

# General Rules (Criminal), 1977

These Rules have been framed by the High Court of Allahabad in exercise of its powers under Article 227 of the Constitution of India, 1950 and Section 477 of the Code of Criminal Procedure, 1973. These Rules were published under Notification No. 241/A-VIII-a-I, dated 4th September, 1956 in the Supplement to the Government Gazette of Uttar Pradesh, dated 3rd November, 1956.

## Part I

### CHAPTER I

#### Preliminary

**1. Title.** - These rules shall be called the General Rules (Criminal), 1977.

**2. Application.** - These rules shall come into force [from the date of publication in the Official Gazette] and shall, so far as may be, apply to all proceedings and matters in all Criminal Courts subordinate to the High Court commenced on or subsequent to that date, and, so far as may be, to all proceedings and matters pending in such Courts on that date.

**3. Former rules cancelled.** - The rules contained in the General Rules (Criminal), [1957], [\* \*] and all other rules or regulations relating to the matters which are provided for in these rules are hereby cancelled :

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

**[4. Definitions.** - In these rules, unless there is anything repugnant in the subject or context,-

(a) "*action*" includes any kind of proceedings before the Court, but does not include proceedings before an Arbitrator:

(b) "*address for service*" means an address of a place at which a summon, an application or other document may be sent or left for the party giving such address. Such address must be a physical address and:

(i) If it is of a building or property which is divided into parts which are capable of separate occupation, shall also specify which part of the building or property is the address for service;

(ii) may specify, in addition to a physical address an e-mail address to which documents may electronically be directed to the party giving it and the party initiating the proceedings has also indicated, on a document filed by such party, that it has an e-mail address. This sub-paragraph shall apply only to all actions commenced on or after the pilot project commencement date, by legal practitioners who register for participation in an interim e-Filing pilot project commissioned by the Court.

(c) "*authorised electronic communication*" means:

(i) a communication of information in the form of data, text or images by means of guided or unguided electromagnetic energy, or both, including an e-mail or an e-mail attachment; or

(ii) a communication of information the form of sound by means of guided or unguided electromagnetic energy, or both, where the sound is processed, at its destinations, by an automated speech recognition system; in accordance with information technology requirements specified by the Court by Practice Direction.

(d) "*Code*" means the Code of Criminal Procedure, 1973;

(e) "*Court*" means and includes every criminal court subordinate to the High Court of Judicature at Allahabad;

(f) "*deliver*" includes electronic transmission to the e-mail address of the addressee by an authorised electronic communication;

(g) "*e-mail address*" means the mailing address to and from which an authorised electronic communication may be sent and received, using the world wide web;

(h) "*High Court*" means the High Court of Judicature at Allahabad;

(i) "*image*" means a picture which has been created, copied, stored or transmitted in electronic form;

(j) "*issued*" includes an authorised electronic communication mode;

(k) "*registered user*" means a person who has registered to gain access to, and use any, electronic filing or other system maintained or operated by the Court;

(l) "*service centre*" means the office earmarked for providing e-Court services;



**[5B. Court Diary.** - (1) The reader of the Court shall maintain a diary of the case fixed in the Court date-wise generated electronically, and where there is no electronic infrastructure available until the same is available, manually, in the form given below -

<b>Date, month and year</b>					
Case Information System No.	Case Number	Name of parties	Counsel's name	Purpose	Date fixed in adjou
1	2	3	4	5	6

(2) The Presiding Officer of the Court shall maintain the court diary generated electronically in such manner as may be directed from time to time by the High Court keeping in view the recommendations of the e-Committee, if any.

**(Note.** - Outcome of the proceedings of the day, and in the event of adjournment, the adjourned dates of each case shall also be noted in the remarks column in the diary maintained by the Presiding Officer and the reader.)]

## CHAPTER II

### *Legal Practitioners*

[Court of the.....of

**6. Person authorised to practice.** - (1) The legal practitioners authorised to practice in criminal court in the State are the Advocates, Vakils, Pleaders and Mukhtars.

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

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

Provided that a pleader or a vakil, who was not practicing immediately before the commencement of chapter IV of the Advocate Act. 1961 will not be entitled to practice as a pleader or a vakil.

(4) The vakalatnama, memorandum of apperance or mukhtarnama to be filed by a legal practitioner number or enrolment number, as the case may be, mobile/phone number, e-mail address, postal address and full name of the legal practitioner and be affixed with welfare stamp as payable under the Uttar Pradesh Advocates Welfare Fund Act, 1974, as amended from time to time, in addition to stamp if any payable by or under any law.

(5) In order to check an unauthorised person to appear as a legal practitioner in the court, the Presiding Officer may call for the certificate of his enrolment in order to satisfy himself of the fact of enrolment of the person so appearing.]

**[7. Language.]** - Save as otherwise provided by any other rule, Hindi written in Devnagri script shall be the language of all criminal courts subordinate to the High Court. Legal practitioners may, however, address courts in English with the permission of the Presiding Officer, provided the other party has no-objection.]

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

### CHAPTER III

#### *Processes*

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

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

**11. Contents of process or order.** - Every process and order shall be written in Hindi in the Devanagiri script or, if the Court so directs, in another language.

**[12. Register of processes.]** - A Register of processes shall be maintained in the form given below in all Criminal Courts:

Particulars of cases	Date of orders for issue of process	Date of despatch of processes from court	Mode of service of process	Description of processes and of the person/person to be served	Name of Police officials receiving from court with date
1	2	3	4	5	6

**[13. Summons to government servants.]** - When under Section 66(1) of the code a summons is to be served on a person in the active service of the State, the "head of the office" to whom the summons shall ordinarily be sent (in duplicate) shall in the case of a person in the civil employ or a soldier, sailor or airman in the Defence Department, be the local head of the office or local officer in command of the corps or department in which such person may be

serving at the time, and in the case of a local "head of the office", be the authority to which he is immediately subordinate.

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

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

With a view to avoid delay, the court may transmit the summons under this rule to the head of the office with a covering letter to be sent by registered post with acknowledgement due, speed post, e-mail, fax or other effective means of electronic communication. If the court decides to send the summons through e-mail, a scanned copy of the summons shall be attached with the e-mail.

For summoning a police personnel, the court may, in special circumstance, utilise the police wireless grid subject to the following conditions, namely -

- (a) Radiogram can be used only in cases where information cannot be sent in time through postal service.
- (b) Radiogram should be written in telegraphic language.
- (c) Radiogram should be sent under the signature of the Presiding Officer of the court concerned.]

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

With a view to avoid delay, the court may transmit the notice under this rule by registered post with acknowledgement due, speed post, e-mail, fax or other effective means of electronic communication.

In the case of a police personnel, the court may, in addition to the above mode, send the notice under this rule in special circumstance by utilising the police wireless grid subject to the conditions provided in this behalf in Rule 13.]

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

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

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

**Form**

To,

The Speaker/Chairman of.....

**Subject :** *Production of document.*

Sir,

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

Yours Faithfully,

*Judge*

*Signature of Magistrate*

**Form**

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

Sir,

In the proceedings noted on the margin, the complainant/accused proposes to examine an officer in the Secretariat of the House of the People/the Council of States/the Legislative Assembly/the Legislative Council as a witness. I am to request you to direct the officer to appear in my Court at 10.30 a.m. on with the permission of the House.

Yours Faithfully,

*Judge*

*Signature of Magistrate.*

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

**[17. Process fee.]** - The fees hereinafter mentioned shall be chargeable for serving and executing processes issued by criminal courts in the case of offences other than offences for which police officers may arrest without a warrant.

	Rs. Ps.
1 Warrant of arrest	20.00
2 Summons	10.00
3 Proclamation for absconding person under Section 82 of the code	20.00
4 Warrant of attachment	40.00
(a) In respect of the warrant	20.00
(b) Where it is necessary to place officers in charge of property attachment, in respect of each officers so employed, per diem	
5 In cases where an application is made by a complainant for the recovery of compensation granted under Section 357 of the Code or where a person applies for the recovery of compensation awarded to him under Section 250 of the Code in respect of the warrant for the levy of the fees, fine or compensation.	20.00

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



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

**18. Process fee to be prepaid.** - A process shall not be drawn up for execution or service unless the fee chargeable under Rule 17 has been paid or has been remitted.

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

**19. Certificate of pleader.** - Every application for the issue of process for the attendance of witnesses shall, if the party presenting the application is represented by a legal practitioner, contain a certificate signed by such legal practitioner that he has satisfied himself that the evidence of each one of the witnesses is material to the case.

#### CHAPTER IV

##### *Preparation of Records*

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

**21. Number.** - A serial number shall be assigned to each case in each Court-

(i) in the Court of a Magistrate taking cognizance of an offence, as soon as cognizance is taken ; but if the case is at once transferred under Section 192 of the Code, it shall not be numbered as a case ;

(ii) in the Court of a Magistrate receiving a case by transfer or by submission under Section [322] of the Code, or in a Court of Session receiving a case made over under Section [194] of the Code for trial, as soon as the case is received.

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

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

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

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

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

A separate serial number shall [\* \* \*] be given to cases tried summarily.

A Court of Session exercising criminal jurisdiction over two or more districts shall keep a separate series of numbers for each district.

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

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

**[21A. Assignment of Number to a Case.** - (1) For the purposes of centralised filing and registration of cases at the computer centre in the District Court, there shall be as many establishments as specified in Column 2 of the table given below, for the Courts mentioned in Column 3 of the said table against the concerned establishment.

1	2	3
Serial Number	Name of the Establishment	Name of the court under the Establishment
1	District and Sessions Judge	District and Sessions Judge and Additional District and Sessions Judges/Special Judges
2	Chief Judicial Magistrate	Chief Judicial Magistrate, additional Chief Judicial Magistrate and Judicial Magistrates
3	Civil Judge (Senior Division)	Civil Judges (Senior Division) and Additional Civil Judges (Senior Division)
4	Civil Judge (Junior Division)	Civil Judges (Junior Division) and Additional Civil Judges (Junior Division)
5	Family Court	Principal Judge Family Court Additional Principal Judge Family Court
6	Judge Small Causes Court	Judge Small Causes Court and Additional Judge Small Causes Court

(2) The Sessions Judge may make a new establishment keeping in view its necessity in accordance with the orders of the High Court issued from time to time.

(3) There shall be a distinct number for each type of cases with regard to an establishment. Registration of cases will be made according to System (CIS) generated case number:

Provided that the system (CIS) shall be in conformity with the software generated by National Information Centre (NIC) as may be approved by the computerisation committee of the High Court.

(4) All cases, petitions, applications, revisions, appeals and all other proceedings and the documents, as and when filed, will be filed electronically in the manner hereinafter provided.

**21B. Procedure for e-Filing.** - (1) The original text material, documents, notice of motion, memorandum of parties, in all cases or proceedings, main petitions, appeals or revisions and interlocutory applications shall be prepared electronically. The formatting style of the text will be as under:

Paper size	A-4	
Margins:	Top:	1.5"
	Bottom:	1.5"
	Left:	1.75"
Justification:	Full	
Font:	English: Times New Roman, or Hindi: Unicode	
Font size:	English: 14 Hindi: 16	
Line spacing	1.5	

(2) The documents shall be in Portable Document Format (PDF).

(3) Where the document is not a text document and is intended to be, annexed with the petition, appeal, revision or application or other proceeding, or filed otherwise, the document shall be scanned by using an image resolution of 300 dpi (dot per inch) and be filed in PDF format.

(4) Ordinarily the maximum permissible size of the file that can be uploaded at the time of e-filing shall be 10 MB data but in cases having larger documents or avernments, the court may extend the limit of 10 MB data.

(5) The text documents under sub-rule (2) and scanned documents under sub-rule (3) of Rule 21-B shall be merged as a single PDF file and bookmarked.

(6) The merged documents shall be uploaded at the time of e-filing by using the facility provided at the e-filing centre of the Court.

**21C. Digital Signature.** - All electronic documents filed under the e-filing system, shall be digitally signed by the advocate representing the party, and where there is no advocate, by the party himself.

**21D. Payment of Court Fee.** - The court fee shall be paid by purchasing electronic Court fee from the online facility or otherwise as may be approved by the High Court. The payment code or receipt number generated on such payment shall be filled in the appropriate box at the time of e-filing.

**21E. Retention of Original Documents.** - (1) The original of the documents mentioned below in sub-rule (2), which are scanned and digitally signed either by counsel or party at the time of e-filing, shall be preserved for a period of two years after final disposal of the case and shall be produced as and when required by the Court concerned or any Superior Court.

(2) The following documents shall be preserved under sub-rule (1), namely -

- (a) Vakalatnama or Memorandum of Appearance;
- (b) Affidavit;
- (c) Charge-sheet and all other documents filed in support thereof;
- (d) First Information Report or Complaint;
- (e) Any other document whose authenticity is under scrutiny or likely to be scrutinised;
- (f) Any other document as may be specified by the High Court from time to time.

(3) The party electronically filing any document at the e-filing centre shall be responsible to produce the original and prove its genuineness in accordance with law.

**21F. Advocate or Party may Access to Electronic Record.** - (1) Access to documents, proceedings and pleadings filed electronically shall be available only to the advocate appointed by a party to the case or the party or his authorised agent himself on such terms and conditions as may be specified from time to time by the High Court.

(2) A party or his advocate desirous of obtaining copy of any document shall give an application at the e-filing centre along with a blank CD-R/DVD-R and pay such fee as may be fixed by the High Court from time to time.

**21G. Exemption from Electronic Filing.** - On an application of a party, the Court may, for reasons to be recorded, exempt e-filing under Rule 21-B wholly or partly in the following circumstances, namely -

- (a) Where the document is confidential and its disclosure is not in the interest of justice;
- (b) Where the document is likely to be tampered with and its privacy is likely to be shaken, so as to alter the theme of the document;
- (c) Where the document cannot be scanned or filed electronically because of its size, shape or condition;
- (d) Where the e-filing system is either inaccessible or not available; or
- (e) Where e-filing is not feasible for any other sufficient cause.

**21H. Service of Electronic Document.** - (1) In addition to the prescribed mode of service, all notices, documents, proceedings and pleadings that are filed electronically may also be served through e-mail by the Court.

(2) The e-mail ID of the Court shall be published on its website so as to enable the recipient of the e-mail to verify its genuineness.

**21I. Computation of Time.** - Electronic filing through the e-filing centre shall be permissible on working days up to 4 PM. Subject to the condition that any matter filed after 12 Noon will come up for hearing on the next working day:

Provided that as and when the facility of online filing is brought in operation, the online filing shall be permissible up to midnight on the date of filing.

**21J. Hard Copies of the pleadings and documents filed Electronically.** - During hearing, the Court, the advocates or parties may use hard copies of the documents filed under Rule 21-B.

Provided that the hard copies used by the Court shall be provided by the e-filing centre.

**21K. Storage and Retrieval of Electronically filed documents, proceedings and pleadings.** - All the documents filed under Rule 21-B shall be stored on an exclusive server maintained under the

directions of the High Court. Each case will be separately labelled and encrypted for this purpose to facilitate easy identification and retrieval. The security of such document shall be ensured and access to them shall be restricted in such manner as may be directed by the High Court from time to time. Back-up copies of all such documents shall also be preserved separately in the manner laid down by the High Court.]

**22. Order-sheet.** - Upon the institution of a case an order-sheet in the prescribed Form (Part IX, No. 10) shall be opened. Upon it shall be recorded (i) every routine order passed by the Court in the case ; (ii) a note of every other order passed, including every order regarding a document produced before the Court ; (iii) a note of the date of each hearing and proceeding on that date. An order the reason for which requires to be recorded at length, shall not be written on the order-sheet, but only a note of the order and of the date on which it was made, shall be entered on it. Every entry upon the order-sheet, shall be made at the earliest opportunity and shall be signed by the Presiding Officer.

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

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

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

**24. Contents of records.** - The record shall include every paper in the case from the information on which cognizance was first taken to and including the warrant received back under Section [430] of the Code.

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

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

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

[Provided that when government water-marked paper is not available, Courts may accept affidavits, pleadings, applications and petitions on stout durable paper].

**26. Impounded documents.** - When a document or thing produced before a Court is impounded, a note recording that it has been impounded shall forthwith be made upon it or attached to it, and shall be signed by the Presiding Officer and such document or other thing shall not be allowed to pass out of the custody of the Court, save under a written order of the Court.

**27. Marking of exhibits.** - (a) Every document, weapon or other article admitted in evidence before a Court shall be clearly marked with the number it bears in the general index of the case and the number and other particulars of the case and of the police station.

(b) The Court shall mark the documents admitted in evidence on behalf of the prosecution with the letter 'k' followed by a serial number indicating the order in which they are admitted, thus-

Ex. **d**<sub>1</sub>, Ex. **d**<sub>2</sub>, Ex. **d**<sub>3</sub>, etc.

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

Ex. [**k**]<sub>1</sub>, Ex. [**k**]<sub>2</sub>, Ex. [**k**]<sub>3</sub>, etc.

(c) In the same manner every material exhibits admitted in evidence shall be marked with numerals in serial order thus-

Ex. 1, Ex. 2, Ex. 3, etc.

(d) All exhibit marks on documents and material exhibits shall be initialled by the Presiding Officer.

(e) No document or material exhibit which has been admitted in evidence and exhibited shall be returned or destroyed until the period for appeal has expired or until the appeal has been disposed of, if an appeal be preferred against the conviction and sentence.

(f) Documents or material exhibits which have not been admitted in evidence should not be made part of the record, but should be returned to the party by whom they were produced.

**28. Duties of officer-in-charge of record.** - The officer for the time being in-charge of record shall-

(a) enter in the general index every paper as it is filed with the record ;

(b) punch out the capital of each court-fee stamp upon such paper ; and record below the stamp the aggregate number and value of stamp used to denote each separate fee ;

(c) certify in column 8 of the general index the state of any exhibit filed, noticing any erasures or interlineations therein ;

(d) take the orders of the Court, if necessary, as to the correct entry to be made in such column.

[(e) tally all hard copies placed on record of a case with the electronic copies filed by the parties or Judicial Service Centre, as the case may be.]

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

(1) Record of statement or confession (Section 164), plea (Sections 228, 229) and examination (Sections [213 and 281]).

(2) Proceeding on which cognizance was first taken, police report, etc. (Section 190).

(3) Charge and altered charge, if any.

(4) Order consenting to withdrawal or stay of charge. (Section [224] and [321]).

(5) Sentence.

(6) Record in summary trial.

[\* \* \*]

[(7) Record of proceedings under Section [236].



- (8) Record of composition of an offence (Section [320])
- (9) Record of evidence.
- (10) Judgment.
- (11) Copy of High Court's order regarding a sentence of death (Section [371]).
- (12) Warrant or other paper returned on execution of sentence.
- (13) Copy of order commuting a sentence or suspending the execution thereof, or remitting punishment.
- (14) Petition of appeal or application for revision.
- (15) Copy of judgment or order in appeal or revision.
- (16) Certificate of judgment or order in appeal or revision.
- (17) Commission with return thereto and deposition.
- (18) Deposition of medical witness.
- (19) Report of Chemical Examiner.
- (20) Proof of previous conviction.
- (21) Order for disposal of property (chapter [XXXIV]).
- (22) Order of transfer.
- (23) Order-sheet.
- (24) General index.
- (25) Treasury receipt.
- (26) File of exhibits including indices of exhibits.

[(27) Bonds under Sections 106, 107, 108, 109 and 110 of the Code and Section 4 of Probation of Offenders Act.].

(28) Papers relating to the identification of the accused person in jail or elsewhere.

(29) Papers relating to identification of stolen property.

(30) Map of the locality placed on the file of a case.

**Note.** - Reference to any section or chapter in this rule when not indicated is to the section or chapter of the Code.

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

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

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

**31. Record of appeal or revision.** - A copy of a judgment or order appealed against accompanying a petition of appeal, and a copy of any order, sentence, finding or other proceeding filed with an application for revision of such order, sentence, finding or other proceeding shall remain with the record of the appellate or Revisional Court and shall not be returned.

**[32. Wrappers for records.** - The hard copy of the record of every case shall be kept in a wrapper in the prescribed form (Part IX, No. 28) so long as it remains in the court.]

**33. Use of document exhibited in another record.** - When a document in any record, civil or criminal, is made an exhibit in another record, civil or criminal, and is removed to that record, a certified copy of the document shall be retained in the record from which the document is removed, and a note of the removal made on the general index and the order-sheet. The certified copy shall be prepared by the Court reader or ahlmad, and shall be signed by the Presiding Officer of the Court. After the decision of the appeal or after the expiry of the period of appeal, if no appeal has been brought, the document shall be returned to the record of which it originally formed part, its place being taken by the certified copy.

**[Provided that no electronic record shall be so removed].**

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

**Notes.** - (1) The Presiding Officer should see that the punching is done immediately on presentation of petition and other document in Court.

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

Cancelled

Signature .....

Date .....

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

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

(c) Every judicial officer should inspect and test the work of the officer from time to time so as to ensure that he pays proper attention to his duty and to limit opportunities for fraud. A very efficient check can be kept on any attempt to defraud Government, if each Presiding Judge is able to examine daily from this point of view some of the records that he has occasion to handle and examine periodically records of cases that have been dealt with by him taken out at random from the shelves on which they are placed.

**[34A.** Magistrates shall ordinarily dispose of a case within two months from the date of receipt of charge-sheet in police cases and date of appearance of the accused in Court in other cases].

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

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

**[35A.]** The Magistrate shall record in the commitment order a certificate to the effect that the provisions of Section 173 (4) of the Code have been complied with and that either copies of all the documents required to be supplied to the accused under that section have been supplied or orders have been passed approving the withholding of issue of such copies.]

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

**[37. When counsel should be engaged for accused.]** - In any case which comes before a Court of Session, the Court may engage counsel to defend the accused person if -

(a) at charge against him is in respect of an offence punishable with death, imprisonment for life or imprisonment exceeding 10 years;

(b) it appears that he has not engaged counsel and is not possessed of sufficient means to do so.

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

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

**[38. Allowances to witnesses.]** - The payment of reasonable expenses to complainants and witnesses attending criminal courts for the purpose of any enquiry, trial or other proceeding shall be regulated by the Uttar Pradesh Payment of Expenses to Complainants and Witnesses (Criminal Courts) Rules, 1976, as amended from time to time and reproduced in Appendix 'I'.]

**[39. \*\*\*]**

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

**[41.] Report if Sessions Judge leaves division.** - In the event of the Judge of Court of Sessions leaving his division, he shall make arrangement for the disposal of urgent criminal work in his absence, and shall on return report to the High Court the date of his departure from, and of his return to, his head-quarters.

**[42.] [Judge's, counsel's and Employee's dress].** - All Presiding Officers of Sessions and [Magistrial Courts under the Administrative control of the High Court] and pleaders appearing before them shall wear a buttoned up coat, *achkan* or *sherwani* of a black colour. They may wear an open neck coat of the same colour instead, but if they are not entitled to use bands they shall wear a black tie with it. During the summer, the colour need not be black and a coat, *achkan* or *sherwani* of a light colour may be worn. With the coat, trousers and with the *achkan* or *sherwani*, *chooridar pyjama* or trousers shall be worn. Ladies appearing before the [Magistrial Courts under the Administrative control of the High Court] as pleaders shall wear a black or white *sari* and *blouse*.

They shall also wear distinctive costumes as indicated below :

- (i) Presiding Officers : a gown made after the pattern of Queen's Counsel's gown of black silk or stuff, with bands ;
- (ii) Advocates : A gown similar to a barrister's gown with bands ; and
- (iii) Pleaders and Vakils : a gown similar to the gown worn by Presiding Officers, but without sleeves and bands.

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

[(iv) all Class III employees of Sessions and Magisterial Courts, shall wear a coat of black colour and a black tie with it. Lady employees shall wear a black or white sari and blouse or white salwar suit with black coat. During the summer the colour need not be black and a coat of a light colour may be worn.]

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

[\* \* \*]

## CHAPTER VI

### *Oaths and Affirmations*

**[44]. Forms of oath and affirmations.** - The following forms of oaths and affirmations are prescribed under **[Section 6 of the Oaths Act, 1969]** namely :

[\* \* \*]

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

I do	swear in the name of God	that what I shall state shall be truth, the whole truth and nothing but the truth.
	solemnly affirm	

**[II - [Form of Oath or Affirmation to be administered to the interpreter]**

I do	swear in the name of God	that I will well and truly interpret and explain all question put to and evidence given by witness and translate correctly and accurately all documents given to me
	solemnly affirm	

for translation.

[\* \* \*]

**[45]. Note to be made of the official giving oath.** - When an oath or affirmation is administered, the name of the [Presiding Officer] who administers the oath or affirmation shall be noted upon the deposition of the witness or other person to whom it is administered.

## CHAPTER VII

### *The Recording of Evidence*

**[46]. Record in a summary trial.** - In summary trials the record shall be made in the manner and form prescribed there for (Part IX, No. 31), as provided in Sections 263 and 264 of the Code.

**[47]. Record of the accused's statement in other than summary trials.** - In every case other than one tried summarily [or tried by Metropolitan Magistrate] the examination of accused under Section [281] of the Code shall be recorded upon the printed Form (Part VIII, No. 23 and if necessary, (Part IX, No. 26 in continuation). Upon this record, the signature of the accused shall be taken and the certificate of the Presiding Officer shall be made as required by law. [In case the Presiding Officer is unable to record the statement owing to a physical or other incapacity, he shall get it recorded by an officer of the Court appointed by him in this behalf.] In any case, in which the accused is examined by a Metropolitan Magistrate, the Presiding Officer shall use the prescribed Form (Part VIII, No. 24) to make his memorandum. It will not be necessary to take the signature of the accused on the memorandum.

**[48]. Memo of evidence.** - In a case in which the record is made in the manner prescribed by Section [274], the memorandum shall be commenced upon the printed Form Part IX, No. 1.

**[49]. Forms for recording evidence.** - In a case other than one mentioned above the evidence shall be recorded -

(1) upon the printed Form Part IX, No. 1 (and, if necessary, No. 26 in continuation) for the first witness in a case before a Magistrate;

(2) upon the printed Form Part IX, No. 25 (and, if necessary upon No. 26, in continuation) for every other witness. In any case before a Magistrate in which the Presiding Officer does not make this record with his own hand and makes only memorandum, the memorandum of the evidence of the first witness shall be commenced upon printed Form (Part IX No. 1).

The record shall follow as closely as possible the actual words and expressions used by the witness.

**[50]. Forms for recording evidence.** - Every such record made by a Presiding Officer or an officer of the Court shall be legibly written. If in making die record an officer uses a typewriter he shall sign every page of it and shall initial every correction or alteration therein. On every statement of an accused and deposition of a witness and on the memorandum of every such statement and

deposition, the person mentioned whether examined on commission or otherwise, shall be indicated by his full name, father's name, profession or occupation, residence and age. Abbreviations and elliptical forms of expressions shall be avoided, particularly abbreviations of names of persons or places.

If the court considers the age given by a witness or accused to be an underestimate or an over-estimate it should form its own estimate and mention it also in the record. If the accused is charged with an offence punishable with death and the Court considers the age given by him to be an under-estimate, or an over-estimate, it may order medical examination of the accused about his age and should direct that State Counsel to produce documentary evidence of his age, if any, is available.

**[51. Certificate on depositions.** - In the case of depositions referred to in chapter XXIII of the Code other than those taken on commission under the said chapter, a Criminal Court taking the deposition of (deleted) a witness, shall sign at the foot of the deposition a certificate in the form indicated below or a memorandum to the same effect, namely -

The foregoing deposition was taken in the presence of.....accused who had an opportunity of cross-examining the witness. The deposition was explained to the accused; and was attested by me in the presence of the accused.]

## CHAPTER VIII

### *General Provision Regarding Trials*

**[52]. Trial of persons subject to Court martial law.** - When a person subject to military, naval or air force law is brought before a Magistrate and charged with an offence for which he is liable to be tried by a court martial, such Magistrate, unless he is moved by the competent military, naval or air force authority, as the case may be, to proceed against the accused under the Code shall, before so proceeding, comply with the rules in Appendix 'H'.

**[53. D.M., Senior S.P. or S.P. to be informed of police errors.** - When in any case of which a court has taken cognizance, the Presiding Officer has occasion to notice any erroneous practice on the part of the police, or has reason to believe that a confession has been elicited by the police from an accused person by the use of force or under influence, or that any other grave irregularity has occurred, he shall bring the matter to the notice of District Magistrate and Senior Superintendent of Police or Superintendent of Police, as the case may be. If the District Magistrate, Senior Superintendent of Police or Superintendent of Police gives no response on such report of the Presiding Officer, the matter may be referred to the High Court for appropriate action.]

**[54]. Note to be made about defence witnesses.** - In every case in which an accused has claimed to be tried, the Court shall note in its judgment, whether the accused had examined witnesses in



his defence. If witnesses were summoned for the defence, and were not examined, the Court shall state why they were not examined.

A Court of Session shall further record at the conclusion of its examination of an accused that he has been asked whether he means to adduce evidence, and his reply or that of his pleader, if any. If he asks that certain witnesses may be examined, it shall record whether they are present and may examine the same or else summon them for a future date unless for reasons to be recorded their examination appears to be unnecessary.

**[55]. Previous conviction to be noted in judgment.** - In a case in which an accused is liable to enhanced punishment or to punishment of a different kind for a subsequent offence, on account of any previous conviction or convictions the Court, if it convicts the accused, shall set forth in its judgment each such previous conviction proved against or admitted by the accused, specifying the date of the conviction, the section under which he was convicted and the sentence imposed.

**[56]. Post Office record not to be disclosed unnecessarily.** - When any journal or other record of a post office is produced in Court, the Court shall not permit any portion of such journal or record to be disclosed other than that the portion which seems to the Court necessary for the determination of the case then before it.

**[57]. Affidavits to be stamped.** - A Magistrate shall not allow an affidavit, which is not one exempted from stamp duty by Article 4 of Schedule I of the Indian Stamp Act, 1899, to be shown before him, unless it is duly stamped.

**[58]. Warrants outside jurisdiction to be sent to police.** - Warrants to be executed outside the local limits of the jurisdiction of the court issuing the same under the provisions of Section 78 of the Code, shall invariably be sent to the Superintendent of Police concerned and not to a magistrate. In this regard, a register shall be maintained in each Court in the following form.

Sl. No.	The number printed on the form used	Case title and particulars	Name and particulars of the person against whom warrant of arrest is issued (accused/witness)	The officer/person to whom directed	Date of direction of warrant
1	2	3	4	5	

**[59]. Medical Council to be informed of medical practitioner's conviction.** - In the case of conviction of any medical practitioner by court, and in the case of censure or comment on him in a Court's judgment, the court shall forward a duly certified copy of the judgment, free of cost, to the Registrar, Medical Council, Lucknow.

**[60]. Classification of accused.** - A convicted prisoner shall be classified according to the rules in Appendix 'F'.

**[61]. Memo of identification proceedings.** - [Identification proceedings in jail for the identification of suspects shall invariably be recorded by Magistrates in Form No. 34 (Part IX, No. 65) in duplicate by the use of carbon paper [and ball pointed pencils]. The original shall be sent to

the Court concerned and the carbon copy shall be made over to the jail authority for record and production in Court, when needed.]

Proceeding for the identification of property shall be recorded by Magistrates in Form No. 37 (Part IX, No. 67).

**[62. Expert opinion of Chief Medical Officer/Chief Medical Superintendent.]** - Courts and Magistrates deciding medico-legal questions may when the evidence of the doctor is not considered sufficient, refer them for opinion to the Chief Medical Superintendent In charge of the District Hospital or the Medical Board constituted by the Chief Medical Officer of the District. No fees are charged but if X-ray photographs are taken the usual fee for such photograph must be paid to the X-ray Department of the concerned hospital.

Private persons may also consult the Expert but he shall be entitled to charge fees in such cases in accordance with the provisions of Paragraphs 738 to 740 of the Medical Manual.]

**[63. Transmission of release order to jails.]** - (a) When an order for the release of a prisoner, on bail or otherwise issued by a magistrate, he shall see that it is entered in a peon book and sent to the Nazir Sadar by the time prescribed by the District and Sessions Judge in this behalf. The Nazir shall enter in a peon book all the release orders received by him within the prescribed time and arrange to deliver them through a peon to the officer in charge of the jail by 4 p.m. in winter and 5 p.m. in summer at the latest. In exceptional circumstances the order of release may be sent to the jail in the manner laid down in sub-rule (b).

(b) When an order for the release of a prisoner is issued by a court other than a magistrate, it shall be entered in a peon book and may be sent through one of the court peons to the officer in charge of the jail so as to reach the jail ordinarily not later than 4 p.m. in winter and 5 p.m. in summer.

(c) A release order should in no case be made over to private persons for delivery to the jail authorities.

(d) The release orders must contain the full name of the Presiding Officer of the issuing court below his signature and bear the sea of the Court invariably in distinct manner.

(e) When an order for the release of a prisoner, who has already been transferred to another jail outside the district, is received and returned by the Superintendent of Jail to the issuing Court with a report indicating the date of transfer and the name of the jail to which prisoner was transferred, the court shall then send the release order by registered post with acknowledgement due/speed post/fax/email to the jail concerned and at the same time follow the procedure laid down in clause (f) below:

Provided that when an order of for the release is sent by e-mail, the release order shall be scanned in the manner provided in Rule 21-B and be attached with the e-mail.

(f) When a release order is issued by registered post with acknowledgement due/ speed post/fax/e-mail to a jail outside the district, the Presiding Officer of the Court shall immediately give an intimation about its dispatch by rediogram to the Superintendent of that jail.

(g) In addition to supplying a list containing the names and specimen signatures of all Presiding Officers of Court to the Superintendent of local district jail and to an other jail or similar institution that functions in the district, changes in the posts of Presiding Officer shall also be intimated from time to time and when they occur.]

