

PART D—RULES OF PROCEDURE IN CASES
UNDER SECTION 366 OF THE CODE OF
CRIMINAL PROCEDURE

Procedure. 1. The rules of procedure to be followed by Sessions Judges in the submission of proceedings to the High Court under section 366 of the Code of Criminal Procedure are continued in Chapter 24-B, Rules and Order, Volume III.

Printing of record. 2. On receipt of the proceedings the Deputy Registrar shall take immediate steps to have the record printed under the rules next following.

Contents of printed record. 3. The printed record in Murder Reference Cases shall consist of the following documents :—

- (1) Opening Sheet of Sessions record.
- (2) Notes and Orders of the Sessions Judge.
- (3) Charge Sheet framed by the Sessions Judge.
- (4) Plea of the accused.
- (5) Reports of the Chemical Examiner and the Serologist, if any.
- (6) First Information Report.
- (7) Inquest Report.
- (8) Material documentary evidence, if any.
- (9) Record of evidence in Court of Session.
- (10) Statements and confessions recorded under section 164 of the Code of Criminal Procedure.
- (11) Examination of the accused in Sessions Court under section 313 of the Code of Criminal Procedure.
- (12) Judgment of Sessions Judge.
- (13) Petition of Appeal.

Copies of the record. 4. Fourteen copies of the Sessions record shall be printed at Government expense with the least possible delay, if there is only one accused, but in case the number of the accused exceeds one, an extra copy shall be printed for each additional accused.

5. In a case where the Sessions Judge certifies that the accused person cannot afford to engage counsel for his defence in the High Court, the Deputy shall take steps to have counsel engaged for his defence at Government expense.

Defence counsel at Government expense.

"6. The hearing of the Murder Reference, in view of the provisions of section 366 of the Code of Criminal Procedure, which lay down that a sentence of death shall not be executed unless it is confirmed by the High Court, shall take place as a rule within about six weeks after the date of receipt of records in the High Court."

Time limit for hearing Murder Reference.

7. Immediately on the sentence of death being confirmed or not confirmed, as the case may be, by the High Court, the Deputy Registrar shall inform the Superintendent of the jail in which the prisoner is confined of the decision and direct him to communicate the same to the prisoner forthwith. The Deputy Registrar shall at the same time inform the Sessions Judge concerned and return the records to him for taking steps under section 473 of the Criminal Procedure Code. Copies of the High Court Judgment shall be sent to that officer later, and as promptly as possible.

Information of decision to accused.

8. The record of every case as prepared for the use of the High Court in which the sentence has been confirmed by the High Court, together with a copy of the High Court judgment and translations of Police Zimnis, shall, as soon as orders have been passed confirming the death sentence, be forwarded to the State Government.

Record to be sent to Government.

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(1) The copies of record received under rule 34 of Chapter 24-B and rule 7 of Chapter 25-G of High Court Rules and Orders, Volume III shall again be compared with the original record and if necessary corrected in the High Court by such officials of this Court as may be nominated for the purpose by the Registrar before being placed before a Criminal Bench. The officials responsible for comparison and correction of the copies of record shall attest the same to be true copies of the original.