has been disposed of.
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D-Arguments and Judgments

17. Ordinarily arguments will be heard immediately after the evidence in the case is closed.

18. Whenever a Court does not pronounce a judgment immediately after the hearing of the arguments but reserves it for being pronounced for some subsequent time, the Court shall fix a date for the pronouncement of such judgment and shall enter that date in the order sheet (Form No. 3) as well as in the Court Diary (Register No. X) referred to in Rule 5 of Chapter X. If on such date the Court does not pronounce the judgment but adjourns the same to a future date, the same shall also be noted accordingly.

19. Where Indian dates are mentioned in judgments, the corresponding English dates should be added and in judgments the use of words in regional language where their English equivalents can be used without detriment to the sense, should always be avoided. If a word in regional language is used, its nearest English equivalent should be added in brackets.

20. (1) A judgment, if not pronounced immediately after the case is concluded, shall be pronounced within 14 days from the date on which the case concludes.

(2) If for any reason a judgment is not pronounced within the period prescribed in sub-rule (1), the Judge or Magistrate shall record in the order sheet (Form No. 3) the reasons for the delay in pronouncing the judgment.

21. The lists of the witnesses examined, of the documents admitted in evidence on each side and of the material objects produced and marked in the case shall be appended to the judgment.

22. In all cases to which Section 75 of the Indian Penal Code, 1860, is applicable and in which previous convictions are proved against the accused person or admitted by him, Sessions Judges/ Magistrates should append to their judgments a table showing the previous convictions in Form No. 6.

23. No copy of the judgment shall be prepared until the judgment is pronounced in open Court and signed.

***24.** Subject to the provisions of ¹[Section 371 (1) of the Code], an accused must be provided with a copy of the judgment expeditiously in a case of conviction; and, when he is in custody, within 24 hours of the judgment.

• Criminal Circular No. ROG 1661-60, dated July 1962,

In the matter of following the provisions of ²[Section 371(4) of the Criminal Procedure Code], the High Court issues the following instructions to the subordinate criminal courts in the State.

The provisions of ¹[Section 371(4) of the Criminal Procedure Code] are mandatory and should be followed by all the concerned Courts, While doing so, where a copy of the judgment is ready for being given to the accused (who has been sentenced to imprisonment), the same may be delivered to him, soon after judgment. If such a copy is not ready, then a copy of the findings and sentence shall be given to him, soon after judgment is pronounced.

CHAPTER VIII COURT OF SESSION

1. Cases committed to the Court of Session shall be filed and numbered. on the date of the receipt of the intimation of the committal order and they shall continue to bear the same number even when they are transferred to the file of the Assistant or Additional Sessions Judge.

1. Now See Section 363(2) of Cr.P.c. 1973, (Act 2 of 1974).

2. Now See Section 363(1) of Cr.P.c. 1973, (Act 2 of 1974).

3. Now See Section 363(1) of Cr.P.c. 1973, (Act 2 of 1974).

¹ [1 -A. As soon as the record of a sessions case or a case under appeal or revision is received by a Sessions Court from the committing Court or the Trial Court, as the case may be, the Chief Ministerial Officer of the Court will arrange to get the necessary number of paper books prepared by the typists or copyists working under him.

(i) The paper book shall contain copies of the following:-

- (a) The Order Sheet;
- (b) The list of property;
- (c) The complaint (if any) or its English translation and the charge;
- (d) Depositions in English;
- (e) Statement of the accused including written statements, if any;
- (f) The judgment or order appealed from or sought to be revised or the criminal order;
- (g) Grounds of appeal or revision;
- (h) Such other documents as the Sessions Judge by special or general order may direct to be included.

An index in the following form should be prefixed to each copy of the paper book:-

INDEX

SI.No. 1	Particulars 2	Exhibit No. 3	Page No. 4

1. Rule 1-A inserted by Notification No. ROC 3346/A/68 dated 26/27-9-1969 (w.e.f. 9-10-1969).

- (ii) Care should be taken to see that the copies are accurately made and that there is no unnecessary increase in the bulk of the record by including pages which are particularly blank or otherwise.
- (iii) The copies of the translations should be initialled as correct by the person translating the document, (if any), and the Chief Ministerial Officer.
- (iv) The typed copies should bear their own independent paging and not the paging of the original records and the lines on every page should be numbered by the multiples of five, such as 5, 10, 15 and so on.
- (v) Ordinarily three copies of paper books should be prepared in all cases, one for the use of the Court, one for the use of the Public Prosecutor and one for the use of the accused or the opponent, as the case may be. The Sessions Judge may order preparation of more copies in any particular case.
- (vi) One copy shall be supplied to the Public Prosecutor free of cost. The copies supplied to the accused and other parties shall be charged at the rates mentioned in sub-rule (vii) below:

Provided that if, the defence of the accused in any case is arranged at the expense of Government, a copy of the paper *book*; shall be supplied free of cost to the lawyer or to each of the lawyers appointed at Government cost in such a case and that if after the appointment of such legal practitioner the accused appoints another lawyer, the copies already prepared and given to the lawyer appointed by the Court at Government cost may not be made available to the

lawyer privately appointed by the accused except upon payment of the charges prescribed in sub-rule (vii) below:

Provided further, that the Court may, if in its opinion the party is too poor to pay the cost of the paper book, order that a copy of the paper book should be supplied to such party free of cost.

(vii) The copies of the paper book to be supplied to the accused or any party to the proceedings or his lawyers on payment shall be charged at the following rates:-

First copy of the running matter Rs. 0.20 per page
Each additional copy .Rs. 0.50 per page

Where tabular statements are to be prepared, the rate shall be 30 paise per page of the principal copy and 8 paise per page of each additional copy.

(viii) If any of the accused or parties to a proceeding desire that more number of copies than those prescribed in sub-rule (v) above be prepared and supplied to him or them separately he or they shall give intimation in that behalf to the Chief Ministerial Officer before the expiry of one week from the receipt of the record and the proceedings of the case from the lower Court in the Sessions Court or such further time as may be allowed by the Sessions Court and shall also deposit the amount sufficient to meet the costs of such extra copy or copies as may be determined by the Chief Ministerial Officer. The Chief Ministerial Officer shall, thereafter, arrange to supply such extra copy or copies each of which shall be charged as prescribed in the foregoing sub-rules. If the actual cost exceeds the amount of deposit, the

party or parties concerned shall make good the deficit and if any balance is left over from the deposit after meeting the charges of the copies supplied, the same shall be refunded to the party or parties concerned. The charges for preparation of paper books shall be treated as one of the items of cash expenses and the Account Rules regarding cash expenses for the time being in force shall apply to the charges for preparation of the paper book also.

- (ix) Where there are several accused or opponents concerned and arrangements have not been made with the office as provided in sub-rule (v) above for extra copies, the accused or the opponent first applying shall be entitled to get the copy reserved for him in sub-rule (v) above on payment of the charges prescribed in sub-rule (vii) above. The rest of the accused or opponents shall make their own arrangements for getting copies prepared for themselves.
- (x) Immediately after the paper books are prepared by the office of the Court, the exact amount of charges according to the prescribed rate shall be calculated and the said amount shall be finally credited to the Government]:

'[Provided that the court may in the interest of speedy disposal of the appeal or revision, or if it is of the opinion that the preparation of the paper books will result in undue delay, dispense with the preparation of such books].

2. Sessions work should ordinarily be given preference over other work and should not be

1. Proviso added by Notification No. ROC 16/70 dated 14-10-1970 (w.e.f. 22-10-1970).

unnecessarily interrupted and the trial should proceed from day to day until it is concluded.

[3. (a) The Sessions Judge shall select and appoint a suitable legal practitioner as standing counsel for a period not exceeding one year.

(b) In any case in which an accused is tried for an offence punishable with death and it appears to the Sessions Judge that the accused is not possessed of sufficient means to engage a pleader, the Sessions Judge shall make an order in writing appointing the standing counsel to defend such accused. The fact and the date of such appointment of the standing counsel shall be noted in the order sheet (Form No. 3).

CASE LAW

Rule 3 - Accused in a murder case engaged a counsel to defend him in that case. The counsel suffered a fracture and the accused filed an application for adjournment supported by the medical certificate. The Sessions Judge granted a short adjournment on which date the counsel for the accused could not attend the court. The court proceeded with trial and the standing counsel already appointed by the Sessions Judge defended the accused. After the completion of the trial the accused was acquitted. Held,- accused was not allowed adequate opportunity to defend himself in this case. Therefore there has to be a re-trial. (*State of Karnataka Vs. Siddaiah alias Siddaiah - ILR 1975 Kar 366 = 1975(1) Kar. LJ 197 (DB)*).

4. The standing counsel so appointed to defend the accused under Rule 3 (b) shall be furnished with the necessary papers and allowed adequate time to prepare for the defence. Such time shall not be less than 10 days.]

1. Rules 3 and 4 substituted by Notification No. ROC 49/69 dated 27-1-1970 (w.e.f. 5-2-1970),

5. Sessions Judges are authorised to sanction the payment to '[standing counsel] engaged for the defence under the above Rule a fee not exceeding Rs. 50 for each day of the trial, subject to a maximum of Rs. 200 for the whole case. In exceptional cases in which, on account of the complexity or extra labour involved, the Sessions Judge considers that a higher amount should be paid by way of remuneration, he may make a recommendation for that purpose to the Government through the High Court.

6. In all trials by Courts of Session, the presiding Judge shall record briefly in English, the substance of the arguments of the Public Prosecutor and the pleader for the defence, if any, and the note so made shall form part of the records of the case.

7. (1) Every Court of Session shall cause to be typed all its Sessions Judgments, including the lists of witnesses, exhibits, and material objects appended thereto.

Note.- While typing, care should be taken to see that a margin of at least 1.5 inches is left on both sides of each page.

(2) The Court of Session shall submit to the High Court along with the records, 12 clearly typed copies of the judgment while submitting the records in appeal,

(3) In addition, the Court of Session shall, as soon as possible, after getting the judgment typed, cause distribution, free of cost, of such copies as follows:-

- (i) one copy to the Committing Magistrate;
- (ii) one copy to the High Court as provided in the

1. Substituted for the words "each pleader" by Notification No. ROC 49/69 dated 27-1-1970 (w.e.f. 5-2-1970).

Rules relating to the submission of Judgments and Calendars;

- (iii) one copy to each of the accused persons with reference to ¹[Section 371 of the Code];
- (iv) one copy to the Superintendent of the Jail to which the prisoner is committed, when such prisoner is sentenced to imprisonment;
- (v) two copies to the Superintendent of the jail to which a prisoner is committed when such prisoner is sentenced to death, to prevent delay in the transmission to Government of petitions for mercy;
- (vi) in cases other than those mentioned in clauses (iv) and (v), one copy shall be furnished at his request to each person convicted of an offence;
- (vii) one copy to ²[t he Director, Forensic Science Laboratory,] Bangalore, in cases in which any remarks have been made by the Court in respect of the opinion of the Chemical Examiner or the Ballistic Expert or the Expert in Forensic Medicine or the Hand Writing Expert;
- (viii) one copy to the Public Prosecutor;
- (ix) one copy to the Head of the Department where the accused or any of the accused in the case happens to be a public servant; and
- (x) one copy to be filed with the record.