## CHAPTER IX

### *Submission of Sentence for Confirmation and Execution of Sentence*

**[64. Procedure on passing sentence of death.** - When a Court of Session passes a sentence of death, it shall forthwith commit the prisoner by a warrant in the appropriate form to the jail from which he came to stand his trial, and shall submit its proceedings to the High Court with a letter in the prescribed form (Part IX, No. 39) at the latest on the fourth day after the sentence of death has been pronounced. A certified copy of the judgment shall be furnished to the prisoner free of cost immediately after the pronouncement of the judgment.]

**[65]. Procedure on passing sentence of death.** - When a Court of Session submits its proceedings to the High Court in the manner laid down in the preceding rule, it shall state in the prescribed Form (Part IX, No. 39) whether the prisoner has funds or not to employ counsel in the High Court, and whether, the prisoner will employ counsel or not.

**[66. Female prisoner sentenced to death.** - When a Court of Session sentences a female prisoner to death, it, shall consider after enquiring from such prisoner herself, if necessary, whether she is pregnant and if it thinks that it is likely that she is so it shall have her examined by the Deputy C.M.O. (Medical), or such other doctor as it may consider fit, and if it finds that she is in fact pregnant, it shall, for the purposes of Section 416 of the Code, make a report to the High Court. But the submission of the proceedings to the High Court under Rule 64, shall not be delayed on this account.]

**[67]. Date of execution.** - The date fixed by a Court of Session in a warrant for execution of a sentence of death shall be not less than twenty-one nor more than twenty-eight days from the date of the issue of such warrant, unless it be otherwise directed in the order of confirmation.

**Note.** - Instructions regarding procedure to be observed by State for dealing with petitions for mercy from or on behalf of convicts under sentence of death and with appeals to the Supreme Court and applications for special leave to appeal to that Court by such convicts are contained in Appendix 'G'.

**[68]. If date postponed fresh warrant to be issued.** - When a warrant for the execution of a sentence of death has not been executed upon the date fixed owing to the postponement of execution by Government Order, and is returned to the Court with a certificate to that effect, the Judge shall, if the Government has refused to interfere with the execution of the sentence of death, issue a warrant in the same form as before, fixing another date for the execution of the sentence, which shall be not more than seven days from the date of issue of such warrant.

[Where the sentence of death is commuted, a fresh warrant shall issue in the appropriate form as if the Court of Sessions had passed such a sentence].

**[69]. Copy of warrant to be sent to District Magistrate.** - On issuing a warrant for the execution of a sentence of death, the Court of Sessions shall forward a copy of the same to the District Magistrate for information.

**[70]. Separate warrant to jail for each convict.** - A separate warrant shall be directed to the officer-in-charge of the jail for each prisoner in respect of whom a sentence of imprisonment is passed; the warrant shall show the [crime number, i.e., the number by which the case was registered and the] serial number of the case, and shall bear the same that as the sentence bears. It shall state the period (in words and figures) and description of imprisonment; and shall be drawn upon the prescribed form. It shall contain full particulars as to any sentence of imprisonment to be undergone in default of payment of fine or any period of solitary confinement ordered.

If the prisoner is a military officer or soldier, his rank and regiment or department shall be stated in the warrant.

If the prisoner has been previously convicted, particulars of each previous conviction showing the date and nature of each sentence, and the section and Act under which it was passed, shall be endorsed upon the warrant.

The Magistrate shall also fill the form prescribed by the rules contained in chapter XII of the U. P. Jail Manual (reproduced in Appendix F) and attach it to the record in the cases of prisoners sentenced by him or committed to Sessions, in order that it may be filed with the prisoner's warrant and sent to the Jail along with the prisoner. Entries No. 7 to 9 shall be filled in by the Presiding Officer of the convicting Court in his own handwriting.

**[71]. All orders of fines to be registered.** - (i) Whenever any person convicted of an offence [\* \*] is sentenced or ordered to pay a fine ;

(ii) whenever any person is ordered to pay into Court for delivery to any other person any sum by way of compensation, or reimbursement of fines or fees paid ;

(iii) whenever any person is permitted to deposit a sum of money in lieu of executing a bond ;

(iv) whenever any person is called upon to pay the penalty of a forfeited bond ; and

(v) whenever a Criminal Court orders payment of court fees ;

the Presiding Officer shall, with his own hand, at once enter the amount of the fine, compensation or other sum, deposit, penalty or fee in the prescribed register of fines, compensation, deposits, penalties, and fees (Form No. 2, Part IX, No. 78).

**[72]. Deposit of fine, etc. paid into Court.** - When the amount of any fine, compensation or other sum, deposit, penalty or fee is paid into Court, the Presiding Officer shall, as soon as may be, send the money to the Nazir through the Criminal Ahalmad, for onward transmission to the nearest treasury or sub-treasury. The money so sent shall be accompanied by an invoice in duplicate in Form (Part IX, No. 74) signed by the Presiding Officer himself. In the case of any sum which is to be credited as a deposit the invoice shall be made out in triplicate. One copy of the invoice shall be returned by the officer-in-charge of the treasury or sub-treasury concerned with an endorsement showing receipt of the amount.]

**[73]. Fine not paid at once may be paid into another Court.** - When the amount of any fine, compensation or other sum, deposit, penalty or fee is not paid at once into the Court which directed the payment, the Court may allow the person liable to make the payment to pay the amount required within a period which shall be fixed by the Court, into any other Criminal Court except a Court of Session or the High Court. In such case the Court shall give such person a slip in Form (Part IX, No. 76) to be presented by him when paying the amount.

When a person is undergoing imprisonment in default of any such payment, the officer-in-charge of the jail may receive payment of the whole amount or of any part thereof, and shall thereupon complete the execution of the warrant or order of imprisonment as provided by law.

**[74]. Procedure in such other Court.** - When any Court or officer receives a payment as described in Rule [73] or when the officer conducting a sale under a warrant receives the sale-proceeds, the money so received shall be sent with as little delay as possible to the nearest treasury or sub-treasury with a pass-book in Form No. 3 (Part IX, No. 70), and a separate extract (Part IX, No. 71) therefrom in duplicate respecting each item entered therein.

The officer-in-charge of the treasury or sub-treasury' shall on receipt of the money sign the pass-book and one of the extracts and return them.

The extract so returned shall be forwarded by the Court or officer realising the amount to the Court which ordered the payment or sale.

**[75]. Details to be noted in invoice.** - In every invoice in Form (Part IX, No. 74) in every slip in Form (Part IX, No. 76), every warrant of distress and sale (Part VIII, No. 56) and in every pass-book (Part IX, No. 70) or extract (Part IX, No. 71) therefrom, there shall be made a clear entry of the number of the case, of the exact nature of the payment made or to be made, of the person who is or was

liable for the payment, and of the manner in which the amount paid is to be credited in the treasury, i.e., whether it is to be credited to Government or to a Municipal [or Corporation] or Cantonment fund as required by law or the orders of the Government, or as a Criminal Court deposit.

**[76]. Payment into treasury to be made as early as possible.** - Every sum received by a Court or officer in the immediate vicinity' of a treasury or subtreasury shall be paid into such treasury or sub-treasury on the day of receipt, or if the treasury or sub-treasury be closed on that day, then on the next day on which the treasury or sub-treasury is open. When a Court or officer is at a distance from a treasury, or sub-treasury, receipts shall be paid into such treasury or sub-treasury at least once every month, or as soon as the receipt exceed the sum of rupees fifty. The money should be remitted by money order whenever it is more economical to do so.

When more sums than one are sent at the same time, a separate invoice in duplicate (in a case falling under Rule [72]) or pass book extract in duplicate (in a case falling under Rule [74]), shall be sent for each sum.

When any sum received in a Court is not sent to the treasury or sub-treasury on the same day, the Presiding Officer shall be responsible for making arrangement for its safe custody until it can be paid in.

**[77]. Officer-in-charge of jail to be informed of payment.** - Every Court upon receiving a payment on behalf of a person who is in jail under a warrant directing imprisonment in default of such payment shall, if the payment is received otherwise than through the jail, at once inform the officer in-charge of the jail.

**[78]. Cheque receipt book.** - Every Court shall be furnished with two cheque receipt books in the prescribed Form (Part IX, No. 72). These books shall be used one in each alternate month ; at the end of each month the book in use during that month shall be transmitted to the officer-in-charge of the treasury or in the case of an outlying Court to the sub-treasury for examination and attestation as provided in Rule [80].

Each book shall bear a printed number repeated on every form in the book, and the Forms in each book shall bear printed numbers in regular series from 1 to 100.

**[79]. Payments to be entered in register and receipt given.** - When any payment is made into Court under Rule [72] or when any duly signed extract has been received by a Court under Rule [74] the Court shall make an entry of the receipt in the appropriate register and shall cause a cheque receipt for the amount to be prepared in triplicate. The original receipt shall be retained by the Court issuing it, the counterfoil bearing the words, "For the officer-in-charge of the jail" shall at once be sent to the Superintendent of the jail in which the prisoner on whose behalf the payment is made, is confined and the counterfoil bearing the words "'For the payer" shall be made over to the payer, if he is present; if he is not present, it shall be sent to him by post if he is not in custody, or through the officer-in-charge of the jail, if he is in jail. If the person sentenced to

imprisonment is not in custody, the counterfoil of the cheque receipt meant for the jail shall be ordered by the Presiding Officer to be kept on the record of the case.

The words and figures denoting the sum for which the receipt is being issued shall be written on the receipt by the Presiding Officer of the Court with his own hand and he shall sign the receipt.

Upon the counterfoil of every cheque-receipt, as it is made out or so soon thereafter as possible, shall be entered the number and date of the treasury receipt upon the invoice made under Rule 75 of the pass-book extract made under Rule 77 and such invoice or extract shall then be filed with the record.

**[80]. Fly-leaf to cheque receipt book.** - To each cheque receipt book shall be prefixed as a fly-leaf in the prescribed Form (Part IX, No. 73). At the close of each month the Presiding Officer shall note or cause to be noted on the fly-leaf the sum for which receipts have been issued during the month, and forward the book to the officer-in-charge of the treasury or sub-treasury for comparison with the treasury accounts and for attestation. If the officer-in-charge of the treasury or sub-treasury finds that the sign for which receipts were issued by the Court have been paid into the treasury or sub-treasury and properly credited there, he shall sign the fly-leaf in the column provided for that purpose and return the book to the Court. If there is any discrepancy, he and the Court shall take steps to reconcile it. The treasury staff shall also check the total given on the fly-leaf against the totals of all amounts shown on the counterfoils of the cheque receipt book.

Presiding Officers of Courts shall submit every month to the District Magistrate or [the Chief Metropolitan Magistrate or the Chief Judicial Magistrate, as the case may be, a certificate in the following form] :

"The fine receipt book of my Court was sent to the treasury/sub-treasury at the close of the previous month, that no discrepancies were found or that the following discrepancies were found and have been/are being reconciled, that the total amount levied in the previous month was that the amount actually received was ..... and that the amount outstanding at the end of the month was..... "

Where there has been no fine levied in the previous month, the certificate shall state that the book is blank. This certificate shall be verified at the treasury with respect to the figures relating to the actual realizations entered in the treasury accounts.

**[81]. Refunds.** - When an order is made for the refund of a sum that has been credited in the treasury', the order or a copy thereof shall at once be sent to the Court which directed the credit, and that Court shall take the necessary steps for its refund.

[Special Judicial Magistrate and Special Metropolitan Magistrates], however, are not empowered to make refunds in cases where appeals against their decisions have been allowed ; in such cases

the refund shall be made by the Court which allows the appeal or in case of a refund on revision, by the Court to which appeals ordinarily lie.

**[82.] Register of fines.** - The register of fines, compensations, deposits, penalties and fees, shall be in Form No. 2 (Part IX, No. 78). A fresh page shall be begun each month as provided in Rule [84]. A separate line shall be given to each person ordered to make any payment, even if two or more persons are subject to the same order in the same case. Tire entries in columns 1 to 7 shall be made as soon as the order is made. The entry' in Column 8 shall be made as soon as the warrant is issued. The entries in Columns 9, 10, 11 and 12 shall be made as soon as payment is made or the Court is informed thereof. These entries shall be checked and initialled by the Presiding Officer. He shall compare the amount entered in the cheque receipt book with that entered in the treasury receipt and also with the amount entered in column 6 of this register. In column 17 shall be made a note of the manner of credit of every' fine that is not simply credited to Government ; a note to the exact nature of every sum, other than a fine, entered in Column 6; and a note of the section and the law under which every' sum entered in Column 7 is awarded, and a clear statement whether it is intended as compensation or reimbursement, or reward. When a deposit in lieu of executing a bond has been made and has been entered in this register and an order is passed for its forfeiture a fresh line shall be given to the entry of the penalty, and entries made thereon as far as Column 6, as soon as the order is passed; and at the same time a note of the forfeiture and of the annual serial number of the entry of the penalty shall be made in Column 17 against the entry of the deposit. On receipt of information from treasury that the deposit has been credited to Government, Columns 9 to 12 of the entry of the penalty shall be filled up.

[In addition to the aforesaid, Register of fines shall also be maintained electronically and be made available online, if the District Court has adequate infrastructure in this behalf.]

**[ 83]. Irrecoverable amounts.** - A Sessions Judge or a District Magistrate or a Chief Metropolitan Magistrate or a Chief Judicial Magistrate, and with the written permission of the District Magistrate or the Chief Metropolitan Magistrate or the Chief Judicial Magistrate, as the case may be, a Magistrate subordinate to such District Magistrate or Chief Metropolitan Magistrate or Chief Judicial Magistrate, may at any time write-off as irrecoverable any amount of which payment has been ordered in his Court or in the Court of his predecessor in office, if it appears to him that the amount cannot be recovered :

Provided that the sanction of the District Magistrate or the Chief Metropolitan Magistrate or Chief Judicial Magistrate is unnecessary when the ground for remission of the fine is that the offender has undergone all imprisonment awarded by the Court in default.]

**Note.** - For the purposes of this rule the term "Sessions Judge" shall be deemed to include an Additional or Assistant Sessions Judge.

**[84]. Monthly certificate on register of fine.** - At the end of every month the Presiding Officer of each Court shall certify on the register of fines, compensations, deposits, penalties and fee, that he has examined all outstanding items that seem capable of realisation and has taken proper steps in each case.



The first entries on the next page, before any entry of an order made in the next month is made, shall be of all the outstanding items in detail of the previous months, which remained unrealized or were not written-off.

**[85]. Statement of fines, etc.** - A monthly return of all amounts realized by Criminal Courts as fines and credited as required by law to a Municipal [or Corporation] fund, shall be transmitted to the Municipal Board [or Corporation] concerned.

The return shall be made in Form (Part IX, No. 77).

**[86]. Record-keeper not to receive record till receipt of payment of fine is filed or non-payment accounted for.** - The record-keeper shall not take delivery of the record of any case in which any payment of money has been ordered, unless there be filed therein an acknowledgement of its receipt by the officer-in-charge of the treasury or sub-treasury or other person entitled to receive the money, or a report signed by the Presiding Officer of the Court accounting for non-payment. Such report shall ordinarily be made and the record transmitted to the record-room, on receipt of the return to the first warrant issued for the recovery of the money.

**[87]. Warrant to be filed after execution.** - When a warrant or an order upon which a sentence is executed is returned after execution to the Court from which it was issued, the Court shall send it to the record-room [of the District Magistrate or the Sessions Judge, as the case may be,] to be filed with File A of the record of the case to which it belongs.

## CHAPTER X

### *Appeal and Revision*

**[91. Appeals and revisions to be registered.** - The provisions of the rules relating to the numbering and the initial treatment of a case and in particular those contained in chapter IV, as amended by the General Rules (Criminal) (Amendment) Rules, 2017 shall be followed in appeal and revision cases also.

The papers of an appeal or revision case while they are in the Court, shall be kept stitched together in a wrapper in the prescribed form (Part IX, No. 29).]

**92. Report by munsarim or reader.** - Every petition of appeal, when received by an appellate court, shall be examined at once by the proper officer, who shall endorse upon it a report (i) whether or not it is barred by the limitation; and (ii) whether or not the appeal lies to the court. The proper officer in the Court of Session shall be either the munsarim or the reader, as the Judge may direct. In every other court the reader shall be the proper officer.

*Date to be fixed if not rejected summarily.* - For every appeal that is not summarily rejected and every revision in which the court thinks fit to hear the parties, a date shall be fixed as soon as may

be, and an entry of the case shall be made forthwith by some officer of the Court appointed by the Court for that purposes in a list in the prescribed form (Part IX, No. 33). This list shall be brought up to date daily by such officer, and shall be posted on the notice board. This list shall be in addition to the cause list maintained under Rule 5 as amended from time to time.

In every such case the record shall be obtained from the record room or the court concerned, as the case may be. by means of requisition in the prescribed form (Part IX, No. 13).]

**93. Notice to appellant and District Magistrate.** - As soon as the date is fixed, the Appellate Court shall cause notice to be given to the appellant as well as to the District Magistrate who shall inform the Appellate Court whether anyone will appear to support the conviction.

**94. Notice to Government Counsel.** - In all appeals, other than those received through the officer-in-charge of the jail, notice shall be given to the District Government Counsel concerned. In appeals received through the officer-in-charge of the jail such notice shall be given only if the Appellate Court so directs.

**[95. Notice to appellant in jail.** - Where a notice of the time and place at which an appeal will be heard is to be given to an appellant who is in jail, the notice (Part VIII, No. 16) shall be sent under a covering docket (Part IX, No. 38) by the appellate court direct to the Superintendent of the Jail for communication to the appellant and return with an endorsement that the appellant has been duly informed:

Provided that the notice referred to above shall also be published in the cause list generated under Rule 5 as amended from time to time.

*Procedure when appeal decided.* - The same procedure shall be observed when the court orders notice to be given to an applicant for revision who is in jail.]

**[96. Appeal dismissed.** - When an appellate court has sent for a record under Section 385(2) of the Code, it shall after deciding the appeal, send back the record. If appeal is dismissed and the appellant is on bail, the court, which passed the original sentence, shall issue the necessary orders requiring the appellant to surrender, or in default of his surrendering, the necessary orders for his arrest and confinement in jail. If the appellant is in jail and the appeal is rejected or dismissed, the appellate court shall also certify the judgment or order to the officer in charge of the jail for communication to the appellant:

Provided that where the appellant who is on bail, is present in court when the appeal is dismissed, he may by order of the appellate court be taken into custody by the constable of the court and be forwarded along with the record of the trial court and a copy of the judgment of the appellate court immediately to the trial court, who shall, thereupon commit the appellant to the jail to serve out the remainder of the sentence.

The above procedure shall also be followed in the case of an application for revision, and in proceedings in Courts of Session under Section 123 of the Code.]

**97. Procedure when High Court rejects appeal or application.** - When the appeal or application of any person on bail has been dismissed by the High Court, [the Sessions Judge and] the District Magistrate shall report to the High Court that the order to surrender to bail has been carried out.

[All the Sessions Judges and District Magistrates shall maintain a register in Form No. 3-A and all the Magistrates shall maintain a register in Form No. 3-B to ensure the compliance of the orders of the High Court and the Sessions Court, as the case may be.]

**98. Procedure when sentence altered or reversed.** - When a finding, sentence or order is reversed or altered in appeal, the Appellate Court shall issue a fresh warrant or order conformable to its judgment or order and notify the same in its certificate to the Court by which the finding, sentence or order was recorded or passed for necessary action.

A separate warrant or order shall be issued for each prisoner in respect of whom a finding, sentence or order has been reversed or altered in appeal, and the original warrant shall be recalled and cancelled under his hand by the Presiding Officer of the Court by which the finding, sentence or order was recorded or passed.

In the following cases an abstract shall also be sent by the Appellate Court direct :

(i) To the Superintendent of the Jail in which the prisoner is confined, where a prisoner confined in jail has been ordered to be acquitted or released on appeal.

(ii) To the Superintendent of the District Jail, whereas the prisoner is on bail and is present when the judgment or order is pronounced by the Appellate Court and the Court after cancelling his bail takes him into custody and remands him to jail.

**99. Duty of trial Court on receipt of judgment or order of Appellate or Revisional Court.** - The Court by which the finding, sentence or order was recorded or passed shall, on receipt of a copy of the judgment or order of the Appellate Court or of an abstract therefrom, carefully peruse the same and consider whether any further steps have to be taken to carry' out the finding, sentence or order of the Appellate Court. If any such steps have to be taken it shall pass such orders as may be necessary and shall see that they have been duly complied with. After compliance has been made the papers shall be put up before him again and he shall, after satisfying himself that the orders have been duly complied with, make an endorsement thereon to that effect before the papers are sent to the record-room to be filed with the record. If no further steps are required it shall make an endorsement thereon to that effect before the papers are sent to the record-room to be filed with the record. A similar procedure shall be followed by the Court when its finding, sentence or order has been reversed or altered in revision.

**100. Explanation of officer reported on to be submitted.** - When the Court of Sessions or the District Magistrate, on examining the record of any proceeding, thinks fit to report for the orders of the High Court the result of such examination, then, except in a case in which delay should be avoided, the explanation of the officer whose proceedings have been examined shall also be called for such explanation should be couched in respectful language and confined to matters which need explanation or clarification.

The report shall contain a brief analysis of the proceeding, shall indicate the portion of the finding, sentence or order recommended for revision and shall slate the grounds upon which, in the opinion of the Court making the report, the finding, sentence or order should be reversed, set aside or modified. It shall be submitted to the High Court along with the record and the explanation of the Magistrate, if any.

When such report is made by the District Magistrate, he shall send it through the Court of Session. If the case be one in which an appeal lies to the Court of Session, such report shall not be made until the period of limitation for an appeal has expired. The Sessions Judge shall while forwarding the report and the record, state-

- (1) whether an appeal has been presented, and, if so, with what result; and
- (2) whether the period of limitation for an appeal has expired.

**101. Order suspending sentence to be certified.** - When a Court orders that the execution of a sentence be suspended, it shall certify its order to the Court by which the sentence was passed, and, if the appellant or applicant is in jail, also to the officer-in-charge of the jail for communication to the appellant or applicant, and for report that the direction has been complied with.

[102. \*\*\*]

#### **OLD LAW ▼**

**[103. When High Court to be informed if accused has funds.** - In the case of an appeal under Section 378 or of a revision under Sections 397 and 401 of the Code where notice is given to the accused to show cause why the order passed should not be set aside and a sentence of death passed, the Chief Judicial Magistrate shall, while returning the notice state thereon whether the accused has funds or not to employ counsel in the High Court and also whether he proposes to employ such counsel or not. The Chief Judicial Magistrate shall also make a similar report when notice is sent by the High Court to a convicted person to show cause why his sentence should not be enhanced.]

**104. Jail appeals.** - On receipt of an appeal from a convicted person in jail the Presiding Judge of the Appellate Court shall ascertain whether an appeal through counsel has also been filed on behalf of the same person, and if it is found that no such appeal has been filed the final disposal of the appeal shall be postponed till after the expiry of the period of limitation :

Provided that in any case in which the Presiding Officer on a perusal of the record considers it necessary to hear the District Government Counsel, he shall issue notice to him without waiting for the period of limitation to expire.

**[104A. Delegation of power to release prisoner on bail.** - Where an order of bail directs the District Magistrate to release the prisoner, the District Magistrate may delegate his power to any Magistrate under him.]

## CHAPTER XI

### *Preservation of Records*

**105. Certificate before transmission of record.** - Whenever a record is to be sent from a Court to another Court or the record-room or from the record-room to a Court, the reader or the record-keeper, as the case may be, shall carefully examine the record before transmitting it, and shall attach and sign at the foot of the general index a certificate on printed form as prescribed in case of Civil Courts.

**106. Examination on receipt and report, if necessary.** - When the record of a case is received in a Court from another Court or from the record-room, the reader shall carefully examine the record and shall at once report to the Court if the record is not in all respects in order or does not correspond to the general index so as to prevent the possibility of doubt as to the office being responsible for any missing document or for any errors or deficiencies to be found in the record.

If the record is received from the High Court, the reader or the record-keeper shall carefully examine the record and lay it before the Court. Every copy or certificate received from the High Court shall be placed upon the general index and filed with the record.

**107. Division of record into classes.** - When a record is complete, and before it is sent into the record-room, the reader shall note thereon the class to which it belongs under chapter XII, and shall in any doubtful case take the orders of the Court. Thereafter the clerk in-charge of the record shall in every record belonging to Class II or Class III, separate the papers belonging to file A from those belonging to file B, put the papers belonging to file A in a stiff cover in book form and paste the front part of the wrapper on the outside of the book thus formed. He shall also make up the papers belonging to file B in book form, and attach the file B book to the file A book. Even record belonging to Class I shall be sent to the record-room in its own wrapper and shall not be made up into book form.

**108. When records are to be sent to record-room.** - The records of completed cases in the Courts of Magistrates shall be transmitted to the record-room of the District Magistrate on such dates and in such manner as the District Magistrate may, from time to time by written order, prescribe; provided that records shall be sent in from every Court at headquarters not less than twice in every month, and from every Court on tour or not at headquarters at least once in every month. For the return of records of cases under appeal or revision that have been sent for by the Courts

of appeal or revision, the form for transmission of record (Part IX, No. 61) shall be used. The records of completed cases in Courts of Session shall be forwarded to the record-room of the Sessions Court not later than the last day of the month succeeding the month in which judgment was pronounced.

Records received back from the High Court, and papers received in a Court after a record has been sent to the record-room (e.g. orders summarily rejecting appeals, warrants returned after execution, etc.) shall be sent to the record-room on the next subsequent date fixed for the sending of records of completed cases to the record-room.

**109. List of records to be maintained.** - Records of completed cases relating to the Sessions Court shall be sent to the record-room in separate bundles for each different classes of records as defined in chapter XII, Rule 117 and those relating to the Courts of Magistrates shall be sent in separate bundles for each class relating to each thana. Each bundle shall be accompanied by a list of the records it contains. The clerk in-charge of the records shall prepare the list and shall enter the records therein in the order of the dates of decision. But if the dates of decision of two or more cases or proceedings of the class or thana to which the list relates are the same they shall be entered in the order in which they stand in the Court's registers. A case, however, shall not be retained merely because an earlier case has not yet been completed. In the case of the Sessions Court the munsarim and in the case of the Magistrates the reader shall examine the list and when he has seen that every case ready to be sent to the record-room has been duly entered therein, he shall sign it.

The list shall be on the prescribed printed Form (Part IX, No. 34 or 37), and shall be placed on the top of the records in the bundle. When the records have been examined as provided in Rule 111 and have been placed in their racks, the list shall be bound with previous list of records of the same class in the record-room of the Sessions Court and of the same thana and the same class in the record-room of the District Magistrate, so as to form a continued register of decided cases.

The munsarim or the reader, as the case may be, shall make out an invoice on the prescribed printed Form (Part IX, No. 40) of all the records and other papers forming each consignment to the record-room. The invoice (but not the counterfoil or the whole book) shall be sent to the record-keeper, who shall compare the number of records and papers entered therein with the number actually received and shall sign the invoice and return it to the Court. The munsarim or the reader, as the case may be, shall then attach it to its counterfoil in the book.

**110. Record to be kept in a rack.** - Until the records and papers received in the record-room can be examined by the record-keeper as provided in Rule 111 they shall be kept in a rack set apart for the purpose.

**111. Record to be examined by the record-keeper.** - As soon as may be after the records and papers have been received the record-keeper shall examine each record and satisfy himself-

(1) that every record is properly entered in the list of the bundle to which it belongs, and that it has been properly classified ;

- (2) that the papers in the record correspond with those entered in the general index ;
- (3) that the papers in the record bear no erasures or interlineations but those noted in the general index (Column 8) ;
- (4) that the papers bear the stamps entered in the general index (Columns 5 and 6) ;
- (5) that the stamps have been duly cancelled ;
- (6) that on each paper the number and aggregate value of the stamps on it have been recorded ;
- (7) that all orders have been duly signed ; and
- (8) that the provisions relating to the realization of fine given in chapter IX have been properly complied with.

If the record be found in order, the record keeper shall enter and sign below the certificate signed by the munsarim or the reader, as the case may be, a certificate to the following effect :

"Record examined and found correct."

If a list be found incorrect or a record be found defective in any respect, the record-keeper shall submit with a report for the orders of the officer incharge of the record room, or of the District Magistrate or the Sessions Judge, as the case may be. When making his examination, the record-keeper shall punch a hole in each stamp, distinct from the hole previously punched, and shall at the same time note thereupon the date of his doing so. The punching shall invariably be made in the middle of that part of the label on which its value is printed in eight principal languages but shall not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature.

**112. Subsequent papers to be filed.** - A paper sent to be filed with a record already in the record-room (e.g., an order summarily rejecting an appeal, a warrant returned after execution etc.) shall be filed with such record as soon as may be [after examination]. The record-keeper as directed in the previous rule shall punch every stamp which such paper may bear, and enter the paper in the general index. The entry shall be made below the certificate signed by the munsarim or the reader, as the case may be, or, if necessary, on a fresh sheet of the general index.

**113. Names of accused to be registered.** - When the record-keeper of the District Magistrate's record-room examines a record belonging to Class III, he shall enter the name of every person accused in the case in a register in Form No. 4 (Part IX, No. 42). This register shall be separate for each calendar year. It shall have a separate page or pages for each initial letter and the name of each accused person shall be entered on the proper page. If any person be indicated by more

names than one, each name shall be entered on its proper page. Against every name so entered the record-keeper shall at once fill up the particulars of the case in which the person bearing the name was accused.

**Note.** - Cases in which the order under Section 133 of the Code is made absolute under Sections 136, [137] and [140] or the order under the Section 145 is made absolute under Section 146 or 147 of the Code, shall not come within the scope of this rule unless action is taken under the provisions of Section 188 of the Indian Penal Code.

**114. Arrangement of records.** - The record shall be examined and the entries in the register of accused persons completed within one month of receipt of a bundle in the record-room. The bundles of records belonging to Class I shall be kept on the lowest shelves just as they are, until the time arrives for their destruction, each bundle being marked "Class I" and labelled with the name of the Court and the date of the list with which it was received.

**115. Arrangement of records.** - For records belonging to Classes II and III in the Courts of Magistrate, a separate part of the record-room shall be assigned to each police station. For each police station and for each class there shall be one bundle or more for records of each year, in which the records shall be arranged according to the dates of decision.

Records belonging to these classes, received in the record-room of the Sessions Judge shall be arranged according to dates of decision.

**116. Prohibition against unauthorised removal of records.** - No judicial record or portion of any judicial record shall be taken out of court building or premises by any ministerial officer on any pretext whatever. A breach of this rule will render the officer liable to dismissal.

**[116A. Preservation of Electronic Record.** - Notwithstanding anything contained to the contrary in Rules 105 to 116, the electronic record shall be preserved, attributed, acknowledged and dispatched in accordance with the Information Technology Act, 2000 (Act 21 of 2000) and rules made thereunder.]

## CHAPTER XII

### *Destruction of Records*

**117. Classes of Records.** - Records shall be classified as follows :

**Class I** - (1) Every complaint dismissed under Section 203 of the Code.

(2) Every case compounded under the law.

(3) Every application dismissed.



(4) Every miscellaneous report or proceedings, which is entered in Form No. 12, when not filed as part of the record of a regular case.

(5) Every case in which an accused person is discharged under the provisions of Section [259] of the Code.

(6) Every case under Section 133 of the Code.

(7) Every case in which an accused person is acquitted under Section [247] or [248] of the Code.

(8) Every case under the following Acts in which the offence charged is punishable with fine only or with imprisonment not exceeding one year with or without fine.

(i) The Police Act, 1861.

(ii) The Stage Carriages Act, 1861.

(iii) The Cattle Trespass Act, 1871.

(iv) The Northern India Canal and Drainage Act, 1873.

(v) The Hackney Carriage Act, 1879.

(vi) The Vaccination Act, 1880.

(vii) [The Prevention of Cruelty to Animals Act, 1890.]

(viii) The Indian Stamp Act, 1899.

(ix) The Cantonments Act, 1924.

(x) The Indian Forest Act, 1927.

(xi) The Sugar Cane Act, 1934.

(xii) [The Motor Vehicles Act, 1939.]

(xiii) [The U. P. Town Areas Act, 1914.]

(xiv) The U. P. Municipalities Act, 1916.

(xv) The U. P. District Boards Act, [1922]

(xvi) The U. P. District Boards Primary Education Act, [1926],

**Note.** - (1) The register in Form No. 9 should be properly maintained and should show convictions where sentences are passed.

(2) Cases in which the order under Section 133 of the Code is made absolute under Sections 136, [137] and [140] of the Code should be treated as falling in Class III.

**Class II.** - Every case in which the offence charged is punishable with fine only or with imprisonment not exceeding one year with or without fine, except offences under the Acts mentioned in Class I above or under the following Acts :

(i) The Public Gambling Act, 1867.

(ii) [The Central Excises and Salt Act, 1944.]

(iii) The U. P. Excise Act, 1910.

(iv) The U. P. Opium Smoking Act, 1934.

Every appeal and revision case.

**Class III.** - All other cases including cases under Section 108 of the Code :

Provided that a Court, for reasons to be recorded in writing, may order that any case or proceeding belonging to Class I be treated as belonging to Class II or Class III, or that any case belonging to Class II be treated as belonging to Class III.

**118. Destruction of papers.** - The entire record in Class I shall be destroyed upon the expiration of one year, file B in Classes II and III upon the expiration of two years, and file A in Class II upon the expiration of five years reckoning from the 30th June or the 31st December next following the order disposing of the case.

