

THE SUPREME COURT OF THE MALAYAN UNION

REGISTRAR'S CIRCULAR NO. 5/47

I am directed to point out that a great many depositions taken at Preliminary Enquiries contain statements by witnesses, describing the details of information given, or received, by them. Such statements are not only inadmissible as evidence, but ^{are} also in many cases highly prejudicial to the accused person.

2. The following two examples taken at random from depositions recently before the High Court, are typical of the error which is being made almost daily in Preliminary Enquiries at the present time:-

Exam. 1. "I was informed by detective that he had information of an I.O.R. who had three Japanese pistols and ammunition for sale at \$600/- for the lot".

Exam. 2. "I got information which I passed to Mr. Information about three Bengali soldiers and one civilian who were going to rob armed with a pistol and bayonet."

3. In the first of the above examples, it would have been sufficient and proper if the witness had said "I received information from detective as a result of which I did" In the second example, it would have been proper and sufficient if the witness had said "I received certain information which I passed to Mr."

4. The Chief Justice accordingly instructs that District Judges or Magistrates taking Preliminary Enquiries should endeavour to prevent prosecuting officers asking questions which will elicit more than the bare fact that information has been given or received. In any event, witnesses should be stopped as soon as they start describing the information they have received or given, and hearsay evidence of this kind, which a witness may inadvertently divulge, should not be recorded in the deposition.

The Registry,
Supreme Court, M.U.,
Kuala Lumpur, 25th February, 1947.

REGISTRAR.

To all District Judges and Magistrates.