

**HIGH COURT OF HIMACHAL PRADESH AT SHIMLA-171001**

No.HHCVIG/Misc. Instructions/93-IV-7139  
Dated Shimla, the 18<sup>th</sup> March, 2013.

From

The Registrar (Vigilance),  
High Court of Himachal Pradesh,  
Shimla.

To

All the Judicial Officer,  
In Himachal Pradesh (by name).

Sir,

It has come to the notice of the High Court that the provisions of Section 437 A and 441 A of Code of Criminal Procedure, 1973 (hereinafter called the Code) are not being followed by the judicial officers in the State.

Section 437 A of the Code (inserted by sec. 31 of Act No. 5 of 2009, w.e.f. 31.12.2009) requires the accused, before conclusion of the trial and before disposal of the appeal, 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 shall be in force for "six" months.

Further, Section 441 A of the Code (inserted by sec. 39 of Act No. 25 of 2005, w.e.f. 23.6.2006) also requires the surety to an accused person to make a declaration before the Court as to the number of persons to whom he has stood surety including the accused, giving therein all the relevant particulars.

The above provisions are required to be complied with in letter and spirit.

AND WHEREAS the High Court of Himachal Pradesh in

Criminal Appeal No. 39 of 2011, titled as Panne Lal versus State, vide

order dated 30.09.2011 had issued the following directions:

"(i) Whenever an accused is produced before the Court(s), there shall be a photograph of the accused, which shall be

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