File A in Class III shall be destroyed upon the expiration-

(a) of ten years in a case under Section 108 of the-Code and in a case tried by a Court of Sessions or by a Magistrate, in exercise of the powers granted to him under Section [30] of

the Code except that - (i) in every case the judgment or final order of the Sessions Judge or Magistrate shall be retained for 50 years ; and (ii) in a case in which a conviction was had under chapter VI of the Indian Penal Code, the whole of file A shall be retained for 50 years :

Provided that in cases tried by a Sessions Judge in which punishment awarded is more than seven years' rigorous imprisonment special orders of the Sessions Judge shall be obtained in each case before destroying file A of Class III after 10 years;

(b) of five years in other cases ; except that in every case the judgment or final order of the Sessions Judge or Magistrate in cases in which the offence proved is an offence punishable under chapter XII or chapter XVII of the Indian Penal Code with imprisonment of either description for a term of three years and upwards shall be retained for 50 years ;

reckoning from the 31st December next following the orders disposing of the case :

Provided always that-

(i) if the warrant with the certificate as to the manner in which the sentence has been executed has not been filed with the record before the expiration of the period abovementioned, the record shall be laid before the Court for further orders ;

(ii) a Sessions Judge or District Magistrate for reasons to be recorded in writing, may direct that any record or part thereof be retained permanently ;

(iii) the record of a case in which an accused has absconded or is a lunatic, or a person who has been ordered to pay maintenance shall not be destroyed until it be proved to the satisfaction of the District Magistrate that such accused or other person is dead, or until a period of fifty years has elapsed since the order was passed ;

(iv) the record of cases of non-criminal lunatics shall be destroyed upon the expiry of three years from the date of non-criminal lunatic is either discharged from the hospital or is dead or from the date of application filed under Section 5 of the [Indian Lunacy Act, 1912] is dismissed under Section 10 (2) of the Act.

**119. Destruction of papers.** - As soon as may be after the 1st January and 1st July of each year, the records liable to be destroyed under the preceding rule shall be examined, and if their time for weeding has expired shall be disposed of as follows :

(1) Confidential papers and stamps and court-fee labels shall be tom to pieces and burnt in the presence of the record-keeper. Notes and orders on administrative matters must be treated as confidential papers.

(2) All original documents and papers forming part of records as also certified copies of such documents and papers shall be torn across and then sold as waste paper to the best advantage.

(3) Papers not covered by Clauses (1) and (2) and the accumulation of waste paper baskets shall be sold as waste paper without being torn at all.

The sale proceeds of paper shall be credited to Government and in order to secure that the best price is obtained, inquiries should be made from time to time as to the prices obtainable in the neighbouring districts.

As each record is weeded, a note of the fact shall be made in the list with which it was received in the record-room.

**120. Retention of registers, books, etc.** - The following books shall be retained for the periods specified against them, computed from the date of the latest entries :

[Provided that if any dispute or necessity arises within the prescribed period of its retention, no such record shall be destroyed unless the dispute is settled or the necessity ceases.]

No.	Description of book or register	Period
1.	Register of inspection (Form No. 6)	One year
2.	Register of copies (Form No. 8)	Ditto
3.	Register of punishment inflicted (Form No. 16)	Ditto
[4.]	Attendance Register prescribed under paragraph 2 of chapter I of Handbook for Criminal and Revenue Courts, 1954	Ditto]
5.	Register of decided cases of Class I (lists in Form, Part IX, No. 34 or No. 37 bound up.)	Two years
6.	Register of Miscellaneous reports and proceedings (Form No. 12)	Ditto
[7.]	Register of appeals (Form No. 13).	Five year]
[8.]	Register of revision cases (Form No. 14)	Ditto]
9.	Pass book (Form No. 3)	Three years
10.	Cheque receipt book (Part IX, No. 72)	Ditto
[11.]	Register of requisitions (Form No. 5)	Ten years]
[12.]	Register of decided cases of Class II (list in form, Part IX, No. 34, bound up)	Five years]
13.	Register of witnesses (Form No. 18)	Ditto
14.	Register of fines (Form No. 2)	Ditto
15.	[Register of cases under section 466 of the Code (Form No. 10)]	Ditto
16.	Register of miscellaneous criminal cases (Form No. 11)	Ditto
17.	Counterfoils of deposit repayment order books	Twelve years
[18.]	Record keeper's alphabetical register of accused persons (Form No. 4)	Sixty years]
19.	Register of cases (Form No. 9)	Ditto

20.	Register of committed cases (Form No. 15)	Ditto
21.	Register of cases submitted (Form No. 17)	Ditto
22.	Register of decided cases of Class III (lists in Form, Part IX No. 34, bound up).	Ditto
23.	Register of registers (Part IX, No. 66)	Permanently

**121. Retention of other papers.** - The following papers shall be retained for the period specified against them, computed from the 31st December of the year to which they relate :

No.	Description of paper	Period of retention
1.	Periodical statements and returns and office copies of them, and correspondence regarding them.	Three years
2.	Copies of orders forwarded under Section 167 of the Code, if not filed with the record of a case.	Ditto
3.	[Proceedings in respect of absconding witnesses under Section 82, 83, 84 and 85 of the Code, if not filed with the record of a case]	Ditto
4.	Invoice of consignments to the record-room (Part IX, No. 40)	Ditto
5.	Papers relating to contingent charges	Ditto
6.	Punishment of officials, after final orders have been carried out and entry made in service book.	Ditto
7.	Papers relating to the 1857 uprising or to the forfeiture of the property of persons connected therewith.	Permanently

**122. Retention of other papers.** - The following papers shall be retained for one year, computed from the 31st December of the year in which they were written :

No.	Description of paper
1.	Applications for copies, if not filed with the records of the cases to which they relate and correspondence relating to them.
2.	Reminders.
3.	Lists of unanswered references and explanation of delay with calling for them.
4.	Covering dockets and letters.
5.	Correspondence regarding books, furniture and repairs of Courts.
6.	Indents for forms, stationery or additional copies of circulars and correspondence relating thereto.
7.	Correspondence relating to leave and transfers, and certificates of transfer of charge of office.
8.	Correspondence relating to the service or execution of criminal processes and to the summoning of jurors and assessors.
9.	Correspondence with other departments regarding criminal proceedings under special laws.
10.	Nominal rolls of female prisoners about to be released and correspondence relating thereto.
11.	Correspondence relating to salary, travelling allowance and contingent bills.
12.	Office copies of calendars of committed cases.
13.	Correspondence relating to questions of practice of procedure which is concluded by the publication of a rule or order of competent authority.
14.	Correspondence and applications regarding employment.
15.	Sessions statement.

**123. Destruction of registers, books.** - At the end of the periods specified for retention the books and papers mentioned in the three rules immediately preceding shall be destroyed in the manner prescribed in Rule 119 :

Provided that a Sessions Judge or a District Magistrate as the case may be, may at his discretion direct the retention for a longer period or permanently of any paper which he may consider likely to be useful in the future.

**124. Notice to be given before destruction of original document.** - In cases in which original documents have been filed in a criminal record, the Sessions Judge or the District Magistrate, as the case may be, shall, before destroying the record on expiration of the period of retention, give notice by post service unpaid to the parties concerned, intimating to them the impending destruction of the record and calling upon them to take back the original document in question. If the document is not claimed, it shall be destroyed after the expiry of three months from the date of such notice.

**[124A. Period of retention and destruction of electronic record.** - The period of retention of electronic record in the form of registers, books and other papers and destruction thereof shall be regulated by Rules 117 to 124 contained in this chapter and the Information Technology Act, 2000 (Act No. 21 of 2000) and rules made thereunder.

**124B. Retention of records in certain cases.** - Notwithstanding anything contained to the contrary in any other provision of this chapter, the record of a case shall not be destroyed when any appeal or revision is pending.]

## CHAPTER XIII

### *Requisitions for Records*

**125. Requisition for records.** - When under any law or any rule having the force of law a Court sends for the record of a criminal case, whether pending or decided, the Court shall send a requisition in the prescribed Form (Part IX, No. 13) and the cost of transmission shall ordinarily be borne by the Government.

**126. Requisition for records.** - When a record or a portion of a record pertaining to a Court in another State is required, the requisition shall invariably be sent through the High Court. In no case must it be sent to the Court direct. The Court summoning the record or a portion of it must state whether it has satisfied itself that the production of the original record or of a portion of it is actually necessary.

**127. Requisition by party through Court.** - For the requisition of a record or portion of a record on behalf of a party to a case from any Civil, Revenue or Criminal Court, written application shall be made stating the purpose for which the record is required. A separate application shall be

made for each record or portion of a record required, and each such application shall bear a Court-fee label of [the amount] provided in the Court-fees Act, 1870, Schedule II, Article 1 (b).

**128. Record may be issued to Government Commissioner, etc.** - A Court (including the officer-in-charge of a record-room) shall ordinarily without objection send a record for inspection on receipt of a requisition from the Government, the Board of Revenue, the Head of a Department of Government, the Commissioner of a division, the District Magistrate, or any Court, Civil, Criminal or Revenue. It shall not issue a record to any other person except for special reasons to be recorded. In any doubtful case a report shall be made for the orders of the High Court.

**129. Printed form.** - When an order for the transmission of a record has been made, the reader or the record-keeper, as the case may be, shall send the record under cover of a printed form for transmission (Part IX, No. 61) after filling up Columns 1 to 12 of the form. The form of requisition received shall be kept in the place from which the record was taken.

**130. Register of requisitions.** - The departmental clerk in each Court and the record-keeper in the record-room shall maintain a register of requisitions for records in Form No. 5 (Part IX, No. 43) Columns 1 to [11] of which shall be filled up as soon as a requisition is received, and Column [12] when the record is transmitted.

**131. Record to be promptly returned.** - When the record is no longer required, it shall be promptly returned, Columns 13 and 14 of the forms of transmission shall be filled up and the form shall be returned with the record.

**132. Examination of record on receiving back.** - On receiving back the record the reader or the record-keeper as the case may be, shall make an examination as prescribed in chapter XI, Rule 106 and after filling up Columns [13 and 14] of the register of requisitions, Form No. 5, he shall file the requisition and the form for transmission with the record, and restore the record to its proper place.

**133. Scrutiny of register.** - Once in every quarter the register of requisition shall be laid before the Court or the officer-in-charge of the record-room, as the case may be, for orders as to records which have been issued more than three months and have not been returned.

**[134. Mode of transmission of record.** - The following instructions shall be observed for the transmission of records from one court to another:

(1) Records shall be securely packed (in wax-cloth, when necessary), and shall, subject to the proviso hereinafter contained, be transmitted by post or rail. Each parcel shall contain the papers connected with one case only. Postage shall, except when the requisition otherwise states, be prepaid by service postage stamps:

Provided that in case of urgent necessity or if the record is to be transmitted to a court situated in the same place as the court transmitting it, it may be sent by a Government messenger.

(2) An acknowledgement shall invariably be required from the court to which a parcel containing a record has been dispatched, and, in the event of none being received within a reasonable time, inquiry shall be made to ascertain the cause.

(3) Records weighing under 3 kilogram may be sent by parcel post, and those weighing 3 kilogram and over rail (passenger train).

(4) Notwithstanding anything contained in the foregoing provisions of this rule, where any document is available in electronic form or can be conveniently converted to such form, the transmission of such record shall be made through authorised electronic communication.]

**135. What material exhibit to be sent to High Court.** - At the conclusion of a trial liable to come up before the High Court in appeal, the Sessions Judge shall, after consulting counsel on both sides, where necessary, record a specific order as to what material exhibits are to be forwarded to the High Court along with the record in the event of an appeal. All such exhibits shall invariably be submitted to the High Court along with the record.

In selecting these material exhibits the Sessions Judge shall pay special attention to the fact that bulky and clearly unnecessary exhibits are not sent up and the important ones, e.g., weapons which are alleged to have been used to commit an offence, but about which there is any doubt as to their capacity to inflict the alleged injuries are not omitted.

When a material exhibit is sent up a note to that effect shall be made in red ink against its number in the index of exhibits.

#### CHAPTER XIV

##### *Inspection of Records*

**136. Taking charge of record.** - A Judge or Magistrate requiring to examine at his private residence the record of a case pending in his Court may take charge of such record.

**137. Records of pending cases how inspected.** - A Judge or Magistrate in his discretion may by verbal order permit a party to a case or his pleader to inspect on the date of hearing, before the rising of the Court the record of a pending case in the Court room, or in the presence of the reader or munsarim.



Any Government officer authorised to examine record either on behalf of the Government or by way of scrutiny of the work of an office or any public prosecutor, may with the permission of the Presiding Judge at all reasonable times be allowed to inspect any record, book or register in a pending case without any formal application to or order by the Presiding Judge or Magistrate. No fee shall be paid for an inspection made under this rule.

**138. Inspection in Sessions Court.** - For any inspection other than one made under the last preceding rule, of a record in a Court of Session or its record-room, the rules governing inspections in Civil Courts shall apply.

**139. Inspection in Magistrate's Court.** - For any inspection, other than one made under Rule 137 of a record in a Magistrate's Court or record-room a verbal application may be made on any Court day within the first four working hours to the Court or the officer-in-charge of the record-room. If such officer rejects such application, he shall record his order and the reason therefor. If such application be granted, the reader or record-keeper shall make an entry of the inspection in an inspection register in the prescribed Form No. 6. (Part IX, No. 44); and shall cause to be affixed in Column 5 by the applicant a court-fee stamp of the value of [fifty paise] if he be a party to the case or such party's pleader, and of [one] rupee in any other case.

Such applicant shall make his inspection in the presence of the munsarim, reader or of the record keeper or his assistant, and at such place and between such hours as may be appointed for the purpose by the Court or by the officer-in-charge of the record-room but not in the record-room itself. He shall not be allowed - (i) to have with him or to use any pen or ink, (ii) to remove any record from the place of inspection or (iii) to make any mark, upon, or in any respect to mutilate the record or paper which is being inspected. He may, if he so desires make fall copies in pencil of any papers that he is inspecting. A separate fee shall be levied for each record inspected ; if the inspection lasts for more than one day a separate fee shall be levied for each day or part of a day occupied in the inspection.

Where a party to a case applies that any record, book, or register, or set of books or registers be sent for and inspected during the hearing of the case, the applicant shall, on the application being granted, pay into Court a court-fee stamp of the value of one rupee for each such record, book, or register or set of books or registers. If, for any reason, such record, book or register is not sent for inspection, the applicant shall be entitled to a refund of the inspection fee paid under this clause, less [6 paise] in a rupee, provided he applies for such refund within three months from the date of order granting the application for inspection.

Refund of inspection fees under this rule shall be made by a certificate for refund in the form prescribed in similar cases for Civil Courts granted by the Court to the person entitled to such refund authorising him to receive from the Collector the amount therein specified.

Before any refund of inspection fees is made, there shall be an order of the Court on an application bearing an officer report, or on an office report. The Presiding Officer shall, with his own hand, note in figures the amount to be refunded, and the officer shall refer to such order before signing the certificate for refund.

**140. Application for inspection of books, registers, etc.** - For any inspection, other than one made under the second paragraph of rule 137 of any prescribed book or register maintained in a court or record-room, a written application shall be made stating the purpose for which inspection is required. Upon such application shall be made an order in writing of the Judge or Magistrate or the officer-in-charge of the record-room either allowing or refusing the application; if inspection is allowed, it shall be made in the presence of the officer whose duty it is to keep such book or register. A fee of [Rs. 10.00] shall be paid for each inspection made under this rule and for each day or part of a day occupied in the inspection.

**141. Application for information.** - Any person desiring to ascertain the serial number, date of institution or other registered particulars respecting a case or any proceeding therein, or of any judicial proceeding, the record of which is in the Judge's or the Magistrate's Court or record-room, shall present or send by post to the officer-in-charge of the record-room, an application preferably in Form 7 (Part IX, No. 45), to which shall be affixed a court-fee label of [five rupees] giving the best particulars he can as to the year of institution and names of parties. He shall be entitled to have a search made and the information, if obtainable, given to him in writing signed by the record-keeper within ten days of the date of receipt of application.

The record-keeper shall mark each application with a serial number. In case the information be not supplied within ten days as aforesaid the record-keeper shall forthwith on the expiration of the said period of ten days report in writing to the Court the cause of non-compliance with the application.

The application shall after disposal be pasted under a separate serial number in a file book kept for the purpose and consigned to the record-room annually.

Where the applicant desires that the information be supplied to him by post, he shall give his address at which it may be sent and affix to his application postage stamps of the requisite value.

A printed copy of this rule in Hindi shall be posted on a notice board in a conspicuous place in every Court and also in the record-room.

**141A.** Tire fee prescribed by this chapter shall be in addition to the fee payable under the Court Fees Act, [Article 1 (b), paragraph 6 of Schedule II] on a written application for inspection or search.

**[141B. Access of Electronic Record.** - Subject to Rule 21-F and directions, if any, of the High Court, the electronic record of a case shall be accessible only in accordance with the provisions of the Information Technology Act, 2000, as amended from time to time (Act 21 of 2000) and the rules made thereunder notwithstanding anything contained to the contrary in any other provision of this chapter.]

**Copies**

**142. Order necessary for copy.** - Except as may be otherwise directed by any law for the time being in force or by any rule having the force of law, a copy shall not be made of any record or part thereof save under an order of the Court upon an application made as hereinafter mentioned.

**143. Copy to be sent to certain authorities.** - Notwithstanding anything contained in these rules-

(i) the Presiding Officer of a Court shall order a copy of any proceeding in the Court to be made and delivered, upon receiving a written request to that effect from-

(a) the District Magistrate;

(b) the District Government Counsel or other legal practitioner authorized in this behalf by the District Magistrate;

(c) any Gazetted Officer of the Government of India who as such is interested in the proceeding;

(d) the Government or any High Court in India, any authority in India exercising jurisdiction similar to that of a High Court, any Court subordinate to the High Court or any principal Court in any other country :

Provided that if in the opinion of such Presiding Officer there is any objection to compliance with the request he shall refer the matter for the orders of the High Court;

**[(e) the Public Prosecutor in respect of a case before a Magistrate.]**

(ii) the Presiding Officer of a Court shall order a copy of every judgment, in which a government servant, soldier, reservist, pensioner or a servant of a local authority has been convicted of an offence, to be sent to the head of the department, or office, regiment or other body to which the soldier or servant belongs, as the case may be. In the case of a soldier or reservist a copy of the order shall also be sent to the Adjutant-General in India. Similarly, in the case of a pensioner it shall also be sent to the officer responsible for the audit or payment of the pension to such pensioner.

In cases concerning government servants or the servants of a local authority accused of criminal offences copies of judgment of acquittal and of orders of discharge shall be supplied free of cost on the application of the Head of the Department in which such servant is employed.

In the case, however of any reservist of the Indian Army who is; sentenced to imprisonment for a term exceeding three months, a copy of the order of conviction shall be sent to the Commandant of the appropriate Regimental Centre instead of the Adjutant-General in India.

The following are the Regimental Centres which are also Reserve Centres :

- (1) The Punjab Regimental Centre, Meerut.
- (2) The Madras Regimental Centre, Wellington.
- (3) The Grenadiers Regimental Centre, Nasirabad.
- (4) The Maharathas Regimental Centre, Belgaum.
- (5) The Rajput Rifles Regimental Centre, Delhi Cantonment.
- (6) The Rajputana Regimental Centre, Fatehgarh.
- (7) The Jat Regimental Centre, Bareilly.
- (8) The Sikh Regimental Centre, Ambala.
- (9) The Dogra Regimental Centre, Jullunder.
- (10) The Garhwal Rifles Regimental Centre, Lansdowne.
- (11) The Kumaun Regimental Centre, Ranikhet.
- (12) The Assam Regimental Centre, Shillong.
- (13) The Bihar Regimental Centre, Dinapore.
- (14) The Mahar Regimental Centre, Saugor.
- (15) The Sikh Light Infantry Regimental Centre, Ferozepore.
- (16) First Gorkha Rifles Regimental Centre, Dhramshala Cantonment.

- (17) Third Gorkha Rifles Regimental Centre, Dehra Dim.
- (18) Fourth Gorkha Rifles Regimental Centre, Bakloh.
- (19) Fifth Gorkha Rifles Regimental Centre, Dehra Dun.
- (20) Eighth Gorkha Rifles Regimental Centre, Dehra Dun.
- (21) Ninth Gorkha Rifles Regimental Centre, Dehra Dun.
- (22) Eleventh Gorkha Rifles Regimental Centre, Palampur.
- (23) Armoured Corps Centre and School, Ahmadnagar.
- (24) Artillery' Centre, Deolali.
- (25) Madras Engineer Centre, Bangalore.
- (26) Bengal Engineer Centre, Roorkee.
- (27) Bombay Engineer Centre, Kirkee.
- (28) Signal Training Centre, Jabalpur.
- (29) Army Service Corps Centre, (South), Bangalore.
- (30) Army Service Corps Centre (North), Meerut.
- (31) Remount Veterinary and Farm Corps Centre and School, Meerut.
- (32) Army Medical Corps Centre (South), Poona.
- (33) Army Medical Corps Centre (North), Lucknow.
- (34) Electrical and Mechanical Engineering Centre, Jalahalli.
- (35) Army Ordinance Corps Centre, Poona.

(36) Intelligence Training School and Depot, Mhow.

(37) Pioneer Corps Centre, Mathura.

(38) Army Educational Corps Centre and School, Pachmarhi.

(39) Army Physical Training Corps Centre, Poona.

(40) General Service Corps Depot, Belgaum.

(41) Army Postal Sendee Centre, Kamptee.

(42) Corps of Military Police Centre School, Faizabad.

(iii) In all criminal cases in which a commissioned officer is involved, whether the case ends in conviction, acquittal or discharge, a copy of the judgment shall be sent to the Secretary of the Ministry of Defence, Government of India (Army Branch). In the case of a soldier also a copy of the judgment shall be sent to him only if the case ends in conviction. In the case of a reservist, such copy of the judgment need not be sent unless the reservist has been called up for military service.

Every copy ordered to be furnished under this rule shall be prepared on plain paper, but rules 150, 151 and 154 shall apply to the preparation of such copy.

Application for copies of the document detailed in this rule are not chargeable with fees under Schedule II of the Court Fees Act, 1870.

[(iv) Where the opinion of any Government Scientific Expert of-

(a) a Forensic Science Laboratory of Uttar Pradesh,

(b) The Serologist and Chemical Examiner to Government of India, Calcutta is received in evidence and adversely commented upon in the judgment or some guidelines relating thereto are laid down in the judgment, a copy of the judgment or in the discretion of the Court relevant extract thereof, shall be sent to the Officer-in-charge of such Laboratory or the Serologist and Chemical Examiner, as the case may be and another copy or extract in shall be sent to the Superintendent of Police of the District concerned for information and guidance.]

**144. Stranger may obtain copy of judgment.** - A stranger to a case shall be entitled to receive a copy of the judgment [or order] in a criminal case on payment of proper fees.

**145. Application for copy, how presented.** - Every application for a copy shall be presented or sent by post prepaid to the officer-in-charge of the copying department for the Court or record-room in which the record may be for the time being. Such officer shall then and there enter in clear bold words and figures on the left hand centre portion of each paper (obverse side) the date of the application and the serial number of the day. A rubber stamp may be used for this purpose, the officer-in-charge merely initialling the entry.

When the application is for a copy to which by any law or by any rule having the force of law the applicant is entitled and is in other respects in order, such officer shall make an order that the copy be granted; in every other case he shall lay the application for orders before the Sessions Judge or District Magistrate, or officer specially appointed in this behalf by the Sessions Judge or the District Magistrate.

**Copies of official reports and of copies.** - Except for the special reasons to be noted by the Presiding Judge on the application, no copy shall be granted of (1) official correspondence and reports; (2) a document which is itself a copy; and (3) a document which does [not] form part of the record.

In the case of official correspondence or report an order for a copy shall not be made, until permission has been obtained from the highest authority concerned with such correspondence or report.

For the purpose of these rules the officer-in-charge of the copying department shall be deemed to be-

(a) for a Court of Session, the munsarim;

(b) for any other Court at headquarters or the Magistrate's record-room the officer-in-charge of the District Magistrate's record-room, or such other person as the District Magistrate may appoint from time to time by written order; and

(c) for any other Court, the Presiding Officer.

In every application sent by post the applicant shall give his full address, and shall state whether he will attend in person to receive the copy or desires it to be sent by post. In the latter case the applicant shall also send a duly stamped and addressed envelope with the application.

**146. Application by prisoner in Jail.** - An application for a copy by a prisoner may be made through the Superintendent of the Jail or through someone acting on the prisoner's behalf; in the latter case the officer-in-charge of the copying department shall, if satisfied that the application has been made on behalf of the prisoner, order the copy to be made and sent to the jail, unless for good reasons shown he directs it to be made over to the person through whom the application is made:

[Provided that the Courts shall forthwith furnish a free transcript of the judgment when sentencing a person to prison terms.]

**147. Form of application.** - An application for a copy shall ordinarily be written upon a printed Form (Part VIII, No. 64) which can be procured free of cost from the officer-in-charge of the copying department. It shall state-

- (i) whether the applicant is entitled to the copy;
- (ii) whether he is entitled to such copy free of cost;
- (iii) if the applicant is not entitled to such copy the object for which the copy is required and the ground upon which the application should be granted;
- (iv) the particulars of the paper or document of which the copy is applied for;
- (v) the particulars of the record, if any, containing such paper or document: and
- (vi) whether the application is urgent or ordinary.

**[148. Charge for copy.** - The following shall be the scale of charges for copies for which a fee is payable, namely -

(a) For a copy containing 1000 words or less -

(i) in any court in any case other than a case tried summarily:

	Judgment	Deposition	Sentence or Charge	Any other paper except a book, register, map or plan, etc., or an extract therefrom
	Rs	Rs	Rs	Rs
Ordinary Copy	10.00	10.00	10.00	10.00
Urgent Copy	20.00	20.00	20.00	20.00

(ii) In the case a record of a summary trial:

Ordinary copy : Rs 10.00
Urgent copy : Rs 20.00



(b) For a copy ordinary or urgent, containing more than 1000 words -

For 1000 words the charge shall be the same as detailed above and for every subsequent 500 words or less an extra charge of Rs 5.00 and Rs 10.00 respectively, for an ordinary or urgent copy shall be made.

(c) For the photostat copy, a fee of Rs 2.00 per page shall be payable, in addition to the fee payable in the aforesaid manner.

(d) For the copy of a record available electronic form, a fee of Rs 20.00 up to 5 page, and an additional fee of Rs 3.00 per page exceeding 5 page shall be payable.

(e) When in addition to the copy of a judgment which is supplied free of cost to an accused person one more copy is required by him for the exclusive use of his counsel in an appeal or revision, the charge for one such copy shall be one-half of the usual rates subject to the minimum prescribed in clause (a)(i) or (ii) above. When the judgment happens to be a printed one, the charge shall not exceed the actual cost of production.

(f) In case an applicant desires to have more than one copy of a document, and type copies can be given, each copy, after the first, shall be supplied on payment of half the charges as prescribed above.

(g) In the case of a book, register, map or plan, or an extract therefrom, or any other document, the preparation of which requires any special apparatus or skill, the charge shall be fixed in each case by the court with reference to the difficulty or intricacy of the work to be done.

**Note.** - (1) If an order-sheet contains a judgment of the court a separate fee shall be charged for a copy of that judgment as given in the schedule of rate.

(2) Copying fee shall not be charged for each separate order on the order-sheet and a copy of the order-sheet shall be furnished as that of "any other paper except a book, register, map or plan or an extract therefrom.]

**149. Fees to be paid in stamped paper.** - Except in the case of an application for a copy of book, register, map or plan or an extract thereof, an application for a copy for which a charge is to be made shall not be entertained unless it is accompanied by a sheet or sheets of stamped paper of the value required under the preceding rule.

The copy shall be written so far as possible upon such sheet or sheets, and if the whole cannot be written thereon, the remainder shall be written upon foolscap paper of durable texture supplied by the Government.

If the copy does not extend over every sheet filed, the head copyist shall make and sign upon each blank sheet an endorsement to the following effect :

"This sheet was filed with application No.....dated....."

The charge fixed by the Court for a copy of a book, register, map or plan or any extract thereof shall be levied and disposed of as such Court by written order may direct; any portion of such charge which such Court may direct to be levied in stamped copying paper shall be subject to the foregoing provisions of this rule.

If an application for a copy is rejected, the officer-in-charge of the copying department shall at once return to the applicant any stamped paper filed therewith and take his receipt for the same in Column 13 of the register of copies (Form No. 8), If the applicant be not present, the officer shall inform by post of the fact and direct him to appear without delay and take back the stamped sheets forwarded by him with his application, provided that he has previously sent a duly stamped and addressed envelope.

The officer before returning any stamped sheets shall endorse each sheet with the words "Returned unused to....." (being the applicant) and initial them.

These applications for copies shall be consigned to the record-room in monthly bundles on the first day of each month following that to which they relate.

Stamped sheets so returned may be used by the same applicant in a subsequent application for copy.

If no applicant appears within thirty days of the date when the letter was sent to him, the officer shall render useless the stamped sheets by folding them down the middle vertically, tearing off the right half of each sheet destroying it and causing the left half on which is entered the date and number (Rule 145) to be filed in the record alongwith the application. An entry of the fact of destruction shall be made in the register of copies (Form No. 8) against the application.

**150. Procedure on order for copy.** - As soon as an order for a copy has been made, entries shall be made by the head copyist without delay in the first four columns of the register of copies; and the order with the application, if any, and the stamped paper, if any, accompanying the application shall be forwarded forthwith by the officer-in-charge of the copying department to the official-in-charge of the record, who shall without delay send such order, application and stamped paper and the particular paper out of the record of which a copy is desired to the head copyist, and shall take from the head copyist in a book to be kept for the purpose a receipt containing a note of the date and hour when such paper was delivered to him; and the head copyist shall enter in his register of copies the date and hour when he received the aforesaid paper or the paper of which a copy is required.

[Where the officer-in-charge of the record-room considers that it is inconvenient or unsafe to break the Natthi of the record, the copy shall be made and compared by the copyist in the record-room under the direct supervision of the record-keeper.]

As soon as a copy is made, the head copyist shall forthwith return the paper of which the copy has been prepared together with the order and the application, to the official from whom he received them; and such official shall forthwith place such order and application in File B of the record.

The head copyist shall at the end of each working day deposit all documents under copy in a locked box to be kept for that purpose. At headquarters such box shall be kept in the record-room. When the copy has to be made in the office of a Court on tour, the Presiding Officer shall appoint some person to perform the duties of the head copyist.

**151. Form of copy.** - Every copy that is not made on stamped paper shall be made on paper of durable texture supplied by the Government.

Every copy of a proceeding in a case shall be made with a heading containing the following particulars :

- (i) name of the Court, name and power of Presiding Officer ;
- (ii) serial number, nature and year of case ;
- (iii) name of police station ;
- (iv) name, parentage and residence of accused, if any ; and
- (v) the number of words in the copy.

When a copy has been made it shall be signed by the person who made it. If such person is not the head copyist, the head copyist shall then examine the copy and correct it, if necessary; when it is correct, he shall certify it to be a true copy, stamp, each sheet of the copy or blank sheet with the stamp of the Court or record-room and serially number the sheets. If the head copyist made the copy, such duties shall be performed by some person appointed for the purpose by the officer-in-charge of the copying department. A copy shall not be certified as a true copy unless it sets out the value of each stamp, if any, upon the original.

A copy shall not be issued to any person until it has been examined, certified, stamped and paged ; and a copy shall not be delivered to an applicant until the requirements of Rule 152 have also been complied with.

**152. Delivery.** - When a copy made under an order upon an application is ready for delivery, notice thereof in the prescribed Form (Part VIII No. 65) shall forthwith be placed on the notice board of the Court. The head copyist shall endorse upon the last sheet of the copy of the date of the application, the date of posting the notice on the notice-board, and the date of delivery of the copy to the applicant. Such dates shall be written in words as well as figures.

If delivery of the copy is not taken within fifteen days of the notice being posted on the notice-board, the orders of the Court shall be taken as to the disposal of the copy :

Provided that when a copy is to be delivered to a prisoner, it shall be despatched at once to the jail :

Provided also that when a copy is to be sent by post, it shall be despatched as soon as the notice is placed on the notice-board.

**153. Priority of orders.** - Save as provided in these rules orders made on urgent applications shall have priority over all orders made on ordinary' applications; orders on urgent applications and orders on ordinary applications shall have strict priority amongst themselves according to the date and serial number of each order.

A copy for which an order has been made on an urgent application shall be delivered, as a rule, not later than the working day next after the day on which the order was made.

**154. Register of application for copy.** - The head copyist under the supervision of the officer-in-charge of the copying department for the Court shall enter every order for a copy-

(1) in the Court of Session, in the appropriate register prescribed for Civil Courts.

(2) in other Courts in a register in Form No. 8.

When such order was made on an application, the serial number marked on such application shall be entered in the register.

In such register the entries relating to urgent application shall be made in red ink, and all other entries shall be made in black ink.

In the column of remarks an entry shall be made showing the manner of disposal of each fee paid in cash.

**155. When copy cannot be supplied.** - In case any difficulty arises in complying with an order for a copy, the order and application, if any, shall be laid forthwith before the Court for orders with a report by the head copyist. If a copy cannot be given the Court shall direct that the stamped paper,

if any, be returned. If the order cannot be completed or complied with by reason of the record being in the Appellate Court or in any other Court, it shall be sent on to the Court concerned for compliance. In such case the applicant shall be furnished with any copies which may have been prepared, and shall be informed by which Court the remaining copies required will be supplied.

