THE CODE OF CRIMINAL PROCEDURE, 1898

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OF IRREGULAR PROCEEDINGS

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530. Irregularities which vitiate proceedings

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534. [*Omitted*]

535. Effect of omission to prepare charge

536. [*Omitted*]

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Removal to criminal jail of accused or convicted persons who are in confinement in civil jail, and their return to the civil jail

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543. Interpreter to be bound to interpret truthfully

544. Expenses of complainants and witnesses

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545. Power of Court to pay expenses or compensation out of fine

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550. Powers to police to seize property suspected to be stolen

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551. Powers of superior officers of police

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553. [*Repealed*]

554. Power of High Courts to make rules for inspection of records of subordinate Courts
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555. Forms

556. Case in which Judge or Magistrate is personally interested

557. Practising pleader not to sit as Magistrate in certain Courts

558. Power to decide language of Courts

559. Provision for powers of Judges and Magistrates being exercised by their successors in office

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562. Power of Court to release certain convicted offenders on probation of good conduct instead of sentencing to punishment
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SCHEDULE II.–– TABULAR STATEMENT OF OFFENCES

SCHEDULE III.— ORDINARY POWERS OF PROVINCIAL MAGISTRATES

SCHEDULE IV.— ADDITIONAL POWERS WITH WHICH MAGISTRATES MAY BE INVESTED

SCHEDULE V.— FORMS

THE PAKISTAN CODE

THE CODE OF CRIMINAL PROCEDURE, 1898

[1]ACT NO. V OF 1898

[22nd March, 1898]

An Act to consolidate and amend the law relating to the Criminal Procedure.

WHEREAS it is expedient to consolidate and amend the law relating to Criminal Procedure; It is hereby enacted as follows:—

PART I

PRELIMINARY

CHAPTER I

1. Short title. commencement.— (1) This Act may be called the Code of Criminal Procedure, 1898 ; and it shall come into force on the first day of July, 1898.

(2) **Extent.** It extends to [2][the whole of Pakistan] ; but, in the absence of any specific provision to the contrary, nothing herein contained shall affect any special or local law now in force, or any special jurisdiction or power conferred, or any special form of procedure prescribed, by any other law for the time being in force, [3][* * *].

[3][* * * * * * *]

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[1]For Statement of Objects and Reasons, *see* Gazette of India, 1897, Pt. V, p. 363 ; for Report of the Select Committee, *see ibid*., 1898, Pt. V, p.19; and for Proceedings in Council, *see ibid*., 1897, Pt. VI, pp. 238 and 254; and ibid., 1898, pp. 22, 101 and 175.

It has been declared to be in force in—

Baluchistan, by the British Baluchistan Laws Regulation, 1913 (2 of 1913), s.3 and Sch. I.

It has been extended to the Leased Areas of Baluchistan, *see* the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950) ; and applied in the Federated Areas of Baluchistan, *see* Gazette of India, 1937, Pt. I. p. 1499.

It has also been extended to the Excluded Area of Upper Tanawal other than Phulera by the N.-W.F.P (Upper Tanawal) (Excluded Area) Laws Regulation, 1950, and declared to be in force in that area with effect from 1st June, 1951, *see* N.-W.F.P. Gazette, Extraordinary, dated 1st June, 1951.

It has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.-W.F.P., subject to certain modifications, *see* N.-W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

Extended to the added area of the North-West Frontier Province (*see* First Schedule to (G.G.O. 1 of 1952), with effect from the 7th February, 1952. *see* N.W.F.P. Gazette, 1952, Pt. I, p. 70.

It has also been extended to the added areas mentioned in First Schedule of G.G.O. 13 of 1955, *see* Gazette of West Pakistan, 1957, Ext., p. 555.

As to its application in certain districts on the Sindh Frontier, *see* the Sindh Frontier Regulation, 1872 (5 of 1872), s. 11, and the Sindh Frontier Regulation, 1892 (3 of 1892).

It has been amended in its application to—

(i) the Punjab, by the Punjab Criminal Procedure (Election Offences) Amendment Act, 1936 (Punjab Act 1 of 1936) and the Code of Criminal Procedure (Punjab Amdt.) Act, 1940 (Punjab Act 11 of 1940), Punjab Ordinance 9 of 1971, and the Punjab Ordinance 10 of 1972. ;

The Code of Criminal Procedure, 1898 (Act V of 1898) has been amended by the Law Reforms Ordinance, 1972, (XII of 1972). The date of enforcement of the provisions of the Law Reforms Ordinance, 1972 except those relating to separation of Judiciary in the different Provinces are as follows:—

1.	In the Punjab	26-12-1975
2.	In N.W.F.P. (Except Tribal Areas)	26-12-1975
3.	In Sind	24-12-1975
4.	In Quetta Town, Cantonment Areas and Nasirabad Distt.of Baluchistan.	23-12-1975

(ii) N.-W.F.P., by the Criminal Procedure (Election Offences) (N.-W.F.P. Amdt). Act, 1937 (N.-W.F.P. Act 10 of 1937), the Code of Criminal Procedure (N.-W.F.P Amdt.) Act, 1940 (N.-W.F.P. Act 8 of 1940) ;

(iii) The Province of West Pakistan by West Pakistan Act No. 11 of 1963, s.2 (*with effect from the 12th July, 1963*) West Pakistan Act No. XVII of 1964, s.2 (*with effect from the 1st April, 1964*) the West Pakistan Act VIII of 1968, and West Pakistan Ordinance XXXIII of 1969; and

(iv) The Provisions of the Law Reforms Ordinance, 1972 (XII of 1972), relating to amendments in the Code of Criminal Procedure, 1898 (V of 1898), enforced *w.e.f.* 26-12-75 in Punjab and N.-W.F.P. (except Tribal Areas), w.e.f. 24-12-75 in sind *w.e.f.* 23-12-75 in Quetta Town Cantonment Area and Nasirabad District of Baluchistan.

[2]Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (XXI of 1960), s. 3 and 2nd Sch., for "all the Provinces and the Capital of the Federation", which had been subs. by A.O., 1949, Arts. 3(2) and 4, for "the whole of British India".

[3]The words "or shall apply to", the original clauses (a), (b) and (c), and the proviso following as amended by the Devolution Act, 1920 (XXXVIII of 1920), s.2 and Sch. I, and A.O., 1937, omitted by A.O., 1949, Sch.

2. [*Repeal of enactments, notifications, etc., under repealed Acts. Pending cases.*] *Rep. by the Repealing and Amending Act, 1914 (X of 1914).*

3. References to Code of Criminal Procedure and other repealed enactments.— (1) In every enactment passed before this Code comes into force, in which reference is made to, or to any chapter or section of, the Code of Criminal Procedure, Act XXV of 1861 or Act X of 1872, or Act X of 1882, or to any other enactment hereby repealed, such reference shall, so far as may be practicable, be taken to be made to this Code or to its corresponding Chapter or section.

(2) **Expressions in former Acts.** In every enactment passed before this Code comes into force the expressions "Officer exercising (or 'having') the powers (or 'the full powers') of a Magistrate," "Subordinate Magistrate, first class," and "Subordinate Magistrate, second class," shall respectively be deemed to mean "Magistrate of the first class," "Magistrate of the second class" and "Magistrate of the third class" [1][* * * * * * *] [2][* * *] and the expression "Joint Sessions Judge" shall mean "Additional Sessions Judge".

4. Definitions.— (1) In this Code the following words and expressions have the following meanings, unless a different intention appears from the subject or content:—

(a) **"Advocate General."** "Advocate General" includes also a Government Advocate, or, where there is no Advocate General or Government Advocate, such officer as the [3][Provincial Government] may, from time to time, appoint in this behalf:

(b) **"Bailable offence." "Non-bailable offence."** "bailable offence" means an offence shown as bailable in the second schedule, or which is made bailable by any other law for the time being in force; and "non-bailable offence" means any other offence:

(c) **"Charge."** "charge" includes any head of charge when the charge contains more heads than one:

(d) [4][* * * * * * *]

(e) [5][* * * * * * *]

(f) **"Cognizable offence." "Cognizable case."** "cognizable offence" means an offence for, and "cognizable case" means a case in, which a police-officer, [6][* * *], may, in accordance with the second schedule, or under any law for the time being in force, arrest without warrant:

(g) [7][* * * * * * *]

(h) **"Complaint."** "Complaint" means the allegation made orally or in writing to a Magistrate, with a view to his taking action under this Code, that some person whether known or unknown, has committed an offence, but it does not include the report of a police-officer:

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[1]Omitted by Ord. No. XXXVII of 2001, s.2. This Ord. came into force on 14-08-2001 except in ICT in light of Ord. XLV of 2001. All other amendments of Ord. XXXVI of 2001 shall be read accordingly.

[2]The words and quotations 'the expression "Magistrate of Police" shall be deemed to mean "Presidency Magistrate,", omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Sch.

[3]Subs. by A.O., 1937, for "L.G.".

[4]Clause (*d*) rep. by the Repealing and Amending Act, 1923 (XI of 1923), s.3 and Sch. II.

[5]Clause (*e*) omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.,
Enforced in Punjab, *w.e.f.* 26-12-75, *see*, Punjab Govt. Notifin. No. Judl. 1-3 (2)/75, dated 26-12-75, Ext., P.1419.
Enforced in N.-W.F.P. *w.e.f.* 26-12-75, *see*, the N.-W.F.P. Govt. Notifin. No. S.O. Judl. Misc. (HD)/75, dated 30-12-75, Ext., P.484a.
Enforced in Sind, *w.e.f.* 23-12-75, *see*, Sind Govt. Notifin. No. S. Legis-4 (8)/75, dated 23-12-75, Ext. p. 1327-A.
Enforced in Baluchistan, *w.e.f.* 23-12-75, *see*, Baluchistan Govt. Notifin. No. Legis-3/15/Law/75, dated 23-12-75, Ext., Issue No. 70.

[6]The words "within or without the presidency-towns" omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Sch.

[7]Clause (g) defining "Commissioner of Police" omitted, *ibid*.

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(i) [1][* * * * * * *]

[2][*(j)* **"High Court."** means the highest Court of criminal appeal or revision for a province [3][and the Islamabad Capital Territory]:]

(k) **"Inquiry."** "inquiry" includes every inquiry other than a trial conducted under this Code by a Magistrate or Court:

(l) **"Investigation."** "investigation" includes all the proceedings under this Code for the collection of evidence conducted by a police-officer or by any person (other than a Magistrate) who is authorised by a Magistrate in this behalf :

(m) **"Judicial proceeding."** "judicial proceeding" includes any proceeding in the course of which evidence is or may be legally taken on oath:

[4][*(ma)* **"Magistrate"** means a Judicial Magistrate and includes a Special Judicial Magistrate appointed under sections 12 and 14;]

(n) **"Non-cognizable offence." "Non-cognizable case."** "non-cognizable offence" means an offence for, and "non-cognizable case" means a case in, which a police-officer, [5][* * *], may not arrest without warrant:

(o) **"Offence."** "offence" means any act or omission made punishable by any law for the time being in force;
it also includes any act in respect of which a complaint may be made under section 20 of the Cattle-trespass Act, 1871 (I of 1871):

(p) **"Officer incharge of a police-station."** "officer incharge of a police-station" includes, when the officer incharge of the police-station is absent from the station-house or unable from illness or other cause to perform his duties, the police-officer present at the station-house who is next in rank to such officer and is above the rank of constable or, when the [6][Provincial Government] so directs, any other police-officer so present:

(q) **"Place."** "place" includes also a house, building, tent and vessel:

(r) **"Pleader."** "pleader," used with reference to any proceeding in any Court, means a pleader [7][or a mukhtar] authorised under any law[8] for the time being in force to practise in such Court, and includes (1) an advocate, a vakil and an attorney of a High Court so authorised, and (2) any [9][* *] other person appointed with the permission of the court to act in such proceeding:

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[1]Clause (i) defining "European British subject" which was subs. by the Criminal Law Amendment Act, 1923 (XII of 1923), s.2. (1), for the original clause (i) has been omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (II of 1950), s. 2 and Sch.

[2]Subs. by A.O., 1964, Art. 2 and Sch. for Clause (j) which had been subs. by Act 2 of 1950, Sch., for the original clause, as amended from time to time.

[3]Added by the Islamabad High Court Act, 2010 (XVII of 2010), s. 14.

[4]Ins. by ord. XXXVII of 2001, s. 3.

[5]The words "within or without a presidency-town" omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Sch.

[6]Subs. by A.O., 1937, for "L.G.".

[7]Ins. by the Code of Criminal Procedure (Further Amendment) Act, 1923 (XXXV of 1923), s.2.

[8]*See* the Legal Practitioners Act, 1846 (I of 1846); the Legal Practitioners Act, 1853 (XX of 1853); the Legal Practitioners Act, 1879 (XVIII of 1879); the Legal Practitioners Act, 1884 (IX of 1884); the Legal Practitioners (Amendment) Act, 1908 (I of 1908) ; and Act XXXV of 1973.
In Baluchistan, *see* s. 20 (1) (c) of the Sch. to the British Baluchistan Criminal Justice Regulation, 1896 (VIII of 1896); in the N.-W.F.P., *see* s.9 of the N.-W.F.P. Law and Justice Regulation , 1901 (VII of 1901) and the rules issued under that section in Gazette of India, 1902, Pt. II, p.5.

[9]The words "Mukhtar or" rep. by the Code of Criminal Procedure (Further Amendment) Act, 1923 (XXXV of 1923), s.2.

(s) **"Police-station."** "police-station" means any post or place declared, generally or specially, by the [1][Provincial Government] to be a police-station, and includes any local area specified by the [1][Provincial Government] in this behalf:

(t) **"Public Prosecutor."** "Public Prosecutor" means any person appointed under section 492, and includes any person acting under the directions of a Public Prosecutor and any person conducting a prosecution on behalf of [2][the State] in any High Court in the exercise of its original criminal jurisdiction:

(u) **"Sub-division."** "sub-division" means a sub-division of a district:

(v) [3][* * * * * * *]

(w) [3][* * * * * * *]

(2) **Words referring to acts.** Words which refer to acts done, extend also to illegal omissions; and

Words to have same meaning as in Pakistan Penal Code. All words and expressions used herein and defined in the Pakistan Penal Code (XLV of 1860), and not hereinbefore defined, shall be deemed to have the meanings respectively attributed to them by that Code.

5. Trial of offences under Penal Code.— (1) All offences under the Pakistan Penal Code (XLV of 1860) shall be investigated, inquired into, tried, and otherwise dealt with according to the provisions hereinafter contained.

(2) **Trial of offences against other laws**. All offences under any other law shall be investigated, inquired into, tried, and otherwise dealt with according to the same provisions, but subject to any enactment for the time being in force regulating the manner or place of investigating, inquiring into, trying or otherwise dealing with such offences.

PART II

CONSTITUTION AND POWERS OF CRIMINAL COURTS AND OFFICES

THE PAKISTAN CODE

CHAPTER II

OF THE CONSTITUTION OF CRIMINAL COURTS AND OFFICES

A.— Classes of Criminal Courts

[4][**6. Classes of Criminal Courts and Magistrates.**— (1) Besides the High Court and the Courts constituted under any law other than this Code for the time being in force, there shall be two classes of Criminal Courts in Pakistan, namely:—

I. Courts of Session;
II. Courts of Magistrates.

[1] Subs. by A.O., 1937, for "L.G.".
[2] Subs. by the Central Laws (Adaptation) Order, 1961 (P. O. No. 1 of 1961), Art. 2 and Sch., for "Her Majesty" (*with effect from the 23rd March, 1956*).
[3] Clauses (v) and (w), omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[4] Subs. by the Legal Reforms Act, 1997 (XXIII of 1997), s. 3.

[1][(2) There shall be the following classes of Magistrate, namely:—

(i) Magistrate of the first class;

(ii) Magistrate of the second class; and

(iii) Magistrate of the third class.]]

B.— Territorial Divisions

7. Sessions divisions and districts.— (1) [2][Each Province [3][***]] shall consist of sessions divisions: and every sessions division shall, for the purposes of this Code, be a district or consist of districts.

(2) **Power to alter divisions and districts.** The [4][Provincial Government] may alter[5] the limits, or, [6][* * *], the number, of such divisions and districts.

(3) **Existing divisions and districts maintained till altered**. The sessions divisions and districts existing when this Code comes into force shall be sessions divisions and districts respectively, unless and until they are so altered.

(4) [7][* * * * * * *]

8. Power to divide districts into sub-divisions.— (1) The [4][Provincial Government] may divide[8] any district [9][* * *] into sub-divisions, or make any portion of any such district a sub-division, and may alter the limits of any sub-division.

(2) [10][* * * * * * *]

C.— Courts and Offices [9][* * *]

9. Court of Session.— (1) The [4][Provincial Government] shall establish a Court of Session for every sessions division, and appoint a judge of such Court.

(2) The [4][Provincial Government] may, by general or special order in the official Gazette, direct at what place or places the Court of Session shall hold its sitting; but, until such order is made, the Courts of Session shall hold their sittings as heretofore.

(3) The [4][Provincial Government] may also appoint Additional Sessions Judges, and Assistant Sessions Judges to exercise jurisdiction in one or more such Courts.

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[1] Subs. by Ord. No. XXXVII of 2001, s.4.

[2] Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (XXI of 1960), s.3 and 2nd. Sch., (*with effect from the 14th October, 1955*), for the words "Every province shall be a sessions division, or", as amended by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), s.3 and Sch II.

[3] The words "(excluding the Presidency-towns)" rep. by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), s.3 and Sch II.

[4] Subs. by A.O., 1937, for "L.G.".

[5] For notifications, *see* the different local Rules and Orders.

[6] The words "with the previous sanction of the Governor General in Council" rep. by the Devolution Act, 1920 (XXXVIII of 1920), s.2 and Sch. I.

[7] Sub-section (4) rep. by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), s. 3 and Sch. II.

[8] For notifications, *see* the different local Rules and Orders.

For notification directing that—

(i) Phulera in the Area of the Upper Tanawal in the North West Frontier Province, shall form part of the Mansehra Sub-Division in the Hazara District, *see* N.W.F.P. Govt. Gazette, 1952, Pt. I, p. 305; and

(ii) the districts in the first column of the table therein shall be divided into the sub-division, *see* Gazette of Sindh, 1954, Pt. I, pp. 499 and 525.

[9] The words "outside the presidency-towns" rep. by Act XXVI of 1951, s. 3 and Sch. II.

[10] Omitted by Ord. No. XXXVII of 2001, s. 5.

(4) A Sessions Judge of one sessions division may be appointed by the [1][Provincial Government] to be also an Additional Sessions Judge of another division, and in such case he may sit for the disposal of cases at such place or places in either division as the [1][Provincial Government] may direct.

(5) All Courts of Session existing when this Code comes into force shall be deemed to have been established under this Act.

10. [2][* * * * * * *]

11. [2][* * * * * * *]

[3][**12. Sub-ordinate Magistrates.**— (1) The [1][Provincial Government] may appoint as many persons as it thinks fit, [4][* * *] to be Magistrates of the first, second or third class in any district [5][* * *]; and [4][* * *], may, from time to time, define local areas within which such persons may exercise all or any of the powers with which they may respectively be invested under this Code.

(2) Except as otherwise provided by such definition, the jurisdiction and powers of such persons shall extend throughout such district.

13. [2][* * * * * * *]

[4][**14. Special Judicial [2][* * *] Magistrate.**— (1) The Provincial Government may, on the recommendation of the High Court, confer upon any person [2][, including a former Executive Magistrate,] all or any of the powers conferred or conferrable by or under this Code on a Judicial Magistrate in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally in any local area.

(2) Such Magistrates shall be called Special Judicial Magistrates and shall be appointed for such term as the Provincial Government may, in consultation with the High Court, by general or special order, direct.

(3) [2][* * * * * * *]

(4) [2][* * * * * * *]

(5) [2][* * * * * * *]

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[6][**14A. Appointment of Special Magistrates.**— (1) Notwithstanding anything contained in this Code or any other law for the time being in force or any judgement of any court including superior courts, the Provincial Government may appoint Special Magistrates with the powers of a Magistrate First Class Exclusively for the trial of offences relating to price control under any Provincial law or Federal law for the time being in force.

(2) The Provincial Government or any officer authorized by the Provincial Government in this behalf may, from time to time, define local areas within which such Magistrates may exercise all or any of the powers with which they may respectively be invested under any Provincial law or Federal law relating to price control.]

[1]Subs. by A.O., 1937, for "L.G.".
[2]Omitted and Ins. by Ord. No. XXXVII of 2001, ss. 6-10.
[3]For notification under this section, see Gaz. of P., 1957, Pt, VI, p.175.
[4]Omitted and subs. by Law Reforms Ordinance, 1972 (XII of 1972), s. 2 & Sch.
[5]The words "outside the presidency-towns" omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.
[6]Ins. by Act No. III of 2006, s. 21.

15. Benches of Magistrates.— (1) The [1][Provincial Government] may direct any two or more [2][Judicial Magistrates] in any place [3][* * *] to sit together as a Bench, and may by order invest such Bench with any of the powers conferred or conferrable by or under this Code on a Magistrate of the first, second or third class, and direct it to exercise such powers in such cases, or, such classes of cases only and within such local limits, as the [1][Provincial Government] thinks fit.

(2) Powers exerciseable by Bench in absence of special direction. Except as otherwise provided by any order under this section, every such Bench shall have the powers conferred by this Code on a Magistrate of the highest class to which any one of its members, who is present taking part in the proceedings as a member of the Bench, belongs, and as far as practicable shall, for the purposes of this Code, be deemed to be a Magistrate of such class.

16. Power to frame rules for guidance of [3][Magistrates and] Benches. The [1][Provincial Government] may, [2][* * * * * * *] from time to time, make rules[5] consistent with this Code for the guidance of [4][all Magistrates and] Magistrates' Benches in any district respecting the following subjects:—

(*a*) the classes of cases to be tried;

(*b*) the times and places of sitting;

(*c*) the constitution of the Bench for conducting trials;

(*d*) the mode of settling differences of opinion which may arise between the Magistrates in session [4][;]

[4][(*e*) The mode and manner of conducting raids and trial on the spot.]

17. [2][Subordination of [6][*] Magistrates and Benches to Sessions Judge.— (1) All [6][*] Magistrates appointed under sections 12 and 14 [4][,14A] and all Benches constituted under section 15, shall be subordinate to the Sessions Judge, and he may, from time to time, make rules or give special orders consistent with this Code and any rules framed by the Provincial Government under section 16, as to the distribution of business among such Magistrates and Benches.]

(2) [6][* * * * * * *]

(2A) [6][* * * * * * *]

(3) **Subordination of Assistant Sessions Judges to Sessions Judge.** All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction, and he may, from time to time, make rules consistent with this Code as to the distribution of business among such, Assistant Sessions Judges.

(4) The Sessions Judge may also, when he himself is unavoidably absent or incapable of acting, make provision for the disposal of any urgent application by an Additional or Assistant Sessions Judge [7][*******] such Judge [7][* *] shall have jurisdiction to deal with any such application.

(5) [7][* * * * * * *]

D.—Courts of Presidency Magistrates.

18 to 21. *[Appointment of Presidency Magistrates. Benches, Local limits of Jurisdiction. Chief Presidency Magistrate.] Omitted by A.O., 1949, Sch.*

[1]Subs. by A.O., 1937, for "L.G.".
[2]Subs. by Law Reforms Ordinance, 1972 (XII of 1972), s.2 & Sch.
[3]The words "outside the presidency town" omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.
[4]Ins., subs. and added by Act No. III of 2006, s .21.
[5]For rules, *see* the different local Rules and Orders.
[6]Omitted by Ordinance No. XXXVII of 2001, s. 11.
[7]Omitted by Law Reforms Ordinance, 1972 (XII of 1972), s.2 & Sch. (for further clarity on this provision, the original source i.e. the Gazette Notification of Ordinance No. XXXVII of 2001 may be perused.

E.— Justices of the Peace

[1][**22. Appointment of Justices of the Peace.** The Provincial Government may, by notification in the official Gazette, appoint, for such period as may be specified in the notification, and subject to such rules as may be made by it, any person who is a citizen of Pakistan and as to whose integrity and suitability it is satisfied to be a Justice of the Peace for a local area to be specified in the notification, and more than one Justice of the Peace may be appointed for the same local area.

22A. Powers of Justices of the Peace.— (1) A Justice of the Peace for any local area shall, for the purpose of making an arrest, have within such area all the powers of a police-officer referred to in section 54 and of an officer in charge of a police-station referred to in section 55.

(2) A Justice of the Peace making an arrest in exercise of any powers under sub-section (1) shall, forthwith, take or cause to be taken the person arrested before the officer incharge of the nearest police-station and furnish such officer with a report as to the circumstances of the arrest and such officer shall thereupon re-arrest the person.

(3) A Justice of the Peace for any local area shall have powers, within such area, to call upon any member of the police force on duty to aid him—

(a) in taking or preventing the escape of any person who has participated in the commission of any cognizable offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having so participated; and

(b) in the prevention of crime in general and, in particular, in the prevention of a breach of the peace or a disturbance of the public tranquillity.

(4) Where a member of the police force on duty has been called upon to render aid under sub-section (3), such call shall be deemed to have been made by a competent authority.

(5) A Justice of the Peace for any local area may, in accordance with such rules as may be made by the Provincial Government,—

(a) issue a certificate as to the identity of any person residing within such area, or

(b) verify any document brought before him by any such person, or

(c) attest any such document required by or under any law for the time being in force to be attested by a Magistrate,

and until the contrary is proved, any certificate so issued shall be presumed to be correct and any document so verified shall be deemed to be duly verified, and any document so attested shall be deemed to have been as fully attested as if he had been a Magistrate.

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[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch., for section 22, which has previously been amended by various enactments. Enforced in the Punjab *w.e.f* 20-12-82, *see*, Punjab Govt. Notification No. O.S. D(C)- Home1-10-82 dated 12.12.82.

Enforced in Sind *w.e.f*. 21-12-80, *see*, Sind Govt. Notification No. VII (488) S.O.J/79, dated 21-12-80, Sind Gazette of 1980, Ext., Pt. I, p. 945-A, section 22, clauses (a), (b) and (c) of sub-section 5 of section 22 and clauses (a) and (b) of section 22-B have been enforced.

Enforced in Baluchistan *w.e.f* 1-2-83, *see* the Baluchistan Gazette, dated 6-2-83, Pt. I. p.2. Section 22, clauses (a), (b) and (c) of sub-section 5 of session 22-A and clauses (a) and (b) of section 22-B have been enforced.

[1][(6) An ex-officio Justice of the Peace may issue appropriate directions to the police authorities concerned on a complaint regarding-

(i) non-registration of a criminal case;

(ii) transfer of investigation from one police officer to another; and

(iii) neglect, failure or excess committed by a police authority in relation to its functions and duties.]

22B. Duties of Justices of the Peace. Subject to such rules as may be made by the Provincial Government, every Justice of the Peace for any local area shall—

(a) on receipt of information of the occurrence of any incident involving a breach of the peace, or of the commission of any offence within such local area, forthwith make inquiries into the matter and report in writing the result of his inquiries to the nearest Magistrate and to the officer incharge of the nearest police station;

(b) if the offence referred to in clause (a) is a cognizable offence, also prevent the removal of anything from, or the interference in any way with, the place of occurrence of the offence;

(c) when so requested in writing by a police-officer making an investigation under Chapter XIV in respect of any offence committed within such local area,—

(i) render all assistance to the police-officer in making such an investigation;

(ii) record any statement made under expectation of death by a person in respect of whom a crime is believed to have been committed.]

23 and 24. *[Justices of the Peace for the Presidency-towns. Present Justices of the Peace.] Rep. by the Criminal Law Amendment Act, 1923 (XII of 1923), s.4.*

[1][**25. Ex-officio Justices of the Peace.** By virtue of their respective offices, the Sessions Judges and on nomination by them, the Additional Sessions Judges, are Justices of the Peace within and for whole of the District of the Province in which they are serving.]

F.—Suspension and Removal

26 and 27. *[Suspension and removal of Judges and Magistrates. Suspension and removal of Justices of the Peace.] Rep. by A.O., 1937.*

CHAPTER III

POWERS OF COURTS

A.— Description of offences cognizable by each Court

28. Offences under Penal Code. Subject to the other provisions of this Code any offence under the Pakistan Penal Code (XLV of 1860) may be tried—

[1]Added & subs. by Ord. No. CXXXI of 2002, s. 2.

(a) by the High Court, or

(b) by the Court of Session, or

(c) by any other Court by which such offence is shown in the eighth column of the second schedule to be triable [1][.]

[1][* * * * * * *]

Illustration

A is [2][tried by] the Sessions Court on a charge of culpable homicide. He may be convicted of voluntarily causing hurt, an offence triable by a Magistrate.

29. Offences under other laws.— (1) Subject to the [3][other provisions of this Code], any offence under any other law shall, when any Court is mentioned in this behalf in such law, be tried by such Court.

(2) When no Court is so mentioned, it may be tried by the High Court or [4][subject as aforesaid] by any Court constituted under this Code by which such offence is shown in the eighth column of the second schedule to be triable [1][.]

[1][* * * * * * *]

[3][**29A.** *Trial of European British subjects by second and third class Magistrates.] Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (II of 1950), s.2 and sch.*

[2][**29B. Jurisdiction in the case of Juveniles.** Any offence, other than one punishable with death or imprisonment for life, committed by any person who at the date when he appears or is brought before a Court is under the age of fifteen years, may be tried by any Judicial Magistrate specially empowered by the Provincial Government to exercise the powers conferred by section 8, sub-section (1), of the Reformatory Schools Act, 1897, or, in any area in which the said Act is not applicable, by any other law providing for the custody, trial or punishment of youthful offenders, by any Magistrate empowered by or under such law to exercise all or any of the powers conferred thereby.]

[1][**30. Offences not punishable with death.** Notwithstanding anything contained in sections 28 and 29, the Provincial Government may invest any Magistrate of the first class with power to try as a Magistrate all offences not punishable with death.]

B.— Sentences which may be passed by Courts of various Classes.

31. Sentences which High Courts and Sessions Judges may pass.— (1) A High Court may pass any sentence authorized by law.

(2) A Sessions Judge or Additional Sessions Judge may pass any sentence authorized by law; but any sentence of death passed by any such Judge shall be subject to confirmation by the High Court.

(3) An Assistant Sessions Judge may pass any sentence authorised by law, except a sentence of death or of [6][* * *] imprisonment for a term exceeding seven years.

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[1]Subs. and omitted by Ord. No. XXXVII of 2001, s.13-15(*w.e.f.* 14-08-2001).
[2]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch. (for further clarity on this provision, the original source i.e. the Gazette Notifications of Legal Reforms Act, 1997 (XXIII of 1997), and Ordinance No. XXXVIII of 2001 may be perused.
[3]Subs. by the Criminal Law Amendment Act, 1923 (XII of 1923), ss. 5 & 6.
[4]Ins. by Act No. XVIII of 1923, s.5.
[6]Rep. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s.2 and Sch., (*w.e.f.* 13-4-72).

32. Sentences which Magistrates may pass.— (1) The Courts of Magistrates may pass the following sentences, namely:—

(a)	Courts [1][* * *] of Magistrates of the first class:	Imprisonment for a term not exceeding [2][Three years] including such solitary confinement as is authorized by law; Fine not exceeding [3][Forty five thousand] rupees; [4][arsh; daman;] Whipping.
(b)	Courts of Magistrates of the second class:	Imprisonment for a term not exceeding [5][one year], including such solitary confinement as is authorized by law; Fine not exceeding [3][fifteen thousand] rupees; [6][* * *]
(c)	Courts of Magistrates of the third class.	Imprisonment for a term not exceeding one month; Fine not exceeding [3][three thousand] rupees.

(2) The Court of any Magistrate may pass any lawful sentence, combining any of the sentences which it is authorized by law to pass.

(3) [7][* * * * * * *]

33. Power of Magistrate to sentence to imprisonment in default of fine.— (1) The Court of any Magistrate may award such terms of imprisonment in default of payment of fine as is authorized by law in case of such default:

Provided that—

(a) the term is not is excess of the Magistrate's powers under this Code;

(b) in any case decided by a Magistrate where imprisonment has been awarded as part of the substantive sentence, the period of imprisonment awarded in default of payment of the fine shall not exceed one-fourth of the period of imprisonment which such Magistrate is competent to inflict as punishment for the offence otherwise than as imprisonment in default of payment of the fine.

(2) The imprisonment awarded under this section may be in addition to a substantive sentence of imprisonment for the maximum term awarded by the Magistrate under section 32.

34. Higher powers of certain [8][* * *] Magistrates. The Court of a Magistrate, specially empowered under section 30, may pass any sentence authorized by law, except a sentence of death or of [9][* * *] imprisonment for a term exceeding seven years.

34A. *[10][Sentences which Courts and Magistrates may pass upon European British subjects] Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949(II of 1950), s. 2 and Sch.*

[1]The words "of Presidency Magistrates and" omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.
[2]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 & Sch., for "two years".
[3]Subs. by Ord. No. LXXV of 2002, s. 3.
[4]Ins. by Act No. II of 1997, s.11.
[5]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch., for "six months".
[6]The words "whipping (if specially empowered)" rep. by the whipping Act, 1909 (IV of 1909), s.8 and Sch.
[7]Sub-section (3), rep. by the whipping Act, 1909 (4 of 1909), s.8 and Sch.
[8]Ommitted by the Ord. No. XXXVII of 2001, s.16.

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[9]The words "transportation for a term exceeding seven years or" omitted by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s.2 and Sch., (*w.e.f.* 13-4-72).
[10]Ins. by the Criminal Law Amdt. Act, 1923 (XII of 1923), s.7.

35. Sentence in cases of conviction of several offences at one trial.—(1) [1][When a person is convicted at one trial of two or more offences, the Court may, subject to the provisions of section 71 of the Pakistan Penal Code(XLV of 1860)] sentence him, for such offences, to the several punishments prescribed therefor which such Court is competent to inflict; such punishments, when consisting of imprisonment [2][* * *], to commence the one after the expiration of the other in such order as the Court may direct, unless the Court directs that such punishments shall run concurrently.

(2) In the case of consecutive sentences, it shall not be necessary for the Court, by reason only of the aggregate punishment for the several offences being in excess of the punishment which it is competent to inflict on conviction of a single offence, to send the offender for trial before a higher Court:

Maximum terms of punishment. Provided as follows:—

(a) in no case shall such person be sentenced to imprisonment for a longer period than fourteen years;

(b) if the case is tried by a Magistrate [3][* * * * * * *], the aggregate punishment shall not exceed twice the amount of punishment which he is, in the exercise of his ordinary jurisdiction, competent to inflict.

(3) For the purpose of appeal, [4][the aggregate of consecutive] sentences passed under this section in case of convictions for several offences at one trial shall be deemed to be a single sentence.

[5][* * * * * * *]

C.—Ordinary and Additional Powers

36. Ordinary Powers of Magistrates. All [3][[6][* *] Magistrates] have the powers hereinafter respectively conferred upon them and specified in the third schedule. Such powers are called their "ordinary powers".

[6][37. Additional powers conferrable on Magistrates.— On the recommendations of the High Court, the Provincial Government may, in addition to the ordinary powers, invest any Magistrate with any powers specified in the Fourth Schedule.]

38. [6][* * * * * * *]

D.— Conferment, Continuance and Cancellation of Powers

39. Mode of conferring powers.— (1) In conferring powers under this Code the [7][Provincial Government] may by order, empower persons specially by name or in virtue of their office or classes of officials generally by their official titles.

(2) Every such order shall take effect from the date on which it is communicated to the person so empowered.

[1]Subs. by Act No. XVIII of 1923, s.7, for "When a person is convicted at one trial of two or more distinct offences, the Court may".
[2]The words "or transportation" omitted by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974, s.2 and Sch., (*w.e.f.* 13-4-72).
[3]Omitted & subs. by Ord. XII of 1972, s.2 & Sch.
[4]Subs. by Act No. XVIII of 1923, s.7, for "aggregate".
[5]The *Explanation* and *Illustration* to section 35, rep. *ibid.*
[6]Omitted and Subs. by Ord. No. XXXVII of 2001, ss.17-19.
[7]Subs. by A.O., 1937, for "L.G.".

40. Powers of officers appointed. Whenever any person holding an office in the service of Government who has been invested with any powers under this Code throughout any local area is [1][appointed] to an equal or higher office of the same nature, within a like local area under the same [2][Provincial Government], he shall, unless the [2][Provincial Government] otherwise directs, or has otherwise directed, [3][* *] exercise the same powers in the local area [4][in which] he is so [1][appointed].

[5][**41. Withdrawal of powers.**— The Provincial Government may, on the recommendations of the High Court, withdraw all or any powers conferred by it under this Code on any person or Magistrate.]

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PART III

GENERAL PROVISIONS

CHAPTER IV

OF AID AND INFORMATION TO THE MAGISTRATES, THE POLICE AND PERSONS MAKING ARRESTS.

42. Public when to assist Magistrate and Police. Every person is bound to assist a Magistrate [6][, Justice of the Peace] or police-officer reasonably demanding his aid, [7][* * *],—

(a) in the taking or preventing the escape of any other person whom such Magistrate or police-officer is authorized to arrest;

(b) in the prevention or suppression of a breach of the peace, or in the prevention of any injury attempted to be committed to any railway, canal, telegraph or public property.

43. Aid to person other than police-officer, executing warrant. When a warrant is directed to a person other than a police-officer, any other person may aid in the execution of such warrant, if the person to whom the warrant is directed be near at hand and acting in the execution of the warrant.

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44. Public to give information of certain offences.— [8][(1) Every person aware of the commission of, or of the intention of any other person to commit, any offence punishable under any of the following sections of the Pakistan Penal Code, namely, 121, 121A, 122, 123, 123A, 124, 124A, 125, 126, 130, 143, 144, 145, 147, 148, 153A, 161, 162, 163, 164, 165, 168, 170, 231, 232, 255, 302, 303, 304, 304A, 364A, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 456, 457, 458, 459, 460 and 489A, shall, in the absence of reasonable excuse, the burden of proving which shall lie upon the person so aware, forthwith give information to the nearest Magistrate , Justice of the Peace or police-officer of such commission or intention.]

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[1]Subs. by the Act No. XVIII of 1923, s. 8, for "transferred".
[2]Subs. by A.O., 1937, for "L.G.".
[3]The words "continue to" rep. by Act No. XVIII of 1923, s. 8.
[4]Subs. *ibid*., for "to which".
[5]Subs. by Ord. No. XXXVII of 2001, s. 20.
[6]Subs., added and ins. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[7]The words ", whether within or without the presidency-towns" omitted by the Central Laws (Adaptation) Order, 1961 (P. O. No. 1 of 1961), (*with effect from the 2nd March, 1956*).
[8]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch., for sub-section (1).

(2) For the purposes of this section the term "offence" includes any act committed at any place out of [1][Pakistan] which would constitute an offence if committed in [1][Pakistan].

45. Village-headman, accountants, landholders and others bound to report certain matters.– (1)Every village-headman, village-accountant, village watchman, village police-officer, owner or occupier of land, and the agent of any such owner or occupier [2][in charge of the management of that land], and every officer employed in the collection of revenue or rent of land on the part of [3][the [4][Government]] or the Court of Wards, shall forthwith communicate to the nearest Magistrate [5][or Justice of the Peace] or to the officer incharge of the nearest police-station whichever is the nearer, any information which he may [6][possess] respecting–

(a) the permanent or temporary residence of any notorious receiver or vendor of stolen property in any village of which he is headman, accountant, watchman or police-officer, or in which he owns or occupies land, or is agent, or collects revenue or rent;

(b) the resort to any place within, or the passage through, such village of any person whom he knows, or reasonably suspects to be a thug, robber, escaped convict or proclaimed offender;

(c) the commission of, or intention to commit, in or near such village any non-bailable offence or any offence punishable under section 143, 144, 145, 147 or 148 of the Pakistan Penal Code (XLV of 1860) ;

(d) the occurrence in or near such village of any sudden or unnatural death or of any death under suspicious circumstances; [7][or the discovery in or near such village of any corpse or part of a corpse, in circumstances which lead to a reasonable suspicion that such a death has occurred or the disappearance from such village of any person in circumstances which lead to a reasonable suspicion that a non-bailable offence has been committed in respect of such person;]

(e) the commission of, or intention to commit, at any place out of [1][Pakistan] near such village any act which, if committed in [1][Pakistan], would be an offence punishable under any of the following sections of the Pakistan Penal Code (XLV of 1860), namely, [2][231, 232, 233, 234, 235, 236, 237, 238,] 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 [8][460, 489A, 489B, 489C and 489D];

(f) any matter likely to affect the maintenance of order or the prevention of crime or the safety of person or property respecting which [9][any officer authorised by the Provincial Government], by general or special order made with the previous sanction of the [10][Provincial Government], has directed him to communicate information.

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[1]Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (XXI of 1960), s.3 and 2nd Sch. (*with effect from the 14th October, 1955*), for "the Provinces and the Capital of the Federation" which had been subs. by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Arts. 3(2) and 4, for "British India".
[2]Ins. by Act No. XVIII of 1923, s.9.
[3]Subs. by A.O., 1937, for "Govt.".
[4]Subs. by the Central Laws (Adaptation) Order, 1961 (P. O. No. 1 of 1961), Art.2, for "Crown" (*with effect from the 23rd March, 1956*).
[5]Ins. by Law Reforms Ordinance, 1972 (XII of 1972), s. 2 & Sch.
[6]Subs. by Act No. XVIII of 1923, s. 9, for "obtain".
[7]Ins. *ibid.*
[8]Subs. by Act No. XVIII of 1923, s.9, for "and 460".
[9]Subs. by Ord. No. XXXVII of 2001, s. 21.
[10]Subs. by A.O., 1937, for "L.G.".

(2) In this section—

(i) "village" includes village-lands; and

(ii) the expression "proclaimed offender" includes any person proclaimed as an offender by any Court or authority established or continued by the [1][Federal Government] [2][* * *] in any part of [3][Pakistan], in respect of any act which if committed in [4][Pakistan], would be punishable under any of the following sections of the Pakistan Penal Code (XLV of 1860), namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460.

(3) **Appointment of Village-headmen [5][* * * * *] in certain cases for purposes of this section.** Subject to rules in this behalf to be made by the [6][Provincial Government], the [5][District Officer (Revenue)] may from time to time appoint one or more persons [7][with his or their consent] [8][to perform the duties of a village- headman under this section whether a village-headman has or has not been appointed for that village under any other law.].

CHAPTER V

OF ARREST, ESCAPE AND RETAKING

A.—Arrest generally

46. Arrest how made.— (1) In making an arrest the police officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action.

(2) **Resisting endeavour to arrest.** If such person forcibly resists the endeavour to arrest him, or attempts to evade the arrest, such police-officer or other person may use all means necessary to effect the arrest.

(3) Nothing in this section gives a right to cause the death of a person who is not accused of an offence punishable with death or with [9][imprisonment for life].

47. Search of place entered by person sought to be arrested. If any person acting under a warrant of arrest, or any police-officer having authority to arrest, has reason to believe that the person to be arrested has entered into, or is within, any place, the person residing in, or being in charge of, such place shall, on demand of such person acting as aforesaid or such police-officer, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

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[1]Subs. by the Federal Adaptation of Laws Order, 1975 (P. O. No. 4 of 1975), Art. 2 and Table, for "Central Government.

[2]The words "or the Crown Representative" omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.

[3]Subs. *ibid*., for "India".

[4]Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (XXI of 1960), s. 3 and 2nd Sch. (*with effect from the 14th October, 1955*), for "the Provinces and the Capital of the Federation".

[5]Omitted and subs. by Ord. No. XXXVII of 2001, s. 21.

[6]Subs. by A.O., 1937, for "L.G.".

[7]Ins. by Act No. XVIII of 1923, s. 9.

[8]Subs. *ibid*., for "to be village-headmen for the purposes of this section in any village for which there is no such headman appointed under any other law".

[9]Subs. by Act No. XXV of 1974, s.2 and ., Sch. for "transportation for life" (*w.e.f* 13-4-72).

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48. Procedure where ingress not obtainable. If ingress to such place cannot be obtained under section 47 it shall be lawful in any case for a person acting under a warrant and in any case in which a warrant may issue, but cannot be obtained without affording the person to be arrested an opportunity of escape, for a police-officer to enter such place and search therein, and in order to effect an entrance into such place, to break open any outer or inner door or window of any house or place, whether that of the person to be arrested or of any other person, if after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance:

Breaking open zanana. Provided that, if any such place is an apartment in the actual occupancy of a woman (not being the person to be arrested) who, according to custom, does not appear in public such person or police-officer shall, before entering such apartment, give notice to such woman that she is at liberty to withdraw and shall afford her every reasonable facility for withdrawing, and may then break open the apartment and enter it.

49. Power to break open doors and windows for purposes of liberation. Any police-officer or other person authorized to make an arrest may break open any outer or inner door or window of any house or place in order to liberate himself or any other person who, having lawfully entered for the purpose of making an arrest, is detained therein.

50. No unnecessary restraint. The person arrested shall not be subjected to more restraint than is necessary to prevent his escape.

51. Search of arrested persons. Whenever a person is arrested by a police-officer under a warrant which does not provide for the taking of bail, or under a warrant which provides for the taking of bail but the person arrested cannot furnish bail, and

whenever a person is arrested without warrant, or by a private person under a warrant, and cannot legally be admitted to bail, or is unable to furnish bail,

the officer making the arrest or, when the arrest is made by a private person, the police-officer to whom he makes over the person arrested, may search such person, and place in safe custody all articles, other than necessary wearing-apparel, found upon him.

52. Mode of searching women. Whenever it is necessary to cause a woman to be searched, the search shall be made by another woman, with strict regard to decency.

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53. Power to seize offensive weapons. The officer or other person making any arrest under this Code may take from the person arrested any offensive weapons which he has about his person, and shall deliver all weapons so taken to the Court or officer before which or whom the officer or person making the arrest is required by this Code to produce the person arrested.

[1]**[53A. Examination of person accused of rape, etc. by medical practitioner.**— (1) When a person is arrested on a charge of committing an offence of rape, unnatural offence or sexual abuse or an attempt to commit rape, unnatural offence or sexual abuse under section 376,section 377 and section 377B respectively and there are reasonable grounds for believing that an examination of the arrested person will afford evidence as to the commission of such offence, it shall be lawful for a registered medical practitioner employed in a hospital run by the Government or by a local authority to make such an examination of the arrested person and to use such force as is reasonably necessary for that purpose.

[1]Ins. by Act No. XLIV of 2016, s. 7.

(2) The registered medical practitioner conducting examination under sub-section (1) shall, without delay, examine such person and prepare a report of his examination giving the following particulars, namely:—

(a) name and address of the accused and of the person by whom he was brought;

(b) age of the accused;

(c) marks of injury, if any, on person of the accused;

(d) description of material taken from person of the accused for DNA profiling; and

(e) other material particulars in reasonable detail.

(3) The report under sub-section (2) shall state precisely the reasons for each conclusion arrived at.

(4) The exact time of commencement and completion of the examination under sub-section (1) shall also be noted in the report under sub-section (2). The registered medical practitioner shall, without delay, forward the report to the investigating officer who shall forward it to the Magistrate through public prosecutor reffered to in section 173 as part of the report referred to in that section.]

B.—Arrest without Warrant

54. When police may arrest without warrant.— (1) Any police-officer may, without an order from a Magistrate and without a warrant, arrest—

first, any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned;

secondly, any person having in his possession without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking;

thirdly, any person who has been proclaimed as an offender either under this Code or by order of the [1][Provincial Government] ;

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fourthly, any person in whose possession anything is found which may reasonably be suspected to be stolen property [2][and] who may reasonably be suspected of having committed an offence with reference to such thing ;

fifthly, any person who obstructs a police-officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody ;

sixthly, any person reasonably suspected of being a deserter from [3][the armed forces of Pakistan] [4][* * *] [5][* * *]

[1]Subs. by A.O., 1937, for "L.G.".
[2]Subs. by Act No. XVIII of 1923, s. 10, for "or".
[3]Subs. by the Central Laws (Adaptation) Order, 1961 (P. O. No. 1 of 1961), Art. 2 and Sch. (*with effect from the 23rd March, 1956*), for "Her Majesty's Army, Navy or Air Force".
[4]The words "or from any unit of [force of an Acceding State] declared under the Extradition Act, 1903, to be a unit desertion from which is an extradition offence" omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s. 3 and Second Schedule.
[5]The words "or of belonging to Her Majesty's Indian Marine Service and being illegally absent from that service" rep. by the Amending Act, 1934 (XXXV of 1934), s.2 and Sch.

seventhly, any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of [1][Pakistan] which, if committed in [1][Pakistan], would have been punishable as an offence; and for which he is, under any law relating to extradition [2][* * *] or otherwise, liable to be apprehended or detained in custody in [1][Pakistan] [3][*];

eighthly, any released convict committing a breach of any rule made under section 565, sub-section (3);

[4][*ninthly*, any person for whose arrest a requisition has been received from another police-officer, provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made and it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition.]

(2) [5][* * * * * * *]

[6]**55. Arrest of vagabonds, habitual robbers, etc.**— (1) Any officer in charge of a police-station may, in like manner, arrest or cause to be arrested—

(a) any person found taking precautions to conceal his presence within the limits of such station, under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence ; or

(b) any person within the limits of such station who has not ostensible means of subsistence, or who cannot give a satisfactory account of himself; or

(c) any person who is by repute an habitual robber, house-breaker or thief, or an habitual receiver of stolen property knowing it to be stolen, or who by repute habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury.

(2) [5][* * * * * * *]

56. Procedure when police officer deputes subordinate to arrest without warrant.—(1) When any officer in charge of a police-station [7][or any police-officer making an investigation under Chapter XIV] requires any officer subordinate to him to arrest without a warrant (otherwise than in his presence) any person who may lawfully be arrested without a warrant, he shall deliver to the officer required to make the arrest an order in writing, specifying the person to be arrested and the offence or other cause for which the arrest is to be made. [7][The officer so required shall, before making the arrest, notify to the person to be arrested the substance of the order and, if so required by such person, shall show him the order.]

(2) [5][* * * * * * *]

[1]Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (XXI of 1960), s.3 and 2nd Sch. (*with effect from the 14th October, 1955*), for "the Provinces and the Capital of the Federation".
[2]The words "or under the Fugitive Offenders Act, 1881," omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s.3 and Second Sch.
[3]The word "and" rep. by the Repealing and Amending Act, 1927 (X of 1927), s.3 and Sch. II.
[4]Ins. by Act No. XVIII of 1923, s.10.
[5]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.
[6]In the N.W.F.P., any police-officer may exercise the powers conferred by this section on a police-officer in charge of a police-station, see the N.W.F.P. Law and Justice Regulation, 1901 (VII of 1901), s.13.
[7]Ins. and added by Act No. XVIII of 1923, s. 11.

57. Refusal to give name and residence.—(1) When any person who in the presence of a police-officer has committed or has been accused of committing a non-cognizable offence refuses, on demand of such officer, to give his name and residence or gives a name or residence which such officer has reason to believe to be false, he may be arrested by such officer in order that his name or residence may be ascertained.

(2) When the true name and residence of such person have been ascertained, he shall be released on his executing a bond, with or without sureties, to appear before a Magistrate [1][having Jurisdiction,] if so required:

Provided that, if such person is not resident in [2][Pakistan], the bond shall be secured by a surety or sureties resident in [2][Pakistan].

(3) Should the true name and residence of such person not be ascertained within twenty-four hours from the time of arrest or should he fail to execute the bond, or, if so required, to furnish sufficient sureties, he shall forthwith be forwarded to the nearest Magistrate having jurisdiction.

58. Pursuit of offenders into other jurisdictions. A police-officer may, for the purpose of arresting without warrant any person whom he is authorized to arrest under this Chapter, pursue such person into any place in [2][Pakistan].

[3][*Explanation*.— In this section, "police-officer" includes a police-officer acting under this Code as in force in Azad Jammu and Kashmir.]

59. Arrest by private persons and procedure on such arrest.— [4][(1) Any private person may arrest any person who in his view commits a non-bailable and cognizable offence, or any proclaimed offender, and without unnecessary delay, shall make over any person so arrested to a police-officer, or, in the absence of a police-officer, take such person or cause him to be taken in custody to the nearest police-station.]

(2) If there is reason to believe that such person comes under the provisions of section 54, a police-officer shall re-arrest him.

(3) If there is reason to believe that he has committed a non-cognizable offence, and he refuses on the demand of a police-officer to give his name and residence, or gives a name or residence which such officer has reason to believe to be false, he shall be dealt with under the provisions of section 57. If there is no sufficient reason to believe that he has committed any offence, he shall be at once released.

60. Person arrested to be taken before Magistrate or officer in charge of police-station. A police officer making an arrest without warrant shall, without unnecessary delay and subject to the provisions herein contained as to bail, take or send the person arrested before a Magistrate having jurisdiction in the case, or before the officer in charge of a police-station.

61. Person arrested not to be detained more than twenty-four hours. No police-officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed twenty-four hours exclusive of the time

[1]Ins. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[2]Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (XXI of 1960), s.3 and 2nd Sch. (*with effect from the 14th October, 1955*), for "the Provinces and the Capital of the Federation".
[3]Added by Act No. VIII of 1993, s. 2 (*w.e.f.* 20-11-93. SRO-1106(1)/93, dated 16-11-93).
[4]Subs. by Act No. XVIII of 1923, s. 12.

necessary for the journey from the place of arrest to the Magistrate's Court.

62. Police to report apprehensions. Officers in charge of police-stations shall report to the [1][Zila Nazim, District Superintendent of Police and District Public Safety Commission set up under the Police Act, 1861 (V of 1861), simultaneously], the cases of all persons arrested without warrant, within the limits of their respective stations, whether such persons have been admitted to bail or otherwise [2][:]

[2][Provided that in the application of this section to the districts where the local Government elections have not been held, or the Zila Nazim has not assumed charge of office, any reference in this section to the Zila Nazim shall be read as a reference to the District Coordination Officer in relation to such districts:

Provided further that the aforesaid proviso shall cease to have effect, and shall be deemed to have been repealed, at the time when local Governments are installed in the districts as aforesaid.]

63. Discharge of person apprehended. No person who has been arrested by a police-officer shall be discharged except on his own bond, or on bail, or under the special order of a Magistrate.

64. Offence committed in Magistrate's presence. When any offence is committed in the presence of a Magistrate within the local limits of his jurisdiction, he may himself arrest or order any person to arrest the offender, and may thereupon, subject to the provisions herein contained as to bail commit the offender to custody.

65. Arrest by or in presence of Magistrate. Any Magistrate may at any time arrest or direct the arrest, in his presence, within the local limits of his jurisdiction, of any person for whose arrest he is competent at the time and in the circumstances to issue a warrant.

66. Power, on escape, to pursue and retake. If a person in lawful custody escapes or is rescued, the person from whose custody he escaped or was rescued may immediately pursue and arrest him in any place in [3][Pakistan].

67. Provisions of sections 47, 48 and 49 to apply to arrests under section 66. The provisions of sections 47, 48 and 49 shall apply to arrests under section 66, although the person making any such arrest is not acting under a warrant and is not a police-officer having authority to arrest.

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CHAPTER VI

OF PROCESSES TO COMPEL APPEARANCE

A.— Summons

68. Form of summons.— (1) Every summons issued by a Court under this Code shall be in writing in duplicate, signed and sealed by the presiding officer of such Court, or by such other officer as the High Court may, from time to time, by rule, direct.

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[1]Subs. by Ord. No. XXXVII of 2001, s. 22.
[2]Subs. and added by Ord. No. XLIII of 2001, s. 2.
[3]Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (XXI of 1960), s.3 and 2nd Sch. (*with effect from the 14th October, 1955*), for "the Provinces and the Capital of the Federation".

(2) **Summons by whom served.** Such summons shall be served by a police-officer, or subject to such rules as the [1][Provincial Government] may prescribe in this behalf, by an officer of the Court issuing it or other public servant [2][:] [3][Provided that the Court may, at the request of the complainant or the accused, allow him to serve the summons on his own witnesses.]

[4][* * * * * * *]

69. Summons how served.— (1) The summons shall, if practicable, be served personally on the person summoned, by delivering or tendering to him one of the duplicates of the summons.

(2) **Signature of receipt for summons.** Every person on whom a summon is so served shall [5][* * *] sign a receipt thereof on the back of the other duplicate.

(3) Service of a summons on an incorporated company or other body corporate may be effected by serving it on the secretary, local manager or other principal officer of the corporation or by registered post letter addressed to the chief officer of the corporation in [6][Pakistan]. In such case the service shall be deemed to have been effected when the letter would arrive in ordinary course of post.

70. Service when person summoned cannot be found. Where the person summoned cannot by the exercise of due diligence be found, the summons may be served by leaving one of the duplicates for him with some adult male member of his family, [7][* * *], and the person with whom the summons is so left shall, [5][* * *] sign a receipt therefore on the back of the other duplicate.

71. Procedure when service cannot be effected as before provided. If service in the manner mentioned in sections 69 and 70 cannot by the exercise of due diligence be effected, the serving officer shall affix one of the duplicates of the summons to some conspicuous part of the house or homestead in which the person summoned ordinarily resides; and thereupon the summons shall be deemed to have been duly served.

72. [8][Service on servant of State, Statutory Body or Company.]—(1) Where the person summoned is in the active service of the [9][State] or of a [10][[11][a]statutory body or a company], the Court issuing the summons shall ordinarily send it in duplicate to the head of the office in which such person is employed; and such head shall thereupon cause the summons to be served in manner provided by section 69, and shall return it to the Court under his signature with the endorsement required by that section.

(2) Such signature shall be evidence of due service.

73. Service of summons outside local limits. When a Court desires that a summons issued by it shall be served at any place outside the local limits of its jurisdiction, it shall ordinarily send such summons in duplicate to a Magistrate within the local limits of whose jurisdiction the person summoned resides or is, to be there served.

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[1]Subs. by A.O., 1937, for "L.G.".
[2]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch., for "fullstop".
[3]Proviso added *ibid.*
[4]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.
[5]The words "if so required by the serving officer" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[6]Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (XXI of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "the Provinces and the Capital of the Federation".
[7]The words and commas "or, in a presidency-towns, with his servant residing with him" rep. by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), s.3 and II Sch.
[8]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch., for "Service on servant of State or of Railway Company".
[9]Subs. by the Central Laws (Adaptation) Order, 1961 (P. O. No. 1 of 1961), Art. 2 and Sch. (*with effect from the 23rd March, 1956*), for "Crown".
[10]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch., for "Railway Company".
[11]Sic. "a" is superfluous.

74. Proof of service in such cases and when serving [1][person] not present.—(1) When a summons issued by a Court is served outside the local limits of its jurisdiction, and in any case where the [1][person] who has served a summons is not present at the hearing of the case, an affidavit, purporting to be made before a Magistrate, that such summons has been served, and a duplicate of the summons purporting to be endorsed (in manner provided by section 69 and section 70) by the person to whom it was delivered or tendered or with whom it was left, shall be admissible in evidence, and the statements made therein shall be deemed to be correct unless and until the contrary is proved.

(2) The affidavit mentioned in this section may be attached to the duplicate of the summons and returned to the Court.

B.— Warrant of Arrest

75. Form of warrant of arrest.—(1) Every Warrant of arrest issued by a Court under this Code shall be in writing, signed by the presiding officer, or in the case of a Bench of Magistrates, by any member of such Bench; and shall bear the seal of the Court.

(2) **Continuance of warrant of arrest**. Every such warrant shall remain in force until it is cancelled by the Court which issued it, or until it is executed.

76. Court may direct security to be taken.—(1) Any Court issuing a warrant for the arrest of any person may in its discretion direct by endorsement on the warrant that, if such person executes a bond with sufficient sureties for his attendance before the Court at a specified time and thereafter until otherwise directed by the Court, the officer to whom the warrant is directed shall take such security and shall release such person from custody.

(2) The endorsement shall state—

(a) the number of sureties;

(b) the amount in which they and the person for whose arrest the warrant is issued, are to be respectively bound; and

(c) the time at which he is to attend before the Court.

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(3) **Recognizance to be forwarded.** Whenever security is taken under this section the officer to whom the warrant is directed shall forward the bond to the Court.

77. Warrants to whom directed.— (1) A warrant of arrest shall ordinarily be directed to one or more police-officers, [2][* * *]; but [3][any Court] issuing such a warrant may, if its immediate execution is necessary and no police-officer is immediately available, direct it to any other person or persons; and such person or persons shall execute the same.

(2) **Warrants to several persons.** When a warrant is directed to more officers or persons than one, it may be executed by all, or by any one or more, of them.

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[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch., for "officer".
[2]The words and commas "and, when issued by a Presidency Magistrate, shall always be so directed" omitted by Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.
[3]Subs *ibid*., for "any other Court".

78. Warrant may be directed to land-holders, etc.— (1) A [1][Magistrate of the first class] Magistrate may direct a warrant to any landholder, farmer or manager of land within his district or sub-division for the arrest of any escaped convict, proclaimed offender or person who has been accused of a non-bailable offence, and who has eluded pursuit.

(2) Such landholder, farmer or manager shall acknowledge in writing the receipt of the warrant, and shall execute it if the person for whose arrest it was issued, is in, or enters on, his land or farm, or the land under his charge.

(3) When the person against whom such warrant is issued is arrested, he shall be made over with the warrant to the nearest police-officer, who shall cause him to be taken before a Magistrate having jurisdiction in the case, unless security is taken under section 76.

79. Warrant directed to police-officer. A warrant directed to any police-officer may also be executed by any other police-officer whose name is endorsed upon the warrant by the officer to whom it is directed or endorsed.

80. Notification of substance of warrant. The police-officer or other person executing a warrant of arrest shall notify the substance thereof to the person to be arrested, and, if so required, shall show him the warrant.

81. Person arrested to be brought before Court without delay. The police-officer or other person executing a warrant of arrest shall (subject to the provisions of section 76 as to security) without unnecessary delay bring the person arrested before the Court before which he is required by law to produce such person.

82. Where warrant may be executed. A warrant of arrest may be executed at any place in [2][Pakistan].

[3][*Explanation*.— In this section, "warrant of arrest" includes a warrant of arrest issued under this Code as in force in Azad Jammu and Kashmir.]

83. Warrant forwarded for execution outside jurisdiction.— (1) When a warrant is to be executed outside the local limits of the jurisdiction of the Court issuing the same, such Court may, instead of directing such warrant to a police-officer, forward the same by post or otherwise to any Magistrate or District Superintendent of Police [4][* * *] within the local limits of whose jurisdiction it is to be executed.

(2) The Magistrate or District Superintendent [5][* *] to whom such warrant is so forwarded shall endorse his name thereon and, if practicable, cause it to be executed in manner hereinbefore provided within the local limits of his jurisdiction.

84. Warrant directed to police-officer for execution outside jurisdiction.— (1) When a warrant directed to a police-officer is to be executed beyond the local limits of the jurisdiction of the Court issuing the same, he shall ordinarily take it for endorsement either to a Magistrate or to a

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[1]Subs. by Ord. No. XXXVII of 2001, s.23.
[2]Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (XXI of 1960), s.3 and 2nd Sch. (*with effect from the 14th October, 1955*), for "the Provinces and the Capital of the Federation".
[3]Added by Act No. VIII of 1993, s.3, (*w.e.f.* 20-11-93, SRO-1106(1)/93, dated 16-11-93).
[4]The words "or the Commissioner of Police in a Presidency-town" omitted by Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.
[5]The word "or Commissioner" omitted *ibid*.

police-officer not below the rank of an officer in charge of a station, within the local limits of whose jurisdiction the warrant is to be executed.

(2) Such Magistrate or police-officer shall endorse his name thereon and such endorsement shall be sufficient authority to the police-officer to whom the warrant is directed to execute the same within such limits, and the local police shall, if so required, assist such officer in executing such warrant.

(3) Whenever there is reason to believe that the delay occasioned by obtaining the endorsement of the Magistrate or police-officer within the local limits of whose jurisdiction the warrant is to be executed, will prevent such execution, the police-officer to whom it is directed may execute the same without such endorsement in any place beyond the local limits of the jurisdiction of the Court which issued it.

[1][* * * * * * *]

85. Procedure on arrest of person against whom warrant issued. When a warrant of arrest is executed outside the district in which it was issued, the person arrested shall, unless the Court which issued the warrant is within twenty miles of the place of arrest or is nearer than the Magistrate or District Superintendent of Police [2][* * *] within the local limits of whose jurisdiction the arrest was made, or unless security is taken under section 76, be taken before such Magistrate [3][* *] or District Superintendent.

86. Procedure by Magistrate before whom person arrested is brought.— (1) Such Magistrate or District Superintendent [3][* *] shall, if the person arrested appears to be the person intended by the Court which issued the warrant, direct his removal in custody to such Court:

Provided that, if the offence is bailable, and such person is ready and willing to give bail to the satisfaction of such Magistrate, District Superintendent [3][* *], or a direction has been endorsed under section 76 on the warrant and such person is ready and willing to give the security required by such direction, the Magistrate, District Superintendent [3][* *] shall take such bail or security, as the case may be, and forward the bond to the Court which issued the warrant [4][:]

[5][Provided further that, if the offence is not bailable or no direction has been endorsed under section 76 on the warrant, the Sessions Judge of the Sessions division in which the person is arrested may, subject to the provisions of section 497 and for sufficient reasons, release the person on an interim bail on such bond or security as the Sessions Judge thinks fit and direct the person to appear by a specified date before the Court which issued the warrant and forward the bond to that Court.]

(2) Nothing in this section shall be deemed to prevent a police-officer from taking security under section 76.

[6][**86A. Procedure for removal in custody to Tribal Area.** Where a person arrested under section 85 is to be removed in custody to any place in the Tribal Areas, he shall be produced before a Magistrate within the local limits of whose jurisdiction the arrest was made, and such Magistrate in

[1]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.
[2]The words "or the Commissioner of Police in a Presidency-town" omitted *ibid.*
[3]The word "or Commissioner" omitted *ibid.*
[4]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch., for full-stop.
[5]Proviso added *ibid.*
[6]Ins. *ibid.*

directing the removal shall hear the case in the same manner and have the same jurisdiction and powers, as nearly as may be, including the power to order the production of evidence, as if the person arrested were charged with an offence committed within the jurisdiction of such Magistrate; and such Magistrate shall direct the removal of the arrested person in custody if he is satisfied that the evidence produced before him raises a strong or probable presumption that the person arrested committed the offence mentioned in the warrant.]

C.—Proclamation and Attachment

87. Proclamation for person absconding.—(1) If any Court [1][is satisfied after taking evidence] that any person against whom a warrant has been issued by it has absconded or is concealing himself so that such warrant cannot be executed, such Court may publish a written proclamation requiring him to appear at a specified place and at a specified time not less than thirty days from the date of publishing such proclamation.

(2) The proclamation shall be published as follows:—

(a) it shall be publicly read in some conspicuous place of the town or village in which such person ordinarily resides ;

(b) it shall be affixed to some conspicuous part of the house or homestead in which such person ordinarily resides or to some conspicuous place of such town or village; and

(c) a copy thereof shall be affixed to some conspicuous part of the Court-house.

(3) A statement in writing by the Court issuing the proclamation to the effect that the proclamation was duly published on a specified day shall be conclusive evidence that the requirements of this section have been complied with, and that the proclamation was published on such day.

88. Attachment of property of person absconding.—(1) The Court issuing a proclamation under section 87 may at any time order the attachment of any property, moveable or immovable, or both, belonging to the proclaimed person.

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(2) Such order shall authorize the attachment of any property belonging to such person within the district in which it is made; and it shall authorize the attachment of any property belonging to such person without such district when endorsed by the [2][Sessions Judge] [3][* * *] within whose district such property is situate.

(3) If the property ordered to be attached is a debt or other moveable property, the attachment under this section shall be made—

(a) by seizure; or

(b) by the appointment of a receiver; or

(c) by an order in writing prohibiting the delivery of such property to the proclaimed person or to any one on his behalf; or

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[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch., for "has reason to believe (whether after taking evidence or not)".
[2]Subs. by Ord. No. XXXVII of 2001, s. 24.
[3]The words "or Chief Presidency Magistrate" omitted by Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.

(d) by all or any two of such methods, as the Court thinks fit.

(4) If the property ordered to be attached is immoveable, the attachment under this section shall, in the case of land paying revenue to [1][the Provincial Government], be made through the [2][District Officer (Revenue)] in which the land is situate, and in all other cases—

(e) by taking possession ; or

(f) by the appointment of a receiver; or

(g) by an order in writing prohibiting the payment of rent or delivery of property to the proclaimed person or to any one on his behalf; or

(h) by all or any two of such methods, as the Court thinks fit.

(5) If the property ordered to be attached consists of live-stock or is of a perishable nature, the Court may, if it thinks it expedient, order immediate sale thereof, and in such case the proceeds of the sale shall abide the order of the Court.

(6) The powers, duties and liabilities of a receiver appointed under this section shall be the same as those of a receiver appointed under [3][Order XL of the Code of Civil Procedure, 1908][4][(Act No. V of 1908)].

[5][(6A) If any claim is preferred to, or objection made to the attachment of, any property attached under this section within six months from the date of such attachment, by any person other than the proclaimed person, on the ground that the claimant or objector has an interest in such property, and that such interest is not liable to attachment under this section, the claim or objection shall be inquired into, and may be allowed or disallowed in whole or in part:

Provided that any claim preferred or objection made within the period allowed by this sub-section may, in the event of the death of the claimant or objector, be continued by his legal representative.

(6B) Claims or objections under sub-section (6A) may be preferred or made in the Court by which the order of attachment is issued or, if the claim or objection is in respect of property attached under an order endorsed by a [2][Sessions Judge] [6][* * *] in accordance with the provisions of sub-section (2), in the Court of such Magistrate.

(6C) Every such claim or objection shall be inquired into by the Court [2][or Magistrate] in which it is preferred or made [2][.]

[2][* * * * * * *]

(6D) Any person whose claim or objection has been disallowed in whole or in part by an order under sub-section (6A) may, within a period of one year from the date of such order, institute a suit to establish the right which he claims in respect of the property in dispute; but subject to the result of such suit, if any, the order shall be conclusive.

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[1]Subs. by A.O., 1937 for "Govt.".
[2]Subs. Ins. and Omitted by Ord. No. XXXVII of 2001, s. 24.
[3]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch., for "Chapter XXXVI of the Code of Civil Procedure".
[4]Subs. *ibid.*, item 191, for "XIV of 1882".
[5]Ins. by Act No. XVIII of 1923, s. 13.
[6]The words "or Chief Presidency Magistrate" omitted by Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.

(6E) If the proclaimed person appears within the time specified in the proclamation, the Court shall make an order releasing the property from the attachment.]

(7) If the proclaimed person does not appear within the time specified in the proclamation, the property under attachment shall be at the disposal of [1][the Provincial Government], but it shall not be sold until the expiration of six months from the date of the attachment [2][and until any claim preferred or objection made under sub-section (6A) has been disposed of under that sub-section], unless it is subject to speedy and natural decay, or the Court considers that the sale would be for the benefit of the owner, in either of which cases the Court may cause it to be sold whenever it thinks fit.

89. Restoration of attached property. If, within two years from the date of the attachment, any person whose property is or has been at the disposal of [1][the Provincial Government], under sub-section (7) of section 88, appears voluntarily or is apprehended and brought before the Court by whose order the property was attached, or the Court to which such Court is subordinate, and proves to the satisfaction of such Court that he did not abscond or conceal himself for the purpose of avoiding execution of the warrant, and that he had not such notice of the proclamation as to enable him to attend within the time specified therein, such property, or, if the same has been sold, the nett proceeds of the sale, or, if part only thereof has been sold, the nett proceeds of the sale and the residue of the property, shall, after satisfying thereout all costs incurred in consequence of the attachment, be delivered to him.

D.—Other Rules regarding Processes

90. Issue of warrant in lieu of or in addition to summons. A Court may, in any case in which it is empowered by this Code to issue a summons for the appearance of any person [3][* * *] issue, after recording its reasons in writing, a warrant for his arrest—

(a) if, either before the issue of such summons, or after the issue of the same but before the time fixed for his appearance, the Court sees reasons to believe that he has absconded or will not obey the summons; or

(b) if at such time he fails to appear and the summons is proved to have been duly served in time to admit of his appearing in accordance therewith and no reasonable excuse is offered for such failure.

