

Sindh Criminal Court Rules 2012

CONTENTS

PART – I

Sr. Nos.	PARTICULARS	CHAPTER	PAGE(S)
1	Notification		01
2	Preliminary	I	02
3	Definitions	II	03
4	Establishment	III	04
5	Arrest and Investigation	IV	13
6	Statement of witnesses and confession of accused	V	16
7	Conduct of identification parade	VI	20
8	Preparation of Records	VII	23
9	General procedure relating to the enquiries and trial in all Courts	VIII	26
10	Proceedings against absconders and recording of evidence in their absence	IX	38
11	Affidavits	X	40
12	Rules under Section 491(1) of the Code	XI	44
13	Appeals and Revision Applications before the Courts other than the High Court.	XII	46
14	Submission of sentence for confirmation and execution thereof.	XIII	52
15	Proceedings by Magistrates for disposal of unclaimed property.	XIV	56
16	Copies and translations	XV	60
17	Records	XVI	66
18	Periodical returns and reports	XVII	77
19	Supervision and inspection	XVIII	81
20	Production of evidence recorded in digital video disc in Court	XIX	85
21	Petition Writers	XX	87
22	Advocates' Clerks	XXI	89
23	Annual report on the Administration of Criminal Justice.	XXII	94
24	Registers	XXIII	95

PART- I I

APPENDICES

APPENDIX 'A'
(FORMS)

Form No.	Subjects	Chapter & Rules	Page Nos.
1	Form of recording confession	Ch.5. R.3	101
2	Form of Memorandum of identification parade	Ch.6 R.5	107
3	Form of identification of property	Ch.6 R.6	110
4	Form of Order Sheet	Ch.7 R.3	111
5	Form of General Index	Ch.7 R.4	112
6	Form of Index of Exhibits	Ch.7 R.5	113
7	Form of deposition of witnesses	Ch.8 R.10	114
8	Form of Bond for return of property (Section 517, Cr.P.C).	Ch.8 R.30	115
9	Form of security to be sub-joined to the bond of the principal	Ch.8 R.30	116
10	Form of Warrant under Section 491(1)(a) of the Code	Ch.11 R.9	117
11	Form of Index in appeal and revision	Ch.12 R.11	118
12	Form of Proclamation	Ch.14 R.9	119
13	Form of Notification of the Sale	Ch.14 R.12	120
14	Form of Sale Proceedings	Ch.14 R.17	122
15	Form of Bond	Ch.15 R.20	123
16	Form of monthly statement of Sessions Trial	Ch.17 R.3	124
17	Form of monthly statement showing the state of criminal work	Ch.17 R.4	125
18	Form of Quarterly statement showing average during of murder cases	Ch.17 R.5	126
19	Form of Quarterly statement showing the general result to criminal trials	Ch.17 R.6	127
20	Form of annual statement showing the results of criminal trials	Ch.17 R.7	128
21	Form of annual statement showing the punishment	Ch.17 R.7	129
22	Form of annual statement showing offences reported & persons tried, discharged, acquitted	Ch.17 R.7	130

Form No.	Subjects	Chapter & Rules	Page Nos.
23	Form of annual statement showing proceeding of Judicial Magistrates under Cr.P.C.	Ch.17 R.7	133
24	Form of annual statement showing the number of witnesses	Ch.17 R.7	134
25	Form of annual statement showing the result of revision in criminal cases	Ch.17 R.7	135
26	Form of annual statement showing the number of Sessions Judges and Judicial Magistrate employed to dispose of criminal work.	Ch.17 R.7	136
27	Form of annual statement showing the general result of trials	Ch.17 R.7	137
28	Form of statement showing the number and results of trials	Ch.17 R.8	138
29	Form of statement showing proceedings of the Court of Sessions under Cr.P.C.	Ch.17 R.8	139
30	Form of annual statement showing the result of appeals in criminal cases	Ch.17 R.8	140
31	Form of annual statement showing number of cases in which women were tried	Ch.17 R.8	141
32	Questionnaire.	Ch.18 R.1	142
33	Form of Summary of information regarding Court to be inspected.	Ch.18 R.2	145
34	Inspection Report.	Ch.18 R.6	150
35	Form of Licence of Petition Writers.	Ch.20 R.1(3)	158
36	Form of Certificate of Advocates' Registered Clerks.	Ch.31 R.3(iv)	159
37	Form of Annual Statement No.1 Civil and Criminal	Ch.22 R.2	160
38	Form of Annual Statement No.2.	Ch.22 R.2	161
39	Form of Annual Statement No.3 (Criminal)	Ch.22 R.2	162
40	Form of Annual Statement No.4(Criminal)	Ch.22 R.2	163
41	Form of Annual Statement No.5(Criminal)	Ch.22 R.2	164
42	Form of Annual Statement No.6(Criminal)	Ch.22 R.2	167
43	Form of Annual Statement No.7(Criminal)	Ch.22 R.2	168
44	Form of Statement of cases against youthful offenders dealt with under Juvenile Justice System, 2000	Ch.22 R.2	170
45	Form of Statement of cases in which orders are passed under the Sindh Children Act, 1950	Ch.22 R.2	171

APPENDIX 'B'
(FORMS)

Form No.	Subjects	Chapter & Rules	Page Nos.
1	Form of Register of record consigned to Record Room	Ch.3. R.8	172
2	Form Library Register (Accession)	Ch.3. R.12	173
3	Form of Register of Oath Commissioner	Ch.310. R.3	174
4	Form of Unclaimed Property Register	Ch.14. R.6	175
5	Form of Register of applications for copies and translation.	Ch.15. R.20	176
6	Form of Register of Inspection.	Ch.16. R.7	177
7	Form of petition Writer Register	Ch.20. R.3	178
8	Form of Register of Registered Clerks of Advocates.	Ch.21. R.4	179
9	Form of Register of Sessions Cases.	Ch.23. R.2	180
10	Form of Register of Criminal Appeals before Sessions Court.	Ch.23. R.2	181
11	Form of Register of Miscellaneous Criminal Revision Application before the Sessions Court	Ch.23. R.3	182
12	Form of Register for Bail Application before the Sessions Court	Ch.23. R.2	183
13	Form of Register of Miscellaneous Criminal Applications before the Sessions Court.	Ch.23. R.2	184
14	Form of Memorandum Books for Sessions and Appellate Criminal Work	Ch.23. R.2	185
15	Form of Case Register	Ch.23. R.3	186
16	Form of Register of Chapter Cases.	Ch.23. R.3	187
17	Form of Register of Miscellaneous Criminal Applications before the Court of Judicial Magistrate.	Ch.23. R.3	188
18	Form of Register of under trial prisoners in jails.	Ch.23. R.3	189
19	Form of Register of copies supplied to prisoners in jail.	Ch.23. R.3	190
20	Form of Register of Miscellaneous reports and proceedings.	Ch.23. R.3	191
21	Form of Memorandum Book for original criminal work.	Ch.23. R.3	192
22	Form of Register of Bail Application before the Court of Judicial Magistrate.	Ch.23. R.3	193
23	Form of Register of witnesses.	Ch.23. R.4	194
24	Form of Register of Fines in Criminal Cases in the Court of Judicial Magistrate.	Ch.23. R.5	195
25	Form of Register of Dormant Cases.	Ch.23. R.6	196
26	Form of Register of compliance of order of Appellate Court.	Ch.23. R.7	197
27	Form of Register of requisition of records.	Ch.23. R.7	198
28	Form of Register of Registers.	Ch.23. R.8	199

THE HIGH COURT OF SINDH, KARACHI

No. _____

Dated: _____

NOTIFICATION

In exercise of the powers conferred by Article 202 of the Constitution, read with Section 554 of the Code of Criminal Procedure, and with the previous sanction of the Provincial Government, the High Court of Sindh make the following rules to regulate the conduct and procedure of the Criminal Court and Officers acting in implementation of Criminal Justice System.

PART - I
CHAPTER I
PRELIMINARY

1.1 Short Title – These Rules may be cited as “Sindh Criminal Court Rules 2012”.

1.2 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 date, and, so far as may be, to all the proceedings and matters pending in such Court on that date.

1.3 Former rules and circulars are annulled – The Sindh Courts Criminal Circulars and all other rules and regulations relating to the matters which are provided for in these rules are hereby annulled.

CHAPTER II

2. **Definitions** – In these rules, unless there is anything repugnant in the subject or context.
- (a) **Advocate:** includes a partnership of Advocates.
 - (b) **Code:** means the Criminal Procedure Code, 1898.
 - (c) **Competent Authority:** means the District & Sessions Judge or any person nominated by him to perform the function of the competent authority.
 - (d) **Court:** means and includes every Criminal Court subordinate to the High Court.
 - (e) **High Court:** means the Sindh High Court and its Benches.
 - (f) **Magistrate:** means the Judicial Magistrates and includes Special Magistrates appointed under Section 12 and 14 of the Code.
 - (g) **Penal Code:** means the Pakistan Penal Code, 1860.
 - (h) **Prescribed:** means prescribed under the Code or under these Rules.
 - (i) **Provincial Government:** means Province of Sindh.
 - (j) **Public Prosecutor:** means any person appointed under section 492 of the Code and includes any person acting under the direction of the Public Prosecutor to conduct a criminal case on behalf of the State.
 - (k) **Registered Clerk:** means a Clerk of an Advocate registered under these rules.
 - (L) **Rules:** means the Sindh Criminal Court Rules, 2012.
 - (m) **Sessions Division:** means the Revenue District or more than one Revenue Districts as notified in this behalf.

CHAPTER III **ESTABLISHMENT**

3.1. The appointment and condition of service of employees working in the Sessions Court and the Court of Magistrates are governed by the Rules of Sindh Judicial Service Rules 1992. However in respect of pay, leave, pension and superannuation, and all other matters not expressly provided for in these rules, the establishment of the Sessions Court and Judicial Magistrate Court shall be governed by such rules as are applicable to the civil servants of the provincial Government of Sindh.

3.2. Court Dress for Judicial Officers and Advocates – (1) All the Judicial Officers including the Judicial Magistrates shall wear black coat, white shirt, black tie, white trousers and gown, whenever notified.

(2) Lady Judicial Officer shall wear black coat, white shirt, white shalwar or saree and gown, whenever notified

(3) Advocates when appearing in the Court shall wear black coat/black sherwani, white shirt, black tie, white trouser and gown. Provided that wearing gown shall be optional.

(4) Lady Advocate shall wear Black coat, white shirt, white colour shalwar or saree and gown. Provided that wearing of gown shall be optional.

3.3. Court holidays and working hours – The holidays in Sessions Court shall be observed in accordance with the calendar issued by the High Court of Sindh every year. In addition to the holidays declared by the High Court two holidays in a year may be observed by the Sessions Courts declared by the local administration.

3.4. Court timings – Sessions Court shall observe the following timings:-

From Monday to Saturday except Friday

08.30 a.m. to 02.00 p.m.	Court/office timings (without break)
02.00 p.m. to 03.00 p.m.	Office/Chamber work

Friday

08.30 a.m. to 12.00 noon Court/office timings
 12.00 noon to 12.30 p.m. Office/Chamber work

3.5 Disposal of urgent work on holidays – On holiday a Criminal Court may dispose of such work of urgent nature like granting bail or remand or do such other work as 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 gazetted holiday.

3.6. The duties and powers of Sheristedars of Sessions Court – Sheristedars shall perform the following duties and functions :-

- (1) to receive cases, appeals and applications; and enter and initial the date of receipt on cases, appeals and applications;
- (2) to administer oaths and affirmations to the declarants of affidavits;
- (3) to certify copies; and
- (4) to certify decisions and orders to the lower Courts;
- (5) to sign process not being warrant of arrest or order to the Jailer for the execution, modification or reversal of sentences;
- (6) to cancel Court fee stamps;
- (7) to scrutinize the matter and shall promptly submit after noting any error of procedure or bar of jurisdiction, limitation or other laws, or any error for preliminary order of the Judge or in Chamber;
- (8) to be interpreters;
- (9) to be sealers of their Courts;
- (10) upon receipt of preliminary order of rejection or admission cause sessions appeals and applications to be registered in appropriate register and shall cause such matters as are admitted to hearing to be entered for the disposal on the appointed dates on the boards of the Court;
- (11) to keep board of criminal business fixed for hearing. Post copies of the board on the notice board of the Court;

(12) to keep diaries of Sessions cases in the prescribed form and shall submit them daily at the closure of the proceedings for the signature of the Judge. Diaries need not be kept of criminal appeals and miscellaneous appeals but all interlocutory orders including orders for adjournment shall be filed in their proper order in the proceedings as they are passed by the Judge;

(13) to keep such files as may be ordered by the Judge, and shall be responsible for the safe custody of pending proceedings entrusted to him including all documents connected therewith;

(14) to be responsible for the safe custody of the property connected with the proceedings during the hearing but shall hand it at the close of each hearing and at the conclusion of the matter for safe custody till disposal to the Nazir or if there is no Nazir to the Record Keeper;

(15) he shall prepare the timely intimation of the dates fixed for trial of sessions cases for summoning the witnesses and where the accused are in custody to the Superintendent of the prison;

(16) he shall requisitioned the case property, if any, relating to the trial and obtain from the Nazir or Record Keeper;

(17) He shall prepare list of persons entitled to travelling expenses or subsistence allowance as a witness;

(18) he shall examine all documents produced or offered in evidence and bring to the notice any apparent insufficiency of the Court fee or other stamps for the orders of the Judge.

(19) in case of trials ending in acquittal or discharge or conviction, shall he prepare the warrant of release or warrant for execution of sentence, as the case may be, for the signature of the Judge;

(20) to take orders of the Judge for the disposal of the property produced in the case and to prepare short description of the case and of any implements, such as dies or moulds, which may have

been found in the case of counterfeit coins for despatch with the coins to the Government Treasury;

(21) all moulds, dies and other instruments produced in the case shall be returned to the Police concerned. The forged currency note or notes produced in the case to be forwarded to the currency Officer, State Bank of Pakistan for entry in their book and for destruction;

(22) promptly prepare copies of the judgments for communication to the Home Department and shall after the expiry of the period of appeal or upon decision of the appeal in the case of convicts sentenced to imprisonment prepare a copy of judgment for the use of the Superintendent of prison in which the prisoner is confined.

(23) in the case of Cr. Appeal and Revision, cause the preparation of timely notice of date fixed for hearing for communication to the appellant, applicant and public prosecutor or other Officer appointed by the provincial Government.

(24) prepare the necessary warrants or orders upon delivery of the appellate or original decisions and prepare the prescribed copies of judgments and orders for communication to the lower Court. All such judgments and orders shall be filed in the record of lower Court.

(25) promptly prepare cases ordered to be submitted for consideration or confirmation for despatch to the High Court, and promptly prepare returns to all writs and the necessary warrants or orders on receipt of appellate or revisional orders of the High Court.

(26) to be responsible for the punctual preparation of all periodical returns and for this purpose shall maintain a list of all returns either to be received or submitted with their due dates. The preparation or collection of all returns shall be commenced in sufficient time before such date to ensure punctuality.

(27) he shall be responsible for the proper paging of the records of all proceedings and for numbering of every tenth line of all depositions and judgements exceeding fifty lines in length for ready reference on appeal or revision.

3.7. The duties and functions of Sheristedars of Magistrates' Courts – The functions and duties of the Sheristedars of Magistrates are as following:-

- (1) to bring to notice any error of procedure or bar of jurisdiction in any matter which comes before the Magistrate.
- (2) to sign process not being warrants of arrest or search warrants and not being warrants or orders to Jailers for execution, modification or reversal of the sentence;
- (3) to be sealers of their respective Courts;
- (4) to fill in the preliminary portion of diaries in the prescribed form in cases but body of the diaries shall be kept by the Magistrate by their own hand or by the Sheristedars under the instructions of the Magistrates and shall be signed by him.

Note:- (Diaries need not be kept in summary cases which are sufficiently provided for by the form of proceedings prescribed by law. Diaries may be kept in miscellaneous application and proceedings under Chapter VIII (B) of the Code, but all the interlocutory orders including the orders for adjournment should be filed in the proper order in the proceedings as they are passed by the Magistrates).

- (5) keep separate files of complaints dismissed under Section 203 of the Code and of first reports from the Police under Section 154 and 157 of the Code;
- (6) to be responsible for the safe custody of pending proceedings entrusted to them including all documents connected therewith.

(7) to handover all matters ordered to be put on the dormant file and all decided matters forthwith for safe custody to the Record Keepers;

(8) to be responsible for safe custody of such property till the conclusion of the matter when it may be handed for safe custody till disposal to the Record Keeper. Strong boxed or chest with good locks shall, for this purpose, be supplied to such Sheristedars, Nazir and Record Keepers;

(9) to be responsible for prompt payment of travelling expenses and the daily payment of subsistence allowance to complainants and witnesses according to the prescribed scale, except where otherwise specially ordered by the Magistrate;

(10) to examine all documents produced or offered in evidence and bring to notice any apparent sufficiency of the Court fee or other stamps for the orders of the Magistrate;

(11) to prepare the warrant for execution of sentence, including a warrant, if so ordered, for the levy of any fine inflicted, for the signature of Magistrate and shall promptly prepare communication of receivers of fine on behalf of the prisoners to the Superintendent of Prison.

(12) to be responsible for proper paging of records of all proceedings for the numbering of every tenth lines of all depositions and judgments exceeding fifty lines in length for ready reference on appeal or revision.

3.8. Record Keepers – There shall be common Record Room for the Civil and Criminal Courts in a District headed by a Record Keeper and assist by the staff who shall take charge of the files entrusted to his custody and the records of all matters ordered to be put on the dormant file and all matters which have been finally determined and shall date and punch second holes in all Court-fee stamps therein but not so as to render it impossible or difficult to ascertain the value or nature of the stamps. He

shall maintain a separate dormant file and arrange the other records according to the dates of decision in annual bundles keeping sessions cases, summary cases or other magisterial cases, Chapter VIII (B) cases, criminal appeals and miscellaneous criminal applications including the revision applications in separate bundles. He shall similarly arrange the periodical returns and such other correspondence files as may be ordered. He shall keep a list of all records in their charge including the official gazette in Form No.1 of Appendix 'B' of General Record Register.

3.9. Library – There shall be common Library for Civil and Criminal Courts maned by Librarian and assisted by necessary staff in maintaining the Library.

3.10. Duty of Librarian – The Librarian shall keep catalogue of all law reports, acts, collection of rules and orders, text books, gazettes and other publication. Books and publications should be stamped with the Court seal immediately upon receipt and should be entered in the catalogue and arrange systematically in the library as far as possible in the following manner :-

PLD, CLC, MLD, P,Cr.L.J, General Rules and Orders, Local Rules and Orders, Sindh Civil Court Rules and Sindh Criminal Court Rules, Civil Services Laws and Miscellaneous collections.

Dictionaries, Digests English and Indian Text Books and other Books of reference, Pakistan Law Commission Report and Gazette sub-divided into Federal Government Gazette and Sindh Government Gazette.

A separate class of old editions of all the publications may be preserved.

The law Reports, Acts, Gazettes should be bound periodically, the latest edition of Pakistan Code, Sindh Code, the General and Local Rules and Orders. Sindh Civil Court Rules, Sindh Criminal Court Rules, Civil Account Rules and Civil Services Laws and Rules shall be kept up-to-date by pasting in the correction slips issued from time to time.

3.11. Book Slips – (i) Every Court shall use book slip in the following form, while giving books to Judges:-

LIBRARY BOOK SLIP

Name _____

Date _____

Books

(1) _____

(2) _____

(3) _____

And so on

Signature of Requisitioning Officer

(ii) The above book slip shall be returned by the Officer of the library to the recipients only after receiving books from them.

3.12. Accession – The Officer in charge of the library shall ---

(a) Stamp the Court Seal on the title page of each book;

(b) fix a number label on the back of each book giving its serial number in the register prescribed in Form No.2 of Appendix 'B'.

(c) check the register with the books every year in January and report to the Judge whether the books are complete and in good condition

(d) paste correction slips and amendments to (1) Pakistan Code, (2) Sindh Code, (3) Criminal Court Rules and (4) Civil Court Rules.

(e) The Officer taking charge of the library shall report to the Judge that he has checked the books with the register. If any books are missing or damaged, he shall prepare a list thereof and submit it to the Judge for his orders.

(f) Every Judge on taking charge shall certify to the Sessions Judge that he has checked the books in his Court with the register and make a report in regard to all books missing or damaged.

3.13. Nazarat – The Nazirs or where there are no Nazir the Accountant shall keep the account of the Sessions Courts in the same forms and as part of the accounts of the District Courts. The Sheristedars of the Magistrates' Courts shall keep the contingent and other accounts

according to the Contingent Circular of the Accountant General Sindh, Karachi and other rules in force pertaining to the financial matters.

3.14 Record not to be removed – No member the establishment shall remove any official paper or record whatever from the office or Court without the special sanction of the Judge or Magistrate.

3.15. Members' behaviour – The members of the establishment shall specially be enjoined to show courteous behaviour towards all persons having business with the offices and should be required to attend with strict punctuality at the hours prescribed for their offices and to come neatly dressed and orderly shall be provided with the customary and with cap for appearance before the Judges and Magistrates in Chambers or in Court. Smoking and spitting should promptly be checked. Peon shall regularly be supplied with uniform prescribed and they should be instructed to show customary marks of respect to all gentlemen of the rank and superior officers of the court.

CHAPTER IV **ARREST AND INVESTIGATION**

4.1 Production of a person arrested, before a Magistrate – A person arrested or detained in custody shall be produced before a Magistrate within 24 hours excluding the time necessary for the journey from the place of arrest to the Court of the nearest Magistrate.

4.2 Action of the Magistrate before whom a person arrested is produced – The Magistrate shall check the time of arrest by questioning the arrested person and if he finds that a person has been detained unlawfully, he shall report the matter to the Sessions Judge, who shall make an appropriate order in the matter

4.3 When an investigation is not completed within 24 hours – The Magistrate, before whom the person arrested is produced for the remand, shall not grant the custody to Police for a longer period than 15 days altogether. The Magistrate shall adopt one of the following courses:-

- (a) Discharge the accused at once, on the ground that there is no cause shown for further detention, or
- (b) To remand him to police custody for a term not exceeding 15 days, which term, if less than 15 days, may subsequently be extended upto the limit of 15 days in all, or

If no reason is given for remand to police custody the person be sent to judicial custody and direct the police to complete the investigation in terms of Section 344, Cr.P.C.

If he has no jurisdiction to try the accused, he must send the accused to the Magistrate having jurisdiction in the matter.

4.4 Opinion to be formed on the basis of material produced – The Magistrate shall satisfy himself before making an order to remand in police custody under Section 167 of the Code, that (1) there are grounds for believing that the accusation or information sent up by the police is well founded, (2) there are good and sufficient reasons for remanding the accused to police custody instead of detaining in judicial custody. The

Magistrate shall examine the copies of diaries submitted under Section 167 in order to form an opinion to the necessity or otherwise of the remand applied for by the police, and ascertain what previous order have been made in the case.

4.5 Production of accused at the time of remand – The accused person must always be produced physically before the Magistrate when a remand is asked for.

Provided where the accused/suspect is hospitalized and his condition is serious, the Police Officer applying for remand should submit along with application and necessary police file, such medical certificate issued by the Medical Officer of that hospital to that effect. The accused in such a case be remanded to Police or Judicial custody as if he is produced before the Magistrate.

It is desirable that in such an event the remand may be obtained from nearest Magistrate, if the Magistrate having jurisdiction cannot be reached without intricacy.

4.6 Guiding principles for the grant of remand to Police – The Magistrate shall follow the following principles in the matter of granting remands, and it shall be applied properly.

(a) Under no circumstances an accused person be remanded to police custody unless it is made clear that his presence is actually needed in order to serve some important and specific purpose connected with the completion of investigation. A general statement by the Officer applying for the remand that the accused may be able to give further information, should not be accepted

(b) When an accused person is remanded to police custody, the period of the remand should be as short as possible.

(c) In all ordinary cases in which time is required by the police to complete the investigation, the accused person should be detained in judicial custody.

(d) When the object of remand is merely the verification of the accused statement, he should be remanded to judicial custody.

(e) An accused who has been produced for the purpose of making a confession and, has declined to do so, or made a statement which is unsatisfactory from the point of view of the

prosecution, should in no circumstances be remanded to police custody.

4.7 Magistrate to record reasons – The Magistrate shall record the reasons when the accused person is remanded to police custody, and copy of the order with reasoning shall be forwarded to the Sessions Judge concerned.

4.8 Procedure in case the investigation is not complete within statutory period – When the limit of 15 days has elapsed, and there is still need of further investigation by the police, the Magistrate shall follow the procedure as laid down in section 344 of the Code by bringing the case on file and the accused be detained, if necessary, in judicial custody. The case may be postponed or adjourned from time to time for a period of not more than 15 days each and as each adjournment expired, the accused must be produced before the Magistrate and the order of adjournment must give reason for making the order.

4.9 If arrested person is female – The Magistrate shall not, except in cases involving qatal or dacoity supported by reasons to be recorded in writing, authorise the detention of a female accused in police custody and the Investigating Officer shall interrogate female accused in presence of an officer of jail and a female Police Officer.

Provided that if for a purpose of investigation, it is necessary that the female accused be taken out of the prison, the Police Officer investigating the case shall apply to the Magistrate in that behalf and the Magistrate may, for reasons be recorded in writing, permit taking of female accused out of the prison in accompany of a female Police Officer appointed by the Magistrate provided further that such accused shall not be kept out of prison in custody of police between the sunset and sunrise.

CHAPTER V

STATEMENT OF WITNESSES AND

CONFESSION OF ACCUSED

5.1 Recording of statement of witness by Magistrate – The Magistrate may record any statement of a witness made to him in the course of an investigation at any time, but before the commencement of the inquiry or trial.

5.2 Right of accused to cross-examine the witness – The statement may be recorded by such Magistrate after due notice and in presence of the accused. The accused shall be given an opportunity to cross-examine the witness making the statement.

Provided the Magistrate shall enquire from the accused involved in offences liable to sentence of death, if he will engage a legal representative on his own expenses otherwise a qualified legal practitioner shall be engaged on Government expenses for the purpose of cross examination.

5.3 Confession of an accused, recording thereof – The Magistrate may record the confession of an accused produced before him for recording of such confession on the prescribed Form No.1 Appendix 'A'.

5.4 The mode and manner of recording of confession – The confession shall be recorded in the manners prescribed for recording of evidence as is in the opinion of the Magistrate best fitted for the circumstances of the case. The confession so recorded and be signed in the manner provided in Section 364 of the Code and confession shall be forwarded to the Court who has taken the cognizance in the matter.

5.5 Magistrate duty to satisfy himself that confession is voluntarily
–Before recording the confession the Magistrate shall satisfy himself that the confession is voluntary by taking the following steps:-

(i) The Magistrate shall remove the accused from the custody of the police and place him in the custody of his orderly or his own police orderlies;

(ii) The Magistrate shall disclose his identity to the accused and he be informed that he has been brought before him for recording of the confession;

(iii) The Magistrate shall explain to the accused that he is not bound to make a confession and that, if he does so, it will be taken down in writing and may thereafter be used as evidence against him;

(iv) The Magistrate shall inform the accused that in any case he would not be given to Police custody, but to the judicial custody;

(v) The Magistrate shall fully satisfy himself that no inducement, threat or promise is given to the accused person, the Magistrate shall ascertain from the accused whether he has any complaint to make of ill-treatment against the police or other responsible for his arrest or custody.

(vi) The Magistrate must, by putting question, try to ascertain whether the accused has agreed to make the confession because he is under the impression that he would gain any advantage and whether such impression has been caused by an inducement, threat or promise. The Magistrate is also bound to question the accused person, and unless upon such questioning he has reason to believe that confession is voluntary, he cannot make a memorandum at the foot of the record to the effect:- "I believe that this confession was voluntarily made."

(vii) The Magistrate shall observe the spirit not to observe formalities only given in the printed form for that purpose. He shall not be a hurry in recording the confession but he should put forward every endeavour to satisfy by fully questioning the accused as to whether he is making the confession voluntarily and with this object in view he should put as many as possible and those questions will be of the following type:-

(a) Why do you want to make a confession?

(b) Have you any complaint to make ill-treatment against the police or other responsible for your arrest and custody?

- (c)** Has anybody impressed upon you that by making a confession you would be set free or you would be given lesser punishment?
- (d)** Has the police or any person in authority offered you any inducement for making this confession?
- (e)** Has the police or any person in authority given you any threat in consequence of which you intend to make this confession.
- (f)** Has the police or any person in authority given you any promise as a result of which you want to make the confession.
- (g)** I had given you time for reflection and do you feel that now you have fully reflected and now you are prepared to confession not because somebody has asked you to do so, but because you have chosen to do so voluntarily and of your own free-will?
- (h)** Do you realize that in law you are not bound to make a confession and that if you do so, I shall take it down and the same will be used as evidence against you?
- (i)** Do you know that I am Magistrate to whom you can explain your difficulties and grievances freely before you finally make-up your mind to give the confession?
- (j)** Do you realise that I am not to force you for confession but I am here to find out whether you want to make a confession of your own free will and voluntarily?

(viii) The Magistrate thereafter shall allow the accused time for reflection, during which the police who brought him and the investigating police shall not be allowed to have access to him, such time should be at least two hours.

(ix) After fully satisfying himself that the accused wants to make a confession voluntarily without any inducement, threat or promise, the Magistrate should proceed to record the confession. Such statement should be recorded in the language of the accused and if that is not practicable, then in the language of the Court and such record shall be read out to the accused. Every question put to the accused and every answer given by him shall be recorded in full. In order to obtain clarification, the Magistrate may put him relevant questions but such questions shall not be in the nature of cross-examination. When the record is complete, it shall be signed by the accused and the Magistrate who shall certify under his own hand that the examination was taken in his presence and hearing and that record contains a full and true account of the statement made

by the accused and at the foot of such statement, the Magistrate shall make a memorandum to the following effect :-

“I have explained to (name of the accused
.....) that he is not bound to make a confession
and that, if he does so, any confession he may make be
used as evidence against him and I believe that this
confession was voluntarily made. It was taken in my
presence and hearing and was read over to the person
making it and admitted by him to be correct, and it contains a
full and true account of the statement made by him.”

Seal with Date

Magistrate

CHAPTER VI

CONDUCT OF IDENTIFICATION PARADE

6.1. Precautions by Police – The following precautions should be shown to have been taken by the Police and should be recorded in official records like the general diary of the police station and the Jail Register and the same should be produced at the time of submitting application to Magistrate for conducting identification test parade.

- a) Concealing identity of the accused while he is being removed from one place to the other.
- b) Ensure that the accused should not be seen by the witnesses before the identification test parade.
- c) The Police Officer who arrests the accused should get his face covered and take him to the police station in that state.
- d) In the police station the lock-up in which such an accused is kept should be covered with a curtain so that no one is able to see his face.
- e) When he is taken to Court or to jail his face should be kept covered.
- f) In jail also no outsider should be allowed to see his face.

6.2. List of dummies – The Magistrate conducting the identification parade of an accused shall prepare a list of all dummies including the accused who form part of the parade. Such list should contain the parentage addresses and occupation of each member of the parade. The ratio of such dummies shall be 8 to 10 for one accused.

6.3. Proceedings by Magistrate – (i) When a witness identifies a member of the parade, the Magistrate shall note in what connection he identified. A note should also be made if the witness identifies a person wrongly; in such a case it is incorrect to note that the witness identified nobody. All persons identified must be mentioned whether the identification is right or wrong. If a witness, on being called for the purpose, states that he cannot make any identification, a note should be recorded to this effect. If the accused make any complaint or statement it shall be recorded by the Magistrate, and if the Magistrate is able to decide

beyond doubt that the complaint is false or futile, a note to this effect should be made, but in other cases it is advisable to leave any decision as to value to be attached to the objection to the Court trying the case.

(ii) The Magistrate shall also record any statement made by witness before making any identification.

6.4. Precautions by Magistrate – The Magistrate conducting the identification last parade shall take the following precautions:-

(i) That the witness do not see the person to be identified by them before the identification proceedings commence;

(ii) That no communication which would facilitate identification is made any witness who is awaiting his turn to identify;

(iii) That after making identification the witnesses do not communicate with other witnesses who have yet to do so;

(iv) When the person to be identified is handcuffed or is wearing fetters; and if so, whether or not other persons taking part in the parade are handcuffed or are wearing fetters, and also whether or not they are inmates of the jail.

(v) That at least two independent persons be associated in the identification proceedings.

6.5. Memorandum – At the end the Magistrate shall append a certificate in the Form No.2 of Appendix 'A'.

6.6. Identification list of articles – The Magistrate holding the identification of articles recovered from the accused shall also be put for the identification by the claimant with similar articles and shall to follow the same procedure as in the case of identification of an accused and proceeding shall be recorded by Magistrate in Form No.3 of Appendix 'A'.

6.7. Identification test claimed by accused – When the identification test is claimed by the accused, in case where the identification of accused is disputed and is a matter of importance, the request of an accused for identification test shall not be refused. Such a request shall not be rejected

merely it is regarded as a measure to create delay or on the ground that some considerable time has elapsed since the witness last saw the accused and the accused may have change his appearance in the meantime.

CHAPTER VII PREPARATION OF RECORDS

7.1. Title of Case – In every case, other than a case in which the offence alleged falls under Chapters XIX, XX, XX-A or XXI of the Penal Code, the style and title used designate the prosecution shall be “State” and no other.

7.2. 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 349 of the Code, or in a Court of Session receiving a case made over under Section 193(2) of the Code for trial, as soon as the case is received.

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

(ii) In a Court of Session receiving a case under Section 190(2) or on reference under Section 123(2) of the Code, 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 prescribed under Chapter XXIII of these rules for Sessions Court and Magistrates Court respectively.

A separate series of number shall run in each Court for cases entered in the register of miscellaneous cases prescribed under these rules. Every number in this series shall be followed by the letter “m”.

A separate series number shall run in each Court before which proceedings are laid under Section 123(2) or to which a case is submitted under Section 347 or Section 349 of the Code. Every number in this series shall be followed by the word "referred".

7.3. Order sheet – Upon the institution of a case an order-sheet in the prescribed Form No.4 of Appendix 'A' shall be open. 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 proceedings 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.

7.4. General Index – Upon the institution of a case a general index in the prescribed Form No.5 of Appendix 'A' 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.

7.5 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.6 of Appendix 'A' 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.

7.6. Contents of record – (i) 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 400 of the Code.

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

(iii) 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.

The Courts may accept affidavits, pleadings, applications and petitions on stout durable paper.

7.7 Impounded document – 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.

CHAPTER VIII
GENERAL PROCEDURE RELATING TO
THE ENQUIRIES AND TRIAL IN ALL
COURTS

8.1. Court to be open -- (1) Section 352 of the Code requires that Court shall be open to which the public generally may have access to the Criminal Court, i.e. place wherein sitting is held for the purpose of inquiry into or trying any offence, so far as the same can conveniently contain them. If the Court thinks it fit, it may order at any stage of the inquiry into, or trial of, any particular case that the public generally, or any particular person shall not have access to, or be or remain in, the court room or building.

(2) In cases relating to sexual offences, the court should, while keeping in view the principle of administering justice openly, consider the advisability of excluding persons not connected with case from the court room during the trial and in particular, when evidence to be given pertains to indecent details.

(3) Since the case of kidnapping and abduction are of a touchy and emotional nature, the Court shall wherever possible, make liberal use of its powers as contained in proviso to Section 352 of the Code and hold its sitting for the trial of such cases in camera so as to facilitate the course of justice.

8.2 Petition in writing – All complaints, applications, appeals shall be in writing by any means including electronic generated document or typed by the person himself or by the Officer of the prison where the party is in prison, or by a clerk where the party is an Officer of a public body or of Government or by as licensed petition writer of the Court or shall be signed by the pleader duly authorised to practise in the Court. They shall be written or typed on clean durable foolscap paper with an inner quarter

blank margin and shall be divided into consecutively numbered paragraphs and shall be in English or in the language of the Court.

8.3. Motion – Motion shall be permitted to be made orally only in matters of routine or indulgence or in the matters wholly with the discretion of the Magistrate or Judge.

8.4. Affidavit – Affidavit shall be sworn or affirmed before any Magistrate or before any duly authorized Officer of the Court required for immediate use of the Court for which no stamp duty is to be levied. Where the declarants are personally known to the attesting Officer of the Court, the fact shall be stated in the attestation. The affidavit shall otherwise be attested also by some person such as a pleader's clerk or pleader who personally knows the declarant and is personally known to the attesting Officer of the Court. Officers empowered under section 539 of the Code are not to administer oaths in cases which do not pertain to their Courts.

8.5. Vakalatnama – (a) Vakalatnama shall be filed by all pleaders, as defined in the Code, appearing on behalf of any party in all classes of cases, including appeals and revision or miscellaneous applications, in all Courts provided that no Vakalatnama shall be necessary in the cases of (i) a public prosecutor appearing on behalf of State. (ii) a pleader appointed by the Court in any case to defend persons who are too poor to engage counsel for themselves. (iii) a pleader appearing as amicus curiae, (iv) a pleader engaged to plead on behalf of any party by any pleader who has been duly appointed to act as a pleader on behalf of such party.

(b) When a pleader who has filed a Vakalatnama for a party wishes to withdraw his appearance, he shall serve a written notice of his intention to do so on his client at least seven days in advance of the case coming up for hearing before the Court. Leave of the Court to withdraw appearance may also be applied for if the client has instructed the pleader to that effect. The pleader shall file a note in

writing requesting the Court for permission to withdraw appearance shall also file along with the Note the letter of the client instructing him to withdraw his appearance or a copy of the intimation given to the client as above together with his written acknowledgement by the client. The Court, if it is satisfied that no inconvenience is likely to be caused to the Court or the client, may permit the pleader to withdraw his appearance.

8.6. One pleader to be heard – Not more than one pleader shall be heard on behalf of each party, provided that opening addresses and replies may be made by different pleaders. Written Arguments should not be permitted.

8.7. Framing of Charge – (1) The Judges and Magistrates shall devote their personal attention to framing of charges and see that the charges are framed correctly and give all the necessary particulars as prescribed in Section 221 and 223, 233 to 236 of the Code, the charge is of considerable importance as it enables the prosecution to know precisely what facts they have to prove and also gives notice to the accused of the case, which he has to meet. The Form in which the charges should be framed is Form No.28 in Schedule –V of the Code.

(2) Where an accused person is charged with a number of offences, there shall be a separate head of charge for each separate offence alleged to have been committed by him.

(3) Where several persons are tried together for different offences committed in the course of the same transaction, there should a separate head of charge for each of these offences.

(4) Where five persons or more are charged with committing an offence it would ordinarily be desirable to frame charges in the alternative, both under section 34 and section 149 of the Pakistan

Penal Code. An alternative charge may also be framed against the accused, who are alleged to have committed the particular act constituting the offence.

(5) In prosecution for giving false evidence under Section 193, 194 and 195 of the Penal Code, the particular statements alleged to be false should invariably be set out in the charge, to enable the accused to understand fully the offence with which he stands charged.

8.8. Oath and Affirmation – Oaths and Affirmation shall be administered to witnesses in the following forms:-

(1) Muslims shall be required to repeat the following words :-

“I swear by Al-Mighty Allah that the evidence, I shall give before the Court in this case, shall be the truth, the whole truth and nothing but the truth, and that I shall conceal nothing from the Court and that if I say anything which is untrue or conceal anything the wrath of Allah may fall on me.”

(1) Hindu shall be required to repeat the following words:-

“I swear in the presence of Al-Mighty God that what I shall state shall be the truth, the whole truth and nothing but the truth.”

(3) Christians shall be required to hold the New Testament in their right hand and to repeat the following words:

“I swear that what I shall state shall be the truth, the whole truth and nothing but the truth. So help me God.”

(4) Parsis shall be required to repeat with their shoes on their feet and their right hands on the open Zend Avesta the following words:-

“I swear in the presence of Al-Mighty God that what I shall state shall be the truth, the whole truth and nothing but the truth. Manasni, Ganvasni and Kunasni.”

(5) Jews shall be required to hold Hebrew Testament in their right hand and to repeat the following words :-

“I swear that what I shall state shall be truth, the whole truth and nothing but the truth. So Help me God and he and she shall be required to kiss the book.”

8.9. Interpreters to be administered oath – Oath shall be administered to Interpreters in similar form with substitution of the words:-

“I will well and truly interpret and explain all questions put to and evidence given by the witness”

8.10. Recording of evidence – All Judges and Magistrates shall in the examination of complainants, witnesses and accused persons, record, in each deposition statement or defence, the following; particularly, which are indispensably necessary for the further identification of the parties examined, viz., the name of the person examined, the name of his or her father, and, if a married woman, the name of her husband, his or her surname, his or her profession, age and the residential address in Form No.7 of Appendix ‘A’.

8.11 Evidence by conferencing – The Court while conducting the trial may record the evidence through video-conferencing, in appropriate cases. The evidence so recorded would be fully met the requirement of Section 353 of the Code.

Provided that besides the standard video-conference facility, the accused shall be facilitated with a separate audio link with head-phone to his counsel for the purpose of instructions.

The audio and video of the evidence shall be recorded and kept in store for the period admissible under the rules. The recorded evidence shall be made available to the Court to be replayed as and when required by it.

The parties may obtain copy of audio recorded on payment of prescribed fee.

8.12. The rules of Chapter XIX shall be mutatis mutandis apply to such audio and video with regard to production, preservation etc.

8.13. (1) Subject to the statutory alternatives in the matter of recording evidence as contained in Section 355, 356 and 364 of the Code as far as possible, the Sessions Judges and Judicial Magistrates should record memorandum of evidence in English in all cases and proceedings.

(2) The provision of sub-section (3) of Section 355 of the Code according to which the evidence of each witness shall be taken down or cause to be taken down the whole of the evidence in the form of narrative

(3) While Sessions Judges and Magistrates may only make a memorandum of the substance of the deposition of each witness, they should take care to see that all answers given by him are recorded in the vernacular language, provided of course that they are relevant and admissible in evidence. They should compare the memorandum of substance of the deposition made by them with the deposition recorded in the vernacular language when it is read out in open Court and see that none of the statements contained in the memorandum are omitted from the record of the deposition made in the vernacular language.

(4) The memorandum should be made and the deposition should be recorded, so as to leave a quarter margin on each margin on each page so as to facilitate bindings of the record.

8.14. Vernacular depositions – The deposition in a vernacular language and the memorandum of the substance thereof taken down by the Sessions Judge or Magistrate, shall bear the same exhibit number. There shall not be a separate series of exhibits for deposition; all the exhibits; including depositions should be made in one series.

8.15. Demeanour of witnesses – The Presiding Officer shall make a note about the demeanour of a witness in the deposition recorded by him when such demeanour is noteworthy and is likely to affect his estimate of the value of the evidence given by the witness.

8.16. Seriatim evidence – The evidence given by each witness shall appear in one place, and shall not be scattered at intervals through the record. When a witness is, for any reason, recalled and further examined after the close of his original deposition, such further examination shall appear as a continuation of the original deposition.

8.17. Evidence with reference to maps and places – The evidence of a witness, with reference to a map or plan shall be recorded in such a way that the places mentioned by the witness are easily identifiable on the map or plan.

8.18. Variations in description of individual – It is frequently happens that the same individual is known by more names than one. Sometimes only the surname, sometimes only the name of the caste, or occupation of the individual is mentioned or he is spoken of by a nickname, such as Baba Ladla, Langra, Kankatta, Baba, Kalia, Bapoo, Papoo, Waja, Jani, Noori, Pahari, Kana, Tappi, etc. Such variations in description require explanation to render them intelligible to an appellate Court. A court of first instance shall therefore, take care not only to ascertain, but to make clear by evidence duly recorded, the identity of any individual who is so referred to under varying appellations and if such an individual is an accused person, his name and serial number according to the charge sheet should be cited.

8.19. Original public record – The original public records shall not ordinarily be admitted in evidence, where certified copies are obtainable and will answer the required purpose. When the originals are required, the requisition shall state clearly the time and place but should not ask for production. The requisition shall be signed and sealed in the same way as a summons. Due regard shall in all cases be had to privilege from disclosure of official communication and affairs of State.

8.20. Marking of exhibits – (i) Every document, weapon or other article admitted in evidence before a Court 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.

(ii) The Court shall mark the documents admitted in evidence on behalf of the prosecution with the letter 'P' followed by a serial number indicating the order in which they are admitted thus; Exhibit P-1, P-2, P-3, etc.

And the documents admitted on behalf of the defence with the letter 'D' followed by a numeral, thus Exhibit D-1, D-2, D-3 etc.

(iii) In the same manner every material exhibits admitted in evidence shall be marked with numerals in serial order thus, Exb-1, Exb-2, Exb-3 etc.

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

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

(vi) 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.

8.21. Proof of Statements, under section 161 of the Code – (1) When a statement recorded under Section 161 of the Code is used in the manner indicated in Section 162 of the Code, the passage which has been specifically put to the witness in order to contradict him shall first be marked for identification and exhibited after it is proved.

(2) The method of proving such a statement is to question the Investigating Officer, who had recorded the statement whether the passage marked is a true extract from the statement recorded by him.

(3) When a statement recorded under Section 161 of the Code is used to contradict a witness, the specific statement put to the witness shall be set out accurately in the record of the deposition of the witness.

(4) Omission in the statement recorded under Section 161 of the code, shall if denied by the witness, be proved by questioning the Investigating Officer whether the witness had made the statement which he says he had.

8.22. Examination of Accused – (1) Object of the examination of the accused person under Section 342(1) of the Code is to enable him to explain any circumstances appearing in the evidence against him. The examination shall strictly be limited to this object. The examination of accused cannot be used for the purpose of adding to the evidence against him, and no attempt should be made to cross-examine the accused and to elicit damaging or incriminating admission. Every circumstance which incriminate to tends or incriminate the accused and the material evidence against him shall be brought to the notice of the accused and he shall be asked whether he wishes to furnish any explanation in regard thereto

(2) Under the provision of Sub-section (2) of Section 340 of the Code the accused person is competent witness and he shall, at the end of his examination, be specifically asked to state whether he desires to examine, himself on oath as witness without which he shall not be called as a witness and examined. He may also be asked to state whether he wants to examine other witnesses.

(3) The accused shall be given the opportunity of giving such further statement as he may want to make, such statement of the accused shall conclude with a question whether he has anything else to say.

8.23. Previous Conviction – Where the Court thinks fit to award enhanced punishment to an accused by reason of his previous convictions the said previous convictions must not only be set out in the Charge as required by Sub-section (7) of Section 221 of the Code, must also be proved, in addition to any other mode, as provided in Section 511 of the Code if they are not admitted. The Court shall follow the procedure as laid down in Subsection (2) of Section 265-I or 245-A of the Code as the case may be.

8.24. Compounding of Offences – In granting permission to compound an offence the Court shall take into consideration all the circumstances of the case bearing in mind that the offence is punishable not only for the satisfaction of the injured person but, also to protect society by deterring others from committing similar offences. The relationship between the parties, the stage at which the composition is sought, the prevalence of crimes of the nature sought to be compounded, or other circumstances which should be taken into consideration.

8.25. Judgments – (1) The arguments shall be heard after the conclusion of the evidence and the judgment shall be announced in open Court as soon as possible, with due notice to the parties. There shall be prompt hearing of arguments after the recording of evidence is over and judgements shall be delivered soon thereafter.

(2) At the head of every written judgment, the names of all the accused persons shall always be set out, together with the numbers by which they may respectively be referred to the Court in the course of the judgment.

(3) The judgment shall be in the English language and be divided into consecutively numbered paragraphs of a reasonable length, and their subdivision into sub-paragraphs should be avoided. This is mainly to facilitate reference to any particular portion of the judgment during the arguments in the appellate or revisional Court.

(4) The opening paragraph shall state briefly the nature of the offence with which the accused is charged.

(5) The next paragraph or two shall state briefly the prosecution case and defence, clearly distinguishing between what is admitted and what is not. Matters like the relative position of places and villages and distance between them and how the parties and witnesses are related to each other should be indicated, where such details are necessary for a clear understanding of the case.

(6) The points that rise for decision shall then be dealt with one by one, marshalling the evidence for and against considering the arguments, and

giving a clear finding on each point. Witness shall not be referred to by number alone. The accused person, where there are two or more, shall ordinarily be referred to by their numbers. The various points should be dealt with in separate paragraphs, but some points may require more than one paragraph.

(7) Judgments shall not be prolix and repetition shall, as far as possible, be avoided.

8.26. Return of documents – The Court shall at the end of the trial, return the documents, when no further action is likely upon such case after the expiry of all possible appeal and revision period, and if any appeal or revision instituted until after the final disposal of appeal or revision. Before the stage when no further action is required upon the case the Court may in its discretion return the document upon the application and, if so, shall ordinarily required a true copy to be substituted by the applicant.

8.27. Ascertainment of Age – The Judges and Magistrates shall take special care to see that young persons, who are charged with an offence or against whom chapter proceeding are instituted, are not deprived of the benefit of the Juvenile Justice System, 2000 and the Probation of Offenders Act, 1960. It is highly undesirable that young offenders or parties should be made to associate with confirm criminals. If the accused is less than 18 years of age he/she cannot be committed to the Sessions Court for the trial, but he/she will have to be tried by Juvenile Court as provided in the Juvenile Justice System, 2000. All Courts should whenever a youthful offender or a person is produced or appeared before them, take steps to ascertain his/her age. If the age given by the Police does not appear to be correct from the appearance of the Offender or person, and if the Police or the person cannot produce satisfactory evidence regarding his/her age, the Court shall consider the desirability of sending the offender or person to the Medical Officer for the verification of the age before proceeding with the case or dealing the person as the case may be.

