



THE
CEYLON GOVERNMENT
GAZETTE

EXTRAORDINARY.

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PART I.—GENERAL.

GOVERNMENT NOTIFICATIONS.

L. D.—B 30/38

THE COURT OF CRIMINAL APPEAL ORDINANCE, No. 23 OF 1938.

BY virtue of the powers vested in us by section 19 of the Court of Criminal Appeal Ordinance, No. 23 of 1938, We, Francis Arnold Moseley, Acting Chief Justice and President of the Court of Criminal Appeal, Arthur Eric Keuneman, and John Harry Barclay Nihill, Judges of the said Court, do hereby, with the advice and assistance of the Committee constituted for the purpose and with the approval of the Governor, make the Rules set out hereunder.

Dated this twenty-seventh day of April, 1940.

(Sgd.) F. A. MOSELEY,
Acting Chief Justice and President of
the Court of Criminal Appeal.

(Sgd.) A. E. KEUNEMAN,
Judge of the Court of Criminal Appeal.

(Sgd.) J. H. B. NIHILL,
Judge of the Court of Criminal Appeal.

The Court of Criminal Appeal Rules, 1940.

Title.

Citation. 1 These rules may be cited as the Court of Criminal Appeal Rules, 1940.

Interpretation of Rules.

Interpretation. 2 In these Rules, unless the context otherwise requires—

“ Court of Appeal ” means the Court of Criminal Appeal established under the Ordinance ;

“ court of trial ” means the Supreme Court sitting in the exercise of its criminal jurisdiction under Chapter XX or section 440A of the Criminal Procedure Code, or in pursuance of an order made by the Chief Justice under section 29 of the Courts Ordinance ;

“ exhibits ” includes all papers, books and documents and all other property, matters and things whatsoever connected with the proceedings against any person who is entitled or may be authorised to appeal under the Ordinance, if the same have been forwarded to the court of trial on the person accused being committed for trial or have been produced and used in evidence during the trial of, or other proceedings in relation to a person entitled or authorised under the Ordinance to appeal, and any written statement handed in to the judge of the court of trial by such person ;

“ Inspector-General of Police ” includes a Deputy Inspector-General of Police ;

“ Ordinance ” means the Court of Criminal Appeal Ordinance, No. 23 of 1938 ;

“ proper officer of the court of trial ” means the Registrar of the court of trial and includes a Deputy Registrar of that court and a Clerk of Assize appointed under section 442A of the Criminal Procedure Code, and engaged in performing or discharging the duties or functions of the Registrar of the court of trial ;

“ shorthand writer ” means the person or persons appointed from time to time as such for the purposes of section 17 of the Ordinance.

Forms to be used.

3 The forms set out in the Schedule to these Rules, or forms as near thereto as circumstances permit, shall be used in all cases to which such forms are applicable, and all references in these Rules to forms are to the forms in the Schedule.

Notice of Appeal.

Notices of appeal to be signed by appellant and addressed to Registrar.

4 (a) Every notice of appeal or notice of application for leave to appeal or notice of application for extension of time within which such notices shall be given under the Ordinance shall be signed by the appellant himself, except under the provisions of paragraphs (d) and (e) of this Rule.

Any other notice required or authorised to be given for the purposes of the Ordinance or these Rules shall be in writing and signed by the person giving the same or by his proctor. All notices required or authorised to be given for the purposes of the Ordinance or these Rules to the Court of Appeal shall be addressed to the Registrar.

(b) Any notice or other document which is required or authorised by the Ordinance or these Rules to be given or sent shall be deemed to be duly given or sent if forwarded by registered post addressed to the person to whom such notice or other document is so required or authorised to be given or sent.

How notices, &c., may be sent or given.

(c) When an appellant or any other person authorised or required to give or send any notice of appeal or notice of any application for the purposes of the Ordinance or these Rules is unable to write he may affix his mark thereto in the presence of a witness who shall attest the same and thereupon such notice shall be deemed to be duly signed by such appellant.

Where appellant illiterate.

(d) Where, on the trial of a person entitled to appeal under the Ordinance, it has been contended that he was not responsible according to law for his actions on the ground that he was of unsound mind at the time the act was done or the omission made by him, any notice required by these Rules to be given and signed by the appellant himself may be given and signed by his proctor or other person authorised to act on his behalf.

*Representative may act for insane appellant.

(e) In the case of a body corporate where by the Ordinance or these Rules any notice or other document is required to be signed by the appellant himself, it shall be sufficient compliance therewith if such notice or other document is signed by the secretary, clerk, manager or proctor of such body corporate.

Notice, &c., on behalf of corporations.

Shorthand writers and transcript of notes.

5 (a) Shorthand writers shall be appointed from time to time as required for the purposes of the Ordinance by the Governor for such period and on such conditions as he shall think right.

Shorthand writers, how appointed.

(b) The shorthand writer shall sign the shorthand note taken by him of any trial or proceeding, or of any part of such trial or proceeding and certify the same to be a complete and correct shorthand note thereof and shall retain the same unless and until he is directed by the Registrar to forward such shorthand note to him.

Shorthand note to be certified by the writer.

(c) For the purposes of section 17 of the Ordinance—

“ Party interested ” and “ proceedings ” defined.

(i) “ party interested ” means the prosecutor or the person convicted or any other person named in, and immediately affected by, any order made by the judge of the court of trial, or other person authorised to act on behalf of a party interested, as herein defined ;

(ii) “ proceedings at the trial ” mean the evidence and any objection taken in the course of the trial, any statement made by the prisoner, the summing up and the sentence of the judge of the court of trial, but, unless otherwise ordered by such judge, shall not include any part of the speeches of counsel or proctor.

(d) Whenever under the Ordinance or these Rules a transcript of the whole or of any part of such shorthand note is required for the use of the Court of Appeal such transcript may be made by the shorthand writer who took and certified the shorthand note, or by such other competent person as the Registrar may direct.

Transcript to be made by writer or other person on Registrar's directions.

Verification of transcript for use of Court of Appeal.

(e) A transcript of the whole or any part of the shorthand note relating to the case of any appellant which may be required for the use of the Court of Appeal shall be type-written and verified by the person making the same by a statutory declaration in Form VIII, that the same is a correct and complete transcript of the whole, or such part, as the case may be, of the shorthand note purporting to have been taken, signed and certified by the shorthand writer who took the same.

Certificate of Judge of Trial.

Judge's certificate under section 4 (b).

6 (a) The certificate of the judge of the court of trial under section 4 (b) of the Ordinance may be in Form I.

Judge's certificate may be given at trial without application.

(b) The judge of the court of trial may, in any case in which he considers it desirable so to do, inform the person convicted before or sentenced by him that the case is in his opinion one fit for an appeal to the Court of Appeal under section 4 (b) and may give to such person a certificate to that effect in Form I.

Appeals where fine only is inflicted.

Where fine imposed on conviction to be retained pending appeal.

7 (a) Where a person has, on his conviction, been sentenced to payment of a fine, and in default of payment to imprisonment, the person lawfully authorised to receive such fine shall, on receiving the same, retain it until the determination of any appeal in relation thereto.

Person in custody in default of payment of fine.

(b) If such person remains in custody in default of payment of the fine, he shall be deemed, for all purposes of the Ordinance or these Rules, to be a person sentenced to imprisonment.

Postponement of payment of fine on intimation of appeal subject to recognizances.

(c) Where any person has been convicted and is thereupon sentenced to the payment of a fine, and, in default of such payment, to imprisonment and he intimates to the judge of the court of trial that he is desirous of appealing against his conviction to the Court of Appeal, either upon grounds of law alone, or, with the certificate of the judge of the court of trial, upon any grounds mentioned in section 4 of the Ordinance, such judge may, if he thinks right so to do, order such person forthwith to enter into recognizances in such amount, and with or without sureties in such amount as such judge may think right, to prosecute his appeal; and subject thereto, may order that payment of the said fine shall be made at the final determination of his said appeal, if the same be dismissed, to the Registrar of the Court of Appeal or as such Court may then order. The recognizances under this Rule shall be in the Forms XX and XXI. A surety becoming duly bound by recognizance under this Rule shall be deemed to be, for all purposes, and shall have all the powers of, a surety under the provisions of Rule 27.

Repayment of fine when appellant succeeds.

(d) An appellant who has been sentenced to the payment of a fine, and has paid the same in accordance with such sentence, shall, in the event of his appeal being successful, be entitled, subject to any order of the Court of Appeal, to the return of the sum or any part thereof so paid by him.

How appellant committing breach of recognizance under this Rule may be dealt with.

(e) If an appellant to whom Rule 7 (c) applies does not serve in accordance with these Rules, a notice of appeal upon grounds of law alone, or with the certificate of the judge of the court of trial upon any grounds mentioned in section 4 (b) of the Ordinance within 14 days from the date of his conviction and sentence, the Registrar shall report such

omission to the Court of Appeal, who may, after notice in the Forms XXII and XXIII has been given to the appellant and his sureties, if any, order an estreat of the recognizances of the appellant and his sureties in manner provided by Rule 27 (m), and may issue a warrant for the apprehension of the appellant and may commit him to prison in default of payment of his fine or make such other order as they think right.

Custody of exhibits used at trial.

8 (a) The judge of the court of trial may make any order he thinks fit for the custody, disposal or production of any exhibit in the case, but unless he makes any such order, exhibits shall be kept in the custody of the court of trial to be retained pending any appeal.

Custody of exhibits.

(b) The proper officer of the court of trial shall forward to the Registrar of the Court of Appeal a list in Form XXXII of all such exhibits and a copy of any order of the judge of the court of trial made under this Rule.

List of exhibits to be sent to Court of Appeal.

Order made at trial. Consequential orders and suspension of same pending appeal.

9 Where, upon the trial of a person entitled to appeal under the Ordinance against his conviction, an order of restitution of any property to any person has been made by the judge of the court of trial, the person in whose favour or against whom the order of restitution has been made, any person in whose favour or against whom an order to which Rule 10 relates has been made, and, with the leave of the Court of Appeal, any other person, shall on the final hearing by the Court of Appeal of an appeal against the conviction on which such order of restitution was made, be entitled to be heard by the Court of Appeal before any order under the provisions of section 7, sub-section (2) of the Ordinance, annulling or varying such order of restitution is made.

Varying order for restitution of property.

10 When the judge of the court of trial is of opinion that the title to any property the subject of an order of restitution made on a conviction of a person before him, or any property to which the provisions of sub-section (1) of section 24 of the Sale of Goods Ordinance apply, is not in dispute, he, if he shall be of opinion that such property or a sample or portion or facsimile representation thereof is reasonably necessary to be produced for use at the hearing of any appeal, shall give such directions to or impose such terms upon the person in whose favour the order of restitution is made; or in whom such property re-vests under such sub-section as he shall think right in order to secure the production of such sample, portion or facsimile representation for use at the hearing of any such appeal.

Non-suspension of orders for restitution, &c., to be subject to property or a sample, &c., being necessary for purposes of appeal.

Cap. 70.
Vol. II. p. 191.

11 (a) Where, on the conviction of any person, the judge of the court of trial makes any order—

Temporary suspension of orders made on conviction, as to money rewards, costs, &c.

- (1) for the payment of money by that person or by any other person under section 253D or section 253E or section 325 (3) or section 415 of the Criminal Procedure Code; or

Cap. 21.
Vol. I. p. 606.

(2) for the payment to an informer under section 2 of the Informers Rewards Ordinance of any share of any fine imposed upon and recovered from any such convicted person,

the operation of any such order shall in any such case be suspended until the expiration of 14 days after the date on which any such order was made ; and in any case where notice of appeal or notice of application for leave to appeal is given within 14 days from and after the date of the verdict against any such convicted person, such order shall be further suspended until the determination of the appeal against the conviction in relation to which it was made. The Court of Appeal may by order annul any order to which this Rule refers on the determination of any appeal under the Ordinance, or may vary such order, and any such order, if annulled, shall not take effect ; and if varied, shall take effect as so varied.

The proper officer of the court of trial shall keep a record of any orders to which this Rule refers.

Judge's direction as to property of convicted person pending appeal.

(b) When the judge of the court of trial makes any such order on a person convicted before him, as in this Rule mentioned, he shall give such directions as he thinks right as to the retention by any person of any money or valuable securities belonging to the person so convicted and taken from such person on his apprehension or of any money or valuable securities at the date of his conviction in the possession of the prosecution, for the period of 14 days or in the event of an appeal until the determination thereof by the Court of Appeal.

The proper officer of the court of trial shall keep a record of any directions given under this Rule.

Suspension of disqualifications consequent on convictions.

(c) Where upon conviction of any person of any offence any disqualification, forfeiture or disability attaches to such person by reason of such conviction, such disqualification, forfeiture, or disability shall not attach for the period of 14 days from the date of the verdict against such person nor in the event of an appeal under the Ordinance to the Court of Appeal, until the determination thereof.

Judge's directions as to securing payment of money by convicted person pending appeal.

(d) When the judge of the court of trial on the conviction of a person before him, makes an order for the payment of money by such person or by any other person upon such conviction and, by reason of this Rule, such order would otherwise be suspended, such judge may, if he thinks right so to do, direct that the operation of such order shall not be suspended unless the person on whom such order has been made shall in such manner and within such time as the said judge shall direct, give security by way of undertaking or otherwise for the payment to the person in whose favour such order shall have been made of the amount therein named. Such security may be to the satisfaction of the person in whose favour the order for payment shall have been made or of any other person as such judge shall direct.

Suspension of order for destruction or forfeiture of property.

(e) Where on a conviction any property, matters or things the subject of the prosecution or connected therewith, are to be or may be ordered to be destroyed or forfeited under the provisions of any written law, the destruction or forfeiture or order for destruction or forfeiture thereof shall be suspended for the period of 14 days from and after the date of the

conviction, and in the event of an appeal under the Ordinance, shall be further suspended until the determination thereof by the Court of Appeal.

(f) Where, upon the conviction of any person of any offence any claim may be made or any proceedings may be taken under any written law against such person or any other person in consequence of such conviction, such proceedings shall not be taken until after the period of 14 days from the date on which the verdict against such person was returned nor in the event of an appeal under the Ordinance to the Court of Appeal until the determination thereof.

Any person affected by any orders which are suspended under this Rule may, with the leave of the Court of Appeal, be heard on the final determination of any appeal, before any such orders are varied or annulled by the Court of Appeal.

12 The time during which the operation of any order for the disposal of property or the operation of sub-section (1) of section 24 of the Sale of Goods Ordinance, is suspended under section 7 of the Ordinance shall commence to run from the day on which the verdict of the jury was returned, and, in cases where notice of appeal or notice of application for leave to appeal is duly given within 14 days after such day, the period of suspension of such order or of the operation of the sub-section shall continue until the determination of the appeal.

Notes and report of judge of court of trial.

13 The Registrar, when he has received a notice of appeal, or a notice of application for leave to appeal under the Ordinance, or a notice of application for extension of the time within which under the Ordinance such notices shall be given, or when the Governor shall exercise his powers under section 20 of the Ordinance, shall request the judge of the court of trial to furnish him with the whole of or any part of his note of the trial or with a copy of such note or any part thereof, and the judge of the court of trial shall thereupon furnish the same to such Registrar in accordance with such request.

14 The Registrar, when he has received a notice of appeal, or a notice of application for leave to appeal under the Ordinance, or a notice of application for extension of time within which under the Ordinance such notices shall be given, or when the Governor exercises his powers under section 20 of the Ordinance, or whenever it appears to be necessary for the proper determination of any appeal or application, or for the due performance of the duties of the Court of Appeal under the said section, may, and whenever in relation to any appeal under the Ordinance the Court of Appeal or any Judge thereof directs him so to do, shall request the judge of the court of trial to furnish him with a report in writing giving his opinion upon the case generally or upon any point arising upon the case of the appellant, and the judge of the court of trial shall furnish the same in accordance with such request.

15 The report of the judge shall be made to the Court of Appeal, and except by leave of the Court or a Judge thereof, the Registrar shall not furnish to any person any part thereof.

Suspension of proceedings or claims consequent upon conviction.

Period of suspension of orders under section 7 of the Ordinance.

Cap. 70.
Vol. II. p. 191.

Judge's note to be furnished to Registrar on request.

Report of the Judge of the court of trial.

to be furnished to the Court of Appeal.

Registrar to furnish judge of the court of trial with materials for report.

16 When the Registrar requests the judge of the court of trial to furnish a report under these Rules, he shall send to such judge of the court of trial a copy of the notice of appeal or notice of application for leave to appeal or notice of application for extension of time within which under the Ordinance such notices shall be given or any other document or information which he considers material, or which the Court of Appeal at any time directs him to send, or with which such judge requests to be furnished by the Registrar to enable such judge to deal in his report with the appellant's case generally or with any point arising thereon.

*Notice of appeal and period for appealing ;
abandonment of appeals.*

Appellants must fill up forms of appeal notices and answer questions thereon.

17 A person desiring, under the provisions of the Ordinance to appeal to the Court of Appeal against his conviction or sentence, shall commence his appeal by sending to the Registrar a notice of appeal or notice of application for leave to appeal or notice of application for extension of time within which such notices shall be given, as the case may be, in the form of such notices respectively set forth in the Schedule, and in the notice or notices so sent, shall answer the questions and comply with the requirements set forth thereon subject to the provisions of Rule 23.

Time for appeal against conviction to run from verdict.

18 The time within which a person convicted shall give notice of appeal or notice of his application for leave to appeal to the Court of Appeal against his conviction shall commence to run from the day on which the verdict of the jury was returned, whether the judge of the court of trial has passed sentence or pronounced final judgment upon him on that day or not.

Time for appeal against sentence to run from date of sentence.

19 The time within which a person convicted and sentenced shall give notice of appeal or notice of application for leave to appeal against such sentence under the Ordinance to the Court of Appeal shall commence to run from the day on which such sentence shall have been passed upon him by the Judge of the court of trial.

Registrar to require proper officer of court of trial to furnish him with particulars of trial.

20 (a) When the Registrar has received a notice of appeal, or a notice of application for leave to appeal, or a notice of application for extension of time within which under the Ordinance such notices shall be given, or where the Governor exercises his powers under section 20 of the Ordinance, he shall forthwith apply to the proper officer of the court of trial for the particulars of the trial and conviction according to the Form II, and such officer shall forthwith furnish the same to the Registrar.

and with depositions, indictments, pleas, &c.

(b) The Registrar may, if it appears to him to be necessary for the proper determination of any appeal or application, or for the due performance of the duties of the Court of Appeal under the said section, or whenever in any such case he is directed by the Court of Appeal so to do, shall require the proper officer of the court of trial to furnish him with the original depositions of witnesses examined before the committing Magistrate or with any exhibit retained by such officer, and with the indictment or indictments against the appellant, or with an abstract or copy thereof or any part thereof or with any plea or statement filed or made in the court of trial, and the proper officer of the court of trial shall forthwith furnish the same to the Registrar.

21 Where the Court of Appeal has, on a notice of application for leave to appeal duly served, and in the form provided under these Rules, given an appellant leave to appeal, it shall not be necessary for such appellant to give any notice of appeal, but the notice of application for leave to appeal shall in such case be deemed to be a notice of appeal.

Notice of application for leave to appeal.

22 An appellant at any time after he has duly served notice of appeal, or of application for leave to appeal, or of application for extension of time within which under the Ordinance such notices shall be given, may abandon his appeal by giving notice of abandonment thereof in the Form III to the Registrar and upon such notice being given the appeal shall be deemed to have been dismissed by the Court of Appeal.

Abandonment of appeal.

23 (a) An application to the Court of Appeal for an extension of time within which notices may be given shall be in the Form IX.

Notice of application for extension of time for appealing.

(b) Every person making an application for such extension of time shall send to the Registrar, together with the proper form of such application, a form, duly filled up, of notice of appeal, or of notice of application for leave to appeal appropriate to the ground or grounds upon which he desires to question his conviction or sentence, as the case may be.

Proceedings before Judge of Court of Appeal under Section 18.

24 (a) Notice of application for leave to appeal or for extension of time within which notice of appeal or notice of application for leave to appeal shall be given under the Ordinance in the forms in the Schedule and the answers to the questions in Forms IV, V, VI, and VII which an appellant is by these Rules required to make in reference to legal aid being assigned to him or to leave being granted to him to be present at the hearing of his appeal, shall be deemed to be applications to the Court of Appeal in such matters respectively.

How application for leave to appeal and other preliminary applications are to be dealt with.

(b) The Registrar when any application mentioned in this Rule has been dealt with by such Judge, shall notify to the appellant in Form XIII the decision of such Judge.

