

SIKKIM

GOVERNMENT



GAZETTE

EXTRAORDINARY
PUBLISHED BY AUTHORITY

Gangtok

Tuesday 5th April, 2022

No. 143

HIGH COURT OF SIKKIM
GANGTOK

No. 53/HCS

Dated: 18/10/2021

NOTIFICATION

In exercise of the powers conferred by Article 227 of the Constitution, Section 477 of the Code of Criminal Procedure, 1973 (Act 2 of 1974) and all the other enabling powers, the High Court of Sikkim hereby makes, with the approval of the Government of Sikkim, the following Rules for the guidance of all the Criminal Courts functioning within the State of Sikkim –

PART I

GENERAL

Short title,
commencement
and application.

1. (1) These Rules shall be called the Sikkim Criminal Rules of Practice, 2021.
- (2) They shall come into force on the date of publication by a notification in the Official Gazette.
- (3) They shall apply to all the Criminal Courts within the jurisdiction of the High Court of Sikkim.

Definitions.

2. (1) In these Rules, unless there is anything repugnant in the subject or context –
 - (a) "Advocate" means a person whose name is entered on the roll of advocates prepared and maintained by a State Bar Council under the Advocates Act, 1961 (25 of 1961);
 - (b) "appointed day" means the date on which these rules shall come into force;
 - (c) "Chief Justice" means the Chief Justice of the High Court of Sikkim, and includes a Judge appointed under Article 223 of the Constitution to perform the duties of the Chief Justice;
 - (d) "Code" means the "Code of Criminal Procedure, 1973 (2 of 1974)" as amended from time to time;

- (e) "Constitution" means the Constitution of India;
 - (f) "Court" means any Criminal Court as enumerated in Section 6 of the Code;
 - (g) "Form" means a Form appended to these Rules;
 - (h) "Government" means, wherever the context so requires, the State Government;
 - (i) "High Court" means the High Court of Sikkim;
 - (j) "Magistrate" shall include, if the context so requires, the Special Judges appointed under various enactments and who are empowered to take cognizance of offences directly.
 - (k) "prescribed" means prescribed by or under these rules;
 - (l) "Section" means a Section of the Code
- (2) Words and expressions used herein and not defined in sub-rule (1) shall have the same meaning assigned to them in the Code or in the Indian Penal Code, 1860 (45 of 1860) or any other law for the time being in force.
 - (3) The General Clauses Act, 1897 (10 of 1897), shall apply for the interpretation of these rules as it applies for the interpretation of an Act of Parliament.

PART II

CHAPTER I

INVESTIGATION

Receipt of First Information Report and Occurrence Report.

- 3. (1) Judges and Magistrates receiving First Information Reports from the prosecuting agencies, shall affix their full signature on each page, record the date and time of receipt on the first page, indicating the total number of pages, and record their name and designation. If the First Information Report/Occurrence Report is received by post, the envelope shall be initialed and preserved.
- (2) Judges and Magistrates receiving Inquest Reports, post-mortem reports, statements and other documents from the prosecuting agencies shall affix their initial on every page with date.
- (3) On receipt of the First Information Report by the Magistrate, it shall be immediately entered in the First Information Report Register police station-wise. The First Information Report Register shall be maintained annually and the entries made shall be in consecutive order. Such reports received after the Court hours or on holidays will be entered in the concerned register on the immediate next working day.

Test Identification Parade under Section 9, Indian Evidence Act, 1872.

- 4. (1) An application for conduct of test identification parade, shall be made by the Investigating Officer, to the Court having jurisdiction.
- (2) On receipt of such application, the Court shall make a request to the Chief Judicial Magistrate of the District to nominate a Magistrate,

other than the Magistrate who would ordinarily have the jurisdiction to try the case, to conduct the test identification parade.

- (3) Upon receipt of such request, the Chief Judicial Magistrate shall immediately pass orders nominating a Magistrate, other than the jurisdictional Magistrate, to conduct test identification parade and inform the same to the Investigating Officer. In the event if no other Magistrate is available for nomination, the Chief Judicial Magistrate shall himself proceed to conduct the test identification parade.
- (4) The original report of the test identification parade report shall forthwith be forwarded to the jurisdictional Court through a special messenger in a sealed envelope and the acknowledgment of receipt shall be obtained.

