

**CRIMINAL SECTION**  
**FREQUENTLY ASKED QUESTIONS (FAQs)**

**I) BAIL U/S.439 OF Cr.P.C. :-**

**What are the documents to be filed ?**

1. Petition
2. Sessions Court's order dismissing the bail
3. Memo of Appearance
4. No Court fees in case the petitioner is in Jail.

Note :- Important information to be furnished in Bail Petition.

1. Place of confinement of the accused
2. Bail to the satisfaction of i.e., execution of bail bond preferably to the Committal Court/Jurisdictional Magistrate.

**II) ANTICIPATORY BAIL U/S.438 OF Cr.P.C. :-**

**a) When can an Anticipatory Bail petition be filed ?**

- (i) A person apprehends arrest for alleged commission of a non-bailable offence.
- (ii) Anticipatory Bail can be moved straight away before the Hon'ble High Court.

**b) What are the documents to be filed?**

1. Anticipatory Bail Petition with Attested Vakalath to be filed (or) Anticipatory Bail petition with Affidavit along with attested Vakalath.
2. If already filed before the Sessions Court and dismissed, certified copy of Order to be filed along with petition.
- 3 Court fees.

Note :- Important information to be furnished in Anticipatory Bail Petition.

Bail to the satisfaction of i.e., execution of bail bond preferably before the Magisterial Court having local Jurisdiction over the Police Station in whose Jurisdiction the cause of action has arisen.

**III) PETITION U/S.482 OF Cr.P.C. :-**

**(i) QUASH PETITION :-**

**Kinds of Quash petitions and the documents to be accompanied ?**

**(a) To quash the FIR :-**

1. Certified copy of FIR
2. Typed set containing relevant documents mentioned in Quash petition including clean copy of FIR
3. Memo of Appearance
4. Court fees.

**(b) To quash the Charge Sheet :-**

1. Copy of Summons
2. Certified Copy of Final Report /Charge Sheet
3. Memo of Appearance
4. Court fees.
5. Typed Set containing relevant documents mentioned in Quash Petition including clean copy of FIR, Charge Sheet and statements recorded u/s.161(3) of Cr.P.C.

**(c) To quash the Complaint made to a Magistrate :-**

1. Certified copy of the Complaint
2. Memo of Appearance
3. Court fees
4. Typed set containing relevant documents mentioned in Quash Petition including clean copy of the Complaint.

**(ii) SET-ASIDE PETITION:-**

To set aside the interlocutory orders of the Subordinate Courts.

**What are the documents to be filed ?**

1. Petition
2. Certified copy of the impugned order
3. Memo of Appearance
4. Typed set containing clean copy of the lower Court's order,  
Copy of the petition filed before the lower Court and other  
relevant papers.
5. Court fees.

**(iii) DIRECTION PETITION :-**

Seeking direction to register FIR, seeking direction to transfer the Investigation from one authority to another authority, seeking further Investigation, seeking Police Protection and seeking direction not to harass the petitioner etc.

**What are the documents to be filed ?**

1. Petition
2. Typed Set containing a Copy of the complaint and  
acknowledgment for receipt of the same by the Station House Officer  
(LP/CSR/Acknowledgment Card)
3. Memo of Appearance
4. Relevant papers, if any,
5. Court fees.

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**(iv) TRANSFER PETITION U/S.407 OF Cr.P.C. :-**

**What are the documents to be filed ?**

1. Petition
2. Affidavit
3. Vakalat
4. Court fees
5. Typed set containing relevant documents mentioned in the petition.

**IV) CRIMINAL APPEAL U/S.374(2) OF Cr.P.C. :-**

**a) Against which orders can an Appeal be filed?**

1. Any order carrying a sentence of for more than 7 yrs of imprisonment.
2. An appeal can be filed even the same are below 7 years of imprisonment if the sentence of order is passed by the Special Court (CBI, PC Act and NDPS Act cases)
3. The order against u/s.14-A of SC & ST Act (Special Act) (Prevention of Atrocities Act 2015)

**b) What is the time limitation for filing an Appeal?**

Limitation period for filing an Appeal is 60 days from the date of order of conviction.

