

CHAPTER XXVII

RULES UNDER SECTION 477(I)(d) READ WITH SECTION 96 OF

THE CODE OF CRIMINAL PROCEDURE, 1973

1. How applications under section 96, Code of Criminal Procedure to be made. — Every application to the High Court under sub-section (1) of section 96 of the Code of Criminal Procedure, 1973 (hereinafter referred to as "the said Code") to set aside the declaration of forfeiture in respect of any newspaper, book or other document made under section 95 of the Code, shall be made by the presentation of a petition which shall be signed by the applicant and verified at the foot by an affidavit of the applicant.

2. How petition to be written. — The petition shall be written in the English language on foolscap paper or other paper similar to it in size quality, book-wise, and divided into paragraphs number consecutively. All dates and sums occurring in the petition shall be expressed in figures.

3. How petition to be headed and instituted. — The petition shall be headed "In the High Court of Judicature at Bombay, Appellate Jurisdiction" and shall be instituted. "In the matter of the (Name or description) newspaper, book or other document", as the case may be.

4. What petition should state and what exhibits should be annexed to it. — The petition shall state what the interest of the applicant is in the property in respect of which the declaration of forfeiture has been made and all documents and copies thereof in proof of such interest together with the copy of the declaration of forfeiture under section 95 of the Code shall be annexed as exhibits to the petition.

5. What petition should also state. — The petition shall state the grounds on which it is sought to set aside the declaration of forfeiture.

6. What documents are to be translated into English and by whom, — All documents in the regional language annexed to the petition as exhibits and all documents in the regional language relied upon by the applicant and intended to be in evidence, shall be translated into English by an Official Translator or Translators, so that no question may arise as to the accuracy of the translation or the admissibility in evidence of the documents and the translations annexed to them by reason of any defects in the translations thereof.

¹[Provided that such translations would not be necessary if the documents are in Marathi and if the party or the Advocate undertakes that English translations would be supplied whenever an order in that respect is made by the Court in a particular proceeding.]

1. Added by Notification No. P. 3603/86, Dt. 6-8-1986.

7. Petition should be presented to the Chief Justice. — The petition with exhibits annexed thereto and the translations thereof, if any, together with a copy of such petition and exhibits with the translations shall be presented to the Chief Justice, who will constitute a Special Bench and appoint a day for the hearing and determination of the application.

²[Provided that such translations would not be necessary if the documents are in Marathi and if the party or the Advocate undertakes that English translations would be supplied whenever an order in that respect is made by the Court in a particular proceeding.]

2. Added by Notification No. P. 3603/86, Dt. 6-8-1986.

8. Notice of hearing. — A notice in writing of the day appointed for the hearing and determination of the application shall be given by the Registrar to the Secretary to the Government of Maharashtra in the Home Department, and the copy of the petition and exhibits with translations, if any, mentioned in rule 7, shall accompany such notice.

9. How printed paper-books to be prepared. — Printed paper-books containing the petition and all exhibits annexed thereto with the translations thereof shall be prepared in the manner prescribed by the rules for the preparation of paper-books, in appeals from the High Court, and shall be delivered to the Registrar, by the applicant, at least one week before the day fixed for the hearing and determination of the application.

10. Number of paper-books to be printed. — There shall ordinarily be printed 15 copies of the paper-books; but the Registrar may, when necessary, direct a larger number of copies to be printed.

11. How costs of petition to be taxed. — The table of fees now in force in the High Court in its Original Civil Jurisdiction shall be applicable to the applications under sub-section (1) of section 96 of the Code and proceedings thereon and costs payable in respect of such applications and proceedings shall be taxed when so directed on that scale.

12. What provision and rules are applicable to execution orders on applications. — The provisions of the Code and the rules and forms of the High Court relating to execution of decrees and orders, shall be applicable to the execution of orders passed by the High Court on applications under sub-section (1) of section 96 of the Code."

* * * *