

CHAPTER 4

Special Procedure

PART I (CRIMINAL)

(A) SPECIAL RULES OF PROCEDURE IN ORIGINAL
CRIMINAL CASES

1. In original trials, in proceedings taken under section 391 of the Code of Criminal Procedure, upon the hearing of an appeal or revision case, and in any other criminal proceedings coming before one or more Judges, the Judge or one of the Judges shall make a memorandum in English of the substance of the evidence of each witness as the examination proceeds:

Recording evidence.

Provided that, by direction of a Judge, the evidence may be taken down in shorthand by an officer of the court, or other person specially appointed for that purpose.

The transcript of the shorthand shall be corrected and signed by the Judges or one of them and shall then be placed on the record.

2. The evidence shall ordinarily be recorded in narrative form, and shall be signed by the presiding Judge and placed with the record.

Signing evidence

3. When a sentence of death has been passed upon an accused person convicted at a trial held before the High Court in exercise of its original Criminal Jurisdiction, the Court shall issue a warrant in order to cause such sentence to be carried into effect.

Warrants.

4. A warrant for the execution of a sentence of death or of imprisonment shall conform, as nearly as may be, to the forms prescribed by the Code of Criminal Procedure.

Form of warrants.

5. A warrant for the execution of any sentence mentioned in Rule 4 shall be signed by the Judge or

Signing of warrants.

one of the Judges, who passed the sentence, or, if this be not practicable, by the Chief Justice.

Forwarding of
accused and
warrant to jail.

6. (a) Subject to the provision of section 434 of the Code of Criminal Procedure, when the sentence passed upon an accused person is of any of the kinds specified in Rule 4, the Court shall forthwith cause the warrant to be forwarded to the jail in which he is to be confined, and unless the accused person is already confined in such jail shall cause him to be forwarded to such jail with the warrant.

(b) When a question is reserved under section 434 of the Code, the warrant shall be forwarded as soon as practicable after the question is disposed of by the Court.

Amended
warrants.

7. Whenever, either by reason of the commutation or alteration of any such sentence as aforesaid or otherwise, an amended warrant becomes necessary, such warrant shall conform so far as may be, *mutatis mutandis*, to Form No. XXXVI in Schedule V of the Code of Criminal Procedure, and shall be signed in the manner prescribed in Rule 5.

Order of detention
in safe custody of
accused acquitted
on the ground of
lunacy_ form of the
order.

8. An order under section 471 of the Code of Criminal Procedure shall be made in such form as the Judge making the same thinks fit, and shall be signed by the Judge who makes it, and the Court shall forthwith cause the accused person to be forwarded with the order to the place in which he is to be kept in custody.

Form of warrant
for levy of fines.

9. Whenever an offender has been sentenced by the Court in exercise of its Original Criminal Jurisdiction to pay a fine, and the Court directs that a warrant shall be issued under section 386 of the Code of Criminal Procedure, the warrant shall conform, so far as may be *mutatis mutandis*, to Form No. XXXV II in Schedule V of the said Code and may be signed by the Clerk of the State.

Warrants, etc.
to be sealed.

Note.—Under Section 4(e) of the Code of Criminal Procedure (Act V of 1898), the Honourable the Chief Justice has appointed the Registrar of the Court to discharge the functions given by the said Code to the Clerk of the State,—(vide notification No. 173/2151-G., dated the 20th April, 1923).

10. Every warrant, amended warrant and order made and signed under the preceding rule shall, before being issued, be sealed with the seal of the Court.