

THE CRIMINAL RULES OF PRACTICE

(TRAVANCORE-COCHIN STATE)



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ERNAKULAM

1955

TRAVANCORE-COCHIN

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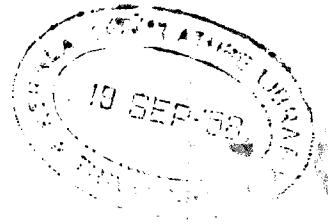
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THE CRIMINAL RULES OF PRACTICE (TRAVANCORE-COCHIN STATE)

Preamble.—Whereas it is expedient to bring up-to-date the criminal rules of practice and consolidate the circulars and other orders or administrative instructions issued from time to time, the following rules are issued by the High Court, with the sanction of the Government, conveyed in their proceedings No. D. Dis. 7891/54/C. S. dated 13th December, 1954, for the guidance of all criminal courts in the State.

1. *Short Title.*—(i) These rules may be cited as “The Criminal Rules of Practice, Travancore-Cochin”.

Commencement.—(ii) These rules shall come into force at once.

Repeal.—(iii) These rules shall supersede all previous rules, circulars and notifications.

CHAPTER I

Preliminary

2. *Judicial work, unless really urgent, not to be done on Sunday.*—Sunday shall be deemed a *dies non* and no cases shall be heard and no judicial act formally announced or done on Sundays save in cases of absolute urgency.

3. *District Registrar and Sub Registrar exercising authority under Registration Act to be deemed as Civil Court.*—Every District Registrar and Sub Registrar exercising authority under the Indian Registration Act, 1908, shall be deemed to be a Civil Court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure.

4. *Mode of communicating orders to Subordinate Magistrates.*—All proceedings of the Court of Session addressed to any Magistrate subordinate to the District

Magistrate, shall, except in cases of urgency or when the law sanctions a different course, be sent to the Magistrate concerned through the District Magistrate.

In the cases above excepted, a copy of the Sessions Court Proceedings shall be sent to the Magistrate concerned and to the District Magistrate simultaneously.

5. *Calling for records on appeal or revision without intervention of District Magistrate.*—In calling for the records of an inferior court under Section 423 or 435 of the Code of Criminal Procedure Sessions Judges may address the Magistrates, in whose custody the records are, without the intervention of the Magistrate of the District.

6. *Forms to be used.*—The Forms prescribed by these rules or appended hereto shall be used for the respective purposes therein mentioned with such variations as the particular circumstances of each case may require.

CHAPTER II

Form of Proceedings

7. *Form of appeals.*—All petitions, applications, affidavits, memoranda of appeal or revision petitions and all proceedings presented to the court, shall be in English or the language of the District and shall be written, typewritten or printed fairly and legibly on substantial white foolscap folio paper with an outer margin about two inches wide and an inner margin about an inch wide and separate sheets shall be stitched together bookwise.

8. *Cause title of miscellaneous petitions.*—Every original miscellaneous petition shall be headed with a cause title setting out the provision of law under which it is filed and the names and full addresses of the parties to it separately numbered and described as petitioners and counter-petitioners.

9. *Revision petition against order passed in appeal.*—When a revision petition is presented against a judgment or order passed in appeal, it must be accompanied also by a certified copy of the judgment or order of the court of first instance, obtained either by a fresh application for copy or by a return of enclosures.

10. *Motion cases.*—Every petition or application intended to come up for orders of the High Court as a special motion should be filed in the office of the Registrar not later than 3 p.m. on the day previous to the day on which the motion is to be heard and a separate letter explaining the nature of the urgency should be addressed to the Registrar for permission to move.

11. *Court fee to be paid in each petition.*—Every petition filed in court or presented in the office shall be stamped with the court fee to which it is liable under the law.

12. *Return of defective petitions, etc. and their representation.*—Every petition or other application which does not comply with the above requirements or is otherwise defective shall be returned to the party or pleader concerned for amendment and representation within a specified time.

13. *Cancellation of Stamps.*—Before any action is taken on a document on which an adhesive court fee stamp has been affixed for the first time and produced in court or any impressed court fee stamp is produced as court fee for process or otherwise, the figure heads in the stamps shall be punched out and destroyed. The court or office, issuing copies, certificates or other similar documents liable to stamp duty shall, before issue, cancel the labels affixed to them by punching out a portion of the label in such a manner as to remove neither the figure head nor the part of the label upon which its value is expressed. As an additional precaution, the signature of the officer attesting the document with the date should be written across the label, and he should also note on the paper, the value of the stamp affixed to it.

14. *Applications and appeals under Sections 476, 476-A and B and 485, Criminal Procedure Code.*—Every application made to a Criminal Court under the provisions of Sections 476, 476-A and B and 485 of the Code of Criminal Procedure and every appeal filed against an order made under the above sections, or filed in a Court of Session against an order of a court exercising Small Cause Jurisdiction under Section 486 of the Code of Criminal Procedure shall be registered as a Criminal Miscellaneous Petition and a Criminal Appeal respectively. Such applications and appeals when filed in a Civil Court will be registered as Civil Miscellaneous Petitions and Civil Miscellaneous Appeals.

This rule applies to revision petitions also.

15. *Applications under Section 520, Criminal Procedure Code to be filed as Criminal Miscellaneous Petitions.*—Every application to a Criminal Court under Section 520 of the Code of Criminal Procedure shall be registered as a Criminal Miscellaneous Petition and dealt with as such.

16. *24 hours' notice to Public Prosecutor to be given in cases of transfer.*—No application for transfer in which previous notice is prescribed by the Code of Criminal Procedure shall be accepted as a special motion unless it bears an endorsement or is accompanied by a satisfactory voucher, that notice was given to the Public Prosecutor, at least 24 hours before the forenoon of the day on which the Court sits to take up the application.

CHAPTER III

Appointment of Pleaders

17. *Private pleaders.*—No person who is not a qualified legal practitioner should be permitted to act as a pleader in any proceeding except to prevent a possible miscarriage of justice and for reasons to be recorded in writing by the court. Such permission shall be restricted to the conduct of the particular case and shall not operate as a general license empowering the person so permitted to act as a pleader generally in all cases.

18. *Vakalathnama. Pleader to file vakalathnama.*—Every pleader, as defined in Section 4 (r) of the Code of Criminal Procedure, other than a Public Prosecutor, appearing in any criminal proceeding in any court shall file in court a vakalathnama from his client authorising him so to appear.

19. (1) *Form and attestation of vakalathnama.*—Every vakalathnama shall, unless otherwise permitted by court be in Judicial Form No. 130. Every vakalathnama must be executed by the party and signed and authenticated before a Judicial Officer, a Registrar or a Sub Registrar, the Head Ministerial Officer of a Civil or Criminal Court in the State of Travancore-Cochin, a member of Parliament or of the Legislature of any State in India, the President, Executive authority or a member of any municipal council or corporation or other local body in India, a village officer, a gazetted officer in the service of the Central Government or any State in India, a Commissioned Officer in the Armed Forces of India, or an Ambassador or

Envoy duly accredited to the Central Government, except in cases where the vakalathnama is written in a language which the executant knows to read and write and where the executant signs the same in the presence of the pleader in whose favour such vakalathnama is executed or where the pleader is acquainted with his signature and an endorsement to this effect is made by the pleader. The person authenticating the execution and attestation of the vakalathnama shall certify that it has been duly executed in his presence and subscribe his signature, adding also his designation. Officers having official seals shall also affix such seals in authenticating the vakalathnama. Every vakalathnama must be dated at the time of its execution and its acceptance and be attested by two witnesses. No vakalathnama shall be authenticated by an officer unless the pleader's name is inserted therein previous to its execution. When a vakalathnama is executed by a party who appears to the officer or person before whom it is executed to be illiterate, blind or unacquainted with the language in which the vakalathnama is written, the officer or person shall certify that the vakalathnama was read, translated and explained in his presence to the executant, that he seemed to understand it and that he made his signature or thumb mark in his presence.

(2) The execution of vakalathnama by persons incarcerated in jail may be authenticated by the jailor, station house officer or other officer in charge.

(3) When the executant of a vakalathnama is himself a public officer of whose signature a court may take judicial notice, authentication on the vakalathnama shall not be necessary.

(4) Every vakalathnama shall contain an endorsement of the pleader in whose favour it is executed, that it has been accepted by him. There shall also be endorsed on the vakalathnama a statement of his address for service. If more pleaders than one are named in the vakalathnama it shall be accepted by all such pleaders but the address for service may be of any one of such pleaders.

(5) A pleader proposing to enter appearance in any criminal proceeding in which there is already a pleader on record shall not enter appearance unless he produces the written consent of the pleader already on record or, where the consent of such pleader is refused, unless he obtains special sanction of the Court.

20. *Appointment of pleader to continue for getting copies of judgments, etc.*—Notwithstanding the termination of all proceedings in the trial or enquiry, the appointment of a pleader in a criminal case, shall unless otherwise 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.

21. *When pleader to be engaged to defend accused.*—In any case which comes before the High Court or a Court of Sessions, the court shall engage a pleader to defend an accused person if (1) the charge against him is such that a capital sentence is possible, and (2) it appears that he has not engaged a pleader and is not possessed of sufficient means to do so.

The court may, subject to condition (2) above, engage a pleader to defend an accused person against any other charge if it considers it desirable to do so in the interests of justice.

22. *Pleader to be given papers.*—Pleaders appointed under the above rule shall be furnished with the necessary papers and allowed sufficient time to prepare for the defence.

23. *Court of Sessions to decide whether pleader should be engaged and how many.*—The High Court or the Court of Session shall not be bound by the report of the Committing Magistrate, but shall use its own discretion as to the appointment of pleader for the defence if the accused has not retained one. If there are several accused persons and their respective defences are such that it appears to be undesirable to entrust the defence of all to a single pleader, as many pleaders may be appointed for the defence as the necessity of the case seems to require.

24. *Fee for pleaders.*—All Sessions Judges are authorised to sanction the payment, to each pleader engaged for the defence, under Rule 21, of a fee not exceeding Rs. 25 for each day of the trial or Rs. 150 in the aggregate. The fee payable to a pleader appointed by the High Court shall be fixed by the High Court in its discretion.

25. *Amicus curiae.*—The Court may of its own motion or on application by the Public Prosecutor appoint a pleader as *amicus curiae* in any case of importance or difficulty.

CHAPTER IV

Processes

26. *Witness summons may be signed by Ministerial Officer.*—Summons issued to witnesses and assessors shall ordinarily be signed by the chief ministerial officer of the court.

The words "By order of the Court" shall invariably be prefixed to the signature of the ministerial officer in such cases.

27. *Accused summons to be signed by Magistrate.*—Magistrates shall themselves sign summonses to accused persons.

28. *Place of hearing to be stated.*—Every summons and every adjournment shall state the place in which the case to which it relates will be heard.

29. *Plural to be used for persons summoned.*—In all summonses issued by the Criminal Courts in Malayalam or Tamil, the plural form of the pronoun shall be used in addressing the persons summoned.

30. *Warrant to bear sign manual of Judge or Magistrate.*—All warrants should receive the sign manual of the Judge or Magistrate from whose court they are issued. Affixing of facsimile stamps for signing warrants or summonses is prohibited.

31. *Summonses to medical witnesses.*—(i) Summonses to medical witnesses should be issued in the manner specified below :—

- | | | |
|--|---|---|
| (a) Medical officers in Government medical institutions | } | Through the district medical officer to whom he is subordinate. |
| (b) Medical officers serving in Municipalities, Local Boards and other local authorities or institutions | } | Through the chief executive officer of such institutions. |
| (c) Honorary medical officers working in Government medical institutions | } | Through the officer in charge of such institutions. |

(d) Private medical practitioners } Directly by serving
 } the summons on them.

(ii) In the case of the first three classes of medical officers cited as witnesses, if their absence from station is not involved, the summons may be served on them direct and the fact intimated to the persons through whom the summons is usually to be served, for information.

(iii) In all cases where the time available is short or the medical institution is distant, a telegram may be sent.

(iv) When District Medical Officers are cited as witnesses the summons in duplicate should be sent to them direct for acceptance.

32. *Special orders to be taken before summons is issued to medical witnesses.*—Presiding officers of courts should see that their special orders are taken before a summons is issued to a medical witness and that a convenient date is fixed for his examination. If there is more than one medical officer in a hospital, only one officer should, as far as possible, be summoned at a time.

If possible, it may be previously ascertained from the medical officer what time would best fit in with his professional duties. A medical witness should be summoned only when the presence of the accused is certain and when there is no likelihood of the case being adjourned for any other reason. The presiding officer of the court should see that the time fixed for the examination of the medical officer is adhered to and that the absence of the medical officer from his duties is as brief as possible.

33. *Mode of service.*—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.

In the case of illiterate persons their thumb impressions should be taken.

34. *Service of notices issued by the High Court.*—All notices issued by the High Court under Sections 422 and 439 clause (2) of the Code of Criminal Procedure shall be in duplicate and must be served as expeditiously as possible and the

duplicate copy with the endorsement of service, if effected, should be transmitted to the High Court without delay.

35. *Cases in which accused has absconded.*—When process has been issued for the attendance of the accused but the case has remained pending for a long time owing to his non-appearance, and the Magistrate is satisfied that the presence of the accused cannot be secured within a reasonable time, or when an 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 of Criminal Procedure, the Magistrate shall report the case for the orders of the District Magistrate and the District Magistrate may, if he thinks fit, order that the case shall be removed from the register of cases received, and omitted from the quarterly returns. The case shall, however, then be entered in a separate register of long pending cases which shall be maintained by all Magistrates in Administrative Form A No. 9. If at any future time the accused person is apprehended or appears or ceases to be insane, as the case may be, the case against him shall be treated as a new case, entered accordingly in the register of cases received, and dealt with according to law.

36. *Cases in which some of the accused have absconded.*—When there are several accused persons in a case and only some of them have appeared or been produced before the court, if the Magistrate is satisfied that the presence of the other accused cannot be secured within a reasonable time, having due regard to the right of such of the accused as have appeared, to have the case against them enquired into without delay, he shall proceed with the case as against such of the accused as have appeared and dispose of it according to law. As regards the accused who have not appeared, he shall give the case a new number and enter it in the register of cases received, and if it remains pending for a long time 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 the whole matter as regards all the accused to the District Magistrate setting forth the nature of the offence all the accused are charged with, the substance of the evidence let in against the persons tried, with the result of the trial, and also such facts as will give the District Magistrate a clear idea as to the nature of the case against the absent accused and the District Magistrate may direct that the case against the absent accused be removed to the "Register of Long-

pending Cases"; or if the District Magistrate is of opinion that the case against the absent accused is wholly false he may direct that the case be omitted from the registers and the returns altogether, provided that he may at any subsequent time order the case to be entered in the Register of Long-pending Cases. The District Magistrate shall, however, make these directions only after the expiration of three months in summons cases and six months in warrant cases from the date of the filing of the complaint.

37. *Procedure to be observed before transfer of a case to the "Register of Long-pending Cases".*—Before directing transfer of a case, other than a case dealt with under Section 466 (1) or (2) of the Code of Criminal Procedure to the "Register of Long-pending Cases", the District Magistrate shall satisfy himself that all reasonable steps have been taken to follow the procedure prescribed in Sections 87 and 88 and also, when practicable, that the provisions of Section 512 have been complied with.

38. *Procedure on appearance or production of the accused.*—If subsequently the absent 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; provided that, where the charge is withdrawn or the accused is reported dead the case should be closed and need not be given a fresh number.

39. *Cases where an accused has absconded after appearance.*—Rules Nos. 35 to 38 shall apply, as far as may be, to cases where an accused person has appeared but has subsequently absconded.

40. *Production of prisoners to give evidence or answer a charge.*—Every criminal court inferior to the court of a Magistrate of the First Class, in submitting to the District Magistrate its order under Section 12 of the Travancore-Cochin Prisoners' Act, XVII of 1950, shall state the approximate distance between the jail where the prisoner is confined and the court where his evidence is required, as well as the approximate time that may be required to convey the prisoner.

CHAPTER V

Investigation and Prosecution by Police.

41. *Head Constable when to hold investigations.*—Though Head Constables in charge of Police Out-posts are empowered to hold investigations under Section 174 (1) of the Code of Criminal Procedure, such investigations should, whenever possible be held by the Sub-Inspector himself. The Head Constables of Out-posts may hold these investigations only in the absence of the Sub-Inspector and when serious delay would occur otherwise.

42. *Report to District Magistrate where Government servants are prosecuted.*—Where the prosecution of a Government servant is contemplated by the Police they shall report to the District Magistrate before the prosecution is instituted.

43. *Police officer who can prosecute.*—No officer below the rank of a Head Constable shall be permitted to conduct a prosecution under Section 495, Code of Criminal Procedure.

44. *Notice to complainant after Report by Police under Section 202 Crl. P. C.*—When a Magistrate refers a case to the Police under Section 202, Code of Criminal Procedure for enquiry he should fix a date within which the report should be submitted to him by the Police and notify it to the complainant in order that he may have an opportunity of representing his objections, if any, to the Police Report.

45. *Complaints against Police officers not to be referred to the Police.*—Magistrates shall not under Section 202 of the Criminal Procedure Code refer to the Police complaints preferred to them against Police officers but shall either inquire into the case themselves or if they are Magistrates other than Magistrates of the Third Class direct an enquiry or investigation to be made by any Magistrate subordinate to them.

46. *Complaints in cognizable cases.*—When a complaint of a case cognizable by the Police is preferred by the complainant before a Magistrate under Section 190 of the Code of Criminal Procedure the Magistrate shall take cognizance of the same and shall not order the complainant to apply to the Police for action.

CHAPTER VI

Remands

47. *Reason for ordering remand to be noted.*—Whenever a Magistrate other than a District or Sub-Divisional Magistrate remands an accused person to the custody of the Police under Section 167 of the Code of Criminal Procedure, a copy of the order of remand with the recorded reasons therefor shall be forwarded within 24 hours to the Magistrate to whom he is immediately subordinate.

48. *Computing the period of remand.*—In computing the period of 15 days mentioned in Section 167 (2) or the proviso to Section 344 of the Code of Criminal Procedure both the day on which the order of remand is made and the day on which the accused is ordered to be produced before the court should be included.

49. *Report on remand to custody to be made to the High Court and the District Magistrate.*—When an accused is brought before a Subordinate Court under Section 427 of the Code of Criminal Procedure, the court shall explain fully to him the provisions of Rule 21 *supra* and the procedure of the High Court with regard to the posting and hearing of appeals embodied in Rules 220 and 222 *infra*. If the accused is remanded to custody the court shall forthwith report the action taken to the High Court and if the warrant issued by the High Court was a bailable warrant, also state its reasons for remand and shall forward a copy of the said report to the District Magistrate who will communicate with the Advocate-General.

CHAPTER VII

Recording of Confessions

50. *Confession must be before salaried Magistrates.*—An accused person desiring to make a confession shall ordinarily be produced by the Police before a salaried Magistrate of the First or Second Class.

51. *Mode of recording confession.*—(1) No Magistrate shall record any statement or confession made by an accused person under Section 164 of the Code of Criminal Procedure (1) until the Magistrate has first recorded in writing his reasons or believing that the accused is prepared to make the statement

13 voluntarily and (2) until he has explained to the accused that he is under no obligation to answer any question at all and has warned the accused that it is not intended to make him an approver and that anything he says may be used against him.

(2) Before recording a statement the Magistrate shall question the accused in order to ascertain the exact circumstances in which his confession is made and the extent to which the Police have had relations with the accused before the confession is made.

The Magistrate may usefully put the following questions to the accused.—

- (a) When did the Police first question you?
- (b) How often were you questioned by the Police?
- (c) Were you detained anywhere by the Police before you were taken formally into custody and if so, in what circumstances?
- (d) Were you urged by the Police to make a confession?
- (e) Have the statements you are going to make been induced by any ill-treatment? And if so, by whom?
- (f) Do you understand that the statement which you are about to make may be used against you at your trial?

These questions and any others which may suggest themselves and the answers to them shall be recorded by the Magistrate before he records the accused's statement and shall be appended to the Memorandum prescribed by Section 164 (3) of the Code of Criminal Procedure. The Magistrate shall add to the Memorandum a statement in his own hand of the grounds on which he believes that the confession is voluntary and shall note the precautions which he took to remove the accused from the influence of the Police and the time given to the accused for reflection.

(3) If the Magistrate has any doubt whether the accused is going to speak voluntarily he may, if he thinks fit, remand him to a sub-jail before recording the statement; and ordinarily the accused shall be withdrawn from the custody of the Police for 24 hours before his statement is recorded. When it is not possible or expedient to allow so long a time as 24 hours the Magistrate shall allow the accused at least a few hours for reflection.

(4) The statement of the accused shall not be recorded, nor shall the warning prescribed in paragraph (1) of this rule

be given nor shall the questions suggested in paragraph (2) of this rule be asked in the presence of a co-accused or of the Police Officers who have arrested him or produced him before the Magistrate or who have investigated the case.

(5) The Magistrate shall record the confession in open court and during the court hours save for exceptional reasons. He shall record the confession in as much detail as possible; and the record of the confession shall contain the fullest possible particulars of the incidents involved.

52. (1) *Investigating Police Officers not to communicate with prisoners in Sub-jails.*—Magistrates shall not grant remands to Police custody unless they are satisfied that there is good ground for doing so and shall not accept a general statement made by the investigating or other Police Officer to the effect that the accused may be able to give further information. Where the object of a remand is the verification of an accused's statement, he shall, whenever possible, be remanded to the charge of a Magistrate; and the period of remands shall be as short as possible.

(2) When application for remand is made to a Magistrate of a class lower than the Second Class the Magistrate shall direct the Police to go to a Magistrate of a higher class.

(3) An accused, who has been produced before a Magistrate for the purpose of making a confession and who has declined to make it or has made a statement which from the point of view of the prosecution is unsatisfactory, shall not be remanded to Police custody. If he is remanded to other custody, the investigating Police Officers shall not, except in the presence of the Magistrate, be allowed either to see him again or to have any further communication with him.

(4) It is the duty of Magistrates, who remand accused persons to custody other than that of the Police, and of Magistrates, in executive charge of sub-jails to which accused persons are remanded, to guard with the greatest care against the possibility of any undue influence.

CHAPTER VIII

Preliminary enquiries and Trials

53. *Plan of the scene of offence.*—In all cases triable by a court of Session, the Committing Magistrates shall call upon

the Police to prepare such a plan or sketch of the scene of offence as may be sufficient to explain the evidence.

54. *Statement by Magistrate.*—Where a person accused of an offence triable only by a court of Session is discharged or the complaint against him is dismissed by the Magistrate the Magistrate shall forward within 48 hours to the Sessions Court a statement of the case in Administrative Form No. 32.

55. *A statement of the case to be placed with committal record.*—When committing an accused person for trial before a court of Session the Magistrate shall place with the record a statement of the case in Administrative Form No. 32.

56. *Committing Magistrate to give preference to preliminary enquiries.*—Committing Magistrates should give preference to preliminary enquiries over other work and should hold such enquiries from day to day in so far as this is practicable.

57. *Committing Magistrate to furnish explanation in case of delay in passing the order of committal.*—In every case in which the time taken between the date of receipt of the charge-sheet and the date of the committal order exceeds six weeks, the committing Magistrate should furnish an explanation for the delay, which should be attached to the copy of the committal order sent to the District Magistrate.

58. *Witnesses, etc. to be bound over to appear on a pre-arranged date.*—When a Magistrate has decided to commit a case to the court of Session he shall communicate with the Sessions Judge reporting the nature of the offence and the number of witnesses on each side: The Sessions Judge will then fix and intimate to the committing Magistrate, with the least possible delay, a date for which the witnesses and the accused shall be summoned or bound over. This arrangement will obviate any unnecessary detention of witnesses and expenditure on batta such as would result if the case were committed and the witnesses bound over to appear on the first day of the Sessions as a matter of course.

59. *Medical witnesses when to be bound over.*—In all cases of murder, the committing Magistrate should bind over the medical witnesses, if any, to attend the court of Session at the trial unless grave inconvenience will be caused thereby. The committing Magistrate should exercise a careful discretion in this matter having regard on the one hand to the nature of the case and the character of the evidence expected to be given

and on the other hand to the public inconvenience which might be caused by the absence of the Medical Officer from his station. The latter will depend largely on the length of time that the witness is likely to be kept away from his station and the means available for carrying on his duties during his absence.

60. *Preliminary register to show if medical witness has been bound over.*—The fact of the medical witness being bound over, and if he is not bound over, the special circumstances necessitating a departure from the above rule shall be noted in the preliminary register.

61. *Date for medical witness to be fixed by Sessions Judge to prevent undue detention.*—The Magistrate should take particular care to arrange with the Sessions Judge to fix a date for the attendance of the medical witness. It will be the duty of the Sessions Judge to arrange that the absence of the medical officer from his ordinary duties is as brief as possible.

62. *Sessions Judge may direct attendance of medical witness.*—If the Magistrate has failed to bind over the medical witness it will be open to a Sessions Judge to direct his attendance if he considers it necessary.

63. *Sub-Magistrate's discretion to bind over medical witness to be supervised.*—Supervising Magistrates shall, on perusal of the preliminary registers, watch over and guide Subordinate Magistrates in the exercise of their discretion as to binding over medical witnesses.

64. *Classification of witnesses to be noted in the list.*—In sending up the lists of witnesses in cases committed to courts of Session, the Magistrate shall note how each witness has been classed by him under the rules for the payment of the expenses of witnesses.

65. *List of property.*—When any person is committed for trial before the court of Session a descriptive list of any weapons or other articles of property connected with the case shall form part of the record.

66. *Committing Magistrate to report on means of accused.*—To enable the High Court or court of Session to arrive at a decision as regards the second condition in rule 21 the committing Magistrate shall in such cases make enquiries and report in the preliminary register whether the accused

means to appoint a pleader, and if not, whether he is, in the opinion of the Magistrate, possessed of sufficient means to do so. Each case must be decided on its merits and no hard and fast rule as to insufficiency of means shall be applied.

67. *Committing Magistrate.*—If the committing Magistrate is of opinion that the accused is possessed of sufficient means to secure professional assistance for himself at the trial, the Magistrate shall inform him at the time of committing that the employment of a pleader to defend him at the trial rests with himself and shall record in the Preliminary Register that the accused has been so informed.

CHAPTER IX

Cases under Section 144

68. *Magistrate taking action under Section 144, Criminal Procedure Code to communicate the order to the Civil Court.*—Whenever a Magistrate takes action under Section 144 of the Code of Criminal Procedure or any analogous provision of law, he should immediately communicate a copy of his order to the Civil Court having original jurisdiction over the locality to which his proceedings refer. Similarly, the Civil Court will communicate to the Magistrate having local jurisdiction any injunction issued by it with reference to matters which would fall within the scope of Section 144, Code of Criminal Procedure.

CHAPTER X

Cases Triable either by a Magistrate or a Court of Session

69. *Cases which can be adequately dealt with by the Magistrate not to be committed to Court of Session.*—Charges which are triable either by a Magistrate of the First Class or a Court of Session should as a rule be laid before the First Class Magistrate and not before a Second or Third Class Magistrate who can only deal with the offence by way of committal to the Court of Session. If the First Class Magistrate finds that owing to the existence of aggravating circumstances, he cannot pass any adequate sentence, he can commit the accused to the

Court of Session under Section 347 of the Code of Criminal Procedure.

70. *Cases under Section 348, Criminal Procedure Code.*—Cases in which persons accused of offences punishable under Chapter XII or Chapter XVII of the Indian Penal Code with imprisonment for a term of three years or upwards, such persons having been previously convicted of offences punishable under either of those Chapters with imprisonment for a term of three years or upwards, shall not be forwarded by Subordinate Magistrates to the District or Sub-Divisional Magistrate under Section 349 of the Code of Criminal Procedure but shall be committed to the Court of Session under Section 348, if the Magistrate trying the case is of opinion that he cannot himself pass an adequate sentence.

71. *Cases triable by a Court of Session or Magistrate of First Class.*—To prevent the time of Courts of Session being taken up in trying cases which could be adequately disposed of by a Magistrate of the First Class, all such charges should be laid before, or transferred to, a Magistrate of the First Class.

72. *Cases wrongly dealt with under Section 349 Cr. P. C.*—When any Subordinate Magistrate acts irregularly under Section 349 of the Code of Criminal Procedure instead of proceeding under Section 348 of that Code it is open to the District Magistrate if he thinks that a Magistrate of the First Class can pass an adequate sentence, to take the case on to his own file, or transfer it to that of some other First Class Magistrate, the proceedings in either case, of course, being taken *de novo*.

73. *Persons jointly charged to be committed if no jurisdiction to try any one.*—When two or more persons are jointly charged with an offence and the jurisdiction of the Magistrate is ousted in the case of any one, the Magistrate should hold a preliminary enquiry and, if necessary, commit both or all for trial before the Court of Session.

CHAPTER XI

Diary

74. *Diary.*—Every Magistrate shall maintain the diaries in Administrative Forms Nos. 10, 11 and 12.

75. *Extracts.*—When a case is committed for trial before the Court of Session or referred to another Magistrate, an extract from diary in Form No. 10 shall be placed with the record.

CHAPTER XII

Adjournments

76. *Reasons for adjournment to be recorded.*—Every time an enquiry or trial is adjourned, an order of the court in writing giving the reasons therefor shall be recorded. The reason for which an adjournment can be granted may either be the absence of a witness or any other reasonable cause as stated in Section 344 of the Code of Criminal Procedure. Adjournments should not ordinarily be granted in order to give time to pleaders to prepare their address to the Court as this will lead to unnecessary delay in the disposal of cases.

77. *Adjournment to be in writing.*—When a case is adjourned from one Sessions to another, there should be a written order of adjournment and remand.

78. *Order of Remand to be endorsed on the warrant.*—The order of remand may conveniently be made by the Sessions Judge endorsing on the warrant of commitment under which the prisoner is brought up, the words “Remanded until”

CHAPTER XIII

Charges

79. *Complainant how to be described in a charge.*—The person against whom an offence is alleged to have been committed should be described in the charge by his name and not by his accidental position in the case as prosecutor or witness.

80. *Charges of previous conviction to be set out separately.*—If it is proposed to prove several previous convictions 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.

81. *Charges for perjury how to be framed.*—In indictments for giving false evidence the statement of the accused (in respect of which he is charged with perjury) should be given in his own words as recorded in the deposition by him on oath, in the previous judicial proceedings.

82. *Certain Charges not to be tried jointly.*—Though powers are given by the Code of Criminal Procedure to try charges of more than one offence at the same time, it is inconvenient to try such offences as murder and theft at the same trial. In such cases, Sessions Judges would exercise a sound discretion in holding separate trials and following the procedure authorised in Section 240 of the Code of Criminal Procedure.

CHAPTER XIV

Batta

83. (1) Subject to the provisions hereinafter contained the expenses of complainants and witnesses (whether for the prosecution or for the defence) will be paid on behalf of Government in the following classes of cases, *viz.*

(a) Cases shown in the second schedule of the Code of Criminal Procedure as not bailable;

(b) Cases in which the prosecution is instituted or carried on under the orders or with the sanction of the Government or of any public servants acting as such;

(c) Cases in which the witness in question has been compelled to attend by a process issued under Section 540 Code of Criminal Procedure; and

(d) Cases in which the court certifies that the attendance of such witness was directly in furtherance of the interests of public justice.

(2) *Batta by private complainants and by accused.*—In other cases the complainant or the accused as the case may be shall deposit in court the batta and mileage for the witnesses cited by him. The party citing the witness shall, subject to the approval of the court, fix the class in which the witness is to be placed with due regard to his station in life.

84. *Advance payment.*—The court may make reasonable advances to witnesses compelled to attend to give evidence when such pre-payment is considered necessary.

85. *Class of witnesses.*—(1) For the purpose of these rules witnesses are divided into two classes, *viz.*, officials, and non-officials. Official witnesses, *i. e.* public servants to whom the State travelling allowance rules are applicable, summoned to give evidence as officials are entitled to receive, for their journey to and from the court and for the days spent by them in attendance at the court to give evidence in cases coming under Rule 83 (1) *supra* travelling allowance at the rates prescribed by the State Travelling Allowance Rules for the time being in force. The court shall not however make any payment to official witnesses in such cases but shall grant them certificates that they appeared to give evidence in their official capacity, the date on which they appeared and the purpose for which they were detained so as to enable them to draw travelling allowance and batta under the State Travelling Allowance Rules.

Exception.—In cases in which a public servant has to give evidence at a court situate not more than five miles from his headquarters, the court is authorised, where it considers it necessary, to pay him the actual travelling expenses incurred.

(2) When at the instance of the State a public servant appears before any court at his headquarters to give evidence in his official capacity he shall not be paid any allowance.

Provided that a public servant who holds his office in an honorary capacity may be paid conveyance allowance at such rates as the Government may by order specify.

(3) When a public servant appears in his official capacity as a witness in a case which does not come under sub-rule (1); *e. g.* in a case in which Section 244 (3) or Section 257 of the Code of Criminal Procedure is applied, the party at whose instance he is summoned shall pre-pay into court the travelling and halting allowance admissible to him under the State Travelling Allowance Rules. The amount so pre-paid shall be credited to Government but the court shall give the witness a certificate containing the particulars specified in sub-rule (1) *supra* so as to enable him to draw the travelling and halting allowance admissible under the State Travelling Allowance Rules. When a public servant appears to give evidence in any case as a private person travelling allowance and batta may be

paid to him in the ordinary manner, but the court shall send an advice of all such payments made to him to the head of the office in which he is employed. In this advice the amount paid as batta and the period during which the attendance of the witness in court was necessary shall be stated.

(4) When an official of the Court of Wards appears in his official capacity as a witness in a case connected with an estate under the superintendence of the Court of Wards, the Judge or Magistrate before whom the trial takes place will furnish such official with a certificate showing the the days on which he attended to give evidence and the amount of batta and travelling allowance paid to him on that account.

(5) When a public servant whose emoluments are governed by the Army Regulations, India, appears in any case under sub-rule (1) to give evidence in his official capacity, he shall be paid the travelling allowance and batta admissible under these rules and shall be furnished with a certificate showing in detail the amount paid.

(6) When Engineers, Medical and Health Officers lent to local bodies and Municipalities attend court to give evidence in their public capacity and not either in their private capacity or in a prosecution instituted by the local body, they shall be paid travelling allowance and batta from State funds at the same rates as would be admissible to Government servants of similar grades under the State Travelling Allowance Rules.

(7) Medical subordinates in the employ of local bodies or Municipalities including Government servants lent to and paid by, local bodies or Municipalities when attending court to give evidence in their public capacity, shall be paid the same rates of travelling allowance and batta as would be admissible to Government servants of similar grades under the State Travelling Allowance Rules.

Compounders, midwives, nurses etc. will be treated as medical subordinates for the purpose of this sub-rule.

(8) Honorary medical officers when attending court to give evidence in their official capacity shall be paid the same rate of travelling allowance and batta as would be admissible to Government servants of similar grades under the State Travelling Allowance Rules.

86. *Class of witnesses.*—For the purposes of these rules non-official witnesses shall be classed as belonging either to the special class or any of the other three classes specified in Rule 87 infra. The Magistrate before whom they are required to appear shall fix the class with due regard to the station in life of each individual:

Provided that no person shall be declared as coming under the 'special class' and be permitted to draw the rates admissible for that class except for special reasons to be recorded by the Magistrate.

87. *Rates of payments.*—The following are the maximum rates which may be awarded to the several classes of non-official witnesses and no expenses in excess of or other than those herein provided, for shall be allowed:—

Class of witnesses	Travelling allowance by rail	Travelling allowance by public motor service	Travelling allowance by road otherwise than by public motor service	Travelling allowance by sea or canal	Batta not to exceed
Special Class	I Class fare	Actual expense	As. 8 per mile	Actual expense	Rs. 3 per diem
I Class	I Class fare	do.	As. 6 per mile	do.	Rs. 1-8-0 per diem
II Class	II Class fare	Do. but not to exceed II Class fare	As. 2 per mile	do.	Re. 1 per diem
III Class	III Class fare	III Class fare	6 pies per mile	do.	As. 12 per diem

The distance for which mileage, and number of days for which batta should be allowed shall be determined by the Magistrate or Judge ordering the payment in each case.

88. *Disbursements.*—All disbursements under these rules shall be made by the courts before which the witnesses appear.

89. *Expert witnesses.*—Fees for the services and expenses of expert witnesses from the Finger Print Bureau should be credited to the State Government, except the travelling

allowance which should be paid to the experts. In cases where the opinion of a Finger Print Expert is disputed a second opinion may be obtained from an expert attached to another Finger Print Bureau.

90. *Rail or other public transport service rate.*—Wherever it is practicable for witnesses to travel by rail or other public transport service they shall be allowed no more than the rates prescribed for those modes of conveyance.

91. *Subsistence allowance.*—Subsistence allowance may be paid for the days occupied in travelling to court as well as in the return journey. The subsistence allowance will cease as soon after the conclusion of the inquiry or trial as the means of quitting the place become available.

92. *Disallowance of expenses of witnesses.*—It shall be competent for the court, before which a complainant or witness (whether for the prosecution or for the defence) appears, to disallow payment of any expenses by the State, if for any cause to be recorded, such court thinks fit to do so.

93. *Officials of other States, etc., appearing as witnesses in courts of this State.*—Officials of either the Government of India or of any of the States in India, or of any Indian Railway appearing as witnesses on summons before criminal courts in this State to give evidence regarding facts of which they have official knowledge may, if such claim be made, be paid their expenses by the courts before which they appear at the rates to which they are entitled under the Regulations of their own Government or Railway.

94. *Scrutinising bills.*—All bills for travelling allowance and batta to complainants and witnesses attending before the courts of Magistrates of the Second and Third Class shall, after payment has been made by such courts, be scrutinised by the Magistrate of the District in which such courts are situate before the charges included in them are finally passed to the Accounts Department for adjustment.

95. *No travelling allowance when complaint is dismissed under Section 250, Cr. P. C.*—Whenever a Magistrate dismisses a case as frivolous or vexatious under Section 250 of the Code of Criminal Procedure, no travelling allowance or batta shall be granted to the complainant.

96. *Carriage expenses.*—Criminal courts are authorised to pay the necessary and actual expenses of carriage to a witness travelling by road, in the case of persons whose sickness, age, position, or habits of life render it impossible for him to walk provided the expenses incurred under this rule shall in no case exceed annas eight a mile.

