

THE SUPREME COURT OF THE MALAYAN UNION

REGISTRAR'S CIRCULAR NO. 27/46

MENT
L*

It has been brought to the notice of the Chief Justice that the provisions of Circular RSC No. 111/46 of the 17th June, 1946, are not being properly interpreted with the result that in some cases legitimate applications for adjournments of criminal cases are being refused.

2. Circular RSC No. 111/46 dealt with one particular matter only, to wit, short notice applications in writing (not by personal appearance) by certain counsel for adjournments. It does not deal with applications for adjournments made on reasonable grounds.

3. When a person is arrested he should normally be produced before the Court within 24 hours - see section 28 F.M.S. Criminal Procedure Code. If the case is a trivial one it will probably be possible to proceed with at once, if the prosecution is ready. In more serious cases it will normally be the case that the prosecution is not ready, and that the accused has had no chance to produce his witnesses or to engage counsel. In such cases it is reasonable to grant an adjournment to enable the the accused to get his witnesses or to engage counsel, if he so desires. Hence it has always been the practice in this country to call such cases for mention only on the first date. What is to be avoided is a series of adjournments in any particular case without adequate reasons.

4. Friendly co-operation between Bench and Bar on this question of fixing dates of hearing will achieve a lot and, if this is done, the Chief Justice is certain that the Bench will find it necessary in only a few cases to take a firm line. (1)

The Registry, Supreme Court,
Malayan Union,
Kuala Lumpur, 11th November, 1946.
(RSC. 111/46)

Sd.
REGISTRAR.