



KHN.0042 JLD. 2

24 September 2018

All Judges of the Federal Court

All Judges of the Court of Appeal

All High Court Judges/Judicial Commissioners of Malaya/Sabah and Sarawak

All Deputy Registrars/Senior Assistant Registrars
Federal Court of Malaysia, Court of Appeal and High Courts of Malaya/Sabah and Sarawak

Y.A.A.-Y.A.A./Y.A. Tan Sri/Puan Sri/Dato' Sri/Datuk/Dato'/Datin/Tuan/Puan,

PRACTICE DIRECTION OF THE CHIEF JUSTICE NO. 3 OF 2018

**PREPARATION OF REPORT UNDER SECTION 281 OF THE CRIMINAL
PROCEDURE CODE**

After consultation with the Right Honourable President of the Court of Appeal, the Right Honourable Chief Judge of Malaya and the Right Honourable Chief Judge of Sabah and Sarawak, I hereby issue the following Practice Direction for the preparation of report under section 281 of the Criminal Procedure Code.

PREPARATION OF REPORT BY HIGH COURT JUDGE

2. The High Court Judge who tried criminal offences cases which involved sentence of death and has passed sentence of death, shall prepare a report after the sentence of death is passed for the purpose of execution of the aforesaid sentence of death.

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After consultation with the Right Honourable President of the Court of Appeal, the Right Honourable Chief Judge of Malaya and the Right Honourable Chief Judge of Sabah and Sarawak, I hereby issue the following Practice Direction for the preparation of report under section 281 of the Criminal Procedure Code.

PREPARATION OF REPORT BY HIGH COURT JUDGE

2. The High Court Judge who tried criminal offences cases which involved sentence of death and has passed sentence of death, shall prepare a report after the sentence of death is passed for the purpose of execution of the aforesaid sentence of death.

3. The report shall be prepared by the High Court Judge within **two (2) months** after the sentence of death is passed.

FORMAT FOR PREPARATION OF REPORT BY HIGH COURT JUDGE

4. The report prepared shall be signed by the High Court Judge and shall inter alia setting out his opinion whether there are any reasons, and, if any, what reasons there are, why the sentence of death should or should not be carried out.
5. To facilitate the preparation of the report, the High Court Judge may use the form as in Annexure A.

SUBMISSION AND KEEPING OF REPORT BY HIGH COURT JUDGE

6. The report shall be prepared in three (3) copies and shall be kept and submitted in accordance with the following:
 - (a) one (1) original copy of the report is inserted into a sealed envelope and submitted to the Deputy Registrar/Senior Assistant Registrar of the High Court who in charge of criminal cases to be kept in safekeeping at the Registry Office of the High Court; and
 - (b) two (2) copies of the original report are inserted into a sealed envelope and submitted to the Deputy Registrar/Senior Assistant Registrar of the High Court concerned for submission as follows:
 - (i) If there is no notice of appeal is filed against the decision of the High Court Judge, the report shall be forwarded to the Menteri Besar or the Chief Minister (as the case may be) of the State in which the crime was committed. The report shall be submitted within **two (2) months** from the date of expiry period of the appeal together with a copy of the notes of evidence taken on the trial.
 - (ii) If there is no appeal to the Federal Court after the sentence of death is affirmed by the Court of Appeal, the report shall be submitted at the Registry of the Court of Appeal within **two (2) weeks** from the date of the letter of application for the report by the Deputy Registrar of the Court of Appeal;
 - (iii) If there is an appeal to the Federal Court and the sentence of death is affirmed by the Federal Court, the report shall be submitted at the Registry of the Federal Court within **two (2) weeks** from the date of the letter of application for the report by the Deputy Registrar of the Federal Court.

PREPARATION OF REPORT BY THE JUDGES OF THE COURT OF APPEAL

7. If the Panel of Judges of the Court of Appeal hearing an appeal reverse the order of acquittal of an accused or other order than sentence of death decided by the High Court Judge and passed sentence of death, the Chairman of the Panel of Judges of the Court of Appeal hearing the appeal shall prepare a report for the purpose of execution of the sentence of death.
8. The report shall be prepared by the Chairman of the Panel of Judges of the Court of Appeal hearing the appeal within two **(2) months** after the sentence of death is passed.

