

signed report to the court giving particulars of all property which he has unsealed.

Art. 176.— *Making of inventory*

- (1) The court may, on the conditions laid down in Art. 171, order that an inventory of property, which is or may be the subject of proceedings in court, be made by such person (hereinafter referred to as the official recorder) as it thinks fit to appoint.
- (2) The official recorder shall, in the presence of not less than two independent witnesses, prepare an inventory of the property specified in the order of the court, containing:
 - (a) a reference to the order of the court; and
 - (b) an accurate description . of each article entered in the inventory and the estimated value thereof.
- (3) Where the court so orders, the estimation of value shall be made by an expert appointed under Art. 136 , whose report, dated and signed, shall be attached as an annex to the official recorder's report.
- (4) The report of the official recorder, dated and signed, shall be forwarded to the court and, after being registered by the registrar of the court in a special inventory register, shall form part of the record of the case.

PARAGRAPH 7. HABEAS CORPUS

Art. 177.— *Application for habeas corpus*

- (1) An application for habeas corpus may be made to the High Court by any person restrained otherwise than in pursuance of an order duly made under this Code or the Criminal Procedure Code.
- (2) The application shall be accompanied by an affidavit by the applicant stating the name of the person under whose custody he is, the nature and place of the restraint and the names of the persons, if any, **who can testify to the facts** alleged in the application.
- (3) **Where the person restrained is for whatever reason unable to make the application and/or affidavit himself, the same may be made by any person on his behalf and the affidavit shall then state**

the name of the person restrained and that he is unable to make the application and/or affidavit himself.

Art. 178. *Summons to appear*

- (1) On receiving an application under Art. 177, the High Court shall forthwith issue a summons directing the person under whose custody the restrained person is to appear before the High Court together with the latter person on such day as shall be fixed in the summons and to show cause why the person restrained should not be released.
- (2) Summonses shall also be issued for the appearance of such persons as may be able to testify to the facts alleged in the application.

Art. 179.— *Hearing of, and decision on, application*

- (1) On the day fixed in the summons issued under Art. 178, the court shall investigate the truth or otherwise of the facts alleged in the application and may make with regard to evidence such orders as it thinks fit.
- (2) Where the court is satisfied that the restraint is unlawful, it shall order the immediate release of the person restrained and the person under whose custody the person restrained is shall notwithstanding any other orders or instructions to the contrary, by any person or authority forthwith release that person.
- (3) Where the court is in doubt as to the truth or otherwise of the facts alleged in the application, it may order the release of the person restrained on his executing a bond, with or without sureties, that he will appear in any court on any future day on which his appearance may be required and comply with such other order as the court ordering release may think fit to make in the circumstances.

CHAPTER 6. JUDGMENTS AND DECREES

PARAGRAPH 1. GENERAL PROVISIONS

Art. 180.— *Judgment when pronounced*

After a suit has been heard, the court shall pronounce judgment in

Third Schedule

FORMS

Form 1. — *Bond*

(Under Art. 28)

I of being brought before the Police Station at under arrest to answer the charge of do hereby bind myself to attend at the Police Station at / in the Court of at on the day of next, and to continue so to attend until otherwise directed by the police/court; and, in case of my making default herein, I bind myself to forfeit to the Imperial Ethiopian Government the sum of Eth. dollars

Dated this day of 19

Signature

+ Delete whichever is inapplicable.

To be filled in only where Police consider sureties necessary.

I + (or we) do hereby declare myself (or ourselves) surety (or sureties) for the abovenamed of that he shall attend before the Police Station at in the Court of at on the day of next, to answer the charge on which he has been arrested, and that he shall continue so to attend until otherwise directed by the police / court; and, in case of his making default therein I + (or we) hereby bind myself (or ourselves, jointly and severally) to forfeit to the Imperial Ethiopian Government the sum of Eth. dollars

Dated this day of 19

+ Delete whichever is inapplicable.

Signature/s

Form II. — *Search Warrant*

(Under Art. 32)

To the Chief Police Officer of the Taklay Guezat of and other police officers (to be designated by name).

