LECTURE XII.

CRIMINAL PROCEDURE (*continued*).

The Prevention of Offences.

In the last Lecture we dealt with what I may call the machinery of the Criminal administration; we considered the Courts and Magistrates, and their powers: we spoke of the police, and of the part taken by the general public, with regard to their duty to give information and aid, and their power to arrest offenders in certain grave cases. We also spoke of the general subject of the arrest of criminals and how it was effected, and of the processes that could be issued to obtain the appearance of persons and the production of documents and hidden property.

The Code now enters on Part IV., which deals with measures that may be taken to *prevent* offences. But this I can only very briefly notice by saying that the main provisions (Chaps. VIII.—XII.) relate to—

(*a*) Taking security, &c., to *keep* the *peace*.

(*b*) taking security, &c., for *good behaviour*, from *vagrants*[1] and *suspicious characters*.

(*c*) taking security, &c., from "*habitual offenders*."

(*d*) dispersing unlawful assemblies (p. 109), and the use of civil and military force for the purpose (for when an unlawful assembly occurs, it is sure, if not at once broken up, to proceed to acts of violence or even bloodshed, or to the destruction of property).

(*e*) the prevention and removal of *public nuisances* in ordinary and in urgent cases.

(*f*) action to prevent riot and violence owing to feelings exasperated in disputes relating to land and houses (immoveable property).

(*g*) action of the police (intervention, and arrest if necessary)

[1] There is a special Act of 1874 about European vagrants and how they are to be dealt with.

to prevent the commission of offences; or causing injury to property) (sec. 152, and see also sec. 23 of the Police Act V., 1861.[1]

Information to and Investigation by the Police.

The use of a classification of offences into graver or lesser-cognizable' or 'non-cognizable,' "summons" or "warrant" cases,—has been already explained (pp. 153, 154).

In the "Part" we are now considering, we see use made of one of these classes of offences, viz., that which depends on the question whether they are of such a serious character that they are "cognizable" by the Police, which again means that the Police may at once arrest the suspected offender without a warrant, and may proceed at once to investigate the case without any order of a Magistrate.

The Police keep a book at their stations, and at once enter therein any information they get of such an offence; an officer is forthwith sent to the spot to make an enquiry, and if possible, arrest the criminal.

If a person comes to inform or complain about a non-cognizable offence to the police, he is simply referred to take his complaint direct to a Magistrate. In non-cognizable cases, the police can only proceed to investigate on the order of a Magistrate (1st or 2nd class).

I cannot follow the Code through the details of the police investigation (secs. 156—170). I will only mention that if the diary of proceedings (and the getting together the necessary evidence) is not complete in 24 hours, the case must be reported and the prisoner (as I have already stated) be sent to the Magistrate for an order of remand.

When making an investigation, the Police officer may require

[1] Mentioning here the Police Act V. of 1861, I call attention to the circumstance, that the enrolment and constitution of a Police force, and its *general duty* as such, is a separate matter. The Criminal Procedure Code is only concerned with the powers of the Police in respect of the prevention and investigation of crimes, and the execution of processes and orders of Courts. The Police Act provides for the gradation of Police officers—Inspector-General, District Superintendents (and their Assistants), Inspectors, Deputy Inspectors, Serjeants and Constables; it provides for enrolment of the rank and file; it gives certain details as to duty and as to certain service regulations. It also contemplates the organization of the districts into a number of local police charges (popularly, but not officially, called *Thánd*), the establishment of "police stations," and the like.

(by written order) the attendance of any person who is believed to know the circumstances; and such person is bound to attend and answer questions. This extends to the limits of the Police officer's own *and* adjoining "stations" (secs. 160—161). Persons though generally bound to answer, are not bound to reply to such questions as tend to criminate themselves.

The statements made may be taken down[1] but are not signed by the deponent, nor can they be used as evidence in a subsequent trial (sec. 162).

If the accused makes a confession voluntarily, there is a special procedure (sec. 164) for taking him before a Magistrate to have his statement recorded and attested.

When the case is complete, it is sent up to the Magistrate with a 'calendar' or police-charge-sheet (popularly called a "chálán") giving the details of the offence, names, dates, &c.

There are also special provisions (both as to the Police and the Magistrates) for enquiring into cases of suicide, homicide, accidental death, &c. (secs. 174—176).

Proceedings in Prosecutions—Trials.