**c) What are the documents to be filed?**

1. Grounds of Appeal
2. Impugned order
3. Memo of Appearance
4. Typed set containing clean copy of the impugned order and other relevant papers etc.
5. No Court Fees in case the appellant is in Jail.

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**(d) What are the cases to be heard by a Bench of two Hon'ble Judges?**

The Cases mentioned under rule 228 of Criminal Rules of Practice are to be heard by a Bench of two Hon'ble Judges.

**V) APPEAL IN CASE OF ACQUITTAL U/S.378 OF Cr.P.C. :-**

**(a) When can an Appeal in case of Acquittal be filed?**

An Appeal can be filed in the High Court from an Original or Appellate Order of Acquittal passed by any Court subordinate to it.

**(b) What is the time Limitation for filing an Appeal?**

Limitation period for filing an Appeal is 90 days in case of an Appeal preferred by the State on behalf of the Victim, 6 months in case of the State itself is the Complainant and 60 days in every other case.

These time limits run from the date of order of acquittal.

**(c) What are the documents to be filed?**

1. Special Leave Petition.
2. Grounds of Appeal
3. Impugned order
4. Memo of Appearance
5. Typed set containing clean copy of the impugned order and other relevant papers etc.
6. Court Fees.

**VI) APPEAL BY THE STATE GOVERNMENT AGAINST SENTENCE U/S.377 OF Cr.P.C. :-**

**(a) When can an Appeal against Sentence be filed?**

The State Government, in any case of conviction on a Trial held by any Court can direct the Public Prosecutor to present an Appeal to the High Court against the sentence on the ground of its inadequacy.

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**b) What are the documents to be filed?**

1. Grounds of Appeal
2. Impugned order
3. Memo of Appearance
4. Typed set containing clean copy of the impugned order and other relevant papers etc.
5. Court Fees not required.

**VII) CRIMINAL REVISION CASE U/S.397 r/w. 401 OF Cr.P.C.:-**

**(a) When can a Revision be preferred?**

- (i) When an order of the Subordinate Court having attained finality.
- (ii) Revision against the order of the lower Appellate Court confirming/modifying/setting aside the trial Court order.

**(b) What is the Limitation for filing a Revision?**

Limitation period for filing a Revision is 90 days from the date of order.

**(c) What are documents to be filed?**

1. Memorandum of Grounds of Revision.
2. Impugned Order (Lower Court Order)
3. In case of delay in filing a Revision, a petition accompanied with an affidavit to be filed for condonation of delay.
4. Memo of Appearance
5. Court fees.

**VIII) HABEAS CORPUS PETITIONS UNDER ART.226 OF THE  
CONSTITUTION OF INDIA :-**

**(i) GENERAL :-**

1. To produce abductee/detenuue before the Court.
2. To be heard by the Division Bench
3. Petition and affidavit
4. Typed set of documents mentioned in the affidavit.
5. Vakalat
6. Court fees etc.

**(ii) STATUTORY :-**

1. Petition and affidavit (two sets in original)
2. Original detention order in English and Tamil
3. Typed set of documents mentioned in the Affidavit.
4. Vakalat
5. Court fees

**\* All condone delay petitions should be filed u/s.5 of Limitation Act, 1963.**

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**GENERAL INSTRUCTIONS FOR FILING A PETITION :-**

- **Typewritten copy of manuscript pages to be filed in the typeset.**
- **All the petitions to be duly signed by the Advocate-on-record, on all pages mentioning the Enrolment Number.**
- **No Vakalath would be accepted if the only address of the Advocate/Counsel on Record or the Advocate attesting the Vakalath is mentioned as 'Madras High Court Advocates Association (M.H.A.A.)'.**
- **Vakalath / Memo of Appearance shall contain the Enrolment Number, Mobile Number and complete residential address of the counsel on record.**