

CHAPTER 24

Sessions Cases

Part A COMMITMENT

1. What cases are committed to Sessions—All cases punishable with death or in which a witness has accepted a tender of pardon under Section 337 of the Code of Criminal Procedure [Section 306 of new Code] shall be committed to the Court of Sessions except the cases mentioned in sub-section (2B) of Section 337, which have to be sent without any further inquiry to the Court of the Special Judge appointed under the Criminal Law Amendment Act, 1952 (XL VI of 1952). In view of the recent amendments of Section 30 of the Code all cases relating to offences punishable with imprisonment for life or with imprisonment for a term exceeding seven years should be committed to a Court of Sessions when the Magistrate cannot award adequate punishment.

2. Cases which Section 30 Magistrate should not try—The District Magistrate should see that all cases triable by Magistrate with enhanced powers under Section 30 are disposed of by such Magistrate including himself when he is so invested and that only those cases should be committed to the Court of Sessions which a Section 30 Magistrate is not competent to try. Ordinarily a Section 30 Magistrate should not try cases in which he takes action on his own knowledge or information or in which special grounds exist for rendering a committal desirable.

3. (i) Inquiry in cases instituted on police report. Preliminary matters—Section 207A, inserted in the Code [Deleted in new Code] by Act No. 26 of 1955, lays down a different procedure in inquiries preparatory to commitment where the proceeding has been instituted on a police report. When the Magistrate receives the police report forwarded under Section 173 [Section 173 of new Code] he shall fix a date for the inquiry under Section 207A [Deleted in new Code] which shall not ordinarily be later than fourteen days from the date of receipt of the report. If a later date is fixed, the Magistrate must record his reasons for doing so. The officer conducting the prosecution can apply to the Magistrate at any time before this date for the issue of a process to compel the attendance of witness(es) to give evidence and/or produce any document or thing at the said inquiry. The Magistrate shall issue such process unless, for reasons to be recorded, he deems it unnecessary to do so.

(ii) *Commencement of the inquiry. The accused to be furnished with documents*—At the commencement of the inquiry, when the accused appears or is brought before the Magistrate, he shall satisfy himself that the accused has been furnished with the documents mentioned in Section 173; if this has not been done, he shall, subject to the provisions of sub-section (5) of that section, cause these documents to be furnished to the accused.

(iii) *Not obligatory to examine other than the eye witnesses*—The Magistrate shall then proceed to examine the witnesses produced by the prosecution as witnesses to the actual commission of the offence. It is not obligatory to examine the other witnesses but if the Magistrate is of the opinion that it would be in the interest of justice to do so, he may examine any one or more of the

prosecution witnesses. The parties have the usual rights of cross and re-examination of these witnesses. Section 207A does not anywhere provide for the examination of the witnesses for the defence during the inquiry preparatory to commitment though in proceedings instituted otherwise than on a police report, the evidence produced on behalf of the accused has also to be examined under Section 208 of the Code.

(iv) *Examination of evidence and accused etc. to decide whether charge should be framed*—After the prosecution evidence referred above has been taken the Magistrate shall examine it and the documents mentioned in Section 173. He should also examine the accused to enable him to explain only circumstances appearing in the evidence against him and give the parties an opportunity of being heard.

(v) *Order of discharge*—If the Magistrate is of the opinion that such documents add evidence etc., disclose no grounds for committing the accused for trial, he may discharge the accused after recording his reasons for this order, unless the Magistrate is of the opinion that the person should be tried before himself or some other Magistrate, in which case he shall proceed accordingly.

(v) *Charge and copy to accused etc.*—If after proceeding in the manner laid down in sub-para (iv) above the Magistrate is of the opinion that the accused should be committed for trial, he shall frame a charge under his hand, declaring with what offence the accused is charged. The charge shall then be read and explained to the accused and a copy thereof shall be given, free of cost, whether the accused asks for it or not.

4. Heading and charge in Sessions cases—In all cases committed for trial by a Court of Sessions, the State should be entered as prosecutor, and the complainant as a witness. The charge should be framed with care, and in strict accordance with the provisions of Section 221 of the Code of Criminal Procedure [Section 211 of new Code] and should describe the offence with which the accused is charged as nearly as possible in the words of the law which creates that offence, so that the accused may have full knowledge of the offence charges against him. If it is intended to prove a previous conviction at the trial, such previous conviction should be set out in the charge in the manner described in Chapter I, of this Part, “Practice in the Trial of Criminal Cases.”

Note—The word State will be rendered in the vernacular as “*Sarkar*.”

5. (i) Calendar of witnesses—The names of complainants and other prosecution witnesses and in cases instituted otherwise than on a police report, also of the witnesses on behalf of the defence who have appeared before the committing Magistrate and whose attendance, before the Court of Sessions of High Court is necessary shall be entered in a calendar which such Magistrate should prepare and shall be bound over to be in attendance when called upon at the trial.

(ii) *List of defence witnesses*—The Committing Magistrate shall call upon the accused to give, orally or in writing a list of the persons (if any) whom he wishes to be summoned on his trial.

(iii) *Defence witnesses to be summoned by the Committing Magistrate*—After this list has been furnished by the accused, the Magistrate shall summon such of the witnesses included in the list as have not appeared before himself to appear before the Court to which the accused has been committed.

Provided that, where the accused has been committed to the High Court, the Magistrate may, in his discretion, leave such witnesses to be summoned by the Clerk of the State and such witnesses may be summoned accordingly.

Magistrate may refuse to summon certain defence witnesses or call upon accused to deposit their expenses—Provided, also, that if the Magistrate thinks that any witness is included in the list for the purpose of vexation or delay, or of defeating the ends of justice the Magistrate may require the accused to satisfy him that there are reasonable grounds for believing that the evidence of such witnesses is material, and if he is not so satisfied, may refuse to summon the witness (recording his reasons for such refusal), or may before summoning him require such sum to be deposited as such Magistrate thinks necessary to defray the expense of obtaining the attendance of the witness and all other proper expenses.

(iv) *Production of witnesses not entered in the calendar*—The prosecution is entitled to have entered in the calendar the names of such witnesses only as have been examined by the Committing Magistrate. The prosecution is not debarred from producing other witnesses in the Court of Session but is not entitled to have process issued for the attendance of such witnesses.

6. Duty of Committing Magistrate to call for other material witnesses—The attention of Committing Magistrate is drawn to Section 208(1) which enables them, in cases instituted otherwise than on a police report, to call for and examine any witnesses not examined by the prosecution or by the defence. If, on an examination of the police diaries, it appears to the Committing Magistrate that any material witness has not been cited by the prosecution nor examined by the defence, he should examine such witness and record his statement.

7. Instructions for the recording of medical evidence—Where a Magistrate decides under Section 207A(4) or finds it necessary Section 208(1) to record the medical evidence during commitment proceedings, he should observe the following instructions:

(i) *Medical evidence*—The medical evidence should be recorded with care and precision in the English language when the Magistrate is acquainted with that language, and should be translated into the vernacular and read over to the accused, in order that he may have an opportunity to cross-examine. Under Section 509 of the Code of Criminal Procedure, [Section 291 of new Code] the evidence of a medical witness duly taken by the Committing Magistrate can be tendered before the Court of Session without the witness being actually called. The medical witness should not therefore be ordinarily bound over to appear before the Court of Sessions. It should be noted that Section 509 [Section 291 of new Code] requires that the evidence should not only be taken but also attested in the presence of the accused. The Magistrate should, therefore, append a certificate in the following form :

“Taken before me and signed by me in the presence of the accused.

(Signature of Magistrate)”

(ii) *Duty of Magistrate to examine medical witnesses thoroughly*—A Magistrate recording medical evidence should not content himself with merely taking down, in the presence of the accused, the statement of the Civil Surgeon or other Medical Officer as spontaneously made by that officer, but should, if necessary, examine him further in view of the detailed instructions contained in Chapter 18 of this volume “Medico Legal Work,” in which suitable questions to be put to medical officers in certain classes of cases are suggested.

(iii) *Inquest reports*—In all cases in which the medical evidence is that the body of a person alleged to have been murdered reached the witness in a state of decomposition, evidence of the condition of the body when first discovered should be recorded and formal proof obtained of the “inquest report” “*Surat hal*”, where there is one. In almost all cases of homicide, it is desirable

that the police officer who first viewed the body and prepared the “*Surat hal*” should be required to put in and prove that document.

(iv) *Completion of record*—Further, Committing Magistrate must insist on the proper filing and placing on the record of all documents referred to, or which may be required for reference by medical witnesses, as, for example correspondence between medical officers and the Police relating to the cause of death, the forwarding of the corps, its condition and so forth, as well as correspondence between Medical Officers and the Chemical Examiner and notes of post-mortem examinations. The Chemical Examiner should always be requested to return, if possible, any article sent to him for examination which is likely to be required at the trial.

