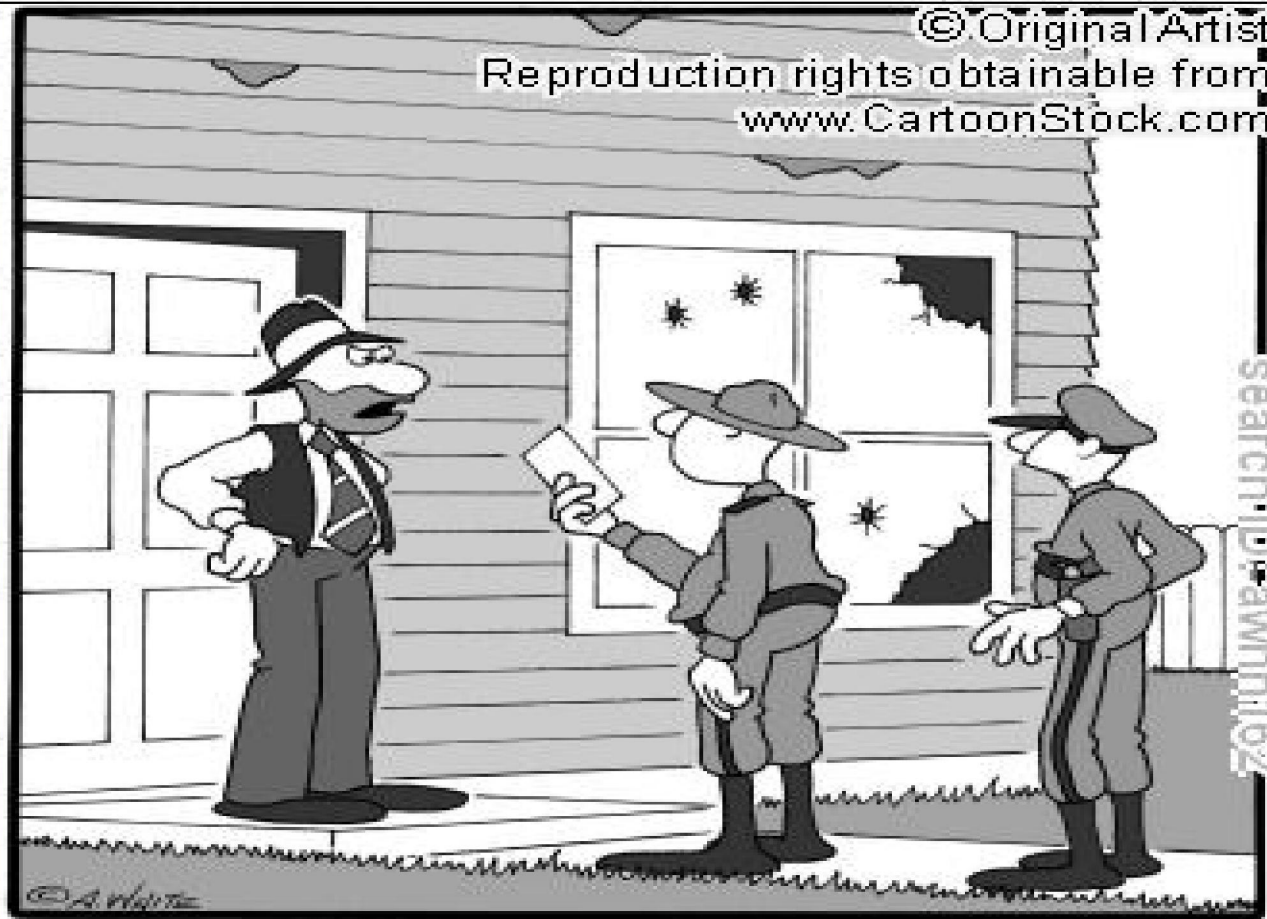


CHAPTER VI PROCESSES TO COMPEL APPEARANCE



**"It's a pretty nice warrant, all right,
but I wouldn't call it 'outstanding'."**

CHAPTER VI

PROCESSES TO COMPEL APPEARANCE

CODE PROVIDES SIX PROCESS TO COMPEL APPEARANCE BY COURT:

- 1. Summons**
- 2. Warrant of arrest**
- 3. Proclamation of absconder**
- 4. Attachment and sale of property**
- 5. Warrant in lieu/addition to summons**
- 6. Taking bond with/without sureties**