**156. Correction of defective application.** - In case any difficulty arises in complying with an order for want of sufficient information to enable the record to be traced or the copying fee filed is insufficient, the applicant shall, if not present, be asked by post (provided that he has previously deposited the requisite postage stamps) to remove the defect within [fifteen days]. But if the postage stamps have not been so deposited, the nature or extent of the deficiency in the information or copying charges shall be recorded in red ink and posted on the notice board. On the expiry of [fifteen days] from the date of posting the application shall, if the defect is not removed, be rejected for default.

## CHAPTER XVI

### *Printed Forms and File Books*

**[157. Printed forms.]** - (1) A list of printed forms authorised for use in criminal courts is given in Appendix 'B'. No printed forms other than an authorised form shall be used in any court.

(2) However the forms mentioned in Appendix B or in Second Schedule of the code and are available electronically on server maintained by the Court, may be used.]

**158. Indent for forms.** - As required by Paragraph 37 of the Printing and Stationery Manual, the indent for printed forms shall be prepared in State Form No. 173. The forms shall be carefully filled up and the numbers of forms indented shall not be more than arc sufficient to keep a stock throughout the year for which the supply is required and to leave a margin of three month's consumption at the end of that year. The entries in Columns 2 to 5 of the form shall be checked by the officer himself by comparison with the statistics (if any), showing the number of incidents each year for which the form is used, or by a consideration of the form itself and the likelihood of the consumption suggested by the officer being a real consumption. The Sessions Judge shall include in his indent all forms required by every Court of Sessions in his Session Division and the District Magistrate, all forms required by every Magistrate or Bench in his district.

**159. List of stock of forms.** - The list of authorised printed forms is arranged in parts. The stock of forms kept by the Sessions Judge and the District Magistrate shall be stored upon racks or in presses, the forms being arranged in parts and by numbers according to the list.

**160. Stock book.** - The stock of forms kept by each Sessions Judge and District Magistrate shall be placed under the charge of a ministerial officer appointed for that purpose and such officer shall keep up a stock-book in State Form No. 175 as prescribed under Paragraph 50 of the Printing and Stationery Manual.

In the stock-book a separate page shall be given to each form in use in the Courts. Whenever any forms are received from the press or returned by a Court, entries shall be made in Columns 1, 2 and 4 of the stock-book ; whenever forms are issued, entries shall be made in Columns 1, 3, 4, 5, 6 and 7 of the stock-book ; the balance shall be struck after each transaction, and the balance on the 30th June and the 31st December of each year shall be verified by counting the forms on the racks or in the presses, and a note of the verification made on each page of the stock-book.

**161. Supply of forms to Courts.** - Courts at headquarter shall be supplied with forms according to needs, and the Courts away from headquarters [twice] a quarter. The requirements of each Court shall be calculated with reference to the state of business before it.

**[162. File book for circulars.]** - Every Session Judge and the Chief Judicial Magistrate shall cause to be kept for the use of his office and other Magistrate separate file books for spare copies of circular, general and other printed or duplicated letters received from the High Court; and each letter as it is received shall be pasted in the appropriate file book.

To each file book shall be prefixed an index in which the number, date and subject of each letter shall be entered at the time the letter is pasted in.]

## CHAPTER XVII

### *Registers*

**163. Schedule of offences.** - For purposes of maintaining the registers and preparing the statements of regular case-work prescribed by these rules, the following schedule of offences shall be observed :

#### **Schedule of offences**

Schedule No.	Description of offence	chapter	Section
<b><i>I-Under the Indian Penal Code</i></b>			
1.	Criminal conspiracy	V-A	
2.	Offences against the State	VI	
3.	Offences relating to the Army, Navy and Air Force	VII	
4.	Offences against the public tranquillity	VIII	
5.	Offences by or relating to public servants	IX	
6.	Offences relating to elections	IX-A	
7.	Contempts of the lawful authority of public servants	X	
8.	False evidence and offences against public justice	XI	
9.	Offences relating to coin and Government stamps	XII	
10.	Offences relating to weights and measures	XIII	

11.	Offences affecting the public health, safety, convenience, decency and morals	XIV	
12.	Offences relating to religion	XV	
13.	Offences affecting life		302 to 309 & 311
14.	Causing of miscarriage, injuries to unborn children, exposure of infants, and the concealment of births		312 to 318
15.	Hurt		323 to 338
16.	Wrongful restraint and wrongful confinement	XVI	341 to 348
17.	Criminal force and assault		352 to 358
18.	Kidnapping, abduction, slavery and forced labour		363 to 374
19.	Rape		376
20.	Unnatural offence		377
21.	Theft		379 to 382
22.	Extortion		384 to 389
23.	Robbery and dacoity		392 to 402
24.	Criminal misappropriation of property		403 and 404
25.	Criminal breach of trust		406 to 409
26.	Receiving of stolen property	XVII	411 to 414
27.	Cheating		417 to 420
28.	Fraudulent deed and disposition of property		421 to 424
29.	Mischief		426 to 440
30.	Criminal trespass		447 to 462
31.	Offences relating to documents and trade or property marks	XVIII	
32.	Criminal breach of contracts of service	XIX	
33.	Offence relating to marriage	XX	
34.	Defamation	XXI	
35.	Criminal intimidation, insult and annoyance	XXII	
<b>II-Under the Code of Criminal Procedure</b>			
36.	Proceeding under chapter VIII - Security for keeping the peace		
37.	Proceedings under chapter VIII - Security for good behaviour.		

**III-Under special and local laws, e.g.,**

The Bengal Chaukidari Act, 1856	The Prisons Act, 1894
[The Opium Act, 1857]	The Reformatory Schools Act, 1897
The Police Act, 1861	The Indian Stamp Act, 1899
The Stage Carriages Act, 1861	The Indian Railway Board Act, 1905
The Public Gambling Act, 1867	The Explosive Substances Act, 1908
The Press and Registration of Books Act, 1867	The Indian Registration Act, 1908
The Cattle Trespass Act, 1871	The Indian Electricity Act, 1910
The Northern India Canal and Drainage Act, 1873	[The Indian Emigration Act, 1922]

The North-Western Provinces Village and Road Police Act, 1873	The Cantonments Act, 1924
[The Opium Act, 1878]	The Indian Forests Act, 1927
[The Indian Arms Act, 1878]	[The Indian Press (Emergency Powers) Act, 1933]
The Northern India Ferries Act, 1878	[The Indian Air Force Act, 1932]
The Hackney Carriages Act, 1879	The Children (Pledging of Labour) Act, 1933
The Legal Practitioners Act, 1879	[The Factories Act, 1934]
The Vaccination Act, 1880	The Central Excises and Salt Act, 1944
The Indian Telegraph Act, 1885	The U. P. Water Works Act, 1891
The Births, Deaths and Marriages Registration Act, 1886	
The Police Act, 1888	The U. P. Excise Act, 1910
[The Indian Railways Act, 1890]	The U. P. Municipalities Act, 1916
[The Prevention of Cruelty to Animals Act, 1890]	The U. P. District Boards Act, 1922

**IV-Abetments of any of the abovementioned or attempts to commit them**

The list under Part III is not exhaustive; only the more important Acts are mentioned. Every offence under any special or local law which creates a substantive offence should be entered in the same registers and statements in which an offence under the Indian Penal Code is entered.

**[164. Registers for Magistrates' courts.]** - The following registers shall be maintained in the court of every Magistrate -

- (1) Register of cases in Form No. 9.
- (2) Register of miscellaneous criminal cases in Form No. 11.
- (3) Register of miscellaneous reports and proceedings in Form No. 12.
- (3-A) Register of bail applications in Form No. 12-A.

In the court of every District Magistrate shall also be maintained.

- (4) Register of decided criminal cases in Form No. 45.
- (5) Register of cases under Section 330 of the Code (Form No. 10).

The aforesaid forms are specified in Appendix C.]



**[165. Register of registers.]** - A register of registers in the Form 66 prescribed in Part IX Hindi (miscellaneous) of Appendix B shall be maintained in the record rooms of the District Magistrate and Courts of Session.]

**[166. Register of appeals and copies of judgments in appeals.]** - A register of appeals in Form No. 13 and a register of dispatch of copies of judgments in appeals in Form No. 43 shall be maintained in every appellate court by such clerk as the Presiding Officer shall by written order direct.

The aforesaid forms are specified in Appendix C.]

**167. Register of revisions.** - A register of revision cases in Form No. 14 shall be maintained in the Court of every District Magistrate and in every Court of Session by such clerk as the Presiding Officer shall by written order direct.

[The aforesaid forms are specified in Appendix C.]

**[168. Registers in Sessions Courts.]** - The following registers shall be maintained in every Court of Sessions by such clerk as the Presiding Judge, may, by written order, direct -

- (a) Register of committed cases (Form No. 15).
- (b) Register of punishments (Form No. 16).
- (c) Register of cases submitted to the Court of Sessions (Form No. 17).
- (d) Register of miscellaneous criminal cases (Form No. 11).
- (e) Register of miscellaneous reports and proceedings (Form No. 12).
- (f) Register of bail applications (Form No. 12-A).
- (g) Register of cases under Section 330 of the Code (Form No. 10).

For the special court of sessions, who takes cognizance of an offence directly without commitment of the case, Form No. 15-A in place of aforesaid Form No. 15 and Form No. 17, shall be used.

The aforesaid forms are specified in Appendix C.]

**[169. Register of witnesses.]** - In every court shall be maintained a register of witnesses in Form No. 18. The following instructions for the maintenance of this register must be strictly carried out -

(1) At the close of each day (or during the course of the day, if necessary or convenient) or where a case lasts more than one day, at the close of each hearing (or during the course of the hearing, if necessary or convenient) at which witnesses are examined and discharged the Presiding Officer shall direct the court reader (or any other official) immediately to make the necessary entries in register of witnesses (Form No. 18) in regard to each witness then discharged. In the case of witnesses to whom the court does not order expenses to be paid, a line shall be drawn through Columns 12 to 20.

(2) When the Presiding Officer decides to grant expenses, he shall direct the sessions clerk (or any other official) at once, in addition to filling in register (Form No. 18) to draw up the order for payment of diet money (Form No. 19). The Presiding Officer shall see that the entries in the register and the order form agree and then sign the order form. The signed order together with the register (Form No. 18) shall be taken by the court constable or a court official to the Nazir who shall verify the total in the order against the entries in the register, and enter the amount payable on the order in Column 19 of the register and initial and date each such entry in Column 20. If more than one witness has to be paid he shall bracket the items in Column 18 included in the order and enter the total amount of the order against this bracket in Column 19 of the register and shall initial and date the entry.

The Nazir shall then pay the amount of the order to the official who brought it and take his acknowledgement on the order form and return to the official the court register duly filled up as above. The official shall take the cash and register to the Presiding Officer who shall see that the amount paid by the Nazir tallies with the amount in the register, and shall then direct each witness concerned to be called up and paid before him, and in the case of Session Judge if he so directs, before the Chief Administrative Officer or Sadar Muandnsarim, by the court constable or the court official. As each witness is paid his acknowledgement in writing or thumb mark shall be taken in Column 21 of the register. When all the witnesses have been paid the Presiding Officer, the Chief Administrative Officer, the Chief Administrative Officer or Sadar Munsarim, as the case may be, shall sign and date the register in Column 22.

(3) A witness to whom any expenses are due shall not be paid nor shall any entry in respect of him be made in register (Form No. 18) of diet money until he is discharged. A witness shall not be regarded as discharged if he is allowed to leave the court under orders to attend again in the same court in the same case and he shall be regarded as in attendance on every day on which he is actually present under orders, even though a case is not called up for hearing on any such day:

Provided that the Presiding Officer may, if he considers that adherence to this rule would involve hardship to any witness, in his discretion pay diet money to such witness from day to

day where diet money is paid to witnesses from day to day the entries in Form No. 18 in respect of the diet money shall also be made from day to day.

(4) Every Magistrate shall on the first or the second working day of each month send to the officer checking the Nazir's accounts a note stating in figures as well as in words the total amount paid by him as diet money to witnesses during the preceding month to enable him to check the Nazir's contingent register.

**Note.** - (1) Diet money and travelling allowances paid to jurors and assessors shall be entered in this register.

(2) If in any case the payment of diet money and travelling expenses of a witness has to be made by money order, the money order acknowledgement receipts shall be pasted in Register No. 18 in lieu of payee's signature against the particulars entry. The aforesaid form is specified in Appendix C.]

## CHAPTER XVIII

### *Periodical Returns and Reports*

**[170. Statement to be prepared.]** - The statement prescribed in the following rules, except those prescribed in Rules 173 and 174, shall be prepared in the office of the Chief Judicial Magistrate for his own court and for all courts subordinate to him, and in the office of the District and Sessions Judge, or, in District where there is no District and Sessions Judge, the senior most Additional District and Sessions Judge for all Judges exercising jurisdiction in the District.

All such statements except those referred in Rule 176, shall be collected in the office of the District and Sessions Judge concerned who shall on the date fixed therefore, forward them to the High Court in accordance with the directions given in these rules.]

**171. Intimation of statement be blank.** - When any return or statement required by these rules to be separately submitted in blank, intimation as to it shall be sent to the High Court on a small piece of paper. In no case should a blank form of return be submitted in such cases.

**[172. Sessions statement.]** - A sessions statement in the prescribed Form No. 39 (Part IX, No. 64) shall be prepared every month by the District and Sessions Judge or by the senior most Additional District and Sessions Judge, in a district where there is no District and Sessions Judge, showing sessions trials concluded or pending at the end of the month in his court and in the courts of other Sessions and Assistant Sessions Judges in the district. It shall be certified by him to be a full and correct list of all cases disposed of during the month as well as those pending at the close of the month. The Additional District and Sessions Judge shall send the statement prepared by him to the District and Sessions Judge while the latter shall dispatch the statements prepared by him along with those sent to him by the Additional District and Sessions Judge, if any, to the High Court not later than the seventh day of the month following that to which they relate. These statements shall be accompanied by copies of judgment in

all decided cases bound together an index showing the number of the case, name of the Presiding Officer and an appropriate reference to the page or pages where the judgment is to be bound.

*Monthly statement.* - A monthly statement in the prescribed Form No. 36 (Part IX, No. 36) shall also be submitted by the District and Sessions Judge or the senior most Additional District and Sessions Judge, as the case may be, showing the state of criminal work in the district, along with the one referred to above.]

**173. Statement of cases in which judgment is given with delay.** - By the seventh day of every month every Magistrate doing criminal work, and every Assistant or Additional Sessions Judge shall submit to the Sessions Judge a statement, in the form given below, of all cases in which in the preceding month there has been a delay of more than a fortnight in the delivery of judgment since the conclusion of the trial or arguments in an appeal or revision. The Sessions Judge shall scrutinize the statements, pass necessary orders, and report to the High Court such cases as he considers necessary.

For his own Court the Sessions Judge shall submit a similar statement to the High Court by the seventh day of every month.

**Form**

Particulars of cases	Date of conclusion of trial or arguments	Date of judgment	Brief reason for delay
1	2	3	4

**[173A. Monthly chart of dates fixed in Sessions cases.** - A monthly chart showing the dates fixed in Sessions cases shall be maintained in the following form by the Sessions Judge and in his absence the senior most Additional Sessions Judge in respect of the cases pending in each court in the Sessions Division:

Form of the Monthly Chart

Monthly Chart of dates fixed in sessions cases during the month of .....20 .....

**Names of Courts**

Court of the Sessions Judge	Court of the First and Additional Sessions Judge	Court of the Special Judge under the SC and ST (Prevention of Atrocities) Act, 1989	Court of the Second Additional Sessions Judge	And so on .....
-----------------------------	--	---	---	-----------------

Date	Number, year and section of the case	Remarks	Number, year and section of the case	Remarks	Number, year and section of the case
1	2	3	4	5	6
1					
2					
3					

(1) Number of cases lying undated with sections.

(2) Note. - Cases more than six months old should be indicated in red ink.

The above chart shall be maintained electronically, if the Court is fully computerised.]

**174. Quarterly statement in murder cases.** - A quarterly statement in Form No. 40 shall be submitted by the Sessions Judge showing the duration of murder cases decided by all Sessions Judges in his Session Division. It shall be submitted on or before the fifteenth day of the month succeeding each quarter. A brief explanation in respect of cases in which there has been a delay of over [three] months in disposal should be given in the remarks column.

**[175. Quarterly statement of result of trial.** - A quarterly statement in Form No. 32 shall be submitted from each district for the first and third quarters of the calendar year. It shall be despatched by the Chief Judicial Magistrate or the Chief Metropolitan Magistrate, as the case may be, to the District and Sessions Judge and, if there is no Districts and Sessions Judge in the District, to the Additional District and Sessions Judges of the Judgeship on or before the 10th day of April or October as the case may be. The District and Sessions Judge shall after such scrutiny as he may think necessary, send the statement received by him from any district in his judgeship together with the statement relating to his own district to the High Court on or before the 15th day of the same month.]

[On implementation of e-Court project, all these statements shall be submitted through electronic communication and be also made available online.]

**176. Explanation of delay in trials.** - Together with the quarterly statement in Form No. 32, the Chief Judicial Magistrate shall submit an explanation in the prescribed Form (Part IX, No. 35) explaining the cause of delay for all such cases which are more than six months old and are entered in Column 6 of the statement. However, in cases which can be tried summarily or in cases which are triable by the Court of Sessions and in which Magisterial Courts have only to make an order of commitments, explanation for delay will be submitted for all such cases which are more than three months old. The reader shall fill up from the order sheet the entries in the form regarding each such case, and the entries shall be checked and verified by the Presiding Officer of the Court. A separate form shall be used for each case. In Column 5, if the case, has not been disposed of on the last day of the quarter, the word "pending" shall be written. In column 6 the reasons for adjournment shall be stated briefly and distinctly e.g., adjourned for witnesses for defence, summonses not returned from Gwalior, accused under observation by the [Chief Medical Officer] etc.

The Chief Judicial Magistrate shall record in Column 8 suitable orders on each point requiring notice in each case.

These statements shall be scrutinized by the District and Sessions Judge or the Additional District and Sessions Judges, as the cases may be, and forwarded to the High Court. They shall not be sent by the Additional District and Sessions Judge to the District and Sessions Judge.

**[177. Other annual statements from Magistrates.]** - The annual statements hereinafter mentioned shall be prepared for each district by the District Magistrate, the Chief Metropolitan Magistrate and Chief Judicial Magistrate in respect of cases done by them and the Magistrates subordinate to them soon after the close of the calendar year, and shall be forwarded by the 31st of January each year to the District and Sessions Judge or in the districts where there is no District and Sessions Judge, to the senior most Additional District and Sessions Judge who shall add to Form Nos. 20, 21, 25, 27, 28, 35 and 44 the statistics of the Court of Sessions pertaining to that district and shall, along with the statements prepared by him, forward these so as to reach the High Court on or before the 15th day of February -

(i) annual statement in Form No. 20;

(ii) annual statement in Form No. 21;

(iii) annual statement in Form No. 22 showing offences reported and persons tried, discharged, acquitted, convicted and committed by Magistrates for each offence;

(iv) annual statement in Form No. 24 showing proceedings of Magistrates under the Code;

(v) annual statement in Form No. 25 concerning witnesses in all courts;

(vi) annual statement in Form No. 27 showing the result of revisions;

(vii) annual statement in Form No. 28 showing the number of Sessions Judge and Magistrates employed to dispose of criminal work;

(viii) annual statement in Form No. 35 showing the general result of trial in original criminal courts;

(ix) annual statement in Form No. 38 showing the number of criminal cases tried by Panchayati Adalats; and

(x) annual statement in Form No. 44 showing the disposition by various criminal courts under the Probation of Offenders Act, 1958.

All the aforesaid forms are specified in Appendix C.

On implementation of e-Court project, all the aforesaid statements shall be submitted through electronic communication and be also made available online.]

**178. Annual statement in Session Courts.** - The annual statements hereinafter mentioned shall be prepared in the Court of District and Sessions Judge and shall be forwarded by the latter to the High Court on or before the fifteenth day of February next after the close of the year to which the statements refer :

(1) For each district in the Sessions Division-

(i) annual statement in Form No. 29 showing the number and result of trials in the Court of Sessions ;

(ii) annual statement in Form No. 30 showing proceedings in the Court of Sessions under the Code ; and

(iii) annual statement in Form No. 26 showing the result of appeals.

(2) For the Sessions Division-

(i) annual statement in Form No. 31 showing the use of jurors and assessors in Court of Sessions ; and

(ii) annual statement in Form No. 41 showing women convicted for the murder of their infant children under six years of age.

[All the aforesaid forms are specified in Appendix C.

On implementation of e-Court project, all the aforesaid statements shall be submitted through electronic communication and be also made available online.]

**179. Draft copies of statements prepared by District Magistrate, to be available for inspection by Sessions Judges.** - The draft copies of all statements prescribed under Rules 173 and 175 to 177 prepared in the office of the District Magistrate, shall be available for the use of Sessions Judge upon his written requisition.

**180. Annual report of Magistrates on criminal administration.** - Together with the annual statement prescribed in Rule [177] the District Magistrate shall submit an annual report (Part IX, No. 57) in which he shall notice the main features in the administration of criminal justice in his district during the preceding year, the quantity and quality of work performed by honorary Magistrates, the method of disposal of cases by subordinate Magistrates, the extent to which effect has been given to the rules regarding records and the record-room, the effect of recent legislation and rules on the working of the Criminal Court, and other points connected with the administration of criminal justice which may seem to him to be worthy of notice or record. The report shall be type-written upon the full width of the form, and any remarks which the Sessions Judge shall deem it necessary to record, shall be made in a forwarding letter.

[On implementation of e-Court project, all the aforesaid statements shall be submitted through electronic communication and be also made available online.]

**181. Annual report from the Sessions Judge.** - Together with annual statement prescribed in Rule 178 the District and Sessions Judge shall submit an annual report (Part IX, Form No. 56) in which he shall notice the main features in the administration of criminal justice before himself and any other Judge of the Court of Sessions, the date on which he sat with the Collector to revise the lists of assessors and jurors, and the number of assessors and jurors left on such lists after the revision, the extent to which effect has been given in the Court of Sessions to the rules regarding record and record-room, the effect of recent legislation and rules upon the working of the Criminal Courts, and other points connected with the administration of criminal justice which may seem to him to be worthy of notice or record.

[On implementation of e-Court project, all the aforesaid report shall be submitted through electronic communication.]

**182. Judge and Magistrate to leave note for annual report.** - A Sessions Judge before leaving his division, and a District Magistrate before leaving his district, on transfer or otherwise, towards the end of the year, shall place on record for the information of his successor and for the purpose of the annual report or minute embodying any points which he would have noticed in the annual report had he stayed on to the end of the year.

## CHAPTER XIX

### *Miscellaneous*

**183. Check over entries of receipt of money.** - The following special procedure is laid down for observance with regard to the requirement of paragraphs 87 to 90 of the Financial Handbook, Volume V, Part I :

The Presiding Officer of each Court shall before the fifteenth day of every month prepare a statement in Form No. 42 showing the amount of receipt under the respective revenue heads in the form, which were credited into the treasury during the previous month and shall send the



statement to the local treasury. The treasury officer shall check the totals with his accounts ; and shall if he finds them correct, certify on the statement to that effect. If there be any discrepancy, he shall note the same upon the statement. The treasury officer shall in either case return the statement to the Court from which it was received. The discrepancies, if any, pointed out by the treasury officer shall be reconciled and after the statement has been duly verified shall be submitted to the District and Sessions Judge who, as controlling officer, it shall see that the dues of Government are regularly paid into the treasury.

**[184. Inspection by District and Sessions Judge.** - Every District and Sessions Judge shall inspect the courts and offices of Chief Judicial Magistrate, Additional Chief Judicial Magistrate and Judicial Magistrate including Special Chief Judicial Magistrate and Special Magistrate, if any, subordinate to him at least once a year. A report of such inspections shall be sent to the High Court.]

**[185. Inspection by other Judicial Officers.** - (i) The Presiding Officer of a criminal court shall inspect his office effectively at least four times a year about once in every quarter.

(ii) The Chief Judicial Magistrate shall also inspect the courts and offices of the Additional Chief Judicial Magistrates and Judicial Magistrate once a year.

(iii) Report of such inspections shall be sent to the District and Sessions Judge.]

**[186.** On a holiday a Criminal Court may dispose of such work of urgent nature like granting of bail or remand or do such other work that may with propriety be done out of Court and it will not be proper to refuse to do any act or make any order urgently required merely on the ground of the day being a gazetted holiday.]

**[187. Receipt slip.** - Where an application is not presented in electronic form, the applicant may, if he wishes, attach to and present with, his application a receipt slip in Form No. 46. If this is done, the slip shall be signed in acknowledgement of the receipt of the application and returned to the applicant after necessary entry has been made in Column 4, care being taken that all space where any interpolation or insertion of words is possible, is crossed with a line. The Presiding Officer of the Court shall satisfy himself from time to time that receipt slips are returned to applicants duly filled in without delay.]

**[188.** Notwithstanding anything contained in this rule, any information contained in electronic record which is printed on a paper, stored, recorded or copied in optical and magnetic media produced by a computer shall be deemed to be also a document.

**189. Judicial Service Centre.** - Judicial Service Centre of the Judgeship shall be placed in charge of a Judicial Officer nominated by District and Sessions Judge. Subject to the general control of the District and Sessions Judge, the officer in charge shall have power to the allocation of business among the employees posted in the Judicial Service Centre.

**190. Inspection of the computer Section/Department by the District and Sessions Judge.** - The District and Sessions Judge should make regular inspection of Computer Department of the Judgeship at least once in a month and furnish the inspection note with compliance report to the High Court. While making inspection of the aforesaid office the following items should be checked -

1. Registration of cases by auto generated unique case number.
2. Copies of the Judgment are available through web.
3. Generation of automated cause list.
4. *Availability of case status:* online case status right from filing of the case till gets disposed.
5. Generation of daily orders.
6. Data is updated on daily basis without fail.
7. Working of Kiosk Information System.
8. Utilisation of video-conferencing in proper way.
9. Proper data management which includes -
  - a. Periodical statement.
  - b. Automatic marking of cases.
  - c. Year-wise, judge-wise, case type-wise pending case statement generation.
  - d. Generation of automated summons, warrants and notices at the press of a single button.
10. Control of officer in charge of the computer department of the Judgeship over the department.

Application be presented through online process on prescribed format available on website and in this option the applicant would file application in soft copy in PDF format so that the preservation be made easier for effective functioning of e-Court project.]

**Part II**

**Appendix-A**

***Instructions for the dress of officers and soldiers appearing before the Courts***

Instructions for the dress of officers and soldiers appearing before a Civil or Criminal Court (other than a Court established under military law) are given below :

(1) An officer or soldier required to attend a Court in his official capacity should appear in uniform with sword or sidearms. Attendance in an official capacity includes attendance-

(a) as witness, when evidence has to be given of matters which came under the cognizance of the officer or soldier in his military capacity.

(b) by an officer for the purpose of watching a case on behalf of a soldier or soldiers under his command.

(2) An officer or soldier required to attend a Court otherwise than in his official capacity may appear either in plain clothes or in uniform.

(3) An officer or soldier shall not wear his sword or sidearms if he appears in the character of an accused persons or under military arrest or if the Presiding Officer of the Court thinks it necessary to require the surrender of his arms, in which case a statement of the reasons for making the order shall be recorded by the Presiding Officer, and, if the military authorities so request, forwarded for the information of the Chief of the Army Staff.

(4) Fire-arms shall under no circumstance be taken into Court.

**Appendix-B**

(chapter XVI, Rule 157)

***List of printed forms authorised for use in subordinate Criminal Courts***

**Miscellaneous Civil Forms**

For dockets and letters and certificates as to state of record (chapter XI, Rule 105) forms prescribed for Civil Courts shall be used.

**Criminal**

Old Part & No.		No. of forms	Description of forms
Oudh Criminal Rules	G. R. (Criminal)		
1	2	3	4
<b>PART VIII-HINDI</b>			
<i>[The Code of Criminal Procedure, 1898]</i>			
0-1	XVII-1	1	Summons to an accused person; [Section 68] [Form I Schedule V]
B-1	XI-1		
0-2	XVII-2	2	Warrant of arrest, [Section 75] [Form II, Schedule V]
B-2	XI-2		
0-3	XVII-23	3	Bond and bail bond after arrest under a warrant, [Section 86] [Form III, Schedule V]
B-3	XI-3		
0-4	XVII-26	4	Order for the removal of nuisances, Section 133 [Form XVI, Schedule V]
B-4	XI-4		
0-5	XVII-27	5	Magistrate's order prohibiting the repetition etc. of a nuisance, Section 145 [Form XX, Schedule V]
B-5	XI-5		
0-6	XVII-28	6	Magistrate's order to prevent obstruction, riot, etc. Section 144 [Form XXI, Schedule V]
B-6	XI-6		
[* * *]	[* * *]	[* * *]	[* * *]
0-8	XVII-19	8	Bond and Security Bond after conviction; Sections [498], [499], [426 (2-A)] [Code of Criminal Procedure, 1898]
B-8	XI-8		

0-8	XVII-19	8-A	Bond and Security Bond after conviction when the appeal is pending the Court of Sessions (Sections [499] & [426 (i)] [Code of Criminal Procedure, 1898]
B-8	XI-8		
0-8	XVII-19	8-B	Bond and Security Bond after conviction when the appeal is pending the High Court (Sections [498], [499] & [426 (i)] in [Code of Criminal Procedure, 1898]
B-8	XI-8		
0-34	XVII-9	10	Charge one head
B-10	XI-10		
0-35	XVII-10	11	Charge two or more heads
B-11	XI-11		
0-36	XVII-11	12	Charge for theft after a previous conviction
B-12	XI-12		
0-9	XVII-12	13	Summons to a witness; Sections [68] and [252] [Form XXXI, Schedule V].
[* * *]	[* * *]	[* * *]	[* * *]
0-11	XVII-18	16	Notice of time and place of hearing of appeal; Section [422] and chapter X, Rule 95.
B-16	XI-16		
0-12	XVII-30	17	Bond and bail bond as a preliminary enquiry before a Magistrate, Sections [496] and [499] [Form XLII, Schedule V]
B-17	XI-17		
[* * *]	[* * *]	[* * *]	[* * *]
0-27	XVII-6	19	Bond to keep the peace, Sections 106, [118] [Form X, Schedule V]
	XII-8		
0-14	XVII-31	20	Warrant to secure attendance of a witness refusing or neglecting to obey summons served upon him; [Section 90].

B-19	XI-20		
0-15	XVII-32	21	Summons to produce a document; [Section 94].
B-20	XI-21		
0-28	XVII-7	22	Bond for good behaviour, Sections 109 and 110, [Form XI, Schedule V].
	XI-9		
0-32	XIII-34	23	Examination of accused persons; [Section 364].
B-22	XI-23		
B-23	XI-23A	24	Memorandum of examination of accused persons, [Section 364].
B-24	XIII-35	25	Commission to examine a witness; Section [503] or [506].
	XI-24		
[***]	[***]	[***]	[***]
C-1	XI-26	27	Order to produce prisoner as witness; [Section 3 of Act No. XXXII of 1955].
C-2	XI-27	28	Order to produce prisoner charged with offence, Section 37 of Act No. III of 1900.
B-42	XVII-15	29	Order for further detention; Section 167.
	XIII-26		
B-43	XVII-16	30	Warrant of remand,; [Section 344].
	XIII-27		
P-1	XVII-35	31	Bond for good behaviour of youthful offenders, Section 31 of Act No. VIII of 1897.
	XIII-37		
B-27	XV-1	32	Warrant of commitment on failure to find security to keep the peace, [Section 123] [Form XIII, Schedule V].

B-28	XV-2	33	Warrant of commitment on failure to find security for good behaviour, [Section 123] [Form XIV, Schedule V].
***	***	***	***
B-30	XV-4	35	Warrant of commitment on a sentence of imprisonment or fine if passed by a Magistrate, Sections [245] and [258] [Form XXIX, Schedule V].
B-31	XV-5	36	Warrant of imprisonment on failure to recover amends by distress, Section 250 [Form XXX, Schedule V].
B-32	XV-6	37	Warrant of commitment under sentence of death, [Section 374] [Form XXXIV, Schedule V]
B-33	XV-7	38	Warrant of execution of a sentence of death; [Section 381] [Form XXXV, Schedule V]
B-34	XV-9	39	Warrant of imprisonment on failure to pay maintenance, [Section 488] [Form XL, Schedule V]
***	***	***	***
B-35	XV-11	41	Warrant of Sessions Court for imprisonment for life.
B-35	XV-12	42	Warrant of Sessions Court for rigorous imprisonment and fine.
B-35	XV-13	43	Warrant of Sessions Court for rigorous imprisonment.
B-36	XV-14	44	Warrant of Sessions Court for simple imprisonment.
B-37	XV-15	45	Warrant after a commutation of a sentence [Form XXXVI, Schedule V]
B-38	XV-16	46	Warrant of release on appeal, [Section 423].
B-39	XV-17	47	Warrants for intermediate custody on remand; [Section 344].
B-37	XV-16-A	48	Warrants after a communication of sentence; [Section 423] (chapter X, Rule 98).
C-3	XV-18	49	Warrants under Section 8 or 9 of Act No. VIII of 1897.
C-4	XV-19	50	Warrants under Section 10 of Act No. VIII of 1897.
B-40	XV-20	51	Certificates of previous convictions, [Section 511 (a)].
B-41	XV-21	52	Warrants of intermediate custody, [Section 123 (2)].
B-21	XVII-21	53	Statements under Section 164.
	XI-22		
O-20	XVII-3	54	Orders of attachment to compel the appearance of a person accused, [Section 88] (Form VI, Schedule V).
O-21	XVII-4	55	Warrants to search after information of a particular offence, [Section 96] (Form VIII, Schedule V).
O-25	XVII-13	56	Warrants to levy a fine by distress and sale; [Section 386] (Form XXXVIII, Schedule V, chapter IX, Rule 78).
B-16	XVII-18	57	Notices for Magistrate and Appellant; [Section 422].
O-17	XVII-24	58	Proclamations, requiring the appearance of a person accused, [Section 87] (Form IV, Schedule V).