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

8.29. Evidence from the witness box – All witnesses shall give their evidence from the witness box. A witness shall normally stand when giving evidence, but a chair should be provided in the witness box upon which any witness may sit on receiving the permission of the Presiding Judge or Magistrate, this permission shall be given on valid grounds, such as the witnesses health, age or the likelihood that the witness evidence will occupy a long time.

8.30. Disposal of the property – The properties marked as material objects in each case shall be disposed of at the close of each case and the disposal of such properties shall be dealt with in the last paragraph of the judgment. Properties are either valuable or value less. All valueless properties like bloodstained cloths, earthen pots, sticks, articles of a small value like broken lamps, etc, shall be ordered to be destroyed. Again valuable articles like dangerous weapons, e.g., costly spear sticks, sickles etc., shall be ordered to be destroyed. Guns, revolvers and other fire arms shall be confiscated wherever necessary to Government. If there are valuable articles in the cases which have to be returned to the parties they should be return at the close of the case and on delivery of the judgment to the parties after taking a bond in the Form No.8 of Appendix 'A' and a Surety Bond in the Form No.9 of Appendix 'A'. Only parties actually concerned with the cases shall be received from the Police after taking a receipt. Only properties which are concerned with cases actually pending shall be allowed to remain undisposed of in the Property Register.

CHAPTER IX
PROCEEDINGS AGAINST ABSCONDERS
AND RECORDING OF EVIDENCE IN THEIR
ABSENCE

9.1. Conditions for issuance of proclamation – Proclamation shall not be issued against a person whose presence is required by a Court as a accused or as a witness unless a warrant has been issued in the first instance and the Court has reason to believe that a person against whom it was issued has absconded or is concealing himself so that such warrant cannot be executed. The proclamation issued under Section 87, must fix a date for the appearance of the person at a specified place and that date must be not less than 30 days from the date of the publication of the proclamation. It must be published in the manner specified in sub-section (2) of Section 87, and the Court should be careful to record the statement as regards the due publication of the proclamation as required by sub-section (3) of the Section. The Court may in its discretion issue an order for attachment of the property simultaneously with the issue of a proclamation. Section 88 provides for the summary investigation of claims of objectors to the attachment by the Magistrate.

9.2. Sale of property subject to speedy decay – In case the proclaimed person does not appear within the time specified in the proclamation the property under attachment remains “at the disposal of the Government”. It can be sold at once at the discretion of the Court when it is liable to speedy decay or if the Courts consider that the sale would be for the benefit of the owner. But otherwise, it cannot be sold until the expiration of six months from the date of attachment and until the disposal of claims of objectors if any, by the Magistrate.

9.3 Interest of absconding person to be specified – In conducting sales, the interest of the absconding person in the attachment property which is to be sold should be clearly specified so as to avoid complication in future.

9.4 Release of property or its sale proceeds – If the absconder appears or is apprehended and brought before the Court within two years from the date of attachment of his property and satisfies the Court. (1)that he did not abscond or conceal himself for the purpose of evading execution of the warrant, and (2)that he had no such notice of the proclamation as could enable him to attend within the specified time, he can get the property back or its net proceeds if it has been sold less costs incurred.

9.5. Commencement of proceedings – Proceedings under Section 512 of the Code shall commence by evidence being taken and recorded (1) that the accused person has absconded and (2) that due pursuit having been made, there is no immediate prospect of arresting him.

9.6. Proceedings against unknown – In case where the crime has been committed by some persons unknown and the offence is punishable with death or imprisonment for life, the High Court may order an inquiry similar to that under Section 512(1) of the Code and statements recorded in that inquiry can be used as evidence against the offender subsequently discovered.

9.7. Recording of evidence of confessor – The confession by accused person, who have been executed implicating an absconder, cannot be used as circumstantial evidence after the execution of the confessor against the absconder, when the latter is found and placed upon his trial.

To make the evidence of such offender available in future, the proper course is to take the necessary steps under Section 512 after sentence has been imposed and before it is executed.

CHAPTER X **AFFIDAVITS**

10.1. Ex-officio Commissioner –The Superintendents, Sheristedars, Readers and Nazirs of the Sessions Court and Reader of the Judicial Magistrate’s Court shall be Ex-officio Commissioners for taking affidavit in respect of matters and causes arisen within jurisdiction of their respective Courts for immediate use.

(ii) The Magistrate, while administering oath to the deponent of an affidavit other than mentioned in rule 1(i) shall ensure that the deponent is a sui juris and is not subject of any undue influence, coercion, temptation or otherwise. The Magistrate, in its discretion, before taking affidavit may give time for reflections and may pass an appropriate order for safety as claimed by the deponent in the given circumstances.

Provided that such affidavit shall be entered in a separate register of affidavit as provided in rule 3 with modification, and a copy thereof shall be kept as record.

10.2. Fees – Such fees shall be paid for the verification of affidavit to the Ex-officio Commissioner as may be prescribed from time to time by the Administration Committee of the Sindh High Court. Provided the fees charged by the Ex-officio Commissioner shall be pooled and to be disbursed by the orders of the District Judge. The commissioner receiving fees from a deponent shall issue a receipt in lieu of fees for the affidavit. The receipt shall contain details prescribed under the following rule except as at (j).

10.3. Register –The Ex-officio Commissioner shall maintain a register in Form No.3 of Appendix ‘B’ which shall contain the following particulars with respect to each affidavit sworn before them, namely;

- (1) Serial number,
- (2) Date and time of making affidavit,
- (3) Particulars of the case which affidavit relates,
- (4) On whose behalf the affidavit has been filed,
- (5) Full particulars of the person who is making the affidavit,

- (6) Particulars of the person who identified him,
- (7) Fee paid,
- (8) Name of the Ex-officio Commissioner before whom affidavit is sworn.
- (9) Signature of Ex-officio Commissioner and remarks.
- (10) Serial number of receipt issued to the deponent, and
- (11) Remarks

The Register shall be open to inspection by the Sessions Judge.

10.4. Title – Affidavit shall be entitled in the case or matter in which it is sworn or affirmed; and it shall be sufficient to state the full name of the applicant and the State.

10.5. Form – Affidavit shall be drawn up in the first person and shall be divided into paragraphs and every paragraph shall be numbered consecutively, and as nearly as may be, shall be confined to a distinct portion of the subject.

10.6. Deponent's description – Affidavit shall state the name description, CNIC number, place of residence and occupation, if any, of the deponent.

10.7. Endorsement should state on whose behalf filed – Affidavit shall bear at the head an endorsement stating on whose behalf it is filed.

10.8. Source of information to be disclosed – (i) Affidavit shall express clearly how much is a statement of the deponent's own knowledge and how much statement made on his information or belief and shall also state the source or ground of the information or belief with sufficient particulars.

- (ii) When a particular fact is not within the deponent's own knowledge but is stated from information obtained from others, the deponent must use the expression "I am informed" and should add "I verify believe it to be true" if such be the case. He must also state the name and address of, and sufficiently describe for the purpose of identification, the person or persons from whom he received such information.

(iii) When the statement rests on facts disclosed in documents or copies of documents, procured from any Court of Justice or other source the deponent shall state what is the source from which they were procured and his information, or belief, as to the truth of the facts disclosed in such documents.

(iv) The documents referred to in such affidavit and as shall be in the possession of the deponent shall be produced in original, unless copies thereof are admissible in evidence or are permitted to be produced pending production of the original and shall bear the number.

10.9. Matter of opinion – An affidavit stating any matter of opinion shall show the qualifications of the deponent to express such opinion by reference to the length of experience, acquaintance with the opinion is with the person or matter as to which the opinion is expressed or other means of the knowledge of the deponent.

10.10. Scandalous matters to be struck off – The Court may order to be struck out from an affidavit that a matter which is scandalous, and may order the costs of the application to strike out such matter to be paid by the party on whose behalf the affidavit was filed.

10.11. Alterations and interlineations – Alternation and interlineations shall, before an Affidavit is sworn or affirmed, be authenticated by the initials of the officer taking the affidavit, and no affidavit having therein any alteration or interlineations not so authenticated, or any erasure, shall, except with the leave of the Court be filed or made house of in any matter.

10.12. Attestation outside the precincts of Court – When an affidavit is required to be sworn or affirmed outside the Court, a written request shall be made to the Presiding Officer of the Court concerned stating where the Commissioner is required to attend and for what purpose and why is so required on such application the Presiding Officer shall unless he sees any reasons to the contrary, require an Ex-officio Commissioner to attend as Commissioner at such time as he thinks proper. Fee for attestation

done without the precincts of the Court shall ordinarily be paid to the Officer making the attestation provided it is done outside the Court hours. The Commissioner shall, before affidavit is sworn or affirmed, ask the deponent if he has read it and understood its contents. If the deponent says that he has not read the affidavit or is ignorant of the language in which it is written, or appears to the Commissioner to be illiterate, or not otherwise able to understand the contents thereof, the Commissioner shall read and explain the affidavit to the deponent in a language which he understands. When an affidavit is read and explained hereinabove provided, the Commissioner shall certify in writing at the foot of the affidavit that it has been so read or explained by him and that the deponent appeared fully to understand the same at the time of swearing or affirming the affidavit and made his signature or thumb impression in his presence.

10.13. Endorsement of Commissioner – (i) The Commissioner shall endorse at the foot of the affidavit the date on which and, in the event of the affidavit having been taken elsewhere then in the Court house the place where the affidavit is taken, and shall sign his name and description at the end and initial at each page.

(ii). When the deponent of an affidavit is personally known to the Commissioner, the fact shall be state in the attestation. Otherwise, the affidavit shall be attested by some other person who knows the deponents personally and is also known to the Commissioner personally.

10.14. Deponent if Parda Nasheen Lady – When the deponent is Parda Nasheen Woman, she shall be identified by a person to whom she is known and before whom she is a accustomed to appear unveiled, and such person shall, at the foot of the affidavit, certify that the deponent shall identify by him and sign his name thereto.

CHAPTER XI
RULES UNDER SECTION 491(1) OF THE
CODE

11.1 Application supported by affidavit - An application for an order under section 491 shall be made on an affidavit setting forth the circumstances under which the order is sought.

Provided that all communications addressed to the Sessions Court by a person in the custody of a public officer complaining of his detention or the conditions of his detention, whether supported by affidavit or not, shall be laid before the Sessions Judge for orders as applications under this rule.

11.2. Rule nisi on prima facie case - Where the Court is of the opinion that a *prima facie* case for granting the application is made out, a rule nisi may be issued calling upon the person or persons against whom the order is sought to appear on a day to be named therein to show cause why such order should not be made and at the same time to produce in Court the body of the person or persons alleged to be illegally or improperly detained then and there to be dealt with in accordance with law:

Provided that if the Court so orders, production of the body of the person alleged to be illegally or improperly detained may be dispensed with.

11.3. Search warrant - If the application for an order under clause (a) or (b) of sub-section (1) of the section alleges that a person is confined under such circumstances that the confinement amounts to an offence, the Court may, at the time of issuing a rule nisi, also issue a search warrant, and the person to whom the warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person, if found, shall be immediately brought before the Court, which shall make such order as in the circumstances of the case may seem to be proper.

The provisions of sections 43, 75, 77, 79, 82, 83 and 84, of the Code, shall, so far as may be, apply to such warrants issued under this rule.

11.4. Assistance to the person entrusted with warrant - If the Court issuing a search warrant under rule 3 has reasons to believe that the person to whom the warrant has been directed may not be able to identify the person confined, the Court may order a person named in the warrant to accompany the person to whom the warrant is directed, to assist him in the execution of the warrant.

11.5. Warrant to whom addressed- The writ or the warrant shall be served by the Incharge Police Station concerned, or by such other person as may be appointed by the Judge.

11.6. Order on hearing of rule - On the return day of such rule or on any day to which the hearing thereof may be adjourned, where no cause is shown or where cause is shown and disallowed, the Court shall pass an order that the person or persons illegally or improperly detained shall be set at liberty or delivered to the person entitled to his or their custody. Where cause is allowed, the rule shall be discharged.

11.7. Procedure as to evidence to be recorded - The Court may, if necessary, in disposing of such rule, take evidence or direct a Magistrate to take evidence.

11.8. Bail pending hearing - Upon the return and production of the party on whose behalf the rule was issued, the custody of the prisoner shall be under the control and direction of the Court until the disposal of the rule. Pending the hearing, the Court may admit the prisoner to bail or remand him to the prison where he is in custody.

11.9. Forms of warrant- The forms of warrant No.10 of Appendix-A to these rules shall be followed with modifications.

CHAPTER XII
Appeals and Revision Applications before
Courts other than the High Court

12.1. Appeal and Revision 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 VII shall be followed in appeal and revision applications also.

12.2. Joint appeals or applications – Several persons complaining of an order or judgment in a criminal case affecting them all may join in one appeal or application for revision, and one copy of the judgment or order complained of shall be sufficient. The Appellate Court may, however, require separate petitions to be made by petitioners whose case are, in its opinion, conflicting. Where a joint petition is allowed, one Vakalatnama shall be sufficient.

12.3. Computation of the period of limitation – In computing the period of limitation for an appeal or an application for revision, the day on which the judgment complained of was pronounced and the time requisite, for obtaining a copy of the sentence or order appealed from or sought to be revised shall be excluded.

12.4. Appeal against conviction to Sessions Court -- (i) An appeal against conviction and sentence of imprisonment for not more than four years lie to the Court of Sessions.

(ii) 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 Public Prosecutor, he shall issue notice to him without waiting for the period of limitation to expire.

12.5. Revision Application -- (i) The powers of revision conferred under Section 439-A of the Code shall not be exercised for the purpose of passing any order in regard to the interlocutory order passed in any appeal, inquiry, trial or other proceedings.

(ii) If an application for revision has been made by any person either to the High Court or to the Court of Sessions, no other application for revision made by the same person shall be entertained by the other Court to which no such application for revision was made earlier. Every applicant shall make a statement in his application for revision that he had not filed a similar revision application in any Court previously in the matter.

(iii) The Revision Application shall not be entertained at the instance of the party who did not bring in an appeal though he could have preferred one under the Code, however, the Sessions Court may treat the revision application as an appeal and deal with the same accordingly.

12.6. Grounds of appeal and list of articles to be included in the Paper Book – Unless otherwise ordered by the Court, the grounds of appeal and a copy of the list of articles produced in the Court shall be included in the Paper Book prepared in an appeal before the Sessions Court.

12.7. Bail before Nazir – Whenever the Court of Session directs any person to be released on bail, the Sessions Court shall order such bail be given before the Nazir of the Court or before such Magistrate as the Court may think most convenient.

12.8. Contents of Judgment – The Judgment of the Appellate Court shall contain the points for determination, the decision thereon and the reason for the decision.

12.9. Transmission of appellate judgment to the Trial Court – The Court deciding an appeal or revision shall transmit a copy of its judgment to the Magistrate/Judge against whose decision the appeal or revision was preferred, or to his successor in office.

12.10. Paper Book – As soon the record of a case under appeal or revision is received by a Sessions Court from the Trial Court, the Record Keeper will arrange to get the necessary number of paper books prepared by the Copying Section.

12.11. Contents of paper book – The paper book shall contain clearly readable Xerox or typed copies of the following :-

- (i) The diary of proceedings.
- (ii) List of property.
- (iii) The complaint (if any) or its English translation and the charge.
- (i) Deposition in English.
- (ii) Statements of the accused including written statements, if any.
- (iii) The judgment or order appealed from or sought to be revised.
- (iv) Grounds of appeal or revision.
- (v) Such other documents as the Sessions Judge by special or general order may direct to be included.

To each copy of the paper book should be prefixed by an index in the Form No.11 of Appendix 'A'.

12.12. The paper book not to contain unnecessary papers/documents

– Care should be taken to see that the copies are accurately made and that there is no unnecessary increase in the bulk of the record including pages which are practically blank or otherwise.

12.13. Translations to be initialled – The copies of the translations should be initialled as correct by the typist and the person translating the document (if any) and the Record Keeper.

12.14. Paging – The typed copies should bear their own independent paging and not the paging of the original record and the lines on every page should be numbered by the multiples of five as 5, 10, 15 and so on.

12.15. Number of paper book -- Ordinarily, 3 copies of paper books should be prepared in all cases, one for the use of the Court one for the use of the Public Prosecutor and one for the use of the accused or the opponent, as the case may be. The Sessions Judge may order more than three paper books in any particular case.

12.16. Public Prosecutor to get paper book free of costs – The Copies shall be supplied to the Public Prosecutor free of cost. The copies

supplied to the accused and other parties shall be charged at the rates mentioned in rule 17 below:

Provided that, if the defence of the accused in any case is arranged at the expense of the Government, a copy of the paper books shall be supplied free of cost to the lawyer or to each of the lawyers appointed at Government cost in such a case and that if after the appointment of such legal practitioner the accused appoint another lawyer, the copies already prepared and given to the lawyer appointed by the Court at Government cost may not be made available to the lawyer privately appointed by the accused except upon payment of the charges prescribed in rule 17 below:-

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

12.17. Charges of paper book – The copies of the paper book to be supplied to the accused or any party to the proceedings or his lawyers on payment shall be charged at the rate of one rupee Per 100 words or party thereof in addition to the cost of the paper which shall be 50 paisa for each sheet of foolscap size.

12.18. Extra copy of paper book – (i) If any of the accused or parties to a proceeding desire that more than the number of copies prescribed in rule 15 above be prepared and supplied to him or them separately, he or they shall give intimation in that behalf to the Record Keeper before the expiry of one week from the receipt of the Record and Proceedings of the case from the Lower Court in the Sessions Court or such other further time as may be allowed by the Sessions Court and shall also deposit an amount or amounts sufficient to meet the costs of such extra copy or copies as may be determined by the Record Keeper. The Record Keeper shall thereafter arrange to supply such extra copy or copies each of which shall be charged as provided for in the foregoing paragraph. If the actual cost exceeds the amount of deposit, the party or parties concerned shall

make good the deficit and if any balance is left over from the deposit after meeting the charges of copies supplied, the same shall be refunded to the party or the parties concerned.

(ii) Where there are several accused or opponents concerned and arrangements have not been made with the office as provided in sub rule (i) for extra copies, the accused or opponent first applying shall be entitled to get the copy reserved for him as mentioned in rule 15 on payment of the charges prescribed in rule 17. The rest of the accused or opponents shall make their own arrangements for getting copies prepared for themselves.

12.19. 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.

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

- (a) 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.
- (iii) To the Superintendent of 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 remans him to jail.

12.20. 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 an abstract therefrom, carefully peruse the same and consider whether any further step has 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.

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

12.22. No judicial order by telegram – A Court shall not issue a judicial order or communicate the purport of warrant or process by telegram.

12.23. When High Court to be informed if accused has funds – In the case of an appeal where notice is given to the accused to show cause why the order passed should not be set aside and a sentence of death be passed, the Sessions Judge 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 Sessions Judge 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.

CHAPTER XIII
SUBMISSION OF SENTENCE FOR
CONFIRMATION AND EXECUTION
THEREOF

13.1. 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 of conviction to the jail from which he came to stand his trial, and shall submit its proceedings to the High Court with a letter within 14 days of the delivery of judgment accompanied by the following record:-

- (a) The record of Session's Court proceedings including reasons for delay in disposal,
- (b) The record of Magisterial Court including proceedings if any, and reasons of delay in submission.
- (c) Appeal, if any, filed by the accused.
- (d) One typed copy of the Session's Proceedings in English, and
- (e) Property, if any, which the Session's Judge considers should be forwarded to the High Court.

13.2. Procedure on passing sentence of death – (i) When a Court of Session submits its proceedings to the High Court in the manner laid down in the proceeding rule, it shall state whether the prisoner has funds or not to employ counsel in the High Court, and whether, the prisoner will employ counsel or not.

(ii) In all cases in which a person is sentenced to death, the Sessions Judge should, as directed in Section 371 of the Code, explain to the condemned man that he must file his appeal within 7 days.

(iii) In criminal appeals and confirmation cases involving a sentence of death one typed copy of the Sessions proceedings or if in vernacular its translation should be despatched to the High Court within 14 days of the decision. The copy should be typed on one side of the paper.

(iv) After sentence has been confirmed or other order has been made by the High Court, the Assistant Registrar will forward two copies of the judgment of the High Court together with the precept and copy of the paper book and the property, if any, received from the Sessions Judge, to the Sessions Judge, who will take the steps prescribed by Section 381 of the Code to cause the sentence or order to be carried into effect.

13.3. Female prisoner sentenced to death – When a Court of Session sentences a female prisoner to death, it shall consider after enquiry 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 Medical Superintendent or such other Doctor as it may consider fit, and if it finds that she is in-fact pregnant, it shall made a report to the High Court. But the submissions of the proceedings to the High Court under Rule 1 shall not be delayed on this account.

13.4. Date of execution – The date fixed by a Court of Session in a warrant of execution of a sentence of death shall be not less than 21 nor more than 28 days from the date of the issue of such warrant, unless it be otherwise directed in the order of confirmation.

13.5. 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 the Provincial Government Order, and is returned to the Court with a certificate to that effect, the Judge shall, if the Provincial 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.

When 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.

13.6. Separate warrant to jail for each convict – A separate warrant shall be directed to the Officer Incharge 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 up 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.

13.7. The Officer Incharge of jail to be informed of payment – Every Court upon receiving a payment on behalf of a person who is in jail under a warrant directing imprisonment in default of such payment shall, if the payment is received otherwise than through the jail, at once inform the Officer Incharge of the jail.

13.8. Transmission of release order to Jails – (i) When an order for the release of a prisoner, on bail or otherwise, is issued by a Magistrate, he shall see that it is entered in a peon book and sent to the Nazir by the time prescribed by the Sessions Court 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 book to the Officer Incharge of the Jail at least one hour before the jail is closed. In exceptional circumstances the order of release may be sent to the Jail in the manner laid down in sub-rule (ii).

(ii) 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 Incharge of the Jail so as to reach the Jail ordinarily an hour before the Jail is closed.

(iii) A release order should in no case be made over to private persons for delivery to the Jail Authorities.

13.9. 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 Sessions Court to be filed with File B of the record of the case to which it belong.

CHAPTER XIV
PROCEEDINGS BY MAGISTRATES FOR
DISPOSAL OF UNCLAIMED PROPERTY

14.1. Unclaimed Property – (i) If the person from whom property is seized after his arrest and search under Section 51, of the Code refused to take back the property in spite of notice served upon him, or if his whereabouts are not traceable in spite of best efforts, such property shall be treated as unclaimed property for the purpose of these rules.

(ii) Similarly, any property seized by any Police Officer is reported to a Magistrate under the Code, and such property is not produced before any Criminal Court during an inquiry or trial, and such property cannot be disposed of in accordance with the provisions of section 523, of the Code shall be treated as unclaimed property for the purpose of these rules.

14.2. Production of such property – When a Magistrate orders the production of any unclaimed property in Court or when the Police deliver such property in the custody of the Court, the police shall produce the said property with a list containing an accurate description of the property. In the case of valuable articles, such as gold and silver ornaments, their weights and other detailed descriptions necessary for the proper identification and the estimated value should be stated.

14.3. Seizure report – The list shall be signed by not less than two respectable residents of the locality wherein the property is found, and in the event of such property being taken from the possession of any person, his signature, or thumb mark, if he illiterate shall also be taken on the list in token of its correctness.

14.4. Property to be labelled and numbered – Property other than cash and cattle entered in the list shall, if possible, be labelled, numbered and marked with the date of seizure and the name of the person if any, in whose possession it was found. If it was not taken from the possession of

any person, it shall be marked with the name of the place where it was found.

14.5. Valuable to be sealed – When the property consists of gold, silver, precious stones or other valuables, it shall be sent in a sealed packet, after being weighed in the presence of not less than two respectable witnesses. The weight shall be noted in the list, which shall be signed by the witnesses as required by rule 3 in token of its correctness.

14.6. Property to be registered – The unclaimed property should be entered in the Unclaimed Property Register in the Form No.4 of Appendix 'B'.

14.7. Valuable to be kept in safe/strong room – The valuable unclaimed property should be kept in safe/strong room for safe custody if there is no proper arrangement in the Court-house for its safe custody.

14.8. The provisions prescribed in regard to the checking and verification of property shall apply mutatis mutandis to unclaimed property.

14.9. Proclamation – A proclamation in the Form No.12 of Appendix 'A' shall be issued under section 523(2) of the Code in respect of the unclaimed property.

