

P. Dis. No. 269/1967.

Dated: 6th July, 1967.

C I R C U L A R.

Sub:- COURTS--Criminal--Writing off--Fine amounts as irrecoverable--Instructions issued.

Ref:- 1) High Court's R.O.C.No.4564/58-E2, dated 18-11-58.

2) Letter No.2695/67-B dated 17-4-67 from the District Magistrate, Madurai.

-:o:-

As per provisions in appendix 23 of Madras Financial Code Volume II, the District Magistrates may themselves write off irrecoverable fine amounts and no sanction of the High Court is necessary under the rules. But it has become a practice for the District Magistrates to apply to the High Court for sanction to write off such irrecoverable fine amounts.

The question whether the sanction of the High Court is to be sought for before ordering writing off of such irrecoverable fine amounts by the District Magistrates was again considered by the High Court on a reference made by the District Magistrate, Madurai in his letter second cited. (copy enclosed).

The High Court after careful examination considers that the practice of seeking High Court's sanction before writing off irrecoverable fine amounts is solely with a view to have superintendence in regard to the adequacy of action taken towards recovery and that there is no harm in continuing the above practice. Further, it is considered, that it will ensure that proper action is taken by the District Magistrates.

The High Court therefore directs that the District Magistrates should send a report to the High Court before writing off the irrecoverable fine amounts indicating all effective steps taken by them to recover the same.

If the High Court is satisfied it would record the proceedings and thereafter the District Magistrates may write off the irrecoverable fine amounts.

All the District Magistrates are therefore informed that the above procedure should be followed in all such cases in future.

HIGH COURT OF JUDICATURE

MADRAS,

DATED: 6th JULY, 1967.

Sd/- P. Chandrasekhara Menon,
REGISTRAR.

/true copy/
/forwarded/ by order/

SUB ASSISTANT REGISTRAR,
ADMINISTRATIVE DEPARTMENT.

To

All the District Magistrates (with enclosure)

Copy to:-

The Superintendent of Section and Rules Revision
(with enclosure).

5 Copies for file.