91. Power to take bond for appearance. When any person for whose appearance or arrest the officer presiding in any Court is empowered to issue a summons or warrant, is present in such Court, such officer may require such person to execute a bond, with or without sureties, for his appearance in such Court.

92. Arrest by breach of bond for appearance. When any person who is bound by any bond taken under this Code to appear before a Court, does not so appear, the officer presiding in such Court may issue a warrant directing that such person be arrested and produced before him.

93. Provisions of this Chapter generally applicable to summonses and warrants of arrest. The provisions contained in this Chapter relating to a summons and warrant, and their issue, service and execution, shall, so far as may be, apply to every summons and every warrant of arrest issued under this Code.

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[1]Subs. by A.O., 1937, for "Govt.".
[2]Ins. by Act No. XVIII of 1923, s. 13.
[3]The words "other than a juror or assessor" omitted by the Law Reform Ordinance, 1972 (XII of 1972) s. 2 and Sch.

[1][E. — Special Rules regarding processes issued for service or execution outside [2][Pakistan] and processes received from outside [2][Pakistan] for service or execution within [2][Pakistan].

[1]**93A. Sending of summons for service outside Pakistan.**— (1) Where a Court in [2][Pakistan] desires that a summons issued by it to an accused person shall be served at any place outside [2][Pakistan] within the local limits of the jurisdiction of a Court established or continued by the authority of the [3][Federal Government] [4][in exercise of its foreign jurisdiction], it shall send such summons, in duplicate, by post or otherwise, to the presiding officer of that Court to be served.

(2) The provisions of section 74 shall apply in the case of a summons sent for service under this section as if the presiding officer of the Court to whom it was sent were a Magistrate in [2][Pakistan].

[1]**93B. Sending of warrants for execution outside Pakistan.** Notwithstanding anything contained in section 82, where a Court in [2][Pakistan] desires that a warrant issued by it for the arrest of an accused person shall be executed at any place outside [2][Pakistan] within the local limits of the jurisdiction of a Court established or continued by the authority of the [3][Federal Government] [4][in exercise of its foreign jurisdiction], it may send such warrant, by post or otherwise, to the presiding officer of that Court to be executed.

[1]**93C. Service and execution in Pakistan of processes received from outside Pakistan.**— (1) Where a Court has received for service or execution a summons to, or a warrant for the arrest of, an accused person issued by a Court established or continued by the authority of the [3][Federal Government] [4][in exercise of its foreign jurisdiction], outside [2][Pakistan], it shall cause the same to be served or executed as if it were a summons or warrant received by it from a Court in [2][Pakistan] for service or execution within the local limits of its jurisdiction.

(2) Where any warrant of arrest has been so executed the person arrested shall so far as possible be dealt with in accordance with the procedure prescribed by sections 85 and 86.]

CHAPTER VII

OF PROCESSES TO COMPEL THE PRODUCTION OF DOCUMENTS AND OTHER MOVEABLE PROPERTY, AND FOR THE DISCOVERY OF PERSONS WRONGFULLY CONFINED.

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A.—Summons to produce

94. Summons to produce document or other thing.— (1) Whenever any Court, or [5][* * *], any officer in charge of a police-station considers that the production of any document or other thing is necessary or desirable for the purposes of any investigation, inquiry, trial or other proceeding under this Code by or before such Court or officer, such Court may issue a summons, or such officer a written order, to the person in whose possession or power such document or thing is believed to be, requiring him to attend and produce it, or to produce it, at the time and place stated in the summons or order [:][6]

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[1]Heading E and sections 93A to 93C ins. by Act No. XIV of 1941, s. 2.
[2]Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (XXI of 1960), s. 3 and 2nd Sch. (*with effect from the 14th October, 1955*), for "the Provinces and the Capital of the Federation".
[3]Subs. by Federal Adaptation of Laws Order, 1975 (P. O. No. 4 of 1975), Art. 2 and Table, for "Central Government".
[4]Subs. by the Central Laws (Adaptation) Order, 1961(P. O. No. 1 of 1961), Art. 2 and Sch. (*with effect from the 23rd March, 1956*), for "in any part of Pakistan".
[5]The words "in any place beyond the limits of the towns of Calcutta and Bombay" omitted by Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.
[6]Subs. by Act No. III of 1968, s. 2, for full-stop (*w.e.f.* 21-5-68).

[1][Provided that no such officer shall issue any such order requiring the production of any document or other thing which is in the custody of a bank or banker as defined in the Bankers' Books Evidence Act, 1891 (XVIII of 1891), and relates, or might disclose any information which relates, to the bank account of any person except,—

(a) for the purpose of investigating an offence under sections 403, 406, 408 and 409 and sections 421 to 424 (both inclusive) and sections 465 to 477A (both inclusive) of the Pakistan Penal Code, with the prior permission in writing of a Sessions Judge ; and

(b) in other cases, with the prior permission in writing of the High Court.]

(2) Any person required under this section merely to produce a document or other thing shall be deemed to have complied with the requisition if he causes such document or thing to be produced instead of attending personally to produce the same.

(3) Nothing in this section shall be deemed to affect the Evidence Act, 1872 (I of 1872), sections 123 and 124, or to apply to a letter, postcard, telegram or other document or any parcel or thing in the custody of the Postal or Telegraph authorities.

95. Procedure as to letters and telegrams.— (1) If any document, parcel or thing in such custody is, in the opinion of any [2][*] Magistrate, [3][* * *], High Court or Court of Session, wanted for the purpose of any investigation, inquiry, trial or other proceeding under this Code, such Magistrate or Court may require the Postal or Telegraph authorities, as the case may be, to deliver such document, parcel or thing to such person as such Magistrate or Court directs.

(2) If any such document, parcel or thing is, in the opinion of any other Magistrate, [4][* * *] or District Superintendent of Police, wanted for any such purpose, he may require the Postal or Telegraph Department, as the case may be, to cause search to be made for and to detain such document, parcel or thing pending the orders of any such [2][* * *] Court.

B.—Search-warrants

96. When search-warrant may be issued.— (1) Where any Court has reason to believe that a person to whom a summons or order under section 94 or a requisition under section 95, sub-section (1), has been or might be addressed, will not or would not produce the document or thing as required by such summons or requisition,

or where such document or thing is not known to the Court to be in the possession of any person,

or where the Court considers that the purposes of any inquiry, trial or other proceeding under this Code will be served by a general search or inspection,

it may issue a search-warrant; and the person to whom such warrant is directed, may search or inspect in accordance therewith and the provision hereinafter contained.

(2) [2][* * * * * * *]

[1]Proviso added by Act No. III of 1968, s. 2 (*w.e.f.* 21-5-68).
[2]Omitted by Ord. No. XXXVII of 2001, s. 25-27.
[3]The words "Chief Presidency Magistrate" omitted by Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.
[4]The words "or of any Commissioner of Police" omitted *ibid.*

97. Power to restrict warrant. The Court may, if it thinks fit, specify in the warrant the particular place or part thereof to which only the search or inspection shall extend; and the person charged with the execution of such warrant shall then search or inspect only the place or part so specified.

98. Search of house suspected to contain stolen property, forged documents, etc.— (1) If a [1][* * * [2][* *][1][*]] Magistrate of the first class, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used for the deposit or sale of stolen property,

or for the deposit or sale or manufacture of forged documents, false seals or counterfeit stamps [3][, bank notes, currency notes or coin or instruments or materials for counterfeiting coin, stamps, bank notes or currency notes] or for forging,

or that any forged documents, false seals or counterfeit stamps [3][bank notes, currency notes or coins or instruments or materials for counterfeiting coin, stamps, bank notes or currency notes] or for forging, are kept or deposited in any place,

[4][or [5][* * *] for the deposit, sale, manufacture or production of any obscene object such as is referred to in section 292 of the Pakistan Penal Code (XLV of 1860) or that any such obscene objects are kept or deposited in any place ;]

he may by his warrant authorize any police-officer above the rank of a constable—

(a) to enter, with such assistance as may be required, such place, and

(b) to search the same in manner specified in the warrant, and

(c) to take possession of any property, documents, seals, stamps [6][, bank notes, currency notes] or coins therein found which he reasonably suspects to be stolen, unlawfully obtained, forged, false or counterfeit, and also of any such instruments and materials [4][or of any such obscene objects] as aforesaid, and

(d) to convey such property, documents, seals, stamps, [6][bank notes, currency notes,] coins, instruments or materials [4][or such obscene objects] before a Magistrate, or to guard the same on the spot until the offender is taken before a Magistrate, or otherwise to dispose thereof in some place of safety, and

(e) to take into custody and carry before a Magistrate every person found in such place who appears to have been privy to the deposit, sale or manufacture or keeping of any such property, documents, seals, stamps, [6][, stamps*, bank notes or currency notes,] coins, instruments or materials [4][or such obscene objects] knowing or having reasonable cause to suspect the said property to have been stolen or otherwise unlawfully obtained, or the said documents, seals, stamps, coins, instruments or materials to have been forged, falsified or counterfeited, or the said instruments or materials to have been or to be intended to be used for

[1]Omitted. by Ord. No. XXXVII of 2001, ss. 25-27.
[2]The words "Presidency Magistrate" omitted, Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.
[3]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2. and Sch., for "or coin, or instruments or materials for counterfeiting coin or stamps".
[4]Ins. by the Obscene Publications Act, 1925 (VIII of 1925), s. 3.
[5]The commas and words ", if a District Magistrate, or a Sub-divisional Magistrate, upon information and after such inquiry as he thinks necessary, has reason to believe that any place is used" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2. and Sch.
[6]Ins. *ibid.*
*SIC. "stamps" is superfluous.

counterfeiting coin [1][, stamps, bank notes or currency notes] or for forging [2][or the said obscene objects to have been or to be intended to be sold, let to hire, distributed, publicly exhibited, circulated, imported or exported].

(2) The provisions of this section with respect to—

(a) counterfeit coin,

(b) coin suspected to be counterfeit, and

(c) instruments or materials for counterfeiting coin, shall, so far as they can be made applicable, apply respectively to—

(a) pieces of metal made in contravention of the Metal Tokens Act,1889 (I of 1889), or brought into [3][Pakistan] in contravention of any notification for the time being in force under [4][section 16 of the Customs Act, 1969][5][(IV of 1969)],

(b) pieces of metal suspected to have been so made or to have been so brought into [3][Pakistan] or to be intended to be issued in contravention of the former of those Acts, and

(c) instruments or materials for making pieces of metal in contravention of that Act.

99. Disposal of things found in search beyond jurisdiction. When, in the execution of a search-warrant at any place beyond the local limits of the jurisdiction of the Court which issued the same, any of the things for which search is made, are found, such things, together with the list of the same prepared under the provisions hereinafter contained, shall be immediately taken before the Court issuing the warrant, unless such place is nearer to the Magistrate having jurisdiction therein than to such Court, in which case the list and things shall be immediately taken before such Magistrate; and, unless there be good cause to the contrary, such Magistrate shall make an order authorizing them to be taken to such Court.

[6][**99A. Power to declare certain publications forfeited and to issue search-warrants for the same.**—(1) Where—

(a) any newspaper, or book as defined in the [7][[8][***]West Pakistan Press and Publications Ordinance, 1963, or any other law relating to press and publications for the time being in force,] or

(b) any document,

[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[2]Ins. by the Obscene Publication Act, 1925 (VIII of 1925), s. 3.
[3]Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (XXI of 1960), s. 3 and 2nd Sch. (*with effect from the 14th October, 1955*), for "the Provinces and the Capital of the Federation".
[4]Subs. by the Legal Reforms (Amdt.) Act, 1976 (XXI of 1976), s. 2 and Sch.
[5]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch., item 192.
[6]Ins. by the Press Law Repeal and Amendment Act, 1922 (XIV of 1922), s. 5 and Sch. III.
[7]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch, for "Press and Registration of Books Act, 1867".
[8]Omitted by the Legal Reforms (Amdt.) Act, 1976 (XXI of 1976), s. 2 and Sch.

wherever printed, appears to the [1][Provincial Government] to contain any [2][treasonable or] seditious matter [3][or any matter which is prejudicial to national integration] [4][or any matter which promotes or is intended to promote feelings of enmity or hatred between different classes of [5][the citizens of Pakistan]]. [6][or which is deliberately and maliciously intended to outrage the religious feelings of any such class by insulting the religion or the religious beliefs of that class], [7][or any matter of the nature referred to in clause (jj) of sub-section (1) of section 24 of the West Pakistan Press and Publications Ordinance, 1963, (W.P.XXX of 1963)] that is to say, any matter the publication of which is punishable under [2][section 123A or] section 124A [4][or section 153A] [6][or section 295A] [7][or section 298A or section 298B or section 298C] of the Pakistan Penal Code (XLV of 1860), the [1][Provincial Government] may, by notification in the [8][official Gazette], stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter, and every copy of such book or other document to be forfeited to [5][Government] ,and thereupon any police-officer may seize the same wherever found in [9][Pakistan] and any Magistrate may by warrant authorize any police-officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be.

(2) In sub-section (1) "document" includes also any painting, drawing or photograph, or other visible representation.

99B. Application to High Court to set aside order of forfeiture.— [10][(1)] Any person having any interest in any newspaper, book or other document, in respect of which an order of forfeiture has been made under section 99A, [11][or any other law for the time being in force] may, within two months from the date of such order, apply to the High Court to set aside such order on the ground that the issue of the newspaper, or the book or other document, in respect of which the order was made, did not contain any [12][treasonable or] [13][seditious or other matter of such a nature as is referred to in sub-section (1) of section 99A].

[14][(2) Nothing in sub-section (1) shall apply to a case where the order of forfeiture has been made—

(a) in respect of a newspaper, book or other document printed outside Pakistan ; or

(b) in respect of a newspaper, book or other document on the conviction, in respect of such newspaper, book or other document, of the author or editor thereof for any of the offences referred to in sub-section (1) of section 99A.]

99C. *[Hearing by Special Bench.] Omitted by the Law Reforms Ordinance, 1972(XII of 1972), s. 2 and Sch.*

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[1]Subs. by A.O., 1937, for "L.G.".
[2]Ins. by Act No. XIX of 1951, s. 2.
[3]Ins. by the Criminal Law (Amdt.) Act, 1973 (6 of 1973), s. 3 (w.e.f. 31-1-73).
[4]Ins. by Act No. XXXVI of 1926, s. 2.
[5]Subs. by the Central Laws (Adaptation) Order, 1961(P. O. No. 1 of 1961), Art. 2 and Sch., for "His Majesty's subjects" (*with effect from the 23rd March, 1956*).
[6]Ins. by the Criminal Law Amendment Act, 1927 (XXV of 1927), s. 3.
[7]Ins. by the Anti-Islamic Activities of the Qudiani Group, Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, 1984 (XX of 1984), s.4.
[8]Subs. by A. O., 1937, for "local official Gazette".
[9]Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (XXI of 1960), s. 3 and 2nd Sch. (*with effect from the 14th October, 1955*), for "the Provinces and the Capital of the Federation".
[10]Re-numbered by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[11]Ins. *ibid*.
[12]Ins. by Act No. XIX of 1951, s. 3.
[13]Subs. by Act No. XXXVI of 1926, s. 3.
[14]Added the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.

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99D. Order of High Court setting aside forfeiture.— (1) On receipt of the application, the [1][High Court] shall, if it is not satisfied that the issue of the newspaper, or the book or other document, in respect of which the application has been made, contained [2][treasonable or] [3][seditious or other matter of such a nature as is] referred to in sub-section (1) of section 99A, set aside the order of forfeiture.

(2) [4][* * * * * * *]

99E. Evidence to prove nature or tendency of newspapers. On the hearing of any such application with reference to any newspaper, any copy of such newspaper may be given in evidence in aid of the proof of the nature or tendency of the words, signs or visible representations contained in such newspaper, [5][in respect of which the order of forfeiture was made].

99F. Procedure in High Court. Every High Court shall, as soon as conveniently may be, frame rules to regulate the procedure in the case of such applications, the amount of the costs thereof and the execution of orders passed thereon, and until such rules are framed, the practice of such Courts in proceedings other than suits and appeals shall apply, so far as may be practicable, to such applications.

99G. Jurisdiction barred. No order passed or action taken under section 99A shall be called in question in any Court otherwise than in accordance with the provisions of section 99B.]

C.—Discovery of persons wrongfully confined

100. Search for persons wrongfully confined. If any [6][* *], Magistrate of the first class [7][* * *] has reason to believe that any person is confined under such circumstances that the confinement amounts to an offence, he may issue a search-warrant, and the person to whom such warrant is directed may search for the person so confined; and such search shall be made in accordance therewith, and the person, if found, shall be immediately taken before a Magistrate, who shall make such order as in the circumstances of the case seems proper.

D.— General Provisions relating to Searches

101. Direction, etc., of search-warrants. The provisions of sections 43, 75, 77, 79, 82, 83 and 84 shall, so far as may be, apply, to all search-warrants issued under section 96, section 98, [8][section 99A] or section 100.

102. Persons in charge of closed place to allow search.— (1) Whenever any place liable to search or inspection under this Chapter is closed, any person residing in, or being incharge of such place shall, on demand of the officer or other person executing the warrant, and on production of the warrant, allow him free ingress thereto, and afford all reasonable facilities for a search therein.

(2) If ingress into such place cannot be so obtained, the officer or other person executing the warrant may proceed in manner provided by section 48.

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[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[2]Ins. by Act No. XIX of 1951, s. 3.
[3]Subs. by Act No. XXXVI of 1926, s. 4.
[4]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[5]Subs. by Act No. XXXVI of 1926, s. 5.
[6]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949, Sch.
[7]Omitted by Ord. No. XXXVII of 2001, s. 28.
[8]Ins. by the Press Law Repeal and Amendment Act, 1922 (XIV of 1922), s. 5 and Sch. III.

(3) Where any person in or about such place is reasonably suspected of concealing about his person any article for which search should be made, such person may be searched. If such person is a woman, the directions of section 52 shall be observed.

103. Search to be made in presence of witnesses.— (1) Before making a search under this Chapter, the officer or other person about to make it shall call upon two or more respectable inhabitants of the locality in which the place to be searched is situate to attend and witness the search [1][and may issue an order in writing to them or any of them so to do].

(2) The search shall be made in their presence, and a list of all things seized in the course of such search and of the places in which they are respectively found shall be prepared by such officer or other person and signed by such witnesses; but no person witnessing a search under this section shall be required to attend the Court as a witness of the search unless specially summoned by it.

(3) **Occupant of place searched may attend**. The occupant of the place searched, or some person in his behalf, shall, in every instance, be permitted to attend during the search, and a copy of the list prepared under this section, signed by the said witnesses, shall be delivered to such occupant or person at his request.

(4) When any person is searched under section 102, sub-section (3), a list of all things taken possession of shall be prepared, and a copy thereof shall be delivered to such person at his request.

[2][(5) Any person who, without reasonable cause, refuses or neglects to attend and witness a search under this section, when called upon to do so by an order in writing delivered or tendered to him, shall be deemed to have committed an offence under section 187 of the Pakistan Penal Code (XLV of 1860).]

E.—Miscellaneous

104. Power to impound document, etc., produced. Any Court may, if it thinks fit, impound any document or thing produced before it under this Code.

105. Magistrate may direct search in his presence. Any Magistrate may direct a search to be made in his presence of any place for the search of which he is competent to issue a search-warrant.

PART IV
PREVENTION OF OFFENCES

CHAPTER VIII[3]

OF SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR.

A.—Security for keeping the Peace on Conviction

106. Security for keeping the peace on conviction.— (1) Whenever any person accused of [4][any offence punishable under Chapter VIII of the Pakistan Penal Code (XLV of 1860), other

[1]Added by Act No. XVIII of 1923, s.14.
[2]Added *ibid*.
[3]Ss. 20 to 26 of the Sind Frontier Regulation, 1892 (3 of 1892), are to be read with and construed as part of this Chapter— *see* s. 27 of that Regulation and s. 3, supra.
[4]Subs. by Act No. XVIII of 1923, s.15.

than an offence punishable under section 143, section 149, section 153A or section 154 thereof, or of] assault or other offence involving a breach of the peace, or of abetting the same, [1][* * *] or any person accused of committing criminal intimidation, is convicted of such offence before a High Court, a Court of Session, or the Court of [2][* * *] [3][* * *] a Magistrate of the first class,

and such Court is of opinion that it is necessary to require such person to execute a bond for keeping the peace,

such Court may, at the time of passing sentence on such person, order him to execute a bond for a sum proportionate to his means, with or without sureties, for keeping the peace during such period, not exceeding three years, as it thinks fit to fix.

(2) If the conviction is set aside on appeal or otherwise, the bond so executed shall become void.

(3) An order under this section may also be made by an Appellate Court [4][or by a Court] exercising its powers of revision.

B.— Security for keeping the Peace in other Cases and security for Good Behaviour.

107. Security for keeping the peace in other cases.— (1) Whenever a [2][* *], [3][Magistrate of the first class] is informed that any person is likely to commit a breach of the peace disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace, or disturb the public tranquillity, the Magistrate [5][if in his opinion there is sufficient ground for proceeding] may in manner hereinafter provided, require such person to show cause why he should not be ordered, to execute a bond, with or without sureties, for keeping the peace for such period not exceeding [6][three years] as the Magistrate thinks fit to fix.

(2) Proceedings shall not be taken under this section unless either the person informed against or the place where the breach of the peace or disturbance is apprehended, is within the local limits of such Magistrate's jurisdiction, and no proceedings shall be taken before any Magistrate, [3][except with the approval of the Sessions Judge], unless both the person informed against and the place where the breach of the peace or disturbance is apprehended, are within the local limits of the Magistrate's jurisdiction.

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(3) **Procedure of Magistrate not empowered to act under sub-section (1).** When any Magistrate not empowered to proceed under sub-section (1) has reason to believe that any person is likely to commit a breach of the peace or disturb the public tranquillity or to do any wrongful act that may probably occasion a breach of the peace or disturb the public tranquillity, and that such breach of the peace or disturbance cannot be prevented otherwise than by detaining such person in custody, such Magistrate may, after recording his reasons, issue a warrant for his arrest (if he is not already in custody or before the Court), and may send him before a Magistrate empowered to deal with the case, together with a copy of his reasons.

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[1]Omitted by Act No. XVIII of 1923, s. 15.
[2]Omitted by by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), s. 3 and Sch.
[3]Omitted and subs. by Ord. No. XXXVII of 2001, s. 29-30.
[4]Subs. by the Law Reforms Ordinance, 1972, (XII of 1972) s. 2 and Sch.
[5]Ins. by Act No. XVIII of 1923, s. 16.
[6]Subs. by the Law Reforms Ordinance, 1972, (XII of 1972) s. 2 and Sch.

(4) A Magistrate before whom a person is sent under [1][sub-section (3)] may in his discretion detain such person in custody [2][pending further action by himself under this Chapter].

108. Security for good behaviour from persons disseminating seditious matter. Whenever a [3][* * *] [4][Magistrate of the first class] has information that there is within the limits of his jurisdiction any person who, within or without such limits, either orally or in writing [5][or in any other manner intentionally] disseminates or attempts to disseminate, or in anywise abets the dissemination of,—

(a) any seditious matter, that is to say, any matter the publication of which is punishable under [6][section 123A or] section 124A of the Pakistan Penal Code *(XLV of 1860), or

(b) any matter the publication of which is punishable under section 153A of the Pakistan Penal Code *(XLV of 1860), or

(c) any matter concerning a Judge which amounts to criminal intimidation or defamation under the Pakistan Penal Code *(XLV of 1860),

such Magistrate, [5][if in his opinion there is sufficient ground for proceeding] may (in manner hereinafter provided) require such person to show cause why he should not be ordered to execute a bond, with or without sureties, for his good behaviour for such period, not exceeding one year, as the Magistrate thinks fit to fix.

No proceedings shall be taken under this section against the editor, proprietor, printer or publisher of any publication registered under, [7][and edited, printed and published] in conformity with [8][, the provisions of [9][***] the West Pakistan Press and Publications Ordinance, 1963, or any other law relating to press and publications for the time being in force] [5][with reference to any matters contained in such publication] except by the order or under the authority of [10][* * *] the [11][Provincial Government] or some officer empowered [12][by the Provincial Government] in this behalf.

109. Security for good behaviour from vagrants and suspected persons. Whenever a [13][* *] [4][Magistrate of the First Class receives] information—

(a) that any person is taking precautions to conceal his presence within the local limits of such Magistrate's jurisdiction, and that there is reason to believe that such person is taking such precautions with a view to committing any offence, or

(b) that there is within such limits a person who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself, such

[1]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 16.
[2]Subs. *ibid.*
[3]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949(O. No. 4of 1949), s.3 and Sch.
[4]Subs. by Ord. No. XXXVII of 2001, s. 31-32.
[5]Ins. by Act No. XVIII of 1923, s. 17.
[6]Ins. by Act No. LXXIII of 1950, s. 2.
[7]Subs. by Act No. XVIII of 1923, s. 17.
[8]Subs. by the Law Reforms (Amdt.) Ordinance, 1975 (XXIV of 1975), s.2 and Sch.
[9]Omitted by the Legal Reforms (Amdt.) Act, 1976 (XXI of 1976), s.2 and Sch. Item (8).
[10]The words "the G.G. in C., or" rep. by A.O., 1937.
[11]Subs. by A.O., 1937, for "L.G".
[12]Subs. *ibid*., for "by the G.G. in C.".
[13]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4of 1949), s.3 and Sch.
*For further clarity on this provisions, the original source i.e. the Gazette Notification of Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch., item 195, may be perused.

Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period, not exceeding [1][three years] as the Magistrate thinks fit to fix.

110. Security for good behaviour from habitual offenders. Whenever a [2][* *], [3][Magistrate of the first class] receives information that any person within the local limits of his jurisdiction—

(a) is by habit a robber, house-breaker, [4][*] thief [5][or forger,], or

(b) is by habit a receiver of stolen property knowing the same to have been stolen, or

(c) habitually protects or harbours thieves or aids, in the concealment or disposal of stolen property, or

[6][*(d)* habitually commits, or attempts to commit, or abets the commission of, the offence of kidnapping, abduction, extortion, cheating or mischief, or any offence punishable under Chapter XII of the Pakistan Penal Code (XLV of 1860), or under section 489A, section 489B, section 489C or section 489D of that Code, or]

(e) habitually commits, or attempts to commit, or abets the commission of, offences involving a breach of the peace, or

(f) is so desperate and dangerous as to render his being at large without security hazardous to the community,

such Magistrate may, in manner hereinafter provided, require such person to show cause why he should not be ordered to execute a bond, with sureties, for his good behaviour for such period, not exceeding three years, as the Magistrate thinks fit to fix.

111. *[Proviso as to European vagrants.] Rep. by the Criminal Law Amendment Act, 1923 (XII of 1923), s. 8.*

[7, 8]**112. Order to be made.** When a Magistrate acting under section 107, section 108, section 109 or section 110 deems it necessary to require any person to show cause under such section, he shall make an order in writing, setting forth the substance of the information received, the amount of the bond to be executed, the term for which it is to be in force, and the number, character and class of sureties (if any) required.

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[7, 8]**113. Procedure in respect of person present in Court.** If the person in respect of whom such order is made is present in Court, it shall be read over to him or, if he so desires, the substance thereof shall be explained to him.

[8]**114. Summons or warrant in case of person not so present.** If such person is not present in Court, the Magistrate shall issue a summons requiring him to appear, or, when such person is in custody, a warrant directing the officer in whose custody he is, to bring him before the Court:

[1]Subs. by the Law Reforms Ordinance, 1972, (XII of 1972) s. 2 and Sch.
[2]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), s. 3 and Sch.
[3]Subs. by Ord. No. XXXVII of 2001, s. 33.
[4]Rep. by Act No. XVIII of 1923, s.18.
[5]Ins. *ibid.*
[6]Subs. *ibid.*
[7]Ss. 112, 113, 115 and 117 do not apply to an enquiry under s. 22 of the Sindh Frontier Regulation, 1892 (3 of 1892), or under s. 42 of the Frontier Crimes Regulation, 1901 (3 of 1901).
[8]Ss. 112 to 121 and 123 to 126 and s. 514 apply to all cases requiring security for good behaviour under s. 6 of the Punjab Frontier Crossing Regulation, 1873 (7 of 1873).

Provided that whenever it appears to such Magistrate, upon the report of a police-officer or upon other information (the substance of which report or information shall be recorded by the Magistrate), that there is reason to fear the commission of a breach of the peace, and that such breach of the peace cannot be prevented otherwise than by the immediate arrest of such person, the Magistrate may at any time issue a warrant for his arrest.

[1, 2]**115. Copy of order under section 112 to accompany summons or warrant.** Every summons or warrant issued under section 114 shall be accompanied by a copy of the order made under section 112, and such copy shall be delivered by the officer serving or executing such summons or warrant to the person served with, or arrested under, the same.

[2]**116. Power to dispense with personal attendance.** The Magistrate may, if he sees sufficient cause, dispense with the personal attendance of any person called upon to show cause why he should not be ordered to execute a bond for keeping the peace, and may permit him to appear by a pleader.

[1, 2]**117. Inquiry as to truth of information.**— (1) When an order under section 112 has been read or explained under section 113 to a person present in Court, or when any person appears or is brought before a Magistrate in compliance with, or in execution of, a summons or warrant, issued under section 114, the Magistrate shall proceed to inquire into the truth of the information upon which action has been taken, and to take such further evidence as may appear necessary.

[3][(2) Such inquiry shall be made, as nearly as may be practicable, in the manner prescribed in Chapter XX for conducting trials and recording evidence, except that no charge need be framed.]

[4][(3) Pending the completion of the inquiry under sub-section (1), the Magistrate, if he considers that immediate measures are necessary for the prevention of a breach of the peace or disturbance of the public tranquillity or the commission of any offence or for the public safety, may, for reasons to be recorded in writing, direct the person in respect of whom the order under section 112 has been made to execute a bond, with or without sureties, for keeping the peace or maintaining good behaviour until the conclusion of the inquiry, and may detain him in custody until such bond is executed or, in default of execution, until the inquiry is concluded :

Provided that—

(a) no person against whom proceedings are not being taken under section 108, section 109, or section 110, shall be directed to execute a bond for maintaining good behaviour, and

(b) the conditions of such bond, whether as to the amount thereof or as to the provision of sureties or the number thereof or the pecuniary extent of their liability, shall not be more onerous than those specified in the order under section 112.]

[4][(4)] For the purposes of this section the fact that a person is an habitual offender [4][or is so desperate and dangerous as to render his being at large without security hazardous to the community] may be proved by evidence of general repute or otherwise.

[1]Ss. 112 to 121 and 123 to 126 and s. 514 apply to all cases requiring security for good behaviour under s. 6 of the Punjab Frontier Crossing Regulation, 1873 (7 of 1873).
[2]Ss. 112, 113, 115 and 117 do not apply to an enquiry under s. 22 of the Sindh Frontier Regulation, 1892 (3 of 1892), or under s. 42 of the Frontier Crimes Regulation, 1901 (3 of 1901).
[3]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[4]Ins. and re-numbered by Act No. XVIII of 1923, s. 19.

[1][(5)] Where two or more persons have been associated together in the matter under inquiry, they may be dealt with in the same or separate inquiries as the Magistrate shall think just.

[2]118. Order to give security.— (1) If, upon such inquiry, it is proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made should execute a bond, with or without sureties the Magistrate shall make an order accordingly :

Provided—

first, that no person shall be ordered to give security of a nature different from, or of an amount larger than, or for a period longer than, that specified in the order made under section 112 :

secondly, that the amount of every bond shall be fixed with due regard to the circumstances of the case and shall not be excessive:

thirdly, that when the person in respect of whom the inquiry is made is a minor, the bond shall be executed only by his sureties.

[2]119. Discharge of person informed against. If, on an inquiry under section 117, it is not proved that it is necessary for keeping the peace or maintaining good behaviour, as the case may be, that the person in respect of whom the inquiry is made, should execute a bond, the Magistrate shall make an entry on the record to that effect, and if such person is in custody only for the purposes of the inquiry, shall release him, or, if such person is not in custody, shall discharge him.

C.—Proceedings in all Cases subsequent to Order to furnish Security

[2]120. Commencement of period for which security is required.— (1) If any person, in respect of whom an order requiring security is made under section 106 or section 118, is, at the time such order is made, sentenced to, or undergoing a sentence of, imprisonment the period for which such security is required shall commence on the expiration of such sentence.

(2) In other cases such period shall commence on the date of such order unless the Magistrate, for sufficient reason, fixes a later date.

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[2]121. Contents of bond. The bond to be executed by any such person shall bind him to keep the peace or to be of good behaviour, as the case may be, and in the latter case the commission or attempt to commit, or the abetment of, any offence punishable with imprisonment, wherever it may be committed, is a breach of the bond.

[1][122. Power to reject sureties.— (1) A Magistrate may refuse to accept any surety offered, or may reject any surety previously accepted by him or his predecessor under this Chapter on the ground that such surety is an unfit person for the purposes of the bond :

Provided that, before so refusing to accept or rejecting any such surety, he shall either himself hold an inquiry on oath into the fitness of the surety, or cause such inquiry to be held and a report to be made thereon by a Magistrate subordinate to him.

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[1]Re-numbered and subs. by Act No. XVIII of 1923, ss. 19-20.

[2]Ss. 112 to 121 and 123 to 126 and s. 514 apply to all cases requiring security for good behaviour under s. 6 of the Punjab Frontier Crossing Regulation, 1873 (7 of 1873).

(2) Such Magistrate shall, before holding the inquiry, give reasonable notice to the surety and to the person by whom the surety was offered and shall, in making the inquiry, record the substance of the evidence adduced before him.

(3) If the Magistrate is satisfied, after considering the evidence so adduced either before him or before a Magistrate deputed under sub-section (1), and the report of such Magistrate (if any) that the surety is an unfit person for the purposes of the bond, he shall make an order refusing to accept or rejecting, as the case may be, such surety and recording his reasons for so doing:

Provided that, before making an order rejecting any surety who has previously been accepted, the Magistrate shall issue his summons or warrant, as he thinks fit, and cause the person for whom the surety is bound to appear or to be brought before him.]

[1]123. Imprisonment in default of security.— (1) If any person ordered to give security under section 106 or section 118 does not give such security on or before the date on which the period for which such security is to be given commences, he shall, except in the case next hereinafter mentioned, be committed to prison, or, if he is already in prison be detained in prison until such period expires or until within such period he gives the security to the Court or Magistrate who made the order requiring it.

(2) **Proceedings when to be laid before High Court or Court of Sessions.** When such person has been ordered by a Magistrate to give security for a period exceeding one year, such Magistrate shall, if such person does not give such security as aforesaid, issue a warrant directing him to be detained in prison pending the orders of the Sessions Judge [2][* * *] ;and the proceedings shall be laid, as soon as conveniently may be, before [3][such Judge].

(3) [3][The Sessions Judge], after examining such proceedings and requiring from the Magistrate any further information or evidence which [4][he] thinks necessary, may pass such order on the case as [4][he] thinks fit:

Provided that the period (if any) for which any person is imprisoned for failure to give security shall not exceed three years.

[5][(3A) If security has been required in the course of the same proceedings from two or more persons in respect of any one of whom the proceedings are referred to the Sessions Judge [6][* * *] under sub-section (2), such reference shall also include the case of any other of such persons who has been ordered to give security, and the provisions of sub-sections (2) and (3) shall, in that event, apply to the case of such other person also, except that the period (if any) for which he may be imprisoned shall not exceed the period for which he was ordered to give security.

(3B) A Sessions Judge may in his discretion transfer any proceedings laid before him under sub-section (2) or sub-section (3A) to an Additional Sessions Judge or Assistant Sessions Judge and upon such transfer, such Additional Sessions Judge or Assistant Sessions Judge may exercise the powers of a Sessions Judge under this section in respect of such proceedings.]

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[1]Ss. 112 to 121 and 123 to 126 and s. 514 apply to all cases requiring security for good behaviour under s. 6 of the Punjab Frontier Crossing Regulation, 1873 (7 of 1873).
[2]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), s. 3 and Sch.
[3]Subs. *ibid.*, for "such Court".
[4]Subs. *ibid.*, for " it ".
[5]Ins. by Act No. XVIII of 1923, s. 21.
[6]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Sch.

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(4) If the security is tendered to the officer in charge of the jail, he shall forthwith refer the matter to the Court or Magistrate who made the order, and shall await the orders of such Court or Magistrate.

(5) **Kind of imprisonment.** Imprisonment for failure to give security for keeping the peace shall be simple.

(6) Imprisonment for failure to give security for good behaviour [1][shall, where the proceedings have been taken under section 108 [2][* * *] be simple and, where the proceedings have been taken under [3][section 109 or] section 110], be rigorous or simple as the Court or Magistrate in each case directs.

[4]124. Power to release persons imprisoned for failing to give security.— (1) Whenever the [5][Sessions Judge] [6][* * *] is of opinion that any person imprisoned for failing to give security under this Chapter [7][* * *] may be released without hazard to the community or to any other person, he may order such person to be discharged.

(2) Whenever any person has been imprisoned for failing to give security under this Chapter, the [8][* * *] [5][Sessions Judge] may (unless the order has been made by some Court superior to his own) make an order reducing the amount of the security or the number of sureties or the time for which security has been required.

[9][(3) An order under sub-section (1) may direct the discharge of such person either without conditions or upon any conditions which such person accepts:

Provided that any condition imposed shall cease to be operative when the period for which such person was ordered to give security has expired.]

[10][(4) The [11][Provincial Government] may prescribe the conditions upon which a conditional discharge may be made.

(5) If any condition upon which any such person has been discharged is, in the opinion of the [5][Sessions Judge] [12][* * *] by whom the order of discharge was made or of his successor, not fulfilled, he may cancel the same.

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(6) When a conditional order of discharge has been cancelled under sub-section (5), such person may be arrested by any police-officer without warrant, and shall thereupon be produced before the [5][Sessions Judge] [12][* * *].

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[1]Subs. by Act No. XVIII of 1923, s.21.
[2]Rep. by Act No. X of 1926, s.2.
[3]Ins. *ibid.*
[4]Ss. 112 to 121 and 123 to 126 and s. 514 apply to all cases requiring security for good behaviour under s. 6 of the Punjab Frontier Crossing Regulation, 1873 (7 of 1873).
[5]Subs. by Ord. No. XXXVII of 2001, s. 34.
[6]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), s. 3 and Sch.
[7]Rep. by Act No. XVIII of 1923, s. 22.
[8] Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), s. 3 and Sch.
[9]Subs. by Act No. XVIII of 1923, s. 22.
[10]Ins. *ibid.*
[11]Subs. by A.O., 1937, for "L.G".
[12]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), s. 3 and Sch.

Unless such person then gives security in accordance with the terms of the original order for the unexpired portion of the term for which he was in the first instance committed or ordered to be detained (such portion being deemed to be a period equal to the period between the date of the breach of the conditions of discharge and the date on which, except for such conditional discharge, he would have been entitled to release), the [1][Sessions Judge] [2][* * *] may remand such person to prison to undergo such unexpired portion.

A person remanded to prison under this sub-section shall, subject to the provisions of section 122, be released at any time on giving security in accordance with the terms of the original order for the unexpired portion aforesaid to the Court or Magistrate by whom such order was made, or to its or his successor.]

[3]125. Power of District Magistrate to cancel any bond for keeping the peace or good behaviour. The [4][* * *] [1][Sessions Judge] may at any time, for sufficient reasons to be recorded in writing, cancel any bond for keeping the peace or for good behaviour executed under this Chapter by order of any Court in his district not superior to his Court.

[3]126. Discharge of sureties.— (1) Any surety for the peaceable conduct or good behaviour of another person may at any time apply to a [5][* * *], [1][concerned Magistrate of the first class] to cancel any bond executed under this Chapter within the local limits of his jurisdiction.

(2) On such application being made, the Magistrate shall issue his summons or warrant, as he thinks fit, requiring the person for whom such surety is bound to appear or to be brought before him.

[6][126A.] [7][When a person for whose appearance a warrant or summons has been issued under the proviso to sub-section (3) of section 122 or under section 126, sub-section (2), appears or is brought before him, the Magistrate shall cancel the bond executed by such person] and shall order such person to give, for the unexpired portion of the term of such bond, fresh security of the same description as the original security. Every such order shall, for the purposes of sections 121, 122, 123 and 124, be deemed to be an order made under section 106 or section 118, as the case may be.

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CHAPTER IX

UNLAWFUL ASSEMBLIES [8][AND MAINTENANCE OF PUBLIC PEACE AND SECURITY].

127. Assembly to disperse on command of Magistrate or police-officer.— (1) Any [9][* * *] officer in charge of a police-station may command any unlawful assembly, or any assembly of five or more persons likely to cause a disturbance of the public peace, to disperse ; and it shall thereupon be the duty of the members of such assembly to disperse accordingly.

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[1]Subs. by Ord. No. XXXVII of 2001, s. 34-36.
[2]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), s. 3 and Sch.
[3]Ss. 112 to 121 and 123 to 126 and s. 514 apply to all cases requiring security for good behaviour under s. 6 of the Punjab Frontier Crossing Regulation, 1873 (7 of 1873).
[4]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), s. 3 and Sch.
[5]Omitted, *ibid*.
[6]Sub-Section (3) of s. 126 re-numbered as s. 126A by Act No. XVIII of 1923, s. 23.
[7]Subs. *ibid.*
[8]Added by Ord. No. LXXXI of 2002, s. 2.
[9]Omitted by Ord. No. XLIII of 2001, ss. 3-4.

(2) [1][* * * * * * *]

128. Use of civil force to disperse. If, upon being so commanded, any such assembly does not disperse, or if, without being so commanded, it conducts itself in such a manner as to show a determination not to disperse, any [2][* * *] officer in charge of a police-station, [3][* * *] , may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer [4][, soldier, sailor or airman in [5][the armed forces of Pakistan]] [6][* * *][7][***], and acting as such, for the purpose of dispersing such assembly, and, if necessary, arresting and confining the persons who form part of it, in order to disperse such assembly or that they may be punished according to law [8][:]

[8][Provided that for dispersing any assembly, firing shall not be resorted to except under the specific directions of an officer of the police not below the rank of an Assistant Superintendent or Deputy Superintendent of Police.]

129. Use of military force. If any such assembly cannot be otherwise dispersed, and if it is necessary for the public security that it should be dispersed, [8][the police officer of the highest rank not below an Assistant Superintendent, or Deputy Superintendent of Police] who is present may cause it to be dispersed by [9][the armed forces].

130. Duty of Officer Commanding troops required by Magistrate to disperse assembly. [10][(1) When [8][a police officer of the highest rank not below an Assistant Superintendent, or Deputy Superintendent, of Police] determines to disperse any such assembly by the armed forces, he may require any officer thereof in command of any group of persons belonging to the armed forces to disperse such assembly with the help of the armed forces under his command and to arrest and confine such persons forming part of it as the Magistrate [8][or such Police officer] may direct, or as it may be necessary to arrest and confine in order to disperse the assembly or to have them punished according to law.]

(2) Every such officer shall obey such requisition in such manner as he thinks fit, but in so doing he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly and arresting and detaining such persons.

131. Power of commissioned military officers to disperse assembly. When the public security is manifestly endangered by any such assembly, and when [8][a police officer of the highest rank not below an Assistant Superintendent, or Deputy Superintendent, of Police] can be communicated with, any commissioned officer of [11][the Pakistan] Army may disperse such assembly by military force, and may arrest and confine any persons forming part of it, in order to disperse such assembly or that they may be punished according to law; but if, while he is acting under this section, it becomes practicable for him to communicate with [8][a police officer not below the rank of Assistant Superintendent, or Deputy Superintendent, of Police], he shall do so, and shall thenceforward obey the instructions of [8][such Police officer] as to whether he shall or shall not continue such action.

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[1]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), s. 3 and Sch.

[2]Omitted by Ord. No. XLIII of 2001, ss. 3-4.

[3]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), s. 3 and Sch.

[4]Subs. by the Amending Act, 1934 (XXXV of 1934), s. 2 and Sch.

[5]Subs. by the Central Laws (Adaptation) Order, 1961(P. O. No. 1 of 1961), Art. 2 and Sch. (*with effect from the 23rd March, 1956*).

[6]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.

[7]Omitted *ibid.*, item (196).

[8]Subs, added and ins. by Ord. No. XXXVII of 2001, s. 38-41.

[9]Subs. by Act No. XLIX of 1975, s.2. for "military force" (*w.e.f* 25-4-75).

[10]Subs. *ibid*, s.3.

[11]Subs. by the Central Laws (Adaptation) Order, 1961(P. O. No. 1 of 1961), Art. 2 and Sch. (*with effect from the 23rd March, 1961*).

[1][**131A. Power to use military force for public security and maintenance of law and order.**— (1) If the Provincial Government is satisfied that, for the public security, protection of life and property, public peace and the maintenance of law and order, it is necessary to secure the assistance of the armed forces or civil armed forces, the Provincial Government may required, with the prior approval of the Federal Government, or the Federal Government may on its own or on the request of the Provincial Government, direct any officer of the armed forces or civil armed forces not below the rank of a JCO or equivelant to render such assistance with the help of the forces under his command, and such assistance shall include the exercise of powers specified in sections 46 to 49, 53, 54, 55 (a) (c), 58, 61, 64 to 67, 102 and 103 for a particular area defined in the notification for a limited period of thirty days extendable by another period of thirty days, as the circumstances may warrant:

Provided that such powers shall not included the powers of a Magistrate.

(2) Every such officer shall obey such requisition or direction, as the case may be, and in doing so may use such force as the circumstances may require.

(3) In rendering assistance relating to exercise of powers specified in sub-section (1), every officer shall, as far as may be, follow the restrictions and conditions laid down in the Code.]

132. Protection against prosecution for act done under the Chapter. No prosecution against any person for any act purporting to be done under this Chapter shall be instituted in any Criminal Court, except with the sanction of the [2][Provincial Government] ; and—

(a) no [3][* *] police officer acting under this Chapter in good faith,

(b) no officer acting under section 131 in good faith,

(c) no person doing any act in good faith, in compliance with a requisition under section 128 or section 130, [4][or section 131-A], and

(d) no inferior officer, or soldier, [5][sailor or airman in the armed forces], doing any act in obedience to any order which he was bound to obey,

shall be deemed to have thereby committed an offence:

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[6][Provided that no such prosecution shall be instituted in any Criminal Court against any officer or [7][soldier, sailor or airman in the armed forces] except with the sanction of the [8][Federal Government].]

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[1]Ins. by Ord. No. LXXXI of 2002, s. 3.
[2]Subs. by A.O., 1937, for "L.G.".
[3]Omitted by Ord. No. XXXVII of 2001, s. 42.
[4]Ins. by Ord. No. LXXXI of 2002, s. 4.
[5]Subs. by XLIX of 1975, s. 4.
[6]Ins. by the Devolution Act, 1920 (XXXVIII of 1920), s.2 and Sch. I.
[7]Subs. by Act No. XLIX of 1975, s. 4.
[8]Subs. by Federal Adaptation of Laws Order, 1975 (P. O. No. 4 of 1975), Art. 2 and Table.

[1][**132A. Definitions.** In this Chapter,—

(a) the expression "armed forces" means the military, naval and air forces, operating as land forces and includes [2][* * *] any other armed forces of Pakistan so operating ;

[3][(aa) the expression "civil armed forces" means the Pakistan Rangers, Frontier Corps, Frontier Constabulary, Baluchistan Constabulary, Pakistan Coast Gaurds or any other force as the Federal Government may notify.]

(b) "officer", in relation to the armed forces, means a person commissioned, gazetted or in pay as an officer of the armed forces and includes a junior commissioned officer, a warrant officer, a petty officer and a non-commissioned officer ; and

(c) "soldier" includes a member of the force constituted under the Act referred to in clause (a).]

CHAPTER X

PUBLIC NUISANCES

[4][**133. Conditional order for removal of nuisance.**— (1) Whenever a [5][Magistrate of the first class] considers, on receiving a police-report or other information and on taking such evidence (if any) as he thinks fit,

that any unlawful obstruction or nuisance should be removed from any way, river or channel which is or may be lawfully used by the public, or from any public place, or

that the conduct of any trade or occupation, or the keeping of any goods or merchandise, is injurious to the health or physical comfort of the community, and that in consequence such trade or occupation should be prohibited or regulated or such goods or merchandise should be removed or the keeping thereof regulated, or

that the construction of any building, or the disposal of any substance, as likely to occasion conflagration or explosion, should be prevented or stopped, or

that any building, tent or structure, or any tree is in such a condition that it is likely to fall and thereby cause injury to persons living or carrying on business in the neighbourhood or passing by, and that in consequence the removal, repair or support of such building, tent or structure, or the removal or support of such tree, is necessary, or

that any tank, well or excavation adjacent to any such way or public place should be fenced in such manner as to prevent danger arising to the public, or

that any dangerous animal should be destroyed, confined or otherwise disposed of,

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[1]Ins. by Act No. XLIX of 1975, s. 5.
[2]Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s.3 and Second Sch.
[3]Ins. by Ord. No. LXXXI of 2002, ss. 4-5.
[4]Subs. by Act No. XVIII of 1923, s. 24.
[5]Subs. by Ord. No. XXXVII of 2001, s. 43.

such Magistrate may make a conditional order requiring the person causing such obstruction or nuisance, or carrying on such trade or occupation, or keeping any such goods or merchandise, or owning, possessing or controlling such building, tent, structure, substance, tank, well or excavation, or owning or possessing such animal or tree, within a time to be fixed in the order,

to remove such obstruction or nuisance ; or

to desist from carrying on, or to remove or regulate in such manner as may be directed, such trade or occupation; or

to remove such goods or merchandise, or to regulate the keeping thereof in such manner as may be directed ; or

to prevent or stop the erection of, or to remove, repair or support, such building, tent or structure ; or

to remove or support such tree ; or

to alter the disposal of such substance ; or

to fence such tank, well or excavation, as the case may be ; or

to destroy, confine or dispose of such dangerous animal in the manner provided in the said order ;

or, if he objects so to do,

to appear before himself or some other [1][Magistrate of the first class], at a time and place to be fixed by the order, and move to have the order set aside or modified in the manner hereinafter provided.

(2) No order duly made by a Magistrate under this section shall be called in question in any Civil Court.

Explanation.— A "public place" includes also property belonging to the State, camping grounds and grounds left unoccupied for sanitary or recreative purposes.]

134. Service or notification of order.—(1) The order shall, if practicable, be served on the person against whom it is made, in manner herein provided for service of a summons.

(2) If such order cannot be so served, it shall be notified by proclamation, published in such manner as the [2][Provincial Government] may by rule direct, and a copy thereof shall be stuck up at such place or places as may be fittest for conveying the information to such person.

135. Person to whom order is addressed to obey or show cause or claim jury. The person against whom such order is made shall—

(a) perform, within the time [3][and in the manner] specified in the order, the act directed thereby ; or

(b) appear in accordance with such order and either show cause against the same, or apply to the Magistrate by whom it was made to appoint a jury to try whether the same is reasonable and proper.

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[1]Subs. by Ord. No. XXXVII of 2001, s.43.
[2]Subs. by A.O., 1937.
[3]Ins. by Act No. XVIII of 1923, s. 25.

136. Consequence of his failing to do so. If such person does not perform such act or appear and show cause or apply for the appointment of a jury as required by section 135, he shall be liable to the penalty prescribed in that behalf in section 188 of the Pakistan Penal Code(XLV of 1860), and the order shall be made absolute.

137. Procedure where he appears to show cause.— (1) If he appears and shows cause against the order, the Magistrate shall take evidence in the matter [1][in the manner provided in Chapter XX].

(2) If the Magistrate is satisfied that the order is not reasonable and proper, no further proceedings shall be taken in the case.

(3) If the Magistrate is not so satisfied, the order shall be made absolute.

138. Procedure where he claims jury.— (1) On receiving an application under section 135 to appoint a jury, the Magistrate shall—

(a) forthwith appoint a jury consisting of an uneven number of persons not less than five, of whom the foreman and one-half of the remaining members shall be nominated by such Magistrate, and the other members by the applicant ;

(b) summon such foreman and members to attend at such place and time as the Magistrate thinks fit; and

(c) fix a time within which they are to return their verdict.

(2) The time so fixed may, for good cause shown, be extended by the Magistrate.

139. Procedure where jury finds Magistrate's order to be reasonable.— (1) If the jury or a majority of the jurors find that the order of the Magistrate is reasonable and proper as originally made, or subject to a modification which the Magistrate accepts, the Magistrate shall make the order absolute, subject to such modification (if any).

(2) In other cases no further proceedings shall be taken under this Chapter.

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[2][**139A. Procedure where existence of public right is denied.**— (1) Where an order is made under section 133 for the purpose of preventing obstruction, nuisance or danger to the public in the use of any way, river, channel or place, the Magistrate shall, on the appearance before him of the person against whom the order was made, question him as to whether he denies the existence of any public right in respect of the way, river, channel or place, and if he does so, the Magistrate shall, before proceeding under section 137 or section 138, inquire into the matter.

(2) If in such inquiry the Magistrate finds that there is any reliable evidence in support of such denial, he shall stay the proceedings until the matter of the existence of such right has been decided by a competent Civil Court ; and, if he finds that there is no such evidence, he shall proceed as laid down in section 137 or section 138, as the case may require.

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[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[2]Ins. by Act No. XVIII of 1923, s.26.

(3) A person who has, on being questioned by the Magistrate under sub-section (1) failed to deny the existence of a public right of the nature therein referred to, or who, having made such denial, has failed to adduce reliable evidence in support thereof, shall not in the subsequent proceedings be permitted to make any such denial, nor shall any question in respect of the existence of any such public right be inquired into by any jury appointed under section 138.]

140. Procedure on order being made absolute.— (1) When an order has been made absolute under section 136, section 137 or section 139, the Magistrate shall give notice of the same to the person against whom the order was made, and shall further require him to perform the act directed by the order within a time to be fixed in the notice, and inform him that, in case of disobedience, he will be liable to the penalty provided by section 188 of the Pakistan Penal Code (XLV of 1860).

(2) **Consequences of disobedience to order.** If such act is not performed within the time fixed, the Magistrate may cause it to be performed, and may recover the costs of performing it, either by the sale of any building, goods or other property removed by his order, or by the distress and sale of any other moveable property of such person within or without the local limits of such Magistrate's jurisdiction. If such other property is without such limits, the order shall authorize its attachment and sale when endorsed by the Magistrate within the local limits of whose jurisdiction the property to be attached is found.

(3) No suit shall lie in respect of anything done in good faith under this section.

141. Procedure on failure to appoint jury or omission to return verdict. If the applicant, by neglect or otherwise, prevents the appointment of the jury, or if from any cause the jury appointed do not return their verdict within the time fixed or within such further time as the Magistrate may in his discretion allow, the Magistrate may pass such order as he thinks fit, and such order shall be executed in the manner provided by section 140.

142. Injunction pending inquiry.— (1) If a Magistrate making an order under section 133 considers that immediate measures should be taken to prevent imminent danger or injury of a serious kind to the public, he may, whether a jury is to be, or has been, appointed or not, issue such an injunction to the person against whom the order was made, as is required to obviate or prevent such danger or injury pending the determination of the matter.

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(2) In default of such person forthwith obeying such injunction, the Magistrate may himself use, or cause to be used, such means as he thinks fit to obviate such danger or to prevent such injury.

(3) No suit shall lie in respect of anything done in good faith by a Magistrate under this section.

143. Magistrate may prohibit repetition or continuance of public nuisance. A [1][Magistrate of the first class], may order any person not to repeat or continue a public nuisance, and defined in the Pakistan Penal Code (XLV of 1860) or any special or local law.

[1]Subs. by Ord. No. XXXVII of 2001, s.44.

CHAPTER XI

TEMPORARY ORDERS IN URGENT CASES OF NUISANCE OR APPREHENDED DANGER

144. Power to issue order absolute at once in urgent cases of nuisance or apprehended danger.— (1) In cases where, in the opinion of [1][the ***Zila Nazim*** upon the written recommendation of the District Superintendent of Police or Executive District Officer] [2][there is sufficient ground for proceeding under this section and] immediate prevention or speedy remedy is desirable,

[1][the ***Zila Nazim***] may, by a written order stating the material facts of the case and served in manner provided by section 134, direct any person to abstain from a certain act or to take certain order with certain property in his possession or under his management, if [1][the ***Zila Nazim***] considers that such direction is likely to prevent, or tends to prevent, obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, or danger to human life, health or safety, or a disturbance of the public tranquillity, or a riot, or an affray.

(2) An order under this section may, in cases of emergency or in cases where the circumstances do not admit of the serving in due time of a notice upon the person against whom the order is directed, be passed, exparte.

(3) An order under this section may be directed to a particular individual, or to the public generally when frequenting or visiting a particular place.

(4) [1][The ***Zila Nazim***] may, [2][either on his own motion or on the application of any person aggrieved], rescind or alter any order made under this section by himself [1][** * * * * *] or by his predecessor in office.

[2][(5) Where such an application is received, the [1][***Zila Nazim***] shall afford to the applicant an early opportunity of appearing before him either in person or by pleader and showing cause against the order ; and, if the [1][***Zila Nazim***] rejects the application wholly or in part, he shall record in writing his reasons for so doing.]

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[3][(6) No order under this section shall remain in force for more than two [1][consecutive days and not more than seven days in a month] from the making thereof ; unless, in cases of danger to human life, health or safety, or a likelihood of a riot or an affray, the [4][Provincial Government], by notification in the official Gazette, otherwise directs.

[5][(7) In the application of sub-sections (1) to (6) to the districts where the local Government elections have not been held, or the Zila Nazim has not assumed charge of office, any reference in those provisions to the Zila Nazim shall be read as a reference to the District Coordination Officer in relation to such districts:

Provided that this sub-section shall cease to have effect, and shall be deemed to have been repealed, at the time when local Governments are installed in the districts as aforesaid.]

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[1]Subs. and omitted by Ord. No. XXXVII of 2001 s. 45.
[2]Ins. by Act No. XVIII of 1923, s. 27.
[3]Re-numbered by Act No. XVIII of 1923, Section. 27.
[4]Subs. by A.O., 1937, for "L.G.".
[5]Added by Ord. No. XLIII of 2001, s.5.

CHAPTER XII

DISPUTES AS TO IMMOVEABLE PROPERTY

145. Procedure where dispute concerning land, etc., is likely to cause breach of peace.— (1) Whenever a [1][Magistrate of the First Class] is satisfied from a police-report or other information that a dispute likely to cause a breach of the peace exists concerning any land or water or the boundaries thereof, within the local limits of his jurisdiction, he shall make an order in writing, stating the grounds of his being so satisfied, and requiring the parties concerned in such dispute to attend his Court in person or by pleader, within a time to be fixed by such Magistrate, and to put in written statements of their respective claims as respects the fact of actual possession of the subject of dispute.

(2) For the purposes of this section the expression "land or water" includes buildings, markets, fisheries, crops or other produce of land, and the rents or profits of any such property.

(3) A copy of the order shall be served in manner provided by this Code for the service of a summons upon such person or persons as the Magistrate may direct, and at least one copy shall be published by being affixed to some conspicuous place at or near the subject of dispute.

(4) **Inquiry as to possession.** The Magistrate shall then, without reference to the merits or the claims of any of such parties to a right to possess the subject of dispute, peruse the statements so put in, hear the parties, [2][receive all such evidence as may be] produced by them respectively, consider the effect of such evidence, take such further evidence (if any) as he thinks necessary, and, if possible, decide whether any and which of the parties was at the date of the order before mentioned in such possession of the said subject:

Provided that, if it appears to the Magistrate that any party has within two months next before the date of such order been forcibly and wrongfully dispossessed, he may treat the party so dispossessed as if he had been in possession at such date:

Provided also, that if the Magistrate considers the case one of emergency, he may at any time attach the subject of dispute, pending his decision under this section.

(5) Nothing in this section shall preclude any party so required to attend, or any other person interested, from showing that no such dispute as aforesaid exists or has existed ; and in such case the Magistrate shall cancel his said order, and all further proceedings thereon shall be stayed, but, subject to such cancellation, the order of the Magistrate under sub-section (1) shall be final.

(6) **Party in possession to retain possession until legally evicted.** If the Magistrate decides that one of the parties was [2][or should under the first proviso to sub-section (4) be treated as being] in such possession of the said subject, he shall issue an order declaring such party to be entitled to possession thereof until evicted therefrom in due course of law, and forbidding all disturbance of such possession until such eviction [2][and when he proceeds under the first proviso to sub-section (4), may restore to possession the party forcibly and wrongfully dispossessed].

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[1]Subs. by Ord. No. XXXVII of 2001, s. 46.
[2]Subs. and ins. by Act No. XVIII of 1923, s. 28.

[1][(7) When any party to any such proceeding dies, the Magistrate may cause the legal representative of the deceased party to be made a party to the proceeding and shall thereupon continue the inquiry, and if any question arises as to who the legal representative of a deceased party for the purpose of such proceeding is, all persons claiming to be representatives of the deceased party shall be made parties thereto.]

[2][(8) If the Magistrate is of opinion that any crop or other produce of the property, the subject of dispute in a proceeding under this section pending before him, is subject to speedy and natural decay, he may make an order for the proper custody or sale of such property, and, upon the completion of the inquiry, shall make such order for the disposal of such property, or the sale-proceeds thereof, as he thinks fit.

(9) The Magistrate may, if he thinks fit, at any stage of the proceedings under this section, on the application of either party, issue a summons to any witness directing him to attend or to produce any document or thing.

(10) Nothing in this section shall be deemed to be in derogation of the powers of the Magistrate to proceed under section 107.]

146. Power to attach subject of dispute.— (1) If the Magistrate decides that none of the parties was then in such possession, or is unable to satisfy himself as to which of them was then in such possession of the subject of dispute, he may attach it until a competent Court has determined the rights of the parties thereto, or the person entitled to possession thereof :

[3][Provided that [4][* * * *] the Magistrate who has attached the subject of dispute may withdraw the attachment of any time if he is satisfied that there is no longer any likelihood of a breach of the peace in regard to the subject of dispute.]

(2) When the Magistrate attaches the subject of dispute, he may, if he thinks fit [3][and if no receiver of the property, the subject of dispute, has been appointed by any Civil Court] appoint a receiver thereof, who, subject to the control of the Magistrate, shall have all the powers of a receiver appointed under the [5][Code of Civil Procedure, 1908][6][(V of 1908)]:

[3][Provided that, in the event of a receiver of the property, the subject of dispute, being subsequently appointed by any Civil Court, possession shall be made over to him by the receiver appointed by the Magistrate, who shall thereupon be discharged.]

[7][**147. Disputes concerning rights of use of immoveable property, etc.**—(1) Whenever any [4][Magistrate of the First Class] is satisfied, from a police-report or other information, that a dispute likely to cause a breach of the peace exists regarding any alleged right of user of any land or water as explained in section 145, sub-section (2) (whether such rights be claimed as an easement or otherwise), within the local limits of his jurisdiction, he may make an order in writing stating the grounds of his being so satisfied and requiring the parties concerned in such dispute to attend the Court in person or by pleader within a time to be fixed by such Magistrate and to put in written

[1]Subs. by Act No. XVIII of 1923, s. 28.
[2]Ins. *ibid*.
[3]Ins. by Act No. XVIII of 1923, s. 29.
[4]Omitted and subs. by Ord. No. XXXVII of 2001, ss. 47-48.
[5]Subs. by the Law Reforms (Amdt.) Act, 1976 (XXI of 1976), s.2 and Sch.
[6]Subs. *ibid.*
[7]Subs. by Act No. XVIII of 1923, s. 30.

statements of their respective claims, and shall thereafter inquire into the matter in the manner provided in section 145, and the provisions of that section shall, as far as may be, be applicable in the case of such inquiry.

(2) If it appears to such Magistrate that such right exists, he may make an order prohibiting any interference with the exercise of such right:

Provided that no such order shall be made where the right is exercisable at all times of the year, unless such right has been exercised within three months next before the institution of the inquiry, or where the right is exercisable only at particular seasons or on particular occasions, unless the right has been exercised during the last of such seasons or on the last of such occasions before such institution.

(3) If it appears to such Magistrate that such right does not exist, he may make an order prohibiting any exercise of the alleged right.

(4) An order under this section shall be subject to any subsequent decision of a Civil Court of competent jurisdiction.]

148. Local inquiry.— (1) Whenever a local inquiry is necessary for the purposes of this Chapter, any [1][a Sessions Judge] may depute any Magistrate subordinate to him to make the inquiry, and may furnish him with such written instructions as may seem necessary for his guidance, and may declare by whom the whole or any part of the necessary expenses of the inquiry shall be paid.

(2) The report of the person so deputed may be read as evidence in the case.

(3) **Order as to costs.** When any costs have been incurred by any party to a proceeding under this Chapter [2][* * *] the Magistrate passing a decision under section 145, section 146 or section 147 may direct by whom such costs shall be paid, whether by such party or by any other party to the proceeding, and whether in whole or in part or proportion. [3][Such costs may include any expenses incurred in respect of witnesses, and of pleaders' fees, which the Court may consider reasonable.]

CHAPTER XIII

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PREVENTIVE ACTION OF THE POLICE

149. Police to prevent cognizable offences.— Every police-officer may interpose for the purpose of preventing, and shall, to the best of his ability, prevent, the commission of any cognizable offence.

150. Information of design to commit such offences. Every police-officer receiving information of a design to commit any cognizable offence shall communicate such information to the police-officer to whom he is subordinate, and to any other officer whose duty it is to prevent or take cognizance of the commission of any such offence.

151. Arrest to prevent such offences.— A police-officer knowing of a design to commit any cognizable offence may arrest, without orders from a Magistrate and without a warrant, the person so designing, if it appears to such officer that the commission of the offence cannot be otherwise prevented.

[1]Subs. by Ord. No. XXXVII of 2001, s. 49.
[2]Omitted by Act No. XVIII of 1923, s.31.
[3]Subs. *ibid.*

152. Prevention of injury to public property. A police-officer may of his own authority interpose to prevent any injury attempted to be committed in his view to any public property, moveable or immoveable, or the removal or injury of any public landmark or buoy or other mark used for navigation.

153. Inspection of weights and measures.— (1) Any officer in charge of a police-station may, without a warrant, enter any place within the limits of such station for the purpose of inspecting or searching for any weights or measures or instruments for weighing, used or kept therein, whenever he has reason to believe that there are in such place any weights, measures or instruments for weighing which are false.

(2) If he finds in such place any weights, measures or instruments for weighing which are false, he may seize the same, and shall forthwith give information of such seizure to a Magistrate having jurisdiction.

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PART V
INFORMATION TO THE POLICE AND THEIR POWERS TO INVESTIGATE

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CHAPTER XIV

154. Information in cognizable cases. Every information relating to the commission of a cognizable offence if given orally to an officer in charge of a police-station, shall be reduced to writing by him or under his direction, and be read over to the informant ; and every such information, whether given in writing or reduced to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book to be kept by such officer in such form as the [1][Provincial Government] may prescribe in this behalf [2][:]

[2][Provided that if the information is given by the woman against whom an offence under section 336B, section 354, section 354A, section 376 or section 509 of the Pakistan Penal Code, 1860 (Act XLV of 1860) is alleged to have been committed or attempted, than such information shall be recorded by an investigating officer in presence of a female police officer or a female family member or any other person with consent of the complainant, as the case may be:

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Provided further that if the information, given by the woman against whom an offence under section 336B, section 354, section 354A, section 376 or section 509 of the Pakistan Penal Code, 1860 (Act XLV of 1860) is alleged to have been committed or attempted, is distressed such information shall be recorded by an investigating officer at residence of the complainant or at a convenient place of the complainant's choice in presence of a police officer or family member or any other person with consent of the complainant, as the case may be.]

155. Information in non-cognizable cases.— (1) When information is given to an officer incharge of a police-station of the commission within the limits of such station of a non-cognizable offence, he shall enter in a book to be kept as aforesaid the substance of such information and refer the informant to the Magistrate.

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[1]Subs. by A.O., 1937, for "L.G.".
[2]Added by Act No. XLIV of 2016, s. 8.

(2) **Investigation into non-cognizable cases.** No police-officer shall investigate a non-cognizable case without the order of a Magistrate of the first or second class having power to try such case [1][or send the same for trial to the Court of Session].

(3) Any police-officer receiving such order may exercise the same powers in respect of the investigation (except the power to arrest without warrant) as an officer in charge of a police-station may exercise in a cognizable case.

156. Investigation into cognizable cases.– (1) Any officer in charge of a police-station may, without the order of a Magistrate, investigate any cognizable case which a Court having jurisdiction over the local area within the limits of such station would have power to inquire into or try under the provisions of Chapter XV relating to the place of inquiry or trial.

(2) No proceeding of a police-office in any such case shall at any stage be called in question on the ground that the case was one which such officer was not empowered under this section to investigate.

(3) Any Magistrate empowered under section 190 may order such an investigation as above-mentioned.

[2][(4) Notwithstanding anything contained in sub-sections (1), (2) or (3), no police-officer shall investigate an offence under section 497 or section 498 of the Pakistan Penal Code, except upon a complaint made by the husband of the woman, or, in his absence, by some person who had the care of such woman on his behalf at the time when such offence was committed.]

[3][**156A. Investigation of offence under section 295 C, Pakistan Penal Code.**— Notwithstanding anything contained in this Code, no police officer below the rank of a Superintendent of Police shall investigate the offence against any person alleged to have been committed by him under section 295 C of the Pakistan Penal Code, 1860 (Act XLV of 1860).

156B. Investigation against a woman accused of the offence of zina.—Notwithstanding anything contained in this Code, where a person is accused of offence of *zina* under the Offence of *zina* (Enforcement of *Huddood*) Ordinance, 1979 (VII of 1979), no police officer below the rank of a Superintendent of Police shall investigate such offence nor shall such accused be arrested without permission of the court.

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Explanation.— In this section *'zina'* does not include '*zina-bil-jabr*'.]

157. Procedure where cognizable offence suspected.—(1) If, from information received or otherwise, an officer in charge of a police-station has reason to suspect the commission of an offence which he is empowered under section 156 to investigate, he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police-report, and shall proceed in person, or shall depute one of his subordinate officers [4][not being below such rank as the [5][Provincial Government] may, by general or special order, prescribe in this behalf] to proceed, to the spot, to investigate the facts and circumstances of the case, [6][and, if necessary, to take measures] for the discovery and arrest of the offender:

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[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[2]Added *ibid*.
[3]Ins. by Act No. I of 2005, s. 13.
[4]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 32.
[5]Subs. by A.O., 1937, for "L.G".
[6]Subs. by Act No. XVIII of 1923, s. 32.

Provided as follows :—

(a) **Where local investigation dispensed with.** when any information as to the commission of any such offence is given against any person by name and the case is not of a serious nature, the officer in charge of a police-station need not proceed in person or depute a subordinate officer to make an investigation on the spot;

(b) **Where police-officer in charge sees no sufficient ground for investigation.** if it appears to the officer in charge of a police-station that there is no sufficient ground for entering on an investigation, he shall not investigate the case.

(2) In each of the cases mentioned in clauses (a) and (b) of the proviso to sub-section (1), the officer in charge of the police-station shall state in his said report his reasons for not fully complying with the requirements of that sub-section, [1][and, in the case mentioned in clause (b), such officer shall also forthwith notify to the informant, if any, in such manner as may be prescribed by the [2][Provincial Government], the fact that he will not investigate the case or cause it to be investigated.]

158. Reports under section 157 how submitted.— (1) Every report sent to a Magistrate under section 157 shall, if the [2][Provincial Government] so directs, be submitted through such superior officer of police as the [2][Provincial Government], by general or special order, appoints in that behalf.

(2) Such superior officer may give such instructions to the officer in charge of the police-station as he thinks fit, and shall, after recording such instructions on such report, transmit the same without delay to the Magistrate.

159. Power to hold investigation of preliminary inquiry. Such Magistrate, on receiving such report, may direct an investigation or, if he thinks fit, at once proceed, or depute any Magistrate subordinate to him to proceed, to hold a preliminary inquiry into, or otherwise to dispose of, the case in manner provided in this Code.

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160. Police-officer's power to require attendance of witnesses. Any police-officer making an investigation under this Chapter may, by order in writing, require the attendance before himself of any person being within the limits of his own or any adjoining station who, from the information given or otherwise, appears to be acquainted with the circumstances of the case; and such person shall attend as so required.

