

## PART B.—TRIAL OF SESSIONS CASES.

1. The Judges desire to emphasize the desirability of disposing of Sessions cases with the greatest possible expedition and to secure this object the following method should be adopted.

Introductory

2. Sessions Judges should reserve for possible Sessions cases several days in each month. The Committing Magistrate, as soon as he decides to commit cases any case should inform the Sessions Judge (sending him a brief statement showing the section under which the accused is charged and the number of witnesses for the prosecution) and give his own estimate of the time that the trial will take in the Sessions Court.

Reservation of several days for possible Sessions cases.

3. For instance, let it be assumed that the Sessions Judge has reserved the 1st to the 3rd of July and the 15th to the 17th of July for Sessions case up but till the 20th of June, he has received no intimation that a case is to be committed. He then proceeds at once to fill up the dates reserved in the beginning of July with criminal appeals and civil appeals of parties (such as those residing in headquarters) who can be served easily and with preliminary hearings of civil appeals. Then, perhaps, at the end of June he receives information that a case is to be committed. It can be fixed at once for trial on the days reserved in the middle of July.

Ditto

4. If the scheme explained above is properly worked it should be possible to dispose of all Sessions cases heard at headquarters within two or three weeks of the actual date of commitment, and even where Sessions Judges have more than one district under their jurisdiction would be concluded much more quickly than would be the case when no Preliminary warning is sent by the Committing Magistrate.

Intimation in advance by Committing Magistrate.

5. To secure the best results the co-operation of Magistrates and of their staff is of course, very necessary: because if Committing Magistrates fail to give the intimation-required. Sessions Judges will be compelled to fix longer dates owing to the necessity of serving the witnesses through the police.

Ditto

Postponement of cases awaiting arrest of absconders.

6. The instructions contained in paragraph 7 of Chapter I-A of this Volume, regarding the postponement of cases in order to await the arrest of other accused in the case, apply *mutatis mutandis* to Sessions cases.

Explanation for delay.

7. The High Court requires explanations to be furnished in monthly Sessions statement of any case pending over <sup>1</sup>[four months].

Place of trial

8. Under section 9 of the Code, as recently amended, the State Government may, by general or special order in the official Gazette, direct at what place or places the Court of Sessions shall ordinarily hold its sittings; but if in any particular case the Court is of the opinion that it will tend to the general convenience of the parties and witnesses to hold its sitting at any other place in its Sessions division, it may, with the consent of the parties, sit at that place for the disposal of the case or the examination of one or more witnesses in the case.

As a general rule a Sessions case should, if possible, be tried at the headquarters of the district from which it was committed. [see paragraph 3(c) of Chapter 31 of this volume.]

Examination of record and intimation of the date fixed by Sessions Judge to the Committing Magistrate.

9. On receipt of the record the case will be registered and when the date and place of the trial have been fixed a memorandum should be made in English on the calendar and due notice thereof sent to the Committing Magistrate. Sessions Judges should examine carefully the record of each case committed, immediately upon receipt, in order to satisfy themselves, that Magistrates have carried out the requirements of the law and of these instructions.

Careful examination of charge and medical evidence by the Sessions Judge in order to amend charge. He may summon any witness not included in the calendar.

10. The charge and the medical evidence should be examined in particular. If the charge has not been correctly framed, it should be amended before being read out to the prisoner. The medical evidence is sometimes recorded in the Committing Magistrate's Court carelessly and important points are left in doubt. In such cases the medical witness should be summoned and examined in the Sessions Court so as to get the points cleared. Similarly the police diaries should be

1. Substituted vide Correction Slip No. 20/Rules.XII.D.2, dated 15.11.1974.

seen to make sure that a material witness has not been left out.

