

Plead Guilty by Letter and  
Payment of Fine by instalments

The Chief Justice directs that where an accused person is allowed to plead guilty by letter and such plea of guilty by letter is received and accepted, the Court when imposing a fine should state the sentence of imprisonment in default of payment of such fine, so that if the fine is not paid within the stipulated time, a Warrant of Commitment may be issued and the defendant committed to prison forthwith. This procedure will obviate the necessity of issuing a warrant for the levy of the amount by distress and sale of any property belonging to the defendant.

Experience has shown that Distress Warrants are difficult to execute and quite often impose unnecessary burden on the Police.

2. Similarly, where an order for payment of a fine by instalments is made, the sentence of imprisonment in default of payment of such fine must be stated, and if any instalment is not paid on the due date a Warrant of Commitment must be issued forthwith. In this connection it should be noted that an order for payment of a fine by instalments should only be made when the accused person appears. In no circumstances should such an order be made where there is a plea of guilty by letter.

3. An application to write off any fine under the provision of F.G.O. 208(b) should be made only when every effort by the Police to trace the whereabouts of the defendant has been unsuccessful and it is reported by the Police that there is no likelihood of the defendant being traced.

4. There should be no delay whatsoever in issuing the Warrant of Commitment on the failure of the defendant to pay the fine or any one of the instalments on the due date.

5. Needless to say, the Court must be satisfied as to the correctness and adequacy of the postal address given by the defendant before any plea of guilty by letter is accepted.

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(S.S. GILL)  
REGISTRAR

The Federal Registry,  
Supreme Court,  
Federation of Malaya,  
Kuala Lumpur.  
8th April, 1960.

Ref: RSC.39/54(40) & RSC.126/52(63).

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