

CHAPTER XXXIII FORMS

The magistrates should note the new forms introduced in the Code of Criminal Procedure , 1973, as forms Nos. 30, 36/37 and 44 for the issue of (i) special summons in cases of petty offences under section 206 (ii) summons requiring attendance of persons for answering to a charge of offence or for the purpose of any proceedings against him or to examine such person as a witness under section 267 and (iii) warrant for recovery of fine amount in accordance with the Land Revenue Code under section 421, respectively , and use them at the appropriate stage of the proceedings.

I WARRANT

To secure attendance of a Witness refusing or neglecting to obey a Summons served upon him – Section 87 of the Code of Criminal Procedure , 1973.

To,

Whereas the evidence of A.B ofis necessary in the case ofcharged with the offence ofand whereas the said A.B. Has disobeyed a Summons duly served upon him directing his attendance : You are hereby required to apprehend the said A.B and produce him before me .

Dated thisday of19

Seal.

.....

(Signature) .

II SUMMONS

To produce a Document :- Section 91 of the Code of Criminal Procedure, 1973.

Whereas complaint has been made before me thatofhas (or is suspected to have) committed the offence of (state the offence) and it appears to me desirable for the purposes of the enquiry that the following document, viz

.....shall be produced before me :

You are hereby summoned to attend and produce ,or to cause to be produced ,
the said document , before this Court on theday of
.....next at ten o' clock in the forenoon , Herein fail not.

Given under my hand and the Seal of the Court, thisday
of19

Seal.

.....
(Signature).

III

WARRANT OF COMMITMENT

Pending Trial by the Court of Sessions- Section 209 of the Code of Criminal
Procedure, 1973

To,

THE JAILOR of the Jail at

Whereascharged with

.....punishable under sectionof the Indian

Penal Code has been committed for trial before the Court of Sessions :

This is to authorise and require you the said Jailor to receive this said (prisoner's
name)into your custody in the said Jail, together with this Warrant ,and there keep him
until you receive the order of the said Court of Session to produce him.

Given under my hand and the Seal of the Court , thisday
of19

Seal .

.....

(Signature) .

N.B- The prisoner was arrested on the

day of 19 .

IV

ORDER TO JAILOR

For production of Accused person on Committal for Trial before Court
of Session

To,

The JAILOR of the District Jail at

You are hereby required to produce before me ata.m on the
.....day of19 the accused
.....who has been committed for trial, and whom
you hold in custody on a Warrant directed to you by
Esq., aMagistrate in this District .

Given under my hand ;and seal of the Court ,this
day of19

Seal .

.....

(Signature)

V

WARRANT OF COMMITMENT

On a sentence of Imprisonment if passed by a Court of Session :- Section 235 of
the Code of Criminal Procedure , 1973 .

To,

The JAILOR of the District Jail at
whereas at a Court of Session held at (name of place and District) before (name)
Sessions Judge the prisoner (name) was convicted of the offence of (mention the
offence or offences concisely) under section (or sections) of the Indian Penal Code
(or of Act) and was sentenced to (State the
punishment fully and distinctly):

This is to authorise and require you, the said Jailor , to receive the said (prisoner's
name) into your custody in the said Jail, together with this Warrant , and carry the
aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court , thisday
of19

Seal.

.....

(Signature)

VI

Warrant on Remand :_ Section 309 of the Code of Criminal Procedure, 1973

To,

The Officer in charge of the Police Station and to the JAILOR of the Jail
at(or the KEEPER of the LOCK -UP at).

Whereasofis
charged before me withand it has been deemed necessary to
adjourn the inquiry into the said charge tillday
theday of19.....

You are ,and each of you is ,hereby required to receive the said
.....into your custody and to produce him before
me(name the place)at
.....a.m ., on the aforesaid day .

Given under my hand and seal of office thisday
of19

.....

Seal.

(Signature)

Detention beyond the time thus specified is illegal , and the Magistrate ,Jailor and police
Officer should conduct themselves accordingly . J 4641-22a

VII

To be used when the accused being in Custody , the Magistrate stays proceedings
under section 322 of the Code of Criminal Procedure , 1973 .