Notification of result of application.

(c) In the event of any judge refusing all or any of such applications the Registrar, on notifying such refusal to the appellant, shall forward to him Form XIV.

Procedure on refusal of applications.

(d) If the appellant does not desire to have his said application or applications determined by the Court of Appeal the refusal of his application or applications by such Judge shall be final. If the appellant desires to have his said application or applications determined by the Court of Appeal he shall within five days of the receipt of the notification of such refusal send to the Registrar Form XIV duly filled up.

Right of appellant to have application determined by Court of Appeal.

(e) If the appellant desires that his application or applications shall be determined by the Court of Appeal and is not legally represented, he may, if the Court of Appeal gives him leave, be present at the hearing and determination by the Court of Appeal of his said application, provided that an appellant who is legally represented shall not be entitled to be present without special leave of the Court of Appeal.

Leave to be present at appeal where appellant not represented and where he is represented.

Request in form XIV for leave to be present deemed application to be present.

Notification of result of application to be present.

Judge refusing application may sit on appeal against such refusal.

Sitting of a Judge under section 18.

Bail, Court of Appeal to specify amount and before whom recognizances to be taken.

They may be taken before Superintendent of Prisons.

Appellant and Superintendent of Prison to receive notice of terms of bail.

Appellant's to recognizances be forwarded to Registrar. Registrar to give certificate to surety.

Registrar to forward to Superintendent of Prison notice of recognizances taken.

(f) When an appellant duly fills up and returns within the prescribed time to the Registrar Form XIV expressing a desire to be present at the hearing and determination by the Court of Appeal of the applications mentioned in this Rule, such form shall be deemed to be an application by the appellant for leave to be so present ; and the Registrar, on receiving the said form, shall take the necessary steps for placing the said application before the Court of Appeal.

(g) If the said application to be present is refused by the Court of Appeal the Registrar shall notify the appellant, and if the said application is granted, the Registrar shall notify the appellant and the Superintendent of the prison wherein the appellant is in custody as provided by these Rules.

(h) For the purpose of constituting a Court of Appeal the Judge who has refused any such application or has exercised any power under section 18 may sit as a member of such Court and take part in determining such application.

(i) A Judge of the Court of Appeal sitting under the provisions of section 18 of the Ordinance may sit and act wherever convenient.

Procedure on applications for Bail. Rights of Sureties. Estreat of recognizances.

25 (a) When the Court of Appeal under the Ordinance admits an appellant to bail pending the determination of his appeal on an application by him duly made in compliance with these Rules, the Court shall specify the amounts in which the appellant and his surety or sureties (if any required) shall be bound by recognizance, and shall direct, if they think right so to do, before whom the recognizances of the appellant and his surety or sureties (if any) may be taken.

(b) In the event of the Court of Appeal not making any special order or giving special directions under this rule the recognizances of the appellant may be taken before the Superintendent of the prison in which he is then confined and the recognizances of his surety or sureties (if any) may be taken before the Registrar.

26 (a) The Registrar shall notify the appellant and the Superintendent of the prison in which he is confined the terms and conditions on which the Court admits the appellant to bail under the Ordinance.

(b) The Registrar may require the assistance of the Inspector-General of Police for the purpose of making inquiry as to the sufficiency or otherwise of any person offering himself as a surety on behalf of any appellant who has been granted bail, and the Inspector-General of Police shall give such assistance to and as and when required by the Registrar.

27 (a) The Superintendent of the prison in which the appellant is then confined shall, after the appellant's recognizances have been duly taken, forward the same to the Registrar. The Registrar who takes a surety's recognizance shall give to the surety a certificate in the Form XV which such surety shall sign and retain.

(b) The Registrar, on being satisfied that the recognizances of the appellant and his surety or sureties (if any) are in due form and in compliance with the order of the court admitting the appellant to bail, shall send in Form XII a notice to the Superintendent of the prison in which the appellant is confined.

This notice, when received by the said Superintendent, shall be a sufficient authority to him to release the appellant from custody.

(c) The recognizances provided for in this rule shall be in Form X or in Form XI as the case may be.

Form of recognizances.

(d) An appellant who has been admitted to bail shall be personally present at every hearing of his appeal and at the final determination thereof, and if the appellant is not present at any hearing of his appeal the Court of Appeal may decline to consider the appeal and may dismiss the same summarily and may issue a warrant for the apprehension of the appellant in the Form XIX, provided that the Court of Appeal may decide the appeal in his absence or make such other order as they think right.

Presence of appellant on bail at hearing of appeal.

(e) When an appellant is present before the Court of Appeal such Court may on an application made by any person or if they think right so to do without any application make any order admitting the appellant to bail or revoke or vary any such order previously made or enlarge from time to time the recognizance of the appellant or of his sureties or substitute any other surety for a surety previously bound as they think right.

Order for bail may be varied by Court of Appeal.

(f) Where a surety for an appellant upon whose recognizance such appellant has been released on bail by the Court of Appeal suspects that the said appellant is about to leave the Island, or in any manner to fail to observe the conditions of his recognizance on which he was so released, such surety may lay an information in Form XVI before a Magistrate having jurisdiction in and over the place in which the said appellant is or is by such surety believed to be, or in and over the place in which such surety may then be; and such Magistrate shall thereupon issue a warrant in Form XVII for the apprehension of the said appellant.

Provisions for sureties discharging their obligations.

(g) The said appellant shall on being apprehended under the said warrant be brought before the Magistrate who issued the warrant. The said Magistrate may then at his discretion by warrant in Form XVIII commit the appellant to prison. The Superintendent of such prison shall, unless such prison was the prison from which the appellant was released on bail, notify the Inspector-General of Prisons of such commitment.

How appellant on bail to be dealt with on arrest at instance of sureties.

(h) Where the appellant is by a Magistrate committed to a prison, which was not the prison from which he was released on bail after his conviction, the Inspector-General of Prisons may, subject to any order of the Court of Appeal, transfer him to the prison from which he was so released.

Transfer of arrested appellant to prison whence he was released.

(i) The Magistrate on the commitment of any such appellant shall forthwith notify such commitment to the Registrar and forward to him the said information and the deposition in verification thereof taken before such Magistrate, together with a copy of the said warrant of commitment.

Committing Magistrate to notify Registrar and send him depositions, &c.

(j) At any time after an appellant has been released on bail, the Court of Appeal may, if they think fit, revoke the order admitting him to bail and issue a warrant in Form XIX for his apprehension and order him to be committed to prison.

Court of Appeal may revoke order for bail.

Superintendent of prison to notify Registrar of arrest of appellant on bail.

(k) When an appellant has been released on bail and has been apprehended under a warrant or by his surety or sureties, and is in prison the Superintendent thereof shall forthwith notify the Registrar who shall inform the Court of Appeal thereof, and the Court of Appeal may give such directions as to the appeal or otherwise as they shall think right.

Sureties' right to arrest appellant preserved.

(l) Nothing in these Rules shall affect the lawful right of a surety to apprehend and surrender into custody the person for whose appearance he has become bound, and thereby to discharge himself of his suretyship.

Estreat of recognizances.

(m) The Court of Appeal may on any breach of the recognizances of the appellant, if they think right so to do, order such recognizances and those of his surety or sureties to be estreated, and the manner of such estreat shall be that provided for the forfeiture of bonds under Chapter XXXIX of the Criminal Procedure Code.

Police to report on means of appellant.

28 The Inspector-General of Police and any Government Agent or Assistant Government Agent shall upon the request of the Registrar enquire and report as to the means and circumstances of any appellant where a question as to his means and circumstances arises under the Ordinance or these Rules.

Warders to attend at Court of Appeal.

29 (a) The Superintendent of prisons shall on notice from the Registrar cause from time to time such number of warders or guards as may be necessary to be in attendance at the sittings of the Court of Appeal.

Appellant to surrender on appeal and be searched and remain in custody.

(b) An appellant who is not in custody shall, whenever his case is called on before the Court of Appeal, surrender himself to such persons as the Court shall from time to time direct and thereupon shall be searched by them, and shall be deemed to be in their lawful custody until further released on bail or otherwise dealt with as the Court directs.

Registrar to obtain exhibits, &c., which shall be open to inspection.

30 (a) The Registrar may, on an application made to him by the Attorney-General or by the appellant in any appeal, or where he considers it necessary for the proper determination of any appeal or application, and shall, where directed by the Court of Appeal so to do, obtain and keep available for use by the Court of Appeal any documents, exhibits or other things relating to the proceedings before the Court, and pending the determination of the appeal such documents, exhibits or other things shall be open as and when the Registrar may arrange for the inspection of any party interested.

Court of Appeal may order production of exhibits, &c.

(b) The Court of Appeal may, at any stage of an appeal, on the application of the Attorney-General or an appellant, order any document, exhibit or other thing connected with the proceedings to be produced as they direct by any person having the custody or control thereof.

Service of orders.

(c) Service of any order made under this Rule shall be personal service, unless the Court otherwise directs, and for the purpose of effecting due service the Registrar may forward the order together with instructions to the Inspector-General of Police, who shall serve the order in accordance with such instructions.

Return of exhibits.

Exhibits in court of trial, how dealt with.

31 Exhibits, other than such documents as are usually kept by the proper officer of the Court of trial, shall, subject to any order which the Court of Appeal may make, be returned to the person who originally produced the same.

Provided, however, that—

- (a) any such exhibit to which the provisions of section 7 of the Ordinance relate shall not be so returned except under the direction of the Court of Appeal ;
- (b) no exhibit shall, in any case where the Court of Appeal orders a new trial, be returned except to such person and subject to such conditions as the Court may determine.

Notifying results of Appeal.

32 (a) On the final determination of any appeal, or of any matter under section 18 of the Ordinance, the Registrar shall give to the appellant if he is in custody and has not been present at such final determination, and to the Superintendent of the prison in which the appellant then is or from which he has been released on bail or to which under such determination he is committed, notice of such determination in whichever of the Forms XXVIII, XXIX, XXX, and XXXI is applicable.

Notice of result of appeal.

(b) In any case of an appeal in relation to a conviction involving sentence of death the Registrar shall on receiving the notice of appeal or of application for leave to appeal send a copy thereof to the Secretary to the Governor and on the final determination of any such appeal by the Court of Appeal shall forthwith notify the appellant, the Secretary to the Governor, and the Superintendent of the prison in which the appellant then is or to which he is committed under such determination.