14.10. Property to be forwarded – The Magistrate shall place the unclaimed property to the Magistrate empowered by provincial Government in this behalf, if no claimant turns up, for disposal under section 524 of the code of Criminal Procedure, 1898, along with the property he shall forward (1)a copy of the order and (2)the list forwarded by the Police together with an extract from the Unclaimed Property Register.

14.11. Sale of property – Confiscated moveable property shall be sold as soon as possible after the expiry of the period of appeal or revision or after the disposal of appeal or revision, if any. The Magistrate concerned shall make proper inquiry and ascertain the fact that neither appeal nor revision is filed in the matter before the property is put to auction.

Provided that where the property produced by the Police before a Magistrate consists of perishable items and likely to subject to natural decay, the Magistrate, after keeping such an entry in the relevant form, immediately proceed to sell the property in the manner prescribed below. The sale proceeds may be deposited with Nazir of the District Court, who after expiry of six months, if no claimant comes forward, shall deposit the same in Government Treasury.

14.12. Sales by whom to be conducted and how to be made – (i) The sales shall be conducted by the Magistrate or by such other responsible person as the Magistrate may appoint in this behalf. The Magistrate shall cause a proclamation of the intended sale to be made in the language of such Court in the Form No.13 of Appendix 'A'.

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

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

(iv) It shall be incumbent upon the Magistrate to fix the upset price of the articles to be sold. Valuables should be got assessed through experts.

14.13. Mode of publishing proclamation – The proclamation shall be published by affixing a copy thereof upon the Notice Board of the District and Sessions Court, of the Court concerned, and in such other manner or mode as the Magistrate may think fit. Where the property to be sold is worth more than Rs.100,000/- and if the Magistrate so directs, such proclamation shall be published in a local newspaper after obtaining the sanction of the Sessions Judge for the cost of such publication.

14.14. Time and place of Sale – (i) The sale shall not take place until after the expiration of at least 15 days from the date on which the copy of the proclamation has been affixed on the Court Notice Board of the Magistrate holding the same.

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

14.15. Adjournment or stoppage of sale – The Magistrate may in his discretion adjourn the sale to a specified date and hour by recording his reasons for such adjournment.

14.16. Restriction on bidding or purchase by public servant or by officers – No public servant and no officer or other person having any duty to perform in connection with any sale shall, either directly or indirectly, bid for, acquire or attempt to acquire any interest in the property sold.

14.17. Sale how to be conducted – (i) Proceedings of the sale shall be written in the prescribed Form No.14 of Appendix 'A'.

(ii) If covenant, the property may be sold by lots. Valuable articles, however, should not, as far as possible, be auctioned in lots.

(iii) Sale shall be confirmed in the name of the highest bidder unless Magistrate thinks that the bid offered is grossly inadequate, in which the case property shall be put to sale again.

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

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

(vi) If the price is not paid, the property shall be re-sold.

14.18. Defaulting purchaser answerable for loss on resale – Any deficiency in the price resulting upon such resale shall be recoverable from the defaulting bidder, and if he fails to make good the same, the same may be recovered by issuing distress warrant against him.

CHAPTER XV **COPIES AND TRANSLATIONS**

Certified copies

15.1. Application for certified copies – (1) Parties to any proceeding may, on application to the Court having the custody of the record, obtain certified copies of any judgment, order, deposition, memorandum of evidence, or any other documents filed in the said proceeding. The application may be made by the party himself or by his recognized agent or by his Pleader or Advocate and may also be sent by post.

(2) Where a party applies for a certified copy by post other than registered post, the date of its receipt by the office of the Court would be the date of the presentation of the application. Whenever such application is made by registered post, the same shall be prepaid for acknowledgement and the date of posting of the letter would be the date of presentation of the application to the Court.

15.2. Application for certified copies, by non party to the proceedings – Applications for copies by parties other than parties to the proceedings shall be supported by an affidavit stating the purpose for which the copies are sought.

15.3. Scrutiny of the application – On receipt of an application, the office shall immediately scrutinize the application with a view to ascertaining the correct number of the proceeding, names of the parties, description of the document, copy of which is applied for, and whether the documents is available for copying.

15.4. Costs to be estimated – The office shall estimate the costs of the copies before the copying work is undertaken. The estimate should, as far as possible, cover all probable costs of the copies including the postage, if the copies are required to be sent through the agency of post.

15.5. Deposit of estimated costs – The applicant shall be called upon to deposit the estimated costs of the copies applied for, and make up other deficiencies then and there only, if his presence is available in the

office. In other cases, the orders of the Presiding Officer shall be obtained requiring the applicant to comply with the necessary requirements before the copying work is taken in hand.

15.6. Order on application – As soon as the office find that the application is complete in all respects, it shall be placed before the Presiding Officer who may either grant the application, or refuse it for reasons to be recorded thereon, or pass such other orders as he may deem just.

15.7. Copy to be furnished within specified time – Copy shall be furnished within 10 days of the application, if the application is complete, on the day on which it is presented, unless further delay is unavoidable, in which case the cause of delay shall be endorsed on the copy. In other case, the period of 10 days shall be computed from the date on which the application is granted.

15.8. All copies should be correct and typed or made through photo copier with good ink, on substantial paper and on the outer three quarters margin only of sheets of foolscap papers, the inner one-quarter margin of every sheet being left blank.

15.9. Costs -- (1) A flat rate of Rs.1.50 per page for ordinary copy and Rs.2.50 per page for urgent copy shall be charged per page or per manuscript page of certified copy inclusive of copying, comparing and paper costs (irrespective of whether the document be in English or in vernacular language).

(2) In case of a copy of a map or plan, the charges for copying, comparing and paper costs shall not be less than Rs.5/- and shall not exceed Rs.25/- as the Presiding Officer may determine.

(3) (i) Certified copy prepared on Photocopying Machine shall be charged at the rate of Rs.1.50 per page.

(ii) Urgent certified copy prepared on Photocopying Machine shall be charged at the rate of Rs.2.50 per page.

(iii) Charges for certified copies prepared on Photocopying Machine shall be at the same rates as specified above whether document be in English or in vernacular language,

15.10. Application by more than one person – Where more than one applicant applies for single copy of the same document, each should be supplied, at full rate with an original, not a carbon copy. But if one person applies for more than one copy, he shall, on request be given photocopy (in addition to the original copy at the full rate) up to a maximum of five, and should be charges 1/4th of the fee prescribed in rule 9 above. The paper charges shall be the same for both copy and original copies.

15.11. Endorsement on certified copy – The following endorsement shall be made on every copy of the document:-

The date on which the copy was applied for;

The date on which the application was granted;

The date of notice given to the applicant for taking delivery of the copy.

The date on which it was ready for delivery.

The date on which it was delivered/posted;

To prevent unauthorized alterations being made the date should be written in letters in distinct hand writing and the endorsement should be signed by some authorized Officer of the Court on the date on which it was made.

15.12. Simple copies – Simple copies of any documents on the record of a proceeding may be certified as true copies upon an application made in that behalf:

Provided that the copies sought to be certified are typed neatly and on good paper, and otherwise, in conformity with the instructions laid down in rule 10 above; and provided further that the applicant pays the fees herein prescribed for regular certified copies.

15.13. Copies of evidence -- (1) Notwithstanding anything contained in the foregoing rules where notes of evidence are taken down on a word

processor/typewriter to the direction of the Presiding Officer, ordinary copies of such notes of evidence be supplied on request to the parties or their Advocates, subject to the following conditions. viz:-

- i) they give an intimation in writing to the Court in that behalf before recording of the evidence commences;
- (ii) they supply the stationery required for the purpose; and
- (iii) they also pay copying charges prescribed in sub-rule (3) of rule 9.

(2) Notwithstanding anything contained in sub-rule (1) no such charges as prescribed in condition (iii) of that sub-rule shall be payable by :-

- (a) complainants and accused persons who have been given legal assistance at the cost of the Government.
- (b) public prosecutors and prosecutors appointed by the Government.
- (c) accused persons who are defended at the cost of the Government.

(3) The charges so collected shall be appropriated by the stenographer or the typist who prepares the copies. He shall not use Government stationery for such copies.

(4) Notwithstanding anything contained in the foregoing sub-rule of this rule, the Court shall have power to direct that such copies be supplied to any accused person in indigent circumstances without recovering from him any charges and without requiring him to supply the required stationery. In such a case, the stenographer or the typist shall use Government stationery.

15.14. Official translator – Translation should be prepared by an Officer of the Court qualified for the purpose, or by a translator appointed by the Presiding Officer of the Court.

15.15. Translation fee -- (1) The fees payable for translation of any document from one languages into another for the information of the accused or the court in criminal cases, shall be two rupees for every 100

words or a fraction thereof, but the Court may modify the rate for sufficient reasons.

(2) If such translations are made by a person who is not a member of the establishment of the court or by a member of the establishment of the Court, outside office hours, the fees payable in respect of such translations shall be paid to him. No fees shall be payable to a member of the establishment of the court if such translations are made by him during office hours but the fees recovered (if any) in respect of such translation shall be credited to Government.

15.16. Certification of copies – The Clerk of the Court is the Officer appointed in every Sessions Court to certify and deliver copies of all criminal records, subject to the control of the Sessions Judge within the meaning of Article 87 of Qanoon-e-Shahadat Orders, 1984.

15.17. Application of Civil Court Rules – Except in so far as is provided herein above, the rules and instructions contained in the Sindh Civil Court Rules relating to the of copies and translations, shall apply mutatis mutandis to criminal Courts.

15.18. Supply of judgment – Whenever a Court supplies a copy of its judgment free of cost to an accused person (whether convicted or acquitted), on application, an endorsement to the effect shall be made in the Diary of the concerned proceeding.

15.19. Copying – Copyists and translators shall be held personally responsible for the safe custody of the proceedings and documents entrusted to them by the Sheristedars and the Record Keepers. Suitable accommodation shall be provided for them in the Court building. But no account shall they be permitted take proceedings or documents outside the Court.

15.20. Register of applications – Record Keepers shall keep a register of applications for copies and translation in Form No.5 of Appendix 'B' and shall execute a Bond in prescribed Form No.15 of Appendix 'A' for Rs.10,000/- with one surety for a like amount as security for the copying,

translation and comparing fees held by them in deposit and for safe custody of papers and records.

15.21. Record Keeper to take charge of files and records – Record Keepers in all courts shall take charge of files entrusted to their custody and of the records of all matters ordered to be put in dormant file and all matters which have been finally determined and shall date. They shall maintain a separate dormant file and arrange the other record according to the dates of decision in annual bundles keeping Sessions cases, summary cases, other magisterial cases, Chapter-VIII (B)' cases, Criminal appeals and miscellaneous criminal application in separate bundles. They shall similarly arrange the periodical returns and such other correspondence files as may be ordered. They shall keep a list of all record in their charge including the Government gazette in the prescribed form in the general register.

15.22. Nazir – Nazir or where there are no Nazir the Accountant shall keep the accounts of the Sessions Courts in the same forms and as part of the accounts of the District Courts. The Sheristedars of the Magistrates' Court shall keep the contingent and other accounts according to the Contingent Circular of the Accountant General Sindh, Karachi and other rules in force in Financial Department.

15.23. Official record not to be removed – No member of the establishment shall remove any official paper or record whatever from the office or Court without the special sanction of the Judge or Magistrate.

CHAPTER XVI

RECORDS

CUSTODY AND RETURN OF RECORDS

16.1 (i) The custody of the record –The Sessions Judge or Magistrate shall not part with the custody of the record of case or any documents therein except as otherwise provided for in these rules.

(ii) Sessions Judge or the Magistrate shall not part with the custody of the record of a case or documents therein until the period within which an appeal or revision application can be made has expired, or until the appeal or revision application has been disposed of or unless he is directed to do so by appellate Court.

(iii) The Court may further, on an application filed in that behalf, for reasons to be recorded in writing, return any document to the applicant on the applicant giving an undertaking to produce the same whenever required to do so and filing a copy of the original document, the return of which is applied for.

16.2. Valuable documents to be placed in safe custody – Any bonds or securities, maps, treaties, and original Sanads, manuscripts and other valuable exhibits, which form part of the case and should be placed in safer custody than the ordinary record room, and be kept in the strong room for safe custody and the fact noted on the case before the paper are filed for dispatch to the record room.

16.3. (1) Police papers to be returned after trial – After the trial of the case is over, and before the papers are despatched to the record room, all police papers, except those which have been exhibited, shall be returned to the prosecution, after the period of Appeal or Revision Application is over or after the decision of the Appeal or Revision Application, if any, provided that the Court may return these papers earlier, if they are wanted for the purpose of any investigation.

(2) Similarly, documents which have been produced by parties and which are to be returned to them should be so returned before filing for the purpose of despatch to the record room.

(3) The Court may, on the application, by the party or Advocate, return the certified copy of the judgment filed along with a memo of appeal, or application for revision, after the final disposal of the appeal or application.

INSPECTION OF RECORDS

16.4. Application for inspection of record – Inspection of the record shall be given on an application stating precisely the number of proceeding, the record of which the inspection is sought, and if the application is for the inspection of prescribed register, the description and the year of the register.

16.5 Third party inspection to state purpose – A party to a proceedings or his Lawyer may be allowed to take an inspection of the record and proceedings of a case, whether pending or disposed of. No inspection shall be allowed to a person other than a party to the proceedings, unless the application is accompanied by an affidavit stating the purpose for which the inspection is sought.

16.6. Order for inspection of Judge – The order for the inspection shall be made by the Presiding Officer of the Court on the application, which may be rejected, if he considers the applicant to be an undesirable person, or for some such other reasons, to be recorded in writing on the application, as he may deem fit.

16.7 Register of inspection – An Inspection Register shall be maintained in each Court; in Form No.6 of Appendix 'B'.

16.8 Inspection before official, during office time – (1) The inspection of records shall be taken in the office at such time within the office hours and subject to such conditions as the Presiding Officer may prescribe for

the safety of the records and in the presence of such official as the Presiding Officer may direct.

(2) The Official supervising the inspection of a record shall see that no alteration are made in it or papers abstracted, and that it is returned in its original condition when the inspection is over. None other than the applicant himself shall be allowed to inspect the record and to make notes or copies there from by pencil no pen shall be allowed. It should be seen that the inspection is ordinarily completed, and the record return within the office hours fixed by the Presiding officer for inspection of the record.

(3) If the applicant fails to take inspection on the day on which the inspection is allowed to be taken, the order granting the application shall lapse, and no further inspection shall be allowed without a fresh application.

MAINTENANCE AND DESTRUCTION OF RECORDS PART-I

Papers forming Part of Court Proceedings

16.9 When record of the proceedings to be despatched – The record of a substantive criminal proceedings should not be considered due to despatch to the record room until the expiry of the period of appeal or revision application and, if any appeal or revision application has been instituted, until the disposal of the appeal or revision application,. As a matter of precaution, the records of all cases should be kept intact in the sequence of the serial numbers of the institutions, for two months beyond the period of appeal or revision and then put up for filing orders of the Presiding officer.

16.10. (i) Classification of record – After the passing of the filing order in any case, the record shall be classified and listed as 'A', 'B', 'C' and 'D'.

(ii) Arrangement of the record according to this classification is required to be made to simplify the task of maintaining the record in the record room according to the periods for which they are required to be preserved as prescribed below.

16.11. The classification of the record to be done in the following manner.

(1) The papers, which are required to be preserved permanently, such as Judgment in trials held before the Court of Session and the Appellate Court should be marked 'A'.

(2) The papers which are semi-permanent in nature, such as judgments of Court, other than the Sessions Court, should be marked 'B'.

(3) The papers which have a bearing on the merits of the case, but which are not to be preserved for a long time, such as depositions, documents produced in evidence which are not required to be returned to the parties confessions statements of the accused, etc., should be marked 'C'.

(4) The papers having no bearing on the merits of the case, such as Vakalatnamas, remand orders etc., should be marked 'D'.

(5) The papers in List 'A' shall be preserved permanently.

The papers in List 'B' shall be destroyed after 10 years.

The papers in List 'C' shall be destroyed after 5 years.

The papers in List 'D' shall be destroyed after one year.

(6) The period prescribed above for the destruction of the record shall be computed from the date of the final decision of the case in the trial Court when no appeal or revision application has been filed, and from the date of the final decision of the Appellate or Revisional Court when an appeal or a revision application has been filed.

LIST 'A'

(1) Judgment in trials held before a Court of Sessions

(2) Such papers in cases of historical or scientific value, as, in the opinion of the Sessions Judge, should be preserved permanently.

LIST 'B'

(1) Judgments in all Courts, except judgments in the trials held by the Sessions Court and except judgments in cases tried summarily in which no appealable sentence has been passed.

(2) Final order (including orders as regards the disposal of property, orders permitting withdrawal or compounding of cases and orders for payment of compensation and costs, but excluding final orders in non-cognizable cases decided on admission of the caused).

(3) Deposition of witnesses.

(4) Warrants of commitment to jail issued by the Sessions Court and warrants returned after execution of sentences in Sessions Cases.

(5) Copies of orders on petitions for mercy in Sessions cases and papers connected therewith.

LIST 'C'

(1) Roznamcha.

(2) Complaints and verifications, including those dismissed under section 203 of the Code.

(3) Orders sanctioning prosecutions.

(4) Charges and pleas of accused.

(5) List of exhibits.

(6) Depositions.

(7) Confessions and Statement of accused.

(8) Documentary Exhibits, or copies of those returned.

(9) Bonds taken from the accused for keeping peace or for good behaviour.

(10) Papers of Police inquires held on orders of a Magistrate

(11) Reports of Police Officers asking for B and c summaries and orders passed thereon.

(12) Registers excluding final orders of cases tried summarily.

(13) All papers of appeals and revision proceedings in Sessions Courts except judgments.

(14) Charge sheets.

(15) Papers of appeal in regard to recovery of fines.

(16) Copies of judgments and orders of appellate courts communicated to the lower Court.

- (17) Warrants of commitments issued by Courts other than the Sessions court and warrants returned to such courts after execution of sentence.
- (18) Petition for withdrawing or compounding cases.
- (19) Final orders in non-cognizable cases decided on admission of the Accused

LIST 'D'

- (1) Vakalatnama and memos of appearances.
- (2) Remand orders including those passed by other Magistrates under section 167.
- (3) Police papers and reports other than those referred in List 'C'.
- (4) Papers subsidiary to orders sanctioning prosecutions.
- (5) Bail papers and bonds, including appellate orders as to bail.
- (6) Summons, warrants, search warrants, proclamations, executions of processes, and all other papers under which attendance of witnesses and accused was obtained.
- (7) Commissions for examination of witnesses and returns thereto.
- (8) Applications for copies of decisions, adjournments, etc.
- (9) Notices of appeals received from the Jailor.
- (10) Writs calling for papers in revisions or appeals or copies thereof (if retained with case papers).
- (11) Intimations of results of appeals and revision applications.
- (12) Any correspondence as to sending of cases and despatch of papers of appeals, etc.
- (13) Papers and orders as to transfer of case from one Court to another.
- (14) Reports as to marks of violence on under trial prisoners in a case.

**MAINTENANCE AND DESTRUCTION OF RECORDS
PART-II**

Papers not forming part of Court proceedings.

16.12. Papers not forming part of Court Proceedings shall be preserved in accordance with the directions given below:-

A

Registers

- I. The following registers shall be preserved indefinitely:-
 - (i) Register of Sessions Cases
 - (ii) Register of Criminal Appeals in the Sessions Court.
 - (iii) Register of Miscellaneous Criminal Application in the Sessions Court.

- II. The following Registers shall be preserved for 10 years from the expiry of the year of register.
 - (i) Register of cases before Judicial Magistrate,
 - (ii) Register of Miscellaneous Cases before Judicial Magistrate,
 - (iii) Dormant File Register,
 - (iv) Register of Chapter Cases.

- III. The following Registers shall be preserved for 5 years from the date of expiry of the Registers.
 - (i) All the Registers prescribed in Chapter XXIII
 - (ii) Fine Register of the Sessions Court and Magistrate's Courts.
 - (iii) Property Register.
 - (iv) Unclaimed property Register.
 - (v) Register of Copies supplied to prisoners in jail.

B

Statement and Returns

16.13. The following statements shall be preserved for 5 years from the expiry of the period for which the statement is submitted:-

- I. Statements relating to the Annual Report on the Administration of Criminal Justice.

II. The following Returns and Statements shall be preserved for one year from the end of the month or quarter to which the statement or Return relates:-

- (vi) Monthly Return of Judicial Magistrate (Office copies and the originals submitted by the subordinate Court to the Sessions Courts).
- (vii) Quarterly Returns of Judicial Magistrate and Subordinate Courts submitted to the Sessions Court.
- (viii) Returns of Recognizance Bonds of Sessions and Magisterial Courts.

A

Miscellaneous Papers

16.14. (1). The Following papers shall be preserved for 10 years from the date specified below:-

- i)** Instructions issued for guidance on examination of accounts. From the date of receipt
- ii)** Reports of Enquiry Officers and final orders in Departmental Enquiries From the date of the final order

II. The following papers shall be preserved for 5 years from the date specified below:-

- i.** Audit Notes and Objection (Not containing instructions for guidance). From the date of receipt
- ii.** Office copies of replies or explanations to Audit Notes and Objections From the date of such replies or explanations.
- iii.** Office copies of the Consolidation Statement of fines sent to the Accountant General From the date of despatch.
- iv.** Complaint against the Police about torture or ill-treatment not resulting in criminal trials. From the date of the receipt of the complaint
- v.** Letter from superior Courts calling for reports explanations and office copies of the reports or From the date of report or explanations.

explanations submitted to the superior Courts.

- | | | |
|--------------|--|---|
| vi. | Inspection Reports and Memos and office copies thereof. | From the date of the Inspection report. |
| vii. | Statements, deposition and other records of Departmental Enquiries (other than reports of Enquiry Officer and final orders) | From the date of the final order. |
| viii. | Correspondence and office copies of correspondence relating to administrative subjects such as buildings, accommodation, strength of staff, etc. | From the date of the disposal of the subject to which such correspondence relates |

16.14. (2). The following papers shall be preserved for one year from

the dates specified below:-

- | | | |
|--------------|--|--|
| i. | Correspondence and office copies of correspondence relating to preparation of Paper Books in proceedings Before Appellant and Revisional Courts. | From the date of despatch of paper books. |
| ii. | Office copies of Intimation of Recovery of Fines. | From the date of despatch of the intimation. |
| iii. | Receipt books of payments received and disbursed in Sessions and Magisterial Courts. | After the checking of the accounts by the Head office and Auditors. |
| iv. | Original Fines Statements sent to the Sessions Judge for Consolidation Statement. | From the date of despatch of the Consolidated Statement. |
| v. | Office copies of Fines Statements sent to the Sessions Judge for consolidation. | From the date of despatch. |
| vi. | Remarks of the High Court and Sessions Judge on Magisterial Returns. | From the date of receipt. |
| vii. | Correspondence and office copies of correspondence in regard to accommodation of Young Offenders and lunatics in Reformatory Schools or Lunatic Asylums. | From the date of the order despatching such persons to the institutions concerned. |
| viii. | Other Miscellaneous correspondence. | From the date of disposal of the subject to which such correspondence relates |

16.15. (i) The inspection notes and replies to the questionnaire prepared by the District & Sessions Judges or Inspecting District Judges for being forwarded to the High Court be destroyed after three years from the date of their full compliance.

(ii) Inspection Notes and important correspondence made on the basis of Inspection Notes which have entailed administrative representation, departmental enquiry or proceedings may be preserved as permanent record.

MAINTENANCE AND DESTRUCTION OF RECORDS PART-III

General Rules

16.16. Each of the lists A, B, C and D shall be checked to see that all the papers on the record have been properly marked and kept in appropriate place. Each list shall be separately paged and indexed.

16.17. All the papers pertaining to any particular case shall be kept together in one bundle.

16.18. The Presiding Officer of the Court shall, on or before the 30th day of each month, forward to the Record Keeper of the District Court the records of all cases, which have become due for despatch to the Record-room, in prescribed Register.

16.19. Before forwarding the record of cases to the Record Keeper of the District Court, it shall be carefully examined that the amounts deposited in such matters are disbursed or orders have been issued to disburse them. Similarly, it shall be carefully seen that the orders regarding the disposal of property are noted in Criminal Case Register and property Register and full names and addresses of the persons to whom they are ordered to be returned are noted in the Property Register.

The Clerk of the Court shall personally check that the above requirements are fulfilled and shall record a certificate of having checked, in the list prescribed in paragraph below.

16.20. The record shall be forwarded with the Register in the Form No.1 of Appendix 'B' of Chapter 3 Rule 8.

16.21. The Record Keeper of the District Court shall, after comparing the Register sent under the preceding rule with the records, make an endorsement which shall be duly signed by him:-

“All cases in this Register have been examined by me and the number of cases as stated in Columns 4 and 5.”

The Record Keeper shall then note in Column No. 12 opposite each case in which he has checked punching of the stamps.