To

CONSTABLE of the Police and to
the JAILOR of the jail at(or the KEEPER of the
LOCK UP at)

Whereasofis
charged before me withand the evidence appearing
to warrant a presumption that the case is one which should be tried or committed
for trial by some other Magistrate in this District , the proceedings have been stayed
and the case submitted to the Sessions Judge (or the Chief Judicial Magistrate) .

You are, and each of you, is, hereby required to receive the said
.....into your custody, and produce him when called upon before the
Sessions Judge, the Chief Judicial Magistrate or such other Magistrate at such place
and time as the Sessions Judge, or the Chief Judicial Magistrate shall direct or in the
absence of direction from the Sessions Judge or the Chief Judicial Magistrate to
produce him before me atof
on the day of19
.....19

Seal .

.....
(Signature)

A note of the warrant or a copy to be sent with the reference to the Magistrate to whom
the reference is made .

VIII CERTIFICATE

To be attached to the Examination of an accused person -Section 281 of the
Code of Criminal Procedure , 1973 .

Certified that the above examination of the accused A.B. has been taken in my
presence and in my hearing , and contains a full and true account of the statement made
by me .

Dated thisday of19

Seal.

.....
(Signature)

IX WRIT OF JAILOR

When an appeal has been dismissed under section 384 of the Code of
Criminal Procedure , 1973

In the Court of
To,

The JAILOR of the Jail at

upon reading the Petition of Appeal of

Convict in the Criminal Jail atwho
.....convicted on date the19 by
.....Esquire ,Magistratein the
District ofof an offence punishable under
sectionof the Indian Penal Code and sentenced
to undergo imprisonment and to pay a fine of Rs.....
.....(.....)on in default or payment of the said fine to a further
term ofimprisonment forand
upon reading the Copy of judgment and /or the Proceedings of lower court and
sentence appeared against and upon hearing Mr.
pleader for the Appellant it is ordered that the Petition of Appeal of the said
..... be dismissed.....

And you are hereby required to communicate this order to the aforesaid Appellant
.....and to attach this Writ to the Warrant under which
you hold the saidin your custody.

Given under my hand and the Seal of the Court, this
day of19

Seal.

(Signature).

NOTICE TO APPELLANT THROUGH SUPERINTENDENT OF JAIL
OF HEARING OF HIS APPEAL -SECTION 385 OF THE CODE OF
CRIMINAL PROCEDURE , 1973

No..... of 19
In the Court of

To,
THE SUPERINTENDENT of the Jail at
Sir,

With reference to a Petition of Appeal from
.....dated the

I have the honour to request that you will be good enough to inform the convict
that this Court will hear the said appeal on or after
the

2-You are also requested to return this letter with a memorandum of your
having communicated the order to the convict .

Yours faithfully.

XI

NOTICE TO DISTRICT MAGISTRATE
OR OTHER OFFICERS APPOINTED TO RECEIVE NOTICE OF HEARING
OF APPEAL
SECTION 385 OF THE CODE OF CRIMINAL PROCEDURE , 1973
NOTICE

No..... of 19
In the Court of

State V.

Criminal Appeal No.of 19 .

Conviction under sectionof the Indian Penal Code . Under the

Dated this _____ day of _____ 19____

Seal . _____ (Signature)

To,
The Judicial Magistrate ,

Given under my hand and the Seal of the Court, this, day of 19

Seal. (Signature .)

No.

of 19

I hereby certify to the Court of the Records
and proceedings in the within -mentioned case as required by this Writ , which was
received by me on the of 19 .

The accused was arrested on . He was /

was not released on bail on

After his conviction , the accused was/was not released on bail on

The accused paid / has not paid the fine on

Intimation of the payment of the fine was sent to the Jailor .

Jail on

Given under my hand and Seal of the Court, this day
of 19 .

Seal (Signature .)

XIII WRIT TO JAILOR

When an appeal has been dismissed or sentence altered under section 386 of the Code
of Criminal Procedure , 1973 .

In the Court of of

In the matter of Criminal Appeal No.

of 19

brought by

who

was convicted on

by

Mr.

Judicial

Magistrate ,

in the District

of

of offence punishable under

section

of the

and

sentenced to

.

To,

The Jailor of the Jail at

Upon perusing the Proceedings of the Lower Court, and upon hearing Mr.

