

JUDICIAL DEPARTMENT, FEDERATION OF MALAYA

REGISTRAR'S CIRCULAR NO:1 OF 1963

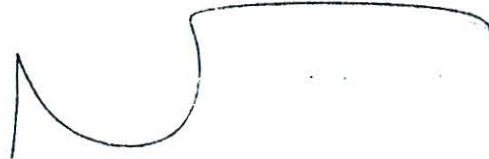
There would seem to be some misunderstanding among Magistrates as to their position when conducting preliminary inquiries under Chapter XVII of the Criminal Procedure Code.

2. The provisions of that Chapter should be studied in detail.

3. Particular attention should be paid to section 143 which says that if the Magistrate finds there are not sufficient grounds for committing the accused person for trial he must discharge him and if he finds there are sufficient grounds for committing him for trial he must commit him for trial in the High Court.

5. In considering this section it should be emphasized that it is not for the Magistrate to apply his mind to the question of whether the accused person is guilty or not. All he must consider is whether there are sufficient grounds for committing him for trial. That means that where on the prosecution evidence it is reasonably probable that at his trial the accused will be convicted then he must be committed. It is no part of the Magistrate's duty to consider whether that evidence brings conviction to his own mind or whether any defence that may be put up is likely to be successful. If there is any real doubt as to the weight or quality of the evidence the task of resolving the doubt and assessing the evidence should be left to the High Court.

6. The terms of this circular have been seen and approved by the Chief Justice.



(RAJA AZLAN SHAH)
Registrar

The Central Registry,
Supreme Court,
Federation of Malaya,
Kuala Lumpur.
6th February, 1963.
(No.78 in RSC.150/54 & No.63 in
RSC. 39/54)

Despatched on 8.2.63

Distribution: All Presidents, Sessions Courts.

By 