

REGISTRAR'S CIRCULAR NO. 31

Procedure to be followed on receipt of the  
Governor's Order, after consideration of  
Death and other Sentences<sup>n</sup> passed by Courts

After consultation between the Legal and Judicial Departments and the Government of the Malayan Union the following practice has been settled and should be carefully noted and followed:

A - DEATH SENTENCES

- (i) Where there has been no appeal to the Court of Appeal then His Excellency's Warrant of Commutation ~~of~~ Warrant for the carrying out of the sentence of death or Warrant for a Free Pardon as the case may be, will be sent direct to Court of trial, in duplicate.
- (ii) Where there has been an appeal to the Court of Appeal, then His Excellency's Warrant of Commutation or Warrant for the carrying out of the sentence of death or Warrant for a Free Pardon as the case may be, will be sent to the Registrar of the Supreme Court, Kuala Lumpur, in duplicate.

B - OTHER SENTENCES

His Excellency's Warrant granting a Free or conditional Pardon or any remission of sentence or of any penalties or forfeitures as the case may be, will be sent direct to the Court of trial, in duplicate.

2. On receipt of His Excellency's order mentioned in A(i) above the Assistant Registrar concerned will act as follows:

- (a) The Trial file with His Excellency's order duly enclosed therein should be submitted to the Judge for perusal and received back.
- (b) If the death sentence has been commuted or a Free Pardon granted and His Excellency's order is couched in the form of a Warrant addressed to the Prison Authority direct, the Assistant Registrar should retain one copy of such Warrant and send the original to the Superintendent of Prisons concerned for necessary action and with a request that the prisoner be informed. Care should be taken to despatch the Warrant by registered post or by hand and to get an acknowledgement.
- (c) If His Excellency's order directs that the sentence of death should be carried out, then, the Assistant Registrar concerned should convey the result by memo to the Superintendent of Prisons concerned and ask him to state a time and date suitable for carrying out the sentence. On receipt of a reply the particulars should be entered in the prescribed form of "WARRANT OF EXECUTION ON A SENTENCE OF DEATH" - (Courts 120) in duplicate; the original of His Excellency's Order

attached and sealed to such Warrant, a duplicate copy of such order attached and sealed to the copy of the Warrant, and the Warrant submitted to the Judge for signature. The Assistant Registrar and the clerk in charge should then sign the Warrant at the places shown therein. The Warrant (with His Excellency's order attached as aforesaid) should then be sent by Registered post or by hand to the Superintendent of Prisons concerned. An acknowledgement should be asked for. The file should then be kept in view till the Superintendent reports the due execution of the Warrant.

3. On receipt of His Excellency's order mentioned in A(ii) above, the Registrar, Supreme Court, Kuala Lumpur will take action himself if the case be a Selangor one; otherwise he will send the order to the Assistant Registrar concerned for necessary action. Such Assistant Registrar shall then take the necessary action on the lines set out above.

4. On receipt of His Excellency's orders mentioned in B above:

(a) if it concerns a Supreme Court trial, the Assistant Registrar shall take action on the lines indicated in paragraph 2(a) and 2(b) above.

(b) if it concerns a District or Magistrate's Court Criminal case, the District Judge or Magistrate concerned shall take action on the lines indicated in 2(b) above.

5. In all cases, entries should be made in red, in the Court register or Case book, of the substance of His Excellency's order.

Sgd:

REGISTRAR

The Registry,  
Supreme Court,  
Malayan Union,  
Kuala Lumpur, 30th November, 1946.

(RSC.334/46)