

PART C.-(ii) ATTENDANCE OF PRISONERS IN CRIMINAL COURTS.

Attendance
prisoners
in Criminal
Courts.

Act No. 32
of 1955.

1. The attendance of any person confined in any prison may be required by any Criminal Court either:-

- (a) to give evidence, or
- (b) to answer a charge of an offence.

2. In case (a) above, any Criminal Court may make an order in the form set forth in the First Schedule of the Prisoners (Attendance in Courts) Act, 1955 (No. 32 of 1955) and directed to the officer-in-charge of the prison. In case (b) above, the order shall be made in the form set forth in the second Schedule of the said Act and shall, likewise, be directed to the officer-in-charge of the prison. Such orders of a Criminal Court inferior to the Court of a Magistrate of the first class shall not have effect unless counter-signed by the District Magistrate to whom that court is subordinate or within the local limits of whose jurisdiction the Court is situate.

Note.-Act No. 32 of 1955 extends to whole of India, except the State of Jammu and Kashmir.

3. (1) Prison includes :-

- (i) any place which has been declared by the State Government, by general or special order, to be subsidiary jails; and
- (ii) any reformatory, Borstal institution or other institution of a like nature (clause (b) of Section 2, *ibid*).

(2) State Government' in relation to a Union territory means the Lieutenant-Governor or, as the case may be, the Chief Commissioner of that territory. (Clause (c), of Section 2, *ibid*).

Exemptions.

4. Under section 4 of the Act, the State Government may, under the circumstances mentioned in sub-section (2), by general or special order, direct that any person or class of persons shall not be removed from the prison in which he/they may be confined. The provisions of section 3 shall not apply to such person or persons so long as any such order remains in force.

Officer-in-charge of a prison to produce the person confined before the Court;

5. On the delivery of any order made under section 3, the officer-in-charge of the prison in which the person named is confined shall cause that person to be taken to the court in which his attendance is required, on the date and time mentioned in the order. He shall cause that person to be detained in custody, in or near the court, until the presiding officer of the court authorises him to be taken back to the prison (Section 5, *ibid*).

6. The officer-in-charge of the prison shall abstain^{When he may} from carrying out an order made under section 3 under the^{abstain from} circumstances mentioned in section 6 of the Act. He shall^{carrying out} not, however, so abstain from carrying out the orders of a^{orders of court.} Criminal Court if the person named in the order is not declared in accordance with rules made in this behalf to be unfit to be removed from the prison in which he is confined or where the person named in the order is required to attend at a place which is not more than five miles distant from that prison.

Examination
on comm-
ission.

7. Save as otherwise provided in this Act and apply in relation to the examination on commission or otherwise of any person confined in a prison as they apply in relation to the examination on commission of any other person. (Section 8, *ibid.*)

Courts
orders to
issue in
time.

8. In order to avoid unnecessary delays in the trial of Criminal cases it is essential that all orders for the production of persons confined in a prison should be issued well in advance of the date fixed for the hearing of the case.