

28hb. Disember, 1978.

All Presidents, Sessions Court, Peninsular Malaysia.

All Magistrates, Magistrate's Court, Peninsular Malaysia.

Registrar's Circular No. 12 of 1978

NEW SESSIONS COURT AT.

SESSIONS COURTS

1. With effect from 1.1.79 only the following places shall have Sessions Courts:

- (i) Kangar
- (ii) Alor Setar
- (iii) Penang
- (iv) Ipoh
- (v) Kuala Lumpur
- (vi) Kelang
- (vii) Seremban
- (viii) Melaka
- (ix) Muar
- (x) Johor Bahru
- (xi) Raub
- (xii) Kuantan
- (xiii) K. Trengganu
- (xiv) Kota Bharu

2. Presidents of Sessions Courts shall sit only at their respective Courts. They shall not go on circuits. However, as and when necessary they may be allowed or directed to sit in other Sessions Courts to hear specific cases.

3. All cases arising in a State should as far as possible be heard at the Sessions Court in the State. However, a Sessions Court should not refuse to register or hear a case on the ground only that it arises from another State if such refusal would cause unnecessary inconvenience and expense to parties e.g. cases from Cameron Highlands may be registered and heard at Ipoh. In the case of Johore, cases from Northern Johore should be registered and heard at Muar and cases from Southern Johore should be registered and heard at Johore Bahru. In the case of Pahang, cases from Western Pahang should be registered and heard at Raub while cases from Eastern Pahang should be registered and heard at Kuantan.

President-cum-Magistrate:

4.

The policy of the Department is to have a clear division between Presidents and Magistrates. However, certain practical difficulties are faced by the Department at present with regard to Penang, Johore Bahru and Raub.

5.

In Penang at present there are 3 Magistrates' Courts and one Sessions Court. Backlog in the Magistrate's Court is greater than in the Sessions Court. It would be ideal to have 2 Sessions Courts in Penang but to do so would mean reducing the number of Magistrates Courts in Georgetown from 3 to 2. This would worsen the situation. Until the conversion of the present registry of the Sessions Court at Penang into another courtroom is ready, Encik Mohamed Nor bin Yahaya, though a President, would be required to hear mainly Magistrate's Court cases. Of course as he is more experienced than the other Magistrates, internal arrangements should be made whereby the more difficult and serious cases should be heard by him.

6.

The position of Mr. Eo Chin Seng in Johore Bahru is the same as Encik Mohamed Nor bin Yahaya in Penang. Similar arrangements as in Penang should be followed.

7.

As regards Raub at least for the time being it is not practical to have one President and one Magistrate stationed at the place. This is because, firstly there is only one courtroom and secondly the volume of work in the Sessions and Magistrate's Court does not merit the stationing of 2 officers at the place. So the President of Raub is also required to hear Magistrate's Court cases at Raub and Kuala Lipis. However, when he sits at Kuala Lipis he should only sit as a Magistrate and Sessions Court cases should only be registered and heard at Raub. If it is necessary arrangements may be made for the Magistrate in Bentong to sit in Raub when the President goes to Kuala Lipis.

Transfer of cases:

8.

Even though clear instructions were given in Registrar's Circular No. 2/78 dated 10th June, 1978 it is understood that some Courts still have not completed the transfer of cases from pre-amendment Sessions Court to the post-amendment Magistrate's Court and vice versa. Some Magistrates and Presidents wait for the date fixed for hearing to make the transfer order. This clearly results in waste of time of the Court which may otherwise be usefully utilised for the hearing of other cases and a waste of money for the government and the parties as witnesses are subpoenaed and attend Court only to be told that the case

able to send the full compliment of staff to all the Courts within 3 months from now. In the meantime, Presidents and Magistrates are expected to do their best with the limited number of staff that they have at the moment.



(Haji Wan Mohamed bin Haji Wan Mustapha)
CHIEF REGISTRAR.

c.c.

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2. Hon'ble Chief Justice, High Court, Malaya, Kuala Lumpur;
3. Hon'ble Chief Justice, High Court, Borneo;
4. Honble Judges, Federal Court, Malaysia, Kuala Lumpur;
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is transferred to another Court. All Presidents and Magistrates are therefore instructed to complete the transfer of cases.

President as head of the Subordinate Court in the State:

9. As head of the Subordinate Court in the State or in the region a President of Sessions Court should always check the progress in all the Magistrates Courts in the State or in the region. In particular, they should see that cases are not postponed without good reasons, that cases are disposed of promptly, that the time of the Court is fully utilised in the hearing of cases, that grounds of judgments and records of appeal are written and prepared without delay, that P.E. records are prepared and sent up to the High Courts without delay, that all the registers, whether case or financial, are kept up to-date and regularly checked, that the daily and monthly returns are prepared regularly and without delay. They should also take interest in the development of the Courts in their State or region. If and when necessary they should inspect the Courts and check the returns and the records.

Registrar of Sessions Court:

10. It is a practice in some places that Registrars of Sessions Court (more correct to say Subordinate Courts now) have their own itinerary whereby they go to different Courts on different days. I wish to point out that where there are no Registrars, Magistrates are responsible for all financial and administrative matters (e.g. checking of the Cash Book, Cases Register Books, signing of Subpoenas, Warrants, Summonses, etc.). They should not, therefore, leave the matters to be dealt with by the Registrar, who goes to the Courts on fixed days. Magistrates are hereby directed to attend to such matters themselves. Registrars should stop going on their own circuits to various Courts. However, as and when the President considers it necessary for the Registrar to visit such Courts for purposes of inspection or to assist such Courts in any administrative matters, the Registrar may on the instruction of the President visit such Courts for such purposes.

Supporting Staff:

11. The Registry is aware of the shortage of interpreters and other supporting staff in the lower courts. For the information of all the Presidents and Magistrates, all the additional posts of supporting staff required by the Courts in Peninsular Malaysia have been approved by the Public Services Division. The recruitment exercise is now being carried out by Public Services Commission. We hope to be