

Generally, (i). by
delivering the whole
of



**ASSIGN
BUSTER**

Generally, a judgement is to be given (i). by delivering the whole of the judgement, (ii) by reading out the whole of the judgement, or (iii) by reading out the operative part of the judgement, and explaining the substance of the judgement in a language which is understood by the assumed or by his pleaded under the last clause the whole judgement, or a copy thereof, is to be made available immediately for the perusal of the parties or their pleaders in free of cost. Every judgement delivered shall contain the following eight points: (i) It must be written in the language of the Court. This language is determined by the state government. (ii) It must contain the points for determination, the decision on those points and the reasons for the decision. (iii) It must specify the offence, of which, and the section of the I. P.

C or other law under which, the accused is convicted, and the punishment to which he is sentenced. (iv) If it is a judgement of acquittal, it must state the offence of which the accused is acquitted, and direct that he should be set at liberty (v) If the conviction is under the I. P. C. and it is doubtful under which of two sections under or under which of two parts of the same section the offence falls, the Court must distinctly express the same, and pass a judgement in the alternative. (v) If the conviction is for an offence which is punishable either with death, or life- imprisonment, or with imprisonment for a term of years, the judgement must state the reason why that particular sentence was awarded. (vi) If a death sentence is awarded, the specific reasons for awarding the extreme penalty must also be mentioned.

(vii) if the conviction is for an offence which is punishable with imprisonment for one year or more, but the Court imposes a sentence of imprisonment for

three months or less. It must records its reasons for awarding such sentence

(a) Unless the sentence is for imprisonment till the rising of the Court or (b)

Unless the case was tried summarily under the provisions of the code. (viii)

When any person is sentenced to death, the sentence must direct that he is

to be hanged by the neck till he is dead. A judgement delivered by a

Metropolitan magistrate instead of recording a detailed judgement shall be in

an abridged form. It shall contain the following nine particulars such as (i)

the serial number of the case, (ii) the date of the commission of the offence,

(iii) the name of the complainant if any, (iv) the name of the accused person

and his percentage and residence, (v) the offence complained or proved, (vi)

the plea of the accused, and his examination, if any (vii) the final order (viii)

the date' of such order, and (ix) in all cases where an appeal lies against the

final order, a brief statement of the reasons for the decision. Where the

accused person is found guilty, the Court has to punish the accused as per

the corresponding provision of law.

Again once the Court has signed its judgement or final order disposing of a

case, it shall not alter or review the same, except to correct any clerical or

arithmetical error, or except as provided by criminal procedure code itself or

by any other law in force. When the accused is sentence to imprisonment, on

the application of the accused, a copy of the judgement is to be given to

him, free of charge, immediately after the judgement is pronounced. But

where are death sentence is conformed by the High Court, a certificate copy

of the judgement is to be given to the accused free of cost, whether he

applied for it or not.

Further, if the accused is sentenced to death by any court, and an appeal lies from such judgement as a matter of right, the court must in from him the period within which he must prefer his appeal, if he chooses to do so.