97. *Travelling Allowance to assessors.*—Assessors who are summoned to attend the Sessions Courts in the State shall be paid travelling allowance and daily allowance at the following rates:—

(i) Travelling allowance by rail.

Intermediate class if it exists or second class if so certified in both cases; otherwise, third class.

(ii) Travelling allowance by bus.

Actual express bus fare plus reservation charges.

(iii) Travelling allowance by water.

Actual express boat fare plus reservation charges, if any.

(iv) Travelling allowance by road otherwise than by bus.

Two annas per mile.

(v) Daily allowance not to exceed Rs. 1—8—0 a day.

As far as possible the number of Assessors to be summoned will be limited to the absolute minimum required.

98. *Batta to acquitted prisoners.*—Courts of Session and District and Sub Divisional Magistrates are authorised to grant to persons, who have been acquitted or discharged and released from custody by them, and to persons who, having been arrested under Section 427 of the Code of Criminal Procedure are subsequently released and to persons released under Section 562 Code of Criminal Procedure batta and travelling expenses at the rate prescribed for third class witnesses to enable them to return to their villages, provided that such persons reside at a distance of more than 10 miles from the place where they are released from custody and are not possessed of sufficient means to return to their villages.

CHAPTER XV

Affidavits

99. *Form of affidavit.*—Every affidavit shall be drawn in the first person and be divided into paragraphs numbered consecutively; and each paragraph as nearly as may be, shall be confined to a distinct portion of the subject.

100. *Contents of affidavit.*—Every affidavit shall state the full name, age, description and place of abode of the deponent, and shall be signed or marked by him. Where the affidavit covers more than one page the deponent shall sign every page. The description shall include the father's or karanavan's or husband's or mother's name, as the case may be, and such other particulars as may be necessary to identify the person.

101. *Alterations, erasures, etc.*—Alterations, erasures and interlineations shall, before an affidavit is sworn or affirmed, be authenticated by the officer or person before whom the affidavit is signed, and no affidavit having therein any alteration, erasure or interlineation not so authenticated, shall except with the leave of the court be filed or made use of in any matter.

102. *Persons authenticating affidavits.*—Affidavits intended for use in judicial proceedings may be sworn or affirmed before any judicial officer, a Registrar or Sub-Registrar, the chief ministerial officer of any civil or criminal court in the State of Travancore-Cochin, a member of Parliament or of the Legislature of any State in India, the President or executive authority or a member of any municipal council or corporation or other local bodies in India, a gazetted officer in the service of the Central Government or the Government of any State in India, a commissioned officer in the Armed Forces of India, or an advocate of the High Court of Travancore-Cochin or of the Supreme Court of India.

103. *Mode of authentication.*—The officer before whom an affidavit is sworn or affirmed shall state the date on which, and the place where, the same is made, and sign under his name and designation at the end as in Judicial Form No. 131. Otherwise the same shall not be filed or read in any matter without the leave of the court.

104. *Blind or illiterate deponent.*—Where an affidavit is sworn or affirmed by any person who appears to the officer or person authenticating the affidavit to be illiterate, blind or unacquainted with the language in which the affidavit is written, the officer or person shall certify that the affidavit was read, translated and explained in his presence to the deponent, that the deponent seemed to understand it, and made his signature or mark in the presence of the officer or person as in Judicial Form No. 133. Otherwise the affidavit shall not be used in evidence.

105. *Identification of deponent.*—(1) If the deponent of the affidavit is not known to the officer or person by whom the affidavit is authenticated the identity of the deponent shall be caused to be testified by any person known to him.

(2) Where the deponent is a pardanashin lady she shall be identified by a person to whom she is known and that person shall verify the identification by a separate affidavit.

106. *Documents referred to in affidavits.*—Documents referred to and accompanying an affidavit shall be referred to as exhibits and shall be marked in the same manner as exhibits admitted by the court and shall bear a certificate as in Judicial Form No. 132 signed by the officer or person before whom the affidavit is sworn or affirmed.

107. *Affidavits, how concluded.*—Every affidavit shall conclude with the following clause:—

“What is stated in paragraphs.....is true to my knowledge and what is stated in paragraph....., is stated on information and belief derived from records and/or obtained from.....and I believe the same to be true.”

108. *Endorsement on whose behalf filed.*—Every affidavit shall bear an endorsement stating on whose behalf the same is filed.

109. Every affidavit stating any matter of opinion shall show the qualification of the deponent to express such opinion, by reference to the length of experience, acquaintance with the person or matter as to which the opinion is expressed or other means of knowledge of the deponent.

110. *Affidavit on information or belief.*—Every affidavit shall clearly express how much is a statement of the deponent's knowledge and how much is a statement of his belief.

The grounds of belief must be stated with sufficient particularity to enable the court to judge whether it would be safe to act on the deponent's belief.

111. *Filing of affidavits in court.*—Before any affidavit is used it shall be filed in court three days before the hearing and copy thereof given to the opposite side, but the court may, with the consent of both parties or in case of urgency, without that consent, allow any affidavit to be presented in court and read on the hearing of an application.

112. *Cross-examination of deponent.*—The court may at any time direct that any person shall attend to be cross-examined on his affidavit.

CHAPTER XVI

Examination of Witnesses

Oath and Affirmations

113. *Swearing in of witnesses.*—(1) Witnesses shall, as a rule, take an oath or make an affirmation before he is examined.

Form of oath to be administered.—(2) The following shall be the form of oath to be administered to witnesses of all creeds.—

“The evidence which you shall give touching the matter now before the court shall be the truth, the whole truth and nothing but the truth; so help you God.”

Form of oath to be taken.—(3) When oath is administered to a witness, he shall be required to repeat the words “I swear that the evidence which I shall give touching the matter now before the court shall be the truth, the whole truth and nothing but the truth; so help me God.”

(4) Witnesses who have religious scruples to making an oath may be solemnly affirmed.

Form of solemn affirmation.—(5) The following shall be the form of solemn affirmation.—

“I solemnly affirm in the presence of the Almighty God that what I shall state shall be the truth; the whole truth and nothing but the truth.”

(6) If a witness objects to making solemn affirmation or is a child the following affirmation shall be made by him.—

“I affirm that what I state shall be the truth; the whole truth and nothing but the truth.”

Note.—Where the witness is an infant or a person of advanced age, the court may hold an examination on the *voir dire* as to his competency to give evidence.

114. *Interpreter to take oath*.—When a witness is examined with the aid of an interpreter, the interpreter shall also be bound to take an oath or affirmation that he understands the language of the witness and that he shall, to the best of his skill and knowledge, well and truly interpret the oath or affirmation that shall be administered and the questions that shall be put to the witness as also the answers that the witness shall make to all such questions.

115. *Police not to interpret evidence*.—Police officers should not, as a rule, be employed to interpret the evidence of witnesses in cases prosecuted by the Police.

Recording of evidence

116. *Evidence to be recorded in open court*.—Except when a witness is ordered to be examined on commission or where an examination *in camera* is considered desirable by the court, having regard to the special circumstances of any particular case, the witness shall be examined and the evidence recorded in open court.

117. *Non-examination of witnesses*.—(1) If the parties dispense with the examination of any witnesses, who may be present, the parties or their pleaders shall ordinarily be required to sign a memorandum to that effect.

(2) If the court refuses to examine any witness present the reason for such refusal should be recorded.

118. *Heading of depositions*.—The full name, age, description and place of abode of the deponent shall be given in the heading of all depositions of witnesses. The description shall include the father's or karanavan's or husband's or mother's name, as the case may be. The heading shall also state the name and occupation of the person by whom the witness was sworn.

119. *Numbering of witnesses*.—The witnesses called by the prosecution or by the defence must be numbered consecutively.

120. *Evidence of Gosha woman.*—When the deposition of a Gosha woman has to be taken, the court should if necessary, adjourn to a place where the witness can be examined with due regard to her privacy, in the presence of the accused, precautions being of course taken to make sure of her identity.

121. *Allowing witnesses to sit or stand.*—It is entirely within the discretion of the Presiding Judge to require a witness to stand or permit him to sit.

122. *Evidence as to the age of the accused.*—In every case in which the precise age of an accused person is relevant to the determination of the sentence or order to be passed, evidence should be taken on the question and whenever necessary the opinion of a medical expert should be obtained.

123. *Signing of deposition.*—(1) After the evidence has been recorded the deposition should be read over in the presence of the Magistrate and the witness. The corrections, if any, and every page of the deposition shall be attested by the deponent and the last page shall be signed in full by him. It is also essential that the Magistrate should initial every page and sign the last page.

(2) All witnesses who are able to write their names should be required to add, in their own hand, their names to the signature (or mark) which they affix to their depositions. When the witness is unable to write his name, the Bench Clerk or other officer obtaining his signature or thumb impression shall himself enter the full name of the witness.

124. *Trial to be from day to day when witnesses are present.*—When several witnesses are present either for the prosecution or for the defence the trial should be continued from day to day until the evidence of all the witnesses is taken.

125. *Marking of exhibits.*—(1) Exhibits admitted in evidence shall be marked as follows:—

(i) If filed by the prosecution, with the capital letter P followed by a numeral P-1, P-2, P-3, etc.

(ii) If filed by the defence with the capital letter D followed by a numeral D-1, D-2, D-3, etc.

(iii) If court exhibits, with the capital letter C followed by a numeral C-1, C-2, C-3, etc.

(2) All the exhibits filed by the several accused shall be marked consecutively.

All material objects should be marked in Arabic numbers in continuous series whether exhibited for the prosecution or the defence or the court.

CHAPTER XVII

Court Martial

Procedure where accused person is liable to be tried by court martial

126. Rules for the trial of persons subject to Military, Naval or Air Force law will be the rules (as amended from time to time) made by the Central Government. The present rules made by the Central Government are given below:—

“(1) These rules may be called the Criminal Courts and Court-Martial (Adjustment of Jurisdiction) Rules, 1952.

(2) They extend to the whole of India except the States of Jammu and Kashmir and Manipur.

2. In these rules unless the context otherwise requires:—

(i) ‘Commanding Officer’

(a) in relation to a person subject to military law means the Officer Commanding the unit or detachment to which such person belongs or is attached;

(b) in relation to a person subject to naval law means the Commanding Officer of the ship to which such person for the time being belongs; and

(c) in relation to a person subject to Air Force law means the officer for the time being in command of the unit or detachment to which such person belongs or is attached.

(ii) ‘Competent military authority’ means the officer commanding the army, army corps, division, area, corps or independent brigade or sub-area in which the accused person is serving and (except in cases falling under Section 70 of the Army Act, 1950 (XLVI of 1950) where death has resulted, the Officer Commanding the brigade or sub-area or station in which the accused person is serving.

(iii) ‘Competent naval authority’ means the Commander-in-Chief, Indian Navy, or Rear Admiral Commanding, Indian

Naval Squadron, or Commodore-in-charge, Bombay, or Commodore-in-charge, Cochin, or Naval Officer-in-charge, or Senior Naval Officer present; and

(iv) " 'Competent Air Force Authority' means the Officer Commanding the command, wing or station in which the accused person is serving, and when death has resulted (except in cases falling under Section 72 of the Air Force Act, 1950) (XLV of 1950) the Commander-in-Chief, Air Force."

3. Where a person subject to Military, Naval or Air Force law is brought before a Magistrate and charged with an offence for which he is liable to be tried by a Court-martial, such Magistrate shall not proceed to try such person or to inquire with a view to his commitment for trial by the court of Session or the High Court for any offence triable by such court, unless—

(a) he is of opinion, for reasons to be recorded, that he should so proceed without being moved thereto by competent Military, Naval or Air Force authority, or

(b) he is moved thereto by such authority.

4. Before proceeding under clause (a) of Rule 3 the Magistrate shall give written notice to the Commanding Officer of the accused and until the expiry of a period of seven days from the date of the service of such notice he shall not—

(a) convict or acquit the accused under Sections 243, 245, 247 or 248 of the Code of Criminal Procedure 1898 (V of 1898) or hear him in his defence under Section 244 of the said Code; or

(b) frame in writing a charge against the accused under Section 254 of the said Code; or

(c) make an order committing the accused for trial by the High Court or the Court of Sessions under Section 213 of the said Code; or

(d) transfer the case for inquiry or trial under Section 192 of the said Code.

5. Where within the period of seven days mentioned in Rule 4, or at any time thereafter before the Magistrate has done any act or made any order referred to in that rule, the Commanding Officer of the accused or competent Military, Naval or Air Force authority, as the case may be, gives notice to the Magistrate that in the opinion of such authority, the accused

should be tried by a court martial the Magistrate shall stay proceedings and if the accused is in his power or under his control, shall deliver him, with the statement prescribed in sub-section (1) of Section 549 of the said Code to the authority specified in the said sub-section.

6. Where a Magistrate has been moved by competent Military, Naval or Air Force authority, as the case may be, under clause (b) of rule 3, and the Commanding Officer of the accused or competent Military, Naval or Air Force authority, as the case may be, subsequently gives notice to such Magistrate that, in the opinion of such authority, the accused should be tried by a court-martial, such Magistrate, if he has not before receiving such notice done any act or made any order referred to in rule 4, shall stay proceedings and, if the accused is in his power or under his control, shall in the like manner deliver him, with the statement prescribed in sub-section (1) of section 549 of the said Code to the authority specified in the said sub-section.

7. (1) When an accused person has been delivered by the Magistrate under rules 5 and 6, the Commanding Officer of the accused or the competent Military, Naval or Air Force authority, as the case may be, shall, as soon as may be, inform the Magistrate whether the accused has been tried by a Court-martial or other effectual proceedings have been taken or ordered to be taken against him.

(2) When the Magistrate has been informed under sub-rule (1) that the accused has not been tried or other effectual proceedings have not been taken or ordered to be taken against him the Magistrate shall report the circumstances to the State Government, which may, in consultation with the Central Government, take appropriate steps to ensure that the accused person is dealt with in accordance with law.

8. Notwithstanding anything in the foregoing rules, where it comes to the notice of a Magistrate that a person subject to Military, Naval or Air Force law has committed an offence, proceedings in respect of which ought to be instituted before him and that the presence of such person cannot be procured except through Military, Naval or Air Force authorities, the Magistrate may by a written notice require the Commanding Officer of such person either to deliver such person to a Magistrate to be named in the said notice for being proceeded against according to law, or to stay the proceedings against

128. *List of witnesses, etc., to be appended to judgment.*—There shall be appended to every judgment a list of the witnesses examined by the prosecution and for the defence and by the court and also a list of exhibits and material objects.

129. *Judgment to specify offences in respect of which sentence is passed.*—When an accused person is convicted of two or more offences and it is competent to the court to award more than one sentence, the court shall in its judgment declare in respect of which offence or offences any sentence awarded is imposed.

130. *Sub-section under which convicted to be stated.*—When an accused person is convicted under a section of the Indian Penal Code (e.g. Section 454) which contains several sub-sections with different punishments prescribed for the various offences dealt with, the judgment shall state under which sub-sections the accused was charged and convicted.

131. *Petitions of compromise and statements relating thereto to be incorporated in judgment.*—All compromise petitions filed by parties in criminal trials and all statements made in relation thereto shall be fully incorporated in the judgment.

132. *Value of property to be given in case of theft etc.*—In all cases of theft and other offences against property, the value of the property stolen, misappropriated or otherwise involved, shall be invariably specified in the judgment to enable the court of appeal or revision to form an opinion as to the adequacy or otherwise of the sentence passed.

133. *Calendar to state whether previous conviction was proved or confessed.*—When enhanced punishment is awarded on account of previous convictions it should appear in the Calendar that the previous conviction was charged and proved or confessed.

134. *Sentences of fine what the Calendars in such cases are to contain.*—Any Magistrate sentencing an accused person to the payment of a fine with imprisonment in default of such payment should allow him reasonable facilities for payment of the fine. The calendar in such cases should contain information in the column for remarks as to the payment of the fine and the orders passed to facilitate such payment.

135. *Where accused are government officials judgments to be furnished to the heads of departments.*—In cases where Government officials are charged with criminal offences, copies of judgments and orders shall be furnished by the court to the heads of departments concerned, free of charge.

136. *The date of commitment or institution to be the date for purposes of duration.*—When a Sessions case, criminal appeal or revision case is remanded, re-admitted, or transferred from one court to another, the date, for purposes of calculating its duration, shall be the date of commitment of the accused in Sessions cases and the date of original institution in criminal appeals and revision cases, irrespective of dates of remand, re-admission or transfer.

137. *Striking off cases.*—There is no provision of law which sanctions the 'striking off' from the file of a court of a case in which an accused person has once appeared or been brought before the court. All such cases are duly disposed of (a) by withdrawal when it is allowed by law (b) by discharge (c) by acquittal or conviction (d) by committal, or (e) in the case of a lunatic, by the submission of the prescribed report to Government. If no evidence is produced against an accused person, not being a person incapable of making his defence by reason of unsoundness of mind, he should, after a reasonable time, be discharged. If there is evidence, the court should proceed to discharge, acquit, convict or commit the accused.

Where the court is satisfied that an accused person has died, the charge abates, and the case may be closed.

138. *Procedure under section 250, Cr. P. C.*—At the conclusion of the trial, if the Magistrate means to take action under section 250 of the Code of Criminal Procedure, he shall call upon the complainant, if he be present, to show cause why he should not be ordered to pay compensation under the section. If the complainant be not present, the Magistrate shall issue notice to him to appear on the day fixed for delivery of judgment to show cause why payment of compensation should not be ordered.

If the complainant cannot be served with notice in a reasonable time or appears to be keeping out of the way, or having been served with notice fails to appear on the appointed day, the Magistrate may proceed *ex parte* and make an order under section 250 if he deems fit to do so.

139. *Particulars of previous convictions when to be stated.*—Particulars of previous convictions and sentences shall be stated at the end of the judgment (whether original or appellate) in all cases where the rules require a judgment to be submitted. Where no judgment is required to be submitted, but only a tabular statement (whether monthly or otherwise) particulars of previous convictions and sentences shall be invariably entered in the column of remarks. This rule does not apply to cases of acquittal.

140. *Cases in which calendar statement and judgment are to be sent by Second and Third Class Magistrates.*—Except in cases dealt with under Sections 203, 204 (3), 243, 247 and 259 of the Code of Criminal Procedure and in cases of the offences noted below:—

- (1) Offences coming within Sections 277, 278, 279, 285, 286, 289, 290, 323, 334, 336, 341 and 352 of the Indian Penal Code;
- (2) Any offences against the Panchayats and Municipal Acts and the Conservancy Clauses of the Police Act punishable with fine or with imprisonment not exceeding one month;
- (3) Offences under Central Excise and Salt Act;
- (4) Offences under Hackney Carriage Act;
- (5) Offences under the Abkari Act;
- (6) Cases under Forest Act, III of 1952;
- (7) Offences under the Cattle Trespass Act;
- (8) Offences under the Traffic Rules;
- (9) Cases under the Prevention of Cruelty to Animals Act;
- (10) Cases under the Prohibition Act;
- (11) Cases under the Registration of Births and Deaths Act.

All Second and Third Class Magistrates shall submit to the District Magistrate a calendar statement of each case tried by them in Judicial Form No. 117 or 118 as the case may be.

A judgment in the Form prescribed by Section 367 of the Code of Criminal Procedure or in the event of a case terminating in the discharge of the accused, otherwise than under Section 259 of the Code, the order of discharge shall accompany the calendar statement.

141. *Calendar statement when to be submitted.*—Every such calendar statement from Second and Third Class Magistrates and every extract from the Register of Preliminary Inquiries under Chapter XVIII of the Code, from Second Class Magistrates shall be submitted by them to the District Magistrates within three days from the close of the proceedings.

District Magistrates should review systematically once in a month the statement of pending cases on the file of the Subordinate Magistrates in the District. (Administrative Form No. 48). If a case shown as pending in a statement is not shown in the next month's statement, it must be verified whether it finds a place in the Register of Calendars received (Administrative Form No. 37 or 38) or in the monthly statement prescribed in rule 142 infra. If any case is not found in the two latter statements the Calendar with the copy of the judgment should be called for from the Magistrate concerned.

142. *Monthly statements by Sub-Divisional Magistrates and Magistrates of the second and third classes.*—(1) All Sub-Divisional Magistrates and Magistrates of the second and third classes shall submit to the District Magistrate a monthly statement in the following form in cases dealt with by them under Sections 204 (3), 243, 247 and 259 of the Code of Criminal Procedure and in the case of offences noted under rule 140 supra.

1. Calendar case No.
2. Nature of offence (with section of law)
3. Name and address of accused.
4. Age.
5. Date of offence.
6. Date of filing.
7. Date of apprehension.
8. Commencement of trial.
9. Close of trial.
10. Date of judgment.
11. Verdict and sentence.
12. Explanation of delay, if any.
13. Remarks.

(2) The monthly statement shall be submitted not later than the eighth day of the month following that to which the statement relates.

(3) Particulars of cases transferred to other Courts and to the Register of long pending cases should be furnished in column 13.

143. *Monthly statements by Bench Magistrates.*—Every Bench of Magistrates shall submit to the District Magistrate a monthly statement in regard to its cases in the following form:—

1. Name of court.
2. Number of cases pending at the beginning of the month.
3. Number of cases received during the month.
4. Total number of cases for disposal.
5. Number of cases disposed of in the month.
6. Number of cases pending for over one month.
7. Number of cases pending for over one month..
.....three months.....six months.....
8. Brief explanation of cases pending for over three months.

The monthly statement shall be submitted not later than the eighth day of the month following that to which the statement relates.

144. *Copies of judgments relating to certain offences to be sent to High Court.*—District Magistrates and Sub-Divisional Magistrates shall transmit direct to the High Court copies of all judgments relating to the following offences under the Penal Code and to all offences on conviction of which the double punishment of imprisonment and whipping has been adjudged and copies of all proceedings held by them under Chapter VIII (Security for keeping the peace and for good behaviour) Chapter X (Public Nuisance), except copies of orders made under Section 143, and Chapter XXXVI (Maintenance of Wives and children) of the Code of Criminal Procedure within five days from the passing of the judgment or order. Judgments submitted under this rule shall be accompanied by the information given in the tabular form prescribed above in rule 127.

INDIAN PENAL CODE

Chapter VI. Offences against State.

VII. Offences relating to the Army and Navy.

- Chapter VIII. Offences against the Public Tranquillity,
S. 152.
- IX. Offences by or relating to Public servants.
Sections 161 to 171.
- X. Contempts of the lawful authority of
Public servants. Sections 176, 177
and 181.
- XI. False evidences and offences against
Public Justice.
- XII. Offences relating to Coin and Govern-
ment Stamps.
- XV. Offences relating to Religion.
- XVI. Offences affecting the Human body.
Sections 304-A, 318, 324, 325, 332,
335, 344 to 348, 363, 372, 373, and
374.
- XVII. Offences against property. Sections 384,
385, 392 to 394, 418 to 420, 429 to
432.
- XVIII. Offences relating to documents and to
trade or property marks.
- XX. Offences relating to Marriage. Section
498.
- XXI. Defamation.
- XXII. Criminal Intimidation etc. Sections 506
and 507.
- V and XXIII. Abetments and attempts to commit
offences as in the case of offences
abetted or attempted.

145. *Register of Summary trials.*—District Magistrates and Sub Divisional Magistrates shall submit to the High Court direct within 5 days from the close of each month, a register of all cases tried under their summary powers during the course of that month.

146. *Tabular statement.*—In regard to trials for offences other than those above enumerated as offences in which judgments are to be submitted by District and Sub Divisional Magistrates, they shall in each case forward to the High Court within the same period as that prescribed for judgments, the tabular statement in the following form omitting any detailed narrative of circumstances and grounds of decision; provided that District Magistrates may, if they think it fit, in any such case submit the judgment with the statement.

Serial Number	Description of accused						Age	Offence complained of	Result of trial	Date of offence	Duration of proceedings			Remarks
	Name	Father's or mothers' name or karnavan's name or husband's name	Caste	Calling	Residence	Date of report or complaint					Date of commencing trial	Date of sentence or order	Explanation of delay	
1														
2														

Columns 4 and 15—These particulars are required to facilitate identification in case of further convictions.

Column 15:—Here should be entered particulars of previous convictions, if any.

147. *Appeal judgment of District Magistrates and Sub-Divisional Magistrates.*—District Magistrates and Sub-Divisional Magistrates shall within five days from the close of each month, transmit to the High Court copies of all judgments delivered by them as courts of criminal appeal during the course of that month.

148. *Powers of Magistrates to be noted.*—Magistrates shall, indicate in their calendars below their signatures, the extent of the magisterial powers with which they are invested.

149. *Copies of judgments in original trials to be sent to District Magistrate.*—Except in cases dealt with under Sections 204 (3), 243 and 247 of the Criminal Procedure Code and in the case of offences set out in rule 140 *supra* all Sub-Divisional and First Class Magistrates shall within two days from the passing of the judgment or order or from the termination of the enquiry, send to their District Magistrates copies of

(a) all judgments in the forms prescribed by Section 367 of the Code of Criminal Procedure;

(b) all orders of dismissal of complaint under Section 203 of the Criminal Procedure Code and orders of discharge other than those under Section 259 of the Code in respect of which further enquiry can be made or directed under Section 436 of the Code.

(c) extracts from registers of summary trials.

(d) all proceedings held by them under Chapter VIII, X (except orders made under Section 143) and Chapter XXXVI of the Code; and

(e) extracts from the registers of preliminary enquiries under Chapter XVIII of the Code.

Judgments submitted under this rule, excepting judgments in summary trials shall be accompanied by the information in the tabular form prescribed above in rule 127.

150. *Appellate judgments to be sent to District Magistrates.*—All such Magistrates who are empowered under Section 407 of the Code of Criminal Procedure to hear appeals from the sentences of second and third class Magistrates shall within the same period as that prescribed in rule 149 *supra* transmit to the District Magistrate copies of the appellate judgments passed by them. The provision in rule 195 as to form and contents of appellate judgments shall apply also to these appellate judgments.

151. *District Magistrate to transmit judgments received to Sessions Judge.*—The District Magistrate shall forward the judgments and orders he receives under rules 149 and 150 with the least possible delay to the Sessions Judge, excepting those which he himself refers to the High Court.

152. *When judgments of courts of first instance to be sent to the High Court.*—When judgments of appellate courts which are submitted to the High Court for perusal are expressed in terms which disclose nothing as to the nature of the offences, or the evidence relied on to establish them, or the circumstances which aggravate or extenuate the guilt of the offenders, they should be accompanied by copies of the judgments of the courts of first instance.

153. *Special report may be sent in any particular case.*—When a Sessions Judge sees occasion to comment specially on the action of the Magistracy in connection with a case coming before his court he should send in a special report on the subject in the form of a letter without waiting for the despatch of the monthly calendars or appeal statement.

154. *Court of Session to send judgments to High Court.*—Courts of Session shall transmit to the High Court copies of all their judgments in original trials within eight days from the date of pronouncing judgment in each case.

155. *Previous convictions to be noted in Sessions Calendars.*—In all Sessions Calendars submitted to the High Court particulars of previous convictions and sentences should be given except in cases of acquittal and a note should be made as to whether any or all of those previous convictions have been admitted by or proved against the accused.

156. *Delay in trials to be explained.*—Whenever more than three months have elapsed between the date of apprehension of the accused and the close of the trial in the court of Session, an explanation as to the cause of such delay in whatever court it may have occurred shall invariably be furnished.

157. *Sessions statement.*—On the termination of each Sessions, a statement in Administrative Form No. 50 shall be submitted to the High Court.

This statement shall include cases, if any, tried by Additional Sessions Judges and shall show whether a case was tried by the Sessions Judge or Additional Sessions Judge.

158. *Annual reports.*—The following matters should be noticed and explained in the report to be submitted by District Magistrates and Sessions Judges to the High Court annually on the Administration of Criminal Justice :—

(1) Noticeable variations. —

(a) in the number of Bench and Special Magistrates who exercised criminal powers ;

(b) in the institutions, disposals and average duration of cases in the Court of Bench Magistrates, Special Magistrates, Second and Third Class Magistrates, Sub-Divisional Magistrates and District Magistrates and Sessions Judges.

(2) Large arrears and high average duration in any of these courts.

(3) Noticeable increase or decrease in the percentage of convictions in each class of courts and in the total number of sentences of each description passed during the year, such as transportation, imprisonment—simple, rigorous and solitary—fine and whipping.

(4) High or low percentages of recoveries of fines, and of amounts of compensation awarded to accused and to complainants.

(5) Large number of witnesses detained beyond three days in any of these courts, and large or small amounts paid to witnesses for diet and travelling expenses in each class of courts.

(6) Noticeable variations in the number of appeals received, disposed of and pending in the Courts of District and Sub-Divisional Magistrates and Courts of Session and in the average duration of appeals.

(7) Also large arrears of appeals and high average duration thereof.

(8) High or low percentages of confirmation on appeals; and any other noticeable point or feature in the crimes enquired into.

(9) Remarks on the working of the assessors.

(10) Any features of interest in the administration of criminal justice in their divisions or districts, and to comment on the working of any provision of law or rules of procedure to which they think attention should be drawn.

(11) In calculating the percentage of convictions, the number of persons whose cases were disposed of by composition or withdrawal, by dismissal under Section 204, Code of Criminal Procedure, by acquittal under Section 247, or by discharge under Section 259 should be excluded. The figures for such cases—cases compounded, withdrawn or dismissed for default of appearance—should be given separately.

159. *Monthly statement to Inspector-General of Police.*—Sessions Judges will furnish the Inspector-General of Police with a monthly statement of the Criminal Appeals and Revision Cases disposed of by them.

160. *Copy of judgment when to be sent to the head of the department.*—Where in a judgment or order a Magistrate or Sessions Judge impugns the character or conduct of any Government servant, he should, if he regards the matter as serious enough to call for departmental enquiry or action, forward a copy of the judgment or order to the Head of the Department or immediate superior under whom the Government servant is doing service.

161. *Person sentenced to death to be immediately supplied with copy of judgment.*—When a person sentenced to death desires to be furnished with a copy of the judgment of the court of Session he should be supplied at once with a typed or manuscript copy of the judgment and should not be made to wait till it is made ready in the ordinary course.

CHAPTER XIX

Sessions Trial

A. Commencement of Sessions

162. *Sessions ordinarily to commence on the first Monday in each month.*—Ordinarily Courts of Session shall begin their monthly sessions by sitting on the first Monday in each month, provided that if such a day be a gazetted holiday the Sessions shall commence the next court day.

163. *Sessions may commence earlier with permission of High Court.*—Whenever the Onam or Christmas holidays or the annual recess commences on a date before which the Sessions of the month cannot be closed, if it begins as usual

on the first Monday, the Sessions Judges may, with the permission of the High Court, commence the Sessions earlier so that the Sessions work may be finished before the court closes, timely intimation being given of the fact to the Magistrates in the District to enable them to make the committals and bind over and summon the witnesses accordingly.

164. *Cases posted to be disposed of in quick succession.*—All the cases posted in each monthly session should be disposed of in quick succession.

165. *Sittings of courts of Session.*—As a rule courts of session shall sit not later than 11 A. M. each day, and unless the work of the day is disposed of earlier, shall not rise, except for luncheon, before 5 P. M. In exceptional circumstances the sittings of the court of session may commence even earlier and continue until such hour as may be necessary to conclude any trial proceeding on that day before the court.

166. *Special Sessions.*—(1) In addition to regular monthly sessions a special Sessions may be held before the annual vacation.

Notice of special Sessions.—(2) A special Sessions shall also be held each year within a week after the annual vacation. The date on which the special sessions is to begin shall be fixed by the Sessions Judge and notified in the Gazette before the vacation begins.

167. *Notice of the next Sessions.*—The Sessions Judge will give due notice, from time to time, in the Gazette of the date on which the next sitting of the court of Session will commence.

B. Assessors

168. *Selection of Assessors.*—In selecting assessors the Sessions Judges must have regard to the nature of the case, to the person to be tried, to the nature of the evidence to be brought against him, and to the public feeling. The assessors chosen must be persons of independent condition in life, men of sound judgment and experience.

169. *Summoning of assessors.*—(1) It is very desirable to maintain the position of assessors in public estimation and to make their duties as little irksome as possible. No assessor

should be summoned too frequently. When assessors are summoned notice should be sent to them in a regular and formal manner, and they should be treated with consideration and respect. A proper place should be provided for them to wait in, when their presence is not necessary.

(2) Persons summoned to serve as assessors may, if necessary, be required to be in attendance from the commencement of the Sessions.

170. *Opinion of Assessors.*—(1) In the heading of the judgment of Sessions Judges the names and other particulars of the assessors together with a brief record of the opinion of each assessor should appear.

(2) Where an accused is tried on two or more charges it is necessary that each assessor should give a definite opinion on each such charge.

(3) In cases tried with the aid of the assessors, when a Sessions Judge differs from the assessors or any of them, it is desirable to have a record not merely of the opinion of each assessor as required by Section 309, Code of Criminal Procedure but also, as far as possible, of the grounds on which the opinion is based. Such a record will be of use to the court of appeal and to the Government in dealing with petitions for mercy.

(4) Sessions Judges shall, therefore, in recording opinions of assessors under Section 309 Code of Criminal Procedure, in all cases in which they differ from the assessors or any of them and in other cases in which it seems to them desirable to do so, record as concisely and clearly as possible the grounds on which each assessor bases his opinion.

(5) Such grounds should be elicited by putting specific and pointed questions to the assessors on the important and salient points on which the decision of the case really depends and inviting their opinions thereon.

(6) The record of the opinions of the assessors should be appended to the judgment.

C. Examination of the accused

171. *Statement of accused before Committing Magistrate to be read in evidence at Sessions trial and exhibited.*—In a trial before a court of Session, the record of the examination of the accused person before the Committing Magistrate which

Section 287 of the Code of Criminal Procedure requires to be given in evidence, shall be read as part of the case for the prosecution and marked as an exhibit before the case for the defence is entered upon. A note to the effect that this has been done shall be entered on the record.

172. *Statement of accused before Sessions Court.*—In recording the statement of the accused, Sessions Judges shall strictly comply with the provisions of Section 342, Code of Criminal Procedure. The accused must be questioned separately about each material circumstance which is intended to be used against him. The questioning must be fair and it must be couched in a form which an ignorant or illiterate person will be able to appreciate and understand.

D. Sentences in certain cases

173. *Reasons for severe or lenient punishment to be recorded.*—In every sessions trial in which a sentence of exceptional severity or unusual leniency is passed or in which varying degrees of punishment are awarded to different persons convicted of the same offence in one trial the reasons which guided the Judge in the determination of the amount of punishment shall be recorded either as part of or as an appendix to the judgment.

174. *Copy of letter of reference in referred trials.*—A prisoner sentenced to death is entitled to obtain a copy of the Judge's letter of reference.

175. *Order of High Court in referred trials to be communicated to Superintendent of Jails within 24 hours.*—(a) Sessions Judges shall make arrangements for communicating every order of the High 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.

(b) In the case of an order of the High Court confirming or imposing a sentence of death, Sessions Judges shall further, immediately on receipt of the judgment of the High Court, issue a warrant in Form No. XXXV of Schedule V of the Code of Criminal Procedure (suitably amended with regard to cases in which a sentence of death is imposed by the High Court) accompanied by a copy of the judgment and shall appoint therein as the date of execution a day not less than 21 days and not more than 28 days from the date of such receipt.

176. *Levy of fine to be notified to jail authorities by court of Session in cases of sentence of transportation and fine.*—When a court of Session imposes a fine in addition to transportation 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 jail authorities concerned.

177. *Recommendation to the Government for detaining youthful offender in a Borstal School.*—Courts of Session sentencing an offender who is not less than 16 and not more than 21 years of age to transportation for life shall consider whether a recommendation should be made to the State Government that the offender be detained in a Borstal School.

E. Release on acquittal

178. *Prisoner to be released immediately on acquittal.*—A prisoner is entitled to be discharged from custody immediately on a judgment of acquittal being pronounced upon him by the court of Session, when there is no other charge pending against him and his further detention is illegal. It is for the jail authorities, in whose custody a prisoner remains, until the trial is concluded, to satisfy themselves of the result of the trial and no formal warrant of release addressed by the Court to the Superintendent of the Jail is necessary.

CHAPTER XX

Appeals and Revisions

179. *Cause title of memorandum of appeal.*—Every memorandum of criminal appeal, other than an appeal presented through a jail officer, shall be headed with a cause-title setting out the provision of law under which it is preferred, the name of the court, the names of the appellants and respondents in the court of appeal and also the full cause-title of the case or matter in the lower court or courts as the case may be.

Where an appellant is in jail, that fact shall be mentioned in the cause-title with an indication of the jail in which he is confined.

These provisions apply, as far as may be, to revision petitions also.

180. *Cause-title of subsequent proceedings.*—Every subsequent proceeding in an appeal, revision petition or other application may be headed with a short cause-title setting out the provision of law and the name of the parties and their ranks and status in the main case.

181. *Enclosures of appeal or revision petition.*—Every petition of appeal or revision petition shall be accompanied by a certified copy of the judgment or order of the court appealed against or sought to be revised, and a vakkalathnama duly signed where a pleader is engaged.

182. *Separate petition to be filed in each case.*—Every interlocutory application relating to an appeal, revision petition or original petition shall be made by a separate petition in each case.

183. *Petition to excuse delay to accompany appeals or revision petitions presented out of time.*—(1) Where an appeal on the date of its first presentation, is barred by limitation, or where a revision petition is presented more than 90 days from the date of judgment or order which the petitioner seeks to have revised, a petition to excuse delay supported by an affidavit explaining the circumstances of such delay shall be filed along with the appeal or revision petition.

(2) *Return of defective petitions etc., and their re-presentation.*—Every petition or other application which does not comply with the above requirements or is otherwise defective, shall be returned to the party or pleader concerned for amendment and re-presentation within a specified time.

184. *Petition to excuse delay to accompany appeals out of time on the date of re-presentation.*—Every petition or appeal re-presented after the expiry of the time allowed by the preceding rule and barred by limitation on the date of its re-presentation shall be accompanied by a petition and affidavit such as is prescribed in rule 183 (1).

185. *Explanation for delay to accompany other cases.*—Every appeal not governed by the provisions of the preceding rule, every revision petition and every other petition or application for which no period of limitation is prescribed by law, shall, if re-presented after the time allowed, contain an endorsement in explanation of the delay.

