

P.Dis.No.26/68 – In exercise of the powers conferred by Article 227 of the Constitution of India and of all other powers hereunto enabling and with previous approval of the Governor of Madras, the High Court makes the following amendments to the Criminal Rules of Practice and Circular Orders, 1958:

In the said Criminal Rules of Practice and Circular Orders, 1958:

I. In Part I:-

(1) for rule 329, the following rule shall be substituted, namely:

329. Lapsed deposits (1) – (a) On or before the 5th January of each year, the Head Ministerial Officer of every Court shall prepare a statement of all deposits not exceeding rupees five which have remained unclaimed for one whole year ending with the 31st December of the previous year and balance not exceeding rupees five of deposits partly repaid during that year and shall submit it to the Sessions Judge or Magistrate for his orders.

(b) With the sanction of the Sessions Judge or the Magistrate, which may be given without notice to the depositors, or to the persons to whose credit the sums may have been paid in or deposited, all sums included in the above said statement shall be treated as lapsed deposits, and carried to the credit of Government:

Provided, however, that the Sessions Judge or the Magistrate, may, for reasons to be recorded in writing, sanction the retention in deposit of any sum mentioned in the statement.

Note: All sums less than fifty paise which are not disbursed within a month from the date of deposit may be remitted into the treasury to the credit of Government direct, instead of being passed through the deposit account. No special sanction of the sessions Judge or the Magistrate is necessary for the credit to the Government of such sums.

(2) All sums other than those mentioned in sub-rule (1) paid into or deposited in the Court, may be credited to Government with the sanction of the Sessions Judge or the Magistrate, if they have remained unclaimed for four full years and if a notice has been issued in respect of them in the manner hereinafter prescribed.

Note: The four complete years referred to in this sub-rule should be computed with reference to the date of the last payment and not from the date of the original deposit.

(3) On or before the 15th October of each year, the Head Ministerial Officer of every Court shall prepare a statement of the sums which are liable to be credited to Government as lapsed deposits on the 1st January of the succeeding year under the operation of sub-rule (2).

Note: (i) In preparing the statement, the sums should be entered in chronological order and separate totals should be given for deposits relating to different years.

(ii) Sums which have been attached or which from the subject of claim or a proceeding should not be included in the statement of deposits liable to be credited to Government. Only such deposits as are unclaimed should be included.

(iii) Unclaimed deposits belonging to minors should be treated in the same way as other unclaimed deposits and in preparing the annual statements of lapsed deposits they should be entered therein like the others.

(4) The Sessions Judge or the Magistrate shall pass orders with respect to the sums entered in the said statement and may direct that with such exceptions, if any, as he may deem proper, they be treated as lapsed deposits.

(5) (a) On or before the 1st November of each year, a statement of all the sums which are liable to be credited to Government on the 1st January of the succeeding year shall be prepared and got published in the next ordinary issue of the District Gazette with a notice that unless the parties interested claim them on or before the 10th March of the succeeding year, they will be credited to Government, on or before the 1st November. A copy of the aforesaid statement and notice shall be exhibited on the notice board of the Court and another copy should also be sent to the Bar Association of the station where the Courts is located for being exhibited on its notice board.

(b) For the purpose of publication as aforesaid in the District Gazette, the statement shall be typewritten or prepared in legible manuscript and shall be sent to the press in time for being published in the next issue of the District Gazette.

(c) Particulars shall be given in the aforesaid statement as to-

(1) number of case or proceeding in the court;

(2) date of deposit and challan or T.R.Number;

(3) the nature of the deposit

(4) amount and

(5) to whom due, ranks of the parties and the names of their Pleaders or Advocates.

(6) The particulars published in the Gazette and in the notice board of the court as aforesaid shall be carefully compared with those in the statement on record in the court, and the Sessions Judge or Magistrate shall, on or before the 15th March of each year, certify to the treasury officer, the sums which have to be credited to Government according to sub-rule (5) and in respect of which there has been no mistake or discrepancy in the publication. He shall similarly certify the sums which have to be credited to Government according to sub rule (1)”