**Recording of
Confession
under Section
164 of the Code.**

5. (1) Before recording a confession of the accused, the Magistrate shall explain to the accused that he is before a Magistrate.
- (2) If the accused person, after being so questioned, expresses a desire to make a confession, the Magistrate shall give him a reasonable time for reflection which shall ordinarily be not less than 24 hours. If the accused person is in police custody, he shall not be sent back to police custody but shall be forwarded to judicial custody.
- (3) The accused shall be questioned in the language known to him and the answer given shall be recorded in his own words, as far as possible in the form of Section 281 (3) of the Code.
- (4) The original confession of the accused shall be sent to the jurisdictional Court through a special messenger in a sealed envelope and the acknowledgment of receipt shall be obtained.

**Recording of
statement of
victim or witness
under Section
164 of the Code.**

6. (1) The Magistrate shall record the statement of the victim or witness under Section 164 of the Code within three days of the receipt of the application in that regard. In case it is not possible to record the statement within the said period the reasons for the same shall be recorded.
- (2) The statement of a victim or witness can be recorded by any Magistrate in terms of sub-section (5) of Section 164 and Section 281 of the Code.
- (3) After the recording is complete, the original statement of the victim or witness along with the video recording, if any, shall be sent to the jurisdictional Court through a special messenger in a sealed envelope and the acknowledgment of receipt shall be obtained.

**Body sketch to
accompany
medico legal
certificate, post
mortem report
and inquest
report.**

7. (1) Every medico legal certificate, post mortem report shall contain a printed format of the human body on its reverse and injuries, if any, shall be indicated on such sketch.

Explanation: The printed format of the human body shall contain both a frontal and rear view of the human body as provided in FORM D

**Photographs
and video-graphs
of post mortem
in certain cases.**

8. (1) In case of death of a person in police action under Section 46 or Sections 129 to 131 of the Code or otherwise, or death while in police custody, the Magistrate or the Investigating Officer, as the case may be, shall inform the hospital or doctor in charge to arrange for photographs or videography for conducting the post-mortem examination of the deceased. The photographs of the deceased shall also be arranged to be taken in all cases.
- (2) Such photograph and video graphs shall be taken either by arranging a police photographer or a nominated photographer of the State Government, and where neither of the above are available, an independent or private photographer shall be engaged.
- (3) Such photographs or video graphs shall be seized under a panchnama or seizure memo and all steps taken to ensure proper proof of such photographs/video graphs during trial.
- (4) The Investigating Officer shall ensure that such photographs and video graphs, if taken electronically, are seized under a panchnama or seizure memo and steps are taken to preserve the original, and ensure that certificate under Section 65B Indian Evidence Act, 1872 is obtained and taken to be proved during trial.
- (5) The video or photographs shall be stored on a separate memory card, accompanied by a duly certified certificate under Section 65B Indian Evidence Act, 1872.
- (6) Where post-mortems are recorded in electronic form, the file containing the post-mortem proceedings, duly certified, should be placed with the memory card as an attachment unless individual memory cards are not capable of being produced before Court.

**Scene mahazar/
spot panchanama.**

9. (1) A site plan of the place of occurrence of an incident shall be appended by the Investigating Officer to the scene mahazar or spot panchnama. In appropriate cases the Investigating Officer may also cause photographs or video-graphy of the place of occurrence to be taken.
- (2) The site plan shall be prepared by the Investigating Officer by hand, and shall disclose
- (a) the place of occurrence,
 - (b) the place where the body (or bodies) was / were found,
 - (c) the place where material exhibits and/or weapons were found,
 - (d) blood stains and/or body fluids had fallen,
 - (e) the place where bullet shells, if any, were found or have caused impact,
 - (f) the source of light, if any, and
 - (g) the adjoining natural and man-made structures or features such as walls, pits, fences, trees/bushes, if any, and
 - (h) elevation of structures and their location.

- (3) The preparation of this sketch by the Investigating Officer shall be followed by a scaled site plan prepared by police draftsman, if available, or such other authorized or nominated draftsman by the State Government, who shall prepare the scaled site plan after visiting the spot.
- (4) The relevant details in the mahazar or panchnama shall be marked and correlated in the said site plan.

