

Amendments in the Code of Criminal Procedure, 1898

COMPARATIVE STATEMENT SHOWING EXISTING SECTIONS AND PROPOSED AMENDMENTS IN THE Cr.P.C

Approved By the Law Reforms Committee constituted by the Prime Minister of Pakistan

Section	Existing provision	Proposed provision
<p align="center">32</p> <p>Report No. 40</p>	<p>32. Sentence which [Magistrate] may pass. (1) The Courts of [Judicial Magistrates] may pass the following sentences namely:</p> <p>(a) Courts of Magistrates of the first class; Imprisonment for a term not exceeding [three years], including such solitary confinement as Is authorized by law; Pine not exceeding [fifteen] thousand rupees [arsh, daman} Whipping.</p> <p>(b) Courts of Magistrates of the second class; Imprisonment for a term not exceeding one year, including such solitary confinement as is authorized by law; Fine not exceeding (five)thousand rupees,</p> <p>(c) Courts of Magistrates of the third class; Imprisonment for a term not exceeding one month; Fine not exceeding (one thousand) rupees.</p> <p>(2) The Courts of any Magistrate may pass any lawful sentence, combining any of the sentences which it is authorized by law to pass.</p>	<p>32. Sentence which [Magistrate] may pass. (1) The Courts of [Judicial Magistrates] may pass the following sentences namely:</p> <p>(a) Courts of Magistrates of the first class; Imprisonment for a term not exceeding [three years], including such solitary confinement as Is authorized by law; fine not exceeding [One hundred] thousand rupees [arsh, daman} Whipping.</p> <p>(b) Courts of Magistrates of the second class; Imprisonment for a term not exceeding one year, including such solitary confinement as is authorized by law; Fine not exceeding (fifty)thousand rupees,</p> <p>(c) Courts of Magistrates of the third class; Imprisonment for a term not exceeding one month; Fine not exceeding (twenty-five thousand) rupees.</p> <p>(2) The Courts of any Magistrate may pass any lawful sentence, combining any of the sentences which it is authorized by law to pass.</p>
<p align="center">44</p> <p>Report NO. 114</p>	<p>44. Public to give information of certain offences. (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, 121 A, 122, 123,123 124, 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 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; and]</p> <p>(2) For the purposes of this section the term, 'offence' includes any act committed at any place out of Pakistan which would constitute an offence if committed in Pakistan.</p>	<p>44. Public to give information regarding commission of any offences. (1) Every person aware of the commission of, or of the intention of any other person to commit, any offence of the following sections of the Pakistan Penal Code, namely, 121, 121 A, 122, 123,123 ,124, 124A, 125, 126, 130, 143, 144, 145, 147, 148, 153A, 161, 162,163, 164.165. 168.170,231, 232, 255, 300, 303, 304A, 308 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 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; and]</p> <p>No change</p>
<p align="center">45</p>	<p>45. Village-headmen, accountant, landholders and others bound to report certain matters. (1) Every village-headman, accountant, village-accountant, village watchman, village police-officer, owner or occupier of land, and the agent of any such owner or occupier in charge of the management of that land and every officer employed in the collection of</p>	<p>45. Village-headmen, accountant, landholders and others bound to report certain matters.</p>