In view of the amendments made in the Code by Act No. 26 of 1955, the Committing Magistrate, in proceedings instituted on police report, generally examines only the witnesses produced by the prosecution as witnesses to the actual commission of the offence alleged. In all such cases it would now be for the Sessions Court to keep in mind the instructions contained in paragraph 7 to 9 of Part A of this Chapter and to see that all material evidence and circumstances are brought on the record during the trial. If the record is carefully examined on its receipt, Sessions Judges will be able to summon any witnesses not examined by the Committing Magistrate and not included in the Calendar whom they consider material and thus avoid the necessity of an adjournment, which is extremely inconvenient in the case of Sessions trials.

- (i) The prosecution is not debarred from producing in the Court of Sessions evidence which has not been produced in the Committing Magistrate's Court, *vide*, -1952, Supreme Court Reports, 813;
- (ii) Whenever a charge is altered or added to by the Court of Sessions, the prosecutor and the accused shall be allowed to call further witnesses whom the Court may think to be material with reference to such alterations or additions in the charge. (Section 231 of the Code of Criminal Procedure.)

11. Sessions Judges should report Magistrates who fail to carry out these instructions.

12. The names and descriptions of the counsel appearing for the prosecution and defence should be noted on the first page of the record of trial. If the accused is unrepresented the fact should be noted. When the charge is read out to the prisoner at the commencement of the trial, the portion relating to previous conviction should not be read out in court and the accused shall not be asked to plead thereto, nor shall the same be referred to by the prosecution or any evidence adduced thereon until, in the case of a trial by a

Further prosecution evidence.

Charge to be read out: Mode of recording evidence.

jury, the jury have delivered their verdict on the charge of the subsequent offence or in Other cases, until he has been convicted of the subsequent offence. (See section 310 of the Code, as amended). The English record should show every detail of the examination-in-chief, cross examination and re-examination of each witness; and if the accused does not avail himself of the liberty to cross-examine, a note should be entered to that effect.

Charge as originally framed or as amended in the Court of Sessions to be read out.

13. The papers referred to in Part A, paragraph 18, clauses (b), (c) and (d) form the basis of the record of the Court of Session. Of these charge, either as originally framed by the Magistrate or as amended in the Court of Session, must be read out at the commencement of the trial in open Court, but neither the Calendar nor the Reasons for Commitment need to be or should be read out.

Papers to be transferred to Sessions record.

14. The papers to be transferred as evidence to the record of the Court of Session, from the record of inquiry are those admitted in evidence by the Court of Sessions.

These usually include the charge, documentary exhibits depositions of witnesses and the statement of the accused person. The depositions of the medical witness and the Chemical Examiner's report, if any, may also be transferred. Depositions of witnesses examined by the Committing Magistrate who have become incapable of appearing at the trial, are to be transferred when required as well as depositions transferred under section 288 of the Criminal Procedure Code

NOTE.—The order which papers transferred as evidence to the Sessions Judge record should occupy, is as follows:—

- (i) the charge;
- (ii) the deposition of medical witnesses;
- (iii) the chemical examiner's reports;
- (iv) documentary exhibits;
- (v) deposition of a witness examined by the Committing Magistrate, who has become incapable of appearing at the trial in the Sessions Judge's Court (following immediately the evidence sheet of that witness, which should contain a record of the cause for not examining that witness in the Court of Sessions);
- (vi) deposition of a witness if transferred under section 288. This should follow the Sessions record of the deposition of the witness; and
- (vii) statements of accused persons, the confession and statement of each accused person should immediately precede, in this order, the record of his statement in the Sessions Court.

15. (i) In preparing records in Sessions cases and in copying judgments, the following instructions should be strictly followed, namely :—

Instructions re-preparation of record.

- (1) the record of evidence of each witness should be numbered;
- (2) the evidence should usually begin with that of the medical witness, the records of whose depositions, if any, in the Committing Magistrate's Court should follow their record sheets in the Court of Session (if any). Each witness should have a separate record sheet in the Court of Session;
- (3) confessions and other previous statements of each accused person should immediately precede his or her statement in the Court of Session;
- (4) where the evidence before the Committing Magistrate of a witness is brought on to the Sessions record it should immediately follow the Sessions record sheet of that witness, and the reason why and the provision of the law under which it is brought on to the record should be given; and
- (5) the pages of the original judgment should be noted in the margin of each copy of a judgment issued and the pages of copies of the records of evidence of witnesses should be similarly noted.

