

APPENDIX 1

KUALA LUMPUR SUBORDINATE COURTS (WORKLOAD).a) Total Number of Arrest Cases.

Court.	1970	1971	1972	1973	1974
Special Sessions Court.	714	32	28	39	64
Sessions Court.	-	201	440	513	515
Magistrates' Court.	305	521	1418	1547	1532
Total.	1019	754	1886	2099	2111
Summons Cases.	15255	12890	9285	9435	8949
Grand Total.	16274	13644	11171	11584	11060

b) Total Number of Property Offences Registered.

Court.	1970	1971	1972	1973	1974
Special Sessions Court.	200	10	4	2	2
Sessions Court.	-	-	140	151	222
Magistrates' Court.	190	435	466	610	620
Total.	390	445	610	763	844

c) Total Samples Taken (Property Offences), Excluding Transfers, Discharge Not amounting to Convittal, Acquitted and Discharged, Discharges.

Court.	1970	1971	1972	1973	1974
Special Sessions Court.	86	5	2	-	-
Sessions Court.	-	-	57	79	72
Magistrates' Court.	67	161	119	198	297
Total.	153	166	178	277	369

TRAFIC SUBORDINAL OFFENSES (DOMESTIC).

a) Total Number of Arrest Cases.

Court.	1970	1971	1972	1973	1974
Sessions Court.	58	49	55	56	60
Magistrates' Court.	362	320	291	325	389
Total.	420	377	346	381	449

b) Total Number of Property Offences Registered.

Court.	1970	1971	1972	1973	1974
Sessions Court.	13	18	8	5	7
Magistrates' Court.	140	91	96	96	125
Total.	153	109	104	101	132

**c) Total Number of Samples Taken (Property Offences),
Excluding Discharge Not Amounting to Acquittal, Transfers,
Acquitted and Discharged, Discharges.**

Court.	1970	1971	1972	1973	1974
Sessions Court.	9	13	6	2	3
Magistrates' Court.	113	77	79	80	80
Total.	122	90	85	82	83

KOTA BHARU SUBORDINATE COURTS (WORKLOAD).

a) Total Number of Arrest Cases.

Court.	1970	1971	1972	1973	1974
Sessions Court.	34	34	52	50	73
Magistrates' Court.	227	186	194	231	221
Total.	261	220	246	281	294

b) Total Number of Property Offences Registered.

Court.	1970	1971	1972	1973	1974
Sessions Court.	7	6	14	10	19
Magistrates' Court.	77	76	104	87	90
Total.	84	82	118	97	109

c) Total Number of Samples Taken (Property Offences),
Excluding Discharge Not Amounting to Acquittal, Transfers,
Acquitted and Discharged, Discharges.

Court.	1970	1971	1972	1973	1974
Sessions Court.	4	3	11	-	-
Magistrates' Court.	56	58	78	57	49
Total.	60	61	89	57	49

APPENDIX 2

Breakdown of the Kuala Lumpur Subordinate Courts.Two Special Sessions Courts.

Court 1a - dealing with all kinds of criminal cases.

Court 1b - dealing with all kinds of criminal cases.

Two Sessions Court.

Court 2a - offences involving drugs.

Court 2b - offences against property and preliminary inquiries.

Five Magistrate Courts.

Court 3 - offences against property.

Court 4 - offences against property especially theft cases.

Court 5 - tax cases, Employees' Provident Fund cases etc.

Court 6 - traffic cases.

Court 7 - minor offences.

Note.

The writer looked into arrest cases only. These were found in Courts 1a and 1b, 2a and 2b, 3, 4, and 7. Courts 5 and 6 were excluded as they dealt mainly with summons cases. Property offences were found in Courts 1a and 1b, 2b, 3 and 4.

APPENDIX 3

Form for the Recording of Data on the Offenders.

Court: Name:

Age: Sex:

Race: Case Ref.No.:

Offence:

Gravity of Offence (sum involved):

Legal Representation:.....

Sentence:

Mitigation:

Previous Convictions:

Plea:

Others: *.....

* This includes Probation Officer's Reports, what the Prosecuting Officer suggests, notes of Magistrates, grounds of judgement, prevailing situation of community at that time.

APPENDIX 4

Interview Questionnaire for Magistrates.

1. Do you believe in making an example of an offender if the need arises, e.g. if a crime is rampant?
2. When ordering a fine do you use it as a means to enhance the sentence, i.e. by making the fine so large that it is probable that the offender cannot pay and will have to serve the sentence in default?
3. What weight do you give to the means of subsistence of the offender, and the fact that he is the sole breadwinner?
4. What are your views as regards first and young offenders?
5. Do you ever order police supervision in the case of juveniles?
6. How effective is police supervision?
7. How do you view the fact that police supervision may be put to abuse? Are you aware of such possibilities?
8. Are you aware of the rehabilitative measures that we have in Malaysia?
9. Do you think lay magistrates affect the quality of sentences passed?
10. Do you think counsel's role is important in mitigation?
11. What weight do you give to community factors?
12. How consistent is the sentencing process in Malaysia?
13. Reforms: What are your views on the writing out of reasoned decisions?