Notices to be sent in case of appeal against death sentence.

33 (a) The Registrar upon the final determination of an appeal shall notify to the proper officer of the court of trial the decision of the Court of Appeal in relation thereto, and also any orders or directions made or given by the Court of Appeal in relation to such appeal or any matter connected therewith.

Registrar to notify proper officer of court of trial of result of appeal.

(b) The proper officer of the court of trial shall, on receiving such notification, enter the particulars thereof on the records of such court.

34 Upon the final determination of an appeal for the purposes of which the Registrar has obtained from the proper officer of the court of trial any original deposition, exhibit, indictment, plea, statement or other document usually kept by the said officer, or forming part of the record of the court of trial the Registrar shall cause the same to be returned to such officer.

Return of exhibits, &c., after appeal determined.

Legal aid to Appellants.

35 A report made by the Registrar under sub-section (5) of section 16 of the Ordinance shall be made to a Judge of the Court of Appeal, and any directions given thereupon by such Judge shall be final.

Report as to legal aid to be made to Judge of Court of Appeal.

36 (a) The Registrar shall cause to be prepared in such form as he thinks most convenient, and after such enquiry as he may deem necessary, lists of advocates and of proctors who are willing to act as advocates or proctors for appellants if and when they are nominated under the Ordinance.

List of advocates and proctors who may be assigned.

(b) When legal aid is assigned to an appellant, the Court of Appeal may give such directions as to the stage of the appeal at which such legal aid shall commence and whether an advocate only or an advocate and a proctor shall be assigned,

Directions as to legal aid.

or otherwise as they think right. The Registrar shall thereupon, subject to any special order of the Court of Appeal, select from the lists hereinbefore referred to, or otherwise, an advocate and/or proctor for the purpose of affording legal aid to an appellant under the directions of the Court of Appeal, having regard in so doing to the advocate or proctor, if any, who represented the appellant at his trial, and the nature of the appeal.

Copies of documents for use of appellants.

Supply of copies of documents, &c. to parties to appeal...

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... and to assigned advocates and proctors.

Free transcript of shorthand notes.

Free copy of documents, &c., to appellant unrepresented.

37 (a) At any time after notice of appeal or notice of application for leave to appeal has been given, the Attorney-General or an appellant or the advocate or proctor or other person representing an appellant, may obtain from the Registrar copies of any document or exhibit in his possession for the purpose of such appeals. Such copies shall be supplied by the Registrar at the rates prescribed under the Proof of Public Documents Ordinance for the preparation of copies of documents in the custody of public officers and such charges shall be paid in stamps; provided that no charges shall be payable for any such copy supplied to the Attorney-General.

(b) Where an advocate and a proctor or an advocate only is assigned to an appellant, copies of any documents or exhibits which they or he may request the Registrar to supply shall be supplied without charge, unless in the opinion of the Registrar they are not necessary for the purpose of the appeal.

(c) Upon an application made to a Judge of the Court of Appeal in Chambers, a transcript of the shorthand notes taken of the proceedings at the trial may be supplied free of charge.

(d) Where an appellant, who is not legally represented, requires for the purpose of his appeal a copy of any document or exhibit in the custody of the Registrar, the latter may supply it free of charge if he thinks fit.

Procedure as to witnesses before Court of Appeal, and their examination before examiner.

Attendance of witness before Court of Appeal.

Application by unrepresented appellant for witnesses to be called.

Order appointing examiner.

Supply of exhibits to and their return by examiner.

38 (a) Where the Court of Appeal has ordered any witness to attend and be examined before the Court under section 10 of the Ordinance an order in Form XXV shall be served upon such witness specifying the time and place at which he shall attend for such purpose.

(b) Such order may be made on the application at any time of the appellant or respondent, but if the appellant is in custody and not legally represented the application shall be made by him in the Form XXVI.

(c) Where the Court of Appeal orders the examination of any witness to be conducted otherwise than before the Court itself, such order shall specify the person appointed as examiner to take such examination, and the witness or witnesses to be examined thereat.

(d) The Registrar shall furnish to the examiner any document or exhibit and any other material relating to the said appeal as and when requested so to do. Such document and exhibit and other material shall, after the examination has been concluded, be returned by the examiner together with any deposition taken by him to the Registrar.

(e) When the examiner has appointed the day and time and place for the examination he shall request the Registrar to notify such day, time and place to the Attorney-General and to the appellant and his legal representatives, if any, and when the appellant is in prison, the Superintendent of that prison. The Registrar shall cause to be served on every witness to be so examined a notice in Form XXVII.

Notice of date and place of examination.

(f) Every witness examined before an examiner shall give his evidence upon oath or affirmation to be administered by such examiner, except where any such witness if giving evidence as a witness on a trial need not be sworn or affirmed.

Evidence to be given on oath before examiner.

(g) The examination of every such witness shall be taken in the form of a deposition and unless otherwise ordered shall be taken in private. The caption in Form XXIV shall be attached to any such deposition. The deposition shall be taken down in writing by or in the presence of the examiner, not ordinarily by question and answer but so as to represent, as nearly as may be, the statement of the witness, and when completed shall be read over to the witness and signed by him. If the witness refuses to sign the deposition the examiner shall sign the same. The examiner may put down any particular question or answer if there appears any special reason for doing so, and may put any question to the witness as to the meaning of any answer or as to any matter arising in the course of the examination. The Attorney-General and the appellant and his advocate and/or proctor, if any, shall be entitled to be present at the examination of every such witness and shall have full opportunity of asking questions of such witness. Any question which is objected to and answer thereto shall be taken down by the examiner in the deposition, and he shall state his opinion thereon to those present at such examination and shall refer to such statement in the deposition, but he shall not have power to decide upon the materiality or relevancy of any question.

Evidence to be recorded as deposition.

(i) Any order or notice required by this Rule to be given to any witness may be served as an order may be served under Rule 30 (c) hereof, and any such notice shall be deemed to be an order of the Court of Appeal on such witness to attend at the time and place specified therein.

Service of orders and notices under this Rule.

39 When an order of reference is made by the Court of Appeal under section 10 (d) of the Ordinance, the question to be referred and the name of the special commissioner shall be specified in such order. The Court of Appeal may in such order, or by giving directions as and when they from time to time shall think right, specify whether the appellant or the Attorney-General or any person on their behalf may be present at any examination or investigation or at any stage thereof as may be ordered under section 10 (d) of the Ordinance, and may specify any and what powers of the Court of Appeal under the Ordinance or these Rules may be delegated to such special commissioner, and may require him from time to time to make interim reports to the Court of Appeal upon the question referred to him under section 10 (d) of the Ordinance and may, if the appellant is in custody, give leave to him to be present at any stage of such examination or investigation and may give the necessary directions to the Superintendent of the prison in which such appellant is, accordingly, and may give directions to the Registrar that copies of any report made by

Proceedings under section 10 (d) on reference.

such special commissioner shall be furnished to the Attorney-General and the appellant or to his respective advocate or proctor.

Costs of Appeal.

Expenses of advocates and proctors.

40 The expenses of any advocate or proctor assigned to an appellant by the Court of Appeal shall be allowed as follows :—

- (1) A fee not exceeding Rs. 21 for an advocate or a proctor :
Provided that the Registrar may certify that the case was exceptional and thereupon the fee may be increased to such amount as the Registrar, having regard to the exceptional character of the case may direct, but not exceeding Rs. 73·50 for an advocate or Rs. 52·50 for a proctor, or where two advocates are selected, not exceeding Rs. 105 for the senior and Rs. 52·50 for the junior.
- (2) In addition to the fees mentioned in paragraph (1) an advocate or a proctor may be allowed in respect of travelling expenses actually and necessarily incurred by him, payment in accordance with the rates of travelling allowances payable under the regulations for the time being in force under section 253A of the Criminal Procedure Code, to witnesses in trials before the Supreme Court.

Payments to witnesses.

41 Every person attending to give evidence on the order of the Court of Appeal or examined in any proceedings incidental to the appeal shall be entitled to receive such payment as that person would be entitled to receive under the regulations for the time being in force under section 253A of the Criminal Procedure Code, if he were a witness in a trial before the Supreme Court.

Expenses of appellant.

42 The Registrar may in his discretion allow as expenses to any person being an appellant who is not in custody and who appears on the hearing of his appeal or on any proceedings preliminary or incidental to the appeal, such amount as that person would be entitled to receive under the regulations for the time being in force under section 253A of the Criminal Procedure Code, if he were a witness in a trial before the Supreme Court.

Payments to examiners.

43 Where an examination of witnesses is conducted by a person appointed by the Court for the purpose under section 10 (1) (b) of the Ordinance, he shall, if he be a District Judge or Magistrate, be allowed in respect of travelling expenses actually and necessarily incurred by him, payment in accordance with the rates of travelling allowances payable under the regulations for the time being in force under section 253A of the Criminal Procedure Code, to witnesses at trials before the Supreme Court. If the person so appointed be a practising advocate or proctor he shall be allowed such expenses as aforesaid and in addition such fee not exceeding Rs. 31·50 a day as the Court may direct.

Conditions of payment, &c.

44 No travelling allowance shall be paid to any proctor or examiner, and no payment shall be made to any witness or appellant under the provisions of Rules 40 to 43 except in accordance with such conditions or restrictions as may be prescribed by any regulation for the time being in force under section 253A of the Criminal Procedure Code.

45 Where any question is referred to a special Commissioner appointed by the Court of Appeal or where any person is appointed as assessor to the Court he shall be allowed such fee, not exceeding Rs. 52·50, as the Court may think reasonable, having regard to his qualifications and ordinary professional remuneration.

Fees to special Commissioner and assessors.

Cause Lists.

46 (a) The Registrar shall keep a register, in such form as he thinks right, of all cases in which he receives a notice of appeal, or notice of application for leave to appeal, which register shall be open for public inspection in such place and at such hours as he considers convenient.

Registrar to keep register of appeals and applications.

(b) The Registrar shall prepare a list of cases to be dealt with at each session by the Court of Appeal when fully constituted for hearing appeals under the Ordinance or for considering applications which a Judge has, when sitting under section 18 of the Ordinance, refused to grant, and shall cause such list to be published at such times in such manner and at such places as shall be convenient for giving due notice to all parties interested, of the hearing of such cases by the Court of Appeal.

List of cases for each session.