O-23	XVII-25	59	Summons on information of a probable breach of peace, [Section 114] (Form XII, Schedule V).
O-24	XVII-34	60	Proclamations relating to unclaimed property; [Section 523].
O-22	XXI-6	61	Warrants to search suspected place of deposit, [Section 98 Form IX, Schedule V].
O-7 O-9	} XXI-11	62	Summons to a witness to appear before a Court of Sessions.
S-1	XXI-19	63	Form of receipt for property; from [Court Inspector].
S-9	XXI-20	64	Applications for copy (chapter XV, Rule 147).
....	XXI-21	65	Notices of copy for delivery (chapter XV, Rule 152).
O-25	XXI-23	66	Warrants to police to levy a fine by distress.
O-26	XXI-24	67	Orders to Nazir or Kurk Amin to sell the property distrained.
D-8	XXI-25	68	Lists of documents produced at first hearing.
....	XXI-26	69	Index of exhibits (Form No. 33).
....	XXI-27	70	Bonds for appearance of offender released pending realization of fine, [Section 388] [Form XXXVIIA, Schedule V].
		71	Not traceable.
		72	Special summons to an accused; Section 130, [Motor Vehicle Act, 1939].
	[New Form]	73	Warrant for keeping in custody (Section 167 Cr.P.C., 1973)
	[New Form]	74	Warrant for keeping in custody (Section 167 Cr.P.C., 1973)
<b>PART IX - HINDI</b>			
<i>Miscellaneous</i>			
O-30	XVIII-19	1	Form for memorandum of evidence under [Sections 355 and 356].
	XII-1		
D-1	XII-2	2	Letter to Sessions Judge reporting committal of case (chapter V, Rule 35).
S-1	XIV-3	3	Calendars (chapter V, Rule 35).
D-2	XII-3		
D-11	XII-4	4	Form for commencement of proceeding in a trial before the Court of Sessions.
		5	Form of register for despatch of copies of judgements in appeals.
D-15	XII-6	6	Orders in appeal when Sessions Court declines to interfere.
D-3	XII-7	7	Letter of Superintendent of Jail issuing fresh warrant and recalling original warrant (chapter X, Rule 98).
....	XII-8	8	Letter to Superintendent of Jail forwarding for enquiry an application for a copy made on behalf of a prisoner (chapter XV, Rule 146).



S-2	XVIII-3	9	General Index (chapter IV, Rule 23).
D-6	XIV-5		
S-3	XVIII-4	10	Order Sheet (chapter IV, Rule 22).
	XIV-6		
B-51	XII-11	11	Letter requesting [Civil Surgeon] to examine and report on injuries to wounded person.
[***]	[***]	[***]	[***]
D-4	XVIII-26	13	Requisition for record (chapter XIII, Rule 125).
	XIV-28		
N-3	XIV-7	14	Annual statement in Form No. 20.
	XII-14		
N-4	XIV-8	15	Annual statement in Form No. 21.
	XII-15		
....	XIV-9	16	Annual statement in Form No. 26.
	XII-16		
....	XIV-9-A	17	Annual statement in Form No. 27.
	XII-16-A		
N-6	XIV-10	18	Annual statement in Form No. 25.
	XII-17		
N-1	XIV-12	19	Annual statement in Form No. 22.

	XII-20		
N-2	XIV-13	20	Annual statement in Form No. 24.
	XII-21		
....	XIV-13-A	21	Annual statement in Form No. 28.
	XII-21(a)		
....	XIV-14	22	Annual statement in Form No. 29.
	XII-22		
....	XIV-24	23	Annual statement in Form No. 31.
***	***	***	***
O-31	XVIII-19	25	Form for recording deposition of a witness under <a href="#">Section 356</a> .
	XIV-22		
O-32	XVIII-19-A	26	Continuation of above or of examination under <a href="#">Section 364</a> .
	XIV-22-A		
B-52	XII-27	27	Letter to <a href="#">Civil Surgeon</a> requesting him to attend to give evidence in any case.
S-4	XVII-22	28	Wrapper in original case (chapter IV-32).
	XIV-24		
S-5	XVIII-23	29	Wrapper in appeal or revision case (chapter IX, Rule 91).
	XIV-25		
....	XII-15	30	Annual statement in Form No. 30.
O-33	XIV-21	31	Records of summary trial.

B-46	XII-32		
***	***	***	***
....	XVIII-24	33	List of appeals and revision cases for hearing (chapter X, Rule 92).
	XIV-26		
S-6	XVIII-25	34	List of records of cases sent to the record-room (chapter XI, Rule 109).
	XIV-27		
....	XVIII-18	35	Explanation of delay in criminal cases (chapter XVIII, Rule 176).
	XIV-36		
....	....	36	Monthly statement in Form No. 36.
S-7	XVIII-30	37	List of miscellaneous reports and proceedings, sent to the record-room (chapter XI, Rule 109).
	XIV-32		
....	XII-39	38	Docket to jail including notice (chapter X, Rule 95).
B-48	XII-40	39	Letter submitting records for confirmation of sentence of death.
S-8	XVIII-31	40	Invoice of consignments to the record-room (chapter XI, Rule 109).
	XIV-33		
XVIII-46	X-42	41	Return of notices to for service.
XIV-34			
	XVIII-46	42	Record keeper's alphabetical register of accused persons chapter XI, Rule 113).
	XIV-34		
	XVIII-47	43	Register of requisitions for records (chapter XIII, Rule 130).

	XIV-35		
	XVIII-48	44	Register of Inspections (chapter XIV, Rule 139).
	XIV		
	XIV-36-A	45	Application for information (chapter XIV, Rule 141).
	XIV-38 and XIV-39	46	Register of cases (chapter XVU, Rule 164).
	XIV-40	47	Register of miscellaneous criminal cases (chapter XVU, Rules 164 and 168).
	XIV-41	48	Register of miscellaneous reports and proceedings (chapter XVU, Rules 164 and 168).
	XIV-43	49	Register of appeals (chapter XVU, Rule 166).
	XIV-44	50	Register of revision cases (chapter XVII, Rule 167).
	XIV-46	51	Statement of fines.
	XII-55	52	Docket to jail intimating dismissal or rejection of appeal by High Court.
D-6	XII-56	53	Certificate regarding attendance of Government officials in court to give evidence and the amount of travelling and subsistence allowance paid to them.
D-17	XII-57	54	Letter forwarding records in a case.
	XII-58	55	Letter requesting Government Advocate, High Court at Allahabad to appear and defend an appeal.
A-2	XII-59	56	Annual Criminal Returns - Sessions Court.
A-3	XII-60	57	Annual Criminal Returns - Magistrate Courts.
N-7	XIV-45	58	Quarterly statements showing general result of trials, (Form No. 32).
	XII-61		
D-12	XII-62	59	Headings for commencement of proceedings in appeal in Sessions Courts.
D-14	XII-63	60	Headings for commencement of proceeding in applications for revision.
D-5	XIV-29	61	Form for transmission of records (chapter XIII, Rule 129).
	XII-64		
	XII-65	62	Register of cases under <a href="#">[Section 466]</a> of the Code.
	XIV-49	63	Annual statement (Form No. 35).
	XII-67	64	Statement of Sessions trials concluded or pending (chapter XVDI, Rule 172).

D-20	XII-68	65	Memorandum of identification proceedings in jail (Form No. 34).
	XII-69	66	Register of registers.
	....	67	Memorandum of proceedings for identification of property (Form No. 37).
	XIV-47	68	Register of witnesses (including complainants) and allowances (chapter XVII, Rule 169).
	XIV-48	69	Order to Nazir for payment of diet money and expenses to complainants and witnesses (chapter XVII, Rule 169).
E-1	XVI-1	70	Pass-book in books of fifty pages (Form No. 3, chapter DC, Rules 74, 75).
E-2	XVI-2	71	Pass-book extract (Form No. 3, chapter IX, Rules 74, 75).
E-3	XV1-3	72	Cheque-receipt, in books of one hundred cheques with fly leaf prefixed (chapter IX, Rule 78).
E-4	XVI-3-A	73	Fly leaf to receipt books (chapter DC, Rule 80).
E-5	XVI-4	74	Invoice of fine sent to treasury (chapter IX, Rules 72, 75).
	XVI-5	75	Statement of expenses of complainants and witnesses with endorsement.
E-7	XVI-6	76	Slip for payment of fine, etc., into another Court (chapter IX, Rules 73, 75).
	XVI-7	77	Statement of fines imposed and arrears realised through distress warrants by Court of credit to municipal fund (chapter DC, Rule 85).
	XII-28	78	Registers of fines and penalties, etc. (Form No. 2, chapter IX, Rule 71).

### Appendix-C

**Form prescribed by these rules are printed here in full for the guidance of Subordinate Criminal Courts**

Number of form	List of forms, with rules relating to them and a note whether such form is printed or not
1.	Sessions statement (Not Printed).
2.	Register of fines, compensations, deposits, penalties and fees (Printed).
3.	Pass-book (Printed).
[3-A.	Register of compliance of orders of the High Court.
3-B.	Register of compliance of order of the Appellate Courts].
4.	Record-keeper's alphabetical register of accused persons (Printed).
5.	Register of requisition for records (Printed).
6.	Register of requisition for inspections (Printed).
7.	Form of application for information (Printed).
8.	Register of Copies (Not Printed).
9.	Register of cases (Printed).

10.	Register of cases under [Section 466] of the Code of Criminal Procedure (Printed).
11.	Register of cases under miscellaneous criminal cases (Printed).
12.	Register of cases under miscellaneous report and proceedings (Printed).
1.	Inserted by Notification No. 54/VIII-a-30, dated 2nd March, 1965, published in U. P. Gazette, Part II, dated 18th September, 1965.
2.	Section 338 of the Code of Criminal Procedure, 1973 (Act 2 of 1974)
12-A.	Register of cases for bail applications.
13.	Register of cases for appeals (Printed).
14.	Register of revisions cases (Printed).
15.	Register of committed cases (Not printed).
16.	Register of cases for punishment inflicted (Not Printed).
17.	Register of submitted under [Section 123 of Act No. V of 1898] (Not Printed).
18.	Register of cases for witnesses (including complainant), and of allowances (Printed).
19.	Order to Nazir for payment of diet-money and expenses to complaints and witnesses (Printed).
20.	Annual statement showing the general result of criminal trials (Printed).
21.	Annual statement showing the punishments inflicted in Courts of original jurisdiction (Printed).
22.	Annual statement showing offences reported and persons tried, discharged, acquitted, convicted, and committed by Magistrates for each offence (Printed).
23.	[* * *].
24.	Annual statement showing proceedings of Magistrates under the Code of Criminal Procedure (Printed).
25.	Annual statement regarding witnesses (Printed).
26.	Annual statement showing the results of appeals (Printed).
27.	Annual Statement showing the results of revision (Printed).
28.	Annual Statement showing the number of Sessions Judges and Magistrates employed to dispose of criminal work (Printed).
29.	Annual statement showing the number and result of trials in the Court of Sessions (Printed).
30.	Annual statement showing proceedings of the Court of Sessions under the Code of Criminal Procedure (Printed).
31.	[Omitted]
32.	Quarterly statement showing the general result of criminal trials (Printed).
33.	Index of exhibits prescribed in chapter IV, Rule 23 (Printed).
34.	Memorandum of identification proceedings in jail (Printed).
35.	Annual statement showing the general result of trials in original Criminal Courts (Printed).
36.	Monthly statement of work done in Sessions Court (Printed).
37.	Memorandum of proceedings for identification of property (Printed).
38.	Annual statement showing average duration of criminal cases, etc., tried by the Panchayati Adalats (Not Printed).
39.	Monthly statement of Sessions Trial concluded or pending (Printed).
40.	Quarterly statement showing average duration of murder cases (Not Printed).
41.	Annual statement showing women convicted for the murder of their infant children under six years of age (Not Printed).

42.	Statement showing the grand totals of amounts of receipt under head "[XXI] Administration of Justice credited into the Treasury" (Not Printed).
43.	Form of register of despatch of copies of judgment in appeals (Printed).
44.	Annual statement showing the dispositions by various Criminal Tribunals in the district.
45.	Form of Register for criminal cases decided.
46.	Receipt slips to be granted to applicants.

**Form No. 1**

(chapter V, Rule 39)

Statement of prisoners punished and acquitted by the ..... Sessions Judge of ..... of in the Sessions held at ..... from..... to ..... 20 .....

Number of trial	No. and name of prisoner	Age, religion, etc.	Section of law under which charged, date of perpetration of offence, name of committing officer and date of commitment	Crime established, with section of law thereto applicable	Acquitted or convicted
1	2	3	4	5	6

**Form No. 2**

(chapter IX, Rules 71 and 82)

**Register of fines, compensations, deposits, penalties and fees**

Annual serial No.	Number of case	Name of parties	Date of order	Person fined or ordered to pay	Amount and whether A. F. Penalty D. Fees E. Com
1	2	3	4	5	6
...	...	Outstanding items in details of the previous months	...	...	Rs. ...
1	101	State v. Dukhi	1st April	Dukhi	A
92	30	State v. Sital	3rd April	Sital	B
94	104	State v. Ram Baksh	5th April	Ram Baksh	A

110	114	State v. Baran Ali	7th April	Baran Ali	E
113	126	State v. Wilayat Ali	12th April	Wilayat Ali	A D
116	130	State v. Sital	13th April	Sital	C
119	193	State v. Jhuman	20th April	Gulam Ali	E
124	200	State v. Bahadur	22nd April	Bahadur	A
125	195	State v. Mohd. Hussain	22nd April	Mohd. Hussain	A
271	200	State v. Tota Ram	25th April	Tota Ram	A

Number of cheque receipt	Number and date of treasury receipt	Amount paid as refund, compensation or reward		Written off as irrecoverable in appeal		Remarks
		Date	Amount	Date	Amount	
11	12	13	14	15	16	17
			Rs.	Rs.	-	Rs.
...	...	...	...	...		
...	...	...	...	25th April	5	
201	1, 3rd April	...	...	...	...	Deposit in lieu of executing bond forfeited by order, dated 13th April, vide No. 116.
202	17, 5th April	5th May	25	...	...	Rs. 25 compensation under Section 545; credited as a deposit.
209	23, 10th April	...	...	...	...	
208	22, 9th April	30th May	10	...	...	Rs. 10 compensation under Section 18 of the Cattle Trespass Act, 1871, credited as a deposit.
216	27, 12th April	20th April	1	...	...	Rs. 1, court-fee credited as a deposit.
...	3, 14th April	...	...	...	...	Penalty of forfeited bond, vide No. 116.
224	1, 20th April	30th May	50	...	...	Rs. 50, as compensation under Section 250, credited as a deposit.
231	8, 22nd April	30th May	...	...	...	Firozabad Municipal Fund
240	2, 27th April	...	30	...	...	...
236	14, 25th April	27th April	...	...	...	Agra Cantonment Fund.



(chapter IX, Rule 74)

**Pass-book**

Date	Serial No. of remittance	Name of Court on whose account payment is made	No. of presiding officer of such Court	No. and nature of cases	Name of person on whose behalf payment is made	Am nat
1	2	3	4	5	6	

[Form No. 3-A]

(chapter IX, Rule 74)

**Register of Compliance of Orders of the High Court**

(To be maintained by the Sessions Courts and the District Magistrate)

[chapter X, Rule 97]

Serial No.	No. of case and names of parties	Date of receipt of High Court's order	Date of order of High Court	Brief description of the order	Date of communication of order to the Magistrate con
1	2	3	4	5	6

[Form No. 3-B]

**Register of Compliance of Order of The Appellate Courts**

(To be maintained by all the Magistrates)

(chapter X, Rule 97)

Serial No.	No. of case and names of parties	Date of order of Sessions Court	Date of order of High Court	Date of receipt of order of Sessions Court or H.C.	Brief description of order	Date of c report t
1	2	3	4	5	6	

--	--	--	--	--	--

**Form No. 4**

(chapter XI, Rule 113)

**Record keeper's alphabetical register of accused persons (Class III) for the year 20**

.....

Name	Parentage	Residence	Name of the complainant	Name of the Court and Presiding Officer before whom trial took place	Police Station	Date
1	2	3	4	5	6	

**Form No. 5**

(chapter XII, Rules 130 & 132)

<b>Register of requisitions for record from the</b>	<b>record-room of the.....Court</b>
	<b>Court of.....District.....</b>

[Sl. No.]	Date of receipt of requisition	[Serial No. and date of receipt of requisition shown in the consolidated register]	Date of requisition	Name of Court sending for record
1	2	2-A	3	4

Particulars of record						
Of what Court	Serial register No. of case and date of institution	Police station	Names of accused	Act and section under which offence was punishable	Date of disposal	[No. and description of High Court in connect the record was sent by]
5	6	7	8	9	10	10-A

Date by which record is required	Date of transmission of record	Date of receipt of record on its return	Date of restoration of record to its proper place	Remarks
11	12	13	14	15

**Note.** - Entry in Column No. 2-A, is to be filled in where the register is maintained by the Assistant Record-Keeper Printed Form, Part IX, No. 43.

**Form No. 6**

(chapter XIV, Rule 139)

<b>Register of inspections in the</b>	<b>Court of.....</b>	<b>District.....</b>
	<b>record-room (Criminal)</b>	

Date	Name of applicant for inspection	Description of record of which inspection is required	Time occupied in inspection	Stamp affixed	Remarks
1	2	3	4	5	6

**Form No. 7**

(chapter XIV, Rule 141)

***Application for information***

No.....of 20.....

Versus

The applicant desires information in answer to the question specified below :

(1) .....

(2) .....

(3) .....

*Signature of applicant or his pleader*

**Notes.** - (1) A fee of [Rs. 5] in court fee labels shall be payable.

(2) When the applicant desires that the information be sent to him by post he shall attach to the application postage stamps of the requisite value.

(3) For the nature of questions to be asked, see Rule 141 of chapter XIV, General Rules (Criminal),

**Form No. 8**

(chapter XV, Rule 154)

**Register of copies (Criminal Courts) in the Court of.....District.....**

Date	Number of application (if any)	Name of applicant or person for whom copy is made	Nature of paper to be copied	Number and full details of record containing such paper	Value of copy, paper filed or amount paid in cash	Date and nature of record v by he
1	2	3	4	5	6	

Date and hour when record was returned by head copyist	Date of posting notice on notice board	Date of delivery of copy	Name of copyist	Signature of recipient of copy	Remarks
8	9	10	11	12	13

**Form No. 9**

(chapter XVII, Rule 164)

**Register of Cases in the Court of Magistrate of the ..... class ..... District  
..... for the year 20.....**

# Law

Serial Register number	Schedule number of offence	Police Station	Date of taking cognizance	[Date of receipt of charge sheet in a police case]	Offence of which cognizance was taken with Act and Section	If complaint dismissed Section 203, dismissed
1	2	3	4	4-A	5	6

If complaint is not dismissed or the case otherwise disposed of without the appearance of the accused in the Court, date on which the accused				Name, parentage, residence and age of each person brought to trial	12
[Was brought to Court under arrest]		Appeared in Court			
Without warrant	Under warrant	Upon summons	Voluntarily		
8	9	10	11		

					Number of
On regular trial					
Appealable sentence passed	Non-appealable sentence passed	Released on Probation, [Section 4 of the First Offenders Probation Act]	Released after admonition under [Section 3 of First Offenders Probation Act]	Discharged after admonition	Delivered paroled
19	20	21	22	23	

Committed for trial	Referred under [Section 347 or 349]	Number of days case lasted	Rigorous imprisonment	
			With solitary confinement	With co
			34	
31	32	33		

Persons ordered to find or give		

		Persons imprisoned in default of			Imprisonment		
Security or recognizance to keep the peace]	Security for good behaviour	Security to keep the peace	Security for good behaviour	Fifteen days and under	Six months and under	Two ye and unc	
[39]	40	41	42	43	44	45	

Class of record under chapter XII, Rule 117	Result of appeal or revision, if any					
	Name of Court	Date of order	Judgment confirmed	Judgment reversed	Judgment modified with nature and extent of sentence passed	Da Ap
[48]	49	50	51	52	53	

This register shall be kept up in conformity with the following instructions :

(1) Every case falling within the schedule of offences given in Rule 163 of chapter XVII of which a Court takes cognizance under Section 190 of the Code of Criminal Procedure, [1898], except one that is at once transferred under Section 192, and every such case which is received from another Court or district by transfer, shall be entered in this register, and no other case shall be entered therein.

(2) Columns 1 to 5 shall be filled up when cognizance is taken of the case.

(3) In a case received by transfer the entries in Columns 1 to 12 shall be the same as those in the register of the Court from which the case is transferred, so far as they apply, and shall be made as soon as the case is received. At the same time a note shall be made in the Column of remarks of the name of the Court and district from which the case was transferred.

(4) A case in which Court proceeds under [Section 480] shall be separately entered in this register.

(5) In Column 5 and against each accused in Column 14 only one section shall be entered, viz., that of the principal offence, if more than one offence is charged or found applicable. But, if an accused is separately tried for two or more offences, two or more separate cases shall be registered.

(6) If a case is dismissed under Section 203 or is otherwise disposed of without the appearance of the accused in Court, no entries shall be made in any of the [Columns 8 to 51].

(7) In Column 8 an entry shall be made regarding every accused person arrested without a warrant by whomsoever he may be arrested. A person arrested, but released on bail or recognizance to attend the Court shall be entered in Column 8 or Column 9 as the case may require.

(8) When a case is transferred to another Court in the same district, no entries shall be made in the [Column 13 to 59] but a note shall be made in the Column of remarks of the name of the Court to which a case is transferred.

(9) When an entry is made in Column 15, a note shall at the same time be made in the Column of remarks, whether the person died or escaped or was transferred to another district; if he was transferred, the name of the district should be noted.

(10) In Column 16 an entry shall be made regarding every person discharged under [Sections 119, 209, 249, 253, 259 or 494 (a)].

(11) In Column 17 shall be entered every person acquitted under [Sections 247, 248, 345 or 494 (b)].

(12) In Column 18 shall be entered every person acquitted under [Section 245 or 258].

(13) In Columns 19, 20, 25 or 26, as the case may be, shall be entered every person subjected to an order under [Section 118] (for whatsoever period), and every person convicted under [Sections 243, 245 or 258].

(14) A person convicted shall be entered in the Column Nos. 19 to 30 as the case may be, and a person committed shall be entered in Column 31, even though the case falls under [Section 341] and report has to be made to the High Court, or even though action is taken under Section 8 of the Reformatory Schools Act, 1897. In such a case, a note shall be made in the column of remarks, showing what action was taken after conviction.

(15) A person whose case is submitted to Sessions Judge under [Section 123], shall not be entered in column 31 or 32 but in Column 19 or 20, as the case may be.

(16) A When an accused person has been found to be of unsound mind and has been dealt with under [Section 466], no entries shall be made in columns 13 to 32 and the case regarding him shall not be treated for statistical purposes as pending. A note shall be made in the column of remarks to the effect that the case has been entered in the special register prescribed for cases of this description. The cases entered in this register shall be brought up for consideration in the Court in which they are pending on the first day in January, April, July and October on which such Court is sitting. If, under the provisions of [Section 468(1)] of the Code of Criminal Procedure, [1898], the accused has been held to be capable of making his defence and the inquiry or trial has proceeded, an entry to that effect shall be made in the register. If he has not been so held capable, the case shall continue to be brought up

periodically until he has been held capable or until his death is certified to the Court. The duration of the case shall be reckoned from the date on which he is put on his trial.

B. When an accused person has absconded no entries shall be made in Columns 13 to 32 and the case regarding him shall be treated, for statistical purposes, as pending until he has been tried or dies. But otherwise the case shall be treated as completed and record shall be marked as of Class III in [Column 52] and a note of the action taken in regard to the accused shall be made in the Column of remarks.

(17) A note shall be made in the column of remarks against every case in which - (i) a complainant or informant is ordered to pay compensation under Section 250; or (ii) the Magistrate declares that the charge is false and that the offence never occurred. It shall be the duty of the reader to ascertain such declaration.

(18) To the register shall be prefixed an index in two columns the first column shall contain the entries given in the schedule of offences (chapter XVII, Rule 163) and such other local and special laws as are mentioned in the register and in the second column shall be entered the serial numbers of the cases falling within each entry. The index shall be written up as soon as the entries in Columns 1 to 5 relating to all the cases on each page of the register are completed.

(19) [In calculating the duration of a police case for the purposes of the Column 33, a case shall be held to begin on the date entered in Column 4-A and to end of the date entered in Column 13, both days inclusive. In a complaint case the case shall be held to begin on the earliest date entered in Columns 8 to 11 and to end on the date entered in Column 13, both days inclusive.]

(20) For every entry in Column 34, 35, 36, [44 or 45] there must be a corresponding entry in [Columns 46 to 49]. There can be no entry in [Column 50], unless there is also an entry in Columns 34 to 36 and another entry in [Columns 46 to 49.]

(21) When a person is sentenced under one conviction to more punishments than one, or is committed to prison in default of compliance with an order, an entry shall be made of every such punishment or imprisonment.

*Illustrations.* - (i) A person is sentenced to rigorous imprisonment with solitary confinement and to fine, and is ordered to execute a bond for keeping the peace. He will be shown in Column 34 and in Column 38 and in [column 42].

(ii) A person is ordered to give security for good behaviour and does not give it. He will in every case be shown in [Column 43], and he will be shown also in [Column 45], except in case in which the proceedings have to be submitted to a Court of Sessions under [Section 123]. In such a case the imprisonment in default will be entered in the register of the Court of Sessions.



(22) For a person shown in column 31 or 32 no entry shall be made in [Columns 34 to 51].

(23) Any punishment or order passed regarding a person convicted that cannot be shown in any of [Columns 34 to 43] shall be entered in the column of remarks.

(24) When a youthful offender is dealt with under Section 8 or Section 9 of the Reformatory Schools Act, 1897, a note of the order and of the Magistrate by whom it was passed shall be made in the column of remarks of this register in the Court of the Magistrate who convicted him.

(25) Entries in [Column Nos. 53 to 59] shall be made on receipt of a copy of judgment or order or an abstract under chapter X, Rule 99.

**Form No. 10**

(chapter XVI, Rules 164 and 168)

**Register of cases under [Section 466] of the Code of Criminal Procedure**

No. of case	Date	Court in which	Name of prosecutor pending	Name of accused	Date where case stopped on account of accused being pronounced incapable of defending	Ord him
1	2	3	4	5	6	7

**Form No. 11**

(chapter XVII, Rules 164 and 168)

Serial number	Date of institution	Police station	How instituted	Section applicable	Date of issue of first order	Nature of order	Name of each per whom orders wd
1	2	3	4	5	6	7	8

Proceedings, if orders were not complied with	
	Nature of final orders

Date of appearance, if any, of such person in Court	Proceedings on appearance or in default of appearance	No action taken or person proceeded against discharged	Person proceeded against subjected to a final order and nature of order	Date of disposal
10	11	12	13	14

In regard to this register; the following instructions shall be observed :

(1) Every case under chapter VI-C, or [Section 485], every case under Section 106, every case under [chapter X] (save an order under Section 142, which shall not be separately registered, and an order under Section 143, which shall be entered in the register in Form No. 12) every case under [chapter XII], every case under [Section 332], every case under [chapter XXXVI], every case under [chapter XLII] and every case under Section 250 of the Code of Criminal Procedure, [1898], shall be entered in this register, and no other case shall be entered therein.

(2) The entries in the first eight columns shall be made as soon as the first order is given by the Court. The entries in the remaining columns shall be made each at the earliest opportunity.

(3) When a case is transferred to another Court or the person concerned dies, any column which may be blank at the time shall remain blank, save the column of remarks, in which a note shall be made of the transfer or death, and of the Court, if any, to which the case is transferred.

(4) If any doubt arises in any case as to the proper entry to be made, a reference shall be made to instructions on Form No. 24.

(5) In the register in the Court of Session in this form shall be entered, every case under chapter VI-C or Section 485,1 every case, under Section 106, every case under Section 332,4 every application under [Section 528 (1-C)] and every case under chapter XLII6 of the Code, and no other case shall be entered therein.

**Form No. 12**

(chapter XVII, Rules 164 and 168)

**Register of miscellaneous reports and proceedings in the Court of ..... for the year  
20.....**

Sl. No.	Date of first report or order	Police station	Description of initiatory paper with name of petitioner or person making report or reference	Intermediate orders	Final order with date
1	2	3	4	5	6

This register shall be kept up by the departmental clerk and shall contain an entry of every report or proceedings in the Court of the nature hereinafter mentioned :

[(1) Order for issue of warrant under Section 98 or 100 of the Code of Criminal Procedure, 1898.]

[(2) Order under Sections 124, 125, 126 or 143.]

(3) Order under Section 173, upon a report under Section 169.

[(4) Report under Sections 62, 157 or 174, if not made in a case otherwise registered.]

(5) Inquiry under Section 159 or 176.

[(6) Inquiry under Section 186.]

(7) Case transferred under Section 192.

(8) Sanction under Section 195.

[(9) Warrant received under Section 400 and sent to the record-room.]

[(10) Proceedings of a Sub-divisional Magistrate under Section 435.]

[(11) Inquiry under Section 476.]

[(12) Proceedings under Section 482.]

[(13) Proceedings under Sections 503 to 505 and 507 by a Magistrate to whom a commission is issued.]

[(14) Proceedings of a District Magistrate under Section 506.]

[(15) Proceedings under Section 518, and proceedings under Sections 523 to 525, which do not belong to a case otherwise registered.]

[(16) Proceedings under Section 549 or 552.]

(17) Order under Section 18 of the Vaccination Act, 1880.

(18) Reports of unclaimed property under Section 25 of the Police Act, 1861, and other reports by the police not connected with cases before the Court; for example, reports of the deaths of friendless,, unknown or destitute persons.

(19) Any other report or proceedings of a nature similar to any of those above mentioned.

(20) Translation of letters, orders or other directions as to Court or office work or copies of proceedings received from superior Courts.

(21) Proceedings received from other district Courts, and officers regarding service and execution of processes, realization of fines and the like matters.

(22) Proceedings of a District Magistrate under Section 9 and Section 31, sub-section (5) of the Reformatory Schools Act, 1897.

(23) Proceedings under Section 10 of the Reformatory Schools Act, 1897.

[(24) Proceedings under Sections 7 and 8 of the Lepers Act, 1898.]

In Column 7 shall be entered a note of what is done with the papers; for example, the following notes might be made according to circumstances :

(i) "sent to the Court of" in regard to numbers (6), (7), (10), (11), (12), (13), (16), (17) and (21).

(ii) "filed with record of case number" in regard to numbers (1), (2), (3), (8), (14), (16), (17) and (22).

(iii) "sent to the record-room with list, dated" in regard to numbers (3), (4), (5), (15), (17), (18), (20), (21) and (23).

(iv) "sent to the record-room separately" in regard to number (9).

(v) "pasted into file-book" or "returned" in regard to number (20) or (21).

In this register in a Court of Sessions shall be entered every proceeding under Section 195, or under See [Section 400], or under [Section 476], or under [Section 482], or under [Section 518], if such proceedings is taken separately from the case to which it relates, or under any other similar provision of law. As regards entries in Column 7, the above instructions shall apply.

**[Form No. 12-A]**

(chapter XVII, Rules 164 and 168)

**Register of bail applications**

Serial number of application	Date of application	Name of applicant	Name of the Court refusing or granting the bail	Case no. or Crime no.	Police Station	Offence (Act in respect of which applied)
1	2	3	4	5	6	

Date of disposal	Whether the applicant was earlier allowed or refused bail by					Re
	Court of Session			High Court		
	Whether allowed or refused	Whether allowed or refused	Date of order	Whether allowed or refused	Date of order	
8	9	10	11	12	13	

**Form No. 13**

(chapter XVII, Rule 166)

**Register of appeals in the Court of Sessions Judge/Assistant Sessions Judge of.....**

Serial register number of appeal	Date of presentation of petition or its receipt in the office	Name of appellant	Particulars of appeal			
			Name of Magistrate	Serial register number	Police station	Name of accused
1	2	3	4	5	6	

Result of appeals as regard each person				
Died, escaped or transferred to another district	Appeal rejected [Section 421]	On Appeal dismissed [Section 423] or sentence maintained though finding is altered [Section 423 (b) (2)]	Sentence reduced or otherwise altered [Section [423 (b) (2) or (3)] ] or ordered altered [Section 424 (c)]	Finding and discharge order
14	15	16	17	

(1) This register shall be maintained in every Appellate Court by such clerk as the Presiding Officer shall by written order direct. The entries in Columns 1 to 9 shall be filled in when the petition is presented or is received from the jail, or the case is received on transfer. A separate line shall be given for every appellant named in Column 3. The entries in Columns 4 to 9 shall be taken from the copy of the judgment or order filed with the petition. The remaining entries shall be made at the earliest opportunity. The entry in Column 13 shall be the number of days from the date entered in Column 2 to the date entered in Column 12 inclusive.

(2) If an Appellate Court takes any action in the way of revision in a case coming before it in appeal, a separate revision case shall be commenced and registered, and the action taken in revision shall not be entered in the register of appeals.

(3) When a case is transferred to another Court in the same district, no entries shall be made in Columns 12 to 22, but a note shall be made in the column of remarks of the name of the Court to which the case is transferred and the law under which the transfer was made.