,Pleader for the Appellant

and

the Public Prosecutor , it is ordered that

And you are hereby required to communicate this order to the aforesaid Appellant
and to attach this Writ to the Warrant under which you hold the said
in your custody .

After his conviction and pending the institution /disposal of Appeal, the accused
as/was not released on bail on

The accused paid/ has not paid the fine on
intimation of the payment of the fine was sent to the Jailor

Jail on

Given under my hand and the Seal of the Court, this day

Seal .

(Signature).

XIV
WRIT TO JAILOR

When sentence has been reversed on Appeal – Section 386 in the Code of
Criminal Procedure, 1973.

In the Court of _____ of _____
In the matter of Criminal Appeal No. _____ of 19____

brought by _____ who _____
convicted on the _____ of _____ 19____
before _____, Esquire,
Magistrate of _____ the
District of _____, on an offence punishable under
section _____ of the Indian Penal Code ,
and sentenced to _____

To
The JAILOR of the Jail at _____

Upon perusing the Proceedings of the Lower Court, and upon hearing Mr. _____
_____, Pleader for the _____, the Public
Appellant , and _____
Prosecutor , it is ordered that the sentence passed by the said Magistrate upon the
said _____ Appellant ,be reversed .

And you are hereby required to carry out the said order by discharging the
said

Convict now in your custody, and to certify execution of the said order by
endorsement at the foot of this Writ , within two days of your receipt hereof .

Given under my hand and the Seal of the Court, this day of _____ 19____.

Seal.

(Signature)

XV
WARRANT TO JAILOR

In the case of a Prisoner at first released on bail pending the disposal of appeal to the Appellate Court, but subsequently re-arrested in Court on the dismissal of the appeal or reduction or alteration of sentence , and forwarded to jail to undergo the remaining portion of the sentence .

To,

The Jailor of the District Jail at
Whereas (name) ,
a Convict in the Criminal Jail at
who was convicted by Mr.,
Judicial Magistrate of the Class in the District ofon
theof 19 , of an offence
punishable under section of
the and was sentenced to
.....made an Appeal to this Court
and the said (name) was, after his conviction and pending the institution /
disposal of Appeal released on bail on theof
..... 19 , by order of the said Judicial Magistrate/ this Court ,
and Whereas this Court has this day dismissed the
appeal or reduced or altered sentence to the said convict (name) being

As the case] present in Court,
may be]
] has this day been re -arrested and forwarded to the Jail at

As the case]to undergo the
may be] remaining portion of the sentence (or the new sentence passed in
] Appeal).

This is to authorised and require you the said Jailor to receive the said (name) into your custody in the said Jail, together with this warrant and there carry the aforesaid sentence into execution according to law.

The Accused paid/ has not paid the fine of

Intimation of the payment of the fine was sent to the Jailor

..... Jail on

Given under my hand and the Seal of the Court, thisday
of 19 .

Seal.

(Signature) .

XVI

WRIT TO THE JAILOR

When the High Court has rejected or Dismissed an Appeal or Application for Revision or when a Sentence has been altered by the High Court on Appeal or in exercise of its Jurisdiction as a Court of Revision – Section 388 and 405 of the Code of Criminal Procedure 1973 .

In the Court of

To,

The Jailor of the Jail at

Whereas (name) a Convict in the Criminal Jail at

.....who was convicted by this Court on the

of19 , of an offence punishable under section

.....of the Indian Penal Code (or Act

.....) , and was sentenced to

.....made an Appeal (or application for revision) to the
High Court of Judicature at Bombay; and whereas the said High Court has ordered
that

.....as signified to this Court by High

Court Writ No.dated theof

..... 19 .

You are hereby required to communicate this order to the said (name) and to
attach this Writ to the Warrant under which you hold (name) in your custody .

Given under my hand and the seal of the Court, this
day of19

Seal.

.....

(Signature).

XVII

WRIT TO JAILOR

When Sentence has been reversed by the High Court on Appeal or in the exercise
of its Jurisdiction as a Court of Revision – Section 388 and 405 of the Code
of Criminal Procedure, 1973 .

