

AOT in person

RAJASTHAN HIGH COURT, JODHPUR

:: C I R C U L A R ::

No. **08/P.I./2014**

Date : **18.06.2014**

To : All the District & Sessions Judges.
(With the direction to circulate it amongst all the judicial officers of their judgship).

Sub. : Regarding strict compliance of provisions of Section 437A of the Code of Criminal Procedure, 1973.

No. Gen./XV/93/2012/2227

Date : **18.06.2014**

Hon'ble Rajasthan High Court Bench, Jaipur in DB Criminal Appeal No. 903/2009 – State of Rajasthan Vs. Babulal & Anr. Vide order dated 18.10.2010 emphasised on the compliance of provisions of Section 437A Cr.P.C by all the Criminal Courts. This office vide letter No. Gen./XIX/Misc./1409/2010/2199 dated 9.11.2010 circulated the said order to all the District and Sessions Judges for compliance. But, Hon'ble High Court in DB Criminal Appeal No. 160/2012 – State Vs. Parmeshwar Lal vide order dated 25.10.2012 noticed that some of trial courts are not still complying with the provisions of Section 437A of Cr. P.C.

It is, therefore, enjoined upon the Presiding Officers of all the criminal courts in Rajasthan that, before conclusion of trial and before disposal of criminal appeal, they must strictly comply with the mandatory provisions of Section 437A of Cr.P.C 1973 incorporated by amendment in the Code which reads as follows :-

"437A. Bail to require accused to appear before next appellate Court-

- (1) Before conclusion of the trial and before disposal of the appeal, the Court trying the offence or the Appellate Court, as the case may be, shall require the accused to execute bail bonds with sureties, to appear before the higher court as and when such Court issues notice in respect of any appeal or petition filed against the judgment of the respective court and such bail bonds be in force for six months.
- (2) If such accused fails to appear, the bond stand forfeited and the procedure under section 446 shall apply."

By Order,


REGISTRAR GENERAL