

Jabatan Kehakiman,  
Mahkamah Tinggi,  
Kuala Lumpur.  
12hb. Januari, 1977.

Kepada Semua:-

Penolong Kanan Pendaftar/Penolong Pendaftar, Mahkamah Ti  
Yang Dipertua Khas/Yang Dipertua Kanan/Yang Dipertua,  
Mahkamah-Mahkamah Sesyen,  
Mejisteret-Mejisteret, Mahkamah Mejisteret,  
Pendaftar Kanan/Pendaftar, Mahkamah-Mahkamah Sesyen,  
Semenanjung Malaysia.

SURAT PEKELILING PENDAFTAR BIL: 1 TAHUN 1977

Preliminary Enquiries

I am directed by the Hon. the Chief Justice to draw your attention to the fact that despite repeated reminders there is still a considerable amount of delay in the preparation of P.E. Records. I am also directed to draw your attention to the fact that there are cases where committing Magistrates do not call upon witnesses who have given depositions at the P.E. to execute bonds to appear in the High Court, thus causing delays and difficulty in locating them later.

The Hon'ble the Chief Justice has therefore directed that the following practice be adopted with immediate effect:-

(A) Preparation of P.E. Records.

- (1) The preparation of P.E. Records should be completed as soon as possible and in any event not later than ONE month from the date of the completion of the Enquiry.
- (2) The Police Officer conducting the Enquiry should forthwith supply 6 copies of the photographs, sketch plans and other documents tendered in evidence at the P.E.
- (3) In every case where ONE month has elapsed without the Records being completed, the President or Magistrate concerned will himself report the fact to the Judge, stating in writing the reasons for the delay and the further time he should require. Any subsequent further delay will require further explanation.
- (4) It shall be the duty of the Senior Assistant Registrar or the Assistant Registrar to draw the attention of the Judge of any delay in the preparation of the Records.

(B) Date of Trial at the High Court.

Before the Enquiry is completed, the Magistrate shall obtain the date of trial from the Senior Assistant Registrar or Assistant Registrar of the High Court to which the accused may be committed for trial.

*Despatched  
on 13/1/77*

(C) Committal Order.

The Committal Order shall state the date of the trial at the High Court.

(D) Bond to give Evidence.

(1) In the event a Committal Order is made, the Magistrate shall require the witnesses at the P.E. to execute Bonds in accordance with Section 145 of the C.P.C. (Form Mahkamah 130). The bonds shall state the date of trial, on which date the witnesses shall attend the High Court.

(2) No Summons to Witnesses (Form Mahkamah 132) need be issued and served on the said witnesses, unless the date of trial is changed.

(E) Bail Bond.

If the accused is granted bail by the Magistrate pending trial (which is rare), the accused shall be required to enter into a Bond in accordance with Section 390 of the C.P.C. (Form Mahkamah 123). The bond shall state the trial date when the accused and the sureties shall appear at the High Court.


(F) Saving.

In order to avoid any complication in the event the date of trial happens to be a public holiday, the following words shall be inserted immediately after the trial date in the Committal Order, Bail Bond and the Bond to Give Evidence:

"or if ..... (date) ..... shall be a public holiday, on the first following working day." .

(G) Repeal.

Registrar's Circular No. 19/48 is hereby repealed.

  
(Abdul Hamid b. Hj. Mohamed)  
AG. REGISTRAR.

s.k:

1. Setiausaha kepada Ketua Hakim Negara, Malaysia, Mahkamah Persekutuan, K.Lumpur.
2. Setiausaha kepada Hakim Besar, Malaya, Mahkamah Tinggi, K.L.
3. Setiausaha kepada Hakim Besar, Borneo, Mahkamah Tinggi, Kuching, Sarawak.  
- Untuk makluman Tuan Hakim.
4. Semua Setiausaha-Setiausaha kepada Hakim-Hakim, Mahkamah Tinggi, Semenanjung Malaysia.
5. Y.B. Peguamcara Negara, Malaysia, Jabatan Peguam Negara, K.Lumpur.
6. Semua Penasihat Undang-Undang/Timbangan Pendakwa Raya, Semenanjung Malaysia.  
- Sila beri arahan kepada Pegawai-Pegawai Pendakwa Polis berhubung dengan perenggan (A)(2).