

PART B—INSPECTION OF SUBORDINATE COURTS

(The instructions contained in this Chapter do not apply to the Union territory of Delhi.)

1. General instructions regarding the inspection of Subordinate Criminal Court will be found in Chapter I, Part C.

General instructions.

2. Sessions Judges and Magistrates of Districts are at liberty to comment on any criminal proceedings called for under section 435 of the Criminal Procedure Code, even when there are not, in their opinion, sufficient reasons for submitting such proceedings to the High Court for revision.

Sessions Judges and District Magistrates can comment on proceedings.

Note.—In calling attention to these powers, the High Court desires to impress on District and Sessions Judges and District Magistrates the great importance of the duty which thus devolves on them.

3. The annexed list of subjects for inquiry is intended to assist officers making inspection. It is, not meant that inspections should be confined to the matters herein prescribed nor that each inspection should embrace all the topics mentioned.

List of subjects for enquiry.

MEMORANDUM OF POINTS TO BE ATTENDED TO BY
INSPECTING OFFICERS

PART I—GENERAL (a) *Registers*

1. Is Register Nos. I (Register of cognizable and non-cognizable offences) duly maintained in conformity with the instructions contained in the column of remarks opposite that register in Chapter 24 of this Volume?

2. Examine Register Nos. II (of cases under the Indian Penal Code), III (of cases under special and local laws and under the Code of Criminal Procedure), IV (of miscellaneous

criminal cases). Note whether appealable cases are correctly entered, and whether any delay occurs in the disposal of cases.

3. Examine Register No. XI (of dates fixed for trial of criminal cases) and check the entries with the records of at least six decided cases, noting whether cases are, as a rule heard on the dates fixed, or whether postponements are, frequent, and when granted whether on sufficient grounds.

4. Examine Register No. XIV (of Fines) and note whether the provisions of Chapter 11 of this volume are strictly complied with. State any improvements in the system which your inspection suggests.

5. Examine the other Registers and note whether they are correctly kept up-to-date; also the Register of summary trials, noticing whether the requirements of Chapter XXII, Criminal Procedure Code, as to record, are properly complied with.

6. Note whether errors and omissions pointed out at least preceding inspection have been corrected and supplied.

(b) *Original Cases*

In examining records of cases, notice specially the following points :-

- (1) Are witnesses promptly examined?
- (2) Are cases taken up from day to day? Are adjournments granted without sufficient cause or without examining witnesses who are present?
- (3) Are the statements of complainants and their witnesses, if any present, reduced to writing in cases instituted on complaint?

- (4) Are such cases, as a rule, referred to the Police or other agency for investigation?
- (5) Are processes served by the Sheriff's establishment in all appropriate cases?
- (6) Is the evidence properly recorded in accordance with the provisions of sections 355 and 356 of the Code of Criminal Procedure?