We now approach the actual trial of criminal cases. But there are still certain matters preliminary to the trial which are first considered—for instance:—

In what district or place is an offence to be tried? An offence is ordinarily[2] enquired into or tried by a Court within the local limits of whose jurisdiction (p. 144) it was committed (sec. 177). Where the offence is such by reason of a thing done *and* a consequence ensuing, the trial may be either in the local jurisdiction where the thing was done *or* where the consequence ensued (sec. 179) (*e.g.*, a murder case, in which the man was wounded

[1] They are put in writing because they are useful as a guide to the police. Though not used as *evidence* afterwards, the notes are often referred to by appellate and other courts, and they sometimes throw light on cases as regards their general history and the probability of genuineness, when there is a fear that the case may have been trumped up.

When a Forest officer, specially empowered, holds a local inquiry (sect. 71, Forest Act) his proceeding is not analogous to that of a Police investigation. He is empowered regularly to take down evidence on oath or affirmation (Act X. of 1873, sec. 4), and then, provided the deposition was taken in presence of the accused, it will be admissible as evidence at a subsequent trial.

[2] That is irrespective of special orders transferring a case from one court to another; such orders are sometimes made for special reasons of convenience (sec. 178 and the whole of Chap. XLIV.).

at one place and died from the wound at another). And similarly, where an act is an offence *by reason of its relation to* some other act (sec. 180), *e.g.*, where property was stolen in one place and 'received' in another; or an abetment occurred in one place and the offence abetted was committed in another. There are also special rules as to the place of trial of offenders belonging to *wandering gangs* of robbers (sec. 181); and for thefts where the property is stolen in one place and taken elsewhere—as is generally the case in cattle thefts (sec. 181). So where it is uncertain in which local area an offence was committed (sec. 182).[1] Again a rule is required, where the offence is committed *during a journey* or voyage (sec. 183), or where there is a *doubt* about the proper place (sec. 185); or where the person is within jurisdiction and his offence was committed beyond it, and the offence cannot be tried in the locality of commission (sec. 186): so also when a European British subject commits an offence in a Native State[2] (secs. 188—190).

The Magistrate is the authority who *commences* all proceedings of trial or judicial enquiry for committal to trial.

The High Courts and Courts of Sessions (except in some special proceedings, with which we are not concerned) do not take the initiative; that is to say, they do not receive cases direct from the Police, or on complaint made to them, or on information coming before them (secs. 193—4). The Magistrate begins the case by making an enquiry, and if he finds that a case is apparently made out, he *commits* (for the actual trial) to the High Court or the Sessions, as the case may require.

The Magistrate will take action only:—

(*a*) On a complaint made to him;

[1] This section does not apply if it is a question of being in British territory, or just outside it; for outside British territory the Court would have no jurisdiction, and then the matter may require nice discussion. In 1880 there was a case of a Forest guard of the Nábha State shooting a British subject close to the border between the Ambála District (Panjáb) and the State. The most elaborate enquiry as to the position of the boundary line, and that of the man when he fired and of the deceased when he fell, had to be made; and it was ultimately found that the offence was actually committed in foreign territory.

[2] This is for special convenience. Ordinary offenders in Native States are, of course, liable to the Courts of the State; but it might be embarrassing to them to deal with European British subjects: hence the special provisions for trying them (on Political Agent's certificate) by Courts in British India.

(*b*) On a police report of the facts (the 'chálán' already spoken of—p. 160);

(*c*) On information received otherwise than by police report, or on his own knowledge or suspicion that an offence has been committed.

Any Magistrate may be empowered by the Local Government (or by the District Magistrate) to act in cases (*a*) and (*b*); but only a Magistrate of first or second class in case (*c*); and in that case, the person accused may require to have the case transferred to another Magistrate (or committed for trial to the Sessions).

It may be that under special rules of law, some cases are not taken up on complaint, as a matter of course. Sec. 195 requires *sanction* of the authorities therein named, before certain prosecutions can be proceeded with; these are chiefly cases of contempt of lawful authority of public servants, and offences against justice (false evidence, and regarding documents given in evidence). So where a *public servant*, of a class not removeable from his office without the sanction of Government, is accused of an offence *as* such public servant, no Court will take cognizance of the charge without the previous sanction of Government, or of some officer to whom the person accused is subordinate and whose power in the matter, Government has not limited (sec. 197).