<p>Report No. 114</p>	<p>revenue or rent of land on the part of the Government or the Court of Wards, shall forthwith communicate to the nearest Magistrate [or Justice of Peace] or the officer in charge of the nearest police-station whichever is the nearer, any information which he may possess respecting:</p> <p>(a) the permanent or temporary residence of any notorious receiver or vendor of stolen property in any village of which is headman, accountant, watchman or police-officer, or in which he owns or occupies land, or is agent, or collects revenue or rent;</p> <p>(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;</p> <p>(c) the commission of, or intention to commit, in or near such village any non-bailable offence or any offence punishable under sections 143, 144, 145, 147 or 148 of the Pakistan Penal Code;</p> <p>(d) the occurrence in or near such village or any sudden or unnatural death or of any death under suspicious circumstances; 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;</p> <p>(e) the commission of, or intention to commit, at any place out of Pakistan near such village any act which, if committed in Pakistan would be an offence punishable under any of the following sections of the Pakistan Penal Code, namely, 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, 460, 489A, 489B, 489C and 489D;</p> <p>(f) any matter likely to affect the maintenance of order or the prevention of crime or the safety of person or property respecting which the District Magistrate, by general or special order made with the previous sanction of the Provincial Government has directed him to communicate information.</p> <p>(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 Central Government in any part of Pakistan, in respect of any act which</p>	<p>No change</p> <p>No change</p> <p>No change</p> <p>No change</p> <p>No change</p> <p>(e) the commission of, or intention to commit, at any place out of Pakistan near such village any act which, if committed in Pakistan would be an offence punishable under any of the following sections of the Pakistan Penal Code, namely, 231, 232, 233, 234, 235,236,237,238,302,382,392,393, 394, 395, 396, 397. 398, 399, 402, 435, 436, 449, 450, 457, 458, 459, 460, 489A, 489B, 489C and 489D;</p> <p>No change</p> <p>(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 Central Government in any part of Pakistan, in respect of any act which if committed in Pakistan, would be punishable under any of the following</p>
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	<p>if committed in Pakistan, would be punishable under any of the following sections of the Pakistan Penal Code, namely 302, 304, 382, 392, 393,394.395,396, 397, 398, 399, 402,435,436, 449, 450, 457, 458, 459 and 460.</p> <p>(3) Appointment of village-headmen by District Magistrate or Sub-Divisional Magistrate in certain cases for purposes of this section. Subject to rules in this behalf to be made by the Provincial Government the District Magistrate or Sub-Divisional Magistrate may from time to time appoint one or more persons with his or their consent 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.</p>	<p>sections of the Pakistan Penal Code, namely 302, 382, 392, 393,394.395,396, 397, 398, 399, 402,435,436, 449, 450, 457, 458, 459 and 460.</p> <p>No change</p>
<p>46</p> <p>Report No. 134.</p>	<p>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 be custody by word or action.</p> <p>(2) 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.</p> <p>(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 imprisonment for life.</p>	<p>46. Arrest how made. (1)</p> <p>No change</p> <p>No change</p> <p>No change</p> <p>(4) Notwithstanding anything contained in sub-section (2) and (3), the Police Officer or other person making arrest shall not use any means which may cause death of, or grievous bodily injury to, the person being arrested unless there is probable cause to believe that the person to be arrested poses resistance with imminent threat of causing death or grievously bodily injury either to the Police Officer, or any other person making arrest.</p>
<p>54</p>	<p>(1) Any police officer may, without an order for a Magistrate and without a warrant, arrest—</p> <p>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;</p>	<p>(1) Any police officer may, without an order for a Magistrate and without a warrant, arrest—</p> <p>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:</p> <p>“Provided that where a person is arrested on the basis of suspicion, such arrest shall be reported to the officer in-charge of the police</p>

<p>54-A</p>	<p>Insertion of new section</p> <p>54-A- Procedure in case of arrest.—(1) A person shall, at the time of his arrest, be informed of the grounds of his arrest by the Police Officer making the arrest;</p> <p>(2) Before commencing the investigation, Police Officer shall provide reasonable facilities to the arrested person:-</p> <p>(a) to inform his family of his whereabouts; and</p> <p>(b) to consult with a legal practitioner of his choice.”</p> <p>(Proposed by Private Member Bill)</p>	<p>54-A- Procedure in case of arrest.—(1) A person, as soon as may be after his arrest, and in any case immediately on his confinement in the police station;-</p> <p>(i) be informed in writing of the grounds of his arrest by the Police Officer on duty.</p> <p>(ii) be allowed to inform his family of his whereabouts; and</p> <p>(iii) be allowed to consult a legal practitioner of his choice. (approved by the LRC)</p> <p>(2) where the arrested person desires to consult, and be defended by, a legal practitioner, he shall be allowed a period of twenty-four hours within which to engage services of the legal practitioner and he shall be provided with all facilities to contact such legal practitioner.</p> <p>(3) No person shall be permitted to overhear consultation between the arrested person and his legal practitioner. Referred by Attorney General Office</p>
	<p>section 54-A</p>	<p>Home and tribal Affairs department Government of Balochistan.</p> <p>The insertion of new section 54-A in code of Criminal Procedure, 1898 is quite appropriate and it should be inserted because under fundamental rights protected by Article 10 of the Constitution of Islamic Republic of Pakistan 1973 provides the same features to the safeguard as to arrest and detention of a citizen of the State.</p>
<p>59A</p> <p>Reports No. 17 and 49 of LJCP</p>	<p>Discussed in the meeting on 10-10-2016, the Committee dis-agreed for insertion .</p>	<p>Right to have some one informed when arrested.—</p> <p>(1) Where a person is held in custody in a police station or other premises, he shall be entitled to have a friend or relative or other person, who is known to him or who is likely to take an interest in his welfare, told by officer-in-charge of the police station or other premises, as the case may be, about his arrest.</p> <p>(2) A police officer not below the rank of superintendent of police may only authorize delay where he has reasonable grounds of believing that telling the named person of the arrest shall—</p> <p>(a)lead to interference with harm to the evidence connected with a cognizable offence of interference with or physical injury to other person; or</p>