1. Now see Section 363 of Cr.P.C. 1973 (Act 2 of 1974).

2. **Substituted for the words "the Scientific Laboratory, C.I.D. (Police Department)"** by Notification No. ROC 329/68, dated 10-1-1969.

Note.- *The above Rule shall also apply to judgments by Special Judges under ¹[the Prevention of Corruption Act, 1947 (Central Act 2 of 1947).]*

CHAPTER IX EXECUTION OF SENTENCE

A. Fines

1. Fine imposed in any case shall be entered in Register No, V of Appendix II on the very day of the judgment and all recoveries shall be entered promptly in the said Register,

2. A receipt shall be issued for every recovery of fine in the form prescribed in the Account Rules for the subordinate Civil and Criminal Courts.

3. All warrants issued under ²[Section 386(1) (a) of the Code] for the recovery of fine shall be addressed to the District Superintendent of Police concerned, for execution by himself or by such officer as he may, by writing, appoint in that behalf.

4. The fine amount shall be remitted to the treasury on the date of receipt, if received before 2-30 P.M., and on the next working day, if received beyond 2.30 P.M., and in the latter case a note to that effect shall be made against the relevant entry '[in the Register (General Cash Book) prescribed in the Account Rules for the subordinate Civil and Criminal Courts] and the same shall be initialed by the Judge/Magistrate.

1. Now see the Prevention of Corruption Act, 1988 (Central Act No. 49 of 1988).

2. Now see Section 421 of Cr.P.C. 1973 (Act 2 of 1974).

3. Substituted for the words, brackets and figures "in the case book (Register No. IX)" by Notification No. LCA-1/499/84, dated 18-8-1993 (w.e.f. 2-9-1993).

5. When any fine amount or part thereof is ordered by the Court to be paid as compensation to any person, such amount shall be credited to the general deposit of the Criminal Courts and payment thereof shall be made by issue of cheques as prescribed in the Account Rules for the subordinate Civil and Criminal Courts:

Provided that, no such payment shall be made before the expiry of the time provided for an appeal or revision and, if an appeal or revision is preferred, the payment shall not be made until the appeal or revision is disposed of.

6. When an accused person sentenced to fine and a default sentence of imprisonment (with or without substantive sentence of imprisonment) is committed to prison for undergoing that sentence and the fine amount is paid by any person on his behalf when he is undergoing sentence, the Court shall at once intimate in Form No. 7 the recovery of fine to the officer in charge of the jail to which he had been committed or where he is imprisoned and shall also direct the release of the accused, if he has already undergone the substantive sentence of imprisonment, if any.

7. (1) The amount of fine entered in Register No. V in respect of any case, or so much thereof as remains unrealised, may be written off-

- (a) where a Judge or Magistrate has issued a warrant under clause (a) or (b) of '[Section 386(1) of the Code], after return of the warrant with the endorsement of the District Superintendent of Police or the Deputy Commissioner, as the case may be, to the effect that the fine is irrecoverable; or

1. Now see Section 421 of Cr.P.C. 1973 (Act 2 of 1974).

(b) where no such warrant is issued, when the accused has undergone the whole of the default sentence of imprisonment imposed, if any.

(2) When the whole or any part of the fine is ordered to be written off as irrecoverable, appropriate entries shall be promptly made in Register No. V of Appendix II.

B. Other sentences

8. (1) Sessions Judges 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.

(2) Immediately after the receipt of the order of the Supreme Court or the High Court imposing or confirming the sentence of death, the Sessions Judge shall issue a warrant in ¹[Form No. XXXV in Schedule V of the Code] accompanied by a copy of the judgment for delivery to the convict and shall appoint therein the date of execution which date shall be not less than 60 days and not more than 90 days from the date of the receipt of the order. Such a date shall be fixed by the Sessions Judge in consultation with the Superintendent of the Jail:

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

1. Now see Form No. 34 in Sch. II of Cr.P.C. 1973 (Act 2 of 1974).

(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 consultation with the Superintendent of the Jail.

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.

9. When a Court of Session imposes a fine in addition to imprisonment for life and the whole or part of the fine is paid or recovered, the Court shall endorse the fact of such payment or recovery on the warrant of commitment, or, if that has already been issued, shall notify the fact of the payment or recovery to the Keeper or Superintendent of the Jail in which the prisoner is lodged.

C. Warrant of Commitment

io. (1) A separate warrant of commitment to prison shall be drawn up in respect of each of the accused persons.

(2) Every such warrant of commitment must be accompanied by a descriptive roll of the prisoner, mentioning the name of such_ prisoner and his father's name.

(3) Where there are more accused persons than one in the case, the warrant shall' also mention th!) serial number of such a_ccused as given in that case.

11. Where property belonging to a prisoner has been produced in Court or seized from him and is sent to the jail along with the prisoner, details of the property so sent shall be entered in the warrant.

CHAPTER X MISCELLANEOUS MATTERS

A. General

1. All proceedings other than those relating to inquiries and trials shall be registered as Miscellaneous Proceedings and the parties thereto shall be styled as Petitioner and Respondent.

2. All Courts of Magistrates shall maintain the Registers mentioned in Part I and the Courts of Session shall maintain the Registers mentioned in Parts I (excluding Registers Nos. I, II, III and III-A), II and III of Appendix II of these Rules.

3. The Chief Ministerial Officer shall be responsible for the prompt and accurate making of the entries in these Registers and their submission to the Judge or Magistrate whenever required by him.

4. The Judge or Magistrate should inspect the Registers at least once a month and initial in token of having inspected the Registers and note his instructions, if any.

5. Every Magistrate or Judge shall cause a Court Diary (Register No. X) to be maintained in the form prescribed therefor in Appendix II. The said Diary shall show the time at which, on each day, the Court sat and the time at which it rose. It shall also show the daily progress of hearing of each case, the number of witnesses examined and the documents filed and the date or dates to which cases not disposed of that day are posted. Entries therein shall be initialled by the

Magistrate or Judge on the same day if possible, or not later than the next working day. At the end of each day's entry, there shall be an abstract showing separately the total number of cases disposed of, total number of cases partly tried, total number of witnesses examined for prosecution and defence.

6. All Sessions Judges and Magistrates, when they find it necessary to remark in their judgments upon the conduct of police or excise officers during the investigation of the case under inquiry or trial, should arrange to send copies of their judgments to the Inspector-General of Police or Excise Commissioner, as the case may be.

Any defect or shortcoming on the part of the Prosecuting Inspector in the conduct of any case before a Magistrate, if considered necessary, may be brought to the notice of the Inspector-General or Police by such magistrate

7. The Presiding Officers of all Criminal Courts shall forward to ¹[the Director, Forensic Science Laboratory,] Bangalore, copies of their judgments or final orders in all cases in which comments (whether favourable or adverse) have been made by the Court in respect of the opinion of the Chemical Examiner or the Ballistic Expert or the Expert in Forensic Medicine ²[or the Hand writing Expert].

8. In all financial matters, such as receipts and payments, handling of cash, maintenance of accounts, security to be furnished by the officers of the Court and

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1. Substituted for the words "the Scientific Laboratory, C.I.D. (Police Department)" by Notification, No. ROC 3297/68, dated 10-1-1969 (w.e.f. 23-1-1969).
 2. Added by Notification No. ROC 49/69, dated 27-1-1970 (w.e.f. 5-2-1970).
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submission of financial returns, the officers of the Courts shall in addition to these Rules, observe the requirements of the Karnataka Financial Code and the Account Rules for the subordinate Civil and Criminal Courts.

9. When any Court has forfeited the bond of any person under ¹[Section 514 of the Code] and called upon such person to pay ;my penalty, the amount which he is called upon to pay shall be entered in the Register of Penalties (Register No, V-A) on the date on which the penalty is imposed. The Court shall take action for the recovery thereof or so much thereof as is not remitted by it as provided in that section.

B. Property

10. Seizure of property under ²[Section 550 of the Code] shall be reported at once to the Magistrate, who shall make such order as he thinks fit respecting the disposal of such property.

11. Every article in the custody of the Court should at the time of its . production be labelled so as to distinctly show the case to which the article pertains.

12. When the property 'produced is live-stock or is such as cannot conveniently be kept in the Court-house, it shall be placed in the custody of the complainant or accused or some other person whom the Court, in the circumstances of the case deems fit, after taking security from him for its production when required. Where the person to whose custody the said property is made over is not the complainant, arrangements shall be made for payment to him of the expenses incurred by him for feeding and looking after the live-stock or taking care of the property.

1. Now see Section 446 of Cr.P.C. 1973 (Act 2 of 1974).

2. Now see Section 102 of Cr.P.C. 1973 (Act 2 of 1974).

13. Orders for the safe custody of property pending the conclusion of the inquiry or trial should be made as soon as the articles are produced in the Court..

14. (1) Whenever the Magistrate is of the opinion that an article produced before the Court is made of gold or silver or contains precious stones and that the value is not less than Rs. 200, he shall get the same tested and its value estimated by a goldsmith or a bank appraiser or any other expert available, who shall be paid a reasonable amount out of the contingent allotment of the Court not exceeding Rs. 5 as his fee for testing and evaluating the article and his statement in that behalf, shall be recorded on oath.

(2) The name and full address of the appraiser, the fee paid to him and the quality and value of the article stated by him shall be mentioned in the Property Register (Register No. VI) as against that article and his sworn statement shall be filed in the records of the case.

(3) (a) The property referred to in sub-rule (1) above shall be kept in a box, locked and sealed, which shall be deposited for safe custody in the treasury; .

(b) The key of the box shall be in the custody of the Judge or the Magistrate;

(c) Whenever any property is to be delivered or fresh property is to be put into the box, it shall be got from the treasury and opened in the presence of the Judge or Magistrate, who shall cause it to be opened after examining the seal and shall also cause it to be locked and sealed in his presence, after the property in the box is removed out for delivery or new property is put in;

- (d) A note book called the Valuable Property Book containing a list of the articles kept in the safe box shall be maintained and all additions or withdrawals from the box shall be entered in the book, which shall be kept in the safe box. The entries made in the Valuable Property Book shall be in addition to such entries made in the Property Register (Register No. VI);
- (e) Whenever there is a change in the office of the Judge or Magistrate, the incoming officer shall receive the key of the safe box and shall get the articles in the box verified in the presence of the outgoing officer and make a note of the fact and result of verification in the book on the date of the assumption of the charge.

15. Notwithstanding anything contained in the above Rules, it shall be the duty of the Presiding Officer of a Court to take such action as he considers necessary for the safe and proper preservation of any property that comes to his charge.