CHAPTER VI

PROCESSES TO COMPEL APPEARANCE

Summons

- May be issued to accused or other persons
 - To produce document or thing (S 91)
 - To witness to produce document or thing (S 145-9)
 - To accused (S 204)
 - To witness (S 244-2)
-
- In writing ,duplicate, signed, bear seal
 - Served by police officer or officer of court
 - Served personally-get sign on back of second copy

CHAPTER VI

PROCESSES TO COMPEL APPEARANCE

Summons

- **63 Summons on a corporation** -Secretary, local manager or other principle officer of the corporation, or by letter sent by registered post
- **64.**Where the person summoned cannot, be found, the summons may be served by leaving one of the duplicates for him with some **adult male member** of his family residing with him
- **65.** If service **cannot be effected** serving officer shall **affix** one of the duplicates of the summons to some **conspicuous part of the house** in which the person summoned ordinarily resides

CHAPTER VI

PROCESSES TO COMPEL APPEARANCE

66. Service on Government.-

- Government servant -sent in duplicate to the **Head of the office**
- Such head shall serve it and return copy to the Court with his signature and endorsement
- Such signature shall be **evidence** of due service

CHAPTER VI

PROCESSES TO COMPEL APPEARANCE

B.- Warrant of arrest(Sec 70-81)

70.Form of warrant of arrest and duration.-

- Issued in **writing, signed** by the presiding officer of Court and shall bear the **seal** of the Court.
- It must give full name & description of the person to be arrested and must clearly specify the offence.
- Shall **remain in force** until it is **cancelled** by the Court which issued it, or until it is **executed**.

72.Warrants to whom directed.-

- to one or more **police officers**;
- no police officer is immediately available, direct it to **any other person or persons**,

CHAPTER VI

PROCESSES TO COMPEL APPEARANCE

SUMMONS	WOA
Addressed to person reqd to attend/produce a doc/thing	Addressed to PO to arrest and produce such person/thing/doc
Issued at first instance	Issued as exception avoiding appearance
Not so	Remains in force until executed/cancelled

CHAPTER VI

PROCESSES TO COMPEL APPEARANCE

75. The police officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and, if so required, shall show him the warrant.

76. Person arrested to be brought before Court without delay - twenty-four hours exclusive of the time necessary for the journey

91. Summons to produce document or other thing for the purposes of any investigation, inquiry, trial or other proceeding- Court may issue a summons,

Search-warrants

- **93. When search warrant may be issued –**
 - (1) (a)** Court has **reason to believe** that the person to whom a summons issued, **will not or would not produce the** document or thing, or **(b)** document or thing is **not known to the Court** to be in the **possession** of any person, or **(c)** for **purposes of any inquiry**, trial or other proceeding general search or inspection is necessary,
 - (2)** The Court may, if it thinks fit, specify in the warrant the **particular place or part** thereof to which only the search or inspection shall extend;
- **Nothing contained** in this section shall authorise any Magistrate other than a District Magistrate or Chief Judicial Magistrate to grant a warrant to search for a document, parcel or other thing in the custody of the **postal or telegraph authority.**

Search-warrants

- **Search warrant is a written order by competent mag/court**
- **Mag. Required to record reasons in order**
- **Search is only temporary interference with the right to hold in premises hence not violative of Art 20 of constitution**
- **Not mandatory to specify specific place.**

Search-warrants

- **94. Search of place suspected to contain stolen property forged documents etc.-**

(1) If a DM,SDM or Magistrate of the first class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property, or for the deposit, sale or production of any objectionable article to which this section applies, or that any such objectionable article is deposited in any place, he may by warrant authorise any police officer above the rank of a constable-

(a) to enter, with such assistance as may be required, such place,

(b) to search the same in the manner specified in the warrant,

Search-warrants

- **94. Search of place suspected to contain stolen property forged documents etc.-**
 - (c) to take possession of any property or article therein found which he reasonably suspects to be stolen property or objectionable article
 - (d) to convey such property or article before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose of it in some place of safety,
 - (e) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy of above act

Search-warrants

95. Empowers Govt. to forfeit any book, newspaper or any document if it contains any matter which is punishable under IPC

- Sedition(124)
- Promoting enmity between classes(153-A)
- Imputations assertions prejudicial to national integration(153-B)
- Sale of obscene books(292,293)
- Maliciously insulting any religion/beliefs of any class(295-A)

96. Application to High Court to set aside declaration of forfeiture. within two months from the date of publication in the Official Gazette of such declaration,

- on the ground that the issue of the newspaper, or the book or other document, in respect of which the declaration was made, did not contain any such matter

Search-warrants

- **97. Search for persons wrongfully confined-warrant to rescue wrongfully detained persons**
- **Habeas Corpus**
- **98. Power to compel restoration of abducted females**