SUBORDINATE COURTS ACT (1948).

Fourth Schedule, s.77 (1).

Ex Officio First Class Magistrates. (For All States)

Deputy Chief Secretaries.

Principal Assistant Secretary to Chief Secretaries.

Chief Registrar of the Federal Court.

Deputy Registrars (in West Malaysia) of the Federal Court.

Senior Assistant Registrars (in West Malaysia) of the Federal Court.

Assistant Registrars (in West Malaysia) of the Federal Court.

Registrar of the High Court in Malaya.

Deputy Registrars of the High Court in Malaya.

Senior Assistant Registrars of the High Court in Malaya.

Assistant Registrars of the High Court in Malaya.

Presidents of Sessions Courts.

(For Their Respective States)

State Secretaries.

Under Secretaries.

First Assistant Secretaries to State Secretaries.

State Directors of Lands and Mines.

District Officers.

District Administrative Officers.

Assistant District Officers in charge of Sub-Districts.

APPENDIX 6

PERCENTAGE BREAKDOWN OF CUSTODIAL RATES, KUALA LUMPUR,
TAIPING AND KOTA BHARU (PROPERTY OFFENCES), 1970-1974.

a) Kuala Lumpur.

Year.	Imp.	Imp., Fine	Imp., P.S.	Imp., Fine, P.S.	Imp., Whip.	Imp., Whip., P.S.	Imp., Fine, Whip.	Imp., Fine, Whip., P.S.
1970	70.7 (70)	5.05 (5)	22.2 (22)	- -	2.02 (2)	- -	- -	- -
1971	46.5 (40)	4.65 (4)	48.3 (42)	- -	- -	- -	- -	- -
1972	47.9 (46)	19.8 (19)	19.8 (19)	2.08 (2)	7.29 (7)	2.08 (2)	1.04 (1)	- -
1973	57.9 (88)	15.1 (23)	7.89 (12)	2.63 (4)	12.5 (19)	0.66 (1)	2.63 (4)	0.66 (1)
1974	41.0 (91)	35.6 (79)	8.56 (19)	1.35 (3)	6.30 (14)	- -	7.21 (16)	- -

Note:

Figures are given in percentages (%). Figures in brackets () represent the actual number involved. The total percentages in a year do not always add up to one hundred per cent (100%) because they have been brought to the nearest decimal place.

Imp. - Imprisonment.

P.S. - Police Supervision.

Whip.- Whipping.

b) Taiping.

Year.	Imp.	Imp., Fine.	Imp., P.S.	Imp., Fine, P.S.	Imp., Whip.	Imp., Whip., P.S.
1970	69.7 (62)	1.12 (1)	26.9 (24)	1.12 (1)	1.12 (1)	- -
1971	65.9 (29)	2.27 (1)	31.8 (14)	- -	- -	- -
1972	35.1 (13)	13.5 (5)	45.9 (17)	- -	2.70 (1)	2.70 (1)
1973	58.1 (18)	12.9 (4)	29.0 (9)	- -	- -	- -
1974	62.1 (18)	17.2 (5)	20.7 (6)	- -	- -	- -

c) Kota Bharu.

Year.	Imp.	Imp., Fine.	Imp., P.S.	Imp., Fine, P.S.	Imp., Whip., P.S.
1970	70.0 (21)	10.0 (3)	10.0 (3)	10.0 (3)	- -
1971	78.3 (18)	4.35 (1)	8.69 (2)	4.35 (1)	4.35 (1)
1972	56.4 (22)	20.5 (8)	23.1 (9)	- -	- -
1973	36.7 (11)	26.7 (8)	20.0 (6)	16.7 (5)	- -
1974	77.3 (17)	9.09 (2)	- -	13.6 (3)	- -

APPENDIX 7

PERCENTAGE BREAKDOWN OF NON-CUSTODIAL SENTENCES,
KUALA LUMPUR, TAIPING AND KOTA BHARU (PROPERTY OFFENCES),
1970-1974.

a) Kuala Lumpur.

Year.	Fine.	Fine, P.S.	C/D s.173A	B/O s.294	B/O, JCA.	Adm.& Disch.	App., Sch.
1970	19.4 (14)	- -	22.2 (16)	34.7 (25)	- -	- -	23.6 (17)
1971	21.7 (18)	1.21 (1)	39.8 (33)	32.5 (27)	- -	1.21 (1)	2.41 (2)
1972	17.4 (15)	- -	37.2 (32)	38.4 (33)	1.16 (1)	1.16 (1)	4.65 (4)
1973	31.5 (41)	- -	27.7 (36)	34.6 (45)	- -	1.54 (2)	4.62 (6)
1974	28.4 (46)	- -	36.4 (59)	30.9 (50)	0.62 (1)	3.70 (6)	- -

Note:

Figures are given in percentage (%). Figures in brackets () represent the number of persons involved. The total percentages in a year may not add up to one hundred per cent (100%) as the figures are brought to the nearest decimal place.

