

HIGH COURT FOR THE STATE OF TELANGANA:: HYDERABAD

ROC.No.203/SO/2019

Dt: 7 .05.2019

CIRCULAR NO. 9 /2019

Sub: High Court for the State of Telangana – Letter received from Civil Assistant Surgeon, Area Hospital, Suryapet – Summons/Warrant to Medical Witnesses to appear before Court – Courteous towards Medical Witnesses – Earlier Instructions reiterated – Reg.

Ref: 1. Letter dated 13.12.2018 of Dr. B.M. Chandrashekar, Civil Assistant Surgeon, Area Hospital, Suryapet.
2. Circular ROC.No. 1187/SO/1979 – 2 dated 03.11.1980.
3. Circular ROC.No. 1319/SO/1982 – 1 dt. 20.01.1983.
4. Circular ROC.No. 2345/SO/1982 dated 25.01.1983.

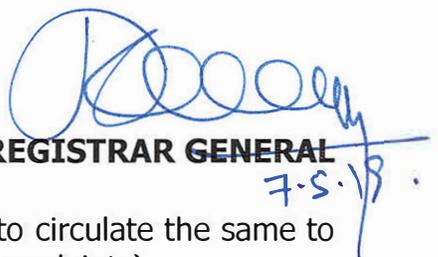
In the letter 1st read above, the Civil Assistant Surgeon, Area Hospital, Suryapet, has brought to the notice of the High Court that summons were served on him to attend the Court on 13.12.2018 in connection with a case and that he went to the Court on 13.12.2018 at 11.10 am after finishing some Surgical Work at the Area Hospital. The Judge curtly informed that as he was not present at 10.30 am, the case was adjourned and a warrant was issued against him. He was discourteously treated by the Court and that therefore requested to direct all the Judicial Officers in the State to deal with expert witness in a decent and humane way and not to harass them unnecessarily.

As directed, attention of all the Judicial Officers in the State are drawn to the Circular instructions of the High Court read above, wherein the following instructions are given with regard to medical witnesses:

- 1) Fixing uniform time through out the State for deposition by Medical Witnesses.
- 2) Allowing the Medical Witnesses to sit along with Lawyers, if they observe the dress code.
- 3) Giving the seven days clear notice while issuing summons to Medical Witnesses show as to enable them to take alternative arrangements, etc.
- 4) Treating the medical witnesses with dignity.

Therefore, the High Court hereby reiterates the earlier circulars issued by the High Court in the matter (Copy enclosed) and directs all the Judicial Officers in the State of Telangana to follow the above instructions scrupulously.

The receipt of the Circular be acknowledged.


REGISTRAR GENERAL
7.5.19

To

1. All the Unit Heads in the State (with a request to circulate the same to all the Judicial Officers working in the Unit for complaints).
2. The Registrar (Administration), High Court for the State of Telangana.
3. The Registrar (IT – Cum – CPC), High Court for the State of Telangana with a request to place the circular in the Official Web site.
4. The Civil Assistant Surgeon, Area Hospital, Suryapet.
5. The Section Officers Vigilance – Cell, E-Section and OP – Cell, High Court for the State of Telangana.

HIGH COURT OF ANDHRA PRADESH: HYDERABAD.

~~R.O.C.No.~~ R.O.C.No. 1183/SO/79-2.

Dated: 3-11-1980.

C I R C U L A R

Sub: Certain Medico-legal Problems - Clarification -
Instructions - Issued.

Read: Letter dated 26-9-1979 by Professor of Forensic
Medicine, Institute of Medical Sciences, O.M.C. &
City Police Surgeon, Hyderabad.

-:-

In the letter read above, the Professor of Forensic
Medicine, Institute of Medical Sciences, O.M.C. & City
Police Surgeon, Hyderabad has brought to the notice of the
High Court the following for consideration:-

"Usually the summons are issued asking the medical witness
to be present in the court at 10.30 AM. The call work of the
Court begins at 11.00 AM and will go on for one hour or
more. Some Magistrates adjourn the case if the medical
witness is not present in the court when the concerned case
is called. Few Magistrates want to record the evidence
only in the post-lunch Session. Sometimes the medical witness
is made to wait from morning to evening.

It is desirable to fix a uniform time throughout the
State for deposition by medical witnesses.

In some cases the medical witness is not allowed to
sit along with the lawyers even when there is place, and
the doctor is asked to sit along with the public. Kindly
clarify".

The High Court on a consideration of these matters, directs

- (a) that all the Criminal Courts in the State should also
specify ^{in the summons} the time viz., 2.30 P.M. i.e., post lunch sitting,
~~sitting along~~ with the date ~~in the summons~~ to be
issued to the Medical Witnesses under Section 61 of
the Code of Criminal Procedure 1973 when they have
to be present in court and to adhere to this time
as far as possible and also to give priority for the
recording of evidence of the Medical Witness if he is
present; and

(P.T.O.)

2.