186. *Posting of appeal or revision for admission.*—Every appeal (other than one preferred from jail or in which the prisoner has been sentenced to death or has been called upon to show cause why he should not be so sentenced) and every application or petition including a revision petition shall be posted for admission at the earliest possible opportunity after it is filed.

187. *24 hours notice to Public Prosecutor to be given in cases of transfer.*—No application for transfer in which previous notice is prescribed by the Code of Criminal Procedure shall be accepted as a special motion unless it bears an endorsement or is accompanied by a satisfactory voucher that notice was given to the Public Prosecutor at least 24 hours before the forenoon of the day on which the court sits to take up the application.

188. *Personal notice in the absence of pleader.*—Notices in criminal cases shall be served on parties personally unless they are represented by a pleader in which case notice shall be given to such pleader:

Provided that, when on admitting a criminal appeal or revision petition presented by a pleader, the court directs notice to issue to a party to show cause against enhancement of sentence, notice shall be served on the appellant or petitioner in person.

189. *Service on prisoner through jail authorities.*—Notice for service on parties in jail will be forwarded to the officer in charge of the jail and endorsements by the officer that notices were duly served shall be taken as proper service.

190. *Sheristadars or Head Clerks to receive criminal appeals in the absence of the District Magistrates or Sub Divisional Magistrates.*—Sheristadars and Head Clerks of the offices of the District Magistrates and Sub Divisional Magistrates respectively are empowered to receive criminal appeals during the absence of the District Magistrates and Sub Divisional Magistrates from headquarters. The criminal appeals so received shall at once be forwarded to the District Magistrate or the Sub Divisional Magistrates, as the case may be, in camp. Such appeals are to be received by the Sheristadars or Head Clerks of the office only, and by no other member of the establishment.

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

192. *Jail appeals.*—No appeal forwarded from jail under Section 420 of the Code of Criminal Procedure shall be summarily rejected until seven days have elapsed after its receipt by the appellate court. In forwarding such an appeal the officer in charge of the jail shall invariably certify that the appellant has been informed that, if he intends to appoint a pleader an appearance must be put in within seven days from the date on which his petition may reach the appellate court; provided that nothing in this order shall oblige the appellate court to wait for the full period of seven days if the appellant has appealed and been heard in person or by pleader within that period.

193. *When notice may be dispensed with if appeals received from appellants in jail.*—When a court of appeal decides to proceed under Section 421, Code of Criminal Procedure in disposing of an appeal received, under Section 420 of the Code, from an appellant who is in jail, it is not legally bound to give notice to the appellant; nor is it generally necessary to do so. It is sufficient as a rule if the court allows seven days to elapse before proceeding to dispose of the appeal under Section 421.

194. *When notice should be given in appeal received from appellant in jail.*—When the court means to proceed under Section 422, the law requires that notice shall be issued to the appellant and the intimation given by the officer of the jail when forwarding the appeal petition, is not sufficient for this purpose.

195. *Contents of appellate judgment.*—In all cases of appeal the point or points for determination in appeal and the reasons for the decision of the Appellate Court shall be stated.

196. *Amended warrant to be sent to Superintendent of Jail when sentence of imprisonment is modified.*—Whenever an appellate court modifies a sentence of imprisonment it shall prepare a fresh warrant in accordance with the terms of the order passed and shall send the same along with a copy of the

order direct to the Superintendent or officer in charge of the jail in which the appellant is, or is to be, confined and shall recall and cancel the original warrant of commitment, which shall be attached to the record of the original court and returned to it therewith.

197. *Warrant of release to be sent to Superintendent of Jail when sentence of imprisonment is reversed.*—Whenever an appellate court reverses a sentence of imprisonment it shall prepare a warrant of release and shall send the same along with a copy of the order direct to the officer in charge of the jail in which the appellant is confined. It shall at the same time recall and cancel the original warrant of commitment which shall be attached to the record of the original court and returned to it therewith.

198. *Order of refund of fine.*—Whenever an appellate court reduces or reverses a sentence of fine, it shall if the fine has been levied, grant to the appellant an order of refund. When the order of refund is presented to the court of first instance, it shall forthwith prepare the necessary payment order, and deliver it to the payee without requiring any formal application therefor.

199. *Manuscript copies of judgment to be returned to prisoner in jail.*—The court disposing of an appeal by a convict in jail shall, in communicating its order to the prisoner, return to him through the jail authorities the copy of the judgment appealed against which accompanied the petition of appeal when such copy is in manuscript.

200. *As many copies of judgments to be sent as there are prisoners.*—In cases referred to in rules 232, 234, 236, 238, 196 and 197 as many warrants shall be prepared as there are prisoners, and communicated to the Superintendent or officer in charge of the jail in which the prisoners are confined, and shall be accompanied or followed as soon after as possible by the same number of copies of the judgment or order in accordance with which the warrants are prepared.

201. *Return of papers after disposal of appeal, etc.*—On the termination of an appeal, revision petition or other application the criminal court to which such appeal, revision petition or application is made shall, on an application in writing made in that behalf by the party or pleader concerned return as soon as possible, copies of judgments, order and

other papers filed as enclosures to such appeals, revision petitions or applications.

An endorsement on the application for return, signed by the party or pleader, shall be a sufficient voucher for return of the copies.

202. *Execution of whipping to be stated.*—If, in a case sent up for revision, the accused has been sentenced to imprisonment and whipping, it should be stated whether the whipping has been carried out or not.

203. *Material records of connected cases to be sent up.*—In all cases, the material part of the records of the connected case or cases, if any, should be sent up.

CHAPTER XXI

Reference

204. *Sessions Judge to refer cases to High Court if necessary.*—It will be the duty of the Sessions Judges carefully to peruse the judgments and orders of the Sub-Divisional and First Class Magistrates submitted to them and to report to the High Court without delay any case which, in their opinion, calls for revision or any doubtful case. They will not themselves issue proceedings criticising those of the magistracy except on appeal.

205. *District Magistrate to comply with requisitions of Sessions Judges.*—District Magistrates shall comply with all requisitions for records, returns, and information made by the Sessions Judges with regard to any case referable by them to the High Court. They shall also render any explanation which Sessions Judges may require from them or from subordinate Magistrates in such cases.

206. *Application to Government to remit or commute sentence.*—Whenever a Sessions Judge or Magistrate shall be of opinion that there are grounds for recommending the Government to exercise the powers vested in them by Section 401 or 402 of the Code of Criminal Procedure of remitting or commuting any sentence adjudged by the Criminal Courts, the recommendation for remission or commutation of the punishment shall be submitted to the Government through the High Court. Every such reference shall be accompanied by

a certified copy of the record of the trial or of such record thereof as exists.

207. *Reference to Government in cases of infanticide.*—In all cases where women are convicted for the murder of their infant children, a reference should be made, through the High Court, to the Government with an expression by the Sessions Judge of his opinion as to the propriety or otherwise of reducing the sentence.

Every such reference shall be accompanied by a certified copy of the record of the trial or of such record thereof as exists.

208. *Report of Sessions Judge on reference under Section 401 to be submitted to Government through High Court.*—In cases in which the opinion of a Sessions Judge is called for by the Government under Section 401 of the Code of Criminal Procedure the Sessions Judge's reply should be forwarded through the High Court whether the requisition for the opinion has been received through the High Court or not.

209. *District Magistrates to refer cases calling for revision to High Court.*—District Magistrates shall refer direct to the High Court, without delay, any case which has been reported to them under rule 205 for revision or which in their opinion, calls for revision.

210. *District Magistrate not to refer to High Court judgments of acquittal.*—When a District Magistrate is of opinion that an order of acquittal is wrong, and that such order should be set aside, he should request Government to prefer an appeal under Section 417 of the Code of Criminal Procedure, and should not report the case for the orders of the High Court under Section 438 of the Code.

211. *District Magistrate not to refer proceedings of a court of Session.*—The Criminal Procedure Code does not confer on District Magistrates any power to refer *suo motu* to the High Court any proceedings of a court of Session. If a District Magistrate considers that such proceedings should be brought to the notice of the High Court, he should move the Advocate-General through the Government.

In the absence of special urgency no reference should be made from the proceedings of a subordinate Magistrate in cases where an appeal is provided by law until the time allowed for

appeal has elapsed. Where an appellate order or judgment is in existence, the reference should be on that order or judgment and not on the order of the court of first instance.

212. *Form of reference to the High Court.*—In making a reference under Section 435 of the Code of Criminal Procedure, Sessions Judges and District Magistrates should not enter into a lengthy discussion upon the points of the case, but should merely submit with a covering letter a concise report giving the result of their examination of the record.

213. *Sessions Judge to give copy of letter to District Magistrate if required.*—In every case in which a Sessions Judge makes a reference to the High Court under Section 438 of the Code of Criminal Procedure he shall, if required to do so by the District Magistrate, furnish that officer with a copy of the reference.

214. *Legible copies to be forwarded.*—In cases referred for the orders of the High Court by Sessions Judges and District Magistrates it is incumbent upon them to see that all material papers are legible where the originals are illegible.

215. *Explanation of the erring Magistrate.*—In each case the reference must contain the explanation of the Magistrate concerning the alleged error referred or set forth the reasons why such explanation is not sent. The explanation should be obtained through or by the District Magistrate in all cases.

CHAPTER XXII

High Court

216. *Judgment of Court of first instance to be produced with revision petition.*—When a revision petition is presented against a judgment or order passed in appeal, it must be accompanied also by a certified copy of the judgment or order of the court of first instance, obtained either by a fresh application for copy or by a return of enclosures.

217. *Motion cases.*—Every petition or application intended to come up for orders of the High Court as a special motion should be filed in the office of the Registrar not later than 3 p.m. on the day previous to the day on which the motion is to be heard and a separate letter explaining the nature of the

urgency should be addressed to the Registrar for permission to move.

218. *Motions to be taken before the day's regular work.*—Every petition allowed by the Registrar under the above rule will be taken up before the regular work of the court for the day and shall also have precedence over civil motions.

219. *Additional set of papers to be filed in motions before a Bench of two or more Judges.*—Where a motion has to be heard by a Bench of two or more Judges, additional sets of papers should be furnished by the party concerned.

220. *List of ready cases.*—A list of cases ready for hearing will be exhibited on the notice board as each case becomes ready and no criminal case will ordinarily be posted for hearing within a week of its being so exhibited.

221. *No ready list for miscellaneous applications.*—No such list will be exhibited for original miscellaneous applications.

222. *List of cases for disposal.*—A list of cases for disposal on the next working day will be exhibited on the notice board each day.

223. *Weekly list.*—In addition to the list mentioned above, a special list of cases to be heard in a week shall be put up on the notice board on the Monday preceding that week.

224. *Judgment and orders to be despatched with promptness.*—The judgment or order of the High Court in or relating to a criminal case on its file shall be certified to the lower courts with the least possible delay.

225. *Orders on reference under Section 374, Cr. P. C. to be communicated on the same day.*—An order on a reference under Section 374, Code of Criminal Procedure shall be certified to the Court of Session on the same day on which judgment is pronounced.

226. *Judgments relating to Sessions trials.*—Judgments in cases relating to trials by a court of Session shall be communicated to the Sessions Judges concerned.

227. *Certificate under Article 134 of the Constitution of India.*—In cases where the High Court grants a certificate under Article 134 of the Constitution of India to a person under

sentence of death the date of the issue of the certificate shall forthwith be intimated to the Government and the Superintendent of the jail in which the prisoner is confined.

228. *Order to be communicated to subordinate Magistrate through the District Magistrate.*—Every order and judgment relating to a Magisterial enquiry or trial shall be communicated to the Magistrate or Magistrates concerned through the District Magistrate in the absence of special urgency.

229. *Revision cases.*—Rule 226 will apply *mutatis mutandis* to revision cases arising from cases other than Sessions trials.

230. *Return of records and material objects.*—On the termination in the High Court of a reference, appeal, revision petition or other application or matter the records of the case with the material objects, if any, shall be returned to the Court or courts from which they were received along with the judgment or order of the High Court.

231. *Return of enclosures.*—Copies of judgments, orders, or other papers filed by parties in the High Court as enclosures to any appeal, revision petition or other application shall, on the termination of such appeal, revision petition or application be returned to them on a requisition made by them in that behalf under the orders of the Registrar.

232. *Order of High Court on appeal and revision.*—Whenever the High Court certifies its judgment or order to a lower court under either Section 425 or 442 of the Code of Criminal Procedure it is the duty of the latter court to issue the necessary warrant of release or modification of sentence, or order for the refund of a fine, and in doing so it shall be governed by the provisions of Rules 196 and 197.

233. *Time for presentation of payment order.*—The order for the refund of the fine shall be presented for payment within three months from the date of its issue. If not presented within that period it shall be returned to the Court, and may then, after being redated and initialled by the Magistrate, be reissued to the payee.

234. *Duplicate copy of order of High Court to be sent to Superintendent of Jail.*—When an order of the High Court in appeal or revision is certified to a lower court under Sections 425 and 442 of the Code of Criminal Procedure, it shall be

issued in duplicate, and the lower court shall, on receipt of the order, forthwith send one copy of it to the Superintendent or Officer-in-charge of the jail in which the prisoner is confined, along with the warrant, if any, required by rule 232. If the High Court's order is an order of release, one copy shall be sent direct from the High Court to the Superintendent or Officer-in-charge of the Jail.

CHAPTER XXIII

Suspension of Sentence

235. *Notice in bail cases.*—Subordinate courts shall give notice of every application for bail under Section 427 of the Code of Criminal Procedure, to the local Public Prosecutor or the Prosecuting Inspector, as the case may be.

In cases where bail is granted, the court granting bail shall report the fact to the High Court at once.

236. *Copy of order of suspension to be sent to the Superintendent of Jail.*—Whenever an appellate court orders the suspension of the execution of a sentence of imprisonment under Section 426 of the Code of Criminal Procedure, it shall send a copy of the order to the Superintendent or Officer-in-charge of the jail in which the appellant is confined.

237. *Prisoner whose sentence is suspended pending appeal treated as an undertrial one.*—The effect of an order by an appellate court suspending the execution of a sentence of imprisonment pending disposal of an appeal is that the appellant, if detained in jail, is to be treated in all respects as an undertrial prisoner.

238. *Copy of order of dismissal to be sent to the Superintendent of Jail.*—Whenever an appellate court dismisses an appeal it shall, whether the execution of the sentence is suspended under Section 426 of the Code of Criminal Procedure or not, send a copy of the order dismissing the appeal to the Superintendent or Officer-in-charge of the Jail in which the appellant is, or is to be confined.

239. *Court to test sufficiency of bail.*—When a court of appeal or revision orders, the release on bail of a person who has been convicted or committed for trial, the question of the

sufficiency of the bail shall, unless the court of appeal or revision thinks fit itself to determine, the sufficiency of the bail or security, be determined by such court or Magistrate subordinate to it or in the case of appeal or revision before the High Court, by the Registrar as the court making the order may direct.

240. *Warrant of release to be issued by Court testing sufficiency of bail or security.*—The court or Registrar authorised to test the sufficiency shall, when satisfied as to the sufficiency of the security, forward to the officer-in-charge of the jail in which the accused is confined, a warrant for the release of the prisoner in pursuance of the order and shall, further in cases where bail is ordered by a superior court, report to that court whether or not the bail has been furnished.

241. *Court to test sufficiency of security under Section 106 or 118 Criminal Procedure Code.*—When an order to give security is made under Section 106 or Section 118 of the Code of Criminal Procedure, the question of the sufficiency of the security shall be determined by the Court or Magistrate by whom the order was made provided that when an order to give security is made under Section 106 of the Code of Criminal Procedure by an Appellate Court or by the High Court when exercising its powers of revision, the question of the sufficiency of the security shall, unless the said court thinks fit itself to determine the sufficiency of security, be determined by such other Court or Magistrate subordinate to it as it may direct.

CHAPTER XXIV

Execution of Sentences

242. *Committal warrant.*—All warrants of commitment shall be written in English or Malayalam or Tamil and sealed with the seal of the court.

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

244. *No fresh warrant need be issued in cases under Section 401 or 402, Cr. P.C.*—Where the State Government or the President suspends, remits or commutes a sentence under Section 401, 402 or 402-A of the Code of Criminal Procedure, no fresh or revised warrant need be issued.

245. *Sessions Judge to fill in the particulars as to diet etc. in warrants issued by the High Court.*—Wherever the High Court, in a case submitted to it, by a Sessions Judge, under Section 307, Code of Criminal Procedure, convicts the accused and passes sentence on him and issues a warrant of commitment to the Jail through the Sessions Judge, it is the duty of the Sessions Judge to fill in the particulars as to diet, classification and other matters shown on the warrant, before it is sent to the Jail.

246. *Habitual criminals.*—Whenever possible, a court which convicts an accused person should decide whether he is to be classified as a habitual or casual convict and make a note of the decision on the warrant of commitment for the information of the jail authorities.

The following persons are liable to be classified as 'habitual criminals', namely—

(i) Any person convicted of an offence punishable under Chapters XII, XVII and XVIII of the Indian Penal Code, whose previous conviction or convictions taken in conjunction with the facts of the present case show that he is by habit a robber, house-breaker, dacoit, thief or receiver of stolen property, or that he habitually commits extortion, cheating, counterfeiting coin, currency notes or stamps, or forgery ;

(ii) Any person convicted of an offence punishable under Chapter XVI of the Indian Penal Code whose previous conviction or convictions taken in conjunction with the facts of the present case show that he habitually commits offences against the person ;

(iii) Any person committed to or detained in prison under Section 123 (read with Section 109 or Section 110) of the Code of Criminal Procedure ;

(iv) Any person convicted of any of the offences specified in (i) above when it appears from the facts of the case, even though no previous conviction has been proved, that he is by habit a member of a gang of dacoits, or of thieves or a dealer in slaves or in stolen property ;

(v) Any member of a criminal tribe, subject to the discretion of the State Government concerned;

(vi) Any person convicted by a Court or Tribunal acting outside India under the general or special authority of the Government of India of an offence which would have rendered him liable to be classified as habitual criminal if he had been convicted in a court established in India.

Explanation.—For the purposes of this definition the word 'conviction' shall include an order made under Section 118 read with Section 110, of the Criminal Procedure Code.

(1) The classification of a convicted person as a habitual criminal should ordinarily be made by the convicting court but if the convicting court omits to do so, such classification may be made by the District Magistrate, or in the absence of an order by the convicting court or District Magistrate and pending the result of a reference to the District Magistrate, by the officer in charge of the jail, where such convicted person is confined;

Provided that any person classed as a habitual criminal may apply to the High Court for a revision of the order.

(2) The convicting court or the District Magistrate may, for reasons to be recorded in writing, direct that any convicted person or any person committed to or detained in prison under Section 123 read with Section 109 or Section 110 of the Code of Criminal Procedure, shall not be classed as a habitual criminal and may revise such direction.

(3) Convicting courts or District Magistrates as the case may be, may revise their own classification and the District Magistrate may alter any classification of a prisoner made by a convicting court or any other authority provided that the alteration is made on the basis of facts which were not before such court or authority.

Note.—The expression 'District Magistrate' wherever it occurs in paragraphs 1, 2, and 3 above, means the District Magistrate of the District in which the criminal was convicted, committed or detained.

(4) Every habitual criminal shall, as far as possible be confined in a special jail in which no prisoner other than habitual criminals shall be kept;

Provided that the Inspector-General of Prisons may transfer to the special jail any prisoner, not being a habitual criminal, whom for reasons to be recorded in writing, he believes to be of so vicious or depraved a character and to exercise, or

to be likely to exercise so evil an influence on his fellow prisoners that he ought not to be confined with other non-habitual prisoners but a prisoner so transferred shall not otherwise be subject to the special rules affecting habitual criminals.

247. *Mode of inflicting whipping.*—(1) Judicial floggings shall be inflicted in private either at a jail or in an enclosure near the Court-house; and if possible, in the presence of a medical officer.

(2) The punishment shall be inflicted on the buttocks and care should be taken that the person undergoing the punishment is tied up to a triangle or that his immobility under the punishment is otherwise secured in order to preclude the possibility of the rattan falling on any other part of the body.

(3) The practice shall invariably be adopted of spreading over the prisoner's buttocks during the operation a thin cloth soaked in an antiseptic which may be either a solution of perchloride or mercury of the strength of 1 in 2000 (two thousand) or a carbolic lotion of the strength of 1 in 40 (forty).

(4) The cane employed shall not be less than $\frac{1}{2}$ " in diameter in the case of persons of or over 16 years of age and in the case of juvenile offenders a still lighter cane shall be employed.

In the case of juvenile offenders the stripes inflicted shall not exceed 15.

248. *Magistrate to record whipping inflicted before him.*—When a sentence of whipping is carried into effect in the presence of the Magistrate who passed it, it is the duty of the said Magistrate to record the fact.

CHAPTER XXV

Levy and Recovery of Fines

249. *Levy of fine to be endorsed on the warrant or notified to the jail authorities.*—When an accused person is sentenced to imprisonment as well as or in default of payment of a fine the warrant issued to the jail authorities shall contain definite information as to whether the fine has been paid, or not, in whole or in part. If the warrant does not furnish this information a reference shall forthwith be made by the jail

authorities to the committing court to ascertain whether the fine has been paid and the purport of the reply shall be noted on the warrant.

250. *Subsequent levy of fine to be notified to the jail authorities.*—When a fine is paid or recovered in whole or in part after the admission of the prisoner into jail, the responsibility for intimating to the jail authorities the fact of the payment rests entirely with the Court. Such intimation shall invariably be acknowledged by the jail authorities and the acknowledgment shall be filed by the court for future reference. On receipt of the intimation from the court the jail authorities shall endorse the information on the warrant.

251. *Intimation from court to bear its seal.*—Intimations sent by a criminal court to the Superintendent of a jail that a fine which the prisoner has been ordered to pay had been paid or recovered in whole or in part shall bear the seal of the court.

252. *Levy of fines.*—A warrant for the levy of a fine issued under clause (a) of sub-section (1) of section 386 of the Code of Criminal Procedure shall be directed to a Police Officer and shall be in Form No. XXXVII of Schedule V of the Code.

253. *Time of sale.*—The authority issuing the warrant shall specify a time for the sale of the attached property and for the return of the warrant.

254. *Articles exempt from attachment and sale.*—The following article shall not be liable to attachment or sale, namely—

The necessary wearing apparel, cooking vessels, beds and bedding of the offender or of his wife and children and such personal ornaments as in accordance with custom or religious usage cannot be parted with by a woman, for example a Thali or wedding ring.

255. *Attachment of movable property.*—(1) The attachment of movable property belonging to the offender shall be made by seizure:

Provided that, where in addition to or in lieu of seizure the Police Officer considers that either or both of the methods referred to in clauses (b) and (c) of sub-section (3) of Section 88 of the Code of Criminal Procedure should be adopted, he shall obtain an order to that effect from the court issuing the warrant.

(2) When the method referred to in clause (b) of subsection (3) of Section 88 of the Code of Criminal Procedure is adopted and a receiver is appointed, the powers duties and liabilities of such receiver shall be the same as those of a receiver appointed under Order XL of the First Schedule to the Code of Civil Procedure, 1908.

256. *Entrustment to third party.*—The Police Officer who makes an attachment of movables under rule 255 may, after attachment, hand over the articles attached to a third party on a bond being executed in Form No. 15-A of Appendix E to the Code of Civil Procedure, 1908, for their custody and production before the court when required.

257. *Mode of effecting attachment.*—Before making the attachment, the Police Officer shall deliver or tender a copy of the warrant to the offender or in his absence to any adult male member of his family. If a copy cannot be so delivered or tendered the Police Officer shall affix a copy of the warrant at some conspicuous place where the property to be attached is found. After making the attachment the Police Officer shall in like manner deliver, tender or affix, as the case may be, an inventory of the property attached.

258. *Power to sell attached property.*—If no claim is preferred to any property attached, within one month from the date of the attachment, by any person other than the offender the Police Officer executing the warrant shall have power to sell, within the time mentioned in the warrant and without previous reference to the court issuing the warrant, the property or such portion thereof as may be sufficient to satisfy the amount to be levied:

Provided that, if the property attached consists of livestock or is subject to speedy and natural decay or if its immediate sale would be for the benefit of the owner, the Police Officer may sell it at once but the proceeds of the sale shall not be appropriated towards the fine until the expiration of one month from the date of the attachment and until any claim preferred under rule 259 has been disposed of.

259. *Claim to attached property.*—If any claim is preferred to any property attached under rule 256 within one month from the date of such attachment, by any person other than the offender, on the ground that the claimant has an interest in such property and that such interest is not liable to attachment,

the claim shall be enquired into and disposed of as provided in rules 260 to 262:

Provided that any claim preferred within the period allowed by this rule may, in the event of the death of the claimant, be continued by his legal representative.

260. *Court where claim is to be preferred.*—Claims may be preferred under rule 259 in the court by which the warrant is issued or if the claim relates to property attached under a warrant endorsed by a District Magistrate under Section 387 of the Code of Criminal Procedure in the court of such Magistrate.

261. *Investigation of claim.*—Every such claim shall be enquired into and disposed of by the court in which it is preferred:

Provided that, if preferred in the court of a District Magistrate such Magistrate may make it over to any Magistrate of the First or Second Class subordinate to him.

262. *Procedure.*—The enquiry shall be summary and the court shall record its decision on the claim with the reasons therefor. Such decision shall be final and shall forthwith be communicated to the Police Officer executing the warrant who shall dispose of the property in accordance with such decision.

263. *Sale proceeds to be produced in court.*—The Police Officer executing the warrant shall as soon as possible after the sale produce the sale proceeds before the court issuing the warrant or if the property was sold under a warrant endorsed by a District Magistrate in the court of such Magistrate.

264. *Issue of fresh warrant of attachment.*—Subject to the proviso to sub-section (1) of Section 386 of the Code of Criminal Procedure and subject also to Section 70 of the Indian Penal Code if at any time subsequent to the return of the warrant the fine or any part thereof, remains unpaid, and the court has reasonable grounds for believing that the offender has any moveable property, it may issue a fresh warrant for the attachment and sale of such property in accordance with the Code of Criminal Procedure and these rules.

265. *Attachment of excisable goods.*—In the case of excisable goods held in the custody of Criminal Courts notice of the date of auction or other method of disposal shall be issued to the Excise authority concerned requiring such authority to arrange for the collection of the duty leviable, if any, on

the goods and for the issue of a transport permit, where necessary. The Excise authority may also be required to satisfy itself that the purchaser in auction or otherwise is licensed to deal in such goods.

266. *Composition fees, etc. in forest and excise cases*—(1) The amount of composition fees or expenses of prosecution and the account to which it is paid to the Magistrate *viz.*, composition fee or expenses of prosecution should be shown in the order of acquittal.

If the payment has been made to a Forest officer or an Excise officer, his receipt should be produced before the Magistrate and the details of it, date, number, etc., should be given in the order of acquittal.

(2) All fees and expenses received by the Magistrate shall be remitted to the Treasury without delay. They should be entered separately in the Remittance book in Administrative Form No. 74 "Forest Composition Fees" or Expenses of Prosecution as the case may be.

(3) All composition fees and expenses paid to the Magistrate should be shown in red ink in column 9 of the Fine Register (Criminal Register Form No. 25) a separate total being struck for each of the heads of account to which they are credited every month.

CHAPTER XXVI

Compensation under Section 545, Cr. P. C.

267. *Payment of amount of compensation.*—The court by which a fine or any portion of a fine has been awarded as compensation under Section 545 of the Code of Criminal Procedure shall, on the application of the person to whom such compensation has been awarded, grant an order for payment of the amount awarded direct to the treasury to which such amount has been remitted, together with a certificate to the effect that either (1) the sentence and award are not subject to appeal or have been confirmed by the appellate court and that no order has been received from the court of revision modifying or reversing the order of compensation or (2) where the order as to compensation has been modified in appeal or revision, that the payment order is in conformity with such modification

or (3) that the appeal time has expired and that no appeal has been preferred, and that no order has been received from the court of revision modifying or reversing the order of compensation.

268. *Certificates as to appeal.*—In cases in which the court awarding the compensation may be unable to certify whether an appeal has actually been preferred, the party desirous of obtaining payment of the amount of compensation in deposit may apply to the appellate court to certify whether or not any appeal has been preferred, and on such application being made the appellate court shall grant the required certificate.

269. *Compensation otherwise than under Section 545 Criminal Procedure Code.*—Compensation awarded under Section 250 and 553 of the Code of Criminal Procedure, and compensation and all other sums recoverable like fines under any other provision of law and not creditable to 'Law and Justice' should be dealt with in the manner provided in the foregoing rules for compensation awarded under Section 545, provided that if the order to pay such compensation or other sum is reversed or modified in appeal or revision the payment order on the treasury shall be given to the party or parties entitled to draw the money.

CHAPTER XXVII

Notification of residence by released convict

270. *Notification of residence by released convicts.*—When an order has been passed under Section 565 of the Code of Criminal Procedure that a convict shall notify his residence and any change of residence after release for a specified term, the court or Magistrate passing such order shall enter a record thereof in the warrant of commitment issued under Section 383 of the Code in respect of such convict.

271. *Convict to state particulars of his intended residence.*—A convict in respect of whom such an order has been passed shall, when called upon by the Officer-in-charge of the jail in which he is confined, state before his release, the place at which he intends to reside after his release, naming the village or town and the street therein.

272. *To notify to nearest Police Station.*—After release and on arrival at his residence he shall within 24 hours notify at the nearest police station that he has taken up his residence accordingly.

273. *Intention to change residence to be notified.*—Whenever he intends to change his residence he shall, not less than two days before making such change notify his intention at the nearest police station giving the date on which he intends to change his residence and the name of the village or the town and street in which he intends to reside, and on arrival at such residence, he shall within 24 hours notify at the nearest police station that he has taken his residence accordingly.

274. *Reasonable time to change residence.*—The officer recording a notification under rule 271 or rule 273 shall appoint such period as may be reasonably necessary to enable the convict to take up his residence in the place notified. If the convict does not take up his residence in such place within the period so appointed, he shall, not later than the day following the expiry of such period notify his actual place of residence to the officer in charge of the Police Station within the limits of which he is residing.

275. *Intimation of absence between sun-set and sun-rise.*—Whenever a released convict intends to be absent from his residence between sun-set and sun-rise he shall notify his intention at the nearest police station stating the time and purpose of such absence and the exact address where he can be found during that period.

276. *Notice to be given of change.*—Every notice required to be given by the foregoing rules shall be given by the released convict in person unless prevented from doing so by illness or other sufficient cause, in which case the notice required shall be sent either by letter duly signed by him or by an authorised messenger on his behalf.

277. *Officer to certify receipt of notice.*—Whenever the released convict gives any notice required by the foregoing rules, he will be furnished with a certificate to the effect that he has given such notice, by the officer to whom he gives it.

278. *Copy of order and rules to be served on convict.*—A copy of the order specified in rule 270 shall be served on the convict before his release from jail. A copy of rules 270 to 277 in English or Malayalam or Tamil shall at the same time be

given to him and the substance thereof fully explained to him in a language he understands. He shall also be informed for what period he is bound to observe these rules, and that any neglect or failure to comply with them will render him liable to punishment as if he had committed an offence under Section 176 of the Indian Penal Code.

279. *Police to call upon convict and serve notice.*—If a convict in respect of whom an order has been passed under Section 565 of the Code of Criminal Procedure shall have been released from jail without a copy of the said order having been served upon him, and the other formalities specified in these rules having been complied with, he may at any time while the order remains in force, be called upon by the Police to report himself on a given day at a Police Station near the place where he is found, and on his reporting himself the copy of the order shall be served on him and the other formalities prescribed in rules 271 and 273 shall be complied with.

280. In applying the above rules to the case of a wandering man who has no 'residence' in the sense of a fixed place of abode, they may be reasonably interpreted as meaning that he resides at the place where he sleeps even if he remains there only one night. On his release he may, therefore, be asked under rule 271 where he is going to stay, and he may be told that if he moves about the country he must always notify the place of his temporary abode to the Police.

CHAPTER XXVIII

Material Objects

281. *Material objects.*—When a reference is made to or notice of an appeal or revision is received from the High Court the Sessions Judge or Magistrate concerned shall determine whether any or which of the material objects marked as exhibits in the case shall be sent to the High Court, and in exercising his discretion he shall consider whether the object can be conveniently transmitted and whether an inspection thereof will assist the High Court:

Provided that the weapon, substance or article whereby the offence is said to have been committed and all garments stained with blood shall be sent in all cases.

Courts of Sessions and Magistrates shall enclose with the records in cases submitted to the High Court a list of material objects.

282. *Note to be made if retained.*—In every case in which any material object is retained, the order directing such retention should form part of the record submitted to the High Court.

283. *Return to be obtained within a month.*—Articles received from lower courts such as sticks, stones, knives, bill-hooks, axes, guns, rags of clothing, earth etc. and articles of trifling value shall be retained in the High Court and destroyed there. Any application for the return of these articles (for return to parties or for reference in any other case) or of any articles that the High Court has omitted to return shall be made within one month from the date on which the records of the case are received back in the lower court.

284. *When material objects are to be destroyed.*—Material objects exhibited at the trial of criminal cases should be retained by the court until the court is satisfied that the appeal time has expired and that no appeal has been presented or that any appeal presented has been disposed of. After that they may be destroyed or otherwise disposed of according to the rules.

CHAPTER XXIX

Maintenance, Custody and Disposal of Property

285. *Disposal of property.*—When counterfeit coins have to be disposed of by a criminal court under Sections 517, 523 or 524 of the Code of Criminal Procedure, 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 for examination. A concise and accurate report should also be sent containing a description of the case and the sentence imposed.

286. *Disposal of implements for forgery of currency note.*—In the case of forgery of Currency Notes the disposal of implements such as moulds, dies, etc., produced in and confiscated by a court of law is a matter for the decision of the court which tries the case and when they are ordered by the court to be delivered to the Police for destruction, the Police

shall themselves arrange for their destruction and not send them to the Currency Offices or Mint for destruction, provided that if the Police consider any particular implements are of special interest and should be preserved, they shall make them over to the criminal investigation department for this purpose.

287. *Disposal of currency notes.*—All forged currency notes brought before the court shall be handed over to the Police for being forwarded to the Issue Department of the Reserve Bank of India with a brief report of the case.

288. *Arms and ammunition.*—All arms and ammunitions of prohibited bore which are confiscated should be sent to the nearest arsenal for disposal.

289. *Implements e. g., moulds, dies, etc., to be destroyed by the Police.*—In all appealable cases the disposal of counterfeit coins, forged currency notes and implements such as moulds and dies, in accordance with the above rules shall be deferred till the period of time for preferring an appeal expires and in the event of appeal until it is disposed of.

290. *Live-stock seized.*—(a) Live-stock seized as material objects shall, as a rule, be left in the custody of the person (except the accused) from whom they are taken or of the person at whose instance they are seized, or of any person whom the court considers competent, provided such person undertakes to feed and maintain them properly without any extra expense and enters into a bond with one or more sureties for their production whenever called for and for their safe custody and maintenance.

(b) If no such person as aforesaid be forthcoming, or the person coming forward be unable to furnish the required security, or the court considers it inexpedient or unsafe to entrust to him the live-stock seized, or the person to whom they are entrusted under the preceding para fails to act up to his engagement and it is deemed necessary to take away the same from his hands, the court may order the Police or any of its own officers to take possession of and maintain the same at reasonable charges.

(c) Magistrates shall take particular care to dispose of such cases with the least possible delay and to make clear directions in their judgments in regard to the delivery of the live-stock seized. The District Magistrates shall carefully watch the progress of such cases in the subordinate courts and see

that they are promptly disposed of and that public money is not wasted where under any circumstances, it can be avoided.

291. *Dirty clothes normally to be burnt within 3 days after disposal of the case.*—(1) Dirty clothes, unless claimed within 3 days from the date of disposal of the case, in reference to which they are produced, should be burnt; Provided that for any recorded reasons, the Judge may order them to be burnt at once.

(2) *Weapons used in the commission of crime to be broken up and sold.*—Weapons with which crimes are committed must, after the final disposal of the case, be broken up and sold, and the sale proceeds carried to the credit of Government.

(3) *Perishable property to be sold immediately after the disposal of the case.*—All unclaimed property of perishable nature should be sold immediately after the disposal of the case in reference to which they are produced and the sale proceeds held in deposit for 3 months.

(4) *Sale of unclaimed property other than perishable property.*—All unclaimed property not falling under sub-rule 3 above should be sold by the court having custody of the same after 15 days' notice duly published in the court house and by beat of tom-tom. The expenses of notice shall be paid out of the sale proceeds.

(5) *Sale proceeds to be credited to Government.*—Sale proceeds of articles sold under sub-rules 3 and 4 above shall be credited to Government after 3 months' notice published in the Government Gazette.

292. *Applications for return of material objects.*—Whenever applications are made for the return of material objects by parties entitled to the same the Magistrate ought to send for the articles from the Police Station and return them himself to the party.

CHAPTER XXX

Records

A. Production of records

293. *When District Magistrate may demand production of Sessions record.*—A District Magistrate is legally competent

to demand the production of original records in the custody of a court of Session, which are required for a preliminary enquiry, and any such demand shall therefore be complied with.

294. *Court to consider whether certified copy of record is sufficient.*—Before issuing summons for the production of a document in the custody of another court, the court shall consider whether the interested party 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 justice.

295. *A list of records retained by a court to be given to the producer.*—Where records or documents produced from any court or public office are retained by the criminal court requiring their production, a receipt containing a descriptive list thereof shall be given to the officer producing them and a duplicate of the receipt shall be placed with the records or documents. Any apparent erasure or alteration in any paper shall be noted in the said list.

296. *Packet to be opened in the presence of Judge or Magistrate.*—When any records or official documents are received from any court or public office by post, the packet shall be opened in the presence of the presiding Judge or Magistrate and the papers compared with the list accompanying them. The instructions contained in Rules 295 and 308 shall then be observed as far as they are applicable.