(c) Where an appellant is in custody and has obtained leave or is entitled to be present at the hearing and determination of his application or appeal, the Registrar shall notify the appellant, the Superintendent of the prison in which the appellant then is, and the Inspector-General of Prisons, of the probable day on which his appeal or application will be heard. The Inspector-General of Prisons shall, where the appellant is entitled to be present at his appeal, take steps to transfer him to a prison convenient for his appearance before the Court of Appeal, at such a reasonable time before the hearing as shall enable him to consult his legal adviser if any.

Notice to appellant in custody.

Miscellaneous Provisions.

47 (a) Except where otherwise provided in these Rules, any application to the Court of Appeal may be made by the Attorney-General or by the appellant, or by an advocate or proctor on his behalf, orally or in writing, but if the appellant is unrepresented and is in custody and is not entitled or has not obtained leave to be present before the Court, he shall make any such application by forwarding the same in writing to the Registrar, who shall take proper steps to obtain the decision of the Court of Appeal thereon.

Application not specially provided for, how made.

(b) In all proceedings before a Judge under section 18 of the Ordinance, and in all preliminary and interlocutory proceedings and applications except such as are heard before the full Court, the parties thereto may be represented and may appear by proctor alone.

Audience of proctors.

48 When the Court of Appeal has heard and dealt with any application, the Registrar shall give the appellant notice of the decision of the Court of Appeal on such application.

Notice to appellant of results of all applications.

49 Non-compliance on the part of an appellant with these Rules or with any Rule of practice for the time being in force under the Ordinance, shall not prevent the further prosecution of his appeal if the Court of Appeal or a Judge thereof considers that such non-compliance was not wilful, and that the same may be waived or remedied by amendment or otherwise.

Waiver of innocent breach of Rules.

The Court of Appeal or a Judge thereof may in such manner as he or they shall think right, direct the appellant to remedy such non-compliance and thereupon the appeal shall proceed. The Registrar shall forthwith notify to the appellant any directions given by the Court of Appeal or a Judge thereof under this Rule, where the appellant was not present at the time when such directions were given.

Warrant of Court of Appeal to be deemed Magistrate's warrant.

50 Any warrant for the apprehension of an appellant issued by the Court of Appeal shall be deemed to be, for all purposes, a warrant issued by a Magistrate for the apprehension of a person charged with any offence.

Petitioner under section 20 to be deemed an appellant with leave.

51 When the Governor exercises his powers under section 20 of the Ordinance, and refers the whole case to the Court of Appeal, the petitioner whose case is so dealt with shall be deemed to be for all purposes of the Ordinance or these Rules a person who has obtained from the Court of Appeal leave to appeal, and the Court of Appeal may proceed to deal with his case accordingly.

Reference under section 20 (b) to be heard in private.

52 Where the Governor refers a point to the Court of Appeal under section 20 (b) of the Ordinance, such Court shall, unless they otherwise determine, consider such point in private.

Payments under section 14 (2).

53 The payments to be made in pursuance of orders by the Court of Appeal under sub-section (2) of section 14 of the Ordinance shall be payable by the Registrar either to the persons in whose favour such orders are made or to the proctor of or assigned to the appellant in any case, or to any police officer named in the order.

Vacations of Court of Criminal Appeal. Cap. 10. Vol. I. p. 111.

54 The Judges of the Court of Criminal Appeal shall make arrangements for any sittings that may be necessary during the periods required to be observed as vacations of the Supreme Court under the Supreme Court (Vacation) Ordinance.

Enforcing duties under Rules.

55 The performance of any duty imposed on any person under the Ordinance or these Rules may be enforced by order of the Court of Appeal.

Form I.

Rule 6 (a).

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. ——— OF 19—.

Rex v. ———,

(Supreme Court, ——— Circuit, 19—, Case No. ——— of 19—).

Judge's Certificate.

(State shortly the offence, e.g., theft, murder, forgery, &c.).

Whereas the said ——— was tried and convicted before me, the undersigned, in the Supreme Court on the ——— day of ——— on the following charge namely ——— and was thereupon sentenced by me to ———.

Here specify in general terms the grounds on which certificate granted.

I do hereby certify that the case is a fit case for an appeal by the said ——— to the Court of Criminal Appeal under section 4 (b) of the Court of Criminal Appeal Ordinance, No. 23 of 1933, upon the following grounds :—

(Signed) : ———,
Judge or Chief Justice.

Dated this ——— day of ———, 19—.

Form II.

Rule 20 (a).

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. _____ OF 19—.

Rex v. _____,

(Supreme Court, _____ Circuit, 19—, Case No. _____ of 19—).

Particulars of trial.

1. Where was the trial held ? _____.
2. Date of trial ? _____.
3. Name of trial Judge ? _____.
4. What was the verdict of the jury ? _____.
5. What was the sentence ? _____.
 Were any consequential orders made for restitution of property or otherwise ? _____.
6. Annex hereto a copy of the list of exhibits.
7. Was a certificate under section 4 (b) given ? _____.
8. Was appellant defended by an advocate or proctor privately, or at request of the Court ? _____.
9. State the name of the Advocate and/or Proctor : _____.
10. State the name of the shorthand writer : _____.
11. Was the appellant admitted to bail before trial ? If so, in what amount ? Were there sureties ? If so, in what amount ? _____.
12. Previous convictions :—

No.	Date.	Where Tried.	Offence.	Sentence.

(Signed) : _____,
 Registrar/Deputy Registrar/clerk of Assize of the
 Supreme Court.

Dated this _____ day of _____, 19—.

Form III.

Rule 22.

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. _____ OF 19—.

Rex v. _____,

(Supreme Court, _____ Circuit, 19—, Case No. _____ of 19—).

Notice of Abandonment of Appeal.

I, _____, having been convicted of _____ at the Assizes at _____ and having been desirous of appealing and having duly sent notice to that effect to the Court of Criminal Appeal against my said conviction (or the sentence of _____ passed

upon me on my said conviction) do hereby give you notice that I do not intend further to prosecute my appeal, but that I hereby abandon all further proceedings in regard thereto as from the date hereof.

(Signed) :————.

(Witness to signature) :————.

Dated this ——— day of ———, 19—.

To the Registrar of the Court of Criminal Appeal.

Rule 24 (a).

Form IV.

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. ——— OF 19—.

Re: v. ———.

(Supreme Court, ——— Circuit, 19—, Case No. ——— of 19—).

Notice of Appeal on Question of law only.

To the Registrar of the Court of Criminal Appeal.

(Here state the offence, e.g., theft, murder, forgery, &c.).

*Where appellant for any reason not in custody. Here state as clearly as you are able the question or questions of law on which you desire to appeal.

I, ———, having been convicted of the offence of ——— and being now a prisoner in His Majesty's Prison at (*or now living at ———) do hereby give you notice of appeal against my conviction (particulars of which hereinafter appear) to the Court of Criminal Appeal on questions of law, that is to say :—

(Signed) (Or mark) :————.

Signature and address of witness attesting mark :————.

Dated this ——— day of ———, 19—.

Particulars of Trial and Conviction.

Fill in all these particulars.

1. Date of Trial ? ———.
2. Place of Trial ? ———.
3. Sentence ? ———.
4. Were the above questions of law raised at the Trial ?

You are required to answer the following questions :—

- (1) If you desire to apply to the Court of Criminal Appeal to assign you legal aid on your appeal, state your position in life, and amount of wages, or salary, &c., and any other facts which you submit show reasons for legal aid being assigned to you :———.
- (2) Do you desire to be present on the hearing of your appeal by the Court of Criminal Appeal ? If you do so desire, state the reasons upon which you submit the said Court should give you leave to be present :———.
- (3) The Court of Criminal Appeal, will, if you desire it, consider your case and argument if put into writing by you or on your behalf, instead of your case and argument being presented orally. If you desire to present your case and argument in writing, set out here or annex hereto as fully as you think right, a statement of your case and argument in support of your appeal :———.

Form V.

Rule 24 (a).

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. ——— OF 19—.

Rex v. ———.

(Supreme Court, ——— Circuit, 19—, Case No. ——— of 19—).

Notice of Appeal upon Certificate of the Judge of the Court of Trial.

To the Registrar of the Court of Criminal Appeal.

I, ———, having been convicted of the offence of ——— and being now a prisoner in His Majesty's Prison at (* or now living at ———) and having duly obtained a Certificate which is hereto annexed from the judge before whom I was tried for the said offence, that it is a fit case for appeal, do hereby give you Notice of Appeal against my said conviction (particulars of which hereinafter appear) to the Court of Criminal Appeal.

(Here state the offence, e.g., theft, murder, forgery, &c.)
*Where appellant for any reason not in custody.

(Signed) (Or mark) :————

Appellant.

Signature and address of witness attesting mark :————

Dated this ——— day of ———, 19—.

Particulars of Trial and Conviction.

1. Date of Trial ? ———.
2. Place of Trial ? ———.
3. Sentence ? ———.

Fill in all these particulars.

You are required to answer the following questions :—

- (1) If you desire to apply to the Court of Criminal Appeal to assign you legal aid on your appeal, state your position in life, and amount of wages, or salary, &c., and any other facts which you submit show reasons for legal aid being assigned to you :————.
- (2) Do you desire to be present on the hearing of your appeal by the Court of Criminal Appeal ? If you do so desire, state the reasons upon which you submit the said Court should give you leave to be present :————.
- (3) The Court of Criminal Appeal will, if you desire it, consider your case and argument if put into writing by you or on your behalf, instead of your case and argument being presented orally. If you desire to present your case and argument in writing, set out here or annex hereto as fully as you think right, a statement of your case and argument in support of your appeal :————.

You must send with this notice to the Registrar the Certificate of the Judge who tried you.

Rule 24 (a).

Form VI.

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL NO. _____ OF 19—.

Rex v. _____.

(Supreme Court, _____ Circuit, 19—, Case No. _____ of 19—).

Notice of Application for leave to appeal against a Conviction under section 4 (b).

To the Registrar of the Court of Criminal Appeal.

(Here state the offence, e.g., theft, murder, forgery, &c.).
*Where appellant for any reason not in custody.

I, _____, having been convicted of the offence of _____ and being now a prisoner in His Majesty's Prison at (*or now living at _____) and being desirous of appealing against my said conviction do hereby give you notice that I hereby apply to the Court of Criminal Appeal for leave to appeal against my said conviction on the grounds hereinafter set forth.

(Signed) (Or mark) : _____,
Applicant.