FORMAT FOR PREPARATION OF REPORT BY THE JUDGES OF THE COURT OF APPEAL

9. The report prepared shall be signed by the Chairman of the Panel of Judges of the Court of Appeal hearing the aforesaid appeal and shall inter alia setting out his opinion whether there are any reasons, and, if any, what reasons there are why the sentence of death should or should not be carried out.
10. To facilitate the preparation of the report, the Chairman of the Panel of Judges of the Court of Appeal may use the form as in Annexure B.

SUBMISSION AND KEEPING OF REPORT BY THE JUDGES OF THE COURT OF APPEAL

11. The report shall be prepared in three (3) copies and shall be kept and submitted in accordance with the following:
 - (a) one (1) original copy of the report is inserted into a sealed envelope and submitted to the Deputy Registrar/Senior Assistant Registrar of the Court of Appeal in charge of criminal cases to be kept in safekeeping at the Registry Office of the Court of Appeal; and
 - (b) two (2) copies of the original report are inserted into a sealed envelope and submitted to the Deputy Registrar/Senior Assistant Registrar of the Court of Appeal for submission as follows:
 - (i) If there is no notice of appeal is filed against the decision of the Court of Appeal, the report shall be forwarded to the Menteri Besar or the Chief Minister (as the case may be) of the State in which the crime was committed. The report shall be submitted within **two (2) months** from the date of expiry period of the appeal together with a copy of the record of appeal of the case.

- (ii) If there is an appeal to the Federal Court and the sentence of death is affirmed by the Federal Court, the report shall be submitted at the Registry of the Federal Court within **two (2) weeks** from the date of letter of application for the report by the Deputy Registrar of the Federal Court.

PREPARATION OF REPORT BY THE JUDGES OF THE FEDERAL COURT

12. If the Panel of Judges of the Federal Court hearing an appeal reverse the order of acquittal of an accused or other order than sentence of death decided by the High Court Judge or the Court of Appeal Judges and passed sentence of death, the Chairman of the Panel of Judges of the Federal Court hearing the appeal shall prepare a report for the purpose of execution of the sentence of death.
13. The report shall be prepared by the Chairman of the Panel of Judges of the Federal Court hearing the aforesaid appeal within **two (2) months** after sentence of death is passed or affirmed.

FORMAT FOR PREPARATION OF REPORT BY THE FEDERAL COURT JUDGES

14. The report prepared shall be signed by the Chairman of the Panel of Judges of the Federal Court hearing the appeal and shall inter alia setting out his opinion whether there are any reasons, and, if any, what reasons there are why the sentence of death should or should not be carried out.
15. To facilitate the preparation of the report, the Chairman of the Panel of Judges of the Federal Court may use the form as in Annexure C.

SUBMISSION AND KEEPING OF REPORT BY THE FEDERAL COURT JUDGES

16. The report shall be prepared in two (2) copies and shall be kept and submitted in accordance with the following:
 - (a) one (1) original copy of the report is inserted into a sealed envelope and submitted to the Deputy Registrar/Senior Assistant Registrar of the Federal Court in charge of criminal cases to be kept in safekeeping at the Registry Office of the Federal Court; and
 - (b) one (1) original copy of the report is inserted into a sealed envelope and submitted to the Deputy Registrar/Senior Assistant Registrar of the Registry of the Federal Court to be forwarded to the Menteri Besar or the Chief Minister (as the case may be) of the State in which the crime was committed.

- (c) Submission to the Menteri Besar or the Chief Minister shall be made immediately upon receipt of the report together with a copy of record of appeal of the case and the report of the High Court Judge or the Court of Appeal Judges, as the case may be.

EFFECTIVE DATE

This Direction takes effect immediately and the Chief Judge of Malaya Circular No. 2/2012 is hereby revoked.

Thank You.



