



## KERALA JUDICIAL ACADEMY

### TRAINING FOR THE STAFF OF DISTRICT JUDICIARY, 2018

#### Questionnaire - Criminal

1. • Can the fine amount be written off from the fine register, if the accused has undergone default sentence for non-payment of fine? When, in such a case, committal warrant is returned to the trial court, should sanction from the Hon'ble Chief Judicial Magistrate be necessary to write off the amount?
2. How can de-monetised coins of 25 Paise and 10 Paise be confiscated? Is currency notes of the denominations of 500/- and 1,000/- need to be treated as valuable property in the light of the de-monetisation order? Police has produced currency notes before the Magistrate's Court which are subsequently transmitted to the Sessions Court. It is noticed by the clerk of the Sessions Court that more than one currency note contain the same serial number. Can it be accepted and included in the "valuable register"?
3. Is a Calendar Case need to be refiled as Committal Proceedings when it is committed to the Court of Session under section 323 of the Cr.P.C?
4. • An accused was convicted and sentenced to undergo imprisonment. The sentence was modified by the Appellate Court. The accused surrendered before the trial court to undergo the sentence. If the conviction warrant is not available in the file, what can be done?
5. • What is the procedure to be followed for disbursing travelling allowance to the

retired police officers from the court itself as per G.O.240/16/Home of the Government of Kerala?

6. • In cases under the Kerala Gaming Act, Cash property produced before court is being deposited in the Cr.C.D. The amount will lapse after 3 years. What is the procedure to dispose of such cash properties? Whether refund bill needs to be prepared and transfer it to the head concerned?
7. • What are the applications required for taking inventory in NDPS cases?
8. • Can several formal arrests be effected through one order against an accused who is involved in several cases?
9. • What is the procedure for disposing of an LP case after 30 years of retaining the records, if the accused is of unsound mind?  
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10. P Penalty has been imposed in an MC case against the respondent and he has suffered imprisonment in civil jail. How can the amount be written off and what are the procedures?
11. A person involved in an NDPS case was in judicial custody from the date of his arrest on 01/01/17 till 12/02/17. He was convicted for rigorous imprisonment for a period of 2 years with a fine of Rs. 1,00,000/-. He was committed to prison for undergoing sentence on 31/12/17. While the trial of the aforesaid case was going on, the person was arrested on 30/03/17 in another NDPS case and has been in judicial custody since 30/03/17. In the 2<sup>nd</sup> case also, he was convicted for rigorous imprisonment for 2 years with a fine of Rs.1,00,000/- on 20/02/18 and set off was allowed. In the 2<sup>nd</sup> case, from

which date the accused is entitled for set off?

12. Is a formal arrest necessary before issuing production warrant to produce an accused, who is detained in another crime/case for considering the custody application filed by the investigating officer?
13. Is a formal arrest necessary to remand an accused who is undergoing judicial custody in another case?
14. If the same property is involved in two different crimes in two different courts, what is the procedure to get the property for the purpose of evidence?
15. Is it necessary to keep the currency involved in Criminal cases in the Treasury Chest?
16. What are the steps to be taken while taking sample in NDPS cases?
17. What is the provision for disposing LP cases of minor offences?
18. Whether steps under sections 82 and 83 of Cr.P.C can be executed together?
19. In a rape case, there is one victim, one place of occurrence and different number of accused persons and different time of occurrences. There is only one FIR registered by the investigating officer. Whether split charges against each accused person can be filed? If the places of occurrence are also different, what is the procedure to be adopted?
20. What is the procedure for disposal of foreign currency received as property?
21. What is the procedure relating to disbursement of compensation awarded to a foreigner?