**Filing of
Petitions/
Applications.**

10. (1) All petitions/applications shall be filed in the Filing Counter. Filing of cases through e-Filing, subject to the rules in that regard, shall also be permissible.
- (2) The Filing Counter shall, except during vacation, be open from 10 am to 1 pm. No petition/application, unless of any urgent nature, shall be admitted after 1 pm.
- (3) In all urgent cases, the Presiding Officer may exercise his discretion and directly receive such petitions/applications to meet the ends of justice. He shall however ensure that a filing number is assigned to such petitions/applications.
- (4) The Filing Counter or the Presiding Officer, as the case may be, shall not receive any petition/application, affidavit or other document, except original exhibits and certified copies of public documents, unless it is fairly and legibly written, type-written or lithographed on a paper which is ordinarily used in the Courts for the purpose. Copies filed for the use of Courts shall be neat and legible.

**Filing of report
by police and
complaint by
other
investigating
agencies.**

11. (1) A police report filed under Section 173 of the Code and Complaint by other investigating agencies shall be received by the Courts having jurisdiction to receive it on all working days.
- (2) System generated police report filed by the police electronically through ICJS (Inter-operable Criminal Justice System) shall also be accepted by the Court.
- (3) In the police report and complaint, the e-mail address and mobile number(s) of the complainant, witnesses and accused, if available, shall be furnished.

**Attendance of
the accused.**

12. (1) Warrant should ordinarily not be issued when a summons is sufficient for the ends of justice. Issue of a warrant involves interference with the personal liberty of a person. It should be borne in mind that no greater hardship is caused than is necessary. Under Section 76 of the Code, the Court has the discretion to make the warrant bailable, and this discretion should be exercised with due regard to the nature of the offence, the position of the accused person and the circumstances of the case.
- (2) Every warrant and summons shall be signed by the Presiding Officer and shall bear the date and Seal of Court. The case against the accused shall be sufficiently stated in the warrant and summons.

- (3) The warrant and summons shall also inform the accused that he may avail free legal aid services, if found entitled. Further, wherever applicable, he shall also be informed that he may apply for plea-bargaining as per the provisions contained in Chapter XXI-A of the Code

Supply of documents under Sections 173, 207 and 208 of the Code.

13. (1) Every accused shall be supplied with the copies of statements of witness recorded under Sections 161 and 164 of the Code, and a list of documents, material objects and exhibits seized during investigation and relied upon by the Investigating Officer in accordance with Sections 207 and 208 of the Code.

Explanation: The list of statements, documents, material objects and exhibits shall specify statements, documents, material objects and exhibits that are not relied upon by the Investigating Officer.

- (2) Electronic devices such as pen drives, compact discs etc., and documents/materials containing sensitive or objectionable contents, videos and photos of victims or children in sexual offences and matters involving national security and such like shall be excepted and may be allowed to be inspected by the parties in the Court.

**CHAPTER II
CHARGE**

Charge.

14. (1) The order framing charge shall be accompanied by a formal charge in Form 32, Schedule II of the Code to be prepared personally by the Presiding Officer after complete and total application of mind.
- (2) Subject to the provisions contained in Section 218 of the Code, there shall be a separate charge for every distinct offence. The relevant provision under which the offence falls shall be specifically and distinctly stated.

Preparation of Detailed case-calender after framing of charge.

15. (1) A detailed case-calender must be prepared at the commencement of the trial after framing of charges.
- (2) The case-calender must keep in view the proposed order of production of witnesses of parties, expected time required for examination of witnesses, availability of witnesses at the relevant time, and convenience of both the prosecution as well as the defence, as far as possible.
- (3) The testimony of witnesses deposing on the same subject-matter must be proximately scheduled.
- (4) The grant for request of deferral of cross-examination of any witness, the Court must specify a proximate date for the cross-examination of that witness, after the examination-in-chief of such witness(es) as has been prayed for.

CHAPTER III

TRIAL

Recording of Evidence: Procedure.