Signature and address of witness attesting mark : _____.

Dated this _____ day of _____, 19—.

Particulars of Trial and Conviction.

Fill in all these particulars.

1. Date of Trial ? _____.
2. Place of Trial ? _____.
3. Sentence ? _____.

You are required to answer the following questions :—

- (1) If you desire to apply to the Court of Criminal Appeal to assign you legal aid on your appeal, state your position in life, and amount of wages, or salary, &c., and any other facts which you submit show reasons for legal aid being assigned to you : _____.
- (2) Do you desire to be present on the hearing of your appeal by the Court of Criminal Appeal ? If you do so desire, state the reasons upon which you submit the said Court should give you leave to be present :—
- (3) The Court of Criminal Appeal, will, if you desire it, consider your case and argument if put into writing by you or on your behalf, instead of your case and argument being presented orally. If you desire to present your case and argument in writing, set out here or annex hereto as fully as you think right, a statement of your case and argument in support of your appeal : _____.

State if you desire to be present at the final hearing of your appeal.

Form VII.

Rule 24 (a).

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. _____ OF 19—.

Rex v. _____.

(Supreme Court, _____ Circuit, 19—, Case No. _____ of 19—).

Notice of Application for leave to appeal against Sentence only.

To the Registrar of the Court of Criminal Appeal.—

I, _____, having been convicted of the offence of _____ and being now a prisoner in His Majesty's Prison at (*or now living at _____) do hereby give you notice that I desire to apply to the Court of Criminal Appeal for leave to appeal to the said Court against the sentence of _____ passed upon me for the said offence, on the following grounds :—

(Here state the offence, e.g., theft, murder, forgery, &c.)

*Where appellant for any reason not in custody.

(Here set out the grounds on which you desire to question the sentence.)

(Signed) (Or mark) : _____.

Signature and address of witness attesting mark : _____.

Dated this _____ day of _____, 19—.

Particulars of Trial and Conviction.

1. Date of Trial ? _____.
2. Place of Trial ? _____.
3. Sentence ? _____.
4. Date of Sentence ? _____.

Fill in all these particulars.

You are required to answer the following questions :—

- (1) If you desire to apply to the Court of Criminal Appeal to assign you legal aid on your appeal, state your position in life, and amount of wages, or salary, &c., and any other facts which you submit show reasons for legal aid being assigned to you : _____.
- (2) Do you desire to be present on the hearing of your appeal by the Court of Criminal Appeal ? If you do so desire state the reasons upon which you submit the said Court should give you leave to be present : _____.
- (3) The Court of Criminal Appeal, will, if you desire it, consider your case and argument if put into writing by you or on your behalf, instead of your case and argument being presented orally. If you desire to present your case and argument in writing, set out here or annex hereto as fully as you think right, a statement of your case and argument in support of your appeal : _____.

Form VIII.

Rule 5 (c).

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. _____ OF 19—.

Rex v. _____.

(Supreme Court, _____ Circuit, 19—, Case No. _____ of 19—).

Declaration verifying transcript of Shorthand Notes.

I, _____, do solemnly and sincerely declare in accordance with the provisions of rule 5 (e) of the Court of Criminal Appeal Rules, 1940, that having been required by the Registrar of the

Form VIII.—*contd.*

Court of Criminal Appeal to furnish to him a transcript of the shorthand note relating to the trial (or other proceeding) in relation to _____ which shorthand note is now produced and shown to me marked _____, and purporting to have been signed and certified by _____ (or signed and certified by me) I have made a correct and complete transcript thereof to the best of my skill and ability in pursuance of the said requirements, which said transcript is now shown to me marked "_____".

Dated this _____ day of _____, 19—.

(Signed) : _____,
Shorthand Writer.

Rule 23.

Form IX.

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. _____ OF 19—.

Rex v. _____.

(Supreme Court, _____ Circuit, 19—, Case No. _____ of 19—).

Notice of Application for extension of time within which to Appeal.

To the Registrar of the Court of Criminal Appeal.

(Here state the offence, e.g., theft, murder, forgery, &c.).

* Where appellant for any reason not in custody.

Here set out clearly and concisely the reason for the delay in giving such notice, and the grounds on which you submit the Court should extend the time.

I, _____, having been convicted of the offence of _____ at the Assizes held at _____ on the _____ day of _____, 19—, and being now a prisoner in His Majesty's Prison at _____ (*or now living at _____) give you notice that I hereby apply to the Court of Criminal Appeal for an extension of the time within which I may give Notice of Appeal (or Notice of Application for leave to appeal) on the grounds following :—

(Signed) (Or mark) : _____

Appellant.

Signature and address of witness attesting mark : _____.

Dated this _____ day of _____, 19—.

You are required to send to the Registrar of the Court of Criminal Appeal, duly filled up, and with the questions appearing thereon properly answered, Form IV., if your proposed appeal involves a question of law alone : or Form V if you have obtained the Certificate of the Judge of the Court of trial : or Form VI if you have not obtained such Certificate : or Form VII if you desire to appeal against your sentence only, together with this notice.

Form X.

Rule 27 (c).

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. ——— OF 19—.

Rex v. ———.

(Supreme Court, ——— Circuit, 19—, Case No. ——— of 19—).

Recognizance of bail of Appellant.

Be it remembered that whereas ——— was convicted of ——— on the ——— day of ———, 19— (and was thereupon sentenced to ———) and now is in lawful custody in His Majesty's Prison at ——— and has duly appealed against his conviction (and sentence) to the Court of Criminal Appeal, and has applied to the said Court for bail pending the determination of his appeal, and the said Court has granted him bail on entering into his own recognizances in the sum of Rs. ——— (and with ——— sureties each in the sum of Rs. ———) the said ——— personally cometh before me the undersigned being the Superintendent of the prison in which the appellant is confined and acknowledges himself to owe to our said Lord the King the said sum of Rs. ——— of good and lawful money of Ceylon, to be made and levied of his goods and chattels, lands and tenements to the use of our Lord the King, his heirs and successors, if he the said ——— fail in the condition endorsed.

Taken and acknowledged this ——— day of ———, 19—, at the Prison at ———.

Before me,

Superintendent of the Prison at ———.

Condition.

The condition of the within written recognizance is such that if he the said ——— shall personally appear and surrender himself at and before the Court of Criminal Appeal at each and every hearing of his appeal to such Court and at the final determination thereof and to then and there abide by the Judgment of the said Court and not to depart or be absent from such Court at such hearing without the leave of the said Court, and in the meantime not to depart out of the Island of Ceylon, then this recognizance to be void or else to stand in full force and effect.

The following to be filled up by the Appellant and signed by him :—

When released on bail my residence, to which any notices, &c., are to be addressed, will be as follows :—

(Signed) :———,
Appellant.

Rule 27 (c).

Form XI.

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. _____ OF 19—.

Rex v. _____.

(Supreme Court, _____ Circuit, 19—, Case No. _____ of 19—).

Recognizance of Appellant's Sureties.

Be it remembered that on this _____ day of _____, 19—, _____ of _____, (occupation) and _____ of _____, (occupation) personally came before me, the undersigned, being the Registrar (or Deputy Registrar) of the Court of Criminal Appeal and severally acknowledged themselves to owe to our Lord the King the several sums following that is to say, the said _____ the sum of Rs. _____ and the said _____ the sum of Rs. _____ of good and lawful money of Ceylon, to be made and levied of their goods and chattels, lands and tenements, respectively to the use of our said Lord the King, his heirs and successors, if _____ now in lawful custody in His Majesty's Prison at _____ fail in the condition hereon endorsed.

Taken and acknowledged before me, the undersigned, the day and year first above mentioned.

Registrar/Deputy Registrar of the
Court of Criminal Appeal.

Condition.

The condition of the within written recognizance is such that whereas the said _____ having been convicted of _____ and now in such lawful custody as before mentioned (under a sentence of _____ for such offence) has duly appealed to the Court of Criminal Appeal against his said conviction (and sentence) and having applied to the said Court for bail, pending the determination of his said appeal, has been granted bail on his entering into recognizance in the sum of Rs. _____ with _____ sureties each in the sum of Rs. _____ if the said _____ shall personally appear and surrender himself at and before the said Court at each and every hearing of his said appeal to such Court and at the final determination thereof and to there and then abide by the Judgment of the said Court and not depart or be absent from the said Court at any such hearing without leave of the Court and in the meantime not to depart out of the Island of Ceylon, then this recognizance to be void or else to stand in full force and effect.

Rule 27 (b).

Form XII.

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. _____ OF 19—.

Rex v. _____.

(Supreme Court, _____ Circuit, 19—, Case No. _____ of 19—).

Notice to Superintendent of Prisons to release
Appellant on bail.

To the Superintendent of Prisons, _____.

Whereas _____ has duly appealed to the Court of Criminal Appeal against his conviction for _____ (and sentence of _____) and having duly applied to the said Court has been

granted bail by the said Court pending the determination of his said appeal on entering into recognizances himself in the sum of Rs. _____ (and with _____ sureties each in the sum of Rs. _____) in the forms provided under the said Ordinance. And whereas I, the Registrar (or Deputy Registrar) of the said Court, having been given to understand that the said _____ is now in your lawful custody in the said prison under the said conviction (and sentence). And whereas I have received a recognizance of the said _____ from you (and recognizances from _____ sureties for the said _____) and the said recognizances are in due form and in compliance with the order of the said Court, admitting the said _____ to bail.

Form XII.—contd.

Now I do give you notice that if the said _____ do remain in your custody under the said conviction (and sentence) and for no other cause you shall on receipt of this notice suffer him to go at large. And this notice shall be your authority in that behalf.

_____,
Registrar/Deputy Registrar of the
Court of Criminal Appeal.

Dated this _____ day of _____, 19—.

Form XIII.

ku.c 24 (b)

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. _____ OF 19—.

Rex v. _____.

(Supreme Court, _____ Circuit, 19—, Case No. _____ of 19—).

Notification to Appellant of Judge's decision
under section 18.

I hereby give you notice that a Judge of the Court of Criminal Appeal having considered your application for :—

- (a) leave to appeal,
- (b) extension of time within which notice of appeal or of application for leave to appeal may be given,
- (c) legal aid to be assigned to you,
- (d) permission to you to be present at the hearing of any proceedings in relation to your appeal,

has refused the applications marked _____ (and has granted you applications marked _____).

