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Circular
T&PSC NO. 3393/2011

Dated: 02.11.2011

From
A.S. Thirumalai, M.A., M.L., M.A., B.Ed., M.Phil.,
Assistant Registrar (T&P),
High Court, Madras.

Sir,

Sub: Criminal Appeal No.1758 of 2011 on the file of the
Supreme Court of India - certain guidelines on issuance
of non-bailable warrants - Circulated - Regarding.

Ref: Supreme Court's Letter D.No.11237/2010/SEC-IIA
dated 20.09.2011.

The Hon'ble Apex Court by order dated 09.09.2011 in Criminal Appeal
No.1758 of 2011 have issued certain guidelines on issuance of non-bailable
warrants. The relevant portion of the order is extracted below :-

However, before parting with the judgment, we feel that
in order to prevent such a paradoxical situation, we are faced
within the instant case, and to check or obviate the possibility
of misuse of an arrest warrant, in addition to the statutory and
constitutional requirements to which reference has been made
above, it would be appropriate to issue the following guidelines
to be adopted in all cases where non-bailable warrants are issued
by the Courts.

(a) All the High Court shall ensure that the
Subordinate Courts use printed and machine numbered
Form No 2 for issuing warrant of arrest and each such form
is duly accounted for.

(b) Before authenticating, the court must ensure that complete particulars of the case are mentioned on the warrant.

(c) The Presiding Judge of the court (or responsible officer specially authorized for the purpose in case of High Courts) issuing the warrant should put his full and legible signatures on the process, also ensuring that Court seal bearing complete particulars of the Court is prominently endorsed thereon.

(d) The Court must ensure that warrant is directed to a particular police officer (or authority) and, unless intended to be open-ended, it must be returnable whether executed or unexecuted, on or before the date specified therein.

(e) Every Court must maintain a register (in the format given below), in which each warrant of arrest issued must be entered chronologically and the serial number of such entry reflected on the top right hand of the process.

(f) No warrant of arrest shall be issued without being entered in the register mentioned above and the concerned court shall periodically check/monitor the same to confirm that every such process is always returned to the court with due report and placed on the record of the concerned case.

(g) A register similar to the one in clause (e) supra shall be maintained at the concerned police station. The Station House Officer of the concerned Police Station shall ensure that each warrant of arrest issued by the Court, when received is duly

entered in the said register and is formally entrusted to a responsible officer for execution.

(h) Ordinarily, the Courts should not give a long time for return or execution of warrants, as experience has shown that warrants are prone to misuse if they remain in control of executing agencies for long.

(i) On the date fixed for the return of the warrant, the Court must insist upon a compliance report on the action taken thereon by the Station House Officer of the concerned Police Station or the Officer In-charge of the concerned agency.

(j) The report on such warrants must be clear, cogent and legible and duly forwarded by a superior police officer, so as to facilitate fixing of responsibility in the case of misuse.

(k) In the event of warrant for execution beyond jurisdiction of the Court issuing it, procedure laid down in Sections 78 and 79 of the Code must be strictly and scrupulously followed; and

(l) In the event of cancellation of the arrest warrant by the Court, the order cancelling warrant shall be recorded in the case file and the register maintained. A copy thereof shall be sent to the concerned authority, requiring the process to be returned unexecuted forthwith. The date of receipt of the unexecuted warrant will be entered in the aforesaid registers. A copy of such order shall also be supplied to the accused.



Format of the Register

S.No.	The number printed on the form used	Case title and particulars	Name & Particulars of the person against whom warrant of arrest is issued (accused/ witness)	The Officer to whom directed	Date of Judicial order directing Arrest to be issued	Date of Issue	Date of cancellation, if any	Due date of return	Report returned on	The action taken as reported	Remarks

We expect and hope that all the High Courts will issue appropriate directions in this behalf to the Subordinate Courts, which shall endeavour to get into practice the aforesaid directions at the earliest, preferably within six months from today."

The aforesaid directions of the Hon'ble Supreme Court are circulated for strict compliance within the time frame as directed therein. A compliance report in the matter may be forwarded to this Registry.

Yours faithfully,

A. S. Kumar
ASSISTANT REGISTRAR (T&P)

To

1. The Registrar (Admin.), Madurai Bench of Madras High Court, Madurai.
2. The Principal Judge, City Civil Court, Chennai (with a request to communicate the copy to all courts under your control).
3. All Principal District Judges (with a request to communicate the copy to all courts under your control).
4. The Chief Metropolitan Magistrate, Egmore, Chennai (with a request to communicate the copy to all courts under your control).
5. The All Chief Judicial Magistrate (with a request to communicate the copy to all courts under your control).
6. The Chief Judge, Court of Small Causes, Chennai (with a request to communicate the copy to all courts under your control).
7. The Chief Judge, Pudukcherry (with a request to communicate the copy to all courts under your control).

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Dist. Judd. officers in Madurai
Sessions Section, Dist. Court, Madurai

D. NO. 7457/11

14-11-11

*1. Chief Admin. officer
Dist. Court, Madurai*

O.C.No.

Sub:

Ref:

As

I.O.P.(M)

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ED: 09.1