16. Whenever any property is found missing the matter shall at once be reported to the High Court through the Sessions Judge and necessary action taken to trace the property. If the property is not found after a reasonable search, a report shall also be made to the concerned police and, if there is reasonable ground to suspect that any offence has been committed in relation to the missing property, the Magistrate concerned may direct investigation of the case by a Police Officer.

17. (a) The Chief Ministerial Officer of the Court shall take prompt action for obtaining necessary orders for the disposal of the property in disposed of cases and the Judge

or Magistrate shall once in three months inspect the Register of Properties (Register No. VI) with a view to make necessary orders regarding the property in cases which are finally closed and to watch the progress of the disposal of the property.

- (b) The Court shall prepare a list of all properties pending for disposal at the beginning of each year and take prompt action for their disposal. Care should be taken to see that properties of appreciable value are not destroyed,
- (c) Whenever an article which has been admitted in evidence is returned, destroyed or otherwise disposed of, a note of the fact shall be made in the column for remarks.
- (d) When counterfeit coins or counterfeit currency notes have to be disposed of by a Criminal Court under '[Sections 517, 523 or 524 of the Code], they shall be forwarded together with any dies, moulds, etc., which may have been produced in the case to the nearest treasury or sub-treasury with a request that they may be remitted to the mint or the Issue Department of the Reserve Bank, as the case may be, for disposal. A concise and accurate report should also be sent containing a description of the case and the sentence imposed.
- (e) All arms and ammunition which are confiscated should be sent to the nearest arsenal for disposal:

1. Now see Sections 452, 457 or 458 of Cr.P.C. 1973 (Act 2 of 1974).

Provided that in all appealable cases action for disposal under this Rule shall be deferred till the expiry of the time allowed for preferring an appeal and in the event of appeal, until it is disposed of.

C. Maintenance of Records in Courts

18. Subject to any special or general directions as may be given by the High Court from time to time, the Presiding Officer of every Court shall make due provision for the custody and safety of the records of pending cases.

19. The records of all cases disposed of during a calendar month shall be indexed and the papers classified and arranged in accordance with the Rules prescribed in Section 1 of Chapter XIII of these Rules by the Indexing Clerk and handed over to the Record Keeper of the Court before the end of the succeeding month.

20. The Record Keeper of the Court shall check the records received from the Indexing Clerk with reference to the corresponding disposal register and enter the records in the Register of Records received in the Court Record Room (Register No. XIV).

21. The records shall be under lock and key and the keys shall be in the custody of the Record Keeper who shall be personally responsible for its safe custody.

22. No record shall be removed from the Court Record Room for any purpose without a written requisition signed either by the Chief Ministerial Officer or any official authorised by him:

Provided that, when any record has to be sent to any other Court, it shall be sent only with the written permission of the Magistrate or the Sessions Judge in charge of the records.

23. No clerk or other subordinate officer of any Court shall remove any record out of the Court-house.

D. Submis_sion of Records to the Jiigh Court and Court of Session

***24.** Magistrates in sending up records for appeal shall ordinarily send also the material objects marked **in** the~case, both weapons, instruments or materials used for the commission of offence and articles such as stolen property, iri respect of which an offence has been committed:

*Criminal Circular No. ROG 397-1962, dated 6th March, 1962

It has come to the notice of the High Court that in several criminal appeals, copies of sketches are not in conformity with the originals marked as exhibits and also that the indexes contained in the originals **have been omitted in the copies.**

The High Court wishes to impress upon all the Sessions Judge,s and the Assistant Sessions Judges, the necessity of seeing before the records are submitted to the High Court, that the copies of sketches are prepared so as to be strictly in accordance with the originals and mat the copies also contain indexes as noted **in** the originals.

Provided that.-

- (1) articles, of great bulk or weight such as heavy stones used for the commission of murder or a number of smaller stones and sticks used in a riot;
- (2) valuable articies like gold or silver jewellery or precious stones;
- (3) articles such as blood-stained clothes, remnants . of poison and the like; and
- (4) property which has no_t been the subject of particular identification,

need not be sent up unless' called for by the Court of Appeal but should be retained till the appeal is disposed of.

25. (1) When sending up the records of any sessions case to the High Court for the purpose of appeal, the Sessions Judge shall append a note in respect of the material objects which have been marked in the case, indicating as to which of them, in his opinion, will be necessary for being placed before the High Court, for the purpose of the appeal.

(2) The Sessions Judge shall, thereafter forward to the High Court such material objects as may be called for by the High Court.

26. In revision cases, material objects need not be sent up unless called for, but shall be retained till the disposal of the revision case.

CHAPTER XI APPEALS AND REVISIONS

1. The Appellate Court shall intimate the trial Court whenever an appeal is dismissed either under ¹[Section 421 of the Code] or otherwise.

2. The Appellate Court shall not communicate the order of release by telegram. All release warrants shall be in the prescribed form signed by the Presiding Officer and shall bear the seal of the Court issuing them; they shall be issued promptly.

3. (1) When an Appellate Court orders under ²[Section 426 (1) of the Code] that the execution of an appellant's sentence be suspended, a note to that effect shall be written in red ink upon the appellant's petition of appeal and also in the Register of Appeals (Register No. XVII) against the entries relating to the appeal, The order of suspension communicated by the Appellate

1. Now see Section 384 of Cr.P.C. 1973 (Act 2 of 1974).

2. Now see Section 389(1) of Cr.P.C. 1973 (Act 2 of 1974).

Court to the trial Court shall be entered also in the Register of Criminal Cases (Register No. III) against the entries relating to the case.

(2) If the trial Court had already issued a warrant, it shall on receipt of the order suspending the sentence withdraw the said warrant.

4. (1) When a Court of Revision orders under [Section 435, 438 or 439 of the Code) that the execution of any sentence be suspended, a note to that effect shall be made in red ink in the trial Court's Register of Criminal Cases (Register No. III) and Register of Fines (Register No. V), if there is a sentence of fine, against the entries relating to the case.

(2) If the trial Court had already issued a warrant it shall on receipt of the order suspending the sentence, withdraw the said warrant.

5. When a sentence is altered in appeal or revision, the trial Court on receipt of the order thereof, shall issue a revised warrant in accordance with such order in lieu of the original warrant.

6, When the execution of a sentence has been suspended pending appeal or revision and the sentence awarded by the trial Court is finally confirmed in appeal or revision, the trial Court shall, on receipt of the order in appeal or revision, re-issue its original warrant. If the appellant or the revision petitioner had been released on bail and has still to undergo any period of imprisonment, it shall be the duty of the trial Court to secure his appearance before it and to commit him to jail.

1. Now see Sections 397,400 or 401 of Cr.P.C. 1973 (Act 2 of 1974).

CHAPTER XII.
SUBMISSION OF CALENDARS AND
COPIES OF JUDGMENTS

Original Cases

1. (1) Sessions Judges, Additional Sessions Judges and Assistant Sessions Judges will submit to the High Court a copy of every judgment or final order (disposing of a case) made by them, within a week from the date on which it is made with a tabular statement giving particulars of the case in Form No. 8 appended.

(2) Additional Sessions Judges and Assistant Sessions Judges will submit the copies of their judgments and orders through the Sessions Judge.

Appeals

2. Sessions Judges shall submit to the High Court a copy of every judgment on appeal within a week from the date on which it is pronounced; with a tabular statement giving particulars of the case in Form No. 9 appended.

CHAPTER XIII

RECORDS

Section I-Arrangement of Records

A. Records of Courts of Session

1. These Rules have been framed not only for the purpose of securing a proper arrangement of the papers in files for deposit in the record room and for their separation for the purpose of destruction, but also to lay down a systematic method of arrangement of the papers in the files for the convenience of Courts of Appeal and Revision.

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

3. (a) 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) The charge and the plea of the accused.
- (5) Papers showing how the proceedings were initiated, e.g., the petition or complaint, the first information to the police, or the order of Magistrate under Section 190 (1) (c) of the Code on which the proceedings were taken, the final report of the police under Section 173 of the Code together with any sanction granted under Section 195, [Section 196], or Section 197 of the Code, or under the provisions of any special or local law, and the order of commitment.
- (6) Applications for detention in police custody under Section 167 of the Code and the order thereon.
- (7) Lists referred to in ²[sub-sections (2) and (4) of Section 103 of the Code].
- (8) Any document connected with the

1. Now see Section 196(1) of Cr.P.C. 1973 (Act 2 of 1974).

2. Now see sub-sections (4) and (8) of Section 100 of Cr.P.C. 1973 (Act 2 of 1974).

offence charged or in respect of which the charge is made, e.g., statements made by the accused which form the subject of a charge of giving false evidence, document said to be forged, etc.

- (9) Any map or plan showing the scene of the offence.
- (10) List of exhibited articles in the case.
- (11) Documents admitted in evidence on behalf of the prosecution.
- (12) Deposition of a medical witness admitted under '[Section 509 of the Code].
- (13) Report of the Chemical Examiner or Assistant Chemical Examiner to Government admitted under '[Section 510 of the Code].
- (14) The record of examination of the accused referred to in '[Section 287 of the Code].
- (15) The depositions of the witnesses for the prosecution examined at the trial in the order of their examination.
- (16) The record of examination of the accused before the Court of Session
- (17) The documents, if any, produced by the accused and documents admitted in evidence on behalf of the accused.

1. Now see Section 291 of Cr.P.C. 1973 (Act 2 of 1974).

2. Now see Sections 292 and 293 of Cr.P.C. 1973 (Act 2 of 1974).

3. Now Section 287 of 1898 Code is omitted by Cr.P.C. 1973 (Act 2 of 1974).

- (18) The depositions of the witnesses examined for the defence in the order of their examination.
- (19) The depositions of the witnesses examined under [Section 540 of the Code], if any.
- (20) If the trial involves a charge of previous convictions, the evidence for the prosecution to prove such convictions and the evidence (if any) for the defence.
- (21) The final judgment.

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 of sentence and all proceedings relating to the realisation of fines.
 - (24) Copy of any order by the Governor remitting the sentence in whole or in part.
 - (25) All orders relating to disposal of property.
- (b) File B shall contain:
- (1) Title page.
 - (2) Table of contents
 - (3) All papers not included in File A.

1. Now see Section 311 of Cr.P.C. 1973 (Act 2 of 1974).

· B. Records of Courts of Magistrates

(i) Warrant Case.

4. The record of every warrant case tried by a Magistrate shall consist of two files to be styled and marked respectively, File A and File B.

5. (a) 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, e.g., the petition or complaint, the first information to the police or the order of the Magistrate under Section 190 (1)(c) of the Code on which the proceedings were taken, the final report of the police under Section 173 of the Code, together with any sanction granted under Section 195, [Section 196] or Section 197 of the Code or under the provisions of any special or local law, and the order of commitment.
- (5) Applications for detention in police custody under Section 167 of the Code and the orders thereon.
- (6) Lists referred to in ²[sub-sections (2) and (4) of Section 103 of the Code].