(4) When an entry is made in Column 14, a note shall at the same time be made in the Column of remarks, whether the person died or escaped or whether his appeal was transferred to another district. If it was transferred the name of the district shall be noted.

### Form No. 14

(chapter XVII, Rule 167)

<b>Register of revision cases in the Court of</b>	<b>District Magistrate</b>	<b>for the year 20.....</b>
	<b>Sessions Judge</b>	

Serial register number of revision	Date of application, if any, and of the order calling for record	On whose application on behalf of revision is			
		Complainant	Accused	Name of Magistrate	re
1	2	3	4	5	

Number of days the case lasted	Result of cases as regards each person name i				
	Died, escaped or transferred to another district	Application rejected or record returned	Order reversed [* * *]	Discharged set, aside or committal ordered under [Section 436]	Fu u
13	14	15	16	17	

(1) This register shall be maintained in the Court of every District Magistrate and in every Court of Session by such clerk, as the Presiding Officer may by written order direct. Whenever an application for revision is presented, or the Court-sends for a record under [Section 435] of the Code or (in the case of District Magistrate), receives a record under that section or takes any action in the way of revision in a case coming before it on appeal or otherwise, or receives a revision case on transfer, on entry shall be made in Columns 1 to 10.

(2) Whenever the application is made on behalf of a complainant, or the revision is undertaken in the interests of the complainant or prosecution, the name of the complainant or the word "State" shall be entered in Column 3 and no entry whatever shall be made in Column 4.

(3) Whenever the application is made or the revision is undertaken in the interests of the accused, no entry shall be made in Column 3, but in Column 4 shall be entered the name of every accused person in whose interests the action is taken, a separate line being given to each person.

(4) In Column 8 shall be entered, each a separate line, the names of only so many of the accused in the original case as are liable to be affected by orders passed in revision; and when there is an entry in Column 4 the number of the persons entered in Column 4 should be the same as the number of those entered in Column 8.

(5) The entry in Column 13 shall be the number of days from the earliest date entered in Column 2 to the date entered in Column 12 inclusive.

(6) When a case is transferred to another Court in the same district, no entries shall be made in Columns 12 to 22, but a note shall be made in the Column of remarks of the name of the Court to which the case is transferred.

(7) When an entry is made in Column 14, a note shall at the same time be made in the column of remarks whether the person died or escaped or his case was transferred to another district; if it was transferred, the name of the district shall be noted.

(8) The entries in Columns 14 to 19 shall be made separately against the name of each person entered in Column 8.

**Form No. 15**

(chapter XVII, Rule 1680)

**Register of committed cases for the year 20.....in the Court of  
the.....of.....**

Serial register number	Date of commitment or receipt on transfer or institution under [Section 480]	Particulars of in				
		Name of committing Magistrate	District	Serial register number	Police station	Name, parentage, residence, etc. of person committed
1	2	3	4	5	6	7

Act and section ultimately found applicable in Sessions Court	Person disposed of				
	Acquitted			Convicted	Submitted to High Court under [Section 307]
	On withdrawal from prosecution Acquitted	Discharged under [Section 227, Cr. P. C.]	Otherwise		
13	14	14-A	15	16	17

(1) Whenever the record of a case committed for trial or transferred from another Court is received, the clerk in charge of this register shall at once enter it in Columns 1 to 9 and in a case received by transfer he shall enter the name of the Court from which it is received in the column of remarks.



- (2) Whenever a case is dealt with under [Section 480] of the Code of Criminal Procedure, [1898], he shall enter the case in columns 1, 2 and 7 leaving Columns 3, 4, 5, 6, 8 and 9 blank.
- (3) The entries in [Columns 11 to 26] shall be made at the earliest opportunity.
- (4) If the same person is tried in more than one trial on separate charges, each trial shall be separately registered.
- (5) In each case only the principal offence shall be taken for the entry of Act and section in Column 8 and Column 13.
- (6) In calculating the duration of a case for the purposes of Column 12 the date entered in Column 2 shall be taken as the first day and the date entered in Column 11 as the last day of the duration.
- (7) When a person is convicted and sentenced to death or is convicted under circumstances to which Section [Section 341] applies, he shall be shown in Column 16 as convicted and not in column 17, which is intended only for the entry of a person whose case is submitted under [Section 307].
- (8) When an entry is made in Column 18, a note shall at the same time be made in the column of remarks, whether the persons died or escaped or was transferred; if he was transferred to another sessions division, its name shall be noted; and for every transfer the section of the law under which the transfer is made shall be noted.
- (9) When a case is transferred to another Court in the same sessions division, no entry shall be made in [Columns 11 to 26], but a note shall be made in the column of remarks of the name of the Court to which the case is transferred.
- (10) When a commitment is quashed by the High Court, the whole of the entries relating to the case shall be struck out of the register.
- (11) In [Columns 7 to 25] separate lines shall be given for each accused person.
- (12) In Column 16 (convicted) the entry should include the figures required for Columns 17 to 20 of Form No. 20. These figures should be separately indicated in the remarks column of the register.

**Form No. 16**

(chapter XVII, Rule 168)

**Register of punishments inflicted during the year 20.....in the Court**  
**of.....Sessions Judge of.....**

Date of disposal of case	Serial register number of case in register Form No. 15 or 17	Punishment			
		Death	Imprisonment	Penal servitude	
1	2	3	4	5	

Persons ordered to find or give security or recognizance to keep the peace	Persons ordered to be imprisoned in default of security for good behaviour	Detail of punishment				
		Imprisonment				
		15 days and under	6 months and under	2 years and under	7 years and under	A
11	12	13	14	15	6	

In regard to this register the following instructions shall be observed :

(1) Whenever the clerk makes - (i) an entry in column 16 of the register in Form No. 15, or (ii) an entry in Columns 10 and 12 or 13 of the register in Form No. 17, in a case in which the Court under **[Section 123]** orders imprisonment in default of security for good behaviour, he shall at once enter the particulars of the case in the register in this form and no other case shall be entered in that register.

(2) The directions contained in Clauses (2), (4), (5), (9), (10) and (11), regarding entries in the register in Form No. 9 shall apply to entries in this register also, the numbers of the corresponding columns being substituted, where necessary.

(3) In **[Column 14]** an entry shall be made whenever the Court makes an order under Section 106, and on no other occasion.

(4) In **[Column 15]** an entry shall be made whenever the Court makes an order for imprisonment under **[Section 123]**, and on no other occasion.

**Form No. 17**

(chapter XVII, Rule 168)

**Register of case submitted under [Section 123] of the Code of Criminal Procedure, [1898], in  
the Court of Sessions Judge of.....**

Serial No.	Date of submission	Particulars of case submitted					
		Name of submitting Court or Magistrate	District	Serial register number	Date of disposal by submitting Court	Police Station	Na
1	2	3	4	5	6	7	

Date of disposal	Number of days case lasted	Particulars of final order			Number of papers in the record in	
		Order confirmed	Order altered without alteration of the findings	Order annulled	File-A	File
10	11	12	13	14	15	16

In this register shall be entered every case received on submission under [Section 123] of the Code of Criminal Procedure, [1898], such case shall not be entered in any other register, save as provided in the instructions on Form No. 16; and no other case shall be entered in this register. A separate line shall be given to each person mentioned in column 8. The number entered in Column 11 shall be the number of days from the date entered in Column 6 to the date entered in Column 10 inclusive.

**Form No. 18**

(chapter XVII, Rule 169)

**Register of witnesses (including complainants) and of allowance to them in the Court of  
Magistrate/Sessions Judge of.....**

Serial number of witnesses discharged	Number of cases	[Number] of witness discharged	Residence of witness	Date of arrival	A exam

1	2	3	4	5	
20	28 of 1948	Hira Singh	A	10-7-48	
21	28 of 1948	Phool Singh Constable	H	10-7-48	
22	Ditto	Ram Bux	D	10-7-48	
[21]	Ditto	Phool Singh Constable	...	11-7-48	11
[20]	Ditto	Hira Singh	A	11-7-48	
[22]	Ditto	Ram Bux	D	11-7-48	
[20]	Ditto	Hira Singh	A	12-7-48	12
[22]	Ditto	Ram Bux	D	12-7-48	
[22]	Ditto	Ram Bux	D	25-7-48	25

Details of allowances paid					
Rate according to rules in force	Number of days allowed for journey	Number of days detained at Court	Amount of diet allowance paid	Amount of travelling expenses (if any)	
				By rail	By road with actual distance paid for
12	13	14	15	16	17
B	1	1	2B	X	Y [10 Miles]
...	...	...	...	...	...
B	1	1	2B	E	F [20 Miles]
	Total		4B	X+E	Y+F
...	...	...	...	...	...
B	...	1	B	...	...
B	...	1	B	...	...
	Total	...	2B 2B	...	...
B	1	1	2B	X	Y [10 Miles]
B	1	1	2B	E	F [20 Miles]
	Total	...	4B	X+E	Y+F
B	2	1	3B	2E	2F [40 miles]

	Total	...	3B	2E	2F [40 Miles]
--	-------	-----	----	----	---------------

Note. - B denotes diet money payable per day

X denotes travelling expenses payable for the outward or inward journey to Hira-Singh (H. S.)

Y denotes travelling expenses payable for the outward or inward journey to Hira-Singh (H. S.)

E denotes travelling expenses payable for the outward or inward journey to Ram Bux (R. B.)

F denotes travelling expenses payable for the outward or inward journey to Ram Bux (R. B.)

P.O. - Abbreviation for Presiding Officer

\* Entries to be in red ink.

Entries in the form should be made according to the above specimen.

The entries relating to the witnesses who attend the Court on several dates should not be made at one and the same place irrespective of the dates on which they attend. The entries should, on the other hand be made datewise, but in order that the register may indicate at a glance whether a witness has or has not appeared in the same case on a previous date as well, subsequent entries relating to the same witness in column No. 1 only should be made in red ink.

**Form No. 19**

(chapter XVII, Rule 169)

To

The Nazir

Magistrate's Court .....

Please pay Rs. .... for diet-money and expensed to complaints and witnesses in the case mentioned below :

Date	Number of case and names of parties	Amount of diet-money, etc., required.		Signature of the official receiving the money from the Nazir	Remarks
		Rs	Ps.		
1	2	3		4	5

Total..... Rupees (in words).....

Dated.....20.....

Magistrate

**Form No. 20**

(chapter XVIII, Rule 177)

**Annual statement showing the general results of criminal trials in the Tribunals of various classes in the district of ..... during the year 20.....**

Class of tribunal and name of Presiding Officer	Number of persons under trial						
	Brought to trial during present year						
	Remaining from last year	Under arrest	Upon warrant	Upon summons	Voluntarily	Received on commitment	Recd. ref.
1	2	3	4	5	6	7	

Persons whose					
On regular trial					
Appealable sentence passed	Non-Appealable sentence passed	Released on probation, [Section 4, U. P. First Offender's Probation Act, 1938]	Released after admonition [Section 3, U. P. First Offender's Probation Act, 1938]	Youthful offenders dealt with under [section 31 Act No. VIII of 1897]	
				Discharged after admonition	Delivered to parent or guardian
15	16	17	18	19	20

Committed	Referred	Total of Columns 12 to 20	Persons remaining under trial at close of year	Number of cases disposed of during year	Aggregated number of days during which cases entered in Column 31 lasted	Average number of days
27	28	29	30	31	32	

In the preparation of this statement the following instructions shall be observed :

(1) In Column 1 shall be entered on a separate line each bench of Magistrates and each Magistrate or Court in the order of the following classes, namely :

(a) [Benches of Magistrate] i.e., benches appointed under Section 15 of the Code of Criminal Procedure, [1898].

(b) Special Magistrates i.e., Magistrates appointed under Section 14 for some class or classes of cases, or for cases generally, in any local area : e.g.

(i) A [Munsiff] invested with powers in a certain area;

(ii) A Superintendent of a jail in the jail;

(iii) A forest officer in his division;

(iv) A canal magistrate;

(v) A cantonment magistrate;

(vi) A railway magistrate, who is paid by the State;

(c) Honorary Magistrates sitting singly, i.e., unpaid Magistrates appointed under Section 14, who are not members of a bench;

(d) Stipendiary Magistrates sitting singly, i.e., Magistrates appointed under Section 12 to be Magistrates in a district;

(e) [District Magistrates under Sections 10 and 11];

(f) [District and Sub-divisional Magistrates] for cases submitted under Sections 347 and 349 of the Code of Criminal Procedure, [1898] and Section 5 of the [U. P. First Offender's Probation Act, 1938];

(g) Judges of the Court of Sessions or Judges exercising jurisdiction therein under Section 9.

(2) The entries in Column 2 shall be taken from Column 3 of the statement for the preceding year, and shall be verified for Magistrate's Courts from the register in Form No. 9 by a comparison of the entries in Columns 1, 5, 12 and 13 regarding cases instituted in such preceding period, and for the Court of Session from the corresponding entries in the register in the Form No. 15.

(3) The entries in Column 3 for Magistrate's Courts shall be the total numbers of the entries in Column 8, of the register in Form No. 9 against cases instituted in the year; the entries in Column 4 shall be the similar totals of Column 9; those in Column 5 the totals of Column 10; and those in Column 6 the totals of Column 11 of the same register, omitting in every column the entries in the register against cases transferred within the district. There will be no entries in these columns for the Court of Sessions except in the cases of persons proceeded against under Section [477] or [480] of the Code of Criminal Procedure, [1898].

(4) In Column 7 there will be no entry against Magistrate's Courts. The entries against the Court of Sessions shall be the totals of persons entered in Column 7 of the register in Form No. 15 against the cases committed during the year.

(5) The entries in Column 9 shall be made from the entries in the Column of remarks in the register in Form Nos. 9 and 15, and the names of the districts from which cases were received shall be noted in the Column of remarks.

(6) In Column 11 against Magistrate's Court shall be entered the totals of the entries in Column 15 of the register in Form No. 9 for the year, and against the Court of Sessions the totals of the entries against cases in Column 18 of the register in Form No. 15; the details regarding such entries in the Column of remarks in the register shall be entered in the column of remarks of the statement also.

(7) In Column 12 there will be no entry against the Court of Sessions. The entries against Magistrate's Courts will be the totals of the entries in Column 16 of the register in Form No. 9 of the year.

(8) In Columns 13, 14 and 15 the entries for the Magistrate's Courts will be the totals of the entries in Columns 17, 18 and 19 respectively, of the register in Form No. 9 for the year; those for the Courts of Sessions will be the totals of the entries in Columns 14, 15 and 16, respectively, of the register in Form No. 15 against all cases decided during the quarter.

(9) In Columns 16 to 27 the entries for Magistrate's Court will be the totals of the entries in Columns 20 to 31, respectively, of the register in Form No. 9 for the year.



For Courts of Sessions the entries in Columns 17, 18, 19 and 20 will be the totals of the figures given in the remarks Column of Form No. 15.

(10) In Column 28 the entries against Magistrate's Courts will be the totals of the entries in Column 32 of the register in Form No. 9, for the year; those against Courts of Sessions will be the number of entries in Column 17 of the register in Form No. 15 made during the year.

(11) In Column 30 the entries for Magistrate's Courts shall be verified by counting the number of persons entered in Column 12 of the register in Form No. 9.

(12) In Column 31 shall be entered against Magistrate's Courts the total number of cases entered in Column 1 of the register in Form No. 9 during the year, omitting any case in which all the accused are entered in Column 15 of the same register; against Court of Sessions shall be entered the total number of entries made during the year in Column 11 of the register in Form No. 15, omitting any case in which all the accused are entered in Column 18 of the same register.

(13) In Column 32 will be entered against Magistrate's Court the totals of the entries in Column 33 of the register in Form No. 9 during the year; against Courts of Sessions the totals of the entries made in Column 12 of the register in Form No. 15 during the year; similar omission being made as for Column 31.

(14) In Column 34 will be entered against Magistrate's Courts every case decided during the year or pending at its close in which the entry in Column 33 of the register in Form No. 9 is or will be more than 42.

(15) In Column 35 the total number of the cases left pending at the close of the year shall be shown both by the Magistrate and the Court of Sessions.

**Form No. 21**

(chapter XVIII, Rule 177)

**Annual statement showing the punishment inflicted by the various criminal tribunals in the exercise of original jurisdiction in the district of.....during the year 20.....**

Class of tribunal and name of Presiding Officer	Death	Transportation	Penal servitude	IMPRISONMENT		
				Rigorous		
				With solitary confinement	Without solitary confinement	Sim

1	2	3	4	5	6	7

Details of p							
Fine							
Rs. 10 and under	Rs. 50 and under	Rs. 100 and under	Rs. 500 and under	Rs. 1,000 and under	Above Rs. 1,000	Total amount of fines during the year	Total amount realised during
14	15	16	17	18	19	20	21

Number of boys whose sentences were commuted to detention in a reformatory school	Number of youthful offenders dealt with under Section 31 of the [Reformatory School Act, 1897]	Amount paid as compensation under Section 250	Remarks
28	29	30	31

**Note.** - Column 10, 29, 30 and 31 deleted existing Columns Nos. 11 to 35 were renumbered as Columns 10 to 31 by Notification No. 309/VIII-a-1, dated 4th October, 1961, published in U.P. Gazette, part II, dated 21st April, 1962.

In the preparation of this statement the following instructions shall be observed :

(1) In Column 1 the entries shall be made as in the statement in Form No. 20 excepting cases under Section 8 of the [U. P. First Offender's Probation Act, 1938] in instruction (f) on Form No. 20.

[(2) In Columns 5, 6, 7, 8, 9, 11, 12, 13, 14, 24, 25, 26, 27 and 32 against a Magistrate's Court, the entries shall be the totals of the entries for the year in Columns 34 to 38 and 42 to 50, respectively, of the register in Form No. 9, the entries in Columns 15 to 23 shall be obtained from the fine register the total numbers entered in Columns 15 to 20 being equal to the number entered in Column 9; the entry in Column 34 shall be obtained from the notes made during the year in the column of remarks of the register in Form No. 9].

[(3) Against a Court of Session there will be no entries in Columns 12 and 34. The entries in Columns 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 24, 25, 26, 27, 28 and 32 shall be the totals of columns 3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, 17, 18, 19, 20 and 21, respectively, in the register in Form No.

16, for the year: the entries in Columns 15 to 23 shall be obtained from the fine register and checked with Column 9].

[(4) Fractions of rupees shall be omitted in Columns 21 to 23. In Column 22 shall be included all fines realised during the year, even if some were imposed during a previous year.]

[(5) In Columns 15 to 23 shall not be included fines imposed in appeal.]

[(6) The entries in Columns 32 and 33 shall be obtained from the entries in the column of remarks of the register in Form No. 9.]

(7) In the column of remarks shall be made a note of the entries made in the register under Clause 12 of instructions in Form No. 9.

**Form No. 22**

(chapter XVIII, Rule 177)

**Annual statement showing offences reported, and persons tried, discharged, acquitted, convicted and committed by Magistrates for each offence in the district.....during the year 20.....**

Nomenclature of offences with chapter and section of the Indian Penal Code, or other law, applicable	Schedule number of offence	Offences reported		Complaints dismissed u/ 203
		In and pending from the previous year	During the year	
1	2	3	4	5
<b>SCHEDULE OF OFFENCES</b>				
<b>I-Punishable under the Indian Penal Code</b>				
Criminal conspiracy chapter V. A	1			
Offences against the State - chapter VI	2			
Offences against the Army, Navy and Air Force - chapter VII.	3			
Offences against the public tranquillity - chapter VIII.	4			
Offences by or relating to public servant-chapter IX.	5			
Offences relating to elections - chapter IX-A	6			
Contempts of the lawful authority of public servants - chapter X	7			
False evidence & offences against public justice - chapter XI	8			

Offences relating to (a) coin and (b) Government stamps separately - chapter XII	9		
Offences relating to weights and measures - chapter XIII	10		
Offences affecting the public health, safety, convenience decency and morals - chapter XIV	11		
Offences relating to religion - chapter XV	12		
Offences affecting life - chapter XVI (Sections 302 to 311)	13		
Causing of miscarriage, injuries to unborn children, exposure of infants and the concealment of the births - chapter XVI (Sections 312 to 318)	14		
Hurt - chapter XVI (Sections 323 to 328)	15		
Wrongful restrains and wrongful confinement - chapter XVI (Sections 341 to 348)	16		
Criminal force and assault, kidnapping, forcible abduction,	17		
slavery and forced labour - chapter XVI (Sections 352 to 358 Sections 363 to 374)	18		
Rape - chapter XVI (Section 376)	19		
Unnatural offences - chapter XVI (Section 377)	20		
Theft - chapter XVII (Sections 379 to 382) 21			
Extortion - chapter XVII (Sections 384 to 389)	22		
Robbery and dacoity - chapter XVII (Sections 392 to 402)	23		
Criminal misappropriation of property - chapter XVII (Sections 403 and 404)	24		
Criminal breach of trust - chapter XVII (Sections 406 to 409)	25		
Receiving of stolen property - chapter XVII (Sections 411 to 414)	26		
Cheating - chapter XVII (Sections 417 to 420)	27		
Fraudulent deeds and dispositions of property - chapter XVII (Sections 421 to 424)	28		
Mischief - chapter XVII (Sections 425 to 440)	29		
Criminal trespass - chapter XVII (Sections 447 to 462)	30		
Offences relating to documents and to trade or property marks - chapter XVIII	31		
Criminal breach of contracts of service - chapter XIX	32		
Offences relating to marriage - chapter XVIII	33		
Offence against cruelty to women - chapter XXII			
Defamation - chapter XXI	34		

Criminal intimidation, insult and annoyance - chapter XXII	35			
<b>II - Punishable under the Code of Criminal Procedure</b>				
Proceedings under chapter VIII, security for keeping the peace	36			
Proceedings under chapter VIII - security for good behaviour	37			
<b>III - Punishable under Special and Local Laws.</b>				
(See Schedule, chapter XVII, Rule 163-	38			
Total				

Under trial during the year	Discharged	Number of persons			
		Acquitted		Convicted	
		On withdrawal from prosecution	Otherwise	Sentenced	Released on probation under Sections 3 and 4 of the [U. P. First Offenders Probation Act].
10	11	12	13	14	15

In the preparation of this annual statement the following instructions shall be observed :

(1) In Column 1 the offences entered shall be the offences given under Numbers 1 to 37 of the schedule of offences, and offences, punishable under special and local laws, each law being separately specified. Entries shall be made in the order observed in the schedule; except that attempts shall be entered immediately after, and abetments shall be included with the substantive offences. In every entry of a special or local law the title of each Act shall be specified as well as its number and year. An Act of the State Legislature shall be distinguished by the letters "U. P. & O" placed after the number and year of the Act.

(2) In Column 3 shall be entered the number of pending cases in all the district registers in Form No. 9 of the year preceding; in Column 4 shall be entered the number of case entered in Column 1 of all the district registers in Form No. 9 minus the number transferred between Courts in the district; in Column 5 shall be entered the number of case entered in Column 6 of such registers; in Column 6 shall be entered the number of cases as regards which notes have been made under Clause 17 of the instructions relating to Form No. 9, in the column of remarks of such registers; in Column 7 shall be entered cases returned as true of the cases shown in Column 3 of the annual statement; in Column 8 shall be entered the number remaining after deducting the entries in Columns 5 and 6 from the entry in Column 4; in Column 9 shall be entered the number of cases entered in the registers in Form No. 9 for the year plus the number of pending cases in the same registers against which entries have been made in Columns 8, 9, 10 or 11 and the number of pending cases in the registers in Form No. 20.

(3) In Column 10 shall be entered the number of persons accused in the cases entered in Column 9; in Column 11 shall be entered the number of persons shown in Column 16 of the registers in Form No. 9; in Column 12 shall be entered the number of persons shown in Column 17 of those registers; in Column 13 shall be entered the number of persons shown in Column 18 of those registers in Column 14 shall be entered the number of persons shown in Columns 19 to 26 of those registers; in Column 17 shall be entered the number of persons shown in Column 31 of those registers; and in Column 18 of the number shown in Column 3. The distribution of such persons under the several offences can be effected by means of the indices to the registers in Form No. 9.

(4) The number entered in Column 19 shall be the number of person entered in Column 26 of the registers in Form No. 9 and Column 34 of the registers in Form No. 20 against cases left pending at the end of the year. The totals of Columns 11 to 19 should be equal to the total of Column 10.

(5) In Column 21 shall be noted-

(a) how many of the persons entered in Column 18 died, how many escaped and how many were transferred to another district;

(b) the names of the districts to which such last mentioned persons were transferred.

In Column 20 shall be noted in how many of the cases entered in column 6 against each offence the complainant was ordered to pay compensation under Section 250 of the Code of Criminal Procedure, [1898].

**Note.** - Complainants fined under Section 250 of the Code of Criminal Procedure, [1898], are not to be entered as convicted in statements Form Nos. 20, 21 and 22 but the fact of the fines having been imposed should be noted in the column of remarks (19) of the statement in Form No. 22 against the complaints preferred by them. Cases under Sections 107, 108, 109, 110, [118, 120 and 123], only will be shown under the appropriate head of the schedule in Form No. 22. Cases dealt with under Section 106 of the Code, are not to be shown in Form No. 22 against Part II proceedings under chapter VIII "Security for keeping the peace" schedule number of offence 36 or in Form No. 21 Column 11.

**[Form No. 23]**

(chapter XVIII, Rule 177)

**Form No. 24**

(chapter XVIII, Rule 177)

**Annual statement showing proceedings of Magistrates under the Code of Criminal Procedure,  
in the district of.....during the year 20.....**

Nature of proceedings	Total number of cases before the Courts during the year	Nu p co
1	2	
1. Proceedings against witnesses under chapter VI-C and See [Section 485].		
2. Proceedings under chapter VIII to prevent breach of the peace.		
3. Proceedings under chapter VIII; security for good behaviour.		
4. Proceedings against local nuisances; chapter X.		
5. Possession; [chapter XIII].		
6. Frivolous or vexatious accusations summarily : dealt with under Section 250.		
7. Maintenance; [chapter XXXVI].		
8. Forfeiture of bail or recognizance; [chapter XLII].		
9. Proceedings under Section 7 against convicted offenders released under Sections 3 and 4 of the [U. P. First Offenders' Probation Act, 1938].		

In the preparation of this annual statement the following instructions shall be observed :

(1) Against sub-head 1 shall be entered particulars of every case of the "kind entered in the registers in Form No. 11. Every case under [Section 485] shall be entered both as before the Court and as disposed of and every person concerned therein as subjected to an order. As regards cases under chapter VI-C in Column 2 shall be entered every case in which a proclamation was issued during the year, and every case in which a proclamation was issued in a previous year and the property has not finally been restored or been appropriated to the Government. In Column 3 shall be entered every person concerned in the cases entered in Column 2. In Column 4 shall be entered every case in which an attachment was released or property restored or a final order made for appropriation to Government during the year. In Column 5 shall be entered every person whose property was released from attachment or restored to him during the year. In Column 6 shall be entered every person whose property was finally appropriated to Government during the year.

(2) Against sub-head 2 in Column 2, shall be entered - (i) every case in regard to which an entry was made in [Column 42] of the register in Form No. 9 during the year; (ii) every case in regard to which an entry was made in Column 16 of the register in Form No. 9, if the schedule number "36" is entered against such case in the register in Form No. 9; (iii) every case pending at the end of the year in the register in Form No. 9 against which the entry in Column 16 of such register is "Section 107". Entries shall be made in the remaining Columns regarding all such cases.

(3) Against sub-head 3 in Column 2 shall be entered - (i) every case in regard to which an entry was made in [Column 43] of the register of Form No. 9 during the year; (ii) every case in regard to which an entry was made in Column 16 of the register in Form No. 9, if the

schedule number "37" is entered against such case in Column 433 of the register in Form No. 9; (iii) every case pending at the end of the year in the register in Form No. 9 against which the entry in Column 5 of such register is "Section 109" or "Section 110". Entries shall be made in the remaining Columns regarding all such cases.

(4) Against sub-head 4 in Column 2 shall be entered those cases only out of the cases under chapter X entered in the register in Form No. 11 in which the persons against whom an order was made did not comply therewith under Clause (a) of Section 135, or in which the period for compliance has not expired at the end of the year. In Column 5 shall be entered every person regarding whom no further proceedings were taken under [Section 137] or [Section 139]; in Column 6 shall be entered every person regarding whom an order was made absolute under [Sections 136, 137] or [139] or an order was made under [Section 141], in Column 4 shall be entered the cases of such persons as are entered in Columns 5 and 6.

(5) Against sub-head 5 in column 2 shall be entered every case under [chapter XIII] entered in the register in Form No. 11 during the year or pending from the previous year. If an order is cancelled and proceedings are stayed under the fifth clause of Section 145, or if on an inquiry under Section 147 no order is made, the persons concerned shall be entered in Column 5. If an order is issued under the sixth clause of Section 145 or an attachment made under Section 146, or an order made under Section 147, the persons concerned shall be entered in column 6. In column 4 shall be entered the cases of such person as are entered in columns 5 and 6.

(6) Against the remaining sub-heads 6 to 9 shall be entered every case of the kind entered in the register in Form No. 11.

**Form No. 25**

(chapter XVIII, Rule 177)

**Annual statement showing the number of witnesses (including complainants) examined and discharged without examination, the period of their detention, and the sum paid to them as diet and travelling expenses in the district of.....during the year 20.....**

Class of tribunal and name of Presiding Officer	Number of witnesses discharged after examination	Number of witnesses discharged without examination	Total of Columns 2 and 3	Percentage of a Columns 2 to Column 4
1	2	3	4	5



In the preparation of this annual statement the following instructions shall be observed :

- (1) The entries in Column 1 shall be made according to the directions for the same entries in the statement in Form No. 20.
- (2) The entries in the remaining columns shall be made from the register in Form No. 18.

**Form No. 26**

(chapter XVIII, Rule 178)

**Annual statement showing the result of appeals in criminal cases in the district of .....  
during the year 20 .....**

Class of Tribunal	Number of				
	Total No. of appellants including those remaining from previous year	Died, escaped or transferred to another district	Appeals rejected	Sentence or order confirmed	Sentences or orders
1	2	3	4	5	6
The Court of Sessions on appeal from					
Total					
Grand Total					

Number of appeals					Aggregate No. of days during the appeals entered in Column 16 lasted
Preferred during year	Disposed of during year	Pending at the end of year	Pending over two months	Pending over six months	
11	12	13	14	15	16

In the preparation of this annual statement the following instructions shall be observed :

(1) In Column 1 the Courts appealed from shall be entered according to the instructions for entries in Column 1 of the statement in Form No. 20.

(2) The remaining columns shall be filled up from the register in Form No. 13, thus

Column 3	from column	14	
Do.	4	Ditto	15
Do.	5	Ditto	16
Do.	6	Ditto	17
Do.	7	Ditto	18
Do.	8	Ditto	19
Do.	11	Ditto	1 (of the year under report only).
Do.	12	Ditto	12 (omitting cases in which all the appellants are entered in Column 14).
Do.	16	Ditto	13 (omitting cases in which all the appellants are entered in Column 14)

Regarding each person entered in Column 3 the note made in the column of remarks in the register shall be reproduced in the column of remarks of the statement. For Column 11 a case transferred between Courts in the same district shall be counted once only.

**Form No. 27**

(chapter XVIII, Rule 177)

**Annual statement showing the result of revision in criminal cases in the district  
of.....during the year 20.....**

Class of Tribunal	Number of cases				
	Total No. of appellants including those remaining from previous year	Died, escaped or transferred to another district	Applications rejected	Order reversed	Dismissed
1	2	3	4	5	6
The District Magistrate in revision from.... Total					
The Court of Sessions on appeal from- Total					
Grand Total					

Number of appeals	
-------------------	--

Preferred during year	Disposed of during year	Pending at the end of year	Pending over two months	Pending over six months	Aggregate No. of days during the appeals entered in Column 16 lasted
11	12	13	14	15	16

In the preparation of this annual statement the following instructions shall be observed :

(1) In Column 1 the Courts whose proceedings were held in revision shall be entered according to the instructions regarding entries in Column 1 of the statement in Form No. 20.

(2) In Column 2 shall be entered the number of persons entered in Column 4 of the register in Form No. 14 against cases instituted during the year or pending from the previous year. The remaining columns shall be filled up from the same register thus :

Column 3	from Column	14	
Do.	4	Ditto	15
Do.	5	Ditto	16
Do.	6	Ditto	17
Do.	7	Ditto	18
Do.	8	Ditto	19
Do.	10	Ditto	8 (against pending cases only).
Do.	11	Ditto	1 (of the year under report only).
Do.	12	Ditto	12 (omitting cases in which all the persons entered in Column 8 are also entered in Column 14).
Do.	16	Ditto	13 (omitting cases in which all persons entered in Column 8 are also entered in Column 14).

Regarding each person entered in Column 3 the note made in the column of remarks of the register shall be reproduced in the column of remarks of the statement. For Column 11a case transferred between Courts in the same district shall be counted once only.

In the column of remarks against each Revisional Court shall be noted the number of complaints entered in Column 3 of its register in Form No. 14 and the number of accused persons entered in Column 8 against cases, against which such complaints are entered thus :

"59 complaints against 83 accused."