16. In using previous statements before the police or the Committing Magistrate to discredit witnesses careful attention should be paid to the provisions of section 162 of the Code of Criminal Procedure and section 145 of the Indian Evidence Act. (For detailed instructions on the subject see Chapter 12 of this Volume, Police Diaries, etc.).

Use of previous statements of witnesses.

17. Under section 288 of the Code of Criminal Procedure, the Sessions Judge has the discretion to on the record and treat as substantive evidence in the case the statement of a witness duly recorded in the presence of the accused under Chapter XVIII of

Transfer of previous evidence.

the Code (i.e., during commitment proceedings) if such witness is produced and examined in the Court of Session. Where the Sessions Judge considers that a witness for the prosecution has changed his statement in material particulars his previous statement should ordinarily be transferred when it can be used as substantive evidence. The mere fact that a witness made a different statement in the Committing Magistrates Court is of course no guarantee that the earlier statement was true. In view of the words "subject to the provisions of the Indian Evidence Act" which occur in section 288, the evidence given by a witness before the Committing Magistrate cannot be used as substantive evidence in the Sessions Court unless the witness is confronted with those parts of his evidence which are to be used for the purpose of contradicting him, even though, if the only object of the prosecution is to discredit the evidence given in the Sessions Court by cross-examining him with reference to previous statements made before the Committing Magistrate, it is not necessary to do so,—*vide* 1951 Supreme Court Reports 729 and A.I.R. 1954 Punjab 182 (D.B.). The weight to be attached to a statement transferred under this section is a matter to be judged in the light of all circumstances including any explanation the witness may offer as regards the discrepancy.

Any statement transferred to the Sessions record under section 288 should be read in Court before being placed on the record.

It is unsafe to pass conviction on transferred Evidence.

18. Evidence taken before the Committing Magistrate and transferred to the Sessions file under section 288 can be treated as substantive evidence for all purposes and as a matter of law requires no corroboration. As a matter of caution, however, it would ordinarily be unsafe to base a conviction on such evidence without any corroboration and corroboration can also be found in the circumstances surrounding a case. The fact that a witness has resiled from his earlier statement is a fact to be taken into consideration giving value to the statement that the Court eventually relies upon. If, with that circumstances in mind, the Court still thinks that the earlier statement

is true then it is its duty to act upon it whether that statement is corroborated or not,---*vide* A.I.R. 1946 Lahore 380.

19. Before transferring to the record of the Court of Session, the confession or examination of an accused person recorded by a Magistrate, the Sessions Judge should see that the provisions of sections 164 and 364 of the Code of Criminal Procedure have been duly complied with.

Transfer of statement of accused.

20. Every paper to be transferred to the record of the Court of Session whether it be an exhibit or a deposition, must be read out in full in open Court. If the paper transferred is in English, a translation should be made and read to the accused; if in vernacular, a translation into English should be made in the Court of Session and after being duly verified, be filed with the record. In both cases the papers transferred should be inserted in the record of the Court of Session in their proper places, so that the record may be read continuously. On every paper transferred an endorsement must be made to the effect that it has been read out and admitted in evidence and transferred to the record of the Court of Session.

Papers transferred to be read out, translated and placed in proper place.

19. A list of all persons composing the record should be given on the first page of the English proceedings. The name of each witness, and all documents comprising the record, should be enumerated in this index, and the page of the record, at which each is to be found, should be indicated.

Index of the record.