16. (1) The depositions of witnesses shall be recorded, in typed format, if possible.* The record of evidence shall be prepared on computers in the Court on the dictation of the Presiding Officer.

Provided that in case the deposition is to be recorded in a language other than English or the language of the State, the Presiding Officer shall simultaneously translate the deposition either himself or through a competent translator into English.

- (2) The deposition shall be recorded in the language of the witness and in English when translated as provided in sub-rule (1).
- (3) The depositions shall without exception be read over by the Presiding officer in Court. Hard copy of the testimony so recorded duly signed to be a true copy by the Sr. Copyist/Copyist shall be made available free of cost against receipt to the accused or an advocate representing the accused, to the witness and the prosecutor on the date of recording.
- (4) There shall be a witness-friendly atmosphere in the Court and the Court may, if it considers necessary, permit frequent breaks for the witness during the trial. It shall be ensured that the witness is not called repeatedly to testify in the Court.
- (5) The Presiding Officers shall not record evidence in more than one case at the same time.

Recording of Evidence: Format of Witnesses.

17. (1) The deposition of each witness shall be recorded dividing it into separate paragraphs assigning paragraph numbers.
- (2) Prosecution witnesses shall be numbered as PW-1, PW-2 etc, in seriatim. Similarly, defence witnesses shall be numbered as DW-1, DW-2, etc., in seriatim. The Court witnesses shall be numbered as CW-1, CW-2, etc, in seriatim.
- (3) The record of depositions shall indicate the date of the examination-in-chief, the cross examination and re-examination. The case number and cause-title shall be invariably indicated on the top of the deposition form.
- (4) The Presiding Officers shall wherever necessary record the deposition in question and answer format.
- (5) Objections by either the prosecution or the defence counsel shall be taken note of and reflected in the evidence and decided immediately, in accordance with law, or, at the discretion of the learned Judge, at the end of the deposition of the witness in question. Where the circumstances so require, and for reasons to be recorded in writing, such objections may be decided at the conclusion of the trial.

- (6) The name and number of the witness shall be clearly stated on any subsequent date, if the evidence is not concluded on the date on which it begins.
- (7) Where the examination-in-chief and cross-examination cannot be completed on the same day, it shall continue on the next following day.
- (8) The Court should not omit to make a note of the demeanour of a witness when such demeanour in the opinion of the Court is noteworthy and may affect the credibility and estimation of the value of the evidence of the witness.

Exhibiting of material objects and evidence.

18. (1) Prosecution exhibits shall be marked as Exhibit P-1, P-2 etc *in seriatim*. Similarly, defence exhibits shall be marked as Exhibit D-1, D-2, etc *in seriatim*. The Court exhibit shall be marked as Exhibit C-1, C-2, etc *in seriatim*.

- (2) To easily locate the witness through whom the document was first introduced in evidence, the exhibit number shall further show the witness number of such witness after the Exhibit number. If an exhibit is marked without proper proof, the same shall be indicated by showing in brackets (subject to proof).

Explanation: If prosecution witness no. 1 (PW-1) introduces a document in evidence, that document shall be marked as Exhibit P-1/PW-1. If proper proof is not offered for that document at the time when it is marked, it shall be marked as Exhibit P-1/PW-1 (subject to proof). The second document introduced by PW-1 will be Exhibit P-2/PW-1.

- (3) The material objects produced by the prosecution shall be marked *in seriatim* as MO-1, MO-2 etc. Similarly, the material objects produced by the accused, if any, shall be marked *in seriatim* as MO-A, MO-2 etc.

Subsequent reference to accused, witness, exhibits and material objects.

19. (1) After framing of charges, the accused shall be referred to only by their ranks in the array of accused in the charge and not by their names or other references except at the stage of identification by the witness.
- (2) After recording the deposition of witnesses, marking of the exhibits and material objects, while proceeding to record the deposition of other witnesses, the witnesses already examined, and the exhibits and material objects already marked shall be referred by their numbers and not by names or other references.
- (3) Where witness cited in the complaint or police report are not examined, they shall be referred to by their names and the numbers allotted to them in the complaint or police report.

Procedure for examination of child victim/ witness.