If you desire to have the above-mentioned applications which have been refused determined by the Court of Criminal Appeal, you are required to fill up the enclosed form and return it to me forthwith.

Dated this _____ day of _____, 19—.

(Signed) : _____,

Registrar/Deputy Registrar of the
Court of Criminal Appeal.

To the above-named _____.

Rule 24 (d) and (f).

Form XIV.

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. ——— OF 19—.

Rex v. ———.

(Supreme Court, ——— Circuit, 19—, Case No. ——— of 19—)

Notice of Appeal by Appellant from Judge under section 18.

I, ——— having received your notification that my applications for :—

Strike out any of those which have not been made or which have been granted.

- (a) leave to appeal.
 - (b) extension of the time within which notice of application for leave to appeal may be given,
 - (c) legal aid to be assigned to me,
 - (d) permission to me to be present at the hearing of any proceedings in relation to my appeal,
- have been refused.

*Strike out this if you do not desire to be present.

Do hereby give notice that I desire that the said applications shall be considered and determined by the Court of Criminal Appeal (*and that as I am not legally represented I desire to be present at the determination of my said applications).

(Signed) : ———, Appellant.

Signature and address of witness attesting mark : ———
To the Registrar of the Court of Criminal Appeal.

Dated this ——— day of ———, 19—.

If you desire to state any reasons in addition to those set out by you in your original notice upon which you submit that the Court of Criminal Appeal should grant your said applications, you may do so in the space below.

Rule 27 (a).

Form XV.

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. ——— OF 19—.

Rex v. ———.

(Supreme Court, ——— Circuit, 19—, Case No. ——— of 19—).

Certificate to Surety.

*Here fill in surety's name and address.
†Here fill in appellant's name.

This is to certify that you* ——— whose signature is below, have been accepted on this ——— day of ———, 19—, as surety for the above-named† ——— in the sum of Rs. ——— for the due appearance of the said† ——— before the Court of Criminal Appeal at each and every hearing of his appeal and at the final determination thereof, and that the said† ——— shall then and there abide by the Judgment of the said Court and not depart or be absent from the said Court at any such hearing without the leave of the said Court and in the meantime not to depart out of the Island of Ceylon.

(Signed) ———,

Registrar/Deputy Registrar of the Court of Criminal Appeal.

I acknowledge that the above Certificate is correct.

(Signed) : ———, Surety.

Form XVI.

Rule 27 (f).

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. ——— OF 19—.

Rex v. ———.

(Supreme Court, ——— Circuit, 19—, Case No. ——— of 19—).

Information of Surety for Arrest of Appellant.

The information of* ——— of ——— laid upon the ——— day of ———, 19—, before me the undersigned Magistrate of the Court of ——— upon an application for a warrant for the apprehension of † ———.

*Here fill in the name and address and description of surety.

†Here state appellant's name and address if known.

The said* ——— saith as follows:— I* ——— do say that the above-named † ——— having been granted bail by the Court of Criminal Appeal, himself in the sum of Rs. ——— and with ——— surety (or sureties) in the sum of Rs. ——— was released on such bail on condition that he should personally appear and be present at and before the Court of Criminal Appeal at each and every hearing of his appeal and at the final determination thereof and to then and there abide by the Judgment of the said Court and not to depart or be absent from the said Court on any such hearing without the leave of the said Court and in the meantime not to depart out of the Island of Ceylon.

And that I became surety for the performance of the said conditions by the said † ——— in the sum of Rs. ——— a certificate whereof signed by the Registrar (or Deputy Registrar) of the said Court at ——— and by me is now shown to me marked ———. And that I suspect that the said † ——— is about to depart out of the Island of Ceylon and I therefore desire to surrender the said † ——— into custody and thereby discharge myself from my said recognizance. I verily believe that the said † ——— is now at ‡ ———.

Or state in what manner the appellant is believed to be about to fail in the observance of his recognizance.

‡ State where the appellant is believed to be.

(Signed) : ———,

Surety.

Laid before me the day and year first above written.

(Signed) : ———,

Magistrate of the Court of ———.

Form XVII.

Rule 27 (f).

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. ——— OF 19—.

Rex v. ———.

(Supreme Court, ——— Circuit, 19—, Case No. ——— of 19—).

Warrant on information of Surety.

To the Inspector-General of Police and all other Police Officers of Ceylon.

Whereas information hath been duly laid before me the undersigned by ——— of ——— for that* ——— having

*Here fill in the appellant's name

Form XVII.—*contd.*

†Here fill in surety's name.

‡Or state any other breach of his recognizance by the appellant.

been released on bail by the Court of Criminal Appeal on recognizances conditioned that he shall appear and be present at and before the Court of Criminal Appeal at each and every hearing of his appeal and at the final determination thereof and to then and there abide by the Judgment of the said Court and not to depart or be absent from the said Court on any such hearing without the leave of the said Court and in the meantime not to depart out of the Island of Ceylon. And that the said† ——— doth suspect that the said* ——— is about to depart out of the Island of Ceylon‡ ———. And that the said* ——— is believed to be at ———. These are therefore to authorise you forthwith to apprehend the said* ——— and to bring him before the ——— Court at ——— to the intent that he may be committed to His Majesty's Prison at ——— and there to be detained according to law.

Given under my hand and seal this ——— day of ———, 19—.

(Signed) : ———,
Magistrate of the Court of ———.

Rule 27 (g).

Form XVIII.

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. ——— OF 19—.

Rex v. ———.

(Supreme Court, ——— Circuit, 19—, Case No. ——— of 19—).

Commitment of Appellant on Surety's Information.

To the Fiscal of the ——— Province and to the Superintendent of His Majesty's Prison at ———.

*Here fill in appellant's name.

†Here fill in name of surety.

Whereas on the ——— day of ———, 19—, information was laid before ——— upon an application for a warrant for the apprehension of* ——— for that he being a prisoner released on bail by the Court of Criminal Appeal was believed by† ——— to be or suspected of being about to fail to observe the conditions of his recognizance.

And that the said† ——— was then desirous of surrendering the said* ———.

And whereas the said* ——— being now before the ——— Court at ——— and surrendered by the said† ——— in discharge of his recognizance you are therefore hereby commanded forthwith to deliver him the said* ——— to the Superintendent of His Majesty's Prison at ——— together with this warrant of commitment and you the said Superintendent are required to receive the said* ——— into your custody in the said prison and there safely to keep him according to law.

Given under my hand and seal this ——— day of ———, 19—.

(Signed) : ———,
Magistrate of the Court of ———.

Form XIX.

Rule 27 (1).

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. ——— OF 19—.

Rex. v. ———.

(Supreme Court, ——— Circuit, 19—, Case No. ——— of 19—).

Warrant of Arrest of Appellant on Bail.

To the Inspector-General of Police and all other Police Officers of the Island of Ceylon, and to the Superintendent of His Majesty's Prison at ———.

Whereas* ———, an appellant in the Court of Criminal Appeal, has been released by the said Court on bail and it has now been ordered by the said Court that a warrant be issued for the apprehension of the said* ———. These are therefore to command you the said Inspector-General of Police and other Police Officers to apprehend the said* ——— and to bring him to the Superintendent of the said prison and there deliver him with this warrant into the custody of the said Superintendent and you the said Superintendent are hereby required to receive the said* ——— into your custody in the said prison and there safely to keep him until further order of the said Court.

*Here fill in the appellant's name.

(Signed) : ———,

Judge of the Court of Criminal Appeal.

Dated this ——— day of ———, 19—.

Form XX.

Rule 7 (c).

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. ——— OF 19—.

Rex v. ———.

(Supreme Court, ——— Circuit, 19—, Case No. ——— of 19—).

Recognizance of Appellant sentenced to payment of a fine.

Be it remembered that whereas* ——— of ——— was on the ——— day of ———, 19—, convicted of ——— and was thereupon sentenced to pay the sum of Rs. ——— as a fine for his said offence by the (1) ——— and has intimated to the said Court that he desires to appeal against his said conviction on a question of law alone (upon a certificate of the Judge of the said Court that his is a fit case for appeal) (2). And whereas the said Court considers that the said appellant may in lieu of payment of the said sum, be ordered to enter into recognizance of bail, himself in the sum of Rs. ——— (3) and with ——— sureties each in the sum of Rs. ———, to prosecute his said appeal before the Court of Criminal Appeal. The said* ——— doth hereby acknowledge himself to owe to our Lord the King the said sum of Rs. ——— of good and lawful money of Ceylon, to be made and levied of his goods and chattels lands and tenements to the use of our said Lord the King his heirs and successors if he the said* ——— fail in the condition endorsed.

*Here fill in appellant's name.

(1) Here fill in the Court of trial.

(2) Strike out the unnecessary words.

(3) Strike out the words following if there are no sureties.

Taken and acknowledged this ——— day of ———, at the said Court at and before the Judge of the said Court.

(Signed) : ———,

Registrar/Deputy Registrar/Clerk of Assize of the Supreme Court.

Form XX.—*contd.*

Condition.

The condition of the within written recognizance is such that if the said* _____ of _____ shall personally appear and be present at and before the Court of Criminal Appeal at each and every hearing of his appeal to such Court, and at the final determination thereof and shall then and there prosecute his said appeal and abide by the judgment of the said Court, and shall not depart or be absent from such Court at any such hearing without leave of the said Court, and shall pay the said sum of Rs. _____ or such as the said Court may order to the Registrar or Deputy Registrar of the Court of Criminal Appeal, then this recognizance shall be void, but otherwise shall be of full force and effect.

Rule 7 (c).

Form XXI.

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. _____ OF 19—.

Rex v. _____.

(Supreme Court, _____ Circuit, 19—, Case No. _____ of 19—).

Recognizance of Sureties for Appellant sentenced to a fine.

*Here fill in the surety's name.

(1) Here give his address and occupation.

(2) Here fill in name of Court of trial.

†Here fill in the appellant's name.

Be it remembered that on the _____ day of _____, 19— * _____ of⁽¹⁾ _____ and* _____ of⁽¹⁾ _____ personally came before the Court of⁽²⁾ _____ and severally acknowledged themselves to owe to our Lord the King the several sums following, that is to say, the said* _____ the sum of Rs. _____ and the said* _____ the sum of Rs. _____ of good and lawful money of Ceylon, to be made and levied of their goods and chattels lands and tenements respectively to the use of our Lord the King, his heirs and successors if † _____ now before the said Court fail in the condition hereon endorsed.

