

PART G.- SUPPLY OF COPIES TO APPELLANTS AND
 APPLICANTS FOR REVISION, AND TRANSMISSION
 OF APPEALS AND APPLICATIONS OF PRISONERS
 TO APPELLATE AND REVISIONAL COURTS.

The particular attention of Sessions Judges and District Magistrates is invited to the following directions relating to the supply of copies to appellants and applicants for revision, and for the transmission of appeals and applications of prisoners to the Courts to which they are addressed. Superintendents of jails have been supplied with these directions to guide them in dealing with applications for copies made by prisoners under their custody.

Introductory.

2. Section 419 of the Code of Criminal Procedure requires every petition of appeal presented to copy Criminal Court to be accompanied (unless *the Court to which it is* presented otherwise directs) by a copy of the Judgment of order appealed against, or in cases tried by jury by a copy of the heads of the charge recorded or a copy of the charge taken down in shorthand under Section 367 of the Code. This copy (or a translation of the judgment where the accused desires to have a translation), when the appellant has been convicted in any case other than a summons-case and a copy of the finding and sentence when the accused has been sentenced to imprisonment, must under the provisions of section 371 of the Code, be given free of cost.

Appeal to be accompanied by copy of judgment or order. Free supply of copy in certain cases.

3. Similarly, applications for revision will not be received in the High Court unless accompanied by copies of the judgment or judgments impeached, unless the Court otherwise directs under section 419, Criminal Procedure Code. If it is intended that the High court should give such directions, it should be stated clearly why the person convicted is unable to furnish the copy. When the applicant has been convicted in any case other than a summons case, he entitled to get, free of charge, a copy or translation of the judgment of the court which convicted him and if he has been sentenced to imprisonment, also of the finding and sentence. If he has appealed, he is entitled, in view of section 424 of the Code, to get free of cost, all

Application for revision to be accompanied by copy of judgment. Free supply of copy to accused.

these copies or if so desired a translation of the judgment of the Appellate Court also. This does not however entitle him to get copies of the judgment, finding or sentence of the trial court a second time.

No application for revision to be detained for more than a week for copy.

No application for revision is to be detained for more than a week for the purpose of granting a copy of the judgment impeached. If a copy cannot be given within that time, the application must be forwarded to the High Court without a copy of the judgment, with an explanation of the cause of not granting a copy, for orders.

Immediate supply of copies when sentence of imprisonment is pronounced just before holiday.

Applications for copies made by a person sentenced, to imprisonment, on a working day preceding a holiday, should be treated as urgent. Such copies should be supplied on the same day as far as possible, and if that is not found practicable at least on the next day.

Free supply of copies to jail prisoners in summons cases.

4. The High Court has decided that notwithstanding anything contained in paragraphs 2 and 3, when the accused is in jail, a copy of the judgment or order in a summons case may be supplied free of cost if he or his agent requires it for purposes of filing an appeal or petition for revision and not otherwise, provided that second copy of the judgment or order of the original Court shall not be supplied free of cost for purposes of revision if he has already obtained one for the purposes of filing an appeal.

Appeal by jail prisoner to be sent through District Magistrate.

5. Petitions of appeal preferred by prisoners through the Superintendent of the Jail should be sent to the District Magistrate to be forwarded to the Appellate Court with the records of the case.

Proper channel for sending records to High Court.

6. When the appeal lies to the High Court, the District Magistrate should, if the appeal is from a sentence passed by himself in exercise of the powers conferred under section 30 of the Code of Criminal Procedure, transmit the petition of appeal, copy of judgment and District Magistrate's records (which should always include the Police papers connected with the case), with a copy of the order, if any, passed

by the Sessions Judge, under section 380 of the Code, direct to the High Court. In other cases the petition of appeal, copy of judgment, District Magistrates' records (including the Police papers, as above provided) should be forwarded to the Sessions Judge in order, that the record of the Sessions Court may be transmitted therewith.

7. Whenever the appeal of a person, convicted by a record a Court of Sessions is forwarded to the High Court, particular care should be taken to see that the petition of appeal is accompanied by a typewritten copy, in English, of the whole proceedings of the Sessions trial. When the sentence is one of the death or imprisonment for life, two typewritten copies of the record should be sent.

Typewritten copies of record and judgment to be sent to High Court.

8. So far as possible, stenographers in typing from dictation evidence and judgments in all classes of cases should prepare by duplication all extra copies likely to be required for this purpose, as well as for supplying' the accused or any other person requiring a free copy. This should avoid the preparation of fresh copies by the Copy Clerk. Similarly these copies should be duplicated when they are likely to be required by any subordinate Court.

Extra copies to be prepared in advance by stenographers.

9. Applications for revision sent to the District Magistrate by the Superintendent of the Jail should be forwarded to the High Court unaccompanied by records, unless the District Magistrate sees fit to report the case for revision, in which case he must follow the procedure laid down in Chapter 25-B of this volume.

Despatch of records in revision applications by jail prisoners.

10. Whenever an application is made under the provisions of section 548 of the Code of Criminal Procedure; in a case in which the records are before the High Court, by a prisoner in jail, and such application is submitted through the jail authorities with the prisoner's grounds of appeal, the petition of appeal should be forwarded at the same time.

Applications under section 548. Criminal Procedure Code.

11. Attention may here be drawn to Punjab Government notification No. 10495, dated 27th March, 1922, by which the Court-fees on copies of certain documents furnished to accused persons and prisoners by Criminal Court have been remitted. The notification will be found in Volume IV, Chapter 4.-"Court Fees and Stamps."

Court-fees on copies supplied to accused and prisoners.