

RULES AND ORDERS  
OF  
THE PUNJAB HIGH COURT

**Volume III.-Instructions to Criminal Courts.**

CHAPTER I.

**Practice in the trial of *Criminal Cases.***

PART A.-GENERAL.

1. There shall be uniform Court timings and office timings in all Subordinate Courts of the States of Punjab, Haryana and U.T. Chandigarh w.e.f. 01.07.2018 as follows: -

|                |   |                          |
|----------------|---|--------------------------|
| Court Timings  | - | 10:00 A.M. to 04:30 P.M. |
| Office Timings | - | 09:30 A.M. to 05:00 P.M. |
| Lunch Break    | - | 01:00 P.M. to 01:30 P.M. |

However, second and fourth Saturdays of each month shall be observed as holiday.

***{Rule 1 amended vide Correction Slip No. 37 dated 16.11.2018}***

2. **Closing hour:-** The hearing of a case taken up before 4 p.m. (or whatever may be the closing hour of the court) may, if necessary, be continued for a short time after that hour, but no new case should be taken up after the hour when the court is timed to rise.
3. **Place of sitting:-** All trials when held at the headquarters of a district or sub-division should be conducted by officers at their Court houses only. The Honorary Magistrates or a Bench of Honorary Magistrates at Delhi shall, unless otherwise permitted by Government hold court in Municipal, Cantonment or Notified Area. Criminal cases should as a rule be taken Government or Government rented building within the limits of a up at the headquarters of a district or tehsil, but when it becomes necessary to take up a case on tour, care should be taken to see that the parties get due notice of the place and hour fixed for their attendance.
4. **Petition box:- (a)** A petition box shall be placed in the varandah of the Court house about one hour before the Court sits, an official being specially made to attend early for this purpose. It should be opened in the presence of the Magistrate about 15 minutes after the Court opens when all petitions shall be initialed by him. The Magistrate shall pass proper orders forthwith or inform the petitioner when orders will be ready after the necessary Kaifiyats have been put up. The box shall be replaced in the varandah and opened again shortly before the Court rises for luncheon in the presence of the Magistrate and the same procedure followed. It shall then be replaced once more in the varandah and opened for the last time 15 minutes before the time fixed for the rising of the Court and the procedure prescribed above followed. After the box has been opened for the third time, it shall not be replaced in the varandah but petitions may thereafter be presented up to the closing hour of the court to the Magistrate personally who shall receive them.

A list of all miscellaneous petitions, etc., on which orders cannot be passed forthwith, should be prepared and exhibited outside the Court room specifying the date fixed for the disposal of each petition.

**(b) Urgent matters:-**In urgent cases, however, the Magistrate may exercise his discretion and personally receive documents presented to him direct at any time.

**(c) Ministerial staff not to receive petitions, etc.:-** The members of the ministerial establishment are strictly forbidden to receive complaints, petitions or other documents direct from lawyers and their clerks or from litigant except when the Magistrate is on leave and no other Magistrate is in charge of his current duties. District Magistrates should, however, invariably make arrangements for the reception of complaints, petitioners, etc., by another Magistrate when a Magistrate is temporarily absent on leave, tour or otherwise. Where there is a single Magistrate at a station such as a Moffassil or outlying Court. District Magistrates should issue such orders as may be necessary in the peculiar circumstances of each case to ensure the convenience of the general public.

**(d) Exceptions:-** The above orders do not apply to applications put in by counsel for the inspection of records which may be represented to the Magistrate personally, nor do they apply to talhanas and stamped postal envelopes filed by litigants which should be received direct by the Ahlmad or the Moharrir and a receipt given for the same whether demanded or not.

**(e) Bail applications:-** A list, showing the hours at which bail applications and other miscellaneous applications are entertained shall be displayed outside the court room of each Magistrate. Urgent application may, however, be entertained outside the hours fixed for ordinary applications.

- 5. Courts to be Open:-** [Section 327 of the Code of Criminal Procedure contains the healthy rule that criminal Courts should ordinarily be open to the public. The proviso to this Section, however gives discretion to the presiding officer of the court to exclude the public generally or any particular person from the room or building used for holding the Court. It is for the presiding officer to decide for himself about the place where the court is to be held, but it should ordinarily be held in the usual Court room. In exceptional circumstances, however, for reasons of security for the accused or for the witnesses or for the presiding officer himself or for any other valid reason, he may either on his own motion or on the application of the prosecution or the accused, decide to hold the Court at any other place within the limits of his local Jurisdiction. When it is decided to hold the Court at a place other than the usual Court room, the presiding officer should pass a formal order giving reasons for his so doing and should ensure that neither the prosecution nor the accused is in any way prejudiced in the conduct of the proceedings, inquiry or trial, as the case may be, at that place. A copy of the order so passed should be sent to the High Court. If prior permission of any person or authority is needed for the use of any place or building as a Court room, the same should be obtained through the Sessions Judge, if that person or authority is in that Sessions Division and through the High Court in other cases. No permission need be sought in this regard, if use of any place, other than the usual Court room, for enquiry or trial, is decided upon by the presiding officer on a formal request made by the prosecuting agency.]