(TAN SRI DATUK SERI PANGLIMA RICHARD MALANJUM)
Chief Justice

SULIT

**FORMAT LAPORAN DI BAWAH SEKSYEN 281 KANUN TATACARA JENAYAH
(MAHKAMAH TINGGI)**

**DALAM MAHKAMAH TINGGI MALAYA DI
PERBICARAAN JENAYAH NO:**

**PENDAKWA RAYA
LAWAN
(NAMA TERTUDUH)**

LAPORAN DI BAWAH SEKSYEN 281 KANUN TATACARA JENAYAH

- 1. RINGKASAN PERTUDUHAN**
- 2. RINGKASAN FAKTA KES**
- 3. KEPUTUSAN MAHKAMAH TINGGI & RINGKASAN PENEMUAN FAKTA
(BRIEF FINDING OF FACTS)**
- 4. PENDAPAT HAKIM MAHKAMAH TINGGI SAMA ADA HUKUMAN MATI
PATUT ATAU TIDAK PATUT DILAKSANAKAN & ALASAN-ALASAN**

**TANDATANGAN HAKIM MAHKAMAH TINGGI
NAMA & JAWATAN HAKIM
TARIKH KEPUTUSAN:
TARIKH LAPORAN DISEDIAKAN:**

SULIT

**FORMAT LAPORAN DI BAWAH SEKSYEN 281 KANUN TATACARA JENAYAH
(MAHKAMAH RAYUAN)**

**DALAM MAHKAMAH RAYUAN
RAYUAN JENAYAH NO:**

**PENDAKWA RAYA
LAWAN
(NAMA TERTUDUH)**

LAPORAN DI BAWAH SEKSYEN 281 KANUN TATACARA JENAYAH

1. RINGKASAN PERTUDUHAN
2. RINGKASAN FAKTA KES
3. KEPUTUSAN MAHKAMAH RAYUAN & RINGKASAN PENEMUAN FAKTA
(BRIEF FINDING OF FACTS)
4. PENDAPAT Pengerusi bagi panel hakim Mahkamah Rayuan sama
ada hukuman mati patut atau tidak patut dilaksanakan &
alasan-alasan

**TANDATANGAN Pengerusi bagi panel Mahkamah Rayuan
NAMA & JAWATAN:
TARIKH KEPUTUSAN:
TARIKH LAPORAN DISEDIAKAN:**

SULIT

**FORMAT LAPORAN DI BAWAH SEKSYEN 281 KANUN TATACARA JENAYAH
(MAHKAMAH PERSEKUTUAN)**

KEPADA:

**Yang Dipertuan Agong/ Duli Yang Maha Mulia Sultan/ Tuan Yang
Terutama (mengikut mana yang berkenaan)**

MELALUI:

Setuusaha Sulit Yang Dipertuan Agong/ Duli Yang Maha Mulia Sultan/ Tuan Yang Terutama (mengikut mana yang berkenaan)

MELALUI:

Perdana Menteri/ Menteri Besar/ Ketua Menteri (mengikut mana yang berkenaan)

**DALAM MAHKAMAH PERSEKUTUAN MALAYSIA
RAYUAN JENAYAH NO:**

**PENDAKWA RAYA
LAWAN
(NAMA TERTUDUH)**

LAPORAN DI BAWAH SEKSYEN 281 KANUN TATACARA JENAYAH

- 1. RINGKASAN PERTUDUHAN**
- 2. RINGKASAN FAKTA KES**
- 3. KEPUTUSAN MAHKAMAH PERSEKUTUAN & RINGKASAN PENEMUAN FAKTA (BRIEF FINDING OF FACTS)**
- 4. PENDAPAT PENERUSI BAGI PANEL HAKIM MAHKAMAH PERSEKUTUAN SAMA ADA HUKUMAN MATI PATUT ATAU TIDAK PATUT DILAKSANAKAN & ALASAN-ALASAN**

TANDATANGAN PENERUSI BAGI PANEL MAHKAMAH PERSEKUTUAN

NAMA & JAWATAN:

TARIKH KEPUTUSAN:

TARIKH LAPORAN DISEDIAKAN: