

Section 432  
FIRST SCHEDULE

FORMS

FORM NO. I

GENERAL FORM OF TITLE OF PROCEEDINGS

*(For use in the High Court)*

IN THE HIGH COURT OF  
In the High Court of the.....in the Judicial Division  
Charge No.....20.....,

Complaint

Between

.....Complainant,  
and

.....Defendant.

*(For use in Magistrate's Court or other Courts)*  
IN THE MAGISTRATE'S COURT

In the Magistrate's Court of the.....Magisterial  
District

Charge No.....20.....,

Between

.....Complainant,  
and

.....Defendant.

\_\_\_\_\_



**Section 47**  
**FORM NO.2**

ORDER OF RECOGNISANCE TO KEEP THE PEACE, AND BE OF GOOD BEHAVIOUR

(General Title-Form No. 1)

Before the High Court of the.....in the  
Magistrate's  
Judicial Division sitting at.....  
Magisterial Division

The.....day of.....Two thousand  
and.....

A.B., having made a complaint that C.D., hereinafter called the  
defendant, on the.....day of.....  
at....., in the.....aforesaid  
did.....

It is ordered that the defendant do forthwith to the satisfaction  
of.....enter into a recognizance in the sum  
of.....with.....surety.....in the sum  
of.....[each] to keep the peace and be of good behaviour towards the State  
and all persons, and especially towards the complainant, for the term  
of.....now next ensuing:

And it is ordered that if the defendant fails to comply with this order he be  
imprisoned in the prison at.....for the  
Space of....., unless he sooner complies with the order.

*If costs are ordered, add-*

And it is ordered that the defendant pay to the said..... the sum  
of.....for costs [by installments of..... for every.....days, the  
first installment to be paid] forthwith [or on the.....day  
of.....]:

And in default of payment it is ordered that the sum due be levied by distress and sale of  
the defendant's goods, and in default of sufficient distress that the defendant be  
imprisoned in the said prison for the space of.....commencing at the  
termination of the imprisonment before ordered, unless the said sum [and all costs and  
charges of the (said distress and) committed] be sooner paid.

.....  
*Judge [or Magistrate]*



FORM NO 3  
Section 84  
COMPLAINT

(General Title-Form No 1)

The complaint of C.D (*address and description*), who upon oath (*or* affirmation) states that A. B of (*address and description*) on the..... day of....., 20.....at..... in the.....aforesaid, did\*.....

.....  
..... taken before me  
this.....day of.....

.....  
Judge [or Magistrate]  
\_\_\_\_\_

FORM NO. 4

**Section 109**

**SUMMONS TO DEFENDANT**

*(General Title-Form No. 1)*

To A.B of..... Complaint has  
been made this day by..... for that you on  
the.....day of..... at.....in  
the.....aforesaid

**\*State concisely the substance of the compliant**

day\*.....  
..... You are therefore hereby summoned to  
~~appear before~~ the..... High Court sitting  
at..... Magistrate's  
on the .....day of....., at the hour of..... in  
the.....noon to answer to the said complaint.  
Dated this.....day of....., 20.....

.....  
Judge [*or Magistrate*]



FORM No. 5  
WARRANT FOR ARREST OF DEFENDANT WHO HAS DISOBEYED SUMMONS  
(General Title-Form No. 1)

To.....Police Officer or To each and all Police Officers. Complaint has been made on the.....day of..... that A.B hereinafter called the defendant on the.....day of.....,

**\*State concisely the substance of the complaint**

at.....in the aforesaid, did\*

And the defendant was thereupon summoned to appear before the  
High Court sitting at.....in the Magistrate's

Judicial Division sitting at.....on the.....day  
Magisterial Division  
of.....at the hour of.....in the.....  
of.....at the hour of.....in the..... noon, to answer to  
the said charge.....

An oath has been made that the defendant was duly served with the summons, but did not appear, and that such complaint is true.

You are therefore hereby commanded to bring the defendant before High  
Magistrate's

Court of the .....in the  
Judicial Division sitting at.....forthwith  
Magisterial Division  
to answer to the said complaint and be further dealt with according to law.

Dated the.....day of.....one thousand  
nine hundred and.....

.....  
Judge[or Magistrate]



FORM No. 6

**Section 124**

**WARRANT FOR ARREST OF DEFENDANT IN FIRST INSTANCE**

*(General Title-Form No. 1)*

To.....Police Officer Complaint on oath  
has been made on the.....day of.....,  
by.....that A.B., hereinafter called the defendant on  
the.....day of.....  
at.....in the.....aforesaid,

**\*State concisely the substance of the complaint**

did\*.....

.....You are therefore hereby commanded  
to bring the defendant before

High Court of the .....in the Magistrate's

Judicial Division sitting at.....forthwith

Magisterial Division

to answer the said complaint and be dealt with according to law.

Dated the.....day of.....one thousand nine hundred  
and.....

.....

Judge [*or Magistrate*]

\_\_\_\_\_



Form No. 7  
**FORM D**

**SEARCH WARRANT**  
**INVENTORY OF ITEMS RECOVERED DURING EXECUTION OF SEARCH**  
**WARRANT IN TERMS OF SECTION 142**

**A. LIST OF ITEMS DETAINED AND PLACE OF SUCH DETENTION**

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

**B. LIST OF ITEMS RELEASED TO THE OWNER(S)**

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

**WITNESSES**

.....  
NAME/RANK/FORCE No. OF OFFICER  
EXECUTING THE WARRANT.

.....  
NAME/TITLE OF THE  
OCCUPIER  
OF THE PLACE SEARCHED

.....  
NAME/RANK.FORCE No OF  
ACCOUNTING OFFICER  
WITNESS

.....  
NAME.TITLE OF AN  
INDEPENDENT

DATED THE .....DAY OF..... 20.... ..



Forms for remand proceedings

Form No. 8

**REPORT AND REQUEST FORM FOR REMAND  
(Section 272)**

*(General Title Form No.1)*

**BETWEEN**

**COMMISSIONER OF POLICE  
DIRECTOR OF PUBLIC PROSECUTIONS**

*Applicant*

**AND**

**XYZ**

*Respondent*

**To: The Registrar of the Court**

The Court is hereby informed that there is a probable cause to order the remand of XYZ (state particulars of the Respondent namely age, sex, occupation) of (state details of the Respondent's street address or where there is no precise street address, as clear and close description as possible of the location of the Respondent last known residence,) in remand custody in \_\_\_\_\_ (state the exact place of custody in which the applicant proposes to remand the Respondent such as the name and location of the prison or other detention place) who is reasonably suspected to have committed the offence of \_\_\_\_\_ contrary to section \_\_\_\_\_ of the \_\_\_\_\_

\_\_\_\_\_ within \_\_\_\_\_  
\_\_\_\_\_ magisterial district on or about \_\_\_\_\_  
\_\_\_\_\_ (state the date or approximate date or period of his committing the alleged offence) on grounds stated below:

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_

**Grounds for the Request for Remand**

1. Place, time and circumstance of arrest: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Arrested with Exhibit(s) \_\_\_\_\_ Yes \_\_\_\_\_ No (Tick appropriately)



*(disregard (3) and (4) below if the Respondent was not arrested with Exhibit(s))*

3. If arrested with Exhibit(s), state clearly the particulars of the Exhibit(s) \_\_\_\_\_  
\_\_\_\_\_
4. If arrested with Exhibit(s), state clearly how the items are related to or linked with the committal of the alleged offence: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. State particulars of other evidence or report linking the Respondent to the committing of the offence such as forensic evidence, marks or finger prints, etc
6. Confessional statement \_\_\_\_\_ Yes \_\_\_\_\_ No
7. Any previous conviction for the same or similar offence \_\_\_\_\_ Yes \_\_\_\_\_ No
8. If (7) above is Yes, state the particulars of previous conviction(s)  
\_\_\_\_\_  
\_\_\_\_\_

Found in custody or possession of offensive weapon, object or substance:  
\_\_\_\_\_ Yes \_\_\_\_\_ No

9. Identification by victim(s) or witness(es) \_\_\_\_\_ Yes \_\_\_\_\_ No

*(State the particulars of such victim(s) or witness(es))*

- i. Name:  
Age  
Sex  
Address:  
Occupation:
- ii. Name:  
Age  
Sex  
Address:  
Occupation:
- iii. Name:



- Age  
Sex  
Address:  
Occupation:
- iv. Name:  
Age  
Sex  
Address:  
Occupation:
- v. Name:  
Age  
Sex  
Address:  
Occupation:
- vi. Name:  
Age  
Sex  
Address:  
Occupation:

10. Need for further investigation \_\_\_\_\_ Yes \_\_\_\_\_ No
11. Period/duration required for further investigation \_\_\_\_\_ (state  
approximate days/weeks/months required to complete investigation)
12. Any further relevant information \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signed  
(Commissioner of Police/ Director  
of Public Prosecution /Law  
officer/Police officer)

For Service on  
XYZ  
The person arrested  
Address of the person arrested



FORM NO. 9

*Form*  
**INFORMATION ON LEGAL REPRESENTATION**

The office of the Director of Public Prosecutions has determined that proceeding shall continue against you as per the attached legal advice.

Indicate whether you wish to be represented by a legal practitioner arranged by you or by the Legal Aid Council or any organisation providing free legal representation.

(1). If you wish to be represented by a legal practitioner arranged by you, please indicate below the particulars of such legal practitioner:

Name of Legal Practitioner: \_\_\_\_\_

Address of Legal Practitioner: \_\_\_\_\_

Telephone Number of Legal Practitioner: \_\_\_\_\_

E-mail of Legal Practitioner: \_\_\_\_\_

Signature of the Defendant: \_\_\_\_\_

Signature of the Prison official or police official in charge of place of custody of Defendant: \_\_\_\_\_

(2) If you wish to be represented by a legal practitioner arranged by way of legal aid, please provide the relevant information below. If you do not know any organisation you wish to apply to provide counsel to represent you, kindly enter the "Legal Aid Council" as the name of organisation:

Name of the organisation : \_\_\_\_\_

Address of the Defendant (or Place of custody is on remand) \_\_\_\_\_  
\_\_\_\_\_

Signature of the Defendant: \_\_\_\_\_

Signature of the Prison official or police official in charge of place of custody of Defendant: \_\_\_\_\_  
\_\_\_\_\_



FORM NO. 10

Section 222

SUMMONS TO WITNESS

(General Title-Form No. 1)

To E.F.....

A.B has been charged by .....for that he on  
the.....day of....., at.....in

**\*State concisely the substance of the complaint.**

the.....aforesaid, did\*.....  
..... and it appearing to  
me by the oath of..... that you are likely to give material  
evidence therein on behalf of the informant [or complainant or defendant], and will not  
voluntarily appear for that purpose.

You are therefore hereby summoned to appear before the High  
Magistrate's

Court of the.....in the Judicial Division  
Magisterial Division

sitting at....., on.....day the.....day  
of....., at the hour of.....in  
the.....noon, to testify what you know in such matter.

Dated the.....day of.....two thousand  
and.....

.....  
Judge [or Magistrate]

Form of Information

(Section 351)

The State v C.D

In the High Court of the State

The Judicial Division

The state v C D

The day of, 19

At the sessions holding at

On the day of , 19 , the court is informed by the Attorney-  
General on behalf of the State that C.D Is charged with the following offence.[or  
offences]. (and statement of offence [offences].



FORM No. 11  
**Section 172**  
CONVICTED (FORFEITED RECOGNISANCE)  
(General Title-Form No. 1)

Before the High Court of the .....in the  
Magistrate's  
Judicial Division sitting at.....  
Magisterial Division

The.....day of.....two thousand nine  
and.....

A.B., hereinafter called the defendant, was by his recognizance entered into the.....day of....., bound in the sum of....., and his sureties C.D and F.F. in the sum of .....each, the condition of the recognizance being that the said defendant should.....

And it being now proved that the defendant was on the..... day of.....convicted of the offence of having .....the same being a breach of the said condition:

It is therefore adjudged that the said recognizance be forfeited, and that the said.....pay to.....the sum of.....and the further sum of.....for costs [by instalments of.....for every.....days, the first instalment to be paid] forthwith [or on the.....day of.....]: And in default of payment it is ordered that the sum due from the said .....under this order be levied by distress and sale of his goods, and in default of sufficient distress that he be imprisoned in the prison at.....for the peace of.....unless the said sums [and all costs and charges of the (said distress and) committed] be sooner paid.

.....  
*Judge [or Magistrate]*

FORM NO. 12  
BENCH WARRANT  
(General Title-Form No.1)

To.....Policemen and officers or to each and all the policemen with  
officials of..... E.F. was duly  
summoned to appear before the Magistrate's Court of the.....Magisterial  
District sitting at..... on.....day  
the.....day of.....at the hour of.....in the.....noon,  
to testify what he should know concerning a certain complaint against A.B.  
And he has neither appeared thereto, nor offered any just excuse for his neglect.

And it has been proved on oath that summons has been duly served on him [and  
that a reasonable sum has been paid (*or tendered*) to him for his costs and expenses in  
that behalf].

You are therefore hereby commanded to bring him before the  
High Court of the .....in the Judicial Division  
Magistrate's ..... Magisterial Division  
sitting at.....forthwith to testify what he knows concerning the said  
matter.

Dated the.....day of.....two thousand  
and.....

.....  
*Judge [or Magistrate]*



FORM No 13  
**Section 225**  
WARRANT FOR ARREST OF WITNESS IN FIRST INSTANCE  
(General Title-Form No.1)

To.....  
A.B has been charged by.....for that he  
on the.....day of.....at.....in the  
.....aforesaid did\*.....

**\*State concisely the substance of the complaint**

.....  
And it appearing to me by oath of..... that  
E.F. is likely to give material evidence concerning the said matter, and that it is probable  
he will not attend to give evidence unless compelled so to do:

You are therefore hereby commanded to bring him before the

High Court of the .....in the Judicial Division  
Magistrate's .....Magisterial Division  
sitting at.....forthwith to testify what he knows  
concerning the said matter.

Dated the.....day of.....two thousand  
and.....

.....  
*Judge [or Magistrate]*

Section 194  
FORM NO. 14

WARRANT OF COMMITMENT OF WITNESS

(General Title-Form No. 1)

To.....and to the superintendent of.....prison  
E.F.....having appeared or being brought before the  
High Court of the .....in the Judicial Division  
Magistrate's .....Magisterial Division  
sitting at.....on day the.....day of  
....., to testify what he should know concerning a certain  
matter against A.B. refused to take an oath [or having taken an oath] refused to answer  
any [*or* a certain] question put to him concerning the premises and did not offer any just  
excuse for his refusal.

You the said Police Officer are hereby commanded to convey the said E.F safely  
to the said prison, and there deliver him to the Superintendent thereof, together with this  
Warrant, and you, the Superintendent of the said prison, to receive him into your custody,  
and keep him for the space of....., unless he in the meantime consents to be  
examination and answer concerning the premises.

Dated the.....day of.....two thousand  
and.....

.....  
*Judge [or Magistrate]*



FORM NO 15  
**Section 291**  
CONVICTION (IMPRISONMENT)  
(General Title- Form No. 1)

Before the High Court of the .....in the  
Magistrate's  
Judicial Division sitting at.....  
Magisterial Division

The.....day of.....two thousand  
and.....

A. B hereinafter called the defendant, is this day convicted for that he on  
the.....day of.....at.....in  
the.....aforesaid, did.....

And it is adjudged that the defendant, for his said offence, be imprisoned in the  
prison at.....and kept for the period  
of.....

*If costs are ordered, add-*

And it is ordered that the defendant pay to the  
said.....sum of.....for costs  
[by installments of.....for every .....days, the first installment to be paid]  
forthwith [or on the .....day of.....]:

And in default of payment it is ordered that sum due be levied by distress and sale of the  
defendant's goods, and in default of sufficient distress that the defendant be imprisoned  
in the prison at for the space of..... commencing at the termination of the  
imprisonment before adjudge, unless the said sum[and all costs and charges of the (said  
distress and) commitment be sooner paid]

.....  
*Judge [or Magistrate]*

FORM NO 16  
Section 294, 296 and 299  
ORDER FOR MONEY (NOT A CIVIL DEBT)  
(General Title- Form No. 1)

Before the High Court of the .....in the  
Magistrate's  
Judicial Division sitting at.....  
Magisterial Division

The.....day of.....two thousand  
and.....

A. B having made a compliant that C.D hereinafter called the defendant, on  
the.....day of.....at.....  
within the.....aforesaid, did.....

On hearing the said compliant, it is ordered that the defendant pay to  
said..... the sum of.....and also  
the sum of.....for costs [by installments of.....for  
every .....days, the first installment to be paid] forthwith [or on the  
.....day of.....]:

And in default of payment it is ordered that sum due be levied by distress and sale  
of the defendant's goods, and in default of sufficient distress that the defendant be  
imprisoned in the prison at.....

FIRST SCHEDULE-continued

and there kept for the period of....., unless the said sums [and all costs  
and charges of the (said distress and) commitment] be paid.

.....

Judge [or Magistrate]



FORM NO 17

Section 421

ORDER OF DISMISSAL WITH DAMAGES

(General Title- Form No. 1)

Before the High Court of the .....in the  
Magistrate's

Judicial Division sitting at.....

Magisterial Division

The.....day of.....two thousand  
and.....

Complaint having made A.B that C.D hereinafter called the defendant, on  
the.....day.

of.....,at.....in

the.....aforesaid, did.....

.....  
And the Court being of opinion that the said offence was of so trifling a nature  
that it is inexpedient to inflict any punishment, doth hereby dismiss the said information:

But order that the defendant do pay the complainant ..... for  
damages and .....for costs [by installments of..... for  
every .....days, the first installment to be paid] forthwith [or  
on the .....day of.....]:

And in default of payment it is ordered that the said sums levied by distress and  
sale of the defendant's goods, and in default of sufficient distress that the defendant be  
imprisoned in the prison at..... for the space of..... unless the said sums  
[and all costs and charges of the (said distress and) commitment be sooner paid]

.....  
*Judge [or Magistrate]*

FORM NO 18  
ORDER FOR OTHER MATTERS  
(General Title- Form No. 1)

Before the High Court of the .....in the  
Magistrate's  
Judicial Division sitting at.....  
Magisterial Division

The.....day of.....two thousand  
and.....

A. B having made a compliant that C.D hereinafter called the defendant, on  
the.....day of..... at.....  
in the.....aforesaid,  
did.....

On hearing the said compliant, it is ordered that the defendant do  
.....:

*If imprisonment is ordered, add-*

And it is adjudged that if the defendant neglect or refuse to obey this order, he be  
imprisoned in the prison at.....  
for the space of.....days [or unless the said order be  
sooner obeyed].

*If costs are ordered, add-*

And it is ordered that the defendant pay to the  
said.....sum of .....for costs [by installments  
of.....for every .....days, the first installment to be paid] forthwith [or on  
the .....day of.....]:

And in default of payment it is ordered that sum due be levied by distress and sale  
of the defendant's goods, and in default of sufficient distress that the defendant be  
imprisoned in the said prison for the space of..... commencing at the termination  
of the imprisonment before adjudged, unless the said sum [and all costs and charges of  
the (said distress and) commitment] be sooner paid

.....  
*Judge [or Magistrate]*



FORM NO 19  
ORDER OF DISMISSAL  
(General Title- Form No. 1)

Before the High Court of the .....in the  
Magistrate's  
Judicial Division sitting at.....  
Magisterial Division

The.....day of.....two thousand and.....  
Complaint having made by ..... that A.B  
hereinafter called the defendant, on the.....day  
of.....,at.....in the.....aforesaid,  
did. ....

**\*on its merits or without prejudice to its being brought again**

This Court having heard and determine the said complaint doth dismiss the  
same:\*

*If costs are ordered, add-*

And it is ordered that the complainant pay to the defendant the sum  
of.....for costs [by installments of.....for every .....days,  
the first installment to be paid] forthwith [or on the .....day  
of.....]:

And in default of payment it is ordered that sum due be levied by distress and sale  
of the defendant's goods, and in default of sufficient distress that the defendant be  
imprisoned in the prison at..... for the space of....., unless the said  
sum[and all costs and charges of the (said distress and) commitment be sooner paid]

.....  
*Judge [or Magistrate]*

**Section 405**  
**FORM NO 20**  
**WARRANT OF DISTRESS (FOR PENALTY)**  
*(General Title- Form No. 1)*

To.....  
 A.B., hereinafter called the defendant, was on the..... day  
 of.....convicted before the High  
 Magistrate's  
 Court sitting at.....for that he on  
 the.....day of.....at..... in  
 the.....aforesaid, did.....

And it was adjudged that the defendant for the said offence should be imprisoned  
 [or forfeit and pay the sum of.....] and  
 should also pay the sum of.....[for compensation and  
 .....] for costs [by installments of.....  
 for every.....days, the first installment to be paid] forthwith  
 [or on the.....day of.....], and that in default the said sum [or sums]  
 should be levied by distress,.....  
 and default having been made in payment.

You are hereby commanded forthwith to make distress of the goods of the  
 defendant (except the wearing apparel and bedding of him and his family, and, the tools  
 and implements of his trade) and if within the space of five clear days next after the  
 making of such distress, unless he consents in writing to an earlier sale, the sum stated at  
 the foot of this warrant, together with the reasonable costs and charges of the making and  
 keeping of the said distress, be not paid, then to sell the said goods, and pay the money  
 arising therefrom to the registrar of that court, and if no such distress can be found, to  
 certify the same to that court.

Dated the.....day of.....two thousand  
 and.....

.....  
*Judge [or Magistrate]*

Amount adjudged.

Paid

Remaining due

Cost of issuing this warrant

Total amount to be levied

₹	K



SECOND SCHEDULE  
Sections 181 and 182  
CHARGES

FORM OF CHARGE UNDER THE PENAL CODE

A; -CHARGES WITH ONE HEAD

**Charge on section 115**

(b) That you on or about the .....day of....., 20.....at.....being a public servant in the Ministry of.....directly accepted from A. B. for yourself [*or for another person named C.D.*] a gratification other than lawful remuneration as a motive for forbearing to do an official act and thereby committed an offence punishable under section 115 of the Penal Code and triable by the High Court.

(c) And I hereby direct that you be tried by such court on the said charge.

*To be substituted for (b) –*

(2) That you on or about the ..... day of .....20..... at.....in the course of the trial of A.B. before.....stated in evidence that .....which statement you either knew or believed to be false or did not believe to be true and thereby committed an offence punishable under section 158 of the Penal Code.

**Charge on section 224**

(3) That you on or about the .....day of ..... 20.....at.....committed culpable homicide not punishable with death by causing the death of A. B. and thereby committed an offence punishable under section 224 of the Penal Code.

**Charge on section 227**

(4) That you on or about the .....day of....., 19.....at.....abetted the commission of suicide by A. B. while the said A. B. was in a state of intoxication and thereby committed an offence punishable under section 227 of the Penal Code.

**Charge on section 217**

(5) That you on or about the .....day of .....20.....at.....voluntarily caused grievous hurt to A. B.

by.....[state details of grievous hurt] and thereby committed an offence punishable under section 247 of the Penal Code.

**Charge on section 312**

(6) That you between the .....day of....., 20.....and the .....day of.....being entrusted with.....did commit criminal breach of trust by dishonestly misappropriating a sum of £.....and thereby committed an offence punishable under section 312 of the Penal Code.

**Charge on section 324**

(7) That you on or about the .....day of ....., 20.....at .....cheated A. B. by falsely pretending to be in the Government Service and thereby dishonestly induced him to deliver.....[as the case may be] and thereby committed an offence punishable under section 324 of the Penal Code.

**B: -CHARGES WITH TWO OR MORE HEADS**

**Charges on section 221 and 224**

First – That you on or about the.....day of.....,20.....at.....  
.....committed culpable homicide punishable with death by causing the death of A. B. and thereby committed an offence punishable under section 221 of the Penal Code.

Secondly – That you on or about the .....day of.....20.....  
at .....committed culpable homicide not punishable with death by causing the death of A. B. and thereby committed an offence punishable under section 224 of the Penal Code.

**Alternative charges on section 158**

(2) That you on or about the .....day of....., 20.....at.....in the course of the inquiry into.....before.....stated in evidence that.....and that you on or about the .....day of....., 20.....in the course of the trial of.....before.....stated in evidence that....., one of which statements you either knew or believed to be false or did not believe to be true, and thereby committed an offence punishable under section 158 of the Penal Code.

**Alternative charges on section 287, 312 or 317**

(3) That you on or about the.....day of....., .....at.....committed theft by stealing a horse the property of A. B. and thereby committed an offence punishable under section 287 of the Penal Code.

(or)

That you on or about the.....day of....., 20.....at



.....being entrusted with the said horse committed criminal breach of trust dishonestly misappropriating it and thereby committed an offence punishable under section 312 of the Penal Code.

(or)

That you on or about the.....day of....., 20.....at.....dishonestly received the said horse knowing or having reason to believe that it was stolen property and thereby committed an offence punishable under section 317 of the Penal Code.

#### UNDER CRIMINAL CODE WITH ONE HEAD

##### **Criminal Code section 118**

1. That you.....on the.....day of.....at.....being a witness upon the trial of a case in the Magistrate's Court of the.....Magisterial District sitting at.....in which one.....was complainant and one.....was defendant, knowingly falsely swore that you saw one M.N. snatch a leather wallet from one Y. Z. in the.....on the.....day of....., and thereby committed an offence punishable under section 118 of the Criminal Code/Penal Code

##### **Criminal Code Section 120(1)**

2. That you, on the.....day of.....at.....with intent to mislead the court in the course of the trial of.....fabricated evidence by means other than perjury to wit:

##### **Criminal Code Section 249(a)(i)**

3. That you, being a common prostitute, on the.....day of.....,at.....behaved in an, indecent manner by exposing your naked person in Broad Street and thereby committed an offence punishable under section 249(a)(i) of the Criminal Code/Section.....Penal Code

##### **Criminal Code Section 325**

4. That you on the.....day of....., at.....unlawful killed C.D and thereby committed an offence punishable under section 325 of the Criminal Code.

##### **Section 326(3)**

5. That you on the.....day of.....at.....aided A.B in killing himself and thereby committed an offence punishable under section 326(3) of the Criminal Code

##### **Section 332(1)**

6. That you on the.....day of....., at.....unlawfully wounded C.D with intent to maim,

disfigure or disable or to do some grievous harm or to resist the lawful arrest of yourself and thereby committed an offence punishable under section 332(1) of the Criminal Code/

**Section 338(1)**

7. That you on the.....day of.....  
.....at.....unlawfully wounded C.D and thereby committed an  
offence punishable under section 338(1) of the Criminal Code

**Section 360**

8. That you, on the.....day of.....  
.....at.....unlawfully and indecently assaulted M.S and thereby  
committed an offence punishable under section 360 of the Criminal Code

**Section 402**

9. That you, on the.....day of.....  
.....at.....robbed C.D of (state the thing and thereby committed  
an offence punishable under section 402 of the Criminal Code

**Section 419**

10. That you, on the ..... day of.....  
.....at.....with intent to defraud, obtained from S.P five yards of  
cloth by falsely pretending that you were a servant to J.S and that you had then been sent  
by the said J.S to S.P for the said cloth, and that you were then authorized by the said J.S  
to receive the cloth on behalf of the said J.S and thereby committed an offence punishable  
under section 419 of the Criminal Code

11. That you, on the.....day of .....19.....  
at....., with intent to defraud, obtained from A.B .....by  
falsely pretending that you were able to double money.

**Section 430(1)**

12. That you.....on the.....day of  
....., at....., had in your possession one  
gold watch reasonably suspected of having been stolen or unlawfully obtained and  
thereby committed an offence punishable under section 430(1) of the Criminal Code

**Section 443**

13. That you, on the.....day of.....  
at....., willfully and unlawfully set fire to a house and thereby committed an  
offence punishable under section 443 of the Criminal Code

**Section 467(2)(i)**

14 That you, on the.....day of.....  
at....., forged an accountable receipt purporting to be the receipt of C.D.,  
and thereby committed an offence contrary to section 467(2)(i) of the Criminal Code



### Section 230

15. *first*

That you, on the.....day of....., at.....unlawfully supplied to C.D (state thing supplied) knowing that it was intended to be unlawfully used to procure the miscarriage of a woman and thereby committed an offence punishable under section 230 of the Criminal Code/Section Penal Code.

*Secondly*

That you, on or about the.....day of....., at.....unlawfully procured for C.D (state thing procured) knowing that it was intended to be unlawfully used to procure the miscarriage of a woman and thereby committed an offence punishable under section 230 of the Criminal Code

### Section 248

18. *First*

That you, on the.....day of....., at....., sold matches made with white (yellow) phosphorus and thereby committed an offence punishable under section 248(a) of the Criminal Code

*Secondly*

That you, on the.....day of....., at.....had in your possession for the purposes of sale of matches made with white (yellow) phosphorus and thereby committed an offence punishable under section 248(a) of the Criminal Code

### Section 390

19. *First*

That you, on the.....day of....., at.....stole (state the thing stolen) the property of C.D and thereby committed an offence punishable under section 390 of the Criminal Code

*Secondly*

That you, on the.....day of....., at.....stole (state the thing stolen) which had been entrusted to you by C.D for you to retain in safe custody and thereby committed an offence punishable under section 390(8) (b) of the Criminal Code

*Thirdly*

That you, on the.....day of....., at.....stole (state the thing stolen) which had been received by you for and on account of C.D and thereby committed an offence punishable under section(8)© of the Criminal Code

## INFORMATION PRECEDENT

1

## STATEMENT OF OFFENCE

*Particulars of offence*

2

*Particulars of offence*

3

*Particulars of offence*

3

### Particulars of offence

160



STATEMENT OF OFFENCE

*Particulars of offence*

6

Wounded with intent, contrary to section 332, subsection (1) of the Criminal Code/Penal Code

STATEMENT OF OFFENCE-SECOND COUNT

*Particulars of offence*

7

*Particulars of offence*

8

*Particulars of offence*

9

STATEMENT OF OFFENCE-FIRST COUNT  
Stealing contrary to section 390, Criminal Code

[illegible]

## STATEMENT OF OFFENCE-SECOND COUNT

Receiving stolen goods, contrary to section 427, of the Criminal Code/Penal Code

*Particulars of offence*

A.B., on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ in the district/division of \_\_\_\_\_, did receive a bag, the property of C.D., knowing the same to have been stolen.

10

STATEMENT OF OFFENCE-FIRST COUNT  
Stealing by clerks contrary to section 390(6) of the Criminal Code/.....Penal Code

*Particulars of offence*

A.B., on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ in the district/division of \_\_\_\_\_, stole two hundred naira which had been entrusted to him by H.S., for him, the said A.B., to retain in safe custody.

STATEMENT OF OFFENCE-SECOND COUNT  
Stealing by agents and others, contrary to section 390(8)(b) of the Criminal  
Code/.....Penal Code

*Particulars of offence*

A.B., on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ in the district/division of \_\_\_\_\_,  
stole two hundred naira which had been received by him for and  
on account of L.M.

11

STATEMENT OF OFFENCE

Robbery with violence, contrary to section 402 of the Criminal Code/.....Penal Code

*Particulars of offence*

A.B., on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ in the province of \_\_\_\_\_, robbed C.D of a watch, and at, or immediately before or immediately after, the time of such robbery did use personal violence to the said C.D.

12

162



STATEMENT OF OFFENCE

Demanding property by written threats, contrary to section 402 of the Criminal Code/.....Penal Code

*Particulars of offence*

A.B., on the                      day of                      ,20,  
in the province of                      , with intent  
to extort money from C.D., caused the said C.D. to receive a letter containing threats of  
injury or detriment to be caused to E.F.

13

STATEMENT OF OFFENCE

Attempt to extort by threats contrary to section 408, of the Criminal Code/.....Penal Code

*Particulars of offence*

A.B., on the                      day of                      , 20                      in the district/division of  
with intent to extort money from C.C., accused or threatened to accuse the  
said C.D of an unnatural offence.

14

STATEMENT OF OFFENCE

Obtaining goods by false pretences, contrary to section 408, of the Criminal Code

*Particulars of offence*

A.B., on the                      day of                      , 20                      with intent to defraud,  
obtained from S.P. five yards of cloth by falsely pretending that he, the said A.B., was a  
servant to J.S., and that he, the said A.B., had then been sent by the said J.S. to S.P. for  
the said cloth, and that he, the said A.B., was then authorized by the said J.S. to receive  
the said cloth on behalf of the said J.S.

15

STATEMENT OF OFFENCE

Burglary, contrary to section 411, and stealing, contrary to 390(4)(b) of the Criminal Code/

*Particulars of offence*

A.B., on the                      day of                      20                      ,  
in the district/division of                      ,did  
break  
and break and enter the dwelling-house of C.D., with intent to commit a felony therein,  
namely to steal therein, and did steal therein one watch, the property of S.T.

THIRD SCHEDULE-continued

16

STATEMENT OF OFFENCE

Conspiracy to defraud, contrary to section 422 of the Criminal Code.

*Particulars of offence*

A.B., on the                      day of                      , 20                      , and on divers days  
between that day and the                      day of                      , 20  
                    , in the district/division of  
conspired together with intent to defraud by means of an advertisement inserted by them,  
the said A.B. and C.D., in the H.S. newspaper, falsely representing that A.B. and C.D.  
were then carrying on a genuine business as jewelers at                      ,                      in                      the  
district/division of                      and that they were then able to supply certain articles of jewellery  
to whomsoever would remit to them the sum of .....

STATEMENT OF OFFENCE FIRST COUNT

Fraudulent false accounting, contrary to section 438 of the Criminal Code.

*Particulars of offence*

A.B., on the                      day of                      , 20                      in the district/division of  
                    , being clerk or servant to C.D., with intent to defraud, made, or  
was privy to making a false entry in a cash book belonging to the said C.D., his  
employer, purporting to show that on the said day two hundred naira had been paid to  
L.M.

STATEMENT OF OFFENCE-SECOND COUNT

Fraudulent false accounting, contrary to section 438 of the Criminal Code/Penal Code

*Particulars of offence*

A.B., on the                      day of                      , 20                      in the district/division of  
                    , being clerk or servant to C.D., with intent to defraud, omitted or  
was privy to omitting from a cash book belonging to the said C.D., his employer, a  
material particular, that is to say, the receipt on the said day of one hundred naira from  
H.S.

18

STATEMENT OF OFFENCE

Arson, contrary to section 443, of the Criminal Code/Penal Code

*Particulars of offence*

A.B., on the                      day of                      , 20                      in the district/division of  
                    , willfully and unlawfully set fire to a house.



19

## STATEMENT OF OFFENCE-

A.B., arson, contrary to section 443, of the Criminal Code/.....Penal Code. C.D., accessory before the fact to same offence.

### Particulars of offence

A.B., on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ in the province of \_\_\_\_\_, willfully and unlawfully set fire to a house.

C.D., on the same day, in the province of \_\_\_\_\_, did counsel or procure the said A.B. to commit the said offence.

20

## STATEMENT OF OFFENCE-FIRST COUNT

Offence under section 449, subsection (1), of the Criminal Code/.....Penal Code

### Particulars of offence

A.B., on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ in the province of \_\_\_\_\_, with intent to obstruct the use of the Nigerian Railway, displaced a sleeper belonging to the said railway.

## STATEMENT OF OFFENCE-SECOND COUNT

Obstructing railway,, contrary to section 459, of the Criminal Code

*Particulars of offence* A.B., on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ in the province of \_\_\_\_\_, by unlawfully displacing a sleeper belonging to the Nigerian Railway, caused an engine or vehicle in use upon the said railway to be obstructed in its passage.

THIRD SCHEDULE-continued

22

### STATEMENT OF OFFENCE

Damaging trees, contrary to section 451 of the Criminal Code.

### Particulars of offence

A.B., on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ in the province of \_\_\_\_\_, willfully and unlawfully damaged a cocoa tree there growing.

23

## STATEMENT OF OFFENCE-FIRST COUNT

Forgery, contrary to section 467(2), of the Criminal Code

*Particulars of offence*

A.B., on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ in the province of \_\_\_\_\_, forged a certain will purporting to be the will of C.D.

Uttering a false document, contrary to section 468 of the Criminal Code

A.B., on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ in the province of \_\_\_\_\_, knowingly and fraudulently uttered a certain forged will purporting to be the will of C.D.

Prior to the commission of the said offence, the said A.B. has been previously convicted  
of burglary on the                      day of                      19                      , at the Sessions held at  
[Indictment Rules 1915, rule 11]

166



FOURTH SCHEDULE  
Item 1

**SCALE OF IMPRISONMENT FOR NON-PAYMENT OF MONEY ORDERED  
TO BE PAID  
(Section 396)**

Where the fine	The period of imprisonment shall not exceed-
does not exceed two thousand Naira	seven days;
exceeds two thousand Naira and does not exceed five thousand Naira	fourteen days;
exceeds five thousand Naira and does not exceed twenty thousand Naira	one month;
exceeds twenty thousand Naira and does not exceed sixty thousand Naira	two months;
exceeds sixty thousand Naira and does not exceed one hundred thousand Naira	three months;
exceeds one hundred thousand Naira and does not exceed two hundred thousand Naira	four months;
exceeds two hundred thousand Naira and does not exceed four hundred thousand Naira	five months;
exceeds four hundred thousand Naira but does not exceed six hundred thousand Naira	six months
exceeds six hundred thousand Naira and does not exceed one million Naira	seven months
exceeds one million Naira and does not exceed two million Naira	eight months
exceeds two million Naira and does not exceed five million Naira	nine months
exceeds five million Naira and does not exceed ten million Naira	ten months
exceeds ten million Naira	at discretion of the court, to the maximum of 18 months.

FOURTH SCHEDULE *continued*

**Section 385**

*(As amended by L.N. 122 of 1964)*

*Order for Sentence of Death to be Carried Out*

Public  
Seal

**ORDER FOR EXECUTION**

WHEREAS at the..... holding  
at.....on the.....day of .....20.....,  
one.....was duly convicted of a  
capital offence and was sentenced to death:

AND WHEREAS a written report of the case from the trial judge, together with such other information derived from the record of the case or elsewhere, having been duly taken into consideration at a meeting of the Advisory Council on the prerogative of money designated for the purpose in his own deliberate judgment thereafter has decided to recommend to me that I should exercise my powers in relation to the person so convicted:

AND WHEREAS I have decided in accordance with the advice of the said Minister to confirm the sentence:

NOW THEREFORE I do hereby order that the sentence be carried out according to the law and that the said.....be executed at..... at a time and by the person appointed by you and that the body of the said.....be buried in the usual place for internment for condemned criminal executed at the place of execution.

AND FOR SO DOING this shall be your Warrant.

GIVEN under my hand and the Public Seal of the Federal Republic of Nigeria  
this.....day of.....20.....

.....  
*President/Governor*

To the Sheriff at.....



FOURTH SCHEDULE-continued

Public  
Seal

ORDER FOR COMMUNICATION OF SENTENCE

WHEREAS on the.....day of.....20.....,  
one..... was duly convicted  
of a capital offence and was sentenced to death by the.....holding  
at.....

AND WHEREAS a written report of the case from the trial judge, together with such  
other information derived from the record of the case or elsewhere, having been duly  
taken into consideration at a meeting of the Advisory Council on the prerogative of  
money designated for the purpose in his own deliberate judgment thereafter has decided  
to recommend to me that I should exercise my powers in relation to the person so  
convicted:

AND WHEREAS I have decided in accordance with the advice of the appropriate  
authority to confirm the sentence:

NOW THEREFORE I do hereby commute the sentence and directed that the said be  
carried out, and that in lieu thereof the said...  
.....be imprisoned  
for.....

GIVEN under my hand and the Public Seal of the Federal Republic of Nigeria  
this.....day of.....20.....

.....  
*President*

To the Sheriff at.....  
(for transmission to the appropriate prisons authority).

FIFTH SCHEDULE

**Sections 482 and 485**

ENSORSEMENT ON WARRANT OR ARREST

Whereas proof has this day been made before me that the name ..... subscribed to the within warrant is in the handwriting of the within mentioned.....  
I hereby authorized.....who brings me this warrant warrant and all other persons to whom this warrant was originally directed and also all police officers of the .....to execute this

warrant within.....and to bring the said .....if apprehended within .....before me or before some magistrate of the.....to be dealt with according to law.

GIVEN under my hand this.....20.....

.....  
*Magistrate*

ENDORSEMENT ON WARRANT OF DISTRESS

**Section 486**

Whereas proof has this day been made before me that the name of ..... subscribed to the within warrant is in the handwriting of the within mentioned.....  
.....you.....are hereby commanded forthwith to make distress of the goods of the defendant (except the wearing apparel and bedding of him and his family, and, to the value of ten naira, the tools and implements of his trade); and if within the space of the five clear days next after making of such distress unless he consents in writing to an earlier sale, the sum stated in the within warrant, together with the reasonable cost and charges of making and keeping of the said distress, be not paid, then to sell the said goods, and pay the money arising therefrom to the registrar of this court, and if no such distress can be found, to certify the same to this court.