B. Inspection of records

297. *Inspection by Police or Public Prosecutor.*—Whenever it shall appear to any officer of Police, not below the rank of Sub-Inspector of Police that an inspection of the records of any criminal trial or appeal will facilitate the detection or prevention of crime or is desired for examination of the conduct of Police officers connected with the case and whenever the inspection of such records may be desired by a public prosecutor in the exercise of his duty as Public Prosecutor such officer or Public Prosecutor as the case may be, may apply to the Sessions Judge or presiding Magistrate of the court in which the records are lodged for permission to inspect the same.

298. *Procedure on application.*—The application referred to in the preceding rule shall be made in writing and shall contain a description of the records and shall state the purposes for which the inspection is sought and the Sessions Judge or Magistrate may grant or refuse the application as he may see fit. If the application is refused, the Sessions Judge or Magistrate shall record the reasons for refusal and shall communicate a copy thereof to the officer of Police concerned, or to the Public Prosecutor as the case may be. If the application is granted, the Sessions Judge or Magistrate shall make arrangements for permitting the inspection to be conducted in accordance with the next following rule.

299. *Conduct of inspection.*—Every inspection of records under these rules shall be conducted by an officer of Police not below the rank of Sub-Inspector of Police or if the inspection is granted on the application of a Public Prosecutor, then by the Public Prosecutor himself; it shall take place within the precincts of the court in which the records are lodged and in the presence of an officer of the court who shall be deputed by the Sessions Judge or Magistrate for the purpose, and no record or part of a record shall be removed by the inspecting officer from the precincts of the Court.

300. *Inspection by Salt, Excise and Forest Officers.*—Subject to the conditions contained in the above rules the privilege of inspecting records in Magistrate's courts is extended to Officers of the Salt, Excise and Customs Department, of and above the rank of Inspector and Gazetted Officers of the Forest Department so far as such records relate to their respective departments.

301. *Taking extracts.*—An officer inspecting records under these rules can take extracts therefrom if he considers it necessary to do so.

302. *Inspection by District Magistrate of records of Court of Session.*—Whenever a District Magistrate requires information with regard to the Sessions trial in addition to that appearing in the finding and sentence of the Court of Session, he shall be at liberty, after giving due intimation to the Sessions Judge, to depute one of his clerks to inspect the records and make copies or extracts of such parts thereof as appear material for the purposes which the District Magistrate may have in view, and the Sessions Judge shall permit such clerk to inspect the records and take copies or extracts thereof. Every

inspection of records under this rule shall be made within the precincts of the Court of Session in which the records are lodged and in the presence of an officer of the court deputed by the Sessions Judge for the purpose. No record or part of a record shall be removed by the inspecting officer from the precincts of the court.

C. Submission of Records

303. *Submission of records and material objects.*—Criminal courts shall see that records called for by the High Court are submitted promptly.

304. *What records to be submitted.*—When records are called for by the High Court and in references under Section 374, Code of Criminal Procedure the following records shall be submitted:—

(1) The entire original sessions and magisterial records.

A separate covering letter shall accompany the records submitted. Any delay in submitting the records shall be explained in the covering letter advising despatch of records. It shall state when and how and in how many separate files the records are despatched; and

(2) Eight spare copies of judgment in cases referred under Section 374, Code of Criminal Procedure and six copies in other sessions trial should be sent with the record.

The docket on the fly-leaf of all records and the covering letter should specify the number of the case on the lower court's file and the number of the appeal or-revision case or petition on the High Court's file.

Every record shall before despatch to the High Court be examined and certified as complete in accordance with the foregoing rules by the head ministerial officer of the court forwarding it.

Police diaries.—Police diaries produced in court shall be kept in a sealed cover.

305. *Index, how to be filled up.*—In filling up the indexes accompanying records of criminal cases, care shall be taken not merely to give the names of witnesses in full but also to indicate within brackets after the names their official designation, if any.

D. Preservation of records

306. *Custody of Sessions records.*—A Sessions Judge should not permit the original records of criminal trials in his court to leave his custody except in accordance with the express provisions of law, save as provided in Rules 297 to 302 and any person not legally competent to demand production of the originals whether an official in the Government service or a private individual should, if he wishes to examine the record, be required to apply for and obtain certified copies in accordance with the rules made in that behalf.

307. *Warrant of commitment returned after execution form part of the records of the case.*—Warrants of commitment which are returned to courts after the execution of sentences should be filed with the records of the respective cases and dealt with under the rules for destruction of records.

308. *Public records to be kept in packet sealed and labelled.*—The public records or documents shall, so long as they remain in the custody of court, which required their production, be kept in a sealed packet properly labelled and the packet shall not be opened except in the presence of the presiding Judge or Magistrate.

CHAPTER XXXI

Return of Documents

309. *Return of records when no longer required.*—Whenever it shall appear that any public documents received from any court or public office are no longer required, they shall be returned to such court or office with a descriptive list in a sealed packet.

310. *Return of documents applications to be made therefor.*—Applications from parties or other persons for the return of documents filed in court shall be made to the court in which they are originally filed: If application is made for any document which has been transmitted to another court, the court in which the document was originally filed shall itself apply for the transmission of the document and on receipt shall return it to the applicant:

Provided that no document shall be returned unless the Judge or Magistrate is satisfied that it will not be required for reference in proceedings pending either before his own court or the court of appeal or revision.

CHAPTER XXXII

Destruction of Records

311. *Index of records.*—An index in Administrative Form No. 63 shall be put up with the records of every case on its first institution and each paper as it is filed with the records shall be entered in such index.

312. *Every record after completion to be numbered, marked off, etc.*—Every record shall, after its completion and immediately before it is deposited in the record room be divided into parts as shown in the table given in Part B and to facilitate this division each paper shall, as soon as it is filed with the record, be numbered and marked off in the index as appertaining to one or another of such parts.

Other records not tendered in evidence or rejected.—Other documents which have been produced by parties but have either not been tendered in evidence, or having been tendered in evidence have been rejected shall be kept apart from the record of the case or other proceeding to which they belong and shall, if not reclaimed by the party who produced them, be retained in the court in which they were produced for a period of one year from the date of the final order of the court in the case or proceeding in which the documents were produced, and shall at the expiration of that period, be destroyed in the manner prescribed by Rule 316.

Notice of destruction.—Provided that notice of destruction shall be given in the manner prescribed by Rule 317 in the month of January succeeding the date of expiry of the period of one year referred to in this rule and also by affixing to the notice board of the court a copy of the notice to be published in the Gazette.

No application necessary for return of documents not tendered in evidence or rejected.—No application is necessary for the return of the documents produced which have either not been tendered in evidence, or if tendered, have been rejected. It is sufficient if a receipt for their return is taken in the list with which they have been put up.

313. *Period of retention of records.*—The parts of records described in the table given in Part C shall be retained for the periods respectively specified against them from the date of their completion, provided that in any case the presiding Judge or Magistrate may, for reasons to be recorded in writing,

direct that any of the papers in any one part be transferred to any other part for which a longer period of retention is prescribed; in which case the fact shall be noted in the index and the papers dealt with as if they had belonged from the commencement to the part to which they were so transferred.

Note.—Except as otherwise specifically provided the records mentioned in this rule shall be taken to have reached their completion on the date of the final order of the Court of first instance or in the event of an appeal or revision from the date of the final order of the superior court.

314. *Period of retention of court registers, books etc.*—The court registers, books and papers described in the table given in part D shall be retained for the periods respectively specified against them reckoning from their respective dates or from the dates at which they close:

Provided that the Sessions Judge or District Magistrate may in his discretion direct the retention for a longer period or permanently of papers which he may consider likely to be useful in the future, as containing the results of inquiries or other information, or the opinions of experienced officers in matters connected with the general administration of justice; and provided also that no criminal court subordinate to the Magistrate of the District shall cause any papers to be destroyed under the next succeeding rule without having first obtained from such Magistrate of the District, as the case may be, permission in writing to do so.

Where any document of which the destruction is ordered by these rules is before it has been destroyed, made evidence in any other case or proceeding, the rule regulating its destruction shall be the rule applicable to evidence filed in such case or proceeding where the period prescribed by such last mentioned rule is in excess of the period prescribed by the rule which originally governed its destruction.

315. *Records to be destroyed without fail.*—All records, books and papers described in the tables given in Parts C and D shall be destroyed without fail at the expiration of the periods respectively indicated against them:

Provided that documents produced in courts by Government officials shall not be destroyed, but shall, if not previously returned, be transmitted to the responsible officers on the expiry of the period prescribed for their retention.

316. *Records to be burnt in the presence of record-keeper.*—All records, books and papers to be destroyed under

rule 315 *supra* shall be burnt in the presence of the record-keeper.

Whenever records, books or papers are destroyed under Rule 315 *supra*, a complete list of the records, books or papers so destroyed shall be prepared and the date of destruction shall be entered at the head thereof. It shall be the duty of the record-keeper (or his assistant if there is one) to certify the correctness of these lists. Whenever in Sessions cases judgments, in which the sentence passed is one of transportation for life, are destroyed the record-keeper or his assistant, as the case may be, shall also certify that the judgment is destroyed either because a report of the convict's death has been received or because the convict has been released.

317. *Notice regarding destruction of records to be published in the Gazette.*—To enable parties, who have filed documents in court, to withdraw the same before the period appointed for their destruction, a notice shall be published in the Gazette in January of each year stating that all documents filed in the case (to be therein enumerated) will, unless previously reclaimed, be destroyed at the expiration of the period indicated in the notice; and the following note shall also be entered at the foot of every copy of a judgment or order granted to any of the parties to the case or proceeding in which such judgment or order was made or to the pleaders or authorised agent of such parties:—

“The parties should apply as soon as possible for the return of all exhibits which they may wish to preserve as the record will be liable to be destroyed after three years from this date.”

318. *Register of destruction of records.*—In order to facilitate the work of destruction of records there shall be maintained in the record room of each court a register in Administrative Form No. 30.

319. *Second punching.*—The record-keeper of every court shall, when a case is decided and the records consigned to his custody, punch a second hole in each court-fee label distinct from the first, and note the date of his doing so at the same time. The second punching should not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature.

CHAPTER XXXIII

Certified copies.

320. *Uncertified copies not to be granted.*—No copies of or extracts from the record of any proceeding of any criminal court shall be issued unless certified to be true by the proper officer of the court. This rule shall not apply to copies or extracts granted to prisoners in confinement, under any order passed in such proceedings, for the purpose of appeal or application for revision.

321. *Application for certified copies.*—Every application for a copy of a proceeding or document filed in, or in the custody of, the court shall be presented by the applicant himself or by his pleader.

322. *Copies of non-judicial and confidential papers.*—Copies of correspondence, of notes of evidence and of proceedings which are either confidential or not strictly judicial will not be granted.

323. *Copies to be given to parties.*—Save as aforesaid, copies of any portion of the record of a criminal case must be furnished to the parties concerned on payment of the proper stamp. Provided, however, that copies of the statements under Section 162 of the Code of Criminal Procedure which are recorded in case diaries should be granted free of cost in cases in which the accused is entitled to be defended at the expense of the State.

324. *Form of application.*—The application for copies shall set out the name of the applicant, his position (if any) in the proceeding and the name of his pleader. The application shall also set out a description of the proceeding or document of which a copy is required and whether or not the application is urgent.

325. *Urgent applications for copies.*—Application for urgent copies shall be by a petition duly stamped praying that the copies may be granted immediately.

326. *Application by strangers.*—Applications by strangers to the proceedings shall be allowed only by special orders of the court on a duly stamped and verified petition setting forth the purpose for which the copy is required.

327. *Rejection of defective applications.*—Any application not complying with the requirements of these rules shall

not be admitted but shall be returned for amendment. If the application is not re-presented, after amendment, within three days it shall be rejected.

328. *Application to be deemed single even when copies of more than one record prayed for.*—An application requiring copies of more than one proceeding or document shall be deemed to be a single application.

329. *Procedure when documents for which copies are applied for are in another court.*—If the records of the case or the documents of which a copy is applied for have been sent to another court, the application for the copy may, at the option of the applicant, be forwarded to the said court for compliance or be returned to him for presentation to the said court.

330. *Copies to Government officers.*—(1) The gazetted officers of all departments and all officers, who not being gazetted officers are entitled to inspect records, can obtain certified copies of the same. Except as regards officers of the Police Department and Public Prosecutors, such right extends only to obtaining certified copies of records relating to the officer's own department.

(2) The Judge or Magistrate may in his discretion grant or refuse the application. If the application is refused, the Judge or Magistrate shall record the reasons for his refusal and shall communicate a copy thereof to the officer concerned.

(3) The department applying for copies should furnish copy stamp papers for the purpose and debit the cost thereof to its contingent charges:

Provided that the cost of making copies of judgments convicting or acquitting Government servants of criminal offences or of orders discharging such servants, which are supplied on application to the Heads of Departments concerned, shall be debited to the contingent charges of the courts supplying the copies:

Provided also that the Jail Department shall be supplied with copies of judgments and orders on plain unstamped paper.

331. *Notice as to stamp papers.*—Every day between the hours of 3 and 5 p. m., a list showing the applications in which the records have been received and the number of stamp papers required shall be prepared and affixed to the court notice board. Such list shall remain suspended for 7 days, or if the last day is a holiday, till the next court day. If the required

stamp papers are not deposited within the time aforesaid, the applications shall be rejected.

332. *Notice as to additional stamp papers.*—Whenever additional stamp papers are found necessary they shall be called for and supplied in the same manner as in Rule 331 supra. Provided that, where the additional stamp papers called for are not deposited but the stamp papers originally deposited are sufficient for the preparation of complete copies of one or more records applied for, the application shall be struck off only as regards the record which cannot be prepared by reason of the insufficiency of the stamp papers supplied but it shall be complied with by delivery of such of the completed copies as can be prepared on the stamp papers supplied.

333. *Order in which application should be complied with.*—The preparation of all copies shall be in accordance with the serial order of application except that in the case of urgent applications they shall have priority over other applications.

Delivery of copies.—(1) As soon as copies have been prepared a list showing the register number of the application and the name of the applicant shall be prepared and put up on the court notice board. Such list shall remain on the notice board for 7 clear days other than holidays.

(2) Copies and unused sheets, if any, shall be delivered to the applicants at any time during office hours.

(3) If the copies are not taken delivery of by the applicant within 12 months of the date of posting of the above said list on the notice board they shall be destroyed, the unused sheets in such cases being forwarded to the officer in charge of the nearest treasury.

(4) No applicant shall be entitled to the return of stamp papers which are used but in which an incomplete copy is prepared. The incomplete copy in every case shall be destroyed after 12 months from the date on which the application is struck off. But the incompleting copy may be completed if the necessary additional stamp papers are produced and if an order of court is obtained for such completion on a petition presented therefor within 6 months from the date when the application was struck off.

334. *Copying charges.*—The copying charges shall be called for and supplied in stamp papers calculated at the rate of one stamp paper for every 175 words or fraction thereof, in

English or 125 words or fraction thereof in Malayalam or Tamil. Five numeral figures shall be taken as equivalent to one word. Malayalam or Tamil words with short suffixes and inflections shall be counted as single words for the purpose of this rule. In granting copies of records, each statement, account, report, petition, order or the like shall be treated as a separate document and shall be written on separate copying stamp paper.

335. *Copies of map, plan, etc.*—When the copies applied for are of maps, plans, geological trees, and tabular matter, which cannot be copied on ordinary copying stamp paper, they shall be prepared by skilled labour. A reasonable fee, proportionate to the skill, labour and time occupied in preparing the copy shall in each case be fixed by court. Notice of the amount so fixed shall be posted and the amount shall be deposited in cash by the party concerned.

336. *Production of stamp papers.*—When copying stamp papers are produced, the initials of the applicant or of his pleader shall be obtained on the copy application in attestation of the number of sheets produced. The clerk in charge of the copying section shall also acknowledge receipt of the same with his initials and date.

337. *Transcription of copies.*—Copies must be transcribed on that side of the copying paper which bears the stamp. The papers of the copy shall be consecutively numbered and each page must be initialled at the foot by the copyist and the last page signed by the copyist and the clerk in charge of the copying section. All erasures and interlineations shall be initialled by the clerk in charge of the copying section. The pages on the original shall be indicated in the copy also before the matter is transcribed and when there is no pagination the number of the sheet copied shall be indicated first.

338. *Certificate and seal.*—All copies furnished by the court shall be certified to be true copies and shall be sealed with the seal of the court.

339. *Endorsement as to dates and to particulars.*—Every copy shall bear an endorsement showing the following particulars and signed by the clerk in charge of the copying section.

1. The year and number of the case or other proceeding.

2. The name of court.
3. The name of the applicant.
4. The number and date of application.
5. The date of calling for stamp papers.
6. The date of production of stamp papers.
7. The date of calling for additional stamp papers.
8. The date of production of do.
9. The date when copy was ready.
10. The date when copy was delivered.

CHAPTER XXXIV

A. Rules for printing Judgments in Sessions Cases

340. *Cases in which Judgments to be printed in Sessions Courts.*—(1) In all cases involving capital sentence and in other cases whenever it is found to be necessary or conveniently practicable, every Court of Sessions shall print all its Sessions Judgments excluding the tabular statement prescribed in Rule 127 and debit the cost of such printing to its own contingent grant.

(2) The number of copies of Sessions Judgments printed shall ordinarily be fifteen more than the number of prisoners convicted.

(3) But in all cases involving capital sentence or where it is likely that the matter may be taken to the Supreme Court, besides the number of copies specified in sub-rule (2), 15 additional copies should also be printed.

(4) Two copies of the printed judgment shall be forwarded to the District Magistrate, for himself and the Committing Magistrate, one copy supplied to the Public Prosecutor who conducted the prosecution, one copy supplied to the Inspector-General of Police and one copy forwarded to the High Court along with the Calendar Statement provided in Appendix B Administrative Form No. 64. The remaining copies shall be filed with the record. If there be an appeal or reference, the number of copies as required by sub-rule (2) shall be forwarded to the High Court along with the records of appeal.

(5) Where printed copies can be spared, a copy may be supplied without charge to a person entitled by any law or order to receive a copy free of cost, and in every other case on payment of a fee of four annas for every 175 words or fraction thereof contained in it.

(6) All payments under sub-rule (5) shall be in cash and shall from time to time be remitted to the nearest Treasury to the credit of "Criminal Justice-receipt under stationery and printing".

(7) Sessions Judges are permitted to employ private Presses for the purpose. The printing will be subject to budget provision and subject to the rates which will be fixed from time to time by the High Court.

(8) The judgment sent to the printer shall not be the one delivered in open court, but the fair copy of the judgment copied or typed therefrom.

(9) In cases where additional copies are to be printed as specified in sub-rule (3), the following directions should be observed:-

(i) The printing shall be in the form known as Demy Quarto.

(ii) The size of the paper used shall be such that the sheet when folded and trimmed will be about 11 inches in length and $8\frac{1}{2}$ inches in width.

(10) Subject as aforesaid, the printing shall be on both sides of the paper with single spacing. The type to be used shall be pica and every tenth line shall be numbered on the margin. The printer's proofs shall be corrected by himself until a clear proof is obtained. The clear proof shall be sent direct to the court for final correction with the original judgment, after which it shall be returned to the printer with directions to correct, if necessary, and to strike off the necessary impressions. These will be despatched to the court together with the judgment and a memorandum showing the number of copies struck and the amount of charges incurred on account.

(11) The printing of the copies of the judgment has to be completed as expeditiously as possible and in no case shall it exceed two weeks from the date of delivery of the judgment.

B. Rules regarding printing of papers in the High Court

341. (1) The High Court may order any material papers in criminal cases to be heard by it to be printed and debit the cost of such printing to its own contingent grant of the High Court.

(2) In cases where the accused is represented by a State brief or as *amicus curiae* copies of printed papers will be supplied to the accused free of charge. The Public Prosecutor appearing on behalf of the State may likewise be supplied with one copy free. Others will have to pay the charges at the rate specified in Rule 340, sub-rule (5).

(3) The provisions of Rule 340 will apply to the printing and supply of records to the extent applicable.

342. (1) The Judgment or Order of the High Court in all Referred Trials and in such other cases in which appeals to the Supreme Court are likely, may be printed and the cost of such printing debited to the contingent grant of the High Court.

(2) Copies thereof may be supplied free to those persons who under the law or rules are entitled to get them free. One copy will be supplied free to the Advocate-General. Spare copies may be supplied to others on realising the charges specified in Rule 340 (5).

(3) The number of copies to be printed including the number of copies which may be required by the Supreme Court will be fixed in each case by the Registrar. But the cost of the copies of the judgments and other papers required by the Supreme Court will be realised from the party responsible for printing the same, unless the High Court or the Supreme Court orders otherwise.

(4) The provisions of Rule 340 will apply to the printing of the above records to the extent applicable.

CHAPTER XXXV

Scale of Process Fees

343. (1) The fee chargeable for serving and executing processes issued by any Criminal Court in the case of offences other than offences for which Police officers may arrest without a warrant shall be collected in Court Fee Stamps according to the rates fixed in the sub-joined schedule.

SCHEDULE

	Rs.	A.	P.
(i) For every summons to an accused or witness	..	0	8 0
For every additional accused or witness residing in the same Village, Karai, Muri, or Desom if applied for at the same time	..	0	4 0
(ii) For every warrant of arrest	..	1	0 0
(iii) For every proclamation of absconding party or witness	..	1	0 0
(iv) For every warrant of attachment	..	1	0 0
(v) Notice (including notice to parties in revision petitions and other applications) order, injunction or warrant not otherwise provided for.—			
(a) in the High Court	..	1	4 0
(b) in the Sessions Court	..	1	0 0
(c) in any other Criminal Court	..	0	12 0

Provisos

(i) If a process is to be served or executed within a radius of five miles from the Court house half the above rates only shall be charged.

(ii) No fee shall be levied on any process issued upon the complaint of any public officer of the State or of the Union Government acting as such public officer.

(iii) The Court may remit the process fee in whole or in part whenever the court is satisfied that the complainant or the accused has not the means of paying them.

(iv) When a warrant remains un-executed for 15 days after its delivery to the officer entrusted with its execution, an additional fee at the same rate shall be levied from the party at whose instance the warrant was issued for every 15 days or portion thereof until return is made; provided that the delay in executing the said warrant is not attributable to the officer executing the same.

(v) No fee for service of process should be levied in Criminal Revision petitions in cognizable cases.

Note.—A non-cognizable offence dealt with jointly with a cognizable offence in a single proceeding is a cognizable offence for the purpose of this proviso.

(2) Parties applying for the issue of processes should file a batta memo containing the names, residence and full address &c. of the persons on whom the processes are to be served together with the fees for such service and the batta if any prescribed.

CHAPTER XXXVI

Remissions of Court Fees

344. Under Section 36 of the Travancore-Cochin Court Fees Act II of 1125, the Government have been pleased to make the following reductions and remissions of Court Fees pertaining to Criminal Courts.--

(1) To remit the fees chargeable under Articles 7, 8 and 10 of the first schedule on copies furnished by Civil, Criminal, or Revenue, Courts or offices for the private use of persons applying for them; provided that.—

(a) nothing in this clause shall apply to copies when filed, exhibited or recorded in any Court of Justice or received by any public officer; and

(b) that when such fees, as provided in the above articles have once been levied on such copies, they are not liable to be stamped again when filed, exhibited or recorded on subsequent occasions.

(2) To remit the fees chargeable on the following documents, namely:

(a) copies of all documents furnished under the orders of the Government or any Court of Magistrate to any Government Pleader or other person specially empowered in that behalf for the purpose of conducting any trial or investigation on the part of the State in any Criminal Court;

(b) copies of all documents which any such Government Pleader or other person is required to take in connection with any such trial or investigation for the use of any Court or Magistrate or may consider necessary for the purpose of advising the Government in connection with any Criminal Proceedings;

(c) copies of judgments or depositions required by officers of the Police, Salt, and Abkari and Forest Departments in the course of their duties, and the applications for such copies.

(3) To direct that no court fee shall be charged on an application for the repayment of a fine the refund of which has been ordered by competent authority.

(4) To direct that the fee prescribed in Article 9 of Schedule I need not be levied on attested copies, granted by Registration officers or registered instruments.

(5) To direct that the following applications are exempted from the payment of Court Fees :—

(a) applications made by persons not being parties to the suit, for the return of documents and other articles produced by them in pursuance of an order of the Court;

(b) applications made or petitions presented by persons in respect of stolen property or other articles entrusted to them by the Court for safe custody as third party.

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

(7) To remit the fees chargeable on applications made by an accused who has been acquitted for the return of the articles taken from his possession.

(8) To remit the fee chargeable on petitions informing a Magistrate that a cognizable offence is about to be committed.

(9) To remit the fee chargeable on applications made by Departmental officers to a Civil, Criminal or Revenue Court for copies of records for Government purposes.

(10) To remit the fee chargeable on all documents produced in evidence by the Police in Criminal Courts.

(11) To remit the fees chargeable on the following documents namely :—

(a) copy of a charge framed under Section 210 of the Code of Criminal Procedure, 1898 (V of 1898) or of a translation thereof, when the copy is given to an accused person;

(b) copy of the evidence of supplementary witnesses after commitment when the copy is given under Section 219 of the said Code to an accused person;

(c) copy or translation of a Judgment in a case other than a summons case, when the copy or translation is given under Section 371 of the said Code to an accused person;

(d) copy or translation of the judgment in a summons case, when the copy or translation is given under Section 371 of the said Code to an accused person;

(e) copy of an order of maintenance, when the copy is given under Section 490 of the said Code to the person in whose favour the order is made, or to his guardian, if any, or to the person to whom the allowance is to be paid;

(f) copy furnished to any person affected by a judgment or order passed by a Criminal Court, or any order, deposition or other part of the record, when the copy is not a copy which may be granted under any of the preceding sub-clauses without the payment of a fee but is a copy which on its being applied for under Section 548 of the said Code, the Judge or Magistrate, for some special reason to be recorded by him on the copy, thinks fit to furnish without such payment ;

(g) copies of judgments accompanying a petition by a prisoner provided the petition relates to the case under which he is undergoing imprisonment.

High Court of Travancore-Cochin, Ernakulam, Dated, 15th December 1954.	}	(By order) (Sd.) K. S. NARAYANA IYER, Registrar
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APPENDIX A
JUDICIAL FORMS

FORM No. 1

Summons to an Accused Person
(Section 68, Criminal Procedure Code)

In the Court of the Magistrate of
Calendar Case No. of 19
of

To

Whereas your attendance is necessary to answer to a charge of
..... you are hereby required to appear
in person, before the Magistrate of
by pleader at
..... at
..... Herein fail not.

Dated this day of 19
Magistrate

(Seal)

FORM No. 2
Warrant of Arrest
(Non-bailable)

(Section 75, Criminal Procedure Code)

In the Court of the Magistrate of
Calendar Case No. of 19

To

Whereas of
stands charged with the offence of
you are hereby directed to arrest the said Herein fail not.
and to produce him before me
Dated this day of 19

Magistrate

(Seal)

FORM No. 3
Warrant of Arrest
(Bailable)

(Sections 75 and 76, Criminal Procedure Code)

In the Court of the.....Magistrate of.....
Calendar Case No.....of 19 .

To

Whereas.....of.....
stands charged with the offence of.....
you are hereby directed to arrest the said.....
and to produce him before me.....Herein fail not.

Magistrate

If the said.....shall give bail himself in
the sum of Rs.....with one surety in the sum of
two sureties each
Rs.....to attend before me at.....
on the.....day of.....19 .
at.....A.M.
P.M. and to continue so to attend until otherwise directed by
me, he may be released.

Dated this.....day of.....19 .

Magistrate

(Seal)

FORM No. 4

Bond and Bail bond after Arrest under a Warrant
(Section 86, Criminal Procedure Code)

In the Court of the.....Magistrate of.....
Calendar Case No.....of.....19 .

I.....of.....being
brought before the.....Magistrate of.....
under a warrant issued to compel my appearance, to answer to the charge of
.....do hereby bind myself to attend in the Court of
.....at.....on the.....
day of.....19 , at.....A.M.
P.M. or any other court
to which the case may be transferred to answer to the said charge, and to con-
tinue, so to attend until otherwise directed by the Court; and, in case of my

making default herein, I bind myself to forfeit to the Government of Travancore-Cochin State, the sum of Rupees:.....

Dated this.....day of.....19

(Signature)

Executed before me.

Magistrate

I do hereby declare myself surety for the above-named of.....
We ourselves sureties
that he shall attend before.....

of.....at.....at.....
 A.M.
 P.M.

on the.....day of.....19, or any other court to which the case may be transferred to answer to the charge on which he has been arrested and shall continue so to attend until otherwise

directed by the Court; and, in case of his making default therein I hereby bind
We

myself to forfeit to the Government of Travancore-Cochin State, the sum of Rupees.....
 ourselves, jointly and severally

Dated.....this.....day of.....19

Signature

(Signature)

Executed before me.

Magistrate

Note.—When the case is transferred to another court, the court from which the case is transferred shall inform the accused and the sureties of such transfer.

FORM No. 5

Proclamation requiring the appearance of a Person Accused

(Section 87, Criminal Procedure Code)

IN THE COURT OF THE.....MAGISTRATE OF.....

Calendar Case No.....of 19.....

Whereas complaint has been made before me that.....
 has committed

is suspected to have committed the offence of.....

punishable under section.....of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said.....

.....cannot be found; and whereas it has been shown to my satisfaction that the said.....

has absconded

is concealing himself to avoid the service of the said warrant

Proclamation is hereby made that the said
 is required to appear before this Court at at A. M.
 me P. M.
 on the day of 19..... to answer the said complaint.
 Dated this day of 19.....

Seal. Magistrate

N. B.—The date must be fixed so that there may be an interval of at least 30 days between the date of publication of the proclamation and the day on which the accused person is to appear. (See section 87, Criminal Procedure Code.)

FORM No. 6

Proclamation requiring the Attendance of a Witness

(Section 87, Criminal Procedure Code)

In the court of the magistrate of
 Calendar Case No. of 19....

Whereas complaint has been made before me that of
has committed
 is suspected to have committed the offence of and a warrant has been
 issued to compel the attendance of before this Court to be
 examined touching the matter of the said complaint: and whereas it has
 been returned to the said warrant that the said
 cannot be served, and it has been shown to my satisfaction that he
has absconded
 is concealing himself to avoid the service of the said warrant

Proclamation is hereby made that the said
 is required to appear at, before the Court of
 on the day of next at O' Clock, to be examined
 touching the offence complained of

Dated this day of 19.....

Seal Magistrate

N. B.—The date must be fixed so that there may be an interval of at least 30 days between the date of publication of the proclamation and the day on which the witness is to appear (See section 87, Criminal Procedure Code.)

FORM No. 7

Order of attachment to compel the attendance of a Witness

(Section 88, Criminal Procedure Code)

In the Court of the Magistrate of
 Calendar Case No. of 19.....

To
 The Officer in Charge of the Police Station at
 Whereas a warrant has been duly issued to compel the attend-
 ance of to testify concerning a complaint pending

before this Court, and it has been returned to the said warrant that it cannot be served; and whereas it has been shown to my satisfaction that he Dⁿ has absconded _____ and thereupon concealing himself to avoid the service of the said warrant a proclamation was duly issued and published requiring the said _____ to appear and give evidence at the time and place mentioned therein and he has failed to appear:

This is to authorise and require you to attach by seizure, the movable property belonging to the said _____ to the value of Rupees _____ which you may find within the District of _____ and to hold the said property under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this _____ day of _____ 19....

Seal

Magistrate

FORM No. 8

Order of attachment to compel the appearance of a person Accused

(Section 88, Criminal Procedure Code)

In the Court of the _____ Magistrate of _____
Calendar Case No. _____ of 19....

To _____

Whereas complaint has been made before me that _____ of _____ has _____ is suspected to have committed the offence of _____ punishable under section _____ of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said _____ cannot be found; and where as it has been shown to my satisfaction that the said _____ has absconded _____

_____ is concealing himself to avoid the service of the said warrant; and thereupon a proclamation was duly issued and published _____ requiring the said _____ to appear to answer the said charge on the _____ day of _____ 19....; and whereas the said _____ is possessed of the following property other than land paying revenue to the Government of Travancore-Cochin State in the village _____ of _____ in the District of _____ town _____ viz _____ and an order has been made for the attachment thereof; _____

You are hereby required to attach the said property by seizure, and to hold the same under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this the _____ day of _____ 19....

(Seal.)

Magistrate

FORM No. 9

Order authorising an attachment by the Collector

(Section 88, Code of Criminal Procedure)

In the Court of the.....Magistrate of.....

Calendar Case No.....of 19....

To

The Collector of the District of.....

Whereas complaint has been made before me, that.....

has committed the offence of..... is suspected to have..... punishable under section.....of the Indian Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said..... cannot be found; and whereas it has been shown to my satisfaction that the said..... has absconded

is concealing himself to avoid service of the said warrant; and thereupon a proclamation was duly issued and published requiring the said..... to appear to answer the said charge on the.....day of.....19.... but he has not appeared; and whereas the said..... is possessed of the undermentioned land* paying revenue to the Government of Travancore-Cochin State in the village of..... town in the District of..... you are hereby authorised and requested to cause the said land to be attached and to be held under attachment pending the further order of this Court and to certify without delay what you may have done in pursuance of this order.

Dated this.....day of.....19....

(Seal.)

Magistrate

*Survey number and letter, extent and assessment.

FORM No. 10

Warrant in the first instance to bring up a Witness

(Section 90, clause (a) Criminal Procedure Code)

In the Court of the.....Magistrate of.....

Calendar Case No.....of 19....

To

Whereas complaint has been made before me that.....

has committed the offence of..... is suspected to have..... and it appears likely that.....

.....can give evidence concerning the said complaint; and whereas I have good and sufficient reason to believe that he will not attend as a witness on the hearing of the said complaint unless compelled to do so;

This is to authorise and require you to arrest the said.....and on the.....day of.....19...., to bring him before this Court, to be examined touching the offence complained of.

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

(Seal.)

Magistrate

If the said.....shall give bail himself to the sum of Rs.....with one surety in the sum of Rs.....to attend before me on the.....day of.....19.... and to continue so to attend until otherwise directed by me, he may be released.

Dated this.....day of.....19....

Magistrate

FORM No. 11

Warrant to search after information of a particular offence

(Section 96, Criminal Procedure Code)

In the Court of the.....Magistrate of..... Calendar Case No.....of 19....

To

.....

Whereas information has been laid before me of the commission complaint has been made suspected commission of the offence of.....and it has been made to appear to me that the production of.....

..... is essential to the enquiry now being made about to be made into the said offence suspected offence.

This is to authorise and require you to search for the said..... in the..... and, if found, to produce the same forthwith before this Court; returning this warrant, with an endorsement certifying what you have done under it immediately upon its execution.

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

(Seal.)

Magistrate

FORM No. 12

Warrant to search suspected place of deposit

(Section 98, Criminal Procedure Code)

In the court of the.....Magistrate of.....
Calendar Case No.....of 19...

To

Whereas information has been laid before me, and on due enquiry thereupon had, I have been led to believe that the.....is used as a place for the sale ^{deposit} of * manufacture

This is to authorise and require you to enter the said house ^{place} with such assistance as shall be required, and to use, if necessary, reasonable force for that purpose, and to search.....and to seize and take possession of any*.....also of any instruments and materials which you reasonably believe to be kept for the manufacturer of *.....and forthwith to bring before this Court such of the said things as may be taken possession of returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution; and also to take into custody and bring before this Court every person found in such house ^{place} who appears to have been privy to the sale ^{deposit} manufacture of such *.....

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

Seal

Magistrate

* Here enter stolen property or forged documents or counterfeit stamps or false seals or coins, etc., as the case may be.

FORM No. 13

Bond to keep the peace

(Sections 106 and 107, Criminal Procedure Code)

In the court of the.....Magistrate of.....
.....Case No.....of 19.....

Whereas I.....inhabitant of.....have been ordered to enter into a bond to keep the peace for the term of..... I hereby bind myself not to commit a breach of the peace, or do any act that may probably occasion a breach of the peace, during the said term; and, in case

of my making default therein I hereby bind myself to forfeit to the Government of Travancore-Cochin State the sum of Rupees.....

Dated this.....day of.....19.....

(Signature)

Executed before me.

Class Magistrate.

I hereby declare myself surety for the above named.....
We ourselves sureties

that he shall keep the peace during the said term, and in case of his making default therein, I hereby bind myself

We ourselves, jointly and severally to forfeit to the Government of Travancore-Cochin State the sum of Rupees.....

Dated this.....day of.....19.....

(Signature)

(Signature)

Executed before me.

Magistrate.

FORM No. 14

Bond for good behaviour

(Sections 108, 109 and 110, Criminal Procedure Code)

In the court of the.....Magistrate of.....

Miscellaneous Case No.....of 19.....

Whereas I.....
inhabitant of.....

have been ordered to enter into a bond to be of good behaviour to the Government and to all the citizens of India for the term of.....

..... I hereby bind myself to be of good behaviour to the Government and to all the people of Travancore-Cochin State during the said term, and in case of my making default therein, I bind myself to forfeit

to the Government of Travancore-Cochin the sum of Rupees.....

Dated this.....day of.....19.....

(Signature)

Executed before me.

Magistrate.

I hereby declare myself surety for the above named.....
We ourselves sureties

..... that he will be of good behaviour to the Government and to all the citizens of India during the said term; and in case of his making default therein, I hereby bind

myself

We ourselves, jointly and severally to forfeit to the Government of Travancore-Cochin State the sum of Rupees.....

Dated this.....day of.....19.....

(Signature)

(Signature)

Executed before me.

Magistrate.

FORM No. 15

Summons of Information of a Probable Breach of the Peace

(Section 114, Criminal Procedure Code)

In the Court of the.....Magistrate of.....

Miscellaneous Case No.....of 19....

To

.....of.....

Whereas it has been made to appear to me by credible information that
and that you are likely to commit breach of the peace

by which act a breach of the peace will probably be occasioned

you are hereby required to attend in person at the office of the.....
by pleader

Magistrate of.....at.....on.....the day of.....19....

at...o'clock in the forenoon, to show cause why you should not be required
to enter into a bond for Rupees.....and also to give security by the

bond of one surety in the sum of Rupeesthat you will keep
two sureties each

the peace for the term of.....

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

(Seal)

Magistrate

Note.—This summons must be accompanied by a copy of the order
made under Section 112. (See Section 115, Cr.P.C.)

FORM No. 16

**Varrant of Commitment on failure to find Security to
keep the Peace**

(Section 123, Code of Criminal Procedure)

In the Court of the.....Magistrate of.....