		<p>(b) lead to alerting of other person suspected of having committed such an offence but not yet arrested for it; or</p> <p>(c) hinder the recovery of any property obtained as a result of such an offence.</p>
<p>94</p> <p>Report No. 102 and 106</p>	<p>94. Summons to produce document or other thing: (1) Whenever any Court, or, 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: 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 Banker's Books Evidence Act, 1891 (XVII of 1891), and relates, or might disclose any information which relates to the bank account of any person except—</p> <p>(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 477-A (both inclusive) of the Pakistan Penal Code, with prior permission in writing of a Sessions Judge ; and</p> <p>(b) in other cases, with the prior permission in writing of the High Court.</p> <p>(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.</p> <p>(3) Nothing in this section shall be deemed to affect the Evidence Act, 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.</p>	<p>94. Summons to produce document or other thing: (1)</p> <p>No change</p> <p>(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 477-A (both inclusive) and 489-F of the Pakistan Penal Code, with prior permission in writing of a Sessions Judge ; and</p> <p>No change</p> <p>(3) Nothing in this section shall be deemed to affect the Qanun-e-Shahadat Order 1984, Article 6 and 7 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.</p>
<p>99-A</p> <p>Report No. 102</p>	<p>99-A. 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 [West Pakistan Press and Publications Ordinance, 1963, or any other- law relating to press-and publication for the time being in force], .</p>	<p>99-A. 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 Press Newspaper news Agencies and Book Registration Ordinance 2002 or any other- law relating to press-and publication for the time being in force], .</p>

	<p>(b) any document, wherever printed, appears to the Provincial Government to contain any treasonable or seditious matter or any matter which is prejudicial to national integration or any matter which promotes or is intended to promote, feelings of enmity or hatred between different classes of the citizens of Pakistan or which is deliberately and maliciously intended to outrage the religious feelings of any such class, by inputting the religion or religious belief of that class, [or any matter, of the nature referred to in clause (ii) of sub-section (1) of Section 24 of the West Pakistan Press and Publication Ordinance,1963] that is to say, any matter the publication of which is punishable under Section 123-A or Section 124-A-or Section 154-A or Section 295-A [or Section 298-A or Section 298-B or Section 298-C] of the Pakistan Penal Code, the Provincial Government may, by notification in the official Gazette stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such platter and every copy of such book or other document to be forfeited to Government ,and thereupon any police-officer may seize the same wherever found in 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 reasonably suspected to be-</p> <p>(2) In sub-section (1) "document" includes also any painting, drawing or photograph, or other visible representation.</p>	<p>(b) any document, wherever printed, appears to the Provincial Government to contain any treasonable or seditious matter or any matter which is prejudicial to national integration or any matter which promotes or is intended to promote, feelings of enmity or hatred between different classes of the citizens of Pakistan or which is deliberately and maliciously intended to outrage the religious feelings of any such class, by inputting the religion or religious belief of that class, that is to say, any matter the publication of which is punishable under Section 123-A or Section 124-A-or Section 154-A or Section 295-A [or Section 298-A or Section 298-B or Section 298-C] of the Pakistan Penal Code, the Provincial Government may, by notification in the official Gazette stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such platter and every copy of such book or other document to be forfeited to Government ,and thereupon any police-officer may seize the same wherever found in 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 reasonably suspected to be-</p> <p>No change</p>
<p>108</p> <p>Report No. 102</p>	<p>108. Security for good behavior from persons disseminating seditious matter: Whenever [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 or in any other manner intentionally disseminates or attempts to disseminate, or in any wise abets the dissemination of-</p> <p>(a) any seditious matter, that is to say, any matter the publication of which is punishable under Section 123-A or Section 124-A of the Pakistan Penal Code, or</p> <p>(b) any matter the publication of which is punishable under Section 153-A of the Pakistan Penal Code, or</p> <p>(c) any matter concerning a Judge which amounts to criminal intimidation or defamation under the Pakistan Penal Code, such Magistrate 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 behavior for such period, not exceeding one year, as the Magistrate thinks fit to fix.</p>	<p>108. Security for good behavior from persons disseminating seditious matter:</p> <p>No Change</p> <p>No Change</p> <p>No Change</p> <p>No Change</p>