161. Examination of witnesses by police.— (1) Any police-officer making an investigation under this Chapter [3][or any police-officer not below such rank as the [2][Provincial Government] may, by general or special order, prescribe in this behalf, acting on the requisition of such officer] may examine orally any person supposed to be acquainted with the facts and circumstances of the case [4][:]

[4][Provided that a statement of a woman against whom an offence under section 336B, section 354, section 354A, section 376 or section 509 of the Pakistan Penal Code, 1860 (Act XLV of 1860) is alleged to have been committed or attempted, shall be recorded by an investigating officer in presence of a female police officer or a female family member or other person of her choice.]

[1]Added. by Act No. XVIII of 1923, s. 32.
[2]Subs. by A.O., 1937, for "L.G".
[3]Ins. by the Act No. XVIII of 1923.
[4]Subs. and added by Act No. XLIV of 2016, s.9.

(2) Such person shall be bound to answer all questions relating to such case put to him by such officer, other than questions the answers to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.

[1][(3) The police-officer may reduce into writing any statement made to him in the course of an examination under this section, and if he does so he shall make a separate record of the statement, of each such person whose statement he records.]

[2][**161A. Legal representation of victim of rape, etc.**— (1) Where an offence under section 354A, section 376, section 377 or section 377B of the Pakistan Penal Code, 1860 (Act XLV of 1860) has been committed or attempted to be committed, the police officer after recording the information under section 154 shall inform the victim, against whom such offences have been committed or attempted to be committed, of his right to legal representation.

(2) If the victim under sub-section (1) requires free legal aid the police officer shall provide him the list of lawyers maintained by the Provincial Bar Councils for this purpose.]

162. Statements to police not to be signed; use of such statements in evidence.— [3][(1) No statement made by any person to a police-officer in the course of an investigation under this Chapter shall, if reduced into writing, be signed by the person making it; nor shall any such statement or any record thereof, whether in a police-diary or otherwise, or any part of such statement or record, be used for any purpose (save as hereinafter provided) at any inquiry or trial in respect of any offence under investigation at the time when such statement was made:

Provided that, when any witness is called for the prosecution in such inquiry or trial whose statement has been reduced into writing as aforesaid, the Court shall on the request of the accused, refer to such writing and direct that the accused be furnished with a copy thereof, in order that any part of such statement, if duly proved, may be used to contradict such witness in the manner provided by section 145 of the Evidence Act, 1872 (I of 1872). When any part of such statement is so used, any part thereof may also be used in the re-examination of such witness, but for the purpose only of explaining any matter referred to in his cross-examination:

Provided, further that, if the Court is of opinion that any part of any such statement is not relevant to the subject-matter of the inquiry or trial or that its disclosure to the accused is not essential in the interests of justice and is inexpedient in the public interests, it shall record such opinion (but not the reasons therefor) and shall exclude such part from the copy of the statement furnished to the accused.]

(2) Nothing in this section shall be deemed to apply to any statement falling within the provisions of section 32, clause (1), of the Evidence Act, 1872 [4][or to affect the provisions of section 27 of that Act].

[1]Added by the Code of Criminal Procedure (Amdt.) Act, 1945 (II of 1945), s. 2.
[2]Ins. by Act No. XLIV of 2016,s.10.
[3]Subs. Act No. XVIII of 1923, s. 34.
[4]Added by the Code of Criminal Procedure (Second Amdt.) Act, 1941 (XV of 1941), s. 2.

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163. No inducement to be offered.— (1) No police-officer or other person in authority shall offer or make, or cause to be offered or made, any such inducement, threat or promise as is mentioned in the Evidence Act, 1872 (I of 1872), section 24.

(2) But no police-officer or other person shall prevent, by any caution or otherwise, any person from making in the course of any investigation under this Chapter any statement which he may be disposed to make of his own free will.

164. Power to record statements and confessions.— (1) [1][[2][* * *], any Magistrate of the first class and any Magistrate of the second class specially empowered in this behalf by the [3][Provincial Government] may, if he is not a police-officer] record any statement or confession made to him in the course of an investigation under this Chapter or at any time afterwards before the commencement of the inquiry or trial.

[4][(1-A) Any such statement may be recorded by such Magistrate in the presence of the accused, and the accused given an opportunity of cross-examining the witness making the statement.]

(2) Such statements shall be recorded in such of the manners hereinafter prescribed for recording evidence as is, in his opinion best fitted for the circumstances of the case. Such confessions shall be recorded and signed in the manner provided in section 364, and such statements or confessions shall then be forwarded to the Magistrate by whom the case is to be inquired into or tried.

(3) [5][A Magistrate shall, before recording any such confession, explain to the person making it that he is not bound to make a confession and that if he does so it may be used as evidence against him and no Magistrate] shall record any such confession unless, upon questioning the person making it, he has reason to believe that it was made voluntarily; and, when he records any confession, he shall make a memorandum at the foot of such record to the following effect:—

[6][I have explained to (name) that he is not bound to make a confession and that, if he does so, any confession he may make may be used as evidence against him and I believe] that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it and admitted by him to be correct, and it contains a full and true account of the statement made by him.

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(*Signed*) A.B.,
Magistrate.]

Explanation.— It is not necessary that the Magistrate receiving and recording a confession or statement should be a Magistrate having jurisdiction in the case.

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[1]Subs. by Act No. XVIII of 1923, s. 35.
[2]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949, Sch.
[3]Subs. by A.O., 1937, for "L.G.".
[4]Added by the Law Reforms Ordinance, 1972 (XII of 1972) s.2 and Sch.
[5]Subs. by Act No. XVIII of 1923, s. 35.
[6]Subs. *ibid.*

[1][**164A. Medical examination of victim of rape, etc.**— (1) Where an offence of committing rape, unnatural offence or sexual abuse or attempt to commit rape, unnatural offence or sexual abuse under section 376, section 377 or section 377B respectively of the Pakistan Penal Code, 1860(Act XLV of 1860) is under investigation, the victim shall be examined by a registered medical practitioner, in the case of female victim by a female registered medical practitioner, immediately after commission of such offence:

Provided that in all cases, where possible, the female victim shall be escorted by a female police officer or a family member from a place of her convenience to the place of medical examination.

(2) The registered medical practitioner to whom such victim is sent under sub-section (1) shall, without delay, examine the victim and prepare a report of examination giving the following particulars, namely:—

(a) name and address of the victim and of the person by whom she was escorted;

(b) age of the victim;

(c) description of material taken from body of the victim for DNA profiling;

(d) marks of injury, if any, on body of the victim;

(e) general mental condition of the victim; and

(f) other material particulars in reasonable detail.

(3) The report under sub-section (2) shall state precisely the reasons for each conclusion arrived at.

(4) The report under sub-section (2) shall specifically record that consent of the victim or of his or her natural or legal guardian to such examination had been obtained.

(5) The exact time of commencement and completion of the examination under sub-section (1) shall also be noted in the report.

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(6) The registered medical practitioner shall, without delay, forward the report to the investigation officer who shall forward it to the Magistrate along with other requirements as specified under clause (a) of sub-section (1) of section 173.

(7) Nothing in this section shall be construed as rendering lawful any examination without consent of the victim or of any person authorized under sub-section (4).

Explanation.— In this section, "registered medical practitioner" means a medical practitioner who possesses any qualification recognized as such under the Pakistan Medical and Dental Council Ordinance, 1962 (XXXII of 1962) and whose name has accordingly been entered in the Register maintained in this behalf under the said Ordinance and has been authorized by the Government to conduct such examination.

[1]Ins. by Act No. XLIV of 2016, s.11.

164B. DNA test.— (1) Where an offence under section 376, section 377 or section 377B of the Pakistan Penal Code, 1860 (XLV of 1860) is committed or attempted to have been committed or is alleged to have been committed, Deoxyribo Nucleic Acid (DNA) samples, where practicable, shall be collected from the victim with his or her consent or with the consent of his or her natural or legal guardian and the accused during the medical examination conducted under section 164A within optimal time period of receiving information relating to commission of such offence.

(2) The DNA sample collected under sub-section (1) shall at the earliest be sent for investigation to a forensic laboratory where these shall be properly examined and preserved:

Provided that confidentiality of such examination shall at all times be observed.].

165. Search by police-officer.— [1][(1) Whenever an officer in charge of a police-station or a police-officer making an investigation has reasonable grounds for believing that anything necessary for the purposes of an investigation into any offence which he is authorised to investigate may be found in any place within the limits of the police-station of which he is in charge, or to which he is attached, and that such thing cannot in his opinion be otherwise obtained without undue delay, such officer may, after recording in writing the grounds of his belief and specifying in such writing, so far as possible, the thing for which search is to be made, search, or cause search to be made, for such thing in any place within the limits of such station [2][:]

[3][Provided that no such officer shall search, or cause search to be made, for anything which is in the custody of a bank or banker as defined in the Bankers' Books Evidence Act, 1891 (XVIII of 1891), and relates, or might disclose any information which relates, to the bank account of any person except,—

(a) for the purpose of investigating an offence under sections 403, 406, 408 and 409 and sections 421 to 424 (both inclusive) and sections 465 to 477A (both inclusive) of the Pakistan Penal Code, with the prior permission in writing of a Sessions Judge; and

(b) in other cases, with the prior permission in writing of the High Court.]

(2) A police-officer proceeding under sub-section (1) shall, if practicable, conduct the search in person.]

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(3) If he is unable to conduct the search in person, and there is no other person competent to make the search present at the time, he may [4][after recording in writing his reasons for so doing] require any officer subordinate to him to make the search, and he shall deliver to such subordinate officer an order in writing [5][specifying the place to be searched and, so far as possible, the thing for which search is to be made]; and such subordinate officer may thereupon search for such thing in such place.

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[1]Subs. by Act No. XVIII of 1923, s. 36.
[2]Subs. by Act No. III of 1968, s. 3. (w.e.f. 21.5.68).
[3]Added *ibid*.
[4]Ins. by Act No. XVIII of 1923, s. 36.
[5]Subs. *ibid.*

(4) The provisions of this Code as to search-warrants [1][and the general provisions as to searches contained in section 102 and section 103] shall, so far as may be, apply to a search made under this section.

[2][(5) Copies of any record made under sub-section (1) or sub-section (3) shall forthwith be sent to the nearest Magistrate empowered to take cognizance of the offence and the owner or occupier of the place searched shall on application be furnished with a copy of the same by the Magistrate:

Provided that he shall pay for the same unless the Magistrate for some special reason thinks fit to furnish it free of cost.]

166. When officer in charge of police-station may require another to issue search warrant.— (1) An officer in charge of a police-station [3][or a police-officer not being below the rank of sub-inspector making an investigation] may require an officer in charge of another police-station, whether in the same or a different district, to cause a search to be made in any place, in any case in which the former officer might cause such search to be made, within the limits of his own station.

(2) Such officer, on being so required, shall proceed according to the provisions of section 165, and shall forward the thing found, if any, to the officer at whose request the search was made.

[4][(3) Whenever there is reason to believe that the delay occasioned by requiring an officer in charge of another police-station to cause a search to be made under sub-section (1) might result in evidence of the commission of an offence being concealed or destroyed, it shall be lawful for an officer in charge of a police-station or a police-officer making an investigation under this Chapter to search, or cause to be searched, any place in the limits of another police-station, in accordance with the provisions of section 165, as if such place were within the limits of his own station.

(4) Any officer conducting a search under sub-section (3) shall forthwith send notice of the search to the officer in charge of the police-station within the limits of which such place is situate, and shall also send with such notice a copy of the list (if any) prepared under section 103, and shall also send to the nearest Magistrate empowered to take cognizance of the offence, copies of the records referred to in section 165, sub-sections (1) and (3).

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(5) The owner or occupier of the place searched shall, on application, be furnished with a copy of any record sent to the Magistrate under sub-section (4):

Provided that he shall pay for the same unless the Magistrate for some special reason thinks fit to furnish it free of cost.]

167. Procedure when investigation cannot be completed in twenty-four hours.— (1) Whenever [5][any person is arrested and detained in custody, and it appears that the] investigation [6][* * *] cannot be completed within the period of twenty-four hours fixed by section 61, and there are grounds for believing that the accusation or information is well-founded, the officer in charge of the

[1]Subs. by Act No. III of 1968, s. 3. (*w.e.f.* 21-5-1968).
[2]Ins., by Act No. XVIII of 1923, s.36.
[3]Ins. *ibid*., s. 37.
[4]Added *ibid*.
[5]Subs. *ibid.*, s. 38.
[6]Omitted *ibid.*

police-station [1][or the police-officer making the investigation if he is not below the rank of sub-inspector] shall forthwith transmit to the nearest Magistrate a copy of the entries in the diary hereinafter prescribed relating to the case, and shall at the same time forward the accused [2][* *] to such Magistrate.

[3][* * * * * * *]

(2) The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case from time to time authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole. If he has not jurisdiction to try the case or [4][send] it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction:

[5][Provided that no Magistrate of the third class, and no Magistrate of the second class not specially empowered in this behalf by the [6][Provincial Government] shall authorise detention in the custody of the police.]

(3) A Magistrate authorizing under this section detention in the custody of the police shall record his reasons for so doing.

[7][(4) The Magistrate giving such order shall forward a copy of his order, with his reasons for making it, to the Sessions Judge.]

[8][(5) Notwithstanding anything contained in sections 60 and 61 or hereinbefore to the contrary, where the accused forwarded under sub-section (2) is a female, the Magistrate shall not, except in the cases involving *qatl* or dacoity supported by reasons to be recorded in writing, authorise the detention of the accused in police custody, and the police officer making an investigation shall interrogate the accused referred to in sub-section (1) in the prison in the presence of an officer of jail and a female police-officer.

(6) The officer in charge of the prison shall make appropriate arrangements for the admission of the investigating police-officer into the prison for the purpose of interrogating the accused.

(7) If for the purpose of investigation, it is necessary that the accused referred to in sub-section (1) be taken out of the prison, the officer incharge of the police station or the police-officer making investigation, not below the rank of sub-inspector, shall apply to the Magistrate in that behalf and the Magistrate may, for the reasons to be recorded in writing, permit taking of accused out of the prison in the company of a female police officer appointed by the Magistrate:

Provided that the accused shall not be kept out of the prison while in the custody of the police between sunset and sunrise.]

168. Report of investigation by subordinate police-officer. When any subordinate police-officer has made any investigation under this Chapter, he shall report the result of such investigation to the officer in charge of the police-station.

[1]Ins. by Act No. XVIII of 1923, s. 37.
[2]Omitted *ibid.*
[3]Omitted by Ord. No. XXXVII of 2001, s.50.
[4]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[5]Ins. by Act No. XVIII of 1923, s. 38.
[6]Subs. by A.O., 1937, for "L.G".
[7]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[8]Ins. by Act No. XX of 1994, s. 2.

169. Release of accused when evidence deficient. If, upon an investigation under this Chapter, it appears to the officer in charge of the police-station [1][or to the police-officer making the investigation] that there is not sufficient evidence or reasonable ground of suspicion to justify the forwarding of the accused to a Magistrate, such officer shall, if such person is in custody, release him on his executing a bond, with or without sureties, as such officer may direct, to appear, if and when so required, before a Magistrate empowered to take cognizance of the offence on a police-report and to try the accused or [2][send] him for trial.

170. Case to be sent to Magistrate when evidence is sufficient.— (1) If, upon an investigation under this Chapter, it appears to the officer in charge of the police-station that there is sufficient evidence or reasonable ground as aforesaid, such officer shall forward the accused under custody to a Magistrate empowered to take cognizance of the offence upon a police-report and to try the accused or [2][send] him for trial or, if the offence is bailable and the accused is able to give security, shall take security from him for his appearance before such Magistrate on a day fixed and for his attendance from day to day before such Magistrate until otherwise directed.

(2) When the officer in charge of a police-station forwards an accused person to a Magistrate or takes security for his appearance before such Magistrate under this section, he shall send to such Magistrate any weapon or other article which it may be necessary to produce before him, and shall require the complainant (if any) and so many of the persons who appear to such officer to be acquainted with the circumstances of the case as he may think necessary, to execute a bond to appear before the Magistrate as thereby directed and prosecute or give evidence (as the case may be) in the matter of the charge against the accused.

(3) [3][* * * * * * *]

(4) [4][* * * * * * *]

(5) The officer in whose presence the bond is executed shall deliver a copy thereof to one of the persons who executed it, and shall then send to the Magistrate the original with his report.

171. Complainants and witnesses not to be required to accompany police-officer. No complainant or witness on his way to the Court of the Magistrate shall be required to accompany a police-officer,

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Complainents and witnesses not to be subjected to restraint. or shall be subjected to unnecessary restraint or inconvenience, or required to give any security for his appearance other than his own bond:

Recusant complainant or witness may be forwarded in custody. Provided that, if any complainant or witness refuses to attend or to execute a bond as directed in section 170, the officer in charge of the police-station may forward him in custody to the Magistrate, who may detain him in custody until he executes such bond, or until the hearing of the case is completed.

172. Diary of proceedings in investigation.—(1) Every police-officer making an investigation under this Chapter shall day by day enter his proceedings in the investigation in a diary, setting forth the time at which the information reached him the time at which he began and closed his

[1]Ins. by Act No. XVIII of 1923, s. 39.
[2]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[3]Omitted *ibid.*
[4]Rep. by the code of Criminal Procedure (Amdt.) Act 1926 (II of 1926), s. 2.

investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation.

(2) Any Criminal Court may send for the police-diaries of a case under inquiry or trial in such Court, and may use such diaries, not as evidence in the case, but to aid it in such inquiry or trial. Neither the accused nor his agents shall be entitled to call for such diaries, nor shall he or they be entitled to see them merely because they are referred to by the Court; but, if they are used by the police-officer who made them, to refresh his memory, or if the Court, uses them for the purpose of contradicting such police-officer, the provisions of the Evidence Act, 1872 (I of 1872), section 161 or section 145, as the case may be, shall apply.

173. Report of police-officer.—[1][(1) Every investigation under this Chapter shall be completed without unnecessary delay, and, as soon as it is completed, the officer in charge of the police-station shall [2][,through the Public Prosecutor,]—

(a) forward to a Magistrate empowered to take cognizance of the offence on a police-report a report, in the form prescribed by the [3][Provincial Government], setting forth the names of the parties, the nature of the information and the names of the persons who appear to be acquainted with the circumstances of the case, and stating whether the accused (if arrested) has been forwarded in custody, or has been released on his bond, and, if so, whether with or without sureties, and

(b) communicate, in such manner as may be prescribed by the [3][Provincial Government], the action taken by him to the person, if any, by whom the information relating to the commission of the offence was first given [2][:]]

[2][Provided that, where investigation is not completed within a period of fourteen days from the date of recording of the first information report under section 154, the officer in charge of the police station shall, within three days of the expiration of such period, forward to the Magistrate through the Public Prosecutor, an interim report in the form prescribed by the Provincial Government stating therein the result of the investigation made until then and the Court shall commence the trial on the basis of such interim report, unless, for reasons to be recorded, the Court decides that the trial should not so commence.]

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(2) Where a superior officer of police has been appointed under section 158, the report shall, in any cases in which the [3][Provincial Government] by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police-station to make further investigation.

(3) Whenever it appears from a report forwarded under this section that the accused has been released on his bond, the Magistrate shall make such order for the discharge of such bond or otherwise as he thinks fit.

[4][(4) A copy of any report forwarded under this section shall, on application, be furnished to the accused before the commencement of the inquiry or trial:

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[1]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 40.
[2]Added & subs.by Act No. XXV of 1992, s. 2.
[3]Subs. by A.O., 1937, for "L.G.".
[4]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 40.

Provided that the same shall be paid for unless the Magistrate for some special reason thinks fit to furnish it free of cost.]

[1][(5) Where the officer in charge of a police-station forwards a report under sub-section (1), he shall alongwith the report produce the witnesses in the case, except the public servants, and the Magistrate shall bind such witnesses for appearance before him or some other Court on the date fixed for trial.]

174. Police to inquire and report on suicide, etc.— (1) The officer in charge of a police-station or some other police-officer specially empowered by the [2][Provincial Government] in that behalf, on receiving information that a person—

(a) has committed suicide, or

(b) has been killed by another, or by an animal, or by machinery, or by an accident, or

(c) has died under circumstances raising a reasonable suspicion that some other person has committed an offence,

shall immediately give intimation thereof to the nearest Magistrate empowered to hold inquests, and, unless otherwise directed by any rule prescribed by the [2][Provincial Government],[3][*******] shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted.

(2) The report shall be signed by such police-officer and other persons, or by so many of them as concur therein, and shall be forthwith forwarded to the [3][concerned] Magistrate.

(3) When there is any doubt regarding the cause of death, or when for any other reason the police-officer considers it expedient so to do, he shall, subject to such rules as the [2][Provincial Government] may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other qualified medical man appointed in this behalf by the [2][Provincial Government], if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.

(4) [4][* * * * * * *]

[3][(5) The Magistrates of the first class are empowered to hold inquests.]

[5][174A. Grievous injury by burns.— (1) where a person, grievously injured by burns through fire, kerosene oil, acid, chemical or by any other way, is brought to a Medical Officer on duty designated by the Provincial Government for this purpose or, such incident is reported to the

[1]Added by Act No. XXV of 1992, S. 2.
[2]Subs. by A.O., 1937, for "L.G".
[3] Omitted and Subs. by Ord. No. XXXVII of 2001, S. 51.
[4]Omitted by A.O., 1949, Sch.
[5]Ins. by Ord. No. LXIV of 2001, s.2.

Officer-in-Charge of a Police Station, such Medical Officer on duty, or, as the case may be, Officer-in-Charge of a Police Station, shall immediately give intimation thereof to the nearest Magistrates Simultaneously, the Medical Officer on duty shall record the statement of the injured person immediately on arrival so as to ascertain the circumstances and cause of the burn injuries. The statement shall also be recorded by the Magistrate in case the injured person is still in a position to make the statement.

(2) The Medical Officer on duty, or, as the case may be, the Magistrate, before recording the statement under sub-section (1), shall satisfy himself that the injured person is not under any threat or duress. The statement so recorded shall be forwarded to the Session Judge and also to the District Superintendent of Police and Officer-in-Charge of the Police Station, for such action as may be necessary under this Code.

(3) If the injured person is unable, for any reason, to make the statement, before the Magistrate, his statement recorded by the Medical Officer on duty under sub-section (1) shall be sent in sealed cover to the Magistrate or the trial court if it is other than the Magistrate and may be accepted in evidence as a dying declaration if the injured person expires.]

175. Power to summon persons.— (1) A police-officer proceeding under section 174 may, by order in writing summon two or more persons as aforesaid for the purpose of the said investigation, and any other person who appears to be acquainted with the facts of the case. Every person so summoned shall be bound to attend and to answer truly all questions other than questions the answers to which would have a tendency to expose him to a criminal charge, or to a penalty or forfeiture.

(2) If the facts do not disclose a cognizable offence to which section 170 applies, such persons shall not be required by the police-officer to attend a Magistrate's Court.

176. Inquiry by Magistrate into cause of death.— (1) When any person dies while in the custody of the police, the nearest Magistrate empowered to hold inquests shall, and, in any other case mentioned in section 174, clauses (a), (b) and (c) of sub-section (1), any Magistrate so empowered may hold an inquiry into the cause of death either instead of, or in addition to, the investigation held by the police-officer, and if he does so, he shall have all the powers in conducting it which he would have in holding an inquiry into an offence. The Magistrate holding such an inquiry shall record the evidence taken by him in connection therewith in any of the manners hereinafter prescribed according to the circumstances of the case.

(2) **Power to disinter corpses.** Whenever such Magistrate considers it expedient to make an examination of the dead body of any person who has been already interred, in order to discover the cause of his death, the Magistrate may, cause the body to be disinterred and examined.

PART VI
PROCEEDINGS IN PROSECUTIONS

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CHAPTER XV

OF THE JURISDICTION OF THE CRIMINAL COURTS IN INQUIRIES AND TRIALS.

A.— Place of Inquiry or Trial

177. Ordinary place of inquiry and trial. Every offence shall ordinarily be inquired into and tried by a Court within the local limits of whose jurisdiction it was committed.

178. Power to order cases to be tried in different sessions divisions. Notwithstanding anything contained in section 177, the [1][Provincial Government] may direct that any cases or class of cases [2][in any district sent for trial to a Court of Session may be tried in any sessions division]:

[3][Provided that such direction is not repugnant to any direction previously issued by the High Court under section 526 of this Code or any other law for the time being in force.]

179. Accused triable in, district where act is done or where consequence ensues. When a person is accused of the Commission of any offence by reason of anything which has been done, and of any consequence which has ensued, such offence may be inquired into or tried by a Court within the local limits of whose jurisdiction any such thing has been done, or any such consequence has ensued.

Illustrations

(a) A is wounded within the local limits of the jurisdiction of Court X, and dies within the local limits of the jurisdiction of Court Z. The offence of the culpable homicide of A may be inquired into or tried by X or Z.

(b) A is wounded within the local limits of the jurisdiction of Court X, and is, during ten days within the local limits of the jurisdiction of Court Y, and during ten days more within the local limits of the jurisdiction of Court Z, unable in the local limits of the jurisdiction of either Court Y, or Court Z, to follow his ordinary pursuits. The offence of causing grievous hurt to A may be inquired into or tried by X, Y or Z.

(c) A is put in fear of injury within the local limits of the jurisdiction of Court X, and is thereby induced, within the local limits of the jurisdiction of Court Y, to deliver property to the person who put him in fear. The offence of extortion committed on A may be inquired into or tried either by X or Y.

(d) A is wounded in the [4][State of Junagadh], and dies of his wounds in [5][Karachi]. The offence of causing A's death may be inquired into and tried in [5][Karachi].

180. Place of trial where act is offence by reason of relation to other offence. When an act is an offence by reason of its relation to any other act which is also an offence or which would be an offence if the doer were capable of committing an offence, a charge of the first-mentioned offence may be inquired into or tried by a Court within the local limits of whose jurisdiction either act was done.

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[1]Subs. by A.O., 1937, for "L.G".
[2]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2. and Sch.
[3]Subs. *ibid.* (for further clarity on this provision, the original source i.e. the Gazette Notification of Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch., item 198 may be perused.
[4]Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), s.3 and 2nd Sch. (*with effect from the 14th October, 1955*).
[5]Subs. *ibid.*

Illustrations

(a) A charge of abetment may be inquired into or tried either by the Court within the local limits of whose jurisdiction the abetment was committed, or by the Court within the local limits of whose jurisdiction the offence abetted was committed.

(b) A charge of receiving or retaining stolen goods may be inquired into or tried either by the Court within the local limits of whose jurisdiction the goods were stolen, or by any Court within the local limits of whose jurisdiction any of them were at any time dishonestly received or retained.

(c) A charge of wrongfully concealing a person known to have been Kidnapped may be inquire into or tried by the Court within the local limits of whose jurisdiction the wrongful concealing, or by the Court within the local limits of whose jurisdiction the kidnapping, took place.

181. Being a thug or belonging to a gang of dacoits, escape from custody, etc.—(1) The offence of being a thug, of being a thug and committing murder, of dacoity, of dacoity with murder, of having belonged to a gang of dacoits, or of having escaped from custody, may be inquired into or tried by a Court within the local limits of whose jurisdiction the person charged is.

(2) **Criminal misappropriation and criminal breach of trust.** The offence of criminal misappropriation or of criminal breach of trust may be inquired into or tried by a Court within the local limits of whose jurisdiction any part of the property which is the subject of the offence was received or retained by the accused person, or the offence was committed.

[1][(3) **Theft**. The offence of theft, or any offence which includes theft or the possession of stolen property, may be inquired into or tried by a Court within the local limits of whose jurisdiction such offence was committed or the property stolen was possessed by the thief or by any person who received or retained the same knowing or having reason to believe it to be stolen.]

(4) **Kidnapping and abduction.** The offence of kidnapping or abduction may be inquired into or tried by a Court within the local limits of whose jurisdiction the person kidnapped or abducted was kidnapped or abducted or was conveyed or concealed or detained.

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182. Place of inquiry or trial where scene of offence is uncertain or not in one district only or where offence is continuing or consists of several acts. When it is uncertain in which of several local areas an offence was committed, or

where an offence is committed partly in one local area and partly in another, or

where an offence is a continuing one, and continues to be committed in more local areas than one, or

where it consists of several acts done in different local areas, it may be inquired into or tried by a Court having jurisdiction over any of such local areas.

[1]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 42.

183. Offence committed on a journey. An offence committed whilst the offender is in the course of performing a journey or voyage may be inquired into or tried by a Court through or into the local limits of whose jurisdiction the offender, or the person against whom, or the thing in respect of which, the offence was committed, passed in the course of that journey or voyage.

184. *[Offences against Railway, Telegraph, Post Office and Arms Acts.] Rep. by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), s. 3 and Second Schedule.*

[1][**185. High Court to decide, in case of doubt, district where inquiry or trial shall take place.**— (1) Whenever a question arises as to which of two or more Courts subordinate to the same High Court ought to inquire into or try any offence, it shall be decided by that High Court.

(2) Where two or more Courts not subordinate to the same High Court have taken cognizance of the same offence, the High Court within the local limits of whose appellate criminal jurisdiction the proceedings were first commenced, may direct the trial of such offender to be held in any Court subordinate to it, and if it so decides all other proceedings against such person in respect of such offence shall be discontinued. If such High Court, upon the matter having been brought to its notice, does not so decide, any other High Court, within the local limits of whose appellate criminal jurisdiction such proceedings are pending may give a like direction, and upon its so doing all other such proceedings shall be discontinued.]

186. Power to issue summons or warrant for offence committed beyond local jurisdiction. Magistrate's procedure on arrest.—(1) When [2][* * *], [3][* * * * * * *] a Magistrate of the first class, sees reason to believe that any person within the local limits of his jurisdiction has committed without such limits (whether within or without [4][Pakistan]) an offence which cannot, under the provisions of sections 177 to 184 (both inclusive), or any other law for the time being in force, be inquired into or tried within such local limits, but is under some law for the time being in force triable in [4][Pakistan], such Magistrate may inquire into the offence as if it had been committed within such local limits and compel such person in manner hereinbefore provided to appear before him, and send such person to the Magistrate having jurisdiction to inquire into or try such offence, or, if such offence is bailable, take a bond with or without sureties for his appearance before such Magistrate.

(2) When there are more Magistrates then one having such jurisdiction and the Magistrate acting under this section cannot satisfy himself as to the Magistrate to or before whom such person should be sent or bound to appear, the case shall be reported for the orders of the High Court.

187. Procedure where warrant issued by subordinate Magistrate.—(1) If the person has been arrested under a warrant issued under section 186 [5][,the Magistrate issuing the warrant shall send the arrested person to the Sessions Judge] to whom he is sub-ordinate, unless the Magistrate having jurisdiction to inquire into or try such offence issues his warrant for the arrest of such person, in which case the person arrested shall be delivered to the police-officer executing such warrant or shall be sent to the Magistrate by whom such warrant was issued.

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[1]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 43.
[2]Omitted by A.O., 1949, Sch.
[3]Omitted by Ord. No. XXXVII of 2001, s. 52.
[4]Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), s.3 and 2nd Sch. (*with effect from the 14th October, 1955*).
[5]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.

(2) If the offence which the person arrested is alleged or suspected to have committed is one which may be inquired into or tried by any Criminal Court in the same district other than that of the Magistrate acting under section 186, such Magistrate shall send person to such Court.

188. [1][**Liability for offences committed outside Pakistan.**] When a [2][citizen of Pakistan] commits an offence at any place without and beyond the limits of [3][Pakistan], or

[4][* * * * * * *]

when a servant of the [5][State (whether a citizen of Pakistan or not)] commits an offence in [6][a tribal area],[7][or

when any person commits an offence on any ship or aircraft registered in [3][Pakistan] wherever it may be,]

he may be dealt with in respect of such offence as if it had been committed at any place within [3][Pakistan] at which he may be found:

Political Agents to certify fitness of inquiry into charge. Provided that [8][notwithstanding anything in any of the preceding sections of this Chapter] no charge as to any such offence shall be inquired into in [3][Pakistan] unless the Political Agent, if there is one, for the territory in which the offence is alleged to have been committed, certifies that, in his opinion, the charge ought to be inquired into in [3][Pakistan]; and, where there is no Political Agent, the sanction of the [9][Federal Government] shall be required:

Provided, also, that any proceedings taken against any person under this section which would be a bar to subsequent proceedings against such person for the same offence if such offence had been committed in [3][Pakistan] shall be a bar to further proceedings against him under [10][the [11][Extradition Act, 1972 (XXI of 1972)]], in respect of the same offence in any territory beyond the limits of [3][Pakistan].

189. Power to direct copies of depositions and exhibits to be received in evidence. Whenever any such offence as is referred to in section 188 is being inquired into or tried, the [12][Provincial Government] may, if it thinks fit, direct that copies of depositions made or exhibits produced before the Political Agent or a judicial officer in or for the territory in which such offence is alleged to have been committed shall be received as evidence by the Court holding such inquiry or trial in any case in which such Court might issue a commission for taking evidence as to the matters to which such depositions or exhibits relate.

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[1]Subs. by A.O., 1961, Art. 2 and Sch. (*with effect from the 23rd March, 1956*).
[2]Subs. *ibid.*
[3]Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), s. 2 and 2nd Sch. (*with effect from the 14th October, 1955*).
[4]Omitted by A.O., 1961, Art. 2 and Sch. (*with effect from the 23rd March, 1956*).
[5]Subs. by A.O., 1961, Art. 2 and Sch. (*with effect from the 23rd March, 1956*).
[6]Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XVII of 1981), s.2 and Second Sch.
[7]Ins. by the offences on Ships and Aircraft Act, 1940 (IV of 1940), s. 3.
[8]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 44.
[9]Subs. by F.A.O., 1975, Art. 2 and Sch.
[10]Subs. by the Repealing and Amending Act, 1927 (X of 1927), s.2 and Sch. I.
[11]Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XVII of 1981), s.2 and Second Sch.
[12]Subs. by A.O., 1937, for "L.G.".

B.— Conditions requisite for Initiation of Proceedings

190. Cognizance of offences by Magistrates.— [1][(1) All Magistrates of the first class, or any other Magistrate specially empowered by the Provincial Government on the recommendation of the High Court, may take cognizance of any offence—

(a) upon receiving a complaint of facts which constitute such offence;

(b) upon a report in writing of such facts made by any police officer;

(c) upon information received from any person other than a police officer, or upon his own knowledge or suspicion

that such offence has been committed which he may try or send to the Court of Sessions for trial.]

[2][[1][(2)] A Magistrate taking cognizance under sub-section (1) of an offence triable exclusively by a Court of Session shall, without recording any evidence, send the case to the Court of Session for trial.]

[3][**191. Transfer on application of the accused.**— When a Magistrate takes cognizance of an offence under sub-section (1), clause (c) of the preceding section, the accused shall, before any evidence is taken, be informed that he is entitled to have the case tried by another Court, and, if the accused, or any of the accused if there be more than one, objects to being tried by such Magistrate, the case shall, instead of being tried by such Magistrate, be sent to [4][1][* * *] to the Sessions Judge [1][* * *]] for transfer to another Magistrate.]

[1][**192. Transfer of cases.**— A Sessions Judge may empower any Judicial Magistrate, who has taken cognizance of any case, to transfer such case for trial to any other Judicial Magistrate in his district, and such Magistrate may dispose of the case accordingly.]

193. Cognizance of offences by Courts of Session.— (1) Except as otherwise expressly provided by this Code or by any other law for the time being in force, no Court of Session [5]shall take cognizance of any offence as a Court of original jurisdiction, [6][unless the case has been sent to it under section 190, sub-section [1][(2)].

(2) Additional Sessions Judges and Assistant Sessions Judges shall try such cases only as the [7][Provincial Government] by general or special order may direct them to try, or [8][* * *] as the Sessions Judge of the division, by general or special order, may make over to them for trial.

194. Cognizance of offences by High Court.— (1) The High Court may take cognizance of any offence [9][* * *] in manner hereinafter provided.

[10][Nothing herein contained shall be deemed to affect the provisions of any Letters Patent or Order by which a High Court is constituted or continued, or any other provision of this Code.]

[11][* * * * * * *]

195. [12][(1) No Court shall take cognizance—

[1]Subs., re-numberred and omitted by Ord. No. XXXVII of 2001, s. 53-56.
[2]Subs. by the Law Reforms Ord. 1972 (XII of 1972), s. 2 and Sch.
[3]Subs. and omitted by Ord. No. XII of 1972, s.2 and Sch.
[4]Subs. by the Legal Reforms Act, 1997 (XXIII of 1997), s. 3 item (14).
[5]As to procedure of courts of session in Balochistan, see British Balochistan Crinimal Justice Regulation, 1896(8 of 1896). This Procedure, however, does not affect the code in its application to European British Subjects, see the regulation referred to.
[6]Subs. by Ordinance No. XII of 1972, s. 2 and Sch.
[7]Subs. by A.O., 1937, for "L.G.".
[8]Omitted by the code of criminal proceudre (Amdt.) Act, 1923 (XVIII of 1923), s.46.
[9]Omitted by Ordinance No. XII of 1972, s.2 and Sch.
[10]Subs. by the Central Laws (Statute Reform) ord., 1960 (XXI of 1960), s.3. and 2nd sch. (*w.e.f* 14-10-1955).
[11]Omitted by Federal Laws (Revision and Declaration) Ordinance, 1981(XXVII of 1981), s. 3 and Second Sch.
[12]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 47.

(a) **Prosecution for contempt of lawful authority of public servants.** of any offence punishable under sections 172 to [1][187] of the Pakistan Penal Code (XLV of 1860), except on the complaint in writing of the public servant concerned, or of some other public servant to whom he is subordinate;

(b) **Prosecution for certain offences against public justice**. of any offence punishable under any of the following sections of the same Code, namely, sections 193, 194, 195, 196, 199, 200, 205, 206, 207, 208, 209, 210, 211 and 228, when such offence is alleged to have been committed in, or in relation to, any proceeding in any Court, except on the complaint in writing of such Court or of some other Court to which such Court is subordinate; or

(c) **Prosecution for certain offences relating to documents given in evidence**. of any offence described in section 463 or punishable under section 471, section 475 or section 476 of the same Code, when such offence is alleged to have been committed by a party to any proceeding in any Court in respect of a document produced or given in evidence in such proceeding, except on the complaint in writing of such Court, or of some other Court to which such Court is subordinate.]

(2) In clauses (b) and (c) of sub-section (1), the term "Court" [2][includes] a Civil, Revenue or Criminal Court, but does not include a Registrar or Sub-Registrar under the [3][Registration Act, 1908][4][(XVI of 1908)].

[4][(3) For the purposes of this section, a Court shall be deemed to be subordinate to the Court to which appeals ordinarily lie from the appealable decrees or sentences of such former Court, or in the case of a Civil Court from whose decrees no appeal ordinarily lies, to the principal Court having ordinary original civil jurisdiction within the local limits of whose jurisdiction such Civil Court is situate:

Provided that—

(a) where appeals lie to more than one Court, the Appellate Court of inferior jurisdiction shall be the Court to which such Court shall be deemed to be subordinate; and

(b) where appeals lie to a Civil and also to a Revenue Court, such Court shall be deemed to be subordinate to the Civil or Revenue Court according to the nature of the case or proceeding in connection with which the offence is alleged to have been committed.]

[6][(4)] The provisions of sub-section (1), with reference to the offences named therein, apply also to [7][criminal conspiracies to commit such offences and to] the abetment of such offences, and attempts to commit them.

(4) [8][* * * * * * *]

(5) [8][* * * * * * *]

(6) [8][* * * * * * *]

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[1]Subs. by Act XXXIX of 2022, s. 2.
[2]Subs. by Act No. XVIII of 1923.
[3]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[4]Subs. *ibid.*, item (199).
[5]Subs. by Act No. XVIII of 1923, s. 47, for the original sub-section (7), renumbered as sub-section (3).
[6]Re-numbered by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923) s. 47.
[7]Ins. by the Criminal Law Amendement Act, 1913 (VIII of 1913), s. 4.
[8]Omitted by Act No. XVIII of 1923, s. 47.

[1][(5) Where a complaint has been made under sub-section (1), clause (a), by a public servant, any authority to which such public servant is subordinate may order the withdrawal of the complaint and, if it does so, it shall forward a copy of such order to the Court and, upon receipt thereof by the Court, no further proceedings shall be taken on the complaint.]

[2][**196. Prosecution for offences against the State.** No Court shall take cognizance of any offence punishable under Chapter VI [3][or IXA] of the Pakistan Penal Code (XLV of 1860) (except section 127), or punishable under section 108A, or section 153A, or section 294A, [4][or section 295A] or section 505 of the same Code, unless upon complaint made by order of, or under authority from, [5][[6][Federal Government], or the Provincial Government concerned, or some officer empowered in this behalf by either of the two Governments.]

[7][**196A. Prosecution for certain classes of criminal conspiracy.** No Court shall take cognizance of the offence of criminal conspiracy punishable under section 120B of the Pakistan Penal Code, (XLV of 1860),

(1) in a case where the object of the conspiracy is to commit either an illegal act other than an offence, or a legal act by illegal means, or an offence to which the provisions of section 196 apply, unless upon complaint made by order or under authority from [5][[6][Federal Government], or the Provincial Government concerned, or some officer empowered in this behalf by either of the two Governments,] or

(2) in a case where the object of the conspiracy is to commit any non-cognizable offence, or a cognizable offence not punishable with death, [8][imprisonment for life] or rigorous imprisonment for a term of two years or upwards, unless the [9][Provincial Government], or [10][a] [11][* * *] [10][Officer-in-charge of the prosecution in the district] empowered in this behalf by the [9][Provincial Government], has, by order in writing, consented to the initiation of the proceedings:

Provided that where the criminal conspiracy is one to which the provisions of sub-section [12][(4)] of section 195 apply no such consent shall be necessary.]

[13][**196B. Preliminary inquiry in certain cases.** In the case of any offence in respect of which the provisions of section 196 or section 196A apply, [10][officer-in-charge of the investigation in the district] [14]* * * may, notwithstanding anything contained in those sections or in any other part of this Code, order a preliminary investigation by a police-officer not being below the rank of Inspector, in which case such police-officer shall have the powers referred to in section 155, sub-section (3).]

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[1]Ins. by Act No. XVIII of 1923, s. 47.
[2]This section has been amended in Sind by the Code of Criminal Procedure (Sind Amdt.) Act, 1947 (Sind Act 43 of 1947), and in the N.W.F.P by the Criminal Procedure (Election Offences) (N.W.F.P. Amdt.) Act, 1938 (N.W.F.P. Act 8 of 1938).
In the Punjab this section has been amnended by the Punjab Criminal Procedure (Election Offences Amdt.) Act, 1936 (Punjab I of 1936).
[3]Ins. by the Indian Elections Offences and Inquiries Act, 1920 (XXXIX of 1920), s.3.
[4]Ins. by the Criminal Law Amendment Act, 1927 (XXV of 1927), s. 3.
[5]The original words "the G.G. in C., the L.G., or some officer empowered by the G.G. in C. in this behalf" have successively been amended by A.O., 1937 and the Code of Criminal Procedure (Amdt.) Ordinance, 1960 (XLVIII of 1960), ss. 2 and 3, respectively, to read as above.
[6]Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government".
[7]Ins. by the Criminal Law Amendment Act, 1913 (VIII of 1913) s. 5.
[8]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s.2 and Sch. (*w.e.f* 13-4-72).
[9]Subs. by A.O., 1937, for "L.G.".
[10]Subs. by Ord. No. XXXVII of 2001, ss. 57-58.
[11]Omitted by A.O., 1949, Sch.
[12]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s.48.
[13]Ins. *ibid.*, s. 49.
[14]Omitted by A.O., 1949, Sch.

197. Prosecution of Judges and public servants.— [1][(1) When any person who is a Judge within the meaning of section 19 of the Pakistan Penal Code (XLV of 1860), or when any Magistrate, or when any public servant who is not removable from his office save by or with the sanction of [2][the [3][Federal Government] or a Provincial Government], is accused of any offence alleged to have been committed by him while acting or purporting to act in the discharge of his official duty, no Court shall take cognizance of such offence except with the [4][previous sanction—

(a) in the case of a person employed in connection with the affairs of the [5][Federation] of the [6][President] [7][* * *] ; and

(b) in the case of a person employed in connection with the affairs of a Province, of the Governor of that Province [7][* * *]].

(2) **Power of President or Governor as to prosecution**. [8][The [6][President] or Governor, as the case may be, [7][* * *] may determine the person by whom, the manner in which, the offence or offences for which, the prosecution of such Judge, [9][Magistrate] or public servant is to be conducted, and may specify the Court before which the trial is to be held.

(3) [10][* * * * * * *]

[11]**198. Prosecution for breach of contract, defamation and offences against marriage.** No Court shall take cognizance of an offence falling under Chapter XIX or Chapter XXI of the Pakistan Penal Code (XLV of 1860) or under sections 493 to 496 (both inclusive) of the same Code, except upon a complaint made by some person aggrieved by such offence:

[12][Provided that, where the person so aggrieved is a woman who, according to the customs and manners of the country, ought not to be compelled to appear in public, or where such person is under the age of eighteen years or is an idiot or lunatic, or is from sickness or infirmity unable to make a complaint, some other person may, with the leave of the Court, make a complaint on his or her behalf:]

[13][Provided further that where the husband aggrieved by an offence under section 494 of the said Code is serving in any of [14][the armed forces of Pakistan] under conditions which are certified by [15][the Commanding Officer] as precluding him from obtaining leave of absence to enable him to make a complaint in person, some other person authorised by the husband in accordance with the provisions of sub-section of section 199B may, with the leave of the Court, make a complaint on his behalf.]

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[1]Subs. by Act No. XVIII of 1923, s. 50.
[2]Subs. by A.O., 1949, Sch.
[3]Subs. by F.A.O., 1975, Art. 2 and Table.
[4]Subs. by A.O., 1937.
[5]Subs. by F.A.O., 1975, Art. 2 and Table.
[6]Subs. by A.O., 1961, Art. 2. (*with effect from the 23rd March, 1956*).
[7]Omitted by G.G.O. XX of 1947, Art. 6.
[8]Subs. by A.O., 1937.
[9]Ins. by Act No. XVIII of 1923, s. 50.
[10]Omitted by A.O., 1949, Sch.
[11]This section has been amended in the N.W.F.P. by the N.W.F.P. Act No. 26 of 1950, s. 11.
[12]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 51.
[13]Added by the Code of Criminal Procedure (Second Amdt.) Act, 1943 (XXVIII of 1943), s.2.
[14]Subs. by A.O., 1961, Art. 2 and Sch. (*with effect from the 23rd March, 1956*).
[15]Subs. *ibid*.

[1][**198A. Prosecution for defamation against public servants in respect of their conduct in the discharge of public functions.**— (1) Notwithstanding anything contained in this Code, when any offence falling under Chapter XXI of the Pakistan Penal Code (XLV of 1860) is alleged to have been committed against the President, the Prime Minister, a Federal Minister, Minister of State, Governor, Chief Minister or Provincial Minister or any public servant employed in connection with the affairs of the Federation or of a Province, in respect of his conduct in the discharge of his public functions, a Court of Session may take cognizance of such offence, without the accused being committed to it for trial, upon a complaint in writing made by the Public Prosecutor.

(2) Every such complaint shall set forth the facts which constitute the offence alleged, the nature of such offence and such other particulars as are reasonably sufficient to give notice to the accused of the offence alleged to have been committed by him.

(3) No complaint under sub-section (1) shall be made by the Public Prosecutor except with the previous sanction,—

(a) in the case of the President or the Prime Minister or a Governor, of any Secretary to the Government authorised by him in this behalf;

(b) in the case of a Federal Minister or Minister of State, Chief Minister or Provincial Minister, of any Secretary to the Government authorised in this behalf by the Government concerned;

(c) in the case of any public servant employed in connection with the affairs of the Federation or of a Province, of the Government concerned.

(4) No Court of Session shall take cognizance of an offence under sub-section (1), unless the complaint is made within six months from the date on which the offence is alleged to have been committed.

(5) When the Court of Session takes cognizance of an offence under sub-section (1), then, notwithstanding anything contained in this Code, the Court of Session shall try the case without the aid of a jury or assessors and in trying the case shall follow the procedure prescribed for the trial by Magistrates of warrant cases instituted otherwise than on a police report.

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(6) The provisions of this section shall be in addition to, and not in derogation of, those of section 198.]

[2]**199. Prosecution for adultery or enticing a married woman.** [3][No Court shall take cognizance of an offence under section 497 or section 498 of the Pakistan Penal Code,

except—

(a) upon a report in writing made by a police-officer on the complaint of the husband of the woman, or in his absence, by some person who had care of such woman on his behalf at the time when such offence was committed; or

(b) upon a complaint made by the husband of the woman or, in his absence, made with the leave of the Court by some person who had care of such woman on his behalf at the time when such offence was committed.]

[1]Ins. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s.2 and Sch. (*w.e.f.* 13-4-1974).
[2]S. 199 has been omitted in the N.W.F.P. by the N.W.F.P. Act 26 of 1950, s.12.
[3]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.

[1][Provided that, where such husband is under the age of eighteen years, or is an idiot or lunatic, or is from sickness or infirmity unable to make a complaint, some other person may, with the leave of the Court, make a complaint on his behalf:]

[2][Provided further that where such husband is serving in any of [3][the armed forces of Pakistan] under conditions which are certified by his Commanding Officer as precluding him from obtaining leave of absence to enable him to make a complaint in person, and where for any reason no complaint has been made by a person having care of the woman as aforesaid, some other person authorised by the husband in accordance with the provisions of sub-section (1) of section 199B may, with the leave of the Court, make a complaint on his behalf.]

[4][**199A. Objection by lawful guardian to complaint by person other than person aggrived.** When in any case falling under section 198 or section 199, the person on whose behalf the complaint is sought to be made is under the age of eighteen years or is a lunatic, and the person applying for leave has not been appointed or declared by competent authority to be the guardian of the person of the said minor or lunatic, and the Court is satisfied that there is a guardian so appointed or declared, notice shall be given to such guardian, and the Court shall, before granting the application, give him a reasonable opportunity of objecting to the granting thereof.]

[5][**199B. Form of authorisation under second proviso to section 198 or 199.**— (1) The authorisation of a husband given to another person to make a complaint on his behalf under the second proviso to section 198 or the second proviso to section 199 shall be in writing, shall be signed or otherwise attested by the husband, shall contain a statement to the effect that he has been informed of the allegations upon which the complaint is to be founded, shall be countersigned by the Officer referred to in the said provisos, and shall be accompanied by a certificate signed by that Officer to the effect that leave of absence for the purpose of making a complaint in person cannot for the time being be granted to the husband.

(2) Any document purporting to be such an authorisation and complying with the provisions of sub-section (1), and any document purporting to be a certificate required by that sub-section shall, unless the contrary is proved, be presumed to be genuine, and shall be received in evidence.]

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CHAPTER XVI

OF COMPLAINTS TO MAGISTRATES

200. Examination of complainant.— [6][(1)] [7][* * *], a Magistrate taking cognizance of an offence on complaint shall at once examine the complainant upon oath, and the substance of the examination shall be reduced to writing and shall be signed by the complainant, and also by the Magistrate :

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[1]Ins. by Act No. XVIII of 1923, s. 52.
[2]Added by Act No. XXVIII of 1943, s. 3.
[3]Subs. by A.O., 1961, Art. 2 and Sch. (*with effect from 23rd March, 1956*).
[4]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 53. This section has been amended in the N.W.F.P. by the N.W.F.P. Act 26 of 1950, s. 13.
[5]Ins. by the Code of Criminal Procedure (Second Amdt.) Act 1943, (XXVIII of 1943), s. 4. This section has been omitted in the N.W.F.P. by the N.W.F.P. Act 26 of 1950, s. 13.
[6]Re-numbered by Act XVII of 2017, s.3, ***only for ICT when notified.***
[7]Omitted by Act No. XVIII of 1923, s. 54.

Provided as follows:—

(a) when the complaint is made in writing, nothing herein contained shall be deemed to require a Magistrate to examine the complainant before transferring the case under section 192 [1][, or sending it to the Court of Session] ;

[2][*(aa)* when the complaint is made in writing, nothing herein contained shall be deemed to require the examination of a complainant in any case in which the complaint has been made by a Court or by a public servant acting or purporting to act in the discharge of his official duties;]

(b) [4][* * * * * * *]

[3][(b) Where a complainant is a Court or a public servant, the Court or a public servant, as the case may be, shall not be liable to adjournment costs under sub-section (2)]

(c) when the case has been transferred under section 192 and the Magistrate so transferring it has already examined the complainant, the Magistrate to whom it is so transferred shall not be bound to re-examine the complainant.

[3][(2) Subject to provisions of section 344, if on the date fixed for hearing in any proceedings, a party to a case or any other person, despite service of notice, fails to appear or comply with any order of the Court or mandatory provision of the code or any other law for the time being in force, seeks an adjournment for such purpose, the Court may, for sufficient cause and reasons to be recorded, grant such adjournment on the condition that such party or person shall pay to the other party, adjournment costs which shall not be less than ten thousand rupees per adjournment or such higher amount as may be prescribed from time to time.]

201. Procedure by Magistrate not competent to take cognizance of the case.— (1) If the complaint has been made in writing to a Magistrate who is not competent to take cognizance of the case, he shall return the complaint for presentation to the proper Court with an endorsement to that effect.

(2) If the complaint has not been made in writing, such Magistrate shall direct the complainant to the proper Court.

[5]**[202. Postponement of issue of process.**— (1) Any Court, on receipt of a complaint of an offence of which it is authorised to take cognizance, or which has been sent to it under section 190, sub-section (3), or transferred to it under section 191 or section 192, may, if it thinks fit, for reasons to be recorded, postpone the issue of process for compelling the attendance of the person complained against, and either inquire into the case itself or direct any inquiry or investigation to be made by [6][any Justice of the Peace, or by] a police-officer, or by such other person as it thinks fit, for the purpose of ascertaining the truth or falsehood of the complaint:

Provided that, save where the complaint has been made by a Court, no such direction shall be made unless the complainant has been examined on oath under the provisions of section 200.

(2) A Court of Session may, instead of directing an investigation under the provisions of sub-section (1), direct the investigation to be made by any Magistrate subordinate to it for the purpose of ascertaining the truth or falsehood of the complaint.

(3) If any inquiry or investigation under this section is made by a person not being a Magistrate, [6][or Justice of the Peace] or a police-officer, such person shall exercise all the powers conferred by this Code on an officer-in-charge of a police-station, except that he shall not have power to arrest without warrant.

(4) Any Court inquiring into a case under this section may, if it thinks fit, take evidence of witnesses on oath.]

[1]Added by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[2]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 54.
[3]Ins. and added by Act XVII of 2017, s.3, ***only for ICT when notified.***
[4]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (O. No. 4 of 1949), s. 3 and Sch.
[5]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[6]Ins. *ibid.*

203. Dismissal of complaint. The [1][Court] before whom a complaint is made or to whom it has been transferred [2][or sent] may dismiss the complaint, if, [3][after considering the statement on oath (if any) of the complainant and the result of [4][the investigation] or inquiry [5][(if any)] under section 202]; there is in his judgment no sufficient ground for proceeding. In such cases he shall briefly record his reasons for so doing.

[6][**203A. Complaint in case of Zina**.— (1) No court shall take cognizance of an offence under section 5 of the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (VII of 1979), except on a complaint lodged in a Court of competent jurisdiction.

(2) The Presiding Officer of a Court taking cognizance of an offence on a complaint shall at once examine, on oath, the complainant and at least four Muslim, adult male eye-witnesses, about whom the Court is satisfied having regard to the requirement of tazkiyah-al-shahood, that, they are truthful persons and abstain from major sins (kabair), of the act of penetration necessary to the offence:

Provided that, if the accused is a non-Muslim, the eye-witnesses may be non-Muslims.

Explanation.— In this section "tazkiyah-al-shahood" means the mode of inquiry adopted by a Court to satisfy itself as to the credibility of a witness.

(3) The substance of the examination of the complainant and the eyewitnesses shall be reduced to writing and shall be signed by the complainant and the eye-witnesses, as the case may be, and also by the Presiding Officer of the Court.

(4) If in the opinion of the Presiding Officer of a Court, there is sufficient ground for proceeding, the Court shall issue summons for the personal attendance of the accused.

(5) The Presiding Officer of a Court before whom a complaint is made or to whom it has been transferred may dismiss the complaint, if, after considering the statements on oath of the complainant and the four or more eye-witnesses there is, in his judgment, no sufficient ground for proceeding and in such case he shall record his reasons for so doing.

203B. Complaint in case of Qazf.— (1) Subject to sub-section (2) off section 6 of the Offence of *Qazf* (Enforcement of Hadd) Ordinance, 1979 (VIII of 1979), no Court shall take cognizance of an offence under section 7 of the said Ordinance, except on a complaint lodged in a Court of competent jurisdiction.

(2) The Presiding Officer of a Court taking cognizance of an offence on a complaint shall at once examine on oath the complainant and the witnesses as mentioned in section 6 of the Offence of *Qazf* (Enforcement of Hadd) Ordinance, 1979 (VIII of 1979) of the act of Qazf necessary to the offence.

(3) The substance of the, examination of the complainant and the witnesses shall be reduced to writing and shall be signed by the complainant and the witnesses, as the case may be, and also by the Presiding Officer of the Court.

[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[2]Ins. *ibid*.
[3]Subs. by Act No. XVIII of 1923, s.55
[4]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1926 (II of 1926), s. 5.
[5]Ins.*ibid.*
[6]Ins. by Act No. VI of 2006, s. 8.

(4) If in the opinion of the Presiding Officer of a Court, there is sufficient ground for proceeding the Court shall issue summons for the personal attendance of the accused.

(5) The Presiding Officer of a Court before whom a complaint is made or to whom it has been transferred may dismiss the complaint, if, after considering the statements on oath of the complainant and the witnesses there is, in his judgment, no sufficient ground for proceeding and in such case he shall record his reasons for so doing.

203C. Complaint in case of fornication.— (1) No court shall take cognizance of an offence under section 496A of the Pakistan Penal Code, except on a complaint lodged in a Court of competent jurisdiction.

(2) The Presiding Officer of a Court taking cognizance of an offence shall at once examine on oath the complainant and at least two eyewitnesses to the act of fornication.

(3) The substance of the examination of the complainant and the eye-witnesses shall be reduced to writing and shall be signed by the complainant and the witnesses, as the case may be, and also by the Presiding Officer of the Court.

(4) If in the opinion of the Presiding Officer of a Court, there is sufficient ground for proceeding the Court shall issue a summons for the personal attendance of the accused:

Provided that the Presiding Officer of a Court shall not require the accused to furnish any security except a personal bond, without sureties, to ensure attendance before the Court in further proceedings.

(5) The Presiding Officer of a Court before whom a complaint is made or to whom it has been transferred may dismiss the complaint, if, after considering the statements on oath of the complainant and the witnesses there is, in his judgment, no sufficient ground for proceeding and in such case he shall record his reasons for so doing.

(6) Notwithstanding the foregoing provisions or anything contained in any other law for the time being in force no complaint under this section shall be entertained against any person who is accused of zina under section 5 of the Offence of Zina (Enforcement of Hudood) Ordinance, 1979 (Ordinance No. VII of 1979) and against whom a complaint under section 203A of this Code is pending or has been dismissed or who has been acquitted or against any person who is a complainant or a victim in a case of rape, under any circumstances whatsoever.]

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CHAPTER XVII

OF THE COMMENCEMENT OF PROCEEDINGS BEFORE [1][COURTS]

204. Issus of process.— (1) If in the opinion of a [2][Court] taking cognizance of an offence there is sufficient ground for proceeding, and the case appears to be one in which, according to the fourth column of the second schedule, a summons should issue in the first instance, [3][it] shall issue

[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[2]Subs. *ibid.*
[3]Subs. *ibid.*

*[his] summons for the attendance of the accused. If the case appears to be one in which, according to that column, a warrant should issue in the first instance, [1][it] may issue a warrant, or, if [1][it] thinks fit, a summons, for causing the accused to be brought or to appear at a certain time before such [2][Court] or (if [1][it] has not jurisdiction [3][itself]) some other [2][Court] having jurisdiction.

(2) Nothing in this section shall be deemed to affect the provisions of section 90.

(3) When by any law for the time being in force any process-fees or other fees are payable, no process shall be issued until the fees are paid, and, if such fees are not paid within a reasonable time, the [2][Court] may dismiss the complaint.

205. Magistrate may dispense with personal attendance of accused.—(1) Whenever a Magistrate issues a summons, he may, if he sees reason so to do, dispense with the personal attendance of the accused, and permit him to appear by his pleader.

(2) But the Magistrate inquiring into or trying the case may, in his discretion, at any stage of the proceedings, direct the personal attendance of the accused, and, if necessary, enforce such attendance in manner hereinbefore provided.

[4]***CHAPTER XVIII***.— *[Of Inquiry into Cases triable by the Court of Session or High Court.] Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.*

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CHAPTER XIX

OF THE CHARGE

Form of Charges

221. Charge to state offence.— Every charge under this Code shall state the offence with which the accused is charged.

(2) **Specific name of offence sufficient description.** If the law which creates the offence gives it any specific name, the offence may be described in the charge by that name only.

(3) **How stated where offence has no specific name.** If the law which creates the offence does not give it any specific name, so much of the definition of the offence must be stated as to give the accused notice of the matter with which he is charged.

(4) The law and section of the law against which the offence is said to have been committed shall be mentioned in the charge.

(5) **What implied in charge.** The fact that the charge is made is equivalent to a statement that every legal condition required by law to constitute the offence charged was fulfilled in the particular case.

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[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[2]Subs. *ibid.*
[3]Subs. *ibid.*
Chapter XVIII was previously amended by the Criminal Law Amendment Act, 1923 (12 of 1923), s. 9, A.O., 1949, Sch., Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 57 and A.O, 1937.
[*]Sic. should read "its".

[1][(6) **Language of charge.** The charge shall be written either in English or in the language of the Court.]

(7) **Previous conviction when to be set out.** If the accused [2][having been previously convicted of any offence, is liable, by reason of such previous conviction, to enhanced punishment, or to punishment of a different kind, for a subsequent offence, and it is intended to prove such previous conviction for the purpose of affecting the punishment which the Court may think fit to award for the subsequent offence,] the fact, date and place of the previous conviction shall be stated in the charge. If such statement [3][has been omitted,] the Court may add it at any time before sentence is passed.

Illustrations

(a) A is charged with the murder of B. This is equivalent to a statement that A's act fell within the definition of murder given in sections 299 and 300 of the Pakistan Penal Code (XLV of 1860); that it did not fall within any of the general exceptions of the same Code; and that it did not fall within any of the five exceptions to section 300, or that, if it did fall within Exception 1, one or other of the three provisos to that exception apply to it.

(b) A is charged, under section 326 of the Pakistan Penal Code (XLV of 1860), with voluntarily causing grievous hurt to B by means of an instrument for shooting. This is equivalent to a statement that the case was not provided for by section 335 of the Pakistan Penal Code, and that the general exceptions did not apply to it.

(c) A is accused of murder, cheating, theft, extortion, adultery or criminal intimidation, or using a false property-mark. The charge may state that A committed murder, or cheating, or theft, or extortion, or adultery, or criminal intimidation, or that he used a false property-mark, without reference to the definitions of those crimes contained in the Pakistan Penal Code (XLV of 1860); but the sections under which the offence is punishable must, in each instance, be referred to in the charge.

(d) A is charged, under section 184 of the Pakistan Penal Code (XLV of 1860) with intentionally obstructing a sale of property offered for sale by the lawful authority of a public servant. The charge should be in those words.

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222. Particulars as to time Place and person.— (1) The charge shall contain such particulars as to the time and place of the alleged offence, and the person (if any) against whom, or the thing (if any) in respect of which, it was committed, as are reasonably sufficient to give the accused notice of the matter with which he is charged.

(2) When the accused is charged with criminal breach of trust or dishonest misappropriation of money, it shall be sufficient to specify the gross sum in respect of which the offence is alleged to have been committed, and the dates between which the offence is alleged to have been committed, without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of one offence within the meaning of section 234:

Provided that the time included between the first and last of such dates shall not exceed one year.

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[1]Subs. by A.O., 1949, Sch.
[2]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923) s. 61.
[3]Subs. *ibid.*

223. When manner of committing offence must be stated. When the nature of the case is such that the particulars mentioned in sections 221 and 222 do not give the accused sufficient notice of the matter with which he is charged, the charge shall also contain such particulars of the manner in which the alleged offence was committed as will be sufficient for that purpose.

Illustrations

(a) A is accused of the theft of a certain article at a certain time and place. The charge need not set out the manner in which the theft was effected.

(b) A is accused of cheating B at a given time and place. The charge must set out the manner in which A cheated B.

(c) A is accused of giving false evidence at a given time and place. The charge must set out that portion of the evidence given by A which is alleged to be false.

(d) A is accused of obstructing B, a public servant, in the discharge of his public functions at a given time and place. The charge must set out the manner in which A obstructed B in the discharge of his functions.

(e) A is accused of the murder of B at a given time and place. The charge need not state the manner in which A murdered B.

(f) A is accused of disobeying a direction of the law with intent to save B from punishment. The charge must set out the disobedience charged and the law infringed.

224. Words in charge taken in sense of law under which offence is punishable. In every charge words used in describing an offence shall be deemed to have been used in the sense attached to them respectively by the law under which such offence is punishable.

225. Effect of errors. No error in stating either the offence or the particulars required to be stated in the charge, and no omission to state the offence or those particulars, shall be regarded at any stage of the case as material, unless the accused was in fact misled by such error or omission, and it has occasioned a failure of justice.

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Illustrations

(a) A is charged under section 242 of the Pakistan Penal Code (XLV of 1860), with "having been in possession of counterfeit coin, having known at the time when he became possessed thereof that such coin was counterfeit," the word "fraudulently" being omitted in the charge. Unless it appears that A was in fact misled by this omission, the error shall not be regarded as material.

(b) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge, or is set out incorrectly. A defends himself, calls witnesses and gives his own account of the transaction. The Court may infer from this that the omission to set out the manner of the cheating is not material.

(c) A is charged with cheating B, and the manner in which he cheated B is not set out in the charge. There were many transactions between A and B, and A had no means of knowing to which of them the charge referred, and offered no defence. The Court may infer from such facts that the omission to set out the manner of the cheating was, in

the case, a material error.

(d) A is charged with the murder of Khoda Baksh on the 21st January 1882. In fact, the murdered person's name was Haider Baksh, and the date of the murder was the 20th January 1882. A was never charged with any murder but one, and had heard the [1][trial], which referred exclusively to the case of Haider Baksh. The Court may infer from these facts that A was not misled, and that the error in the charge was immaterial.

(e) A was charged with murdering Haider Baksh on the 20th January 1882, and Khoda Baksh (who tried to arrest him for that murder) on the 21st January 1882. When charged for the murder of Haider Baksh, he was tried for the murder of Khoda Baksh. The witnesses present in his defence were witnesses in the case of Haider Baksh. The Court may infer from this that A was misled, and that the error was material.

[2]**226.** *[Procedure on commitment without charge or with imperfect charge.] [Omitted by the Law Reforms Ordinance, 1972 (XIl of 1972), s. 2 and Sch.*

227. Court may alter charge.— (1) Any Court may alter or add to any charge at any time before judgment is pronounced [3][* * *].

(2) Every such alteration or addition shall be read and explained to the accused.

228. When trial may proceed immediately after alteration. If the charge framed or alteration or addition made under [4][* * *] section 227 is such that proceeding immediately with the trial is not likely, in the opinion of the Court, to prejudice the accused in his defence or the prosecutor in the conduct of the case, the Court may, in its discretion, after such charge or alteration or addition has been framed or made, proceed with the trial as if the new or altered charge had been the original charge.

229. When new trial may be directed, or trial suspended. If the new or altered or added charge is such that proceeding immediately with the trial is likely, in the opinion of the Court, to prejudice the accused or the prosecutor as aforesaid, the Court may either direct a new trial or adjourn the trial for such period as may be necessary.

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230. Stay of proceedings if prosecution of offence in altered charge require previous sanction. If the offence stated in the new or altered or added charge is one for the prosecution of which previous sanction is necessary, the case shall not be proceeded with until such sanction is obtained, unless sanction has been already obtained for a prosecution on the same facts as those on which the new or altered charge is founded.

231. Re-call of witnesses when charge altered. Whenever a charge is altered or added to by the Court after the commencement of the trial, the prosecutor and the accused shall be allowed to re-call or re- summon, and examine with reference to such alteration or addition, any witness who may have been examined, and also to call any further witness whom the Court may think to be material.

232. Effect of material error.— (1) If any Appellate Court, or the High Court [5][,or the Court of Session] in the exercise of its powers of revision or of its powers under Chapter XXVII, is

[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[2]Section 226 was previously amended by A.O., 1961, Art 2 and Sch.
[3]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972) s. 2 and Sch.
[4]Omitted *ibid.*
[5]Ins. *ibid.*

of opinion that any person convicted of an offence was misled in his defence by the absence of a charge or by an error in the charge, it shall direct a new trial to be had upon a charge framed in whatever manner it thinks fit.

(2) If the Court is of opinion that the facts of the case are such that no valid charge could be preferred against the accused in respect of the facts proved, it shall quash the conviction.

Illustration

A is convicted of an offence, under section 196 of the Pakistan Penal Code (XLV of 1860), upon a charge which omits to state that he knew the evidence, which he corruptly used or attempted to use as true or genuine, was false or fabricated. If the Court thinks it probable that A had such knowledge, and that he was misled in his defence by the omission from the charge of the statement that he had it, it shall direct a new trial upon an amended charge; but, if it appears probable from the proceedings that A had no such knowledge, it shall quash the conviction.

Joinder of charges

233. Separate charges for distinct offences. For every distinct offence of which any person is accused there shall be a separate charge, and every such charge shall be tried separately, except in the cases mentioned in sections 234, 235, 236 and 239.

Illustration

A is accused of a theft on one occasion, and of causing grievous hurt on another occasion. A must be separately charged and separately tried for the theft and causing grievous hurt.

234. Three offences of same kind within year may be charged together.— (1) When a person is accused of more offences than one of the same kind committed within the space of twelve months from the first to the last of such offences, [1][whether in respect of the same person or not], he may be charged with, and tried at one trial for, any number of them not exceeding three.

(2) Offences are of the same kind when they are punishable with the same amount of punishment under the same section of the Pakistan Penal Code (XLV of 1860) or of any special or local law:

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[2][Provided that, for the purpose of this section, an offence punishable under section 379 of the Pakistan Penal Code (XLV of 1860) shall be deemed to be an offence of the same kind as an offence punishable under section 380 of the said Code, and that an offence punishable under any section of the Pakistan Penal Code (XLV of 1860), or of any special or local law, shall be deemed to be an offence of the same kind as an attempt to commit such offence, when such an attempt is an offence.]

235. Trial for more than one offence.— (1) If, in one series of acts so connected together as to form the same transaction, more offences than one are committed by the same person, he may be charged with, and tried at one trial for, every such offence.

(2) **Offence falling within two definitions.** If the acts alleged constitute an offence falling within two or more separate definitions of any law in force for the time being by which offences are defined or punished, the person accused of them may be charged with, and tried at one trial for, each of such offences.

[1]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 62.
[2]Ins., *ibid*.

(3) **Acts constituting one offence, but constituting when combined a different offence.** If several acts, of which one or more than one would by itself or themselves constitute an offence, constitute when combined a different offence, the person accused of them may be charged with, and tried at one trial for, the offence constituted by such acts when combined, and for any offence constituted by any one, or more, of such acts.

(4) Nothing contained in this section shall affect the Pakistan Penal Code (XLV of 1860), section 71.

Illustrations

to sub-section (1)—

(a) A rescues B, a person in lawful custody, and in so doing causes grievous hurt to C, a constable in whose custody B was. A may be charged with, and convicted of, offences under sections 225 and 333 of the Pakistan Penal Code (XLV of 1860).

(b) A commits house-breaking by day with intent to commit adultery, and commits in the house so entered adultery with B's wife. A may be separately charged with, and convicted of, offences under sections 454 and 497 of the Pakistan Penal Code (XLV of 1860).

(c) A entices B, the wife of C, away from C, with intent to commit adultery with B, and then commits adultery with her. A may be separately charged with, and convicted of, offences under sections 498 and 497 of the Pakistan Penal Code (XLV of 1860).

(d) A has in his possession several seals, knowing them to be counterfeit and intending to use them for the purpose of committing several forgeries punishable under section 466 of the Pakistan Penal Code. A may be separately charged with, and convicted of, the possession of each seal under section 473 of the Pakistan Penal Code.

(e) With intent to cause injury to B, A institutes a criminal proceeding against him, knowing that there is no just or lawful ground for such proceeding; and also falsely accuses B of having committed an offence, knowing that there is no just or lawful ground for such charges. A may be separately charged with, and convicted of, two offences under section 211 of the Pakistan Penal Code.

(f) A, with intent to cause injury to B, falsely accuses him of having committed an offence, knowing that there is no just or lawful ground for such charge. On the trial, A gives false evidence against B, intending thereby to cause B to be convicted of a capital offence. A may be separately charged with and convicted of, offences under sections 211 and 194 of the Pakistan Penal Code.

(g) A, with six others, commits the offences of rioting, grievous hurt and assaulting a public servant endeavouring in the discharge of his duty as such to suppress the riot. A may be separately charged with, and convicted of, offences under sections 147, 325 and 152 of the Pakistan Penal Code.

(h) A threatens B, C and D at the same time with injury to their persons with intent to cause alarm to them. A may be separately charged with, and convicted of, each of the three offences under section 506 of the Pakistan Penal Code.

The separate charges referred to in Illustrations (a) to (h) respectively may be tried at the same time.

to sub-section (2)—

(i) A wrongfully strikes B with a cane. A may be separately charged with, and convicted of, offences under sections 352 and 323 of the Pakistan Penal Code.

(j) Several stolen sacks of corn are made over to A and B, who know they are stolen property, for the purpose of concealing them. A and B thereupon voluntarily assist each other to conceal the sacks at the bottom of a grain pit. A and B may be separately charged with, and convicted of, offences under sections 411 and 414 of the Pakistan Penal Code.

(k) A exposes her child with the knowledge that she is thereby likely to cause its death. The child dies in consequence of such exposure. A may be separately charged with, and convicted of, offences under sections 317 and 304 of the Pakistan Penal Code.

(l) A dishonestly uses a forged document as genuine evidence, in order to convict B, a public servant, of an offence under section 167 of the Pakistan Penal Code. A may be separately charged with, and convicted of, offences under sections 471 (read with 466) and 196 of the same Code.

to sub-section (3)—

(m) A commits robbery on B, and in doing so voluntarily causes hurt to him. A may be separately charged with, and convicted of, offences under sections 323, 392 and 394 of the Pakistan Penal Code.

236. Where it is doubtful what offence has been committed. If a single act or series of acts is of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges may be tried at once; or he may be charged in the alternative with having committed some one of the said offences.

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Illustrations

(a) A is accused of an act which may amount to theft, or receiving stolen property, or criminal breach of trust or cheating. He may be charged with theft, receiving stolen property, criminal breach of trust and cheating, or he may be charged with having committed theft, or receiving stolen property, or criminal breach of trust or cheating.

(b) A states on oath before the Magistrate that he saw B hit C with a club. Before the Sessions Court A states on oath that B never hit C. A may be charged in the alternative and convicted of intentionally giving false evidence, although it cannot be proved which of these contradictory statements was false.

237. When a person is charged with one offence, he can be convicted of another.— (1) If, in the case mentioned in section 236, the accused is charged with one offence, and it appears in evidence that he committed a different offence for which he might have been charged under the provisions of that section, he may be convicted of the offence which he is shown to have committed, although he was not charged with it.

(2) [1][* * * * * * *]

Illustration

A is charged with theft. It appears that he committed the offence of criminal breach of trust, or that of receiving stolen goods. He may be convicted of criminal breach of trust or of receiving stolen goods (as the case may be) though he was not charged with such offence.

238. When offence proved included in offence charged.— (1) When a person is charged with an offence consisting of several particulars, a combination of some only of which constitutes, a complete minor offence, and such combination is proved, but the remaining particulars are not proved, he may be convicted of the minor offence, though he was not charged with it.

(2) When a person is charged with an offence and facts are proved which reduce it to a minor offence, he may be convicted of the minor offence, although he is not charged with it.

[2][(2A) When a person is charged with an offence, he may be convicted of an attempt to commit such offence although the attempt is not separately charged.]

(3) Nothing in this section shall be deemed to authorize a conviction of any offence referred to in section 198 or section 199 when no complaint has been made as required by that section.

Illustrations

(a) A is charged, under section 407 of the Pakistan Penal Code (XLV of 1860), with criminal breach of trust in respect of property entrusted to him as a carrier. It appears, that he did commit criminal breach of trust under section 406 in respect of the property, but that it was not entrusted to him as a carrier. He may be convicted of criminal breach of trust under section 406.

(b) A is charged, under section 325 of the Pakistan Penal Code (XLV of 1860), with causing grievous hurt. He proves that he acted on grave and sudden provocation. He may be convicted under section 335 of that Code.

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[3]**[239. What persons may be charged jointly.** The following persons may be charged and tried together, namely:—

(a) persons accused of the same offence committed in the course of the same transaction;

(b) persons accused of an offence and persons accused of abetment, or of an attempt to commit such offence;

(c) persons accused of more than one offence of the same kind, within the meaning of section 234 committed by them jointly within the period of twelve months;

(d) persons accused of different offences committed in the course of the same transaction;

[1]Omitted by the Code of Criminal Procedure (Amendment) Act, 1923 (XVIII of 1923), s. 63.
[2]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 64.
[3]Subs. *ibid.*, s. 65.

(e) persons accused of an offence which includes theft, extortion, or criminal misappropriation, and persons accused of receiving or retaining, or assisting in the disposal or concealment of, property possession of which is alleged to have been transferred by any such offence committed by the first-named persons, or of abetment of or attempting to commit any such last-named offence;

(f) persons accused of offences under sections 411 and 414 of the Pakistan Penal Code (XLV of 1860) or either of those sections in respect of stolen property the possession of which has been transferred by one offence; and

(g) persons accused of any offence under Chapter XII of the Pakistan Penal Code (XLV of 1860) relating to counterfeit coin, and persons accused of any other offence under the said Chapter relating to the same coin, or of abetment of or attempting to commit any such offence;

and the provisions contained in the former part of this Chapter shall, so far as may be, apply to all such charges.]

240. Withdrawal of remaining charges on conviction on one of several charges. When a charge containing more heads than one is framed against the same person, and when a conviction has been had on one or more of them, the complainant, or the officer conducting the prosecution, may, with the consent of the Court, withdraw the remaining charge or charges, or the Court of its own accord may stay the inquiry into, or trial of, such charge or charges. Such withdrawal shall have the effect of an acquittal on such charge or charges, unless the conviction be set aside, in which case the said Court (subject to the order of the Court setting aside the conviction) may proceed with the inquiry into or trial of the charge or charges so withdrawn.

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CHAPTER XX

OF THE TRIAL OF [1][CASES] BY MAGISTRATES

241. [2][**Procedure in trial of cases].** The following procedure shall be observed by Magistrates in the trial of [1][cases].

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[3][**241A. Supply of statements and documents to the accused.**— (1) In all cases instituted upon police report, except those tried summarily or punishable with fine or imprisonment not exceeding six months, copies of statements of all witnesses recorded under sections 161 and 164 and of the inspection note recorded by an investigation officer on his first visit to the place of occurrence, shall be supplied free of cost to the accused not less than seven days before the commencement of the trial:

Provided that, if any part of a statement recorded under section 161 is such that its disclosure to the accused would be inexpedient in the public interest, such part of the statement shall be excluded from the copy of the statement furnished to the accused.

[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[2]Subs. *ibid.*
[3]Ins. *ibid*.

(2) In all cases instituted upon a complaint in writing, the complainant shall—

(a) state in the petition of complaint the substance of the accusation, the names of his witnesses and the gist of the evidence which he is likely to adduce at the trial; and

(b) within three days of the order of the Court under section 204 for issue of process to the accused, file in the Court for supply to the accused, as many copies of the complaint and any other document which he has filed with his complaint as the number of the accused:

Provided that the provisions of this sub-section shall not apply in any case in which the complaint has been made by a Court or by a public servant acting or purporting to act in the discharge of his official duties].

[1][**242. Charge to be framed.** When the accused appears or is brought before the Magistrate, a formal charge shall be framed relating to the offence of which he is accused and he shall be asked whether he admits that he has committed the offence with which he is charged.]

243. Conviction on admission of truth of accusation. If the accused admits that he has committed the offence [2][with which he is charged], his admission shall be recorded as nearly as possible in the words used by him; and, if he shows no sufficient cause why he should not be convicted, the Magistrate [3][may convict] him accordingly.

244. Procedure when no such admission is made.— (1) [4][If the Magistrate does not convict the accused under the preceding section or] if the accused does not make such admission, the Magistrate shall proceed to hear the complainant (if any), and take all such evidence as may be produced in support of the prosecution, and also to hear the accused and take all such evidence as he produces in his defence:

[4][Provided that the Magistrate shall not be bound to hear any person as complainant in any case in which the complaint has been made by a Court.]

[5][(2) The Magistrate may, if he thinks fit, on the application of the complainant or accused, issue a summons to any witness directing him to attend or to produce any document or other thing.]

(3) The Magistrate may, before summoning any witness on such application, require that his reasonable expenses, incurred in attending for the purposes of the trial, be deposited in Court [:][6]

[7][Provided that it shall not be necessary for the accused to deposit any such expenses in Court in cases where he is charged with an offence punishable with imprisonment exceeding six months.]

[8][**244A. Statement made under section 164.** The statement of a witness duly recorded under section 164, if it was made in the presence of the accused and if he had notice of it and was given an opportunity of cross-examining the witness, may, in the discretion of the Court, if such witness is

[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972) s.2 and Sch.
[2]Subs. *ibid.*
[3]Subs. by the Code of Criminal Procdure (Amdt.) Act, 1923 (XVIII of 1923), s. 66.
[4]Ins. *ibid*, s. 67.
[5]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972) s.2 and Sch.
[6]Subs. *ibid.*
[7]Added *ibid.*
[8]Ins. *ibid.*

produced and examined, be treated as evidence in the case for all purposes subject to the provisions of the Evidence Act, 1872.]

245. Acquittal.— (1) If the Magistrate upon taking the evidence referred to in section 244 and such further evidence (if any) as he may, of his own motion, cause to be produced, and (if he thinks fit) examining the accused, finds the accused not guilty, he shall record an order of acquittal.

[1][(2) Where the Magistrate does not proceed in accordance with the provisions of section 349 [2][* * *], he shall, if he finds the accused guilty, pass sentence upon him according to law.]

[3][**245-A. Procedure in case of previous convictions.** In a case where a previous conviction is charged under the provisions of section 221, sub-section (7), and the accused does not admit that he has been previously convicted as alleged in the charge, the Magistrate may, after he has convicted the accused under section 243, or under section 245, sub-section (2), take evidence in respect of the alleged previous conviction, and, if he does so, shall record a finding thereon.]

246. *[Finding not limited by compliant or summons.] Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2. and Sch.*

247. Non-appearance of complainant. If the summons has been issued on complaint, and upon the day appointed for the appearance of the accused, or any day subsequent thereto to which the hearing may be adjourned, the complainant does not appear, the Magistrate shall, notwithstanding anything herein before contained, acquit the accused, unless for some reason he thinks proper to adjourn the hearing of the case to some other day:

Provided that, where the complainant is a public servant and his personal attendance is not required, the Magistrate may dispense with his attendance, and proceed with the case [4][:]

[5][Provided further that nothing in this section shall apply where the offence of which the accused is charged is either cognizable or non-compoundable.]

248. Withdrawal of complaint. If a complainant, at any time before a final order is passed in any case under this Chapter, satisfies the Magistrate that there are sufficient grounds for permitting him to withdraw his complaint the Magistrate may permit him to withdraw the same, and shall thereupon acquit the accused.

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249. Power to stop proceedings when no complainant. In any case instituted otherwise than upon complaint, [6][* * *] a Magistrate of the first class, or with the previous sanction of the [7][Sessions Judge [8][*******]], any other Magistrate, may for reasons to be recorded by him, stop the proceedings at any stage without pronouncing any judgment either of acquittal or conviction, and may thereupon release the accused.

[9][**249A. Power of Magistrate to acquit accused at any stage.** Nothing in this Chapter shall be deemed to prevent a Magistrate from acquitting an accused at any stage of the case if, after hearing the prosecutor and the accused and for reasons to be recorded, he considers that the charge is groundless or that there is no probability of the accused being convicted of any offence.]

[1]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923) s. 68.
[2]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972) s.2 and Sch.
[3]Ins. *ibid*.
[4]Subs. *ibid.*
[5]Added *ibid*.
[6]Omitted by A.O. 1949, Sch.
[7]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972) s.2 and Sch.
[8]Omitted by Ord. No. XXXVII of 2001, s.59 (14-08-2001).
[9]Ins. by the Code of Criminal Procedure (Amdt.) Ord. 1977 (XXXVI of 1977), s.2 (*w.e.f* 30-10-77).

Frivolous Accusations in [1][Cases tried by Magistrate]

250. False, frivolous or vexatious accusations.— [2][(1) If in any case instituted upon complaint or upon information given to a police-officer or to a Magistrate, one or more persons is or are accused before a Magistrate or any offence triable by a Magistrate, and the Magistrate by whom the case is heard [3][* * *] acquits all or any of the accused, and is of opinion that the accusation against them or any of them was false and either frivolous or vexatious, the Magistrate may, by his order of [3][* * *] acquittal, if the person upon whose complaint or information the accusation was made is present, call upon him forthwith to show cause why he should not pay compensation to such accused or to each or any of such accused when there are more than one, or, if such person is not present direct the issue of a summons to him to appear and show cause as aforesaid.

(2) The Magistrate shall record and consider any cause which such complainant or information may show and if he is satisfied that the accusation was false and either frivolous or vexatious may, for reasons to be recorded, direct that compensation to such amount not exceeding [4][twenty five thousand rupees]***** or, if the Magistrate is a Magistrate of the third class, not exceeding [4][two thousand and five hundred rupees], as he may determine, be paid by such complainant or informant to the accused or to each or any of them.

[5][(2A) The compensation payable under sub-section (2) shall be recoverable as an arrear of land revenue.]

(2B) When any person is imprisoned under sub-section (2A), the provisions of sections 68 and 69 of the Pakistan Penal Code (XLV of 1860) shall, so far as may be, apply.

(2C) No person who has been directed to pay compensation under this section shall, by reason of such order, be exempted from any civil or criminal liability in respect of the complaint made or information given by him:

Provided that any amount paid to an accused person under this section shall be taken into account in awarding compensation to such person in any subsequent civil suit relating to the same matter.]

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(3) A complainant or informant who has been ordered under [6][sub-section (2)] by a Magistrate of the second or third class to pay compensation [7][or has been so ordered by any other Magistrate to pay compensation exceeding fifty rupees] may appeal from the order, in so far as the order relates to the payment of the compensation, as if such complainant or informant had been convicted on a trial held by such Magistrate.

(4) When an order for payment of compensation to an accused person is made in a case which is subject to appeal under sub-section (3), the compensation shall not be paid to him before the period allowed for the presentation of the appeal has elapsed, or, if an appeal is presented, before the

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[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[2]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s.69
[3]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[4]Subs by Ord. No. VI of 1980, s.2.
[5]Subs. *ibid.*
[6]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s.69.
[7]Subs. *ibid.*
* ***"One hundred thousand rupees" as subs. by Act XVII of 2017, s.3 only for ICT when notified.***

appeal has been decided [1][and, where such order is made in a case which is not so subject to appeal, the compensation shall not be paid before the expiration of one month from the date of the order].

(5) [2][* * * * * * *]

[3][**250A. Special summons in case of petty offences.**— (1) Any Magistrate of the first class specially empowered in this behalf by the Provincial Government taking cognizance of any offence punishable only with fine shall, except for reasons to be recorded in writing, issue summons to the accused requiring him either to appear before him on a specified date in person or by an advocate or, if he desires to plead guilty to the charge, without appearing before the Magistrate, to transmit to the Magistrate before the specified date, by registered post or through a messenger, the said plea in writing and the amount of fine specified in the summons or, if he desires to appear by an advocate and to plead guilty to the charge, to authorise, in writing, such advocate to plead guilty to the charge on his behalf and to pay the fine:

Provided that the amount of the fine specified in such summons shall not be less than twenty-five percent nor more than fifty per cent of the maximum fine provided for such offence.

(2) Sub-section (1) shall not apply to an offence punishable under the Motor Vehicles Ordinance, 1965 (W.P. Ordinance XIX of 1965), or under any other law which provides for the accused person being convicted in his absence on a plea of guilty.]

[4]**CHAPTER XXI.**— *[OF THE TRIAL OF WARRANT CASES BY MAGISTRATES.] Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.*

CHAPTER XXII

OF SUMMARY TRIALS

[5]**260. Power to try summarily.**— (1) Notwithstanding anything contained in this Code,—

(a) [6][* * * * * * *]

(b) any Magistrate of the first class specially empowered in this behalf by the [7][Provincial Government], and

(c) any Bench of Magistrates invested with the powers of a Magistrate of the first class and especially empowered in this behalf by the [7][Provincial Government],

may, if he or they think fit, try in a summary way all or any of the following offences:—

(a) offences not punishable with death, transportation or imprisonment for a term exceeding six months;

(b) offences relating to weights and measures under sections 264, 265 and 266 of the Pakistan Penal Code (XLV of 1860);

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[1]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s.69.
[2]Omitted *ibid.*
[3]Ins. by Act No. XXV of 1992, s.3.
[4]This chapter was previously amended by Act 18 of 1923, s.70.
[5]For notifn. Conferring powers on the Additional City Magistrate, Karachi, to try cases summarily under this section, see Gaz. of P., 1957, Pt. VI, p.6
[6]Omitted by the Law Reforms Ordinance, 1972, (XII of 1972), s.2 and Sch.
[7]Subs. by A.O., 1937, for ''L.G.",

(c) hurt, under section [1][clause (i) of section 337A] of the same Code;

(d) theft, under sections 379, 380 or 381 of the same Code, where the value of the property stolen does not exceed [1][ten thousand rupees] ;

(e) dishonest misappropriation of property under section 403 of the same Code, where the value of the property misappropriated does not exceed [1][ten thousand rupees] ;

(f) receiving or retaining stolen property under section 411 of the same code, where the value of such property does not exceed [1][ten thousand rupees] ;

(g) assisting in the concealment or disposal of stolen property, under section 414 of the same Code, where the value of such property does not exceed [1][ten thousand rupees] ;

(h) mischief, under section 427 of the same Code;

(i) house-trespass, under section 448, and offences under sections 451, [2][453, 454], 456 and 457 of the same Code ;

(j) insult with intent to provoke a breach of the peace, under section 504, and criminal intimidation, under section 506, of the same Code;

[3][*(jj)* offence of personation at an election under section 171F of the same Code;]

(k) abetment of any of the foregoing offences;

(l) an attempt to commit any of the foregoing offences, when such attempt is an offence;

(m) offences under section 20 of the Cattle-trespass Act, 1871 (I of 1871) :

[4][* * * * * * *]

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(2) When in the course of a summary trial it appears to the Magistrate or Bench that the case is one which is of a character which renders it undesirable that it should be tried summarily, the Magistrate or Bench shall recall any witnesses who may have been examined and proceed to re-hear the case in manner provided by this Code.

261. Power to invest Bench of Magistrates invested with less powers. The [5][Provincial Government] may [6][, on the recommendation of the High Court,] confer on any Bench of Magistrates invested with the powers of a Magistrate of the second or third class power to try summarily all or any of the following offences:—

[1]Subs. by Ordinance No. LXXXV of 2002, s. 4.
[2]Ins. by the Amending Act, 1903 (I of 1903), s.3 and Sch., II, Pt. II.
[3]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1957 (XLIII of 1957), s.2.
[4]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[5]Subs. by A.O., 1937, for "L.G".
[6]Ins. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.

(a) offences against the Pakistan Penal Code (XLV of 1860), sections 277, 278, 279, 285, 286, 289, 290, 292, 293, 294, [1][337A (i), 337L (2), 337H (2)], 341, 352, 426, [2][447 and 504] ;

(b) offences against Municipal Acts, and the conservancy clauses of Police Acts which are punishable only with fine or with imprisonment for a term not exceeding one month [3][with or without fine] ;

(c) abetment of any of the foregoing offences ;

(d) an attempt to commit any of the foregoing offences, when such attempt is an offence.

262. Procedure [4][prescribed in Chapter XX] applicable.— [5][(1) In trials under this Chapter, the procedure prescribed in Chapter XX shall be followed, except as hereinafter mentioned.]

(2) **Limit of imprisonment**. No sentence of imprisonment for a term exceeding three months shall be passed in the case of any conviction under this Chapter.

263. Record in cases where there is no appeal. In cases where no appeal lies, the Magistrate or Bench of Magistrates need not record the evidence of the witnesses or frame a formal charge; but he or they shall enter in such form as the [6][Provincial Government] may direct the following particulars :—

(a) the serial number;

(b) the date of the commission of the offence;

(c) the date of the report or complaint;

(d) the name of the complainant (if any) ;

(e) the name, parentage and residence of the accused ;

(f) the offence complained of and the offence (if any) proved, and in cases coming under clause (d), clause (e), clause (f) or clause (g) of sub-section (1) of section 260 the value of the property in respect of which the offence has been committed ;

(g) the plea of the accused and his examination (if any);

(h) the finding, and, in the case of a conviction, a brief statement of the reasons therefor ;

(i) the sentence or other final order; and

(j) the date on which the proceedings terminated.

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[1]Subs. by Ord. No. LXXXV of 2002, s. 5.
[2]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s.75.
[3]Ins. *ibid*., s. 75.
[4]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[5]Subs. *ibid.*
[6]Subs. by A.O., 1937, for "L.G".

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[1][**264. Record in appealable cases.** In every case tried summarily by a Magistrate or Bench in which an appeal lies, such Magistrate or Bench shall record the substance of the evidence and also the particulars mentioned in section 263 and shall, before passing any sentence, record a judgment in the case.]

265. Language of record and Judgment.— (1) Records made under section 263 and judgments recorded under section 264 shall be written by the presiding officer, either in English or in the language of the Court, or, if the Court to which such presiding officer is immediately subordinate so directs, in such officer's mother-tongue.

(2) **Bench may be authorized to employ clerk**. The [2][Provincial Government] may authorize any Bench of Magistrates empowered to try offences summarily to prepare the aforesaid record or judgment by means of an officer appointed in this behalf by the Court to which such Bench is immediately subordinate, and the record or judgment so prepared shall be signed by each member of such Bench present taking part in the proceedings.

(3) If no such authorization be given, the record prepared by a member of the Bench and signed as aforesaid shall be the proper record.

(4) If the Bench differ in opinion, any dissentient member may write a separate judgment.

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[3][CHAPTER XXIIA

TRIALS BEFORE HIGH COURTS AND COURTS OF SESSION

265A. Trial before Court of Session to be conducted by Public Prosecutor.— In every trial before a Court of Session, initiated upon a police report, the prosecution shall be conducted by the Public Prosecutor.

265B. Procedure in cases triable by High Courts and Courts of Session.— The following procedure shall be observed by the High Courts and the Courts of Session in the trial of cases triable by the said Courts.

265C. Supply of statements and documents to the accused.— (1) In all cases instituted upon police report, copies of the following documents shall be supplied free of cost to the accused not later than seven days before the commencement of the trial, namely:—

(a) the first information report ;

(b) the police report ;

(c) the statements of all witnesses recorded under sections 161 and 164; and

(d) the inspection note recorded by an investigation officer on his first visit to the place of occurrence and the note recorded by him on recoveries made, if any:

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[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[2]Subs. by A.O, 1973, for "L.G".
[3]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1976 (XLIV of 1976), s.2.
The Code of Crimnal Procedure (Amdt.) Act, 1976 (XLIV of 1976), i.e Chapter XXII-A only shall apply to the Provincially Administerd Tribal Area of N.W.F.P. by N.W.F.P. notfn NO. 13/27-HD (TA-I)77, dated 22-6-78, see, N.W.F.P., Gazette, Extraordinary, page 11.

Provided that, if arty part of a statement recorded under section 161 or section 164 is such that its disclosure to the accused would be inexpedient in the public interest, such part of the statement shall be excluded from the copy of the statement furnished to the accused.

(2) In all cases instituted upon a complaint in writing,—

(a) the complainant shall—

(i) state in the petition of complaint the substance of the accusation, the names of his witnesses and the gist of the evidence which he is likely to adduce at the trial; and

(ii) within three days of the order of the Court under section 204 for issue of process to the accused, file in the Court for supply to the accused as many copies of the complaint and any other document which he has filed with his complaint as the number of the accused;

(b) copies of the complaint and any other documents which the complainant has filed therewith and the statements under section 200 or section 202 shall be supplied free of cost to the accused not later than seven days before the commencement of the trial.

265D. When charge is to be framed.— If, after persuing the police report or, as the case may be, the complaint, and all other documents and statements filed by the prosecution, the Court is of opinion that there is ground for proceeding with the trial of the accused it shall frame in writing a charge against the accused.

265E. Plea.— (1) The charge shall be read and explained to the accused, and he shall be asked whether he is guilty or has any defence to make.

(2) If the accused pleads guilty, the Court shall record the plea, and may in its discretion convict him thereon.

265F. Evidence for prosecution.— (1) If the accused does not plead guilty or the Court in its discretion does not convict him on his plea, the Court shall proceed to hear the complainant (if any) and take all such evidence as may be produced in support of the prosecution:

Provided that the Court shall not be bound to hear any person as complainant in any case in which the complaint has been made by a Court.

(2) The Court shall ascertain from the Public Prosecutor or, as the case may be, from the complainant, the names of any persons likely to be acquainted with the facts of the case and to be able to give evidence for the prosecution, and shall summon such persons to give evidence before it.

(3) The Court may refuse to summon any such witness, if it is of opinion that such witness is being called for the purpose of vexation or delay or defeating the ends of justice. Such ground shall be recorded by the Court in writing.

(4) When the examination of the witnesses for the prosecution and the examination (if any) of the accused are concluded, the accused shall be asked whether he means to adduce evidence.

(5) If the accused puts in any written statement, the Court shall file it with the record.

(6) If the accused, or any one of several accused, says that he means to adduce evidence, the Court shall call on the accused to enter on his defence and produce his evidence.

(7) If the accused, or any one of several accused, after entering on his defence, applies to the Court to issue any process for compelling the attendance of any witness for examination or the production of any document or other thing, the Court shall issue such process unless it considers that the application is made for the purpose of vexation or delay or defeating the ends of Justice. Such ground shall be recorded by the Court in writing.

265G. Summing up by prosecutor and defence.— (1) In cases where the accused, or any one of several accused, does not adduce evidence in his defence, the Court shall, on the close of the prosecution case and examination (if any) of the accused, call upon the prosecutor to sum up his case whereafter the accused shall make a reply.

(2) In cases where the accused, or any of the several accused, examines evidence in his defence, the Court shall, on the close of the defence case, call upon the accused to sum up the case whereafter the prosecutor shall make a reply.

265H. Acquittal or conviction.— (1) If in any case under this Chapter in which a charge has been framed the Court finds the accused not guilty, it shall record an order of acquittal.

(2) If in any case under this Chapter the Court finds the accused guilty the Court shall, subject to the provisions of section 265I, pass a sentence upon him according to law.

265I. Procedure in case of previous conviction.— (1) In a case where, by reason of a previous conviction, the accused has been charged under section 221, sub-section (7), the Court, after finding the accused guilty of the offence charged and recording a conviction, shall record the plea of the accused in relation to such part of the charge.

(2) If the accused admits that he has been previously convicted as alleged in the charge, the Court may pass a sentence upon him according to law, and if the accused does not admit that he has been previously convicted as alleged in the charge, the Court may take evidence in respect of the alleged previous conviction, and shall record a finding thereon, and then pass sentence upon him according to law.

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265J. Statement under section 164 admissible.— The statement of a witness duly recorded under section 164, if it was made in the presence of the accused and if he had notice of it and was given an opportunity of cross-examining the witness, may, in the discretion of the Court, if such witness is produced and examined, be treated as evidence in the case for all purposes subject to the provisions of the Evidence Act, 1872 (II of 1872).

265K. Power of Court to acquit accused at any stage.— Nothing in this Chapter shall be deemed to prevent a Court from acquitting an accused at any stage of the case, if, after hearing the prosecutor and the accused and for reasons to be recorded, it considers that there is no probability of the accused being convicted of any offence.

265L. Power of Advocate-General to stay prosecution.— At any stage of any trial before a High Court under this Code, before the sentence is passed, the Advocate-General may, if he thinks fit, inform the Court on behalf of Government that he will not prosecute the accused upon the charge; and thereupon all proceedings against the accused shall be stayed, and he shall be discharged of and

from the same. But such discharge shall not amount to an acquittal unless the presiding judge otherwise directs.

265M. Time of holding sittings.— For the exercise of its original criminal jurisdiction, every High Court shall hold sittings on such days and at such convenient intervals as the Chief Justice of such Court from time to time appoints.

265N. Place of holding sittings.— (1) The High Court shall hold its sittings at the place at which it held them immediately before the commencement of the Law Reforms Ordinance, 1972, or at such other place (if any) as the Provincial Government may direct.

(2) But the High Court may, from time to time with the consent of the Provincial Government, hold sittings at such other places within the local limits of its appellate jurisdiction as the High Court appoints.

(3) Such officer as the Chief Justice directs shall give prior notice in the official Gazette of all sittings intended to be held for the exercise of the original criminal jurisdiction of the High Court.]

CHAPTER XXIII.— *[OF TRIALS BEFORE HIGH COURTS AND COURTS OF SESSIONS.] Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.*

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CHAPTER XXIV

GENERAL PROVISIONS AS TO INQUIRIES AND TRIALS

337. Tender of pardon to accomplice.— [1][(1) In the case of any offence triable exclusively by the High Court or Court of Session, or any offence punishable with imprisonment which may extend to ten years, or any offence punishable under section 211 of the Pakistan Penal Code (XLV of 1860) with imprisonment which may extend to seven years, or any offence under any of the following sections of the Pakistan Penal Code (XLV of 1860), namely, sections 216A, 369, 401, 435 and 477A the [2][officer-in-charge of the prosecution in the district] may, at any stage of the investigation or inquiry into, or the trial of the offence, with a view to obtaining the evidence of any person supposed to have been directly or indirectly concerned in or privy to the offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole of the circumstances within his knowledge relative to the offence and to every other person concerned, whether as principal or abettor, in the commission thereof [4][:]

[3][* * * * * * *]

[4][Provided that no person shall be tendered pardon who is involved in an offence relating to hurt or *qatl* without permission of the victim or, as the case may be, of the heirs of the victim.]

(1A) Every Magistrate who tenders a pardon under sub-section (1) shall record his reason for so doing, and shall, on application made by the accused, furnish him with a copy of such record:

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[1]Subs. by the Code of Criminal Procedure (Amdt.) Act 1923 (XVIII of 1923), s.86.
[2]Subs. by Ord. No. XXXVII of 2001, s.60.
[3]Omitted by Ord. No. XXVII of 1981, s.3 and second Sch.
[4]Subs. and added by Act No. II of 1997, s.12.

Provided that the accused shall pay for the same unless the Magistrate for some special reason thinks fit to furnish it free of cost.]

[1][(2) Every person accepting a tender under this section shall be examined as a witness in the subsequent trial, if any.]

[2][(2A) In every case where a person has accepted a tender of pardon and has been examined under sub-section (2), the Magistrate before whom the proceedings are pending shall, if he is satisfied that there are reasonable grounds for believing that the accused is guilty of an offence, commit him for trial to the Court of Session or High Court, as the case may be.]

(3) Such person, [3][unless he is already on bail], shall be detained in custody until the termination of the trial [4][* * *].

(4) [5][* * * * * * *]

[6][**338. Power to grant or tender pardon.**— At any time before the judgment is passed, the High Court or the Court of Session trying the case may, with the view of obtaining on the trial the evidence of any person supposed to have been directly or indirectly concerned in, or privy to, any such offence, tender, or order the [7][officer-in-charge of the prosecution in the district] to tender, a pardon on the same condition to such person [8][:]]

[8][Provided that no person shall be tendered pardon who is involved in an offence relating to hurt or qatl without permission of the victim or, as the case may be, of the heirs of the victim.]

339. Commitment of person to whom pardon has been tendered.— (1) Where a pardon has been tendered under section 337 or section 3, and [9][the Public Prosecutor certifies that in his opinion] any person who has accepted such tender has, either by wilfully concealing anything essential or by giving false evidence, not complied with the condition on which the tender was made [10][such person may be] tried for the offence in respect of which the pardon was so tendered, or for any other offence of which he appears to have been guilty in connection with the same matter:

[9][Provided that such person shall not be tried jointly with any of the other accused, and that he shall be entitled to plead at such trial that he has complied with the conditions upon which such tender was made; in which case it shall be for the prosecution to prove that such conditions have not been complied with.]

(2) The statement made by a person who has accepted a tender of pardon may be given in evidence against him [11][at such trial].

(3) No prosecution for the offence of giving false evidence in respect of such statement shall be entertained without the sanction of the High Court.

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[1]Subs. by the Federal Laws (Revision and Declaration) Ord., 1981(XXVII of 1981), s.3 and 2nd Sch.
[2]Ins. by Act No. XVIII of 1923, s. 86.
[3]Subs. *ibid.*
[4]Omitted *ibid.*
[5]Omitted *ibid.*
[6]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2. and Sch.
[7]Subs. by Ord No. XXXVII of 2001, s .61.
[8]Subs. & added by Act No. II of 1997, s.13.
[9]Ins., subs. and added by Act No. XVIII of 1923, s.87.
[10]Subs. *ibid*.
[11]Subs. *ibid*.

[1][**339A. Procedure in trial of person under section 339.**— (1) The Court trying under section 339 a person who has accepted a tender of pardon shall, before the evidence of the witnesses for the prosecution is taken, ask the accused whether he pleads that he has complied with the conditions on which the tender of the pardon was made.

(2) If the accused does so plead, the Court shall record the plea and proceed with the trial, and shall, before judgment is passed in the case, find whether or not the accused has complied with the conditions of the pardon, and, if it is found that he has so complied, the Court shall, notwithstanding anything contained in this Code, pass Judgment of acquittal.]

[2][**340. Right of person against whom proceedings are instituted to be defended and his competency to be a witness.**— (1) Any person accused of an offence before a Criminal Court, or against whom proceedings are instituted under this Code in any such Court, may of right be defended by a pleader.

[3][(2) Any person accused of an offence before a Criminal Court or against whom proceedings are instituted under this Code in any such Court shall, if he does not plead guilty, give evidence on oath in disproof of the charges or allegations made against him or any person charged or tried together with him at the same trial:

Provided that he shall not be asked, and, if asked, shall not be required to answer, any question tending to show that he has committed or been convicted of any offence other than the offence with which he is charged or for which he is being tried, or is of bad character, unless—

(i) the proof that he has committed or been convicted of such offence is admissible in evidence to show that he is guilty of the offence with which he is charged or for which he is being tried; or

(ii) he has personally or by his pleader asked questions of any witness for the prosecution with a view to establishing his own good character, or has given evidence of his good character; or

(iii) he has given evidence against any other person charged with or tried for the same offence.]

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341. Procedure where accused does not understand proceedings. If the accused, though not insane, cannot be made to understand the proceedings, the Court may proceed with the [4][* * *] trial; and, in the case of a Court other than a High Court, [4][* * *] or if such trial results in a conviction, the proceedings shall be forwarded to the High Court with a report of the circumstances of the case, and the High Court shall pass thereon such order as it thinks fit.

342. Power to examine the accused.— (1) For the purpose of enabling the accused to explain any circumstances appearing in the evidence against him, the Court may, at any stage of any inquiry or trial without previously warning the accused, put such questions to him as the Court considers necessary, and shall, for the purpose aforesaid, question him generally on the case after the witnesses for the prosecution have been examined and before he is called on for his defence.

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[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[2]Subs. by Act No. XVIII of 1923, s.89.
[3]Subs. by the Code of Criminal Procedure (Amdt.) Ordinance, 1985 (XII of 1985), s.2.
[4]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.

(2) The accused shall not render himself liable to punishment by refusing to answer such questions, or by giving false answers to them; but the Court [1][* * *] may draw such inference from such refusal or answers as it thinks just.

(3) The answers given by the accused may be taken into consideration in such inquiry or trial, and put in evidence for or against him in any other inquiry into, or trial for, any other offence which such answers may tend to show he has committed.

[2][(4) Except as provided by sub-section (2) of section 340, no oath shall be administered to the accused.]

343. No influence to be used to induce disclosures. Except as provided in sections 337 and 338, no influence, by means of any promise or threat or otherwise, shall be used to an accused person to induce him to disclose or withhold any matter within his knowledge.

344. Power to postpone or adjourn proceedings.— (1) If, from the absence of a witness, or any other reasonable cause, it becomes necessary or advisable to postpone the commencement of, or adjourn any inquiry or trial, the Court may, if it thinks fit, by order in writing, stating the reasons therefor, from time to time, postpone or adjourn the same on such terms [3][***including adjournment costs***] as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused if in custody :

Remand. Provided that no Magistrate shall remand an accused person to custody under this section for a term exceeding fifteen days at a time.

(2) Every order made under this section by a Court other than a High Court shall be in writing signed by the presiding Judge or Magistrate.

Explanation.— **Reasonable cause for remand**. If sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand.

[4][**344A. Conclusion of trial.**— The Court shall, upon taking cognizance of a case under sections 354A, 376, 377 and 377B of the Pakistan Penal Code, 1860 (Act XLV of 1860), decide the case within three months failing which the matter shall be brought by the Court to the notice of the Chief Justice of the High Court concerned for appropriate directions.]

345. Compounding offences.— (1) The offences punishable under the sections of the Pakistan Penal Code (XLV of 1860) [5][specified] in the first two columns of the table next following may be compounded by the persons mentioned in the third column of that table:—

[1]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[2]Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s.3 and Second Scheduled.
[3]Ins. by Act No. XVII of 2017, s.3, ***only for ICT when notified.***
[4]Ins. by Act No. XLIV of 2016, s.12.
[5]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s.90.

Offence.	Sections of Pakistan Penal Code applicable.	Persons by whom offence may be compounded.
Uttering words, etc., with deliberate intent to wound the religious feelings of any person.	298	The person whose religious feelings are intended to be wounded.
[1][* * *	* *	* *]
Wrongfully restraining or confining any person.	341, 342	The person restrained or confined.
Assault or use of criminal force.	352,355,358	The person assaulted or to whom criminal forces is used.
Unlawful compulsory labour..	374	The person compelled to labour.
Mischief, when the only loss or damage caused is loss or damage to a private person	426, 427	The person to whom the loss or damage is caused.
Criminal trespass	447	The person in possession of the property trespassed upon.
House-trespass	448	
[2][Dishonestly issuing a cheque for repayment of loan or fulfillment of an obligation.	489-F	The person in whose favour cheque issued.]
Criminal breach of contract of service	490, 491, 492	The person with whom the offender has contracted.
Adultery	497	The husband of the woman.
Enticing or taking away or detaining with criminal intent a married woman	498	
Defamation	500	
Printing or engraving matter, knowing it to be defamatory.	501	The person defamed.
Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	502	
Insult intended to provoke a breach of the peace.	504	The person insulted.
Criminal intimidation except when the offence is punishable with imprisonment for seven years.	506	The person intimidated.
[3][Act caused by making a person believe that he will be an object of divine displeasure.	508	The person against whom the offence was committed.].

[1]Omitted by Act II of 1997, s. 14.
[2]Ins. by Ord No. LXXXV of 2002, s.6.
[3]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 90.

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[1][(2) [2][Subject to sub-section (7), the] offences punishable under the sections of the Pakistan Penal Code (XLV of 1860) specified in the first two columns of the table next following may, with the permission of the Court before which any prosecution for such offence is pending, be compounded by the persons mentioned in the third column of that table:—

Offence	Sections of the Pakistan Penal Code applicable	Persons by whom offence may be compounded
[3][Rioting	147	The person against whom the offence was committed or the heirs of such person, as the case may be, if the offence was committed alongwith another compoundable offence
Rioting armed with deadly weapon	148	Ditto]
[4][*Qatl-i-amd*	302	[5][by the heirs of the victim, subject to the provisions of section 311.].
Qatl under *ikrah-i-tam*	303	Ditto.
Qatl-i-amd not liable to *qisas*	308	Ditto.
Qatl-i-Shibh-i-amd	316	[6][By the heirs of the victim]
Qatl-i-khata	319	Ditto
Qatl-i-khata by rash or negligent driving.	320	Ditto
Qatl-bis-sabab	322	Ditto
Attempt to commit *qatl-i-amd*	324	The person against whom the offence was committed.
Itlaf-i-udw	334	The person to whom hurt is caused
Itlaf-i-Salahiyyat-i-udw	336	Ditto
Shajjah of any kind	337A	Ditto
Jaifah	337D	Ditto
Ghayr-jaifah of any kind	337F	Ditto
Hurt by rash or negligent driving	337G	Ditto
Hurt by rash or negligent act	337H	Ditto
Hurt by mistake	337I	Ditto
Hurt by means of a poison	337J	Ditto
Hurt to extort confession or to compel restoration of property	337K	Ditto
Other hurts	337L	Ditto
Hurt not liable to *qisas*	337M	Ditto

[1]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 90.
[2]Subs. by Act No. XLIII of 2016, s.8.
[3]Ins. by Act No. VI of 04, s. 2.
[4]Subs. by Act No. II of 1997, s.14.
[5]Subs. and added by Act No. XLIII of 2016.
[6]Added and subs. by Act No. I of 2005, s. 14.

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Cases in which *qisas* for hurt cannot be enforced	337N	Ditto
Isqat-i-haml	338A	The victim or the heirs of the victim, as the case may be.
Isqat-i-janin	338C	The victim or the heirs of the victim, as the case may be.]
Wrongfully confining a person for three days or more.	343	The person confined.
Wrongfully confining a person in secret.	346	Ditto.
Assault or criminal force in attempting wrongfully to confine a person.	357	The person assaulted or to whom the force was used.
Dishonest misappropriation of property	403	The owner of the property misappropriated.
Cheating	417	The person cheated.
Cheating a person whose interest the offender was bound, by law or by legal contract, to protect	418	Ditto
Cheating by personation	419	Ditto
Cheating and dishonestly inducing delivery of property or the making, alteration or destruction of a valuable security.	420	Ditto
Mischief by injury to work of irrigation by wrongfully diverting water when the only loss or damage caused is loss or damage to a private person	430	The person to whom the loss or damage is caused.
House-trespass to commit an offence (other than theft) punishable with imprisonment.	451	The person in possession of the house trespassed upon.
Using a false trade or property mark.	482	The person to whom loss or injury is caused by such use.
Counterfeiting a trade or property mark used by another.	483	The person whose trade or property mark is counterfeited.
Knowingly selling, or exposing or possessing for sale or for trade or manufacturing purpose, goods marked with a counterfeit trade or property mark.	486	Ditto.
Marrying again during the lifetime of a husband or wife.	494	The husband or wife of the person so marrying.
Uttering words or sounds or making gestures or exhibiting any object intending to insult the modesty of a woman or intruding upon the privacy of a woman.	509	The woman whom it is intended to insult or whose privacy is intruded upon.]

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[1][(2a) Where an offence under Chapter XVI of the Pakistan Penal Code, 1860 (Act XLV of 1860), has been committed in the name or on the pretext of *karo kari, siyah kari* or similar other customs or practices, such offence may be waived or compounded subject to such conditions as the Court may deem fit to impose with the consent of the parties having regard to the facts and circumstances of the case.]

(3) When any offence is compoundable under this section, the abetment of such offence or an attempt to commit such offence (when such attempt is itself an offence) may be compounded in like manner.

(4) When the person who would otherwise be competent to compound an offence under this section is [2][under the age of eighteen years or is] an idiot or a lunatic, any person competent to contract on his behalf may [3][with the permission of the Court] compound such offence.

[4][(5) when the accused has been convicted and an appeal is pending, no composition for the offence shall be allowed without the leave of the Court before which the appeal is to be heard.]

[3][(5A) A High Court acting in the exercise of its powers of revision under section 439 [5][,and a Court of Session so acting under section 439-A,] may allow any person to compound any offence which he is competent to compound under this section.]

(6) The composition of an offence under this section shall have the effect of an acquittal of the accused [2][with whom the offence has been compounded.]

[6][(7) No offence shall be waived or compounded save as provided by this section and section 311 of the Pakistan Penal Code, 1860 (Act V of 1860).]

[7][**346. Procedure of Magistrate in cases which he cannot dispose of.**— (1) If, in the course of an inquiry or trial before a Magistrate in any district, the evidence appears to him to warrant a presumption that the case is one which should be tried, or sent for trial to the Court of Session or the High Court, by some other Magistrate in such district, he shall stay proceedings and submit the case, with a brief report explaining its nature, to the Sessions Judge or to such other Magistrate, having jurisdiction, as the Sessions Judge directs.

(2) The Magistrate to whom the case is submitted may, if so empowered, either try the case himself or send the case for trial to the Court of Session or the High Court.]

[8][**347. Procedure when after commencement of trial, Magistrate finds case should be tried by Court of Session or High Court.**— If in any trial before a Magistrate, before signing judgment, it appears to him at any stage of the proceeding that the case is one which ought to be tried by the Court of Session or High Court, he shall send the case to the Court of Session or High Court, for trial.]

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[1]Ins. by Act No. I of 2005, s.14.
[2]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923, (XVIII of 1923), s. 90.
[3]Ins. *ibid.*
[4]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[5]Ins. *ibid.*
[6]Subs. by Act No. XLIII of 2016, s.8.
[7]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[8]Subs. *ibid.*

348. Trial of persons previously convicted of offences against coinage, stamp-law or property.— [1][(1)] Whoever, having been convicted of an offence punishable under Chapter XII or Chapter XVII of the Pakistan Penal Code (XLV of 1860) with imprisonment for a term of three years or upwards, is again accused of any offence punishable under either of those chapters with imprisonment for a term of three years or upwards, shall [2][if the Magistrate before whom the case is pending is satisfied that there are sufficient grounds [3][for the trial of the accused by the Court of Session or High Court, as the case may be, send the accused for trial to such Court] unless the Magistrate [4][is competent to try the case and] is of opinion that he can himself pass an adequate sentence if the accused is convicted:

[5][* * * * * * *]

[6][(2) When any person is sent for trial to the Court of Session or High Court under sub-section (1), any other person accused jointly with him in the trial shall be similarly sent for trial.]

349. Procedure when Magistrate cannot pass sentence sufficiently severe.— (1) Whenever a Magistrate of the second or third class, having jurisdiction, is of opinion, after hearing the evidence for the prosecution and the accused, that the accused is guilty, and that he ought to receive a punishment different in kind from, or more severe than, that which such Magistrate is empowered to inflict, or that he ought to be required to execute a bond under section 106, he may record the opinion and submit his proceedings, and forward the accused, [7][to a Magistrate of the first class specially empowered in this behalf by the Provincial Government] to whom he is subordinate.

[8][(1A) When more accused than one are being tried together, and the Magistrate considers it necessary to proceed under sub-section (1) in regard to any of such accused, he shall forward all the accused who are in his opinion guilty to the [7][Magistrate empowered under sub-section (1)].]

(2) The Magistrate to whom the proceedings are submitted may, if he thinks fit, examine the parties and recall and examine any witness who has already given evidence in the case and may call for and take any further evidence, and shall pass such Judgment, sentence or order in the case as he thinks fit, and as is according to law:

Provided that he shall not inflict a punishment more severe than he is empowered to inflict under sections 32 and 33.

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[9][**350. Conviction on evidence partly recorded by one presiding officer and partly by another**.— (1) Whenever any Sessions Judge or Magistrate, after having heard and recorded the whole or any part of the evidence in an inquiry or a trial, ceases to exercise jurisdiction therein, and is succeeded by another Sessions Judge or Magistrate who has and who exercises such jurisdiction, the Sessions Judge or Magistrate so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself; or he may re-examine the witnesses and recommence the inquiry or trial :

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[1]Renumbered by Act No. XVIII of 1923, s.92.
[2]Ins. *ibid*.
[3]Subs. by Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[4]Subs. by Act No. XVIII of 1923, s. 92.
[5]Omitted by Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[6]Subs. *ibid.*
[7]Subs. by Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[8]Ins. by Act No. XVIII of 1923, s.93.
[9]Subs. by the Code of Criminal Procedure (Second Amendment) Ordinance, 1980 (VIII of 1980), s.2.

Provided that—

(a) Where the conviction was held before a Sessions Judge, the High Court; and

(b) where the conviction was held before a Magistrate, the High Court or the Court of Session,

may, whether there be an appeal or not, set aside any conviction passed on evidence not wholly recorded by the Sessions Judge or Magistrate before whom the conviction was held, if such Court is of opinion that the accused has been materially prejudiced thereby, and may order a new inquiry or trial.]

(2) Nothing in this section applies to cases in which proceedings have been stayed under section 346 [1][or in which proceedings have been submitted to a [2][Magistrate specially empowered] under section 349].

[1][(3) When a case is transferred under the provisions of this Code from one Magistrate to another, the former shall be deemed to cease to exercise jurisdiction therein and to be succeeded by the latter within the meaning of sub-section (1).]

[3][**350A. Changes in constitution of Benches.** No order or judgment of a Bench of Magistrates shall be invalid by reason only of a change having occurred in the constitution of the Bench in any case in which the Bench by which such order or judgment is passed is duly constituted under sections 15 and 16, and the Magistrates constituting the same have been present on the Bench throughout the proceedings.]

351. Detention of offenders attending Court.— (1) Any person attending a Criminal Court, although not under arrest or upon a summons, may be detained by such Court for the purpose of inquiry into or trial of any offence of which such Court can take cognizance and which, from the evidence, may appear to have been committed, and may be proceeded against as though he had been arrested or summoned.

(2) When the detention takes place [4][* * *] after a trial has been begun the proceedings in respect of such person shall be commenced afresh, and the witnesses re-heard.

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352. Courts to be open. [5][(1)] The place in which any Criminal Court is held for the purpose of inquiring into or trying any offence shall be deemed an open Court, to which the public generally may have access, so far as the same can conveniently contain them:

Provided that the presiding Judge or Magistrate may, if he thinks fit, order at any stage of any inquiry into, or trial of, any particular case, that the public generally, or any particular person, shall not have access to, or be or remain in, the room or building used by the Court.

[5][(2) Notwithstanding anything contained in sub-section (1), the trial of offences under sections 354A, 376, 376A, 377 and 377B of the Pakistan Penal Code, 1860 (Act XLV of 1860) shall be conducted in camera:

[1]Added by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s.94.
[2]Subs. by Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[3]Ins. Act No. XVIII of 1923, s. 95.
[4]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[5]Added by Act No. XLIV of 2016, s.13.

Provided that the Presiding Officer, if he thinks fit, or on an application made by either of the parties, allow any particular person to have access to, or be or remain in, the Court.

(3) Where any proceeding are held under sub-section (2), the Government may adopt appropriate measures, including holding of the trial through video link or usage of screens, for protection of the victim and the witnesses.

(4) Where any proceedings are held under sub-section (2), it shall not be lawful for any person to print or publish or broadcast any matter in relation to any such proceedings, except with permission of the Court.]

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CHAPTER XXV

OF THE MODE OF TAKING AND RECORDING EVIDENCE IN INQUIRIES AND TRIALS

353. Evidence to be taken in presence of accused. Except as otherwise expressly provided, all evidence taken under [1][Chapters XX, XXI, XXII and XXIIA] shall be taken in the presence of the accused, or, when his personal attendance is dispensed with, in presence of his pleader.

354. Manner of recording evidence. In inquiries and trials (other than summary trials) under this Code by or before a Magistrate [2][* * *] or Sessions Judge, the evidence of the witnesses shall be recorded in the following manner.

355. [3][**Record in trials of certain cases by first and Second class Magistrates].**—(1)[4][in cases tried under Chapter XX or Chapter XXII] by a Magistrate of the first or second class and in all proceedings under section 514 (if not in the course of a trial), the Magistrate shall make a memorandum of the substance of the evidence of each witness as the examination of the witness proceeds.

(2) Such memorandum shall be written and signed by the Magistrate with his own hand, and shall form part of the record.

(3) If the Magistrate is prevented from making a memorandum as above required, he shall record the reason of his inability to do so, and shall cause such memorandum to be made in writing from his dictation in open Court, and shall sign the same, and such memorandum shall form part of the record.

356. Record in other cases.— (1) [5][In trials before Courts of Session and in inquiries under Chapter XII], the evidence of each witness shall be taken down in writing in the language of the Court by the Magistrate or Sessions Judge, or in his presence and hearing and under his personal direction and superintendence and shall be signed by the Magistrate or Sessions Judge.

(2) Evidence given in English. When the evidence of such witness is given in English, the Magistrate or Sessions Judge may take it down in that language with his own hand, and, unless the accused is familiar with English, or the language of the Court is English, an authenticated translation of such evidence in the language of the Court shall form part of the record.

[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[2]Omitted by A.O., 1949, Sch.
[3]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[4]Subs. *ibid.* item (120).
[5]Subs. *ibid.* item (121).

[1][(2A) When the evidence of such witness is given in any other language, not being English, than the language of the Court, the Magistrate or Sessions Judge may take it down in that language with his own hand, or cause it to be taken down in that language in his presence and hearing and under his personal direction and superintendence, and an authenticated translation of such evidence in the language of the Court or in English shall form part of the record.]

(3) **Memorandum when evidence not taken down by the Magistrate or Judge himself.** In cases in which the evidence is not taken down in writing by the Magistrate or Sessions Judge, he shall, as the examination of each witness proceeds, make a memorandum of the substance of what such witness deposes; and such memorandum shall be written and signed by the Magistrate or Sessions Judge with his own hand, and shall form part of the record.

(4) If the Magistrate or Sessions Judge is prevented from making a memorandum as above required, he shall record the reason of his inability to make it.

357. Language of record of evidence.— (1) The [2][Provincial Government] may direct that in any district or part of a district, or in proceedings before any Court of Session, or before any Magistrate or class of Magistrates the evidence of each witness shall, in the cases referred to in section 356, be taken down by the Sessions Judge or Magistrate with his own hand and in his mother-tongue, unless he is prevented by any sufficient reason from taking down the evidence of any witness, in which case he shall record the reason of his inability to do so and shall cause the evidence to be taken down in writing from his dictation in open Court.

(2) The evidence so taken down shall be signed by the Sessions Judge or Magistrate, and shall form part of the record:

Provided that the [2][Provincial Government] may direct the Session Judge or Magistrate to take down the evidence in the English language or in the language of the Court, although such language is not his mother-tongue.

358. Option to Magistrate in cases under section 355. In cases of the kind mentioned in Section 355, the Magistrate may, if he thinks fit, take down the evidence of any witness in the manner provided in section 356, or, if within the local limits of the jurisdiction of such Magistrate the [2][Provincial Government] has made the order referred to in section 357, in the manner provided in the same section.

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359. Mode of recording evidence under section 356 or section 357.— (1) Evidence taken under section 356 or section 357 shall not ordinarily be taken down in the form of question and answer, but in the form of a narrative.

(2) The Magistrate or Sessions Judge may, in his discretion, take down, or cause to be taken down, any particular question and answer.

360. Procedure in regard to such evidence when completed.— (1) As the evidence of each witness taken under section 356 or section 357 is completed, it shall be read over to him in the presence of the accused, if in attendance, or of his pleader, if he appears by pleader, and shall, if necessary, be corrected.

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[1]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 96.
[2]Subs. by A.O., 1937, for "L.G".

(2) If the witness denies the correctness of any part of the evidence when the same is read over to him, the Magistrate or Sessions Judge may, instead of correcting the evidence, make a memorandum thereon of the objection made to it by the witness, and shall add such remarks as he thinks necessary.

(3) If the evidence is taken down in a language different from that in which it has been given and the witness does not understand the language in which it is taken down, the evidence so taken down shall be interpreted to him in the language in which it was given, or in a language which he understands.

361. Interpretation of evidence to accused or his pleader.— (1) Whenever any evidence is given in a language not understood by the accused, and he is present in person, it shall be interpreted to him in open Court in a language understood by him.

(2) If he appears by pleader and the evidence is given in a language other than the language of the Court, and not understood by the pleader, it shall be interpreted to such pleader in that language.

(3) When documents are put in for the purpose of formal proof, it shall be in the discretion of the Court to interpret as much thereof as appears necessary.

362. *[Record of evidence in Presidency Magistrate's Court.] Omitted by A.O., 1949, Sch.*

363. Remarks respecting demeanour of witness. When a Sessions Judge or Magistrate has recorded the evidence of a witness, he shall also record such remarks (if any) as he thinks material respecting the demeanour of such witness whilst under examination.

364. Examination of accused how recorded.— (1) Whenever the accused is examined by any Magistrate, or by any Court other than a High Court [1][* * *] [2][* * *] ,[3][* * *], the whole of such examination, including every question put to him and every answer given by him, shall be recorded in full, in the language in which he is examined, or, if that is not practicable, in the language of the Court or in English: and such record shall be shown or read to him, or, if he does not understand the language in which it is written, shall be interpreted to him in a language which he understands, and he shall be at liberty to explain or add to his answers.

(2) When the whole is made conformable to what he declares is the truth, the record shall be signed by the accused and the Magistrate or Judge of such Court, and such Magistrate or Judge shall certify under his own hand that the examination was taken in his presence and hearing and that the record contains a full and true account of the statement made by the accused.

(3) In cases in which the examination of the accused is not recorded by the Magistrate or Judge himself, he shall be bound, [4][* * *] as the examination proceeds, to make a memorandum thereof in the language of the Court, or in English, if he is sufficiently acquainted with the latter language; and such memorandum shall be written and signed by the Magistrate or Judge with his own hand, and shall be annexed to the record. If the Magistrate or Judge is unable to make a memorandum as above required, he shall record the reason of such inability.

[1]Omitted by A.O., 1961, Art. 2 and Sch., (*with effect from the 23rd March, 1956*).
[2]Rep. by the Repealing and Amending Act, 1919 (XVIII of 1919).
[3]Rep. by the Repealing and Amending Act, 1923 (XI of 1923), s.3 & sch. II.
[4]Rep. by the code of Criminal Procedure (Second Amdt.) Act 1923 (XXXVII of 1923), s.2.

(4) Nothing in this section shall be deemed to apply to the examination of an accused person under section 263 [1][* * *].

365. Record of evidence in High Court. Every High Court [2][* * *] [3][*] [4][* * *] [5][* * *] [6][shall] from time to time, by general rule prescribe the manner in which evidence shall be taken down in cases coming before the Court, [7][and the evidence shall be taken down in accordance with such rule].

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CHAPTER XXVI

OF THE JUDGMENT

366. Mode of delivering judgment.— (1) The judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced, or the substance of such judgment shall be explained,—

(a) in open Court either immediately after the termination of the trial or at some subsequent time of which notice shall be given to the parties or their pleaders, and

(b) in the language of the Court, or in some other language which the accused or his pleader understands:

Provided that the whole judgment shall be read out by the presiding Judge, if he is requested so to do either by the prosecution or the defence.

(2) The accused shall, if in custody, be brought up, or, if not in custody, be required by the Court to attend, to hear judgement delivered, except where his personal attendance during the trial has been dispensed with and the sentence is one of fine only or he is acquitted, in either of which cases it may be delivered in the presence of his pleader.

(3) No judgment delivered by any Criminal Court shall be deemed to be invalid by reason only of the absence of any party or his pleader on the day or from the place notified for the delivery thereof, or of any omission to serve, or defect in serving, on the parties or their pleaders, or any of them, the notice of such day and place.

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(4) Nothing in this section shall be construed to limit in any way the extent of the provisions of section 537.

367. Language of judgment. Contents of judgment.— (1) Every such judgment shall, except as otherwise expressly provided by this Code, be written by the presiding officer of the Court [8][or from the dictation of such presiding officer] in the language of the Court, or in English; and

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[1]Omitted by A.O, 1949, Sch.
[2]Omitted by A.O., 1961, Art. 2 and Sch., (*with effect from the 23rd March, 1956*).
[3]Rep. by the Lower Burma Courts Act, 1900 (VI of 1900).
[4]Rep. by Act No. 18 of 1919.
[5]Rep. by Act No. XI of 1923, s.3 and Sch. II.
[6]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 99.
[7]Subs. *ibid.*
[8]Ins. *ibid*., s.100.

shall contain the point or points for determination, the decision thereon and the reasons for the decision; and shall be dated and signed by the presiding officer in open Court at the time of pronouncing it [1][and where it is not written by the presiding officer with his own hand, every page of such judgment shall be signed by him].

(2) It shall specify the offence (if any) of which, and the section of the Pakistan Penal Code (XLV of 1860) or other law under which, the accused is convicted, and the punishment to which he is sentenced.

(3) **Judgment in alternative**. When the conviction is under the Pakistan Penal Code (XLV of 1860) and it is doubtful under which of two sections, or under which of two parts of the same section, of that Code the offence falls, the Court shall distinctly express the same, and pass judgment in the alternative.

(4) If it be a judgment of acquittal, it shall state the offence of which the accused is acquitted and direct that he be set at liberty.

(5) If the accused is convicted of an offence punishable with death, and the Court sentences him to any punishment other than death, the Court shall in its judgment state the reason why sentence of death was not passed [2][.]

[3][* * * * * * *]

[4][(6) For the purposes of this section, an order under section 118 or section 123, sub-section (3), shall be deemed to be a judgment.]

368. Sentence of death.— (1) When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

(2) [5][* * * * * * *]

369. Court not to alter judgment. [6][Save as otherwise provided by this Code or by any other law for the time being in force or, in the case of a High Court [7][* * *], by the Letters Patent of such High Court, no Court], when it has signed its judgment, shall alter or review the same, except [8][* * *] to correct a clerical error.

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370. *[Presidency Magistrate's judgment.] Omitted by A.O. 1949, Sch.*

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[1]Added by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s.100.
[2]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[3]Omitted *ibid.*
[4]Added by Act No. XVIII of 1923, s. 100.
[5]Omitted by the Criminal Procedure (Amdt.) Act, 1974, (XXV of 1974), s.2 and Sch., (*w.e.f* . 13-4-1972)
[6]Subs. by Act No. XVIII of 1923, s. 101.
[7]Omitted by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960) s.3 and 2nd Sch. (*with effect from the 14th October, 1955*).
[8]Rep. by Act No. XVIII of 1923, s.101.

371. Copy of Judgment, etc., to be given to accused [1][* *].— [2][(1) In every case where the accused is convicted of an offence, a copy of the judgment shall be given to him at the time of pronouncing the judgment, or, when the accused so desires, a translation of the judgment in his own language, if practicable, or in the language of the Court, shall be given to him without delay. Such copy or translation shall be given free of cost:

[3][Provided that this sub-section shall not apply to cases tried summarily.]]

(2) [4][* * * * * * *]

(3) **Case of person sentenced to death.** When the accused is sentenced to death by a Sessions Judge, such Judge shall further inform him of the period within which, if he wishes to appeal, his appeal should be preferred.

372. Judgment when to be translated. The original judgment shall be filed with the record of proceedings, and, where the original is recorded in a different language from that of the Court, and the accused so requires, a translation thereof into the language of the Court shall be added to such record.

373. Court of Session to send copy of finding and sentence to [5][officer-in-charge of prosecution]. In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence (if any) to the [5][officer-in-charge of prosecution in the district] within the local limits of whose Jurisdiction the trial was held.

CHAPTER XXVII

OF THE SUBMISSION OF SENTENCES FOR CONFIRMATION

374. Sentence of death to be submitted by Court of Session. When the Court of Session passes sentence of death, the proceedings shall be submitted to the High Court and the sentence shall not be executed unless it is confirmed by the High Court.

375. Power to Direct further inquiry to be made or additional evidence to be taken.— (1) If when such proceedings are submitted the High Court thinks that a further inquiry should be made into, or additional evidence taken upon, any point bearing upon the guilt or innocence of the convicted person, it may make such inquiry or take such evidence itself, or direct it to be made or taken by the Court of Session.

[6][(2) Unless the High Court otherwise directs, the presence of the convicted person may be dispensed with when such inquiry is made or such evidence is taken.]

(3) When the inquiry and the evidence (if any) are not made and taken by the High Court, the result of such inquiry and the evidence shall be certified to such Court.

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[1]Omitted by the Law Reforms Ord. 1972 (XII of 1972), s.2 and Sch.
[2]Subs. *ibid.* item (124)
[3]Subs. by Ord. No. XV of 02, s.2.
[4]Omitted *ibid.*
[5]Subs. by Ord. XXXVII of 2001, s.62.
[6]Subs. by the Law Reforms Ord. 1972 (XII of 1972), s.2 and Sch.

376. Power of High Court to confirm sentence or annul conviction. In any case submitted under section 374, [1][* * *] the High Court—

(a) may confirm the sentence, or pass any other sentence warranted by law, or

(b) may annul the conviction, and convict the accused of any offence of which the Sessions Court might have convicted him, or order a new trial on the same or an amended charge, or

(c) may acquit the accused person:

Provided that no order of confirmation shall be made under this section until the period allowed for preferring an appeal has expired, or, if an appeal is presented within such period, until such appeal is disposed of.

377. Confirmation of new sentence to be signed by two Judges. In every case so submitted, the confirmation of the sentence, or any new sentence or order passed by the High Court, shall, when such Court consists of two or more judges, be made, passed and signed by at least two of them.

378. Procedure in case of difference of opinion. When any such case is heard before a Bench of Judges and such Judges are equally divided in opinion, the case, will their opinions thereon, shall be laid before another Judge, and such Judge, after such hearing as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

379. Procedure in cases submitted to High Court for confirmation. In cases submitted by the Court of Session to the High Court for the confirmation of a sentence of death, the proper officer of the High Court shall, without delay, after the order of confirmation or other order has been made by the High Court, send a copy of the order, under the seal of the High Court and attested with his official signature, to the Court of Session.

[2][**380. Procedure in cases submitted by Magistrate not empowered to act under section 562.** Where proceedings are submitted to a Magistrate of the first class [3][***] as provided by section 562, such Magistrate may thereupon pass such sentence or make such order as he might have passed or made if the case had originally been heard by him, and, if he thinks further inquiry or additional evidence on any point to be necessary, he may make such inquiry or take such evidence himself or direct such inquiry or evidence to be made or taken.

CHAPTER XXVIII

OF EXECUTION

381. Execution of order passed under section 376. When a sentence of death passed by a Court of Session is submitted to the High Court for confirmation, such Court of Session shall, on receiving the order of confirmation or other order of the High Court thereon, cause such order to be carried into effect by issuing a warrant or taking such other steps as may be necessary [4][:]

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[1]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and sch.
[2]Rep. by Probation of Offenders Ordinance, 1960 (LXV of 1960).
[3]Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s. 3 and 2nd Sch.
[4]Subs. by Act No. II of 1997, s.14.

[1][Provided that the sentence of death shall not be executed if the heirs of the deceased pardon the convict or enter into a compromise with him even at the last moment before execution of the sentence].

382. Postponement of capital sentence on pregnant woman. If a woman sentenced to death is found to be pregnant, the High Court shall order the execution of the sentence to be postponed, and may, if it thinks fit, commute the sentence to [2][imprisonment for life].

[3][**382-A. Postponement of execution of sentences of imprisonment under section 476 or for a period of less than one year.**— Notwithstanding anything contained in section 383 or 391, where the accused—

(a) is awarded any sentence of imprisonment under section 476, or

(b) is sentenced in cases other than those provided for in section 381, to imprisonment whether with or without fine or whipping, for a period of less than one year,

the sentence shall not, if the accused furnishes bail to the satisfaction of the Court for his appearance at such time and place as the Court may direct, be executed, until the expiry of the period prescribed for making an appeal against such sentence, or, if an appeal is made within that time, until the sentence of imprisonment is confirmed by the Appellate Court, but the sentence shall be executed as soon as practicable after the expiry of the period prescribed for making an appeal, or, in case of an appeal, as soon as practicable after the receipt of the order of the Appellate Court confirming the sentence.

382-B. Period of detention to be considered while awarding sentence of imprisonment.— Where a Court decides to pass a sentence of imprisonment on an accused for an offence, it [4][shall] take into consideration the period, if any, during which such accused was detained in custody for such offence.]

382-C. Scandalous or false and frivolous pleas to be considered in passing sentence.—In passing a sentence on an accused for any offence, a Court may take into consideration any scandalous or false and frivolous plea taken in defence by him or on his behalf.]

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383. Execution of sentences of [2][imprisonment for life] or imprisonment in other cases. Where the accused is sentenced to [2][imprisonment for life] or imprisonment in cases other than those provided for by section 381, [5][and section 382-A], the Court passing the sentence shall forthwith forward a warrant to the jail in which he is, or is to be, confined, and, unless the accused is already confined in such jail, shall forward him to such jail, with the warrant.

384. Direction of warrant for execution. Every warrant for the execution of a sentence of imprisonment shall be directed to the officer in charge of the jail or other place in which the prisoner is, or is to be, confined.

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[1]Added by Act No. II of 1997, s.15.
[2]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s.2 and Sch. (*w.e.f* 13.4.72)
[3]Ins. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[4]Subs. by the Code of Criminal Procedure (Second Amdt.) Ordinance, 1979 (LXXI of 1979), s. 2.
[5]Added by the Law Reforms (Amdt.) Act, 1972 (VIII of 1972), s. 4.
[6]Ins. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.

385. Warrant with whom to be lodged. When the prisoner is to be confined in a jail, the warrant shall be lodged with the jailor.

[1][**386. Warrant for levy of fine.**— (1) Whenever an offender has been sentenced to pay a fine, the Court passing the sentence may take action for the recovery of the fine in either or both of the following ways, that is to say, it may—

(a) issue a warrant for the levy of the amount by attachment and sale of any movable property belonging to the offender;

(b) issue a warrant to the [2][District Officer (Revenue)] authorising him to realise the amount by execution according to civil process against the movable or immovable property, or both, of the defaulter:

Provided that, if the sentence directs that in default of payment of the fine the offender shall be imprisoned, and if such offender has undergone the whole of such imprisonment in default, no Court shall issue such warrant [3][* * *].

(2) The [4][Provincial Government] may make rules[5] regulating the manner in which warrants under sub-section (1), clause (a), are to be executed, and for the summary determination of any claims made by any person other than the offender in respect of any property attached in execution of such warrant.

(3) Where the Courts issue a warrant to the [6][District Officer (Revenue)] under sub-section (1), clause (b), such warrant shall be deemed to be a decree, and the Collector to be the decree- holder, within the meaning of the Code of Civil Procedure, 1908 (V of 1908), and the nearest Civil Court by which any decree for a like amount could be executed shall, for the purposes of the said Code, be deemed to be the Court which passed the decree, and all the provisions of that Code as to execution of decrees shall apply accordingly :

Provided that no such warrant shall be executed by the arrest or detention in prison of the offender.]

387. Effect of such warrant. [7][A warrant issued under section 386, sub-section (1), clause (a), by any Court] may be executed within the local limits of the jurisdiction of such Court, and it shall authorize the [8][attachment] and sale of any such property without such limits, when endorsed by the [6][*] Magistrate [9][* * *] within the local limits of whose jurisdiction such property is found.

[10][**388. Suspension of execution of sentence of imprisonment.**— (1) When an offender has been sentenced to fine only and to imprisonment in default of payment of the fine, and the fine is not paid forthwith, the Court may—

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[1]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 102.
[2]Subs. by Ord. No. XXXVII of 2001, s.63.
[3]Omitted by Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[4]Subs. by A.O., 1937, for "L.G".
[5]For "Karachi" Rules for Recovery of Fines, 1960, *see* Gaz. of Karachi, 1960, Pt. II, pp. 83-84.
[6]Subs. and omitted by Ord. No. XXXVII of 2001, ss. 63-64 (*w.e.f* 14-08-2001).
[7]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 103.
[8]Subs. *ibid.*
[9]Omitted by A.O., 1949, Sch.
[10]Subs. by the code of Criminal Procedure (Second Amdt.) Act, 1923 (XXXVII of 1923), s.3.