Case No.....of 19....

To

The Superintendent of the.....Jail at.....
Officer in charge

Whereas.....appeared before me
in person on the.....day of.....19....

by his pleader
obedience to a summons calling upon him to show cause why he should not
enter into a bond for Rupees.....with

one surety in Rupees.....that he, the said
two sureties each

.....would keep the peace for the period of.....
months; and whereas an order was then made requiring the said.....

to enter into and find such security and he has failed to comply with the
security* for

said order and has for such default been adjudged simple imprisonment for
unless the said security be sooner furnished;

This is to authorise and require you the said Superintendent to receive
 the saidinto your custody together with this
 warrant, and him safely to keep in the said jail for the said period of.....
unless he shall in the meantime be lawfully ordered to
 be released and to return this warrant with an endorsement certifying the
 manner of its execution.

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

(Seal)

Magistrate

Note.—Descriptive roll on the reverse.

*State the security if it differs from that mentioned in the summons.

Descriptive Roll

*Diet**

- | | |
|-----------------------------|---------------------------------------|
| 1. Name | (a) The diet to which the prisoner |
| 2. Father's name | was accustomed according to |
| 3. Sex, married or single | his own statement. |
| 4. Race, religion and caste | (b) The diet recommended by the |
| 5. Previous occupation | Magistrate. |
| 6. Age | (c) Brief reasons if rice or wheat is |
| 7. Descriptive marks. | recommended. |

The distance (a) by bus from the nearest Jail/Railway Station to the
 bus stand nearest to the prisoner's residence is.....miles (i) from the
 bus stand nearest to the prisoner's residence to his residence is.....
 miles.....

The amount of bus fare under (a) above is.....
 Details of the property on the person of the prisoner.

Magistrate

(Jail)

Date of admission to jail:
 Number:
 Name:
 Sentence:
 Date of sentence:
 Date of release.

I hereby certify that the sentence
 passed on the prisoner named in his
 warrant has been executed according
 to law and that he has this day been
 released from custody on* or having
 earned.....days
 remission.

Jail,

Dated.....19....

Release on bail or escape and re-admission may be noted below.

Jailor

Superintendent

*Particulars to be entered in the Magistrate's own handwriting.

Appeal

*Expiry of sentence

Bail

Warrant of commitment of failure to find security for good behaviour

(Section 123, Criminal Procedure Code)

In the Court of the.....Magistrate of.....
Miscellaneous case No.....of 19....

To

The Superintendent of the.....Jail at.....
Officer in charge

Whereas it has been made to appear to me that.....has been and is taking precautions to conceal his presence within the local limits of my jurisdiction, and that there is reason to believe that he is taking such precaution with a view to committing an offence,

or

has no ostensible means of subsistence

or

is unable to give a satisfactory account of himself

or

Whereas evidence of the general character of.....has been adduced before me and recorded from which it appears that he is*

And whereas an order has been recorded stating the same and requiring the said.....to furnish security for his good behaviour for the term of.....by entering into a bond with one surety
two sureties

himself for Rupees.....and the said surety for Rupees.....
each of the said sureties

and the said.....has failed to comply with the said order, and for such default has been adjudged simple imprisonment for.....
rigorous unless the said security be sooner furnished.

This is to authorise and require you the said.....
Superintendent to receive the said.....into your custody,
Officer in charge together with this warrant and him safely to keep in the said jail for the said period of.....unless he shall, in the meantime, be lawfully ordered to be released and to return this warrant, with an endorsement certifying the manner of its execution.

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

Magistrate

Seal

Note.—Descriptive roll on the reverse.

* Here enter habitual robber, house-breaker, etc.

Descriptive Roll

1. Name.....
2. Father's name.....

- 3. Sex, married or single.....
- 4. Race, religion and caste.....
- 5. Previous occupation.....
- 6. Age.....
- 7. Descriptive marks.....

Diet

(a) the diet to which the prisoner was accustomed according to his own statement :

(b) the diet recommended by the Magistrate :

(c) brief reasons if rice or wheat is recommended :

The distance (a) by bus from the nearest jail/railway station to the bus stand nearest to the prisoner's residence is . . . miles (b) from the bus stand nearest to the prisoner's residence to his residence is . . . miles.

The amount of bus fare under (a) above is.....

Details of the property on the person of the prisoner:

Magistrate

Jail: I hereby certify that the sentence passed on the prisoner named in this warrant has been executed according to law and that he has this day been released from custody on.....or having earned..... days remission.

Date of admission to jail :

Number :

Name :

Sentence :

Date of sentence :

Date of release :

.....Jail,
Dated.....19.....

Note :—Release on bail or escape and readmission may be noted below.

Jailor

Superintendent

Particulars to be entered in the Magistrate's own handwriting.

Appeal

Expiry of sentence

Bail

FORM No. 18

Warrant to discharge a person imprisoned on failure to give security

(Sections 123 and 124, Criminal Procedure Code)

In the Court of the.....Magistrate of.....
Case No.....of 19.....

To

* The Superintendent of the Jail at.....
Officer in charge

Whereas.....was committed to your custody under warrant of this Court, dated the.....day
the Magistrate's

of.....19...., and has since duly given security under section.....of the Code of Criminal Procedure;

or

and there have appeared to me sufficient grounds for the opinion that he can be released without hazard to the community;

This is to authorise and require you forthwith to discharge the said..... from your custody, unless he is liable to be detained for some other cause.

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

Seal.

Magistrate

FORM No. 19

Order for Removal of a Nuisance

(Section 133, Criminal Procedure Code)

In the Court of the.....Magistrate of..... Mis. Case No.....of 19....

To

Whereas it has been made to appear to me that* I do hereby direct and require you within..... to † or to appear before me at..... on the..... day of..... 19...., at..... a. m./p. m and to show cause why this order should not be enforced.

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

(Seal)

Magistrate

*Here set out particulars of the alleged nuisance.

†Here set out the order distinctly.

FORM No. 20

Magistrate's Order constituting a Jury

(Section 138, Criminal Procedure Code)

In the Court of the.....Magistrate of..... Mis. Case No..... of 19....

Whereas on the..... day of..... 19.... an order was issued to..... requiring him..... and whereas the said..... has applied to me by a petition bearing date the..... day of..... 19.... for an order appointing a Jury to try whether the said recited order is reasonable and proper; I do hereby appoint,.....

.....
to be the Jury to try and decide the said question, and do require the said
Jury to attend at at a. m./p. m. on the day of
19....., and to report their verdict within days from the date of
this order at my office at.....

Given under my hand and the seal of the Court this day of
19.....
(Seal)

Magistrate

FORM No. 21

**Notice after Magistrate's order for the removal of a
nuisance is made absolute**

(Sections 136 and 140, Criminal Procedure Code)

In the Court of the Magistrate of.....
Mis. Case No. of 19.....

To

Whereas an order, dated the day of 19.....
was issued under my hand requiring you to
or to show cause why such order should not be enforced, and you have failed
to obey such order, or to appear and show cause against the order being en-
forced, or to apply for the appointment of a Jury, the order aforesaid is made
absolute. And I hereby direct and require you to obey the said order within
..... on peril of the penalty provided by Section 188 of the Indian
Penal code for disobedience thereto.

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

Magistrate

FORM No. 22

**Notice after Magistrate's order for the removal of a
nuisance is made absolute**

(Sections 137 and 140, Criminal Procedure Code)

In the Court of the Magistrate of.....
Mis. Case No. of 19.....

To

Whereas an order, dated the day of 19.....
was issued under my hand requiring you to
or to show cause why such order should not be enforced, and you have failed
to satisfy me that the order is not reasonable and proper ;

This order aforesaid is made absolute, and I hereby direct and require you to obey the said order within on peril of the penalty provided by Section 188 of the Indian Penal Code for disobedience thereto.

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

(Seal)

Magistrate

FORM No. 23

Notice after a Magistrate's order for the removal of a nuisance is made absolute

(Sections 139 and 140, Criminal Procedure Code)

In the Court of the..... Magistrate of.....
Mis. Case No. of 19.....

To

I hereby give you notice that the Jury duly appointed on the petition presented by you on theday of..... 19....., have found that the order issued on the..... day of 19....., requiring you to..... is reasonable and proper. Such order has been made absolute, and I hereby direct and require you to obey the said order within..... on peril of the penalty provided by Section 188 of the Indian Penal Code for disobedience thereto.

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

(Seal)

Magistrate

FORM No. 24

Injunction to provide against Imminent Danger pending Enquiry

(Section 142, Criminal Procedure Code)

In the Court of the..... Magistrate of
Mis. Case No..... of 19.....

To

Whereas an order has been issued by me on..... requiring you to..... and whereas enquiry into the said matter is still pending, and it has been made to appear to me that the nuisance mentioned in the said order is attended with so imminent serious danger to the public as to render necessary immediate measures to prevent such danger, I do hereby under the provisions of Section 142 of the Code of Criminal Procedure direct and enjoin you

forthwith to.....pending the result of the enquiry.

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

(Seal)

Magistrate

FORM No. 25

Magistrate's order prohibiting the Repetition or Continuance of a Public Nuisance

(Section 143, Criminal Procedure Code)

In the Court of the.....Magistrate of Mis. Case No.....of 19....

To

Whereas it has been made to appear to me that..... I do hereby strictly order and enjoin you not to repeat or to continue the said nuisance by again.....

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

(Seal)

Magistrate

FORM No. 26

Magistrate's order to prevent Obstruction, Riot, etc.

(Section 144, Criminal Procedure Code)

In the Court of the.....Magistrate of Mis. Case No.....of 19....

To

Whereas it has been made to appear to me that..... I do hereby order you.....

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

(Seal)

Magistrate

FORM No. 27

**Order requiring Parties concerned in Dispute to put
in Written Statements of their claims**
[Section 145 (1), Criminal Procedure Code]

In the Court of the.....Magistrate of
Mis. Case No.....of 19....

To

Whereas it has been made to appear to me, and I am satisfied for the reasons* set out below that a dispute likely to cause a breach of the peace exists concerning.....situate within the local limits of my jurisdiction:I do hereby require you to attend at my Court in person or by pleader.....within..... days from the receipt of this notice and to put in a written statement of your claim as respects the fact of actual possession of the property aforesaid.

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

(Seal)

Magistrate

*Reasons.

FORM No. 28

Warrant of Attachment in Emergent Cases
[Section 145 (4), Criminal Procedure Code]

In the Court of the.....Magistrate of
Mis. Case No.....of 19....

To

Whereas it has been made to appear to me, and I am satisfied that a dispute likely to cause a breach of the peace exists concerning..... situate within the local limits of my jurisdiction, and I consider the case one of emergency in which an order of attachment should be issued, pending the decision in the enquiry into the matter, under Section 145 of the Code of Criminal Procedure;

This is to authorise and require you to attach the said property by taking and keeping possession thereof, and to hold the same under attachment pending the further order of this Court or decision of the said enquiry, and to return this warrant with an endorsement certifying the manner of its execution.

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

(Seal)

Magistrate

FORM No. 29

Magistrate's order declaring Party entitled to retain Possession of Land, etc., in Dispute
[Section 145 (6), Criminal Procedure Code]

In the Court of the.....Magistrate of
Mis. Case No.....of 19....

It appearing to me, on the grounds duly recorded, that a dispute likely to induce a breach of the peace, existed between..... and..... concerning certain..... situate within the local limits of my jurisdiction, all the said parties were called upon to give in written statements of their respective claims as to the fact of actual possession of the said..... and being satisfied by due inquiry had thereupon, without reference to the merits of the claim of either of the said parties to the legal right of possession, that the claim of actual possession by the said..... is true;..... he is

I do decide and declare that..... in the possession of the said..... they are and entitled to retain such possession until ousted by due course of law, and do strictly forbid any disturbance of..... his possession in the meantime. their

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

(Seal)

Magistrate

FORM No. 30

Warrant of attachment in the case of a dispute as to the possession of land, etc.
(Section 146, Criminal Procedure Code)

In the Court of the.....Magistrate of.....
Mis. Case No.....of 19....

To

The Officer in charge of the Police Station at.....
The Collector of.....

Whereas it has been made to appear to me that a dispute likely to induce a breach of the peace existed between..... concerning certain..... situate within the limits of my jurisdiction and the said parties were thereupon duly called upon to state in writing their respective claims as to fact of actual possession of the said....

And whereas, upon due enquiry into the said claims, I have decided that neither of the said parties was in possession of the said.....

or

I am unable to satisfy myself as to which of the said parties was in possession as aforesaid;

This is to authorise and require you to attach the said..... by taking and keeping possession thereof, and to hold the same under attachment subject to the further orders of this court until the decree or order of a competent Court determining the rights of the parties, or the claim to possession, shall have been obtained and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court thisday of19....

(Seal)

Magistrate

FORM No. 31

Magistrate's order permitting the doing of anything on land or water

(Section 147, Criminal Procedure Code)

In the Court of the.....Magistrate of.....

Mis. Case No.....of 19....

Whereas it has been made to appear to me that a dispute likely to lead to a breach of the peace has arisen between..... concerning the right of..... to..... in or upon tangible immovable property situate within the limits of my jurisdiction and it appearing to me on due enquiry into the same, that the said at all time of the year

right exists and being exercisable.....has been exercised

only at particular seasons within three months of the institution of the said inquiry I do order the said during the season next before the institution of this inquiry

shall be permitted tountil the said..... obtains the decision of a competent Civil Court adjudging him to be entitled to prevent the said..... from so doing.

Given under my hand and the seal of the Court, this.....day of19....

(Seal)

Magistrate

FORM No. 32

Bond to prosecute or give evidence

(Sections 91, 170 and 217, Criminal Procedure Code)

In the Court of the.....Magistrate of.....
Case No.....of 19....

I,.....of....., do hereby bind myself to attend at
.....in the court of.....at.....O'clock on the
.....day of.....next, and then and there
to prosecute

to prosecute and give evidence in the matter of a charge....of....against
to give evidence

.....and, in case of making default herein, I bind myself to forfeit to
the Government of Travancore-Cochin the sum of Rupees.....

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

Signature

Executed before me

Magistrate

FORM No. 33

Notice of Commitment by Magistrate to Public Prosecutor

(Section 218, Criminal Procedure Code)

In the Court of the.....Magistrate of.....
Register Case No.....of 19....

To - The Public Prosecutor,.....District,.....

I,.....Magistrate of.....hereby give you notice
that I have committed.....for trial at the next Sessions, and I
thereby instruct you to conduct the prosecution of the said case.

The charge against the accused that.....and that
he thereby committed an offence, punishable under section.....
they Indian Penal Code.

Dated this.....day of.....19....

Magistrate

FORM No. 34

Charge with one head

(Sections 221, 222 and 223, Criminal Procedure Code)

In the Court of the.....Magistrate of.....

Case No. of 19....

I,.....Magistrate of.....hereby charge you
.....as follows:—

That you, on or about the.....day of.....19....at
.....and thereby committed an offence punishable under section.....of the
.....and within my cognizance
the cognizance of the Court of Session.....Division

And I hereby direct that you be tried before me
by the said Court on the said
charge.

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

(Seal)

Magistrate

FORM No. 35

Charge with two or more heads

(Sections 221, 222 and 223, Criminal Procedure Code)

In the Court of the.....Magistrate of.....

Case No.....of 19....

I,.....Magistrate of.....hereby charge you
.....as follows:—

First:—That you, on or about the.....day of.....19....
at.....and thereby committed an offence punishable under section
.....of the Indian Penal Code and within my cognizance
the cognizance of the

Court of Session of.....Division.

Secondly.—That you, on or about the.....day of.....at
.....and thereby committed an offence punishable under section
.....of the Indian Penal Code and within my cognizance
the cognizance of the

Court of Session;

And I hereby direct that you be tried before me
by the said Court
on the said charges.

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

(Seal)

Magistrate

FORM No. 36

**Charge for an offence under Chapter XII or XVII of the
Indian Penal Code, after previous Convictions**
(Sections 221, 222 and 223, Criminal Procedure Code)

In the Court of the.....Magistrate of.....

Case No.....of 19.....

I,.....Magistrate of.....hereby charge you
as follows:—

First:—That you, on or about.....day of.....19....at
.....and thereby committed an offence punishable under section
.....of the Indian Penal Code and within my cognizance
the cognizance of the

Court of Session ofDivision

Secondly,—That you the said.....before the committing
of the said offence, that is to say, on the.....day of....., had been
convicted by the.....at.....of an offence punishable under
Chapter XII
Chapter XVII of the Indian Penal Code with imprisonment for a term of not
less than three years, that is to say, the offence of.....under section.....
of the said Code which conviction is still in full force and effect, and that
you are thereby liable to enhanced punishment under section 75 of the
Indian Penal Code.

Thirdly.—That you the said.....before the committing
of the said offence, that is to say, on the.....day of.....19....
had been convicted by the.....at.....of an offence punishable
under Chapter XII
Chapter XVII of the Indian Penal Code with imprisonment for a term
of not less than three years, that is to say, the offence of.....under section
.....of the said Code which conviction is still in full force and effect and
that you are thereby liable to enhanced punishment under section 75 of the
Indian Penal Code.

And I hereby direct that you be tried before me
by the Court of Session of
.....Division on the charges aforesaid.

Dated this.....day of.....19.....

(Seal)

Magistrate

FORM No. 37

**Warrant of commitment on a sentence of imprisonment,
or fine, or both**

(Sections 245, 258, 306 and 309, Criminal Procedure Code)

In the Court of the.....of.....

Sessions Case No.....of 19...
Calendar

To

The Superintendent
Officer-in-charge of the Jail at.....

Whereas on the.....day of.....19.....
.....prisoner in Case No.....of the Calendar
.....of '9....., was convicted before me..... Sessions Judge
Magistrate
of.....of the offence of.....punishable under section
of the Indian Penal Code
.....and was sentenced to.....
Act.....of.....

This is to authorise and require you the said Superintendent
Officer-in-charge
to receive the said.....into your custody in the
said jail together with this warrant, and there carry the aforesaid sentence into
execution according to law.

The prisoner named above is classed as*

The prisoner ^{is} a fit subject for the special jail for habituals**
_{is not}

I. Diet‡

(a) the diet to which the prisoner was
accustomed according to his own
statement.....

(b) the diet recommended by the Sessions Judge
Magistrate

(c) brief reasons if rice or wheat is recommended.....

II. The distance (a) by bus from the nearest Jail/Railway Station to
the bus stand nearest to the prisoner's residence is.....miles (b) from the
bus stand nearest to the.....prisoner's residence to his residence is.....
miles.

The amount of bus fare under (a) above is.....

III. Details of property on the person of the.....prisoner.....

IV. I hereby certify that.....of the fine has been recovered.

V. Descriptive Roll.

Name.....
Father's name.....
Sex, married or single.....

Race, religion and caste.....
 Previous occupation.....
 Age.....
 Descriptive marks.....

Particulars of previous convictions

Court	Calendar No. and year	Section and Code	Sentence

Given under my hand and the seal of the court, thisday of.....19...

(Seal.)

Sessions Judge
Magistrate

The prisoner was transferred to.....Jail on.....under Inspector-General's order No.....dated.....19...

Remission earned up to the end of the preceding quarter is.....days.

Superintendent

The prisoner was transferred to.....Jail on.....

Remission earned up to the end of the preceding quarter is.....days.

Superintendent

Solitary confinement

From	To	Number of days	Total undergone	Superintendent's initials

I hereby certify that the within-named prisoner has this day been served with an order directing him to notify his residence to the Police for.....year.....from this date.

The following address was furnished by the prisoner on release:—

Street.....

Village.....

Taluk.....

District.....

Superintendent

The order has been duly served on me.....

(Signature or left thumb impression
of the prisoner)

Date of admission to jail.....
Number.....
Name.....
Sentence.....
Date of sentence.....
Date of release.....

..... Jail,
Dated.....19...

I hereby certify that the sentence passed on the prisoner named in this warrant has been executed according to law and that he has this day been released from custody on or having earned..... days' remission.....

..... Jail,
Dated.....19..

Jailor
Superintendent

Release on bail or escape and re-admission.....
may be noted below.--

*"Habitual" or "casual" as the case may be should be entered here in the Magistrate's or Judge's own handwriting.

** To be filled in only in the case of "habituals" by a convicting court (not below the rank of First Class Magistrate) in an area for which a special jail for habituals has been appointed.

‡ Particulars to be entered in the Sessions Judge's handwriting.....
Magistrate's

‡‡ Appeal
Expiry of sentence
Bail.

FORM No. 38

Warrant of imprisonment on failure to recover amends by distress

(Section 250, Criminal Procedure Code)

In the Court of the.....Magistrate of.....
Calendar Case No.....of 19....

To

The Superintendent of the Jail at.....
Officer-in-charge

Whereas..... has brought against.....
the complaint that.....and the same has been
dismissed as frivolous and the order of dismissal awards payment by
vexatious of the sum of Rupees.....
the said.....and whereas the sum of rupees
as amends;.....
.....has not been paid and cannot be recovered by

distress of the movable property of the said and an order has been made for his simple imprisonment in jail for the period of days, unless the aforesaid sum be sooner paid:

This is to authorise and require you the said Superintendent
Officer-in-charge to receive the said into your custody, together with this warrant and him safely to keep in the said jail for the said period of days subject to the provisions of Section 69 of the Indian Penal Code unless the said sum be sooner paid and, on the receipt thereof forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

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

Seal

Magistrate

Note.—Descriptive roll

Descriptive Roll

1. Name
2. Father's name
3. Sex, married or single
4. Race, religion and caste
5. Previous occupation
6. Age
7. Descriptive marks

*Diet**

- (a) the diet to which the prisoner was accustomed according to his own statement
- (b) the diet recommended by the Magistrate
- (c) brief reasons if rice or wheat is recommended

The distance (a) by bus from the nearest Jail/Railway Station to the bus stand nearest to the prisoner's residence is miles (b) from the bus stand nearest to the prisoner's residence to his residence is miles.

The amount of bus fare under (a) above is
Details of the property on the person of the prisoner.

Magistrate

Jail.

- Date of admission to Jail
- Number
- Name
- Sentence
- Date of sentence
- Date of release
- Release on bail or escape and re-admission may be noted below.

I hereby certify that the sentence passed on the prisoner named in this warrant has been executed according to law and that he has this day been released from custody on** or having earned days' remission. Jail,
Dated 19

Jailor

Superintendent

* Particulars to be entered in the Magistrate's own handwriting.

Appeal

** Expiry of sentence

Bail

FORM No. 39

Summons to a witness

(Section 68, Criminal Procedure Code)

In the Court of the.....Magistrate of.....
Case No.....of 19.....

To

Whereas complaint has been made before me that.....of.....
has
is suspected to have committed the offence of
and it appears to me that you are likely to give material evidence touching
the matter of the said complaint, you are hereby summoned to appear before
this Court at.....on the.....day of.....19.....next
at.....o'clock in the ^{fore} noon to testify what you know concerning
_{after}
the matter of the said complaint, and not to depart thence without leave of
the Court; and you are hereby warned that if you shall, without just excuse,
neglect or refuse to appear on the said date, a warrant will be issued to compel
your attendance.

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

Seal.

Magistrate

FORM No. 40

Summons to Assessor

(Section 329, Criminal Procedure Code)

To

Pursuant to a precept directed to me by the Court of Session of.....
Division requiring your attendance as an Assessor at the next Criminal Ses-
sion, you are hereby summoned to attend at the said Court of Session at
.....at.....o'clock in the forenoon on the.....day of
.....next.

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

(Seal)

District Magistrate

FORM No. 41

Warrant to levy a Fine by Attachment and Sale

[Section 386 (1) (a), Criminal Procedure Code]

In the Court of the.....Class Magistrate of.....
Case No.....of 19.....

To

Whereas.....was on the.....
day of.....19....., convicted before me of the offence of.....
and sentenced to pay a fine of Rupees....., and whereas the
said.....although required to pay the said fine, has not paid
the sum
a part thereof, to wit Rs.

This is to authorise and require you to attach any movable property
belonging to the said.....which may be found within
the District of.....; and if within.....next after
such attachment the said sum of Rs.....shall not be paid, to sell
the property attached or so much thereof as shall be sufficient to satisfy the said
fine
balance of fine returning this warrant with an endorsement certifying what
you have done under it immediately upon its execution.

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

(Seal)

Class Magistrate

FORM No. 42

**Warrant to levy a Fine by Attachment and Sale of Movable or
Immovable Property or Both**

[Section 386 (1) (b) Criminal Procedure Code]

To

The Collector of.....

Whereas.....was on.....day of.....19.....
convicted before me of the offence of.....and sentenced to pay a fine
of.....Rupees and whereas, the said.....although required
to pay the said fine has not paid the same
a part thereof viz.(and whereas
although the said.....has undergone the whole of the imprisonment
awarded in default of payment of fine, it is considered necessary for special
reasons to levy the said fine).

This is to authorise and require you to realise the said amount by
execution according to Civil Process against the movable or immovable
property or both belonging to the said defaulter. You are further required to

intimate the action taken by you under this warrant immediately upon its execution.

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

(Seal)

Sessions Judge
Class Magistrate

FORM No. 43

**Warrant of Commitment in Certain Cases of Contempt
when a Fine is imposed**

(Section 480, Criminal Procedure Code)

In the Court of.....

Case No.....of 19.....

To

The Superintendent
Officer-in-charge of the Civil Jail at.....

Whereas at a court holden before me on this day in the presence
view of the Court committed wilful contempt;

And whereas for such contempt the said.....has been adjudged by the Court to pay a fine of Rupees.....or in default to suffer simple imprisonment for the space of.....days and whereas the said sum of Rs. has not been paid or recovered; part of the said sum, to wit Rs.

This is to authorise and require you, the said Superintendent
Officer-in-Charge of the said jail to receive the said.....into your custody, together with this warrant, and him safely to keep in the said jail for the said period of.....days unless the said fine be sooner balance of fine paid; and, on the receipt thereof forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

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

(Seal)

Judge
Magistrate

Note.—Descriptive roll on the reverse
Descriptive Roll

Name :
Father's name :

Sex, married or single :
 Race, religion and caste :
 Previous occupation :
 Age.
 Descriptive marks :

*Diet**

- (a) the diet to which the prisoner was accustomed according to his own statement
- (b) the diet recommended by the Sessions Judge/Magistrate
- (c) brief reasons if rice or wheat is recommended

The distance (a) by bus from the nearest Jail/Railway Station to the bus stand nearest to the prisoner's residence is.....miles. (b) from the bus stand nearest to the prisoner's residence to his residence is.....miles.

The amount of bus fare under (a) above is.....
 Details of the property on the person of the prisoner.

Judge
Magistrate

Jail.....
 Date of admission to jail.....
 Number.....
 Name.....
 Sentence.....
 Date of sentence.....
 Date of release.....
 Release on bail or escape and re-admission may be noted below.—

I hereby certify that the sentence passed on the prisoner named in this warrant has been executed according to law and that he has this day been released from custody on†.....days'.....remission.

.....Jail,
 Dated,.....19.....

Jailer *Superintendent*

*Particulars to be entered in the Sessions Judge's own handwriting.
Magistrates

†Appeal
Expire of sentence
Bail

FORM No. 44

Magistrate's or Judge's warrant of commitment of witness refusing to answer or produce a document or thing
 (Section 485, Criminal Procedure Code)

In the Court of.....
 Case No.....of 19.....

To

Whereas.....
 being summoned as a witness and this day.....
 brought before this Court

required to give evidence on an enquiry into an alleged offence, refused
produce
without alleging any just excuse for such refusal, and for his contempt has
been adjudged detention in custody for days;
simple imprisonment

This is to authorise and require you to take the said
into your custody, and him safely to keep in your custody, for the space of
..... days unless in the meantime he shall consent to
be examined and to answer the questions asked of him and on the last of the
produce
said days, or forthwith on such consent being known, to bring him before this
court to be dealt with according to law, returning this warrant with an
endorsement certifying the manner of its execution.

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

(Seal)

Judge
Magistrate

(Note.—Descriptive Roll on the reverse)

Descriptive Roll

- Name.....
- Father's name.....
- Sex, married or single.....
- Race, religion and caste.....
- Previous occupation.....
- Age.....
- Descriptive marks.....

Diet*

- (a) the diet to which the prisoner was accustomed according to his own statement;
- (b) the diet recommended by the Sessions Judge/Magistrate;
- (c) brief reasons if rice or wheat is recommended.

The distance (a) by bus from the nearest Jail/Railway Station to the bus stand nearest to the prisoner's residence is.....miles (b) from the bus stand nearest to the prisoner's residence to his residence is.....miles.

The amount of bus fare under (a) above is.....

Details of the property on the person of the prisoner.

Judge
Magistrate

- Jail.....
- Date of admission to jail.....
- Number.....
- Name.....

I hereby certify that the sentence passed on the prisoner named in this warrant has been executed according to law and that he has this

Sentence..... day been released from custody on
 Date of sentence..... appeal
 Date of release..... expiry of sentence or having earned
 Release on bail or escape and re- bail
 admission may be noted below.—days' remission.

..... Jail,
 Dated..... 19....

Jailor Superintendent

*Particulars to be entered in the Sessions Judge's/Magistrate's own handwriting.

FORM No. 45

Warrant of imprisonment on failure to pay maintenance

(Section 488, Criminal Procedure Code)

In the Court of the.....Magistrate of.....

Maintenance Case No.....of 19 ...

To

The Superintendent of the Jail at.....
 Officer-in-charge

Whereas.....
 has been proved before me to be possessed of sufficient means to maintain his
 wife..... and child that is by reason of.....
 or
 unable to maintain itself and to have neglected to do so, and as an order has
refused
 been duly made requiring the said..... to allow his said
wife
child for maintenance the monthly sum of Rupees.....;
and whereas it has been further proved that the said
 in wilful disregard of the said order, has
 failed to pay Rupees..... being the amount of the allowance for the
month
months of..... and thereupon an order was made adjudging him
 to undergo simple imprisonment in the said jail for the period of.....
rigorous

This is to authorise and require you, the said Superintendent
Officer-in-charge to receive
 the said..... into your custody in the said jail together with
 this warrant and there to carry the said order into execution according to law,
 returning this warrant with an endorsement certifying the manner of its
 execution.

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

(Seal)

Magistrate

(Note.—Descriptive Roll on the reverse)

Descriptive Roll

Name:
Fathers' name:
Sex, married or single:
Race, religion and caste:
Previous occupation:
Age:
Descriptive marks.

Diet*

- (a) the diet to which the prisoner was accustomed according to his own statement:
- (b) the diet recommended by the Sessions Judge/Magistrate:
- (c) brief reasons if rice or wheat is recommended.

The distance (a) by bus from the nearest Jail/Railway Station to the bus stand nearest to the prisoner's residence is.....miles. (b) from the bus stand nearest to the prisoner's residence to his residence is.....miles.

The amount of bus fare under (a) above is.....

Details of the property on the person of the prisoner.

Judge
Magistrate

Jail
Date of admission to jail
Number
Name
Sentence
Date of sentence
Date of release

I hereby certify that the sentence passed on the prisoner named in the warrant has been executed according to law and that he has this day been released from custody on** or having earned.....days' remission.

Release on bail or escape and re-admission may be noted below.

.....Jail
Dated.....19.....

Superintendent.

*Particulars to be entered in the Sessions Judge's own handwriting.
Magistrate's

**Appeal
Expiry of sentence
Bail

FORM No. 46

Warrant to enforce the Payment of Maintenance by distress and sale

(Section 488, Criminal Procedure Code)

In the Court of the.....Magistrate of.....
Maintenance Case No.....of 19.....

To.

Whereas an order has been duly made requiring.....
.....to allow his wife for
child

maintenance the monthly sum of Rs.; and whereas the said
 in wilful disregard of the said order has failed to pay Rupees
 being the amount of the allowance for the $\frac{\text{month}}{\text{months}}$ of

This is to authorise and require you to make distress by seizure of any
 movable property belonging to the said which may be found within
 the District of, and if within next after such
 distress the said sum shall not be paid, to sell the movable property distrained
 or so much thereof as shall be sufficient to satisfy the said sum, returning this
 warrant with an endorsement certifying what you have done under it
 immediately upon its execution.

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

(Seal.)

Magistrate

FORM No. 47

**Bond and bail bond on a Preliminary Inquiry or Trial
 before a Magistrate**

(Sections 496 and 499, Criminal Procedure Code)

In the Court of the Magistrate of
 Case No. of 19.....

I, of being brought
 before the Magistrate of charged with the offence of
 and required to give security for my attendance in his Court and at
 the court of Session if required, do bind myself to attend at the court of the
 said Magistrate at at o'clock on the day of 19 ..
 and on every subsequent day of the preliminary enquiry or trial into the said
 charge, and should the case be transferred to any other court or sent for trial
 by the Court of Session or sent to a superior Court under Section 349 of the
 Code of Criminal Procedure, 1898, to be and appear before the said court
 when called upon to answer the charge against me, and in case of my making
 default herein, I bind myself to forfeit to the Government of Travancore-
 Cochin State the sum of Rupees....

Dated this day of 19.....

Signature

Executed before me

Magistrate

I
 We, jointly and severally
 declare myself surety
 ourselves and each of us sureties for the said that he shall
 attend at the court of at at o'clock on

day of 19 and on every subsequent day of the preliminary inquiry or trial into the offence charged against him, and should the case be transferred to any other court or sent for trial by the Court of Session or sent to a superior court under Section 349 of the Code of Criminal Procedure, 1898, that he shall be and appear before the said court to answer the charge against him, and in case of his making default therein I bind myself to forfeit to the Government of Travancore-Cochin State, the sum of Rupees

Dated this day of 19

Signature

Signature

Executed before me

(Seal)

Magistrate

When the case is transferred to another court the court from which the case is transferred shall inform the accused and the sureties of such transfer.

FORM No. 48

Warrant to discharge a person imprisoned on failure to give security for his Appearance

(Section 500, Criminal Procedure Code)

In the Court of the Magistrate of
Case No. of 19

To

The Superintendent of the Jail at
Officer-in-charge

Whereas
was committed to your custody under warrant of this court, dated the day of 19, and has since with his surety duly executed a bond under Section 499 of the Code of Criminal sureties Procedure ;

This is to authorise and require you forthwith to discharge the said from your custody unless he is liable to be detained for some other matter.

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

(Seal)

Magistrate

FORM No. 49

Warrant of Attachment to enforce a bond for Appearance

(Section 514, Criminal Procedure Code)

In the Court of the.....Magistrate of
Case No.....of 19....

To

The officer in charge of the Police Station at

Whereas.....
has failed to appear on.....pursuant
to his recognizance, and has by such default forfeited to the Government of
Travancore-Cochin State the sum of Rupees.....and whereas the said
.....has, on due notice to
him, failed to pay the said sum or show any sufficient cause why payment
should not be enforced against him;

This is to authorise and require you to attach any movable property of
the said.....that you may find within the
District of.....by seizure and detention,
and, if the said amount be not paid within.....days, to sell
the property so attached, or so much of it as may be sufficient to realise the
amount aforesaid and to make return of what you have done under this
warrant immediately upon its execution.

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

(Seal)

Magistrate

FORM No. 50

Notice to surety on breach of a bond for Appearance

(Section 514, Criminal Procedure Code)

In the Court of the.....Magistrate of
Case No.....of 19....

To

.....
Whereas on the..... day of..... 19...., you
became surety for..... of.....
that he should appear before this court on the..... day of.....
19...., and bound yourself in default thereof to forfeit the sum of
Rupees.....to the Government of Travancore-Cochin State
and whereas the said.....
.....has failed to appear before this court,.....
and by reason of such default you have forfeited the aforesaid sum of
Rupees.....

You are hereby required to pay the said penalty or show cause, within days from this date, why payment of the said sum should not be enforced against you.

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

(Seal)

Magistrate

FORM No. 51

Notice to Surety of Forfeiture of bond for good behaviour or to keep the peace

(Section 514, Criminal Procedure Code)

In the Court of the Magistrate of
Case No. of 19....

To

Whereas on the day of 19...., you became surety by a bond for of that he would ^{be of good} _{keep the} behaviour for the period of, and bound yourself, in peace default thereof, to forfeit the sum of Rupees to the Government of Travancore-Cochin State and whereas the said has been convicted of the offence of committed since you became such surety, whereby your security bond has become forfeited ;

You are hereby required to pay the said penalty of Rupees or to show cause within days why it should not be paid.

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

(Seal)

Magistrate

FORM No. 52

Warrant of Attachment against a Surety

(Section 514, Criminal Procedure Code)

In the Court of the Magistrate of
Case No. of 19....

To

The officer in charge of the Police Station at

Whereas has bound himself as surety for the appearance of before the

Court ofMagistrate ofon the day of 19...., and the said has made default and forfeited to the Government of Travancore-Cochin State the sum of Rupees.....

This is to authorise and require you to attach any movable property of the saidwhich you may find within the District of by seizure and detention, and, if the said amount be not paid within days, to sell the property so attached, or so much of it as may be sufficient to realise the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

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

(Seal)

Magistrate

FORM No. 53

Warrant of Commitment of the Surety of an Accused person admitted to bail

(Section 514, Criminal Procedure Code)

In the Court of

Case No. of 19....

To

Superintendent
Officer-in-charge of the Civil Jail at.....

Whereas of

has bound himself as a surety for the appearance of and the said has therein made default whereby the penalty mentioned in the bond has been forfeited to the Government of Travancore-Cochin State and whereas the said has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him, and the same cannot be recovered by attachment and sale of movable property of his, and an order has been made for his imprisonment in the Civil Jail for

This is to authorise and require you, the said Superintendent
Officer-in-charge to receive the said into your custody with this warrant and him safely to keep in the said jail for the said and to return this warrant with an endorsement certifying the manner of its execution.

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

(Seal)

Judge
Magistrate

(Note.- Descriptive Roll on the reverse)

Descriptive Roll

Name.....
 Father's name.....
 Sex, married or single.....
 Race, religion and caste.....
 Previous occupation.....
 Age.....
 Descriptive marks.....

*Diet**

- (a) the diet to which the prisoner was accustomed according to his own statement.
- (b) the diet recommended by the Sessions Judge.
Magistrate.
- (c) brief reasons if rice or wheat is recommended.

The distance (a) by bus from the nearest Jail/Railway Station to the bus stand nearest to the prisoner's residence ismiles, (b) from the bus stand nearest to the prisoner's residence to his residence ismiles.

