

THE HIGH COURT OF KERALA

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Kochi - 682031  
Post Box No. 2600

No. D3-48317/2015(1)

Dated - 10/07/2015

OFFICIAL MEMORANDUM

Sub: Motor Vehicles Act Cases - Summoning of witnesses -  
Regarding.

- Ref:- 1. Letter dated 03-05-2015 from the General Secretary, Kerala  
Motor Vehicles Department Gazetted Officers Association.  
2. High Court Circular Nos. 27/1961 and 3/1984.

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The Kerala Motor Vehicles Department Gazetted Officers Association has vide reference cited first submitted that owing to the limited staff strength of the executive officers of the Motor Vehicles Department, appearance in Courts as prosecution witness in Motor Accident cases frequently disturbs the normal functioning of their offices and further that in almost 95% cases, their officers appear before the Honourable Courts just to read the accident reports.

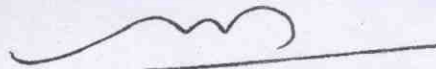
In the circumstances all the Subordinate Judicial Officers are once again reminded to scrupulously follow the instructions in the High Court Circular 27/1961 and 3/1984 and to summon the officers of Motor Vehicle

P.T.O.

Department only when the mere production of a document or thing in his custody would not serve the purpose and also to see that the official witnesses are not made to wait in the court indefinitely without being examined.

Copy of the High Court Circular's cited as number 2 is also enclosed for reference and prompt compliance.

(By Order)



C.C. Anilkumar  
Assistant Registrar

Encl: as above.

To

All the District & Sessions Judges.  
All the Chief Judicial Magistrates.

(They shall communicate the above to all Subordinate Judicial Officers in their District immediately, for compliance)

All Motor Accidents Claims Tribunal's  
All Additional Motor Accidents Claims Tribunal's  
The Administrative Records Section (2 copies).  
The File.

Note: Reply, if any, may be sent to the Registrar (Subordinate Judiciary) or sent to fax number shown above.

10/10/15



26/61

B2-8175/61, dated 31st October 1961

*Sub.*—Suits in which the clerks of the courts are parties to be transferred to some other courts—Directions issued.

An instance has come to the notice of the High Court in which a clerk was a party to certain suits pending in the very court where he was working. This is undesirable and the High Court directs all presiding officers to see that all cases before them, in which any member of their staff is a party or is otherwise interested are transferred to some other court. It will be the duty of all members of the staff to report such cases to the presiding officer and failure to do so will be regarded as misconduct.

✓ 27/61

B1-3017/61, dated 15th November 1961

*Sub.*—Service of summons on Government Servants for appearance in law courts.

*Ref.*—Letter No. F-12(10) PV-111/59, dated 22nd March 1961 from the Ministry of External Affairs, Government of India, New Delhi to the Kerala Government.

A copy of the letter cited first is forwarded to all criminal courts in the State and they are directed to see that Officers, especially those stationed in distant places, are not summoned as witnesses unless their personal testimony is necessary for the case. The attention of the presiding officers is invited to Section 94 of the Code of Criminal Procedure (Central Act V of 1898) and they are informed that, if all that is necessary in a case is the production of a document or thing, the summons issued should be a summons for production under that section and not one for appearance under Section 68 of the Code and that when a document or thing is with a public servant the summons should be addressed to him by designation and not by name. When an officer's testimony is essential and the mere production of a document or thing in his custody would not serve the purpose, then alone should he be summoned by name to appear in person to give evidence. In all cases where an official witness is cited they should ascertain whether he is cited merely to produce a document or whether his evidence is necessary.



Register when cheques/demand draft/pay orders/etc. are sent to the Treasury or Bank for collection, as required by Circular No. 7/82 issued by the High Court.

In order to avoid this difficulty, the High Court hereby directs that the entries on the receipt side of the civil court deposit register or criminal court deposit register need be made only after obtaining the receipt of the concerned chalan receipt and treasury advice list.

(By order)

M. C. MADHAVAN,  
Registrar.

✓ 3/84

No. D1-20648/84, dated 16th June 1984, Cochin-682 031

*Sub.*—Summons to Witnesses—Non—examination—Inconvenience caused to witnesses—Instructions—Regarding.

*Ref.*—High Court Circular No. 35/1960, dated 29th November 1960.

The attention of all the Presiding Officers is invited to the Circular No. 35/60, dated 29th November 1960, by which they were directed to see that only as many witnesses as could be examined on a particular day should be summoned for that day.

It has come to the notice of the High Court that some of the Presiding Officers are not paying sufficient attention in the matter, and as a result the witnesses are forced to wait in the court indefinitely without being examined.

Hence the Subordinate Judicial Officers are again reminded to follow the instructions contained in the Circular cited scrupulously.

(By order)

M. C. MADHAVAN,  
Registrar.

4/84

No. B4-20933/82, dated 20th July 1984, Cochin-682 031

*Sub.*—Probation—Sheristadars of District Courts, Additional District Courts, Motor Accidents Claims Tribunals, State Transport Appellate Tribunal, Special Courts and Sub Courts—Declaration of—Regarding.

*Ref.*—G.O. (Ms.) 50/83/Home (C), dated 13th April 1983.

By the G.O. cited, the Government has upgraded the scale of pay of Sheristadars of District Courts to that of Administrative Assistants on Rs. 750-1450. Now a question has arisen as to whether persons who

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