

Chapter 1-A

1. For rule 12, substituted vide Correction slip No.23/Rules/IX.C.18., dated 19th June, 1980, prior to substitution, the rule read as under:-

12. Magistrates shall furnish in quarterly criminal statement No. II, explanations of delay in the disposal of cases pending over 4 months. In this connection also see paragraph 6 of Chapter 23-C, Volume IV.

2. For rule 13, substituted vide Correction slip No.24/Rules/IX.C.18., dated 25th September 1980, prior to substitution, the rule read as under:-

13. Magistrates shall submit history sheets containing abstract of orders passed in different dates in all cases pending over one year provided they are not stayed. When delay is said to be due to a transfer application pending in a higher court, it is the duty of the higher court concerned to look into and remark on the causes of delay and to expedite disposal of the transfer application.

Chapter 9-A

3. Rule 3, substituted vide Notification No.GSR-125/C.A. 2/74/S.312/Amd./76, dated 5th October 1976, prior to substitution rule reads as under:-

“27 Administration of Justice G. Criminal Courts-G.2 Others Charges-Diet and Road money of witnesses.” Deputy Commissioners are disbursing officers and District and Sessions Judges are controlling officers for allotments and expenditure under this head. Under paragraph 12.5 of the Punjab Budget Manual allotments for all heads including "Diet and Road money to witness" under the minor head “Criminal Courts” are placed at the disposal of District and Sessions Judges and they are at liberty to retain whatever amount they consider necessary at their own disposal, and to allot the balance to disbursing officers for expenditure.

4. Rule 3 para (i), substituted vide notification dated 23rd August, 1963 prior to substitutions, the rule read as under:-

(i) *Rates of subsistence allowance, that is, allowance for each day's necessary absence from residence and attendance at Courts.*

<i>Class</i>	<i>Rate per diem Rs. P.</i>
(a) For ordinary labouring classes ..	1.75
(b) For witnesses of somewhat higher standard	1.75
(c) For witnesses not included in (a) and (b) above	1.75
(d) For Municipal Commissioners, Income-tax payers and other respectable persons	2.00
(e) For other persons of higher standard	2.00
Special rates for witnesses not coming within the scope of the above mentioned classes	3.00
	4.00

**Further substituted vide Correction Slip No. 30/General/II.D.4,
Dated 19th September, 1984**

Rates of subsistence allowance, that is, allowance for each day's necessary absence from residence and attendance at Courts.

<i>Class</i>		Rate as per diem Rs. P.
(a)	For ordinary labouring classes	3.00
(b)	For witnesses of middle classes	4.00
(c)	For witnesses not included in (a) and (b) above	5.00
(d)	For Municipal Commissioners, Income-tax payers and other respectable persons	7.00
(e)	For other persons of higher standard Special rates for witnesses not coming within the scope of the above mentioned classes	10.00
(f)	Special rates for witnesses not covered within the scope of the above-mentioned classes	15.00

5. Rule 3 para (ii) for the words “six annas a mile” wherever occurring, the “25 paise per kilometer” shall be substituted in the following paragraph vide Notification No. GSR-210-/Const./Art/227/63, dated 23rd August, 1963, prior to substitution the Rule reads as under:-

When the journey is made otherwise than by rail, the necessary and actual expenses of carriage may be paid at the discretion of the Court, provided that the expenses incurred do not exceed **six annas a mile** and where a witness travels by a private motor car he may also be paid travelling expenses upto **six annas a mile**, provided that journey could not, with reference to the age, position and habits of life of the person have been made on foot.

In assessing the amount of actual expenses, the courts should bear in mind that the fares charged by motor buses do not generally exceed one anna per mile. To persons in classes (d), (e) and (f) a further sum may be allowed to cover the cost of carriage hire to and from the court on the days of attendance at Court

Further the figures and words “25 paise per kilometer” substituted with “45 paise per kilometer in Punjab, 50 paise in Haryana, and 75 paise in Chandigarh” vide correction slip No. 30/General/II. D. 4, Dated 19th September, 1984, prior to substitution the Rule reads as under:-

When the journey is made otherwise than by rail, the necessary and actual expenses of carriage may be paid at the discretion of the Court, provided that the expenses incurred do not exceed **25 Paise per Kilometer** and where a witness travels by a private motor car he may also be paid travelling expenses upto **25 Paise per Kilometer**, provided that journey could not, with reference to the age, position and habits of life of the person have been made on foot.

In assessing the amount of actual expenses, the courts should bear in mind that the fares charged by motor buses do not generally exceed one anna per mile. To persons in classes (d), (e) and (f) a further sum may be allowed to cover the cost of carriage hire to and from the court on the days of attendance at Court

Further the words and figures “where a witness travels by a private motor car he may also be paid travelling expenses upto 45 paise per kilometre” substituted with “where a witness travels by a private vehicle he may also be paid travelling expenses upto one rupees per kilometre in case of travel by a motor car and upto thirty-five paise per kilometre in case of travel by a motor cycle or a scooter” vide Notification No. G.S.R. 40/C.A.2/74/S.312/Amd./87, Dated 30th April, 1987, prior to substitution the Rule reads as under:-

When the journey is made otherwise than by rail, the necessary and actual expenses of carriage may be paid at the discretion of the Court, provided that the expenses incurred do not exceed 45 paise per kilometre in Punjab, 50 paise per kilometre in Haryana and 75 paise per kilometre in Chandigarh and **where a witness travels by a private motor car he may also be paid travelling expenses upto 45 paise per kilometre in Punjab, 50 paise per kilometre in Haryana and 75 paise per kilometre in Chandigarh**, provided that journey could not, with reference to the age, position and habits of life of the person have been made on foot.