**{Rule 5 Substituted vide Correction Slip No 27 Rules/XII.F.8 dated 09.10.1981.}**

- 6. Speedy disposal of cases:-** Magistrates should as a rule give priority to Criminal cases over other work especially when an accused person is in custody. Attention is drawn to the new sub-

section (1) inserted in section 344 of the Code by the Code of Criminal Procedure (Amendment) Act, 1955 (No. 26 of 1955), according to which in every enquiry and trial the proceedings shall be held as expeditiously as possible. In particular, when the examination of witness has once begun the proceedings shall be continued from day to day until all the witnesses in attendance have been examined, if the adjournment of the case beyond the following day is considered necessary the Court must record its reasons in writing. The new proviso to sub-section (1-A) further says that when witnesses are in attendance an adjournment or postponement cannot be granted without examining them, except for special reasons to be recorded. Adjournments when necessary should be as short as possible, according to the circumstances of the case. Special care should be taken in the trial of a person accused of a non-bailable offence who is in custody as according to the new sub-section (3-A) of Section 497 of the Code (as inserted by Act no.26 of 1955) if the trial is not concluded within sixty days of the first date fixed for taking evidence in the case, the person may have to be enlarged on bail. The Court has to record its reasons if it decides to keep the accused in custody beyond the period of sixty days mentioned in the said sub-section.

7. **Reasonable cause for postponement:-** It is not a reasonable cause of postponement under Section 344 of the Criminal Procedure Code, except for a short period, that there are other accused in the case for whose arrest it is considered by the Court desirable to wait in order that all the accused may be put on their trial together. Such an order consults the convenience of the Court and witnesses only, whereas every accused has a right to have the evidence against him recorded at as early a period as possible.
8. **Witnesses should not be produced on the date of presentation of the chalan:-** Section 251-A, inserted in the Code by Act No. 26 of 1955, lays down a new procedure for the trial of warrant cases instituted on police report. When the accused appears or is brought before the Magistrate, he has to satisfy himself that the documents referred to in sub-section (1) of Section 173 have been furnished to the accused as required by sub-sections (4) and (5) inserted in Section 173 by Act No. 26 of 1955. Sub-section (4) requires that the accused should have been furnished with these documents before the commencement of the inquiry or trial. It is, therefore, desirable that the accused should have a reasonable time to study these documents before the Magistrate proceeds to examine and hear the accused under sub-sections (2) and (3) of Section 251-A. If the court frames a charge and the accused does not plead guilty a date for the examination of witness for the prosecution will be fixed at that stage.  

These instructions do not, however, apply to such summons cases the trial of which can be completed forthwith and should not be delayed even for a few days. Now a summons case would be a case relating to an offence which is punishable otherwise than with death or with imprisonment exceeding one year.
9. **Relief to Courts:-** In criminal cases, in which the proceedings are likely to be protected, the proper course for the magistrate trying the case is to apply to the District Magistrate to be relieved of other work to such an extent as to enable him to deal promptly and efficiently with the case. If for any reason such cases have to be taken up by a District Magistrate or a Treasury Officer, it will usually be possible for such officers to be relieved of some of their ordinary work by other officers on the district staff. If, however, the ordinary staff is not sufficiently strong temporary assistance should be applied for.
10. **Adjournments caused by holidays etc.:-** On the occurrence of an

unexpected holiday or the unexpected absence of an officer, the Presiding Officer, before his departure or before finishing the work on the day preceding the holiday, should himself fix fresh dates of hearing in the peshi register for the cases fixed for the day in question. The register should then be made over to the reader of the court or in the case of a holiday to a selected reader who should be made responsible for informing all parties and witnesses of the adjournments given on their coming to attend the closed court or courts. On holidays the duty Magistrate at headquarters should check and supervise the work of the selected reader for the criminal courts at least once in the course of the morning.

- 11. Daily progress reports:-** The forms prescribed for reporting the daily progress of cases (see Volume VI-B, part III, form No, 176) should be used by magistrates without fail and a copy should be sent daily to the District Magistrate or Sub- Divisional Officer as the case may be.
- 12. {All Judicial Officers shall furnish to the High Court, a statement of old Criminal Cases pending over one year every month before the 10<sup>th</sup> of the following month in the pro forma appended below together with their explanation where necessary and the comments of the Sessions Judge concerned thereon. The submission of the proceedings of the monthly meeting of Judicial Officer should accompany with the aforesaid statement.}**

***{Rule 12 Substituted vide Correction Slip No 23 dated 19.6.1980.}***

**PROFORMA 'B'**

Consolidated Statement of more than one year old criminal Cases pending in the Judicial Courts, Judicial Magistrates of \_\_\_\_\_ District for the month of \_\_\_\_\_

| Nature of Court | Nature of Criminal Cases                                  | No. of cases pending at the end of the last month | No. of cases which became over one year old during the month | Total No. of cases | No. of cases dispose of during the month | Balance |
|-----------------|---|---|--|--------------------|--|---------|
| 1               | 2   | 3   | 4  | 5                  | 6  | 7       |
|                 | 1. Police Challans<br>2. Complaints<br>3. Others (if any) |   |  |                    |  |         |

- 13. History sheets:-** Magistrates shall submit history- sheets containing abstract of orders passed in different dates in six oldest cases pending over one year when delay is said to be due to stay of proceedings therein it is the duty of the higher court concerned to look into and give its remarks on the cause of delay and to expedite disposal of the case in which the order staying proceedings in the Lower Court was passed.

***{Rule 13 Substituted vide Correction Slip No 24 dated 9.6.1980}***

- 14. Fast and Secured Transmission of Electronic Records (FASTER):-** The e-authenticated copies of the interim orders, stay orders, bail orders and record of proceedings of the courts transmitted through Fast and Secured Transmission of Electronic Records (FASTER) system shall be valid for compliance of the directions contained therein.

***{Rule 14 inserted vide Correction Slip No 42 Rules/II.D.4 dated 22.9.2022}***

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