(a) order that the fine shall be payable either in full on or before a date not more than thirty days from the date of the order, or in two or three instalments, of which the first shall be payable on or before a date not more than thirty days from the date of the order and the other or others at an interval or at intervals, as the case may be, of not more than thirty days, and

(b) suspend the execution of the sentence of imprisonment and release the offender, on the execution by the offender of a bond, with or without sureties, as the Court thinks fit, conditioned for his appearance before the Court on the date or dates on or before which payment of the fine or the instalments thereof, as the case may be, is to be made; and if the amount of the fine or of any installment, as the case may be, is not realised on or before the latest date on which it is payable under the order, the Court may direct the sentence of imprisonment to be carried into execution at once.

(2) The provisions of sub-section (1) shall be applicable also in any case in which an order for the payment of money has been made on non-recovery of which imprisonment may be awarded and the money is not paid forthwith; and, if the person against whom the order has been made, on being required to enter into a bond such as is referred to in that sub-section, fails to do so, the Court may at once pass sentence of imprisonment.]

389. Who may issue warrant. Every warrant for the execution of any sentence may be issued either by the Judge or Magistrate who passed the sentence, or by his successor in office.

390. Execution of sentence of whipping only. When the accused is sentenced to whipping only, the sentence shall [1][subject to the provisions of section 391] be executed at such place and time as the Court may direct.

391. Execution of sentence of whipping, in addition to imprisonment.— (1) When the accused—

[2][(*a*) is sentenced to whipping only and furnishes bail to the satisfaction of the Court for his appearance at such time and place as the Court may direct, or

(*b*) is sentenced to whipping in addition to imprisonment.]

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the whipping shall not be inflicted until fifteen days from the date of the sentence, or, if an appeal is made within that time, until the sentence is confirmed by the Appellate Court, but the whipping shall be inflicted as soon as practicable after the expiry of the fifteen days, or, in case of an appeal, as soon as practicable after the receipt of the order of the Appellate Court confirming the sentence.

(2) The whipping shall be inflicted in the presence of the officer in charge of the jail, unless the Judge or Magistrate orders it to be inflicted in his own presence.

(3) No accused person shall be sentenced to whipping in addition to imprisonment when the term of imprisonment to which he is sentenced is less than three months.

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[1]Ins. by the Criminal Law Amendment Act, 1923 (XII of 1923), s.21.
[2]Subs. *ibid.*, s. 22.

392. Mode of inflicting punishment.—(1) In the case of a person of or over sixteen years of age whipping shall be inflicted with a light rattan not less than half an inch in diameter, in such mode, and on such part of the person, as the [1][Provincial Government] directs; and, in the case of a person under sixteen years of age, it shall be inflicted in such mode, and on such part of the person, and with such instruments, as the [1][Provincial Government] directs.

(2) **Limit of number of stripes.** In no case shall such punishment exceed thirty stripes [2][and, in the case of a person under sixteen years of age, it shall not exceed fifteen stripes].

393. Not to be executed by instalments, Exemptions.— No sentence of whipping shall be executed by instalments: and none of the following persons shall be punishable with whipping, namely :—

(a) females;

(b) males sentenced to death or to [3][imprisonment for life],[4][* * *], or to imprisonment for more than five years;

(c) males whom the Court considers to be more than forty-five years of age.

394. Whipping not to be inflicted if offender not in fit state of health.— (1) The punishment of whipping shall not be inflicted unless a medical officer, if present, certifies, or, if there is not a medical officer present, unless it appears to the Magistrate or officer present, that the offender is in a fit state of health to undergo such punishment.

(2) **Stay of execution**. If, during the execution of a sentence of whipping, a medical officer certifies, or it appears to the Magistrate or officer present, that the offender is not in a fit state of health to undergo the remainder of the sentence, the whipping shall be finally stopped.

395. Procedure if punishment cannot be inflicted under section 394.— (1) In any case in which, under section 394, a sentence of whipping is, wholly or partially, prevented from being executed, the offender shall be kept in custody till the Court which passed the sentence can revise it; and the said Court may, at its discretion, either remit such sentence, or sentence the offender in lieu of whipping, or in lieu of so much of the sentence of whipping as was not executed, to imprisonment for any term not exceeding twelve months, [5][or to a fine not exceeding five hundred rupees], which may be in addition to any other punishment to which he may have been sentenced for the same offence.

(2) Nothing in this section shall be deemed to authorize any Court to inflict imprisonment for a term [5][or a fine of an amount] exceeding that to which the accused is liable by law, or that which the said Court is competent to inflict.

396. Execution of sentences on escaped convicts.— (1) When sentence is passed under this Code on an escaped convict, such sentence, if of death, fine or whipping, shall, subject to the provisions hereinbefore contained, take effect immediately, and, if of imprisonment, [6][* *] or [3][imprisonment for life], shall take effect according to the following rules, that is to say :—

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[1]Subs. by A.O., 1937, for "L.G".
[2]Ins. by the Whipping Act, 1909 (IV of 1909), s. 7.
[3]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch. (*w.e.f.* 13.4.72)
[4]Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (II of 1950), sch.
[5]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 105.
[6]Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (II of 1950), Sch.

(2) If the new sentence is severer in its kind than the sentence which such convict was undergoing when he escaped, the new sentence shall take effect immediately.

(3) When the new sentence is not severer in its kind than the sentence the convict was undergoing when he escaped, the new sentence shall take effect after he has suffered imprisonment, [1][* [2][* *]* *] for a further period equal to that which, at the time of his escape, remained unexpired of his former sentence.

Explanation.— For the purposes of this section—

(a) [3][* * * * * * *]

(b) a sentence of imprisonment with solitary confinement shall be deemed severer than a sentence of the same description of imprisonment without solitary confinement; and

(c) a sentence of rigorous imprisonment shall be deemed severer than a sentence of simple imprisonment with or without solitary confinement.

397. Sentence on offender already sentenced for another offence. When a person already undergoing a sentence of imprisonment, [2][* *] [4][imprisonment for life], is sentenced to imprisonment, [2][* *] [4][imprisonment for life], such imprisonment, [2][* *] [4][imprisonment for life] shall commence at the expiration of the imprisonment, [2][* *] [4][imprisonment for life], to which he has been previously sentenced, [5][unless the Court directs that the subsequent sentence shall run concurrently with such previous sentence]:

[6][* * * * * * *]

[7][Provided, further, that where a person who has been sentenced to imprisonment by an order under section 123 in default of furnishing security is, whilst undergoing such sentence, sentenced to imprisonment for an offence committed prior to the making of such order, the latter sentence shall commence immediately.]

398. Saving as to sections 396 and 397.—(1) Nothing in section 396 or section 397 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction.

(2) When an award of imprisonment in default of payment of a fine is annexed to a substantive sentence of imprisonment, or to a sentence of [4][imprisonment for life] [8][* * *], and the person undergoing the sentence is after its execution to undergo a further substantive sentence, or further substantive sentences, of imprisonment, [9][or [4][imprisonment for life]], effect shall not be given to the award of imprisonment in default of payment of the fine until the person has undergone the further sentence or sentences.

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[1]Omitted by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s.2 and Sch. (*w.e.f* 13-4-72).
[2]Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (II of 1950), Sch.
[3]Omitted by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s.2 and Sch. (*w.e.f* 13-4-72).
[4]Subs. *ibid.*
[5]Ins. by Act No. XVIII of 1923, s. 106.
[6]Omitted by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s.2 and Sch. (*w.e.f* 13-4-72).
[7]Added by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 106.
[8]Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (II of 1950), Sch.
[9]Subs. *ibid.*

399. Confinement of youthful offenders in reformatories.— (1) When any person under the age of fifteen years is sentenced by any Criminal Court to imprisonment for any offence, the Court may direct that such person, instead of being imprisoned in a criminal jail, shall be confined in any reformatory established by the [1][Provincial Government] as a fit place for confinement, in which there are means of suitable discipline and of training in some branch of useful industry or which is kept by a person willing to obey such rules as the [1][Provincial Government] prescribes with regard to the discipline and training of persons confined therein.

(2) All persons confined under this section shall be subject to the rules so prescribed.

(3) This section shall not apply to any place in which the Reformatory Schools Act, 1897 (VIII of 1897), is for the time being in force.

400. Return of warrant on execution of sentence. When a sentence has been fully executed, the officer executing it shall return the warrant to the Court from which it issued, with an endorsement under his hand certifying the manner in which the sentence has been executed.

CHAPTER XXIX

OF SUSPENSIONS, REMISSIONS AND COMMUTATIONS OF SENTENCES

[2]401. Power to suspend or remit sentences.— (1) When any person has been sentenced to punishment for an offence, [3][* * *] the [1][Provincial Government] may at any time without conditions or upon any conditions which the person sentenced accepts, suspend the execution of his sentence or remit the whole or any part of the punishment to which he has been sentenced [4][:]

[4][Provided that the Provincial Government shall have no power to suspend or remit any sentence awarded to an offender under chapter XVI of the Pakistan Penal code if an offence has been committed by him in the name or on the pretext of *karo kari, siyah kari* or similar other customs or practices].

(2) Whenever an application is made to [3][* * *] the [1][Provincial Government] for the suspension or remission of a sentence, [3][* * *] the [1][Provincial Government] , [5][* * *], may require the presiding Judge of the Court before or by which the conviction was had or confirmed to state his opinion as to whether the application should be granted or refused, together with his reasons for such opinion [6][and also to forward with the statement of such opinion a certified copy of the record of the trial or of such record thereof as exists].

(3) If any condition on which a sentence has been suspended or remitted is, in the [7][opinion of] the [1][Provincial Government], [5][* * *], not fulfilled, [3][* * *] the [1][Provincial Government] may cancel the suspension or remission, and thereupon the person in whose favour the sentence has been suspended or remitted may, if at large, be arrested by any police-officer without warrant and remanded to undergo the unexpired portion of the sentence.

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[1]Subs. by A.O., 1937, for "L.G.".
[2]As regards conditional release of good conduct prisoners in the Punjab, see the Good Conduct Prisoners Probational Release Act, 1926 (Punjab Act 10 of 1926). The Chief Commissioner of Karachi shall exercise the powers conferred as a Provincial Government under this section, subject to certain conditions, see Gaz. of P, 1953, Ext., P. 861.
[3]Rep. by A.O, 1937.
[4]Subs. and ins. by Act No. I of 2005, s.15.
[5]Rep. *ibid*.
[6]Added by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 107.
[7]Subs. by the Repealing and Amending Ordinance, 1961 (I of 1961), s. 3 and 2nd Sch.

(4) The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favour the sentence is suspended or remitted, or one independent of his will.

[1][(4A) The provisions of the above sub-sections shall also apply to any order passed by a Criminal Court under any section of this Code or of any other law, which restricts the liberty of any person or imposes any liability upon him or his property.]

(5) Nothing herein contained shall be deemed to interfere with the right of [2][[3][the President] or of the [4][Federal Government] when such right is delegated to [5][it]] to grant pardons, reprieves, respites or remissions of punishment.

[1][(5A) Where a conditional pardon is granted by [3][the President] or, in virtue of any powers delegated to [5][it], by the [4][Federal Government], any condition thereby imposed, of whatever nature, shall be deemed to have been imposed by a sentence of a competent Court under this Code and shall be enforceable accordingly].

(6) The [6][* * *] [7][Provincial Government] may, by general rules or special orders, give directions as to the suspension of sentences and the conditions on which petitions should be presented and dealt with.

402. Power to commute punishment.—[8][(1)] The [6][* * *] [7][Provincial Government] may, without the consent of the person sentenced, commute any one of the following sentences for any other mentioned after it:—

death, [9][imprisonment for life] [10][* *], rigorous imprisonment for a term not exceeding that to which he might have been sentenced, simple imprisonment for a like term, fine.

[11][(2) Nothing in this section shall affect the provisions of section 54 or section 55 of the Pakistan Penal Code (XLV of 1860).]

[12][**402A. Sentences of death.** The powers conferred by sections 401 and 402 upon the Provincial Government may, in the case of sentences of death, also be exercised by the [13][President] [14][* * *].

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[15][**402B. Certain restrictions on the exercise of powers by Provincial Government.** Notwithstanding anything contained in section 401 or section 402, the Provincial Government shall not, except with the previous approval of the President, exercise the powers conferred thereby in a case

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[1]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 107
[2]Subs. *ibid.*
[3]Subs. by A.O, 1961, Art.2 and Sch. (*with effect from the 23rd March, 1956*),
[4]Subs. by F.A.O., 1975, Art 2 and Table. (*w.e.f. 28.07.75*).
[5]Subs. by A.O., 1937, for "him".
[6]Rep. by A.O., 1937, for "G. G. in C.
[7]Subs.by A.O., 1937, for "L.G".
[8]Re-numbered by Act No. XVIII of 1923, s. 108. The Chief Commissioner of Karachi shall exercise the powers conferred on a Provincial Government under this section subject to certain conditions, see Gazette of Pakistan, Extra., 1953, p. 861.
[9]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch. (*w.e.f.* 13-4-72).
[10]Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (II of 1950), sch.
[11]Ins. by Act No. XVIII of 1923, s. 108.
[12]Ins. by A.O.,1937, of the G. of I. Act, 1935, s. 295.
[13]Subs. by A.O., 1961, Art. 2, for "Governor General" (*with effect from the 23rd March, 1956*).
[14]Rep. by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), s. 3 and Sch. II.
[15]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1973 (LVII of 1973), s. 2 (*w.e.f.* 29-6-73).

where the President has passed any orders in exercise of his powers under the Constitution to grant pardons, reprieves and respites or to remit, suspend or commute any sentence or of his powers under section 402A.]

[1][**402C. Remission or commutation of certain sentences not to be without consent.** Notwithstanding anything contained in section 401, section 402, section 402A or section 402B, the Provincial Government, the Federal Government or the President shall not, without the consent of the victim or, as the case may be, of his heirs, suspend, remit or commute any sentence passed under any of the sections in Chapter XVI of the Pakistan Penal Code.]

[2][**402D. Provincial Government not to interfere in sentences of rape.**— Notwithstanding anything contained in section 401, 402 or 402B, the Provincial Government shall not suspend, remit or commute any sentence passed under section 376 of the Pakistan Penal Code (Act XLV of 1860).]

CHAPTER XXX

OF PREVIOUS ACQUITTALS OR CONVICTIONS

403. Person once convicted or acquitted not to be tried for same offence.— (1) A person who has once been tried by a Court of competent jurisdiction for an offence and convicted or acquitted of such offence shall, while such conviction or acquittal remains in force, not be liable to be tried again for the same offence, nor on the same facts for any other offence for which a different charge from the one made against him might have been made under section 236, or for which he might have been convicted under section 237.

(2) A person acquitted or convicted of any offence may be afterwards tried for any distinct offence for which a separate charge might have been made against him on the former trial under section 235, sub- section (1).

(3) A person convicted of any offence constituted by any act causing consequences which, together with such act, constituted a different offence from that of which he was convicted, may be afterwards tried for such last-mentioned offence, if the consequences had not happened, or were not known to the Court to have happened, at the time when he was convicted.

(4) A person acquitted or convicted of any offence constituted by any acts may, notwithstanding such acquittal or conviction, be subsequently charged with, and tried for, any other offence constituted by the same acts which he may have committed if the Court by which he was first tried was not competent to try the offence with which he is subsequently charged.

(5) Nothing in this section shall affect the provisions of section 26 of the General Clauses Act, 1897 (X of 1897), or section 188 of this Code.

Explanation.— The dismissal of a complaint, the stopping of proceedings under section 249, [3][or the discharge of the accused] is not an acquittal for the purposes of this section.

Illustrations

(a) A is tried upon a charge of theft as a servant and acquitted. He cannot afterwards, while the acquittal remains in force, be charged with theft as a servant, or, upon the same facts, with theft simply, or with criminal breach of trust.

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[1]Added by Act No. II of 1997, s. 16.
[2]Ins. by Act No. XXVI of 2011, s.4.
[3]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.

(b) A is tried upon a charge of murder and acquitted. There is no charge of robbery ; but it appears from the facts that A committed robbery at the time when the murder was committed ; he may afterwards be charged with, and tried for, robbery.

(c) A is tried for causing grievous hurt and convicted. The person injured afterwards dies. A may be tried again for culpable homicide.

(d) A is charged before the Court of Session and convicted of the culpable homicide of B. A may not afterwards be tried on the same facts for the murder of B.

(e) A is charged by a Magistrate of the first class with, and convicted by him of, voluntarily causing hurt to B. A may not afterwards be tried for voluntarily causing grievous hurt to B on the same facts, unless the case comes within paragraph 3 of the section.

(f) A is charged by a Magistrate of the second class with, and convicted by him of, theft of property from the person of B. A may be subsequently charged with, and tried for, robbery on the same facts.

(g) A, B and C are charged by a Magistrate of the first class with, and convicted by him of, robbing D. A, B and C may afterwards be charged with, and tried for dacoity on the same facts.

PART VII
OF APPEAL, REFERENCE AND REVISION

CHAPTER XXXI

OF APPEALS[1]

404. Unless otherwise provided, no appeal to lie. No appeal shall lie from any judgment or order of a Criminal Court except as provided for by this Code or by any other law for the time being in force.

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405. Appeal from order rejecting application for restoration of attached property. Any person whose application under section 89 for the delivery of property or the proceeds of the sale thereof has been rejected by any Court may appeal to the Court to which appeals ordinarily lie from the sentences of the former Court.

[2][**406. Appeal from order requiring security for keeping the peace or for good behaviour.**— Any person who has been ordered by a Magistrate under section 118 to give security for keeping the peace or for good behaviour may appeal against such order to the Court of Session:

Provided that nothing in this section shall apply to persons the proceedings against whom are laid before a Sessions Judge in accordance with the provisions of sub-section (2) or sub-section (3A) of section 123.]

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[1]For periods of limitation, see the Limitation Act, 1908 (IX of 1908), s.3 and Sch. I, second division.
[2]Subs. by Ord. No. XXXVII of 2001, s. 65.

[1][**406A. Appeal from order refusing to accept or rejecting a surety.**— Any person aggrieved by an order refusing to accept or rejecting a surety under section 122 may appeal against such order to the Court of Session.]

407. [1][* * * * * * *]

408. Appeal from sentence of Assistant Sessions Judge or [1][Judicial Magistrate]. Any person convicted on a trial held by an Assistant Sessions Judge, [1][or a Judicial Magistrate] [2][, Special Magistrate], or any person sentenced under section 349 [3][* * *], may appeal to the Court of Session :

Provided as follows :—

(a) [4][* * * * * * *]

(b) When in any case an Assistant Sessions Judge [3][* * *] passes any sentence of imprisonment for a term exceeding four years, [5][* * *] the appeal [6][of all or any of the accused convicted at such trial] shall lie to the High Court ;

(c) when any person is convicted by a Magistrate of an offence under section 124A of the Pakistan Penal Code (XLV of 1860), the appeal shall lie to the High Court.

[1][**409. Appeals to Court of Session how heard.**— Subject to the provisions of this section, an appeal to the Court of Session or Sessions Judge shall be heard by the Sessions Judge or by an Additional Sessions Judge or an Assistant Sessions Judge :

Provided that an Additional Sessions Judge shall hear only such appeals as the Provincial Government may, by general or special order, direct or as the Sessions Judge of the division may make over to him:

Provided further that no such appeal shall be heard by an Assistant Sessions Judge unless the appeal is of a person convicted on a trial held by any Magistrate of the second class or third class.]

410. Appeal from sentence of Court of Session. Any person convicted on a trial held by a Sessions Judge, or an Additional Sessions Judge, may appeal to the High Court.

411. *[Appeal from sentence of Presidency Magistrate.] Omitted by A.O., 1949, Sch.*

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[7][**411A. Appeal from sentence of High Court.**— (1) [8][Except in cases in which an appeal lies to the Supreme Court under [9][Article 185] of the Constitution] any person convicted on a trial held by a High Court in the exercise of its original criminal jurisdiction may, notwithstanding anything contained in section 418 or section 423, sub-section (2), or in the Letters Patent of any High Court, appeal to the High Court—

[1]Subs. and omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch. (for further clarity on this provision, the original source i.e. the Gazette Notification of Ordinance No. Law Reforms (Amdt.) Act, 1976 (XXI of 1976), s. 2 and Sch., item 20 may be perused.
[2]Ins. by Act No. III of 2006, s. 21.
[3]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[4]Omitted by the Criminal Law Amendment Act, 1923 (XII of 1923), s.23.
[5]Omitted by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s.2 and Sch. (*w.e.f* 13-4-72).
[6]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923) s. 112.
[7]Ins. by the Criminal procedure Amendment Act, 1943 (XXVI of 1943), s.2.
[8]Subs. by A.O., 1961, Art. 2 and Sch. (*with effect from the 23rd Marach, 1956*).
[9]Subs. by F.A.O., 1975, Art. 2 and Sch. (*w.e.f* 14-8-73).

(a) against the conviction on any ground of appeal which involves a matter of law only ;

(b) with the leave of the Appellate Court, or upon the certificate of the judge who tried case that it is a fit case for appeal, against the conviction on any ground of appeal which involves a matter of fact only, or a matter of mixed law and fact, or any other ground which appears to the appellate Court to be a sufficient ground of appeal ; and

(c) with the leave of the Appellate Court, against the sentence passed unless the sentence is one fixed by law.

(2) Notwithstanding anything contained in section 417, the Provincial Government may direct the public prosecutor to present an appeal to the High Court from any order of acquittal passed by the High Court in the exercise of its original criminal jurisdiction, and such appeal may, notwithstanding anything contained in section 418, or section 423, sub-section (2), or in the Letters Patent of any High Court, but subject to the restrictions imposed by clause (b) and clause (c) of sub-section (1) of this section on an appeal against a conviction, lie on a matter of fact as well as a matter of law.

(3) Notwithstanding anything elsewhere contained in any Act or Regulation, an appeal under this section shall be heard by a Division Court of the High Court composed of not less than two judges, being judges other than the judge or judges by whom the original trial was held ; and if the constitution of such a Division Court is impracticable, the High Court shall report the circumstances to the Provincial Government which shall take action with a view to the transfer of the appeal under section 527 to another High Court.

(4) Subject to such rules as may from time to time be made by [1][the [2][Supreme Court]] in this behalf, and to such conditions as the High Court may establish or require, an appeal shall lie to [1][the [2][Supreme Court]] from any order made on appeal under sub-section (1) by a Division Court of the High Court in respect of which order the High Court declares that the matter is a fit one for such appeal.]

412. No appeal in certain cases when accused pleads guilty. Notwithstanding anything hereinbefore contained where an accused person has pleaded guilty and has been convicted by [3][a High Court,] a Court of Session [4][* * *] or Magistrate of the first class on such plea, there shall be no appeal except as to the extent or legality of the sentence.

413. No appeal in petty cases. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in cases in which [5][a High Court passes a sentence of imprisonment not exceeding six months only or of fine not exceeding two hundred rupees only or in which] a Court of Session [6][* * *] passes a sentence of imprisonment not exceeding one month only, or [7][in which a Court of Session or [8][a] Magistrate of the first class passes a sentence] of fine not exceeding fifty rupees only [9][* * *].

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[1]Subs. by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), s.4 and III Sch.
[2]Subs. by A.O., 1964, Art.2 and Sch.
[3]Ins. by the Criminal Procedure Amendment Act, 1943 (XXVI of 1943), s.3.
[4]Omitted by A.O., 1949, Sch.
[5]Ins. by the Code of Criminal Procedure Amendment Act, 1943 (XXVI of 1943), s.4.
[6]Omitted by the Criminal Law Amendment Act, 1923 (XII of 1923), s. 24.
[7]Ins. *ibid*.
[8]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch
[9]Omitted by Act No. XII of 1923.

Explanation.— There is no appeal from a sentence of imprisonment passed by such Court or Magistrate in default of payment of fine when no substantive sentence of imprisonment has also been passed.

414. No appeal from certain summary convictions. Notwithstanding anything hereinbefore contained, there shall be no appeal by a convicted person in any case tried summarily in which a Magistrate empowered to act under section 260 passes a sentence [1][* * *] of fine not exceeding [2][two thousand] rupees only [3][* * *].

[2][414A. No appeal from certain summary convictions under the law relating to price control.— Notwithstanding anything contained in this Code or any other law for the time being in force, there shall be no appeal by a convicted person in any case tried summarily in which a Special Magistrate appointed under section 14A passes a sentence of fine not exceeding five thousand rupees under the Price Control and Prevention of Profiteering and Hoarding Act, 1977 (XXIX of 1977) or under any other Federal law or Provincial law relating to price control.]

415. Proviso to sections 413 and 414. Any appeal may be brought against any sentence referred to in section 413 or section 414 [4][by which any punishment therein mentioned is combined with any other punishment], but no sentence which would not otherwise be liable to appeal shall be appealable merely on the ground that the person convicted is ordered to find security to keep the peace.

Explanation.— A sentence of imprisonment in default of payment of fine is not a sentence by which two or more punishments are combined within the meaning of this section.

[5][**415A. Special right of appeal in certain cases.** Notwithstanding anything contained in this Chapter, when more persons than one are convicted in one trial, and an appealable judgment or order has been passed in respect of any of such persons, all or any of the persons convicted at such trial shall have a right of appeal.]

416. *[Saving of sentences on European British subjects.] Rep. by the criminal law Amendment Act, 1923 (XII of 1923), S.26.*

[6][**4l7. Appeal in case of acquittal.**— (1) Subject to the provisions of sub-section (4), the Provincial Government may, in any case, direct the Public Prosecutor to present an appeal to the High Court from an original or appellate order of acquittal passed by any Court other than a High Court.

(2) If such an order of acquittal is passed in any case instituted upon complaint and the High Court, on an application made to it by the complainant in this behalf, grants special leave to appeal from the order of acquittal, the complainant may present such an appeal to the High Court.

[7][(2A) A person aggrieved by the order of acquittal passed by any court, other than a High Court, may, within thirty days, file an appeal against such order.]

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[1]Omitted by Act No. XII of 1923, s. 25.
[2]Subs. and ins. by Act No. III of 2006, S.21.
[3]Omitted by Act No. XII of 1923, s. 24
[4]Subs. by the Repleaing and Amending Act, 1945 (VI of 1945), s.3 and II Sch.
[5]Ins. by the Code of Criminal Procedrue (Amdt.) Act, 1923 (XVIII of 1923), s. 114.
[6]Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch.
[7]Ins. by Act No. XX of 1994, S.3.

(3) No application under sub-section (2) for the grant of special leave to appeal from an order of acquittal shall be entertained by the High Court after the expiry of sixty days from the date of that order.

(4) If, in any case, the application under sub-section (2) for the grant of special leave to appeal from an order of acquittal is refused, no appeal from that order of acquittal shall lie under sub-section (1).]

[1][(5) An appeal against an order of conviction or acquittal under sections 354A, 376, 376A, 377 or 377B of the Pakistan Penal Code, 1860 (Act XLV of 1860) shall be decided within six months.]

[2][**418. Appeal on what matters admissible.-** (1)] An appeal may lie on a matter of fact as well as a matter of law [3]* * *.

(2) [4][* * * * * * *]

Explanation.— The alleged severity of a sentence shall, for the purposes of this section, be deemed to be a matter of law.

419. Petition of appeal. Every appeal shall be made in the form of a petition in writing presented by the appellant or his pleader, and every such petition shall (unless the Court to which it is presented otherwise directs) be accompanied by a copy of the judgment or order appealed against [5][* * *].

420. Procedure when appellant in jail. If the appellant is in jail, he may present his petition of appeal and the copies accompanying the same to the officer in charge of the jail, who shall thereupon forward such petition and copies to the proper Appellate Court.

421. Summary dismissal of appeal.— (1) On receiving the petition and copy under section 419 or section 420, the Appellate Court shall pursue the same, and, if it considers that there is no sufficient ground for interfering, it may dismiss the appeal summarily:

Provided that no appeal presented under section 419 shall be dismissed unless the appellant or his pleader has had a reasonable opportunity of being heard in support of the same.

(2) Before dismissing an appeal under this section, the Court may call for the record of the case, but shall not be bound to do so.

422. Notice of appeal. If the Appellate Court does not dismiss the appeal summarily, it shall cause notice to be given to the appellant or his pleader, and to such officer as the [6][Provincial Government] may appoint in this behalf, of the time and place at which such appeal will be heard, and shall, on the application of such officer, furnish him with a copy of the grounds of appeal ;

and, in cases of appeals under [7][section 411A, sub-section (2) or section 417], the Appellate Court shall cause a like notice to be given to the accused.

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[1]Added by Act No. XLIV of 2016, s.14.
[2]Re-numbered by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 115.
[3]Omitted by Ordinance XII of 1972, s.2 and Sch.
[4]Omitted *ibid.*
[5]Omitted *ibid.*
[6]Subs. by A.O., 1937, for "L.G."
[7]Subs. by the Code of Criminal Procedure Amendement Act, 1943 (XXVI of 1943), s.5.

423. Powers of Appellate Court in disposing of appeal.— (1) The Appellate Court shall then send for the record of the case, if such record is not already in Court. After perusing such record, and hearing the appellant or his pleader, if he appears, and the Public Prosecutor, if he appears, and, in case of an appeal under [1][section 411A, sub-section (2) or section 417], the accused, if he appears, the Court may, if it considers that there is no sufficient ground for interfering, dismiss the appeal, or may-

(a) in an appeal from an order of acquittal, reverse such order and direct that further inquiry be made, or that the accused be retried or [2][sent for trial to the Court of Session or the High Court] as the case may be, or find him guilty and pass sentence on him according to law ;

(b) in an appeal from a conviction, (1) reverse the finding and sentence, and acquit or discharge the accused, or order him to be retried by a Court of competent jurisdiction subordinate to such Appellate Court or [3][sent] for trial, or (2) alter the finding, maintaining the sentence, or, with or without altering the finding, reduce the sentence, or, (3) with or without such reduction and with or without altering the finding, alter the nature of the sentence, but, subject to the provisions of section 106, sub-section (3), not so as to enhance the same ;

(c) in an appeal from any other order, alter or reverse such order ;

(d) make any amendment or any consequential or incidental order that may be just or proper.

(2) [4][* * * * * * *]

424. Judgments of subordinate Appellate Courts. The rules contained in Chapter XXVI as to the judgment of a Criminal Court of original jurisdiction shall apply, so far as may be practicable, to the judgment of any Appellate Court other than a High Court:

Provided that, unless the Appellate Court otherwise-directs, the accused shall not be brought up, or required to attend, to hear judgment delivered.

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425. Order by High Court on appeal to be certified to lower Court.— (1) Whenever a case is decided on appeal by the High Court under this Chapter, it shall certify its judgment or order to the Court by which the finding, sentence or order appealed against was recorded or passed. If the finding, sentence or order was recorded or passed by a Magistrate other than the District Magistrate, the certificate shall be sent through the District Magistrate.

(2) The Court to which the High Court certifies its judgment or order shall thereupon make such orders as are conformable to the judgment or order of the High Court ; and, if necessary, the record shall be amended in accordance therewith.

426. Suspension of sentence pending appeal. Release of appellant on bail.— (1) Pending any appeal by a convicted person, the Appellate Court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended and, also, if he is in confinement, that he be released on bail or on his own bond.

[1]Subs. by the Code of Criminal Procedure Amendement Act, 1943 (XXVI of 1943), s.5.
[2]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[3]Subs. *ibid.*
[4]Omitted *ibid.*

[1][(1A) An Appellate Court shall, except where it is of the opinion that the delay in the decision of appeal has been occasioned by an act or omission of the appellant or any other person acting on his behalf, order a convicted person to be released on bail who has been sentenced—

(a) to imprisonment for a period not exceeding three years and whose appeal has not been decided within a period of six months of his conviction;

(b) to imprisonment for a period exceeding three years but not exceeding seven years and whose appeal has not been decided within a period of one year of his conviction; or

(c) to imprisonment for life or imprisonment exceeding seven years and whose appeal has not been decided within a period of two years of his conviction:

Provided that the provisions of the foregoing paragraphs shall not apply to a previously convicted offender for an offence punishable with death or imprisonment for life or to a person who, in the opinion of the Appellate Court, is a hardened desperate or dangerous criminal or is accused of an act of terrorism punishable with death or imprisonment for life.]

(2) The power conferred by this section on an Appellate Court may be exercised also by the High Court in the case of any appeal by a convicted person to a Court subordinate thereto.

[2][(2A) [3][Subject to the provisions of section 382A,] when any person other than a person accused of a non-bailable offence is sentenced to imprisonment by a Court, and an appeal lies from that sentence, the Court may, if the convicted person satisfies the Court that he intends to present an appeal, order that he be released on bail for a period sufficient in the opinion of the Court to enable him to present the appeal and obtain the orders of the Appellate Court under sub-section (1) and the sentence of imprisonment shall, so long as he is so released on bail, be deemed to be suspended.]

[4][(2B) Where a High Court is satisfied that a convicted person has been granted special leave to appeal to [5][the [6][Supreme Court]] against any sentence which it has imposed or maintained, [7][* * *it may if it so thinks fit order that pending the appeal the sentence or order appealed against be suspended, and also, if the said person is in confinement, that he be released on bail.]

(3) When the appellant is ultimately sentenced to imprisonment, [8][* *] [9][imprisonment for life], the time during which he is so released shall be excluded in computing the term for which he is so sentenced.

427. Arrest of accused in appeal from acquittal. When an appeal is presented under [10][section 411A, sub-section (2), or section 417], the High Court may issue a warrant directing that the accused be arrested and brought before it or any subordinate Court, and the Court before which he is brought may commit him to prison pending the disposal of the appeal, or admit him to bail.

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[1]Ins. by Act No. VIII of 2011, s. 2.
[2]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1945 (II of 1945), s.3.
[3]Ins. by Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[4]Ins by the Code of Criminal Procedure (Second Amdt.) Act, 1946 (IV of 1946), s.2.
[5]Subs. by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), s.4 and III Sch.
[6]Subs. by A.O, 1961, Art. 2 and Sch. (*With effect from the 23rd March, 1956*).
[7]Rep. by Act No. XXVI of 1951, s.3 and Sch.II.
[8]Rep., *ibid*.
[9]Subs. by the Criminal Procedure (Amdt.) Act, 1974, (XXV of 1974), s.2 and Sch. (*w.e.f* 13-4-72).
[10]Subs. by the Criminal Procedure Amendment Act, 1943 (XXVI of 1943), s.5.

428. Appellate Court may take further evidence or direct it to be taken.—(1) In dealing with any appeal under this Chapter, the Appellate Court, if it thinks additional evidence to be necessary, shall record its reasons, and may either take such evidence itself, or direct it to be taken by a Magistrate, or, when the Appellate Court is a High Court, by a Court of Session or a Magistrate.

(2) When the additional evidence is taken by the Court of Session or the Magistrate, it or he shall certify such evidence to the Appellate Court, and such Court shall thereupon proceed to dispose of the appeal.

(3) Unless the Appellate Court otherwise directs, the accused or his pleader shall be present when the additional evidence is taken. [1][* * *].

(4) The taking of evidence under this section shall be subject to the provisions of Chapter XXV, as if it were an inquiry.

429. Procedure where Judges of Court of Appeal are equally divided. When the Judges composing the Court of Appeal are equally divided in opinion, the case, with their opinions thereon, shall be laid before another Judge of the same Court, and such Judge, after such hearing (if any) as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion.

430. Finality of orders on appeal. Judgments and orders passed by an Appellate Court upon appeal shall be final, except in the cases provided for in section 417 and Chapter XXXII.

431. Abatement of appeals. Every appeal under [2][section 411-A, sub-section (2), or section 417] shall finally abate on the death of the accused, and every other appeal under this Chapter (except an appeal from a sentence of fine) shall finally abate on the death of the appellant.

CHAPTER XXXII

OF REFERENCE AND REVISION

432 and 433. *[Reference by Presidency Magistrate to High Court. Disposal of case according to decision of High Court and direction as to costs.] Omitted by A.O.,1949, Schedule.*

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434. *[Power to reserve questions arising in original jurisdiction of High Court and procedure when question reserved.] Omitted by Criminal Procedure Amendment Act, 1943 (XXVI of 1943), s. 6.*

435. Power to call for records of inferior Courts.— (1) The High Court or any Sessions Judge [3][* * * * * * *] may call for and examine the record of any proceeding before any inferior Criminal Court situate within the local limits of its or his jurisdiction for the purpose of satisfying itself or himself as to the correctness, legality or propriety of any finding, sentence or order recorded or passed, and as to the regularity of any proceedings of such inferior Court [4][and may, when calling for such record, direct that the execution of any sentence be suspended and, if the accused is in confinement, that he be released on bail or on his own bond pending the examination of the record].

[1]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[2]Subs. by the Criminal Procedure Amendment Act, 1943 (XXVI of 1943), s. 5.
[3]Omitted by Ord. No. XII of 1972, s.2 and Sch.
[4]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 116.

[1][*Explanation.*— All Magistrates, shall be deemed to be inferior to the Sessions Judge for the purposes of this sub-section.]

(2) [1][* * * * * * *]

(3) [2][* * * * * * *]

(4) [1][* * * * * * *]

[1][**436. Power to order further inquiry.**— On examining any record under section 435 or otherwise—

(a) the High Court may direct the Sessions Judge to require an judicial Magistrate subordinate to him to make, and the Sessions Judge himself may direct [3][any] Magistrate subordinate to him to make, further inquiry into any complaint which has been dismissed under section 203 or sub-section (3) of section 204 [4][***]

(b) the High Court or the Sessions Judge may direct [3][any Magistrate] to make further inquiry into any proceeding in which an order of discharge or release has been made under section 119:

[4][* * * * * * * *]]

[5][**437.** *Power to order commitment]. Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.*

438. [1][* * * * * * *]

439. High Court's powers of revision.— (1) In the case of any proceeding the record of which has been called for by itself [6][* * *] or which otherwise comes to its knowledge, the High Court may, in its discretion, exercise any of the powers conferred on a Court of Appeal by sections [7][*], 423, 426, 427 and 428 or on a Court by section 338, and may enhance the sentence; and, when the Judges composing the Court of Revision are equally divided in opinion, the case shall be disposed of in manner provided by section 429.

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(2) No order under this section shall be made to the prejudice of the accused unless he has had an opportunity of being heard either personally or by pleader in his own defence.

(3) Where the sentence dealt with under this section has been passed by a Magistrate [1][* * *], the Court shall not inflict a greater punishment for the offence which, in the opinion of such Court, the accused has committed than might have been inflicted for such offence by [8][* * *] a Magistrate of the first class.

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[1]Subs. and omitted by the Law Reform Ordinance, 1972 (XII of 1972), s.2 and Sch.
[2]Omitted by the Act No. XVIII of 1923, s. 116.
[3]Subs. by Ordinance No. XXXVII of 2001, s.66.
[4]Omitted by the Law Reforms (Amdt.) Act, 1976 (XXI of 1976), s. 2 and Sch.
[5]This section which was originally numbered 436 was re-numbered 437, by Act 18 of 1923, s. 117.
[6]Omitted by the Law Reform Ordinance, 1972 (XII of 1972), s.2 and Sch.
[7]Omitted by Act No. XVIII of 1923, s. 119.
[8]The Words "a Presidency Magistrate or" omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.

[1][(4) Nothing in this section shall be deemed to authorise a High Court—

(a) to convert a finding of acquittal into one of conviction; or

(b) to entertain any proceedings in revision with respect to an order made by the Sessions Judge under section 439A.]

(5) Where under this Code an appeal lies and no appeal is brought, no proceedings by way of revision shall be entertained at the instance of the party who could have appealed.

[2][(6) Notwithstanding anything contained in this section, any convicted person to whom an opportunity has been given under sub-section (2) of showing cause why his sentence should not be enhanced shall, in showing cause, be entitled also to show cause against his conviction.]

[3][**439A. Sessions Judge's powers of revision.**— (1) In the case of any proceeding before a Magistrate the record of which has been called for by the Sessions Judge or which otherwise comes to his knowledge, the Sessions Judge may exercise any of the powers conferred on the High Court by section 439.

(2) An Additional Sessions Judge shall have and may exercise all the powers of a Sessions Judge under this Chapter in respect of any case which may be transferred to him under any general or special order of the Sessions Judge.]

440. Optional with Court to hear parties. No party has any right to be heard either personally or by pleader before any Court when exercising its powers of revision:

Provided that the Court may, if it thinks fit, when exercising such powers, hear any party either personally or by pleader, and that nothing in this section shall be deemed to affect section 439, sub-section (2).

441. *[Statement by Presidency Magistrate of grounds of his decision to be considered by High Court.] Omitted by A.O., 1949, Schedule.*

442. High Court's order to be certified to lower Court or Magistrate. When a case is revised under this Chapter by the High Court, it shall, in manner hereinbefore provided by section 425, certify its decision or order to the Court by which the finding, sentence or order revised was recorded or passed, and the Court or Magistrate to which the decision or order is so certified shall thereupon make such orders as are conformable to the decision so certified ; and, if necessary, the record shall be amended in accordance therewith.

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PART VIII
SPECIAL PROCEEDINGS

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[4]**CHAPTER XXXIII.**— [SPECIAL PROVISIONS RELATING TO CASES IN WHICH EUROPEAN AND PAKISTAN BRITISH SUBJECTS ARE CONCERNED.] *Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (II of 1950), Schedule.*

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[1]Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s.2 and Sch.
[2]Ins. by Act No. XVIII of 1923, s.119.
[3]Ins. by the Law Reforms Ordinance, 1972 (12 of 1972), s.2 and Sch.
[4]Chapter XXXIII (Sections 443 to 449) was subs. for the original Chapter XXXIII (sections 443 to 463) by the Criminal Law Amendment Act, 1923 (12 of 1923), s.27.

CHAPTER XXXIV

LUNATICS

464. Procedure in case of accused being lunatic.— (1) When a Magistrate holding an inquiry or a trial has reason to believe that the accused is of unsound mind and consequently incapable of making his defence, the Magistrate shall inquire into the fact of such unsoundness, and shall cause such person to be examined by the Civil Surgeon of the district or such other medical officer as the [1][Provincial Government] directs, and thereupon shall examine such Surgeon or other officer as a witness, and shall reduce the examination to writing.

[2][(1A) Pending such examination and inquiry, the Magistrate may deal with the accused in accordance with the provisions of section 466.]

(2) If such Magistrate is of opinion that the accused is of unsound mind and consequently incapable of making his defence, he [2][shall record a finding to that effect and] shall postpone further proceedings in the case.

465. Procedure in case of person [3][sent for trial] Court of Session or High Court being lunatic.— [4][(1) If any person before a Court of Session or a High Court appears to the Court at his trial to be of unsound mind and consequently incapable of making his defence, the Court shall, in the first instance, try the fact of such unsoundness and incapacity, and if the Court is satisfied of the fact, it shall record a finding to that effect and shall postpone further proceedings in the case.]

(2) The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the Court.

466. Release of lunatic pending investigation or trial.— (1) Whenever an accused person is found to be of unsound mind and incapable of making his defence, the Magistrate or Court, as the case may be, [5][whether the case is one in which bail may be taken or not], may release him on sufficient security being given that he shall be properly taken care of and shall be prevented from doing injury to himself or to any other person, and for his appearance when required before the Magistrate or Court or such officer as the Magistrate or Court appoints in this behalf.

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[6][(2) **Custody of lunatic.** If the case is one in which, in the opinion of the Magistrate or Court, bail should not be taken, or if sufficient security is not given, the Magistrate or Court, as the case may be, shall order the accused to be detained in safe custody in such place and manner as he or it may think fit, and shall report the action taken to the [7][Provincial Government]:

Provided that no order for the detention of the accused in a lunatic asylum shall be made otherwise than in accordance with such rules as the [7][Provincial Government] may have made under the Lunacy Act, 1912.]

467. Resumption of inquiry or trial.— (1) Whenever an inquiry or a trial is postponed under section 464 or section 465, the Magistrate or Court, as the case may be, may at any time resume the inquiry or trial, and require the accused to appear or be brought before such Magistrate or Court.

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[1]Subs. by A.O., 1937, for "L.G".
[2]Ins. by Act No. XVIII of 1923, s.120
[3]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[4]Subs. *ibid.*
[5]Subs. by Act No. XVIII of 1923, s.122.
[6]Subs. *ibid.*
[7]Subs. by A.O., 1937, for "L.G".

(2) When the accused has been released under section 466, and the sureties for his appearance produce him to the officer whom the Magistrate or Court appoints in this behalf, the certificate of such officer that the accused is capable of making his defence shall be receivable in evidence.

468. Procedure on accused appearing before Magistrate or Court.— (1) If, when the accused appears or is again brought before the Magistrate or the Court, as the case may be, the Magistrate or Court considers him capable of making his defence, the inquiry or trial shall proceed.

(2) If the Magistrate or Court considers the accused [1][*] to be still incapable of making his defence, the Magistrate or Court shall again act according to the provisions of section 464 or section 465, as the case may be, [2][and if the accused is found to be of unsound mind and incapable of making his defence, shall deal with such accused in accordance with the provisions of section 466].

[3][**469. When accused appears to have been insane.** When the accused appears to be of sound mind at the time of inquiry or trial, and the Magistrate or Court is satisfied from the evidence given before him or it that there is reason to believe that the accused committed an act which, if he had been of sound mind, would have been an offence, and that he was, at the time when the act was committed, by reason of unsoundness of mind, incapable of knowing the nature of the act or that it was wrong or contrary to law, the Magistrate or Court shall proceed with the case.]

470. Judgment of acquittal on ground of lunacy. Whenever any person is acquitted upon the ground that, at the time at which he is alleged to have committed an offence, he was, by reason of unsoundness of mind, incapable of knowing the nature of the act alleged as constituting the offence, or that it was wrong or contrary to law, the finding shall state specifically whether he committed the act or not.

471. Person acquitted on such ground to be detained in safe custody.— (1) Whenever [4][the finding] states that the accused person committed the act alleged, the Magistrate or Court before whom or which the trial has been held, shall, if such act would, but for the incapacity found, have constituted an offence, order such person to be [5][detained] in safe custody in such place and manner as the Magistrate or Court thinks fit, [6][and shall report the action taken to the [7][Provincial Government]] [8][* * *]:

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[6][Provided that no order for the detention of the accused in a lunatic asylum shall be made otherwise than in accordance with such rules as the [7][Provincial Government] may have made under the Lunacy Act, 1912.]

(2) [9][* * * * * * *]

(3) [9][* * * * * * *]

[1]Omitted by Act No. XVIII of 1923, s. 123.
[2]Added *ibid*.
[3]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[4]Subs. by Act No. XVIII of 1923, s.124.
[5]Subs. *ibid.*
[6]Ins.*ibid*.
[7]Subs. by A.O., 1937, for "L.G.".
[8]Rep. by the Repealing and Amending Act, 1914 (X of 1914), s.3 and Sch. II.
[9]Rep. by the Lunacy Act, 1912 (IV of 1912), s.101 and Sch., II.

[1][(2)] **Power of Provincial Government to relieve Inspector General of certain functions**. The [2][Provincial Government] may empower the officer incharge of the jail in which a person is confined under the provisions of section 466 or this section, to discharge all or any of the functions of the Inspector General of Prisons under [3][* *] section 473 or section 474.

472. *[Lunatic prisoner to be visited by Inspector General] Rep. by the Lunacy Act, 1912 (IV of 1912), S.101 and Schedule II.*

473. Procedure where lunatic prisoner is reported capable of making his defence. If such person is [4][detained] under the provisions of section 466, and [5][in the case of a person detained in a jail, the Inspector-General of Prisons, or, in the case of a person detained in a lunatic asylum, the visitors of such asylum or any two of them] shall certify that, in his or their opinion, such person is capable of making his defence, he shall be taken before the Magistrate or Court, as the case may be, at such time as the Magistrate or Court appoints, and the Magistrate or Court shall deal with such person under the provisions of section 468 ;and the certificate of such Inspector-General or visitors as aforesaid shall be receivable as evidence.

474. Procedure where lunatic detained under section 466 or 471 is declared fit to be released.— (1) If such person is [6][detained] under the provisions of section 466 or section 471, and such Inspector General or visitors shall certify that, in his or their judgment, he may be [7][released] without danger of his doing injury to himself or to any other person, the [2][Provincial Government] may thereupon order him to be [7][released] or to be detained in custody, or to be transferred to a public lunatic asylum if he has not been already sent to such an asylum ; and, in case it orders him to be transferred to an asylum, may appoint a Commission, consisting of a judicial and two medical officers.

(2) Such Commission shall make formal inquiry into the state of mind of such person, taking such evidence as is necessary, and shall report to the [2][Provincial Government], which may order his [8][release] or detention as it thinks fit.

[9][**475. Delivery of lunatic to care of relative or friend.**— (1) Whenever any relative or friend of any person detained under the provisions of section 466 or section 471 desires that he shall be delivered to his care and custody, the [2][Provincial Government] may, upon the application of such relative or friend and on his giving security to the satisfaction of such [2][Provincial Government] that the person delivered shall—

(a) be properly taken care of and prevented from doing injury to himself or to any other person, and

(b) be produced for the inspection of such officer, and at such times and places, as the [2][Provincial Government] may direct, and

(c) in the case of a person detained under section 466, be produced when required before such Magistrate or Court,

order such person to be delivered to such relative or friend.

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[1]Re-numbered by Act No. XVIII of 1923, s. 124.
[2]Subs. by A.O, 1937, for "L.G".
[3]Rep. by Act No. X of 1914, s.3 and Sch. II.
[4]Subs. by Act No. XVIII of 1923, s.125.
[5]Subs. *ibid.*
[6]Subs. by Act No. XVIII of 1923, s. 126.
[7]Subs. *ibid.*
[8]Subs. by Act No. XVIII of 1923, s.126.
[9]Subs. *ibid.*, s. 127.

(2) If the person so delivered is accused of any offence the trial of which has been postponed by reason of his being of unsound mind and incapable of making his defence, and the inspecting officer referred to in sub-section (1), clause (b), certifies at any time to the Magistrate or Court that such person is capable of making his defence, such Magistrate or Court shall call upon the relative or friend to whom such accused was delivered to produce him before the Magistrate or Court ; and, upon such production, the Magistrate or Court shall proceed in accordance with the provisions of section 468, and the certificate of the inspecting officer shall be receivable as evidence.]

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CHAPTER XXXV

PROCEEDINGS IN CASE OF CERTAIN OFFENCES AFFECTING THE ADMINISTRATION OF JUSTICE

[1][**476. Procedure in cases mentioned in section 195.**— (1) When any offence referred to in section 195, sub-section (1), clause (b) or clause (c), has been committed in, or in relation to, a proceeding in any Civil, Revenue or Criminal Court, the Court may take cognizance of the offence and try the same in accordance with the procedure prescribed for summary trials in Chapter XXII.

(2) When in any case tried under sub-section (1) the Court finds the offender guilty, it may, notwithstanding anything contained in sub-section (2) of section 262—

(a) pass any sentence on the offender authorised by law for such offence, except a sentence of death, or imprisonment for life, or imprisonment exceeding five years, if such Court be a High Court, a Court of Session, a District Court or any Court exercising the power of a Court of Session or a District Court ;

(b) sentence the offender to simple imprisonment for a term which may extend to three months, or to pay a fine not exceeding [2][one thousand rupees] or both, if such Court be a Court of a Magistrate of the first Class, a Civil Court other than a High Court, a District Court or a Court exercising the powers of a District Court, or a Revenue Court not inferior to the Court of Collector ;

(c) sentence the offender to simple imprisonment for a term not exceeding one month, or to pay a fine not exceeding fifty rupees, or both, if such Court be a Criminal Court or a Revenue Court other than a Court referred to in clause (a) or clause (b).

(3) The powers conferred on Civil, Revenue and Criminal Courts under this section may be exercised in respect of any offence referred to in sub-section (1) and alleged to have been committed in relation to any proceeding in such Court by the Court to which such former Court is subordinate within the meaning of sub-section (3) of section 195.

(4) Any person sentenced by any Court under this section may, notwithstanding anything hereinbefore contained, appeal—

[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[2]Subs. by the Law Reforms (Amdt.) Act, 1976 (XXI of 1976), s.2 and Sch.. (*w.e.f* 18-4-76).

(a) in the case of a sentence by the High Court, to the Supreme Court ;

(b) in the case of a sentence by a Court of Session, or District Court, or a Court exercising the powers of a Court of Session or a District Court, to the High Court ; and

(c) in any other case, to the Sessions Judge.

(5) The provisions of Chapter XXXI shall, so far as they are applicable, apply to appeals under this section and the Appellate Court may alter the finding or reduce or enhance the sentence appealed against.

476A. Forwarding of cases for trial by Courts having jurisdiction.— (1) If the Court in any case considers that the person accused of any of the offences referred to in section 476, sub-section (1), and committed in, or in relation to, any proceedings before it, should not be tried under that section, such Court may, after recording the facts constituting the offence and the statement of the accused person, as hereinbefore provided, forward the case to a Court having jurisdiction to try the case, and may require security to be given for the appearance of such accused person before such Court, or, if sufficient security is not given, shall forward such person in custody to such Court.

(2) The Court to which a case is forwarded under this section shall proceed to hear the complaint against the accused person in the manner hereinbefore provided.]

476B. *[Appeals.] Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.*

477. *[Power of Court of Session as to such offences comitted before itself.] Omitted by the Code of Criminal Procedure (Amendment) Act, 1923 (XVIII of 1923), s.129.*

478. *[Power of Civil or Revenue Courts to complete inquiry and commit to High Court or Court of Session.] Omitted by the Law Reforms Ordinance, 1972 (XII Of 1972), s. 2 and sch.*

479. *[Procedure of Civil or Revenue Court in such cases.] Omitted by the Law Reforms Ordinance 1972 (XII of 1972), s. 2 and sch.*

480. Procedure in certain cases of contempt.— (1) When any such offence as is described in section 175, section 178, section 179, section 180 or section 228 of the Pakistan Penal Code (Act XLV of 1860) is committed in the view or presence of any Civil, Criminal or Revenue Court, the Court may cause the offender [1][* * *] to be detained in custody and at any time before the rising of the Court on the same day may, if it thinks fit, take cognizance of the offence and sentence the offender to fine not exceeding two hundred rupees, and, in default of payment, to simple imprisonment for a term which may extend to one month, unless such fine be sooner paid.

(2) [2][* * * * * * *]

481. Record in such cases.— (1) In every such case the Court shall record the facts constituting the offence, with the statement (if any) made by the offender, as well as the finding and sentence.

(2) If the offence is under section 228 of the Pakistan Penal Code (Act XLV of 1860), the record shall show the nature and stage of the judicial proceeding in which the Court interrupted or insulted was sitting, and the nature of the interruption or insult.

[1]Rep. by the Criminal Law Amendment Act, 1923 (XII of 1923), s. 29.
[2]Omitted by Act No. II of 1950, s. 2 and Sch.

482. Procedure where Court considers that case should not be dealt with under section 480.— (1) If the Court in any case considers that a person accused of any of the offences referred to in section 480 and committed in its view or presence should be imprisoned otherwise than in default of payment of fine, or that a fine exceeding two hundred rupees should be imposed upon him, or such Court is for any other reason of opinion that the case should not be disposed of under section 480, such Court, after recording the facts constituting the offence and the statement of the accused as hereinbefore provided, may forward the case to a Magistrate having jurisdiction to try the same, and may require security to be given for the appearance of such accused person before such Magistrate, or if sufficient security is not given, shall forward such person in custody to such Magistrate.

(2) The Magistrate, to whom any case is forwarded under this section, shall proceed to hear the complaint against the accused person in manner hereinbefore provided.

483. When Registrar or Sub-Registrar to be deemed a Civil Court within sections 480 and 482. When the [1][Provincial Government] so directs, any Registrar or any Sub-Registrar appointed under the [2][Registration Act, 1908], [3][(XVI of 1908)] shall be deemed to be a Civil Court within the meaning of sections 480 and 482.

484. Discharge of offender on submission or apology. When any Court has under section 480 [3][or section 482] adjudged an offender to punishment [3][or forwarded him to a Magistrate for trial] for refusing or omitting to do anything which he was lawfully required to do or for any intentional insult or interruption, the Court may, in its discretion, discharge the offender or remit the punishment on his submission to the order or requisition of such Court, or on apology being made to its satisfaction.

485. Imprisonment or committal of person refusing to answer or produce document. If any witness or person called to produce a document or thing before a Criminal Court refuses to answer such questions as are put to him or to produce any document or thing in his possession or power which the Court requires him to produce, and does not offer any reasonable excuse for such refusal, such Court may, for reasons to be recorded in writing, sentence him to simple imprisonment, or by warrant under the hand of the presiding Magistrate or Judge commit him to the custody of an officer of the Court for any term not exceeding seven days, unless in the meantime such person consents to be examined and to answer, or to produce the document or thing. In the event of his persisting in his refusal, he may be dealt with according to the provisions of section 480 or section 482, and, in the case of a [5][High Court], shall be deemed guilty of a contempt.

486. Appeals from convictions in contempt cases.— (1) Any person sentenced by any Court under section 480 or section 485 may, notwithstanding anything hereinbefore contained, appeal to the Court to which decrees or orders made in such Court are ordinarily appealable.

(2) The provisions of Chapter XXXI shall, so far as they are applicable, apply to appeals under this section, and the Appellate Court may alter or reverse the finding, or reduce or reverse the sentence appealed against.

(3) [6][* * * * * * *]

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[1]Subs. by A.O., 1937, for "L.G.".
[2]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[3]Ins. by the Repealing and Amending Act, 1914 (X of 1914), s.2 and Sch. I.
[4]Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), s.3 and 2nd Sch. (*with effect from the 14th October, 1955*).
[5]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.

an appeal from such conviction by [1][a] Court of Small Causes shall lie to the Court of session for the sessions division within which such Court is situate.

(4) An appeal from such conviction by any officer as Registrar or Sub-Registrar appointed as aforesaid may, when such officer is also Judge of a Civil Court, be made to the Court to which it would, under the preceding portion of this section, be made if such conviction were a decree by such officer in his capacity as such Judge, and in other cases may be made to the District Judge, [2]* * *.

487. Certain Judges and Magistrates not to try offences referred to in section 195 when committed before themselves.— (1) Except as provided in sections [3][476,] [4][*] 480 and 485, no Judge of a Criminal Court or Magistrate, other than a Judge of a High Court [5][* * *], shall try any person for any offence referred to in section 195, when such offence is committed before himself or in contempt[6] of his authority, or is brought under his notice as such Judge or Magistrate in the course of a judicial proceeding.

(2) [7][* * * * * * *]

[8][CHAPTER XXXVI.— *[Of the Maintenance of Wives and Children.] Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981(XXVII of 1981), s. 2 and Second Schedule.*

CHAPTER XXXVII

DIRECTIONS OF THE NATURE OF A *Habeas Corpus*

491. Power to issue directions of the nature of a habeas corpus.— (1) [9][Any High Court] may, whenever it thinks fit, direct—

(a) that a person within the limits of its [10][appellate criminal jurisdiction] be brought up before the Court to be dealt with according to law;

(b) that a person illegally or improperly detained in public or private custody within such limits be set at liberty ;

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(c) that a prisoner detained in any jail situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court;

(d) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners [11][* * *] for trial or to be examined touching any matter pending before such Court-martial or Commissioners respectively ;

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[1]Subs. by the Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.
[2]Rep. by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), s. 3 and Sch. II.
[3]Ins. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[4]Omitted by Act No. XVIII of 1923, s. 130.
[5]Rep. by the Lower Burma Courts Act, 1900 (VI of 1900).
[6]As to trials for contempt of authority of a Criminal Court or Magistrate in Baluchistan, see the British Baluchistan Criminal Justice Regulation, 1896 (8 of 1896), Sch., Art. 16.
[7]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972) s. 2 and Sch.
[8]This chapter containing sections 488-490 have been amended previously by various enactments.
[9]Subs. by the Criminal Law Amendment Act, 1923 (XII of 1923), s. 30.
[10]Subs. *ibid*.
[11]The words "acting under the authority of any commission from the G.G in C." rep. by A.O., 1937.

(e) that a prisoner within such limits be removed from one custody to another for the purpose of trial; and

(f) that the body of a defendant within such limits be brought in on the Sheriff's return of *cepi corpus* to a writ of attachment.

[1][(1A) The High Court may, by general or special order published in the official Gazette, direct that all or any of its powers specifed in clauses (a) and (b) of sub-section (1) shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by—

(a) a Sessions Judge; or

(b) an Additional Sessions Judge,

within the territorial limits of a Session Division.]

(2) [2][The High Court] may, from time to time, frame rules to regulate the procedure in cases under this section.

[3][(3) Nothing in this section applies to persons detained under any law providing for preventive detention.]

[4]**491A.** *[Powers of High Court outside the limits of appellate jurisdiction.] Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (II of 1950), Schedule.*

PART IX
SUPPLEMENTARY PROVISIONS

CHAPTER XXXVIII
OF THE PUBLIC PROSECUTOR

492. Power to appoint Public Prosecutors.—(1) The [4][* *] [5][Provincial Government] may appoint, generally, or in any case, or for any specified class of cases, in any local area, one or more officers to be called Public Prosecutors.

(2) [6][* * *] [7][officer-in-charge of prosecution in the district] may, in the absence of the Public Prosecutor, or where no Public Prosecutor has been appointed, appoint any other person, not being an officer of police below [8][such rank as the [5][Provincial Government] may prescribe in this behalf] to be Public Prosecutor for the purpose of [9][any case].

[1]Ins. by Ord. No. VIII of 2002, s.2
[2]Subs. by the Criminal Law Amendment Act, 1923 (XII of 1923), s. 30.
[3]Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s.3 and Second Sch.
[4]The words "G.G in C. or the" rep. by A.O., 1937.
[5]Subs. *ibid.*, for "L.G.".
[6]Omitted by Act No. XVIII of 1923, s. 133.
[7]Subs. by Ord. No. XXXVII of 2001, s. 67.
[8]Subs. by Act No. XVIII of 1923, s. 133.
[9]Subs. *ibid.*

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493. Public Prosecutor may plead in all Courts in cases under his charge Pleaders privately instructed to be under his direction. The Public Prosecutor may appear and plead without any written authority before any Court in which any case of which he has charge is under inquiry, trial or appeal, and if any private person instructs a pleader to prosecute in any Court any person in any such case, the Public Prosecutor shall conduct the prosecution, and the pleader so instructed shall act therein, under his directions.

494. Effect of withdrawal from prosecution. Any Public Prosecutor [1][* * *] may, with the consent of the Court, [2][* * *] before the judgment is pronounced, withdraw from the prosecution of any person [3][either generally or in respect of any one or more of the offences for which he is tried] ; and upon such withdrawal,—

(a) if it is made before a charge has been framed, the accused shall be discharged [3][in respect of such offence or offences] ;

(b) if it is made after a charge has been framed, or when under this Code no charge is required, he shall be acquitted [3][in respect of such offence or offences].

495. Permission to conduct prosecutions.— (1) Any Magistrate inquiring into or trying any case may permit the prosecution to be conducted by any person other than an officer of police below the rank to be prescribed by the [4][Provincial Government] in this behalf [5][* * *] but no person, other than the Advocate General, Standing Counsel, Government Solicitor, Public Prosecutor or other officer generally or specially empowered by the [4][Provincial Government] in this behalf, shall be entitled to do so without such permission.

(2) Any such officer shall have the like power of withdrawing from the prosecution as is provided by section 494, and the provisions of that section shall apply to any withdrawal by such officer.

(3) Any person conducting the prosecution may do so personally or by a pleader.

(4) An officer of police shall not be permitted to conduct the prosecution if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted.

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CHAPTER XXXIX

OF BAIL

496. In what cases bail to be taken. When any person other than a person accused of a non-bailable offence is arrested or detained without warrant by an officer in charge of a police-station, or appears or is brought before a Court, and is prepared at any time while in the custody of such officer or at any stage of the proceedings before such Court to give bail, such person shall be released on bail : Provided that such officer or Court, if he or it thinks fit, may, instead of taking bail from such person, discharge him on his executing a bond without sureties for his appearance as hereinafter provided :

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[1]Rep. by Act No. XVIII of 1923, s. 134.
[2]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[3]Ins. by Act No. XVIII of 1923, s. 134.
[4]Subs. by A.O., 1937, for "L.G.".
[5]Rep. by the Devolution Act, 1920 (XXXVIII of 1920), s. 2 and Sch. I.

[1][Provided, further, that nothing in this section shall be deemed to affect the provisions of section 107, sub-section (4), or section 117, sub-section (3).]

497. When bail may be taken in case of non-bailable offence.— (1) When any person accused of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station, or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of [2][an offence punishable with death or [3][imprisonment for life or imprisonment for ten years]]:

[4][Provided that the Court may direct that any person under the age of sixteen years [5][or any woman] or any sick or infirm person accused of such an offence be released on bail [:][6]]

[5][Provided further that the Court shall, except where it is of the opinion that the delay in the trial of the accused has been occasioned by an act or omission of the accused or any other person acting on his behalf, direct that any person shall be released on bail—

(a) Who, being accused of any offence not punishable with death, has been detained for such offence for a continuous period exceeding one year or in case of a woman exceeding six months and whose trial for such offence has not concluded; or

(b) Who, being accused of an offence punishable with death, has been detained for such offence for a continuous period exceeding two years and in case of woman exceeding one year and whose trial for such offence has not concluded:

Provided further that the provisions of the foregoing proviso shall not apply to a previously convicted offender for an offence punishable with death or imprisonment for life or to a person who, in the opinion of the court, is a hardened, desperate or dangerous criminal or is accused of an act of terrorism punishable with death or imprisonment for life.].

(2) If it appears to such officer or Court at any stage of the investigation, inquiry or trial, as the case may be, that there are not reasonable grounds for believing that the accused has committed [7][a non-bailable offence], but that there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail, or, at the discretion of such officer or Court, on the execution by him of a bond without sureties for his appearance as hereinafter provided.

[8][(3) An officer or a Court releasing any person on bail under sub-section (1) or sub-section (2) shall record in writing his or its reasons for so doing.

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[1]Proviso ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 135.
[2]Subs. *ibid*., s. 136, for "the offence of which he is accused".
[3]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s.2 and Sch., for "transportation for life".
[4]Proviso and sub-sections (3) and (4) ins. by Act XVIII of 1923, s. 135.
[5]Ins., omitted and added by the Act VIII of 2011, s. 3. (for further clarity on the provisos of sub-section (1) of section 497, the original source i.e. the Gazette Notifications of Act No. XVIII of 1923, Law Reforms Ordinance (XII of 1972), Act No. XXV of 1974, Ordinance No. LXXI of 1979, Ordinance No. 1983, Act No. XIX of 1994, Ordinance No. LIV of 2001 and Act No. VIII of 2011 may be perused in the chronological sequence.
[6]Subs. by Act XXV of 1974, s.2 and Sch., for full-stop
[7]Subs. by Act XVIII of 1923, s. 135 for "such offence".
[8]Sub-sections (3) and (4) ins. *ibid*.) s. 135.

(4) If, at any time after the conclusion of the trial of a person accused of a non-bailable offence and before Judgment is delivered, the Court is of opinion that there are reasonable grounds for believing that the accused is not guilty of any such offence, it shall release the accused, if he is in custody on the execution by him of a bond without sureties for his appearance to hear judgment delivered.]

[1][(5) A High Court or Court of Session and, in the case of a person released by itself, any other Court may cause any person who has been released under this section to be arrested and may commit him to custody.]

498. Power to direct admission to bail or reduction of bail. The amount of every bond executed under this Chapter shall be fixed with due regard to the circumstances of the case, and shall not be excessive ; and the High Court or Court of Session may, in any case, whether there be an appeal on conviction or not, direct that any person be admitted to bail, or that the bail required by a police-officer or Magistrate be reduced.

[2][**498A. No bail to be granted to a person not in custody, in court or against whom no case is registered, etc.** Nothing in section 497 or section 498 shall be deemed to require or authorise a Court to release on bail, or to direct to be admitted to bail, any person who is not in custody or is not present in court or against whom no case stands registered for the time being and an order for the release of a person on bail, or a direction that a person be admitted to bail, shall be effective only in respect of the case that so stands registered against him and is specified in the order or direction.]

499. Bond of accused and sureties.— (1) Before any person is released on bail or released on his own bond, a bond for such sum of money as the police-officer or Court, as the case may be, thinks sufficient shall be executed by such person, and, when he is released on bail, by one or more sufficient sureties conditioned that such person shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the police-officer or Court, as the case may be.

(2) If the case so require, the bond shall also bind the person released on bail to appear when called upon at the High Court, Court of Session or other Court to answer the charge.

500. Discharge from custody.— (1) As soon as the bond has been executed, the person for whose appearance it has been executed shall be released ; and, when he is in jail, the Court admitting him to bail shall issue an order of release to the officer incharge of the Jail, and such officer on receipt of the order shall release him.

(2) Nothing in this section, section 496 or section 497 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

501. Power to order sufficient bail when that first taken is insufficient. If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient, the Court may issue a warrant of arrest directing that the person released on bail be brought before it and may order him to find sufficient sureties, and, on his failing so to do, may commit him to Jail.

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[1]Subs. by Act No. XVIII of 1923, s. 136.
[2]Ins. by Act No. XIII of 1976, s. 4 (*w.e.f.* 15-4-1976).

502. Discharge of sureties.— (1) All or any sureties for the attendance and appearance of a person released on bail may at any time apply to a Magistrate to discharge the bond, either wholly or so far as relates to the applicants.

(2) On such application being made, the Magistrate shall issue his warrant of arrest directing that the person so released be brought before him.

(3) On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicants, and shall call upon such person to find other sufficient sureties, and, if he falls to do so, may commit him to custody.

CHAPTER XL

OF COMMISSIONS FOR THE EXAMINATION OF WITNESSES

503. When attendance of witness may be dispensed with.— (1) Whenever, in the course of an inquiry, a trial or any other proceeding under this Code, it appears to [1][* * *], [2][* * *] a Court of Session or the High Court that the examination of a witness is necessary for the ends of Justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such [2][* *] Court may dispense with such attendance and may issue a commission to any [2][* * *] Magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

(2) [3][* * * * * * *]

[4][(2A) When the witness resides in an area in or in relation to which the President has extra-provincial jurisdiction within the meaning of the Extra-Provincial Jurisdiction Order, 1949 (G.G.O. No. 5 of 1949) the commission may be issued to such Court or officer in the area as may be recognised by the President by notification in the official Gazette has a Court or officer to which or to whom commissions may be issued under this sub-section and within the local limits of whose jurisdiction the witness resides.]

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[5][(2B) When the witness resides in the United Kingdom or any other country of the Commonwealth [6][* * *] or in the Union of Burma, [7][or any other country in which reciprocal arrangement in this behalf exists,] the commission may be issued to such Court or Judge having authority in this behalf in that country as may be specified by the [8][Federal Government] by [9]notification in the official Gazette.]

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[1]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.
[2]Omitted by ord. No. XXXVII of 2001, s. 68.
[3]Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s.3 and Second Sch.
[4]Subs. by the Federal Laws (Revision and Declaration) Ordinance 1981 (XXVII of 1981), s.3 and Second Sch.
[5]Subs. by Act No. XIV of 1950, s. 2.
[6]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[7]Ins. by the Civil and Criminal Procedure Codes (Amdt.) Ordinance, 1962 (LXVII of 1962), s. 2.
[8]Subs. by the Federal Adaptation Laws Order, 1975 (P.O. No. 4 of 1975), Art. 2 and Table.
[9]For instances of notifications *see* Gaz of P., 1960, Ext., pp 461-462, ibid., 1963, Pt.I-p.20.

(3) The Magistrate or officer to whom the commission is issued, [1][* * *] [2][* * *] shall proceed to the place where the witness is or shall summon the witness before him, and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of [3][cases] under this Code.

[4][(4) Where the commission is issued to such officer as is mentioned in sub-section (2A), he may, in lieu of proceeding in the manner provided in sub-section (3), delegate his powers and duties under the commission to any officer subordinate to him whose powers are not less than those of a Magistrate of the first class in Pakistan.]

504. *[Commission in case of witness being within Presidency-town] Omitted by A,O.,1949, Schedule.*

505. Parties may examine witnesses.—(1) The parties to any proceeding under this Code in which a commission is issued, may respectively forward any interrogatories in writing which the Magistrate or Court directing the commission may think relevant to the issue [5][and when the commission is directed to a Magistrate or officer mentioned in section 503, such Magistrate or the Officer] [6][to whom the duty of executing such commission has been delegated] shall examine the witness upon such interrogations.