The amount of bus fare under (a) above is

Details of the property on the person of the prisoner.

*Particulars to be entered in the Sessions Judge's
Magistrate's own handwriting.

Judge
Magistrate

FORM No. 54

Notice to the Principal of Forfeiture of a Bond to keep the Peace or be of good behaviour or to appear before a Court

(Section 514, Criminal Procedure Code)

In the Court of the.....Magistrate of.....
 Case No..... of 19.....

To

.....

Whereas on the.....day..... 19..... you entered into a bond for Rupees..... to be of good behaviour
to keep the peace

(or to appear before the court of.....on.....) and proof of the forfeiture of the same has been given before me and duly recorded;

You are hereby called upon to pay the said penalty of Rupees..... or to show cause before me within..... days why payment of the same should not be enforced against you.

Dated this..... day of..... 19.....

(Seal)

Magistrate

FORM No. 55

Warrant to attach the Property of the Principal on Breach of a bond to keep the peace or be of good behaviour

(Section 514, Criminal Procedure Code)

In the Court of the Magistrate of

Case No. of 19....

To The Officer in charge of the Police Station at.....

Whereas did on the day of 19.... enter into a bond for the sum of Rupees binding himself to be of good behaviour not to commit

a breach of the peace for..... and proof of the forfeiture of the said bond has been given before me and duly recorded, and whereas notice has been given to the said calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum;

This is to authorise and require you to attach by seizure movable property belonging to the said to the value of Rupees which you may find within the District of and if the said sum be not paid within to sell the property so attached, or so much of it as may be sufficient to realise the same; and to make return of what you have done under this warrant immediately upon its execution.

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

(Seal)

Magistrate

FORM No. 56

Warrant of Imprisonment on Breach of a Bond to keep the Peace, or be of good behaviour, or to appear before a Court

(Section 514, Criminal Procedure Code)

In the Court of theMagistrate of

Case No. of 19....

To The Superintendent of the Civil Jail at..... Officer-in-charge

Whereas proof has been given before me and duly recorded that has committed breach of the bond entered by him

to be of good behaviour (or to appear before the Court of on to keep the peace) whereby he has forfeited to the Government of Travancore-Cochin State the sum of Rupees.....; and whereas the said..... has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his movable property and an order has been made for the imprisonment of the said in the Civil Jail for the period of.....

This is to authorise and require you the said Superintendent of the said Civil Jail, to receive the said into your custody together with this warrant and him safely to keep in the said jail for the said period of and to return this warrant with an endorsement certifying the manner of its execution.

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

(Seal)

Magistrate

(Note.—Descriptive Roll on the reverse)

Descriptive Roll

- Name.....
- Father's name
- Sex, married or single.....
- Race, religion and caste:.....
- Previous occupation.....
- Age.....
- Descriptive marks.....

*Diet **

- (a) the diet to which the prisoner was accustomed according to his own statement.
- (b) the diet recommended by the Sessions Judge Magistrate
- (c) brief reasons if rice or wheat is recommended.

The distance (a) by bus from the nearest Jail/Railway Station to the bus stand nearest to the prisoner's residence is miles (b) from bus stand nearest to the prisoner's residence to his residence is miles.

The amount of bus fare under (a) above is.....

Details of the property on the person of the prisoner.

Judge
Magistrate

* Particulars to be entered in the Sessions Judge's Magistrate's own handwriting.

FORM No. 57

Warrant of attachment and sale on forfeiture of bond for good behaviour or to keep the peace

(Section 514, Criminal Procedure Code)

In the Court of the Magistrate of
Case No. of 19.....

To
The Officer-in-charge of the Police Station at

Whereas did, on the day of 19, give security by bond in the sum of Rupees that should be of good behaviour and proof has been keep the peace given before me and duly recorded of the commission by the said of the offence of whereby the said bond has been forfeited; and whereas notice has been given to the said calling upon him to show cause why the said sum should not be paid and he has failed to do so or to pay the said sum;

This is to authorise and require you to attach by seizure movable property belonging to the said to the value of Rupees which you may find within the District of and if the said sum be not paid within to sell the property so attached or so much of it as may be sufficient to realise the same, and to make return of what you have done under this warrant immediately upon its execution.

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

(Seal)

Magistrate

FORM No. 58

Warrant of imprisonment on forfeiture of bond for good behaviour or to keep the peace

(Section 514, Criminal Procedure Code)

In the Court of the Magistrate of
Case No. of 19.....

To
The Superintendent
Officer-in-charge of the Civil Jail at

Whereas did on the day of 19, give security by bond in the sum of Rupees that should be of good behaviour and proof of the breach of the said keep the peace bond has been given before me and duly recorded whereby the said

.....has forfeited to the Government of Travancore-Cochin State the sum of Rupees.....and whereas he has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his movable property and an order has been made for the imprisonment of the said.....in the Civil Jail for the period of

This is to authorise and require you the Superintendent Officer-in-charge to receive the said.....into your custody together with this warrant and him safely to keep in the said jail for the said period of....., returning this warrant with an endorsement certifying the manner of its execution.

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

(Seal):

Magistrate

Note.—Descriptive Roll on the reverse.

Descriptive Roll

- Name
- Father's name
- Husband's name
- Sex, married or single
- Race, Religion and caste
- Previous occupation
- Age
- Descriptive marks

Diet *

(a) the diet to which the prisoner was accustomed according to his own statement

(b) the diet recommended by the Sessions Judge Magistrate

(c) brief reasons if rice or wheat is recommended.

The distance (a) by bus from the nearest Jail/Railway Station to the bus stand nearest to the prisoner's residence is.....miles (b) from the bus stand nearest to the prisoner's residence to his residence is.....miles.

The amount of bus fare under (a) above is.....

Details of property on the person of the prisoner.

Magistrate

*Particulars to be entered in the Magistrate's own handwriting.

FORM No. 59

Warrant to bring up a Witness after Service of Summons

[Section 90, clause (b) Criminal Procedure Code]

To

Whereas complaint has been made before me that.....has or is suspected to have committed the offence of.....and whereas it is proved

that the summons issued to..... who, it appears likely, can give evidence concerning the said complaint, has been duly served in time to admit of his appearing in accordance therewith, but that he has failed to appear without offering a reasonable excuse for such failure.

This is to authorise and require you to arrest the said..... and on the..... day of..... 19..... to bring him before this court to be examined touching the offence complained of.

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

(Seal)

Magistrate.

If the said..... shall give bail himself in the sum of Rs..... with one surety in the sum of Rs..... to attend before me on the..... day of 19....., and to continue so to attend until otherwise directed by me, he may be released.

Dated this..... day of..... 19.....

Magistrate

FORM No. 60

Form of Order for the Detention in Custody of an Accused Person
(Section 167, Criminal Procedure Code)

To

Whereas it appears that a charge against.... of an offence under Section..... of the Indian Penal Code is under investigation by the Police under Act No. of..... of the Code of Criminal Procedure; that such investigation cannot be completed within the period of 24 hours fixed by Section 61 of the Code; and that there are grounds for believing that accusation against the said person is well founded; and the accused having information..... in custody for..... days and to cause him to be produced before..... Court sitting at..... on the..... day of..... 19....., at..... o'clock.

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

(Seal)

Magistrate

Nota.—The custody may be such as the Magistrate thinks fit.

FORM No. 61

Proceedings of.....Magistrate of.....
dated.....19..

(Under Section 173, Criminal Procedure Code)

Read.—Referred Charge Sheet entered as Serial No.....in
Magistrate's Register.

1. Name of the
 - (a) Station:
 - (b) Village:
 - (c) Taluk:
2. Complainant's name:
3. Name of accused:
4. Offence, with law and section under which punishable:
5. Explanation of any delay evidenced by dates in docket (outside):
6. Order to the Police, regarding making, or refraining from making further investigation and with regard to the bond, if any, executed by the accused.
7. Brief statement of facts of the case and reasons for order.....
Proceedings on Referred Charge Sheet.....Reply of.....
Magistrate entered as serial No.....in Magistrate's.....Received
.....19.....Register.....
Despatched.....19..

From The.....Magistrate.....

To The.....Magistrate.....

Date of:—

Offence
Report to station.....
Receipt of Referred
Charge Sheet by
Inspector.....
Receipt of Referred
Charge Sheet by
the Magistrate.....
Order of the Magis-
trate.....
Despatch.....
Remarks of.....Magistrate

Date	Month	Year

Received

19....

Despatched

FORM No. 62

Notice to complainant

In the Court of the.....Magistrate of.....

(Section 200, Criminal Procedure Code)

To

You are hereby required to appear before this Court at.....
at.....o'clock on.....day of.....19.....to give a sworn
deposition regarding the complaint preferred by you against.....

Dated.....19..

(Seal.)

Magistrate

FORM No. 63

Warrant of commitment of a person charged with an offence

(Section 220, Criminal Procedure Code)

Case No.....of 19....

To

The Officer-in-charge of the Jail at.....

Whereas.....is charged with
having committed.....an offence under section.....
of.....and has been committed to take his trial before
the Court of Session, at.....on the.....19.....
You are hereby required to receive the said.....
into your custody in the said jail and him safely there to keep until he shall
be thence delivered by the due course of law.

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

(Seal.)

Magistrate

FORM No. 64

Proceedings of the.....Magistrate of.....

(Section 247, Criminal Procedure Code)

Dated.....

In Calendar Case No.....

- Complainant:
- Accused:
- Offence:
- Date of offence:
- " complaint:
- " hearing:

ORDER

The case was called on for hearing today to which it had been posted adjourned.

The complainant not being present either in person or by pleader the accused is acquitted under Section 247, Criminal Procedure Code.

(Seal.)

Magistrate

FORM No. 65

Proceedings of theMagistrate of

(Section 259, Criminal Procedure Code)

Theday of19....

In Calendar case No.....of 19....

Complainant.....Accused.....

Offence:—

The complainant not appearing this day, the date fixed for the hearing of the case, and it appearing that the alleged offence is one which may be lawfully compounded, the court directs under Section 259, Criminal Procedure Code, that the accused be discharged.

Seal.)

Magistrate

FORM No. 66

Form of order for the detention in custody of approvers

(Section 337, Criminal Procedure Code)

In the Court of

Case No.....of 19....

To

The Officer-in-charge of the jail at

Whereas on theday of19.. a tender of pardon was made to under Section 337 of the Code of Criminal Procedure, this is to authorise and require you to receive the said

..... into your custody together with this warrant and to produce him before the Committing Magistrate and the Court of Session under safe custody at such times and places as the said courts may require you to do, and to keep him in the said jail at such times as his production before the courts is not required.

Given under my hand and the seal of the Court, this..... day of19....

(Seal.)

Magistrate

FORM No. 67

Adjournment Order

(Section 344, Criminal Procedure Code)

In the Court of.....

Offence.....
 Case No.....of 19....
 Name of accused.....
 Date of first appearance of accused.....
 Whether in custody or not.....
 Whether remanded to custody or not....
 Adjourned from.....to....
 Place fixed for further hearing.....
 Reason for postponing or adjourning.....

(True copy)

FORM No. 68

Form of Remand Warrant

(Section 344, Criminal Procedure Code)

To The Officer-in-charge of the jail at.....

Whereas..... ^{has}/_{have} been forwarded in custody, by the Officer-in-charge of the..... Police Station, to this Court, charged by the Police with offence..... under Section....., and this Court is empowered to take cognizance of the said offence, and whereas the Court has postponed the ^{trial}/_{inquiry} to the..... day of..... 19....
 adjourned

This is to authorise and require you to detain the said..... in your custody for..... days and to cause ^{him}/_{them} to be produced before this Court, sitting at..... on the..... day of..... 19...., at.... O'clock.

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

(Seal.)

Magistrate

FORM No. 69

Deposition of Witnesses

(Chapter XXV, Criminal Procedure Code)

In the Court of.....

Calendar Miscellaneous Preliminary Register Sessions	}	Case No.....of 19....
---	---	-----------------------

Deposition of.....Witness for	{	Prosecution Defence Court
-------------------------------	---	---------------------------------

Name.....
 Father's name.....
 Village.....
 Taluk.....
 Caste.....
 Calling.....
 Religion.....
 Age.....

Solemnly affirmed on the.....day of.....19....

FORM No. 70

Examination of the Accused

(Section 364, Criminal Procedure Code)

In the Court of.....

Calendar Miscellaneous Preliminary Register Sessions	}	Case No.....of 19....
---	---	-----------------------

Statement of.....Accused.

Name.....
 Father's name.....
 Village.....
 Taluk.....
 Caste.....
 Calling.....
 Religion.....
 Age.....

Date.....19....

Question.....

Answer.....

FORM No. 71

Form of Warrant on a Sentence of Transportation

(Section 383, Criminal Procedure Code)

In the Court of Session,.....Division

To
The Superintendent of the Jail at.....

Whereas at the Sessions held before me on the.....day of.....
19....., prisoner in Case No.....of the Calendar at the said
Sessions was duly convicted of the offence under Section.....of
the Indian Penal Code

Act No.....of... and was sentenced to transportation for.....

This is to authorise and require you the said Superintendent to receive the said.....into your custody in the said Jail together with this warrant and there safely to keep him until he shall be delivered over by you to the proper authority and custody for the purpose of his undergoing the punishment of transportation under the aforesaid sentence.

I. Diet*

- (a) the diet to which the prisoner was accustomed according to his own statement.
- (b) the diet recommended by the Sessions Judge.
- (c) brief reasons if wheat or rice is recommended.

II. The distance (a) by bus from the nearest Jail/Railway Station to the bus-stand nearest to the prisoner's residence is.....miles (b) from the bus-stand nearest to the prisoner's residence to his residence is.....miles.

The amount of bus fare under (a) above is.....

III. Details of the property on the person of the prisoner.

IV. I hereby certify that.....of the fine has been recovered.

V. Descriptive roll.

Name
Father's Name
Sex, married or single
Race, religion and caste
Previous occupation
Age
Descriptive marks

Particulars of previous convictions		
Section and Code	Sentence	Court

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

(Seal)

Sessions Judge

*Particulars to be entered in the Sessions Judge's own handwriting.

The prisoner was transferred to.....Jail, on.....under Inspector-General's order No.....dated.....19..

Remission earned up to the end of the preceding quarter is.....days.

Superintendent

The prisoner was transferred to.....Jail on.....
Remission earned up to the end of the preceding quarter is.....days.

I hereby certify that within named prisoner has this day been served
with an order directing him to notify his residence to the Police for.....
year from this date.

The following address was furnished by the prisoner on release.....
Street.....Village.....
Taluk.....District.....

Superintendent

The order has been duly served on me.

Signature or left thumb
impression of the prisoner
.....Jail.

Jail.....
Dated.....19...

Date of admission to jail
Number
Name
Sentence
Date of sentence
Date of release

I hereby certify that the sentence passed on
the prisoner named in this warrant has been
executed according to law and that he has this
day been released from custody on *.....
or having earned.....days' remission.

Jail,

Dated.....19...

Release on bail or escape and re-admission may be noted below.

Jailor

Superintendent

*Appeal

Expiry of sentence

Bail

FORM No. 72

Form of Dismissal of Appeal

(Section 421, Criminal Procedure Code)

In the Court of.....

The.....day of.....

Petition of Appeal Noof 19..., against the conviction and sentence
by the Magistrate of.....under

Section.....of the Indian Penal Code
Act No.....of.....in Case No.....of the Calendar
for..19...

Appellant

This appeal coming on for hearing before me under Section 421 of the
Code of Criminal Procedure upon perusing the petition of appeal and the
Calendar and Judgment of the said Magistrate and upon duly considering the

same, after hearing the arguments of the Appellant or Appellant's Pleader
the appellant not appearing in support of his Appeal although reasonable

_____ I do adjudge and order that this opportunity of being heard has been allowed appeal be dismissed.

(Seal.)

Sessions Judge
Magistrate

Copy to the Superintendent of.....
for communication to the prisoner concerned.

FORM No. 73

Notice of Appeal

(Section 422, Criminal Procedure Code)

In the Court of.....Criminal

Appeal No.....of 19..

- The Appellant.....
- The Public Prosecutor of.....
- The District Magistrate of.....
- The Prosecuting Inspector of.....
- The Officer-in-charge of.....

Notice is hereby given under Section 422 of the Code of Criminal Procedure that the aforesaid appeal made to this Court by..... Magistrate of..... in Calendar Case No..... of 19.. will be heard on the..... day of..... 19...

Sheristadar
Head Clerk

Dated.....19...

FORM No. 74

Proceedings calling for record

(Sections 423 and 435, Criminal Procedure Code)

Proceedings of the Court of.....
.....Dated.....19...

Read—

Extract from the Register of Preliminary Enquiries in Case No..... of 19.. Judgment in Calendar Case No..... of 19...

Criminal Appeal No..... of 19.. presented against the finding and sentence in Calendar Case No..... of 19.., on the file of the..... Magistrate of.....

ORDER

The.....Magistrate is requested to submit for the consideration of this Court the record of the proceedings in the above case, with the least practicable delay.

Sheristadar
Head Clerk

FORM No. 75

Form of an Order dismissing an Appeal and annulling a suspension of the Sentence

(Section 423, Criminal Procedure Code)

In the Court of.....

The.....day of..... 19....

Petition of Appeal No.....of 19.... against the conviction and sentence by the Magistrate of.....under Section.....of the Indian Penal Code..... of Ac: No.....of..... in Case No.....of the Calendar for 19..... Appellant.

The Appeal coming on for hearing before me: Upon perusing the petition of appeal and the record of the evidence and proceedings and upon duly considering the same and after hearing

I do adjudge and order that the said appeal be dismissed and that the order of this Court suspending the sentence be annulled.

Sessions Judge
Magistrate

(Seal)

To the Superintendent of.....for communication to the prisoner concerned.

FORM No. 76

Form of an Order confirming a Sentence

(Section 423, Criminal Procedure Code)

In the Court of.....

The.....day of.....19....

Petition of Appeal No.....of 19.... against the conviction and sentence by the Magistrate of.....under Section.....of the Indian Penal Code..... in Case No.....of the Calendar for 19.... Act No.....of..... Appellant.

This Appeal coming on for hearing before me: Upon perusing the petition of appeal and calendar and sentence and the record of the evidence and proceedings and upon duly considering the same, and after hearing

I do adjudge and order that the said appeal be dismissed.

Sessions Judge
Magistrate

(Seal)

To the Superintendent.....for communication to the prisoner concerned.

FORM No. 77

Form of an Order reversing a Sentence
(Section 423, Criminal Procedure Code)

In the Court of

The.....day of.....19....

Petition of Appeal No.....of 19.... against the conviction and sentence by the Magistrate of.....under Section.....of the Penal Code in Case No.....of the Calendar for 19.... Act.....of.....

This appeal coming on for hearing before me: Upon perusing the petition of appeal and the record of the evidence and proceedings and upon duly considering the same and after hearing

I do adjudge and order that the conviction and sentence passed on the said.....be reversed and the accused be acquitted and that he the said prisoner be released from the Jail in which he is now imprisoned under the said sentence, unless he is liable to be detained in custody for some other cause.

Sessions Judge
Magistrate

(Seal)

Copy to the Superintendent.....for communication to the prisoner concerned.

FORM No. 78

Form of an Order reducing Sentence
(Section 423, Criminal Procedure Code)

In the Court of

The.....day of.....19....

Petition of Appeal No.....of 19.... against the conviction and sentence by the.....Magistrate of.....under Section.....of the Indian Penal Code in Case No.....of the Calendar for 19.... Act No.....of.....Appellant.

This Appeal coming on for hearing before me: Upon perusing the petition of appeal and the record of the evidence and proceedings, and upon duly considering the same, and after hearing

I do adjudge and order the sentence passed on the said,.....be reduced and that instead of the punishment thereby imposed, the said,.....

Sessions Judge
Magistrate

(Seal)

Copy to the Superintendent.....for communication to the prisoner concerned.

FORM No. 79

Form of an Order suspending Sentence

(Section 426, Criminal Procedure Code)

In the Court of.....

The.....day of.....19.....

Petition of Appeal No..... of 19....., against the conviction and sentence by the Magistrate of..... under Section..... of the Indian Penal Code in Case No..... of the Calendar for 19..... Act No..... of.....

Appellant.

Application having been made to this Court by the Appellant for the suspension of the sentence passed upon him: Upon perusing the petition of appeal and the copy of the judgment of the lower court and upon hearing

I do order that as respects the said.....the said sentence be suspended until the further order of this Court in the appeal.

Sessions Judge
Magistrate

(Seal)

FORM No. 80

Form of Order on withdrawal by complainant

(Section 248, Criminal Procedure Code)

Proceedings of the.....Magistrate.

(Seal)

Dated.....19.....

In Calendar Case No. of 19 ...

..... Complainant
..... Accused.

Offence:

The complainant having requested permission to withdraw his complaint and having satisfied this Court that there are sufficient grounds for granting permission is hereby permitted to withdraw the complaint. The accused ^{is} _{are} acquitted under Section 248, Code of Criminal Procedure.

1. Date of offence.
2. " complaint.
3. " hearing.

Magistrate

FORM No. 81

Form of Order on withdrawal by the Public Prosecutor
(Section 494, Criminal Procedure Code)

Proceedings of the Magistrate.

(Seal)

Dated 19.....

In Calendar Case No..... of 19.....

Offence..... Complainant
..... Accused.

The Public Prosecutor, having requested permission to withdraw from the prosecution of the..... accused in respect of offences under Section..... Indian Penal Code, and having satisfied this Court that there are sufficient grounds for granting permission, is hereby permitted to withdraw from the prosecution as aforesaid of the accused, who is acquitted are discharged under Section 494, Code of Criminal Procedure.

1. Date of offence
2. „ complaint
3. „ hearing.

Magistrate

FORM No. 82

Form of Order requiring the Attendance of a Prisoner to give Evidence

(Section 12, Prisoners' Act XVII of 1950)

(Seal)

In the Court of.....

To

The Officer in charge of the.....
(Through the District Magistrate of.....)

You are hereby required to produce..... now a prisoner in..... under safe and sure conduct before this Court at..... on the..... day of..... next by..... of the..... 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.

Date.....

Magistrate

Countersigned.

District Magistrate.

FORM No. 83

Form of Order requiring the Attendance of a Prisoner to Answer a Charge

(Section 12, Prisoners' Act XVII of 1950)

In the Court of

(Seal.)

To

The Officer in charge of the.....
(Through the District Magistrate of.....)

You are hereby required to produce.....
now a prisoner in.....under safe and sure conduct before
this.....Court at.....on the.....
.....day of.....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.

Date.....

Magistrate

Countersigned.

District Magistrate

FORM No. 84

**Form of Order of detention of youthful Offenders in
adolescent
Certified Schools.
Borstal**

It is hereby found that (name of the offender) convicted by the law and
sentenced to imprisonment is a youthful offender under....years of age.
transportation adolescent

He is hereby directed to be sent to a Junior Certified School and to be there
Senior
Borstal
detained for a period of.....years.

Date.....

Sessions Judge
Magistrate

FORM No. '85

Warrant of commitment on a sentence of imprisonment or fine or both in pursuance of an order passed on appeal

(Sections 245, 258 and 423, Code of Criminal Procedure)

In the Court of

(Appeal No.....of 19.....against the conviction and sentence by the.....Magistrate of.....under Section.....of the Indian Penal Code in Case No.....of the Calendar for.....19.....Act No.....of.....)

To

The Superintendent of the Jail at.....
Officer in charge

Whereas on the.....day of.....19.....the prisoner in the said Case No.....of the Calendar for 19.....was convicted before the said.....Magistrate of.....of the offence of.....punishable under Section.....of the Indian Penal Code and was sentenced to.....Act.....of.....

and whereas the said sentence has been modified by me Sessions Judge Magistrate of.....on appeal into a sentence of.....

This is to authorise and require you, the said Superintendent Officer

to detain receive the said.....in your custody in the said Jail together with this warrant and there carry the aforesaid revised sentence into execution according to law.

The warrant of commitment issued by the said.....Magistrate in regard to the aforesaid prisoner in the said Calendar Case should be returned to me for cancellation.

The prisoner named above is classed as*

The prisoner named above is is not a fit subject for confinement in the special jail for habituals. **

Diet†

(a) The diet to which the prisoner was accustomed according to his own statement.

(b) The diet recommended by the Sessions Judge/Magistrate.

(c) Brief reasons if rice or wheat is recommended.

The distance (a) by bus from the nearest Jail/Railway Station to the bus stand nearest to the prisoner's residence is.....miles (b) from the bus stand nearest to the prisoner's residence to his residence is.....miles.

The amount of bus fare under (a) above is.....miles.

Details of property on the person of the prisoner.....

I hereby certify that.....of the fine has been recovered.

Descriptive Roll

Name
 Father's name
 Sex, married or single
 Race, religion and caste
 Previous occupation
 Age
 Descriptive marks

Particulars of previous convictions		
Section and Code	Sentence	Court

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

(Seal.)

Sessions Judge
Magistrate

The prisoner was transferred to.....Jail on.....under Inspector. General's Order No.....dated.....19....

Superintendent

Remission earned up to the end of the preceding quarter is....days.

The prisoner was transferred to.....Jail on.....Remission earned up to the end of the preceding quarter is.....days.

Superintendent

Solitary confinement

From	To	Number of days	Total undergone	Superintendent's initials

I hereby certify that the within-named prisoner has this day been served with an order directing him to notify his residence to the Police for.....year from this date.....

The following address was furnished by the prisoner on release:—

Street..... Village.....
 Taluk..... District.....

Superintendent

The order has been duly served on me.

Signature or left thumb
 impression of the prisoner.

Jail.....
 Dated.....19.....

.....Jail
 Date of admission to Jail
 Number
 Name
 Sentence
 Date of sentence
 Date of release

I hereby certify that the sentence passed on the prisoner named in this warrant has been executed according to law and that he has this day been released from custody on.....or having earned..... day's remission.

.....Jail,

.....Dated..... 19....

Release on bail or escape and re-admission may be noted below.

Jailor

Superintendent

* "Habitual" or "casual" as the case may be should be entered here in the Judge's or Magistrate's own handwriting.

** To be filled in only in the case of "habituals" by a convicting court (not below the rank of first Class Magistrate) in an area for which a special Jail for habituals has been appointed.

+Particulars to be entered in the Sessions Judge's own handwriting.
Magistrate's

‡Appeal
Expiry of sentence
Bail

FORM No. 86

Warrant of Commitment on a sentence of Imprisonment or fine or both, in pursuance of an Order passed on Appeal or Revision by the High Court

(Sections 425 and 442, Code of Criminal Procedure)

In the Court of.....Appeal.....No.....of 19....
Criminal Revision Case
 against the finding, sentence or order passed by the Sessions Judge of.....
Magistrate
under Section.....of the Indian Penal Code in Case No...
Act.....of.....
of the Calendar for 19....
Criminal Appeal No.... 19....

To

The Superintendent of the Jail at.....
Officer in-charge

Whereas on the.....day of.....19...., the prisoner in the
 said Case No.....of the Calendar of 19...., was convicted before
 me Sessions Judge of.....of the offence of.....punishable under Section
 the Magistrate

.....of the Indian Penal Code Act.....of.... and was sentenced..... and whereas the sentence was confirmed by me Sessions Judge on appeal; and modified by the Magistrate said sentence whereas the said sentence as so confirmed or modified on appeal has been modified by the High Court of Judicature, Travancore-Cochin on appeal on revision into a sentence of.....

This is to authorise and require you, the said Superintendent Officer-in-Charge to detain receive the said.....in your custody in the said jail together with this warrant and there carry the aforesaid modified sentence of the High Court into execution according to law.

The warrant of commitment issued by me in regard to the aforesaid prisoner in the said Calendar Case Criminal Appeal should be returned to me for cancellation.

The prisoner named above is classed as*.....

The prisoner named above is is not a fit subject for confinement in the special jail for habituals**

Diet†

(a) the diet to which the prisoner was accustomed according to his own statement ;

(b) the diet recommended by the Sessions Judge Magistrate

(c) brief reasons if rice or wheat is recommended.

The distance (a) by bus from the nearest Jail/Railway Station to the bus stand nearest to the prisoner's residence is.....miles (b) from the bus stand nearest to the prisoner's residence to his residence is.....miles.

The amount of bus fare under (a) above is.....

Details of the property on the person of the prisoner

I hereby certify that.....of the fine has been recovered.

Descriptive Roll

Name.....
 Father's name.....
 Sex, married or single.....
 Race, religion and caste.....
 Previous occupation.....
 Age.....
 Descriptive marks.....

Particulars of previous convictions		
Section and Code	Sentence	Court

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

Sessions Judge
Magistrate

The prisoner was transferred to.....Jail on.....under
 Inspector-General's order No.....dated.....19.... Remission
 earned up to the end of the preceding quarter is.....days.
 Superintendent

The prisoner was transferred to.....Jail on.....
 Remission earned up to the end of the preceding quarter is.....days.
 Superintendent

Solitary confinement

From	To	Number of days	Total undergone	Superintendent's initials

I hereby certify that the within-named prisoner has this day been served
 with an order directing him to notify his residence to the Police for.....
year from this date.

The following address was furnished by the prisoner on release :—

Street.....Village.....
 Taluk.....District.....

Superintendent

The order has been duly served on me.
 Signature or left thumb impression
 of the prisoner.

Jail.....
 Dated.....19....

Jail.....
 Date of admission to Jail.....
 Number.....
 Name.....
 Sentence.....
 Date of sentence.....
 Date of release.....

I hereby certify that the sentence
 passed on the prisoner named in this
 warrant has been executed according to
 law and that he has this day been
 released from custody on.....
 or having earned.....days remission.

Jail.....
 Dated.....19....

Release on bail or escape and readmission
 may be noted below.

Jailor
Superintendent

- * "Habitual" or "casual" as the case may be, should be entered here in the Judge's or Magistrate's own handwriting.
- ** To be filled in only in the case of "habituals" by a convicting court (not below the rank of First Class Magistrate) in an area for which a special jail for "habituals" has been appointed.

†Particulars to be entered in the Sessions Judge's own handwriting.
Magistrate's

Appeal

†Expiry of sentence

Bail

Note.—In the case of a judgment or order passed by the High Court on a revision petition against the finding, sentence or order of an appellate court the appellate court and not the trial court should give directions to the Superintendent or the Officer-in-charge of the Jail.

FORM No. 87

Warrant of Release of a Prisoner

(Section 423, Criminal Procedure Code).

In the Court of.....

Appeal No..... of 19... against the conviction and sentence by the Magistrate of..... under Section..... of the Indian Penal Code. in case No..... of the Calendar for 19.... Act..... of.....

To

The Superintendent of the..... Jail at.....
Officer-in-charge

Whereas on the..... day of..... 19.... the prisoner in the said case No..... of the Calendar of 19.... was convicted before the said..... Magistrate of..... of the offence of... punishable under Section..... of the Indian Penal Code Act No..... of.... and was sentenced to..... and whereas the said sentence was reversed by me Sessions Judge of..... on appeal.....
Magistrate

This is to authorise and require you to release the said prisoner from your custody unless he is liable to be detained for some other cause.

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

(Seal)

Sessions Judge
Magistrate

N. B.—The Superintendent of the..... Jail should at once return the warrant with which the prisoner was committed to his custody.

FORM No. 88

**Warrant of Release of Prisoner on Appeal or in Revision
by the High Court**

(Sections 425 and 442, Criminal Procedure Code)

In the Court of

To

The Superintendent of the Jail at
Officer-in-charge

Whereas on the day of 19....., the prisoner
in Case No..... of the Calendar for 19....., was convicted before
me the Sessions Judge of the offence of of
Magistrate

punishable under section..... of the Indian Penal Code and was sent-
enced to and whereas the sentence was confirmed by me the Sessions Judge
modified Magistrate
on appeal and whereas the said sentence
said sentence as so confirmed or modified on

_____ has been reversed by the High Court of Judicature, Travancore-Cochin,
appeal
on appeal
in revision.

This is to authorise and require you to release the said prisoner.....
..... from your custody unless he is liable to be detained for
some other cause.

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

(Seal)

Sessions Judge
Magistrate

N. B.—The Superintendent.....Jail, should at once return the
warrant with which the prisoner was committed to his custody.

Note. —In the case of a judgment or order passed by the High Court on
a revision petition against the finding, sentence or order of an appellate court,
the appellate court and not the trial court should give directions to the Super-
intendent or the Officer-in-charge of the Jail.

FORM No. 89

Notice

A session for the trial of offence will be held at the Sessions Court—
House at..... at 11 A. M. on..... the day of....

..... 19.....
Sessions Court,
..... 19.....

Sessions Judge

For publication in the Government Gazette.

FORM No. 90.

Order for the Payment of Compensation Money

I.....Magistrate of.....hereby certify that
complainant in Calendar Case No.....
 of 19...., on the file of my Court, is entitled to receive payment of
 Rs.....from.....Treasury being the amount of compensation
 awarded to him under Section.....of.....from the fine
 imposed on the prisoner in the said case and remitted to the above treasury
 on.....

I further certify that—

(1) the sentence and award are not subject to appeal, the award has
 been confirmed by the Appellate Court the order as to compensation has been
 modified on appeal and the payment order is in conformity with such
 order,

(2) that no order has been received from the Court of Revision
 modifying or reversing the order of compensation, or the order has been
 modified in revision and the payment order is in accordance with such order
 on revision.

Dated.....

Magistrate

FORM No. 91

Proceedings of the District Magistrate of

(Section 12, Criminal Procedure Code)

Dated.....day of.....19.....
Esquire

Under section 12 of the Code of Criminal Procedure, the District
 Magistrate of.....hereby defines the local area within which
 Sri.....appointed to be a Magistrate
 of the.....Class for the District of.....may exercise
 the powers with which he has been invested by the Government and the
 District Magistrate of.....to be as follows:—

District Magistrate.

- Copy to: (1) The officer concerned
 (2) The Sub-Divisional Magistrate of.....
 (3) The District Superintendent of Police
 (4) The Superintendent, Government Presses, for publication in
 the Government Gazette.

FORM No. 92

Summons to produce

(Section 94, Criminal Procedure Code)

In the court of the..... Magistrate of.....
Case No.....of 19....

Complainant.
Accused.

To
.....of.....

Whereas a complaint has been made before this Court that the accused has (is suspected to have) committed the offence of..... and it has been made to appear to this Court that the production of the undermentioned documents now in your possession or power is necessary for the purposes of the..... before this Court, you are hereby summoned to attend and produce (or cause to be produced) the said documents before this Court at 11 A. M. on the.....day of.....19..... Herein fail not.

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

(Seal) Magistrate.

Particulars of documents
things

FORM No. 93

In the Court of Session,..... Division

(Section 123, Criminal Procedure Code)

Criminal Miscellaneous Case No.....of 19.....

To
Through the.....Magistrate of.....

Take notice that Miscellaneous Case No..... of 19....., on the file of the..... Magistrate of..... in which you are one of the accused has been laid before this Court for orders under Section 123, Code of Criminal Procedure, and will be heard in the Sessions Court at..... on..... at 11 A.M.

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

Seal Sessions Judge

FORM No. 94

Order of Remand made by the.....Magistrate of.....

(Section 167 or 344, Criminal Procedure Code)

- (1) Number of the case :
- (2) Name of the accused :
- (3) Offence charged with :
- (4) Date on which the accused was first produced before the Magistrate under arrest :
- (5) Period of detention ordered (under S. 167, Cr. P. C. already (under S. 344, Cr. P. C. days days days days
- (6) Period of detention now ordered (under S. 167, Cr. P. C. (under S. 344, Cr. P. C. days days
- (7) Reasons for the remand :

FORM No. 95

Notice to Complainant

(Section 173 or 202, Criminal Procedure Code)

In Referred Case No.....of 19...

To

Complainant

Take notice that the complaint preferred by you under Section.....of the Indian Penal Code is referred by the Police as.....and that if Act....of..... you dispute the correctness of the finding of the Police you should appear before this Court within.....days from this day.

Day of

19

Magistrate.

FORM No. 96

Notice

(Sections 195 and 476, Criminal Procedure Code)

In the Court of the.....

Civil Miscellaneous Petition No..... in

Criminal No. of 19

Between :

Petitioner

And

Counter-Petitioner

To

Take notice that an application has been presented by the petitioner an inquiry will be

herein praying that an inquiry be made under Section 476, Criminal Procedure Code, to determine whether a complaint should not be laid against you for an offence punishable under Section (s) of the Indian Penal Code, and that the said application will be heard by the Court at A.M. on the day of 19. . . . You are at liberty to show cause why such complaint should not be made.

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

(Seal)

Sessions Judge
Magistrate

FORM No. 97

Proceedings of the Class Magistrate of

Dated in Calendar Case No. . . . of

1. Date of offence
2. Date of complaint
3. Date of sworn deposition
4. Date of order under Section 203, Criminal Procedure Code
5. Date of despatch to Sub-Divisional Magistrate
6. Date of receipt

Complainant Accused
Offence complained of

Read—

Complaint petition, complainant's sworn deposition and

ORDER

Remarks of the District Magistrate

Date of despatch }
Date of receipt } 19. . . .

Class Magistrate

Reply of Sub-Magistrate

Remarks of Sub-Divisional Magistrate

Date of Despatch } .. 19. . . .
Date of receipt } .. 19. . . .

Reply of Sub-Magistrate

Date of despatch } .. 19. . . .
Date of receipt } .. 19. . . .

Date of despatch } .. 19. . . .
Date of receipt } .. 19. . . .

FORM No. 98

Notice to Complainant

(Chapters XX and XXI, Criminal Procedure Code)

Calendar Case No. of 19.....

..... is informed that the complaint preferred by him under her Section..... is posted for hearing on the..... day of..... 19..... at 11 A. M. at.....

Office..... }
The.... day of..... 19..... } Magistrate

FORM No. 99

In the Court of Session,..... Division

(Sections 271 and 272, Criminal Procedure Code)

Sessions Case No. of 19.....

Register Case No. of 19....., on the file of the.....
Magistrate of.....

Name of the accused.....
Charge.....
Plea of the accused.....

Sessions Judge

FORM No. 100

In the Court of Sessions,..... Division

(Section 309, Criminal Procedure Code)

Sessions Case No. of 19.....

Register Case No. of 19....., on the file of the.....
Magistrate of.....

Name of the accused.....
Charge.....
Names and castes of assessors.....
Opinions of the assessors.....

