

J. B. TAN KEH KIMAN,  
MAHKAMAH TINGGI,  
KUALA LUMPUR.

5hb. Mac. 1979

REGISTRAR'S CIRCULAR NO. 1 OF 1979

Orders of Detention under section 117 C.P.C.

1. The Hon. The Chief Justice is concerned at the manner orders of detention under section 117 C.P.C. are presently being made by Magistrates. In order to ensure strict compliance with the law and uniform practice throughout the States of Malaya. His Lordship directs the following procedure to be followed.

2. A police officer applying for an order under section 117 C.P.C. submits to the Magistrate a copy of the entries in his diary relating to the case (section 119 C.P.C.) in duplicate. After making his order (with reason: section 117(iii)) the Magistrate returns one copy to the police officer and keeps the other copy in the Court File marked Orders of Detention under section 117 C.P.C." Copies kept in Court shall be numbered consecutively for each year.

3. Before a Magistrate makes an Order he should check on the file cover whether an Order had been made against the Accused previously. Save in exceptional cases, he should decline to order repeated detentions - if the Accused has been detained for more than 15 days.

4. It shall be the duty of the police officer to report back to the Magistrate the date and time Accused person is released or granted bail as follows:

Magistrate

Order of Detention under Section 117 C.P.C. No. /1979

This is to report that Accused Person

Name .....i/c No:.....

who was detained in police custody in pursuance of the above-mentioned Order has been

- (i) released unconditionally on ..... date ..... at ..... time .....
- (ii) released on bail in the sum of ..... Police bail Bond No: .....,

(iii) charged in Court on ..... under section .....(give case number).

5. This letter shall be enclosed in the same file next to the Order of Detention and marked Encl. 1A; 2A and so on - same number as the Special Order.

6. The Magistrate should K.I.V. his file to the date due in respect of each order and if no release letter is received from the OCPD he should forthwith enquire into the matter.

7. The Magistrate should make a monthly return of Orders issued by him to the Judge with a copy to the Chief Registrar as follows:

Orders of Detention under section 117 C.P.C.

Order No:	Name of Accused Person	Period Detained	Date Released Unconditionally	Date Police Bail Granted	Date Charged in Court
1/79					
2/79					
3/79					

7. Order under section 117 C.P.C. should be made by a Magistrate of the Judicial Department only. In the event that such a Magistrate is not immediately available and it is necessary to obtain such an order from the District Officer in his capacity as Ex-Officio Magistrate, the procedure set out in para 2 above should be followed, the procedure set out in para 2 above should be followed in the first instance. After making the order, the District Officer should forthwith forward his copy of the order to the Magistrate or the district concerned. The period of detention which a District Officer may make should be to the date when the accused person can next be produced before a Magistrate but in no instance should it exceed three days after which date the accused person should be produced before the Magistrate of the district or the nearest Magistrate available if there is no Resident Magistrate should further detention be considered necessary.

CHIEF REGISTRAR

Distribution:

1. Hon'ble the Lord President, Federal Court, Malaysia, Kuala Lumpur.
2. Y.B. Peguam Negara Malaysia, Jabatan Peguam Negara, Kuala Lumpur.
3. Hon'ble the Chief Justice, Malaya, High Court, Kuala Lumpur.



4. Hon'ble the Chief Justice, Borneo, High Court, Kuching Sarawak.
5. Hon'ble Judges of the Federal Court, Malaysia, Kuala Lumpur.
6. Hon'ble Judges of the High Court, Malaya, Kuala Lumpur.
7. Hon'ble the Solicitor-General, Malaysia, Kuala Lumpur.
8. Ketua Polis Negara, Polis Di-Raja Malaysia, Kuala Lumpur. (u.p: Datuk Abdul Rahman bin Hj Ismail);
9. All Presidents, Sessions Court, West Malaysia.
10. All Magistrate, Magistrate's Courts, West Malaysia.
11. All District Officers, West Malaysia;
12. All Senior Assistant Registrars, High Courts, Malaya.
13. All Assistant Registrars, High Court, Malaya;
14. All State Legal Advisers, West Malaysia;
15. All Deputy Public Prosecutors, West Malaysia.