1. Now see Section 196(1) of Cr.P.C. 1973 (Act 2 of 1974).

2. Now see sub-section. (4) and (8) of Section 100 of Cr.P.C. 1973 (Act 2 of 1974).

- (7) Any document connected with the offence charged or in respect of which the charge is made, e.g., statements made by the accused which form the subject of a charge of giving false evidence, etc.
- (8) Any map or plan showing the scene of the offence.
- (9) List of exhibited articles.
- (10) Documents admitted in evidence on behalf of prosecution.
- (11) The depositions of the witnesses for the prosecution examined at the trial in the order of their examination.
- (12) The examination of the accused under ¹[Section 342 of the Code] and any written statement put in by the accused during the trial.
- (13) The charge and the plea of the accused,
- (14) Documents admitted in evidence on behalf of the accused.
- (15) The depositions of the witnesses examined for the defence in the order of their examination.
- (16) The depositions of the witnesses examined under ²[Section 540 of the Code], if any.
- (17) The judgment.

1. Now see Section 313 of Cr.P.C. 1973 (Act 2 of 1974).

2. Now see Section 311 of Cr.P.C. 1973 (Act 2 of 1974).

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

- (18) Copy of the judgment or order of the Appellate or Revisional Court,
- (19) Warrant returned after execution of sentence and all proceedings relating to the realisation of fines.
- (20) Copy of any order by the Governor remitting the sentence in whole or in part.
- (21) All orders relating to disposal of property.

(b) File B shall contain:

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

(ii) **Summons Case.**

6. The record of every summons case tried by a Magistrate shall consist of two files to be styled and marked respectively, File A and File B.

7. (a) File A shall contain the following papers which shall be arranged in the following order:-

- (1) to (4) as in warrant case;
- (5) Statement made by the accused under '[Section 243 of the Code].
- (6) List of exhibited articles.
- (7) The depositions of the witnesses for the

1. Now see Section 252 of Cr.P.C. 1973 (Act 2 of 1974),

complainant examined at the trial in the order of their examination.

- (8) The examination of the accused under '[Section 244 of the Code].
 - (9) The depositions of the witnesses examined for the defence in the order of their examination.
 - (10) The depositions of the witnesses examined under '[Section 540 of the Code], if any.
 - (11) The judgment.
 - (12) Copy of the judgment or order of the Appellate or Revisional Court.
 - (13) Warrant returned after execution of sentence by the jail authorities and all proceedings relating to the realisation of fines.
 - (14) All orders relating to disposal of property.
- (b) File B shall contain:
- (1) Title page.
 - (2) Table of contents, and
 - (3) All papers not included in File A.

(iii) Inquiry

8. The record of every inquiry made by a Magistrate shall consist of two files to be styled and marked respectively File A and File B.

1. Now see Section 254 of Cr.P.C. 1973 (Act 2 of 1974).

2. Now see Section 311 of Cr.P.C. 1973 (Act 2 of 1974).

9. (a) The following papers shall be included in File A in the following order:-
- (1) to (12) and (16) as in the warrant case.
 - (14) Order of the Magistrate.-
 - (i) charge framed, or
 - (ii) order discharging the accused.
 - (15) List of witnesses put in by the accused under Section 211 of the Code.
 - (16) The order of the Magistrate committing the accused for trial.
 - (17) Any further proceedings the Magistrate may take in the case.

Note: It is not necessary to replace by certified copies such papers as are transferred from the record of the Magistrate to the record of the Court of Session. All that is required is that a note be made in the committal record showing what papers have been transferred to the Sessions record and giving the number and year of the Sessions trial.

- (b) File B shall contain:
- (1) Title page.
 - (2) Table of contents, and
 - (3) All papers not included in File A.

(iv) Summary trials

10. In cases tried summarily File A should contain only the form of summary trial kept under Section 263 or 264 of the Code and whatever else the Court may record under the provisions *of* these sections; all other papers connected with the trial shall be placed in File B.

Note.- *In the case of such records no title page, nor table of contents nor order sheet need be prepared.*

(v) Miscellaneous Cases

11. These Rules shall apply *mutatis mutandis* to the filing of papers and consigning them to the record room in Miscellaneous Cases.

C. Records of Appellate and Revisional Courts

12. (1) The records of the Appellate or Revisional Court shall be arranged in the same way as those of the Court of original jurisdiction except that there shall be a single file marked A

(2) Copies of judgments of lower Courts filed with the memoranda of appeals under ¹[Section 419 of the Code] may be returned to the appellants on their applications after the disposal of the appeals.

(3) Copies of judgments and orders of lower Courts filed with revision and transfer petitions may also be returned to the petitioners on their applications after the disposal of those petitions..

D. General Rules

13. Documents produced or received from another Court or a Public Office shall be returned immediately after the disposal of the case when no longer required, and shall in no case be destroyed or sent to the Central Record Room:

Provided that any document produced or received from another Court or Public Office shall, when no longer necessary, be returned (either by registered post or by delivery under acknowledgment) and the fact of such return shall be noted in the order sheet of the case

1. Now see Section 382 of Cr.P.C. 1973 (Act 2 of 1974).

under the initials of the Presiding Officer which shall be dated.

14. The title page of File A shall be of red colour and of File B shall be of yellow colour.

15. The distribution of papers into the proper files must in all cases be made before the record is deposited in the record room, the object being to avoid the necessity of sorting papers in the record room.

16. The title page shall be in Form No. 10.

17. The table of contents shall be in Form No. 11

**Section 11.-A. Transmission of Records
to the Central Record Room.**

18. The records of Courts of all Sessions Judges and Assistant Sessions Judges shall be sent to and kept in the respective Central Record Rooms.

Explanation.• For the purposes of this Rule and the Rules following, 'Central Record Room' means a place provided under the orders of the High Court from time to time, for lodging and preservation of the records of Criminal Courts in the different areas of the State, and shall also include until otherwise provided by the High Court, any place in which the records of the Courts of Session are being lodged at present for preservation.

19. (1) The records of the Courts of Magistrates shall be retained in the Court for a period of six clear months after disposal.

(2) After expiry of the above period of six months the records to be sent to the Central Record Room shall be packed into bundles 'monthwar' (i.e., each bundle containing records of disposed of cases of a particular month) and shall be despatched to the Central Record Room before the 15th of the seventh month. The

bundles despatched during each calendar year shall be serially numbered.

(3) Each such monthly bundle of records shall be accompanied by lists showing the disposal of (i) regular cases (ii) miscellaneous cases (iii) appeals, and (iv) revision cases during the month. The particulars of all cases disposed of must be entered in the lists and, when for any reason a record is kept back, a note to that effect shall be made in the column of remarks. The lists shall be in Form No. 12.

(4) The list should be in triplicate; one copy shall be retained in the office and two copies shall be sent to the Record Keeper along with the records.

B. Maintenance of records in the Central Record Room

20. On receipt of the records from the Courts of Magistrates with the duplicate lists, the Record Keeper of the Central Record Room shall cause the records to be checked with the lists accompanying the bundle of records and entered in the Register of Records received in the Central Record Room (Register No. XIX). The bundles of records shall be tied up in red cloth.

21. (1) Within 30 days after the receipt of the records the Record Keeper shall cause the records to be examined and ascertain that 'the records correspond with those entered in the lists, that the contents of each file correspond with the table of contents, that the papers bear court-fee stamp shown in such table and that stamps have been duly cancelled; and shall send one of the duplicate lists to the Court concerned with the endorsement that the contents of the bundle were in order. If the contents of the bundle are found to be not in accordance with the lists, the same shall be

communicated to the Court concerned and shall also be noted on the lists.

(2) He shall also cause the stamps to be again punched with the triangular punch provided for that purpose and shall enter the records in Register No. XIX.

22. The Record Keeper of the Central Record Room shall bring to the notice of the Sessions Judge any irregularity that may have occurred in connection with the arrangement or despatch of the records or in regard to the cancellation of the stamps.

23. No record shall be removed from the Central Record Room without the written requisition of the Chief Ministerial Officer of the Court of Session, if the records are required by that Court, or by the Magistrate concerned, if the records are required by the Court of any Magistrate:

Provided that, when any record has to be sent to a Court other than the Court of Session, it shall be sent only with the permission of the Sessions Judge, who is incharge of the record room.

Section III-Preservation and Destruction of Records

24. The documents contained in File 'A' may be destroyed on the expiry of the periods respectively prescribed in Rule 31 below with reference to such documents:

Provided that, Sessions Judges may at their discretion preserve for a longer period or permanently any papers which they may consider likely to be useful in future.

25. Every 'B' file shall be destroyed on the expiry of two years from the date of the final disposal of the case to which it pertains:

Provided that, where an appeal from the decision is preferred, the file shall not be destroyed until the expiry of two years from the date of the final judgment or order.

26. Criminal Registers, statements and other papers will be kept for the periods shown in Rule 32 and then destroyed.

27. The destruction of all papers shall be effected by tearing them into bits in the presence of the Record Keeper and of a responsible officer not below the rank of a Sheristedar or in the manner prescribed by the High Court from time to time. The torn bits shall be disposed of in accordance with the procedure prescribed for the disposal of waste paper.

28. A note of every file destroyed under the above Rule shall be made at the time of destruction in the Register in which the case is entered under the signature of the Record Keeper.

29. 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 own keeping within six months from the date of the notice, failing which the document will be destroyed when the record to which it relates is destroyed. The notice shall be in Form No. 13. A copy of the notice shall be put up on the Notice Board of the Court.

30. 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.

31. The period for which File A of criminal records shall be preserved, such period being calculated from the date of the final judgment or order in the case, is as follows:-

(1)	Sessions cases resulting in the conviction of the accused	20 years
(2)	Non-bailable offences in the Courts of Magistrates resulting in the conviction of the accused	ditto
(3)	Proceedings under Sections 108 and 110 of the Code	ditto
(4)	Possession case under '[Chapter XII of the Code]	10 years
(5)	Summary trials: Forms kept under Section 263 of the Code and judgment recorded under Section 264 in cases where either (a) some of the accused or parties proceeded against have not been apprehended, or (b) the accused or any of them have been convicted of an offence, a repetition of which renders the offender liable to enhanced punishment.	7Years
(6)	Security cases under Chapter VIII of the Code other than those referred to in clause (3)	5 Years
(7)	Other miscellaneous cases	3 years
(8)	Bailable offences in the Courts of Magistrates resulting in conviction	ditto
(9)	Cases in which the accused has been acquitted or discharged	ditto
(10)	All other records of summary trial	ditto

1. Now see Chapter X of Cr.P.C. 1973 (Act 2 of 1974).

Provided that the following records and parts of records shall not be liable to destruction:-

- (a) The record of any case in which the sentence has not been executed.
- (b) The record of any case in which any of the accused or parties proceeded against has not been apprehended.
- (c) The record of any case in which an order for maintenance has been made under [Section 488 of the Code].