8. In proceedings instituted otherwise than on a police report the following points should be kept in mind while the evidence is being recorded.

(i) *Other material circumstances to be proved*—Circumstances connected with the finding of the body, or of the property, or with the state of locality, or the department, etc., of the accused, must be proved by the evidence of witnesses who saw what they describe, or by the police officer who conducted the investigation.

(ii) *Identity of the body and clothes, etc.*—In case of homicide, evidence should be taken to identify the body of the person killed; to prove the custody of the body from the moment it is discovered to the time of its delivery to the Medical Officer for post-mortem examination, and to show that it has not been tampered with during its conveyance from the scene of death to the place of examination. Clothes and ornaments found on the body should similarly be identified by proper witnesses, and their removal from the body and custody, until produced in Court, proved in evidence.

(iii) *Custody of other articles to be proved*—Similar care is often required in tracing the custody of poisonous substances, poisoned food, blood-stained clothes etc. The evidence should never leave it doubtful as to what person or persons have had charge of such articles throughout the various stages of the inquiry, if such doubt can be cleared up. This is especially necessary in the cases of articles sent to the Chemical Examiner. The person who packs, seals and despatches such articles should invariably be examined.

(iv) *Every article re-circumstantial evidence should be produced*—Clothes, weapons, money, ornaments, poisonous substances, food and every article which forms a part of the circumstantial evidence should be produced in Court, and their connection with the case and identity should be proved by witnesses.

(v) *Completion of record. Supplementary witnesses. Evidence produced to be called at the trial but not produced before Committing Magistrate*—A great deal of evidence, such as is mentioned in the foregoing paragraphs.....is formal in character but it is necessary that such evidence should be forth coming at the trial. A Committing Magistrate is bound as a rule to record all material witnesses produced before him or those for whose attendance he has issued process under Section 208 of the Criminal Procedure Code. Where the prosecutor does not examine before a Committing Magistrate a witness, whom he proposes to call at the trial, he should be required to state the nature of such evidence so as to indicate to the accused case he has to meet and thus to obviate the necessity of an adjournment in the Court of Session. Attention is invited to the provisions of Section 219 of the Criminal Procedure Code which enables a Committing Magistrate to examine supplementary witnesses even after the order of commitment. If he

summons and examines any such supplementary witnesses, he should bind them to appear and give evidence at the trial and also furnish a copy of their statements free of costs of the accused at his or their request.

(vi) *Plans*—In cases in which a plan is necessary, and has been prepared by or under the directions of the Police, its correctness should be proved by the person who prepared it, and it should be marked and recorded as an exhibit.

9. Plans—(i) In all cases where a plan of the locality is material such a plan should be sent up with the record of commitment. The Inspector-General of Police has been requested to direct his subordinates to have such plans prepared, but it must be remembered that plans as well as Police reports are not evidence until they have been sworn to in Court by the persons who prepared them or who of their personal knowledge can depose to their correctness.

(ii) In all cases where the decision turns upon topography, or the position and construction of a dwelling, a plan, drawn to scale, and proved as accurately representing the place or dwelling indicated, should be filed with the proceedings.

(iii) In cases instituted on Police report the costs of preparing all such plans shall be borne by the Police [*Punjab Government (Home), Circular Letter No. 9299-J-55/3688, dated the 24th January, 1956*].

10. Police responsible for proper custody and production of all material articles—Magistrate should impress on Police officials that such officials are responsible for the proper custody and production at the trial of all such articles and substances as are mentioned above from the time of their first discovery until the close of the trial, whether or not they have been sent to the Chemical Examiner for report.

11. Exhibits Articles to bear numbers—All exhibits should be marked with a letter or number. Articles which are produced in evidence should have a label attached to them bearing a number, and that number should be quoted throughout the record whenever any such article is referred to and should be distinctly marked as “admitted or not admitted”. If the exhibits have already been assigned numbers by the Police, that series of number should be retained, as exhibits are sometimes referred to in Police diaries by numbers, and if a new set of numbers is made by the Committing Magistrate confusion will arise.