(chapter XVIII, Rule 177)

**Annual statement showing the number of Sessions Judges and Magistrates employed to dispose of criminal work in the Judgeship of.....for the year 20.....**

No. of Sessions and Additional Sessions Judges who did both civil and criminal work during the year	No. of Sessions and Additional Sessions Judges who did only criminal work during the year	No. of Assistant Sessions and Session and Civil Judges who did both civil and criminal work during the year	No. of Assistant Sessions and Civil Judges who did only criminal work during the year	No. of District Magistrates and Additional District Magistrates
1	2	3	4	5

No. of other stipendiary Magistrates permanently employed and any addition temporarily made in the cadre who did both civil (excluding revenue) and criminal work during the year	No. of other stipendiary Magistrates permanently employed and any addition temporarily made in the cadre who did only criminal work during the year	No. of honorary Magistrates sitting singly	No. of benches of Magistrates (not members of benches)	Rema
6	7	8	9	10

**Notes.** - (i) If an officer mentioned in Columns 1-4 has done work of more than one other district.

(ii) In a Court where more than one officer (Columns 1-9) have worked owing to transfer, leave, etc. the number should always be taken as one.

**Form No. 29**

(chapter XVIII, Rule 178)

**Annual statement showing the number and result of trials in the Court of Sessions for the district ..... during the year 20.....**

		Number of cases
--	--	-----------------

Nomenclature of offence, with chapter and Section of the Penal Code, or other law, applicable	Schedule No. of offence, chapter XVII, Rule 163	Pending from previous year	Committed during year	Otherwise instituted during year
1	2	3	4	5

that came under trial				Number of	
Before commencement of year	By commitment during year	Otherwise during year	Total	On withdrawal from prosecution	Otherwise
7	8	9	10	11	12

In the preparation of this annual statement the following instructions shall be observed :

(1) In Column 1 the order given in the schedule of offences given in chapter XVII, Rule 163, shall be followed, attempts being entered immediately after and abetments being included with the offences named in the schedule.

(2) The entries in the remaining columns shall be obtained from the registers in Forms Nos. 15 and 17.

### Form No. 30

(chapter XVIII, Rule 178)

#### Annual statement showing proceedings of the Court of Sessions under the Code of Criminal Procedure, [1898], for the district.....during the year 20.....

Nature of proceedings	Total number of cases before the Courts during the year	Number of persons concerned	Case
1	2	3	4
1. Proceedings against witnesses under chapter VI-C and See [Section 485].			

2.	Proceedings under Section 106 of chapter VIII (security for keeping the peace)			
3.	[* * * *]			
4.	Forfeiture of bail or recognizance under [chapter XLII].			
	Total.....			

In the preparation of this annual statement the instructions given on Form No. 24 as regards entries against sub-heads 1 to 8 shall apply to the entries against sub-heads 1 and 4, respectively.

The entries against sub-head 2 shall be obtained from Column 14 of the register in Form No. 16.

**Form No. 31**

(chapter XVIII, Rule 178)

[Deleted]

**[Form No. 32]**

(chapter XVIII, Rule 175)

**Quarterly statement showing the general result to criminal trials in the Courts of various classes in the district of.....during the first/third quarter of 20.....**

Class of Courts and name of Presiding Officer	Number of cases pending from last quarter	Number of cases disposed of during the quarter	Number of cases pending at close of quarter
1	2	3	4
Sri..... Chief Judicial/Metropolitan Magistrate			
Sri..... Judicial/Metropolitan Magistrate			
Sri..... Judicial/Metropolitan Magistrate			
Total			

Sri..... Judicial/Metropolitan Magistrate Sri..... Special/Judicial/Metropolitan Magistrate Sri..... Special/Judicial/Metropolitan Magistrate Sri..... Special/Judicial/Metropolitan Magistrate <p style="text-align: right;">Total</p> Cases referred under Section 325 of the Code of Criminal Procedure, 1973. Cases referred under the U. P. First Offenders Probation Act, 1938. Sri..... Chief Judicial/Metropolitan Magistrate <p style="text-align: right;">Total Magistracy</p> Cases committed to Court of Sessions under Section 323 of Code of Criminal Procedure, 1973. <p style="text-align: right;"><b>Total Sessions Judge</b></p> <p style="text-align: right;">GRAND TOTAL</p>	
---	--

Average number of days each case was pending	Number of cases pending above three months whether disposed of or pending at the close of the quarter	Appeals		Remarks
		Pending over two months	Pending over six months	
5	6	7	8	9

(chapter IV, Rule 23)

**Index of Exhibits**

**In the Court of.....Case No.....20.....**

**State.....Versus.....**

Serial number	Description of exhibits	Date of filing	Exhibit number in the Court of Magistrate and by whom first proved	Filed in the Court of the Sessions Judge by whom first proved	Remarks
1	2	3	4	5	6

For instructions for filling in this form, see the Court's G. L. No. 38, dated February 21, 1929.

**[Form No. 34]**

(chapter VIII, Rule 64)

**Memorandum of identification proceedings of the following accused conducted on.....at.....**

Name, parentage and residence of the accused, statement if any made by him and signature or thumb impression	Offence	Any distinctive marks likely to affect identification	Step (if any) taken by the Magistrate conducting the proceedings regarding Column 3	Date of admission into the jail (or on bail)	Description of accused's admission length
1	2	3	4	5	

The person/persons to be identified was/were mixed up with other under-trial prisoners/ persons. All were made to stand in a circle. They were made to wear the clothes in which they were originally admitted to the jail (with the exception of the changes mentioned in Column 4). No fetters were on. The accused were given the option to change places at will but were not allowed either to conceal their faces or stature so as to impede recognition and to exchange their clothings. The witness were called in one by one and asked to single out the person or persons they had come to identify and to mention the action for which they identified him or them. Every precaution was taken to ensure that no succeeding witness communicated in any manner with the preceding one. The result of the proceedings was as follows :



Name, parentage and residence of the witness	Name or description of the person whom the witness came to identify with details of the part which that person played in the crime as seen by witness (in his own words)	Name of the accused correctly identified	Wrong person pointed out (if any)	Any other statement made by the witness	M re d
6	7	8	9	10	

Remarks of the Magistrate who conducted the proceedings on the following points :

- (1) Was the Superintendent of Jail informed at the time of the admission of the accused to the jail lock-up that his identification would be conducted later on?
  
- (2) Steps taken by the jail authorities to ensure the proper conduct of the proceedings.
  
- (3) How the application(s), if any, moved on behalf of the accused was/were dealt with?
  
- (4) Name of counsel, if any, appearing for the accused, and whether his/their signatures have been taken on the memo.
  
- (5) Did the counsel for accused, if present, point out any other mark not noted by you?
  
- (6) Any other point.

*Dated.....20.*

*Magistrate*

N. B. - It is very useful to note whether the witness knew the name of the person he had come to identify or he only described him in some such way as the man who was standing at the door at the time of the dacoity. The witness is not to be asked in a general way.

"Identify whomsoever you know"

### Form No. 35

(chapter XVIII, Rule 177)

**\*Annual statement showing the general result of trials in original Criminal Courts of.....district for the year 20.....**

Tried on Complaint					Tried under the Indian P		
Name of district	No. of persons	No. of cases	No. of cases which ended in conviction	No. of persons convicted in cases	No. of cases	No. of persons	No.
1	2	3	4	5	6	7	

Tried under Section 107, C								
Tried under other laws on police report				No. of person tried		No. of persons let off on the cases being compromised		
No. of cases	No. of persons	No. of cases which ended in conviction	No. of persons convicted in cases	On police reports	On private complaints	On police reports	On private complaints	On
10	11	12	13	14	15	16	17	

\* Required under G. O. No. 2006/VI-2146-1937, dated the 22nd July, 1939.

**Note.** - In the preparation on this annual statement the following instructions shall be observed :

(1) The entries in this statement should relate to all criminal trials in the Courts of Magistrates and Sessions Judges as Courts of original jurisdiction. The result of appeals, revision, etc., are not to be shown in it.

(2) The statement should show figures about only such trials as conclude within the particular year to which the statement relates irrespective of the year in which the trial started.

**Form No. 36**

(chapter XVIII, Rule 172)

**Monthly statement showing the state of criminal work in the district of.....during the month of.....20.....**

Serial No.	Nature of case	Pending from the last month	Institutions and receipts by transfer, etc.	Decided	Transferred to other districts	Pend o
1	2	3	4	5	6	
1.	Sessions trials					



10.

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

6.

7.

8.

9.

10.

1. The property to be identified was brought by. Court Moharrir/Police Constable No. ....of my Court/Police Station in.....sealed bundles from.....The articles to be mixed up were brought.....by.....contractor/tahsil peon in.....sealed bundles. The seals were intact and were opened before me. The witnesses were called one by one. Every precaution was taken to ensure that no succeeding witness communicated in any manner with the preceding one.

2. The articles mixed up were similar in appearance to those for identification except as to details given in remarks column.

3. ....was present on behalf of the prosecution and.....was/were present on behalf of.....accused.

Dated the.....day of.....20.....

Magistrate

**Form No. 38**

(chapter XVIII, Rule 177)

**Annual statement showing the number of Criminal Cases tried by the Panchayati Adalats in the district of.....during the year**

Number of Panchayati Adalats	Number of cases before the Panchayati Adalats			Number of cases disposed of			No. of cases that pending at the end
	Pending at the beginning of the year	Instituted during the year	Total	After trial	Otherwise	Total	
1	2	3	4	5	6	7	8

**Form No. 39**

**Monthly statement of Sessions Trials concluded or pending in the Court of Sessions Judge  
at.....during the month of..... 20.**

Serial number of sessions trial	Serial number and names of accused	Sections under which charged or convicted	In jail or on bail	Name of committing officer	Order of commitment	Receipt by Co Sessions of calendar record of comm
1	2	3	4	5	6	7

**Notes.** - In the column of remarks.

(1) The ground of postponement when any trial is postponed should be stated.

(2) Total number of cases committed and decided during the month and the number pending at the end of the month should also be indicated.

(3) When the date in Column 7 is more than eight days later than the date in Column 6, the Sessions Judge shall require an explanation of the delay and shall have a note of the explanation made.

(4) For purposes of filling Columns 9-A, 9-B and 9-C the classification of prosecution witnesses, is as under :

9-A. *Witnesses of facts.* - (a) Witnesses deposing about the commission of the offence, e.g., eye-witnesses.

(b) In case of circumstantial evidence witnesses deposing about material circumstances.

9-B. *Formal witnesses.* - Police Officials discharging formal duties such as accompanying the accused, taking the dead body, property etc. and making entries in the police papers.

9-C. *Other witnesses.* - (a) Witnesses relating to recovery of property.

(b) Witnesses relating to arrest of accused.

(c) Magistrates who conduct identification proceedings of the accused or property, or who record statements under Section 164, Criminal Procedure Code.

(d) Doctors who examine injuries or conduct post-mortem examination.

(e) Chemical Examiner.

(f) Serologist.

(g) Handwriting or Finger Print Experts.

(h) Ballistic Expert.

(i) Officer of Mint who submits report regarding counterfeit coins.

(j) Investigating Officer.

(k) Such other witness as cannot be categorised as "Witness of Fact" or "Formal Witnesses."

**Form No. 40**

(chapter XVIII, Rule 174)

**Quarterly statement showing average duration of murder cases in.....Sessions  
Division for the quarter ending**

Name of the Presiding Officer of the Court	Number and year of sessions trial	Date of commitment	Date of decision	Number of days taken in the disposal of the case
1	2	3	4	5

**Form No. 41**

(chapter XVIII, Rule 178)

**Statement showing the number of cases in which women were tried and convicted for murder  
of their infant children under  
six years of age during 20.....by.....**

Serial No.	Sessions division	Name of woman	Date of offence	Section under which convicted	Sentence and date thereof	Sentence as mo State Go
1	2	3	4	5	6	7

I. Legitimate infant children :

(a) In which the Sessions Judge recommended reduction of sentence.

(b) In which the Sessions Judge made no recommendation.

II. Illegitimate infant children.

Dated the..... 20.....	Examined by	Judge
	Munsarim	

**Form No. 42**

(chapter XIX, Rule 183)

**Statement showing the grand totals of amounts of receipts under head ["XXI - Administration of Justice"] which were credited in to the Treasury at.....during the month of.....**

Name of Court	Sales proceeds of unclaimed and escheated property	Court-fees realized in cash	General-fees, fines and forfeitures		Crim
			Fees, fines and forfeitures of Magisterial Courts	Other items	
1	2	3	4	5	

**Form No. 43**

(chapter XVIII, Rule 166)

**Register of copies of Judgments in the Court of the.....of.....for the year 20.....**

Number of cases and names of parties				Date of			Name of subor to whom de
Sl. No.	Date	No. of case	Names of parties	Decision	Despatch of copy of order sheet or operative portion of judgement*	Despatch of copy of judgment	
1	2	3	4	5	6	7	8

\* To be issued only in case delay is likely to occur in the issue of a copy of the judgment.

**[Form No. 44]**

(chapter XVIII, Rule 177)

**Annual statement showing the dispositions by various Criminal Tribunals in the district.....during the year.....under the [Offender's Probation Act (VI of 1938)]**

Class of Tribunals	Released after admonition	Released on probation without supervision	Released on probation on furnishing surety or I/C of Probation Officer specially appointed by Court	Released on probation and placed under the supervision of a Probation Officer	Released and required to undergo a probation or o
1	2	3	4	5	

Number of persons				
Against whom action was taken for breach of Probation Orders				
Released on probation with a requirement to pay compensation to the victim	Number or preliminary inquiries ordered by the Court	Sentenced to imprisonment for original offence	Fined	Remarks
7	8	9	10	11

**[Form No. 45]**

(chapter XVIII, Rule 177)

**Form of Register for Criminal cases decided**

Date of decision	Particulars of the case	Enquiry case			Case in which the accused was convicted or acquitted after full trial	Case in which discharged under conviction
		Number of accused	Number of accused committed to Sessions	Number of accused discharged		
1	2	3	4	5	6	

Warrant cases	
---------------	--



Case in which the accused was discharged under [Section 259 Cr. P. C.]	Case in which the compounding under [Section 345, Cr. P. C.] took place	Case under [Section 512 Cr. P. C.]	Case in which the accused was convicted under [Section 243 Cr. P. C.]	C
9	10	11	12	

Summary trials		Criminal Revisions		Transfer application	Cases transferred to Court
Appealable cases	Non-appealable cases	Contested	Dismissed at admission stage		
16	17	18	19	20	21

Number of days devoted to the case	Number of days for which the case remained pending from the date of complaint or charge-sheet	Prosecution witnesses	Defence witnesses	Number of accused examined	R
23	24	25	26	27	

**[Form No. 46]**

(chapter XIX, Rule 187)

### Receipt slip to be granted to applicants

Name and address of application	Abstract of application with name of parties	Court in which filed	Date fixed for hearing of abstract of order passed	Date of receipt and signature of official receiving application
1	2	3	4	5

**Note :-** First three Columns should be filled in by the applicant.

**Statement of criminal returns with their due dates of despatch**

Name of statement	Rule of which prescribed	Due date	
1	2	3	
Sessions statement	chapter V, Rule 39	Immediately on conclusion of the trial.	
Index of cases decided during one sessions.  <i>(Monthly)</i>	Ditto	At the conclusion of sessions.	
Statement of sessions trial concluded or pending alongwith copies of judgment. Statement showing state of criminal work.	chapter X VIII, Rule 172	7th day of each month.	
Statement showing criminal cases in which there has been a delay of more than a fortnight in the delivery of judgment after conclusion of the trial or argument.	chapter XVIII, Rule 173	7th day of each month.	
Monthly statement showing the grand total of amounts of receipt.  <i>(Quarterly)</i>	chapter XIX, Rule 183	15th day of each month.	
Statement showing average duration of murder cases decided by Sessions Judges, Form No. 40.	chapter XVIII, Rule 174	15th January, 15th April, 15th July and 15th October.	
Quarterly statement Form No. 32.  <i>(Annual)</i>	chapter XVIII, Rule 175	15th February	
Annual statement No. 20	chapter XVIII, Rules 177 and 178	15th February.	
Ditto			No. 21
Ditto			No. 22
[***]			
Annual statement No. 24			
Ditto			No. 25
Ditto			No. 26
Ditto			No. 27
Ditto			No. 28
Ditto			No. 29
Ditto			No. 30
Ditto			No. 31
Ditto			No. 35
Ditto			No. 38
Ditto	No. 41		
Criminal Administration Report	chapter XVIII, Rules 180 and 181	15th February.	

**Heads of offices through whom service may be made on Gazetted Officers in Uttar Pradesh  
(chapter III, Rule [12])**

Column 1	Column 2
1	2
Head of Department	Government in the Administrative Department concerned.
Prohibition and Social Uplift Officers	Under Secretary to Government in the Excise Department.
[District Judges, Additional District Judges and Civil and Session Judges.]	The Chief Justice of the High Court of Judicature at Allahabad or the Senior Judge on duty.
[Civil Judges and Munsifs.]	District Judges.
Judicial Members, Board of Revenue and Commissioners of Divisions.	Administrative Member, Board of Revenue.
Indian Civil Administrative Cadre Officers, State Civil Service Officers and all Gazetted Officers employed under the Land Reforms Commissioner.	Land Reforms Commissioner.
Additional Commissioners, District Magistrates, Additional District Magistrates (Judicial) and Official whole-time Chairman of Municipal Board).	Commissioners of Divisions.
Deputy Inspectors General of Police, Assistant Inspector General of Railway Police and Assistant to the Inspector General of Police	Inspector General of Police.
Superintendent of Police Headquarters.	Deputy Inspector General of Police, Headquarters and Railways.
Commandants of Provincial Armed Constabulary, Principal, Police Training College Moradabad, Provincial Wireless Officer, Lucknow and Staff Officers of the Deputy Inspector General of Police, Provincial Armed Constabulary and Training.	Deputy Inspector General of Police, Provincial Armed Constabulary and Training.
Superintendents of Police (with the concurrence of the District Magistrate).	Deputy Inspectors General of Police of Ranges.
Junior Indian Police Service Officers and Deputy Superintendents of Police and Regional Fire Officers.	Superintendents of Police.
Assistant Wireless Officers.	Provincial Wireless Officer.
Assistant Commandants and Adjutants, Provincial Armed Constabulary.	Commandant, Provincial Armed Constabulary.
Inspector of Stamps and Registration.	Inspector-General of Registration.
Deputy Inspector General of Prisons, Director and Assistant Director of Jail Industries, all whole-time Superintendents of Jail in Uttar Pradesh (under intimation to the District Magistrate concerned), Principal, Jail Training School, Lucknow, Personal Assistant to the Inspector General of Prisons, and the Officer-in-charge, Jail Depot, Lucknow.	Inspector-General of Prisons, Uttar Pradesh.
All Deputy Superintendents, Jailors, Medical Officers and Assistant Medical Officers holding gazetted posts.	Superintendents of Central and Model Prisons

Jailors and Assistant Medical Officers, who are Gazetted Officers.	Superintendents of District Jails.
Trainees who are Gazetted Officers.	Principal, Jail Training School, Lucknow.
Additional Director of Medical and Health Services, Deputy Directors of Medical and Health Services, Superintendent, Nursing Services, [Civil Surgeons] (under intimation to the District Magistrates of the Districts), Chemical Examiner, Superintendents of Mental Hospitals and Principal, Medical College, Agra.	Director of Medical and Health Services.
Assistant Director of Medical and Health Services of the Ranges, Assistant Directors of Provincial Hygiene Institute, Malariology, Health Publicity and Epidemiology and the Assistant Drugs Controller.	Deputy Director of Medical and Health Services.
Lecturers of the Provincial Hygiene Institute, Medical Officer-in-charge, Cholera Vaccine Section and Nutrition Survey Officers.	Assistant Directors of Provincial Hygiene Institute.
Assistant Malaria Officer and the Entomologist attached to Malaria Branch.	Assistant Director, Malariology.
District Medical Officers of Health and Municipal Medical Officers of Health belonging to Uttar Pradesh Public Health Service (under intimation to the District Magistrate), Medical Officer-in-charge, Industrial Health Organization, Superintendent, Government Vaccine Depot, Patwadanger and School Health Officers.	Assistant Directors of Medical and Health Services of the Ranges.
Medical Officer-in-charge, Anti-epidemic Operations, Kala Azar Medical Officers, Anti-Malaria Officers and other Gazetted Officers of the Public Health Department posted in the Districts for non-municipal and rural areas.	District Medical Officers of Health.
Additional Municipal Medical Officers of Health.	Municipal Medical Officers of Health.
All gazetted Officers under them.	Civil Surgeons, Superintendents of Mental Hospitals, Principal, Medical College, Agra and the Chemical Examiner to Government, U. P.
Conservators of Forests.	Chief Conservators of Forests.
Deputy and Assistant Conservators and extra Deputy and extra Assistant Conservators.	Conservators of Forests.
All gazetted Officers directly subordinate to him.	Director of Agriculture.
All Gazetted Officers subordinate to him.	Director of cottage Industries.
Assistant Entertainment and Betting Tax Commissioner.	Entertainment and Betting Tax Commissioner.
Officers of the Indian Civil Administrative Cadre, State Civil Service Officers, Special Railway Magistrates and Subordinate Executive Service Officers, Judicial Officers of the districts other than "Separation Districts". Judicial Officers in the "Separation Districts".	District Magistrate concerned.
Superintending Engineers.	Additional District Magistrates (Judicial) concerned.

Executive Engineers.	Chief Engineer, Public Works Department.
Agricultural and Assistant Agricultural Engineers.	Superintending Engineers, Public Works Department.
Superintending Engineers and Personal Assistants to the Chief Engineer, Irrigation Department.	Superintending Engineers, Agriculture.
Executive Engineers, Irrigation Department.	Chief Engineer, Irrigation Department.
Assistant Engineers, Sub-Divisional Officers and Deputy Revenue Officers provided that previous permission of Superintending Engineer is obtained when he is touring or is about to tour within the jurisdiction of the officer summoned.	Superintending Engineers, Irrigation Department.
Assistant Engineers under their control.	Executive Engineers, Irrigation Department.
Superintending Engineers.	Other Executive Engineers. Chief Engineer Electricity Department.
Executive Engineers.	Superintending Engineers, Electricity Department.
All Gazetted Officers attached to the Agricultural College, Kanpur.	Principal, Agricultural College, Kanpur.
All Headmasters of the Government Agricultural School, Jute Development Officer and Cotton Development Officer.	Deputy Director of Agriculture (Headquarters).
All Gazetted Officers subordinate to him.	Director, Sugarcane Research, Shahjahanpur.
Ditto	Crop Physiologist to Government, Lucknow.
Ditto	Deputy Director, Seeds and Farms, Lucknow.
Ditto	Deputy Director, Fertilizers and Manures, Lucknow.
Ditto	Deputy Director, Soil Conservation, Lucknow.
Ditto	Deputy Director, Horticulture, Lucknow.
Ditto	Deputy Director, Intelligence and Publicity, Lucknow.
Ditto	Economic Botanist (Rabi cereals and potatoes) to Government, Kanpur.
Ditto	Economic Botanist (Oil Seeds) to Government, Kanpur.
All Gazetted Officer subordinate to him.	Economic Botanist (Cotton) to Government, Aligarh.
Ditto	Agricultural Chemists to Government, Kanpur.

Ditto	Plant Pathologist to Government, Kanpur.
Ditto	Entomologist to Government, Kanpur.
Ditto	Excise Commissioner.
Director of Animal Husbandry, Principal, U. P. College of Veterinary Science and Animal Husbandry, Mathura, Deputy Director of Mechanised State Farms and Gazetted Officers directly under his control.	Animal Husbandry Commissioner, U. P.
Deputy Directors of Animal Husbandry in charge of Circles and Gazetted Officers directly under his control.	Director of Animal Husbandry.
All Gazetted Officers subordinate to him.	Deputy Director, Mechanised State Farms.
Ditto	Principal, U. P. College of Veterinary Science and Animal Husbandry.
Ditto	Deputy Directors of Animal Husbandry in charge of a circle.
Ditto	Director of Colonization.
Ditto	Director of Panchayats.
Deputy Sales Tax Commissioners, Assistant Commissioner, Sales Tax and Sales Tax Officers at the Headquarters.	Sales Tax Commissioner.
Sales Tax Officers in the respective ranges of the Assistant Commissioners, Sales Tax.	Assistant Commissioners, Sales Tax.
Assistant Examiner, Local Fund Accounts.	Examiner, Local Fund Accounts.
Regional Harijan Welfare Officers, Group Officers and Managers of Criminal Tribes Settlements.	Director of Harijan Welfare.
Deputy Labour Commissioners, Chief Inspector of Factories, Chief Inspector of Boilers, Assistant Labour Commissioners, Officers on Special Duty, Regional Conciliation Officers and Deputy Chief Inspector of Shops and Commercial Establishments.	Labour Commissioner.
Labour Officers, Conciliation Officers other than regional Conciliation Officers and all Gazetted Officers other than Inspectors of Factories and Boilers.	Deputy Labour Commissioners.
Deputy Chief Inspector of Factories and other Inspectors and Gazetted Officers in Factory section of the office of the Labour Commissioner.	Chief Inspector of Factories.
Inspectors of Boilers.	Chief Inspector of Boilers.
Deputy Development Commissioners and other Gazetted Officers under the Development Commissioner.	Development Commissioner.
Assistant Commandants.	Administrative Commandant, Prantiya Rakshak Dal, Headquarters.
All Gazetted Officers subordinate to him.	Cane Commissioner.
Ditto	Director of Information.
Deputy Transport Commissioners and other Gazetted Officers at his Headquarters.	Transport Commissioner.

Regional Transport Officers and Assistant Regional Transport Officers.	Deputy Transport Commissioner (Administration).
General Managers and Assistant Regional Manager, Service Managers and Accounts Officers of Roadways.	Deputy Transport Commissioner (Roadways).
Deputy Superintendent of Police of the Enforcement Branch.	Deputy Transport Commissioner (Enforcement).
All Gazetted Officers subordinate to him.	Superintendent, Government Press.
Deputy Directors of Education at the Headquarters, Regional Deputy Director, Directors of Education, Principal, Government Central Pedagogical Institute, Allahabad, Director of Psychological Bureau, Allahabad, Director of Social Service, U. P., Director of Physical Education, U. P. and Director of Military Education, Principal, Government Sanskrit College, Banaras, Principals of Government Degree Colleges, Secretary, Board of High School and Intermediate Education, Uttar Pradesh, Assistant Director of Education (Women), U. P., Registrar, Departmental Examinations, U. P., Personal Assistants to Director of Education attached to Camp Office and other Gazetted Officers serving directly under him.	Director of Education, Uttar Pradesh.
District Inspectors of Schools.	Regional Deputy Director of Education.
Regional Inspectresses of Girls Schools.	Assistant Director of Education (Women).
Vice-Principal of Government Training College, Allahabad and Vice-Principal and other Professors of Government Central Pedagogical Institute, Allahabad.	Principal, Government Central Pedagogical Institute, Allahabad.
Registrar, Sanskrit College, Banaras and Inspector of Sanskrit Pathshalas and other Gazetted Officers subordinate to him.	Principal of Government Sanskrit College, Banaras.
All Gazetted Officers under him.	Secretary, Board of High School and Intermediate Education, Uttar Pradesh.
All Gazetted Officers under them.	Principals of Government Training Colleges. District Inspectors of Schools.
Principals of Government Higher Secondary Schools, Headmasters of Government Normal Schools and Deputy Inspectors of Schools.	Joint Registrar Co-operative Societies, Uttar Pradesh.
All Class I Officers of the Co-operative Department.	Class I Gazetted Officers of the Co-operative Department.
All Class II Officers other than those posted as Assistant Registrars in the districts. Assistant Registrars, Co-operative Societies posted in the district and District Agricultural Officers.	District Planning Officers.
Assistant to the Director of Land Records.	Director of Land Records.
Superintendent, Mohammadan and British Monuments.	Director General of Archaeology.
Deputy Commissioners and Assistant Commissioners, Northern India Salt Revenue Department.	Commissioner, Northern India Salt Revenue.
Superintendents and Assistant Superintendents.	Assistant Commissioners.

Gazetted Officers, Railway Mail Service (Postal Department).	Postmaster-General.
Gazetted Officers, Opium Department.	Opium Agent.
Superintendent, Survey of India.	Surveyor General.
Officers-in-charge of parties and officers (Survey).	Officers-in-charge of parties or offices.
Gazetted Officers, Postal Department.	Postmaster-General, Uttar Pradesh.
Gazetted Officers, Telegraph Department.	Director of Telegraph, Uttar Pradesh.
Accountant General.	Comptroller and Auditor General.
Gazetted Officers, Financial Department (other than Accountant General).	Accountant General.

**Appendix F**

**Rules framed under Section 59 (17) of the Prisons Act, 1894, for the classification of prisoners as reproduced from chapter XII of the Jail Manual, Uttar Pradesh.**

**271. Class of prisoners.** - A prisoner confined in a jail may be-

(1) a criminal prisoner, which terms includes-

(a) a convicted prisoner, including a prisoner committed to or detained in prison under [Section 123] of the Code of Criminal Procedure, [1898], on his failure to give security when ordered to do so under [Section 118], of the said Code ;

(b) an unconvicted or under-trial prisoner ;

(2) (a) a state prisoner detained under Regulation III of 1818: or

(b) a prisoner detained without trial under any other law relating to the detention of such prisoners: and

(3) a civil prisoner.

**Note.** - Lunatics may also be temporarily detained in jails under the orders of a Magistrate.

**272. Definition of civil prisoner.** - The term 'civil prisoner' includes-

(1) a judgment-debtor confined under a warrant in execution of a decree of a Civil Court;

(2) a revenue-defaulter detained in custody under Section 148 of the U. P Land Revenue Act (III of 1901): and



(3) generally any prisoner other than a criminal prisoner or a detenu.

**273. Classification of convicted prisoners.** - Convicted prisoners shall be classified into two categories;

(a) Casual; and

(b) Habitual.

**274. Definition of casual prisoners.** - A casual prisoner will be one who is a first offender and who lapses into crime not because he has a criminal mentality but on account of his surroundings, physical disability or mental deficiency. The term 'first offender' in the case of a prisoner committed to or detained in prison under [Section 123] of the Code of Criminal Procedure, [1898], will mean a prisoner thus committed to or detained in prison for the first time.

**275. Definition of habitual prisoners.** - A prisoner who has not been classified as casual shall be classified as habitual.

**276. Sub-categories of casual prisoners.** - Casual prisoners shall be divided into the following sub-categories.

(1) Star; and

(2) General.

This classification shall be made by the Court concerned. Those casual prisoners whose previous character was good, whose antecedents are not criminal and whose crime does not indicate grave cruelty, gross moral turpitude or depravity of mind, shall be classified into the 'Star' sub-category. The remaining casual prisoners shall be placed in the 'General' sub-category. The Superintendent may revert a star casual prisoner to the General class if after a special study of his life and habits inside the jail he considers it necessary.

**277. Sub-categories of habitual prisoners.** - Habitual prisoners shall be divided into the following sub-categories :

(1) Non-professional : and

(2) professional.

The non-professional habitual sub-category will consist of those prisoners who lapse into crime owing to their surroundings or some physical or mental defect and who are not first offenders. In the other sub-category shall be included all other habitual prisoners for instance-

(i) those who are men with an object, sound in mind and mostly sound in body, often highly skilled, who deliberately and with their eyes open prefer a life of crime, and know the tricks and manoeuvres necessary for that life; and

(ii) those who take to a criminal life on account of hereditary factors. The fact that such a prisoner is a first offender should not be taken into account because he is a criminal by habit.

**278. Classification into Superior and Ordinary classes.** - Convicted criminal prisoners shall be divided into two classes-

(1) Superior; and

(2) Ordinary.

Prisoners may be admitted to the superior class by order of the State Government. The rules relating to the treatment of superior class prisoners in jails are contained in chapter XIII (Jail Manual).

All convicted prisoners, who are not admitted to the superior class, shall be known as ordinary class prisoners and shall be governed by the general rules regarding the treatment of prisoners as contained in the Jail Manual.

**[279. Recommendation for superior class.** - (a) In respect of Criminal Prisoner who is an accused before it, whether in trial, enquiry appeal or revision, and keeping in view the provisions of paragraph 280, the High Court may recommend to the State Government, and a Court of Session or a Magistrate may recommend to the District Magistrate for his admission to superior class.

(b) the High Court may, pending receipt of the order of the State Government direct the Superintendent of the Jail concerned to admit the prisoner provisionally to the superior class and the Superintendent of jail shall comply with such direction.]

**280. Condition for admission of a prisoner into superior class.** - (1) Superior class shall not ordinarily be given to a prisoner who has been ordered to be detained under chapter VIII of the Code of Criminal Procedure, 1973, or who has been convicted of any of the following Offences:

(a) Offences under chapter V-A, VI, VII and VIII, Section 161; chapter XII, XV, XVI, XVII, XVIII and XXVI of the Indian Penal Code;

(b) Offences under Sections 25 and 27 of the Anns Act, 1959;

(c) Offences under the Prevention of Corruption Act, 1947;

(d) Offences under the Unlawful Activities (Prevention) Act, 1967;

(e) Offences under the Control of Goondas Act, 1970;

(f) Offences under the Prevention of Food Adulteration Act, 1954;

(g) Offences of abetment of any of the offences mentioned above;

(h) Offences under Section 14 of the Foreigners Act, 1946;

(i) any other offences involving violence or moral turpitude.

(2) If the District Magistrate is satisfied that the prisoner's education, character and antecedent, the nature of the offence committed and the motives therefore, justify superior class treatment to the prisoner, may, either on his own motion or as a recommendation made to the Court of Session or Magistrate under Clause (a) of paragraph 279 accord superior class-

(a) to a prisoner not covered by sub-paragraph (1); and

(b) to a prisoner covered by paragraph (1) but in very exceptional cases.

(3) A brief note setting forth the grounds on which the superior class is accorded by the District Magistrate shall be furnished by the State Government.