	No proceedings shall be taken under this section against the editor, proprietor, printer or publisher of any publication registered under, and edited, printed and published in conformity with, [the provisions of the Press and Publications Ordinance, 1960, the West Pakistan Press and Publications Ordinance, 1963, or any other law relating to Press and Publication for the time being in force] with reference to any matters contained in such publication, except by the order or under the authority of the Provincial Government or some officer empowered by the Provincial Government in this behalf.	No proceedings shall be taken under this section against the editor, proprietor, printer or publisher of any publication registered under, and edited, printed and published in conformity with, the provisions of The Press, newspapers News Agencies and Books Registration Ordinance 2002 or any other law relating to Press and Publication for the time being in force] with reference to any matters contained in such publication, except by the order or under the authority of the Provincial Government or some officer empowered by the Provincial Government in this behalf.
154 Report No. 17 of LJCP	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 reduce 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 Provincial Government may prescribed in this behalf.	Information in cognizable cases. – (1) 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 reduce to writing as aforesaid, shall be signed by the person giving it, and the substance thereof shall be entered in a book as the first investigation report (FIR) to be kept by such officer in such form as the Provincial Government may prescribed in this behalf. (2) Any information relating to commission of cognizable offence not entered in the book by an officer in charge of the police-station may be given to the Magistrate having ordinary jurisdiction in cases coming up from such police-station which shall be received in the manner given under sub-section (1). (3) Where an officer in-charge of police station refuses to record information relating to the commission of a cognizable offence he shall be liable to prosecution under Article 155 of the Police Order, 2002.
154 Drafted by A.G Office	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 reduce 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 Provincial Government may prescribed in this behalf.	154 Information alleging commission of an offence. – (1) 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 reduce 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 Provincial Government may prescribed in this behalf. (i) if information regarding the commission of cognizable offence given electronically where the facility is available in police station shall be entered in the daily diary of such police station and

		<p>request be sent to authenticate the same in writing and forwarded to the concerned police station.</p> <p>(ii) Where a cognizable offence has been committed, the police officer under sub-section (1) shall at once examine the informant and substance of the examination 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 shall be signed by the person giving it and the substance thereof shall be entered in the register maintained for registering such information report.</p> <p>(iii) Any information relating to commission of cognizable offence not entered in the book by an officer in charge of the police-station may be given to the Magistrate having jurisdiction in cases who shall direct the police in-charge to follow the provision of sub-section (1).</p> <p>(iv) Where an officer in-charge of police station refuses to record information relating to the commission of a cognizable offence he shall be liable to prosecution under Article 155 of the Police Order, 2002.</p> <p>(v) Where the officer in charge fails to proceed in accordance with the provision of section 154 he shall be punishable by imprisonment either description which may extend to six months, or with fine which may extend to one hundred thousand Rupees or with both.</p> <p>(vi) Without pre-judice of sub-clause (v), the act of police in-charge shall be treated misconduct and disciplinary proceedings liable to be initiated for imposition of any penalty provided under the law.</p>
<p>155</p> <p>Drafted by</p>	<p>Information in non-cognizable cases.—(1) When information is given to an officer in charge 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 information to the Magistrate.</p> <p>(2) 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</p>	<p style="text-align: center;">No change</p>