20. In all cases referred to the High Court for confirmation of sentence of death, and in all cases where death or serious bodily injuries are found to have been caused by an accused person, a full and accurate description of all weapons produce in Court in connection with the trial should form part of the record transmitted. Such description should, in the case of cutting instruments of all kinds, include mention of the condition of the edge, and in the case of all other weapons, not being fire-arms, their dimensions and weight. A rough sketch of the weapons used should be made and placed on the record as an exhibit.

Detailed memo about weapons.

Detailed memo  
about weapons.

23. Sessions Judges should see that these orders are compiled with in every case of the above description. Inconvenience is frequently caused in cases coming before the High Court by the failure of Sessions Judges to follow the existing instructions and the consequent absence from the record of any proper description of weapons connected with the case; and the judges have accordingly given directions that the record should be returned to the lower Court whenever it is found that it does not contain such a description.

Note.—These directions should be observed by all Magistrates exercising powers under section 30 of the Code of Criminal Procedure, in cases in which person are convicted of offences at least the human body.

Further  
evidence by  
parties.

24. Section 291 allows the accused to examine any witness not previously named by him, provided that such witness is in attendance at the Court of Session, but he is not entitled, except as provided in sections 207A (9), 211 and 231, to claim to have any additional witness, summoned by the Court of Session. It must be remembered that the prosecutor is also entitled to summon additional witnesses when the conditions specified in section 231 of the Criminal Procedure Code exist.

Ditto.

25. It is not intended to lay down any hard and fast rules regarding the discretion to be used by Sessions Judges in summoning or refusing to summon additional witnesses but it is contrary to the intention of the Code to allow the accused; as a normal practice; to summon his witnesses when the Sessions trial has begun. At that stage witnesses should be summoned only in exceptional circumstances. The accused should normally give a list of his witnesses to the Committing Magistrate.

Trials by  
Jury.

26. In view of the amendments made in the Code of Criminal Procedure by Act No. 26 of 1955 there can now be no Sessions trial with the aid of assessors. In cases tried by jury, when the case for the defence and all prosecutors reply, if any, are concluded the Court shall proceed to charge the jury, summing up the evidence for the prosecution and defence and laying down the law by which the jury are to be guided. The charge to the jury, wherever practicable should be



dictated to a stenographer in the language in which it is delivered and a transcript of the charge should be signed by the judge and placed on the record (Section 297). The Judge may, if he thinks proper, in the course of his summing up, express to the jury his opinion upon any question of fact or upon any question of mixed law and fact relevant to the proceedings [Section 298 (2)]. The duties of the Judge and the jury are defined in sections 298 and 299 of the Code.

*Note.*—(1) The trial of all offences before the Court of Sessions in the State of Delhi shall be by the Judge himself; *vide* the Delhi State Government notification No.F.-2(242)/55-Home, dated the 2nd April, 1956, under section 269 of the Code of Criminal Procedure.

(2) The Punjab Government have decided that at present the system of trial by jury should not be followed in the Punjab State,— *vide* Punjab Government letter No.65-J-56/16374, dated 16th April,

27. After the judge has finished his charge, the jury shall retire to consider their verdict. After the verdict has been considered, the foreman shall inform the judge what is the verdict of the jury or what is the verdict of a majority or that the jurors are equally divided in opinion. The Judge may require the jury to retire for further consideration when the jurors are not unanimous in their verdict. The jury shall return a verdict on all the charges on which the accused is tried unless the judge orders otherwise; and the judge may question the jury to ascertain what their verdict is on each charge. Such questions and answers shall be recorded. (Sections 300 to 303 of the Code.).

Verdict of Jury.

28. When the Judge does not think it necessary to disagree with the verdict of the jurors or a majority of them he shall give judgment according to that verdict and if the verdict is for the conviction of the accused the Judge shall pass sentence on him according to law (Section 306). In this connection please see Chapter 19 "Sentences", of this Volume.

Judgment in agreement with the jury's verdict.