P.S. - Police Supervision.

C/D s.173A - Conditional Discharge, s.173A of the Criminal Procedure Code.

B/O s.294 - Binding Over, s.294 of the Criminal Procedure Code.

B/O, JCA. - Binding Over, s.12 Juvenile Courts Act (1947).

Adm.& Disch.-Admonished and Discharged (Absolute Discharge).

App. Sch. - Approved Schools.

Prob. - Probation.

b) Taiping.

Year.	Fine	Fine, P.S.	E/O s.173A	B/O s.294	B/O JCA.	Adm.& Disch.	App. Sch.	Prob.
1970	32.7 (16)	-	34.7 (17)	22.5 (11)	6.12 (3)	2.04 (1)	2.04 (1)	-
1971	25.9 (15)	-	29.3 (17)	34.5 (20)	1.72 (1)	1.72 (1)	6.90 (4)	-
1972	25.0 (15)	-	18.3 (11)	43.3 (26)	-	-	-	13.3 (8)
1973	22.2 (14)	1.59 (1)	15.9 (10)	53.9 (34)	-	-	4.76 (3)	3.18 (2)
1974	27.4 (17)	-	19.3 (12)	46.8 (29)	1.61 (1)	3.23 (2)	1.61 (1)	-

c) Kota Bharu.

Year.	Fine	Fine P.S.	B/O s.173A	B/O s.294	B/O JCA.	Adm.& Disch.	App. Sch.	Prob.
1970	42.1 (16)	-	26.3 (10)	31.6 (12)	-	-	-	-
1971	41.7 (20)	-	6.25 (3)	10.4 (5)	14.6 (7)	6.25 (3)	12.5 (6)	8.33 (4)
1972	26.8 (15)	-	35.7 (20)	-	33.9 (19)	1.79 (1)	1.79 (1)	-
1973	18.5 (5)	7.41 (2)	29.6 (8)	37.0 (10)	3.70 (1)	-	3.70 (1)	-
1974	53.3 (16)	3.33 (1)	23.3 (7)	20.0 (6)	-	-	-	-

APPENDIX 8

Section 283 (1)(c), Criminal Procedure Code.

the period for which the Court directs the offender to be imprisoned in default of payment of fine shall not exceed the following scale -

(1) if the offence is punishable with imprisonment:

Where the maximum term
of imprisonment -

does not exceed six
months... ..

exceeds six months
but does not exceed
two years... ..

exceeds two years..

The period shall not
exceed -

the maximum term of
imprisonment.

six months.

one quarter of the
maximum term of
imprisonment.

(2) if the offence is not punishable with imprisonment:

Where the fine -

does not exceed
twenty-five dollars.

exceeds twenty-five
dollars but does not
exceed fifty dollars.

exceeds fifty dollars.

The period shall not exceed -

two months.

four months.

six months.

APPENDIX 9

NUMBER OF PERSONS WITH MITIGATION OF SOME FORMS AS AGAINST
THE TOTAL NUMBER INVOLVED, KUALA LUMPUR, TAIPING AND
KOTA BHARU (PROPERTY OFFENCES), 1970-1974.

Year.	Number with Mitigation. -A			Total Number Involved.- B			Percentage of A / B.		
	K.L.	Tpg.	K.B.	K.L.	Tpg.	K.B.	K.L.	Tpg.	K.B.
1970	101	37	n.a.	171	138	n.a.	59.1	26.8	n.a.
1971	106	55	26	169	102	71	62.7	53.9	36.6
1972	122	40	40	189	97	95	67.0	41.2	43.5
1973	178	22	25	282	94	57	63.1	23.4	43.9
1974	226	16	17	384	91	52	58.9	17.6	32.7

Note:

K.L. - Kuala Lumpur.

Tpg. - Taiping.

K.B. - Kota Bharu.

n.a. - not available.

APPENDIX 10

PLEAS RECORDED IN THE SUBORDINATE COURTS OF KUALA LUMPUR,
TAIPING AND KOTA BHARU (PROPERTY OFFENCES), 1970-1974.

Year.	Number who Claimed Trial.			Number who Pleaded Guilty.			Number Unrecorded.		
	K.L.	Tpg.	K.B.	K.L.	Tpg.	K.B.	K.L.	Tpg.	K.B.
1970	33	29	n.a.	39	86	n.a.	99	23	n.a.
1971	46	13	15	50	75	2	73	14	54
1972	36	14	20	19	67	36	127	16	39
1973	53	15	14	27	62	24	202	17	19
1974	64	8	4	136	75	20	184	8	28

Note:

- K.L. - Kuala Lumpur.
- Tpg. - Taiping.
- K.B. - Kota Bharu.
- n.a. - not available.