(b) that all the Criminal Courts in the State should allow the medical witnesses to sit along with the lawyers if they observe the dress regulation contained in the High Court's Circular Roc.No. 1183/SO/79-1, dated: 3.11.1980 as in the case of Police Officers in uniform assisting the Public Prosecutor or attending the Court as witnesses who are allowed to sit with the lawyers.

The receipt of this circular ~~should~~ be acknowledged.

REGISTRAR (ADMINISTRATION)

To
All the District Judges in the State including the Chief Judge, City Civil Court, Hyderabad and Metropolitan Sessions Judge, Hyderabad (with sufficient copies of this Circular for communication to Additional District Judges in the State including ~~Additional~~ Additional Chief Judges, City Civil Court, Hyderabad and Additional Metropolitan Sessions Judges, Hyderabad and other Presiding Officers of the Subordinate Criminal Courts in their respective units.)

Copy to: The Professor of Forensic Medicine, Institute of Medical Sciences, O.M.C. & City Police Surgeon, Hyderabad (with a covering letter).

HIGH COURT OF ANDHRA PRADESH, AT HYDERABAD.

R.O.C. No.1319/SO/82-1.

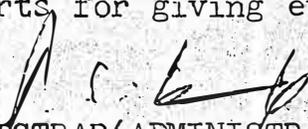
Dated: 20-1-1983.

CIRCULAR

Sub: Attendance of Medical Witnesses for giving evidence in Criminal Courts-Regarding.

The Presiding Officers of Criminal Courts issuing summons to Medical witnesses to appear in courts for giving evidence in the cases on their file are directed to adhere to the following instructions scrupulously in issuing the said summons.

- (a) The Police personnel to whom the said summons are entrusted for service shall be instructed to serve them on the medical witnesses immediately on receipt of the summons, from the courts;
and
- (b) The Presiding Officers of criminal courts issuing the said summons to the Medical witnesses shall give atleast seven days clear notice to them prior to the date of attendance in courts so as to enable the medical witnesses who are on duty to make alternative arrangements or the Authorities of the Hospitals to make necessary arrangements for making the medical witnesses attend the courts for giving evidence.


REGISTRAR (ADMINISTRATION)

To

All the District Judges in the State including the Chief Judge, City Civil Courts, Hyderabad and Metropolitan Sessions Judge, Hyderabad with sufficient copies for communication to the Presiding Officers of the ~~origi~~ Criminal Courts in their respective units)

Copy to:

1. The Tribunal for Disciplinary Proceedings Government of Andhra Pradesh, Hyderabad.
2. The Director of Medical and Health Services, Government of Andhra Pradesh Hyderabad.
3. The Director General of Police, Government of A.P. Hyderabad.
4. The Professor of Forensic Medicine and Institute of Medical Science, Osmania Medical College, Hyderabad.
5. The Superintendent, Osmania General Hospital, Hyderabad (with a covering letter)
6. The Section Officers 'D' and 'E' Sections, High Court of A.P. Hyderabad.

HIGH COURT OF ANDHRA PRADESH:: HYDERABAD.

R.O.C.No.2345/SO/82.

Dated: 25-1-1983.

CIRCULAR

Sub: Attendance of Doctors for giving evidence in Courts- Regarding.

Read: Letter R.C.No.MRD/MLC/14172/82/2722, dated: 1-12-1982. by the Superintendent Osmania General Hospital Hyderabad.

The following words and figures Viz., "High Court's Circular No.R.O.C.No.520/SO/82, dated: 11-6-1982" shall be substituted for the words and figures viz., "High Court's Circular No.1183/SO/79-1, dated: 3-11-1980" occurring in Instruction (b) of the Penultimate para of the High Court's Circular Roc.No.1183/SO/79-2, dated: 3-11-1980.

The Presiding Officers of the Criminal Courts are hereby informed that they shall treat ~~as~~ ^{with dignity} the Medical ~~witness~~ witnesses attending their Courts for giving evidence, to which they are entitled to.

~~Yours faithfully,~~

M Venkata Rao
FOR REGISTRAR (ADMINISTRATION)

To: All the District Judges in the State including the Chief Judge, City Civil Courts, Hyderabad and Metropolitan Sessions Judge, Hyderabad with sufficient copies for communication to the Presiding Officers of the Criminal Courts in their respective units)

- Copy to:
1. The Secretary to Government Home (Courts-B) Department Secretariat, Hyderabad.
 2. The Secretary to Government, Medical and Health Department Secretariat Hyderabad.
 3. The Tribunal for Disciplinary Proceedings, Government of Andhra Pradesh, Hyderabad.
 4. The Director of Medical and Health Services, Government of Andhra Pradesh, Hyderabad.
 5. The Director General of Police, Government of A.P. Hyderabad.
 6. The Professor of Forensic Medicine and Institute of Medical Science, Osmania Medical College, Hyderabad.
 7. The Superintendent, Osmania General Hospital, Hyderabad (with a covering letter)