Another preliminary matter of importance has to be noted. In a large number of cases, the police will have been able to investigate, and so the case will be brought up to the Magistrate ready for trial, with the witnesses, &c. present. But in other cases, the police will not have had cognizance, and so the proceedings are opened by someone presenting a complaint to the Magistrate direct—which may be done either orally or in writing. In that case the Magistrate is bound at once to examine the person on oath or affirmation, and reduce the substance of the examination to writing which is to be signed both by the Magistrate and complainant.

If the complaint is made in writing and the Magistrate sees he is not competent, he will return the petition endorsed that it may be presented to the proper tribunal.

A Magistrate (but not one of the third class), if in doubt, may

postpone issuing a process for the appearance of the accused; and may either himself make a further enquiry or direct a local investigation.

In any case, a Magistrate need not go further if he is satisfied, after examination of the petitioner (or as the result of an enquiry ordered), that there is not sufficient ground for proceeding (sec. 203).

If the Magistrate decides that there is a case, he will commence proceedings (Chap. XVII.) by issuing process to bring the accused up. This process will be a "summons" or a "warrant" according to the nature of the offence (p. 154), and with reference to Schedule II.

But in any warrant case the Magistrate may begin with a mere summons, if he thinks it will be sufficient; and *vice versâ*, sec. 90 authorises a warrant being at once issued instead of a summons in certain cases. As to the necessity for the personal appearance of the accused, it is sufficient to refer to sec. 205.

The preliminary matters being thus disposed of, we will now consider the form of trial before a Magistrate: and this will include the following:—

(*a*) The formal preliminary judicial *enquiry*, ending (if an offence is apparently established) with a 'charge' being drawn up, and an order committing the prisoner for trial to the Sessions or to the High Court (as the case may be).

(*b*) The formal *trial* (of "warrant cases") before a Magistrate. This is otherwise exactly like (*a*) and a formal charge is drawn up, only that the Magistrate himself conducts the whole trial; that is, he also hears the defence and adjudicates,—either convicting and passing sentence, or else acquitting the prisoner.

(*c*) The less formal trial of a "Summons Case."

(*d*) The very simple form of "Summary" trial for petty offences.

All Presidency, District, Sub-divisional and first-class Magistrates possess the power of *enquiry for committal*. Those of the second and third classes require to be authorised by the Local Government.

I do not propose to give the details, but note generally that the proceedings commence by hearing the evidence for the prosecution and examining the accused "*for the purpose of*

enabling him to explain" any circumstances appearing in the evidence against him; if then (or even before that) the Magistrate is satisfied there is no case, he "discharges" the accused.[1] If there is an apparent case, a formal "charge" sheet is prepared (of this hereafter): it is read to the accused and he is entitled to a copy free of cost (sec. 210). The accused may then name the witnesses he wishes to produce on his trial (for detail see secs. 211, 213, and 216). The order of commitment for trial (with the reason and an outline of the case) is then recorded. An order of commitment once made (by a competent Magistrate) cannot be quashed except by the High Court, and then only on a point of law. The proceedings, with the formal "charge," and any weapons or other "exhibits" in the case, are sent to the High Court or Sessions Court as the case may be. The prisoner is kept in custody unless the case is one in which under the Code he can be admitted to bail.

The Charge.

The "Charge" being an important document, is separately described in Chap. XIX., which can be read and calls for no detailed comment. It will be well however to remark that the object of the provisions regarding the "charge," is not to require technical accuracy, or to make justice dependent on niceties of wording, but to ensure that the prisoner should be able to know clearly what (in substance and practically) he has to answer for, and defend himself against, if he can. The charge is filled in on a regular printed form; and besides giving particulars as to names, places and dates, it is to specify the offence and the section of the I. P. Code, or other law, under which the prisoner is charged. No formal error in the charge will have any effect, unless it has misled the accused. The Court trying the prisoner finally, can alter, amend, or add to, the charge at any time before the verdict of the jury, or the opinion of the assessors, is given (sec. 227). Where a charge is

[1] It must be remembered that the terms "discharge" and "acquit" have definite meanings, and cannot be interchanged or used at random. "Discharged" applies only where the prosecution evidence is so weak that the Magistrate does not think it necessary to frame a charge or send the prisoner up for trial or call on him for a defence, as the case may be. Any order in favour of the prisoner after the charge and the defence heard, is an "acquittal."

altered, secs. 228—231 must be attended to; and where a wrong or deficient charge has *misled* the accused, a new trial may be ordered (sec. 232).