29. Where the Judge disagrees with the jurors or a majority of the jurors and is clearly of the opinion that it is necessary in the ends of justice to submit the case to the High Court or where the jurors are equally divided in opinion, the Judge shall submit the case in

Procedure in case of disagreement with jury's verdict.

respect of such accused to the High Court after recording his opinion on such charge or charges and stating the offence which he considers to have been committed. In such cases if the accused is further charged with a previous conviction under section 310 of the Code, the Judge shall proceed to try the accused as if the verdict had been of conviction. (Section 307).

Pronouncement  
of Judgment.

30. In cases tried by the Judge himself, after the case for the defence and the prosecutors reply, if any are, concluded the Judge shall give a judgment in the case and in the event of a conviction pass sentence according to law (section 309). In trials by jury, the court need not write a judgment, but the heads of charge to the jury shall be recorded unless the charge has been delivered in English and taken down in shorthand [Section 367(5)].

Judgment should  
be pronounced in  
open Court by  
Sessions Judge.

31. The Judgment should be pronounced by the Sessions Judge either immediately after the trial or on some future day of which due notice must be given to the parties or their pleaders. Sentence should be passed in open Court and then explained to the prisoner. It appears that certain Sessions Judges have been in the habit of writing judgments while on their September leave and sending them to headquarters for pronouncement by District Magistrates. Section 367(I) of the Code of Criminal Procedure clearly lays that a judgment shall be dated and signed by the presiding officer in open Court at the time of pronouncing it. Under section 17(4) of the Code, the Sessions Judges may, for the reasons given, make provision for the disposal of any urgent application by the District Magistrate, but there is no authority for the proposition that the power given to a Sessions Judge under section 17(4) extends to delegation of the duty to pronounce judgments. Sessions Judges must arrange to pronounce judgment in all original cases before proceeding on leave if a delay in pronouncing judgment is likely to cause hardship to any person under trial.

Judgment to be  
written before  
pronouncing.

32. In cases where the law requires that a judgment should be written it should be written and delivered before the sentence is pronounced. If such

cases it is illegal to pass sentence at the termination of a trial and to postpone the writing of the judgment to a future occasion. All cases must continue to be shown on the pending file until judgment and/or sentence are written and delivered.

33. In case tried by a Court of Sessions, the Copy to shall forward to the District Magistrate a copy of the judgment in addition to the copy of the finding and sentence required by section 373 of the Code of Criminal Procedure.

Copy to be forwarded to District Magistrate.

Where there has been a complete acquittal of all or any of the accused by a Sessions Court, the Sessions Judge should, at the time of pronouncing the judgment, also forward a facsimile copy thereof to the District Magistrate, in whose jurisdiction the trial was held, so as to enable him to consider whether or not an appeal against acquittal is to be recommended. The stenographer should be required to prepare an extra carbon copy, for this purpose, while transcribing the judgment dictated to him by the Sessions Judge.

In a case in which an accused charged with murder receives a sentence for imprisonment for life or is tried for an offence under section 302, Indian Penal Code, but is convicted under section 304, Indian Code, the Sessions Judge should follow the same procedure.

34. If the sentence is one, which has to be referred to the High Court for confirmation, under section 374 of the Code of Criminal Procedure, the record of the Court of Session, with the exception of the final judgment, should be submitted in original. In addition to the type-written copy of the judgment which takes the place of the original (retained in the Court of Session) two extra type-written copies will be forwarded for use in the High Court together with type-written copies of the following documents on the Sessions record:—

Documents to be forwarded to High Court when sentence requires confirmation.

- (1) First report at police station (if any).
- (2) Inquest Report;

- (3) Statement under section 364, Criminal Procedure Code;
- (4) Examination under section 364 by the Magistrate;
- (5) Magistrate's charge-sheet;
- (6) Record of evidence in Court of Session with any further examination under section 364, Criminal Procedure Code, and altered charge, if any;
- (7) Material documentary evidence, if any;
- (8) Record of verdict of the jury, if any.

*Note.1-* Photographs and italics should be treated as "documentary evidence" and should be marked with letters like other documents, and should always be sent to the High Court.