Note:- *The records referred to in this proviso may however be destroyed when, on account of the death of any of the persons concerned, no further action can be taken.*

32. The period for which other papers, registers and statements shall be preserved is as follows:-

Sl. No.	Description of Register Statement or other paper	Period for which it is to be preserved
1.	Register of Original cases whether tried regularly or summarily, Register of Appeals and Record Room Register	Permanent
2.	All Parts of the Karnataka Gazette by Courts of Session	ditto
3.	Cash Book Classified Ledger Stock Register of Furniture, Stores, etc., and Treasury Remittance Register	ditto

1. Now see Section 125 and Section 126 of Cr.P.G. 1973 (Act 2 of 1974).

4.	Administration Reports and High Court Circulars	ditto
5.	Pay and Acquittance Rolls from the date of last entry in each Register	40 years
6.	Official correspondence other than High Court Circulars and Administration Reports	20 years
7.	"From" and "To" Registers of correspondence (Inward and Outward Registers)	10 years
8.	Parts I and IV of the Karnataka Gazette by Courts of Magistrates	5 years
9.	Annual and Quarterly Statements	ditto
10.	All other Registers, accounts, correspondence and miscellaneous papers	3 years
11.	Applications for leave or for employment together with the orders thereon	ditto
12.	All parts of the Karnataka Gazette by Courts of Magistrates	1 year

33. Every record should be complete in itself and any paper connected with the case should be filed in the record.

34. The record should not be folded or doubled up but should be stitched together in book form, the sheets being of foolscap size.

35. Where a Government servant is an accused person and the Head of his Department wishes to obtain copies of depositions, exhibits or judgment in that case, he shall make an application to the Presiding Judge or

Magistrate and send any officer or clerk for that purpose who shall be permitted to make a copy in the precincts of the Court house and under the supervision of the Chief Ministerial Officer of the Court.

36. Public Prosecutors may be permitted by the Sessions Judges to have copies of depositions, exhibits or judgments either by himself (Public Prosecutor) or by any other Police Officer. The copies should be prepared in the precincts of the Court-house under the supervision of the Chief Ministerial Officer of the Court.

Subject to the same conditions, a Public Prosecutor may also be afforded similar facilities by the Magistrate.

37. If in the course of any investigation, it becomes necessary for the police to look into the records of any criminal case, any Police Officer not below the rank of a Sub-Inspector of Police, may be permitted by the Sessions Judge or Magistrate of the Court in which the records are lodged, to inspect the same in the presence of the Chief Ministerial Officer.

38. When records of proceedings and other papers are transmitted by post, they should first be wrapped in packing paper and then in cloth of a coarse and cheap kind, the edges being properly stitched and sealed and tied around and across with a string which should be knotted in the centre and sealed.

39. The address should be written on the cloth as well as on a label which should be pasted on the cover and sealed at the corners.

40. During the monsoons, wax cloth should be used as an outer covering.

Section IV. Records-Search of

41. Every person requiring a search to be made of judicial records in the custody of a criminal court for the purpose either of inspection or of obtaining copies of such records must submit an application for the same in Form No. 14 to the Presiding Officer of such Court.

42. A separate application shall be made for the search of one or more documents in the records of any single case.

43. In respect of every document of which inspection or extract is applied for and which is more than one year old, a search fee according to the sub-joined scale must be paid in court-fee stamps and affixed to the application:-

	<i>Rs.</i>
Fee for searching the records of any one year for a single document or entry.	2
Fee for searching the records of every additional year.	1
Fee for searching the records of every additional document or entry connected with the same subject.	1

44. (1) On the presentation of the application, the Presiding Officer of the Court, or under his orders the Chief Ministerial Officer, shall cause a search to, be made for the document required.

(2) If the Presiding Officer of the Court refuses to grant the application, the applicant may have the search fee refunded to him.

45. If the search proves successful and the document is of such a nature as in the opinion of the

Presiding Officer of the Court the applicant may be allowed to read or take a copy of, the applicant may be allowed to read the document or part of it, for the finding of which the fee has been paid, or it may be read to him; but he may afterwards be allowed to take a copy of the document or part of it in due course on the presentation of a separate application for the same.

46. If the search should prove fruitless, the fee will not be refunded; but the applicant can, if he so wishes, receive a certificate stating that the document or entry sought has not been found in the record specified in the application.

47. The above Rules are not applicable to cases in which persons are entitled by any law to inspect judicial records or documents free of charge.

CHAPTER XIV COPIES

1. Every application for a copy shall be made to the Court having the custody of the record containing the document and shall be presented by the applicant in person or by his pleader or by his pleader's registered gumasta, to the Chief Ministerial Officer or such other officer as the court may appoint for this purpose, between the hours of 11 A.M. and 4 P.M. Every application shall set forth (a) the name of the applicant and his rank, if any, in the case or proceeding, and (b) the description of the document of which a copy is required.

2. Parties to a case are entitled at any stage of the proceeding to obtain copies of the record of a case, including exhibits which have been admitted in evidence.

3. As soon as an application is received, it shall be

entered in the Register of Application for Copies (Register No. XII) and after the application is granted the applicant shall be informed as soon as practicable of the number of copying sheets required for the copy. He shall also be informed that the preparation of the copy will not be commenced until he has supplied in full the number of copying sheets stated to be required.

4. Should the applicant fail to produce the required number of copying sheets within fifteen days from the date of call, the Judge/Magistrate may pass an order rejecting the application,

5. Ordinary charges.- The charges for preparation of certified copy shall be calculated at the rate of 35 paise, for a folio. A folio means a group of 175 words. If, however, the entire text to be copied is less than 175 words, the said text shall be treated as one folio. If the total number of words to be copied divided by 175 leaves a remainder of less than 175 words the said remainder shall also be treated as one folio.]

'Extracts of Criminal Circular No. P 43-62-63,
dated 17th November, 1962.

The attention of all the Presiding Officers is invited to the following instructions :-

Each Typist-copyist should type at least 30 copying sheets of 150 words on each sheet per day and each Copyist should write at least 25 sheets of 125 words of any Indian Language on each sheet per day or at least 30 sheets of English words on each sheet per day. They are further requested to see that each Copyist turns out the minimum work fixed and that each Examiner examines at least 120 sheets of 150 words on each sheet per day. Copies should be issued ordinarily within 10 days of the supply of sheets.

The Presiding Officers are further requested to review every Saturday the out-turn of work of every official in the Copying Section of his Court for the previous week and direct those who have not turned out average work to make good the short-fall in the following week.

1. Rule 5 substituted by Notification No. ROG 49/69 dated 27-1-1970
(w.e.f. 5-2-1970).

They should also review every case in which more than 7 days have elapsed after supply of sheets and issue instructions for their disposal in the following week.

Every return from the lower Court submitted to the High Court should be accompanied by certificate of the Presiding Officer that he has reviewed the out-turn of work in the Copying Section as instructed above and should indicate in the certificate the action taken by him and the results achieved in that behalf.

6. Every group of not more than five letters not forming a complete word and every group of not more than five figures and letters combined occurring in one place in a copy will be regarded as equivalent to one word. Initials prefixed to the names of persons will not be counted as a separate word or words.

ILLUSTRATIONS

- (i) "Section 205, Cr.P.C." forms one group of five letters and one group of four letters and figures combined; it counts as two words.
- (ii) „ "ILR 30 BOM 260" forms two groups each of five letters and figures combined and therefore counts as two words.
- (iii) "I MHCR-156" forms two groups, one of five letters and figures combined and one of three figures; it will count as two words.
- (iv) The name "M.O. Parthasarathi Iyengar" will count as two words.

¹[6-A. Charges for emergent copies.- Where copies are required emergently, an additional charge calculated at the rate of 5 paise for a folio shall be paid subject to a minimum of one rupee and a maximum of 5 rupees.]

1. Rule 6-A inserted by Notification No. ROG 49/69 dated 27-1-1970, (w.e.f. 5-2-1970).

7. In the case of maps and plans, no general rule can be laid down. A reasonable fee (Proportionate to the skill, labour and time occupied in preparing the copy) shall, in each case, be fixed by the Court and deposited in cash by the party applying. The whole of such fee shall be paid to the person employed in preparing the copy, he supplying his own materials.

1[7-A. Payment of charges and mode of utilisation.- (1) Unless otherwise provided by these Rules or any other law for the time being in force:

- (a) All copies other than those which are granted free of cost shall be made on impressed copying sheets of the value of 35 paise prepared under the orders of the State Government. Where, however, such copying sheets are not available or where the presiding officer of the court so permit, charges may be paid in the shape of Court-fee labels.
- (b) Additional charges for emergent copies and postage whenever payable shall be paid in Court-fee labels.

(2) Where ordinary charges are paid in Court-fee labels, copies shall be prepared on substantial foolscap paper and payment of charges and the mode of payment shall be certified at the top of the first sheet by the Copyist-Examiner or the Chief Ministerial Officer, as the case may be, over his signature. The Court-fee labels representing the copying charges shall be affixed to the certified copy and cancelled in the manner provided by law before the copy is delivered or posted for delivery to the applicant.

1. Rule 7-A inserted by Notification No. ROC 49/69 dated 27-1-1970, (w.e.f. 5-2-1970).

(3) Where copying sheets are used for preparation of copies 175 words shall be type-written or written on a single sheet. Where, however, the said full number of words cannot be written on one side of the sheet, the number of words necessary to make up the total of 175 words may be written on the reverse.

(4) A margin of 3.5 centimeters should always be provided on the left hand side of the front page of the sheet and on the right hand side of the reverse.

(5) Payment of additional charges for emergent copy in court fee labels and the mode of payment should also be certified in the same manner as provided in sub-rules (2) above.]

8. At the close of each day, all records and all undelivered copies and unused-copying sheets shall be taken back from the Copyists and secured for the night by the Copyist-Examiner or the Chief Ministerial Officer of the Court. Unused stamp paper relating to finished copies as well as all finished copies shall be retained by such Officer till they are required for delivery to the parties.

*9. When a copy is ready, it shall, before delivery be certified and sealed in the manner prescribed by Section 76 of the Indian Evidence Act, 1872. The certificate that it is a true copy shall be signed by the Copyist-Examiner or the Chief Ministerial Officer, who shall initial every alteration or correction. The total number of alterations and corrections which have been so initialed by the Copyist-Examiner or the Chief Minister Officer, shall be noted at the end of each sheet. The practice of making erasures by scratching out or otherwise effacing words is strictly prohibited. Corrections should be made by

drawing a pen through the word to be cancelled and by writing the substituted word above the word so cancelled.

'Criminal Circular No. ROG 2385-63, dated 1st August 1963.

Cases of using ball point pen in preparing certified copies, in putting up notes and drafts in administrative files and in signing bills and other documents with money value are noticed. It is also noticed that Advocates and Pleaders sometimes use the ball point pen for the papers to be filed in Courts. Recently the Reserve Bank has also issued a Press Communique explaining that ball point pen should not be used for writing on negotiable instruments and other valuable documents as the writing would become smudged after sometime.

