

HIGH COURT OF HIMACHAL PRADESH, SHIMLA-171001

No.HHC/RULES/Misc./Instructions/2018

Dated; Shimla, the 8th October, 2018.

**GUIDELINES/INSTRUCTIONS TO CARRYOUT THE PROVISIONS OF
CHAPTER-XXII (ATTENDANCE OF PERSONS CONFINED OR DETAINED IN
PRISONS) OF THE CODE OF CRIMINAL PPROCEDURE, 1973.**

It has been brought to the notice of the High Court that the remand warrants of an accused person produced on a production warrant were not handed over to the officer-in-charge of the jail where he was sent by the Court leading to the possibility of the release of the accused/prisoner from custody in absence of the remand warrants in other cases.

Against the aforesaid backdrop, it is impressed that whenever any prisoner is brought to the Court upon a production warrant and is subsequently committed to a jail other than from which he was brought either by an order of remand or by warrant for the execution of sentence of imprisonment; the Court handing over his custody shall ensure:

(a) that the previous warrant(s) of commitment brought by the police is(are) also handed over to the officer-in-charge of the jail where such person is to be confined;

(b) the particular(s) of such warrants is(are) recorded in the order sheet and the warrant prepared by the Court authorizing the detention of the prisoner;

(c) copy of the order sheet and warrant are handed over to the police officer accompanying the prisoner from the jail from which he was brought; and

(d) the officer-in-charge of the jail where the prisoner is being sent is notified in the warrant that the prisoner is liable to be transferred to the jail from which he was produced on a production warrant on the expiry of the period of remand/imprisonment and that he is not to be released from custody without the order(s) of (all) the Court(s) authorizing his detention in the custody.

However, these instructions are not intended to fetter the judicial discretion of the court but only to prevent the unauthorized release of the accused/prisoner from custody.

**BY ORDER
REGISTRAR GENERAL**

Endst.No. HHC/RULES/Misc./Instructions/2018-
Dated: 8.10.2018.

Copy forwarded for information to:-

1. The Principal Private Secretary to Hon'ble the Chief Justice, High Court of Himachal Pradesh.
2. The Secretaries to the Hon'ble Judges, High Court of Himachal Pradesh.
3. Secretary/Private Secretary/P.A to the Registrar General/Registrar (Vigilance)/District and Sessions Judge (Leave Training Reserve)/Registrar (Judicial)/Registrar (Establishment)/Registrar (Accounts) and Central Project Coordinator, High Court of Himachal Pradesh.
4. All the Judicial Officers in Himachal Pradesh.
5. All the Additional Registrars, High Court of Himachal Pradesh.
6. The Director General of Prisons, Department of Prisons and Correctional Services, Directorate of Prisons, SDA Complex, Block No.-31, Kasumpti, Shimla-171009.
7. All the Superintendents of Prisons/Prison Correctional Home in Himachal Pradesh.
8. The Additional I.G., Prison, Department of Prisons and Correctional Administration, U.T., Chandigarh w.r.t his letter No.2558/UT/SJ, Chd., dated 29.3.2018. **(By Registered Post)**.
9. The Section Officer (Computers), High Court of Himachal Pradesh for uploading the instructions on the High Court website.
10. The Technical Director, NIC, High Court of Himachal Pradesh for updating the High Court website.

(Rakesh Kainthla)
District and Sessions Judge
(Leave/Training Reserve)