Packing and marking over of articles to Court Inspectors. Sketch of weapons—The Committing Magistrate should see that all articles to be produced at the trial in the Court of Session are carefully packed and sealed and should have them placed in the custody of the Court Inspector or other proper officer, who should himself produce them at the trial in the state in which he has received them. All exhibits in the nature of documents, including photographs and *bahis* proved in evidence, should be marked with a letter and placed on the record. A list of all exhibits should be prepared and placed on the record. Where a weapon is used in the commission of an offence, it should be labelled, packed, sealed and placed in proper custody, and a rough sketch of it should be drawn and its measurement and weight recorded thereon, and the sketch should be marked as exhibit and placed on the record after being duly proved. The Magistrate should add his signature and the date to the mark placed on each exhibits.

Printed labels for exhibits—A printed label should be affixed or attached to each exhibit. It should contain the following particulars:

Number of exhibit.....

Produced by.....

Admitted (Signature of Magistrate).

Date

Case.....

Description of exhibit.....

The Committing Magistrate should see that these entries are properly made.

Statements liable to be transferred to the Sessions record—All depositions or statements which are ordinarily liable to be transferred to the record of the Court of Session should be recorded on separate sheets of paper of fullsize size. Every deposition and statement should bear the date on which it is recorded and should be signed by the Magistrate.

12. List of defence witnesses. Rights of accused to produce witnesses not mentioned in the list—As soon as a charge has been framed, the accused shall be required at once to give in, orally or in writing a list of the persons whom he wishes to be summoned to give evidence on his trial, and the Magistrate may allow the accused to give in a further list of witness subsequently. The accused is entitled to examine at the trial witnesses other than those mentioned by him in these lists but he is not entitled to the process of the Court for the attendance of such witnesses.

13. Calendar—The form of calendar as prescribed is printed here and should be used after necessary modifications. It has been filled in as if the proceedings had been instituted otherwise than on a Police report. The entries would be very much simpler for proceedings instituted under Section 207A on a Police report.

FORM OF CALENDAR

Case Committed to the Court of the Session of Amritsar Division by A.B., Magistrate of the 1st Class on the 1st day of July, 1894

1. Prisoner's name, parentage, caste, residence and age:

(1) Sona Singh, son of Rodu; caste Rajput; residence Aliwal, Amritsar District; age 42.

(2) Ala Singh, son of Lehna Singh; caste Jat; residence Tung, Amritsar District; age 40.

(3) Bulaki, son of Gulaba; caste Jutlea; residence Aliwal, Amritsar District; age 30.

2. Offence charged with law, applicable and date of commission :

(1) Against I and II

Murder of Nika Singh on 25th June, 1894, Section 302, Indian Penal Code

(2) Against III—

Furnishing false information to a public servant on 25th June, Section 177, Indian Penal Code.

3. Date of apprehension :

(1) I—25th June.

(2) II and III—26th June.

4. Whether in prison or on bail:

I and II,—Imprison

III—On bail.

5. Witnesses for prosecution with a brief indication of the nature of evidence shown against name of each:

(1) Dr. A.B., Civil Surgeon—to cause of death.

(2) Devi Ditta, son of deceased—eye-witness of murder; identifies body.

(3) Partap Singh to finding of ear-ring, and finding and identify of bloody knife, and identity of body.

(4) Gurbaksh Eye-witnesses

(5) Gulab, son of Muhammada

(6) Bahadur To finding and identity of bloody garment and

(7) Dial Singh to apprehension of accused I and

II

(8) Ahmad Baksh, Constable—Apprehended the two first accused was present when bloody garment was found.

(9) Ram Dass Hearing a cry ran to spot, was accused I and II

(10) Naraian Singh running away heard

deceased's declaration

(11) Din Myhammed—Helped to carry body to the Sadr; witness to enmity

(12) Shrimati Jivni—Identifies ear-ring.

(13) Gulaba, son of Gulam—Identifies ear-ring,

(14) Jhanda—Identifies bloody knife.

(15) Aladin—Saw deceased in company of prisoners I and II.

(16) Bansidhar, Muharrir Sergeant—Recorded first report made by accused III.

(17) Sant Singh, Sub-Inspector—Proves “*Surat Hal*” and conducted inquiry on the spot.

(18) Surat Ram, Constable—was sent in charge of the corpse and knife to the Sadr and made them over the Civil Surgeon.

6. Material evidence, *i.e.*, weapon, clothes, etc.

Bloody knife, ear-ring, bloody garment.

7. Documentary evidence.

8. Witnesses for defence.

(1) Fact.