“Checked punching of Stamps”.
And he shall initial such note.

A true copy of the endorsement made by the Record Keeper shall be sent by him to the Presiding Officer of the Court so as to reach him before the next batch of records is due to be sent.

16.22. The provisions of rules 312 to 317 (both inclusive) of Chapter XVI of Sindh Civil Court Rules relating to the arrangement of records in the record room shall apply mutatis mutandis to criminal cases. The Sessions Judge may give such further orders and may prescribe such additional forms as may be found necessary but not inconsistent with the said provisions for proper arrangement of the records in the Record Room and to facilitate ready finding of any papers from the records when required.

16.23. The instructions as to inspection of the Record-room and the procedure as to the destruction of the record prescribed in the Sind Civil Court Rule for Civil Records shall apply mutatis mutandis to the records in criminal cases.

CHAPTER XVII **PERIODICAL RETURNS AND REPORTS**

17.1. Statement to be prepared – The Statements prescribed in the following rules, except those prescribed in rule 6, shall be prepared in the office of each Judicial Magistrate for their own Court to be sent to the office of Sessions Judge of the District.

All such statements except those referred to in the rule 6 shall be collected in the office of 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.

17.2. 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 small piece of paper. In no case should a blank form of return be submitted in such cases.

17.3 Sessions Statement – A sessions statement in the prescribed Form No.16 of Appendix 'A' shall be prepared every month by the Sessions Judge of the District, showing sessions trial concluded or pending at the end of the month in his Court and in the Court of other Additional 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 Sessions and Assistant Sessions Judges shall send the statement prepared by them to the Sessions Judge while the letter shall despatch the statements prepared by him along with those send to him by the Additional and Assistant Sessions Judges, if any, to the High Court not later than 15th day of the month following that to which they related. These statements shall be accompanied by copies of judgment in all decided cases bound together with an index showing the number of cases, name of the Presiding Officer and an appropriate reference to the page or pages where the judgment is to be found.

17.4. Monthly statement – A monthly statement in the prescribed Form No.17 of Appendix 'A', shall also be submitted by the Sessions Judge showing state of criminal work in the District along with the one referred to above.

17.5. Quarterly statement in murder cases – A quarterly statement in Form No.18 of Appendix 'A' shall be submitted by the Sessions Judge showing the duration of murder cases decided by all Sessions Judges in their Sessions Division. It shall be submitted on or before 15th day of the month succeeding each quarter. A brief explanation in respect cases in which there has been a delay of over a year and disposal should be given in the remarks column.

17.6. Quarterly statement of result of trial – A quarterly statement in Form No.19 of Appendix 'A' shall be submitted from each district for the first and third quarters of the calendar year. It shall be despatched by the Judicial Magistrate to the Sessions Judge on or before the 10th day of April or October as the case may be. The Sessions Judge shall after scrutiny as he may think necessary send the statement received by him together with statement relating to his own district to the High Court on or before the 15th day of the same month.

17.7. Annual statements from Magistrates – The annual statements hereinafter mentioned shall be prepared in each district by the Sessions Judges in respect of cases done by the Judicial Magistrates in their districts soon after the close of the calendar year, and shall be forwarded by the 31st of January of each year in Form Nos. 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 and 31, 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

- (ii) Annual statement in Form No.22 showing offences reported and persons tried, discharged, acquitted, convicted and sent up by Magistrates for each offence:-
- (iv) Annual statement in Form No.23 showing proceedings of Magistrates under the Code.
- (v) Annual statement in Form No. 24 concerning witnesses in all Courts.
- (vi) Annual statement in Form No. 25 showing the result of revisions.
- (vii) Annual statement in Form No.26 showing the number of Magistrates employed to dispose of criminal work.
- (viii) Annual statement in Form No.27 showing the general result of trial in Magistrates Courts.

17.8 Annual statements in Session Courts – The annual statements hereinafter mentioned shall be prepared in the Court of Sessions Judge and shall be forwarded by the latter to the High Court on or before the 15th day of February next after the close of the year to which the statements refer.

- (i) Annual statement in Form No.28 showing the number and result of trials in the Court of Sessions.
- (ii) Annual statement in Form No.29 showing the proceedings in the Court of Sessions under the Code.
- (iii) Annual statement in Form No. 30 showing the result of appeals.
- (iv) Annual statement in Form No. 31 showing women convicted for the offence.

17.9 Draft copies of statement prepared by the Judicial Magistrates to be available for inspection by Sessions Judge – The draft copies of all statements prescribed under Rules 6 and 7 prepared by the office of the Judicial Magistrates shall be available for the use of Sessions Judge upon his written requisition.

17.10. Judge to leave note for annual report – A Sessions Judge before leaving his division 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 annual report or minute embodying any points which he would have notice in the annual report had he stayed on to the end of the year.

CHAPTER XVIII

SUPERVISION AND INSPECTION

18.1. Supervision of High Court – The supervision by the High Court over subordinate judiciary are exercisable by (a) judicial side in exercise of appellate and revisional jurisdiction, (b) rating of their judgment and orders, (c) by surprise visit and (d) lastly, annual inspection in the line of Questionnaire in Form No.32 of Appendix 'A' by the Administrative Judge as far as possible, Which shall ordinarily be taken during the month of January and February with advance notice to the Sessions Judges and Judicial Magistrates' Courts selected for inspection in their Division.

18.2. Summary of information – The Sessions Judge shall thereupon give necessary instructions for preparation of the summary of information by their own office and the office of the Judicial Magistrates in the Form No.33 of Appendix 'A' with Statements A to D to be annexed with such summary of information. The Sessions Judges shall also at the close of the year promptly collect all the statistics required for the annual return prescribed for the annual administration report and shall submit the return with their report punctually by thy 1st of May each year to the High Court.

18.3. Control over Magistrates – The Judicial Magistrates are subordinate to the Sessions Judges of the Division in which they are serving and the Sessions Judges shall have general control over all Judicial Magistrates in his Division and their establishments.

18.4. Inspection of Magistrates Court – The Sessions Judges in exercise of his control, shall himself inspect or cause to be inspected by an Additional Sessions Judge, every Judicial Magistrate's Court in his Division, as far as possible, at least once in a year.

18.5. Object of inspection – The object of inspection shall be to maintain efficiency and to raise the standard of work in the Magisterial Courts. The more careful the inspection shall be the higher will be the quality of work in said Courts. The inspection shall be carried out primarily to ascertain the methods of, and the practice and procedure followed by

the Magistrate, the manner and other proceedings before him and the way in which he supervise the work of his subordinate. Efforts shall be made to ensure that undesirable and unauthorised practices are discouraged and that the method of work are improved. When an error or a fault is detected, the way to avoid it shall be explained at the same time, and it shall be pointed out how it should have been done and why. Minor matters shall be disposed of in a personal discussion with the Magistrate but all important points shall find a place in the inspection report referred to in rule 6.

18.6. Notice of inspection – (1) The Sessions Judge shall give due notice of the probable date of inspection to the Judicial Magistrate, who shall fill in before hand a printed Form and inspection report given in Form No.34 Appendix 'A', giving so far as possible upto date information so that on Sessions Judge's arrival there may be no loss of time in collecting information.

(2) Sessions Judge shall also carry out surprise inspections, where he so deems proper.

18.7 (i) After completing his inspection, the Inspecting Officer (this expression also includes the Inspecting District Judge) shall draw up an inspection report.

(ii) After the inspection has been done by the Judge other than the Sessions Judge, he shall submit his report to the Sessions Judge.

(iii) The Sessions Judge shall forward two copies of inspection report to the concerned Magistrate for compliance and for his information and guidance. He should issue suitable instructions wherever he considers necessary for the guidance of the Magistrate and members of the establishment.

(iv) The Sessions Judges also, if he deems proper, circulate among all the Magistrates in his District the instructions issued by him on any points of general importance.

(v) The Sessions Judges shall forward a report to the High Court in the form of the questionnaire as set out in rule 6 above with their respective answers.

(vi) The Court inspected by the Sessions Judge shall submit compliance report of the inspection note within three months after the inspection notes are received by the inspected Court for compliance.

(vii) The Sessions Judge may thereafter without previous intimation visit the Court inspected or depute one of his Additional Sessions Judges to verify the correctness of the compliance reported of the inspection note.

18.8. The Sessions Judge should issue suitable instructions for the disposal of old cases, if any, and if he finds that there are many cases pending for over six months or that the work is seriously in arrears, he should consult the Magistrate, and, if necessary, submit to the High Court his recommendations as to the best means of bringing the file under control.

18.9. It is desirable that inspection of both the Civil and Criminal Courts is undertaken simultaneously if both of them are located at the same place. Inspection of Criminal Courts should, thereof, be done at the same time when the Sessions Judge would visit the place for the inspection of Civil Courts.

18.10. Each Sessions Judge should report confidentially on the Judicial Magistrate, Civil Judges and Judicial Magistrates and Special Judicial Magistrates as follows:-

(i) On March 31st each year on all Judicial Magistrates then serving under him.

(ii) On March 31st each year on Civil Judges and Judicial Magistrates along with reports on Civil Judges then serving under him.

(iii) On his own transfer from a District on all Judicial Magistrates, Civil Judges and Judicial Magistrates and Special Judicial Magistrates then serving in that District.

(iv) On transfer of any Judicial Magistrate, Civil Judges and Judicial Magistrate or Special Judicial Magistrate serving under him on that individual officer:

Provided that the report need not be sent on March 31st in respect of any Magistrate upon whom the Sessions Judge has already reported within the previous six months.

.....

CHAPTER XIX
PRODUCTION OF EVIDENCE RECORDED
IN DIGITAL VIDEO DISC IN COURT

19.1. The party producing the Digital video Disc recorded evidence shall also produce the transcript of the Digital Video Disc (referred as to D.V.D.)

19.2. The Court or its authorized Officer who is to accept the D.V.D. shall accept only such D.V.D. as are under the seal of the parties producing them.

19.3. The Court, if necessary, may send the D.V.D. to some Government or reputed private Computer Forensics Lab for verification of its originality and/or identification of tempering (if any).

19.4. The Court or such officer shall play the video in order to verify whether the transcript produced along with the D.V.D. is correct or not and endorse such verification on the transcript recorded under his signature with date.

19.5. The D.V.D. shall be kept in safe custody in a cover under the seal of the Court. In case the D.V.D. is replayed or the seal is broken for any reason the D.V.D. shall be re-sealed.

19.6. The notice of production of the D.V.D. together with the transcript shall be served on the other side through the Court.

19.7. Any Party to the proceedings may apply to the Court to play the D.V.D. recorded.

19.8. The D.V.D. would be played within the hearing and sight of an Officer appointed by the Court for that purpose and as far as possible in the presence of the other side or its Advocates and the officer in whose presence it was played shall certify the authenticity and shall obtain the signatures of the parties concerned or their Advocates on its transcript. The Court on receipt of application may grant the necessary permission. However, the D.V.D. shall be played, on many times, as the Court specifically permits the display of the same. The Court while granting such permission should bear in mind that repeated use and play of the D.V.D.

may affect its audibility and visibility. The Court may also permit any party to re-record the contents produced in D.V.D. in Court.

19.9. Every Court shall maintain a record showing as to how, when and why the seal of the D.V.D. has been broken and resealed. Such record shall be kept in the proceedings along with the D.V.D. and its transcript.

19.10. The D.V.D. in a sealed cover together with its transcript shall be given a separate exhibit.

19.11. In criminal cases where appeals lies to the High Court and when the record of D.V.D. is not in English, either wholly or in part, the transcript must be accompanied by an agreed or official English translation of the said transcript or part thereof, as the case may be.

19.12. In case of discrepancy or doubt, the Court may direct the D.V.D. to be replayed and the transcript record shall be corrected if the Court so directs.

19.13. While preparing the paper book for appeal to the High Court the trial Court shall include the transcript in English under Rule 11 and a copy of record referred to in Rule 12 above.

19.14. The rule as to the production, preservation and destruction of the Court record shall mutatis mutandis apply to such D.V.D. and its transcript.

19.15. These rules shall be followed as far as possible and subject to the provision of Article 164 of Qanoon-e-Shahadat Order and Code of Civil Procedure.

CHAPTER XX **PETITION WRITERS**

20.1. Licensed Petition Writers – (1) No person other than a duly qualified lawyer entitled to practice in the Court or his clerk holding the necessary licence under the rules made in that behalf shall be permitted to prepare or write complaints, written statements, applications, list of witnesses or any other legal document within the precincts of such Court, unless he shall have obtained from the Presiding Officer of the Court a petition writers, licence, which shall be subject to confirmation by Sessions Judge.

(2) The Sessions Judge shall in consultation with the Presiding Officer of the Courts, fix the maximum number of petition writers to be licensed in each Court.

(3) The Presiding Officer of the Court may in his discretion issue a license in the Form No.35 of Appendix 'A' to selected applicants which shall remain in force till suspended or cancelled by the competent authority. Temporary licences may be issued to fill temporary vacancies.

(4) No such licence shall be granted to any clerk, bailiff or peon in the service of the Court or to any clerk of any lawyer practising in the Sessions Division.

20.2. Application for licence – Every applicant for a licence shall produce a certificate of good character signed by two lawyers practising in the Court or other reputable responsible person known to the Presiding Officer of the Court.

20.3. Duty of Petition Writer – (1) Every licensed petition writer shall attend the Court daily during office hours and shall not absent himself, without leave. He shall charge such fees only as may be sanctioned by the Presiding Officer not exceeding the scale of fee prescribed in these rules to the petition writers. He shall subscribe his name on every

documents written by him and shall note thereon the date and the fee charges. He shall also keep a register in the Form No.7 of Appendix 'B' and shall show it to the Presiding Officer when required nor shall he perform any of the functions mentioned under Rule 7(2) Chapter-21 prescribed for the Advocates' Clerk.

(2) No licensed petition writer shall act as a law tout or receive any fee for introducing clients to lawyers.

(3) No licensed petition writer shall directly or indirectly bid for any property sold at a Court sale.

20.4. Action against Petition Writers – (1) Any person committing a breach of the provisions of these rules shall be liable to a fine not exceeding Rs.500/- which may be imposed by the Presiding Officer. The Presiding Officer in addition to imposing fine may also suspend or cancel the licence of any petition writer who commits any breach of the provisions of the rules or who is guilty of any misconduct. The Presiding Officer in addition to imposing fine may also suspend or recommend to the District Judge, for cancellation of the license of any petition writer who commits any breach of the provisions of these rules or has been found guilty of any misconduct.

(2) All punishments inflicted under this rule shall be inflicted by an order in writing, after giving the person affected thereby an opportunity of being heard in his defence and all such punishments shall be subject to an appeal to the Sessions Judge. No appeal shall lie from an order whether original or appellate by the Sessions Judge.

CHAPTER XXI **ADVOCATES' CLERKS**

21.1. Qualification of Advocates' registered clerk – subject to the provisions of these rules, a person shall not be qualified to be register as an Clerk of an Advocate unless he ;

- a) is a citizen of Pakistan;
- b) has completed the age of 21 years;
- c) has passed higher secondary school certificate from a recognized Board or University, or an examination equivalent thereto.
- d) has proficiency in English, Urdu and Sindhi;
- e) provided that clauses (c) and (d) shall not be applicable to a person, who is already registered as Advocate's Clerk on the date of publication of these rules in the official Gazette.

21.2. Disqualification for enrolment – No person shall be registered as an Advocate's Clerk;

- a) If he is a convicted for an offence involving moral turpitude or implying a defect of character;
- b) If he is undischarged insolvent;
- c) If he has ever been declared a tout;
- d) If he is suffering from any contagious or infectious diseases.

21.3. Application for registration – (i) Any person desirous to be registered shall make an application to the competent authority in writing giving the following details:-

- a) Full name and address;
- b) Date of birth;
- C) Name, complete address and enrolment number of the Advocate who has engaged him;
- e) Date of engagement;
- f) Copies of recent passport size photograph; and
- g) CNIC number

(ii) That the applicant does not suffer from any disqualification under the rules.

iii) The application shall also contain a certificate OF the Advocate who has engaged the applicant to work as the clerk, that he is honest and bears good character, and that the particulars given in the application are correct.

(iv) If on examination, the competent authority finds the application to be in order, it shall enter the name of the applicant in the register of Advocate's Clerk, the authority shall issue a certificate to the Clerk ended 31st December each year subject to the renewal in Form No.36 of Appendix 'A'.

21.4. The competent authority shall prepare and maintain a register of Advocate's Clerk in form No.8 of Appendix 'B' in which ;

- i) the name of persons who were working as a Clerk of the Advocate on the date of commencement of these rules;
- ii) the name of persons who are engaged, after the commencement of the rules, as Clerk to Advocate shall be entered.

The register shall contain the following details of Advocate's Clerk;

- a) his name and address;
- b) his age;
- c) his passport size recent photograph;
- d) his date of engagement; and
- e) the name of Advocate with whom he is engaged.

21.5. Registration fee – (i) The application for registration shall be accompanied by fee of Rs.100/- and renewal fee of Rs.25/- shall be payable by 31st January of each subsequent calendar year failing the competent authority shall remove the name of defaulting clerk. The fee shall be payable in the shape of non-judicial stamp paper.

(ii) When the name of the clerk has been removed from the register under the preceding rules, his name shall not be register again unless he

pays the renewal fee of Rs.50/- along with the arrears and an extra sum of Rs.20/- per year for the period of default by way of penalty.

21.6. Rectification of register – The competent authority may remove from the register the name of a person who is dead or has incurred a disqualification or who is found guilty of any misbehaviour or false declaration or fraud or suppression or misrepresentation or grossly improper conduct in discharge of his professional duties or breach of the provisions of these rules.

21.7. Functions of registered clerk – (1) A registered Clerk shall not make any motion or advance an argument in Court nor shall he swear an affidavit as an agent of a litigant unless authorized by General or Special Power of Attorney of the litigant.

(2) He may act in the matters of routine nature which do not require the personal attendance of the Advocate and may do the following acts, namely:-

- i) receiving notice on behalf of the advocate or application with whom he is registered;
- ii) presenting an appeal or application in office;
- iii) take back application or appeal filed in office if found defective or returned to be presented in Court.
- iv) presenting to the office an application signed by the Advocate with whom he is registered for;
 - (b) Copy of document;
 - (c) Inspection of Record ;
 - (d) Return of document.
 - (e) Inspecting record, if authorized by his master and sanctioned by Court;
 - (f) Depositing money and paying court-fees;
 - (g) Receiving paper book, certified copies;
 - (h) Filing Vakalatnama;
 - (i) Identifying person swearing affidavits.

21.8. Issuance of Identity Card – (1) The competent authority shall issue an identity card to every Advocate's Clerk entered in the register on payment of prescribed fee;

(2) The Advocate's Clerk shall carry the identity card on his person when he visits Court or office of the Court and shall be obliged to show it to officer of the Court on demand.

(3) A person who ceases to be an Advocate's Clerk shall surrender the identity card to the competent authority.

(4) In case the identity card is lost or mutilated a fresh identity card shall be issued on application of the Advocate's Clerk which shall be accompanied by two recent photographs and a fee of Rs.100/-.

21.9. Complaint against registered Clerk – (1) Where on receipt of a complaint or otherwise the competent authority has reason to believe that Advocate's Clerk has committed professional or other misconduct, he shall appoint an enquiry officer to conduct an enquiry in the complaint.

(2) The enquiry officer shall, after giving a reasonable opportunity of being heard to such clerk, conduct an enquiry and submit his report to the competent authority.

(3) The competent authority on receipt of enquiry of the enquiry officer and after giving the Advocate's Clerk concerned an opportunity of making written submissions against the report of the enquiry officer and of oral hearing, if prayed for, may pass any order more of the following order, namely :-

- a) removal his name from register,
- b) imposition of fine which may extend to Rs.500/-, or
- c) suspension of registration for such period as he deem fit.
- d) on suspension such Advocate's Clerk shall during the period of suspension be debarred from acting as a Clerk and from doing any act permissible under the rules and shall forthwith

deposit the identity card with the Superintendent of District Court.

CHAPTER XXII

ANNUAL REPORT ON THE

ADMINISTRATION OF CRIMINAL JUSTICE

22.1. The statement required by the High Court for the purpose of the compilation of the Annual Report on the Administration of Criminal Justice in the Province of Sindh shall be submitted by the 1st February each year correctly drawn up. The forms of the Statement and the instructions relating thereto (in addition to the instructions below or at the back of the forms) are set out below. The Sessions Judges shall, before submitting their statements, have them checked in the light of these instructions and assure themselves that they are correctly drawn up.

22.2 INSTRUCTIONS

- (i) The statement should be submitted early enough to reach the Registrar's Office by the 1st of February of each year.
- (ii) The instruction printed on each form of statement should be carefully studied and noted.
- (iii) The annual statement should be prepared in regard to both civil and criminal cases by the District and Sessions Judges.
- (iv) The function of the Judicial Magistrate in relation to the annual statements should not be the compilation of the statements but furnishing the necessary information available to them to the respective Sessions Judge to enable the latter to prepare statements.
- (v) The Sessions Judges should arrange the preparation of statements in so far as cases under the Code.

Forms

Forms of the Annual Judicial Statements Nos.1,2,3,4,5,6 and Forms A and B in Forms No.37 to 45 of Appendix 'A' regarding Youthful Offenders dealt with under Juvenile Justice System Order, 2000 and Sindh Children Act, respectively.

CHAPTER XXIII **REGISTERS**

23.1. Registers – In addition to the Registers under the rules, the following registers and Books (in the forms given in the Appendix 'B') should be maintained in each Criminal Court:-

23.2. Registers in Sessions Court – The following registers shall be maintained in Sessions Courts, by such Clerks as the Presiding officer may, by written order, direct.

1. Register of Sessions Cases – (Form No.9 of Appendix 'B')
2. Register of Criminal Appeal – (Form No.10 of Appendix 'B')
3. Register of Criminal Revision Applications – (Form No.11 of Appendix 'B')
4. Register of Bail Application – (Form No.12 of Appendix 'B')
5. Register of Miscellaneous Criminal Applications before the Court of Sessions (Form No.13 of Appendix 'B')
6. Memorandum Book for Sessions and Appellate Criminal Work – (Form No.14 of Appendix 'B')

23.3. Registers for Magistrates Court – The following registers shall be maintained in the Court of every Magistrate.

1. Case Register – (Form No.15 of Appendix 'B')
2. Register of Chapter cases– (Form No.16 of Appendix 'B')
3. Register of Miscellaneous Criminal Applications – (Form No.17 of Appendix 'B')
4. Register of Under-trial Prisoners in Jail – (Form No.18 of Appendix 'B')
5. Register of Copies supplied to Prisoners in Jail – (Form No.19 of Appendix 'B')
6. Register of Miscellaneous reports and proceedings in the Court of Magistrates in Form No.20 of Appendix 'B'.
7. Memorandum Book for Original Work (other than Sessions Court) – (Form No.21 of Appendix 'B')
8. Register of Bail Applications (Form No.22 of Appendix 'B')

23.4. Register of witnesses – Every Court shall maintained a register of witnesses in Form No.23 of Appendix 'B'

23.5. Register of Fines – Each Court shall maintain Register of Fine for their respective Courts in Form No.24 of Appendix 'B'

23.6. Registers of dormant file – Each Court i.e. Sessions Courts and Magistrate Courts shall maintain Dormant File Register for their respective Courts in Form No.25 of Appendix 'B'.

23.7. Register of Compliance and Requisitions of records – Every Courts shall maintain register of compliance and requisition in Form Nos.26 and 27 of Appendix 'B'.

23.8. Register of registers – A register of registers in the prescribed Form No.28 of Appendix 'B' shall be maintained in the Record Room separately of Sessions Courts and Magistrate Courts register.

23.9. Instructions for maintenance of registers – (a) a new register shall commence at the beginning of each calendar year.

(b) Registers in Form Nos.9, 10, 11 and 13 of Appendix 'B' are intended for entering main cases coming up before the respective Courts and the registers in Form No.20 are intended for entering miscellaneous proceedings requiring judicial enquiry coming up before the respective Courts.

(c) Registers in Form 12 and 22 of Appendix 'B'; are intended for entering Bail Applications coming up before the Sessions Courts and Magistrates Court respectively.

(d) Proceedings forming part of a pending main case such as applications for bail, applications for discharging accused under section 169 of the Code, proceedings regarding disposal of property, etc, should not be treated as separate proceedings.

(e) Sessions Cases should be entered in the Register in Form No.9 and Criminal Appeals in the register in Form No.10; Criminal Revision Applications in the Register in Form 11 and all other proceedings coming up before the Sessions Court which require a judicial enquiry and which

cannot find in the register in Form Nos.9, 10 and 11 (and which do not form part of the pending main cases entered in the registers in Forms Nos. 9, 10 and 11) should be entered in the register of Miscellaneous Applications in Form No. 13.

