

7hb. Ogos, 1972.

Kapada Semua -

Penolong Kanan Pendaftar/Penolong Pendaftar, Mahkamah2 Tinggi.  
Pendaftar Kanan/Pendaftar, Mahkamah2 Seshen.  
Yang di-Pertua Khas/Yang di-Pertua Kanan/Yang di-Pertua  
Mahkamah2 Seshen.  
Mejisteret2, Mahkamah Mejisteret.

PEKELILING PENDAFTAR NO: 3/1972

REFERENCE TO REGISTRAR CIRCULAR 10 OF 1971

The Honourable the Chief Justice notes with grave concern that Registrar's Circular No. 10 of 1971 dated August 30, 1971, has been disregarded by not a few Magistrates. Judgments, in certain cases all over the country, have not been written for months after notice of appeal filed - in one serious instance, where the accused has been serving a prison sentence because he was unable to obtain bail.

2. In order that such further dereliction of duty will be stopped, the respective duties of all officers concerned is spelt out here:

Presidents of Sessions Courts and Magistrates.

- (1) Upon any Notice of Appeal being filed, all Presidents and Magistrates will see to it that their grounds of decision are completed within SIX weeks.

In every case where SIX 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.

Registrars of Sessions Courts.

- (1) In criminal cases, where an accused person is in prison, the Registrar will, immediately upon Notice of Appeal being filed, so inform the President of the Sessions Court or Magistrate concerned, so that the writing of the relevant judgment will have priority.

- (2) The Registrar will remind the President of the Sessions Court or Magistrate weekly, so long as the judgment remains to be completed, and also remind him of the 6 weeks limit when explanation has to be volunteered to the Judge to account for the delay.

- (3) In all other cases, the Registrar will prepare a list in writing for the President of the Sessions Court or Magistrate concerned setting out the date of judgment delivered and the date of Notice of Appeal, so that there will be no excuse for forgetfulness or other sins of neglect or omission in writing the required judgment.

The Registrar is in the first place personally responsible for keeping this list up to date, every week, striking out from the list judgments written and adding new ones as Notices of Appeals come in. The Registrar may delegate this duty to the appropriate clerk in charge, but the responsibility remains with the Registrar to see that this duty is diligently carried out.

Senior Assistant Registrars of the High Courts.

(1) (4) The Senior Assistant Registrar will, on receipt of Notices of Appeal from Subordinate Courts, institute, if not already done, a keeping of proper records, both in criminal and civil matters, separately or otherwise, showing:


- (a) the Court whose judgment is appealed from;
- (b) the date of judgment delivered;
- (c) the date of filing of Notice of Appeal;
- (d) the date (6 weeks thereafter) when the judgment should be completed for the appeal record - and, when such time has lapsed, bring the matter immediately to the attention of the Judge.

(2) (5) In the case of criminal appeals where the appellant is not released on bail, the judgment, if not ready within 2 weeks after filing of Notice of Appeal, requires to be brought to the immediate attention of the Judge.

(3) (6) The Senior Assistant Registrar may delegate these duties to the appropriate clerk in charge of registering appeals, but shall oversee that he does his duty diligently.

(4) (7) A list of pending appeals, kept up to date, must be made up and supplied to the Judge at such intervals as he may direct. *the end of every month.*

17 AUG 1972  
KCS

  
(MOKHTAR BIN HAJI SIDIN )  
PEM: PENDAFTAR.

s.k.

Semua Setiausaha2 Kepada Tuan2 Hakim.

/fs.