Whereas complaint has been made before me of the commission (or suspected commission) of the offence of and it has been made to appear to me that the production of the articles specified in the Schedule below is essential to the inquiry now being made (or about to be made) into the said offence (or suspected offence):

This is to authorise and require you within the space of days from the date hereof to search for the said articles specified in the Schedule below in the (describe the house or place, or part thereof, to which the search is to be confined), and, if found, to produce the same forthwith before the court; returning this warrant with an endorsement certifying what you have done under it, immediately upon its execution.

Given under my hand and the seal of the Court, this day of, 19

Signature

SCHEDULE

(exact description of the articles to be seized)

Form III. — *Report of police Investigation*
(Under Art. 37)

To the Public Prosecutor.

1. Ato'clock on the day of 19
I received information by from
that a had taken place atand
that persons were concerned or suspected of being concerned
therein, + and that the total amount of property concerned in the report
was E\$
2. I proceeded thereupon to take action as detailed in the enclosed investigation
diaries.
3. I ascertained the following facts:
4. I examined the following witnesses whose statements accompany this report:
5. The following documents accompany this report in addition to the statements
of the witnesses:

Investigation Diary No.

6. I am of opinion that the offence of
is disclosed and that the following persons were concerned therein:
 7. I have reason to believe that the following persons apart from those accused
persons not yet arrested can throw light upon the case but I have been unable
to examine them for the reasons here stated:
 8. The undermentioned articles have been secured or recovered and are to serve
as exhibits:
- + Delete where inapplicable.

Signature

Form IV. — *Closure of
Police Investigation File*
(Under Art. 39)

To the Investigating Police Officer
..... Police Station

Name of accused
Police investigation diary No.

This is to direct you to close this police investigation for the following reasons:—

- + (a) The accused has died.
- + (b) The accused is under 9 years of age.
- + (c) The accused cannot be prosecuted by reason of public international law + or other special laws (give details).

Signature
Public Prosecutor

+ Delete whichever is inapplicable.

Copy to:

- 1) The Advocate General.
- 2) The private complainant.

Form V. — *Form of refusal to
institute proceedings.*
(Under Art. 42)

I, A, (insert name of public prosecutor) of B (insert place where public prosecutor exercises jurisdiction) am unable to institute proceedings in the case of C (insert name of accused) for the following reasons:—

- + (a) I am of opinion that there is not sufficient evidence to justify a conviction (State reasons showing clearly that there is insufficient evidence).
- + (b) There is no possibility of finding the accused and the case is one which may not be tried in his absence. (State reasons why accused cannot be found and Article of Criminal Procedure Code which prohibits of his being tried in his absence).
- + (c) The prosecution is barred by limitation or the offence has been made the subject of a pardon or amnesty. (State date of offence and Article of Penal Code which shows that offence is barred by limitation or quote pardon or amnesty which covers accused).
- + (d) I am instructed not to institute proceedings in the public interest by the Minister by order under his hand. (Quote number and date of order signed by Minister of Justice).

Signature
Public Prosecutor

Copy to:

- 1) The Advocate General.
- 2) The investigating police officer.
- 3) The person entitled under Art. 47 Criminal Procedure Code to conduct a private prosecution.

Form VI. — Warrant of arrest
(Under Art. 65)

To the Chief police officer of the Taklay Guezat of
and all other police officers.

Whereas of
stands charged with the offence of
you are hereby directed to arrest the same and to produce him before this court
at

Dated this day of 19
Judge

This warrant may in the discretion of the court be endorsed as follows:

" If the said shall give bail in the sum of
Eth. dollars with one surety
in the sum of Eth. dollars. to attend before
the court on the day of next and
to continue so to attend until otherwise directed by the court he may
be released.

Dated this day of 19
Judge

Form VII. — Bail Bond.
(Under Art. 71)

I of being
brought before the Court of
under arrest to answer to a charge of
do hereby bind myself to attend in the Court of
at on the day of next, to
answer the said charge and to continue so to attend until otherwise directed
by the court; and, in case of my making default herein, I bind myself to forfeit
to the Imperial Ethiopian Government the sum of Eth. dollars

Dated this day of 19
Signature

To be filled in only where Court consider sureties necessary.

I + (or we) do hereby declare myself (or ourselves) surety (or sureties) for the abovenamed of that he shall attend before the Court of at on the day of next. to answer the charge on which he has been arrested, and shall continue so to attend until otherwise directed by the court; and, in case of his making default therein I (or we) hereby bind myself (or ourselves, jointly and severally) to forfeit to the Imperial Ethiopian Government the sum of Eth. dollars

Dated this day of 19

Signatures.

