

CONTENTS

Chapter 1 The Role of a Charge in a Criminal Prosecution.

	<i>Page</i>	
1.1	Introduction	1
1.2	Requirements of a Charge	3
1.3	Scope of sections 164 and 165	6
1.3.1	The Offence to be stated.	6
1.3.2	Gazette Regulations	7
1.3.3	Production of a Gazette	8
1.4	The Law and the Penal Section	10
1.5	Identify the Offence by the specific name.	10
1.6	When a definition of the offence becomes necessary.	11
1.6.1	Cases of cheating.	12
1.6.2	Cases of Forgery.	13
1.6.3	Cases of Perjury.	14
1.6.4	Cases of Criminal Intimidation.	14
1.6.5	Cases of Insult.	14
1.6.6	Cases involving vicarious liability under section 146 of the Penal Code.	14
1.6.7	Cases of Criminal Trespass.	14
1.6.8	Cases of Housebreaking	14
1.6.9	Cases involving the use of obscene words.	15
1.6.10	Cases involving tempering of electricity	15
1.6.11	Obstructing Public Officers.	15
1.7	Date and place of offence.	15
1.8	Particulars of the victim of the offence.	17
1.9	Particulars relating to the article which was the subject matter of the offence.	17
1.10	Manner of committing the offence.	18
1.11	Duplicity of Charges.	19
	Case Law under Sections 164 and 165	24

Chapter 2 Joinder of Charges

2.1	Separate Charge for every offence.	49
2.2	Three offences of the same kind committed within a year.	50
2.3	Offences committed in the same transaction.	53
2.4	Offences falling within two or more definitions of any law.	57
2.5	Acts constituting one offence but constituting a further offence when combined.	58
2.6	Joinder of charges where the offence is doubtful.	59
2.7	Power of the Court to convict an accused for an offence not initially charged.	62
2.8	Power of Court to convict for a minor offence.	64
2.9	Power of court to convict an accused for an attempt.	67
	Case law on joinder of charges	68

Chapter 3 Joinder of Accused 105

Chapter 4 Reading of a Charge 129

Chapter 5 Effect of Error 135

Chapter 6 Amendment of Charges 147

6.1	Scope of section	147
6.2	Scope of section 168	147

Chapter 7 Drafting of Charges 157

7.1	Introduction	157
7.2	General situation where filing of documents are done in criminal actions.	157
7.3	Requirement of a charge	160
7.4	The role of a Prosecutor	161

7.5 Fundamental aspect of drafting charges. 161

Chapter 8 Bail Applications

8.1 Drafting of an application for bail. 169

8.2 Matters to be considered in drafting an Application for Bail. 169

Chapter 9 Private Plaints 173

9.1 Drafting of a Private Plant

Chapter 10 Petitions of Appeal. 175

10.1 Drafting of petitions of Appeal. 175

10.2 Important matters to be stated in a petition of appeal. 176

Chapter 11 Section 66 Applications 179

11.1 Drafting of affidavits in applications under section 66 of The Primary Courts Procedure Act No. 44 of 1979. 179

Chapter 12 Revision Applications 183

12.1 Points to remember in drafting an application for revision. 183

Chapter 13 Counter Drafting 187

13.1 A charge in a Magistrate's Court 187

13.2 Petitions of Appeal 188

13.3 Revision Applications. 188

13.4 Section 66 Applications. 189

Chapter 14	Specimen Charges	190
Form 01	Draft of a charge under Section 140 of the Penal Code	191
Form 02	Draft of a charge under Section 296 of the Penal Code	191
Form 03	Draft of a charge under Section 297 of the Penal Code	191
Form 04	Draft of a charge under Section 298 of the Penal Code	191
Form 05	Draft of a charge under Section 314 of the Penal Code	192
Form 06	Draft of a charge under Section 315 of the Penal Code	192
Form 07	Draft of a charge under Section 316 of the Penal Code	193
Form 08	Draft of a charge under Section 317 of the Penal Code	193
Form 09	Draft of a charge under Section 332 of the Penal Code	193
Form 10	Draft of a charge under Section 333 of the Penal Code	194
Form 11	Draft of a charge under Section 354 of the Penal Code	194
Form 12	Draft of a charge under Section 355 of the Penal Code	194
Form 13	Draft of a charge under Section 367 of the Penal Code	195
Form 14	Draft of a charge under Section 373 of the Penal Code	195

Form 15	Draft of a charge under Section 374 of the Penal Code	196
Form 16	Draft of a charge under Section 375 of the Penal Code	196
Form 17	Draft of a charge under Section 380 of the Penal Code	197
Form 18	Draft of a charge under Section 382 of the Penal Code	197
Form 19	Draft of a charge under Section 386 of the Penal Code	197
Form 20	Draft of a charge under Section 389 of the Penal Code	198
Form 21	Draft of a charge under Section 389 of the Penal Code	198
Form 22	Draft of a charge under Section 394 of the Penal Code	198
Form 23	Draft of a charge under Section 400 of the Penal Code	199
Form 24	Draft of a charge under Section 400 of the Penal Code	199
Form 25	Draft of a charge under Section 409 of the Penal Code	200
Form 26	(i) Draft of a charge under Section 433 of the Penal Code	200
	(ii) Draft of a charge under Section 433 of the Penal Code	200
Form 27	Draft of a charge under Section 434 of the Penal Code	201
Form 28	Draft of a charge under Section 454 of the Penal Code	201

Form 29	Draft of a charge under Section 459 of the Penal Code	202
Form 30	Draft of a charge under Section 113(b) of the Penal Code	202
Form 31	Draft of an Application for Bail in a case of Murder	203
Form 32	Draft of an Application for Bail in an Offensive Weapons Case	207
Form 33	Draft of a Private Complaint	211
Form 34	Draft of a Charge Sheet	212
Form 35	Draft of a List of witnesses and documents	213
Form 36	Draft of s Motion to be filed at the institution of an action	214
Form 37	Draft of a notice to produce an original document under Section 66 of the Evidence Ordinance	215
Form 38	Draft of a Petition of Appeal	217
Form 39	Draft of a Petition in a Revision Application	220
Form 40	Miscellaneous Drafts	225
	(1) Motion to obtain bail money	225
	(2) Motion to surrender a suspect	226
	(3) Motion to obtain a Passport	227
	(4) Anticipatory Bail Application Petition	228
	(5) Notice to the Respondent in a Revision Application	231
	(6) Notice informing a respondent about notice being issued and stay order being issued	232