(2) Any such party may appear before such Magistrate or [7][[8][*******]officer] by pleader, or if not in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

506. Power of [9][* *] Magistrate to apply for issue of commission. Whenever, in the course of an inquiry or a trial or any other proceeding under this Code before any Magistrate [10][* * *] [11][* * *] [10][* *] it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, [12][such Magistrate [10][* * *] shall apply to the Sessions Judge [10][* * * * * *]], stating the reasons for the application ; [12][and the Sessions Judge [10][* * * * * *]] may either issue a commission in the manner hereinbefore provided or reject the application.

507. Return of commission.—(1) After any commission issued under section 503 or section 506 has been duly executed, [13][* * *] it shall be returned, together with the deposition of the witness examined thereunder, to the Court out of which it issued ; and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

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[1]Omitted by the Federal Laws (Revision and Declaration) Ordinance 1981 (XXVII of 1981), s. 3 and Second Sch.
[2]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[3]Subs ibid.
[4]Subs. by the Federal Laws (Revision and Declaration) Ordinance 1981 (XXVII of 1981), s. 3 and Second Sch.
[5]Subs. by Act No. XIV of 1950, s. 2.
[6]Ins. by Act No. XVIII of 1950, s. 138.
[7]Subs. by Act No. XXVII of 1943, s. 3.
[8]Amended by Act No. XIV of 1950.
[9]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[10]Omitted by Ord. No. XXXVII of 2001, s. 69.
[11]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.
[12]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[13]Omitted by Act No. XIV of 1950, s. 4.

(2) Any deposition so taken, if it satisfies the conditions prescribed by section 33 of the Evidence Act, 1872 (1 of 1874), may also be received in evidence at any subsequent stage of the case before another Court.

508. Adjournment of inquiry or trial. In every case in which a commission is issued under section 503 or section 506, the inquiry, trial or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

[1][**508A. Application of this Chapter to commissions issued in Burma.** The provisions of sub-section (3) of section 503,[2][* * *] and so much of sections 505 and 507 as relates to the execution of a commission and its return by the Magistrate or officer to whom the commission is directed shall apply in respect of commissions issued [3][by any Court or Judge having authority in this behalf in the United Kingdom or in any other country of the Commonwealth [4][* * *] or in the Union of Burma [5][or any other country in which reciprocal arrangement in this behalf exists] under the law in force in that country] relating to commissions for the examination of witnesses, as they apply to commissions issued under section 503 or section 506.]

CHAPTER XLI

SPECIAL RULES OF EVIDENCE

509. Deposition of medical witness.—(1) The deposition of a Civil Surgeon or other medical witness, taken and attested by a Magistrate in the presence of the accused, or taken on commission under Chapter XL, may be given in evidence in any inquiry, trial or other proceeding under this Code, although the deponent is not called as a witness.

(2) **Power to summon medical witness.** The Court may, if it thinks fit, summon and examine such deponent as to the subject-matter of his deposition.

[6][**510. Report of Chemical Examiner, Serologist etc.** Any document purporting to be a report, under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government or any Serologist, finger-print expert or firearm expert [7][or the chemist or pharmacist or the Forensic Scientist or Hand-writing expert] appointed by Government, [8][or of the Chief Chemist of the Pakistan Security Printing Corporation, Limited,] upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may, without calling him as a witness, be used as evidence in any inquiry, trial or other proceeding under this Code:

Provided that the Court may, [9][if it considers necessary in the interest of justice], summon and examine the person by whom such report has been made.]

511. Previous conviction or acquittal how proved. In any inquiry, trial or other proceeding under this Code, a previous conviction or acquittal may be proved, in addition to any other mode provided by any law for the time being in force—

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[1]Ins. by Act No. XXXV of 1940, s.3.
[2]Rep. by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), s.3 and Sch. II.
[3]Subs. by Act No. XIV of 1950, s.5.
[4]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[5]Ins. by the Civil and Criminal Procedure Codes (Amendment) Ordinance, 1962 (LXVII of 1962) s.2.
[6]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[7]Ins. by Act No. XXXIII of 2022, s.2.
[8]Ins. by Ordinance No. V of 1983, s.2.
[9]Subs. by the Law Reforms (Amdt.) Act, 1976 (XXI of 1976), s.2 and Sch. (w.e.f. 18-4-76).

(a) by an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had to be a copy of the sentence or order ; or

(b) in case of a conviction, either by a certificate signed by the officer in charge of the jail in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered ;

together with, in each of such cases, evidence as to the identity of the accused person with the person so convicted or acquitted.

512. Record of evidence in absence of accused.— (1) If it is proved that an accused person has absconded, and that there is no immediate prospect of arresting him, the Court competent to try or [1][send for trial to the Court of Session or High Court] such person for the offence complained of may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution, and record their depositions. Any such deposition may, on the arrest of such person, be given in evidence against him on the inquiry into, or trial for, the offence with which he is charged, if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable.

(2) Record of evidence when offender unknown. If it appears that an offence punishable with death or [2][imprisonment for life] has been committed by some person or persons unknown, the High Court may direct that any Magistrate of the first class shall hold an inquiry and examine any witnesses who can give evidence concerning the offence. Any depositions so taken may be given in evidence against any person who is subsequently accused of the offence, if the deponent is dead or incapable of giving evidence or beyond the limits of [3][Pakistan].

CHAPTER XLII

PROVISIONS AS TO BONDS

513. Deposit instead of recognizance. When any person is required by any Court or officer to execute a bond, with or without sureties, such Court or officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or Government promissory notes to such amount as the Court or officer may fix, in lieu of executing such bond.

[4]**514. Procedure on forfeiture of bond.**— (1) Whenever it is proved to the satisfaction of the Court by which a bond under this Code has been taken, or of the Court of a [5][* * *] Magistrate of the first class,

or, when the bond is for appearance before a Court, to the satisfaction of such Court,

that such bond has been forfeited, the Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

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[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[2]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s.2 and Sch. (*w.e.f.* 13-4-1972).
[3]Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (XXI of 1960), s.3 and 2nd Sch. (*with effect from the 14th October, 1955*).
[4]S. 514 applies to all cases requiring security for good behaviour under the Punjab Frontier Crossing Regulation, 1873 (7 of 1873), s.6.
[5]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.

(2) If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the moveable property belonging to such person or his estate if he be dead.

(3) Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorize the [1][attachment] and sale of any moveable property belonging to such person without such limits, when endorsed by the [2][District Officer (Revenue)] [3][* * *] within the local limits of whose jurisdiction such property is found.

(4) If such penalty is not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

(5) The Court may, at its discretion, remit any portion of the penalty mentioned and enforce payment in part only.

(6) Where a surety to a bond dies before the bond is forfeited, his estate shall be discharged from all liability in respect of the bond [4][* * *].

[5][(7) When any person who has furnished security under section 106 or section 118 [6][* * *] is convicted of an offence the commission of which constitutes a breach of the conditions of his bond, or of a bond executed in lieu of his bond under section 514B, a certified copy of the judgment of the Court by which he was convicted of such offence may be used as evidence in proceedings under this section against his surety or sureties, and, if such certified copy is so used, the Court shall presume that such offence was committed by him unless the contrary is proved.]

[7][**514A. Procedure in case of insolvency or death of surety or when a bond is forfeited.** When any surety to a bond under this Code becomes insolvent or dies, or when any bond is forfeited under the provisions of section 514, the Court by whose order such bond was taken, or a [8][* * *] Magistrate of the first class, may order the person from whom such security was demanded to furnish fresh security in accordance with the directions of the original order, and, if such security is not furnished, such Court or Magistrate may proceed as if there had been a default in complying with such original order.

514B. Bond required from a minor. When the person required by any Court or officer to execute a bond is a minor, such Court or officer may accept, in lieu thereof, a bond executed by a surety or sureties only.]

[2][**515. Appeals from, and revision of, orders under section 514.**— All orders passed by any Magistrate under section 514 shall be appealable to the Sessions Judge or, if no appeal is preferred against any such order, may be revised by the Sessions Judge.]

516. Power to direct levy of amount due on certain recognizances. The High Court or Court of Session may direct any Magistrate to levy the amount due on a bond to appear and attend at such High Court or Court of Session.

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[1]Subs. by Act No. XVIII of 1923, s. 139.
[2]Subs. by Ord. No. XXXVII of 2001, s.70-71.
[3]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.
[4]Omitted by Act No. XVIII of 1923, s. 139.
[5]Ins. *ibid*.
[6]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[7]Ins. by Act No. XVIII of 1923, s. 140.
[8]Omitted by the Adaptation of Central Acts and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.

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CHAPTER XLIII

OF THE DISPOSAL OF PROPERTY

[1][**516A. Order for custody and disposal of property pending trial in certain cases.** When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before any Criminal Court during any inquiry or trial, the Court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and, if the property is subject to speedy or natural decay, may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of [2][:]]

[3][Provided that, if the property consists of explosive substance, the Court shall not order it to be sold or handed over to any person other than a Government department or office dealing with, or to an authorised dealer in, such substances [4][:]

[4][Provided further that if the property is a dangerous drug, intoxicant, intoxicating liquor or any other narcotic substance seized or taken into custody under the Dangerous Drugs Act, 1930 (II of 1930), the Customs Act, 1969 (IV of 1969), the Prohibition (Enforcement of Hadd) Order, 1979 (P.O. 4 of 1979), or any other law for the time being in force, the Court may, either on an application or of its own motion and under its supervision and control, obtain and prepare such number of samples of the property as it may deem fit for safe custody and production before it or any other court and cause destruction of the remaining portion of the property under a certificate issued by it in that behalf:

Provided also that such samples shall be deemed to be whole of the property in an inquiry or proceedings in relation to such offence before any authority or court.]

517. Order for disposal of property regarding which offence committed.— (1) When an inquiry or a trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal [5][by destruction, confiscation, or delivery to any person claiming to be entitled to possession thereof or otherwise] of any property or document produced before it or in its custody or regarding which any offence appears to have been committed, or which has been used for the commission of any offence.

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(2) When a High Court or a Court of Session makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried into effect by the [6][District Officer (Revenue)].

[7][(3) When an order is made under this section such order shall not, except where the property is livestock or subject to speedy and natural decay, and save as provided by sub-section (4), be carried out for one month, or, when an appeal is presented, until such appeal has been disposed of.

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[1]Ins. by Act No. XVIII of 1923, s. 141.
[2]Subs. by the Criminal Laws (Amdt.) Ordinance, 1981 (XXXIII of 1981), s.3.
[3]Added *ibid*.
[4]Subs. & added. by Act No. VII of 1993, s. 3.
[5]Ins. by Act No. XVIII of 1923, s. 142.
[6]Subs. by Ord. No. XXXVII of 2001, s. 72.
[7]Ins. by Act No. XVIII of 1923, s. 142.

(4) Nothing in this section shall be deemed to prohibit any Court from delivering any property under the provisions of sub-section (1) to any person claiming to be entitled to the possession thereof, on his executing a bond with or without sureties to the satisfaction of the Court, engaging to restore such property to the Court if the order made under this section is modified or set aside on appeal.]

Explanation.— In this section the term "property" includes in the case of property regarding which an offence appear to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

518. Order may take form of reference [1][* * * * *]. In lieu of itself passing an order under section 517, the Court may direct the property to be delivered to [1][a Magistrate of the first class] who shall in such cases deal with it as if it had been seized by the police and the seizure had been reported to him in the manner hereinafter mentioned.

519. Payment to innocent purchaser of money found on accused. When any person is convicted of any offence which includes, or amounts to, theft or receiving stolen property, and it is proved that any other person has bought the stolen property from him without knowing, or having reason to believe, that the same was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

520. Stay of order under section 517,518 or 519. Any Court of appeal, confirmation, reference or revision may direct any order under section 517, section 518, or section 519, passed by a Court subordinate thereto, to be stayed pending consideration by the former Court, and may modify, alter or annul such order and make any further orders that may be just.

521. Destruction of libellous and other matter.— (1) On a conviction under the Pakistan Penal Code (XLV of 1860), section 292, section 293, section 501 or section 502, the Court may order the destruction of all the copies of that thing in respect of which the conviction was had, and which are in the custody of the Court or remain in the possession or power of the person convicted.

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(2) The Court may, in like manner, on a conviction under the Pakistan Penal Code (XLV of 1860), section 272, section 273, section 274 or section 275, order the food, drink, drug or medical preparation in respect of which the conviction was had to be destroyed.

522. Power to restore possession of immoveable property.— (1) Whenever a person is convicted of an offence, [2][of cheating or forgery or of an offence] attended by criminal force [3][or show of force or by criminal intimidation] and it appears to the Court that by such [2][cheating forgery,] force [3][or show of force or criminal intimidation] any person has been dispossessed of any immoveable property, the Court may, if it thinks fit, [3][when convicting such person

[1]Omitted and Subs. by Ord. No. XXXVII of 2001, s. 73.
[2]Ins. by Ordinance No. XVII of 1984, s. 2.
[3]Ins. by Act No. XVIII of 1923, s. 143.

or at any time within one month from the date of the conviction] order [1][the person dispossessed] to be restored to the possession of the same [2][, whether such property is in the possession or under the control of the person convicted or of any other person to whom it may have been transferred for any consideration or otherwise.]

(2) No such order shall prejudice any right or interest to or in such immovable property which any person may be able to establish in a civil suit.

[3][(3) An order under this section may be made by any Court of appeal, confirmation, reference or revision.]

[4][**522A. Power to restore possession of moveable property.**— (1) Whenever a person is convicted of an offence of criminal mis-appropriation of property or criminal breach of trust or cheating or forgery and it appears to the Court that, by such mis-appropriation, breach of trust, cheating or forgery, any person has been dispossessed or otherwise deprived of any moveable property, the Court may, if thinks fit, when convicting such person or at any time within one month from the date of the convection, order the person dispossessed or deprived of the property, where such property can be identified, to be restored to the possession of such property, whether such property is in the possession or under the control of the person convicted or of any other person to whom it may have been transferred for any consideration or otherwise.

(2) Where the property referred to in sub-section (1) cannot be identified or has been disposed of by the accused so that it may not be identified, the Court may order such compensation to be paid to the person dispossessed or deprived of such property as it may determine in the circumstances of the case.

(3) No order referred to in sub-section (1) or sub-section (2) shall prejudice any right or interest in any moveable property which any person may be able to establish in a civil suit.]

523. Procedure by police upon seizure of property taken under section 51 or stolen.— (1) The seizure by any police-officer of property taken under section 51, or alleged or suspected to have been stolen, or found under circumstances which create suspicion of the commission of any offence, shall be forthwith reported to a Magistrate, who shall make such order as he thinks fit respecting the disposal of such property or the delivery of such property to the person entitled to the possession thereof, or, if such person cannot be ascertained, respecting the custody and production of such property.

[5][(2) **Procedure where owner of property seized unknown**. If the person so entitled is known, the Magistrate may order the property to be delivered to him on such conditions (if any) as the Magistrate thinks fit. If such person is unknown, the Magistrate may detain it and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such proclamation.

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[1]Subs. by Act No. XVIII of 1923, s. 143.
[2]Added by Ordinance No. XVII of 1984, s. 2.
[3]Ins. by Act No. XVIII of 1923, s. 143.
[4]Ins. by Ordinance No. XVII of 1984, s. 3.
[5]Amended in its application to the Pronvice of Punjab-*see* West Punjab Ordinance 3 of 1948.

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524. Procedure where no claimant appears within six months.— (1) If no person within such period establishes his claim to such property, and if the person in whose possession such property was found, is unable to show that it was legally acquired by him, such property shall be at the disposal of the [1][Provincial Government], and may be sold under the orders of the [2][* *], [3][Magistrate of the First Class] empowered by the [4][Provincial Government] in this behalf.

(2) In the case of every order passed under this section, an appeal shall lie to the Court to which appeals against sentences of the Court passing such order would lie.

525. Power to sell perishable property. If the person entitled to the possession of such property is unknown or absent and the property is subject to speedy and natural decay, [5][or if the Magistrate] to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, [6][or that the value of such property is less than ten rupees] the Magistrate may at any time direct it to be sold; and the provisions of sections 523 and 524 shall, as nearly as may be practicable, apply to the nett proceeds of such sale.

CHAPTER XLIV

OF THE TRANSFER OF CRIMINAL CASES

526. High Court may transfer case or itself try it.— (1) Whenever it is made to appear to the High Court:—

(a) that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto, or

(b) that some question of law of unusual difficulty is likely to arise, or

(c) that a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same, or

(d) that an order under this section will tend to the general convenience of the parties or witnesses, or

(e) that such an order is expedient for the ends of justice, or is required by any provision of this Code; it may order—

(i) that any offence be inquired into or tried by any Court not empowered under sections 177 to 184 (both inclusive), but in other respects competent to inquire into or try such offence;

(ii) that any particular [7][*] case or appeal, or class of [8][*] cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction;

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[1]Subs. by A.O., 1937, for "Govt.".
[2]Omitted by the Adaptation of Central Laws and Ordinances Order, 1949 (Order No. 4 of 1949), Art. 3 and Sch.
[3]Subs. by Ord. No. XXXVII of 2001, s. 74. (*w.e.f. 14-08-2001).*
[4]Subs. by A.O., 1937, for "L.G.".
[5]Subs. by Act. No. XVIII of 1923, s. 144.
[6]Ins. *ibid*.
[7]Omitted by Act No. XVIII of 1923, s. 145.
[8]Omitted *ibid.*

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(iii) that any particular [1][*] case or appeal be transferred to and tried before itself; or

(iv) that an accused person be [2][sent] for trial to itself or to a Court of Session.

(2) When the High Court withdraws for trial before itself any case from any Court [3][* * *] it shall, [4][* * *] observe in such trial the same procedure which that Court would have observed if the case had not been so withdrawn.

(3) The High Court may act either on the report of the lower Court, or on the application of a party interested, or on its own initiative.

(4) Every application for the exercise of the power conferred by this section shall be made by motion, which shall, except when the applicant is the Advocate General, be supported by affidavit or affirmation.

(5) When an accused person makes an application under this section, the High Court may direct him to execute a bond, with or without sureties, conditioned that he will, if [5][so ordered] pay [6][any amount which the High Court [7][may under this section award by way of Compensation] to the person opposing the application.]

(6) **Notice to Public Prosecutor of application under this section**. Every accused person making any such application shall give to the Public Prosecutor notice in writing of the application, together with a copy of the grounds on which it is made; and no order shall be made on the merits of the application unless at least twenty-four hours have elapsed between the giving of such notice and the hearing of the application.

[8][(6A) Where any application for the exercise of the power conferred by this section is dismissed, the High Court may, if it is of opinion that the application was frivolous or vexatious, order the applicant to pay by way of [9][compensation] to any person who has opposed the application [10][such sum not exceeding [11][five hundred rupees] as it may consider proper in the circumstances of the case].]

(7) Nothing in this section shall be deemed to affect any order made under section 197.

[12][(8) In an inquiry under Chapter VIII or any trial, the fact that any party intimates to the Court at any stage that he intends to make an application under this section shall not require the Court to adjourn the case; but the Court shall not pronounce its final judgment or order until the application has been finally disposed of by the High Court and, if the application is accepted by the High Court, the proceedings taken by the Court subsequent to the intimation made to it shall, at the option of the accused, be held afresh.]

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[1]Omitted by Act No. XVIII of 1923, s. 145.
[2]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[3]Omitted by A.O., 1949, Sch.
[4]The words figure and comma, "except as provided in section 267," omitted by Ordinance XII of 1972, s. 2. and Sch.
[5]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (18 of 1923), s. 145, for "convicted".
[6]Subs. *ibid*., for "the costs of the Prosecutor".
[7]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1932 (21 of 1932), s.2 for "has power under this section to award by way of costs".
[8]Sub-section (6A) ins. by Act XVIII of 1923, s. 145.
[9]Subs. by Act 21 of 1932, s.2 for "costs".
[10]Subs. *ibid*., for "any expenses reasonably incurred by such person in consequence of the application".
[11]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch. For "two hundred and fifty rupees".
[12]Subs. by the Law Reforms (Amdt.) Act, 1976 (Act No. XXI of 1976), s. 2 and Sch.

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(10) If, before the argument (if any) for the admission of an appeal begins, or, in the case of an appeal admitted, before the argument for the appellant begins, any party interested intimates to the Court that he intends to make an application under this section, the Court shall, upon such party executing, if so required, a bond without sureties of an amount not exceeding [1][five hundred rupees] that he will make such application within a reasonable time to be fixed by the Court, postpone the appeal for such a period as will afford sufficient time for the application to be made and an order to be obtained thereon.]

[2][**526A.** *[High Court to transfer for trial to itself in certain cases. Omitted by the Code of Criminal Procedure (Amdt.) Ordinance, 1969 (20 of 1969), S. 2 (w.e.f. 29-7-1969).*

527. Power of Provincial Government to transfer cases and appeals.— (1) The [4][Provincial Government] may, by notification in 3[official Gazette], direct the transfer of any particular [5][*] case or appeal from one High Court to another High Court, or from any Criminal Court subordinate to one High Court, to any other Criminal Court of equal or superior jurisdiction subordinate to another High Court, whenever it appears to [6][it] that such transfer will promote the ends of justice, or tend to the general convenience of parties or witnesses :

[7][Provided that no case or appeal shall be transferred to a High Court or other Court in another Province without the consent of the Provincial Government of that Province.]

(2) The Court to which such case or appeal is transferred shall deal with the same as if it had been originally instituted in, or presented to, such Court.

528. Sessions Judge may withdraw cases from Assistant Sessions Judge.— [8][(1) Any Sessions Judge may withdraw any case from, or recall any case which he has made over to, any Assistant Sessions Judge subordinate to him.]

[9][(1A) At any time before the trial of the case or the hearing of the appeal has commenced before the Additional Sessions Judge, any Sessions Judge may recall any case or appeal Which he has made over to any Additional Sessions Judge.

(1B) Where a Sessions Judge withdraws or recalls a case under sub-section (1) or recalls a case or appeal under sub-section (1A), he may either try the case in his own Court or hear the appeal

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[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch. For "two hundred rupees."
[2]This section has previously been amended by various enactments.
[3]Subs. by A.O., 1937, for "G.G, in C".
[4]Subs. *ibid*., for "Gazette of India".
[5]The word "criminal" rep. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 146.
[6]Subs. by A.O., 1937, for "him".
[7]Proviso ins., *ibid*.
[8]Sub-section (1) ins. by Act XVIII of 1923, s. 147.
[9]Sub-sections (1A) and (1B) ins. by the Code of Criminal Procedure (Amdt.) Act, 1946 (III of 1946), s.2.

himself, or make it over in accordance with the provisions of this Code to another Court for trial or hearing, as the case may be.]

[1][(1C) Any Sessions Judge may withdraw any case from, or recall any case which he has made over to, any Magistrate subordinate to him, and may refer it for inquiry or trial to any other such Magistrate competent to inquire into or try the same.

[2][* * * * * * *]]

(2) [1][* * * * * * *]

(3) [1][* * * * * * *]

[3][(4) Any Magistrate may recall any case made over by him under section 192, sub-section (2), to any other Magistrate and may inquire into or try such case himself.]

[4][(5)] A Magistrate making an order under [this]* [5][preceding sub-section] shall record in writing his reasons for making the same.

(6) [6][* * * * * * *]

528A. [7][* * * * * * *]

[8]**CHAPTER XLIVA.**— *[SUPPLEMENTARY PROVISIONS RELATING TO EUROPEAN AND PAKISTAN BRITISH SUBJECTS AND OTHERS.]Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (II of 1950), s. 2 and Schedule.*

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CHAPTER XLV

OF IRREGULAR PROCEEDINGS

529. Irregularities which do not vitiate proceedings. If any Magistrate not empowered by law to do any of the following things, namely:—

(a) to issue a search warrant under section 98;

(b) to order, under section 155, the police to investigate an offence;

(c) to hold an inquest under section 176;

(d) to issue process, under section 186, for the apprehension of a person within the local limits of his jurisdiction who has committed an offence outside such limits;

(e) to take cognizance of an offence under section 190, sub-section (1), clause (a) or clause (b) ;

[1]Subs. by the Law Reforms (Amdt.) Act, 1976 (XXI of 1976), s. 27 and Sch.
[2]Omitted by the Legal Reforms Act, 1997 (Act No. XXIII of 1997), s. 2.
[3]Sub-section (4) ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s.147.
[4]Original sub-sections (1), (2) and (3) were re-numbered as (2), (3) and (5) respectively, by Act No. XVIII of 1923, s. 137.
[5]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch., for "section".
[6]Sub-section (6) omitted by A.O., 1949, Sch.
[7]Omitted by Ord. XXXVII of 2001, s.75.
[8]Chapter XLIVA (ss. 528A to 528 D) was ins. by the Criminal Law Amendment Act, 1923 (XII of 1923), s.33.
*Sic should read as "the".

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(f) to transfer a case under section 192;

(g) to tender a pardon under section 337 or section 338;

(h) to sell property under section 524 or section 525; or

(i) to withdraw a case and try it himself under section 528;

erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so empowered.

530. Irregularities which vitiate proceedings. If any Magistrate, not being empowered by law in this behalf, does any of the following things, namely:—

(a) attaches and sells property under section 88;

(b) issues a search-warrant for a letter, parcel or other thing in the Post Office, or a telegram in the Telegraph Department;

(c) demands security to keep the peace;

(d) demands security for good behaviour;

(e) discharges a person lawfully bound to be of good behaviour;

(f) cancels a bond to keep the peace;

(g) makes an order under section 133 as to a local nuisance;

(h) prohibits, under section 143, the repetition or continuance of a public nuisance;

(i) issues an order under section 144;

(j) makes an order under Chapter XII;

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(k) takes cognizance, under section 190, sub-section (1) clause (c), of an offence;

(l) passes a sentence, under section 349, on proceedings recorded by another Magistrate;

(m) calls, under section 435, for proceedings;

(n) [1][* * * * * * *]

(o) revises, under section 515, an order passed under section 514;

(p) tries an offender;

(q) tries an offender summarily; or

[1]Clause (n) omitted by the Federal Law (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s. 3 and Second Sch.

(r) decides an appeal;

his proceedings shall be void.

531. Proceedings in wrong place. No finding, sentence or order of any Criminal Court shall be set aside merely on the ground that the inquiry, trial or other proceeding in the course of which it was arrived at or passed, took place in a wrong sessions division, district, sub-division or other local area, unless it appears that such error has in fact occasioned a failure of justice.

[1]**532.** *[When irregular commitments may be validated.] Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.*

533. Non-compliance with provisions of section 164 or 364.— (1) If any Court, before which a confession or other statement of an accused person recorded or purporting to be recorded under section 164 or section 364 is tendered or has been received in evidence, finds that any of the provisions of either of such sections have not been complied with by the Magistrate recording the statement, it shall take evidence that such person duly made the statement recorded; and, notwithstanding anything contained in the Evidence Act, 1872 (I of 1872), section 91, such statement shall be admitted if the error has not injured the accused as to his defence on the merits.

(2) The provisions of this section apply to Courts of Appeal, Reference and Revision.

[2]**534.** *[Omission to give information under section 447.] Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (II of 1950), Schedule.*

535. Effect of omission to prepare charge.— (1) No finding or sentence pronounced or passed shall be deemed invalid merely on the ground that no charge was framed, unless, in the opinion of the Court of appeal or revision, a failure of justice has in fact been occasioned thereby.

(2) If the Court of appeal or revision thinks that a failure of justice has been occasioned by an omission to frame a charge, it shall order that a charge be framed, and that the trial be recommenced from the point immediately after the framing of the charge.

[1]**536.** *[Trial by jury of offence triable with assessors.] Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.*

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[3][**537. Finding or sentence when reversible by reason of error or omission in charge or other proceedings.**— Subject to the provisions hereinbefore contained, no finding, sentence or order passed by a Court of competent jurisdiction shall be reversed or altered under Chapter XXVII or on appeal or revision on account—

(a) of any error, omission or irregularity in the complaint, report by police-officer under section 173, summons, warrant, charge, proclamation, order, judgment or other proceedings before or during trial or in any inquiry or other proceedings under this Code, or

(b) of any error, omission or irregularity in the mode of trial, including any misjoinder of charges, unless such error, omission or irregularity has in fact occasioned a failure of justice.

[1] Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[2]The original s. 534 was subs. by the Criminal Law Amendment Act, 1923 (XII of 1923), s.34.
[3]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch. for section 537, which has previously been amended by various enactments.

Explanation.— In determining whether any error, omission or irregularity in any proceeding under this Code has occasioned a failure of Justice, the Court shall have regard to the fact whether the objection could and should have been raised at an earlier stage in the proceedings.]

[1][* * * * * * *]

538. Attachment not illegal, person making same not trespasser for defect or want of form in proceedings. No [2][attachment] made under this Code shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, writ of [2][attachment] or other proceedings relating thereto.

CHAPTER XLVI

MISCELLANEOUS

539. Courts and persons before whom affidavits may be sworn. Affidavits and affirmations to be used before any High Court or any officer of such Court may be sworn and affirmed before such Court [3][* * *] or any Commissioner or other person appointed by such Court for that purpose or any Judge, or any Commissioner for taking affidavits in any Court of Record in [4][Pakistan] [5][* * *].

[6][**539A. Affidavit in proof of conduct of public servant.**— (1) When any application is made to any Court in the course of any inquiry, trial or other proceeding under this Code, and allegations are made therein respecting any public servant, the applicant may give evidence of the facts alleged in the application by affidavit, and the Court may, if it thinks fit, order that evidence relating to such facts be so given.

An affidavit to be used before any Court other than a High Court under this section may be sworn or affirmed in the manner prescribed in section 539, or before any Magistrate.

Affidavits under this section shall be confined to, and shall state separately, such facts as the deponent is able to prove from his own knowledge and such facts as he has reasonable grounds to believe to be true, and, in the latter case, the deponent shall clearly state the grounds of such belief.

(2) The Court may order any scandalous and irrelevant matter in an affidavit to be struck out or amended.]

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[7][**539B. Local inspection.**— (1) Any Judge or Magistrate may at any stage of any inquiry, trial or other proceeding, after due notice to the parties, visit and inspect any place in which an offence is alleged to have been committed, or any other place which it is in his opinion necessary to view for the purpose of properly appreciating the evidence given at such inquiry or trial, and shall without unnecessary delay record a memorandum of any relevant facts observed at such inspection.

(2) Such memorandum shall form part of the record of the case. If the Public Prosecutor, complainant or accused so desires, a copy of the memorandum shall be furnished to him free of cost [8][.]

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[1]The illustration rep. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 148.
[2]Subs. *ibid*., s. 149, for "distress".
[3]The words "or the [Clerk of the State]" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch., The words in crotchets were subs. by A.O., 1961, Art. 2 and Sch., for "Clerk of the Crown" (*w.e.f* 23.3.1956).
[4]Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (XXI of 1960), s.3 and 2nd Sch., (*with effect from the 14th October, 1955*), for "the Provinces and the Capital of the Federation", which had been subs. by A.O., 1949, Arts. 3(2) and 4, for "British India".
[5]Certain words omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s.3 and 2nd Sch.
[6]S. 539A ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 150.
[7]S. 539B ins. by Act XVIII of 1923, s.150.
[8]Subs. by Ordinance XII of 1972, s.2 and Sch., for colon.

[1][* * * * * * *]

540. Power to summon material witness or examine person present. Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person if his evidence appears to it essential to the just decision of the case.

[2][**540A. Provision for inquiries and trial being held in the absence of accused in certain cases.**— (1) At any stage of an inquiry or trial under this Code, where two or more accused are before the Court, if the Judge or Magistrate is satisfied, for reasons to be recorded, that any one or more of such accused is or are incapable of remaining before the Court, he may, if such accused is represented by a pleader, dispense with his attendance and proceed with such inquiry or trial in his absence, and may, at any subsequent stage of the proceedings, direct the personal attendance of such accused.

(2) If the accused in any such case is not represented by a pleader, or if the Judge or Magistrate considers his personal attendance necessary, he may, if he thinks fit, and for reasons to be recorded by him, either adjourn such inquiry or trial, or order that the case of such accused be taken up or tried separately.]

541. Power to appoint place of imprisonment.— (1) Unless when otherwise provided by any law for the time being in force, the [3][Provincial Government] may direct in what place any person liable to be imprisoned or committed to custody under this Code shall be confined.

(2) **Removal to criminal jail of accused or convicted persons who are in confinement in civil jail, and their return to the civil jail.** If any person liable to be imprisoned or committed to custody under this Code is in confinement in a civil jail, the Court or Magistrate ordering the imprisonment or committal may direct that the person be removed to a criminal jail.

(3) When a person is removed to a criminal Jail under [4][sub-section (2)], he shall, on being released therefrom, be sent back to the civil Jail, unless either—

(a) three years have elapsed since he was removed to the criminal Jail, in which case he shall be deemed to have been discharged from the civil Jail under Section [5][58 of the Code of Civil Procedure, 1908 [6][(Act V of 1908)],]: or

(b) the Court which ordered his imprisonment in the civil jail has certified to the officer in charge of the criminal jail that he is entitled to be discharged under section [5][58 of the Code of Civil Procedure, 1908 [6][(Act V of 1908)]].

542. *[Power of Presidency Magistrate to order prisoner in jail to be brought up for examination.] Rep. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), S. 3 and II Schedule.*

543. Interpreter to be bound to interpret truthfully. When the services of an interpreter are required by any Criminal Court for the interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

[1]Proviso omitted by Ordinance XII of 1972, s.2 and Sch.
[2]Section 540A ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 151.
[3]Subs. by A.O., 1937, for "L.G.".
[4]Subs. for "sub-section (1)" by the Repealing and Amending act, 1924 (VII of 1924), s.2 and Sch. I.
[5]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch., for "341-342 of the Code Civil Procedure".
6Subs. *ibid.*, item 209 for "XVI of 1882".

544. Expenses of complainants and witnesses. Subject to any rules[1] made by the [2][Provincial Government], [3][* * *] any Criminal Court may, if it thinks fit, order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purposes of any inquiry, trial or other proceeding before such Court under this Code.

[4][**544A. Compensation to the heirs of the person killed, etc.**— [5][(1) Whenever a person is convicted of an offence in the commission whereof the death of, or hurt, injury, or mental anguish or psychological damage, to, any person is caused, or damage to or loss or destruction of any property is caused, the Court shall, when convicting such person, unless for reasons to be recorded in writing it otherwise directs, order the person convicted to pay to the heirs of the person whose death has been caused, or to the person hurt or injured, or to the person to whom mental anguish or psychological damage has been caused, or to the owner of the property damaged, lost or destroyed, as the case may be, such compensation as the Court may determine having regard to the circumstances of the case.]

(2) The compensation payable under sub-section (1) shall be recoverable as [6][an arrear of land revenue] and the Court may further order that, in default of payment [7][or of recovery as aforesaid] the person ordered to pay such compensation shall suffer imprisonment for a period not exceeding six months, or if it be a Court of the Magistrate of the third class, for a period not exceeding thirty days.

(3) The compensation payable under sub-section (1) shall be in addition to any sentence which the Court may impose for the offence of which the person directed to pay compensation has been convicted.

(4) The provisions of sub-sections (2B), (2C), (3) and (4) of section 250 shall, as far as may be, apply to payment of compensation under this section.

(5) An order under this section may also be made by an Appellate Court or by a Court when exercising its powers of revision.]

545. Power of Court to pay expenses or compensation out of fine.— (1) Whenever under any law in force for the time being a Criminal Court imposes a fine or confirms in appeal, revision or otherwise a sentence of fine, or a sentence of which fine forms a part, the Court may, when passing judgment, order the whole or any part of the fine recovered to be applied—

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(a) in defraying expenses properly incurred in the prosecution;

[8][(b) in the payment to any person of compensation for any loss [9][, injury or mental anguish or psychological damage] caused by the offence, when substantial compensation is, in the opinion of the Court, recoverable by such person in a Civil Court;]

[10][(c) when any person is convicted of any offence which includes theft, criminal misappropriation, criminal breach of trust, or cheating, or of having dishonestly received or retained, or of having voluntarily assisted in disposing of, stolen

[1]For rules, *see* the different local Rules and Orders.
[2]Subs. by A.O., 1937, for "L.G.".
[3]The words "with the previous sanction of the G.G; in C". rep. by the Devolution Act, 1920 (XXXVIII of 1920), s. 2 and Sch. I.
[4]Ins. by Ordinance XII of 1972, s.2 and Sch.
[5]Subs. by the Code of Criminal Procedure (Amdt.) Ordinance, 1980 (VI of 1980), s.3, for subsection (1).
[6]Subs. by the Code of Criminal Procedure (Amdt.) Ordinance, 1980 (VI of 1980), s.3, for "if it were a fine imposed by the Court".
[7]Ins. *ibid.*
[8]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 152, for the original clause (b).
[9]Subs. by Ordinance VI of 1980, s.4, for "or injury".
[10]Clause (c) ins. Act No. XVIII of 1923, s. 152.

property knowing or having reason to believe the same to be stolen, in compensating any *bona fide* purchaser, of such property for the loss of the same if such property is restored to the possession of the person entitled thereto.]

(2) If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

546. Payments to be taken into account in subsequent suit. At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under section [1][544A or section] 545.

[2][**546A. Order of payment of certain fees paid by complainant in non-cognizable cases.**—(1) Whenever any complaint of a non-cognizable offence is made to a Court, the Court, if it convicts the accused, may in addition to the penalty imposed upon him, order him to pay to the complainant—

(a) the fee (if any) paid on the petition of complaint or for the examination of the complainant, and

(b) any fees paid by the complainant for serving processes on his witnesses or on the accused,

and may further order that, in default of payment, the accused shall suffer simple imprisonment for a period not exceeding thirty days.

(2) An order under this section may also be made by an Appellate Court, or by the High Court, when exercising its powers of revision.]

547. Moneys ordered to be paid recoverable as fines. Any money (other than a fine) payable by virtue of any order made under this Code [3][and the method of recovery of which is not otherwise expressly provided for], shall be recoverable as if it were a fine.

548. Copies of proceedings. If any person affected by a Judgment or order passed by a Criminal Court desires to have a copy of [4][* * *] any order or deposition or other part of the record he shall, on applying for such copy, be furnished therewith:

Provided that he pays for the same, unless the Court, for some special reason, thinks fit to furnish it free of cost.

549. Delivery to military authorities of persons liable to be tried by Court-martial.—(1) The [5][Federal Government] may make rules[6] consistent with this Code and the [7][Pakistan Army Act, 1952 (XXXIX of 1952), the Pakistan Air Force Act, 1953 (VI of 1953) and the Pakistan Navy Ordinance, 1961 (XXXV of 1961),] and any similar law for the time being in force as to the cases

[1]Ins. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[2]Section 546A ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s.153.
[3]Ins. *ibid*., s. 154.
[4]The words "the Judges charge to the jury or of" omitted by Ordinance 12 of 1972, s.2 and Sch.
[5]Subs. by F.A.O., 1975, Art 2 and Table for "Central Government (*w.e.f.* 28-7-1975), which was previously amended by A.O., 1937 for "G.G. in C".
[6]For the Criminal Procedure (Military Offenders) Rules, 1958, *see* Gaz of P., 1958, Pt. I, pp. 463-464.
[7]Subs. by the Code of Criminal Procedure (Amdt.) Ordinance, 1969, (XX of 1969), s. 3 for certain words (*w.e.f.* 29-7-1969).

in which persons subject to [1][military [2][,naval] or air force law], shall be tried by a Court to which this Code applies, or by Court-Martial, and when any person is brought before a Magistrate and charged with an offence for which he is liable, [3][to be tried either by a Court to which this Code applies or by a Court-martial], such Magistrate shall have regard to such rules, and shall in proper cases deliver him, together with a statement of the offence of which he is accused, to the commanding officer of the regiment, corps, [2][ship] or detachment, to which he belongs, or to the commanding officer of the nearest [4][military [2][, naval] or air-force station, as the case may be], for the purpose of being tried by Court-martial.

(2) **Apprehension of such persons.** Every Magistrate shall, on receiving a written application for that purpose by the commanding officer of any body of [5][soldiers, sailors or airmen] stationed or employed at any such place, use his utmost endeavours to apprehend and secure any person accused of such offence.

550. Powers to police to seize property suspected to be stolen. Any police-officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence. Such police-officer, if subordinate to the officer in charge of a police-station, shall forthwith report the seizure to that officer.

551. Powers of superior officers of police. Police-officers superior in rank to an officer in charge of a police-station may exercise the same powers, throughout the local area to which they are appointed, as may be exercised by such officer within the limits of his station.

552. Powers to compel restoration of abducted females. Upon complaint made to a [6][* * *] [7][Sessions Judge] on oath of the abduction or unlawful detention of a woman or of a female child under the age of [8][sixteen] years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.

553. *[Compensation to persons groundlessly given in charge in presidency-town.] Rep. by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), s. 3 and Schedule II.*

554. Power of [9][*] High Courts to make rules for inspection of records of subordinate Courts.— [10][With the previous sanction of the Provincial Government, any High Court] [11][* * *] may, from time to time, make rules for the inspection of the records of subordinate Courts.

(2) **Powers of [12][*] High Courts to make rules for other purposes**. Every High Court [13][* * *] may, from time to time, and with the previous sanction of the [14][Provincial Government],—

[1]Subs. by Act 10 of 1927, s.2 and Sch. I, for "military law".
[2]Ins. by the Amending Act, 1934 (XXXV of 1934), s.2 and Sch.
[3]Subs. *ibid*., Sch. for "under the Army Act, section 141, or under the Air Force Act, section 41, to be tried by a Court-martial".
[4]Subs. by Act No. X of 1927, s.2 and Sch. I, for "military station".
[5]Sub.s by Act No. XXXV of 1934, s.2 and Sch., for "troops".
[6]The words "Presidency Magistrate or" omitted by A.O., 1949, Sch.
[7]Subs. by ord. XXXVII of 2001, s.76.
[8]Subs. by the Indian Criminal Law Amendment act, 1924 (XVIII of 1924), s.5, for "fourteen".
[9]The word "Chartered" omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s. 3 and Second Sch.
[10]Subs. by A.O., 1937, for "with the Previous sanction of the G.G. in C., the High Court at Fort William, and, with the previous of the L.G., any other High Court".
[11]The words "within the meaning of the Government of India Act, 1935," which had been subs. by A.O., 1949, Sch., for "established by Royal Charter" have been omitted by the Central laws (Statute Reform) Ordinance, 1960 (XXI of 1960), s.3 and 2nd Sch (with effect from the 14th October, 1955).
[12]The word "other" omitted by Ordinance XXVII of 1981, s.3 and 2nd Sch.
[13]The words "not being a High Court to which sub-section (1) applies which had been subs. by A.O., 1949, Sch. for "not established by Royal charter "omitted by Ordinance No. XXI of 1960, s. 3 and 2nd Sch. (*with effect from the 14th October,1955*).
[14]Subs. by A.O., 1937 for "L.G."

(a) make rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it, and for the preparation and transmission of any returns or statements to be prepared and submitted by such Courts ;

(b) frame forms for every proceeding in the said Courts for which it thinks that a form should be provided ;

(c) make rules for regulating its own practice and proceedings and the practice and proceedings of all Criminal Courts subordinate to it; and

(d) make rules for regulating the execution of warrants issued under this Code for the levy of fines:

Provided that the rules and forms made and framed under this section shall not be inconsistent with this Code or any other law in force for the time being.

(3) All rules made under this section shall be published in the [1][official Gazette].

555. Forms. Subject to the powers conferred by section [2][554], and by [3][Articles 202 and 203] of the Constitution, the forms set forth in the fifth schedule, with such variation as the circumstances of each case require, may be used for the respective purposes therein mentioned, and if used shall be sufficient.

556. Case in which Judge or Magistrate is personally interested. No Judge or Magistrate shall, except with the permission of the Court to which an appeal lies from his Court, try [4][* * *] any case to or in which he is a party, or personally interested, and no Judge or Magistrate shall hear an appeal from any judgment or order passed or made by himself.

Explanation.— A Judge or Magistrate shall not be deemed a party, or personally interested, within the meaning of this section, to or in any case by reason only that he is a Municipal Commissioner or otherwise concerned therein in a public capacity, or by reason only that he has viewed the place in which an offence is alleged to have been committed, or any other place in which any other transaction material to the case is alleged to have occurred, and made an inquiry in connection with the case.

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Illustration

A, as Collector, upon consideration of information furnished to him, directs the prosecution of B for a breach of the Excise Laws. A is disqualified from trying this case as a Magistrate.

557. Practising pleader not to sit as Magistrate in certain Courts. No pleader who practises in the Court of any Magistrate in [5][* * *] district, shall sit as a Magistrate in such Court or in any Court within the jurisdiction of such Court.

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[1]Subs by A.O, 1937, for "local official Gazette".
[2]Subs. by the Amending Act, 1903 (I of 1903), for "553".
[3]The original words and figures "section 15 of the India High Courts Act 1861" have successively been subs. by the Amending Act, 1916 (XIII of 1916), s.2 and Sch., A.O., 1937, A.O., 1961, Art.2 and Sch. (*with effect from the 23rd March, 1956*), A.O., 1964, and F.A.O., 1975, Art.2 and Sch., to read as above.
[4]The words "or commit for trail" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[5]The words "Presidency-town or" rep. by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), s.3 and Sch.II.

558. Powers to decide language of Courts. The [1][Provincial Government] may determine what, for the purposes of this Code, shall be deemed to be the language of each Court within the territories administered by such Government, other than [2][the High Courts].

[3]**[559. Provision for powers of Judges and Magistrates being exercised by their successors in office.**— (1) Subject to the other provisions of the Code, the powers and duties of a Judge or Magistrate may be exercised or performed by his successor in office.

(2) When there is any doubt as to who is the successor in office of any Magistrate, [4][* * *] [5][the Sessions Judge [6][* * *]] [7][* * *] shall determine by order in writing the Magistrate who shall, for the purposes of this Code or of any proceedings or order thereunder, be deemed to be the successor in office of such Magistrate.

(3) When there is any doubt as to who is the successor in office of any Additional or Assistant Sessions Judge, the Sessions Judge shall determine by order in writing the Judge who shall, for the purposes of this Code or of any proceedings or order thereunder, be deemed to be the successor in office of such Additional or Assistant Sessions Judge.]

560. Officers concerned in sales not to purchase or bid for property. A public servant having any duty to perform in connection with the sale of any property under this Code shall not purchase or bid for the property.

561. *[Special provisions with respect to offence of rape by a husband.] Rep. by the Offence of Zina (Enforcement of Hadood), Ordinance, 1979 (VII of 1979), s.20.*

[7]**[561A. Saving of inherent power of High Court.** Nothing in this Code shall be deemed to limit or affect the inherent power of the High Court to make such order as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.]

First Offenders

[9] [10][**562. Power of Court to release certain convicted offenders on probation of good conduct instead of sentencing to punishment.**— (1) When any person not under twenty-one years of age is convicted of an offence punishable with imprisonment for not more than seven years, or when any person under twenty-one years of age or any woman is convicted of an offence not punishable with death or [11][imprisonment] for life, and no previous conviction is proved against the offender, if it appears to the Court before which he is convicted, regard being had to the age, character or antecedents of the offender, and to the circumstances in which the offence was committed, that it is expedient that the offender should be released on probation of good conduct, the Court may, instead of sentencing him at once to any punishment, direct that he be released on his entering into a bond, with or without

[1]Subs. by A.O., 1937, for "L.G."
[2]Subs. by A.O., 1961, Art. 2 and Sch. (*with effect from the 23rd March, 1956*), for "the Courts which are High Courts for the Purposes of the Government of India Act, 1935", which had been subs. by A.O., 1937, for "the High Courts establishes by Royal Charter".
[3]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 155, for the original s. 559.
[4]The words "the Chief Presidency Magistrate in a Presidency-town, and" omitted by A.O., 1949, Sch.
[5]Subs. by ord. XII of 1972, s.2.sch.
[6]Omitted. by ord. XXXVII of 2001, s.77.
[7]The words "outside such towns" omitted by A.O., 1949, Sch.
[8]S. 561A ins. by the Code of Criminal Procedure (Amdt.) Act 1923 (XVIII of 1923), s. 156.
[9]Ss. 380, 562, 563 and 564 have been rep. by the Probation of Offenders Ordinance, 1960 (45 of 1960), s. 16, only in its application to—
(i) the Provinces of West Pakistan with effect from the 1st July, 1961; *see* Gaz. of P., 1961, Ext., p.957, and
[10]Subs. by Act No. XVIII of 1923, s.157, for the original s. 562.
[11]Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s.3 and 2nd Sch., for "transportation".

sureties, to appear and receive sentence when called upon during such period (not exceeding three years) as the Court may direct, and in the meantime to keep the peace and be of good behaviour:

Provided that, where any first offender is convicted by a Magistrate of the third class, or a Magistrate of the second class not specially empowered by the [1][Provincial Government] in this behalf, and the Magistrate is of opinion that the powers conferred by this section should be exercised, he shall record his opinion to that effect, and submit the proceedings to a Magistrate of the first class [2][* * *] forwarding the accused to, or taking bail for his appearance before, such Magistrate, who shall dispose of the case in manner provided by section 380.

[3.4][**(1A) Conviction and release with admonition**. In any case in which a person is convicted of theft, theft in a building, dishonest misappropriation, cheating or any offence under the Pakistan Penal Code (XLV of 1860) punishable with not more than two year's imprisonment and no previous conviction is proved against him, the Court before whom he is so convicted may, if it thinks fit, having regard to the age, character, antecedents or physical or mental condition of the offender and to the trivial nature of the offence or any extenuating circumstances under which offence was committed, instead of sentencing him to any punishment, release him after due admonition.]

(2) An order under this section may be made by any Appellate Court or by the High Court when exercising its power of revision.

(3) When an order has been made under this section in respect of any offender, the High Court may, on appeal when there is a right of appeal to such Court, or when exercising its powers of revision, set aside such order, and in lieu thereof pass sentence on such offender according to law:

Provided that the High Court shall not under this sub-section inflict a greater punishment than might have been inflicted by the Court which the offender was convicted.

(4) The provisions of sections 122, 126A and 406A shall, so far as may be, apply in the case of sureties offered in pursuance of the provisions of this section.]

[3]**563. Provision in case of offender failing to observe conditions of his recognizance.**— (1) If the Court which convicted the offender, or a Court which could have dealt with the offender in respect of his original offence, is satisfied that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension.

(2) An offender, when apprehended on any such warrant, shall be brought forthwith before the Court issuing the warrant, and such Court may either remand him in custody until the case is heard or admit him to bail with a sufficient surety conditioned on his appearing for sentences. Such Court may, after hearing the case, pass sentence

[3]**564. Conditions as to abode of offender.**— (1) The Court, before directing the release of an offender under section 562, [5][sub section (1)], shall be satisfied that the offender or his surety (if any) has a fixed place of abode or regular occupation in the place for which the Court acts or in which the offender is likely to live during the period named for the observance of the conditions.

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[1]Subs. by A.O., 1937, for "L.G.".
[2]The words "or Sub-divisional Magistrate" omitted by Ordinance No. XXVII of 1981, s.3 and 2nd Sch.
[3]Ss.380, 562, 563 and 564 have been rep. by the Probation of Offenders Ordinance, 1960 (XLV of 1960), s.16, only in its application to—
(*i*) the Province of West Pakistan with effect from the 1st July, 1961;
see Gaz. Of P., 1961 Ext., p.957, and
[4]Sub-section (1A) ins. by the Code of Criminal Procedure (Second Amdt.) Act, 1923 (XXXVII of 1923), s. 4.
[5]Ins. by the Repealing and Amending Act, 1924 (VII of 1924), s.2 and Sch.I.

(2) Nothing in this section or in sections 562 and 563 shall affect the provisions of section 31 of the Reformatory School Act, 1897 (VIII of 1897).

Previously convicted offenders

[1][**565. Order for notifying address of previously convicted offender.**— (1) When any person having been convicted—

(a) by a Court in [2][Pakistan] of an offence punishable under section 215, section 489A, section 489B, section 489C, or section 489D of the Pakistan Penal Code, (XLV of 1860), or of any offence punishable under Chapter XII or Chapter XVII of that Code, with imprisonment of either description for a term of three years or upwards, or

(b) [3][* * * * * * *]

is again convicted of any offence punishable under any of those sections or Chapters with imprisonment for a term of three years or upwards by a High Court, Court of Sessions, [4][* *], [5][***] or Magistrate of the first class, such Court or Magistrate may, if it or he thinks fit, at the time of passing sentence of [5][* *] imprisonment on such person, also order that his residence and any change of or absence from such residence after release be notified as hereinafter provided for a term not exceeding five years from the date of the expiration of such sentence.

(2) If such conviction is set aside on appeal or otherwise, such order shall become void.

(3) The [6][Provincial Government] may make rules to carry out the provisions of this section relating to the notification of residence or change of or absence from residence by released convicts.

(4) An order under this section may also be made by an Appellate Court or by the High Court when exercising its powers of revision.

(5) [7][* * * * * * *]

[8][(5)] Any person charged with a breach of any such rule may be tried by a Magistrate of competent jurisdiction in the district in which the place last notified by him as his place of residence is situated.]

SCHEDULE I.— *[Enactments Repealed.] Rep. by the Repealing and Amending Act, 1914 (X of 1914)*, s. 3 and Schedule II.

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Sub-section (1) of section 10 of the Criminal Law Amendment Act, 1932, provides that the Provincial Government may, by notification in the official Gazette declare that any offence punishable under section 186, 188, 189, 190, 228, 295A, 298, 505, 506 or 507 of the Pakistan Penal Code, when committed in any area specified in the notification shall, notwithstanding anything contained in the Code of Criminal Procedure, 1898, be cognizable, and thereupon the Code of Criminal Procedure, 1898, shall, while such notification remains in force, be deemed to be amended accordingly. Sub-section (2) of section 10 ibid provides that the Provincial Government may, in like manner and subject to the like conditions,

[1]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s.158, for the Original, s. 565.
[2]Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (XXI of 1960), s.3 and 2nd Sch. (*with effect from the 14th October, 1955*), for "the Provinces and the Capital of the Federation", Which had been subs. by A.O, 1949, Arts. 3(2) and 4, for "British India."
[3]Clause (b) omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s. 3 and Second Sch. Which has previously been amended by various enactments.
[4]The words "Presidency Magistrate" omitted by A.O, 1949, Sch.
[5]Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[6]Subs. by A.O., 1937, for "L.G.".
[7]Sub-section (5) omitted by the Criminal Law Amendment Act, 1939 (XXII of 1939), s. 3.
[8]The original sub-section (6) was re-numbered as sub-section (5), *ibid.*

and with the like effect, declare that an offence punishable under section 188 or section 506 of the Pakistan Penal Code shall be non-bailable.

In exercise of the powers conferred by section 10 ibid, vide notification No. Judl-I-3(1)/69, dated March 14, 1969, the Governor of West Pakistan has declared that any offence punishable under sections 186, 188, 189, 190, 228, 295A, 298, 505, 506 or 507 of the Pakistan Penal Code committed in any place in West Pakistan, shall be cognizable. By another notification of even number and date, the Governor of West Pakistan has declared that an offence punishable under section 188 or section 506 of the Pakistan Penal Code, committed in any place in West Pakistan, shall be non-bailable. [See Gaz. of w.p., Ext., 1969. 421].

[1]SCHEDULE–II

TABULAR STATEMENT OF OFFENCES

EXPLANATORY NOTE.– The entries in the second and seventh columns of this schedule, headed respectively "Offence" and "Punishment under the Pakistan Penal Code", are not intended as definitions of the offences and punishments described in the several corresponding sections of the Pakistan Penal Code, or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

[2][* * * * * * *]

CHAPTER V.—ABETMENT

1	2	3	4	5	6	7	8
Section.	**Offence.**	**Whether the police may arrest without warrant or not.**	**Whether a warrant or a summons shall ordinarily issue in the first instance.**	**Whether bailable or not.**	**Whether compound-able or not.**	**Punishment under the Pakistan Penal Code.**	**By what Court triable.**
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compound-able or not.	The same punishment as for the offence abetted.	The Court by which the offence abetted is triable.

[1]This Schedule has been amended in its application to the N.W.F.P. by N.W.F.P. Acts 10 1937 and 8 of 1938.
[2]The second paragraph of the EXPLANTORY NOTE rep. by the Federal Laws (Revision and Declaration) Act, 1951 (XVI of 1951), s. 3 and Sch.II.

110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	May arrest without warrant if arrest for the of-fence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compound-able or not.	The same punishment as for the offence abetted.	Ditto
111	Abetment of any offence, when one act is abetted and a different act is done; subject to the proviso.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	The same punishment as for the offence intended to be abetted.	Ditto.
113	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor.	Ditto..	Ditto..	Ditto..	Ditto..	The same punishment as for the offence committed.	Ditto..
114	Abetment of any offence, if abettor is present when offence is committed.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto.
115	Abetment of an offence, punishable with death or [1][imprisonment for life], if the offence be not committed in consequence of the abetment.	Ditto ..	Ditto ..	Not bailable.	Ditto ..	Imprisonment of either description for 7 years and fine.	Ditto.

[1]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974) , s. 2 and Sch. for "transportation for life" (*w.e.f.* 13-4-1972).

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	If an act which causes harm be done in consequence of the abetment.	May arrests without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	Not bailable.	According as the offence abetted is compoundable or not.	Imprisonment of either description for 14 years and fine.	The court by which the offence abetted is triable.
116	Abetment of an offence, punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto ..	Ditto ..	According as the offence abetted is bailable or not.	Ditto ..	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the abettor or the person abetted be a public servant whose duty it is to prevent the offence.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
117	Abetting the commission of an offence by the public, or by more than ten persons.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
118	Concealing a design to commit an offence punishable with death or [1][imprisonment for life] if the offence be committed.	Ditto ..	Ditto ..	Not bailable.	Ditto ..	Imprisonment of either description for 7 years and fine.	Ditto.

[1]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch. for "transportation for life" (*w.e.f* 13-04-72).

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	If the offence be not committed.	Ditto ..	Ditto ..	[1][Bailable]	Ditto ..	Imprisonment of either description for 3 years and fine.	Ditto.
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	Ditto ..	Ditto ..	According as the offence abetted is bailable or not.	Ditto ..	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or [2][imprisonment for life].	Ditto ..	Ditto ..	Not Bailable	Ditto ..	Imprisonment of either description for 10 years.	Ditto.
	If the offence be not committed.	Ditto..	Ditto..	[1][Bailable]	Ditto..	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto..
120	Concealing a design to commit an offence punishable with imprisonment, if the offence be committed.	Ditto ..	Ditto ..	[1][According as the offence concealed is bailable or not.]	Ditto ..	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.

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[1]Subs. by the Code of Criminal Procedure (Admt.) Act, 1923 (XVIII of 1923), s. 159, for the original entry.
[2]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch. for "transportation for life" (*w.e.f* 13-04-72).

	If the offence be not committed.	Ditto ..	Ditto ..	[1][Bailable]	Ditto ..	Imprisonment extending to one-eighth part of the longest term, and of the description, provided for the offence, or fine, or both.	Ditto.
[2][CHAPTER VA. CRIMINAL CONSPIRACY							
120B	Criminal conspiracy to commit an offence punishable with death, [3][*] or rigorous imprisonment for a term of two years or upwards.	May arrest Without warrant if arrest for the offence which is the object of the conspiracy may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence which is the object of the conspiracy.	According as the offence which is the object of the conspiracy is bailable or not.	Not compoundable.	The same punishment as that provided for the abetment of the offence which is the object of the conspiracy.	Court of Session when the offence which is the object of the conspiracy is triable exclusively by such Court: in the case of all other offences Court of Session, [4][**] or Magistrate of the first class.
	Any other criminal conspiracy.	Shall not arrest without a warrant.	Summons	Bailable ..	Ditto ..	Imprisonment of either description for six months or fine, or both.	[5][* * *] Magistrate of the first class.

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[1]Subs. by the Code of Criminal Procedure (Admt.) Act, 1923 (XVIII of 1923), s. 159, for the original entry.
[2]Ins. by Act No. VIII of 1913, s. 6 and Sch.
[3]The word "transportation" omitted by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch. (*w.e.f.* 13-4-1972).
[4]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.
[5]The words "Presidency Magistrate" and by implication the word "or" omitted *ibid.*

CHAPTER VI. —OFFENCES AGAINST THE STATE							
121	Waging or attempting to wage war, or abetting the waging of war, against [1][Pakistan.]	Shall not arrest without warrant.	Warrant	Not bailable.	Not compoundable.	Death, or [2][imprisonment for life], and [3][fine]	Court of Session.
121A	Conspiring to commit certain offences against the State.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[2][Imprisonment for life] or any shorter term, or imprisonment of either description for 10 years [4][and fine].	Ditto.
122	Collecting arms, etc., with the intention of waging war against [1][Pakistan.]	Ditto .	Ditto ..	Ditto ..	Ditto ..	[2][Imprisonment for life], or imprisonment of either description for 10 years and [3][fine].	Ditto.
123	Concealing with intent to facilitate a design to wage war.	Shall not arrest without warrant.	Warrant ..	Not bailable.	Not compoundable.	Imprisonment of either description for 10 years, and fine.	Court of Session.
[5][123A	Condemnation of the State and advocacy of abolition of its sovereignty.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Rigorous imprisonment for 10 years, and fine.	Ditto.]
[6][123B	Defiling or unauthorisedly removing the National Flag of Pakistan from Government building, etc.	May arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 8 years or fine, or both.	Magistrate of first class].
124	Assaulting [7][President], Governor, etc., with intent to compel or restrain the exercise of any lawful power.	[8][Shall not arrest without warrant.]	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Ditto.

[1]Subs. by A.O., 1961, Art. 2 and Sch. for "the Queen". (w.e.f. 23-3-1956).
[2]Subs. by Act XXV of 1974, s. 2 and Sch. for "transportation for life" (*w.e.f.* 13-4-1972).
[3]Subs. for "forfeiture of property" by Act No. XVIII of 1923, s. 159.
[4]Ins. *ibid.*
[5]This item was ins. by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), s. 4 and Sch. III.
[6]Ins. by the Criminal Law (Second Amendment) Ordinance, 1984 (XLIII of 1984), s. 3.
[7]Subs. by A.O., 1961, Art. 2, for "Governor General" (*with effect from the 23rd March, 1956*).
[8]Subs. by Ordinance No. XLIII of 1984, s. 3.

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124A	Sedition ..	Ditto..	Ditto..	Ditto..	Ditto..	[1][Imprisonment for life] or for any term and fine, or imprisonment of either description for 3 years and fine, or fine.	[2][Court of Session or Magistrate of the first class specially empowered by the Provincial Government in that behalf on the recommendation of the High Court.]
125	Waging war against any Asiatic Power in alliance or at peace with [3][Pakistan], or abetting the waging of such war.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[1][Imprisonment for life] and fine, or imprisonment of either description for 7 years and fine, or fine.	Court of Session
126	Committing depredation on the territories of any Power in alliance or at peace with [3][Pakistan].	Ditto ..	Ditto..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years and fine, and forfeiture of certain property.	Ditto ..
127	Receiving property taken by war or depredation mentioned in sections 125 and 126.	Ditto..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
128	Public servant voluntarily allowing prisoner of State or war in his custody to escape.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[1][Imprisonment for life] or imprisonment of either description for 10 years, and fine.	Ditto ..
129	Public servant negligently suffering prisoner of State or war in his custody to escape.	Ditto ..	Ditto ..	Bailable	Ditto ..	Simple imprisonment for 3 years and fine.	[4][* * *] Magistrate of the first class.
130	Aiding escape of, rescuing or harbouring, such prisoner, or offering any resistance to the recapture of such prisoner.	Shall not arrest without warrent ..	warrent ..	Not bailable.	Not compound-able.	[1][Imprisonment for life] or imprisonment of either description for 10 years, and fine.	Court of Session.
CHAPTER VII.— OFFENCES RELATING TO THE ARMY AND NAVY							
131	Abetting mutiny, or attempting to seduce an officer, soldier, [5][sailor or airman,] from his allegiance or duty.	May arrest without warrant.	Warrant	Not bailable.	Not compoundable.	[1][Imprisonment for life], or imprisonment of either description for 10 years, and fine.	Court of Session.

[1]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s 2. and Sch., for "transportation for life" (*w.e.f.* 13-4-72).
[2]Subs. by Ord. XII of 1972, s. 2 and Sch.
[3]Subs. by A.O., 1961, Art. 2 and Sch. for "the Queen". (w.e.f. 23-3-1956).
[4]The words "Court of Session, or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[5]Subs. by Repealing and Amending Act, 1927 (X of 1927), s. 2 and Sch., I, for "or sailor.".

132	Abetment of mutiny, if mutiny is committed in consequence thereof.	Ditto..	Ditto..	Ditto..	Ditto...	Death, or [1][imprisonment for life] or imprisonment of either description for 10 years, and fine.	Court of Session.
133	Abetment of an assault by an officer, soldier, [2][Sailor or airman] on his superior officer, when in the execution of his office.	Ditto..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	[3][* * *] Magistrate of first class.
134	Abetment of such assault, if the assault is committed.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session.
135	Abetment of the desertion of an officer, soldier,[2][sailor or airman].	Ditto ..	Ditto ..	Bailable	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	[4][* * *] Magistrate of the first or second class.
136	Harbouring such an officer, soldier [2][sailor or airman who has deserted.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto .
137	Deserter concealed on board merchant-vessel, through negligence of master or person in charge thereof.	Shall not arrest with out warrant.	Summons	Ditto ..	Ditto ..	Fine of [5][1500] rupees	Ditto .
138	Abetment of act of insubordination by an officer, soldier, [2][sailor or airman] if the offence be committed in consequence.	May arrest without warrant.	warrant	Ditto ..	Ditto ..	Imprisonment of either description for 6 months, or fine, or both.	Ditto .
140	Wearing the dress or carrying any token used by a soldier, [2][sailor or airman] with intent that it may be believed that he is such a soldier, [2][sailor or airman].	Ditto ..	Summons	Ditto ..	Ditto ..	Imprisonment of either description for 3 months, or fine of [5][1500] rupees, or both.	Any Magistrate.

[1]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch. for "transportation for life" (*w.e.f.* 13-4-1972).
[2]Subs. by Repealing and Amending Act, 1927 (X of 1927), s. 2 and Sch., I, for "or sailor."
[3]The words "Court of Session, or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[4]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, Sch.
[5]Subs. by Ordinance No. LXXXVI of 2002, s. 3 and Sch. II.

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CHAPTER VIII.— OFFENCES AGAINST THE PUBLIC TRANQUILLITY							
143	Being member of an unlawful assembly.	May arrest without warrant.	Summons ..	Bailable ..	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	[1][Any Judicial Magistrate.]
144	Joining an unlawful assembly armed with any deadly weapon.	Ditto ..	Warrant	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto ..
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
[1][147	Rioting	Ditto ..	Ditto ..	Ditto ..	According as the offence is committed with another compoundable offence or not.	Ditto ..	Ditto ..
148	Rioting armed with deadly weapon.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Impriosment of either desription for 3 years, or fine or both.	Magistrate of the first class.]
149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence	According as the offence is bailable or not.	Ditto ..	The same as for the offence.	The Court by which the offence is triable.
150	Hiring, engaging or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged or employed	Ditto ..	Ditto ..	The same as for a member of such assembly, and for any offence committed by any member of such assembly	Ditto ..

[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch. Item 210 (vii) (a).
[2]Subs. by Act No. VI of 04, s. 3.

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151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	May arrest without warrant.	Summons	Bailable	Ditto ..	Imprisonment of either description for 6 months, or fine, or both.	[1][Any Judicial Magistrate].
152	Assaulting or obstructing public servant when suppressing riot, etc.	Ditto ..	Warrant	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	[2][* * *] Magistrate of the first class.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	May arrest without warrant	Warrrant	Bailable	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	[Any Judicial Magistrate] .
	If not committed	Ditto ..	Summons ..	Ditto ..	Ditto ..	Imprisonment of either description for 6 months, or fine, or both.	Ditto ..
153A	[3][Promoting enmity between groups].	[4][May arrest without warrant].	Warrant	Not bailable.	Ditto ..	[5][Imprisonment of either description for 5 years, or fine]	[6][* * *] Magistrate of the first class.
154	Owner or occupier of land not giving information of riot, etc.	[7][Shall not arrest without warrant].	Summons	Bailable	Ditto ..	Fine of [8][3,000] rupees.	[6][* * *] Magistrate of the first or second class.

[1]Subs. by the Law Reforms Ordinance, 1972(XII of 1973), s.2 and Sch., item 210(vii)(a).
[2]The words "Court of Session, or" omitted by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch.
[3]Subs. by the Criminal Law (Amdt.) Act, 1973 (6 of 1973), s. 3, for "Promoting enmity between classes" (w.e.f. 31-1-73).
[4]Subs. *ibid.*, for "Shall not arrest without warrant".
[5]Subs. *ibid.*, for "Imprisonment of either description for 2 years, or fine, or both".
[6]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, Sch.
[7]Subs. by Act VI of 1973, s. 3, for "Ditto" (*w.e.f.* 31-1-73).
[8]Subs. by ord. LXXXVI of 02, sec. 3 (Sch. II).

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155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	[1][Shall not arrest without warrant]	Summons	Bailable	Not compoundable.	Fine	[2][* * *] Magistrate of first class or second class.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto ..	Ditto	Ditto	Ditto ..	Ditto ..	Ditto ..
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto	Ditto	Ditto ..	Imprisonment of either description for 6 months, or fine, or both.	Ditto ..
158	Being hired to take part in an unlawful assembly or riot.	Ditto ..	Ditto	Ditto	Ditto ..	Ditto ..	Ditto ..
[3][*]	Or to go armed.	Ditto ..	Warrant	Ditto	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto ..
160	Committing affray.	Shall not arrest without warrant.	Summons	Ditto	Ditto ..	Imprisonment of either description for one month, or fine of [4][300] rupees, or both.	[5][Any Judicial Magistrate].

[1]Subs.by Act VI of 1973, s. 3, for "Ditto" (*w.e.f.* 31-1-73).
[2]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, Sch.
[3]The figures "159"rep. by the Repealing and amending Act, 1925 (XXXVII of 1925), s. 3 and Sch. II.
[4]Subs. by Ord. LXXXVI of 02, s. 3 (Sch. II).
[5] Subs. by the Law Reforms Ordinance, 1972(XII of 1973), s.2 and Sch., item 210(vii)(a).

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CHAPTFR IX. —OFFENCES BY OR RELATING TO PUBLIC SERVANTS							
161	Being or expecting to be a public servant, and taking a gratification other than legal remuneration in respect of an official act.	Shall not arrest without warrant.	Summons..	Bailable ..	Not compound -able.	Imprisonment of either description for 3 years, or fine, or both.	[1][* * *] Magistrate of the first class.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Shall not arrest without warrant.	Summons ..	Bailable ..	Not compound -able.	Imprisonment of either description for 3 years, or fine, or both.	[1][* * *] Magistrate of the first class
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for1 year, or fine, or both.	[2][* * *] Magistrate of the first class.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto ..	Ditto ..	Ditto..	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	[1][* * *] Magistrate of the first class
165	Public servant obtaining any valuable thing, without consi-deration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[3][Ditto]	[4][Ditto]
[5][165A	Abetment of offences under sections 161 and 165.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..]
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 1 year, or fine, or both.	Ditto ..

[1]The words "Court of Session, or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[2]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, sch.
[3]Subs. by the Criminal Law Amendment Act, 1953 (XXXVII of 1953), s. 3 (i) for "Simple imprisonment for 2 years, or fine or both".
[4]Subs. *ibid.*, for "* * * Magistrate of the first and second class". The asterisks denote the omission of "Presidency Magistrate" and by implication the word "or" by A.O., 1949, Sch.
[5]Item 165A, ins. by Act 37 of 1953, s. 3(ii).

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[1][166(2)	Public servant fails to carry out the investigation properly or diligently or fails to pursue the case, and in breach of his duties.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for three years, or fine, or both.	Ditto]
167	Public servant framing an incorrect document with intent to cause injury.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	[2][* * *] Magistrate of the first class.
168	Public servant unlawfully engaging in trade.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 1 year, or fine, or both.	[3][* * *] Magistrate of the first class.
169	Public servant unlawfully buying or bidding for property.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 2 years or fine, or both, and confiscation of property, if purchased.	[3][* * *] Magistrate of the first class.
170	Personating a public servant.	May arrest without warrant.	Warrant ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	[4][Any Judicial Magistrate].
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto ..	Summons ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 months, or fine of [5][600] rupees, or both.	Ditto..
[6][**CHAPTER IXA. —OFFENCES RELATING TO ELECTIONS**							
171E	Bribery	Shall not arrest without warrant.	Summons ..	Bailable ..	Not compound-able.	Imprisonment of either description for one year, or fine, or both or if treating only, fine only.	[3][* * *] Magistrate of the first class.