It is therefore directed that the writing on all official papers should be in ink and ball point pens should not be made use of instruments and other valuable documents as the writing would become smudged **after sometime.**

It is therefore directed that the writing on all official papers should be in ink and ball point pens should not be made use of.

10. Such copies shall not be filed in any Court unless and until the requisite court-fee stamps have been affixed thereto. Court-fee labels shall be affixed to the first page of the copy and shall be cancelled by punching out with a square punch, a portion of each label in such a manner as to remove neither the figure head nor that part of the label upon which the value is expressed.

11. Unused copying sheets, if any, should not be retained in the office but should be attached to the copy for the preparation of which they were furnished and should be returned to the applicant together with the copy.

12. (1) Every copy shall bear an endorsement showing the following particulars:-

- (1) Copy applied for on the.....
 - (2) Copying sheets called for on the
 - (3) Copying sheets supplied on the
 - (4) Applicant told to appear on the.....
-

- (5) Copy ready on the
- (6) Copy delivered on the
- (7) Copied by
- (8) Examined by.....

(2) The dates referred to in this rule shall be expressed in figures and not in words, and all corrections shall be properly attested.

13. In case any applicant desires to have his copy sent to him by post, the copy can be forwarded by registered packet or by ordinary post, if the required charges are paid in advance. In every such case "copy posted" shall be substituted for "copy delivered" on the endorsement referred to in the above Rule and, in columns 21 and 22 of the Register of Applications for Copies (Register No. XII) the date of despatch will be entered and the signature of the dispatching clerk taken.

14. The Court shall examine the entries made in the Register of Applications for Copies (Register No. XII) on some fixed day in each week, and shall satisfy itself that applications for copies are complied without any undue delay and that the copying work is so distributed as to ensure, as far as possible, equal work to all the Copyists.

15. When the copies or unused copying sheets are not claimed within twelve months from the date on which copies were ready for delivery, such copies and unused copying sheets shall be destroyed in the presence of the Presiding Officer, a note to that effect being made in the Register of Applications for Copies (Register No. XII).

16. Proper arrangements should be made to ensure accuracy and neatness of copies.

CHAPTER XV PAYMENT OF BATTAs

The Courts are authorised to grant batta to released persons who are not possessed of means to enable them to return to their places of residence, at the rates prescribed for the second class witnesses in the Karnataka Payment by Government of Expenses of Complainants and Witnesses (attending Criminal Courts) Rules, 1967, when such persons-

- (1) have been acquitted or discharged or released from custody;
- (2) have been arrested under ¹[Section 427 of the Code] and subsequently released; and
- (3) are released under any other provisions of law:

Provided that such persons, if they are above 18 years of age and reside at a distance of more than ten miles and if they are under 18 years of age and reside at a distance of more than 2 miles from where the Court that orders their release is situated.

Notes.- The Karnataka Payment by Government of Expenses of Complainants and Witnesses (attending Criminal Courts) Rules, 1967, made by the State Government in exercise of the powers vested in it under ²[Section 544 of the Code] are reproduced after Appendix II to these Rules.

1. Now see Section 390 of Or.P.O. 1973 (Act 2 of 1974).

2. Now see Section 312 of Or.P.O. 1973 (Act 2 of 1974).

CHAPTER XVI
MISCELLANEOUS
Affidavits

1. Every affidavit for use in Criminal Courts shall set forth the cause title of the proceeding or matter in which it is sought to be used and, in case of affidavits used in Interlocutory Applications, also the cause title of the Interlocutory Application.

2. Every person making an affidavit shall be described in the affidavit in such manner as will be sufficient to identify him clearly.

3. An affidavit shall be confined to statement of facts and avoid arguments.

4. When an affidavit contains statement of facts not within the deponent's personal knowledge but based on the information received by the deponent, he shall state so and that he believes them to be true and also give the source of such information wherever possible and the grounds of his belief, if any.

5. Affidavits intended for use in Criminal Courts may be made before and attested by any of the following persons' hereinafter called attesting officers, who are hereby empowered to administer oath or solemn affirmation:-

- (i) Any Judicial Officer (including Executive or Honorary Magistrate) or the Presiding Officer of a Revenue Court ;
 - (ii) Any Registrar or Sub-Registrar, under the Indian Registration Act, 1908 (Central Act No. 16 of 1908);
 - (iii) The Registrar, Deputy Registrar or Assistant Registrar of any High Court;
-

- (iv) Notary appointed under the Notaries Act, 1952 (Central Act No. 53 of 1952); and
- (v) Head or Chief Ministerial Officers of Courts (such as Head Clerks, Sheristedars).

CASE LAW

Rule 5(i). Affidavit attested by the Additional District Magistrate relied upon by Subdivisional Magistrate in a proceeding Under Section 145 of Cr.P.C. is not improper (*A. Krishna Iyer and another Vs. T.V. Krishna Murthy and another*• ILR 1973 Mys. 1468).

6. The deponent of the affidavit shall sign or make his mark at the foot of every page of the affidavit and also at the end of it. The attesting officer shall authenticate every correction, alteration or interlineation by placing his initials near it and also enter at the foot of every page of number of such authenticated corrections, etc., or enter the word 'nil' if there is none, and initial such entry and sign his name and enter his designation at the end of the affidavit and affix thereto his official seal or that of his Court.

7. If the person making the affidavit is not personally known to the attesting officer, he shall be identified by a person known to the attesting officer and the fact of such identification together with the name and description of the person making the identification shall be noted at the end of the affidavit. The person making the identification shall make an endorsement of the affidavit and append his signature thereto. If a person making the affidavit not known to the attesting officer is not so identified, the left thumb impression of the person making the affidavit shall also be affixed at the end of the affidavit and be certified to be such impression by the attesting officer.

8. If the deponent appears to be illiterate or blind or is unacquainted with the language in which the affidavit

is made or written, the affidavit shall be read out and explained to the deponent in a language known to him in the presence of the attesting officer who shall certify that it was so explained in his presence and that the deponent appeared to understand the same and signed his name or made his mark in the presence of the attesting officer.*

* Criminal Circular No. ROG 2143-62 dated August, 1962.

It was noticed by the High Court that in an affidavit filed before it, blank space was left in a sentence making it possible to fill it up subsequent to its swearing and that even the Officer before whom it **was swam to had not noticed it.**

To prevent a repetition of such possibilities, the High Court hereby impresses upon all the persons before whom affidavits are sworn to, the necessity of examining the affidavits carefully before they are attested and refusing to attest any affidavit in which blank spaces meant for being filled up have not been filled up.

9. If any document is referred to in the affidavit and produced with it, the attesting officer shall make an endorsement thereon as follows :

"This is the document referred to as Exhibit in the affidavit of.....Sworn/Solemnly affirmed before me this the day of. 19."

and sign such endorsement.

1

APPENDIX I

FORMS

Form No.	Description	Chapter	Rule
1.	Form of order requiring the attendance of a prisoner to give evidence	III	12(1)
2.	Form of order requiring the attendance of a prisoner to answer a charge.	III	12(2)
3.	Order Sheet	VII	1(1), 18, 20(2)
		VIII	3
4.	List of documents admitted in evidence	VII	13(3)
5.	List of articles	VII	16(b)
6.	Table of previous convictions to be appended to the judgment	VII	22
7.	Intimation of realization of fine	IX	6
8.	Calendar of Original Cases	XII	1(1)
9.	Calendar of Appeals	XII	2
10.	Title Page	XIII	16
11.	Table of Contents	XIII	17
12.	List showing disposal of cases	XIII	19(3)
13.	Notice to take back documents	XIII	29
14.	Application for search of judicial records	XIII	41
15.	Certificate of attendance		

FORM NO. 1 (CRIMINAL)

*Form of order requiring the attendance of a
prisoner to give evidence Ch. III R. 12(1)*

IN THE COURT OF THE.....

Criminal Case No..... of 19 .

.....Vs.....

To

The Officer in charge of the

You are hereby required to produce.....
now a prisoner in.....
under safe and sure conduct before this Court
at..... on the..... day of.....
next day..... of the
O'clock in the forenoon of the same day, there to give
evidence in a matter now pending before this Court, and
after the said..... has then and there
given his evidence before this Court or this Court has
dispensed with his further attendance, cause him to be
conveyed under safe and sure conduct back to the
prison.

Given under my hand and the seal of the Court, this
the.....day of..... 19 .

Magistrate

Countersigned.
Sessions Judge

FORM NO. 2 (CRIMINAL)

Form of order, requiring the attendance of a prisoner to answer a charge Ch. III R. 12(2)

IN THE COURT OF THE.....

Criminal Case No..... of 19 .

.....Vs.....

To

The Officer in charge of the

You are hereby required to produce.....
now a prisoner in.....
under safe and sure conduct before this Court
at..... on the..... day of.....
next day..... of the
O'clock in the forenoon of the same day, there to answer
a charge now pending before this Court, and after such
charge has been disposed of, or this Court has dispensed
with his further attendance, cause him to be conveyed
under safe and sure conduct back to the said prison.

Given under my hand and the seal of the Court, this
the.....day of..... 19 .

Magistrate

Countersigned.

Sessions Judge

FORM NO. 3 (CRIMINAL)*Order Sheet**Ch. VII R. 1(1), 18, 20(2), Ch. VIII R. 3***ORDER SHEET**

IN THE COURT OF THE.....

Criminal Case No..... of 19 .

.....Vs.....

Serial No. of order	Date of order or Proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders when necessary
1	2	3	4

FORM NO. 4 (CRIMINAL)*List of documents admitted in evidence Ch. VII R 13(3)*

IN THE COURT OF THE.....

Criminal Case No..... of 19 .

.....Vs.....

List of documents admitted in evidence for the

PROSECUTION**DEFENCE**

Distinguishing mark and No.	Description of documents	By whom filed	Date of admission	Remarks
1	2	3	4	5

FORM NO. 5 (CRIMINAL)*List of articles**Ch. VII R. 16 (b)*

IN THE COURT OF THE.....

Criminal Case No..... of 19 .

.....Vs.....

List of articles connected with the offence and admitted in evidence.

Distinguishing mark and Number	Description of article	Weight size value and such other details as may be required	By whom produced	Date of admission	Remarks
1	2	3	4	5	6

Judge/Magistrate

FORM NO. 6 (CRIMINAL)

*Table of previous convictions to be appended
to the judgment
Ch. VII R. 22*

IN THE COURT OF THE.....

Criminal Case No..... of 19 .

.....Vs.....

No.	Court in which conviction was had	Case Number and offence	Particulars of sentence	Date of conviction
1	2	3	4	5

FORM NO. 7 (CRIMINAL)*Intimation of realization of fine Ch. IX R. 6*

(A-to remain in book)

Name of Prisoner

Son of

Date of sentence

Case No.