(2) Prisoners.

(3) I and II—

(4) Sheo Bhagat; Ganga Pershad, Devi Din.

(5) Character.

Budh Singh; Muhamda.

14. Reasons for commitment to be recorded—The reasons for commitment required by the Code of Criminal Procedure should be written on a separate sheet or sheets or paper and attached to the calendar. In the case of commitments made by Magistrates who are not acquainted with English the calendar should be written in the vernacular of the Court and so submitted. The Committing Magistrate is responsible for seeing that the calendar is correctly prepared.

15. Marshalling of evidence by Committing Magistrate—In preparing the “Reasons for Commitment” the Committing Magistrate should give a concise but intelligent statement of the facts and should marshal the evidence in the order in which it should come under judicial consideration. In cases instituted on police report there would normally be only the direct evidence of the perpetration of the crime and the circumstantial evidence for the committing Magistrate to deal with but in other case the marshalling of the evidence may be in the following order :

(a) the medical evidence, if any ;

(b) the evidence as to the identity of the body or property and the direct evidence of the perpetration of the crime;

(c) the evidence as to the discovery of the offender and his arrest;

(d) the circumstantial and other evidence.

16. Numbering of witnesses and necessary particulars—The witnesses should be numbered in the order in which they are marshalled; an official should be designated by his title and a female by words like ‘Kumari’ or ‘Shrimati’. If there be more than one witnesses of the same name, the parentage of each should be given. If any of the witnesses are relatives of the accused, or connected with the deceased or the party in whose interest the Government prosecute this should be stated.

17. Committing Magistrates to send timely information to Sessions Judge of the case to be committed—The Committing Magistrate as soon as he decides to commit a 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 and giving his own estimate of the time likely to be required for the trial.

18. Papers and articles to be sent to the Sessions Court by the Committing Magistrate—When a commitment is made, the Magistrate should notify the fact and transmit the following papers to the Court of Session:

- (a) The record of the original enquiry, including the order of commitment made under Section 207 A (10) of Section 213(1) of the Code of Criminal Procedure and a copy of the original charge framed under Section 207A (7) of Section 210 of the said Code.
- (b) The original charge framed under Section 207A(7) of Section 210 of the Code of Criminal Procedure.
- (c) The calendar as required by paragraph 13 of this Chapter.
- (d) The reasons for commitment prescribed by Section 207A (10) or Section 213 of the Code of Criminal Procedure and paragraph 14 of this Chapter, whether endorsed on the calendar or separately recorded.

Besides these, any weapon or other article of property necessary for production in evidence should be forthcoming at the trial.

19. Whenever a case in which a death sentence may be inflicted is not completed in a Committing Court and the records required by Rule 18 despatched to the Sessions Court within three months from the date of the arrest of the accused, the Committing Magistrate, should attach to the record an explanation of the delay signed by himself.

(High Court Letter No. 5844-RXII D-2, dated 16th July 1941).

Part B TRIAL OF SESSIONS CASES

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

2. Reservation of several days for possible Sessions cases—Sessions Judges should reserve for possible Sessions cases several days in each month. The Committing Magistrate, as soon as he decides to commit 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.

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.

4. Intimation in advance by Committing Magistrate—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, trials would be concluded much more quickly than would be the case when no preliminary warning is sent by the 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.

6. Postponement of cases awaiting arrest of absconders—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.

7. Explanation for delay—The High Court requires explanations to be furnished in monthly Sessions statement of any case pending over two months.

8. Place for trial—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.

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

10. Careful examination of charge and medical evidence by the Sessions Judge in order to amending charge. He may summon any witness not included in the calendar—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 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 paragraphs 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 (Section 217 of new Code)].

COMMENTS

There is no rule that a witness who was not produced in the committal proceedings cannot be examined in the Sessions Court. The Sessions Court can, under Section 540, Cr. P. C. examine witnesses who were not examined before the Committing Magistrate. If such a witness is treated as a prosecution witness and is examined by the prosecuting counsel instead of by the Court itself, it would be at best an irregularity curable by Section 537, Cr. P. C. *Bhagwan Singh vs. The State of Punjab*, AIR 1952 SC 214 : 1952 SCR 812.

11. Further prosecution evidence—Sessions Judges should report Magistrates who fail to carry out these instructions.

12. Charge to be read out: Mode of recording evidence—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 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 (Section 236 of new 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.

