

CRIMINAL APPEALS FROM SUBORDINATE COURTS

A long-standing practice has been in operation in some Subordinate Courts whereby as soon as a Notice of Appeal in a Criminal Case is filed in a Subordinate Court, copies thereof are sent immediately to the High Court and the Deputy Public Prosecutor concerned. Registrar's Circular No: 3 of 1956 was issued for the guidance of the High Courts and the Subordinate Courts to speed up the disposal of Criminal Appeals. In paragraph 2 of the abovementioned Circular, the procedure followed in the then Selangor Registry was recommended to other Registries of the High Courts.

2. Perusal of Returns of Cases received from Subordinate Courts and letters received from members of the public, has drawn my attention to long delays in the filing of Criminal Appeal records to the High Courts by the Subordinate Courts. In a number of cases the appeal records were only filed in the High Court 6 to 9 months after the filing of the notice of appeal and in one instance the record came in after the Appellant had already served the sentence of imprisonment. This is certainly contrary to the requirement that justice must be speedily and expeditiously dealt with.

3. The following procedure should be adopted with immediate effect in regard to Criminal Appeals to the High Courts:-

- (a) On receipt of a Notice of Appeal, the Subordinate Court, shall forthwith make a note of the particulars of the same in the 'Register of Criminal Appeals' and shall forthwith send a copy of such Notice to the Senior/Assistant Registrar of the High Court and the Deputy Public Prosecutor concerned;
- (b) The Senior/Assistant Registrar shall on receipt of the Notice of Appeal enter the like particulars in the 'Register of Criminal Appeals' kept by him and allocate a number to the Appeal and shall inform the Subordinate Court, the Appellant and the Deputy Public Prosecutor of the number so allocated which shall thenceforth form part of the title of the Appeal;

- (c) The preparation of the appeal record in the Subordinate Court must be commenced immediately and must be completed within one month of the filing of the Notice of Appeal;
- (d) Senior/Assistant Registrars will have to submit monthly Returns of pending Criminal Appeals before the 10th of the following month in accordance with my Circular No.(147) in RSC.109/51 Pt.5 dated 25th September, 1965. Every effort must be made to keep track with the progress of any appeal soon after a notice of it has been lodged. Any delay in the submission of records by the Court to which an Appeal has been lodged must be immediately brought to the attention of the President/Magistrate concerned.

If in any individual case you have reason to believe that it will not be possible to complete the Appeal record within one month, the Subordinate Court should notify the High Court concerned. The Senior/Assistant Registrar may exercise his discretion and give more time for completion.

  
( HAMZAH BIN DATO ABU SAMAH )  
REGISTRAR.

The Federal Court Registry,  
The Law Courts,  
Kuala Lumpur.

28th January, 1967.

Distribution:

All Senior Assistant Registrars, High Court.  
All Assistant Registrars, High Court.  
All Presidents, Sessions Court.  
All Circuit Magistrates.

/ c.c. The Attorney-General,  
Malaysia,  
Kuala Lumpur.