20. (1) A screen or such appropriate arrangements including utilization of single visibility mirrors or curtains or such other device, as may be considered necessary, shall be made where the child victim/witness are examined so that they do not directly see the accused.

- (2) The victim of child abuse or sexual offences should be allowed sufficient breaks as and when required.

Right of the victim, witnesses, and specially-abled persons.

21. (1) The victim shall have the right to attend the proceedings.
- (2) The victim shall have a right to be provided with a legal aid representation, and in appropriate cases, to have an Advocate of his/her choice.
- (3) All measures will be taken by the Court, prosecution and the Investigating Officer for the protection of the victims and witnesses. In appropriate cases the Court may consider resorting to the Witness Protection Programme at place.
- (4) Traveling expenses shall be handed over to the person/guardian accompanying minor victims/witnesses or specially-abled witnesses.

Court to assist accused in conduct of the case.

22. (1) If an accused is not represented by any Advocate, he shall be provided with a legal aid Counsel in terms of Section 12 of the Legal Services Authorities Act, 1987.
- (2) In cases where plea-bargaining applies, the Court shall inform the accused about the provisions of plea-bargaining contained Chapter XXI-A of the Code.

References to statements under Section 161 and 164 of the Code.

23. (1) During cross examination, the relevant portion of the statements recorded under Section 161 of the Code used for contradicting the respective witness shall be extracted. If it is not possible to extract the relevant part as aforesaid, the Presiding Officer, in his discretion, shall indicate specifically the opening and closing words of such relevant portion, while recording the deposition, through distinct marking.
- (2) In such cases, where the relevant portion is not extracted, the portions only shall be distinctly marked as prosecution or defence exhibit as the case may be, so that other inadmissible portions of the evidence are not part of the record.
- (3) In cases, where the relevant portion is not extracted, the admissible portion shall be distinctly marked as prosecution or defence exhibit as the case may be.
- (4) The aforesaid rule applicable to recording of the statements of witnesses under Section 161 of the Code shall *mutatis mutandis* apply to statements recorded under Section 164 of the Code and such other previous statements, whenever such portions of prior statements of living persons are used for contradiction/ corroboration.
- (5) Omnibus marking of the entire statement under Sections 161 and 164 of the Code shall not be done.

Marking of
confessional
statements.

24. The Presiding Officers shall ensure that only admissible portion of the relevant fact under Section 8 or Section 27 of the Indian Evidence Act, 1872 is marked and such portion alone is extracted on a separate sheet and, wherever required, marked and given an exhibit number.

CHAPTER IV

JUDGMENT

Every judgment
shall contain the
following –

25. (1) Start with a preface showing the names of parties as per FORM A to the Rules.
(2) A tabular statement as per FORM B to the Rules.
(3) An appendix giving the list of prosecution witnesses, defence witnesses, Court witnesses, prosecution exhibits, defence exhibits and Court exhibits and material objects as per FORM C to the Rules.

Language and
contents of
judgment.

26. (1) In compliance with Sections 354 and 355 of the Code, in all cases, the judgments shall contain –
(a) the point or points for determination,
(b) the decision thereon, and
(c) the reasons for the decision
(2) In case of conviction, the judgment shall separately indicate the offence involved and the sentence awarded. In case there are multiple accused, each of them shall be dealt with separately. In case of acquittal and if the accused is in confinement, a direction shall be given to set the accused at liberty, unless such accused is in custody in any other case.
(3) In the judgment the accused, witnesses, exhibits and material objects shall be referred to by their nomenclature or number and not only by their names or otherwise. Wherever, there is a need to refer to the accused or witnesses by their name, the number shall be indicated within brackets.
(4) The judgment shall be written in paragraphs and each paragraph shall be numbered *in seriatim*. The Presiding Officers, may, in their discretion, organize the judgment into different Sections.
(5) The case number and cause-title shall appear on the top of every page of the judgment.

CHAPTER V

SENTENCE

Hearing on
Sentence.

27. On a judgment of conviction being returned the Court shall ensure that sufficient opportunity of hearing is given to the convict before sentencing him to a punishment for any term or description. For the

said purpose the Court may even adjourn the matter, wherever necessary, for enabling the convict to place forth his submissions and mitigating circumstances.