NOTE

Intimation of realisation of

Rs.

on account of fine

imposed on the

prisoner sent to

Superintendent....

Jail Dated the

Day of.... 19

*Judge,
Magistrate*

B-Magistrate's Order to remain with Jailer)

COURT OF

To

The Officer-in-charge of the

Jail at.....

Name of Prisoner

Son of

Date of sentence

Date of warrant

Case No.

Sentence

Fine of Rs.....

and in default of payment,

imprisonment or.....In

order to your observance of

the provisions of Sections

68 and 69, Indian Penal

Code, 1860, it is hereby

intimated that the sum of

Rs..... on account of

fine imposed on the prisoner

noted in the margin

committed to your custody in

default of payment of fine,

has been realised. The

return of the annexed

receipt under signature is

required. Dated the..... day

of 19.

*Judge,
Magistrate*

C-Superintendent of Jail's acknowledgment to be returned and pasted to Part-A)

To

The.....

Acknowledges receipt of

intimation regarding

realisation of Rs

on account of fine imposed

on the prisoner noted

below:

Name

Son of

Date of sentence

Case No.

Officer in charge of the Jail

dated the..... day

of..... 19 .

FORM NO. 8 (CRIMINAL)*Calendar of Original Cases**Ch. XII R. 1(1)*

Calendar of persons tried before the Court of.....

1. Serial Number of the case.
2. Name of complainant.
3. Name of accused.
4. Name of accused's father.
5. Caste of accused.
6. Calling of accused.
7. Age of accused
8. Residence of accused.
9. Offence complained of.
10. Date of occurrence.
11. Date of complaint or report.
12. Date of arrest by the police.
13. Date of first appearance of accused before the Court.
14. Date of commencement of trial.
15. Date of closing of trial.
16. Result of trial.
17. Number of adjournments.
18. Explanation of delay and remarks.

Judge

FORM NO. 9 (CRIMINAL)*Calendar of Appeals**Ch. XII R. 2*

Calendar in Appeals heard
before the Court of the.....

1. Date of presentation of the appeal or petition.
2. Date of filing.
3. Date fixed for hearing.
4. Date or dates of hearing.
5. Date of disposal.
6. Number of adjournments.
7. Explanation of delay.

Judge

FORM NO. 10 (CRIMINAL)*Title page**Ch. XIII R. 16***TITLE PAGE**

File.....

IN THE COURT OF THE.....

Complainant/Petitioner

Vs.

Accused/Respondent

Section of the Penal Code or other law.

Date of the decision of the Original Court.

Date of the decision of the Appellate or Revisional
Court.

FORM NO. 11 (CRIMINAL)*Table of Contents**Ch. XIII R. 17*

Table of Contents

IN THE COURT OF THE.....

Criminal Case No..... of 19 .

Complainant

Petitioner

Vs.

Accused

Respondent

Serial No. of paper	Sheets	Description	Value of Court-fee Stamp	Period for which to be preserved	Remarks
1	2	3	4	5	6

Note.-

Compared and found correct

Chief Ministerial Officer

Record Keeper.

FORM NO. 12 (CRIMINAL)*List showing disposal of cases.**Ch. XIII R. 19(3)*

List of Regular cases
 Miscellaneous cases
 Appeals
 Revisions

Disposed of in the Court of the.....
during the month of..... 19 .

Serial number of disposal	Date of disposal	Serial number in Court Register with year	Name of complainant, applicant or appellant	Name of accused, opponent or respondent	Remarks
1	2	3	4	5	6

FORM NO. 13 (CRIMINAL)*Notice to take back documents.**Ch. XIII R. 29*

IN THE COURT OF THE.....

Criminal Case No..... of 19 .

Complainant/Applicant

Vs

Accused/Opponent

The parties in the above case are hereby required to take back into their custody, within six months from the date of this notice, the documents now in the custody of the Court, filed by them as evidence in the above case, the judgment or order having now 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 records is destroyed.

Dated..... the..... day of..... 19 .

Presiding Officer

FORM NO. 14 (CRIMINAL)
Application for search of judicial record
Ch. XIII R. 41

**FORM OF APPLICATION FOR SEARCH
OF JUDICIAL RECORDS**

To

Name and address of applicant in full	Description as far as possible of records to be searched or	Purpose for which inspection or copy is required
1	2	3

Date

Signature of applicant

FORM NO. 15 (CRIMINAL)*Certificate of attendance***CERTIFICATE OF ATTENDANCE**

Certified that..... appeared before me as a witness on behalf of..... in Sessions/ Criminal Case No..... on the file of this Court for..... day/s from..... to..... in his official capacity to depose to facts within his official knowledge and that he has been paid by me the under mentioned allowances:-

Rs. P.

Travelling Allowance

Subsistence Allowance

Total

Court of the.....
.....19.

Judge/Magistrate

APPENDIX II**REGISTERS****PART I**

<i>Register No.</i>	<i>Description</i>	
I.	Register of First Information and Final Reports received.....	109
II.	Register of Complaints.....	110
III.	Register of Criminal Cases.....	111
III-A.	Register of Criminal Cases disposed of.....	113
IV.	Register of Miscellaneous Cases.....	115
IV-A.	Register of Miscellaneous Cases disposed of.....	117
V.	Register of Fines.....	119
V-A.	Register of Penalties.....	122
VI.	Register of unclaimed or other property produced and sold.....	124
VII.	Daily Register of Court-Fees realised in criminal cases.....	126
VIII.	Register of powers granted by the State Government to Magistrates.....	127
IX.	[Omitted].....	128
X.	Court Diary.....	128
XI.	Hearing Book.....	129
XII.	Register of applications for copies.....	130

- XIII. Register of long-pending cases..... 133
- XIV. Register of Records received
in the Court Record Room..... 135

PART II

- XV. Register of Revision Cases..... 136
- XV-A. Register of Revision Cases
disposed of..... 137

PART III

- XVI. Register of cases tried in the
Court of Sessions Judge..... 138
- XVI-A. Register of Sessions Cases disposed
of in the Court of Sessions Judge..... 140
- XVII. Register of Appeals..... 143
- XVII-A. Register of Appeals disposed of..... 144
- XVIII. Register of Criminal
Miscellaneous Appeals..... 145
- XVIII-A. Register of Criminal Miscellaneous
Appeals disposed of..... 147

PART IV

- XIX. Register of Records received in the
Central Record Room..... 148
- XX. Register of Records removed from the
Record Room..... 149
-

REGISTER NO. I (CRIMINAL)

[Ch. V R. 1(2) 10(1)]

Register of first information and final reports received

In the Court of the.....

Serial Number	Date of receipt of F.I.R. with Crime Number	By which police	Offence and Section of law	Name of the accused	Date of receipt of final report	Order of Court	C.C. No., if the case is registered with date of registration
1	2	3	4	5	6	7	8

REGISTER No. III (CRIMINAL)
[Ch. IV R. 1, 2, Ch. V R. 10(3), 11, Ch. XI R. 3(1), 4(1)]

Register of Criminal Cases

In the Court of the.....

No.	Date of registering the case	Nature of offence and/or section of Penal Code or other law applicable	Name of the informant or complainant	Accused				Date of presentation of First Information Report/Complaint	
				Name	Parentage	Age	Religion or Caste		Residence
1	2	3	4	5	6	7	8	9	10

REGISTER No. III-A (CRIMINAL)
Register of Criminal Cases Disposed of

In the Court of the.....

Sl. No.	Date of Disposal	No. of the cases with year	Offence under what Act or Section	Transferred to another Court	Transferred to Register of Long pending cases	Conviction under ¹ Sections 243 and 251-A (5) Cr.P.C.]	Disposal under ² Sections 247, 249 or 259 Cr.P.C.]	With-drawn under ³ Section 494 Cr.P.C.]	Acquitted under ⁴ Section 345(6) Cr.P.C.]
1	2	3	4	5	6	7	8	9	10

1. Now See Section 252 and 241 of Cr.P.C. 1973 (Act 2 of 1974).
2. Now See Section 256, 258 or 249 of Cr.P.C. 1973 (Act 2 of 1974).
3. Now See Section 321 of Cr.P.C. 1973 (Act 2 of 1974).
4. Now See Section 320 of Cr.P.C. 1973 (Act 2 of 1974).

Discharged under 1[Sections 251-A (2) and 253 Cr.P.C.]	Discharged under 2[Section 209 Cr.P.C.]	Committed under 3[Sections 213, 347 or 348 Cr.P.C.]	Reference under: 4[Sections 346 or 349 Cr.P.C.]	Judg- ment after trial	No. of persons		Duration	No. of adjourn- ments	Remarks
					Acqui- tied	Convi- cted			
11	12	13	14	15	16	17	18	19	

Note:-1 In columns 5 to 15, mark '1' only in the column suited to each case.

2. If there are more accused than one, it is the case against the accused remaining on record at the time of the final disposal of the case that must be taken into account in making entries in this Register.

1. Now See Sections 239, 245 of Cr.P.C. 1973 (Act 2 of 1974).

2. Section 209 of 1898 Code omitted by Cr.P.C. 1973 (Act 2 of 1974).

3. Now See Section 323 or 324 of Cr.P.C. 1973 (Act 2 of 1974).

4. Now See Section 322 or 325 of Cr.P.C. 1973 (Act 2 of 1974).

REGISTER No. IV (CRIMINAL)
Register of Miscellaneous Case

In the Court of the.....

Number	Name and residence of Petitioner, if any, or designation of officer by whom reported	Name and residence of Respondent	Section and chapter of the Criminal Procedure Code under which proceedings are instituted	Result
1	2	3	4	5

	Date of				Number of witnesses detained beyond three days out of those examined	Date of delivery of record to Record Branch	Remarks
	Receipt of petition or report	Comment of enquiry	Adjournment	Order			
6	7	8	9	10	11	12	13

REGISTER No. IV-A (CRIMINAL)
Register of Miscellaneous Cases Disposed of

In the Court of the.....

Sl. No.	Number of the case and date of disposal	Proceedings under Section 145 Cr.P.C.	Proceedings under Sections 109 and 110 Cr.P.C.	Proceedings under Chapter X Cr.P.C.	Proceedings under ¹ [Chapter XXXV Cr.P.C.]	Proceedings under ² [Chapter XXXVI Cr.P.C.]
1	2	3	4	5	6	7

1. Now See Chapter XXVI of Cr.P.C. 1973 (Act 2 of 1974).

2. Now See Chapter IX of Cr.P.C. 1973 (Act 2 of 1974).

Proceedings under Section 514 [Cr.P.C.]	Proceedings under Section 528 [Cr.P.C.]	Result		Duration	No. of hearings	Remarks
		Allowed	Rejected			
8	9	10	11	12	13	14

Notes:- In columns 3 to 10 mark '1' only in the particular column suited to each case.

