

ENQUIRIES INTO DEATHS.

The law relating to Enquiries into Deaths is contained in sections 328 to 341 of the Criminal Procedure Code (F.M.S.)⁽¹⁾ and section 7 of the Criminal Procedure (Amendment) Ordinance 1947.

2. Section 333. of the Criminal Procedure Code makes it clear that where the Magistrate is not satisfied as to the cause of death without holding an enquiry he "shall proceed as soon as may be to hold an enquiry....."

3. Too much time is being allowed to elapse in certain instances between the date of death and the hearing of the enquiry. It is appreciated that many Magistrates are kept fully occupied and have congested Cause Lists but the spirit of the law and the public interest require that Magistrate's Enquiries into Deaths should in general be held more promptly than has been the case in the past.

4. It is suggested that more use should be made of the English practice of opening the Inquest at the very earliest moment after the death, recording part of the evidence including, if possible, that of one witness able to speak of the facts of the case generally and thereafter adjourning the case to a future date. If this is done some delay before the adjourned hearing can be accepted but whether the hearing is so adjourned or the case is taken as a whole at the first hearing high priority should be given to these enquiries as far as possible.


REGISTRAR.

The Registry,
Supreme Court,
Federation of Malaya.

Kuala Lumpur, 19th April, 1948.
(RSC.18/47) TRH/AJS

To: All Assistant Registrars, Supreme Court.
District Judges
Magistrates through State Secretaries
Attorney General, F.M.