Levy of fine to be notified to the prison authorities in cases of sentence of imprisonment and fine.

28. When a Court imposes a fine in addition to imprisonment and the whole or part of the fine is paid or recovered, the Court shall endorse the fact of such payment or recovery on the warrant of commitment, or, if that has already been issued, shall notify the fact of the payment or recovery to the prison authorities concerned.

Separate warrant for each prisoner.

29. (1) When two or more persons are convicted and sentenced to imprisonment at the same time, a separate warrant of commitment shall be issued for each one of them with the seal of the Court.
- (2) Date of arrest, remand period and period of set-off, if any, shall be mentioned in the warrant of commitment.

Order to pay compensation.

30. (1) While ordering payment of compensation under Sections 357 and 357A of the Code or under Section 33 (8) of the Protection of Children*from Sexual Offences Act, 2012 the Court shall take into account the nature of crime, the injury suffered and other relevant circumstances.
- (2) Interim compensation under Rule 9 of the Protection of Children from Sexual Offences Rules, 2020 may be considered in deserving cases to meet the immediate needs of the child for relief or rehabilitation at any stage after registration of the First Information Report. Such interim compensation paid to the child shall however, be adjusted against the final compensation, if any.

PART III

CHAPTER VI

MISCELLANEOUS

Security for costs, Court-fee etc.

31. In criminal proceedings, no Court-fee, process fee, or search fee shall be charged, and an accused person shall not be required to pay copying charges except for copies other than the first.

Bail.

32. (1) The application for bail in non-bailable cases must ordinarily be disposed off within a period of three days from the date of hearing. If the application is not disposed off within such period, the Presiding Officer shall furnish reasons thereof in the order itself. Copy of the order and the reply to the bail application or status report (by the police or prosecution) if any, shall be furnished to the accused on the date of pronouncement of the order itself.
- (2) The Presiding Officer may, in an appropriate case in its discretion insist on a statement to be filed by the prosecutor in charge of the case.

- (3) The responsibility for accepting the surety as solvent for the required amount is primarily that of the Presiding Officer and should be discharged by making such summary enquiry as in the circumstances of the case is necessary.
- (4) To prevent the accused from absconding after being released on bail, in all cases in which the offence is serious and the sentence provided is of more than seven years imprisonment or where the case is under the special enactments, the surety may also be directed to produce a copy of the following documents in addition to the documents already furnished before the Court – Any proof of identity which is ordinarily issued by an authority after due verification of the identity of the person and his address, which the Court may think just and proper by recording specific reasons or which the Court in its discretion may deem fit and proper.
- (5) Every surety shall submit two copies of his latest passport size photographs. The Court may use the same for tracing the surety whenever required.
- (6) An affidavit annexed to the bail application shall indicate whether it is the first or a subsequent bail application. In the event if it is a subsequent bail application, it should be accompanied by a certified copy of the previous bail order.

**Separation of
Prosecutors and
Investigators.**

33. The State Government shall appoint advocates, other than Public Prosecutors, to advise the Investigating Officers during investigation.

**Directions for
expeditious trial.**

34. (1) Subject to Rule 19 in every enquiry or trial, the proceedings shall be held as expeditiously as possible, and, in particular, when the examination of witnesses has once begun, the same shall be continued from day to day until all the witnesses in attendance have been examined, unless the court finds the adjournment of the same beyond the following day to be necessary for reasons to be recorded.
- (2) After the commencement of the trial, if the Court finds it necessary or advisable to postpone the commencement of, or adjourn, any inquiry or trial, it may, from time to time, for reasons to be recorded postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable. If witnesses are in attendance no adjournment or postponement shall be granted, without examining them, except for special reasons to be recorded, in writing.
- (3) Sessions cases may be given precedence over all other work and no other work should be taken up on sessions days until the sessions work for the day is completed. A Sessions case once posted should not be postponed unless that is unavoidable, and once the trial has begun, it should proceed continuously from day-to-day till it is completed. If for any reason, a case has to be adjourned or postponed, intimation should be given forthwith to

both sides and immediate steps be taken to stop the witnesses and secure their presence on the adjourned date.

Copying.