Sessions Judge

FORM No. 101

Warrant to be used when the Accused being in custody the Magistrate Stays Proceeding under Section 346, Criminal Procedure Code

To

The Superintendent of the Jail at.....
The Officer-in-charge

Whereas.....
of..... is charged before me with..... and the evidence appearing to warrant a presumption that the case is one which should be tried or committed for trial by some other Magistrate in this district, the proceedings have been stayed and the case submitted to the District Magistrate
to the.....

You are hereby required to receive the said.....
..... into your custody and produce him when called upon before the District Magistrate or such other Magistrate at such place and time as the District Magistrate shall direct or in the absence of direction from the District Magistrate to produce him before me at.....
on the..... day of..... 19....., at
A. M.
P. M.

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

(Seal)

Magistrate

FORM No. 102

Bond after Conviction and a Sentence of fine only

(Section 388, Criminal Procedure Code)

In the Court of the.....Magistrate of.....
Case No..... of 19.....

Whereas I..... of..... have been convicted by the..... Magistrate of..... in C. C. No..... of 19....., and sentenced to pay a fine of Rs..... and ordered to undergo imprisonment for..... in case of default of payment of the fine, and whereas I have not paid the fine in ^{part}/_{full} and the said Magistrate has suspended the execution of the warrant of imprisonment for..... days, I do hereby bind myself to appear before the said Magistrate at..... O'clock on the..... day of..... 19....., at..... to be dealt with according to law unless the fine shall have been sooner paid in full and in case of default therein as above, I bind myself to forfeit to the Government of Travancore-Cochin, the sum of Rupees.....

Dated this..... day of..... 19.....

(Signature)

I declare myself surety for the above named of
We declare ourselves sureties that he shall attend before the Magistrate of
 at o'clock on the day of
 19....., at unless the fine specified above shall have
 been sooner paid in full and in case of his making default therein I
We hereby
 bind myself to forfeit to the Government of Travancore-Cochin the sum of
ourselves
 Rupees.....
 Dated this day of 19.....
 (Signature) (Signature)

Executed before me.

Magistrate

FORM No. 103

Bail Bond

(Section 426 or 499, Criminal Procedure Code)

In the Court of.....

Criminal Appeal No. of 19.....
Sessions Case

(Criminal Miscellaneous Petition No. of 19.....).

Calendar Case No. of 19....., on the file of the Magistrate
Sessions Sessions Judge
 o

The State

vs.

To
 The Court of.....

Whereas I have been convicted by the Magistrate of
committed Sessions Judge

 of the offence
 on the charge
 punishable under Section of the Indian Penal Code and sentenced
Act of
 to rigorous imprisonment for and to pay a fine of
 Rs. in the above case, and whereas I have, on preferring the above
appeal been admitted to Bail by the said court of (a)
petition
 in its order, dated the day of 19....., I do
 hereby bind myself to attend before the said Court..... at 10 a. m.
 on day the day of 19....., or any
 other court to which the appeal or the Sessions Case may be transferred or

whenever required by the said Court or the Court of (b)
 pending execution of the order of the Court of appeal
 trial
 and in case of my making default herein, I bind myself to forfeit to the
 Government of Travancore-Cochin the sum of Rupees.....

Dated this..... day of..... 19.....

(Signature and thumb impression of the accused)

We, the marginally named persons, hereby declare ourselves sureties
 for the abovenamed accused, and we do hereby bind
 ourselves to produce him before the said Court or any
 other court to which the appeal or the Sessions Case
 may be transferred or the Court of (b)
 on the day fixed or whenever called upon by the said
 Court or the Court of (b) pending
execution of the order of the Court Appeal and in case
 trial
 of our making default therein we the said sureties here-
 by bind ourselves to forfeit to the Government of
 Travancore-Cochin each of us the sum of Rupees.....

(Signature of the sureties)

Executed this..... day of..... 19.....

To
 The Superintendent..... Jail.

(To obtain the signature of the accused and return the bail bond for
 record in this office).

Sureties

Number	Name	Father's name	Caste	Age	Calling	Residence	Remarks

Note.—(a) The name of the Court in which the appeal or Sessions Case
 is filed should be entered.

(b) The name of the Court to the satisfaction of which bail is fur-
 nished should be entered.

When the appeal or the Sessions Case is transferred to another court, the
 court from which the appeal or the Sessions Case is transferred shall inform the
 accused and the sureties of such transfer.

FORM No. 104

In the Court of.....

(Section 440, Criminal Procedure Code)

Criminal Revision Petition No. of 19.....

To

- The Petitioner
- The Respondent
- The Public Prosecutor

Notice is hereby given that the above petition presented for revision of the order of the under Section..... Code of Criminal Procedure, will be heard at on the..... day of 19....., at 11 a. m.

Dated.....theday of19.....

Sessions Judge
District Magistrate

FORM No. 105

Notice

(Section 517, Criminal Procedure Code)

In the Court of the.....Magistrate of.....
in C. C. No.....of....19.....

To

Notice is hereby given that the undermentioned property is ordered by the Court of.....to be restored to you and that you should appear and take possession of it at an early date.

Description of the property.

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

Magistrate

FORM No. 106

Proclamation Relating to Unclaimed Property

(To be issued under Section 523, Criminal Procedure Code)

Proclamation is hereby made that has been seized under the provisions of Section..... of the Code of Criminal Procedure at the house of.....in the street of.....in the village of.....
town
and is now lying at.....in charge of.....

Any person having a claim to the aforesaid property is hereby required to appear before me and establish the same within six months of this date, failing which the said property will be held at the disposal of Government and will be sold.

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

Magistrate

FORM No. 107

Notice

(Section 528, Criminal Procedure Code)

In the Court of the.....Magistrate of.....

.....Petitioner.....Respondent.

<p><u>Complainant</u> Accused</p>	<p>in C. C. No.....of....</p>	}	<p><u>Accused</u> Complainant</p>	<p>in C. C. No.... of</p>
<p>.....19....., on the file of the</p>			<p>.....19....., on the file of the</p>	
<p>Magistrate of.....</p>			<p>Magistrate of.....</p>	

To

Take notice that an application has been made to this Court for the transfer of C. C. No.....of 19....., on the file of.....Magistrate of.....and that the application will be heard on the.....day of.....19.....at.....A. M.

Station..... }

Date..... }

Magistrate

FORM No. 108

Bond for Probation of Good Conduct

(Section 562, Criminal Procedure Code)

In the Court of the.....Magistrate of.....

Calendar Case No.....of.....19.....

Whereas I,.....resident of.....have been convicted of the offence of.....under Section.....of the Indian Penal Code;

And whereas I, being a first offender, have been ordered to be released on probation of good conduct on entering into a bond with.....surety during the period of.....months under the provisions of sureties Section 562 of the Code of Criminal Procedure, I hereby bind myself to appear and receive sentence when called upon and in the meantime to keep the peace and be of good behaviour to the Government and to all the people of Travancore-Cochin during the said term of.....months and

in case of my making default therein I bind myself to forfeit to the Govern-
ment of Travancore-Cochin the sum of Rupees.....

Dated this.....day of.....19....

(Signature)

Executed before me.....

Magistrate

I hereby declare myself surety for the above.....
We ourselves sureties named.....that he will appear and receive sentence when called
upon and in the meantime will keep the peace and be of good behaviour to
the Government and to all the people of Travancore-Cochin during the said
term; and in case of his making default therein, I hereby bind
myself to forfeit to the Government of Travancore-
ourselves jointly and severally
Cochin the sum of Rupees.....

Dated this.....day of.....19....

(Signature)

Executed before me.....

Magistrate

FORM No. 109

(Section 565, Criminal Procedure Code)

In the Court of.....

The.....day of.....19....

Sessions Case No.....of 19....
Calendar

Present.
Shri.

Sessions Judge
Magistrate

State.....versus.....
Offence.....
Sentence.....

ORDER.

Under Section 565 of the Code of Criminal Procedure the accused is
further ordered to notify his residence and any change of residence after
release to the police for a period of.....from the date of
his release.....

Sessions Judge
Magistrate

(Seal)

To the Superintendent.....

.....Jail

FORM No. 110

Memorandum

Sentenced to..... years
 months
 rigorous imprisonment and to pay a
 fine of Rs.....
 and in default of payment to
 years
—further rigorous
 months
 imprisonment.

With reference to the warrant issued
 by this Court, dated the..... day
 of.....19....., directing the
 execution of the marginally noted
 sentence passed on.....prisoner
 in Calendar Case No.....of
 19..... intimation is hereby given that
 the sum of Rupees..... being the
 whole
of the fine imposed on the said
 part
has been realised.
 Receipt of this intimation should be
 acknowledged and the information en-
 dorsed on the warrant,

Sessions Judge

Magistrate

To
 The Superintendent of the.....

FORM No. 111

List of Sessions Cases posted for trial before the Court of.....
 Session,..... Division on dates
 noted against them

Number of the Sessions Case and year	Number of the register case and year	Name of the committing court	Nature of offence	Name of the accused	Date of trial	Whether the accused is in jail or on bail	Remarks

Court of Session,.....Division, }
19..... }

Sessions Judge

FORM No. 112

In the Court of Session,..... Division.....
 Sessions Case No..... of 19.....

Dated..... 19.....

Despatched..... 19.....

From
 Sri..... Sessions Judge.

To
 The Superintendent
 Jail.

Sir,
 I have the honour to request that you will be good enough to cause the production before this court at 10 A.M. on the day of 19....., of the under-trial prisoners in the cases noted below.

Yours faithfully,

Sessions Judge.

Number of the Sessions Case	Number of the register case	Name of the Committing Court	Name of the accused

FORM No. 113

Letter accompanying a Record and Memorandum of Acknowledgment

..... No..... dated the 19.....

From

To

Sir,

I have the honour to ^{forward} herewith by *..... the original record of the case, noted on the margin ^{return} *..... called for in your..... received with No..... dated the 19.....

Memorandum of acknowledgment

Received the record forwarded with letter No..... dated the
..... 19... from the..... of.

Dated..... 19...

(Signature and designation of
receiving Officer)

* Here state method of despatch.

** Note also on the margin the number of files and pages in each file.

FORM No. 114

Notice to take Back Documents

In the Court of..... Case No..... of..... 19...

Complainant
of-----
Applicant

versus

Accused
of-----
Respondent

The parties in the above case are hereby required to take back into their custody within six months from the date hereof, the documents now in the custody of the Court filed by them as evidence in the above case, the judgment (or order) now having become final. The parties are distinctly warned that the documents are kept at their own risk, that the Court from this day declines all responsibility for their safe custody and that if not taken back, they will be destroyed when the record is destroyed.

The..... day of..... 19.....

Presiding Officer

FORM No. 115

**Courts' Certificate to be given to Government or Local Fund
Servants who attend Court as witnesses**

In the Court of.....

Certified that.....

Name.....

Designation..... appeared before me as a witness on behalf
of..... in a Criminal Case for..... days from.....
to..... in his*..... capacity to depose to facts within
his..... knowledge and that he has been paid ** the undermentioned
allowances:—

As travelling allowance..... Rupees

As subsistence „..... Rupees

Date.....

Presiding Officer of the Court

*Here state whether official or private.

**If nothing is paid under either head it should be clearly stated.

Note.—Government Officers summoned to give evidence in their private capacity *i. e.* to depose to facts not coming to their knowledge in the course of their official duties or with which they have not had to deal officially are not entitled to travelling allowance from Government.

FORM No. 116

Proceedings of The Court of Session, Division

The day of 19

Read—Letter No. dated 19 , from the Magistrate of requesting to be informed of the date on which the witnesses in a case under Section of the Indian Penal Code committed by him to this court for next sessions may be bound over to attend this court.

ORDER

The Magistrate of is informed that the witnesses in the case should be bound over to appear before this Court at 10 A. M. on the day of 19

Sessions Judge.

To
The Magistrate of

FORM No. 117

Calendar and Judgment

(For use in cases where there is only one accused person)

District of Calendar of cases tried
by the Magistrate of

Date of							Explanation of delay and remarks
Offence	Report or complaint	Apprehension of accused	R release on bail	Commencement of trial	Close of trial	Sentence or order	

Judgment in Calendar Case No. of 19 , on the file of the Magistrate of

Complainant

Name of accused	Age	Father's name	Caste or religion	Calling	Residence	Taluk

Offence.
Finding.
Sentence.

Magistrate

Docket

Date of receipt..... From
The.....Magistrate of.....
Remarks of the District Magistrate..... To
The District Magistrate
(Through the Sub-Divisional Magistrate.....of.....)

Date of Despatch } 19..... Calendar Case No.....of.....19.....
" Receipt }
Reply of the.....Magistrate Date of Judgment
" Despatch of } 19.....
Date of Despatch } 19..... " Calendar }
" Receipt } " Receipt }

Remarks of the Sub-Divisional Magistrate.

FORM No. 118

Calendar and Judgment

(For use in cases where there are more accused persons than one)

.....District of..... Calendar of cases tried by
the.....Magistrate of.....

Date of							Explanation of delay and remarks
Offence	Report or complaint	Apprehension of accused	Release on bail	Commencement of trial	Close of trial	Sentence or order	

Judgment in Calendar Case No.....of 19... on the file of the
.....Magistrate of.....

Complainant

	Name of accused	Age	Father's name
1			
2			
3			
4			
5			
6			

	Caste or religion	Calling	Residence	Taluk
1				
2				
3				
4				
5				
6				

Offence:

Finding:

Sentence:

Magistrate

Docket

Date of receipt..... From
 The.....Magistrate of.....
 Remarks of the To
 District Magis- The District Magistrate
 trate..... (Through the Sub-Divisional Magis-
 trate.....of.....)
 Date of Despatch } 19... Calendar Case No.....of 19...
 „ Receipt } 19...
 Reply of the.....Magistrate Date of Judgment }
 „ Despatch of } 19...
 Date of Despatch } 19... „ Calendar }
 „ Receipt } 19... „ Receipt }
 Remarks of Sub-Divisional Magistrate.

FORM No. 120

Proceedings of the.....dated the.....day of.....19....

Calendar

In Miscellaneous Case No.....of 19.....

Preliminary Register

1. Name of station and number in first information book.....
2. Section of law under which charge was laid.....
3. Number of accused {
 - (1) Concerned.....
 - (2) Arrested with warrant.....
 - (3) Arrested without warrant.....
 - (4) Appeared before the Court on summons or otherwise.....
4. Value of property {
 - Lost.....
 - Recovered.....
5. Whether the case is {
 - (1) Charged by the Police.....
 - (2) Referred as false by the Police.....
 - (3) Referred as mistake of law or fact.....
 - (4) Referred as undetectable.....
6. Offence under which convicted and sentenced.....
7. If acquitted or discharged, opinion as to—
 - (1) whether the case is true, but not proven,.....
 - (2) whether the case is intentionally false and if so, whether compensation has been ordered to be paid to the accused.....
 - (3) whether the case is due to a mistake of fact or law,.....
 - (4) whether the offence proved is a non-cognizable one.....
8. Number of accused convicted, discharged or acquitted.....
9. Caste and calling of persons convicted and whether classified as habitual criminals.....
10. Remarks on conduct of Police to the Superintendent of Police.....

Magistrate.

Note:—(1) The four classes shown against serial No. 7 should be clearly distinguished.

(2) A case should never be declared simply "false". It should always be stated under which class it falls.

(3) If a case is referred by the Police as false, the Magistrate in passing orders should state (1) whether he directs the case to be struck off as intentionally false, mistaken or non-cognizable or (2) whether he is unable to pass any such orders and is not prepared to send for the accused and try the case. If the Magistrate sends for the accused and tries the case, the result of the trial should be intimated to the police, all the particulars required in this form being given.

FORM No. 121

In the Court of.....

The..... day of..... 19.....

Present:—

Shri.....

*Sessions Judge
Magistrate.*

(Judgment in Criminal Appeal No..... of..... 19.....)

From what Court the Appeal is preferred.....

Number of the Case in that Court.....

Number of Appeal.....

Name and description of the Appellant.....

The sentence and law under which it was imposed in the lower Court

Whether confirmed, modified or reversed, and, if modified, the modification.....

Date of or on which.....

Present- ation	Filing	Notice issued by Court to appear	Bail bond if appellant has been let out on bail	Appellant ordered to appear	Hearing	Order
1	2	3	4	5	6	7

This appeal coming on for hearing before me, upon perusing the petition of appeal and the record of the evidence and proceedings, and upon duly considering the same after hearing the.....

I do adjudge and passed the following

JUDGMENT

.....

FORM No. 122

Index

In the Court of Sessions.....Division
The Committing Magistrate's record

Serial No.	Description of paper	Page
1.	Extract of Diary	
2.	Charge sheet or Complaint	
3.	Oral evidence for prosecution	
4.	Exhibits—	
	(a) Documentary evidence for prosecution (if any)	
	(b) Material objects produced in evidence (if any)	
5.	Examination of accused	
6.	Oral evidence for defence (if any)	
7.	Documentary evidence for defence	
8.	Charge:	
9.	Plea of accused:	
10.	List of defence witnesses to be summoned before the Sessions Court.	
11.	Register of Preliminary Enquiry including summary of evidence and Magistrate's reasons for committing.	
12.	Crime Occurrence Reports, Village Officer's Reports, etc.	
13.	Other documents, plans, etc.	

Dated..... 19.....
Sessions Judge

FORM No. 123

Index

In the Court of Session..... Division

Sessions Case No. of 19.....

Sessions record

Serial No.	Description of paper	Page
1.	The charges..	
2.	The plea of the accused	
	(1)	
	(2)	
3.	Record of Oral Evidence of prosecution:—	
	1st witness:	
	2nd witness:	
	3rd witness:	
4.	Examination of accused:	
	(a) before the Committing Magistrate	
	1st (Exhibit)	
	2nd do.	
	(b) before the Sessions Court	

- 5. Record of Oral Evidence for defence
1st witness:
- 6. Exhibits—
 - (a) Documents used in evidence [other than those included in serial No. 4 (a)]
 - A—
 - B—
 - (b) Material objects produced in evidence
- 7. { Opinion of assessors
 { Finding and sentence
- 8. Judgment
- 9. Other miscellaneous papers.

Dated.....19.....

Sessions Judge

FORM No. 124

Appointment of a Receiver

In the Court of the.....Magistrate of.....

(Section 142(2), Criminal Procedure Code)

To

Whereas.....has been attached,.....
you are hereby (subject to your giving security to the satisfaction of the Court) appointed receiver of the said property under Section 146; sub-section (2) of the Code of Criminal Procedure.....

You are required to render a due and proper account of your receipts and disbursements in respect of the said property on.....

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

(Seal)

Magistrate.

FORM No. 125

Bond for return of property

(Section 517, Criminal Procedure Code)

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

Calendar No.....of 19.....
Case

.....Complainant.....
versus.....Accused.

Whereas.....has received the property or documents noted below in pursuance of the order of the Court,.....
dated.....

We (1) residing at
 and (2) residing at do hereby bind
 ourselves jointly and severally that the said
 will return the said property or documents to the Court when called on
 to do, if the order passed in the case is modified or set aside on appeal;
 and in case of the said
 making default herein, we the said (1)
 and (2) bind ourselves jointly and
 severally to forfeit to the Government of Travancore-Cochin State the sum of
 Rupees.....

Signature (1).....
 (2).....

List of properties or documents
 Executed before me

Sessions Judge
Magistrate

FORM No. 126

**Order of acquittal of accused on compounding offences out of court
 under Section 345, Criminal Procedure Code**

Case No.....of 19....

Proceedings of the..... Magistrate.....
 District.....
 Complainant..... Accused.....
 Offence.....

ORDER

The offence having been compounded out of Court, the accused—^{is}
 are
 acquitted under Section 345 (6) Criminal Procedure Code.

Magistrate

Section of the Code under which punishable.....
 Date of offence.....
 Date of complaint.....
 Date of appearance.....
 Date of order.....

FORM No. 127

Warrant of commitment under sentence of death

To
 The Superintendent (or Keeper) of the Jail at.....
 Whereas at the Session held before me on the..... day of.....
 19.....the.....Prisoner in Case

No. of the Calendar at the said Session was duly convicted of the offence of culpable homicide amounting to murder under Section..... of the Indian Penal Code and sentenced to suffer death subject to the confirmation of the said sentence by the High Court of Travancore-Cochin. This is to authorise and require you (the said Superintendent or Keeper) to receive the said into your custody in the said Jail together with this warrant and him there safely to keep until you shall receive the further warrant or order of this Court, carrying into effect the order of the said High Court.

Descriptive Roll

- 1. Name
- 2. Father's name
 - Husband's name
- 3. Sex, married or single
- 4. Race, religion and caste
- 5. Previous occupation
- 6. Age
- 7. Descriptive marks

(Note.—At least three identification marks must be given)

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

Sessions Judge

FORM No. 128

Summons under Section 36 of the Indian Registration Act, 1908

In the Court of the Magistrate of

To

Whereas the Sub-Registrar of requires your presence for the purpose of registering a document under the Indian Registration Act, 1908, you are hereby ordered to appear before the said Sub-Registrar at 11 A. M. on the day of

Herein fail not.

(Seal)

Magistrate

FORM No. 129

Form of Police Charge

District Charge Sheet No. Dated 19...
Dated 19.....

Police Station First information No.
Dated 19.....

Number of charge:
Number and date of first information:

Name of complainant or informant

Accused persons:—

- (a) Forwarded in custody
- (b) Admitted to bail
- (c) Not sent for trial

Charge:

Names of witnesses

Property found

Date and hour of despatch

Signature of investigating Officer.

(1) Name, Address and occupation of complainant or informant

Name and address of accused persons not sent up for trial, whether arrested or not arrested, including absconders (show absconders in red ink)	Names and addresses of accused persons sent up for trial		Property (including weapons) found with particulars of where, when and by whom found and whether forwarded to Magistrate	Witnesses		Charge or information. Name of offence and circumstances connected with it in concise detail and under what section of law charged
	In custody	On bail or recognisance		Name and address	What points each witness is called to prove	
1	2	3	4	5	6	7

Despatched at.....on.....19....

Signature of Investigating Officer

FORM No. 130
Vakalathnama

In the Court of.....

C. C.
M. C.
P. E.
Appeal

No.....of.....19:.....

(Cause-title)

I,do hereby appoint and retain
Shri..... Advocate (Pleader) to appear for me in the
above and to conduct and prosecute (or defend) the same and all proceedings
that may be taken in respect of any application therein. I empower my, the
said Pleader to appear in all miscellaneous proceedings in the above matter
and to produce in Court any money, document or valuable security on my
behalf, to apply for their return and to receive back the same to
apply for and obtain copy of all documents in the record of the
proceedings, to draw any moneys that may be payable to me in the above and
I do hereby agree that everything lawfully done or made by my the said
advocate (Pleader) in the conduct of the matter shall be as valid and binding
on me as if done by me in person.

Signed this the.....day of.....19.....

Witnesses:—

- 1.
- 2.

Accepted.

(Sd.)

Advocate (Pleader)

Date.....

FORM No. 131

Affidavit or Solemn Affirmation

(Cause-title)

1. I, A. B., son of C. D. and (Here state religion) of.....
years of age, (here state occupation) residing at.....
do solemnly and sincerely affirm (or make oath and say) as follows:—

- 1.
- 2.
- 3. (Concluding portion of affidavit)..

“What is stated above in paragraphs.....is true to my
knowledge and what is stated in paragraphs.....
is stated on information and belief derived from records and/or obtained
from.....and I believe the same to be true.

Solemnly affirmed or sworn at the
office of.....
.....
(this day of.....).

(Signed)

A. B.

Before me,

(Signed) G. H.

Designation.

FORM No. 132

Certificate to be endorsed on an exhibit to an affidavit

(Short-cause-title)

This is the exhibit marked "p" referred to in the affidavit of A. B. sworn
(or affirmed) before me this day of

(Signed) C. D. (Designation)

FORM No. 133

**Certificate when deponent is unacquainted with the
language of the affidavit or is blind or illiterate**

Solemnly affirmed or sworn at the office of the
..... this day of ..
before me the contents of this affidavit (or solemn) (affirmation) (and the
exhibits therein referred to) having been first truly and audibly read over to
the deponent in Malayalam, he being unacquainted with English (or being
blind) and he appeared perfectly to understand the same, and made his mark
thereto (or signed the same) in my presence.

(Signed) G. H. (Designation)

APPENDIX B—ADMINISTRATIVE FORMS

FORM No. 1

(Criminal Registers and Statements)

Register of occurrences reported to the Magistrate at during the year 19.....

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Serial No. in the Register	Number on the Police Register	Date of occurrence	Date of occurrence report	Date of receipt of report by the Magistrate	Name and rank of reporting Police officer	Full name of complainant (if any) with the name of House, Muri, and Poverty	Full name of accused (if any) with the name of House, Muri, and Poverty	Particulars of event reported	Proceeding taken by the Magistrate on the report	Nature of the final report of the Police	Date of final report of Police	Date of receipt of final report by the Magistrate	Final order of the Magistrate	Date of Magistrate's final order	Remarks

FORM No. 2
 Register of applications for the remand of accused persons to custody made by the Police to the Magistrate's Court of during the year 19.....

Serial No. in the Register	No. and year of the case in the Station Register	Name of Police Station	Name, description and place of residence of the accused for whose detention remand is applied for Particulars of the offence under investigation with Law and Section	Date of offence	Date and hour of arrest of accused	Serial No. or Nos. of the previous applications for remand of the same person	Period for which the accused has already been in Police custody	Name of officer making the present application	Date and hour of making the application	Date and hour of receipt of application by Magistrate	A short summary of the evidence collected against the accused especially after the last remand	Order of the Magistrate with signature and date	Remarks
----------------------------	--	------------------------	---	-----------------	------------------------------------	---	---	--	---	---	--	---	---------

FORM No. 2
 Register of applications for the remand of accused persons to custody made by the Police to the
 Magistrate's Court of during the year 19

Serial No. in the Register	No. and year of the case in the Station Register	Name of Police Station	Name, description and place of residence of the accused for whose detention remand is applied for Particulars of the offence under investigation with Law and Section	Date of offence	Date and hour of arrest of accused	Serial No. or Nos. of the previous applications for remand of the same person	Period for which the accused has already been in Police custody	Name of officer making the present application	Date and hour of making the application	Date and hour of receipt of application by Magistrate	A short summary of the evidence collected against the accused especially after the last remand	Order of the Magistrate with signature and date	Remarks
----------------------------	--	------------------------	---	-----------------	------------------------------------	---	---	--	---	---	--	---	---------

FORM No. 3

Register of Referred Charges received in the
Magistrate's court of during the year

Serial number in the Register	Number in the O. currence Register	Date of occurrence report	Date of Referred Charge	Date of receipt of Referred charge by the Magistrate	Name and rank of Police Officer making Reference	Full name and description of complainant	Full name and description of accused	Summary of the facts of the case	Proceedings taken by the Magistrate on the Reference	Nature of final order on the Referred charge	Date of final order	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13

FORM No. 4

Register of Calendar and Preliminary Register Cases received

Number of Calendar Case	Name of complainant or station from which charge sheet was received with date and number of charge sheet	Number and name of accused	Offence complained of and section of law	Date of					Result	Date of delivery of record into record-room with Record-keeper's initials	Remarks (if a case has been treated as a long pending one, note the fact here in red ink)
				Receipt of report or complaint	Apprehension of the accused or of the appearance in court	Commencement of trial	Decision				
1	2	3	4	5	6	7	8	9	10	11	

Instructions.—(1) The first few pages should be set apart for preliminary Register cases which should be numbered separately from Calendar Cases. In murder cases it should be stated in the Remarks Column whether the accused can afford to pay a pleader.

- (2) The despatch seal should be obtained in the last column of the Register in token of transmission to the District Magistrate of copies of judgments and orders. In cases required to be included in the monthly statement prescribed, the fact of their inclusion should also be noted in the last column.
- (3) The Register should be checked by the presiding Magistrate every month and omissions rectified.

FORM No. 5

Register of Miscellaneous and Maintenance Cases received

Number	Name and residence of petitioner, if any, or designation of officer by whom reported	Name and residence of defendant	Section and chapter of the Criminal Procedure Code under which proceedings are instituted	Result	Date of			Date of delivery of record into Record-room, with Record-keeper's initials	Remarks
					Receipt of petition or report	Commencement of inquiry	Order		
1	2	3	4	5	6	7	8	9	10

- Instructions.*—(1) Applications for transfer of criminal cases and all proceedings under the Code of Criminal Procedure which are not entered in Forms Nos. 2 to 4 and 27 should be entered in this Register.
- (2) The despatch seal should be obtained in the last column of the Register in token of transmission to the District Magistrate of copies of judgments and orders.
In cases required to be included in the monthly statement prescribed in Rule 142, the fact of their inclusion should also be noted in the last column.
 - (3) The Register should be checked by the presiding Magistrate every month and omissions rectified.

FORM No. 6

Register of Criminal Miscellaneous Petitions in the
 Court of for the year 19....

Serial No. of the pe- tition	Date of receipt of peti- tion in court	Number and year of the case or proceeding to which the petition relates together with the name of court or station	Name and des- cription of pe- titions and his position in the case or procee- ding	Short abstract of the petition	Order of the court with si- gnature and date	How the or- der was execu- ted with date of execu- tion

Description of offence	No. of offences		No. of persons sentenced to														No. of persons confined being insane		
	Balance from past year 195	Committed during the pre-sent year 195	Total	No. of cases disposed of during the past year 195		No. of cases disposed of during the present year 195		No. of persons apprehended		No. of persons convicted		Simple Imprisonment	Rigorous Imprisonment	Simple Imprisonment and fine	Rigorous Imprisonment	Fine only		Whipping only	Total
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17			
<p style="text-align: center;">Description of offence</p> <p style="text-align: center;">I</p> <p>Offences under the Indian Penal Code, Act XLV of 1860</p> <p>Chapter XVI</p> <p>Offences affecting human body</p> <p>Offences affecting Life</p> <p>Causing mischief, injuries to unborn children, exposure of infants and concealment of birth</p> <p>Hurt</p> <p>Grievous hurt</p> <p>Wrongful restraint and wrongful confinement</p> <p>Criminal force and assault</p> <p>Kidnapping abduction, slavery and forced labour</p> <p>Rape and attempt at rape</p> <p>Unnatural offence</p>																			
<p>Murder attempt at murder and abetment of murder</p> <p>Culpable homicide not amounting to murder</p> <p>Attempt at and abetment of suicide</p> <p>Causing death by rash or negligent acts</p>																			

Description of offence	No. of offences			No. of persons sentenced to												
	Balance from past year 195	Committed during the present year 195	Total	No. of cases disposed of during the past year 195	No. of cases disposed of during the present year 195	No. of persons apprehended	No. of persons convicted	Simple Imprisonment	Rigorous Imprisonment	Simple Imprisonment and fine	Rigorous	Fine only	Whipping only	Total	No. of persons acquitted or discharged	No. of persons confined being insane
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Chapter XVIII. Offences relating to documents and to trade and property marks Chapter XVII Offences affecting Property Theft Extortion Robbery Dacoity Criminal misappropriation of property Criminal breach of trust Receiving stolen property Cheating Fraudulent deeds and disposition of property Mischief by fire Mischief by killing or maiming animals Other mischiefs Lurking house-trespass or house-breaking Criminal trespass and other offences relating to possession of property																

FORM No. (e) 7—(cont.)

Description of offence	No. of persons dead during or before trial	Forms of Imprisonment										No. of persons involved in cases given in column 30	No. of persons committed and referred for enhanced punishment	Remarks					
		18	19	20	21	22	23	24	25	26	27				28	29	30	31	32
<p>Chapter XVII Offences affecting Property</p> <p>Theft Extortion Robbery Dacoity Criminal misappropriation of property Criminal breach of trust Receiving stolen property Cheating Fraudulent deeds and disposition of property Mischief by fire Mischief by killing or maiming animals Other mischiefs Lurking house-trespass or house-breaking Criminal trespass and other offences relating to possession of property</p>																			
<p>Chapter XVIII. Offences relating to documents and to trade and property marks</p>																			

Offences under the Indian Penal Code, Act XLV of 1860

FORM No. (a) 7—(cont.)

Description of offence	No. of offences		No. of persons sentenced to														No. of persons confined being insane
	Balance from past year 195	Committed during the present year 195	Total	No. of cases disposed of during the past year 195		No. of cases disposed of during the present year 195		No. of persons convicted		Imprisonment		Imprisonment and fine		Fine only	Whipping only	Total	
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
Dangerous Drugs Act																	
Electricity Acts																	
Epidemic Diseases Act II of 1073																	
Explosives Act																	
Factories Act																	
Food Adulteration Act																	
Forest Act																	
Game and Fish Protection Act XII of 1089, VI of 1091 and XI of 1097																	
Hackney Carriages Act																	
Income-tax Acts																	
Irrigation Act																	
Lunacy Act																	
Market Act VII of 1092 and VI of 1109																	
Motor Vehicles Act																	
Motor Vehicles Taxation Act																	
Municipal Acts																	
Opium Act																	

Offences under Special and Local Laws

FORM No. (a) 7 - (cont.)

Description of offence	No. of persons dead during or before trial	Forms of Imprisonment											Awaiting Trial (cases)	No. of persons involved in cases given in column 30	No. of persons committed and referred for enhanced punishment	Remarks	
		Under one month	From one to two months	From two to three months	From three to six months	From six to twelve months	From one to two years	From two to three years	From three to five years	Above five years	Imprisonment for Life	Capital Punishment					
Dangerous Drugs Act																	
Electricity Acts																	
Epidemic Diseases Act II of 1073																	
Explosives Act																	
Factories Act																	
Food Adulteration Act																	
Forest Act																	
Game and Fish Protection Act XII of 1089, VI of 1091 and XI of 1097																	
Hackney Carriages Act																	
Income-tax Acts																	
Irrigation Act																	
Lunacy Act																	
Market Act VII of 1092 and VI of 1109																	
Motor Vehicles Act																	
Motor Vehicles Taxation Act																	
Municipal Acts																	
Opium Act																	

Offences under Special and Local Laws

FORM No. (a) 7—(cont.)

Description of offence	No. of offences		No. of persons sentenced to														No. of persons confined being insane					
	Balance from past year 195	Total	Simple	Rigorous	Imprisonment	and fine	Rigorous	Simple	Imprisonment	Whipping only	Total	No. of persons acquitted or discharged										
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17						
Toll Recovery Act																						
Treasure Trove Act																						
Weights and Measures Acts																						
Wrecks and Salvage Act I of 1108																						
Wireless Telegraphy Act																						
NOTE.—The Acts mentioned above are not exhaustive and additions may be made when necessary																						
Total																						
Grand Total																						

Offences under Special and Local Laws

FORM No. (a) 7—(cont.)

Description of offence	Forms of Imprisonment											No. of persons dead during or before trial	No. of persons involved in cases given in column 30	No. of persons committed and referred for enhanced punishment	Remarks			
	18	19	20	21	22	23	24	25	26	27	28					29	30	31
Toll Recovery Act																		
Treasure Trove Act																		
Weights and Measures Acts																		
Wrecks and Salvage Act I of 1108																		
Wireless Telegraphy Act																		
NOTE.—The Acts mentioned above are not exhaustive and additions may be made when necessary																		
Total																		
Grand Total																		

Offences under Spial and Local Laws

FORM No. 8—(cont.)

Number of persons sentenced to													Remarks *					
Fine												Whipping						
50 Rs. to 100 Rs.	100 Rs. to 500 Rs.	500 Rs. to 1,000 Rs.	1,000 Rs. to 500 Rs.	500 Rs. to 1,000 Rs.	Above 1,000 Rs.	Alone	With other punishment	Amount imposed	Amount realised	Amount paid as compensation (Section 545, Criminal Procedure Code)	In addition to other punishment			In lieu of other punishment†	Number of stripes			
21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
Number of persons subjected to Section 23 of Act XII of 1125 or admonished under Act 31 of 1120 (Travancore) or whose guardians were bound over under Acts IV of 1079 (Travancore) or of XVIII of 1095 (Cochin) or the Children Acts (32 of 1120—Travancore—or 36 of 1111—Cochin)																		
Number of boys whose sentences were commuted to detention in a certified school																		

*Here enter number of persons whipped after first and second or subsequent conviction.

†Note also offence for which whipping is awarded.

‡Note—"juvenile" or "others" to be noted in manuscript against the relevant entries.

FORM No. 9

Register of long pending cases

Serial No.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
	Date and number of the order authorising the transfer to this register	Date of entry in this register	No. and year of the case	Description of the accused	Description of the offence	Date of the offence	Date of issue of Proclamation under Section 87 of the Criminal Procedure Code	Date fixed for appearance	Date of attachment under Section 88, Criminal Procedure Code	Description of property attached	Method and date of disposal of the property attached	Date of recording evidence under Section 512, Criminal Procedure Code	Date of appearance or death of accused	Date on which the insane accused is found capable of making his defence	Remarks	

FORM No. 10
Dairy Register
 (Sessions and Magistrates' Courts)

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

Note.—This is the diary for each individual case.

FORM No. 11
Register of Daily Cause List

Date and day of the week.....

No. and year of the case	Date of file	Nature of the offence	Name of Pleader or party and his position in the case	Purpose for which posted	Remarks with the date of adjournment
1	2	3	4	5	6

FORM No. 12

Diary Register for the day
 In the Court of.....

Date	Time of the commencement of the proceedings	Number of cases posted to or taken up during the day	For what purpose posted	Progress during the day	Adjourned to what date and why	Time when proceedings of the day ended

Magistrate

FORM No. 13

Diary Register for each case

Adjournments

For complaint or prosecution		For accused		For Court
No. of petition	Date to which adjourned or otherwise	No. of petition	Date to which adjourned or otherwise	
Date and reasons				

In the Court of.....
 Calendar Case No.....
Preliminary Enquiry No..... of 19....
 Summary Case No.....
 Prosecution or complaint.....
 Accused.....
 Complaint or Police report.....
 Date of first hearing.....
 Apprehension of accused.....
 Bail, if granted, date.....
 Examination of Prosecution.....
 From..... to..... on.....
 From..... to..... on.....
 Documents admitted in evidence for Prosecution.....
 Exhibits Nos..... to.....
 Documents admitted in evidence.....
 For defence.....
 Exhibits Nos..... to.....
 Trial closed on.....
 Argument heard on.....
 Judgment or order on.....