Taken and acknowledged before the said Court of⁽²⁾ _____ on the day and year first above-mentioned.

(Signed) : _____,

Registrar/Deputy Registrar/Clerk of Assize
of the Supreme Court.

Condition.

(3) Strike out unnecessary words.

The condition of the within written recognizance is such that whereas the said† _____ having been convicted of _____ and having been sentenced to pay a fine of Rs. _____ for his said offence and having now intimated his desire to appeal on a question of law alone⁽³⁾ (with the certificate of the Judge of this Court) to the Court of Criminal Appeal against the said conviction, and having, in lieu of payment of the said sum of Rs. _____ been ordered to enter into recognizance of bail himself in the sum of Rs. _____ and with _____ sureties in the sum of Rs. _____, if the said† _____ shall personally appear and be present at and before the Court of Criminal Appeal at each and every hearing of his appeal to and at the final determination thereof and shall then and there prosecute his said appeal and abide by the judgment of the said Court, and shall not depart or be absent from the said Court at any such hearing without the leave of the said Court, then this recognizance shall be void but otherwise shall be of full force and effect.

Form XXII.

Rule 7 (e).

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. ——— OF 19—.

Rex v. ———.

(Supreme Court, ——— Circuit, 19—, Case No. ———
of 19—).

**Notice to Appellant sentenced to fine, of Breach
of his Recognizance.**

To the above-named ——— Appellant.

Whereas you were convicted on the ——— day of ———, 19—, of the offence of ——— and were sentenced to the payment of Rs. ——— and in default of such payment to imprisonment and whereas under the Court of Criminal Appeal Rules, 1939, you entered into a recognizance in the sum of Rs. ——— with sureties in the sum of Rs. ——— each to prosecute your appeal, and whereas 14 days have elapsed since your said conviction, and no notice of appeal has been served by you: Now I hereby give you notice that unless you attend at the sitting of the Court of Criminal Appeal to be holden at ——— on the ——— day of ———, 19—, and then show good cause to the contrary, the said Court may order an estreat of your recognizance and those of your sureties, or may otherwise deal with you according to law,

(Signed) : ———,
Registrar/Deputy Registrar of the
Court of Criminal Appeal.

Form XXIII.

Rule 7 (e).

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. ——— OF 19—.

Rex v. ———.

(Supreme Court, ——— Circuit, 19—, Case No. ———
of 19—).

**Notice to Surety for Appellant of estreat of
Recognizance.**

To* ——— of ———.

Whereas you the above-named ——— became duly bound in recognizance as surety, for that the said †——— having been convicted of ——— and for his said offence fined the sum of Rs. ——— should duly prosecute an appeal against his said conviction before the Court of Criminal Appeal, and whereas the said †——— has not so prosecuted his appeal, now I hereby give you notice that at the sitting of the Court of Criminal Appeal at ——— on the ——— day of ———, your recognizance may be ordered to be estreated, unless you then show good cause to the contrary.

*Here fill in name and address of the surety.

†Here fill in the appellant's name.

(Signed) : ———,
Registrar/Deputy Registrar of the
Court of Criminal Appeal.

Rule 38 (g).

Form XXIV.

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. _____ OF 19—.

Rex v. _____.

(Supreme Court, _____ Circuit, 19—, Case No. _____ of 19—).

Caption for deposition of witness examined before Examiner.

(1) Here fill in the witness's name and address.

The deposition taken before me the undersigned, being an Examiner duly appointed by the Court of Criminal Appeal in that behalf, of (1) _____ a witness examined before me under an Order of the said Court dated _____ day of _____, 19—, in the presence of the said _____ appellant (or of his advocate and/or proctor) and the respondent (or his advocate and/or proctor) at _____ on the _____ day of _____, which said appellant and respondent had full opportunity of asking questions of the said witness, to whom the depositions following were read by me before being signed by such witness.

The deposition of (1) _____ who (upon oath/affirmation duly administered by me) saith as follows:—

(Here follows deposition).

(Signed) : _____, Witness.

Taken before me this _____ day of _____, 19—.

_____, Examiner.

Rule 38 (a).

Form XXV.

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. _____ OF 19—.

Rex v. _____.

(Supreme Court, _____ Circuit, 19—, Case No. _____ of 19—).

Order to witness to attend Court for Examination.

(1) Here fill in name and address of witness.

To (1) _____.

*Here fill in appellant's name.

Whereas on good cause shown to the Court of Criminal Appeal you have been ordered to attend and be examined as a witness before such Court upon the appeal of the above-named *_____. This is to give you notice to attend before the said Court on _____ the _____ day of _____, 19—, at _____ at _____ o'clock in the _____ noon. You are also required to have with you at the said time and place any book, papers or other thing relating to the said appeal which you may have had notice so to produce.

Dated _____ day of _____, 19—.

_____, Registrar/Deputy Registrar of the Court of Criminal Appeal.

Form XXVI.

Rule 38 (b).

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. _____ OF 19—.

Rex v. _____.

(Supreme Court, _____ Circuit, 19—, Case No. _____ of 19—)

Appellant's Application for further witnesses.

To the Registrar of the Court of Criminal Appeal.

I* _____, having appealed to the Court of Criminal Appeal hereby request you to take notice that I desire that the said Court shall order the witness(es) hereinafter specified to attend the Court and be examined on my behalf.

*Here fill in appellant's name.

(Signed) : _____,
Appellant.

Dated this _____ day of _____, 19—.

You are required to fill up the following form and sign the same :—

1. Name and address of witness ? _____.
2. Was such witness examined at the trial ? _____.
3. If not, state the reason why he was not examined ? _____.
4. On what matters do you wish him to be examined ? _____.
5. State shortly the evidence you think he can give ? _____.

Form XXVII.

Rule 38 (c).

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. _____ OF 19—.

Rex v. _____.

(Supreme Court, _____ Circuit, 19—, Case No. _____ of 19—).

Notice to Witness to attend before Examiner.

To (1) _____.

Whereas on good cause shown to the Court of Criminal Appeal you have been ordered to be examined as a witness upon the appeal of the above-named appellant, and your deposition to be taken for the use of the said Court.

(1) Here fill in name and address of witness.

This is to give you notice to attend at (2) _____ on the _____ day of _____, 19—, before (3) _____ at _____ o'clock in the _____ noon.

(2) Here specify the place of examination.
(3) Here fill in the examiner's name.

You are also required to have with you at the said time and place any book, papers, or other thing under your control or in your possession in any manner relating to the said appeal which you may have had notice so to produce.

Registrar/Deputy Registrar of the
Court of Criminal Appeal.

Dated this _____ day of _____, 19—.

Rule 32 (a).

Form XXVIII.

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. _____ OF 19—.

Rex v. _____.

(Supreme Court, _____ Circuit, 19—, Case No. _____ of 19—).

Notice to Appellant of the result of his Appeal.

*Here fill in the appellant's name.

To* _____.

This is to give you notice that the Court of Criminal Appeal have finally determined your appeal, and have this day given judgment to the effect following (1) _____.

(1) Here state shortly the effect of the judgment.

(Signed) : _____,

Registrar/Deputy Registrar of the Court of Criminal Appeal.

Dated this _____ day of _____, 19—.

Rule 32 (a).

Form XXIX.

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. _____ OF 19—.

Rex v. _____.

(Supreme Court, _____ Circuit, 19—, Case No. _____ of 19—).

Notification to Appellant of result of Application under Section 18.

*Here fill in the name of the appellant.

To* _____.

This is to give you notice that the Court of Criminal Appeal have considered the matter of your application for :—

(1) Strike out the unnecessary words in (a), (b), (c), (d) or (e).

- (a) (1) leave to appeal to the said Court,
- (b) leave to extend the time within which you may give Notice of Appeal or of Application for leave to appeal,
- (c) legal aid to be assigned to you,
- (d) permission to be present during the proceedings in your appeal.
- (e) admission to bail,

(2) Here state the effect of the judgment.

and have this day given judgment to the effect following (1) _____.

(Signed) : _____,

Registrar/Deputy Registrar of the Court of Criminal Appeal.

Dated this _____ day of _____, 19—.

Form XXX.

Rule 32 (a).

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. _____ OF 19—.

Rex v. _____.

(Supreme Court, _____ Circuit, 19—, Case No. — of 19—)

Notice of result of Application in Appeal.

To the Superintendent of Prisons at _____.

This is to give you notice that the above-mentioned* _____, having applied for :—

*Here fill in the applicant's name.

- (a) (1) leave to appeal to the said Court,
- (b) leave to extend the time within which he may give notice of appeal or of an application for leave to appeal,
- (c) legal aid to be assigned to him,
- (d) permission to be present during the proceedings in his appeal,
- (e) admission to bail.

(1) Strike out the unnecessary words in (a), (b), (c), (d) or (e).

The Court of Criminal Appeal have this day finally determined his said application and have given judgment to the effect following (2) _____.

(2) Here state shortly the effect of the judgment.

(Signed) : _____,

Registrar/Deputy Registrar of the Court of Criminal Appeal.

Dated this _____ day of _____, 19—.

Form XXXI.

Rule 32 (a).

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. _____ OF 19—.

Rex v. _____.

(Supreme Court, _____ Circuit, 19—, Case No. _____ of 19—).

Notice to the Superintendent of Prisons of the result of the Appeal.

To the Superintendent of Prisons at _____.

This is to give you notice that the above-named* _____ having appealed against his conviction and, (1) the sentence of _____ passed upon him for the offence of _____ at the Assizes holden at _____ the Court of Criminal Appeal have this day given judgment therein to the effect following :—

*Here fill in the name of the appellant. (1) Strike out the unnecessary words.

(2) _____.

(2) Here state shortly the effect of the judgment.

(Signed) : _____,

Registrar/Deputy Registrar/Clerk of Assize of the Court of Criminal Appeal.

Dated this _____ day of _____, 19—.

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Rule 8 (b).

Form XXXII.

IN THE COURT OF CRIMINAL APPEAL.

CRIMINAL APPEAL No. ——— OF 19—.

Rex v. ———.

(Supreme Court, ——— Circuit, 19—, Case No. ——— of 19—).

List of Exhibits.

Number or other identifying mark on exhibit.	Short description of exhibit.	Produced by prosecution or defence.	Directions of the Judge of the Court of trial, with name and address of person retaining exhibit.

(Signed) :———,

Registrar/Deputy Registrar of the
Supreme Court.

Dated this ——— day of ———, 19—.