+ Delete whichever is inapplicable.

Form VIII. — *Witness Bond*

(Under Art. 90)

I of do hereby bind myself to attend at the Court of at on such date as I shall be summoned and there to give evidence in the matter of a charge of against one A. B.; and in case of my making default herein, I bind myself to forfeit to the Imperial Ethiopian Government the sum of Eth. dollars

Dated this day of 19

Signature

Form IX. — *Summons to appear for trial*

(Under Art. 123)

To the Public Prosecutor at

To the accused of (insert name) (insert address)

Whereas the day of has been fixed for the trial of (insert name of accused)

on a charge of at the Court of, this is to require you to be present at o'clock on the day abovementioned.

(Where the accused is in custody complete the following)

+ And this further requires you, the Superintendent of Prisons at (insert name of prison) to produce the abovementioned accused at the beforementioned date place and time.

Registrar of court.

+ If the accused is not in custody delete.

Form X. — *Witness Summons*
(Under Art. 124)

Criminal case No.....
P. P. versus
(insert name of accused)

To

This is to command you to appear before this Court on the
day of at o'clock
to give evidence on behalf of the prosecution/ accused, herein.

In the event of your failing to appear you will be liable to arrest.

Dated this day of 19

Registrar of court.

+ Delete whichever is inapplicable.

Form XI. — *Bench Warrant*
(Under Art. 125)

+ Whereas an accused
person having been duly summoned and served has failed to appear in answer
to the summons;

+ Whereas a witness
having been duly summoned and served has failed to appear in answer to the
summons,

you are directed to arrest
(insert name of police officer)

and to produce him before this court without delay.

Judge

+ Delete whichever is inapplicable.

Form XII. — *Appeal hearing Notice*
(Under Art. 192)

Criminal Appeal No.....

..... Appellant

(insert name)

..... Respondent

(insert name)

This is to require you Appellant/ Respondent

(insert name)

to attend the hearing of the abovementioned appeal at Court of on the day of at o'clock.

+ Should the appellent or his advocate fail to appear the appeal may be dismissed.

+ Should the respondent or his advocate fail to appear the hearing of the appeal may be proceeded with.

Registrar Court of Appeal.

+ Delete whichever is inapplicable.

Form XIII. — *Warrant of commitment after sentence of death*
(Under Art. 204)

To the Superintendent of Prisons at

Whereas has been

(insert name of accused)

convicted of

(insert offence of which he has been convicted)

has been sentenced to death, this is to authorise and require you to receive the said in your custody and to detain him

(insert name of convicted person)

until the pleasure of His Imperial Majesty be made known to you.

Dated this day of 19

Presiding judge.

Form XIV. — *Warrant of Commitment after sentence of police arrest +/simple imprisonment+/rigorous imprisonment +/internment+/
(Under Art. 205).*

Criminal Case No.

Name of prisoner

To the Superintendent of Prisons/Superintendent of Police

The abovenamed prisoner was convicted by this Court of and sentenced to

This is to order you to carry out the said sentence of police arrest/ simple imprisonment/rigorous imprisonment/internment according to law.

Dated this day of 19

Presiding judge.

+ Delete whichever is inapplicable.

Form XV. — *Warrant of commitment*
in respect of irresponsible person
(Under Art. 208).

Whereas was found not fully
(insert name of accused person)
responsible for his acts, this is to authorise and require you the Superintendent
of to receive the said person into
(insert name of institution)
custody and to give him treatment
(specify the rates of the treatment)
Presiding judge.

Form XVI. — *Warrant in respect of flogging*
(Under Art. 207) Criminal case No.

To the Superintendent of Prisons
Whereas was convicted by this
(insert name of convicted person)
Court of and sentenced to flogging,
This is to order you to carry out the said sentence according to law.
The convicted person shall receive
(insert number of lashes to be inflicted)
to be inflicted with
(specify instrument to be used)
The sentence shall be carried out by
(specify person who will inflict the flogging)
at
(specify place where flogging will be inflicted)
on
(specify date when flogging will be inflicted)
Dated this day of 19
Presiding judge.