35. (1) Subject to sub-rule (2) of Rule 15 a party to a criminal proceedings shall be entitled to apply for and receive certified copies of the charge-sheet, complaint, documents and deposition of witnesses made or exhibited in the said proceedings, judgments or orders.
- (2) The Court on the application of a person who is not a party to the case, appeal or matter, pending or disposed of, may on good cause shown, allow such person to receive such copies as is or are mentioned in the last preceding rule.
- (3) Every certified copy issued by the Court shall be certified by the Sr. Copyist/Copyist or such other officer as may be authorised in that behalf by the Court, to be true copy of the original and shall be sealed with the seal of the Court.
- (4) No certified copy shall be given of any registered document or of a document which is itself a 'copy' of the original document. However, if such a document is a copy annexed with any petition/appeal/application/reply or any other miscellaneous petition or document presented in Court then only a 'copy' may be issued.
- (5) Any "copy" other than "certified copy" shall bear an endorsement that "it is not a certified copy".

**Power to
remove
difficulties.**

36. If any difficulty arises in giving effect to the provisions of these Rules including interpretation of any provision thereof the matter shall be referred to the High Court of Sikkim whose decision on the matter shall be final.

**Residual
Provisions.**

37. Matters with respect to which no express provision has been made in these Rules, shall be decided by the Court consistent with the provisions of the Code and such directions and guidelines as may be issued from time to time.

By Order

**REGISTRAR GENERAL
HIGH COURT OF SIKKIM**

FORM A

| | |
|---|--|
| <p>IN THE COURT OF</p> <p>Present: Sessions Judge</p> <p>[Date of the Judgment]</p> <p>[Case No..... / 2019]</p> <p>(Details of FIR/Crime and Police Station)</p> | |
| Complainant | STATE OF OR NAME OF THE COMPLAINANT |
| REPRESENTED BY | NAME OF THE ADVOCATE |
| ACCUSED | 1. NAME WITH ALL PARTICULARS (A1) 2. NAME WITH ALL PARTICULARS (A2) |
| REPRESENTED BY | NAME OF THE ADVOCATES |

FORM B

| | |
|--------------------------------------|--|
| Date of Offence | |
| Date of FIR | |
| Date of Chargesheet | |
| Date of Framing of Charges | |
| Date of commencement of evidence | |
| Date on which Judgment is reserved | |
| Date of the Judgment | |
| Date of the Sentencing Order, if any | |

Accused Details:

| Rank of the Accused | Name of Accused | Date of Arrest | Date of Release on Bail | Offences charged with | Whether Acquitted or Convicted | Sentence Imposed | Period of Detention Undergone during Trail for purpose of section 428, Cr.P.C |
|---------------------|-----------------|----------------|-------------------------|-----------------------|--------------------------------|------------------|---|
| | | | | | | | |
| | | | | | | | |

FORM C**LIST OF PROSECUTION DEFENCE/COURT WITNESSES****A. Prosecution:**

| RANK | NAME | NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS) |
|------|------|--|
| PW1 | | |
| PW2 | | |

B. Defence Witnesses, if any:

| RANK | NAME | NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS) |
|------|------|--|
| DW1 | | |
| DW2 | | |

C. Court Witnesses, if any:

| RANK | NAME | NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS) |
|------|------|---|
| CW1 | | |
| CW2 | | |

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS

A. Prosecution:

| Sr. No. | Exhibit Number | Description |
|---------|-----------------|-------------|
| 1 | Exhibit P-1/PW1 | |
| 2 | Exhibit P-2/PW2 | |

B. Defence:

| Sr. No. | Exhibit Number | Description |
|---------|-----------------|-------------|
| 1 | Exhibit D-1/DW1 | |
| 2 | Exhibit D-2/DW2 | |

C. Court Exhibits

| Sr. No. | Exhibit Number | Description |
|---------|-----------------|-------------|
| 1 | Exhibit C-1/CW1 | |
| 2 | Exhibit C-2/CW2 | |

D. Material Objects:

| Sr. No. | Exhibit Object Number | Description |
|---------|-----------------------|-------------|
| 1 | MO1 | |
| 2 | MO2 | |

FORM D

Format of Human Body