Under this head, too, has to be considered the important question as to when a "joinder" of several charges in one trial is permissible, and when separate trials should be held. Here, also, sec. 235 is an important supplement to sec. 71 I. P. Code (see p. 141). And the illustrations make clear what is meant.

I will only mention that sec. 235 deals with three cases:—

1. Where the person is charged with a *series of acts* so connected as to form a single transaction, and yet each of the acts constitutes a separate offence; the charge may specify all such offences. In this case the acts may or may not be combined in such a manner as to come within sec. 71 I. P. C. If they are, the charge would probably be so worded as to represent one single "count" or head. As an example of the first, I may mention the case of wounding with several stabs of a knife—here one offence (of a very grave character) would be charged, but the details would be specified. An example of a case where 71 I. P. C. would *not* be applicable (and where separate punishments might be given for each count in the charge) would be of A. rescuing B. from lawful custody of a policeman, and causing grievous hurt to the policeman in so doing; or A. breaking into B.'s house and proceeding to abduct, or to commit adultery with, B.'s wife.
2. Where an act is committed which *falls within two or more separate definitions* of an offence against any law, all such offences may be put in the charge. Thus an act which is an offence both against the Forest law and the I. P. Code, may be charged in separate Counts under each, in the same charge. (There could be only one conviction and sentence, p. 95.)
3. Where several acts, of which one or more by itself (or themselves) is an offence, *constitute when combined, a different offence*, the charge may include both the separate offences and the combined offence. Example A. robs B. and so doing causes hurt to him: the act of robbery is an offence under sec. 392 I. P. Code; the hurt, by itself, comes under sec. 323; but the combined acts constitute the offence of "robbery with hurt" (sec. 394 I. P. C.). All these offences may be charged and tried at once.

It will be recollected that these are procedure sections as to

the mode of framing charges and holding trials, they do not interfere with the substantive law, as to whether accused is liable or not to a *separate penalty* for each element in the charge.

In cases of doubt there may be "alternative" charges (sec. 236).

It will occasionally be found that, in the course of evidence, the *legal nature* of the offence turns out to be different from that charged; this will not entitle the prisoner to be acquitted. Thus on a charge of theft, the facts may be substantiated, and yet it may show that the case was really one of "criminal misappropriation" or a "breach of trust;" the prisoner may be convicted of either, though "theft" alone was specified in the charge. And so, in general, if a person is charged with a major offence, and some of the requisite details are not proved, but those that are proved still constitute a minor offence, he may be convicted of the latter (sec. 238).

Sec. 239 explains where several persons, all concerned in one offence, or guilty of different offences in the *same transaction*, may be tried jointly.

In conclusion I will only mention that where an accused person has been previously convicted of an offence, and it is intended to bring this out at the trial, the fact, date and place of the previous conviction should be stated to the Magistrate (sec. 221).

The Code next goes to "Summons cases," but for convenience I will take first (Chap. XVI.) the regular trial before a Magistrate of "warrant cases." Practically the procedure is the same as that just described, only that on the charge being drawn up, instead of making an order of commitment to a higher court, the Magistrate proceeds with the trial himself. On the prosecution evidence being completed and the charge drawn up, the Magistrate reads out the charge and asks the prisoner to plead guilty or not guilty. If the prisoner says nothing or pleads not guilty, he is called on for his defence; and he may recall any of the prosecution witnesses, and cross-examine them anew. If he wants any other witnesses, the Magistrate is bound to issue process for them, except as provided in section 257.

If the prisoner is found guilty, he is "convicted" and

"sentenced;" if not, he is acquitted—not discharged; that term means set free because no case appears, *i.e.*, no charge is framed. All the provisions about the "charge" and other matters above noted, apply equally here.

In "Summons cases" (p. 154) the accused is ordinarily brought up on a summons, and no formal charge is required. On commencing the trial, the particulars of the offence complained of are merely stated, and the accused is asked if he has any cause to show why he should not be convicted. If he admits the case and shows no cause, he must be convicted accordingly (sec. 243). If not, the Magistrate proceeds to hear the complainant and his evidence, and also all the evidence which the accused produces.

