

Forms of the offence.
a summons must



**ASSIGN
BUSTER**

Forms of summons: Every summons issued by a Court under this Code shall be in writing, in duplicate, signed by the presiding officer of such Court or by such other officer as the High Court may, from time to time, by rule direct, and shall bear the seal of the Court.

Comment: Summons may be issued to the accused as well as to other persons to appear before the Court to (i) produce documents or thing (Section 91); (ii) to a witness to produce any document or thing. Section 145 (9); (iii) to the accused persons (Section 204); and (iv) to a witness [Section 244(2)]. There is no distinction between the service as contemplated by Section 126 (2) and a summons referred to in this section. It is a mildest form of process and has to be issued in writing, in duplicate and duly signed by the presiding officer of the Court. It should also bear the seal of the Court. Schedule II of the Code provides different forms of summons that can be issued. They should contain particulars of the place and time when the offence was committed as also the nature of the offence.

A summons must specify the title of the Court, the date, time and place when the attendance of the person summoned is required. In absence of these essential particulars, the proceedings taken against the person summoned shall be invalid. Where a person was summoned to appear before a Court at 10 a. m. on a particular date and he attended the Court at the appointed date and time, but finding the Magistrate absent, he went away after waiting for few minutes. Held, in the circumstances he was bound to wait for reasonable time and that staying there only for few minutes was not sufficient.