22. Whether carry forwarding of the Property Register with respect to LP, UD, register is to be done every year or it shall be done once in 5 years?
23. What is the action to be taken when a filled gas cylinder is received as Thondi article in a pending case and how it is to be disposed of when the case is disposed of?
24. When national flag is received as Thondi article, what is the procedure to be followed and how it is to be disposed?
25. Some Sessions Judges remand accused in custody for 14 days and some upto 3 months. Is there any legal bar to remand for more than 15 days?
26. Accused pleaded guilty for offences u/s. 279, 337 and 338 of the IPC. Subsequently, the defacto complainant died due to the gravity of the injury. The police filed a report along with the post-mortem certificate in the same crime for offence under section 304A of IPC. Is it sustainable?
27. In a case under section 376 of the IPC, the FIR mentioned 6 accused persons and final report is filed against only 5 persons with a statement that the final report against the 6<sup>th</sup> accused shall be filed later after getting his details. Whether the case against the remaining accused can be committed or not? If so, what is the procedure against the undetected accused?
28. Whether remnants produced during the process of inquest, and bloodstained clothes, in accident cases to be received as material objects?
29. Who is the competent authority to file

chargesheet/final report before court?

30. Whether the physical presence of investigating officer is necessary in court when the accused has been given in police custody and at the time of producing the accused after police custody?
31. While committing CP cases to the sessions court, the properties are not forwarded along with the committal order and they remain with the Magistrate's Court until called for by the Sessions Court. In cases of acquittal without the properties being called for by the Sessions Court, the items remain pending disposal at the Magistrate's Court. What steps can be taken for the disposal of such properties?
32. A party involved in a case has the right to get certified copy of the record as per Criminal Rules of Practice. Whether the same person submitting an application under Right to Information Act is to be considered? Can the copies of prosecution records be issued under Right To Information Act to the defacto complainant, an accused and a stranger?
33. A charge sheet submitted by the investigating agency has not been taken on file due to mistake in offence. Meanwhile the limitation period is over. What is to be done to overcome the fault and to do justice?
34. The stamp affixed in the documents and applications received in the bench of a criminal court are cancelled by the presiding officer. Whether the provisions under rule 29 of the Criminal Rules of Practice giving power for cancellation of the stamp to the CMO is admissible?
35. Is it correct to assign refer number to refer charge sheets, before issuing notice to the defacto complainant?

36. What is the period of destruction of UD, UN chargesheets?
37. The sessions court ordered an accused to deposit a sum of Rs. 50,000/- as a condition in while granting bail. The amount is deposited and the Sessions Court after trial convicted the accused for life imprisonment and fine. Can the Magistrate's Court release the amount to the accused which he deposited during the crime stage, without permission of the Sessions Court? Is there any difference if the accused was acquitted?
38. Can certified copy of a copy of a document be given to a party who applied for it?
39. Some articles are remaining in the property register as pending even after destruction of the case records. What could be done in such cases?
40. It is difficult for getting certificates from the revenue authorities regarding 82 and 83 steps issued against the an accused who is residing out of state. Is it possible to write for LP sanction?
41. What is the procedure to be followed after issuing 82 and 83 steps against witnesses in a criminal case?
42. Is it possible to commit CP cases before obtaining chemical examination report?
43. Is it necessary to register MC against the sureties for LP sanction?
44. Is it possible for constituting a permanent disposal committee including RTO, SHO etc. for disposal of the vehicles which are produced in criminal courts and entrusted with the Station House Officers for safe custody?
45. What all types of stamps are to be affixed in a Vakalath and a memo of appearance

filed in a criminal court? Is any kind of Stamp necessary on a memo of appearance filed on behalf of a remand prisoner?

46. What is the process fee to be remitted on behalf of each respondent in a criminal appeal? Can summons be issued through registered post in a Criminal Appeal?
47. Is there any provision for realising fine from a convict in sessions case after his death? What is to be done in case properties belonging to the convict are available? Can the proceedings be closed if there are no assets? What is the procedure thereafter?
48. What is the procedure to be followed if some of the accused persons in a Sessions Case are absconding? After completion of steps under sections 82 and 83 of the Cr.P.C, whether an LP case is to be registered against the absconding accused or the court has to wait till disposal of the case? Whether 82 and 83 steps are to be taken out separately or simultaneously?
49. Is there any petition fee necessary to be remitted on copy applications filed on behalf of an accused who is in custody? Is there any provision for providing free copies? Who is to bear the expenses if there is no provision for free copy?
50. Whether the police or the DMO is to be entrusted for serving summons to a doctor who is in government service, when he is required to be summoned as a witness in a Sessions Case?
51. What are the precautions to be taken when issuing certified copies of the statement under section 164 of the Cr.P.C of the victim in a case? When can a copy of such a document be given to the accused?