In assessing the amount of actual expenses, the courts should bear in mind that the fares charged by motor buses do not generally exceed one anna per mile. To persons in classes (d), (e) and (f) a further sum may be allowed to cover the cost of carriage hire to and from the court on the days of attendance at Court

6. Rule 3, Note 4, substituted vide Notification No.GSR-125/C.A. 2/74/S.312/Amd./76, dated 5th October 1976, prior to substitution rule reads as under:-

Note 4.—According to Rule 2.80 of the Travelling Allowance Rules framed by the Punjab Government an officer of the Government who is summoned to give evidence of facts which have come to his knowledge or of matters with which he has had to deal in his public capacity in criminal case (including a case before a Court-martial) is entitled to draw travelling allowance from Government. Accordingly the Courts should not grant to Government officers, except in the two cases mentioned below; fees or expenses which may have been deposited in such cases for their travelling and halting or subsistence allowances. The amounts should be credited to Government under the head "XXI-Administration of Justice-Miscellaneous Fees and Fines."

Chapter 11-E

7. For rule I, (i), (ii), (iii), 2(a), (b), (c) & 3, substituted vide Correction slip No.31/Rules/II.D.4., dated 20th August 1992, prior to substitution, rule read as under:-

1. Property sent in by the Police is usually of three kinds:-

- (i) Articles including (a) counterfeit coins, together with implements for their manufacture, such as dyes, moulds, etc., and (b) implements such as dyes, moulds, etc. used in the forgery of currency notes, transmitted to the Magistrate, under section 170 of the Code of Criminal Procedure, with the Police report in cases sent up for trial.
- (ii) Property seized by the Police as stolen property or upon suspicion, and ordered by the Magistrate, under section 523 of the Code of Criminal Procedure, to be forwarded to headquarters.
- (iii) Property taken charge of by the Police under section 25 of the Police Act (Act V of 1861) and ordered by the Magistrate of the districts to be forwarded to headquarters.

2. (a) With regard to property referred to in rule custody

(1) (i) above, other than articles enumerated in (a) and (b) the Police Department will retain charge of it pending the disposal of the case. When the case is decided, the property, if not returned to the owner, will be made over to the Nazir for safe custody or otherwise disposed of, as the Magistrate may direct.

(b) Articles enumerated in 1 (i) (a) above will remain in the custody of the Police Department pending the disposal of the case. At the end of the case and not till after the appeal or revision, if any, the Court shall send them to the Treasury or Sub-Treasury to gether with a short description of the case; and

(c) Articles enumerated 1 (i) (b) above produced in and confiscated by a Court shall remain in the custody of the Police Department during the trial of the case. At the end of the case and not till after the appeal or revision, if any, the Court shall make the articles over to the Police Department for their destruction or for such other action as may be found suitable in accordance with the rules of that department.

3. Property of the second kind, when sent in the headquarters, will remain in the custody of the Police until the Magistrate makes an order for the issue of a proclamation under section 523 of the Code of Criminal Procedure, when it should be transferred to the custody of the Nazir, or otherwise disposed of as the Magistrate may direct.

Chapter 13

8. Rule 5 Added vide Notification No. GSR-210- /Const/Art/227/63, dated 23rd August, 1963.

9. Rule 6, substituted vide notification No. GSR-210- /Const/Art/227/63 dated 23rd August, 1963. Prior to substitution, the rule read as under

6. The confession should be recorded in the following forms : —

Form of recording confession made by an accused person before

Form prescribed for recording confessions.

Magistrate of the _____ Class.
Taluka _____ /Sub-Division _____ District
(i) The accused _____ is brought by Sub-

Inspector _____
Police _____ before me at
Head Constable _____

Court _____ a.m.
my _____ at (here enter the time) p.m.
Camp _____

to have his confession recorded, a
letter

_____ from (here give the officer's designation) given
Memo.

to me is dated _____ and is attached to the

Here enter the record. I have ascertained that the offence
was name of place, committed at _____ on _____
day and hour _____ at _____ a.m _____ of my
peon

(ii) The accused is placed in custody _____
armed police
(Sub) Inspector _____

_____ and the Police _____ is
Constable _____ (Head) Constable _____

directed to leave the premises. I have satisfied myself that there
is no policeman in the Court or in any place whence the
proceedings could be seen or heard except such armed police
constables not concerned in the investigation of the crime as are
necessary to guard the accused:--

(iii) The accused is asked if he is disposed to make confession of
his own free will.

He replies as follows:—

10. Rule 16 (i) Clause (a) omitted and clauses (b) (c) renumbered as (a) and (b), vide notification dated 23rd August, 1963. Prior to deletion, the rule read as under:-

- (a) In order to ensure that a statement or confession under section 164 of the Code of Criminal Procedure is made voluntarily, the following precautions should be taken. Before the Magistrate proceeds to record the confession, he should arrange so far as is compatible with his safety and that of his staff and with the safe custody of the prisoner-that the latter is left for some time (say, for half an hour) out of the of hearing police officers or other persons likely to influence him.
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