Date of commencement..... Progress and orders if any.....
 Adjourned to of enquiry or trial.....

FORM No. 14

Register of Court-fees and Process fees received

Case Number	Court-fees in stamps						Remarks
	Process fees			Other fees			
	Rs.	A.	P.	Rs.	A.	P.	
1	2			3			4

FORM No. 17

Register of Batta and Travelling Allowance to Witnesses in
Criminal case No. on the file of the
Court for

Names of witnesses		Travelling Allowance					Batta		Total batta and travelling allowance	Certificate of Head Clerk or Magistrate of comparison with Register No.	Receipt of party to whom payable	Remarks
		What class	Number of class by rail or rate of mileage by road	Number of miles by road	Amount of railway fare or mileage by road or actual expenses by sea or canal	Amount of actual expenses of carriage by road not exceeding eight annas a mile	Actual cost of carriage hire to and from court of first class witness on days of attendance (see Criminal Rules of Practice, Chapter XIV)	Number of days				
1	2	3	4	5	6	7	8	9	10	11	12	13

FORM No. 18.

Register of Orders of Judge or Magistrate on Witnesses' Batta and Travelling Allowance

Number of case	Names of witnesses	Signature of the witness on the first day of his appearance	Whether the witness was present on				Judge's order fixing the			Initials of the Judge	Remarks
			Second day	Third day	Fourth day	Fifth day	Class of the witness	Number of days for which batta is payable	Distance for which mileage is payable with the name of the village and the nearest railway station		
1	2	3	4	5	6	7	8	9	10	11	12

FORM No. 20

Register of Batta and Travelling Allowance to Assessors in Criminal Case No.
 on the file of the Court, for 19.....

Names of assessors	Travelling allowances							Batta		Total batta and travelling allowance	Certificate of Head Clerk of comparison with Register No.	Receipt of party to whom payable	Remarks
	Rate of mileage by road	Number of miles by road	Amount of Railway fare or mileage by road or actual expenses by sea or canal	Amount of actual expenses of carriage by road not exceeding two annas a mile	Actual cost of carriage hire to and from court of assessors on days of attendance	Number of days	Rate per diem						
1	2	3	4	5	6	7	8	9	10	11	12		
	Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.					

Note.—(1) The word "fines" includes any amount recoverable as fine, and forest and excise composition fees or expenses of prosecution.

(2) If a fine is collected while the person on whom it has been imposed is in jail intimation of its collection must be sent at once to the Superintendent of the jail and the fact noted in column 23—See Rule 241 of the Criminal Rules of Practice.

(3) In the case of a remission entered in columns 18 and 19 a note "Remitted on appeal" should be made against the entry in column (23).

(4) The attention of Judges and Magistrates initialling under columns 8, 11 and 17 is invited to the fact that such initials show that they have satisfied themselves that the fines imposed are taken to demand, collected and credited to the treasury. No entry shall be expunged from the register without attestation by the Judge or Magistrate.

FORM No. 26

Register of Refund Certificates and Deposit Vouchers issued

Month and date of certificate or voucher	Name of Court which imposed the fine and number of case on its file	Name of court which sanctioned the refund or compensation and date of judgment and number of the case	Name and residence of the individual to whom the refund or compensation order was granted	Amount ordered to be paid	Date on which the refund certificate or deposit voucher was delivered to the party or his agent, if before, the court or of its despatch to him and the lower court	Signature of the party or agent in token of having received the certificate or voucher	Remarks
1	2	3	4	5	6	7	8

FORM No. 27

Register showing the disposal of Referred Charge Sheets

Number	Name of Police Station	Number of referred charge sheet and section of law	Date of receipt by Magistrate	Purport of order with date	Date of communication of the order to Superintendent of Police	Date of delivery of record into Record Room with Record-keeper's initials
1	2	3	4	5	6	7

FORM No. 28
Register showing the Disposal of Property produced in Inquiries and Trials

Number of case or date and number of charge sheet with name of station	2	3	4	5	6	7	8	9	10
	Description of property	Initials of the Judge or Magistrate	Particulars of order for disposal and section of law with date	If returned to party producing it, or his agent, signature and date	Initials of the Judge or Magistrate	If sold by auction the date of auction and the amount realised	Date of remittance of sale proceeds to Treasury	Initials of the Judge or Magistrate	Remarks of inspecting officers (if any)
1						7			

INSTRUCTIONS

1. This register shall be inspected at least once in three months by the presiding Judge or Magistrate who will check the valuables and record the result of his inspection in the column for remarks.
2. A fresh register shall be opened every year and the outstanding items shall be brought forward from the register of the previous year.
3. When valuables are sent to the District or other Magistrate for disposal, a triplicate form of receipt shall be used, one part of which will be the office copy, the other two will be sent to the Magistrate of which one will be checked and signed by him and pasted in this register on receipt in the Sessions Court.
4. Along with its quarterly returns each Criminal Court will send a certificate of having checked the valuables with the register.

FORM No. 31
 Statement of old useless records destroyed and sorted for destruction
 in the Court of until the 19..

Remarks	
Destroyed	Records Up to (year) inclusive
	Original documents Up to (year) inclusive
	Accounts, office copies of accounts, returns, &c. Up to (year) inclusive
Ready for destruction, the term fixed in the notice published having expired	Records Up to (year) inclusive
	Original documents Up to (year) inclusive
	Accounts, office copies of accounts, returns, &c. Up to (year) inclusive
Ready for destruction, but the term fixed in the notice published has not expired	Records Up to (year) inclusive
	Original documents Up to (year) inclusive
	Accounts, office copies of accounts, returns, &c. Up to (year) inclusive
Lists are ready but notice has yet to be published	Records Up to (year) inclusive
	Original documents Up to (year) inclusive
	Accounts, office copies of accounts, returns, &c. Up to (year) inclusive

FORM No. 35

Register of Criminal Revision Petitions received in the Court of..... during the year 19....

Serial number of the petition	Date of receipt of petition in Court	Name of the original court and the number and year of the case or proceeding on the file	Name and description of petitioner and his position in the case or proceeding	Prayer in petition	Order of the court with signature and date	Date and manner of execution of the order

FORM No. 36

Register regarding the submission of Calendars

The Number of case or proceedings	The date of judgment or order	The date of submission of the Calendars	The court to which the calendars have been sent	The date of return of the calendar after review	Order, if any on the review	Remarks

FORM No. 37

Register of Calendars received*(Sessions Courts and District Magistrates)*Calendars received from the.....Class Magistrate of.....
.....(*)

Serial No. of Case	Date of		If records called for number on Revision file	Remarks
	Receipt of Calendar	Perusal of Calendar		
1	2	3	4	5

* Here enter Calendar Cases and Summary Trials or Appeals.

FORM No. 38

Register of Calendars received*(Sub Divisional Magistrates)*Calendars received from the.....Class Magistrate of.....
.....(*)

Serial No. of Case	Date of				Subsequent proceedings, if any
	Receipt of Calendar	Return to Magistrate	Receipt of reply	Submission to District Magistrate	
1	2	3	4	5	6

* Here enter Calendar Cases, Miscellaneous Cases or Preliminary Registers.

FORM No. 39

**Register showing the remarks on Calendars and Judgments and
the replies received from.....(name).....(Class of
Magistrate) District**

Name of court and number of case	Remarks of the Sub-Divisional Magistrate or District Magistrate and his initials and date	Replies of the Magistrate with date
1	2	3

FORM No. 42
Sessions
Statement of fines imposed, collected and refunded in the Court of the Magistrate
 during the month of

No. and year of the case	Name of party	Fines imposed		Collection in the month	Compensation granted under Section 250 and 545, Indian Crl. Pro. Code and credited to deposit	Fines creditable to local bodies	Net amount credited to Magisterial fines	Amount written off	No. and date of the order sanctioning the writing off	Fines cancelled on appeal before realisation	Balance	Amount refunded	Year, month and date of refund	Initials of the officer in token of refund	Remarks
		Up to the month and remaining uncollected	In the month												
		Amount	Amount												
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

* If any portion of the amount shown in this column was collected in the previous month after the date of last remittance to the Treasury, the date of collection with the amount collected shall be shown in the column of remarks.
 I Sessions Judge/Magistrate of hereby certify that the above is a correct statement of fines imposed and levied in my Court during the month of.....

*Magistrate or
Sessions Judge*

FORM No. 43

Statement of cases in which sanction to write off is requested

Number and year of case	Name of accused	Amount of fine	Date of sentence	Steps taken to realise the fine	Remarks
1	2	3	4	5	6

FORM No. 47

District of		Refund of Revenue						Voucher No. of		Signature of
Head of service chargeable		1. — Refunds and drawbacks						List of payments for 19.....		
1	2	3	4	5	6	7	8	9	10	11.
In whose name credited	On what account received	Amount realised	Day of payment into Treasury	Amount in which included and head to which credited	Treasury officer's signature in token of verification of Treasury credit	Name of payee	Amount to be refunded	Reasons and authority for refund	Certificate of Departmental Note of refund	
		Rs. A. P.		Rs. A. P.			Rs. A. P.	Reasons Authority Sanctioned Controlling Officer, ors No. dated	This order of refund has been registered and noted against the original receipt entry in the departmental account under my initials and previous order for refund of the same sum has not been issued. Signature..... Designation..... Date.....	

Passed for payment.

Magistrate or other Officer.

The.....19.....
Examined.

Pay Rupees.....(.....)

Accountant.

(Officer-in-charge of Treasury.)

FORM No. 48

Statement showing the number of cases pending at the
end of.....in the Court of
the Magistrate of.....

Calendar as well as Register number	Pending over			Date of filing	Descrip- tion of offence	Cause of pendency
	One month	Three months	Six months			
1		3	4	5	6	7

Note.—The number of the last Calendar Case, Miscellaneous Case or Preliminary Register Case should be entered.

FORM No. 49

(To be submitted by the Committing Magistrate to the District Magistrate)
**Sessions Statement showing the details of cases committed to the Court of Session at..... or.....
 for the month of.....19....**

Name of the Com- mitting Court	Number of the cases on the Committing Court's file	Number, name, sex, and age of accused	Nature of offence charged and section of the I.P.C. or other law	Date of				In Jail or on bail or otherwise	Number of witnesses bound over to the Court of Session	Remarks
				Offence complaint	Report or arrest	Appre- hension for appear- ance	Commit- ment			
1	2	3	4	5	6	7	8	9	10	11

- Instructions:—1. To be submitted by the Committing Magistrate to the District Magistrate direct, on the date on which the case is committed.
2. Duplicate to be annexed to the copy of the Preliminary Register.
3. In case of murder, the Committing Magistrate should state in the remarks column that he reported to the Sessions Court as to whether the accused is able to employ a Pleader.
4. The Preliminary Register number should be given in column 2.

FORM No. 50—(cont.)

1. District Magistrates should compile (in duplicate) a statement for each month by filling in columns 1 to 11 and forward it to the Sessions Court not later than the 8th of the month to which the statement relates except for the months of March, April and May for which a consolidated statement will be compiled at the beginning of June.
2. District Magistrates should include in the statement all cases which await trial (whether committed in the month or previously) arranged in the order in which they were committed.
3. On the termination of each session and in no case later than the 8th of the succeeding month the Sessions Judge should have columns 12 to 18 filled in and should submit one of the copies to the High Court, returning the other to the District Magistrate.
4. The number of cases dealt with in the body of the statement should correspond with the total given in the abstract.
5. Under the heading "postponed" cases which are simply adjourned should not be included. Only cases such as the following should be included, viz.,
 - (a) Cases awaiting orders of the High Court on an application of reference under Section 215 Criminal Procedure Code.
 - (b) Cases in which the accused is directed to be kept under observation of a medical officer for suspected lunacy.
 - (c) Cases adjourned pending disposal of an appeal or revision in respect of another trial in respect of the same accused person.
6. In all cases shown as pending the actual dates of hearing fixed for them should be given in the column for remarks.

*Column 18.—

	Abstract.
Duration of Sessions—Days.	
Pending from last	Cases, Persons
Sessions	
New	
Total	
Disposed of	
Referred	
Postponed	
Pending from this Sessions	

FORM No. 52—(cont.)

Instructions:—

- Col. 1 Sub-head 6.*—Complainants fined under Section 250, Criminal Procedure Code, are not to be entered as convicted in Statements II (Part I), IV (Part I) or V (Part I) but the fact of the fines having been imposed may be noted in the column of remarks of Statement II (Part I) against the complainants preferred by them. The number of complaints should be entered in columns 2, 3 and 4 and the complainants in columns 5 to 8. The sub-head should also show all accusations dealt with under Section 250 whether the complainant appeared in the court or not.
- Col. 1 Sub-heads 2 and 3.*—Cases under Sections 107, 108, 109, 110, 118, 120 and 123, Criminal Procedure Code, will also appear in Statement IV (Part I) and under the appropriate head of the schedule in Statement II (Part I) with which the figures should agree. Persons convicted under these sub-heads 2 or 3 required to give security or recognizance or both under Sections 120 and 123, Criminal Procedure Code, will also appear in and agree with Statement V (Part I).
- Col. 1 Sub-heads 4, 5 and 8.*—Cases under these sub-heads will not appear in Statements II (Part I), IV (Part I) or V (Part I).
- Cols. 2 and 5.*—Show the number actually for disposal excluding those transferred to other courts.
- Col. 11 Sub-head 3.*—Show in the column of remarks the number sentenced to rigorous imprisonment.
- Col. 11 Sub-head 9.*—Show in columns 9 and 13 the amount of deposits or bonds, and the amount forfeited or realised as the case may be, and in column 11 of the persons ordered to be imprisoned under Section 51.

FORM No. 53
 (To be submitted to the High Court by the Sessions Judge on the 15th day after the close of each quarter)
 District Magistrate on 22nd day
 Quarterly Statement B, Part 1—(Leading to Annual Statement No. IV, Part I)—Showing the number, general result of enquiries and trials in the Court of.....quarter of 19....

Name of Court	Number of working days in the Criminal Department		Cases										Persons brought to trial		Number of witnesses			Remarks							
	1	2	Disposed of		Pending		Total number for disposal						Number of persons to whom												
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26
			By rejection of complaints under Section 203, Criminal Procedure Code	By dismissal under Section 204 (3) or by discharge or acquittal of accused under Sections 247, 248, 259 or 345, Criminal Procedure Code before they appear in Court	Struck off as false after the appearance of the accused	By transfer, death or escape of accused	Otherwise	In which the accused have appeared	In which the accused have not appeared	Pendency, in days of the oldest pending case (column 9)	Aggregate	Average	Total number for disposal	Transferred, died or escaped	Discharged or acquitted	On regular trial	On summary trial	Committed or referred	Total of columns 16 to 18	Pending	Examined	Required to attend on more than three days	Whipping might have been awarded	Whipping was awarded	
Corresponding cols. of the annual statement								8			9	10	14	14	15	16 to 19	20 to 23	25	26	27	28	29			30

FORM No. 53—(cont.)

- Instructions:—(a) Column 2—Where a day is devoted to several branches of work, the day should be apportioned to each branch of work as accurately as circumstances admit of. "Six hours" shall be taken as constituting a full working day for the purpose of this return.
- (b) Column 3 should show all cases brought before the Magistrate, whether or not the accused appeared in Court.
- (c) The total of columns 6 and 8 should agree with column 7 of Annual Statement No. IV, Part 1.
- (d) In each sheet of this Form entries should be made in Part 1 with reference only to such Courts as are shown in Part 2 of the same sheet.
- (e) Cases need not be distinguished into those under Sections 347 and 349, Criminal Procedure Code, and other cases, nor need the work of each court be distributed according to the classes of powers of the presiding Magistrate. It is sufficient if the work of each court is shown.
- (f) Column 6 should show only cases in which accused have appeared.
- (g) Columns 14 to 25 should show only the accused who have appeared in court.
- (h) For other instructions, see those given for the corresponding columns in the Annual Statement.

FORM No. 54

Statement B, Part 2—Showing the details of the detention
of persons for inquiry or trial

Name of Court	Number of persons pending inquiry or trial (column 21 of Part 1)				Remarks by way of explanation of the entries in columns 3 and 4
	Two months and under	Over two months	Over six months	Total	
1	2	3	4	5	6
In custody Not in custody					
In custody Not in custody					
In custody Not in custody					
In custody Not in custody					
In custody Not in custody					
In custody Not in custody					
In custody Not in custody					
In custody Not in custody					
In custody Not in custody					
In custody Not in custody					
In custody Not in custody					

FORM No. 55
 (To be submitted to the High Court on the 15th day after the close of each quarter)
Quarterly Statement C, Part 1.—(Leading to Annual Statement No. VI)—Showing the business of the Criminal Courts as Courts of Appeal and Revision in the district of..... for the..... quarter of the year 19.....

Name of the Court	Number of appeals and cases for revision							Duration in days of cases in col. 4		Number of appellants and persons concerned in cases for revision										Remarks								
	Total for disposal		Disposed of		By transfer, death or escape	Otherwise	Still pending	Pendency in days of oldest pending appeal or revision case	Aggregate	Average	Total to be dealt with	Transferred, died or escaped	Appeals or applications rejected	Sentence or order confirmed	Sentence, or order reduced or otherwise modified	Sentence reversed	Proceedings quashed or order reversed	New trial or further inquiry ordered	Referred		Total of cols. 11 to 17	Still pending						
			of accused	Otherwise																			Still pending					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
Corresponding columns of the Annual Statement	6	7	9	10		11	12	18	18	20	21	22	23	24	25	26	27	28	29									
Appeal Revision																												

Instructions:—Cols. 2 and 9 include cases taken up suo motu for revision, and persons therein.
 Note.—For other instructions, see those given for the corresponding columns in the Annual Statement.

FORM No. 56

**Quarterly Statement C, Part 2—Showing the details of the
pendency of Appeals and Cases for Revision, as
regards the persons concerned**

Name of the Court	Number of persons, pending trial				Remarks by way of explanations of the entries in columns 3 and 4
	Two months and under	Over 2 months	Over 3 months	Total	
1	2	3	4	5	6
Appeal					
Revision					

FORM No. 57—(cont.)

Instructions:—

Note.—(a) Persons committed or referred (Sections 123, 347, 349, etc.), should not be included in this statement by the Committing or Referring Magistrate, who will only enter the cases of such persons in cols. 8 to 10. The Courts to which the persons are committed or referred will if their cases are decided, show the results in columns 11 to 17, and if not decided, account for them in column 18 against each head of crime to be noted in columns 1 and 2.

(b) If the entry in column 25 of Annual Statement No. IV part I be deducted from that in column 13 of that Statement, the difference should correspond with the entry in column 11 of this statement.

Cols. 1 and 2.—These should give the nomenclature and head of crime, etc., as in the schedule of offences, which must be strictly adhered to.

Cols. 3 and 14.—Information for these columns must be worked out exclusively from the office File Book of cases instituted. Include cases received by transfer and exclude those transferred. All offences (cases) of which information was given, complaint made to or cognizance taken by a Magistrate under Chapters IV, V, XIV, XV and XVI Criminal Procedure Code for the first time during a year, are to be shown although some of the charges may not have been prosecuted, or may have turned out to be false. As to cases taken up on Police report, only those in which the Police forward the accused under custody to a Magistrate or otherwise secure the appearance before such Magistrate under Section 170, Criminal Procedure Code should be included in these columns.

Col. 6.—All cases other than those in column 5 in which a Magistrate declared that the charge was false and that the offence never occurred, should be included in this column.

Col. 9.—i. e., all cases whether instituted or reported within the year or in the previous year, and whether true or false, serious or frivolous, in which an accused person has appeared personally or by an agent before a court.

The total of columns 3 and 4 should agree with that of columns 5, 6, 7, 8 and 10.

Col. 12.—Show in the column of remarks the number transferred to other courts within the State. Show also the number of persons who died, escaped, or were transferred respectively out of the total number of persons shown in this column.

Cols. 14 to 17.—A note should be made in column 19 of the persons dealt with under Section 562, Criminal Procedure Code, and shown as convicted in these columns.

FORM No. 58—(cont.)

Instructions

Note.—The work of Magistrate should be shown distributed not only according to the several courts but according to the classes of their powers, which should be stated therein. Where a court was presided over in a year by Magistrates of different powers, the work of the Magistrates under each class of power should be shown separately against the court.

Cols. 3, 4, 7 and 12.—Cases committed or referred will be treated by the committing or referring courts as disposed of (col. 7). The courts receiving them will show the cases in cols. 3 or 4 as the case may be, and the persons in col. 12.

Col. 5.—In this column should be shown cases in which accused have appeared and not all the cases accounted for in quarterly Statement B.

Cols. 8 and 27.—The case of an insane accused who has been dealt with under Section 466, Code of Criminal Procedure, should not be kept on the file and shown as pending. If the case is at any time resumed, it should be shown in the returns as new case.

Cols. 9 and 10.—In Magistrate's Courts, the pendency of cases should be calculated from the earliest date of the apprehension or appearance of any of the accused whichever was the earlier; and in respect of cases received by transfer or reference, from the date of receipt of order of transfer or reference. In courts of Sessions, the pendency counts from the date of commitment.

Col. 14.—Show in the column of remarks the number of persons transferred to other courts within the State.

Col. 25.—Persons referred to High Court under Section 374 should be shown in this column and not in the cols. 15 to 24. Persons whose cases were referred to a superior court for higher punishment or for orders under Section 562, Criminal Procedure Code, will be entered in this column and not in columns 16 to 23 against the court making the reference. Against the court receiving the reference they will be shown as convicted or acquitted according to the orders passed by it or as pending, if orders have not been passed.

Col. 29.—The detention of a witness in Magistrate's Court should be calculated from the day of his attendance (pursuant to his summons, recognizance, voluntarily, etc.) up to the date of his discharge and in a Sessions Court, from the first day of the Sessions, unless some other day is fixed in his recognizance, in which case it will be reckoned from the day he attends in accordance therewith, the day on which he attends being always reckoned as one day.

Col. 29.—The number of witnesses detained beyond three days should include all witnesses who are required to attend the Court in connection with any one case on more than three days consecutive or otherwise—not only those who are detained for more than three consecutive days.

FORM No. 59

(To be submitted to the High Court by Sessions Judge on the 15th February of each year)

by District Magistrates on the 15th March

Annual Statement No. V, Part 1—Showing the punishment inflicted by Criminal Courts (Original Jurisdiction)

Name of the Courts	Number of persons sentenced to													Number of persons released on probation under Section 562, Cr. P. C. or subjected to an order under Section 23 of Act XII of 1125 etc. or admonished under Act XXXI of 1120 (Tavancore) or whose guardians were bound over under Acts IV of 1079 (Tavancore) or of XVIII of 1095 (Cochin) or Act XXXVI of 1111 (Cochin) or of XXXIII of 1120 (Tavancore)			For one year and under	For three years and under	Total number of persons convicted (columns 14, 16, 17 and 18)	
	Imprisonment			Whipping			Fine			Number of persons ordered to find or give			In addition to punishment	Without punishment	Security for good behaviour					
	Rigorous	Simple	In addition to other punishment	In addition to other punishment	Juveniles	Others	In lieu of other punishment	Juveniles	Others	In addition to other punishment	Recognize or security to keep the peace	Recognize or security to keep the peace				Total of cols. 2 to 5, 7, 9, 12 and 13				
2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	
District Magistrates																				
Cases received on reference under Section 347 & 349 Cr. P. C.																				
Other cases																				
Other Magistrates																				

Instructions:—
 Note:—(a) This statement is meant to exhibit every sentence passed, and where two penalties are inflicted on the same offender, to exhibit them both: e. g. if a person is sentenced to rigorous imprisonment and fine he will appear in cols. 4 and 8; if to simple imprisonment and fine, cols. 5 and 8; if to rigorous imprisonment to give recognizance to and keep the peace, then in cols. 4 and 15, and so on, but in the case of offence triable jointly under Section 234, Cr. P. C. the sentences passed should be exhibited separately if consecutive, and once only if concurrent.

FORM No. 59—(cont.)

Name of the Courts	Details of ordinary punishments														Number of boys whose sentences were commuted to detention in a Certified School.												
	Number of persons fined						Amount of fines imposed		Amount of fines realised		Amount paid by way of compensation under Section 545 Cr. P. C.		Number of persons sentenced to imprisonment														
	Number of persons sentenced to imprisonment						Amount of those imposed during the year		Amount of those imposed in previous year		Amount of those imposed during the year		Amount of those imposed in previous year			Number of persons sentenced to imprisonment											
	Number of persons sentenced to imprisonment						Amount of those imposed during the year		Amount of those imposed in previous year		Amount of those imposed during the year		Amount of those imposed in previous year			Number of persons sentenced to imprisonment											
	Rs. 10 and under	Rs. 50 and under	Rs. 100 and under	Rs. 500 and under	Rs. 1000 and under	Above Rs. 1000	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42
District Magistrates																											
Cases received on reference under Section 347 & 349 Cr. P. C.																											
Other cases																											
Other Magistrates																											

(b) Persons whose cases were referred to other courts under Sections 346, 347 or 349 for confirmation of sentence should be shown against the court receiving the cases on reference and not against the referring court and the punishment to be shown in this statement, is that if any awarded or sanctioned by the receiving court.

(c) The total of cols. 4, 5, 19 and 20 should correspond with that of cols. 32 to 41; and the total of cols. 8 and 9 with that of cols. 22 to 27, cols. 29 & 30. These columns should show the total fines including compensations under Section 545, Cr. P. C.

(d) Provision of law under which forfeitures or confiscations were ordered respectively should be stated in cols. 6 and 7.

FORM No. 60

(To be submitted to the High Court by Sessions Judges, on the 15th February of each year)
 District Magistrates on the 15th March
 Annual Statement No. VI, Part I—Showing the business of the Criminal Courts as Courts of Appeal and
 Revision in the District of.....for the year 19....

Name of Court	Number of appellants and persons concerned in cases for revision												Number of appellants and persons concerned in cases for revision																
	For trial						Duration in days of cases in Col. 9						For trial						Disposal of										
1	Pending from last year	Registered during the year	Taken up suo motu	Received by transfer or on reference	Total	Transferred or in which the accused died or escaped	Remainder	Disposed of	Still pending	Aggregate	Average	Pending from last year	Whose appeals or applications were filed during the year	Received by transfer or on reference	Taken up otherwise than on application	Total	Transferred or who died or escaped	Remainder	Appeals or applications rejected	Sentence or order confirmed	Sentence or order reduced or otherwise modified	Sentence reversed	Proceedings quashed or order reversed	New trial or further inquiry ordered	Referred	Totals (of cols. 20 to 26)	Still pending	Remarks	
2																													
3																													
4																													
5																													
6																													
7																													
8																													
9																													
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Appeal
Revision

FORM No. 60—(cont.)

Instructions

Cols. 11 and 12.—The pendency of an appeal or application for revision should be calculated from the date of receipt thereof in the office, and of a case dealt with by the Court otherwise than on application, from the date of the order calling for the records.

Cols. 13 to 28.—The words 'persons concerned in cases for revision' apply only to accused persons on whose behalf applications for revisions are made or a Magistrate or Judge takes steps to obtain revision on his own motion. When an application for revision is made by or a case to take up suo motu on behalf of a complainant the fact should be noted in the remarks column with the number of complainants concerned and the accused persons concerned in such cases will be shown in these columns according to the results of the cases.

Col. 16.—This will show the number of persons concerned in the cases entered in col. 4.

Col. 18.—Note in column of remarks the number of persons transferred to other courts within the State.

Col. 20.—Show persons whose appeals were rejected under Section 421, Cr. P. C. or whose applications for revision were refused.

Col. 24.—Show in this column the persons in whose cases proceedings were quashed under Sections 232 and 356 on appeal, or under Section 350 on revision and those in respect of whom orders of discharge were set aside under Section 436, Cr. P. C.

Col. 25.—When a sentence is reversed or proceedings are quashed and a new trial or further enquiry is at the same time ordered, entry should be made in this column only.

Col. 29.—The number of persons dealt with under Section 106 (3) of the Criminal Procedure Code or under Act XXXI of 1120 (Travancore) should be noted in this column.

FORM No. 61

(To be submitted to the High Court by Sessions Judges on 15th February
District Magistrates on 15th March
of each year)

Annual Statement of Proceedings taken under Sections 195 and 476 of the Code of Criminal Procedure

Court	Offences	Cases in which prosecution was undertaken				Remarks
	Mentioned in S. 195 Cl. (1) Code of Criminal Procedure	Number of cases	Number of persons concerned	Number of persons convicted	Number of persons acquitted	
1	2	3	4	5	6	7
	(a)					
	(b)					
	(c)					

FORM No. 62

Refund Order

Case..... of 19.... on the file of the.....
..... Judge of.....
..... Magistrate

I,.....
hereby certify that..... accused in the above case is entitled to a refund of Rupees..... being the amount of fine imposed by the sentence of the Court of the..... Class.....

Magistrate }
reversed. } on appeal by this Court.
} on reference to the High Court.
} by the High Court as a Court of Revision.

..... }
..... 19.... }

Judge
Magistrate

FORM No. 63

A

Form of Index

Suit (Application or Appeal or Calendar) No. of on the file
of the Court of in the District of

Serial number of the paper	Description of the paper and its date	Date when the paper was filed or put up in the case	Number of the part of the record to which the paper appertains	Alphabetical or numerical marks of the exhibits filed	Remarks
1	2	3	4	5	6

B

Table showing the divisions of the record and the description of the paper falling under each division

Criminal

Part I

<i>Class of cases</i>	<i>Divisions of the record and description of the papers falling under each division</i>
Trials (other than summary) [printed Sessions Judgments.]	<ol style="list-style-type: none"> 1. Index. 2. Judgment and sentence, if any (Original and Appellate.) 3. Petition of appeal, or application for revision, or letter of referring court, judgment and order thereon. 4. Charges. 5. Documentary evidence.
Summary trial	All papers including register.
Class of cases	Division of the record and description of the papers falling under each division.
Miscellaneous cases	<ol style="list-style-type: none"> 1. Index. 2. Order and grounds, if any (Original and Appellate). 3. Petition of appeal, or application for revision, or letter of referring court, and judgment and order thereon. 4. Documentary evidence.

FORM No. 63—(cont.)

Part II

- | | |
|----------------------------|---|
| Trial (other than summary) | 1. Warrant of commitment to jail, if any. |
| | 2. Complaints to Magistrates, when acted upon by the Magistrate. |
| | 3. Reports by the Police under Sections 174 and 175 of the Criminal Procedure Code, Act V of 1898, when followed by action on the part of the courts. |
| | 4. Oral evidence. |
| | 5. All papers not already specified. |
| Miscellaneous Cases | 1. Oral evidence. |
| | 2. All papers not already specified. |

C

Table showing the periods prescribed for the retention of various parts of the records in the various classes of proceedings

<i>Name of proceedings</i>	<i>Number of years for which records are to be retained</i>	
	<i>Part I</i>	<i>Part II</i>
1. In trials and appeals—		
(a) Sessions Cases	*20	3
(b) Warrant cases	20	3
(c) Summons cases	5	3
(d) Summary trials—		
(A) Forms kept under Section 263 of the Code of Criminal Procedure and judgment recorded under Section 264 in cases where either (1) some of the accused or parties proceeded against have not been apprehended, or (2) the accused or any of them have been convicted of an offence or repetition of which renders the offender liable to whipping or to enhanced punishment	10	
(B) All other records	3	
(e) All records in criminal cases before Village Magistrates and Village Panchayat Courts except documentary evidence	1	
(f) Documentary evidence in cases, before Village Magistrates and Panchayat Courts	3	
2. In miscellaneous proceedings—		
(a) Maintenance	20	3
(b) Nuisance (Jury)	10	3
(c) Security to keep the peace or for good behaviour	10	3
(d) Other miscellaneous proceedings	3	3

* In cases in which the sentence passed is one of transportation for life, the judgment must be preserved until a report is received of the convict's death or release.

FORM No. 63—(cont.)

D

Table showing the periods prescribed for the retention of the various court registers, books and papers

No.	Description of Court registers, books and papers	Number of years for which registers, etc., are to be retained
1.	Register other than of summary trials in the use of criminal courts including courts of Village Magistrates and Panchayat courts	5
2.	Register of long pending cases and record destruction register of criminal cases	25
3.	Register of court-fees	3
4.	Copyists' registers and process service registers	3
5.	Chalan and cheque books	10
6.	(a) Magisterial and judicial registers of correspondence received and despatched and administrative registers of despatch	5
	(b) Magisterial and judicial registers of correspondence received and despatched and administrative registers of despatch in the Revenue Divisional Offices	20
7.	Other court or office books and registers	3
8.	Correspondence with the High Court on important matters and the orders of the High Court thereon including administration reports received from the High Court and Government	Twenty years from termination
9.	Criminal Administration Report—Salient features	20
10.	Other official correspondence	Three years from termination
11.	Yearly and half yearly statements	5
12.	List of Assessors	5
13.	Monthly and Quarterly statements	3
14.	Criminal Statistical Returns	3
15.	Magisterial diaries, police arrest returns, police occurrence reports and police reports on unnatural and sudden deaths	3

FORM No. 64
Calendar of Cases tried at the Sessions Court of

Serial No.	1	2	3	4	5	6				7	8	9	10						
						Compl- airant	Accused		Charge					Offence	Date of				Name of the committing Officer
Name and age of	Caste, race, and sex occupation and sex	Law and Section	Occurrence	Date of Complaint	Apprehension		Commitment	Commencement of trial		Close of trial	Sentence or order								

Note:—This form is to be used only for individual case and when a consolidated statement for cases disposed of in each session is sent, form No. 50 has to be used.

FORM No. 66
 Calendars of Cases tried at the Court of the First Class Magistrate of

1	2	3	4	5	6	7	8	9	10	11
Serial No.	Name and description of complainant	Name and age of ----- Caste or race and sex	Law and Section of the offence	Charge	Occurrence ----- Complaint	Date of ----- Apprehension ----- Commencement of trial ----- Close of trial ----- Sentence or order	No. of witnesses examined	Sentence or order	Whether the accused was on bail or custody pending trial and, if so, for how many days	Remarks

FORM No. 69

Calendar of Summary cases on the file of the
 Class Magistrate of

File No.	Accused's		Offence and Section of the Act	Finding	Sentence	Date of					Explanation of delay and remarks
	Name	Residence				Offence	Report of complaint	Apprehension of accused	Commencing trial	Sentence or final order	
1	2	3	4	5	6	7	8	9	10	11	12

FORM No. 70

Calendar Case No. of 19..... on the file of the
 Class Magistrate of

Date of occurrence	Date of report or complaint	Date of issue of process	Date of appearance of accused	Date of commencement of trial	Date of order	Explanation of delay
1	2	3	4	5	6	7

FORM No. 71

Statement of Proceedings under Section 145 of the Criminal Procedure Code of more than six months' duration, pending in the Court of the District / Sub-Division Magistrate / First Class Magistrate

No.	File No.	Date of Preliminary order	Further steps taken in the case, if any	Reasons for the delay

FORM No. 72

List of calendars despatched from the Office of the District Magistrate of to the Sessions Judge

No. of the case	Nature of the proceeding	Date of		Remarks
		Order	Receipt	

District Magistrate's Office, }
Dated 19..... }

District Magistrate

FORM No. 73

Form of Receipt to be granted by the Court

In the Court of the.....

Received this..... day of..... 19..... from
..... son of..... the sum of Rs.....
being the whole of the fine directed to be paid by... the accused
part compensation complainant
in C.C. No..... on the file of this Court.....
Rs.....

Magistrate
Judge

FORM No. 74—(cont.)

Sub-Treasury

RECEIPT

To the officer in charge of Sub-Treasury at.....

Please receive the amounts shown below, credit them to the appropriate heads of accounts and give a receipt for them on the accompanying form.

Received this day from.....
..... Court the sum of Rs.....
on account of the Government as shown below:

	Amount		
	Rs.	A.	P.
1. Fines to be credited to the Government			
2. *Fines to be credited to.....			
3. *Fines to be credited to.....			
4. *Fines to be credited to.....			
5. *Fines to be credited to.....			
6. Compensation amounts, etc. (Cols. 7 and 15 of the Register of Fines)			
7. Forest and Excise composition fees, etc. (Red ink item in column 9 of Register of Fines)			
No. of Name of Amount case accused			
Rs.A.P.			
Total			

	Amount		
	Rs.	A.	P.
1. Fines to be credited to the Government			
2. *Fines to be credited to.....			
3. *Fines to be credited to.....			
4. *Fines to be credited to.....			
5. *Fines to be credited to.....			
6. Compensation amounts, etc. (Cols. 7 and 15 of the Register of Fines)			
7. Forest and Excise composition fees, etc. (Red ink item in column 9 of Register of Fines)			
Total			

Dated Court, }
Magistrate
Judge

Dated Acct. Sub-Try. Office

*Here enter the name of the Local Body concerned and the provision of law under which the fine is imposed—see columns (6) and (14) of the Register of Fines.

*Here enter the name of the Local Body concerned and the provision of law under which the fine is imposed—see columns (6) and (14) of the Register of Fines.

FORM No. 75

Form of receipt to be used when valuables are sent for disposal

CR-18

No..... Sessions Court,
 Dated.....19.....
 From The Sessions Judge,
 To The District Magistrate,
 Sir, Under Section....., Criminal Procedure Code, I have the honour to forward herewith for.....the undermentioned pro- perties in Sessions Case No.....of 19.....(.....No.....of 19..... on the file of the.....Magistrate,.....) and to request that the accompanying acknowledgment may be returned to me after your verification and signature.

Yours faithfully,
 Sessions Judge

No..... Sessions Court,
 Dated.....19.....
 From The Sessions Judge,
 To The District Magistrate,
 Sir, Under Section....., Criminal Procedure Code, I have the honour to forward herewith for.....the undermentioned pro- perties in Sessions Case No.....of 19.....(.....No.....of 19..... on the file of the.....Magistrate,.....) and to request that the accompanying acknowledgment may be returned to me after your verification and signature.

Yours faithfully,
 Sessions Judge

No..... District Magistrate's Office,
 Dated.....19.....
 From The District Magistrate,
 To The Sessions Judge,
 Sir, I have the honour to acknowledge the receipt of the properties noted below that accompanied your letter No.....dated.....19..... (Sessions Case No.....of 19.....; No.....of 19..... on the file of theMagistrate,.....).

Yours faithfully,
 District Magistrate