

CHAPTER 25

Appeal and Revision—Criminal.

PART A.—ADMISSION OF PETITIONS.

Rule 1.—A petition of appeal or revision on behalf of a person convicted by a criminal court or an application for transfer shall not be admitted by a criminal court, unless it is either submitted through the jail authorities, or is presented by the convicted person himself, or by some person authorised by a duly stamped power of attorney to present it on his behalf, and a petition for revision by a complainant shall not be admitted unless it is presented by the complainant or by some person authorised by a duly stamped power of attorney to present it on behalf of the complainant.

Persons competent to lodge petition.

Provided that a person confined to jail shall be allowed to appoint his pleader, whether falling under jail prisoner class (1) or (2) of section 4(r) of the Code of Criminal Procedure, by means of a printed form, signed by him and attested by the Superintendent of the Jail, and that no stamp shall be required on this form.

Appointment of a pleader by a jail prisoner.

Note.—A specimen of the form is given in the Appendix attached to this part.

2. Petitions of appeal and revision, written by Jail officials on behalf of prisoners, shall be authenticated by the Superintendent of the Jail and every such petition received from the Superintendent of a Jail shall be examined upon receipt, and if it has not been authenticated by the Superintendent, it shall be returned forthwith for this to be done.

Authentication of petitions written by jail officials for prisoners.

3. A petition of appeal or for revision received by post otherwise than through jail or District authorities should, if possible, be returned to the person from whom it was received by post 'bearing'.

Petitions received by post.

Pleader  
engaged  
by  
agent.

4. <sup>1</sup>[Pleader engaged by agent.- When an agent has been duly appointed by a convict to file an appeal or revision, a pleader engaged by the latter shall be required to file a power-of-attorney.

An Advocate at the time acceptance of his appointment/engagement shall also record his residential/office address, telephone/cell number, enrolment number and if available, e-mail as well as fax number on the Vakalatnama/Memo of Appearance/Written Authorization, which shall be address for service within the meaning of the Rule 5 of Order 3 of Code of Civil Procedure, 1908.

Provided that where more than one Advocate accepts the appointment/engagement, it shall be sufficient for one of them to record his address.

Provided further that every Vakalatnama/Memo of Appearance/Written Authorization shall be affixed with the requisite Advocate Welfare Fund Stamp. In case of urgency, if the Advocate Welfare Fund Stamp is not available, the filing will be accepted subject to the undertaking furnished by the counsel that the requisite stamp will be affixed. The matter shall be listed before the Court only after compliance of the undertaking unless otherwise ordered by the Court. In the case of respondent also where the counsel files Vakalatnama/Memo of Appearance/Written Authorization, it shall be affixed with the requisite Advocate Welfare Fund Stamp, and in case of urgency, if the Advocate Welfare Fund Stamp is not available, the same will be accepted subject to the undertaking as above.]

Court-  
fees on  
appeals.

5. No Court-fees shall be charged on appeals preferred on behalf of a prisoner by a pleader or by agent.

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1. Amended vide Correction Slip No. 36 Rules/II.D4. dated 15.03.2018.

APPENDIX

*Form of declaration by a person confined to Jail appointing a pleader for presenting an appeal or revision on his behalf in a criminal court.*

IN the Court

\_\_\_\_\_ of \_\_\_\_\_

Appellant.

\_\_\_\_\_

Petitioner, *versus*

THE State \_\_\_\_\_

\_\_\_\_\_ Respondent.

Charge under section

\_\_\_\_\_ Sentence \_\_\_\_\_

Appeal

\_\_\_\_\_ from the order of \_\_\_\_\_ Magistrate,

Revision

exercising \_\_\_\_\_ powers at \_\_\_\_\_

I, \_\_\_\_\_, son of \_\_\_\_\_, caste

resident of \_\_\_\_\_ now

a prisoner in the Jail at, hereby authorize to file an appeal in the above case on

my behalf and to act, plead and take all other steps in furtherance thereof.

Signatures or

thumb-impression \_\_\_\_\_

of the appellant

Or

petitioner.

Date \_\_\_\_\_

Station \_\_\_\_\_

Attestation by the Superintendent of Jail \_\_\_\_\_

The above declaration has been made by \_\_\_\_\_

prisoner No. \_\_\_\_\_, at present confined in the \_\_\_\_\_ Jail which, is under my charge as

Superintendent. The contents of the declaration have been read over to the prisoner who admits them to be correct. Let this be given to his pleader for necessary action.

Signatures \_\_\_\_\_

Designation \_\_\_\_\_

Date \_\_\_\_\_

Station \_\_\_\_\_