In the Court of

To,

The Jailor of the Jail at

Whereas the High Court of Judicature at Bombay has reversed the sentence of

..... passed on the

day of 19,by this Court under sectionof the

Indian Penal Code on (name) at present a convict in the said Jail ,and has
ordered

that the said (name) be discharged ,as signified to this Court by High Court Writ

No.....,dated the of

..... 19 ; you are hereby required to carry into execution

the said order by discharging the said

and to certify execution of the said order by endorsement at the foot of this Writ
within two days of your receipt hereof .

Given under my hand and the Seal of the Court this
day of 19

Seal .

.....

(Signature) .

Return

It is hereby certified to thethat the
within -mentioned convict has this day been discharged in execution of the above
order.

This day of 19 ..

Jailor ,

XVIII

Form of Writ to Magistrate Directing further Enquiry under section 391 of
the Code of Criminal Procedure , 1973

In the Court of

Criminal Appeal No.of 19 ..

To,

..... , Esquire .

Upon reading your Return No.dated theof
..... 19 .. , to this Court's Writ No.dated
theof19 .. ,certifying the Record and
Proceedings in the case ofconvicted by
Esquire, on the day of19 .. , of an offence
punishable under sectionof the Indian Penal Code (or Act)
and upon reading the said Record and Proceedings , and after hearing Mr.
..... Pleader for the Appellant, and
.....; It is ordered that
..... do make the further inquiry and take the
additional evidence indicated in the accompanying copy of this Court's Minute ,
dated theof 19 .. .

And you are hereby required to carry out the said order, and to certify to this
Court the Record of such additional evidence ,and the result of such further

inquiry

on or before theof 19 .
to which day the further hearing of the Appeal stands adjourned , retransmitting to
this Court at the same time the Record and Proceedings at the Original trial, which
are herewith returned.

Given under my hand and the Seal of the Court, thisday
of19 .

Seal.

.....

(Signature)

XIX

PROCLAMATION

Relating to unclaimed property to be issued under section 457 of the Code of
Criminal Procedure , 1973

Proclamation is hereby made that (such and such property) has been seized ,under
the provision of sectionof the Code of Criminal
Procedure , at the house of(or in such a place), in the
street ofin the village (or town) ofand is now lying
at (such and such a place) in charge of (such and such an officer). Any person
having a claim to the aforesaid property is hereby required to appear before my and
establish the same within six months of this date, failing which the said property will
be held at the disposal of Government and will be sold .

Datedday of 19

(Signature)

XX

FORM OF BOND

Whereas , I,
inhabitant of
.....have been
appointed to the office of
.....and have been
called upon to furnish security for the due discharge of the trust of the said office ,

and for the due account of all moneys, papers and other property which shall come into my possession or control by reason of any such office , I hereby bind myself to pay to the Governor of Maharashtra the amount of any loss or defalcation in my accounts, and to deliver up any papers or other property within such time and to such person as shall be demanded by the person at the head of the office to which I belong, such demand to be in writing and to be left at my office or place of residence , and in case of my making default therein I bind myself to forfeit to Government the sum of Rupees (insert the amount of the bond).

Dated

(Signature)

XXI

FORM OF SECURITY

To be subjoined to the Bond of the Principal

We ,.....
hereby declare ourselves sureties for the abovesaid
that he shall do and perform all that he had above undertaken to do and perform,
and in case of his making default therein we hereby bind ourselves jointly and severally
to forfeit to the Governor the sum ofas shall be deemed
sufficient by the to
cover any loss or damage which Government may sustain by reason of such default .

Dated this day of 19

(Signature)

XXII

Form of the Dairy of the Proceeding in trials before the Court of Sessions

Case No.of the Criminal Register for the year 19
At a Court of Criminal Sessions held at before Shri
Sessions Judge,on the day of 19
the following accused persons :-

Serial No.	Name	Age	Occupation	Residence
------------	------	-----	------------	-----------

1
2
3
4
5
6
7
8
9
10

committed for trial by Shri , Magistrate of
the Class of the District of place at the
bar and charged under section or sections

of the Indian Penal Code with Committed at
Taluka in the District of on or about
day of 19

Accused No.	Arrested on	Released on bail on	Again taken into custody on commitment	At present on bail or in custody since when
----------------	----------------	------------------------	--	---

1
2
3
4
5
6
7
8

9
10

The charge has been read over and explained to the accused and recorded at
Exh. S No.

