

THE JUDICIAL DEPARTMENT, FEDERATION OF MALAYA.

REGISTRAR'S CIRCULAR NO. 1 OF 1955.

AMENDING OF CHARGES

I am directed by the Chief Justice to draw the attention of all Magistrates to Sections 173(h) of the States Criminal Procedure Code and 182(h) of the Settlements Criminal Procedure Code.

2. It will be seen that the provision therein is mandatory, and that therefore in all cases where, after hearing the prosecution evidence, a Magistrate considers that there are insufficient grounds for presuming that the accused has committed the offence charged, he must also consider whether the evidence proves that the accused has committed some other offence. If so and it is an offence which the Magistrate is competent to try, he should amend the charge and continue with the trial complying with para.(i) and subsequent paragraphs of the section.

3. If the Magistrate considers that in his opinion he ought not to try the case on the amended charge he should take steps either to transfer the case to the appropriate Court or to direct a preliminary enquiry as the case may be.

(D.H.SHACKLES)  
REGISTRAR.

The Federal Registry,  
Supreme Court, F. of M.,  
Kuala Lumpur. 26th February, 1955.  
(RSC.39/54: RSC.39/55: DHS/tkc)

Distribution: To all Circuit Magistrates.

- c.c. All Presidents, Sessions Courts
- All Senior Assistant Registrars, Supreme Court
- All Assistant Registrars, Supreme Court.
- All Secretaries to Judges. (For information of the Hon. the Judge.)