(f) the following list illustrates the kinds of proceedings which should be entered in the register of Miscellaneous Criminal Applications before the Sessions Court in Form No. 13.

- (i) Proceeding under Section 22-A of the Code for appropriate direction.
- (ii) Proceedings under section 426 of the Code (suspending sentence pending appeal).
- (iii) Proceedings under section 476 of the Code (Offences affecting the administration of justice, false evidence etc.).
- (iv) Proceedings under section 480 of the Code (Contempt).
- (v) Proceedings under section 485 of the Code (Refusal to produce documents or to answer questions and failure to attend in obedience to a summons).
- (vi) Proceeding under Section 491(1A) to issue direction in the nature of "habeas corpus".
- (vii) Proceedings under section 496, 497, 497(5) and 498 of the Code, arising independently of any pending sessions case or Criminal Appeal or Revision (Bail, Cancellation of Bail, Reduction of Bail, etc).
- (viii) Proceedings under section 514 of the Code (Forfeiture of Bonds).
- (ix) Proceeding under section 528 of the Code (Transfer).
- (x) Applications for condonation of delay in filing Criminal Appeals, Revision, etc.

(g) In the case Register in Form No.15 should be entered all proceedings instituted before the Court of the Judicial Magistrate, whether on a complaint by a public official or a private party or upon a charge-sheet by the police and intended to punish an offender in respect of offences falling under the Penal Code or any other enactment. Thus,

proceedings under section 113 of the Railways Act, 1890, and proceedings under section 12 of the Child Marriage Restraint Act, 1929, etc. should be entered in this register. However, proceedings falling under the provisions of the Criminal Procedure Code mentioned in subparagraph (h) hereof should not be entered in this register.

(h) Proceedings instituted before the Court of the Judicial Magistrate, which require judicial enquiry and which cannot find a place in the Case Register in Form No.15 (and which do not form part of any of the pending main cases entered or to Register of Miscellaneous Criminal Applications in Form No.17.

(i) the following list illustrates the kinds of proceedings which should be entered in the register of Miscellaneous Criminal Applications before the Court of the Judicial Magistrate in Form No.17.

(I) Proceedings under section 87, 88 and 89 of the Code not forming part of any pending "main cases" (Proclamation of absconding accused, etc.)

(II) Proceedings under section 100 of the code (Search for wrongfully confined person)

(III) Proceedings under section 250 of the Code (False, Frivolous or Vexatious accusations.)

(IV) Proceedings under section 476 of the Code (offences relating to administration of justice, false evidence, etc.)

(V) Proceedings under section 480 of the Code (Contempt)

(VI) Proceedings under section 980 of the Code (Refusing to answer questions or produce documents and non-attendance in obedience to a summons)

(VII) Proceeding under sections 125 and 126 of the Code (Maintenance).

(VIII) Proceeding under sections 436, 437, 443 and 44 of the Code, no arising in pending main cases (Bail, insufficiency of bail, discharge of sureties, etc.)

(IX) Proceedings under section 512 of the Code (Record of evidence when accused is absent or unknown).

(X) Proceedings under section 514 of the Code (Forfeiture of bond).

(XI) Proceedings under section 523 of the Code (procedure in regard to property seized under section 51 of the Code or suspected to be stolen or where the owner is unknown.)

23.10. Instructions in regard to the maintenance of fine Register.

(i) when a new Fine Register is opened, fines which remained still to be realised in the previous years, and which have not been written off, shall be entered before the cases of the current year.

(ii) Entries about compensation awarded to the accused under section 250 of the Code, should be made in the Fine Register.

(iii) a statement of fines realised during the previous month should be sent at the beginning of each month to the Treasury Officer, who will return it after verification with the amount of fines remitted to the Treasury during the previous month. On return, the Judge or Magistrate should initial the total of realizations for the month of column 6 of the Register and note the fact of verification by the Treasury Officer.

(iv) the entries in column 1 to 5 of the Fine Register should be made as soon as sentence of fine is passed and the Judge or Magistrate should initial the amount in column 5. Space should be left between entries in the Register for endorsements in the remarks column (e.g. dispatch of warrants to Police and the returnable dates), and the Judge or Magistrate should initial such endorsements when the fine is paid, the entry of realization should be made forthwith in its appropriate column 6 initialled by the Magistrate.

(v) a person paying a fine or compensation in Court should be given a receipt, the receipt and counter-foil should be signed by the Nazir in the Sessions Court and in the court of Judicial Magistrate, by Sheristedar or Senior Clerk in the Judicial Magistrate's Court.

Provided, however, that such receipts and counter-foils shall be signed by the Judicial Magistrate himself in case no Sheristedar or Senior Clerk is appointed for his Court.

Form No.1
(Chapter 5, Rule 3)
FORM OF RECORDING CONFESSION

Before Mr. , Judicial Magistrate of District
 The accusedS/o
 Age about..... Years is brought by
 Police Head Constable/Sub Inspector before me at my Court
 at a.m./p.m. to have his confession
 recorded, a letter/memo is given to me dated from the
 Which is attached to the record.

..... have ascertained that the offence was committed at (place)
on (day) at
a.m./p.m.

1. The accused is placed in custody of my peon/armed Police Constable
 and the police (sub) Inspector/Head Constable is
 directed to leave the premises. I have satisfied myself that there is no policeman
 in the Court or in any place where the proceeding could be seen or heard except
 such armed police, not concerned in the investigation of the crime, as are
 necessary to guard the accused.
2. The accused is informed that he is no longer in police custody and is
 asked whether he has to make any complaint of ill-treatment against the police
 or others responsible for his arrest or custody. He replies :-

PART-I

Question No.1 – I am a Magistrate and have no concern with the police. Have
 you understood?

Answer ---

Question No.2 – You are now no longer in police custody. Have you understood?

Answer ---

Question No.3 – Have you any complaint of ill-treatment against the police or
 other persons responsible for your arrest or custody?

Answer ---

Question No.4 – I desire to examine your person. Do you consent to it?

Answer ---

The result of the examination is this, namely: ----

Question No.5 – Do you wish to make any statement?

Answer ---

Question No.6 – You are not bound to make a statement or there is no compulsion that you should make a statement. Have you understood?

Answer ---

Question No.7 – If you make a statement then it will be taken down and it may be used against you as evidence. Have you understood this?

Answer ---

Question No.8 – Hereafter you will not be kept in the custody of the police. Have you understood?

Answer ---

Question No.9 – Have the police or any other person threatened you to make a statement?

Answer ---

Question No.10 – Have the police or any person promised you that lesser punishment will be awarded to you if you make a statement or that you will be acquitted?

Answer ---

Question No.11 – Have the police or any other person given you any allurement to make statement?

Answer ---

(In case there are other co-accused)

Question No.12 – Have the police or any other person given you promise that if you make a statement then you will be made witness for the prosecution in the case?

Answer ---

Question No.13 – Do you still desire to make a statement?

Answer ---

Question No.14 – When did it first occur to you that you should make a confession and why did it occur to you?

Answer ---

Question No.15 – Why are you making a confession?

Answer ---

Question No.16 – Before you make any statement you are given 2 hours time for reflection. You are kept in Magisterial custody and you will not be kept in police custody. Have you understood all this?

Answer ---

The accused is informed that he is given 2 hours time for reflection. He is further informed that he is kept in magisterial custody and not in police custody, and is accordingly remanded to magisterial custody. He shall again be produced before me on at a.m./p.m.

(Signature),

Magistrate .

Dated-----

N.B. ---- Every question and every answer should be recorded in full. The signature or mark of the accused person must be affixed to the confession. The Magistrate must make the declaration at the foot of the record of the confession required by section 164(3) of the Code of Criminal Procedure, 1898.

PART-II

3. The accused is brought before me again on.....at a.m./p.m. in custody of I have satisfied myself that there is no policeman in the Court or in any place.

When the proceedings could be heard or seen, except such armed police, not concerned in the investigation, as are necessary to guard the accused.

4. The accused is asked details as to the length of time during which and he place where he has been in custody or surveillance of the police. He replies as follows:-

Question No.1 – When were you arrested by the police?

Answer ---

Question No.2 – At what place the police arrested you?

Answer ---

Question No.3 – Were you kept by the police under surveillance? If yes, since when and where?

Answer ---

Question No.4 – Since when you are in the custody of the police?

Answer ---

Question No.5 – At what places you were kept by the police?

Answer ---

5. The accused is examined as follows in order to ascertain whether he is disposed to make a confession of his own free will :-

Question No.6 – Do you wish to make a statement?

Answer ---

Question No.7 – You are not bound to make a statement and there is no compulsion that you should make a statement. Have you understood this?

Answer ---

Question No.8 – If you make a statement then it will be recorded and the same is likely to be used as evidence against you. Have you understood?

Answer ---

Question No.9 – Even if you refuse to make a statement you will not be kept in police custody. Have you understood this?

Answer ---

Question No.10 – Have the police or any other person threatened you to make a statement?

Answer ---

Question No.11 – Have the police or any other person promised you that lesser punishment will be awarded to you or you will be acquitted if you make a statement?

Answer ---

Question No.12 – Have the police or any other person promised you that if you make a statement you will be made a witness for the prosecution?

Answer ---

Question No.13 – Have the police or any other person given you any allurement to make a statement?

Answer ---

Question No.14 – Are you now willing to make a statement voluntarily and of your own free will?

Answer ---

Question No.15 – You can tell me your complaints or difficulties, if any. Have you understood?

Answer ---

Question No. 16 – I am not here to record your statement by compulsion, I am here to record your statement if you are willing to make it voluntarily and of your own free-will. Have you understood this?

Answer ---

After satisfaction that the accused is making the statement voluntarily and of his own free will,

[Note:- the accused shall not be given oath).
--

I have recorded it as follows:-

Certificate I—(In the handwriting of the Magistrate)

“Certified that the above confession was recorded in my presence and hearing and the record contains a full and true account of the statement made by the accused”.

(Signature)

Magistrate

Dated:

Certificate II: --- “I have explained to(Name) that he is not bound to make confession and that, if he does so, any confession he may make may be used as evidence against him and I believe that this confession was voluntarily made.

It was taken in my presence and hearing and was read over to the person making it and admitted by him to be correct and it contains a full and true account of the statement made by him.”

(Signature)

Magistrate

Dated:

Certificate III: --- (In the hand writing of the Magistrate).

“I certify that on the following grounds, I believe that the confession is genuine;

- (i)
- (ii)
- (ii)

I have taken the following precautions to remove the accused from the influence of police:-

- (i)
- (ii)
- (ii)

I have given the accused hours time for reflection before recording the confession.”

(Signature)

Magistrate

Dated:

6. The accused after his confession has been recorded by me, is remanded to Judicial Custody and forwarded to the Jail.

(Signature)

Magistrate

Dated:

Form No.2
(Chapter 6, Rule 5)

MEMORANDUM OF AN IDENTIFICATION PARADE HELD AT THE _____

ON _____ THE _____ 20

I, _____, Judicial Magistrate, was called upon to hold an identification parade and this is the memorandum of what took place at the parade.

I, the undersigned Judicial Magistrate, held the identification parade in the presence of the two respectable persons whose names and other particulars are given as under:-

1. (Name) _____ (age) about _____ years
(Occupation)

(Full Address) _____

2. (Name) _____ (age) about _____ years
(Occupation)

(Full Address) _____

The parade was commenced at (time) _____

The following persons stood in the parade:-

(Name) _____ (age) about _____ years.

(1)

(2)

(3)

(4)

(5)

(6)

(7)

(8)

(9)

(10)

No persons, other than those in the parade, myself, the above named two respectable persons, remained in the hall. All Police officers and constables were asked to withdraw themselves completely from the room.

The witnesses who had been called to identify the accused were made to sit in a separate room where from the place where the identification parade was held, was not visible to the witnesses.

The accused was then asked to take whatever place he liked in the parade. He stood between numbers _____ and _____ in the parade. He was then asked if he wanted to make any alterations in his dress. (Here state whatever alterations he made. If he made no alteration, state "The accused declined to make any change in his dress")

Then I asked one of the respectable persons; viz _____ to fetch the identifying witnesses and accordingly he went to the room where the witness was sitting and brought him to the place of identification. The name of this witness is _____

I asked that witness to view the parade carefully to see whether he could identify the accused person.

The identifying witness went round and looked closely at the parade and identified the accused, who gave name as _____ as the person seen him at the ward at with role played by the accused, or (The identifying witness pointed out a wrong person, viz number _____ in, the parade).

(The identifying witness was then asked to go away (or to sit in a different room, and I took precaution to see that he left the place and did not go towards the room where other witnesses were sitting and who were still to identify the accused. I then asked the accused to change his place in the parade if he liked. The accused changed his place and now stood between numbers _____ and _____ in the parade, (or, the accused declined to change his place in the parade).

Thereafter, I asked one of the respectable persons, viz _____ to fetch the second identifying witness _____ viz _____ from the room where he was seated. Accordingly, he brought the witness _____ .

I asked this witness to view the parade carefully, etc. (as in the case of the first witness).

(If further witnesses are called up, similar note should be made as regards the accused changing (or not changing) his place in the parade, or making (or not making) any alteration in his dress, and as regards calling up the further identifying witnesses, and narrating as to what happened when they were called up).

I took precaution to see that no police officer or constable was present in the identification room at any time during the whole of the proceedings and I also took precaution to see that no police officer or constable was present at the place of identification in order to eliminate the possibility of suggesting to the witnesses by any sign or gesture whatever as to where the accused had stood.

After the parade was concluded, the police officer concerned was called in, and the accused was handed over to him for being removed to the lock-up.

The parade should at (time) _____

The identification parade was conducted by me personally with the help of the two respectable witnesses, viz _____ and _____ whose signatures have been obtained in token of what took place in their presence. The identification parade has been held in a correct manner without any tutoring of witnesses or any suggestions to them.

(Signature) _____

Judicial Magistrate

(Date) _____

We read the above memorandum (or it was explained to us) and it depicts the correct state of affairs as stated in the memorandum.

(1) (Name) _____ (Signature) _____

(2) (Name) _____ (Signature) _____

(Date) _____

FORM No.3
(Chapter 6, Rule 6)

Identification of property held at in the Court of on 20..... at, a.m./p.m.
Station district in the Court of under Section of Police

Serial number of exhibit	I	II	III	IV	V	VI	VII	VIII	IX	X	Remarks
(a) Name of accused from whom recovered. (b) Name of article to be identified. (c) Number of articles mixed. (d) Any condition of the articles which is likely to affect identification (e) Precaution taken regarding above. (f) Name of witnesses with parentage and residence: 1. 2. 3. 4. 5. 6. 7. 8. 9. 10.											Signature or thumb impression of witnesses 1. 2. 3. 4. 5. 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 boundless from The articles to be mixed up were brought bycontractor/tahsil peon in..... sealed boundless. 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 proceeding 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 of20.....
- Magistrate

Form No.4
(Chapter 7, Rule 3)

ORDER SHEET

IN THE COURT OF _____

No. of 20

Date	Order with signature of Judge/Megistrate.

Form No.5
(Chapter 7, Rule 4)

IN THE COURT OF _____

Case/Application No. _____ of 20_____

Applicant

Versus.

The State.

Respondent

FIR No. _____

U/S. _____

P.S. _____

GENERAL INDEX

S.No.	Name of Documents	Exhibit No.	Page Nos.
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			

Form No.6.
(Chapter 7, Rule 5)

In the Court of Case No..... 20.....
StateVersus.....

INDEX OF EXHIBITS

Serial number	Description Of exhibits	Date of hearing	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

**Form No.7.
(Chapter 8, Rule 10)**

Exhibit No. _____

DEPOSITION OF WITNESS No. _____ FOR THE _____

I do hereby state on Oath that

My Name

Father's Name

Age

Caste

Occupation

Address

Examination-in-chief to Mr. _____

**Form No.8.
(Chapter 8, Rule 30)**

Bond for return of property (Section 517, Cr.P.C.)

Case No. _____ of 20____

_____ Complainant

Versus.

_____ Accused

Whereas _____ has received the property or documents note below in pursuance of the order of the Court dated _____ We, (1) _____ residing at _____ (2) _____ residing at _____ do hereby bind ourselves jointly and severally that the said _____ will return the said property or documents to the Court when called on to do. If the order passed in the case modified or set aside on appeal and in case of the said _____ making default herewith we the said (1) _____ (2) _____ bind ourselves jointly and severally to forfeit to the Government of Sindh the sum of Rs. _____/-

List of properties or documents

Signature _____
Magistrate

Form No.9.
(Chapter 8, Rule 30)

FORM OF SECURITY TO BE SUB-JOINED TO THE BOND
OF THE PRINCIPAL

We, _____, hereby declare ourselves sureties for the above said _____ that he shall do and perform all that he has above undertaken to do and perform and in case of his making default therein, we hereby bind ourselves to forfeit to the Governor of Sindh such sum not exceeding Rs. _____/- shall be deemed sufficient by the _____ to cover any loss or damage which the Government may sustain by reason of such default.

Date ____ 20____

(Signature)

**Form No.10.
(Chapter 11, Rule 9)**

**Form of warrant under section 491 (1) (a), Criminal Procedure
Code.**

(Cause title)

To the Officer-in-charge of (name of jail or lunatic asylum or other place, where the person is detained in custody) or to (name of person).

You are hereby required to have the body of (name) now a prisoner in your custody (or now in your custody) before this Court on the day of _____ by 8-30 a.m. to be dealt with according to law and you shall abide by such order as shall in that behalf be made by this Court (if the prisoner is detained in public custody add) and unless the said (name) shall be ordered by this Court to be released, you shall, after this Court shall have dispensed with his further attendance; cause him to be conveyed, under safe and sure conduct, back to the said (jail or asylum or other place of custody).

Given under my hand and the seal of this Court _____
this _____ day of _____ 20__

**Form No.11.
(Chapter 12, Rule 11)**

(IN APPEAL AND REVISION)

INDEX

Serial No.	Particulars	Exhibit No.	Page Nos.
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			

Form No.12.
(Chapter 14, Rule 9)

PROCLAMATION

Relating to unclaimed property to be issued under Section 523(2) of the Code.

Proclamation is hereby made that (such and such property) has been seized, under the provision of Section _____ of the Code, at _____ (or in such a place), _____ and is now lying/stored at _____ in charge of (such and such Officer.

Any person having a claim to the aforesaid property is hereby required to appear before me and establish the ownership within six months of this date, failing which the said property will be held at the disposal of Government and will be sold.

Date _____ day of _____ 20_____

(Signature) _____
Magistrate

Form No.13.
(Chapter 14, Rule 12)

Notification of the sale

IN THE COURT OF _____ JUDICIAL MAGISTRAT AT _____

Criminal Case No. _____ of 20 _____

Complainant
Accused.

Notice is hereby given that this Court has decreed the sale of the movable property, involved in the abovementioned case, and specified in the schedule hereunto annexed.

The said sale shall be by public auction and the property shall be divided into lots as specified in the said schedule and put up for sale. Or it shall be divided into lots at the time of the sale and shall be put to auction.

Provided no adjournment order is issued in the meanwhile, the said sale shall be conducted by

At _____ a.m./p.m.

On _____

All those, interested in the said auction, may attend personally or through their duly authorised agents.

Additional conditions of the auction sale are as follows:-

(1) The details contained in the following schedule have been given accordingly to the best of the Court's knowledge. However, the Court shall not be held responsible for any error or false information or details contained in this proclamation.

(2) The Officer conducting the sale shall decide by what amount the auction bids should be raised. Should there be any dispute regarding the amount of the auction-bid or the person who offered it, the lots in question shall be re-auctioned forthwith.

(3) The highest bidder shall be declared to be the purchaser of any lot, provided always that he is legally qualified to bid, and provided that it shall be in the discretion of the Magistrate or the Officer conducting the sale to decline acceptance of the highest bid when the price offered appears so clearly inadequate as to make it advisable to do so.

(4) The Officer conducting the sale may, if he finds it necessary, adjourn the sale recording his reasons for such adjournment.

(5) The price of each lot shall be paid at the time of the sale or as soon thereafter as the Officer conducting the sale directs and in default of payment, the property shall forthwith be re-auctioned and re-sold. Any deficiency in the price resulting upon such re-sale shall be recovered from the defaulting bidder.

Issue this _____ day of _____ 20____ under the signature and the seal of the Court,

Magistrate

Schedule showing the property

Lot number Description of the property for sale

**Form No.14.
(Chapter 14, Rule 17)**

SALE PROCEEDINGS

List of the movable property sold by auction at in the Court of Magistrate at

Criminal Case No. _____ of 20 _____

The property mentioned below intended for sale in the abovementioned
Criminal Case was sold today by public auction.

Sale commence at _____ a.m./p.m.

The purchase price was recovered from the highest bidder and he was given the
receipt and the property was given in his possession.

Date: this _____ day of _____ 20 _____

Witnesses --

(1) _____

(2) _____

Form No.15.
(Chapter 15, Rule 20)

FORM OF BOND

Where as, I, _____

Inhabitant of _____

_____ have been

Appointed to the office of _____

_____ and have been

Called upon to furnish security for the due discharge of the trust of the said office, and for the due account of all moneys, papers and other property which shall come into my possession or control by reason of any such office, I hereby bind myself to pay the Government of Sindh the amount of any loss or defalcation in my accounts, and to deliver up any papers or other property within such time and to such person as shall be demanded by the person at the head of the office to which I belong, such demand to be in writing and to be left at my office or place of residence, and in case of my making default herein I bind myself to forfeit to Government the sum of Rs. _____/- (insert the amount of the bond).