<sup>1</sup>*Note.2-* One of the copies of the record to be forwarded under this rule should be authenticated in the manner laid in rule 7 of Chapter 25-G post.]

Reference to High Court should be in prescribed form.

35. The copy of the final judgment should be signed by the Sessions Judge himself, and not by the Superintendent or other office of the Court on his behalf, as certifying such copy to be a true copy. The reference to the High Court for confirmation of the death sentence should be made in the prescribed form:

In death sentences accused should be informed about period for appeal.

36. In all cases in which a person is sentenced to death, the Sessions Judge should, as directed in section 371 of the Code of Criminal Procedure, explained to the condemned man that he must file his appeal within a period of seven days (*vide*, Article 150 of the Schedule to the Indian Limitation Act, 1908).

Explanation for delay.

37. Whenever a Sessions trial in which a death sentences is inflicted is not completed and the record dispatched to the High Court within <sup>2</sup>[four] months the date of the receipt of the Committing Magistrate's record or within <sup>3</sup>[six] months from the date of the arrest of the accused an explanation of delay similar to that required from a Committing Magistrate, by rule 26 of Part A of this Chapter, signed by the Sessions Judge, should be attached to the record.

Sessions Judge to ask accused and promptly deliver if he requires a copy of Judgment.

38. In order to prevent delay, the Sessions Judge should, on delivering judgment, ask the accused if he desires to have the copies or translation of the judgment to which he is entitled under sub-sections (1) and

1. Note 2 added vide Correction Slip No. 15, dated 22.07.1972.

2. Substituted vide Correction Slip No. 20/Rules.XII.D.2, dated 15.11.1974.

3. Substituted vide Correction Slip No. 20/Rules.XII.D.2, dated 15.11.1974.

(2) of section 371 of the Code (as amended) on making an application. When the accused is sentenced to imprisonment he has to be supplied a copy of the finding and sentence soon after the delivery of judgment even if he makes no application for the same. All these copies and the translation of the judgment are to be supplied to the accused free of cost. The Sessions Judge should record in the judgment that copies and translation have been furnished and should furnish the same without delay.

39. The copies referred to in the preceding rule and a translation of the judgment if required by the accused, should be sent to him by the Sessions Judge with the following endorsement, namely:

Endorsements  
on copy sent to  
accused.

- (a) the date of the despatch of the copy or translation of the judgment; and
- (b) in case of sentence of death;
  - (i) notice that the appeal must be presented within seven days from the date of sentence (exclusive of that date and of the time which has been spent in supplying him with the copy of the judgment) mentioning the latest dates on which his appeal can be filed;
  - (ii) intimation that, on the expiry of seven days, the record will be sent to the High Court, and that the hearing of the reference with a view to confirmation of sentence (under section 374 of the Code) will take place about one month after despatch of the copy.

40. When the condemned person has taken a copy of the judgment, the record should not be forwarded to the High Court until after the expiration of the total period within which his appeal can be legally filed, i.e., a period of seven days from the date of sentence plus the time spent in supplying the copy. If no appeal has then been filed in the Court of Session, the record should be submitted to the High Court without any further delay whatever, accompanied by a certificate under the hand of the Sessions

Record to be sent  
to High Court soon  
after period of  
appeal has expired.

Judge that no appeal has been filed within the prescribed period, notwithstanding the fact of the law having been explained to the accused. Similarly, if no copy of the judgment has been applied for and no appeal filed within seven days after the date of the sentence the record should be submitted to the High Court without any delay whatever. If an appeal has been preferred, it must be sent up to the High Court with the record.

41. The explanation of delay, if any, furnished by the Committing Magistrate and the Sessions Judge under rule 19 of Part A and rule 37 of Part B of this Chapter should also be forwarded to the State Government, together with any explanation of delay caused in the High Court. All such explanations should be placed before the Division Bench dealing with the case before submission to Government.