(4) the State Government either on its' own motion or as [recommendation made by the High Court may, for reasons to be recorded in writing likewise accord superior class to a prisoner if it is satisfied that his education, character and antecedents, the nature of offence committed and the motives therefor justify the same]

**281. Provisional classification into superior class. - [ \* \* \* ]**

**282. Military prisoners. -** In the case of military prisoners convicted by Military Courts the Superintendent shall inform the District Magistrate of the district of residence whenever such a prisoner is admitted to the jail and the latter should obtain orders of the State Government in case he considers that the superior class should be given to such prisoner. In other respect the general instructions in Paragraphs 780 and 281 will apply.

**283. Civil prisoners.** - There shall be two grades of civil prisoners-

(1) Superior : and

(2) Ordinary.]

**284. Undertrial prisoners.** - Unconvicted criminal prisoners shall be divided into two classes :

(1) Superior : and

(2) Ordinary.

**285. Conditions for superior class.** - [ \* \* \* ]

**286. Security prisoners.** - Except prisoners detained under Regulation III of 1818, other detenues shall be divided into two classes-

(1) Superior; and

(2) Ordinary.

The classification and treatment in jail of these prisoners shall be governed by such rules as may be prescribed from time to time.

**286A. Lunatics.** - Lunatics detained in jail under the orders of Magistrates shall be divided into two classes-

(1) Superior; and

(2) Ordinary.

**286B. Conditions for superior class.** - Without prejudice to Paragraph 497 (Jail Manual) lunatics who, by their social status, education or habit of life have been accustomed to a superior mode of living may, under the orders of the District Magistrate, be admitted to the superior class.

The treatment in jail of superior and ordinary classes of lunatics shall be governed by the rules applicable to superior and ordinary classes of under-trial prisoners in jails.

**286C. Form of classification.** - The form of classification for convicted criminal prisoners is as prescribed below-

**(To be filed with the warrant)**

**Form of Classification)**

**(To be Tilled in Court)**

1. Name of convict.....

2. Son of.....

3. Name of the convicting Court.....

4. Section or sections under which convicted.....

5. Sentence passed or order passed if imprisoned for failure to furnish security.....

6. Date of sentence

7. Whether to be treated as-

Habitual

Casual

8. If habitual (i) whether to be treated as-

Professional

Non-professional

(ii) Details of previous conviction or convictions.

(iii) Whether the convict is professional, hereditary or specially dangerous.

(iv) Whether the crime is organised.

9. If casual whether to be treated as-

General

Star

Seal of the Court

Station.....

Dated.....

*Signature of the Presiding Officer*

**(To be filled in Prison)**

10. (i) Whether admitted to the superior class.....

(ii) If so, the number and date of Government Order.....

Station .....

Dated .....

*Signature of the Superintendent*

**Note.** - (i) Strike out the entries not required. It is the duty of the Presiding Officer of the convicting Court to fill in items 7 to 9 of the form in his own handwriting and attach the form to the record of the case in order that it may be filed with the convicts warrant and sent to the jail along with the convict.

(ii) In case of Court having more than one Presiding Officer, items 7 to 9 of the form may be filled in by any one of them in his own handwriting.

(iii) In the case of convicts sentenced to rigorous imprisonment or transportation for a term of five years or more a brief history of the case is to be prepared by the District Magistrate with the assistance of the police, showing the nature of the crime ; the previous conduct and association of the convict and other similar matters affecting the question of premature release whenever it may arise. One copy of this will be kept in the district office and another shall be attached to the form of classification of the convict.

**286D. Provisional classification by the Superintendent.** - In the absence of an order by the convicting Court regarding the classification of a prisoner, in so far as the Court is concerned, the Superintendent shall make a reference to the Court concerned, and shall classify the prisoner himself pending the result of such reference.

**286E. Appeal against classification.** - Any person classed as habitual may apply for a revision of the order to the District Magistrate or the authority by which the classification has been made.

**286F. Revision of classification.** - (a) Convicting Courts or District Magistrates, as the case may be, may revise the classification made by them, and the District Magistrate may alter any classification of a convict including a person committed to or detained in prison for failure to furnish security, made by a convicting Court, provided that the alteration is made on the basis of facts, which were not before such Court at the time when such classification was made.

(b) A revision of the classification into categories and sub-categories on the ground of continuous good or bad conduct may also be recommended by the Superintendent to the Inspector General of Prisons and the Inspector General's order shall be final.

**Note.** - The expression 'District Magistrate' means the District Magistrate of the district in which the criminal was convicted or detained.

**286G. Classification necessary in the case of every convict.** - The Superintendent shall see that every convicted prisoner has been classified as habitual or casual in accordance with the form of classification furnished by the convicting Court.

**286H. Rectification of classification.** - When a convict not classified as habitual is subsequently found to be prisoner previously convicted of any offence, the Superintendent shall inform the District Magistrate and forward the form of classification to him for correction, if necessary.

In any other case in which the Superintendent thinks that the classification of a prisoner should be revised, he shall act under Paragraph 286-F (b).

**286L. Segregation of different classes of prisoners.** - In a jail where prisoners of more than one class are confined, the Superintendent shall make arrangements for the complete segregation of different classes in separate circles, enclosures or barracks in accordance with the requirements of section 27 of the Prisons Act, 1894 and the rules contained in this chapter.

**286J. Segregation of casual from habitual prisoners.** - Casual convicts shall at all times be kept separate from habitual convicts.

**286K. Segregation of professional from non-professional habitual prisoners.** - There shall, as far as possible, be separate wards for non-professional and professional sub-categories of habitual prisoners. Prisoners belonging to the latter sub-category should be kept entirely separate from all other categories of prisoners.

**287L. Transfers to jails reserved for particular classes of prisoners.** - The transfer of prisoners to jails reserved for particular classes of prisoners may, in the absence of any special provision to the contrary and subject to any general or special order passed by the Inspector-General, be made by

the Superintendent without the previous sanction of the Inspector General, but their nominal rolls should in every case be sent to the Inspector-General for information and record.

## Appendix G

### ***Instructions regarding procedure to be observed by the State for dealing with petitions for mercy from or on behalf of convicts under sentence of death and with appeals to the Supreme Court and applications for special leave to appeal to that Court by such convicts***

#### *A - Petition for mercy*

I. A convict under sentence of death shall be allowed if he has not already submitted a petition for mercy for the preparation and submission of a petition for mercy, seven days after and exclusive of the date on which the Superintendent of Jail informs him of the dismissal by the Supreme Court of his appeal or of his application for special leaves to appeal to the Supreme Court:

Provided that in cases where no appeal to the Supreme Court has been preferred or no application for special leave to appeal to the Supreme Court has been lodged the said period of seven days shall be computed from the date next after the date on which the period allowed for an appeal to the Supreme Court or for lodging an application for special leave to appeal to the Supreme Court expires.

II. If the convict submits a petition within the above period, it shall be addressed-

(a) in the case of a Part A States, to the Governor of the State and the President of India;

(b) in the case of Union Territories of the President of India.

The execution of sentence shall, in all cases, be postponed pending receipt of their orders.

III. The petition shall in the first instance-

(a) in the case of States, be sent to the State Government concerned for consideration and orders of the Governor. If after consideration it is rejected it shall be forwarded to the Secretary to the Government of India, Ministry of Home Affairs. If it is decided to commute the sentence of death the petition addressed to the President of India shall be withheld and an intimation of the fact shall be sent to the petitioner.

**Note.** - The petition made in a case where the sentence of death is for an offence against any law exclusively relatable to a matter to which the executive power of the Union extends, shall not be considered by the State Government but shall forthwith be forwarded to the Secretary to the Government of India, Ministry of Home Affairs.



(b) in the case of Union Territory, be sent to the Lieut. Governor/Chief Commissioner Administrator who shall forward it to the Secretary to the Government of India, Ministry of Home Affairs, stating that the execution has been postponed pending the receipt of the orders of the President of India.

**IV.** If the convict submits the petition after the period prescribed by instruction I above, it will be within the discretion of the Chief Commissioner or the Government of the State concerned, as the case may be, to consider the petition and to postpone execution pending such consideration and also to withhold or not to withhold the petition addressed to the President. In the following circumstances, however, the petition shall be forwarded to the Secretary to the Government of India, Ministry of Home Affairs-

(i) if the sentence of death was passed by an Appellate Court on an appeal against the convicts acquittal or as a result of an enhancement of sentence by the Appellate Court, whether on its own motion or on an application for enhancement of sentence, or

(ii) when there are any circumstances about the case, which in the opinion of the Lieut. Governor/Chief Commissioner/Administrator or the Government of the State concerned, as the case may be, render it desirable that the President should have an opportunity of considering it, as in cases of a political character and those in which for any special reason considerable public interest has been aroused. When the petition is forwarded to the Secretary to the Government of India, Ministry of Home Affairs, the execution shall simultaneously be postponed pending receipt of orders of the President thereon.

**V.** In all cases in which petition for mercy from a convict under sentence of death is to be forwarded to the Secretary to the Government of India, Ministry of Home Affairs, the Lieut. Governor/Chief Commissioner/Administrator of the Government of the State concerned, as the case may be, shall forward such petition as expeditiously as possible along with the record of the case and his or its observations in respect of any of the grounds urged in the petition. In the cases of States, the Government of the State concerned shall, if it had previously rejected any petition addressed to itself or the Governor also forward a brief statement of the reasons for the rejection of the previous petition or petitions.

**VI.** Upon the receipt of the order of the President an acknowledgement shall be sent to the Secretary to the Government of India, Ministry of Home Affairs, immediately in the manner hereinafter provided. In the case of Assam and the Andaman and Nicobar Islands, all orders will be communicated by telegram and the receipt thereof shall be acknowledged by telegram. In the case of other States and Union Territories if the petition is rejected the orders will be communicated by express letter and receipt thereof shall be acknowledged by express letter. Orders commuting the death sentence will be communicated by express letter in the case of Delhi and by telegram in all other cases and receipt thereof shall be acknowledged by the express letter or telegram, as the case may be.

**VII.** A petition submitted by a convict shall be withheld by the Lieut. Governor/Chief Commissioner/Administrator or the Government of the State concerned, as the case may be, if a

petition containing a similar prayer has already been submitted to the President. When a petition is so withheld the petitioner shall be informed of the fact and of the reason for withholding it.

**VIII.** Petitions for mercy submitted on behalf of a convict under sentence of death shall be dealt with *mutatis mutandis*, in the manner provided by these instructions for dealing with a petition from the convict himself. The petitioner on behalf of a condemned convict shall be informed of the orders passed in the case. If the petition is signed by more than one person, it shall be sufficient to inform the first signatory.

The convict himself shall also be informed of the submission of any petition on thus behalf and of the orders thereon.

*B - Appeal to the Supreme Court and passed Application for Special Leave to Appeal to the Supreme Court.*

**IX.** Whenever a sentence of death has been passed by any Court or Tribunal, the sentence shall not be executed until after the dismissal of the appeal to the Supreme Court or of the application for special leave to appeal to the Supreme Court or in case no such appeal has been preferred or no such application has been lodged until after the expiry of the period allowed for an appeal to the Supreme Court or for lodging of an application for special leave to appeal to the Supreme Court :

Provided that if a petition for mercy has been submitted by or on behalf of the convict, execution of the sentence shall further be postponed pending the orders of the President thereon.

**Note (1).** - If the sentence u death has been passed on more than one person in the same case and if an appeal to a higher Court or an application for special leave to appeal to the Supreme Court is lodged by or, on behalf of only one or more but not all of them the execution of the sentence shall be postponed in the case of all such persons and not only in the case of the person or persons by whom or on whose behalf the appeal or the application is lodged.

**Note (2).** - The date of execution of the convict under sentence of death shall always be fixed after the expiry of the period of limitation prescribed for preparing of application for special leave to the Supreme Court by or, on behalf of the convict i.e., 60 days after the order refusing certificate of leave by the High Court.

**X.** On receipt of the intimation of the lodging of an appeal to the Supreme Court or of an application for special leave to appeal to that Court or of an intention to do so, the Lieut-Governor/Chief Commissioner/Administrator or the Government of the State concerned, as the case may be, shall forthwith communicate by telegram to the agent to the Government Advocate, Ministry of Law and also to the Secretary to the Government of India, Ministry of Home Affairs-

(i) the name of the convict under sentence of death ; and

(ii) particulars relating to the appeal or the application.

If it is desired to oppose the appeal or the application, three copies of the Paper Book and of the Judgment of the High Court of the Judicial Commissioner's Court or the Tribunal as the case may be, (one copy of each being a certified copy), a power of attorney in the form prescribed by the Supreme Court and instructions, if any, for the purpose of opposing the appeal or the application shall be immediately sent to the Government Advocate, Ministry of Law. Notice of the intended appeal or application, if and when served by or on behalf of the convict, shall also be transmitted to him without delay. If the intended appeal or application is not lodged within the period prescribed by the Supreme Court Rules, the Government Advocate shall intimate the fact by telegram to the Lieut-Governor/Chief Commissioner/Administrator or the Government of the State concerned, as the case may be. The execution of the sentence shall not thereafter be postponed, unless a petition for mercy has been submitted by or on behalf of the convict.

**XI.** If an appeal or an application for Special leave to appeal, has been lodged in the Supreme Court on behalf of the convict, the Government Advocate, Ministry of Law will intimate the fact to the Lieut-Governor/Chief Commissioner/Administrator or the State Government as, the case may be and also to the Secretary to the Government of India, Ministry of Home Affairs. The Government Advocate will keep the aforesaid authorities informed of all developments in the Supreme Court, in those cases which present unusual features. In all cases however, he will communicate the result of the appeal or application for special leave to appeal to the Lieut-Governor/Chief Commissioner/ Administrator or the State Government, as the case may be, by telegram in the case of Assam and by an express letter in other cases, endorsing a copy of his communication to the Secretary to the Government of India, Ministry of Home Affairs. The Lieut-Governor/Chief Commissioner/Administrator or the State Government, as the case may be, shall forthwith acknowledge the receipt of the communication received from the Government Advocate, Ministry of Law. A certified copy of the judgment of the Supreme Court in each case will be supplied by the Government Advocate, Ministry of Law, in due course to the Lieut Governor/Chief Commissioner/Administrator or the State Government, as the case may be, who shall acknowledge the receipt thereof. The execution of the sentence of death shall not be carried until after the receipt of the certified copy of the judgment of the Supreme Court dismissing the appeal or the application for special leave to appeal and until an intimation has been received from the Ministry of Home Affairs about the rejection by the President of India, of the petition for mercy submitted, if any, by or on behalf of the convict.

## **Appendix H**

### **Criminal Courts and Court-Martial Adjustment of Jurisdiction Rules, 1978**

In exercise of the powers conferred by sub-section (1) of Section 475 of the Code of Criminal Procedure, 1973 (2 of 1974), and in supersession of the Criminal Courts and Court-Martial (Adjustment of Jurisdiction) Rules, 1968, the Central Government hereby makes the following rules for the trial of the persons subject to military, naval, air force, or Coast Guard law, or any other law relating to the Armed Forces of the Union by a Court to which the said Code applies, or by a Court-Martial, namely:

1. These rules may be called the Criminal Courts and Court-Martial (Adjustment of Jurisdiction) Rules, 1978.

2. In these rules, unless the context otherwise requires,-

(a) "Commanding Officer"-

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

(ii) in relation to a person subject to naval law, means the Commanding Officer, or the ship or naval establishment or unit to which such person belongs, or is attached;

(iii) in relation to a person subject to air force law, means the officer, for the time being in command of the unit to which such person belongs or is attached;

(iv) in relation to a person subject to the Coast Guard law, means the Commanding Officer of the Coast Guard ship or establishment or unit to which such person belongs or is attached; and

(b) "*competent air force authority*" means the Chief of the Air Staff, the air or other officer commanding any Command, Group, Wing or Station in which the accused person is serving or where such person is serving in a field area, the Officer Commanding the forces or the air forces in the field;

(c) "*competent military authority*" means the Chief of Army Staff or Officer Commanding the army, army corps, division, area, sub-area or independent brigade in which the accused person is serving and, except in cases falling under Section 69 of the Army Act, 1950 (46 of 1950) in which death has resulted, the Officer Commanding the brigade or subarea or station in which the accused person is serving;

(d) "*competent naval authority*" means the Chief of the Naval Staff or the Flag Officer Commanding-in-Chief, Western Naval Command, Bombay or the Flag Officer Commanding-in-Chief, Eastern Naval Command, Vishakhapatnam or the Flag Officer Commanding, Southern Naval Area, Cochin or the Flag Officer Commanding, Western Fleet, or the Flag Officer Commanding Eastern Fleet or Senior Naval Officer where the accused person is serving;

(e) "*competent Coast Guard authority*" means the Director General or Inspector General or Deputy Inspector General within whose command the accused person is serving.

3. Where a person subject to military, naval, air force or Coast Guard Law, or any other law relating to the Armed Forces of the Union for the time being in force is brought before a Magistrate and charged with an offence for which he is also liable to be tried by a Court

Martial, or Coast Guard Court as the case may be, such Magistrate shall not proceed to try such person or to commit the case to the Court of Session, unless-

(a) He is moved there to by a competent military, naval, air force or Coast Guard authority; or

(b) he is of opinion, for reasons to be recorded, that he should so proceed or commit without being moved thereto by such authority.

4. Before proceeding under clause (b) of rule 3, the Magistrate shall give a written notice to the Commanding Officer or the competent military, naval, air force or Coast Guard authority, as the case may be, of the accused and until the expiry of a period of fifteen days from the date of service of the notice he shall not-

(a) convict or acquit the accused under Section 252, sub-sections (1) and (2) of Section 255, sub-section (1) of Section 256 or Section 257 of the Code of Criminal Procedure, 1973 (2 of 1974), or hear him in this defence under Section 254 of the said Code; or

(b) frame in writing a charge against the accused under Section 240 or sub-section (1) of Section 246 of the said Code; or

(c) make an order committing the accused for trial to the Court of Session under Section 209 of the said Code; or

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

5. Where a Magistrate has been moved by the competent military, naval, air force or Coast Guard authority, as the case may be, under clause (a) of Rule 3, and such authority, subsequently gives notice to such Magistrate, in the opinion of such authority, the accused should be tried by a Court-Martial or Coast Guard Court, as the case may be, such Magistrate if he has not taken any action or made any order under Rule 4, before receiving the notice shall stay the proceedings and if the accused is in his power or under his control, shall deliver him together with the statement referred to in sub-section (1) of Section 475 of the said Code to the officer specified in the said sub-section.

6. Where within the period of fifteen days mentioned in Rule 4, or at any time thereafter but before the Magistrate takes any action or makes any order referred to in that rule, the commanding officer of the accused or the competent military, naval, air force, or Coast Guard authority, as the case may be, gives notice to the Magistrate than in the opinion of such officer or authority, the accused should be tried by a Court-Martial, or Coast Guard Court as the case may be, the Magistrate shall stay the proceedings, and if the accused is in his power or under his control, shall deliver him together with the statement referred to in sub-section (1) of Section 475 of the said Code to the Officer specified in the said sub-section.

7. (1) When an accused has been delivered by the Magistrate under Rule 5 or 6, the Commanding Officer of the accused or the competent military, naval air force or Coast Guard authority, as the case may be, shall, as soon as may be, inform the Magistrate whether the accused has been tried by a Court-Martial or Coast Guard Court as the case may be or other effectual proceedings have been taken or ordered to be taken against him.

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

8. Notwithstanding anything in the forgoing rules, where it comes to the notice of a Magistrate that a person subject to military, naval, air force or Coast Guard law, or any other law relating to the Armed Forces of the Union for the time being in force has committed an offence, proceedings in respect of which ought to be instituted before him and that the presence of such person cannot be procured except through military, naval or air force authorities, the Magistrate may by a written notice require the Commanding Officer of such person either to deliver such person to a Magistrate to be named in the said notice for being proceeded against according to law, or to stay the proceedings against such person before the Court Martial or Coast Guard Court, as the case may be if since instituted, and to make a reference to the Central Government for determination as to the Court before which proceedings should be instituted.

9. Where a person subject to military, naval, air force or Coast Guard law, or any other law relating to the Armed Forces of the Union for the time being in force has committed an offence which in the opinion of competent military, naval, air force or Coast Guard authority, as the case may be, ought to be tried by a Magistrate in accordance with the civil law in force or where the Central Government has, on a reference mentioned in Rule 8, decided that proceedings against such person should be instituted before a Magistrate, the Commanding Officer of such person shall after giving a written notice to the Magistrate concerned, deliver such person under proper escort to that Magistrate.

## **Appendix I**

### **[Payment of Expenses to Jurors, Assessors and witnesses]**

**For corresponding provisions the following U. P. Payment of Expenses to Complainants and Witnesses (Criminal Courts) Rules, 1976, which reproduced below:**

### **[The Uttar Pradesh Payment of Expenses to Complainants and Witnesses (Criminal Courts) Rules, 1976]**

In exercise of the powers under Section 312 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), read with Section 21 of the General Clauses Act, 1897 (Act No. 10 of 1897), and in supersession of all previous rules and orders on the subject, the Governor is pleased to make the following rules :

**1. Short title and Commencement.** - (i) These rules may be called the Uttar Pradesh Payment of Expenses to Complainants and Witnesses (Criminal Courts) Rules, 1976.

(ii) They shall be deemed to have come into force with effect from February 15, 1975.

**2. Definitions.** - In these rules,-

(a) '*Court*' means any Criminal Court in the State;

(b) '*Officer*' means a Presiding Officer of a Criminal Court;

(c) '*person*' means persons who attend any Criminal Court as complainant or witness;

(d) '*Schedule*' means the schedule to these rules.

**3. Classification of witnesses, etc.** - For the purpose of Payment of travelling allowance and diet money, Courts are authorised to classify persons, who are legally bound to attend such Courts, as follows:

Class I	.....Persons of superior rank; and
Class II	.....All other persons

**4. Rates for payment.** - The rates of travelling allowance and diet money payable to the above two classes of persons shall be, as shown in the Schedule.

**5. Number of days and Special Provisions.** - (i) Diet money shall be paid for the days of actual detention as well as for the time occupied in the journeys to and from the Court. The number of days which should be allowed for the journeys to and from shall be determined by the Officer ordering payment in each case.

(ii) In the case of persons summoned to give evidence at Naini Tal from the Tarai, Bhabhar and Kashipur areas the travelling allowance during the rainy seasons shall be the actual cost of hiring a seat in a motor, bus or lorry in addition to the toll tax charged by the Naini Tal Municipality.

**Note:** Travelling allowance is limited to expenditure actually incurred and no payment based on the cost of a seat in a motor and no payment on account of toll tax should, therefore, be made to a person unless he can prove that he has actually travelled by motor. A toll tax receipt should be accepted as proof of the journey having been performed by motor.

**6. Advance payment.** - When owing to distance or for other reasons it appears to a Court issuing a Summons that the person summoned will be put to considerable expense in attending the court, it may at the time of issuing the summons, send the whole or a portion of the travelling and diet expenses allowable at these rates by money order or otherwise to the person concerned.

**7. Special allowance in certain cases.** - Persons following any profession, such as medicine or law, shall receive a special allowance according to the circumstances and custom.

**Note:** No allowance shall be admissible to the Chief Medical Officers and other Medical Officers under this rule.

**8. No payment from public funds where expenses deposited.** - No payment on account of travelling allowance or diet money shall be made from public funds to any person in cases where under the provisions of any law in force the reasonable expenses of such person have by order been deposited in Court as a condition precedent to the issue of process to compel his attendance.

**9. Witnesses in sendee of State.** - (i) Notwithstanding anything contained in the foregoing rules a person in the service of the State summoned to give evidence in his official capacity shall not be paid any expenses by the Court and instead, shall be granted a certificate of attendance. Such person shall draw his travelling allowance in the manner provided in Rule 59 of the Financial Handbook, Volume III.

(ii) A person in the service of the State summoned to give evidence otherwise than in his official capacity, shall be entitled to the payment of expenses provided in Rules 3 to 7.

(iii) In the case of a servant of the State who is summoned to give evidence in his official capacity, the term 'reasonable expenses' used in Section 25 (3) of the Code of Criminal Procedure, 1973, shall mean the travelling allowance admissible for him under the Financial Handbook, Volume III.

**10. Repeal and saving.** - Rules regarding payment of expenses to complainants and witnesses attending criminal courts published with Government Notification No. 1793/VI-2234-40, dated 11th July, 1941 are hereby repealed :

Provided that anything done or any action taken under the rules hereby repealed shall be deemed to have been done or taken under the provisions of these rules.

## Schedule

(See Rule 4)



Class of witness	Travelling Allowance by rail	Travelling Allowance by Road	Diet money per diet
1	2	3	4
I	One first class	Beyond diet money no travelling fare each way allowance is ordinarily admissible for journey by road. But in special circumstances the actual expenses incurred up to a maximum limit of 50 paise per Kilometre in the case of first class witness and 37 paise per Kilometre in other cases may be allowed by Court.	Rs. 15.00
II	One second class fare each way		Rs. 10.00

**[Appendix J]**

[See Rule 15, chapter III]

***Rules of procedure in case of Arrest, Detention, Conviction or Release of a Member of Parliament or the State Legislature***

The following extract from the Rules of Procedure and Conduct of Business in the Lok Sabha are relevant:

**"229. Intimation to Speaker by Magistrate of arrest, detention, etc. of a member.** - When a member is arrested on a criminal charge or for a criminal offence or is sentenced to imprisonment by a court or is detained under an executive order, the Committing Judge, Magistrate or Executive Authority, as the case may be, shall immediately intimate such fact to the Speaker indicating the reasons for the arrest, detention or conviction, as the case may be, as also the place of detention or imprisonment of the member in the appropriate Form set out in the Third Schedule.

**230. Intimation to Speaker on release of a member.** - When a member is arrested and after conviction released on bail pending an appeal or otherwise released, such fact shall also be intimated to the Speaker by the authority concerned in the appropriate form set out in the Third Schedule."

**Third Schedule**

(See Rules 229 and 230)

*Form of Communication regarding arrest, detention, conviction or release, as the case may be, of a member*

Place.....

To,

The Speaker,

Lok Sabha,

New Delhi

Dear Mr. Speaker,

#### Form 'A'

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

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

#### Form 'B'

I have the honour to inform you that Sri.....Member of the Lok Sabha, was tried at the ..... Court before me on a charge (or charges) of ..... (reasons for the conviction).

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

(His application for leave to appeal to\*.....is pending consideration).

\* Name of the Court.

#### Form 'C'

I have the honour to inform you that Sri.....Member of the Lok Sabha, who was arrested/detained/convicted on.....(date), for..... (reasons for arrest/detention/conviction) was released on.....(date) on.....(grounds for release).

Yours faithfully,

(Judge, Magistrate or Executive Authority)

### Appendix K

[Not printed as Rule 14 of the General Rules (Criminal), 1957 has been deleted]

### [Appendix L]

#### ***Rules framed under [Section 555-A, Cr. P. C.] with regard to petition writers and typists sitting in Magisterial Court compounds***

1. No Official of any Court and no person employed in any institution connected with the Court whether as clerk, copyist or peon or in any other capacity shall write petitions.
2. No person shall for remuneration of any kind write petitions within the precincts of a Magisterial Court unless he-
  - (a) has been duly licensed by the District Magistrate ;
  - (b) is a legal practitioner ; or
  - (c) is a clerk to a legal practitioner and writes the petition in the course of such employment in respect of cases in which the legal practitioner is engaged, provided the petition is signed by the writer.
3. The number of petition-writers licensed to practice in the precincts of a Magisterial Court or a set of Magisterial Courts shall not exceed the number fixed from time to time by the District Magistrate.
4. The licence to practise as a petition-writer within the precincts of Magisterial Courts at the headquarters of a district shall be granted by the District Magistrate and in outlying Court by such officer as may be appointed by him.
5. A person wishing to practise as a petition-writer within the precincts of a Magisterial Courts shall present a properly stamped application to the District Magistrate or the officer having authority to grant the licence, as the case may be.
6. (1) The licence shall not be granted unless the applicant shows :-

(a) that he is of respectable character ;

(b) that he has a good knowledge of Hindi ;

(c) that he can draw up a clear, straight forward petition ; and

(d) that his handwriting is easily legible.

(2) If the District Magistrate, and in the outlying Courts such officers, as may be appointed by him for the purpose, is satisfied that the applicant fulfils all the conditions laid down in preceding sub-rule, a licence in Form 'A' annexed to these rules, shall be granted to him on payment of the prescribed fee.

7. A licence fee of Rs. 5 per quarter, payable in cash in advance or latest by the 15th of the first month of the quarter, shall be paid by each licensed petition-writer, failing which his name shall be removed from the register.

Where the name of a petition-writer has been removed from the register under the preceding paragraph, his name shall not be registered again unless he pays the registration fee of Rs. 5 for the quarter along with the arrears, if any, and an extra sum of Re. 1 per year (or fraction of a year) for the period of default by way of penalty :

Provided that the District Magistrate or the officer appointed for the purpose, as the case may be, may, if satisfied by affidavit or otherwise, exceeds the penalty for the period or part of the period, during which he ceased to work as petition- writer in the Court :

Provided further that if the petition-writer is a petition-writer under the rules contained in Appendix 22 of the General Rules (Civil), 1957, Volume II, or is a deed-writer licensed under the rules framed by the Registration Department and had already paid the prescribed fee of Rs. 5 per quarter to any authority, he shall not be required to pay any additional fee for a licence issued under these rules.

[8. The petition-writer practising in Magisterial Courts shall be entitled to receive the following scales of charges :

Documents	Charges
Complaint, memo of appeal, compromise, affidavit, written statements, miscellaneous applications.	Rs. 1.50 for every 300 words or part thereof
Application for copy, inspection of record and such similar petitions, Bail Bonds, other papers documents	Re. 0.50 paise
Typing charges	Re. 0.40 for the first copy Re. 0.20 per carbon copy.

Provided that 50 per cent above these rates shall be chargeable in Kaval Towns, Meerut, Bareilly, Dehra Dun and also in hill stations.]

**9.** Every petition-writer shall write out a brief note of the contents of the petition as a heading to the same, quoting specifically the law under which the petition is made. He shall record precisely what he is asked to write in plain and simple language such as the petitioner can understand and refrain from introducing additional, irrelevant, imaginary or fabricated matter of his own conception. He shall record at the foot of every petition written by him, other than a petition of a merely formal character, a declaration under his signature that to the best of his knowledge and belief the petition expresses the true meaning of the petitioner to whom the contents thereof have been fully explained.

Every petition writer shall comply with the order of a Court as to the amending or re-drafting of a petition or of other drawn up by him.

**10.** Every petition-writer shall, at his own expense, provide himself with an official seal to be made under the direction of the authority which has granted him the licence, on which shall be engraved his name and the year in which he was licensed. He shall also maintain a register in Form 'B' annexed to these rules and shall enter therein every petition written by him and shall produce the register if demanded by any Court for inspection.

**11.** Every petition-writer shall sign and seal with his official seal every petition written by him and shall enter in it the number, which it bears, in his register and the fee that he has charged for it.

**12.** A register of licensed petition-writers shall be maintained by the Nazir and it shall be his duty to see that the precincts of the Court are kept free of all unregistered petition-writers and that no one writes petitions for remuneration within the court compound unless he is licensed under these rules.

**13.** Every petition-writer shall on the first working day of August each year or as soon thereafter as demanded produce his licence for the inspection of the authority which granted it A note of such inspection shall be endorsed on the licence under the signature of the inspecting officer.

**14. (1)** A licence issued under these rules may be revoked by the authority which granted it on one or more of the following grounds, namely-

(a) that the petition-writer has not attended the Court regularly ;

(b) that he has become a legal practitioner's clerk or has taken up some other employment ;

(c) that he has failed to produce his licence for annual inspection ;

(d) that he is tout as defined in the Legal Practitioners Act, 1879 (Act XVIII of 1879);

(e) that he has not paid his quarterly fee ;

(f) that he has been found guilty of abetment of or participation in any illegal transaction of unfair dealing ; or

(g) that he has been found guilty of disobedience of an order passed by a Court.

(2) Such licence may also be revoked for any other good cause to be recorded in writing by the officer granting the licence.

15. No petition-writer shall, without the permission of the Presiding Officer, enter any room in a Court in the precincts of which he is entitled to practise.

16. The above rules shall also apply, with such modifications and adaptations as may be necessary, to the typists who may wish to practise in the precincts of Magisterial Courts.

#### Form "A"

#### *Licence for petition writing or typing*

No. of Licence.....Sri.....(name of the petition-writer or typist) son of.....is hereby authorised to sit in the compound of the Magisterial Court at.....and to write petitions/do typing work.

So long as he holds this licence he is required to abide by the following rules, or such rules as may be made from time to time :

1. He shall regularly pay a quarterly fee of Rs. 5 in advance.

2. He shall regularly attend the Court.

3. He shall not carry on the profession of a tout as defined in the Legal Practitioners Act, 1879 (Act 18 of 1879) or accept the clerkship of a legal practitioner.

4. He shall not charge remuneration for writing petitions or doing typing work in excess of what is laid down in the scale of fees prescribed in Rule 8 of these rules, a copy of which he shall keep exhibited in a conspicuous place near the place where he sits.

5. He shall sign each petition or paper drawn up or typed by him and endorse thereon the amount of fee received.

6. He shall write or type petitions legibly.

7. He shall not keep any private copy of any petition, complaint or memorandum of appeal which he writes or types.

8. He shall maintain a register in the prescribed form with regard to every petition drawn up by him or every paper typed by him.

**Form "B"**

Serial number of petition or paper typed	Date on which petition was written or paper typed	Name, parentage and address of the person at whose instance the petition was written or typing done	Description of the petition or paper typed	Brief abstract of the contents of the petition or paper typed	Val af
1	2	3	4	5	