

1hb. Julai, 1981.

Semua Yang Di Pertua—Yang Di Pertua/Majistret—Majistret
Mahkamah—Mahkamah Sesyen/Mahkamah—Mahkamah Majistret,
Semenanjung Malaysia.

Semua Penolong Kanan/Pendaftar/Penolong Pendaftar
Mahkamah Tinggi, Semenanjung Malaysia.

Semua Pendaftar Kanan/Pendaftar, Mahkamah—Mahkamah Sesyen,
Semenanjung Malaysia.

Tuan/Puan,

Pekeliling Pendaftar (U) No. 8 Tahun 1981

Perkara: Kelambatan Menulis Alasan—Alasan Hukuman

Saya telah diarahkan oleh Yang Arif Hakim Besar, Malaya untuk menarik perhatian tuan/puan kepada arahan-arahan yang terkandung di dalam Pekeliling Pendaftar No. 3/1972 bertarikh 7hb. Ogos, 1972 dan memperingatkannya semula supaya semua pegawai-pegawai berkenaan mematuhi arahan-arahan yang terkandung di dalamnya dengan seberapa daya yang boleh.

2. Adalah diperhatikan bahawa sekarang ini pegawai-pegawai yang bertanggungjawab supaya arahan-arahan tersebut dipatuhi telah tidak menjalankan tanggungjawab masing-masing dengan sepenuhnya dan dengan kerana itu beberapa kelewatan terhadap penyelesaian sesuatu kes rayuan ke Mahkamah Tinggi sering berlaku. Yang Arif Hakim Besar sangat-sangat memandang berat ke atas kejadian ini dan jika kedudukan seperti ini dibenar berjalan terus dan tidak diperbetulkan maka tindakan tatatertib mungkin diambil ke atas pegawai-pegawai yang lalai menjalankan tanggungjawab mereka.

3. Di bawah ini saya perturunkan semula petikan dari butir-butir arahan yang perlu dipatuhi yang telah disebut di dalam Pekeliling Pendaftar Bil. 3 Tahun 1972 yang dimaksudkan itu:-

"Duties of Presidents of Sessions Courts and Magistrates"

- (1) Upon any Notice of Appeal being filed, all Presidents and Magistrates will see to it that their Ground of Judgement are completed within SIX weeks.
- (2) In every case where SIX weeks have elapsed without the Grounds 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 explanation again.

- (3) In the case of a CRIMINAL APPEAL where the Accused has been sentenced to imprisonment and no bail is allowed, or where the Accused is serving prison sentence with the inability to pay the fine imposed, the Grounds of Judgment must be prepared and served on the Appellant within 2 (two) weeks from the date of filing of the Notice of Appeal and the Senior Assistant Registrar is notified of such service. The President or the Magistrate concerned must inform the Judge if he/she is unable to comply with this requirement and give reasons of his/her inability to do so.

Duties of 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 Grounds of Judgment will have priority.
- (2) The Registrar will remind the President of the Sessions Court or Magistrate weekly, so long as the Grounds remains to be completed, and also remind him of the 2 weeks limit when explanation has to be submitted 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 filing 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 of judgments.
- (4) 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 are received. The Registrar may delegate this duty to the appropriate clerk in charge, but the sole responsibility remains with the Registrar to see that this duty is diligently carried out.

Duties of Senior Assistant Registrars of the High Courts

Registrar

- (1) The Senior Assistant 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) The Senior Assistant Registrar must bring to the immediate attention of the Judge of any case of CRIMINAL APPEAL where:-
- (a) the Accused is sentenced to imprisonment and no bail is allowed; or
 - (b) the Accused is serving prison sentence due to inability to pay the fine imposed by the Court;
- AND the Grounds of Judgment is not served on the Appellant within 2 (two) weeks.
- (3) The Senior Assistant Registrar may delegate these duties to the appropriate clerk in charge of registering appeals, but shall oversee that the said clerk does his duty diligently.
- (4) A list of pending appeals, kept up to date, must be made up and supplied to the Judge at the end of every month".

Saya berharap semua pegawai-pegawai yang berkenaan hendaklah mengambil berat keatas arahan ini dan mematuhiinya dengan seberapa daya yang boleh.

Saya yang menurut perintah,

t.t.

(SITI NORMA YAAKOB)
Ketua Pendaftar.

s.k.

Semua Setiausaha-Setiausaha kepada Yang Arif Hakim-Hakim