13. Charge as originally framed or as amended in the Court of Sessions to be read out—The papers referred to in Part A, paragraph 18, clauses (b), (c), (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.

14. Papers to be transferred to Sessions record—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 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 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. Instructions regarding preparations of record—(i) In preparing records in Sessions cases and in copying judgments, the following instructions should be strictly followed, namely:

(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. Use of previous statements of witnesses—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 of the subject *See* Chapter 12 of this Volume, Police Diaries, etc.)

17. Transfer of previous evidence—Under Section 288 of the Code of Criminal Procedure, the Sessions Judge has the discretion to bring 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 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 Magistrate's 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.

18. It is unsafe to pass conviction on transferred evidence—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. Transfer of statement of accused—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.

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

21. Index of the record—A list of all papers 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.

22. Detailed memo about weapons—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 produced in Court in connection with the trial should be given in the judgment, and in an annexure which 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.

23. Session Judges should see that these orders are complied 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 offence at least the human body.

24. Further evidence by parties—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 207 A(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.

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.

26. Trials by jury—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 the 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.

Notes—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, 1946*, 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, 1956*.

27. Verdict of Jury—After the judge has finish 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 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).

28. Judgment in agreement with the jury's verdict—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.

29. Procedure in case of disagreement with jury's verdict—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 equality divided in opinion, the Judge shall submit the case in 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 [*See* Section 236 of new Code] the Judge shall proceed to try the accused as if the verdict had been of conviction (Section 307).

30. Pronouncement of Judgment—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) [*See* Section 354(2) of new Code]. 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)] [*See* Section 354(2) of new Code].

31. Judgment should be pronounced in open Court by Sessions Judge—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(1) of the Code of Criminal Procedure [*See* Section 354(1) of new Code] 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) [*See* Section 10(3) of new Code] 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.

32. Judgment to be written before pronouncing—In cases where the law requires that a judgment should be written, it should be written and delivered before the sentence is pronounced. In 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. Copy to be forwarded to District Magistrate—In case tried by a Court of Sessions, the Court 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 [*See* Section 365 of new Code].

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. Documents to be forwarded to High Court when sentence requires confirmation—If the sentence is one which has to be referred to the High Court for confirmation, under Section 374 of the Court 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 :

- (1) First report at police station (if any).
- (2) Inquest Report.
- (3) Statement under Section 364, [Section 281 of new Code] Criminal Procedure Code.
- (4) Examination under Section 364 [Section 281 of new Code] 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—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.

35. Reference to High Court should be in prescribed form—The copy of the final judgment should be signed by the Sessions Judge himself, and not by the Superintendent or other officer 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.

36. In death sentences accused should be informed about period for appeal—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 [Section 363 of new Code] explained to the condemned man that he must file appeal within a period of seven days (*vide*. Article 150 of the Schedule to the Indian Limitation Act, 1908).

37. Explanation for delay—Whenever a Sessions trial in which a death sentence is inflicted is not completed and the record despatched to the High Court within two months the date of the receipt of the Committing Magistrate's record or within five 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.

38. Sessions Judge to ask accused and promptly deliver if he requires a copy of judgment—

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 (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. Endorsements on copy sent to accused—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 :

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

42. Notice to accused and Advocate General on receipt of record—Standing orders have been made in the High Court that immediately on receipt of the record, notice shall issue 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 [Section 366 of new Code] 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 expiration of a month from the date when the

necessary copies and translation of judgment, if any, applied for were despatched 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 instruction here given.

43. Copy of High Court judgment to be sent to Session Judge—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 step prescribed by Section 381 of the Code of Criminal Procedure [*See* Section 413 of new Code] to cause the sentence or order to be carried into effect.

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

45. Date for execution of death sentence—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.

46. Record to be sent to Government when a woman has been sentenced to imprisonment for life for infanticide—Under the orders of Government, it is directed that in every case in which a sentence of imprisonment, for life is passed on a women 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.

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 despatched.

(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 despatched 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.

(ii) In a case in which is 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 Courts, 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.

Part C

PROVIDING AN ACCUSED PERSON WITH LEGAL ADVICE BEFORE A SESSIONS COURT IN CERTAIN CASES

¹1. Committing Magistrate to report whether accused can afford to engage counsel—It is considered that every person charged with committing an offence triable exclusively by the Court of Sessions should have legal assistance at his trial either in a Court of Sessions or in the High Court. With this object the Magistrate committing any person for trial to a Court of Session or to the High Court for such an offence shall report whether the accused was represented by counsel in the proceedings before him, and if not, whether the accused can afford to engage one for his trial in the Court of Sessions or the High Court.