The accused made the following statement :-

Dated day of 19 ..

(Signature)
Sessions Judge.

Shri Public Prosecutor for the prosecution

Shri appears for the accused.

Vakilpatra of Shri on behalf of

accused at Exh. S. No.

List of property produced before the Court at
Exh. S. Nos.

Under section 226 of the Code of criminal Procedure , 1973 , the public Prosecutor
opens the case for the prosecution .

P.W. No.

Exh. No.

XXIII

Writ to Jailor to release an accused person admitted to bail pending
decision in Appeal by the Sessions Court

In the Court of the Sessions Judge ofat

No.....of 19

To,

The JAILOR of the District Jail ,

Whereas a Convict in the District Jail
..... was convicted by Esquire , Magistrate of the First
Class, for an offence punishable under section
of the Indian Penal Code on and was sentenced to undergo
.....imprisonment for and whereas
on receipt of an appeal against the said conviction and sentence and upon hearing
Mr. Pleader for the accused, this Court has
ordered that the said be released on furnishing
surety of Rs. (.....).....
..... sureties and his personal
recognizance of Rs. (.....) , and whereas the said ...
surety

..... has furnished the required sureties to the satisfaction of this Court ;

You are hereby required to release the said, a convict now
in your custody, after causing a personal recognizance of Rs.
(.....) to be executed by the said convict before the Superintendent
of the District Jailand to certify execution by endorsement on
the back of this Writ and to return the Writ duly endorsed together with the
recognizance bond within two days of your receipt thereof.

Given under my hand and the Seal of the Court , this
day of 19

Seal .

.....

Sessions Judge .

Return

I , , hereby certify that in execution of the Writ

received by me on the the said convict has been
this day discharged .

The personal recognizance of Rs. (.....) duly executed
by the said convict is returned herewith.

.....
Jailor

XXIV

Form of Bond to be taken from surties in a Criminal Appeal when accused
persons are admitted to Bail pending the decision of the Appeal

Criminal Appeal No. of 19

In the Court of the Sessions Judge of State

Versus

Whereas of Taluka
District who has been convicted by
Esquire, Magistrate Class, of the offence of
punishable under section of the Indian Penal Code and
sentenced to undergoimprisonment for a period of
and to pay a fine of Rupees (.....) or in default of payment
of the said fine to a further term of imprisonment for has
lodged an appeal No. in the Court of the Sessions Judge
of at against the said conviction and
sentence and has made an application in the said appeal to be released on bail and
the said Court having passed an order that the said may be
released on furnishing bail of Rupees (.....) and
surety to be approved by

surties

I, resident of
Taluka District do hereby declare

myself surety for the said of

one of the sureties

Taluka District now a convict in the
District Jail at that he shall attend before the Court of
the Sessions Judge of at on the
day of 19 the date fixed
for the hearing of his appeal and that he shall continue to attend until otherwise
directed by the said Court and in case of his making default therein , I bind myself
to forfeit to Government the Sum of Rs. (.....) only .

Dated this day of 19

.....
(Signature)

XXV

From of personal Bond to be taken by the Superintendent of the Jail from
the accused in a Criminal Appeal when accused persons are
admitted to Bail pending the decision of the Appeal

Criminal Appeal No. of 19
In the Court of the Sessions Judge of State

Versus

I, of Taluka
District at present a convict in the District Jail at
having been convicted on the day of 19.....
by Esquire, Magistrate, First Class , of the offence of
..... under section of the Indian Penal Code and
sentenced to undergo imprisonment for
and a fine of Rupees (.....) and in default of payment of the
fine to undergo imprisonment for a further term of
having filed an appeal No. in the Court of Sessions Judge,
..... against the said conviction and sentence and having made an
application to the said Court in the said appeal to release me on bail and whereas

the said Court has passed an order that I may be released on furnishing bail for

Rupees (.....) and surety to be approved

sureties

by which surety has been duly furnished and approved .

sureties have

do hereby bind myself to appear before the Court of the Sessions Judge of
at on the day of 19 on which
day the said appeal is fixed for hearing and to continue to attend until otherwise
directed by the said Court and in case of my making default herein I bind myself
to forfeit to Government the Sum of Rupees (.....) only .

