

(135)

REGISTRAR'S CIRCULAR NO: 10 OF 1971

GROUND'S OF DECISION

It has been brought to the notice of the Honourable the Chief Justice that in a certain criminal case in Muar, the defendant was convicted on October 11, 1969 but the Magistrate concerned did not complete his grounds of decision until January 10, 1971 - after a lapse of 15 months. The appeal record was sent to the High Court on January 24, 1971, but remained in the Registry for another 6 months before the appeal was heard and disposed of by the judge, to whom the Senior Assistant Registrar had made no application for early disposal of the appeal.

This is not a solitary instance, as similar derelictions of duty on the part of Presidents of Sessions Courts and Magistrates in various States have come to the notice of the Honourable the Chief Justice. The following directions are accordingly to be observed by all concerned:

1. Upon any notice of appeal being filed, all Presidents and Magistrates will see to it that their grounds of decision are completed within 6 weeks.

In every case where 6 weeks have elapsed without the judgment being completed, the President or Magistrate concerned will himself report the fact to the judge, stating in writing the reason for the delay and the further time he should require. Any subsequent further delay will require explanation again.

2. The appeal record should normally be transmitted to the High Court Registry within 4 weeks after completion of the grounds of decision. After the lapse of 4 weeks the officer concerned and responsible for transmitting the appeal record will have to send his explanation in writing to the Senior Assistant Registrar of the High Court giving reasons for the delay.
3. It will be the duty of the Senior Assistant Registrar to fix the appeal for hearing as soon as he receives the appeal record. For this purpose he will have to consult the judge once every 2 weeks with the list of pending appeals.
4. Where any appellant is represented by an advocate and solicitor, and there should occur delays in completing the grounds of decision beyond the period abovestated, or in fixing of the appeal for hearing the advocate and solicitor concerned should write to the President, Magistrate or Senior Assistant Registrar concerned, reminding him of the delay and at the same time forward a copy of such letter to the judge of the High Court before whom the appeal will be heard.

Dated this 30th day of August, 1971.



(DATO SHEIKH ABDUL RAHMAN BIN SHEIKH ABU BAKAR)  
PENDAFTAR.

To all Judges  
Presidents of Sessions Courts  
Magistrates