52. Who and when is the statement of a victim in a PoCSO case to be recorded under section 164 of the Cr.P.C? Who is to furnish a copy of the same to the prosecution and when? Who is to entrust a magistrate for recording such statement? Which is the court (whether the PoCSO court or the magistrate) in which the prosecution has to file an application for a copy of the same?
53. Which is the court for conducting trial if the victim is a minor child belonging to SC/ST and the offence is under PoCSO Act? Is there any separate law for the same?
54. An advocate appointed as legal aid counsel for an accused who is in judicial custody applies for his remuneration. Which all appearances are to be taken into account to fix the remuneration?
55. What are the matters to be considered when an application is filed under section 357 of the Cr.P.C for compensation to a victim in a PoCSO case? Who is to file the application, whether the prosecution; or the victim? What are the steps to be taken note of when the application is forwarded to the DLSA?
56. When some of the accused persons in a committal proceedings are absconding (say A1, A5 and A7) and the case against the available accused alone is committed to the Hon'ble Sessions Court, are the ranks of the available accused to be renumbered? Whether the names of the accused persons who are not committed also need to be shown in the committal order? When the absconding accused persons appear before court, will their ranks be changed?
57. Whether the Crl. M.P register or the Crl. MC register is to be used for entering the bail applications filed in a Sessions

Court?

58. There is difference in the description of the properties when they are produced before a Sessions Court. There is passage of a long time before the production. Can that property be accepted in the Sessions Court by the property clerk?
59. Whether the date mentioned in the property list or the date on which it is received in the court is to be mentioned in the property register? What all kinds of properties can be entrusted with the police for safe custody?
60. Which all applications filed before the bench in a criminal court are to be assigned CMP numbers?
61. Is it necessary to incorporate 161 statements of inquest witnesses along with the final report? Is it necessary to incorporate 161 statements of investigating officers who conducted part of the investigation?
62. Is it permissible for the investigating officer to produce carbon copies of reports and other documents in criminal cases? Can such carbon copies be marked as evidence during trial?
63. Is it necessary for producing prosecution sanction order and site plan in Abkari cases?
64. In which all cases are calendar and judgement necessary to be furnished before the District Court from a Grama Nyayalaya?
65. How to write a transit warrant? Which is the form that has to be used ?
66. Is there any difference in the forms used for production warrants during the crime

stage and during the trial stage?

67. Can a certified copy of the order sheet be given in a criminal case? What is the procedure for preparation of readable copy?
68. Is there any provision for advancing the hearing of a case? What is the procedure to be followed?
69. What are the provisions for disposal of over 30 year old LP cases?
70. What is the mode of destruction of records-burning or other mode?
71. What is the mode of destruction of Material Objects?
72. What are the registers to be maintained regarding copy applications in criminal courts?
73. Can a vakalath be accepted with an endorsement that welfare stamps shall be produced subsequently since the same are not available at present?
74. Do the lawyers and advocate clerks have a right of inspection of the documents produced in a case file?
75. What is the procedure for disposal of gold ornaments produced in a Sessions Case? What is the procedure for disposal of foreign currencies produced as Material Objects? What is the procedure to be adopted when Material Objects are ordered to be returned to a foreigner? What is the procedure for disposal of demonetised currency notes produced as material objects?
76. Is there any provision for stopping the procedure of printing judgements in sessions cases?

77. Is it necessary for carrying over the property register and criminal courts in every year?
78. Whether petty offences coming under the MV Act, KP Act and Abkari Act can be taken on the file of Grama Nyayalaya?
79. Civil and criminal appeals and other such matters are being transferred to Additional District Courts having no filing power. It is impossible for disposal from the Addl. district courts after disposal in the CIS and disposal registers. These files are to be retained in the new courts after disposal. In the new court, CIS filing with older number and older filing date is not possible. So also, judgement filing is not possible since no proper filing registration is available. What is the procedure to be followed in such situations?
80. Can a copy of the CIS proceedings in an original suit to be used in the place of B diary?
81. The CIS software at present does not permit search of a case with reference to the crime number. Kindly make arrangements for same.

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