1. Now See Section 446 of Cr.P.C. 1973 (Act 2 of 1974).
2. Now See Sections 408 to 412 of Cr.P.C. 1973 (Act 2 of 1974).

REGISTER No. V (CRIMINAL)

[Ch. IX R. 1, 7(1)(2), Ch. XI R. 4(1)]

Register of Fines Imposed and Levied and Refunded

In the Court of the.....

Note:- State in columns 9, 14 and 19 the specific head under which the fine is imposed or refunded.

Sl.No. of Fine Register	No. of Case	Persons fined	Date of sentence of fine	Initials of the Judge	Amount of fine imposed			As compensation, etc., under 1)Section 250 or 545, Criminal Procedure Code] or Cattle Trespass Act
					To be credited to Government.	To be credited to municipal and other funds	Amount	
1	2	3	4	5	6	7	8	9

1. Now See Section 250 or 357(1), (2), (4) of Cr.P.C. 1973 (Act 2 of 1974)

Amount of compensation paid to injured party or amount paid to informer or Police with the date and signature of the recipient in all cases	Amount paid into Treasury	Date of payment into Treasury	Signature of the Magistrate or Judge	Refund		Remarks
				Amount refunded	Number and date of refund order	
18	19	20	21	'22	23	24

REGISTER No. V-A (CRIMINAL)
[Ch. X R. 9]

Register of Penalties under ¹[Section 514 Cr.P.C.]

In the Court of the.....

Sl. No.	Date	Name of the person	Amount of the penalty	Time granted if any	Amount recovered	Date of recovery
1	2	3	4	5	6	7

¹ Now See Section 446 of Cr.P.C. 1973 (Act 2 of 1974).

Amount remitted	Date of issue of attachment warrant	Date of Return	Amount realised by warrant if any	If ordered to be imprisoned in Civil Jail, the term	Remarks
8	9	10	11	12	13

REGISTER No. VI (CRIMINAL)

[Ch. X R. 4(2), 3(d), 17(a)]

Register of Unclaimed or other Property Produced and sold

In the Court of the.....

Sl. No. and Number of the case	Name of the Police Station with Crime Number	Name of the person to whom the property belonged	Under what circumstances the property was produced	By whom produced and date of production and signature of the person producing	Number and description of articles produced	Estimated value thereof Rs. Ps.	Order of the Court
1	2	3	4	5	6	7	8

1. Substituted by Notification No. ROC 2390/60 dated 7-10-1968, KGD 24-10-1968.

No. and description of property released or restored and to whom	Date of restoration and signature of receiver	No. and description of property sold if unclaimed, attached or forfeited and date of sale	Proceeds of sale	Date on which amount credited to Government	Amount paid into Treasury or Bank	Date of payment	Challan No.	Signature of Magistrate	Remarks
9	10	11	12	13	14	15	16	17	18

REGISTER No. VII (CRIMINAL)
Daily Register Of Court-Fees Realised in Criminal Cases

In the Court of the.....

Date	Nature of document	Process fees	Other fees	Total	Remarks
1	2	3	4	5	6
		Rs. P.	Rs. P.	Rs. P.	

REGISTER NO. VIII (CRIMINAL)**Register of powers Granted by the State Government to Magistrates**

Name and class of Magistrate empowered	Nature of powers given	Date of order	Local extent	Nature of variation or cancellation	Date of varying or cancelling order	Remarks and Signature of the Magistrate
1	2	3	4	5	6	7

[REGISTER No. IX (CRIMINAL)]

[Ch. IX R. 4]

CASH BOOK**REGISTER No. X (CRIMINAL)**

[Ch. VII R. 18, Ch. X R. 5]

COURT DIARY

In the Court of the.....

Date	Number of case, appeal or petition	Purport of proceedings
1	2	3

1. Register No. IX omitted by Notification No. LCAJ/499/84 dated 18-8-1993 [KGD 2-9-1993].

**REGISTER No. XI (CRIMINAL)
HEARING BOOK**

In the Court of the.....
For the month of..... 19.....

Date	Cases posted	Remarks	Date	Cases posted	Remarks
1	2	3	1	2	3

(1) Cases disposed of on the date of hearing should be marked.

(2) When cases are adjourned, the date of the adjourned hearing should be shown in column (3)

Thus _____

REGISTER No. XII (CRIMINAL)
[Ch. XIV R. 3, 13, 14, 15]

Register of Applications for copies

In the Court of the.....

Sl. No.	Date of application	No. of the proceeding in which the documents is to be found and name of the Court	Name of applicant	Description of document of which copy is applied for	Copying sheets or cash				
					Number Called for Amount	Date of call	Date fixed for production	Number Produced amount	Date of production
1	2	3	4	5	6	7	8	9	10

Number Called for amount		Additional Copying sheets or cash			Date on which the original was given to the copying Department	Date or dates fixed for the applicant to appear	Date of rejection of the application for non- production of copying sheet	
		Date of call	Date fixed for production	Number Produced amount				Date of production
11		12	13	14	15	16	17	18

Unexpended balance of copying sheets							
Date on which copy was ready	No. of sheets used for the copy	Date of delivery or dispatch by post	Signature of the applicant or despatching clerk	Number	If returned, date of return and the signature of the applicant	If destroyed date of destruction and the initials of the officer	Remarks
19	20	21	22	23	24	25	26

REGISTER No. XIII (CRIMINAL)

[Ch. IV R. 1, 2, 3 (1) (2), (5)]

Register of Long-Pending Cases

In the Court of the.....

Sl. No.	Date and number of order authorising transfer to this register	Date of entry in the register	Number and date of case	Description of accused	Description of offence	Date of offence	Date of issue of proclamation under ¹ Section 87 Criminal Procedure Code]
1	2	3	4	5	6	7	8

1. Now See Section 82 of Cr.P.C. 1973 (Act 2 of 1974).

Date fixed for appearance	Date of attachment	Description of property attached	Method and date of disposal of property attached	Date of recording evidence under [Section 512 Criminal Procedure Code]	Date of appearance or death of accused	Remarks
9	10	11	12	13	14	15

1. Now See Section 299 of Cr.P.C. 1973 (Act 2 of 1974).

REGISTER No. XV (CRIMINAL)
Register of Revision Cases

In the Court of the Sessions Judge,

Sl. No.	Date of filing the petition	No. and names of petitioners	No. and names of respondents	Order or sentence of which revision is sought	By whom the order or sentence passed	Date of adjournments	Final order passed with date	Date of delivery of the Record Branch	Remarks
1	2	3	4	5	6	7	8	9	10

REGISTER No. XV-A (CRIMINAL)
Register of Revision Cases Disposed of

In the Court of the Sessions Judge,.....

Sl. No.	Date of disposal	No. of the case	Further enquiry ordered	Reference to High Court under ¹ [Section 438]	Rejected	Duration	No. of adjournments	Remarks
1	2	3	4	5	6	7	8	9

Note:- In columns 3 to 6 mark '1' only in particular columns suited to each case.

1. Now See Section 400 of Cr.P.C. 1973 (Act 2 of 1974).

REGISTER No. XVI (CRIMINAL)
Register of Cases Tried

In the Court of the Sessions Judge,.....

No.	Accused					Charge	Section of Penal Code applicable	Date of	
	Name	Parentage	Age	Religion or caste	Residence			Offence	Commitment to Sessions Court
1	2	3	4	5	6	7	8	9	10

Dates of adjournments	Final order or Judgment			No. of witnesses examined	No. of witnesses detained beyond 3 days out of those examined	Date of delivery of the record to the Record Branch	Signature of Judge
	Date	Nature	Sentence				
11	12	13	14	15	16	17	18

REGISTER No. XVI-A (CRIMINAL)**Register of Sessions Cases Disposed of**

In the Court of the Sessions Judge.....

Sl. No.	Date of disposal	No. of case	Under Section 75, IPC	Chapter V-A, IPC	Chapters VI and VII, IPC	Chapters VIII, IX, X, IPC	Chapter XI, IPC	Chapter XII, IPC	Sections 281 and 295-A, IPC	Offence under Sections 302, 303, 304, 304-A, 307, 308 and 311, IPC
1	2	3	4	5	6	7	8	9	10	11

Offence under Sections 312 to 318, IPC	12					
Offence under Sections 324 to 333, 335, 344 to 348, IPC	13					
Offence under Sections 363 to 372, 376 and 377, IPC	14					
Offence under Chapters XVII, XVIII, XXI, XXII, IPC	15					
Offence under Chapter XX, IPC	16					
Offences under other laws	17					

No. of days of sitting	Duration	No. Acquitted	Result			Transfer to Register of Long Pending Cases
			Sentenced to death	Imprisonment for more than five years	Imprisonment for five years or less	
18	19	20	21	21(a)	21(b)	21(c)

Note.- In columns 4 to 17 mark '1' in the relevant column. If the accused or any of them is charged for more than one offence, the mark shall be made in all the relevant columns.

REGISTER No. XVII-A (CRIMINAL)
Register of Appeals disposed of

In the Court of the Sessions Judge.....

Sl. No.	Date of disposal	No. of the Appeal	Appeal dismissed under [Section 421 Cr.P.C.]	Confirmed	Reversed	Modified	Remanded for fresh trial	Duration	No. of adjournment	Remarks
1	2	3	4	5	6	7	8	9	10	11

Note:- In columns 4 to 7 mark '1' only in the particular column suited to each case.

1. Now See Section 384 of Cr.P.C. 1973 (Act 2 of 1974).

REGISTER No. XVIII (CRIMINAL)
Register of Criminal Miscellaneous Appeals

In the Court of the Sessions Judge.....

Date of Memorandum of Appeal	No. of Appeal	Name and description of appellant	Name and description of respondent	Order appealed from		
				Of what Court	No. of original application	Nature of original application
1	2	3	4	5	6	7

Date fixed for hearing	Date of adjournment	Final Order		Date of delivery of record to Record Branch	Remarks
		Date	Whether original order confirmed, reversed or modified		
8	9	10	11	12	13

REGISTER No. XVIII-A (CRIMINAL)
Register of Criminal Miscellaneous Appeals Disposed of
 In the Court of the Sessions Judge.....

Sl. No.	Date of disposal	Number of the appeal	Confirmed	Reversed	Modified	Duration	No. of adjournments	Remarks
1	2	3	4	5	6	7	8	9

Note:- In columns 4 to 6 mark '1' only in the particular column suited to each case.

REGISTER No. XIX (CRIMINAL)

[Ch. XIII R. 20, 21(2)]

Register of Records Received in the Central Record Room

Sl. No. of disposal	Date of disposal	Sl. No. in Court Register with year	Name of complainant, or appellant	Name of accused, opponent or respondent	Date of destruction of files
1	2	3	4	5	6

Note:- A separate Register will be maintained for each Court from which records are received and separate pages in the Register will be set apart for each class of cases.

REGISTER No. XX (CRIMINAL)**Register of Records Removed from the Record Room**

Number of case with name of Court and year	Names of parties	To whom sent	Date of despatch with number in "To" register	Date on which the record was returned
1	2	3	4	5