[1]Ins. by Act XLIV of 2016, s. 15.
[2]The words "Court of Session, or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[3]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, sch.
[4] Subs. by the Law Reforms Ordinance, 1972(XII of 1973), s.2 and Sch., item 210(vii)(a).
[5]Subs. by Ord. LXXXVI of 2002, section-3 (Sch-II).
[6]Ins. by the Indian Election Offences and Inquiries Act, 1920 (39 of 1920), s. 3.

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[1]171F	Undue influence and personation at an election.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for one year, or fine, or both.	Ditto ..
171G	False statement in connection with an election.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Fine	Ditto ..
171H	Illegal payments in connection with elections.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Fine of [2][1500] rupees	Ditto ..
171I	Failure to keep election accounts.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..]
[3][171J	Inducing and person not to participate in any election or referendum, etc	May arrest without warrant.	Warrant .	Not bailable.	Ditto ..	Imprisonment of either description for three years, or fine of five lac rupees, or both.	Court of Session or Magistrate of first class.]
CHAPTER X. —CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS							
172	Absconding to avoid service of summons or other proceeding from a public servant.	Shall not arrest without warrant.	Summons ..	Bailable	Not compound -able.	Simple imprisonment for 1 month, or fine of [2][1500] rupees, or both.	[4][Any Judicial Magistrate].
	If summons or notice require attendance in person, etc., in a Court of Justice.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 6 months, or fine of [2][3,000] rupees, or both.	Ditto ..

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[1]This item has been amended in its application to the N.W.F.P. by the Criminal Procedure (Election Offences) (N.W.F.P. Amdt.) Act, 1938 (N.W.F.P. Act 8 of 1938).
[2]Subs. by Ord. LXXXVI of 2002, section 3 (Sch. II).
[3]Ins. by Criminal Law (Third Amendment) Ordinance, 1984 (54 of 1984), s. 3.
[4]Subs. by the Law Reforms Ordinance, 1972(XII of 1973), s.2 and Sch., item 210(vii)(a).

173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or pre-venting a proclamation.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 1 month, or fine of [1][1500] rupees, or both.	[2][* * *] Magistrate of the first or second class.
	If summons, etc., require attendance in person, etc., in a Court of Justice.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 6 months, or fine of [1][3,000] rupees, or both.	Ditto ..
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without authority.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 1 month, or fine of [1][1500] rupees, or both.	[3][Any Judicial Magistrate].
	If the order require personal attendance, etc., in a Court of Justice.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 6 months, or fine of [1][3,000] rupees, or both.	Ditto
	[4][If it be proclamation issued under section 87 of this Code.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment for three years.	Ditto.]

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[1]Subs. by Ord. LXXXVI of 2002, section 3 (Sch. II).
[2]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, sch.
[3]Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., Item 210(vii)(a).
[4]Ins. *ibid.*,item 210(i).

175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Shall not arrest without warrant.	Summons	Bailable	Not compound able.	Simple imprison-ment for 1 month, or fine of [1][1500] rupees, or both.	The Court in which the offence is committed, subject to the provisions f Chapter XXXV; or, if not committed in a Court, a [2][* * *] Magistrate of the first or second class.
	If the document is required to be produced in or delivered to a Court of Justice.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 6 months, or fine of [1][3,000] rupees, or both.	Ditto ..
176	Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 1 month, or fine of [1][1500] rupees, or both.	[2][* * *] Magistrate of the first or second class.

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[1]Subs. by Ord. No. LXXXVI of 2002, section 3 (Sch. II).
[2]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, sch.

	If the notice or information required respects the commission of an offence, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 6 months, or fine of [1][3,000] rupees, or both.	[2][* * *] Magistrate of the first or second class.
	[3][If the notice or information is required by an order passed under subsection (1) of section 565 of this Code.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 6 months, or fine of [1][3,000] rupees, or both.	Ditto ..]
177	Knowingly furnishing false information to a public servant.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
	If the information required respects the commission of an offence, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto ..
178	Refusing oath when duly required to take oath by a public servant.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 6 months, or fine of [1][3,000] rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a [2][* * *] Magistrate of the first or second class.
179	Being legally bound to state truth, and refusing to answer questions.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	The Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a [2]**[* * *]** Magistrate of the first or second class.

[1]Subs. by Ord. LXXXVI of 2002, section 3 (Sch. II).
[2]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, sch.
[3]Ins. by the Criminal Law (Amdt.) Act, 1939 (XXII of 1939), s. 4.

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180	Refusing to sign a statement made to a public servant when legally required to do so.	Shall not arrest without warrant	Summons ..	Bailable ..	Not Compound-able.	Simple Imprisonment for 3 months, or fine of [1][1500] rupees, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a [2]**[* * *]** Magistrate of the first or second class.
181	Knowingly stating to a public servant on oath as true that which is false.	Ditto ..	Warrant ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	[2][* * *] Magistrate of the first class or second class.
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto ..	Summons ..	Ditto ..	Ditto ..	[3][extend to– (a) seven years in case the offence in which false information is given is punishable with death;.	Court of Sessions
						(b) five years in case the offence in which false information is given is punishable with imprisonment for life; or	Court of Sessions
						(c) one-fourth of the longest term of imprisonment or with fine as it provided for the offence in which false information is given and such offence is not covered under clause (a) or clause (b).]	Magistrate of the first class]
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 6 months, or fine of [1][3,000] rupees, or both.	[2][* * *] Magistrate of the first or second class.
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 1 month, or fine of [1][1500] rupees, or both.	Ditto ..

[1]Subs. by Ord. No. LXXXVI of 2002, section 3 (Sch. II).
[2]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, sch.
[3]Subs. by Act No. IV of 2017, s.4 (1).

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185	Bidding, by a person under a legal in capacity to purchase it, for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 1 month, or fine of [1][600] rupees, or both.	Ditto.
186	Obstructing public servant in discharge of his public functions.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for [3][one year], or fine of [3][50,000] rupees, or both.	Ditto ..
[3][186(2)	Public servant fails to carry out the investigation properly etc;	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for three years, or fine, or both.	Ditto]
187	Omission to assist public servant when bound by law to give such assistance.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 1 month, or fine of [1][600] rupees, or both.	Ditto ..
	Wilfully neglecting to aid a public servant who demands aid in the execution of process, the prevention of offences, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 6 months, or fine of [1][1500] rupees, or both.	Ditto ..

[1]Subs. by Ord. No. LXXVI of 2002, s.3 (Sch-II).
[2]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, sch.
[3]Subs, Ins. by Act No. XLIV of 2016, s.15.

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188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obstruction, annoyance or injury to persons lawfully employed.	Shall not arrest without warrant.	Summons ..	Bailable ..	Not compound -able.	Simple imprisonment for 1 month, or fine of [1][600] rupees, or both.	[2][* * *] Magistrate of the first or second class.
	If such disobedience causes danger to human life, health or safety, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 6 months, or fine of [1][3,000] rupees, or both.	Ditto ..
189	Threatening a public servant with injury to him, or one in whom he is interested, to in- duce him to do or for bear to do any official act.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto ..
190	Threatening any person to induce him to refrain from making a legal application for protection form injury.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 1 year, or fine, or both.	Ditto ..
CHAPTER. —XI FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE							
193	Giving or fabricating false evidence in a judicial proceeding.	Shall not arrest without warrant.	Warrant ..	Bailable ..	Not compound -able.	Imprisonment of either description for 7 years, and fine.	Court of Session, [3][* * *] or Magistrate of the first class.
	Giving or fabricating false evidence in any other case.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	[4][Magistrate of first class]

[1]Subs. by Ord. No. LXXXVI of 2002, section 3 (Sch. II).
[2]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, sch.
[3]The words "Presidency Magistrate" omitted, ibid.
[4]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972) , s. 2 and Sch., for "Ditto".

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194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence	Ditto ..	Ditto ..	Not bailable.	Ditto..	[1][Imprisonment for life,] or rigorous imprisonment for 10 years, and fine.	Court of Session.
	If innocent person be thereby convicted and executed.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Death, or as above.	Ditto ..
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with [1][imprisonment for life] or with imprisonment for 7 years or upwards.	Ditto ..	Ditto ..	[2][Not bailable.]	Ditto..	The same as for the offence.	Ditto ..
196	Using in a judicial proceeding evidence known to be false or fabricated.	Shall not arrest without warrant.	Warrant ..	According as the offence of giving such evidence is bailable or not.	Not compoundable.	The same as for giving or fabricating false evidence.	Court of Session, [3][* *] or Magistrate of the first class.
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Ditto ..	Ditto ..	Bailable..	Ditto..	The same as for giving false evidence.	Ditto ..

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[1]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch. for "Transportation for life" (*w.e.f.* 13-4-1972).
[2]Subs. by the Amending Act, 1903 (1 of 1903), s. 3 and Sch. II, Part II, for "Bailable".
[3]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.

198	Using as a true certificate one known to be false in a material point.	Shall not arrest without warrant.	Warrant ..	Bailable.	Not compound -able.	The same as for giving false evidence.	Court of Session, [1][* * *] or Magistrate of the first class.
199	False statement made in any declaration which is by law receivable as evidence.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto .
200	Using as true any such declaration known to be false.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto .
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with [2][imprisonment for life] or imprisonment for 10 years.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years and fine.	[3][* *] Magistrate of the first class.
	If punishable with less than 10 year's imprisonment.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment for a quarter of the longest term, and of the description provided for the offence, or fine, or both.	[4][* * *] Magistrate of the first class, or Court by which the offence is triable.

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[1]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.
[2]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch. for "Transportation for life" (*w.e.f.* 13-4-1972).
[3]The words "Court of Session "or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch., for "Ditto".
[4]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, sch.

202	Intentional omission to give information of an offence by a person legally bound to inform.	Ditto..	Summons..	Bailable..	Ditto..	Imprisonment of either description for 6 months, or fine, or both.	[1][* * *] Magistrate of the first or second class.
203	Giving false information respecting an offence committed.	Ditto ..	Warrant ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto .
204	Secreting or destroying any document to prevent its production as evidence.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	[1][* * *] Magistrate of the first class.
205	False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	[1][* * *] Magistrate of the first class.
206	Fraudulent removal or concealment, etc., of property to prevent its seizure as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	[2][* *[1][* *]*] Magistrate of the first or second class.

[1]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, sch.
[2]The word "Court of Session or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.12 and Sch.

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207	Claiming property without right, or practicing deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Ditto..	Ditto..	Ditto..	Ditto..	Ditto..	Ditto..
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[1][* * *] Magistrate of the first class.
209	False claim in a Court of Justice.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, and fine.	Ditto ..
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto ..
211	False charge of offence made with intent to injure.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
	If offence charged be punishable with imprisonment for 7 years or upwards.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session, [2][* * *] or Magistrate of the first class.
	If offence charged be capital, or punishable with [3][imprisonment of life].	Shall not arrest without warrant.	Warrant ..	Bailable ..	Not Compound-able.	Imprisonment of either description for 7 years, and fine.	Court of Session.
212	Harbouring an offender, if the offence be capital.	May arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 5 years, and fine.	Court of Session, [4][* *] or Magistrate of the first class.

[1]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, sch.
[2]The words "Presidency Magistrate" omitted *ibid.*
[3]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch. for "Transportation for life" (*w.e.f. 13-4-1972*).
[4]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.

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	If punishable with [1][imprisonment for life], or with imprisonment for 10 years.	May arrest Without warrant.	Warrant ..	Bailable ..	Not Compound-able.	Imprisonment of either description for 3 years, and fine.	[2][Magistrate of the first class]
	If punishable with imprisonment for 1 year and not for 10 years.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	[3][* * *] Magistrate of the first class, or Court by which the offence is triable.
213	Taking gift, etc., to screen an offence from punishment, if the offence be capital.	[4][May arrest without warrant]	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with [1][imprisonment for life] or with imprisonment for 10 years.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	[5] [* *] Magistrate of he first class.
	If with imprisonment for less than 10 years.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	[3][* * *] Magistrate of the first class, or Court by which the offenceis triable.
214	Offering gift or restoration of property in consideration of screening offender, if the offence be capital.	[2][Shall not Arrest without warrant.]	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If punishable with [1][imprisonment for life], or with imprisonment for 10 years.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	[5][* * *] Magistrate of the first class.

[1]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch. for "Transportation for life" (*w.e.f.* 13-4-1972).
[2]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972) , s. 2 and Sch., for "Ditto".
[3]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, sch.
[4]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 159, for the original entry.
[5]The words "Court of Session, or" omitted by Ordinance XII of 1972, s. 2 and Sch.

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	If with imprisonment for less than 10 years.	Ditto..	Ditto..	Ditto..	Ditto..	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	[2][* * *] Magistrate of the first class, or Court by which the offence is triable.
215	Taking gift to help to recover moveable property of which a person has been deprived by an offence, without causing apprehension of offender.	[1][May arrest without warrant]	Warrant ..	Bailable ..	Not compound-able.	Imprisonment of either description for 2 years, or fine, or both.	[2][* * *] Magistrate of the first class.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session, [3][* *] or Magistrate of the first class.
	If punishable with [4][imprisonment for life], or with imprisonment for 10 years.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, with or without fine.	[5][Magistrate of the first class.
	If with imprisonment for 1 year, and not for 10 years.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	[2][* * *] Magistrate of the first class, or Court by which the offence is triable.

[1]Subs by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 159, for the original entry.
[2]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, sch.
[3]The words "Presidency Magistrate" omitted, *ibid.*
[4]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch., for "transportation for life" (*w.e.f.* 13-4-72).
[5]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972) , s. 2 and Sch., for "Ditto".

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216A	Harbouring robbers or dacoits.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Rigorous imprisonment for 7 years, and fine.	Court of Session, [1][* *] or Magistrate of the first class.
217	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	[2][* * *] Magistrate of the first or second class.
218	Public servant framing an incorrect record or writing with intent to save person from punishment, or property from forfeiture.	Ditto ..	Warrant ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years,or fine, or both.	[3][Magistrate of the first class]
219	Public servant in a judicial proceeding corruptly making and pronouncing an order, report, verdict or decision which he knows to be contrary to law.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years,or fine, or both.	Ditto ..
220	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law.	Shall not arrest without warrant.	Warrant..	Bailable ..	Not compound -able.	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
221	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, with or without fine.	Ditto ..

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[1]The words "Presidency Magistrate" omitted by A.O., 1949, sch.
[2]The words "Presidency Magistrate" and by implication the word "or" omitted *ibid.*
[3]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972) , s. 2 and Sch., for "Court of Session".

	If punishable with [1][imprisonment for life], or imprisonment for 10 years.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, with or without fine.	[2][* * *] Magistrate of the first class.
	If with imprisonment for less than 10 years.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, with or without fine.	[3][* * *] Magistrate of the first or second class.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of Justice if under sentence of death.	Ditto ..	Ditto ..	Not bailable	Ditto ..	[1][Imprisonment for life] or imprisonment of either description for 14 years, with or without fine.	Court of Session.
	If under sentence of [4][imprisonment for life] [5][* * *], or [6][*], imprisonment [7][* * *] for 10 years or upwards.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, with or without fine.	Ditto .
	If under sentence of imprisonment for less than 10 years or lawfully committed to custody.	Ditto..	Ditto ..	Bailable ..	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	[2][* *] Magistrate of the first class.
223	Escape from confinement negligently suffered by a public servant.	Ditto ..	Summons ..	Ditto ..	Ditto ..	Simple imprisonment for 2 years, or fine, or both.	[3][* * *] Magistrate of the first or second class.
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

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[1]Subs. by the Criminal Procedure (Amdt.) Act. 1974 (XXV of 1974) , s. 2 and Sch., for "transportation for life" (*w.e.f.* 13472).
[2]The words "Court of Session, or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972) s. 2 and, Sch.
[3]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, sch.
[4]Subs. by Act XXV of 1974, s. 2 and Sch. for "transportation" (*w.e.f.* 13-4-72).
[5]The words "or penal servitude for life" omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (II of 1950), Sch.
[6]The word "transportation" omitted by Act XXV of 1974, s. 2 and Sch.
[7]The words "or penal servitude" omitted by "Act No. II of 1950, Sch".

225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	May arrest without warrant.	Warrant..	Bailable..	Not compound-able.	Imprisonment of either description for 2 years, or fine, or both.	[1][* * *] Magistrate of the first or second class.
	If charged with an offence punishable with [2][imprisonment for life], or imprisonment for 10 years.	Ditto ..	Ditto ..	Not bailable.	Ditto ..	Imprisonment of either description for 3 years and fine.	[3][* * *] Magistrate of the first class.
	If charged with a capital offence.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session.
	If the person is sentenced to [2][imprisonment for life], or to [4][* *], [5][*] or imprisonment for 10 years or up wards.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
	If under sentence of death.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[2][Imprisonment for life], or imprisonment of either description for 10 years, and fine	Ditto ..
225A	Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise pro vided for-						
	(a) in case of intentional omission or sufferance;	Shall not arrest without warrant	Ditto ..	Bailable..	Ditto..	Imprisonment of either description for 3 years, fine or both.	[3][* * *] Magistrate of the first class.
	(b) in case of negligent omission or sufferance.	Ditto ..	Summons ..	Ditto ..	Ditto ..	Simple imprisonment for 2 years, or fine, or both.	[1][* * *] Magistrate of the first or second class.

[1]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, sch.
[2]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch. for "transportation for life" (*w.e.f.* 13472).
[3]The words "Court of Session, or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[4]The words "penal servitude" omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (II of 1950), Sch.
[5]The word "transportation" omitted by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch.

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225B	Resistance or obstruction to lawful apprehension, or escape or rescue in cases not otherwise provided for.	May arrest without warrant.	Warrant..	Ditto ..	Ditto ..	Imprisonment of either description for 6 months, or fine, or both	Ditto ..
[1][*	*	*	*	*	*	*	*]
227	Violation of condition of remission of punishment.	Shall not arrest without warrant.	Summons ..	Ditto ..	Ditto ..	Punishment of original sentence, or, if part of the punishment has been undergone, the residue.	The Court by which the original offence was triable.
228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Shall not arrest without warrant.	Summons	Bailable	Not compound -able.	Simple imprisonment for 6 months, or fine of [2][3,000] rupees, or both.	The Court in which the, offence is committed, subject to the provisions of Chapter XXXV.
229	Personation of a juror or assessor.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	[3][* * *] Magistrate of the first class.
CHAPTER XII. —OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS							
231	Counterfeiting, or performing any part of the process of counterfeiting, coin.	May arrest without warrant.	Warrant..	Not bailable.	Not compound -able.	Imprisonment of either description for 7 years, and fine.	Court of Session.
232	Counterfeiting, or performing any part of the process of counterfeiting [4][Pakistan coin].	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[5][Imprisonment for life], or imprisonment of either description for 10 years, and fine	Ditto ..

[1]The original entry 226 omitted by Ordinance XII of 1972, s. 2 and Sch.
[2]Subs. by Ord. No. LXXXVI of 2, s. 3 (Sch.II).
[3]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, sch.
[4]Subs. by A.O., 1961 Art, 2 and Sch. for "The Queen's Coin" (*with effect from the 23rd March, 1956*).
[5]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2, and Sch. for "transportation for life" (*w.e.f.* 13-4-72)

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233	Making, buying or selling instrument for the purpose of counterfeiting coin.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	[1][* * *] Magistrate of the first class
234	Making, buying or selling instrument for the purpose of counterfeiting [2][Pakistan coin].	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session.
235	Possession of Instrument or material for the purpose of using the same for counterfeiting coin.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	[1][* * *] Magistrate of the first class.
	If [3][Pakistan coin].	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 10 years, and fine.	Court of Session.
236	Abetting in [4][Pakistan] the counterfeiting out of [4][Pakistan] of coin.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	The punishment provided for abetting the counterfeiting of such coin with in [4][Pakistan].	Ditto ..
237	Import or export of counterfeit coin, knowing the same to be counterfeit.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	[1][* *] Magistrate of the first class.
238	Import or export of counterfeits of [2][Pakistan coin], knowing the same to be counterfeit.	May arrest without warrant .	Warrant ..	Not bailable.	Not compo und-- able.	[5][Imprisonment for life], or imprisonment of either description for 10 years, and fine.	Court of Session.

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[1]The words "Court of Session, or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972) , s. 2 and Sch.
[2]Subs. by A.O., 1961, Art. 2 and Sch., for "the Queen's coin" (*with effect from the 23rd March, 1956*.).
[3]Subs. by A.O., 1961, Art. 2 and Sch., for "the Queen's coin" (*with effect from the 23rd March, 1956*.).
[4]Subs. by the Central Laws (Statue Reform) Ordinance, 1960 (XXI of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "the Provinces and the Capital of the Federation" which had been subs. by A.O., 1949, Art. 3 (2) and 4, for "British India".
[5]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch. for "transportation for life" (*w.e.f.* 13-4-72).

239	Having any counterfeit coin known to be such when it came into possession, and delivering, etc., the same to any person.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 5 years, and fine.	Court of Session [1][* *] or Magistrate of the first class.
240	The same with respect to [2][Pakistan coin].	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 10 years, and fine.	Ditto.
241	Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both.	[3][* * *] Magistrate of the first or second class.
242	Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	[4][* * *] Magistrate of the first class.
243	Possession of [2][Pakistan coin] by a person who knew it to be counterfeit when he became possessed thereof.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	[5][Court of Session, or Magistrate of the first class.]

[1]The words "Presidency Magistrate" omitted by A.O., 1949, sch.
[2]Subs. by A.O., 1961, Art. 2 and Sch., for "the Queen's coin" (*with effect from the 23rd March, 1956*).
[3]The words "Presidency Magistrate" and by implication the word "or" omitted, *ibid*.
[4]The word "court of Sesseion or" omitted by the Law Reform Ordinance, 1972 (XII of 1972), s.2 and Sch.
[5]Subs. by Ordinance XII of 1972, s.2 and Sch., for "Ditto".

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244	Person employed in a Mint causing coin to be of a different weight or composition from that fixed by law.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Court of Session.
245	Unlawfully taking from a Mint any coining instrument.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
246	Fraudulently diminishing the weight or altering the composition of any coin.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	[1][* * *] Magistrate of the first class.
247	Fraudulently diminishing the weight or altering the composition of [2][Pakistan coin].	May arrest without warrant.	Warrant	Not bailable.	Not compound -able.	Imprisonment of either description for 7 Years, and fine.	Court of Session, [3][* *] Magistrate of the first class.
248	Altering appearance of any coin with intent that it shall pass as a coin of a different description.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	[4][Magistrate of the first class]
249	Altering appearance of [2][Pakistan coin] with intent that it shall pass as a coin of a different description.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years and fine.	[4][Court of Session, or Magistrate of first class.]

[1]The words "Court of Session, or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972) , s. 2 and Sch.
[2]Subs. by A.O., 1961, Art. 2 and Sch., for "the Queen's coin" (*with effect from the 23rd March, 1956*).
[3]The words "Presidency Magistrate" omitted by A.O., 1949, sch.
[4]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972) , s. 2 and Sch., for "Ditto".

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250	Delivery to another of coin possessed with the knowledge that it is altered.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 5 years and fine.	Ditto .
251	Delivery of [1][Pakistan coin] possessed with the knowledge that it is altered.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 10 years, and fine.	Ditto ..
252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	[2][Magistrate of the first class].
253	Possession of [1][Pakistan coin] by a person who knew it to be altered when he became possessed thereof.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 5 years, and fine.	[2][Court of Session, or Magistrate of the first class.]
254	Delivery to another of coin as genuine which, when first possessed, the deliverer did not know to be altered.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years or fine of ten times the value of the coin.	[3][* * *] Magistrate of the first or second class.
255	Counterfeiting a Government stamp.	Ditto ..	Ditto ..	[4][Ditto] ..	Ditto ..	[5][Imprisonment for life] or imprisonment of either description for 10 years, and fine.	Court of Session.

[1]Subs. by A.O., 1961, Art. 2 and Sch., for "the Queen's coin" (*with effect from the 23rd March, 1956*).
[2]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972) , s. 2 and Sch., for "Ditto".
[3]The words "Presidency Magistrate" and by implication the word "or" omitted, *ibid.* by A.O., 1949 Sch.
[4]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1973 (LVII of 1973), s. 4 for "Bailable" (*w.e.f.* 29-6-73).
[5]Subs. by Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch., for "Transportation for life" (*w.e.f.* 13-4-72).

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256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	Ditto ..	Ditto ..	[1][Bailable].	Ditto ..	Imprison-ment of either description for 7 years, and fine.	Ditto .
257	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp.	May arrest without warrant .	Warrant..	Bailable..	Not compound-able.	Imprison-ment of either description for 7 years, and fine	Court of Session.
258	Sale of counterfeit Government stamp.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto .
259	Having possession of counterfeit Government stamp.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Court of Session, [2][* *] or Magistrate of the first class.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprison-ment of either description for 7 years, or fine, or both.	Ditto .

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[1]Subs. by Act LVII of 1973, s. 4, for "Ditto" (*w.e.f.* 29-6-73).
[2]The words "Presidency Magistrate" omitted by A.O., 1949, sch.

261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp used for it with intent to cause loss to Government.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	[1][Magistrate of the first class.]
262	Using a Government stamp known to have been before used.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	[2][* * *] Magistrate of the first or second class.
263	Erasure of mark denoting that stamp has been used.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	[3][* * *] Magistrate of the first class.
263A	Fictitious stamps	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Fine of [4][600] rupees	[2][* * *] Magistrate of the first class.
CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES							
264	Fraudulent use of false instrument for weighing.	Shall not arrest without warrant.	Summons.	Bailable.	Not compound-able.	Imprisonment of either description for 1 year, or fine, or both.	[2][* * *] Magistrate of the first or second class.
265	Fraudulent use of false weight or measure.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
266	Being in possession of false weights or measures for fraudulent use.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
267	Making or selling false weights or measures for fraudulent use.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..

[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972) , s. 2 and Sch., for "Ditto".
[2]The words "Presidency Magistrate" and by implication the word "or" omitted, by A.O., 1949, Sch.
[3]The words "Court of Session, or" omitted by Ordinance No. XII of 1972, s. 2. and Sch.
[4]Subs. by Ord. No. LXXXVI of 2002, s. 3 (Sch-II).

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CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS							
269	Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons.	Bailable.	Not Compound-able.	Imprisonment of either description for 6 months, or fine, or both.	[1][* * *] Magistrate of the first or second class.
270	Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto ..
271	Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 6 months, or fine, or both.	Ditto ..
272	Adulterating food or drink intended for sale, so as to make the same noxious.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 6 months, or fine or [2][3,000] rupees, or both.	Ditto ..
273	Selling any food or drink as food and drink, knowing the same to be noxious.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..

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[1]The words "Presidency Magistrate" and by implication the word "or" omitted, by A.O., 1949, Sch.
[2]Subs. by Ord. No. LXXXVI of 2002, s. 3 (Sch.-II).

274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficacy, or to change its operation, or to make it noxious.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto .
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto .
277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 months, or fine of [1][1500] rupees, or both.	[2][Any Judicial Magistrate] .
278	Making atmosphere noxious to health.	Shall not arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Fine of [1][1500] rupees	Ditto ..

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[1]Subs. by Ord. LXXXVI of 2002, s. 3 (Sch-II).
[2]Subs. by the Law Reforms Ordinance, 1972(XII of 1972), s.2 and Sch., item 210 (viii)(a).

279	Driving or riding on a public way so rashly or negligently as to endanger human life, etc.,	May arrest without warrant.	Summons.	Bailable.	Not compound -able.	Imprisonment of either description for [1][2 years], or fine of [2][3,000] rupees, or both.	[1][Magistrate of the first or second class].
280	Navigating any vessel so rashly or negligently as to endanger human life, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[3][* * *] Magistrate of the first or second class.
281	Exhibition of a false light, mark or buoy.	Ditto ..	Warrant..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
282	Conveying for hire any person by water, in a vessel in such a state, or so loaded, as to endanger his life.	Ditto ..	Summons ..	Ditto ..	Ditto ..	Imprisonment of either description for 6 months, or fine, of [2][3,000] rupees, or both.	[3][* * *] Magistrate of the first or second class.
283	Causing danger, obstruction or injury in any public way or line of navigation.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Fine of [2][600] rupees.	Ditto .
284	Dealing with any poisonous substance so as to endanger human life, etc.	Shall not arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 6 months, or fine, of [2][3,000] rupees, or both.	Ditto .

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[1]Subs. by the Criminal Laws (Amdt.) Ordinance, 1980 (III of 1980), s. 13.
[2]Subs. by Ord. No. LXXXVI of 2002, s. 3 (Sch-II).
[3]The words "Presidency Magistrate" and by implication the word "or" omitted, by A.O., 1949, Sch.

285	Dealing with fire or any combustible matter so as to endanger human life, etc.	May arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[1][Any Judicial Magistrate].
286	So dealing with any explosive substance.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
287	So dealing with any machinery.	Shall not arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[2][* * *] Magistrate of the first or second class.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal.	May arrest without warrant.	Summons.	Bailable.	Not compound-able.	Imprisonment of either description for 6 months, or fine of [1][3,000] rupees, or both.	Any Magistrate.
290	Committing a public nuisance.	Shall not arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Fine of [1][600] rupees.	Ditto ..

[1]Subs. by the Law Reforms Ordinance, 1979 (XII of 1972), s.2 and sch., item 210(vii)(a).
[2]The words "Presidency Magistrate" and by implication the word "or" omitted, by A.O., 1949, Sch.

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291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Simple imprisonment for 6 months, or fine, or both.	[1][* * *] Magistrate of the first or second class.
292	Sale, etc., of obscene books, etc.	Ditto ..	Warrant ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 months, or fine, or both.	[2][1][* * *] Magistrate of the first class.]
[3][292A	Exposure to seduction.	May arrest without warrant.	Warrant.	Not bail-able.	Not compound-able.	Imprisonment of either description for a term which shall not be less than one year and may extend to seven years or with fine which may not be less than rupees one hundred thousand and may extend to rupees five hundred thousand, or with both.	Court of Sessions.
292C	Punishment for child pornography.	Ditto..	Ditto..	Ditto..	Ditto..	[4][Imprisonment of either description for a term which shall not be less than fourteen years and may extend up to twenty years and with fine which shall not be less than one million rupees]	Ditto..
293	[4][Sale, etc., of obscene objects to young persons.]	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[1][Imprisonment of either description for 6 months, or fine, or both.]	[1][* * *] Magistrate of the first or second class.
294	Obscene songs.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 months, or fine, or both.	[5][Any Judicial Magistrate.]
294A	Keeping a lottery office.	Shall not arest without warrant.	Summons..	Ditto ..	Ditto ..	Imprisonment of either description for 6 months, or fine, or both.	Ditto ..
	Publishing proposals relating to lotteries.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Fine of [6][3,000] rupees	Ditto ..
CHAPTER XV.—OFFENCES RELATING TO RELIGION							
295	Destroying, damaging or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons..	Bailable ..	Not compound-able.	Imprisonment of either description for 2 years, or fine, or both.	[1][* * *] Magistrate of the first or second class.

[1]The words "Presidency Magistrate" and by implication the word "or" omitted, by A.O., 1949, Sch.
[2]Subs. by the Obscene Publications Act, 1925 (VII of 1925), s. 3, for the original entry.
[3]Ins. by Act No. X of 2016, s. 8.
[4]Subs. by Act No. XXVII of 2018, s.4.
[5]Subs. by the Law Reforms Ordinance 1972 (XII of 1972), s.2 and Sch., item 210(vii)(a).
[6]Subs. by Ord. No. LXXXVI of 2002, s. 3 (Sch.-II).

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[1][295A	Maliciously insulting the religion or the religious beliefs of any class.	Shall not arrest without warrant.	Warrant ..	Not bailable.	Not compound-able.	Imprisonment of either description for [2][10] year, or fine, or both.	[3][Magistrate of the first class]]
[4][295B.	Defiling, etc., of copy of Holy Quran.	May arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Imprisonment for life	Court of Session.
295C.	Use of derogatory remarks, etc., in respect of the Holy Prophet.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Death, or imprisonment for life and fine.	Court of Session which shall be presided over by a Muslim.]
296	Causing a disturbance to an assembly engaged in religious worship.	[1][May arrest without warrant.]	[1][Summons]	[1][Bailable]	[1][Not compound -able.]	Imprisonment of either description for one year or fine, or both.	[1][5][* * *] Magistrate of the first or second class.]
297	Trespassing in place of worship or sepulture,disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for one year, or fine, or both.	Ditto ..

[1]Ins. and subs. by the Criminal Law Amendment Act, 1927 (XXV of 1927), s.3.
[2]Subs. by Act No. XVI of 1991, s.3.
[3]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972) , s. 2 and Sch., for "Court of Session".
[4]Ins. by the Criminal Law (Amdt.) Act, 1986 (III of 1986), s.3.
[5]The "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, Sch.

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298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight, of any person, with intention to wound his religious feeling.	Shall not arrest without warran.	Ditto ..	Ditto ..	Compound -able.	[1][imprisonment of either description for a term which may extend to three years but shall not be less than one year, or with fine , or with both.]	Ditto .
[2][298A	Use of derogatory remarks, etc., in respect of holy personage's.	May arrest without warrant.	Ditto ..	Ditto ..	Not compound-able.	Imprisonment of either drescription for three years or fine, or both.	Ditto .]
[3][298B	Misuse of epithets, discriptions and tiltes, etc.,reserved for certain holy personages or places.	Ditto ..	Ditto ..	Not Bailable.	Ditto ..	Imprisonment of either description for three years, and fine.	Ditto .
298C	Person of Quadiani group , etc., calling himself a muslim or preaching or propagating his faith.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto.]
CHAPTER XVI.– OFFENCES AFFECTING THE HUMAN BODY ***Of offences affecting Life***							
[4][302	Qatl-i-amd	May arrest without warrant	Warrant	Not bailable.	Compound -able.	Qisas, or death, imprisonment for life or imprisonment upto twenty-five years	Court of Session.
303	(a) Qatl under ikrah-i-tam.	Ditto ..	Ditto..	Ditto ..	Ditto ..	Impriosnment of either description for twenty-five years but not less than ten years.	Ditto .
	(b) Causing of ikrah-i-tam for commission of qatl.	Ditto ..	Ditto..	Ditto ..	Ditto ..	Punishment provided for the kind of *qatl* committed.	Ditto .
	(c) Qatl under Ikrah-i-naqis.	Ditto ..	Ditto..	Ditto ..	Ditto ..	Punishment provided for the kind of *qatl* committed.	Ditto ..
	(d) Causing ikrah-i-naqis for the commission of qatl.	Ditto ..	Ditto..	Ditto ..	Ditto ..	Imprisoment of either description for ten years.	Ditto ..

[1]Subs. by Act No. IV of 2017, s.4 (2).
[2]Ins. by the Code of Criminal Procedure (Third Amdt.) Ordinance, 1980 (XLV of 1980), s. 2.
[3]Ins. by the Anti Islamic Activities of Quadiani Group Lahori Group and Ahmadis (Prohibition and Punishment) Ordinance, 1984 (XX of 1984),s.5
[4]Subs. by Act No. II of 1997, s.17.

308	Qatl-i-amd not liable to qisas.	May arrest without warrant.	warrant.	Not Bailable.	Compound-able.	Diyat, and imprisonment of either description for [1][twenty five years].	Court of Session.
[2][310 A	Giving a female forcefully in Marriage or otherwise in badl-i-sulh, wanni or swara.	Shall not arrest without warrant.	Warrant .	Not Bailable	Not Compound-able.	Imprisonment of either description which may extend to 7 years but shall not be less than 3 years and fine of rupees 500,000/-	Court of sessions or Magistrate of first class.]
311	Qatl-i-amd when waived compounded.	Ditto ..	Ditto ..	Ditto ..	[1][Compound -able]	[3][Death or imprisonment for life or imprisonment of either description for a term which may extend to fourteen years as *ta'zir*, or if the offence has been committed in the name or on the pretext of honour, imprisonment for life].	Ditto .
312	Qatl-i-amd after compounding of qisas etc.	Ditto ..	Ditto ..	Ditto ..	Ditto..	Qisas or diyat.	Ditto .
316	Qatl Shibh-i-amd.	Ditto ..	Ditto ..	Ditto ..	Ditto.. .	Diyat, and impriosnment of either description for fourteen years.	Ditto .

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[1]Subs. by Act No. I of 2005, s. 16.
[2]Subs. by Act No. XXVI of 2011, s. 5.
[3]subs. by Act No. XLIII of 2016,s.9.

319	*Qatl-i- khata*	Ditto	Ditto	Bailable	Ditto	Diyat, and imprisonment of either description for five years.	Ditto
320	*Qatl-i- khata* by rash or negligent driving.	May arrest without warrant.	Warrant	Bailable	Compoundable	Diyat, and imprisonment of either description for ten years.	Ditto
322	*Qatl-bis- sabab*.	Ditto	Ditto	Not bailable	Ditto	Diyat	Ditto
324	Attempt to *qatl-i-amd*	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for ten years, [1][but shall not be less than five years if the offence has been committed in the name or on the pretext of *karo kari, siyah kari* or similar other customs or practices] and fine, qisas, or arsh in case of hurt and imprisonment upto seven years.	Ditto
[2]325	[*	*	*	*	*	*	*]
327	Being a thug.	May arrest without warrant	Warrant	Not bailable	Not Compoundable	Imprisonment for life and fine.	Court of Session.

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[1]Ins. by Act No. I of 2005, s. 16.
[2]Omitted by Act No. XXXVII of 2022,s.3.

328	Exposure of a child under 12 years of age by parent or person having care of it with intention of wholly abandoning it.	Ditto..	Ditto	Ditto..	Ditto..	Imprisonment of either description for seven years, or fine, or both.	Court of Session or Magistrate of the first class.
[1][328A	Cruelty to a Child	May arrest without warrant	Warrant	Bailable	Compound-able	Imprisonment which shall not be less than one year and may extend to three years or with fine which shall not be less than twenty- five thousand rupees and may extend to fifty thousand rupees or with both.	Magistrate of the first class.]
329	Concealment of birth by secret disposal of dead body.	Ditto..	Ditto..	Bailable	Ditto..	Imprisonment of either description for two year, or fine, or both.	Magistrate of the first class.
334	*Itlaf-i-udw*.	Ditto..	Ditto..	Not bailable	Compound-able	*Qisas, or arsh*, and imprisonment of either description for ten years.	Court of Session.
336	*Itlaf-i-salahiyyat-i-udw*.	May arrest without warrant.	Warrant	Not bailable.	Compound-able	*Qisas, or arsh*, and imprisonment of either description for ten years.	Court of Session.
[2][336B	Hurt caused by Corrosive Substances	Ditto..	Ditto..	Ditto..	Not compound-able	Life imprisonment or imprisonment of either description for not less then 14 years and a minimum fine of one one million rupees	Ditto..]

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[1]Ins. by Act No. X of 2016, s. 8.
[2]Ins. by Act No. XXV of 2011, s. 4.

337A	(i) *Shajjah-i-khafifah*	Shall not arrest without warrant.	Summons	Bailable	Compound-able	Daman, and imprisonment of either description for two years.	Magistrate of the first class.
	(ii) *Shajjah-i-mudihah.*	May arrest without warrant	Warrant	Not bailable	Ditto.	Qisas, or arsh, and imprisonment of either description for five years.	Court of Session or Magistrate of first class.
	(iii) *Shajjah-i-hashimah.*	Ditto	Ditto	Ditto	Ditto	Arsh, and imprisonment of either description for ten years.	Ditto
	(iv) *Shajjah-i-munaqqilah.*	May arrest without warrant	Warrant	Not bailable	Coumpoun-able	Arsh, and imprisonment of either description for ten years.	Court of Session or Magistrate of the first class.
	(v) *Shajjah-i-ammah.*	Ditto	Ditto	Ditto	Ditto	Arsh, and imprisonment of either description for fourteen years.	Ditto.
	(vi) *Shajjah-i-damighah.*	Ditto..	Ditto..	Ditto..	Ditto..	Arsh, and imprisonment of either description for fourteen years.	Ditto.
337D	*Jaifah.*	Ditto	Ditto	Ditto	Ditto	Arsh, imprisonment of either description for ten years and punishment provided for Itlaf-i-udw or Itlaf- i-salahiyyat-i-udw, if caused.	Ditto
337F	(i) *Damiyah.*	Shall not arrest without warrant	Summons	Bailable	Compound-able	Daman, and imprisonment of either description for one years.	Magistrate of the first class.
	(ii)*Badi`ah*	May arrest without warrant	Warrant	Not bailable	Ditto..	Daman, and imprisonment of either description for three years.	Ditto
	(iii) Mutalahimah.	Ditto.	Ditto.	Ditto.	Ditto.	Daman, and imprisonment of either description for three years.	Ditto
	(iv) *Mudihah.*	Ditto.	Ditto.	Ditto.	Ditto.	Daman, and imprisonment of either description for five years.	Court of Session or Magistrate of first class.

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	(v) *Hashimah.*	May arrest without warrant	Warrant	Not bailable	Compound-able	Daman, and imprisonment of either description for five years.	Court of Session or Magistrate of first class.
	(vi) *Munaqqilah.*	Ditto..	Ditto..	Ditto..	Ditto..	Daman, and imprisonment of either description for seven years.	Ditto
337G	Hurt by rash or negligent driving.	Ditto..	Ditto..	Bailable	Ditto..	Arsh, or daman, and imprisonment of either description for five years.	Ditto
337H	(1) Hurt by rash or negligent act.	Ditto..	Ditto..	Ditto..	Ditto..	Arsh, or daman, and imprisonment of either description for three years.	Magistrate of the first class.
	(2) A rash or negligent act to endanger human life or personal safety of others.	Shall not arrest without warrant	Summons	Ditto..	Ditto..	Imprisonment of either description for three months, or with fine,or with both.	Magistrate of the first or second class.
337 I	Hurt by mistake (*khata*).	Shall not arrest without warrant	Summons	Bailable	Compound-able	Arsh, or daman, for the kind of hurt caused.	Magistrate of the first class.
337J	Hurt by poison.	May arrest without warrant	Warrant	Not bailable	Compound-able	Arsh,or daman, provided for the kind of hurt caused and imprisonment of either description for ten years.	Court of Session.

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337K	Hurt for extorting confession etc.	May arrest without warrant	Warrant	Not-Bailable	Compound-able	*Qaisas*, *arsh*, or *daman*, provided for the kind of hurt caused and imprisonment of either description for ten years.	Court of Session.
337 L	(a) Hurts other than specified in sections here-to-before.	Ditto..	Ditto..	Ditto..	Ditto..	*Daman*, and imprisonment of either description for seven years.	Court of Session or Magistrate of the first class.
	(b) Other hurts not covered here-to-before.	Shall not arrest without warrant	Summons	Bailable	Compound-able	*Daman*, or imprisonment of either description for two years or with both.	Magistrate of the first class.
337M	Hurt not liable to *qisas.*	Ditto	Ditto	Ditto	Ditto	*Arsh*, *ta'zir* and punishment provided for the kind of hurt caused.	Ditto
337N	Hurt where *qisas* cannot be enforced.	May arrest without warrant	Warrant	Not bailable	Ditto	*Arsh*, *ta'zir* and punishment provided for the kind of hurt caused [1][but *ta'zir* shall not be less than one- third of the maximum imprisonment provided for the offence where the offender is a previous convict, habitual or hardened, desperate or dangerous criminal or if the offence has been committed by him in the name or on the pretext of *karo kari*, *siyah kari* or similar other customs or practices.]	Court of Session or Magistrate of the first class.

[1]Added by Act No. I of 2005, s. 16.

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338A	(a) *Isqat-i- haml* with consent.	May arrest without warrant	Warrant	Not bailable	Compound -able	Imprisonment of either description for three years and punishment provided for the kind of hurt or death, if caused.	Court of Session or Magistrate of the first class.
	(b) *Isqat-i- haml* without consent.	May arrest without warrant	Warrant	Not bailable	Compound -able	Imprisonment of either description for ten years and punishment provided for the kind of hurt or death, if caused.	Court of Session or Magistrate of the first class.
338C	*Isqat-i-janin*	May aresst without warrant	Warrant	Not bailable	Compound -able	*Diyat, ta'zir* and Imprisonment of either description for seven years and punishment provided for the kind of hurt or death, if caused.	Court of Session or Magistrate of the first class.]
Of Wrongful Restraint and Wrongful Confinement							
341	Wrongfully restraining any person.	May arrest without warrant.	Summon ..	Bailable ..	Compound -able..	Simple imprisonment for 1 month, or fine of [1][1500] rupees, or both.	[2][Any Judicial Magistrate].

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[1]Subs. by Ord. No. LXXXVI of 2002, sec. 3, (Sch.-II).
[2]Subs. by the Law Reforms Ordinance, 1972(XII of 1972), S.2 and Sch., item 210(vii)(a).

342	Wrongfully confining any person.	Ditto ..	Ditto ..	Ditto..	Ditto ..	Imprisonment of either description for 1 year, or fine of [1][3000] rupees, or both.	[2][* * *] Magistrate of the first or second class.
343	Wrongfully confining for three or more days.	Ditto ..	Ditto ..	Ditto..	[3][Compound-able when permission is given by the Court before which the prosecution is pending.]	Imprisonment of either description for 2 years, or fine, or both.	Ditto .
344	Wrongfully confining for 10 or more days.	Ditto ..	Ditto ..	Ditto..	[3][Not compound-able]	Imprisonment of either description for 3 years, and fine.	[4][* * *] Magistrate of the first or second class.
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto ..	Ditto..	Ditto ..	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	Ditto ..
346	Wrongful confinement in secret.	May arrest without warrant.	Ditto ..	Ditto..	[3][Compound-able when permission is given by the Court before which the prosecution is pending.]	Ditto ..	Ditto ..

[1]Subs. by Ord. No. LXXXVI of 2002, sec. 3, (Sch.-II).
[2]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, Sch.
[3]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 159, for the original entry.
[4]The words "Court of Session or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.

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347	Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, etc.	May arrest without warrant.	Summons ..	Bailable ..	[1][Not Compound-able.]	Imprisonment of either description for 3 years, and fine.	[2][* * *] Magistrate of the first or second class.
348	Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[2][* * *] Magistrate of the first class.
			Of Criminal Force and Assault				
352	Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons	Bailable ..	Compound-able	Imprisonment of either description for 3 months, or fine of [4][1500] rupees, or both.	[3][Any Judicial Magistrate].
353	Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant..	Ditto ..	Not Compound-able.	Imprisonment of either description for 2 years, or fine, or both.	[5][* * *] Magistrate of the first or second class.
354	Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto .
[6][354A	Assault or use of criminal force to women and striping her of her clothes.	Ditto ..	Ditto ..	Not bailable	Ditto ..	Death or imprisonment for life,and fine.	Court of Session.]

[1]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 159, for the original entry.
[2]The words "Court of Session or" omitted by the Law Reform Ordinance, 1972 (XII of 1972),s.2 and Sch.
[3]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and sch., item 210(vii)(a).
[3]Subs. by Ord. LXXXVI of 2002, sec. 3, (Sch.II).
[4]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, Sch.
[5]Ins. by the Criminal Law (Amdt.) Ordinance, 1984 (XXIV of 1984), s. 3.

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355	Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons..	Ditto ..	Compound-able.	Ditto ..	Ditto ..
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant ..	Not-bailable	Not compound-able.	Ditto ..	[1][Any Judicial Magistrate].
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto ..	Ditto ..	Bailable..	[2][Compound able when permission is given by the Court before which the prosecution is pending.]	Imprisonment of either description for 1 year, or fine of [3][3,000] rupees, or both.	Ditto .
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons..	Bailable	Compound-able.	Simple imprisonment for 1 month, or fine of [2][600] rupees, or both.	[1][Any Judicial Magistrate].
Of Kidnapping, Abduction, Slavery and Forced Labour							
363	Kidnapping ..	May arrest without warrant.	Warrant..	[2][Bail-able]	Not compound -able.	Imprisonment of either description for 7 years, and fine.	Court of Session, [4][* *] or Magistrate of the first class.

[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and sch., item 210(vii)(a).
[2]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (18 of 1923), s. 159, for the original entry.
[3]Subs. by Ord. LXXXVI of 2002, sec. 3, (Sch.II).
[4]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.

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364	Kidnapping or abducting in order to murder.	Ditto ..	Ditto ..	[1][Not bailable]	Ditto ..	[2][Imprisonment for life,] or rigorous imprisonment for 10 years, and fine.	Court of Session.
[3][364A	Kidnapping or abducting a person under the [4][age of fourteen.]	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Death or imprisonment for life or rigorous imprisonment for a term which may extend to 14 years and shall not be less than 7 years.	Ditto.]
365	Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session [5][* *] or Magistrate of the first class.
[4][365A	Kidnapping or abduction for extorting any property or valuable security, or compelling any person to comply with any other demand.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[6][Death or imprisonment] for life and for- feiture of property.	Court of Session.]
[7][365B	Kidnapping, abducting or inducing woman to compel for marriage etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment for life and fine.	Ditto ..]
366	Kidnapping or abducting a woman to compel her marriage or to cause her defilement, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 10 years, and fine.	Court of Session.
[8][366A	Procuration of minor girl.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Court of Session.
366B	Importation of girl from foreign country.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto .]

[1]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 159, for the original entry.
[2]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch., for "transportation for life" (*w.e.f.* 13-4-72).
[3]Ins. by the Criminal Law (Amdt.) Act, 1973 (VI of 1973), s. 3 (w.e.f. 28-7-73.).
[4]Subs. and Ins. by the Criminal Law (Amdt.) Act, 1989 (III of 1990), s. 4.
[5]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.
[6]Subs. by Act No. II of 1991, s. 3.
[7]Ins. by Act No. VI of 2006, s. 9 and Sch. II.
[8]Ins. by the Indian Penal Code (Amdt.) Act, 1923 (XX of 1923), s. 4.

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367	Kidnapping or abducting in order to subject a person to grievous hurt, slavery, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto..	Ditto ..
[1][367A	Kidnapping or abducting in order to subject person to unnatural lust.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Death or rigorous imprisonment which may extend to twenty-five years and fine.	Ditto.]
368	Concealing or keeping in confinement a kidnapped person.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Punishment for kidnapping or abduction.	[2][Court of Session, [3][* *] or Magistrate of the first class.]
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Ditto .
[4][369A	Trafficking of human beings	May arrest without warrant	War-rant	Not bail-able	Not compound-able	Imprisonment for a term which shall not be less than five years and may extend to seven years and liable to fine which shall not be less than rupees five hundred thousand and may extend to rupees seven hundred thousand or with both.	Court of Sessions.]
370	Buying or disposing of any person as a slave.	Shall not arrest without warrant	Ditto ..	Bail-able ..	Ditto ..	Ditto ..	Court of Session.
371	Habitual dealing in slaves.	May arrest without warrant.	Ditto ..	Not bailable.	Ditto ..	[5][Imprisonment for life,] or imprisonment of either description for 10 years, and fine.	Ditto .
[1][371A	Selling person for purposes of prostitution, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment which may extend to twenty-five years and fine.	Ditto .
371B	Buying person for purposes of prostitution etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment which may extend to twenty-five years and fine.	Ditto .]

[1]Ins. by Act No. VI of 2006, s. 9 and Sch. II.
[2]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 159, for the original entry.
[3]The Word "Presidency Magistrate" omitted by A.O., 1949, Sch.
[4]Ins. by Act No. X of 2016, s. 8.
[5]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch., for "transportation for life" (*w.e.f.* 13-4-72).

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372	Selling or letting to hire a minor for purposes of prostitution, etc.	May arrest without warrant.	Warrant ..	Not bailable.	Not compound-able.	Imprisonment of either description for 10 years, and fine.	Court of Session, [1][* *] or Magistrate of the first class.
373	Buying or obtaining possession of a minor for the same pur poses.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
374	Unlawful compulsory labour.	[2][Shall not arrest without warrant.]	Ditto ..	Bailable.	Compound-able.	Imprisonment of either description for 1 year, or fine or both.	[3][Any Judicial Magistrate].
			[4][**Of Rape**]				
[5][375A	Gang Rape	May arrest without warrant	None required	Not bailable	Not compound-able	Death or imprisonment for the remainder period of natural life or imprisonment for life and fine	Court of Sessions]
[5][376	Rape	May arrest without warrant.	None required	Not bailable	Not compound-able	Death or imprisonment not less than ten years or more than twenty-five years or imprisonment for the remainder period of natural life and fine	Court of Sessions]
[6][376A	Disclosure of identity of the victim	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description upto three years and fine.	Ditto]

[1]The word "Presidency Magistrate" omitted by A.O., 1949, Sch.
[2]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 159, for the original entry.
[3]Subs. by the Law Reform Ordinance, 1972(XII of 1972), s.2 and sch., item 210(vii)(a).
[4]Ins. by Act VI of 2006, s.9, Sch-II.
[5]Ins. and sub. by Act LVI of 2021, s.5.
[6]Ins. by Act No. XLIV of 2016, s.15.

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Of Unnatural Offence;							
377	Unnatural offences.	May arrest without warrant.	Warrant.	Not bailable	Not compoundable.	[1][Imprisonment for life], or imprisonment of either description for 10 years, and fine.	Court of Session, [2][* *] or Magistrate of the first class.
[3][377B	Sexual abuse	May arrest without warrant.	Warrant.	Not bailable	Not compounable	[4][Imprisonment of either description for a term which shall not be less than fourteen years and may extend up to twenty years and with fine which shall not be less than one million rupess.]	Court of Sessions.]
CHAPTFR XVII. —OFFENCES AGAINST PROPERTY ***Of Theft***							
379	Theft .	May arrest without warrant.	Warrant..	Not bailable	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	[5][Any Judicial Magistrate].
380	Theft in a building, tent or vessel.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Ditto ..
381	Theft by clerk or servant of property in possession of master or employer.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Court of Session, [2][* *] or Magistrate of the first or second class.
[6][381A	Theft of a car or other motor vehicle.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Impriosment of either description for 7 years and fine.	Court of Session or Magistrate of the first class]

[1]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch., for "transportation for life" (*w.e.f.* 13472).
[2]The words "Presidency Magistrate" omitted by A.O., 1949. Sch.
[3]Ins. by Act No. X of 2016, s. 8.
[4]Subs. by Act No. XXVII of 2018,s.4.
[5]Subs. by the Law Reform Ordinance, 1972(XII of 1972), s.2 and sch., item 210(vii)(a).
[6]Ins. by Act No. I of 1996, s. 3.

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382	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft, or to retiring after committing it, or to retaining property taken by it.	May arrest without warrant.	Warrant	Not bailable.	Not compound-able.	Rigorous imprisonment for 10 years, and fine.	Court of Session, [1][* *] or Magistrate of the first class.
			Of Extortion				
[2][384	Extortion.	Shall not arrest without warrant.	Warrant.	Bailable	Not compound-able.	Imprisonment of either description for 3 years, or fine, or both.	[3][* * *] Magistrate of the first or second class.
[2][385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto ..	Ditto ..	Ditto ..	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Ditto..
[2][386	Extortion by putting a person in fear of death or grievous hurt.	Ditto ..	Ditto ..	Not bailable.	Ditto ..	Imprisonment of either description for 10 years, and fine.	Court of Session.
[2][387	Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Ditto .

[1]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.
[2]This item has been amended in its application to the Province of Sind by the Code of Criminal Procedure (Sind Amdt.) Act, 1950 (Sind Act 23 of 1950).
[3]The words "Court of Session or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.

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388	Extortion by threat of accusation of an offence punishable with death, [1][imprisonment for life] or imprisonment for 10 years.	Ditto ..	Ditto ..	[2][Ditto.]	Ditto ..	Imprisonment of either description for 10 years, and fine.	Ditto .
	If the offence threatened be an unnatural offence.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[1][Imprisonment for life.]	Ditto .
389	Putting a person in fear of accusation of offence punish able with death, [1][imprisonment for life], or with imprisonment for 10 years, in order to commit extortion.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 10 years, and fine.	Ditto .
	If the offence be an unnatural offence.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[1][Imprisonment for life.]	Ditto .
CHAPTER XVII.– OFFENCES AGAINST PROPERTY– *contd.*							
Of Robbery and Dacoity							
392	Robbery	May arrest without warrant.	Warrant	Not bailable.	Not compoundable. -	Rigorous imprisonment for 10 years, and fine.	Court of Session, [3][* *] or Magistrate of the first class
	If committed on the highway between sunset and sunrise.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Rigorous imprisonment for 14 years, and fine.	Ditto ..
393	Attempt to commit robbery.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Rigorous imprisonment for 7 years, and fine.	Ditto..

[1]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch., for "transportation for life" (*w.e.f.* 13472).
[2]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1973 (LVII of 1973), s. 4, for "Bailable" (w.e.f. 29673).
[3]The words "Presidency Magistrate" omitted by A.O., 1949. Sch.

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394	Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery.	Ditto .	Ditto ..	Ditto ..	Ditto ..	[1][Imprisonment for life], or rigorous imprisonment for 10 years, and fine.	Ditto .
395	Dacoity ..	Ditto .	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Court of Session.
396	Murder in dacoity.	Ditto .	Ditto ..	Ditto ..	Ditto ..	Death, [1][imprisonemnt for life], or rigorous imprisonment for 10 years, and fine.	Ditto .
397	Robbery or dacoity, with attempt to cause death or grievous hurt.	Ditto .	Ditto ..	Ditto ..	Ditto ..	Rigorous imprisonment for not less than 7 years.	Ditto .
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	Ditto .	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto .
399	Making preparation to commit dacoity.	Ditto .	Ditto ..	Ditto ..	Ditto ..	Rigorous imprisonment for 10 years, and fine.	Ditto .
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto .	Ditto ..	Ditto ..	Ditto ..	[1][Imprisonment for life], or rigorous imprisonment for 10 years, and fine.	Ditto .

[1]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch., for "transportation for life" (*w.e.f.* 13472).

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401	Belonging to a wandering gang of persons associated for the purpose of habitually committing thefts.	Ditto	Ditto ..	Ditto ..	Ditto ..	Rigorous imprison-ment for 7 years, and fine.	Court of Session, [1][* *] or Magistrate of the first class.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Court of Session.
			Of Criminal Misappropriation of Property				
403	Dishonest misappropriation of moveable property, or converting it to one's own use.	Shall not arrest without warrant.	Warrant ..	Bailable ..	[2][Compound-able when permission is given by the Court before which the prosecution is pending.]	Imprison-ment of either description for 2 years, or fine, or both.	[3][Any Judicial Magistrate].
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto ..	Ditto ..	Ditto ..	Not compound-able.	Imprison-ment of either description for 3 years, and fine.	[4][* * *] Magistrate of the first or second class.
[5][*]	If by clerk or person employed by deceased.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[2][Imprisonm ent of either description for 7 years, and fine.]	[6][Court of Session or Magistrate of the first class.]

[1]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.
[2]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 159, for the original entry.
[3]Subs. by the Law Reforms Ordinance, 1972(XII of 1972), s. 2 and Sch., item 210(vii)(a).
[4]The words "Court of Session, or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch. (for further clarity on this provision, the original source i.e. the Gazette Notification of the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch., item (210) (vii) (f) may be perused.
[5]The figures "405" rep. by Act No. XVIII of 1923, s. 159.
[6]Subs. by Ordinance XII of 1972, s. 2 and Sch., for "Ditto".

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			Of Criminal Breach of Trust				
406	Criminal breach of trust.	May arrest without warrant.	Warrant..	Not bailable.	Not compound-able.	Imprisonment of either description for 3 years, or fine, or both.	[1][* * *] Magistrate of the first or second class.
407	Criminal breach of trust by a carrier, wharfinger, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session, [2][**] or Magistrate of the first class.
408	Criminal breach of trust by a clerk or servant.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Court of Session, [2][**] or Magistrate of the first or second class.
409	Criminal breach of trust by public servant or by banker, merchant or agent, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[3][Imprisonment for life] or imprisonment of either description for 10 years, and fine.	Court of Session, [2][* *] or Magistrate of the first class.
			Of the Receiving of Stolen Property				
411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant..	Not bailable.	Not compound-able.	Imprisonment of either description for 3 years, or fine, or both.	[1][* * *] Magistrate of the first or second class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[3][Imprisonment for life], or rigorous imprisonment for 10 years, and fine.	Court of Session.
413	Habitually dealing in stolen property.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[3][Imprisonment for life], or imprisonment of either description for 10 years, and fine.	Ditto .

[1]The words "Court of Session, or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[2]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.
[3]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch., for "transportation for life" (w.e.f. 13472).

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414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years or fine, or both.	[1][* * *] Magistrate of the first or second class.
			Of Cheating				
417	Cheating	Shall not arrest without warrant.	War-rant	Bailable ..	[2][Compoundable when permission is given by the court before which the prosecution is pending.]	Imprisonment of either description for 1 year, or fine, or both.	[3][* * *] Magistrate of the first or second class.
418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Ditto ..	Ditto ..	Ditto ..	[2][Compoundable when permission is given by the Court before which the prosecution is pending.]	Imprisonment of either description for 3 years, or fine, or both.	[1][* * *] Magistrate of the first or second class.
419	Cheating by personation.	May arrest without warrant.	Ditto ..	[4][Not bailable]	[2][Compoundable when permission is given by the Court before which the prosecution is pending.]	Ditto	Ditto .
420	Cheating and thereby dishonestly inducing delivery of property, or the making, alteration or destruction of a valuable security.	Ditto ..	Ditto..	Ditto..	[2][Compoundable when permission is given by the court before which the prosecution is pending.]	Imprisonment of either description for 7 years, and fine.	Court of Session, [5][* *] or Magistrate of the first class.

[1]The words "Court of Session, or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[2]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 159, for the original entry.
[3]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, Sch.
[4]Subs. by the Criminal Law (Amdt.) Ordinance, 1981 (XXXIII of 1981), s. 3, for "Ditto".
[5]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.

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	Of Fraudulent Deeds and Disposition of Property						
421	Fraudulent removal or concealment of property, etc., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant ..	Bailable ..	Not Compound -able.	Imprisonment of either description for 2 years, or fine, or both.	[1][* * *] Magistrate of the first or second class.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto .
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto .
424	Fraudulent removal or concealment of property, of himself, or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto .

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[1]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, Sch.

			Of Mischief				
426	Mischief ..	Shall not arrest without warrant.	Summons ..	Bailable ..	Compoundable When the only loss or damage caused is loss or damage to a private person.	Imprisonment of either description for 3 months, or fine, or both.	[1][Any Judicial Magistrate].
427	Mischief, and thereby causing damage to the amount of 50 rupees or up wards.	Ditto ..	Warrant ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both	[2][* * *] Magistrate of the first or second class.
428	Mischief by killing, poisoning, maiming or rendering useless any animal of the value of 10 rupees or upwards.	May arrest without warrant.	Ditto ..	Ditto ..	Not compound-able.	Ditto ..	Ditto .
429	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, etc., whatever may be its value or any other animal of the value of 50 rupees or upwards.	May arrest without warrant.	Warrant ..	Bailable ..	Not compound-able.	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, [3][* *] or Magistrate of the first or second class.
430	Mischief by causing diminution of supply of water for agricultural purpose, etc.	Ditto ..	Ditto ..	Ditto ..	[4][Compound-able when permission is given by the Court before which the prosecution is pending.]	Ditto ..	Ditto .

[1]Subs. by the Law Reforms Ordinance, 1972(XII of 1972), s. 2 and Sch., item 210(vii)(a).
[2]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, Sch.
[3]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.
[4]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (18 of 1923), s. 159, for the original entry.

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431	Mischief by injury to public road, bridge, navigable river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	Ditto ..	Ditto ..	Ditto ..	[1][Not compound-able.]	Ditto ..	Ditto .
432	Mischief by causing inundation or obstruction to public drainage, attended with damage.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto .
433	Mischief by destroying or moving or rendering less useful a lighthouse or sea-mark, or by exhibiting false lights.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, or fine, or both.	Court of Session.
434	Mischief by destroying or moving, etc, a landmark fixed by public authority.	Shall not arrest without warrant	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 1 year, or fine, or both.	[2][* * *] Magistrate of the first or second class.
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 rupees or upwards, or, in case of agricultural produce, 10 rupees or upwards.	May arrest without warrant	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session, [3][* *] or Magistrate of the first class.
436	Mischief by fire or explosive substance with intent to destroy, a house, etc.	May arrest without warrant	warrant.	Not bailable.	Not compound-able.	[4][Imprisonment for life], or imprisonment of either description for 10 years, and fine.	Court of Session.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 10 years, and fine.	Ditto .
438	The mischief described in the last section when committed by fire or any explosive substance.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[4][Imprisonment for life], or imprisonment of either description for 10 years, and fine.	Ditto .

[1]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 159, for the original entry.
[2]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, Sch.
[3]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.
[4]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch., for "transportation for life" (*w.e.f.* 13-4-72).

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439	Running vessel ashore with intent to commit theft, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 10 years, and fine.	Ditto ..
440	Mischief committed after preparation made for causing death, or hurt, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 5 years, and fine.	Court of Session, [1][* *] or Magistrate of the first class.
			Of Criminal Trespass				
447	Criminal trespass.	May arrest without warrant.	Summons. .	Bailable ..	Compound-able.	Imprisonment of either description for 3 months, or fine of [2][1500] rupees, or both.	[3][Any Judicial Magistrate].
448	House-trespass.	Ditto ..	Warrant ..	Ditto ..	Ditto ..	Imprisonment of either description for one year, or fine of [2][3,000] rupees, or both.	Ditto .
449	House-trespass in order to the commission of an offence punishable with death.	Ditto ..	Ditto ..	Not bailable.	Not compound-able.	[4][Imprisonment for life], or rigorous imprisonment for 10 years, and fine.	Court of Session.
450	House-trespass in order to the commission of an offence punishable with [4][Imprisonemnt for life.]	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 10 years, and fine.	Ditto .
451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto ..	Ditto ..	Bailable ..	[5][Compound-able when permission is given by the Court before which the prosecution is pending.]	Imprisonment of either description for 2 years, and fine.	[3][Any Judicial Magistrate

[1]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.
[2]Subs. by Ord. LXXXVI of 2002, s. 3 (Sch. II).
[3]Subs. by the Law Reforms Ordinance, 1972(XII of 1972), s. 2 and Sch., item 210(vii)(a).
[4]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (25 of 1974), s. 2 and Sch., for "transportation for life" (*w.e.f.* 13-4-72).
[5]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (18 of 1923), s. 159, for the original entry.

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451	If the offence is theft.	May arrest without warrant..	Warrant ..	Not bailable.	[1][Not compound-able.]	Imprisonment of either description for 7 years and fine.	Court of Session, [2][* *] or Magistrate of the first or second class.
452	Housetrespass, having made preparation for causing hurt, assault, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto .
453	Lurking house trespass or house-breaking.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, and fine.	[3][* * *] Magistrate of the first or second class.
454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	[4][* * *] Magistrate of the first or second class.
	If the offence is theft.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 10 years, and fine.	[5][Court of session, or Magistrate of the first and second class.]
455	Lurking house-trespass or house breaking after preparation made for causing hurt, assault, etc.,	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Court of Session [2][* *] or Magistrate of the first class.
456	Lurking house-trespass or house-breaking by night.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, and fine.	[4][* * *] Magistrate of the first or second class.

[1]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 159, for the original entry.
[2]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.
[3]The words "Presidency Magistrate" and by implication the word "or" omitted *ibid*.
[4]The words "Court of Session, or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[5]Subs. *ibid.*, for "Ditto".

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457	Lurking house-trespass or house-breaking by night in order to the commission of an offence punishable with imprisonment.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 5 years, and fine.	[1][Court of session, or Magistrate of the first class.]
	If the offence is theft.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 14 years, and fine	Ditto ..
458	Lurking house-trespass or house-breaking by night, after preparation for causing hurt, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Court of Session, [2][* *] or Magistrate of the first class.
459	[3][Hurt] caused whilst committing lurking house-trespass or house-breaking.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[4][Impriosment for life], or imprisonment of either description for ten years, and fine [3][and shall also be liable to the kind of *qatl* committed by him or hurt caused or attempted to cause].	Court of Session
460	[3][Qatl or] hurt caused by one of several persons jointly concerned in housebreaking by night, etc.	May arrest without warrant.	Warrant..	Not bailable.	Not compound-able.	[4][Impriosment for life], or imprisonment of either description for 10 years, and fine [3][and shall also be liable to the kind of *qatl* committed by him or hurt caused or attempted to cause].	Court of Session.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto..	Ditto ..	Bailable ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	[5][* * *] Magistrate of the first or second class.

[1]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch. for "Ditto".
[2]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.
[3]Subs. and added by Act No. II of 1997, s. 17.
[4]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch., for "transportation for life" (*w.e.f.* 13-4-72).
[5]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, Sch.

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462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently, opening the same.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 3 years, or fine, or both.	[1][* * *] Magistrate of the first or second class.
[2][***CHAPTER XVII A OFFENCES RELATING TO OIL AND GAS***							
462B	Tampering with petroleum pipelines etc.	May arrest without warrant.	Warrant..	Not bailable	Not compound -able	Rigorous imprisonment for 14 years but not less than 7 years and fine upto ten million rupees.	Court of Sessions.
462C	Tampering with auxiliary or distribution pipelines of petroleum.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Rigorous imprisonment for 10 years but not less than 5 years and fine upto three million rupees.	Court of Sessions.
462D	Tampering with gas meter by domestic consumer, etc.	Shall not arrest without warrant.	Ditto ..	Bailable ..	Not compound -able.	Imprisonment upto 6 months or fine upto 100 thausands rupees or both.	Magistrate of first class.
462E	Tampering with gas meter by industrial or commercial consumer, etc.	May arrest without warrant.	A warrant shall ordinarily issued in the first issuance.	Not bailable.	Ditto ..	Imprisonment for 10 years but not less than 5 years or fine upto 5 million rupees or both.	Court of Sessions.
462F	Damaging or destructing the transmission or transportation lines etc.	Ditto ..	Ditto ..	Ditto ..	Not compound able	Rigorous imprisonment for 14 years but not less than 7 years and fine not less than 1 million rupees.	Court of Sessions.]

[1]The words "Court of Session, or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[2]Ins. by Act No. XX of 2011, s. 3.

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[1][*CHAPTER XVII B. OFFENCES RELATING TO ELECTRICITY*							
462H	Abstraction or tampering etc, with transmission	May arrest without warrant.	A warrant shall not ordinarily issued in the first instance.	Not bailable.	Not compound -able.	Rigorous imprisonment for three years or with fine upto ten million rupees or with both.	Court of Session designated as Electricity Utilities Court.
462I	Abstraction or tampering etc., with distribution or auxiliary.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Rigorous imprisonment for three years or with fine upto three million rupees or with both.	Ditto ..
462J	Interference, improper use or tampering etc., with electric meter by domestic consumer, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment upto two years or fine upto one million rupees or with both.	Ditto ..
462K	Interference, improper use or tampering etc., with electric meter by industrial or commercial consumer, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment for three years or with fine upto six million rupees or with both.	Ditto ..
462L	Interference, improper use or tampering etc., with electric meter by agricultural consumer, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment for two years or with fine upto two and half million rupees or with both.	Ditto ..
462M	Damaging or destroying the transmission lines, distribution lines, electric, meters etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Rigorous imprisonment for seven years and with fine not less than three million rupees.	Ditto ..]

[1]Ins. by Act No. VI of 2016, s. 3.

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CHAPTER XVIII.—OFFENCES RELATING TO DOCUMENTS AND TO TRADE OF PROPERTY MARKS							
465	Forgery ..	Shall not arrest without warrant.	Warrant ..	Bailable ..	Not Compound-able.	Imprisonment of either description for 2 years, or fine, or both.	[1][* * *] Magistrate of the first class.
466	Forgery of a record of a Court of Justice or of a Register of Births, etc., kept by a public servant.	Ditto ..	Ditto ..	Not bailable.	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session.
467	Forgery of a valuable security, will or authority to make or transfer any valuable security, or to receive any money, etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[2][Imprisonment for life], or imprisonment of either description for 10 years and fine.	Ditto..
	When the valuable security is a promissory note of the [3][Federal Government].	May arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto..
468	Forgery for the Purpose of cheating.	Shall not arrest without warrant.	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years, and fine.	Court of Session [4][* *] or Magistrate of the first class.

