

PART B.—THE SUBMISSION OF RECORDS TO THE HIGH COURT FOR PURPOSES OF REVISION

1.—Cases submitted to the High Court for revision of sentence, under section 438 of the Code of Criminal Procedure, shall be accompanied by the records and by a statement of the case in English, giving—

Information to be sent along with record.

- (i) a brief abstract of the case;
- (ii) the sentence or order of the lower Court, and the name of, and powers exercised by, the Magistrate passing it;
- (iii) the particular portion of the sentence or order in which an error on a point of law is believed to exist;
- (iv) the grounds upon which the order of the lower Court should be reversed or modified.

It should also be noted how much of the sentence the accused has undergone; and, if he has been sentenced to fine whether the fine has been realised.

*Note.*—In cases tried summarily by a Magistrate or a Bench of Magistrates and in which there are no records except entries in the Register of Summary Trials (Criminal Register No. XVII), certified copies of the relevant entries in the Register should be submitted with the reference instead of the Register.

Cases wherein sentence requires alteration.

II.—A distinction should be drawn between cases in which the sentence or order is required to be altered, and cases in which irregularities of procedure have occurred which do not necessitate any alteration of the sentence or order. The former must in all cases be submitted to the High Court; because no other Court is competent to alter a sentence or order otherwise than on appeal. In the latter class of cases it is discretionary with the Sessions Judge or District Magistrate to refer the proceedings to the High Court for orders.

III.—It is not every irregularity of procedure that requires to be reported to the High Court for a formal order on the revision side. Where a similar irregularity has been reported before and disposed of by an order of the High Court, or where the irregularity is trifling and the accused has not been prejudiced, or

Cases of irregularity of procedure.

where there has been no failure of justice on account of the irregularity, the Sessions Judge or District Magistrate is authorized to point out the irregularity to the Court concerned in order to prevent its recurrence, and need only forward the proceedings to the High Court, if there are any special grounds for so doing.

Prescribed for  
record.

IV. Cases should be reported for revision in the prescribed form on paper of durable quality. The form (No. 61 in Part B-1, Rules and Orders, Volume VI-B) is no longer printed but the prescribed headings should invariably be filled in on a typewriter.

Revision  
petitions by  
prisoners in  
jail.

V. All petitions for revision presented to Sessions Judges and District Magistrates by prisoners in Jail, through the jail authorities, should be forwarded to the High Court for disposal. In no other case should petitions for revision be submitted to the High Court unless a *prima facie* case for the Courts interference is made out, in which case the records should be submitted and the case reported for revision in the manner prescribed by these rules.