The Magistrate *may* postpone the case in order to summon witnesses (not produced by the parties on either side).

Here again the final order is either "acquitted" or "found guilty." The Magistrate may convict according to the proof, whatever the complaint may have been, provided the offence proved is of the nature of a "summons" offence (*i.e.*, triable under this chapter).

As to what happens if the *complainant does not appear*, or wishes to *withdraw* the complaint, secs. 247—8 are explicit.

In a "summary trial" there are some points to be noticed.

1. The procedure is allowable in the class of petty cases specified in sec. 260,[1] whether those cases are, in their nature, of the "summons" class or of the "warrant" class.
2. A summary trial can only be held by a District Magistrate or by a first-class Magistrate specially empowered, or by certain benches of Magistrates.
3. No sentence of imprisonment exceeding three months can be passed (*i.e.*, substantive sentence; where a further term is added merely as an alternative in default of payment of fine, that may be additional).
4. In cases where there is *no appeal*—and there is none as we shall afterwards see (sec. 414) if the sentence is of three months' imprisonment only or fine only (not exceeding 200 rupees), or whipping only; there may be an appeal if there

[1] These include offences under the Forest Act if punishable with imprisonment not exceeding six months.

is any combination—*no formal charge* need be prepared and no evidence *recorded;* but entries are made in a book or tabular form, with columns showing briefly the particulars of the offence and the result and sentence, as given in sec. 263.

5. In cases where there *is an appeal,* the Magistrate (or bench) must record a "judgment embodying the substance of the evidence" and the particulars just mentioned (sec. 263); and this is the only record.

These provisions for summary trial, it will be observed, refer directly to the *form of record,* and greatly reduce the labour of writing down evidence, &c., at the trial; but as regards the actual *form of procedure,* the course of a 'warrant case' or a 'summons case' will be followed according as the case belongs, in its nature, to one or the other class; *e.g.,* in a petty theft (which in its nature is a warrant case), the prosecution evidence would be heard first, then the accused would be charged (orally, for no written charge-sheet is necessary), and then his defence would be taken. If, on the other hand, it were a petty case of "criminal force" (summons case), the complaint would be stated and the accused at once asked if he had any plea to make; and only if he denied the complaint, would evidence be taken.

It will be observed that I have said nothing about the actual trial (after commitment) in a High Court or Sessions Court.[1] I do not think it necessary. The trial is (or ought to be) always conducted by a Public Prosecutor or some duly appointed person; and there are special rules regarding juries (in cases tried by jury) and assessors in other cases. For all these details, Chap. XXIII. can be consulted.[2]

[1] All trials before the High Court are by jury of not less than nine. Those before the Sessions are with assessors (two or more), unless the Local Government (sec. 269) has issued a notification directing *all* (or *certain classes* of) offences to be tried with a jury; then the number of jurors may be fixed at not less than three or more than nine, according to the locality and the possibility of getting qualified jurors (*cfr.* p. 144, note).

Assessors do not give a verdict on the facts which is conclusive; they only state their opinion (sometimes a very intelligent and useful one); but the judge is not bound to concur, or follow it.

[2] This chapter contains all about juries, and the liability of persons to serve as jurors. Forest officers are not exempted from serving (sec. 320), unless exempted by the Local Government (in class K).

General Incidents of Trials and Enquiry.

We have not yet done with the question of procedure at trials, for there are several matters likely to come to notice in the course of trials, which require provision, and will be obvious directly they are stated. Then, too, nothing has yet been said about making a record of what is given in evidence; and information is also required about the form and contents of a criminal judgment; lastly, there is the execution of sentences (as well as cases of pardon or commutation of sentence); and the effect of acquittal or conviction; these matters call for a few remarks in completing our notice of Part VI. of the Code.

Concerning the incidental matters which constantly arise in connection with trials, Chap. XXIV. contains several rather important provisions. I can only just allude to them:—

(*a*) In certain grave cases it is advisable to get what is popularly called "Queen's evidence" by offering a pardon to some one more or less concerned in the offence, on condition of his making a full and true disclosure (sec. 337).

(*b*) Settling the right of accused persons to be defended by an advocate or pleader (sec. 340):

(*c*) What is to be done in the case of an accused person who, though not insane, cannot be made to understand the proceedings (sec. 341).

