

EXECUTION OF SENTENCES OF WHIPPING

123

REGISTRAR'S CIRCULAR NO: 4 OF 1971

1. The attention of Registrars in the Subordinate Courts and Assistant Registrars in the various High Courts is drawn to the provisions of section 287 of the Criminal Procedure Code, with special reference to the execution of sentences of whipping.
2. Where there is no appeal such sentence of whipping may be carried out as soon as practicable after the expiration of 7 days, or 14 days, as the case may be.
3. Under section 307(i) of the Criminal Procedure Code a notice of appeal must be filed within 10 days of the judgment. Unless the prisoner files his notice of appeal through the Prison Authority, such Authority may be unaware of a pending appeal (as where the notice is filed by an advocate and solicitor on behalf of the prisoner) with the result that the sentence of whipping is liable to be carried out notwithstanding the sentence not having been affirmed by the appellate court.
4. It shall be the duty of all Registrars, upon receipt of notice of appeal, to see to it immediately that the Prison Authority is so informed and a copy of the notice of appeal sent to such Authority for his record. On grounds of urgency, in case of need, the Registrar shall inform the Prison Authority by telephone of the filing of notice of appeal, in order that execution of sentence shall be stayed pending receipt by the Prison Authority of such copy of notice of appeal in writing.
5. It shall be the duty of the Prison Authority, in case of doubt, to communicate with the Registrar of the court concerned, before carrying out any sentence of whipping. Where the prisoner has not appealed and where the prisoner has withdrawn, or intimated to the Prison Authority his intention to withdraw, his appeal, that fact must be stated by the prisoner in writing and delivered to the Prison Authority before the sentence of whipping is carried out. No sentence of whipping shall be executed in the absence of a statement in writing by the prisoner that no appeal is intended by him. The directions in this paragraph are given after consulting the Ketua Pengarah Penjara and with his approval.
6. You are required to acknowledge receipt of this circular and to bring it to the express notice of officers concerned in the filing of notices of appeal.

(ABU BAKAR BIN AWANG)
b. p. PENDAFTAR

Jabatan Kehakiman,
Mahkamah Tinggi,
Kuala Lumpur.

16hb. Jun, 1971.

Kepada:

Penolong Kanan Pendaftar/Penolong Pendaftar, Mahkamah Tinggi.
Pendaftar Kanan/Pendaftar, Mahkamah2 Seshen.
Yang di-Pertua Khas2/Yang di-Pertua Kanan2/Yang di-Pertua2, Mahkamah Seshen.
Pensadil2, Mahkamah2 Pengadil.
Ketua Pengarah Penjara, Taining

(Silahkan salinan yang cukup untuk makluman semua pejabat)