Date: _____

(Signature) _____
Magistrate

FORM No. 16.
(Chapter 17, Rule 3)
 Monthly statement of Sessions Trial 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 Magistrate who sent up the case	Date of		Result of trial in cases of conviction (Particulars of sentence)	No. of witnesses examined for			Remarks		
					Order of sent up	Receipt by Court of Sessions of record from Magistrate		Prosecution				Defence	No. of days occupied in the trial hearing with dates of hearing
1	2	3	4	5	6	7	8	9A	9B	9C	10	11	12

FORM No.17.
(Chapter 17, Rule 4)
 Monthly statement showing the state of criminal work in the district of _____ during
 the month of _____ 20 _____

Serial No.	Name of case	Pending from the last month	Institutions and receipts by transfer, etc	Decided	Transfer to other district	Pending at the end of the month	Pending over six months	Particulars of three oldest cases with date of institution	Remarks
1	2	3	4	5	6	7	8	9	10
1.	Sessions trials								
2.	Criminal appeals								
3.	Jail appeals								
4.	Criminal revisions								
5.	Criminal miscellaneous cases								

FORM No. 18.
(Chapter 17, Rule 5)
 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 sent up	Date of decision	Number of days taken in the disposal of the case	Duration of case	Remarks
1	2	3	4	5	6	7

**FORM No. 19.
(Chapter 17, Rule 6)**

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	Average number of days each case was pending	Number of cases pending above three months whether disposed of or pending at the close of the quarter	Appeals		Remarks
						Pending over two months	Pending over six months	
1	2	3	4	5	6	7	8	9
Sessions Judges								
Additional Sessions Judges								
Assistant Sessions Judges								
Judicial Magistrates								
Total								
Grand Total								

	1	Class of Court and name of Presiding Officer		
	2	Remaining from last year	Brought to trail during present year	Number of persons under trial
	3	Under arrest		
	4	On bail		
	5	Received on sent up		
	6	Received on reference		
	7	Received by transfer from another district		
	8	Total of Columns 2 to 7		
	9	Died, escaped or transferred to another district		
	10	Discharged		
	11	On withdrawal from prosecution	Acquitted	
	12	Otherwise		
	13	Appealable sentence passed	On regular trial	Persons whose cases were disposed of
	14	Non-appealable sentence passed		
	15	Released on probation		
	16	Appealable sentence passed	On summary trial	
	17	Non-appealable sentence passed		
	18	Released on probation.		
	19	Sent up to Sessions Court		
	20	Transferred		
	21	Persons remaining under trial at close of year		
	22	Number of cases disposed of during year		
	23	Aggregated number of days during which cases entered in Column 22 lasted.		
	24	Average number of days during which each case lasted		
	25	Number of cases pending above three months whether disposed of or pending at the close of year		
	26	Remarks		

FORM No. 20.
(Chapter 17, Rule 7)
 Annual statement showing the general results of criminal trials in the Courts of Judicial Magistrates
 In the district of _____ during the year 20____

		Persons sentenced to _____		Details of punishment	
1	Class of Court and name of Presiding Officer.				
2	Death.				
3	Imprisonment for life.				
4	Penal servitude				
5	With solitary confinement	Rigorous	Imprisonment		
6	Without solitary confinement				
7	Simple				
8	Forfeiture of property				
9	Fine				
10	Security or recognizance to keep the peace or give	Persons ordered to find or give			
11	Securities for good behaviour				
12	Security to keep the peace	Persons imprisoned in default of			
13	Security for good behaviour				
14	Amount of fine				
15	Total amount of fines during the year	Fine			
16	Total amount of fines realised during the year				
17	Amount paid by way of compensation u/s 544-A				
18	15 days and under				
19	6 months and under				
20	2 years and under				
21	7 years and under				
22	Above 7 years				
23	Remarks				

Annual statement showing the punishment inflicted by the various criminal Courts in the exercise of original jurisdiction
In the district of _____ during the year 20 _____

FORM No. 21.
(Chapter 17, Rule 7)

Nomenclature of offences with Chapter and section of the Pakistan Penal Code, or other special law, applicable.		Number of cases				Number of persons				Remarks	
		Offences reported		Balance		Acquitted		Convicted			
SCHEDULE OF OFFENCES 1- Punishable under the Pakistan penal Code. Criminal conspiracy Chapter V.A.	1	2	Schedule number of offence								
		3	Pending from the previous year								
		4	During the year								
		5	Complaints dismissed u/s 203								
		6	Otherwise struck of as false								
		7	Offences reported in and pending from the previous year								
		8	During the year								
		9	Brought to trial during year								
		10	Under trial during the year								
		11	Discharged								
		12	On withdrawal from prosecution								
		13	Otherwise								
		14	Sentenced								
		15	Released on probation.								
		16	Total Column Nos. 14 and 15								
		17	Sent up in Sessions Court								
		18	Died, escaped or transferred to another district								
		19	Remaining under trial at close of year								
		21									

FORM No. 22
(Chapter 17, Rule 7)
 Annual statement showing offences reported, and persons tried, discharged, acquitted, convicted and sent up by Magistrates for each offence
 In the district of _____ during the year 20____

FORM No. 25 (Chapter 17, Rule 7) Annual statement showing the result of revision in criminal cases in the district of ----- during the year 20-----								
Court 1 1. The Sessions Judges 2. The Additional Sessions Judges In revision from.....Total Grant Total	NUMBER OF PERSONS				NUMBER OF CASES			
	2	Total No. of appellants including those remaining from previous year						
3	Died, escaped or transferred to another district							
4	Applications rejected							
5	Order reversed							
6	Allowed or dismissed.							
7	New trial or further enquiry ordered							
8	Total, whose cases were disposed of (Columns 3 to 7)							
9	Remaining at end of year							
10	Instituted during year							
11	Disposed of during year							
12	Pending at end of year							
13	Pending over two months							
14	Pending over six months							
15	Aggregate No. of days during which the applications entered in Column 11 lasted							
16	Average during of each case							
17	Remarks							

	1	No. of Sessions and Additional Sessions Judges who did both civil and criminal work during the year
	2	No. of Sessions and Additional Sessions Judges who did only criminal work during the year
	3	No. of Assistant Sessions and Sessions and Sessions Judges who did both civil and criminal work during the year
	4	No. of Assistant Sessions and Sessions and Sessions Judges who did only criminal work during the year
	5	No. of Judicial Magistrates and Civil Judges.
	6	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
	7	No. of other stipendiary Magistrates permanently employed and any addition temporarily made in the cadre who did criminal work during the year
	8	No. of honorary Magistrates sitting singly
	9	No. of benches of Magistrates (not members of benches)
	10	Remarks

FORM No. 26.
(Chapter 17, Rule 7)
Annual statement showing the number of Sessions Judge and Judicial Magistrate employed to dispose of criminal work in the Judgeship of ----- for the year 20-----

Annual statement showing the general result of trials in original Criminal Court of -----district for the year 20-----		
FORM No. 27. (Chapter 17, Rule 7)		
Tried on Complaint		
1	No. of district	
2	No. of persons	
3	No. of cases	
4	No. of cases which ended in conviction	
5	No. of persons convicted in cases	
Tried undue the Pakistan Penal Code or Code of Criminal Procedure on police report		
6	No. of cases	
7	No. of persons	
8	No. of cases which ended in conviction	
9	No. of persons convicted in cases	
Tried undue other laws on police report		
10	No. of cases	
11	No. of persons	
12	No. of cases which ended in conviction	
13	No. of persons convicted in cases	
Tried undue Sec. 107, Criminal Procedure Code.		
14	On police reports	No. of persons tried
15	On private complaints	
16	On police re-ports	No. of persons let off on the cases being compromised
17	On private complaints	
18	On police reports	No. of persons let off because the occasion in connection with which proceedings were taken had passed
19	On private complaints	
20	On police reports	No. of persons let off on the ground that the justification for such proceedings had not been established
21	On police complaints	
22	On police reports	No. of persons actually bound over
23	On private complaints	
24	Remarks	

		Number of cases					Number of persons									
		1	2	3	4	5	That came under trial				Acquitted		12	13	14	15
6	7						8	9	10	11						
		Nomenclature of offence, with Chapter and Section of the Penal Code, or other law, applicable	Pending from previous year	Committed during the year	Otherwise instituted during the year	Total	Before commencement of year	By commitment during year	Otherwise during year	Total	On withdrawal from prosecution	Otherwise	Convicted	Died, escaped or transferred to another district	Whose cases were undisposed of at close of year	Remarks

FORM No. 28.**(Chapter 17, Rule 8)**

Annual statement showing the number and result of trials in the Court of Sessions for the District -----during the year 20-----

FORM No. 29
(Chapter 17, Rule 8)
 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 Court during the year	Number of persons concerned	Disposed of during the year				Remaining		Remarks
			Cases	Discharged	Convicted or otherwise subject to an order	Cases	Persons		
								Persons	
1	2	3	4	5	6	7	8	9	
1. Proceeding for direction under Chapter II-C 2. Proceedings against witnesses under Chapter VI-C, and Section 485. 3. Proceedings under Sec. 106 of Chap. VIII (security for keeping the peace). 4. Proceeding to issue direction under Section 491(1A) 5. Forfeiture of bail or recognizance under Chapter XIII.									

FORM No. 31
(Chapter 17, Rule 8)
Annual statement showing number of cases in which women were tried and convicted for offence under Penal Code and/or Special Laws during 20..... by

Serial No.	Sessions division	Name of woman	Date of offence	Section under which convicted	Sentence and date thereof	Sentence modified in appeal.	Brief account of the case
1	2	3	4	5	6	7	8

FORM No. 32
(Chapter 18, Rule 1)

Questionnaire

POINTS TO BE TAKEN INTO CONSIDERATION WHILE
INSPECTION OF THE COURT OF SESSIONS AND OTHER COURTS
OF ADDITIONAL SESSIONS JUDGES BY INSPECTING JUDGES

1. Whether the distribution of the work among the Judges is being done by the District and Sessions Judges personally or by the staff?
2. Whether the distribution of work among the Judges is fair and equitable?
3. Whether the Sessions Judges noticed any corrupt practice followed by office in arranging the daily boards of Judges?
4. (a) Whether it is noticed that the orders for the new furniture and/or repair of broken articles were usually placed with a particular person or firm?
(b) If yes, whether the orders were given to the said person or firm after inviting the tender?
(c) Whether any corruption was suspected in that behalf in the Nazir's office?
5. (a) Whether the furniture is in good condition and whether any articles need repairs.
(b) Whether the dead stock register is properly maintained?
6. Whether it is noticed that the writs of the High Court were sent to the lower Court promptly for compliance?
7. Whether Register of Sessions Cases, Special Cases, Criminal Appeals, Criminal Revision Applications, Criminal Miscellaneous Applications and Dormant Files Cases are maintained properly and regularly?
8. Whether all other prescribed registers are also maintained properly and regularly?
9. Whether any member of the staff is retained at the District Headquarters or at the Taluka place for unusually long time without good and sufficient reasons?
10. Whether the casual leave was granted strictly in accordance with the rules?
11. Whether service books of the members of the staff are maintained properly by making all necessary entries and regularly checked?
12. Whether select list of candidates drawn up by the Recruitment Committee is checked by the Sessions Judge occasionally?
13. Whether the list of such candidates is prepared strictly in accordance with the rules of the recruitment?

14. (a) Whether the departmental inquiry against the members of the staff is ordered?

(b) Whether the record of proceeding of the departmental inquiry was in proper order?

(c) Whether the inquiry and final decision were in proper order?

15. Whether the offices of the Court were inspected occasionally and the duties assigned to the members of the staff were found to have been fair and adequate?

16. Whether the despatch books are properly maintained by the members of the staff?

17. Whether the orders and judgements are well reasonable and the evidences have been appreciated properly and procedures have been followed in trial.

District Court Record Room

18. Whether the records were carefully examined within the prescribed time as and when they were received in the record room?

19. Whether the record room was found kept neat and tidy and the record was arranged properly and deposited without undue delay?

20. Whether the requisitions for records were promptly attended to and the record sent for by the Copying Department and/or other offices and Courts despatched within the prescribed time?

21. Whether the destruction of record was taken up every year as per rules contained in the Civil Court Rules Record Act?

22. Whether it was noticed that any exhibits or other papers had remained in the copying department unreturned even after done with and/or without being deposited in the relevant bundles?

23. (a) Whether the applications for return of documents were properly attended to and documents returned promptly?

(b) If not what are the reasons for the delay?

The questions pertaining to the following sections on Criminal side and which are set out for the guidance of the Sessions Judges and the Inspecting District Judges while inspecting the Criminal side of the subordinate Court shall be considered while inspecting all the Sessions Courts Inspecting Judges;

(1) Dormant File (Questions Nos.35 to 39)

(2) Accounts Section (Questions Nos. 40 to 62)

(3) Copying Section (Questions Nos. 63 to 71)

(4) Property (Questions Nos. 74 to 81)

(5) Library (Questions Nos. 90 to 94)

(6) General (Questions Nos.95 to 104)

24. The ascertaining of the improvement that has resulted in consequence of an earlier inspection should form part of the work to be done at a later inspection. It should also be ascertained whether the instructions issued at the time of previous inspection have been complied with and, if not, why not.

.....

FORM No. 33
(Chapter 18, Rule 2)

Summary of information regarding Court to be inspected.

[To be complied by the Court concerned and kept ready.]

1. Name of Court _____
2. Magistrate _____
 Length of Service _____
 Date of appointment to court _____
3. No. of advocates and
pleaders practising. _____
4. No. of Licensed Writers and
Copyists. _____
5. No. of clerks _____
 No. of peons _____
 How many over five
Years in this Court. _____
6. State of the file. _____
7. The Court was last inspected by _____
 On _____
8. Date of last destruction of records
and how far destruction
is up-to-date. _____
9. Library
(Requirements to be stated.) _____
10. Building and furniture
(Requirements to be stated) _____
11. General . (Matters requiring notice
By Inspecting Officer) _____

Sessions Judge
Magistrate.

Date _____

STATEMENT - B.																	
SESSIONS CASES																	
Judge.	Pending at the end of the previous year.	Filed during the year	Total	Disposed of										Pending		Remarks	
				Ended in acquittal	Ended in conviction	Withdrawal	Quashed	Transferred	Compounded	Referred to Judge	Abated owing to death of accused	Otherwise	Total	Under six months	Over six months		
1. Sessions Judge.																	
2. Additional Sessions Judge -1. Additional Sessions Judge-2. Additional Sessions Judge-3.																	
3. Assistant Sessions Judge.																	
Total :-																	

NOTES-(1) The period during which each officer held charge should be noted against each.
 (2) A separate list should be prepared for each Judge showing the section under which charge was framed and the section under which conviction was recorded.
 (3) Number of cases in which conviction was recorded on a plea of guilty.

STATEMENT - C.															
CRIMINAL APPEALS															
Judge:	Pending at the end of the previous year.		Filed during the year		Total		Disposed of				Pending		Remarks		
							Summarily dismissed	By judgment	Withdrawal	Otherwise	Total	Under six months		Over six months	
1. Sessions Judge.															
2. Additional Sessions Judge -1 Additional Sessions Judge -2															
3. Assistant Sessions Judge.															
Total :-															

NOTES :-As regards matter disposed of by judgement, a separate list should be prepared showing the number of (i) those dismissed, (ii) those in which order was set aside and (iii) those in which order was modified.

STATEMENT - D.										
CRIMINAL MISCELLANEOUS APPLICATIONS										
Judge.	Pending at the end of the previous year.	Filed during the year	Total	Disposed of				Pending		Remarks
				Summarily dismissed	By judgment	Withdrawal	Otherwise	Total	Under six months	
1. Sessions Judge. 2. Additional Sessions Judge -1. Additional Sessions Judge-2. Additional Sessions Judge-3. 3. Assistant Sessions Judge. Total :-										

NOTES:-As regards matter disposed of by judgement, a separate list should be prepared showing the number of (i) those dismissed, (ii) those in which order was set aside and (iii) those in which order was modified.

Form No.34
(Chapter 18, Rule 6)

INSPECTION REPORT

Name of the Magistrate with date on which he came to this Court.

(1) State of Building.

(2) List of Establishment.

		Name	
Educational Designa--	Pay		Date of first

In the column of remarks, it should be noted whether any member of the establishment is over 59, and if so, reference should be made to the order granting extension of service. It should also be stated whether any members of the establishment are nearly related.

(3) No. of Pleaders practising in the Court.

(4) No. of Licensed petition writers, if any.

(5) (a) No. of cases on the file on the last day of the previous month.

(b) No. of cases over six months old on the last day of the previous month.

(c) No. of cases on file on the corresponding day of the previous year.

(d) No. of cases on the dormant file.

(e) No. of applications under Criminal Procedure Code, pending on the last day of the previous month.

(f) No. of criminal proceedings pending for more than six months.

(g) No. of cases triable by Sessions Court pending on the file on the last day of the month.

(h) No. of cases in which the accused persons are in jail and since how long.

(6) Remarks of the Magistrate on the state of the files.

(7) Whether any of the instructions issued at the time of the previous inspection have not been carried out and, if so, why.

(8) Any other matters which the Magistrate may wish to bring to the notice of the Sessions Judge.

Judicial Working and Procedure

1. Whether the Magistrate begins his work punctually at the prescribed hours and whether he observes regular hours of working?

2. Whether any complaint was received regarding attendance and/or sitting in Court of the Magistrate?

3. If so, whether any inquiry was made in that complaint?
4. Whether the Magistrate was properly dressed?
5. Whether the Magistrate conducts himself satisfactorily while hearing cases?
6. Whether the Magistrate fixes the dates personally in an open Court or he leaves this work to the Bench Clerk?
7. Whether the Magistrate arranges the daily boards properly?
8. Whether the Magistrate physically verifies all the pending cases with reference to the balance sheet at the end of each month before submitting the monthly return?
9. Whether the Magistrate maintains balance sheets of all categories of Criminal Proceedings?

Court Building

10. Whether the Court rooms and other rooms in the Court building and compound of the Court are maintained in clean and tidy condition?

State of File

11. The number of Criminal Cases pending below six months, over six months, over nine months and over twelve months as on the first day of the month in which the inspection of the Court is undertaken.
12. The number of Criminal Cases pending below six months, over six months, over nine months and over twelve months as on the corresponding day of the previous year.
13. (a) Whether there is large number of ineffective cases?
(b) If yes, what are your suggestions?
14. Whether there has been reduction in the file during the period of one year and, if not reasons for the same?
15. Whether the disposals of the Magistrate are adequate? (The disposals of one year before the inspection should be examined).

Examination of Records

16. Whether summonses or warrants were promptly issued soon after the cases are registered?
17. Whether the Magistrates hears the cases from day to day as far as possible and examines as many witnesses as he can out of those who are present on the day?
18. Whether there are too many hearings in the cases and whether adjournments are granted on the insufficient and inadequate grounds?
19. Whether the arguments are heard soon after the evidence is recorded and judgments are delivered within a reasonable time thereafter?

20. Whether the priority is given to the cases in which accused persons are in custody?
21. Whether the priority is usually given to the cases pending over six months?
22. Whether the Magistrate makes a proper use of summary powers?
23. Whether any unwholesome practice is the conduct of the proceedings, such as use of typed or cyclostyled judgements or use of rubber stamps for recording pleas, was noticed?
24. Whether bail bonds were obtained properly and whether solvency or otherwise of sureties offered by the accused persons was properly determined by the Nazir or the Senior Clerk and endorsed by the Magistrate?
25. Whether any corrupt practice was noticed in accepting sureties?
26. Whether it was noticed that some persons often stood sureties in various cases?
27. If yes, what remedies do you suggest to stop such practice?
28. Whether diary is maintained properly and contains faithfully history of the cases?
29. Whether the papers and documents filed in the cases were classified as ABCD and the markings of their classification was noted against each paper or document in the margin of the diary?
30. Whether the documents admitted and exhibited in the evidence are referred to in the body of the evidence recorded in the case?
31. Whether proper endorsement is made on the documents admitted and exhibited in the evidence?
32. Whether the necessary endorsement is made below the statement of accused recorded under section 342 of the Code?
33. Whether papers of each case are properly arranged and kept in separate files as laid down in the Criminal Rules?
34. Whether the record of decided cases is properly arranged or classified as required and whether it is maintained properly?

Dormant File

35. Whether cases are kept on the dormant file in accordance with the provisions laid down in rule 5 of Chapter 9 pertaining to dormant file?
36. Whether cases kept on the dormant file are entered in the Dormant File Register and the dormant file register is maintained properly and regularly?
37. Whether warrants, Summonses, etc. Were issued to the absconding accused persons repeatedly as per provisions of Criminal Rules?
38. Whether steps are required by sections 87 and 88 of the Code were taken against the absconding accused persons?

Registers

39. Whether all the registers prescribed by the Criminal Rules are properly maintained or not?

Accounts

40. Whether all the account registers are maintained properly.

41. Whether any discrepancies in the accounts of the Court particularly between the Cash Book and the Treasury Pass Book were noticed?

42. Whether any fraud, misappropriation or falsification of account was suspected in the maintenance of accounts?

43. Whether any erasures and interpolations or corrections were noticed in the Cash Book or C,D,G and E Register or Daily fee book? If yes, whether any fraud, misappropriation or falsification of account was suspected?

44. Whether the accounts, particularly cash book were written daily and placed before the Magistrate daily for his signature?

45. Whether the remittances to the treasury are made regularly and without delay?

46. (a) Whether the cash balance in the hands of the Nazir or Senior Clerk was verified by the Magistrate regularly as required?

(b) Whether the cash balance in the hands of the Nazir or Senior Clerk tallied with other account books and, if not, what are the reasons for the difference?

(c) Whether any fraud, misappropriation or falsification of account was suspected thereby?

47. (a) Whether the case in the hand of the Nazir or Senior Clerk exceeded the prescribed limit and, if so, on how many occasions?

(b) Whether the excess cash was retained at hand with the permission of the Magistrate?

(c) Whether it was suspected that the retention of excess cash in hand on any day without permission, was deliberate and for private use of the Government Servant?

48. (a) Whether any instance was noticed in which the payment was made to a person without taking his signature or thumb impressions, as the case may be?

(b) If yes, whether it was satisfied that the same was made to the proper person?

49. Whether any instance was noticed of harassment caused to the litigants while making payments to them?

50. Whether any complaint was received from any quarter about the Clerk of the Court and/or the Nazir (Senior Clerk) extracting money from litigants and/or Advocates under one pretext or another?

51. Whether it was satisfied that the cash in the hands of the Nazir or Senior Clerk was verified by the Magistrate at least once in a month without previous intimation?
52. Whether diet and road money was paid to the witnesses in accordance with scales prescribed in the Criminal Rules and whether proper vouchers are obtained, whenever necessary?
53. Whether the fine register is maintained in the prescribed form and whether it was properly filed in and initiated by the Magistrate?
54. (a) Whether any receipt in the receipt book was found undelivered to the accused person for payment of fine?
(b) If yes, whether the Nazir or Senior Clerk offers proper explanation in that respect?
55. Whether it was satisfied that the fine realised was remitted to the treasury without delay?
56. (a) Whether any erasures, interpolations or corrections were noticed in the fine register?
(b) If yes, whether any fraud, misappropriation or falsification of account was suspected in that behalf?
57. Whether an intimation about the payment of fine received on behalf of the accused person is promptly given to the Jailor in the prescribed form?
58. Whether a person paying a fine or compensation is given receipt in the prescribed form and whether receipt is signed by the Magistrate?
59. Whether the refund of fine ordered by the Appellate Court or Revision Court is returned to the accused promptly?
60. Whether the statement of fine realised during the month is sent to the treasury in treasury and Whether the said statement is returned duly verified by the Treasury Officer?
61. Whether the balance of fine outstanding in the previous year or years is carried forward to the new fine register opened for the current year?
62. Whether proper steps were taken either to recover the outstanding fine amount or to write off the same from the fine register?

Copying Section

63. (a) Whether copying charges are properly taxed and recovered?
(b) Whether ordinary copies were furnished to the parties within the stipulated time or not?
(c) If not, how often during the last six months and reasons thereof?
64. Whether any delay was noticed in supplying urgent copy, and if yes, duration of delay?

65. Whether copies were supplied in a chronological order of the applications made for them? If not, what are the reasons?
66. Whether corruption in the copying section was suspected?
67. Whether excess copying charges were properly refunded to the parties concerned or not?
68. (a) Whether instructions contained in Sindh Civil Court Rules regarding intimation or date for delivery of copy were followed and the copy was delivered on the date of intimation to the applicant concerned?
 (b) If not, what are the reasons?
 (c) Whether any corruption was suspected in this respect?
69. (a) Whether any certified copy was found lying undelivered for a long time either on the ground of refusal of V.P. Parcel or any other ground?
 (b) If yes, whether the Magistrate took proper steps for the recovery of copying charges?
70. Whether the diary of the copyist was properly maintained?
71. Whether the monthly account of copying fee is properly maintained and whether the copying charges are credited to the Government regularly at the end of each month?

Process and Process Fee Register

72. Whether the process was properly prepared?
73. Whether the process register was properly maintained and instructions contained in the Criminal Rules are followed?

Property and Property Register

74. (a) Whether the registers both general and valuable are maintained properly?
 (b) Whether the balance sheets of properties are regularly maintained and whether they are up to date?
75. Whether all the articles are labelled properly for the purpose of identification?
76. Whether the articles are arranged category wise and year wise and precautions taken to prevent tampering with it or mixing up of the articles?
77. Whether proper care for the safe custody of the valuable articles is taken?
78. Whether the general and valuable property is periodically checked as per provisions contained in the Criminal Rules?
79. Whether the orders regarding disposal of articles in decided cases are noted down in the register regularly?
80. Whether the steps are taken regularly to dispose of muddemal articles in decided cases?

81. (a) Whether any articles of property are found missing?
 (b) If yes, any fraud or misappropriation was suspected, or not?
 (c) After the fraud or misappropriation is detected, what steps are taken in this behalf?

Moster of decided cases

82. (a) Whether moster of decided cases is sent to the Record office regularly as required by the rule 9 of Chapter 16.
 (b) If not, how far the work is found in arrears?

Establishment

83. Whether any member of the staff was retained at the Head Quarters or at any Taluka places for unusually long time without good and sufficient reasons?
84. Whether the casual leave account of the members of staff is verified and whether the casual leave was granted strictly in accordance with the rules?
85. Whether service books of the members of the staff are properly maintained and necessary entries are made therein?
86. Whether there was any occasion to hold departmental inquiry against the member of the staff and what action was taken?
87. Whether quarterly inspection of accounts was taken regularly by the Magistrate and a report, regarding the same is sent to the Sessions Judge?
88. Whether the distribution of work assigned to the members of staff was proper or not?
89. Whether anything unfair, inadequate, irregular or unusual was noticed in the management of the office affecting its efficiency?

Library

90. Whether the catalogue of library books is maintained properly?
91. (a) Whether all the library books are forthcoming?
 (b) If not, what steps are taken for recovery of the missing books?
92. Whether the library books were regularly verified by the library clerk and a report to that effect was sent to the presiding Magistrate through the Clerk of the Court or Senior Clerk?
93. Whether the library books are verified by the Magistrate at any time?
94. Whether library books were properly labelled and classified?

General

95. Whether the stationery articles were properly kept and whether their account is properly maintained?
96. Whether all the stationery articles are forthcoming as per stationery account?

97. Whether the blank forms are kept and arranged properly and proper account of forms is maintained?
98. Whether service stamps account and private stamps account are properly maintained?
99. Whether the files of Government Resolutions etc and files of Miscellaneous papers were properly kept?
100. Whether the furniture is in good condition and whether any furniture articles need any repairs?
101. Whether the dead stock register is properly maintained or checked?
102. Whether the muster roll as well as the late muster roll are properly maintained?
103. Whether separate register of writs as prescribed by the High Court are maintained?
104. Whether writs are promptly and properly complied with?
105. Whether the summaries in decided cases are issued to the Police regularly and promptly?

**Form No.35
(Chapter 20, Rule 1[3])**

LICENCE OF PETITION WRITERS

IN THE COURT OF _____

To,

You are hereby appointed a petition writer in the Court of _____ subject
to the rules framed by the High Court in this respect .

