

JUDICIAL DEPARTMENT, FEDERATION OF MALAYA

REGISTRAR'S CIRCULAR NO. 4 OF 1960.

Withdrawal of Court Deposits.

It has been brought to my notice by the Auditor-General that some Courts are not using the form "Courts 162" for the withdrawal of monies deposited in Court proceedings.

2. The form "Courts 162" is a Treasury arrangement having the very useful purpose of ensuring that the payment out of any money deposited in Court is effected only on the written authority of the proper officer of the Court, that is, on the written authority of either the Senior Assistant Registrar or Assistant Registrar of the Supreme Court, the President of a Sessions Court, the Registrar of a Sessions Court, or a Magistrate, as the case may be. Such proper officer would, of course, issue such written authority on form "Courts 162" only if there is an order of Court in the relevant proceedings for payment out or if such payment out is otherwise sanctioned by Rules of Court. Strict and consistent adherence to this Treasury arrangement is of particular importance in view of the fact that under paragraph 5 of Appendix "E" to F.G.O. 200 (Amendment Slip No. 16) the production of original receipts issued to the depositor can be waived in respect of Court deposits in cases where the monies deposited are payable to a person other than the depositor.

3. In case of any doubt or difficulty as to the mode of using form "Courts 162" reference should be made to this Registry.

*Amended by 15/11/60
R.S.G.*

S.S. Gill
(S.S. GILL)
REGISTRAR.

OCT 27 1960
Dispatched on _____
By PA

The Federal Registry,
Supreme Court, Fed. of Malaya,
Kuala Lumpur.

27th October, 1960.

Ref: R.S.C. 39/54 (42) and R.S.C. 220/52-Pt.2 (72).

Distribution:

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er is where an important case in another Court has gone on and the date on which it could reasonably have been expected to end. Again when a date which has been fixed has to be varied then reasonable consideration should be given to the professional engagements of counsel concerned in fixing a new date. On the other hand there are cases where to grant an adjournment would clearly be unreasonable as where counsel wishes to go on holiday or attend a political meeting. It is impossible to give an exhaustive catalogue of all such possible instances.

5. If, however, Magistrates exercise ordinary firmness in refusing adjournments which are asked for simply to avoid clashes of engagements that could reasonably have been foreseen then there will be ample scope for granting an adjournment in any case where to do so would be reasonable.

6. The argument, of course, will frequently be advanced, based on Article 5(3) of the Constitution, that in a criminal case a party has some sort of absolute right to be represented by the counsel of his choice. The answer to this argument is that that Article is to be read in the light of the following passage from the judgment of the Chief Justice in Federation of Malaya Civil Appeal No: 34/1958:-

" It is wrong to say, as is frequently said, that a litigant is entitled to be represented by the counsel of his choice. The true statement is that he is entitled to be represented by the counsel of his choice if that counsel is willing and able to represent him. "

The Federal Registry,
Supreme Court, F. of M.,
Kuala Lumpur. 7th April, 1961.
(Ref. RSC.39/54(46))

S.S. Gill
(S.S. GILL)
REGISTRAR.

APR 11 1961

Despatched on _____

By _____

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