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JUDICIAL DEPARTMENT MALAYSIA
REGISTRAR'S CIRCULAR NO: 5 OF 1969
CHAPTER XXXII CRIMINAL PROCEDURE CODE -
FATAL ROAD ACCIDENTS.

Magistrates have been under the misapprehension generally that they have to hold inquiries, under Chapter XXXII of the Criminal Procedure Code, into all deaths arising in road accidents. The point has now been clarified and the Hon'ble the Chief Justice now directs that the following excerpt in the letter received from the Attorney-General's Department be circulated for general information:

"According to what actually happens in practice, the Police refer sudden death reports (S.D.R.) to the Magistrate in accordance with section 329(v) of the F.M.S. C.P.C. or equivalent sections of the S.S. C.P.C. In forwarding the S.D.R. to the Magistrate, there is no suggestion in any way by the Police or the D.P.P. that the Magistrate must hold a death inquiry or inquest. To hold or not to hold the inquiry or inquest is a matter for his own discretion under section 333 of the F.M.S. C.P.C. or the equivalent section of the S.S. C.P.C.

The procedure adopted by the Police with regard to sudden death reports including reports of fatal road accidents are as follows. When the Police receives a report of sudden death, the Police prepares two papers, namely, Investigation Paper (I.P.) and Sudden Death Report (S.D.R.). After completion of the investigation, the I.P. is forwarded to the D.P.P. who will peruse it and indicate thereon whether any person is to be charged or not. If the D.P.P. so

action will be taken on the S.D.R. If, on the other hand, the D.P.P. does not recommend that anyone be charged, the S.D.R. will be forwarded to the Magistrate in accordance with section 329(v) of the F.M.S. C.P.C. or the equivalent sections of the S.S. C.P.C. At this juncture, neither the Police nor the D.P.P. has indicated to the Magistrate that a death inquiry or inquest should be held. Thus, on receipt of the S.D.R. it will be the duty of the Magistrate to study the S.D.R. and if he can be satisfied as to the cause of the death without holding an inquiry or inquest, he need not hold one. On the other hand, it is still up to him to hold an inquiry or inquest if he considers that it will assist him in arriving at the verdict as to the cause of death. Therefore, I have no objection to the course of action proposed in your letter, provided that the Magistrate should consider holding inquiry or inquest on special cases of public importance."

The Hon'ble the Chief Justice hopes that a considerable saving of time in the Magistrate's Courts will follow dispensing with inquiries save in exceptional cases as indicated.


(AU AH WAH)
REGISTRAR

High Court Registry,
The Law Courts,
Kuala Lumpur.

17th June, 1969.

Ref: (79) in RSC. 39/54.

Bil: (81) dlm. RSC. No: 39/54.

Pejabat Pendaftaran,
Mahkamah Tinggi,
Mahkamah Ke'adilan,
Kuala Lumpur.

24hb. September, 1969.

All Senior/Presidents, Sessions Courts.

All Magistrates, Magistrates' Courts.

I refer to my circular Number 5 of 1969 in connection with inquiries or inquests under the Criminal Procedure Code and to request your personal attention to its contents.

2. Hitherto, much of the Courts' time was taken up in inquests and inquiries when such inquests and inquiries could in appropriate cases be dispensed with by a proper exercise of the discretion under Section 333(i) of the F.M.S. Criminal P.C. or Section 328(5) of the S.S. Criminal Procedure Code.

3. It is hoped that considerable saving of time will result in the Magistrates' Courts and such saving can be utilised for other cases.

A. W. Au
(AU AH WAH)
PENDAFTAR