2. Counsel for accused to be provided by Sessions Judge—If the accused is unrepresented and cannot afford to engage counsel, the Sessions Judge shall make arrangements to employ counsel at Government expenses, and he may also appoint counsel, if he thinks fit, even when the Committing Magistrate has considered that the accused has means enough to engage himself. Counsel in such cases should be appointed in time to enable him to study necessary documents which should be supplied free of cost. These documents will ordinarily be copies of—

²(1) the evidence recorded by the Committing Magistrate and the order of commitment.

(2) the police record filed in Court excluding the documents which have been supplied to the accused under Section 173 and 207A(3) and excluding the diary maintained under Section 172.

3. Fees of counsel—³[The Legal Practitioner thus engaged by the Court shall receive a fee as per the table annexed to this part. In special cases, the Sessions Judge/Additional Sessions Judge holding the trial may exercise his discretion to allow a higher fee. The certificate shall be issued by the Court concerned within one month. ‘The payment shall be

¹. Rule 1 substituted vide Notification No.317/Rules/DHC dated 14.7.2011

². Rule 2(1) substituted vide Notification No.317/Rules/DHC dated 14.7.2011

³. Rule 3 substituted vide Notification No. 136/Rules/DHC dated 21.4.1984 and further substituted vide Notification No.139/Rules/DHC dated 16-7-2003 (w.e.f. 16-7-2003) and further substituted vide Notification No.317/Rules/DHC dated 14.7.2011

made through the Govt. of N.C.T. of Delhi on the production of the said certificate signed by the Judge concerned.

TABLE

S.No.	Description of work	Proposed
Criminal cases		
1.	(i) Sessions cases involving sentence of life imprisonment or death, including cases under NDPS, MCOCA & Section 376 IPC. (ii) All other Sessions Cases	Rs.12,000/- per case to be paid in three stages. (i) 1/3 on framing of charge. (ii) 1/3 on conclusion of evidence of prosecution and defence. (iii) 1/3 on final disposal. Rs.10,000/- per case payable in three stages, as above.
2.	Appeals	Rs.500/- for drafting and Rs.1,000/- one time total payment (1) Where the pleadings in connected cases or batch matters are substantially similar, the advocate will be entitled to an additional drafting fee of Rs.500/- per case, subject to a maximum total of Rs.5,000/- per group of connected cases or batch matters. (2) In the case of Respondent appearance in an appeal one time total payment of Rs.1,000/- shall be paid.
3	Revision	Rs.500/- for drafting and Rs.1,000/- one time total payment. (1) Additional drafting fee is not payable in connected or batch matters arising out of same FIR. (2) In the case of Respondent appearance in a revision one time total payment of Rs.1,000/- shall be paid.
4.	Bail Applications: Before Sessions Judge.	Rs.500/- for each bail application including anticipatory bail application subject to a maximum of three bail applications per accused in an FIR.
Miscellaneous Expenses:		
1.	Clerkage	10% of the fee subject to a maximum of Rs.2000/-
2.	Typing Charges	Rs.15/- per page (1+3)

3.	Photocopy	Rs.0.50 photocopy (per page)

GENERAL CONDITIONS:-

1.	Appeals/Revisions or Petitions arising from one common judgment/order will be considered as one case.
2.	When misc. applications are filed in a case, including transfer petition only drafting and typing charges will be payable and no separate fee will be payable.
3.	When counsel is changed during the pendency of the case fee will payable as per the stage fixed hereinabove.
4.	Fees payable in any case not covered in the schedule specifically shall be at the discretion of the Court/Judge, whose decision shall be final.
5.	In the event of any doubt or difference of opinion regarding the honorarium payable, the decision of the Court/Judge shall be final and binding.
6.	The revised rates of the Fee/Honorarium shall be applicable from the date of approval. Cases already settled will not be re-opened.

⁴[4. A panel of amicus curias counsel be drawn in which Counsel having at least 5 years standing at the bar be included for conducting cases under section 302 of the Indian Penal Code, and for other cases the panel should comprise of Counsel who have at least 3 years standing at the bar.]

⁴. Rule 4 substituted vide Notification No.136/Rules/DHC dated 21.4.1984