Notice to accused  
and Advocate  
General on receipt  
of record.

42. Standing orders have been made in the High Court that immediately on receipt of the record, notice shall be issued to the accused in jail informing him that the proceedings will be considered with a view to an order of confirmation being made under section 374 of the Code of Criminal Procedure and the appeal (if any) be heard on a date to be entered in the notice which will ordinarily be the first working Monday after the explanation of a month from the date when the necessary copies and translation of judgment, if any, applied for were dispatched to the accused by the Court of Session. Similar notice will also be issued to the Advocate-General when an appeal is preferred. Unless records are promptly submitted it will not be possible to carry out the above standing order, and Sessions Judges are accordingly requested to pay strict attention to the instructions here given.

Copy of High Court  
judgment to be  
sent to Sessions  
Judge.

43. After the sentence has been confirmed or other order has been made by the High Court, the Registrar will return the record, with a duplicate or an attested copy of the order under the seal of the Court, to the Sessions Judge, who will take the steps prescribed by section 381 of the Code of Criminal Procedure to cause the sentence or order to be carried into effect.

44. The record of every case, as prepared for the use of the High Court, in which the sentence of death has been confirmed by the High Court, should as soon as orders have been passed confirming the death sentence; be forwarded to the State Government, together with the Courts order thereon, and the English file of the Sessions Court.

Record to be sent to Government when death sentence has been confirmed.

45. In issuing warrants for the execution of sentences of death, Sessions Judges should as directed by Government fix a date for the execution of the sentence that is not less than fourteen or more than twenty-one days from the date of the issue of the warrant.

Date for execution of death sentence.

46. Under the orders of Government, it is directed that in every case in which a sentence of imprisonment, for life is passed on a woman for the murder of her infant-child and the sentence is not appealed against, the record of the case shall, after the expiration of the period allowed for appeal, be forwarded to the High Court for submission to Government, with a view to the consideration of the question whether any commutation or reduction of the sentence should be allowed.

Record to be sent to Government when a woman has been sentenced to imprisonment for life for infanticide.

47. . (i) All weapons with which injuries are alleged to have been inflicted by the accused, whether the nature of the injuries is in dispute, or not, shall be forwarded to the High Court when a case is referred by a Sessions Judge for confirmation of a sentence of death. In order to secure that this will be done, the Sessions Judge shall record a note at the foot of his judgment stating what weapons are to be forwarded to the High Court and he should see that they are forwarded when the records are dispatched.

(ii) In a case in which a convicted person is called upon to show cause why his sentence should not be enhanced to death similar weapons are required in the High Court, but will not be forwarded to the High Court until the High Court calls for them.

(iii) In a case where the sentence of imprisonment for life is awarded for the offence of murder, the

Sessions Judge shall forward the weapons of offence to the High Court along with the records of the case, unless there are special reasons for not doing so. In order to secure that this will be done the Sessions Judge shall record a note at the foot of his judgment stating what weapons are to be forwarded to the High Court and he should see that they are forwarded when the records are dispatched in pursuance of requisition received from the High Court.

48. (i) All garments of an accused person which are proved to have been stained with human blood and have been made exhibits shall be forwarded along with the record to the High Court when a case is referred by a Sessions Judge for confirmation of a sentence of death. In order to secure that this is done, the Sessions Judge shall record a note at the foot of his judgment stating what garments are to be forwarded to the High Court.

(iv) In a case in which a convicted, person is called upon to show cause why his sentence should not be enhanced to death similar garments are required in the High Court, but will not be forwarded to the High Court until the High Court calls for them.

49. Exhibited articles, which are not documents and are not referred to in paragraphs 47 and 48 of this Chapter, should not be sent to the High Court, unless the High Court calls for them, or unless the Sessions Judge considers that a particular exhibit will be required in the High Court, in which case he should record a note at the foot of his judgment that the exhibit should be forwarded to the High Court in the event of an appeal.