(Seal)

(_____)

PRESIDING OFFICER

FORM No.36
(Chapter 21, Rule 3[iv])

Certificate for Advocates' Registered Clerks

IN THE COURT OF SESSIONS JUDGE _____

Registered Clerks' Certificate No.____

Not transferable

This is to certify that Mr. _____ son of
_____ aged _____ now residing at
_____ is a registered clerk employed by
Advocate and that he is entitled in connection with his employer's
business to have access to the office of District & Sessions Courts and the
offices attached thereto.

This certificate is valid for one year.

SESSIONS JUDGE _____

Dated the _____

FORM No.37**(Chapter 22, Rule 2)****ANNUAL STATEMENT No.1 CIVIL AND CRIMINAL FOR THE
DISTRICT OF _____ FOR THE YEAR OF 20_____**

Return showing the number of Officers of each class exercising Appellate and Original Jurisdiction in the district on the 31st day of December 20_____.

Class of Courts	Officers Exercising Original Jurisdiction	Officers Exercising Appellate Jurisdiction	Officers exercising Both Original and Appellate Jurisdiction	In the District		Remarks
				At H.Q.	Talukas	
1	2	3	4	5	6	7
COURTS OF SESSIONS						
*Sessions Judge						
*Additional Sessions Judge						
Assistant Sessions Judge						
Total:-						
(1)Judicial Magistrate						
(2)Special Judicial Magistrate						
(4)Special Magistrate						
(5)Benches of Magistrates.						
Total:-						
CIVIL COURTS						
(1)District Judge						
(2)Additional District Judge						
(3)Senior Civil Judge						
(4)Civil Judge						
(5)Family Judge						
Total:-						
Grand Total:-						

Form No. 38
(Chapter 22, Rule 2)

ANNUAL STATEMENT No.2

**Statement showing the number of cases decided by the various
courts**

	Court	Total Number of cases decided				Remarks
		Original		Appellate		
		Regular	Miscellaneous	Regular	Miscellaneous	
	1	2	3	4	5	6
1.	District Court.					
2.	Civil Court.					
3.	Family Courts					
4.	Rent Controllers					
5.	Sessions Courts.					
6.	Judicial Magistrate Courts					

(To be printed at back)

Notes:- (1) In Column 3 against Civil Courts should be shown the total number of applications for execution of decrees. Insolvency applications and Miscellaneous Cases and the details should be given in the Remarks Column.

(2) In Column 3 against Criminal Courts should be shown total number of proceedings under Section 485 and 510 and 250 of the Code .

(3) In Column 5 against Criminal Court all cases of Revision and Miscellaneous Applications under the Criminal Procedure Code should be entered.

Form No. 39
(Chapter 22, Rule 2)
ANNUAL STATEMENT No.3 (Criminal)

Statement showing the position of trials of criminal cases in the Courts of various classes in the district of _____ in the year 20_____.

Class of Courts	Number of offences reported	Number of persons under trial	Persons whose cases were dispose of						Persons remaining under trial at the end of the year.	Number of cases pending at the beginning of the year.	Number of cases instituted during the year.	Number of cases disposed of during the year.	Remarks	
			Discharge or acquitted	Dealt with under the Probation of Offenders Act.	Convicted	Committed or referred	Died	Escaped						
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
(1)Courts of Sessions (including Additional Sessions judge)														
(2)Courts of Special Judge														
(3)Courts of Assistant Sessions Judge														
(4)Judicial Magistrate														
(5)Special Judicial Magistrates														
(6)Branches of Judicial Magistrates														
(7)Special Magistrates														
Total:-														

(TO BE PRINTED AT BACK)

No.3, Notes:-

Column 1:- Sub-head "Courts of Sessions" Includes cases decided by Sessions Judges on reference under Section 123 of the Code.

Column 3:- That is the total of the entries of Columns 4 to 11. The cases of persons transferred from one Court to another in the same District will appear only against the Court by which decided or in which pending at the end of the year if not decided.

Column 6 :- Persons whose cases were referred to a superior Court for higher punishment, for orders under ;probation of Offenders Act, 1962 or for confirmation of sentence will be entered in Column 7 and not in Column 6 against the Courts making the reference. Against the Court receiving the reference, they will be shown as convicted or acquitted according to the orders passed by it or as pending, if orders have been passed.

Column 7:- These cases will be shown against the Courts, who made the reference entry being made as directed above.

Column 8,9, & 10 :- A Break-up of the total figures for each Court should be given for showing separately how many accused persons died, escaped or were transferred to another District.

Column 11 :- An insane accused who has been sent to a mental hospital should be kept on the file and entered in this column until he has been tried and either convicted or acquitted.

General :- The Figures in this statement should agree with those of Statement No.11 and should include nothing else.

Form No. 40
(Chapter 22, Rule 2)

ANNUAL STATEMENT No.4 (Criminal)
Statement showing the position of Appeals and Revisions in criminal cases in the District of _____ in the year 20

1 Courts	Number of persons							Number of appeals or Applications for revision				13 Remarks
	2 Number of Appellants and Applicants for revision before the Courts	3 Appeals or Applications rejected	4 Sentence or Order confirmed	5 Sentence altered	6 Sentence reversed	7 Otherwise disposed of	8 Died, escaped transferred to another District	9 Pending Trial	10 Instituted	11 Disposed of	12 pending	
Appeals:- To Courts of Sessions												
Total:-												
Revisions: By the Court of Sessions												
Total:-												
Grand Total:-												

(TO BE PRINTED AT BACK)

ANNUAL STATEMENT No.4 – Contd.

Column 1 :- That is the total of Columns 3 to 9. Cases transferred from one Court to another in the same District will appear only against the Court of the District by which decided or in which pending at the end of the year if not decided.

The words, “Applicant for revision” in the heading of the column should be held to include only accused persons on whose behalf an application for revision is made, or in whose interest the Magistrate or Judge may take steps to obtain revision on his own motion. Where such application is made or such steps are taken on behalf of a complaint, that fact should be noted with the number of complainants and the number of accused concerned in the column of Remarks. In the latter case, the accused persons against whom the application is made, through not appearing in this column, will fall into their proper places in columns 3 to 9, according to the result of such application.

Column 4:- Appeals dismissed under Section 421 of the Code, should be entered in this column.

Column 7 :- In this column should be entered (1) Ordered of discharge set aside by Superior Courts under Section 436 of the Code of Criminal Procedure 1898, (2) Proceedings quashed in appeal and new trial or further inquiries ordered, (3) Cases referred to the High Court and (4) All other cases which do not fall under Columns 4,5 and 6.

Column 8:- A note against the figure for each Court should be made in the column of Remarks showing separately how many accused persons died, escaped or were transferred to another District.

Column 10:- The number of persons dealt with under section 106(3) of the Code of Criminal Procedure, 1898.

General:- Persons whose appeals were rejected under Section 423 of the Code of Criminal Procedure 1989, should be entered in Column 3 in which should also be included applicants for revision whose cases the Courts have refused to submit to the High Court. In columns 4 to 6 should be shown opposite the sub-heads for Magistrates of District and Courts of Sessions persons whose cases were disposed of those Courts without reference to the High Courts.

1	2	3	4	5	6	6A	7		8		9	10	11	12
Defamation, Chapter XXI. Attempts at Do.														
Criminal intimidation, insult, & annoyance, Chapter XXII. Attempts at Do.														
Offences under Special and Local Laws. Attempts at Do.														
Grand total														

(TO BE PRINTED AT BACK)

Column 1 :- (1) "Abetments" should be included with the substantive offences abetted.

(2) When giving the list of Special and local laws, against which offences have been committed, care should be taken to specify the title of each Act quoted, as well as its number and year. They should be given in alphabetical order, first the central and then of the local legislature distinguishing the latter by initial letters placed after the number of the Act.

Column 2 :- All offences (cases) of which information was given, complaint made or cognizance taken under Chapter IV, V, XII and XVI of the Code, for the first time during the year, are to be shown although some of the charges may not have been prosecuted or may have turned out to be false.

Column 3 :- This column should be the total of Column 2, less the number of cases dismissed under Section 203, of the Code of Criminal Procedure and less all other cases in which a Magistrate declared that the charge was false and less all other cases in which a Magistrate declared that the charge was false, and that the offence never, occurred or which were dismissed as frivolous and vexatious and in which the complainant was directed to pay compensation under Section 250 of the Code , 1898.

Column 5 :- This column should be the total of Columns 6 o 9.

Column 6 and 7 :- These Columns are intended to show the results of trial in the Magistrate's Court as regards persons whose cases were disposed of by Magistrate, and in the Courts of Sessions as regards persons whose cases were disposed of by the Court.

Column 8 :- Persons transferred from one Court to another in the same District are not to be entered in this Column. Persons transferred to another State should, however, be shown separately in the Remarks Column.

General :- (1) Cases sent up should not be included in the Statement by the Magistrate. The result of the trials in these cases should be shown by the Courts to which the cases are sent up. If the total of Columns 6 and 9 be deducted from the total of Column 3 of the Statement the difference should correspond with the total of Column 5 of the Statement.

(2) Sessions Judge should append to this Statement a memorandum showing the number of murders reported at true under the heads (1) from motives connected with women, (2)of children for their ornaments, (3)other murders for the sake of gain, (4) for other causes.

(3) The heading "Offences under Special and Local Laws" " Attempts at do and" and statement No.11 (Criminal) should include cases under Section 107,108,109, 110,117,121 and 122 of Chapter VIII of the Code.

(4) Case of contempt of Court under Chapter XXV of the Code should appear in the Statement under their appropriate head in the Schedule of offences under the Penal Code.

**Form No. 42
(Chapter 22, Rule 2)**

ANNUAL STATEMENT No.6 (Criminal)

Statement showing the manner of disposal of Criminal Cases by various Courts in the District of _____ in the year 20_____.

Class of Courts	Number of persons Executed	Number of persons sentenced to				Released on admonition under section 3 of Probation of Offenders Act, 1960	Bound over under section 4 of Probation of Offenders Act, 1960	Dealt with under the Probation of Offenders Act
		Death	Imprisonment for life	Imprisonment for lesser term	Fine or Forfeiture			
1	2	3	4	5	6	7	8	8A
(1) Courts of Sessions (including Additional Sessions Judges.)								
(2) Courts of Assistant Sessions Judges								
(3) Judicial Magistrates								
(4) Courts of Special Judges								
Total:-								

	Number of persons sentenced to fine of		Total amount of Fine			Number of persons sentenced to imprisonment			Remarks
	Rs.1000 and under	Over Rs. 1000	Imposed	Realised	Paid as Compensation	15 days and under	Above 15 days to 6 months	Above 6 months to 2 years	
9	10	11	12	13	14	15	16	17	18

Column 1 :- Sub – head "Courts of Sessions" includes cases decided by Sessions Judge on reference under Section 31 and 123 of the Code.

Column 12 :- Includes fines realised during the year, though imposed in previous year. This Column is intended to show the realized portion of fines imposed by officers in the exercise of original jurisdiction only.

Column 13 :- Represents compensation awarded to complainants under Section 544-A of the Code. These awards should also be shown under the head fines "imposed" and "realized" in Column 11 and 12, for they form part of such fines.

General :- (1) The total Column 5 should correspond with the total of Columns 14 to 17 (both inclusive) and deducting the number of persons sentenced to forfeiture which should be shown in the Remarks column, the total of the remainder in column 6 should correspond with the total of Columns 9 and 10.

(2) This statement is meant to exhibit every sentence passed, and where two penalties are inflicted on the same offenders, to exhibit them both. Further, to reconcile the number of persons entered in this Statement as punished with the number entered as convicted in Statement No.9, it is necessary to note cases such as those in which children are dealt with under the Juvenile Justice System Act/order 2000 by Special methods or young offenders are submitted to detentions in a Borstal School in a foot-note.

(3) As regards persons whose cases were referred for higher punishment, for orders under Section 3 of the probation of Offenders Act 1960, or for confirmation of sentence, the punishment, if any, sanctioned by the higher Court should be entered against such higher Court and not against the Court making the reference.

**Form No. 43
(Chapter 22, Rule 2)**

ANNUAL STATEMENT No.7 (Criminal)

Statement showing the methods of Probation employed in the District of _____ and the results thereof in the year 20_____

Name of the Court	Number of persons bound over as in column No.4 & put under supervision of			
	Offenders Act with under the Probation of Total Number of persons dealt	Number of persons released on admonition.	Number of persons bound over with or without sureties to appear and receive sentence and in the meanwhile to keep peace.	
	Probation Officer appointed by Government	Any other fit person appointed by Court as probation Officer	Probation Officer as required to reside at Probation home, hostels or other place	
	Number of persons ordered to pay compensation and/or costs to victims.	Number of persons in whose case the bond was discharged.	Number of persons in whose case the bond period was diminished and/or the conditions of the bond were relaxed.	
	Number of persons in whose case the bond period was extended and/or the conditions of the bond were tightened.	Number of persons who were fined for violating the conditions of the bond.	Number of persons who were sentenced for the original offence on violating the conditions of the bond	

1	2	3	4	5	6	7	8	9	10	11	12	13	14
1)High Court													
2)Sessions Court (including Special Judge's Court)													
3)Magistrates Courts (Including Special Magistrates.													
4)Other tribunals (including Nyaya Panchayats & Executive Magistrates)													

(To be printed at back)

Column No.1 :- Sub – head “High Court” includes cases decided by the High Court.

Column No.1 Sub – head “Sessions Court” including Special Judge’s Court includes cases decided by the Sessions Judges.

Column No.2:- That is the total column Nos.3 to 14. The cases of persons transferred from one court to another in the same District will appear only against the Court by which decided.

N.B. 1 General :- The figure given in column No.2 of this statement should correspond with the figures in column No.5 of Statement No.9 column No. 6A of Statement No.11 and Column No.8A of Statement No.12 and should include nothing else.

N.B. 2:- The column of Grant Total should be included in statement No.15.

Form No. 44
(Chapter 22 Rule 2)

ANNUAL STATEMENT No. A (CRIMINAL)

STATEMENT OF CASES AGAINST YOUTHFUL OFFENDERS DEALT WITH UNDER THE
JUVENILE JUSTICE SYSTEM 2000

Description of offences	Number of cases disposed of in the year	Number of Child offenders					
		Acquitted or discharged	Convicted and sentenced	Released on probation of good conduct and committed to the case of fit persons under section 11(a)		Committed to Borstal/Institution 11(b)	
				With supervision	Without supervision	Certified schools	Fit person Institution
1	2	3	4	5		6	
Convicted and Sentenced			Dealt with in any other manner	Total number of Children			REMARK
				BOYS	GIRLS	TOTAL	
7			8	9			10

(To be printed at back)

Note No.1 :-- Judicial Statement 5 prepared for the Annual Administration Report should include offences by Children "found to have committed" an offence should be included in column 7 as "convicted" the difference in terminology begin discharged for this purpose.

Note No.2 :-- The description should be as in column 1 of Judicial Statement 5.

Note No.3 :-- Columns 4 to 8 of this Statement are intended to exhibit every method of dealing with child offenders adopted under the Children Act, and where two methods are adopted as regards the same child to exhibit them both.

Note No.4 :-- Column 9 is intended to show the total number of Children, sub-divided according to sex, appearing as accused before the Courts.

Form No.1
(Chapter 3 Rule 8)

Register of record consigned to Record Room

General Record Register in the Court of _____

Serial No.	No. and year of the case together with the names of the parties	Date of decision with dates of decision in revisional or Appellate Courts, if any	No. of papers in the case as per Roznama	No. of papers filed after the decision	Exhibits not to be destroyed
1	2	3	4	5	6

Date of receipt	Shelf or cupboard	No. and year of appeal	Date of destruction	If destroyed to what extent	Remarks
7	8	9	10	11	12

Form No.2
(Chapter 3 Rule 12)

LIBRARY REGISTER (ACCESSION)

Date of Accession	Accession No.	AUTHOR	TITLE	PLACE OF PUBLICATION

FORM No.3
(Chapter 10 Rule 3)
Register of Oath Commissioner

1	2	3	4	5	6
Sr. No.	Date and time of making affidavit	Particulars of the case which affidavit relates	On whose behalf the affidavit has been filed	Full particulars of the person who is making the affidavit	Particulars of the person who identified him
	7	8	9	10	11
	Fee paid	Name of Ex-officio Commissioner before whom affidavit is sworn.	Signature of Ex-officio Commissioner	Serial number of receipt issued to the deponent	Remarks

Form No.4
(Chapter 14 Rule 6)

Unclaimed Property Register

Sr. No.	From whom received and date of receipt	Description of property with value	Date of issuing proclamation	Date of expiry of proclamation	Name of persons of claiming	
1	2	3	4	5	6	
7	8	9	10	11	12	13

Form No.6
(Chapter 16, Rule 7)

Register of Inspection

Sr. No. and date of Application	No. and year proceeding/ Record/ Register to be inspected	Date of order on application	Signature of applicant	Remarks
1	2	3	4	5

Form No.7
(Chapter 20 Rule 3)

PETITION WRITER REGISTER

Date	Name of the client and the opponent if any	Name of document written (e.g., complaint, Written Statement etc.	Fee charge
------	--	---	------------

Form No.9
(Chapter 23 Rule 2)

Register of Sessions Cases before the Sessions Court of _____
_____ for the year 20_____

Name of Case	Names of Accused persons, their ages, occupations and residence	Substance of the charge	Previous conviction if any,	Date of (a) Offence (b) Complaint If any (c) Issue of
(1)	(2)	(3)	(4)	(5)
The Custody, on bail or on personal recognisance and from what date	The date of arrest of the accused	When the accused is released on bail	The date of such released from the jail	
(6)	(7)	(8)	(9)	
The Period of detention of the accused in jail	Date of sent up by Magistrate	Date of receipt recorded by Sessions Judge	Date of decision and name of designation of Judge	
(10)	(11)	(12)	(13)	
Abstract of final order in the case (including order as to disposal of property)	Abstract and date of order on appeal, reference or revision to the High Court or Supreme Court	Remark		
(14)	(15)	(16)		

Form No.10
(Chapter 23 Rule 2)

Register of Criminal Appeals before the Sessions Court of _____ for
the year 20_____

No. of Appeal	Name of each appellant	Offence found proved	Sentence or order appealed against	Court by which sentence was passed	Date of sentence	Date of appeal	Decision on in Appeal	Date of decision of Appeal	Remarks
1	2	3	4	5	6	7	8	9	10

Form No.12
(Chapter 23 Rule 2)

Register for Bail Application before the Sessions Court of

_____ for the year 20_____

Sr. No.	Crime No.	Sessions Case No.	Name of Police Station	C.R. No. and offence under which accused is charged	Order passed by the Sessions Judge	Name and address of the surety
1	2	3	4	5	6	7
Amount for which the surety is taken			C.C. No. when charge sheet is subsequently filed			
8			9		10	

Form No.13
(Chapter 23 Rule 2)

Register of Miscellaneous Criminal Applications before the Sessions Court of

_____ for the year 20_____

Number of application	Name of each applicant	Nature of the application	Name of each Opponent	Date of application	Substance of order	Date of order.	Remarks
1	2	3	4	5	6	7	8

Form No.14
(Chapter 23 Rule 2)

Memorandum Book for Sessions and Appellate Criminal Work day the of
20_____

Took Seat at Rose

At

Sessions Cases	Criminal Appeals and Revisions.	Miscellaneous Criminal Applications.	Any other proceeding coming on this date and not entered in columns 1 to 3.

Form No. 15.
(Chapter 23, Rule 3)

Case Register

Serial No.	Police Station Crime No.	Name, age, address of the accused and complainant.	Offence charged with (Section of the Statute)	Whether accused on bail or in custody.
1	2	3	4	5

The date of arrest of the accused	When the accused is released on bail	The date of such release from jail	The period of detention of the accused in jail	First date of hearing
6	7	8	9	10

Date of disposal and the substance of the decision	No, of appeal or Revision Application (if any)	Decision of the appellate or Revisional Court	Date of despatch to Record Room	Remark
11	12	13	14	14

Form No.17
(Chapter 23, Rule 3)

Register of Miscellaneous Criminal Applications before the Court of the Judicial Magistrate for the year 20.....

No. of application	Date of application	Nature of the application	Name of the each applicant	Name of each Opponent	Substance and date of order
1	2	3	4	5	6

Execution		Appeals or Revision		
Date of application	Result	Number of appeal or Revision	Result of Appeal or Revision	Remarks
7	8	9	10	11

Form No.18
(Chapter 23, Rule 3)

REGISTER OF UNDER TRIAL PRISONERS IN JAILS

Police Station and Crime Register No.	Date and hour of apprehension by Police	Date and hour when the accused is produced before the Magistrate	Name of the Accused.	Period of Police Custody remand from to.	Period of Magisterial custody remand from to.	Charge-sheet received on and Criminal Case No.	Whether the accused is on bail or is in jail	The date on which the accused released on bail	Date of decision.	Remarks
1	2	3	4	5	6	7	8	9	10	11
Names	Address	Crime Number	Offence	Date of Arrest	Maximum sentence (Concurrent)	Date of Release on bail	Remark			
12	13	14	15	16	17	18	19			

Form No.19
(Chapter 23, Rule 3)

Register of copies supplied to prisoner in Jail

Date of application and the name of the prisoner making it	Date of receipt of the application in Court	Jail Superintendents No. and date forwarding the application	Date of disposal of the application and forwarding copies of Judgment.
1	2	3	4

Form No.20
(Chapter 23, Rule 3)

Register of miscellaneous reports and proceedings in the Court of

.....

For the year 20.....

Sr. No.	Date of first report or order	Police Station	Description of initiatory paper with name of petitioner or person making report or reference	Intermediate orders	Final order with date	Method of disposal of papers	Remarks
1	2	3	4	5	6	7	8

Form No.21
(Chapter 23, Rule 3)

Memorandum Book for Original Criminal Work
(Other than Sessions Court)

Date the _____ of _____ 20____

Took Seat at Rose at

Cases fixed for first hearing	Cases fixed for adjourned hearing	Cases fixed for judgement	Any other proceedings coming on this date and not entered in columns 1 to 3
1	2	3	4

Form No.22
(Chapter 23, Rule 3)

Register of Bail Application before the Court of Judicial
Magistrate..... for the year 20.....

Sr. No.	Crime No.	Criminal Case Number	Name and Address of the accused	Name of police station	Police station C.R. No. and offence under which accused is charged
1	2	3	4	5	6

Order passed by the Magistrate	Name & address passed by Surety	Amount for which the Surety is take	C.C. No. when Charge sheet is subsequently filed	Remarks
7	8	9	10	11

1	Serial number, name of witnesses discharged	
2	Number of cases.	
3	Number of witness discharged	
4	Residence of witness	
5	Date of arrival	
6	After examination	Date of discharge
7	Without examination	
8	First day of attendance	Discharged on the _____
9	Second day of attendance	
10	Third day of attendance	
11	After third day of attendance	
12	Rate according to rules in force	
13	Number of days allowed for journey	
14	Number of days detained at	
15	Amount of diet allowance paid	
16	By rail	Amount of allowances paid
17	By road with actual distance paid for	
18	Total of Columns 15 ,16 and 17	
19	Amount paid by Nazir	
20	Signature of Nazir	
21	Payee	Signature of
22	Officer before whom paid	
23	Remarks	

Form No.23
(Chapter 23 Rule 4)
Register of witnesses (including complainants) and of allowance to them in the Court of Magistrate/Sessions
Judge _____

Form No.25
(Chapter 23, Rule 6)

Register of Dormant Cases pending before the _____ for the years
_____ to _____

Number of case in Dormant Register	No. and year of case in register of Magisterial cases or other register	Date of transfer to Dormant Register	Reason for transfer.	Date of re-transfer to register of Magisterial cases or other register.
1	2	3	4	5

Form No. 26
(Chapter 23 Rule 7)
Register of compliance of order of Appellate Court

Serial No.	No. of case and names of parties	Date of receipt	Date of order	Brief description of the order	Date of communication of the order of the Magistrate concerned	Magistrate to whom communicated	Date of receipt of compliance report	Reasons for non-compliance, if any	Date of report	Remarks
1	2	3	4	5	6	7	8	9	10	11

Form No. 27
Chapter 23 Rule 7)
 Register of requisition for records form the _____ Court of District _____

Sr. No.	Date of receipt of requisition	Date of Requisition	Name of Court sending for record	Particular of records												Remarks
				Of what Court	Serial register No. of case and date of institution	Police station	Name of accused	Act and section under which offence was punishable	Date of disposal	No. and description of appeal in the Appellate Court in connection with which the record was sent by the lower Court.	Date by which record is required	Date of transmission of record	Date of receipt of record	Date of restoration of record to its proper place		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	

Form No. 28
(Chapter 23 Rule 8)
Register of Registers

Sr. No.	Nature of Register	Form No.	Rule of Chapter	Remarks
1	2	3	4	5