(*d*) The liability of an accused person to be examined: This obviously reasonable improvement has not yet been introduced into English law. I need only say that the examination (which is recorded in full (sec. 364) with all the questions put included) is voluntary, and not on oath or affirmation: but the Court or jury may draw any inference it thinks just, from a refusal to answer, or from obviously false answers: the examination is required (not as in France, to incriminate, but) solely for the purpose of enabling the accused to explain any circumstance appearing in the evidence against him (sec. 342).

(*e*) The general question of adjourning or postponing trials is dealt with in sec. 344.

(*f*) A series of provisions next deals with cases where the prosecutor or complainant wishes not to go on with a trial,

or (for some reason or other) wishes to condone the offence, on receiving satisfaction or otherwise. It is always possible in the lesser class of offences in which a complaint has been made, to withdraw it with the leave of the Magistrate (sec. 248); but in regular (warrant) cases of a grave character, the prosecution must go on, unless indeed the prosecutor desires otherwise *and* the offence is declared to be compoundable (which is settled by sec. 345).

(*g*) It sometimes happens that while a trial is going on, the evidence discloses such a bad case, or such a view of the nature of the offence, that the case ought to go before the Court of Sessions; secs. 346, 47, 48 provide for such cases.

(*h*) An analogous case is where a Magistrate is rightly trying the case, only it appears to him that the accused should get a larger punishment than his own class powers enable him to award; sec. 349 tells him what to do (p. 149).

The remaining matters in the chapter call for no special remark.

The Record of Evidence.

Those who are likely to be invested with powers which may entail the duty of recording evidence, will naturally study the whole Chap. XXV. All I need do now is to point out the general features of the scheme.

Observe that this chapter has nothing to do with the branch of adjective law called the Law of evidence. It does not determine what facts must be proved and what not; or what is admissible in evidence and what is not. This branch of law has been wholly excluded from our study. What we are here concerned with is the preservation, in writing, of the evidence obtained at trials, in a varying degree of fulness which is practically sufficient with reference to the importance of the case, and to its being appealable or not.

There are two main forms of record. One consists in the presiding Magistrate *himself* making a memorandum of the *substance* of the statement of each witness as the examination proceeds; this memo. is signed by the magistrate and kept on the record. This is sufficient in all "summons cases."[1] (In

[1] In any summons case (sec. 358) the Magistrate *may* take down the whole evidence. Sometimes it is important or very useful to do so.

cases tried summarily (p. 167) even this much is not needed; the Magistrate makes no written note at all; but if the case is appealable, he embodies a note of the substance of the evidence in his judgment.)

In warrant cases and enquiries previous to commitment, (which represent the full or formal procedure before the Magistrate) and in Sessions Cases, the evidence is recorded *in full*, (sec. 356) in the language of the Court, but in a narrative form and not in form of question and answer: (unless the presiding officer directs a particular question and answer to be noted). It is optional for the presiding officer to make this record with his own hand or not; unless (sec. 357) the Government has given directions on the subject. If the officer does not take the whole evidence down himself, he will make, in his own handwriting (and his own language), a memo. of the substance of the evidence as it proceeds, while his clerk records the depositions in full.

There are other details as to evidence given in the English language; as to reading over the deposition to the witness and so forth. One sec. (364) requires a special form of record for the examination of the accused person (p. 169), and this has to be carefully attended to.[1]

The Judgment.

As to the form and contents of a criminal judgment, it is sufficient to refer to Chap. XXVI., which should be read generally. The judgment of the Magistrate or other Court is to be delivered in open Court (sec. 366), and is to contain the points for determination and the decision thereon, as well as the reasons: it is to be dated and signed in Court when pronounced.[2] The chapter further gives directions as to the sentence, and as to certain other particulars.

Chap. XXVII. then deals with some special cases in which the Court's *sentence requires confirmation: e.g.* every sentence of death; and certain others, *e.g.* District Magistrates with special powers (p. 147) when the sentence is of a certain magnitude.

[1] When a Forest-officer has power to record evidence on the spot (before trial) as his record will be afterwards admissible at the trial, it is desirable that he should have the whole written down (in narrative form) by his clerk in the vernacular, and he should himself make a memo. in English of the substance as the deposition goes on. If an accused makes an important statement in the course of the enquiry, he should be brought before a Magistrate as sec. 164 provides.

[2] Judgments are written in English or in the language of the Court. If in English, a translation (sec. 372) is to be made when the accused requires it.