Dated the....., 20.....

.....  
*Judge [or Magistrate].*



FORM E

Warrant to arrest a Person failing to appear pursuant to Recognizance  
(TITLE OF PROCEEDINGS)

To.....  
and.....  
Whereas.....of..... is bound by  
recognizance to appear before this court on.....  
.....(state when) but has failed so to appear:

SECOND SCHEDULE - *continued*

You are hereby commanded to arrest the said.....  
.....and bring him before me at  
.....without delay.

.....  
*Judge (or Magistrate)*

FORM F  
*Warrant to carry out Sentence*  
(TITLE OF PROCEEDINGS)

To.....and to the Superintendent of Prison:  
The defendant.....was on the.....  
day of....., 19....., sentenced as follows-

<i>No</i>	<i>Offence</i>	<i>Term, Fine, Compensation, Costs, or Strokes</i>	<i>Term in default</i>

The defendant has made default in payment of the above sum (or sums, or 1<sup>st</sup> and 2<sup>nd</sup> above-named sums, *or as the case may be.*)

The imprisonment is to commence forthwith [upon the expiration of any other term of imprisonment which the defendant may be now serving]

The terms are to concurrent [*or consecutive, or concurrent as to the .....* and....., and consecutive as to, *or as the case may be.*]

The imprisonment is to be without hard labour.]

You are hereby commanded to take the said defendant [and imprison him] [and cause him to be caned] in accordance with the above sentence and the law.

Dated the.....day of....., 19.....

.....  
*Judge (or Magistrate)*



SECOND SCHEDULE —continued

[rule 6(2)]

FORM G

*Recognizance of Witness*

In the Magistrate's Court of.....  
C.D. of.....

*(address and occupation or profession)*

acknowledges that he/she owes to the Federal Government the sum of .....payment thereof to be enforced against him/her by due process of law if he/she fails to comply with the conditions endorsed hereon.

Signature of C.D.....

Taken before me this.....day of....., 19.....

.....  
*Magistrate*

(Endorsement)

*Conditions*

The condition of this recognizance is that whereas A.B (*hereinafter called the accused*) was this day charged before me (*name of Magistrate*), the above-mentioned Magistrate, with (*state shortly particulars of offence*):

If therefore the said C.D. appears at the High Court of the State on a date to be notified to him/her later and there gives evidence upon the trial of any information against the accused and in all respects complies with the requirements of any notice which he/she may subsequently receive relating to this recognizance, then this recognizance shall be void but otherwise shall remain in full force.

FORM GI

[rule 6(3)]

*Recognizance of Witness Conditionally Bound Over*

In the Magistrate's Court of..... C.D  
.....  
(address and occupation or profession)

Signature of C.D.....  
Taken before me this.....day of....., 19.....  
.....  
Magistrate

SECOND SCHEDULE - *continued*

(Endorsement)

*Conditions*

Whereas A.B (*hereinafter called the accused*) was this day charged before me (*name of Magistrate*), the above-mentioned Magistrate, with (*state shortly particulars of offence*):and

Whereas C.D has been informed that he/she is only conditionally bound over to give evidence at the trial of A.B but that, after receiving a notice that he/she will be required to give evidence at the said trial, he/she will then be firmly bound by the following conditions:

If therefore the said C.D. appears at the High Court of .....  
State on a date to be notified to him/her later and there gives evidence upon the trial of any information against the accused and in all respects compiles with the requirements of any notice which he/she may subsequently receive relating to this recognizance,  
then this recognizance shall be void but otherwise shall remain in full force.



FORM H

[rule 6(4)]

*Notice to Witness that Accused has not been Committed for Trial*

In the Magistrate' court of.....

Whereas you C.D of.....  
were on the.....day of....., 19....., bound  
by a recognizance in the sum of.....  
to appear on a date to be notified to you at the High Court of.....  
State and give evidence upon the trial of A.B:

This is to give you notice that the Magistrate has determined not to commit the  
said A.B for trial and that consequently you will not be required to appear at the High  
Court for the purpose aforesaid.

Dated the.....day of....., 19.....

.....

*Judge (or Magistrate)*

\_\_\_\_\_

SECOND SCHEDULE -continued

FORM E

*Notice to Witness bound over that he is to be Treated as having been bound over  
Conditionally*

In the Magistrate' court of.....

Whereas you, C.D of..... were on  
the.....day of....., 19....., bound by  
a recognizance in the sum of..... to  
appear at the High Court of..... State on a date to be notified to  
you and there give evidence upon the trial of A.B:

And whereas the Magistrate has since committed the said A.B for trial at the High  
Court of..... State and has directed that you are to be  
treated as having been bound over to attend the trial conditionally upon notice being  
given to you:

This is to give you notice that you are not bound by the recognizance entered into  
by you until and unless you subsequently receive notice that you will be required to give  
evidence at the trial of the accused A.B.

Dated the.....day of....., 19.....

.....  
*Judge (or Magistrate)*



FORM K

In the Magistrate' court of.....

or

In the High Court of.....

*Notice to Witness bound over or treated as bound over Conditionally*

Whereas you C.D of.....

were on the.....day of....., 19.....,

bound over conditionally in the sum of.....

to appear upon being given to you to give evidence upon the trial of A.B (or, whereas you C.D were given notice, after entering into a recognizance to give evidence upon the trial of A.B., that you would not be bound by such recognizance until and unless you subsequently receive notice that you will be required to give at the trial of A.B):

SECOND SCHEDULE- *continued*

*This is to give you notice that you are required to appear and give evidence at the High Court of.....State at the trial of A.B on the.....(or on a date to be subsequently notified) and that unless you do so the said recognizance will be forthwith enforced against you.*

Dated the.....day of....., 19.....

.....  
*Registrar of Magistrate's Court*

*or*

.....  
*Registrar of the High Court*