[1]The words "Court of Session, or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[2]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch., for "transportation for life" (*w.e.f.* 13-4-72).
[3]Subs. by F.A.O., 1975 (P.O. No. 4 of 1975),Art. 2 and Table, for "Central Government" which has previously been amended by A.O.,1937, for "G of I."
[4]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.

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469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto ..	Ditto ..	Bailable..	Ditto ..	Imprisonment of either description for 3 years, and fine.	[1][Magistrate of the first class.]
471	Using as genuine a forged document which is known to be forged.	Shall not arrest without warrant	Warrant. .	Bailable. .	Not compound -able.	Punishment for forgery of such document.	Same Court as that by which the forgery is triable.
	When the forged document is a promissory note of the [2][Federal Government.]	May arrest without warrant	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Court of Session.
472	Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable under section 467 of the Pakistan Penal Code, or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit.	Shall not arrest without warrant .	Ditto ..	[3][Not bailable]	Ditto ..	[4][Imprisonment for life], or imprisonment of either description for 7 years, and fine.	Ditto .
473	Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable otherwise than under section 467 of the Pakistan Penal Code, or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 7 years and fine.	Ditto .
474	Having possession of a document, knowing it to be forged, with intent to use it as genuine; if the document is one of the description mentioned in section 466 of the Pakistan Penal Code.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto .

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[1]Subs. by Ordinance XII of 1972, s. 2 and Sch., for "Ditto".
[2]Subs. by F.A.O., 1975, Art. 2 and Table for "Central Government" which was subs. by A.O.,1937, for "G. of I".
[3]Subs. by Act No. VII of 1993, s. 4.
[4]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch., for "transportation for life" (*w.e.f.* 13-4-72).

	If the document is one of the description mentioned in section 467 of the Pakistan Penal Code.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[1][Imprisonment for life], or imprisonment of either description for 7 years, and fine.	Ditto .
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Pakistan Penal Code, or possessing counterfeit marked material.	Shall not arrest without warrant.	Warrant..	Bailable..	Not compound -able.	[1][Imprisonemnt for life], or imprisonment of either description for 7 years, and fine.	Court of Session.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Pakistan Penal Code, or possessing counterfeit marked material.	Ditto ..	Ditto ..	Not bailable.	Ditto ..	Imprisonment of either description for 7 years, and fine.	Ditto .
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will etc.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	[1][Imprisonment for life], or imprisonment of either description for 7 years, and fine.	Ditto .
477A	Falsification of accounts.	Ditto ..	Ditto ..	[2][Bailable] .	Ditto ..	[2][Imprisonment of either description for 7 years, or fine, or both.]	[2][Court of Session [3][* *] or Magistrate of the first class.]

[1]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch., for "transportation for life" (*w.e.f.* 13-4-72).
[2]Subs.by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 159, for the original entry.
[3]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.

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			Of Trade and Property Marks				
482	Using a false trade or property mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant..	Bailable..	[1][Compoundable when permission is given by the court before which the prosecution is pending.]	Imprisonment of either description for 1 year, or fine, or both.	[2][* * *] Magistrate of the first or second class.
483	Counterfeiting a trade or property mark used by another, with intent to cause damage or in jury.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 2 years, or fine, or both.	Ditto .
484	Counterfeiting a property mark used by a public servant, or any mark used by him to denote the manufacture, quality, etc., of any property.	Ditto ..	Summons ..	Ditto ..	[1][Not compoundable.]	Imprisonment of either description for 3 years, and fine.	[3][* * *] Magistrate of the first class.
485	Fraudulently making or having possession of any die, plate or other instrument for counterfeiting any public or private property or trade-mark.	Shall not arrest without warrant.	Summons	Bailable	Not Compoundable.	Imprisonment of either description for 3 years, or fine, or both.	[3][* * *] Magistrate of the first class.
486	Knowingly selling goods marked with a counterfeit property or trade-mark.	Ditto ..	Ditto ..	Ditto ..	[1][Compoundable with permission of the Court before which the prosecution is pending.]	Imprisonment of either description for 1 year or fine, or both.	[4][* * *] Magistrate of the first or second class.

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[1]Subs.by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 159, for the original entry.
[2]The words "Presidency Magistrate" and by implication the word "or" omitted, ibid.
[3]The words "Court of Session, or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[4]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, Sch.

487	Fraudulently making a false mark upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods which it does not contain, etc.	Ditto ..	Ditto ..	Ditto ..	[1][Not compound-able.]	Imprisonment of either description for 3 years, or fine, or both.	[2][* * *] Magistrate of the first or second class.
488	Making use of any such false mark.	Ditto ..	Ditto ..	Ditto ..	Not compound-able.	Ditto ..	Ditto ..
489	Removing, destroying or defacing any property-mark with intent to cause injury.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 1 year, or fine, or both.	[3][* * *] Magistrate of the first or second class.
[4][*Of Currency-Notes and Bank-Notes*							
489A	Counterfeiting currency-notes or bank-notes.	May arrest without warrant.	Warrant ..	Not bailable.	Not compound-able.	[5][Imprisonment for life] or imprisonment of either description for 10 years, and fine.	Court of Session
489B	Using as genuine forged or counterfeit currency-notes or bank notes.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto .
489C	Possession of forged or counterfeit currency-notes or bank notes.	Ditto ..	Ditto ..	Bailable.	Ditto ..	Imprisonment of either description for 7 years, or fine, or both.	Ditto .
489D	Making or possessing instruments or materials for forging or counterfeiting currency notes or bank-notes.	Ditto ..	Ditto ..	Not bailable.	Ditto ..	[5][imprisonment for life] or imprisonment of either description, for 10 years and fine.	Court of Session.]

[1]Subs.by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 159, for the original entry.
[2]The words "Court of Session, or" omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.
[3]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, Sch.
[4]This portion was ins. by the Currency Notes Forgery Act, 1899 (XII of 1899), s. 3.
[5]Subs. by the Criminal Procedure (Amdt.) Act, 1974 (XXV of 1974), s. 2 and Sch., for "transportation for life" (*w.e.f.* 13472).

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[1][489E	Making or using documents resembling currency notes or bank notes	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for 1 year, or fine or both.	Magistrate of the first class].
[2][489F	Dishonestly issuing a cheque for repayment of loan etc.	Ditto ..	Ditto ..	Ditto ..	Compoun dable	Imprisonment of either description for 3 year or with fine, or both.	Magistrate of the first class.]
[3][489G	Counterfeiting or using documents resembling Prize Bonds or unauthorized sale etc., thereof.	Ditto ..	Ditto ..	Ditto ..	Not compou nd-able.	Imprisonment for seven years, and fine.	Court of Sessions or Magistrate of first class.]
CHAPTER XIX.—CRIMINAL BREACH OF CONTRACTS OF SERVICE							
[4][*	*	*	*	*	*	*	*]
491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons	Bailable.	Compoun dable.	Imprisonment of either description for 3 months or fine of [5][600] rupees, or both.	[6][* * *] Magistrate of the first or second class.
[4][*	*	*	*	*	*	*	*]

[1]Ins. by the Criminal Law (Amdt.) Act, 1976 (VIII of 1976), s. 3 (w.e.f. 8-3-76).
[2]Ins. by Ord. No. LXXV of 2002, s. 7.
[3]Ins. by Act No. XXIII of 2012, s . 3.
[4]Enrties relating to sections 490 and 492 rep. by the Federal Laws (Revision and Declaration) Act, 1951 (XXVI of 1951), s. 3 and Sch.. II.
[5]Subs. by Ord. No. LXXXVI of 2002, s. 3 and Sch. II.
[6]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, Sch.

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CHAPTER XX.-OFFENCES RELATING TO MARRIAGE							
493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant ..	Not bailable	Not Compound-able.	Imprisonment of either description for 10 years, and fine.	Court of Session.
[1][493A	Cohabitation caused by a man deceitfully inducing a belief of lawful marriage.	May arrest without warrant	Warrant	Not bailable .	Not compound -able.	Rigorous imprisonment which may extend to twenty-five years and fine.	Ditto;]
494	Marrying again during the lifetime of a husband or wife.	[1][Shall not arrest without warrant]	Ditto ..	Bailable..	[2][Compound-able with permission of the Court before which the prosecution is pending.]	Imprisonment of either description for 7 years, and fine.	[2][Court of Session, [3][* *] or Magistrate of the first class.]
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Ditto ..	Ditto ..	[4][Ditto] ..	[2][Not compound-able.]	Imprisonment of either description for 10 years, and fine.	[2][Court of Session.]
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto ..	Ditto ..	[5][Bailable]	Ditto ..	Imprisonment of either description for 7 years, and fine.	Ditto.

[1]Ins. and subs. by Act No. VI of 2006, s. 9 and Sch. II.
[2]Subs.by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVII of 1923), s. 159, for the original entry.
[3]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.
[4]The original entry successively amended by Act 18 of 1923, s. 159, Ord. 8 of 1973, s. 4. has been subs. by the Code of Criminal Procedure (Amdt.) Act, 1973 (LVII of 1973), s. 4, to read as above.
[5]Subs. *ibid.*, for "Ditto".

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[1][496A	Enticing or taking away or detaining with criminal intent a women.	May arrest without warrant	Ditto	Not bailable	Ditto	Imprisonment of either description which may extend to seven years, and fine.	Court of Session or Magistrate of the first class:
496B	Fornication	Shall not arrest without warrant.	Summons	Bailable	Not compound-able	Imprisonment which may extend to five years and fine not exceeding ten thousand rupees.	Magistrate of the first class:
496C	False accusation of Fornication.	Shall not arrest without warrant.	Summons	Bailable	Not compound-able	Imprisonment which may extend to five years and fine not exceeding ten thousand rupees.	Magistrate of the first class: and]
497	Adultery ..	[2][May arrest without warrant.]	Warrant ..	Bailable..	Compound-able.	Imprisonment of either description for 5 years, or fine, or both.	Court of Session, [3][* *] or Magistrate of the first class.
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description for [4][3] years, or fine, or both	[5][* * *] Magistrate of the first or second class.
[6][498A	Prohibition of depriving women from inheriting property.	Shall not arrest without warrant.	Warrant	Not bailable	Not compound-able	Imprisonment of either description for a term which may extend to 10 years but shall not less than 5 years or with a fine of rupees 10,00,000/- or both	Court of Sessions.

[1]Ins. by Act No. VI of 2006, s. 9 and Sch. II.
[2]Subs. and omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch., for "Shall not arrest without warrant".
[3]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.
[4]Subs. by Ordinance No. XII of 1972, s. 2 and Sch., for "2".
[5]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, Sch.
[6]Ins. by Act No. XXVI of 2011, s. 5.

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498B	Prohibition of forced marriage.	Shall not arrest without warrant.	Warrant	Not Bail-able	Not Compound-able.	Imprisonment of either description which may extend to 7 years but shall not be less than 3 years and a fine of rupees 500,000/- [1][and in case of a female child or a non-Muslim woman,imprisonment upto ten years and not less than five years and fine upto one million rupees.]	Court of Sessions or Magistrate of first class.
498C	Prohibition of marriage with the Holy Quran.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Imprisonment of either description which may extend to 7 years but shall not be less than 3 years and a fine of rupees 500,000/-	Ditto..]
CHAPTER XXI. —DEFAMATION							
[2][500	Defamation	Shall not arrest without warrant.	Warrant	Bail-able	Compound-able.	imprisonment for 2 years, or fine, or both, and in case of originator the imprisonment of either description for 5 years, or fine, or both.	Court of Session
501	Printing or engraving matter knowing it to be defamatory.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	imprisonment for 2 years, or fine, or both.	Ditto]
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto ..
CHAPTER XXII. —CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE.							
504	Insult intended to provoke a breach of the peace.	Shall not arrest without warrant.	Warrant ..	Bail-able ..	Compound-able.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
505	False statement, rumour, etc., circulated with intent to cause mutiny or offence against the public peace.	[3][May arrest without warrant.]	Ditto ..	Not Bail-able.	Not compound-able.	[3][Imprisonment of either description for 7 years, and fine.]	[4][* * *] Magistrate of the first class.

[1]Ins by Act IV of 2017, s. 4.
[2]Subs. by Act IX of 2004, s. 9.
[3]Subs. by the Criminal Law (Amdt.) Act, 1973 (6 of 1973), s. 3, for "Ditto". (*w.e.f.* 28-7-73).
[4]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, Sch.

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506	Criminal intimidation.	[1][Shall not arrest without warrant]	Ditto ..	Bailable ..	Compound-able.	[1][Imprisonment of either description for 2 years, or fine or both.]	[2][3][* * *]Magistrate of the first or second class.]
	If threat be to cause death or grievous hurt, etc.	Ditto ..	Ditto ..	Ditto ..	Not compound-able.	Imprisonment of either description for 7 years, or fine, or both.	Court of Session, [4][* * or Magistrate of the first class.
507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto ..	Ditto ..	Ditto ..	Ditto	Imprisonment of either description for 2 years, in addition to the punishment under above section.	[5][Magistrate of the first class.]
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displea-sure.	Ditto ..	Ditto ..	Ditto ..	[6][Compound-able.]	Imprisonment of either description for 1 year, or fine, or both.	[3][* * *] Magistrate of the first or second class.
[7][509	Insulting modesty or causing sexual harassment.	Shall not arrest without warrant.	Warrant.	Bailable.	Compound-able. with permission of the Court.	Imprisonment upto 3 years, or fine, or both.	Magistrate of the first class.]
510	Appearing in a Public place, etc., in a state of intoxication, and causing annoyance to any person.	Ditto ..	Ditto ..	Ditto ..	[6][Not compound-able.]	[8][simple imprisonment for 7 days but shall not be less than 48 hours, or fine of 100000 rupees but shall not be less than 10000 rupees, or both.]	[9][Any Judicial Magistrate].

[1]Subs. by the Criminal Law (Amdt.) Act, 1973 (VI of 1973), s. 3, for "Ditto". (*w.e.f.* 28-7-73).
[2]Subs.by the Amending Act, 1903 (I of 1903), Sch. II, Part II, for "Ditto".
[3]The words "Presidency Magistrate" and by implication the word "or" omitted by A.O., 1949, Sch.
[4]The words "Presidency Magistrate" omitted by A.O., 1949, Sch.
[5]Subs. by Ordinance XII of 1972, s. 2 and Sch., for "Ditto".
[6]Subs.by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 159, for the original entry.
[7]Subs. by Act No. I of 2010, s. 3.
[8]Subs. by Act No. XVIII of 2018, s. 3.
[9]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.,

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CHAPTER XXIII–ATTEMPTS TO COMMIT OFFENCES							
511	Attempting to commit offences punishable with [1][* *] or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Compound-able when the offence attempted is compounda ble.	[1][*] or imprison-ment not exceeding half of the longest term, and of any description, provided for the offence, or fine [2][daman], or both.	The Court by which the offence attempted is triable.
[3][**OFFENCES AGAINST OTHER LAWS**							
	If punishable with death, imprisonment for life, imprisonment exceeding seven years, amputation of hand or foot or both hand and foot or with whipping exceeding 80 stripes with or without any other of the said punishment.	May arrest without warrant.	Warrant	Not bailable.	Not compound-able.	..	Court of Session.
	If punishable with imprisonment for three years and upwards but not exceeding 7 years or with whipping not exceeding 80 stripes with or without imprisonment.	Do.	Do.	Do. [4][* * *]	Do.	..	Court of Session or Magistrate of the first class.
	If punishable with imprisonment for 1 year and upwards but less than 3 years or with whipping not exceeding 40 stripes with or without imprisonment.	Shall not arrest without warrant.	Summons.	Bailable.	Do	..	Magistrate of the first or second class.

[1]The word "transportation" omitted by the Criminal Procedure (Amdt.) Act, 1974, (XXV of 1974) s. 2 and Sch.
[2]Ins. by Act No. II of 1997, s. 17.
[3]Subs. by the Code of Criminal Procedure (Amdt.) Ordinance, 1979 (X of 1979), s. 2, for the original heading and entries.
[4]Omitted by Act No. IV of 2017, s.4 (4).

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	If punishable with Imprisonment for less than 1 year or with whipping not exceeding 10 stripes with or without imprisonment, or with fine only.	Do.	Do.	Do.	Do.	..	Any Magistrate.]
[1][Section 5 of Ordinance VII of 1979	Zina.	Shall not arrest without warrant.	Summons.	Bailable.	Not Compound-able.	Stoning to death in case of Muhsan and if not Muhsan whipping not exceeding one hundred stripes.	Court of Sessions.
Section 7 of Ordinance VIII of 1979	Qazf.	Shall not arrest without warrant.	Summons.	Bailable.	Not Compound-able.	Whipping numbering eighty stripes.	Court of Sessions.]

SCHEDULE III

(*See* section 36)

ORDINARY POWERS OF PROVINCIAL MAGISTRATES

I.— Ordinary Powers of a Magistrate of the Third Class

(1) Power to arrest or direct the arrest of, and to commit to custody, a person committing an offence in his presence, section 64.

(2) Power to arrest, or direct the arrest in his presence of, an offender, section 65.

(3) Power to endorse a warrant, or to order the removal of an accused person arrested under a warrant, sections 83,84 and 86.

(4) Power to issue proclamations in cases judicially before him, section 87.

(5) Power to attach and sell property [2][and to dispose of claims to attached property] in cases judicially before him, section 88.

[1]Added.by Act No. VI of 2006, s. 9 and Sch.II.
[2]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), S.160.

(6) Power to restore attached property, section 89.

(7) Power to require search to be made for letters and telegrams, section 95.

(8) Power to issue search-warrant, section 96.

(9) Power to endorse a search-warrant and order delivery of thing found, section 99.

(10-12)[1][* * * * * * *]

(13) [2][* * * * * * *]

(14) Power to authorise detention [3][not being detention in the custody of the police] of a person during a police-investigation, section 167.

[3][(14a) Power to postpone issue of process and inquire into case himself, section 202;]

(15) Power to detain an offender found in Court, section 351.

(16) [4][* * * * * * *]

(17) Power to apply to [1][Session Judge] to issue commission for examination of witness, section 506 (2).

(18) Power to recover forfeited bond for appearance before Magistrate's Court, section 514 [3][and to require fresh security, section 514A].

[3][(18a) power to make order as to custody and disposal of property pending inquiry or trial, section 516A;]

(19) Power to make order as to disposal of property, section 517.

(20) Power to sell [5][*] property of a suspected character, section 525.

[3][(21) Power to require affidavit in support of application, section 539A;]

[3][(22) Power to make local inspection, section 539B;]

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II.– Ordinary Powers of a Magistrate of the Second Class

(1) The ordinary powers of a Magistrate of the third class.

(2) Power to order the police to investigate an offence in cases in which the Magistrate has jurisdiction to try or [6][send for trial to the Court of Session or the High Court], section 155.

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[1]Omitted & subs., by Law Reform Ordinance, 1972 (XII of 1972), s.211.
[2]Item 13 omitted by Act No. XVIII of 1923, s. 160.
[3]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923).
[4]Item 16 rep. by the Repealing and Amending Act, 1925(XXXVII of 1925), s.3 and Sch. II.
[5]The word "perishable" rep. by Act No. XVIII of 1923, s. 160.
[6]Subs. by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch., for "commit for trail".

[1][(3) Power to postpone issue of process and to inquire into a case or direct investigation, section 202.]

(4) [2][* * * * * * *]

III.— Ordinary Powers of a Magistrate of the First Class

(1) The ordinary powers of a Magistrate of the second Class.

[3][(1a) Power to direct warrant to land holders, etc., section 78.

(1ab) Power to issue search-warrant otherwise than in course of an inquiry, section 98.]

(2) Power to issue search-warrant otherwise than in course of an inquiry, section 98.

(3) Power to issue search-warrant for discovery of persons wrongfully confined, section 100.

[3][(3a) Power to require security for keeping peace, section 107.

(3ab) Power to require security for good behaviour from persons disseminating seditious matter, section 108.

(3ac) Power to require security for good behaviour, section 109.

(3ad) Power to require security for good behaviour from habitual offenders, section 110.

(3ae) Power to discharge sureties, section 126.

(3f) Power to acquire security, for un-expired period of bond, section 126 A.]

(4) Power to require security to keep the peace, section 107.

(5) Power to require security for good behaviour, section 109.

(6) Power to discharge sureties, section [4][126A].

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[5][(6a) Power to make orders as to local nuisances, section 133;]

[3][(6ab) Power to make order to prohibit repetition or continuance of public nuisance, section 143.

(6ac) Power to make orders, etc., in possession cases, section 145,146 and 147.]

(7) Power to make orders, etc., in possession cases, sections 145,146 and 147.

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[1]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 160, for the Original item.
[2]Item (4) rep., *ibid*.
[3]Ins. by ord. XXXVII of 2001, s.78.
[4]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 160, for "126"
[5]Ins., *ibid*.

[1][(7a) Power to record statements and confessions during a police investigation, section 164.]

[1][(7aa) Power to authorise detention of a person in the custody of the police during a police investigation, section 167;]

[1][(7b) Power to hold inquests, section 174;]

(8) Power to commit for trial, section 206.

[2][(8a) Power to hold inquests, section 174.

(8ab) Power to take cognisance of offences, section 190.]

(9) Power to stop proceedings when no complainant, section 249.

(9a) [3][* * * * * * *]

(10) [3][* * * * * * *]

(11) Power to take evidence on commission, section 503.

(12) Power to recover penalty on forfeited bond, section 514.

[1][(12a) Power to require fresh security, section 514A.]

[2][(12ab) Power to dispose property where no claimant, section 524.

(12b) [2][* * * * * * *]

(13) Power to make order as to first offenders, section 562.

[1][(14) Power to order released convicts to notify residence, section 565.]

IV.— Ordinary Powers of a Subdivisional Magistrate appointed under section 13

[2][*Omitted*]

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V.— Ordinary Powers of a District Magistrate

[2][*Omitted*]

[4][**SCHEDULE IV**

(*See* Section 37)

Additional Powers with which Magistrates may be invested.

PART I

Powers with which a Magistrate of first class may be invested by the Provincial Government.

(1) Power to try cases under section 124A of the Pakistan Penal Code.

[1]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 160.
[2]ins & omitted by ord. No. XXXVII of 2001 s. 78.
[3]Cls. (9a) and (10) omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s.3 and Second Sch.
[4]Subs. by Ord. No. XII of 1972, s. 2 and Sch., item 212.

(2-6) [1][* * * * * * *]

(7) Power to try summarily, section 260.

(8) Power to pass sentence on proceedings recorded by a Magistrate of the second or third class, section 349.

Powers with which a Magistrate of the second class may be invested by the Provincial Government.

(1) Power to record statements and confessions during a police investigation, section 164.

(2) Power to authorise detention of a person in the custody of the police during a police investigation, section 167.

(3) Power to take cognizance of offences upon complaint, section 190.

(4) Power to take cognizance of offences upon police report, section 190.

(5) Power to take cognizance of offences without complaint, section 190.

Powers with which a Magistrate of the third class may be invested by the Provincial Government.

(1) Power to take cognizance of offences upon compliant, section 190.

(2) Power to take cognizance of offences upon police report, section 190.

PART-II [1][* * * * * * *]]

SCHEDULE V

(*See Section* [2][555].)

FORMS

I.– SUMMONS TO AN ACCUSED PERSON.

(*See* Section 68)

To of

WHEREAS your attendance is necessary to answer to a charge of (*state shortly the offence charged*), you are hereby required to appear in person (or by pleader, *as the case may be*) before the (*Magistrate*)

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[1]Omitted by Ord. No. XXXVII of 2001, s. 79.
[2]Subs. by the Amending Act, 1903 (1 of 1903), Sch. II, Pt. II, for "554".

of , on the day of . Herein fail not.

Dated this day of ,18 .

(*Seal.*) (*Signature*)

II.– WARRANT OF ARREST

(*See Section* 75)

To (*name and designation of the person or persons who is or are to execute the warrant*).

WHEREAS of stands charged with the offence of (*state the offence*), you are hereby directed to arrest the said and to produce him before me. Herein fail not.

Dated this day of ,18 .

(Seal.) (*Signature*)

(*See Section* 76)

This warrant may be endorsed as follows:–

If the said shall give bail himself in the sum of ,with one surety in the sum of(*or two sureties each in the sum of*) to attend before me on the

day of and to continue so to attend until otherwise directed by me, he may be released.

Dated this day of ,18.

(*Signature*)

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III.– BOND AND BAIL-BOND AFTER ARREST UNDER A WARRANT

(*See Section* 86)

I, (*name*), of being brought before the [1][*] Magistrate of (*or as the case may be*) under a warant issued to compel my appearance to answer to the charge of , do hereby bind myself to attend in the Court of on the day of next, to answer to 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 [2][Government] [3][* * *] the sum of rupees.

Dated this day of ,18.

(*Signature*)

[1]Omitted, by Ord. No. XXXVII of 2001, s. 80.
[2]Subs. by A.O., 1961, Art. 2 and Sch., for "Her Majesty the Queen" (*with effect from the 23rd March, 1956*).
[3]The words "Express of India" omitted by A.O., 1949, Sch.

I do hereby declare myself surety for the above named of , that he shall attend before in the Court of on the day of next, to answer to 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 bind myself to forfeit to [1][Government] [2][* * *] the sum of rupee.

Dated this day of ,18 .

(*Signature*)

IV–PROCLAMATION REQUIRING THE APPEARANCE OF A PERSON ACCUSED

(*See Section* 87)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of , punishable under section of the Pakistan Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found, and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or is concealing himself to avoid the service of the said warrant*);

Proclamation is hereby made that the said of is required to appear at (*place*) before this Court (*or before me*) to answer the said complaint [3][on the day of].

Dated this day of ,18 .

(*Seal*.) (*Signature*)

V.– PROCLAMATION REQUIRING THE ATTENDANCE OF A WITNESS

(*See Section* 87)

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or is suspected to have committed*) the offence of (*mention the offence concisely*) and a warrant has been issued to compel the attendance of (*name, description and address of the witness*), before this Court to be examined touching the matter of the said complaint; and whereas it has been returned to the said warrant that the said (*name of witness*) cannot be served, and it has been shown to my satisfaction that he has absconded (*or* is concealing himself to avoid the service of the said warrant);

Proclamation is hereby made that the said (*name*) is required to appear at (*place*) before the Court of on the day of next at o'clock to be examined touching , the offence complained of.

Dated this day of ,18 .

(*Seal*.) (*Signature*)

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[1]subs. by A.O., 1961, Art.2 and Sch., for "Her Majesty the Queen" (*with effect from the 23rd March, 1956*).
[2]The words "Empress of India" omitted by A.O., 1949, Sch.
[3]Subs. by the Amending Act, 1903 (1 of 1903), Sch. II, Part II, for "within days from this date".

VI.– ORDER OF ATTACHMENT TO COMPEL THE ATTENDANCE OF A WITNESS

(*See Section* 88)

To the Police-officer in charge of the Police-station at

WHEREAS a warrant has been duly issued to compel the attendance of (*name, description and address*) to testify concerning a complaint pending before this Court, and it has been returned to the said warrant that it cannot be served; and whereas it has been shown to my satisfaction that he has absconded (*or* is concealing himself to avoid the service of the said warrant) ; and thereupon a [1][proclamation has been or is being duly issued] and published requiring the said to appear and give evidence at the time and place mentioned therein, [2][* * *] ;

This is to authorize and require you to attach by seizure the movable property belonging to the said to the value of rupees which you may find within the District of and to hold the said property under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of ,18 .

(*Seal*.) (*Signature*)

ORDER OF ATTACHMENT TO COMPEL THE APPEARANCE OF A PERSON ACCUSED

(*See Section* 88)

To (*name and designation of the person or persons who is or are to execute the warrant*).

WHEREAS complaint has been made before me that (*name description and address*) has committed (*or* is suspected to have committed) the offence of punishable under section of the Pakistan Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant), and thereupon, a [1][Proclamation has been or is being duly issued] and published requiring the said to appear to answer the said charge within days; and whereas the said is possessed of the following property other than land paying revenue to Government in the village (*or* town) of , in the District of ,*viz.*, , and an order has been made for the attachment thereof;

You are hereby required to attach the said property by seizure, and to hold the same under attachment pending the further order of this Court, and to return this warrant with an endorsement certifying the manner of its execution.

Dated this day of ,18 .

(*Seal*.) (*Signature*)

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[1]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 162, for "Proclamation was duly issued".

[2]The words "and he has failed to appear" rep., *ibid*.

ORDER AUTHORIZING AN ATTACHMENT BY THE [1][DISTRICT OFFICER (REVENUE)] AS COLLECTOR

(See Section 88)

To the [1][District Officer (Revenue)] of the District of

WHEREAS complaint has been made before me that (*name, description and address*) has committed (*or* is suspected to have committed) the offence of , punishable under section of the Pakistan Penal Code, and it has been returned to a warrant of arrest thereupon issued that the said (*name*) cannot be found; and whereas it has been shown to my satisfaction that the said (*name*) has absconded (*or* is concealing himself to avoid the service of the said warrant) and thereupon a [2][Proclamation has been or is being duly issued] and published requiring the said to appear to answer the said charge within days [3][* * *]; and whereas the said is possessed of certain land paying revenue to Government in the village (*or* town) of in the District of ;

You are hereby authorised and requested to cause the said land to be attached, and to be held under attachment pending the further order of this Court and to certify without delay what you may have done in pursuance of this order.

Dated this day of ,18 .

(*Seal.*) (*Signature*)

VII–WARRANT IN THE FIRST INSTANCE TO BRING UP A WITNESS

(*See Section* 90)

To (*name and designation of the Police-Officer or other person or persons who is or are to execute the warrant*).

WHEREAS complaint has been made before me that of has (*or* is suspected to have) committed the offence of (*mention the offence concisely*), and it appears likely that (*name and description of witness*) can give evidence concerning the said complaint; and whereas I have good and sufficient reason to believe that he will not attend as a witness on the hearing of the said complaint unless compelled to do so;

This is to authorise and require you to arrest the said (*name*), and on the day of to bring him before this Court, to be examined touching the offence complained of.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*.) (*Signature*)

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[1]Subs .by ord. No. XXXVII of 2001, s.80.
[2]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 162, for "Proclamation was duly issued".
[3]The word "but he has not appeared" omitted, *ibid.*

VIII.– WARRANT TO SEARCH AFTER INFORMATION OF A PARTICULAR OFFENCE

(*See Section* 96)

To *(name and designation of the Police-officer or other person or persons who is or are to execute the warrant).*

WHEREAS information has been laid (*or* complaint has been made) before me of the commission (or suspected commission) of the offence of (*mention the offence concisely*), and it has been made to appear to me that the production of (*specify the thing clearly*) is essential to the inquiry now being made (*or* about to be made) into the said offence (*or* suspected offence);

This is to authorize and require you to search for the said (*the thing specified*) 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 this 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 ,18 .

(*Seal*.) (*Signature*)

IX.– WARRANT TO SEARCH SUSPECTED PLACE OF DEPOSIT

(*See Section* 98)

To *(name and designation of a Police-officer above the rank of a Constable).*

WHEREAS information has been laid before me, and on due inquiry thereupon had I have been led to believe that the (*describe the house or other place*) is used as a place for the deposit (*or* sale) of stolen property (*or if for either of the other purposes expressed in the section, state the purpose in the words of the section*) ;

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This is to authorise and require you to enter the said house (*or other place*) with such assistance as shall be required, and to use, if necessary, reasonable force for that purpose, and to search every part of the said house (*or other place, or if the search is to be confined to a part, specify the part clearly*) and to seize and take possession of any property (*or* documents, or stamps, or seals, or coins, [1][or obscene objects], *as the case may be*) –[Add (*when the case requires it*) and also of any instruments and materials which you may reasonably believe to be kept for the manufacture of forged documents, or counterfeit stamps, *or* false seals, *or* counterfeit coin (*as the case may be*)], and forthwith to bring before this Court such of the said things as may be taken possession of, 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 ,18 .

(*Seal*.) (*Signature*)

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[1]Ins. by the Obscene Publications Act, 1925 (VIII of 1925), s.3.

X.— BOND TO KEEP PEACE

(*See Section* 107)

WHEREAS I, (*name*) inhabitant of (*place*), have been called upon to enter into a bound to keep the peace for the term of [1][or until the completion of the inquiry in the matter of now pending in the Court of ;] I hereby bind myself not to commit a breach of the peace, or do any act that may probably occasion a breach of the peace, during the said term [1][or until the completion of the said inquiry] and, in case of my making default therein, I hereby bind myself to forfeit to [2][Government], [3][* * *], the sum of rupees

Dated this day of ,18.

(*Signature*)

XI.— BOND FOR GOOD BEHAVIOUR

(*See Sections* 108, 109 *and* 110)

WHEREAS I (*name*), inhabitant of (*place*), have been called upon to enter into a bond to be of good behaviour to [4][Government and to all the citizens of Pakistan] for the term of (*state the period*) [5][or until the completion of the inquiry in the matter of now pending in the Court of ,] I hereby bind myself to be of good behaviour to [2][Government and to all the citizens of Pakistan] during the said term [5][or until the completion of the said inquiry] ; and , in case of my making default therein, I bind myself to forfeit to [6][Government] the sum of rupees

Dated this day of ,18 .

(*Signature*)

(*Where a bond with sureties is to be executed, add*)— We do hereby declare ourselves sureties for the above-named that he will be of good behaviour to [4][Government and to all the citizens of Pakistan] during the said term [1][or until the completion of the said inquiry]; and, in case of his making default therein, we bind ourselves, jointly and severally, to forfeit to [5][Government] the sum of rupees

Dated this day of ,18 .

(*Signature*)

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[1]Ins. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923).
[2]Subs. by A.O., 1961, Art. 2 and Sch., for "Her Majesty the Queen" (*With effect from the 23rd March, 1956*).
[3]The words "Empress of India" omitted by A.O., 1949, Sch.
[4]Subs. by A.O., 1961, Art. 2 and Sch., for "Her Majesty the Queen", * * *, and to all Her subject" (*with effect from the 23rd M arch, 1956*). The asterisks represent the omission of the words "Empress of India" by A.O., 1949, Sch.
[5]Subs. by A.O., 1961, Art. 2 and Sch., for "Her Majesty" (*with effect from the 23rd March, 1956*).

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XII.–SUMMONS ON INFORMATION OF A PROBABLE BREACH OF THE PEACE

(*See Section* 114)

To of

WHEREAS it has been made to appear to me by credible information that (*state the substance of the information*), and that you are likely to commit a breach of the peace (*or* by which act a breach of the peace will probably be occasioned), you are hereby required to attend in person (*or* by a duly authorised agent) at the Office of the Magistrate of on the day of ,18 ,at ten o'clock in the forenoon, to show cause why you should not be required to enter into a bond for rupees [*when sureties are required, add* and also to give security by the bond of one (*or two, as the case may be*) surety (*or* sureties) in the sum of rupees (*each if more than one)*] that you will keep the peace for the term of .

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*.) (*Signature*)

XIII.— WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY TO KEEP THE PEACE

(*See Section* 123)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS (*name and address*) appeared before me in person (*or* by his authorised agent) on the day of in obedience to a summons calling upon him to show cause why he should not enter into a bond for rupees with one surety (*or* a bond with two sureties each in rupees), that he, the said (*name*), would keep the peace for the period of months; and whereas an order was then made requiring the said (*name*) to enter into and find such security (*state the security ordered when it differs from that mentioned in the summons*), and he has failed to comply with the said order ;

This is to authorise and require you, the said Superintendent (*or* Keeper), to receive the said (*name*), into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*) unless he shall in the meantime [1][be lawfully ordered to be released] and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*.) (*Signature*)

---

[1]Subs. by the Amending Act, 1903 (I of 1903), Sch. II, Part II, for "comply with the said order by himself and his surety (or sureties), entering into the said bond, in which case the same shall be received and the said (name) released".

XIV.– WARRANT OF COMMITMENT ON FAILURE TO FIND SECURITY FOR GOOD BEHAVIOUR.

(*See Section* 123)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS it has been made to appear to me that (*name and description*) has been and is lurking within the district of having no ostensible means of subsistence (*or*, and that he is unable to give any satisfactory account of himself);

or

WHEREAS evidence of the general character of (*name and description*) has been adduced before me and recorded, from which it appears that he is an habitual robber (*or* house-breaker, etc., *as the case may be*) ;

And Whereas an order has been recorded stating the same and requiring the said (*name*) to furnish security for his good behaviour for the term of (*state the period*) by entering into a bond with one surety (*or* two or more sureties, *as the case may be*), himself for rupees , and the said surety (*or* each of the said sureties) for rupees , and the said (*name*) has failed to comply with the said order and for such default has been adjudged imprisonment for (*state the term*) unless the said security be sonner furnished;

This is to authorise and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*) unless he shall in the meantime [1][be lawfully ordered to be released] and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of ,18.

(*Seal*.) (*Signature*)

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XV.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY.

(*See Sections* 123 and 124)

To the Superintendent (*or* Keeper) of the Jail at (*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of the Court, dated the day of and has since duly given security under section of the Code of Criminal Procedure ;

or

[1]Subs. by the Amending Act, 1903 (I of 1903), Sch. II, Part II, for "comply with the said order by himself and his surety (or sureties), entering into the said bond, in which case the same shall be received and the said (*name*) released".

and there have appeared to me sufficient grounds for the opinion that he can be released without hazard to the community;

This is to authorise and require you forthwith to discharge the said (*name*) from your custody unless he is liable to be detained for some other cause.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*.) (*Signature*)

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XVI.—ORDER FOR THE REMOVAL OF NUISANCES

(*See Section* 133)

To (*name, description and address*).

WHEREAS it has been made to appear to me that you have caused an obstruction (*or* nuisance) to persons using the public roadway (*or other public place*) which, etc., (*describe the road or public place*), by, etc., (*state what it is that causes the obstruction or nuisance*), and that such obstruction (*or* nuisance) still exists;

or

WHEREAS it has been made to appear to me that you are carrying on as owner, or manager, the trade or occupation of (*state the particular trade or occupation and the place where it is carried on*), and that the same is injurious to the public health (*or* comfort) by reason (*state briefly in what manner the injurious effects are caused*), and should be suppressed or removed to a different place;

or

WHEREAS it has been made to appear to me that you are the owner (*or* are in possession of *or* have the control over) a certain tank (*or* well *or* excavation) adjacent to the public way (*describe the thoroughfare*), and that the safety of the public is endangered by reason of the said tank (*or* well or excavation) being without a fence (*or* insecurely fenced) ;

or

WHEREAS etc., etc. (*as the case may be*) ;

I do hereby direct and require you within (*state the time allowed*) to (*state what is required to be done to abate the nuisance*) or to appear at in the Court of on the day of next, and to show cause why this order should not be enforced ;

or

I do hereby direct and require you within (*state the time allowed*) to cease carrying on the said trade or occupation at the said place, and not again to carry on the same, or to remove the said trade from the place where it is now carried on, or to appear, etc. ;

or

I do hereby direct and require you within (*state the time allowed*) to put up a sufficient fence (*state the kind of fence and the part to be fenced*) ; or to appear, etc.;

or

I do hereby direct and require you, etc., etc. (*as the case may be*).

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*.) (*Signature*).

XVII.— MAGISTRATE'S ORDER CONSTITUTING A JURY
(*See Section* 138)

WHEREAS on the day of 18 , an order was issued to (*name*) requiring him (*state the effect of the order*), and whereas the said (*name*) has applied to me, by a petition bearing date the day of ,for an order appointing a Jury to try whether the said recited order is reasonable and proper; I do hereby appoint (*the names, etc., of the five or more Jurors*) to be the Jury to try and decide the said question, and do require the said Jury to report their decision within days from the date of this order at my office at .

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*.) (*Signature*)

XVIII.—MAGISTRATE'S NOTICE AND PEREMPTORY ORDER AFTER THE FINDING BY A JURY.

(*See Section* 140)

THE PAKISTAN CODE

To (*name, description and address*).

I HEREBY give you notice that the Jury duly appointed on the petition presented by you on the day of have found that the order issued on the day of requiring you (*state substantially the requisition in the order*) is reasonable and proper. Such order has been made absolute, and I hereby direct and require you to obey the said order within (*state the time allowed*), on peril of the penalty provided by the Pakistan Penal Code for disobedience thereto.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*.) (*Signature*)

XIX.—INJUNCTION TO PROVIDE AGAINST IMMINENT DANGER PENDING INQUIRY BY JURY.

(*See section 142)*

To (*name, description and address*).

WHEREAS the inquiry by a Jury appointed to try whether my order issued on the day of 18 , is reasonable and proper is still pending, and it has been made to appear to me that the nuisance mentioned in the said order is attended with so imminent serious danger to the public as to render necessary immediate measures to prevent such danger, I do hereby, under the provisions of section 142 of the Code of Criminal Procedure, direct and enjoin you forthwith to (*state plainly what is required to be done as a temporary safeguard*), pending the result of the local inquiry by the Jury.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*.) (*Signature*.)

XX.— MAGISTRATE'S ORDER PROHIBITING THE REPETITION, ETC., OF A NUISANCE

(*See section* 143)

To (*name, description and address*).

WHEREAS it has been made to appear to me that, etc., (*state the proper recital, guided by* Form No. XVI or Form No. XXI, (*as the case may be*) ;

I do hereby strictly order and enjoin you not to repeat the said nuisance by again placing or causing or permitting to be placed, etc. (*as the case may be*).

Given under my hand and the seal of the Court, this day of ,18 .

THE PAKISTAN CODE

(*Seal*.) (*Signature*)

XXI.—MAGISTRATE'S ORDER TO PREVENT OBSTRUCTION, RIOT, ETC.

(*See section* 144)

To (*name, description and address*).

WHEREAS it has been made to appear to me that you are in possession (*or* have the management) of (*describe clearly the property*), and that, in digging a drain on the said land, you are about to throw or place a portion of the earth and stones dug up upon the adjoining public road, so as to occasion risk of obstruction to persons using the road;

or

WHEREAS it has been made to appear to me that you and a number of other persons (*mention the class of persons*) are about to meet and proceed in a religious procession along the public street, etc., (*as the case may be*), and that such procession is likely to lead to a riot or an affray ;

or

WHEREAS etc., etc. (*as the case may be*);

I do hereby order you not to place or permit to be placed any of the earth or stones dug from land on any part of the said road;

or

I do hereby prohibit the procession passing along the said street, and strictly warn and enjoin you not to take any part in such procession (*or as the case recited may require*).

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*.) (*Signature*)

XXII.—MAGISTRATE'S ORDER DECLARING PARTY ENTITLED TO RETAIN POSSESSION OF LAND, ETC., IN DISPUTE

(*See section* 145)

It appearing to me, on the grounds duly recorded, that a dispute, likely to induce a breach of the peace, existed between (*describe the parties by name and residence, or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*), situate within the local limits of my jurisdiction, all the said parties were called upon to give in a written statement of their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and being satisfied by due inquiry had thereupon, without reference to the merits of the claim of either of the said parties to the legal right or possession, that the claim of actual possession by the said (*name or names or description*) is true ;

I do decide and declare that he is (*or* they are) in possession of the said (*the subject of dispute*) and entitled to retain such possession until ousted by due course of law, and do strictly forbid any disturbance of his (*or* their) possession in the meantime.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*.) (*Signature*)

XXIII.— WARRANT OF ATTACHMENT IN THE CASE OF A DISPUTE AS TO THE POSSESSION OF LAND, ETC.

(*See section* 146)

To the Police-officer in charge of the Police-station at [*or*, To the Collector of].

WHEREAS it has been made to appear to me that a dispute likely to induce a breach of the peace existed between (*describe the parties concerned by name and residence, or residence only if the dispute be between bodies of villagers*) concerning certain (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, and the said parties were thereupon duly called upon to state in writing their respective claims as to the fact of actual possession of the said (*the subject of dispute*), and whereas, upon due inquiry into the said claims, I have decided that neither of the said parties was in possession of the said (*the subject of dispute*) [*or* I am unable to satisfy myself as to which of the said parties was in possession as aforesaid];

This is to authorise and require you to attach the said (*the subject of dispute*) by taking and keeping possession thereof, and to hold the same under attachment until the decree or order of a competent Court determining the rights of the parties, or the claim to possession, shall have been obtained, and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*.) (*Signature*)

XXIV.– MAGISTRATE'S ORDER PROHIBITING THE DOING OF ANYTHING ON LAND OR WATER

(*See section* 147)

A DISPUTE having arisen concerning the right of use of (*state concisely the subject of dispute*) situate within the limits of my jurisdiction, the possession of which land (*or* water) is claimed exclusively by (*describe the person or persons*), and it appearing to me, on due inquiry into the same, that the said land (*or* water) has been open to the enjoyment of such use by the public (*or if by an individual or a class of persons, describe him or them*) and (*if the use can be enjoyed throughout the year*) that the said use has been enjoyed within three months of the institution of the said inquiry (*or if the use is enjoyable only at particular seasons, say* "during the last of the seasons at which the same is capable of being enjoyed").

I do order that the said (*the claimant or claimants of possession*), or any one in their interest, shall not take (*or* retain) possession of the said land (*or* water) to the exclusion of the enjoyment of the right of use aforesaid, until he (*or* they) shall obtain the decree or order of a competent Court adjudging him (*or* them) to be entitled to exclusive possession.

Given under my hand and seal of the Court, this day of ,18 .

(*Seal*.) (*Signature*)

XXV-BOND AND BAIL-BOND ON A PRELIMINARY INQUIRY BEFORE A POLICE-OFFICER

(*See section* 169)

I, (*name*), of , being charged with offence of and after inquiry required to appear before the Magistrate of ,

or

and after inquiry called upon to enter into my own recognizance to appear when required, do hereby bind myself to appear at , in the Court of , on the day of next (*or* on such day as I may hereafter be required to attend) to answer further to the said charge, and, in case of my making default herein, I bind myself to forfeit to [1][Government], [2][* * *], the sum of rupees .

Dated this day of ,18 .

(*Signature*)

I hereby declare myself (*or* we jointly and severally declare ourselves and each of us) surety (*or* sureties) for the abovesaid that he shall attend at , in the Court of , on the day of next (*or* on such day as he may hereafter be required to attend), further to answer to the charge pending against him, and, in case of his making default therein, I hereby bind myself (*or* we hereby bind ourselves) to forfeit to [1][Government], [2][* * *], the sum of rupees .

Dated this day of ,18 .

(*Signature*)

XXVI–BOND TO PROSECUTE OR GIVE EVIDENCE

(*See section* 170)

THE PAKISTAN CODE

I, (*name*), of (*place*), do hereby bind myself to attend at in the Court of at o'clock on the day of next and then and there to prosecute (*or* to prosecute and give evidence) (*or* to give evidence) in the matter of a charge of against one *A.B.*, and, in case of making default herein, I bind myself to forfeit to [1][Government],[2][* * *], the sum of rupees .

Dated this day of ,18 .

(*Signature*)

XXVII. –[3][* * * * * * *]

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[1]Subs. by A.O., 1961, Art 2 and Sch., for "Her Majesty the Queen" (*with effect from the 23rd March, 1956*).
[2]The words "Empress of India" omitted by A.O, 1949, Sch.
[3]Form XXVII omitted by the Law Reforms Ordinance, 1972 (XII of 1972) s.2 and Sch.

XXVIII.— CHARGES

(*See sections* 221, 222, 223)

(I) CHARGES WITH ONE HEAD

(*a*) I, [*name and office of Magistrate, etc*.], hereby charge you [*name of accused person*] as follows:—

On Penal Code, section 121.

(b) that you, on or about the day of , at , waged war against [1][Pakistan] , [2][* * *] and thereby committed an offence punishable under section 121 of the Pakistan Penal Code, and within the cognizance of the Court of Session [3][when the accused is to be tried by the High Court in the exercise of its original criminal jurisdiction], for Court of Session substitute High Court.]

(c) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate*]

[*To be substituted for (b)*]:—

On Section 124.

(2) That you, on or about the day of , at ,with the intention of inducing [4][the [5][President] of Pakistan to refrain from exercising a lawful power as such [5][President], assaulted him], and thereby committed an offence punishable under Section 124 of the Pakistan Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On Section 161.

(3) That you, being a public servant in the Department, directly accepted from [*state the name*], for another party [*state the name*], a gratification other than legal remuneration, as a motive for forbearing to do an official act, and thereby committed an offence punishable under section 161 of the Pakistan Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On Section 166.

(4) That you, on or about the day of ,at , did [*or* omitted to do, *as the case may be*] , such conduct being contrary to the provisions of Act ,section , and known by you to be prejudicial to ,and thereby committed an offence punishable under section 166 of the Pakistan Penal Code, and within the cognizance of the Court of Session [*or* High Court].

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[1]Subs. by A.O., 1961, Art 2 and Sch., for "Her Majesty the Queen" (*with effect from the 23rd March, 1956*).
[2]The words "Empress of Indian" omitted by A.O., 1949, Sch.
[3]Subs. *ibid* for "*when the charge is framed by a Presidency Magistrate*".
[4]Subs. ibid., for "the Hon'ble A.B., Member of the Council of the Governor General of India, to refrain from exercising a lawful power as such Member, assaulted such Member".
[5]Subs. by A.O., 1961, Art. 2, for "Governor General" (*with effect from the 23rd March, 1965*).

On Section 193.

(5) That you, on or about the day of at in the course of the trial of ,before , stated in evidence that " "which statement you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Pakistan Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On Section 304.

(6) That you, on or about the day of at , committed culpable homicide not, amounting to murder, causing the death of , and thereby committed an offence punishable under section 304 of the Pakistan Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On Section 306

(7) That you, on or about the day of , at abetted the commission of suicide by *A,B.*, a person in a state of intoxication, and thereby committed an offence punishable under section 306 of the Pakistan Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On Section 325.

(8) That you, on or about the day of ,at ,voluntarily caused grievous hurt to , and thereby committed an offence punishable, under section 325 of the Pakistan Penal Code, and within the cognizance of the Court of Session [or High Court].

On Section 392.

(9) That you, on or about the day of ,at , robbed (*state the name*), and thereby committed an offence punishable under section 392 of the Pakistan Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On section 395.

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(10) That you, on or about the day of ,at ,committed dacoity, an offence punishable under section 395 of the Pakistan Penal Code, and within the cognizance of the Court of Session [*or* High Court].

[*In cases tried by Magistrates substitute* "within my congizance" *for* "within the cognizance of the Court of Session," *,and in (c) omit* "by the said Court".]

(II) CHARGES WITH TWO OR MORE HEADS

(a) I, [*name and office of Magistrate, etc.*], hereby charge you [*name of the accused person*] as follows:—

On Section 241

(b) *First*.— That you, on or about the day of ,at , knowing a coin to be counterfeit, delivered the same to another person, by name A.B., as genuine, and thereby committed an offence punishable under section 241 of the Pakistan Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Secondly.— That you, on or about the day of at , knowing a coin to be counterfeit, attempted to induce another person, by name *A.B.*, to receive it as genuine, and thereby committed an offence punishable under section 241 of the Pakistan Penal Code, and within the cognizance of the Court of Session (*or* High Court].

(c) And I hereby direct that you be tried by the said Court on the said charge.

[*Signature and seal of the Magistrate*]

[*To be substituted for (b)*]:—

On Section 302 and 304.

(2) *First*.— That you, on or about the day of , at , committed murder by causing the death of ,and thereby committed an offence punishable under section 302 of the Pakistan Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Secondly.—That you, on or about the day of ,at , by causing the death of ,committed culpable homicide not amounting to murder, and thereby committed an offence punishable under section 304 of the Pakistan Penal Code, and within the cognizance of the Court of Session [*or* High Court].

On Section 379 & 382.

(3) *First*.- That you, on or about the day of ,at ,committed theft, and thereby committed an offence punishable under section 379 of the Pakistan Penal Code, and within the cognizance of the Court of Session [*or* High Court].

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Secondly.— That you, on or about the day of ,at , committed theft, having made preparation for causing death to a person in order to the committing of such theft, and thereby committed an offence punishable under section 382 of the Pakistan Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Thirdly.— That you, on or about the day of ,at , committed theft, having made preparation for causing restraint to a person in order to the effecting of your escape after the committing of such theft, and thereby committed an offence punishable under section 382 of the Pakistan Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Fourthly.— That you, on or about the day of ,at , committed theft, having made preparation for causing fear of hurt to a person in order to the retaining of property taken by such theft, and thereby committed an offence punishable under section 382 of the Pakistan Penal Code, and within the cognizance of the Court of Session [*or* High Court].

Alternative charge on section 193.

(4) That you, on or about the day of ,at , in the course of the inquiry into , before ,stated in evidence that ,and that you, on or about the ,day of ,at , in the course of the trial of ,before ,stated in the evidence that " ," one of which statements you either knew or believed to be false, or did not believe to be true, and thereby committed an offence punishable under section 193 of the Pakistan Penal Code, and within the cognizance of the Court of Session [*or* High Court].

[In cases tried by Magistrates substitute "within my cogiznance" for "within the cognizance of the Court of Session" *and in (c) omit "by the said Court".*]

(III) CHARGES FOR THEFT AFTER PREVIOUS CONVICTION

I, (*name and office of Magistrate, etc.*), hereby charge you (*name of accused person*) as follows:—

That you, on or about the day of ,at , committed theft, and thereby committed an offence punishable under section, 379 of the Pakistan Penal Code, and within the cognizance of the Court of Session [*or* High court/Magistrate *as the case may be*].

And you, the said (*name of accused*), stand further charged that you, before the committing of the said offence, that is to say, on the day of ,had been convicted by the (*state Court by which conviction was had*) at of an offence punishable under Chapter XVII of the Pakistan Penal Code, with imprisonment for a term of three years, that is to say, the offence of house-breaking by night (*describe the offence in the words used in the section under which the accused was convicted*), which conviction is still in full force and effect, and that you are thereby liable to enhanced punishment under section 75 of the Pakistan Penal Code.

And I hereby direct that you be tried, etc.

THE PAKISTAN CODE

XXIX.— WARRRANT OF COMMITMENT ON A SENTENCE OF IMPRISONMENT OR FINE IF PASSED BY A MAGISTRATE

(*See Section* 245 [1][* *])

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS on the day of 18, (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar for 18 , was convicted before me (*name and official designation*) of the offence of (*mention the offence or offences concisely*) under section (*or sections*) of the Pakistan Penal Code (*or* of Act), and was sentenced to (*state the punishment fully and distinctly*);

[1]The word and figure "and 258" omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981), s.3 and Second Sch.

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*prisoner's name*) into your custody in the said Jail, together with this warrant, and there carry the aforesaid sentence into execution according to law.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*) (*Signature*)

XXX.– WARRANT OF IMPRISONMENT ON FAILURE TO RECOVER AMENDS BY [1][ATTACHEMNT AND SALE]

(*See section* 250)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS (*name and description*) has brought against (*name and description of the accused person*) the complaint that (*mention it concisely*) and the same has been dismissed as [2][false and] frivolous (*or* vexatious), and the order of dismissal awards payment by the said (*name of complainant*) of the sum of rupees as amends; and whereas the said sum has not been paid [3][* * *] and an order has been made for his simple imprisonment in Jail for the period of days, unless the aforesaid sum be sooner paid;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*), subject to the provisions of Section 69 of the Pakistan Penal Code, unless the said sum be sooner paid, and on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*) (*Signature*)

THE PAKISTAN CODE

XXXI.—SUMMONS TO WITNESS

(*See Sections* 69 and 252)

To of

WHEREAS complaint has been made before me that of has (*or* is suspected to have) committed the offence of (*state the offence concisely with time and place*), and it appears to me that you are likely to give material evidence for the prosecution;

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[1]Subs. by the Code of Criminal Procedure (Amdt.) Act, 1923 (XVIII of 1923), s. 162, for "Distress".
[2]Ins. *ibid*.
[3]The words "and cannot be recovered by distress of the moveable property of the said (name of complainant)" omitted *ibid*.

You are hereby summoned to appear before this Court on the day of next at ten o'clock in the forenoon, to testify what you know concerning the matter of the said complaint, and not to depart thence without leave of the Court; and you are hereby warned that, if you shall without just excuse neglect or refuse to appear on the said date, a warrant will be issued to compel your attendance.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*) (*Signature*)

XXXII [1][* * * * * * *]

XXXIII [1][* * * * * * *]

XXXIV—WARRANT OF COMMITMENT UNDER SENTENCE OF DEATH

(*See Section* 374)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS at the Session held before me on the day of 18, (*name of prisoner*), the (1st, 2nd, 3rd *as the case may be*) prisoner in case No. of the Calendar at the said Session, was duly convicted of the offence of culpable homicide amounting to murder under section of the Pakistan Penal Code, and sentenced to suffer death, subject to the confirmation of the said sentence by the Court of ;

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*prisoner's name*) into your custody in the said Jail, together with this warrant, and him there safely to keep until you shall receive the further warrant or order of this Court, carrying into effect the order of the said Court.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*) (*Signature*)

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[1]Forms XXXII and XXXIII omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.

XXXV.— WARRANT OF EXECUTION ON A SENTENCE OF DEATH

(*See section* 381)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the Session held before me on the day of 18 , has been by a warrant of this Court, dated the day of, committed to your custody under sentence of death; and whereas the order of the Court of confirming the said sentence has been received by this Court;

This is to authorise and require you, the said Superintendent (*or* Keeper), to carry the said sentence into execution by causing the said to be hanged by the neck until he be dead, at (*time and place of execution*), and to return this warrant to the Court with an endorsement certifying that the sentence has been executed.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*) (*Signature*)

XXXVI—WARRANT AFTER A COMMUTATION OF A SENTENCE

(*See sections* 381 and 382)

To the Superintendent (*or* Keeper) of the Jail at .

WHEREAS at a Session held on the day of 18 , (*name of prisoner*), the (1st, 2nd, 3rd, *as the case may be*) prisoner in case No. of the Calendar at the said Session, was convicted of the offence of punishable under section of the Pakistan Penal Code, and sentenced to ,and was thereupon committed to your custody; and whereas by the order of the Court of (a duplicate of which is hereunto annexed) (the punishment adjudged by the said sentence has been commuted to the punishment of transportation for life (*or as the case may be*) ;

This is to authorize and require you, the said Superintendent (*or* Keeper), safely to keep the said (*prisoner's name*) in your custody in the said Jail, as by law is required, until he shall be delivered over by you to the proper authority and custody for the purpose of his undergoing the punishment of transportation under the said order,

or

If the mitigated sentence is one of imprisonment, say, after the words, "custody in the said Jail", "and there to carry into execution the punishment of imprisonment under the said order according to law".

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*) (*Signature*)

XXXVIl.—WARRANT TO LEVY A FINE BY [1][ATTACHMENT] AND SALE

(*See section* 386 [2][(1) (a)])

To (*name and designation of the Policeofficer or other person or persons who is or are to execute the warrant*).

WHEREAS (name and description of the offender) was on the day of 18 , convicted before me of the offence of (*mention the offence concisely*), and sentenced to pay a fine of rupees ; and whereas the said (*name*), although required to pay the said fine, has not paid the same or any part thereof;

This is to authorize and require you to [3][attach any] moveable property belonging to the said (*name*) which may be found within the district of ; and, if within (*state the number of days or hours allowed*) next after [4][such attachment] the said sum shall not be paid (*or* forthwith), to sell the movable [5][property attached], or so much thereof as shall be sufficient to satisfy the said fine, 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 ,18 .

(*Seal*) (*Signature*)

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[6][XXXVIlA.–BOND FOR APPEARANCE OF OFFENDER RELEASED PENDING REALISATION OF FINE

(*See section* 388)

WHEREAS I, (*name*), *inhabitant of* (*place*), have been sentenced to pay a fine of rupees and in default of payment thereof to undergo imprisonment for ; and whereas the Court has been pleased to order my release [7][* * *] on condition of my executing a bond for my appearance [8][on the following date (or dates) namely:—] ;

I hereby bind myself to appear before the Court of at o'clock [9][on the following date (or dates) namely:—], and, in case of making default herein, I bind myself to forfeit to [10][Government], [11][* * *] the sum of Rupees.

Dated this day of ,18 .

(*Signature*)

Where a bond with sureties is to be executed, add—

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[1]Subs. by the Code of Criminal Procedrue (Amendment) Act, 1923 (XVIII of 1923), s. 162, for "Distress".
[2]Ins. *ibid.*
[3]Subs. *ibid.*, for " make distress by seizure of any".
[4]Subs. *ibid.*, for " such distress".
[5]Subs. *ibid.*, for " Property distrained".
[6]Form XXXVIIA ins. by the Code of Criminal Procedure (Amendment) Act, 1923 (XVIII of 1923).
[7]The words "until the day of " rep. by s. 5 of the Code of Criminal Procedure (Second Amendment) Act, 1923 (XXXVII of 1923).
[8]Subs. ibid., for "on that day".
[9]Subs. ibid., for "on the said day of next".
[10]Subs. by A.O., 1961, Art. 2 and Sch., for "His Majesty the King" (*with effect from the 23rd March, 1956*).
[11]The words "Emperor of India" omitted by A.O., 1949, Sch.

We do hereby declare ourselves sureties for the above-named that he will appear before the Court of [1][on the following date (*or* dates), namely:—] and, in case of his making default therein, we bind ourselves jointly and severally to forfeit to [2][Government], [3][* * *] the sum of Rupees

(*Signature*)]

XXXVIII—WARRANT OF COMMITMENT IN CERTAIN CASES OF CONTEMPT WHEN A FINE IS IMPOSED.

(*See section 480*)

To the Superintendent (*or* Keeper) of the Jail at

WHEREAS at a Court holden before me on this day (*name and description of the offender*) in the presence (*or* view) of the Court committed wilful contempt;

And whereas for such contempt the said (*name of offender*) has been adjudged by the Court to pay a fine of rupees , or in default to suffer simple imprisonment for the space of (*state the number of months or days*);

This is to authorize and require you, the Superintendent (*or* Keeper) of the said Jail, to receive the said (*name of offender*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*), unless the said fine be sooner paid; and, on the receipt thereof, forthwith to set him at liberty, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of ,18.

(*Seal*) (*Signature*)

XXXIX—MAGISTRATE'S OR JUDGE'S WARRANT OF COMMITMENT OF WITNESS REFUSING TO ANSWER

(*See section 485*)

To (*name and description of officer of Court*.)

WHEREAS (*name and description*), being summoned (*or* brought before this Court) as a witness and this day required to give evidence on an inquiry into an alleged offence, refused to answer a certain question (*or* certain questions) put to him touching the said alleged offence, and duly recorded, without alleging any just excuse for such refusal, and for his contempt has been adjudged detention in custody for (*term of detention adjudged*);

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[1]Subs. Act No. XXXVIII of 1923, s.5, for "on the said day of next".
[2]Subs. by A.O., 1961, Art. 2 and Sch., for "this Majesty the king" (*with effect from the 23rd march, 1956*).
[3]The words "Emperor of India" omitted by A.O., 1949, Sch.

This is to authorize and require you to take the said (*name*) into custody, and him safely to keep in your custody for the space of days, unless in the meantime he shall consent to be examined and to answer the questions asked of him, and on the last of the said days, or forthwith on such consent being known, to bring him before this Court to be dealt with according to law, returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*) (*Signature*)

XL-XLI.— [1][* * * * * * *]

XLII.— [2][* * * * * * *]

XLIII.—WARRANT TO DISCHARGE A PERSON IMPRISONED ON FAILURE TO GIVE SECURITY

(*See section 500*)

To the Superintendent (*or* Keeper) of the Jail at

(*or other officer in whose custody the person is*).

WHEREAS (*name and description of prisoner*) was committed to your custody under warrant of this Court, dated the day of , and has since with his surety (*or* sureties) duly executed a bond under section 499 of the Code of Criminal Procedure;

This is to authorize and require you forthwith to discharge the said (*name*) from your custody, unless he is liable to be detained for some other matter.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*) (*Signature*)

THE PAKISTAN CODE

XLIV.—WARRANT OF ATTACHMENT TO ENFORCE A BOND

(*See section 514*)

To the Police-officer in charge of the Police-station at .

WHEREAS (*name, description and address of person*) has failed to appear on (*mention the occasion*) pursuant to his recognizance, and has by such default forfeited to [3][Government], [4][* * *], the sum of rupees (*the penalty in the bond*); and whereas the said (*name of person*), has, on due notice

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[1]Forms XL and XLI omitted by the Federal laws (Revision and Declaration) Ordinance, 1981 (XXVII of 1981) . s.3 and Second Sch.
[2]Form XLII omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s.2 and Sch.
[3]Subs. by A.O., 1961, Art. 2 and Sch., for "Her Majesty the Queen" (*with effect from the 23rd March, 1956*).
[4]The words "Empress of India" omitted by A.O., 1949, Sch.

to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him;

This is to authorize and require you to attach any moveable property of the said (*name*) that you may find within the district of , by seizure and detention, and, if the said amount be not paid within three days, to sell the property so attached or so much of it as may be sufficient to realise the amount aforesaid, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this, day of ,18 .

(*Seal*.) (*Signature*)

XLV.– NOTICE TO SURETY ON BREACH OF A BOND

(*See Section 514*)

To of .

WHEREAS on the day of 18 , you became surety for (*name*) of (*place*) that he should appear before this Court on the day of and bound yourself in default thereof to forfeit the sum of rupees to [1][Government], [2][* * *]; and whereas the said (*name*) has failed to appear before this Court and by reason of such default you have forfeited the aforesaid sum of rupees;

You are hereby required to pay the said penalty or show cause, within days from this date, why payment of the said sum should not be enforced against you.

Given under my hand and the seal of the Court, this day of ,18.

(*Seal*.) (*Signature*)

THE PAKISTAN CODE

XLVI.—NOTICE TO SURETY OF FORFEITURE OF BOND FOR GOOD BEHAVIOUR

(*See Section* 514)

To of

WHEREAS on the day of 18, you became surety by a bond for (*name*) of (*place*) that he would be of good behaviour for the period of and bound yourself in default thereof to forfeit the sum of rupees to [1][Government], [2][* * *], and whereas the said (*name*) has been convicted of the offence of (*mention the offence concisely*) committed since you became such surety, whereby your security bond has become forfeited;

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[1]Subs. by A.O., 1961, Art. 2 and Sch., for "Her Majesty the Queen" (*with effect from the 23rd March, 1956*).
[2]The words "Empress of India" omitted by A.O., 1949, Sch.

Your are hereby required to pay the said penalty of rupees , or to show cause within days why it should not be paid.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*) (*Signature*)

XLVII.—WARRANT OF ATTACHMENT AGAINST A SURETY

(*See Section 514*)

To of .

WHEREAS (*name, description and address*) has bound himself as surety for the appearance of (*mention the condition of the bond*), and the said (*name*) has made default, and thereby forfeited to [1][Government] ,[2][* * *], the sum of rupees (*the penalty in the bond*);

This is to authorize and require you to attach any moveable property of the said (*name*) which you may find within the district of , by seizure and detention; and, if the said amount be not paid within three days, to sell the property so attached, or so much of it as may be sufficient to realize the amount aforesaid, and make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*) (*Signature*)

XLVIIl.—WARRANT OF COMMITMENT OF THE SURETY OF AN ACCUSED PERSON ADMITTED TO BAIL.

THE PAKISTAN CODE

(*See section 514*)

To the Superintendent (*or* Keeper) of the Civil Jail at

WHEREAS (*name and description of surety*) has bound himself as a surety for the appearance of (*state the condition of the bond*) and the said (*name*) has therein made default whereby the penalty mentioned in the said bond has been forfeited to [1][Government], [2][* * *], and whereas the said (*name of surety*) has, on due notice to him, failed to pay the said sum or show any sufficient cause why payment should not be enforced against him, and the same cannot be recovered by attachment and sale of movable property of his, and an order has been made for his imprisonment in the Civil Jail for (*specify the period*);

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[1]Subs. by A.O., 1961, Art 2 and Sch., for "Her Majesty the Queen" (*With effect from the 23rd March, 1956*),
[2]The words "Empress of India" omitted by A.O., 1949, Sch.

This is to authorize and require you, the said Superintendent (*or* Keeper), to receive the said (*name*) into your custody with this warrant and him safely to keep in the said Jail for the said (*term of imprisonment*), and to return this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*) (*Signature*)

XLIX.– NOTICE TO THE PRINCIPAL OF FORFEITURE OF A BOND TO KEEP THE PEACE.

(*See Section* 514)

To (*name, description and address*).

WHEREAS on the day of 18 , you entered into a bond not to commit, etc., (*as in the bond*), and proof of the forfeiture of the same has been given before me and duly recorded ;

You are hereby called upon to pay the said penalty of rupees , or to show cause before me within days why payment of the same should not be enforced against you.

Dated this day of ,18 .

(*Seal*.) (*Signature*)

L.– WARRANT TO ATTACH THE PROPERTY OF THE PRINICIPAL ON BREACH OF A BOND TO KEEP THE PEACE.

THE PAKISTAN CODE

(*See Section 514*)

To (*name and designation of Policeofficer*), at the Policestation of .

WHEREAS (*name and description*) did, on the day of 18 , enter into a bond for the sum of rupees binding himself not to commit a breach of the peace, etc. (*as in the bond*), and proof of the forfeiture of the said bond has been given before me and duly recorded ; and whereas notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum ;

This is to authorize and require you to attach by seizure moveable property belonging to the said (*name*) to the value of rupees which you may find within the district of , and, if the said sum be not paid within , to sell the property so attached, or so much of it as may be sufficient to realise the same ; and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*) (*Signature*)

LI.– WARRANT OF IMPRISONMENT ON BRAECH OF A BOND TO KEEP THE PEACE.

(*See Section 514*)

To the Superintendent (*or* Keeper) of the Civil Jail at .

WHEREAS proof has been given before me and duly recorded that (*name and description*) has committed a breach of the bond entered into by him to keep the peace, whereby he has forfeited to [1][Government], [2][* * *], the sum of rupees ; and whereas the said (*name*) has failed to pay the said sum or to show cause why the said sum should not be paid, although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of imprisonment*);

This is to authorize and require you, the said Superintendent (*or* Keeper) of the said Civil Jail, to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*), and to return that warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*) (*Signature*)

LII.– WARRANT OF ATTACHMENT AND SALE ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See Section 514*)

To the Police-officer in charge of the Policestation at .

WHEREAS (*name description and address*) did, on the day of 18 , give security by bond in the sum of rupees for the good behaviour of (*name, etc., of the principal*) and proof has been given before me and duly recorded of the commission by the said (*name*) of the offence of whereby the said bond has been forfeited; and whereas notice has been given to the said (*name*) calling upon him to show cause why the said sum should not be paid, and he has failed to do so or to pay the said sum ;

This is to authorize and require you to attach by seizure moveable property belonging to the said (name) to the value of rupees which you may find within the district of , and, if the said sum be not paid within , to sell the property so attached, or so much of it as may be sufficient to realise the same, and to make return of what you have done under this warrant immediately upon its execution.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*) (*Signature*)

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[1]Subs. by A.O., 1961, Art. 2 and Sch., for "Her Majesty the Queen" (*with effect from the 23rd March, 1956*).
[2]The words "Empress of India" omitted by A.O., 1949, Sch.

LIII.– WARRANT OF IMPRISONMENT ON FORFEITURE OF BOND FOR GOOD BEHAVIOUR.

(*See Section 514*)

To the Superintendent (*or* Keeper) of the Civil Jail at .

WHEREAS (*name, description and address*) did, on the day of 18 , give security by bond in the sum of rupees for the good behaviour of (*name, etc., of the principal*), and proof of the breach of the said bond has been given before me and duly recorded, whereby the said (*name*) has forfeited to [1][Government], [2][* * *] the sum of rupees , and whereas he has failed to pay the said sum or to show cause why the said sum should not be paid although duly called upon to do so, and payment thereof cannot be enforced by attachment of his moveable property, and an order has been made for the imprisonment of the said (*name*) in the Civil Jail for the period of (*term of imprisonment*) ;

This is to authorize and require you, the Superintendent (*or* Keeper), to receive the said (*name*) into your custody, together with this warrant, and him safely to keep in the said Jail for the said period of (*term of imprisonment*), returning this warrant with an endorsement certifying the manner of its execution.

Given under my hand and the seal of the Court, this day of ,18 .

(*Seal*) (*Signature*)

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Dated: 14-02-2025

[1]Subs. by A.O., 1961, Art. 2 and Sch., for "Her Majesty the Queen" (*with effect from the 23rd March, 1956*).
[2]The words "Empress of India" omitted by A.O., 1949, Sch.