Dated this day of 19

(Signature)

Signed in my presence .

Superintendent

J 4641-23

XXVI

Writ to Superintendent of the Jail to release the accused after taking his personal Bond in a Criminal Appeal when accused persons are admitted to Bail pending the decision of the Appeal .

SESSIONS COURT

To,

The SUPERINTENDENT ,
District Jail

Whereas of Taluka District has been convicted on the day of 19 by, Esquire , Magistrate Class, for the offence of under section of the Indian Penal Code and sentenced to imprisonment for and a fine of Rupees (.....).or in default of payment of the said fine to a further term of imprisonment for and whereas the said who is now undergoing the sentence in the District Jail at has lodged an appeal No. against the said conviction and sentence and has made an application to this Court in the said appeal to release him on bail and whereas this Court has passed an order that the said may be released on his furnishing bail for Rupees (.....) andsurety to be approved

sureties

by and whereas the said surety has been duly furnished

sureties have

and approved :

This is to authorise and require you, the said Superintendent , if the said
shall give bail himself in the sum of Rupees(.....) to attend
before me on the day of 19 , and
to continue to attend until otherwise directed by me , to release the said Convict .

Dated this day of 19

.....
Sessions Judge.

XXVII

Form of intimation to Jailor that the Accused in a sessions case
are Acquitted and Discharged .

No..... of 19 .

To,

THE JAILOR ,

.....Prison .

You are hereby informed that the accused
in Sessions Case No. of 19 of the
Court at who committed for trial ,
charged with an offence under section of the
Indian Penal Code , has this day been acquitted and discharged in the Sessions

have

Court .

Given under my hand and the Seal of the Court , this day
of 19 .

Seal .

Sessions Judge.

XXVIII

Form of intimation to Jailor that the Accused in a criminal case other than a sessions case are discharged , or Acquitted and Discharged .

No. of 19

To,

THE JAILOR ,

..... Prison .

You are hereby informed that the accused in Criminal

Case No. of 19 of the Court at who
trial of

..... put up for ----- an offence under section
inquiry into

has discharged
of the Indian Penal Code ----- this day been -----
have acquitted and discharged
in the Magistrate's Court .

Given under my hand and the Seal of the Court, this
day of 19 .

Seal.

Magistrate .

XXIX

Form of Bond to be executed by the offenders ordered to be released on probation
of good conduct under section 4 of the Probation of Offenders Act, 1958
(Act No. 20 of 1958)

Whereas I, (name), inhabitant of (place)

have been convicted of the offence of (specify offence and cite the section of the
Indian Penal Code) by the Court of the Magistrate ,
.....Class (Specify Jurisdiction)
and whereas the Court has directed that I be released on my entering in to a bond
for Rs. with sureties , for a period

of months to appear and receive sentence during such period when called upon so do to and in the mean time to keep the peace and to be of good behaviour , I hereby bind myself to appear when called upon during such period to receive sentence and in the meantime not to commit a breach of the peace or do any act that may probably occasion a breach of the peace and to be of good behaviour during the said term, and in case of my making default therein , I bind myself to forfeit to Government the sum of Rs. in addition to any other punishment to which I may be liable.

Dated this day of 19 .

(Signature .)

(Where a bond with sureties is to be executed add.)

We do hereby declare ourselves
sureties for the above named that he will appear when called upon so to do and that he will keep the peace and to be of good behaviour during the said term; and in case of his making default we bind ourselves jointly and severally to forfeit to Government ' the sum of Rs.....

Dated this day of 19

(Signature .)

XXX

Form of Warrant of Commitment to a Certified School

Case No. of 19 .

The boy/girl named

aged about years, who has been brought before me under
..... found to have
----- is committed to the

Committed the offence of

..... Certified School , under
sectionof the Bombay Children Act, 1948 for
a period of

Date19

Magistrate,
Court .

To,
The Superintendent ,

Certified School

Child's Previous Record .

Date	Order passed	Court
------	--------------	-------

XXXI
Form of Warrant on Remand

To,

The Officer in charge of Remand Home,

The boy/girl named has been
brought before me under

----- and is sent to you for safe custody.
charged before me with

2- You are requested to produce him/her before the
Court at a.m on19 .

Magistrate,
Court .

Date19