A.G office	case or send the same for trial to the Court of Session.	No Change
156 Report No. 17	<p>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.</p> <p>(2)</p> <p>(3)</p> <p>(4)</p>	<p>Investigation into cognizable cases.– (1) Any officer in charge of a police-station shall, with or 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.</p>
157 Drafted by A.G Office	<p>Procedure where cognizable offence suspected. If, form 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 upon of his subordinate officers [not being below such rank as the (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, and if necessary to take measures for the discovery and arrest of the offender.</p>	<p>Procedure where cognizable offence suspected. If, form 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 upon of his subordinate officers [not being below such rank as the (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, and if necessary to take measures for the discovery and arrest of the offender.</p> <p>(i) Provided that mere mentioned of the person in FIR shall not per-se be a ground for his arrest unless the investigating officer has reasonable ground to believe, the information contained therein is correct.</p> <p>(ii) Provided that the investigation officer shall arrest a person mentioned in FIR only if he has reasonable grounds to suspect that he has committed an offence.</p>
157-A Drafted by A.G Office	<p>Insertion of New Section.</p> <p>LRC disagreed to insert section 157-A with the direction to re-draft section 54-A by insertion of sub-section (2) and (3) of the proposed section 157-A.</p>	<p>157A. Information regarding fundamental rights.– Before commencing interrogation of any person who has been arrested on allegations of having committed an offence, the investigating officer shall inform him of the grounds for his arrest and also orally , as well as in writing, inform him that he has the following rights under the Constitution of the Islamic Republic of Pakistan, namely:-</p> <p>(a) that he has the right to consult and be defended by a legal practitioner of his choice;</p>

		<p>(b) that he has a right not to incriminate himself; and</p> <p>(c) that he has a right not to be tortured for the purpose of extracting any evidence.</p> <p>(2) Where the arrested person desires to consult, and be defended by, a legal practitioner, he shall be allowed a period of twenty-four hours within which to engage services of the legal practitioner and he shall be provided with all facilities to contact such legal practitioner.</p> <p>(3) No person shall be permitted to overhear consultation between the arrested person and his legal practitioner.”</p>
158A	Disagreed by the LRC	<p>158A:- Rights of an arrested person not to be violated.- It shall be duty of all officers of police or other investigation agency to fully respect and not to violate the rights of an arrested person stated in section 157A. Violation of rights of an arrested person, shall be deemed to constitute an act of misconduct by the officer under the service law applicable to him attracting imposition of one of the penalties set out in that law</p>
Drafted by A.G Office		
161	<p>Examination of witnesses by Police.—(1) Any Police officer making an investigation under this Chapter or any police officer not below such rank as the Provincial Government may, be 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 cases.</p> <p>(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.</p> <p>(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 this statement of each such person whose statement he records.</p>	<p>Examination of witnesses by Police.—(1)</p> <p>No change</p> <p>(2) Such person shall be bound to answer truthfully all questions relating to case put to him by such officer, other than question the answer to which would have a tendency to expose him to a criminal charge or to a penalty or forfeiture.</p> <p>(3) No change</p> <p>Provided that statement made under this sub-section may also be recorded by audio-video electronic means.</p>
Drafted by A.G Office		
161		<p>161. Examination of Witnesses by Police.— (1)...</p> <p>(2)...</p> <p>(3) The Police officer may reduce into writing any</p>

		<p>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: The Police officer may in his discretion also make audio or video or both recording of the examination of the Witness.</p> <p>Provided that the statement made under this sub-section may also be recorded by audio or video or both electronic means, which may be used in the same manner and for the same purpose as the said written statement.</p>
<p>162</p> <p>Drafted by A.G Office</p> <p>Security issue</p>	<p>Statements to police not to be signed; use of such statements in evidence. No statement made by any person to a police officer in the course of an investigation under this chapter shall any such statement or any record thereof, whether in police dairy 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:</p> <p>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, when any part of such statement is so sued, 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:</p> <p>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 in inexpedient in the public interests it shall record such opinion but not the reasons therefore and shall exclude such part from the copy of the statement furnished to the accused.</p> <p>(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 or to effect the provisions of section 27 of that Act.</p>	<p>162. Statement to police to be signed and use thereof in evidence.- (1) A statement made by any person to a police officer in the course of an investigation made under this Chapter shall, if reduced into writing, be signed or thumb marked by the person making it and such statement or any record thereof whether in a police diary or otherwise or any part of such statement and record may not be used, save as hereinafter provided, for any purpose at any enquiry or trial in respect of any offence under investigation at the time when such statement was made.</p> <p>(2) When any witness is called for the prosecution in enquiry or trial whose statement has been reduced into writing under sub-section (1), the court shall on 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 Article 140 of the Qanun-e-Shahadat</p>

		<p>Order, 1984. When any part of such statement is so used, any part thereof may be used in the re-examination of such witness, but for the purpose only of explaining any matter referred to in his cross-examination:</p> <p>Provided that, if the court is of opinion that any part of any such statement is not relevant to the matter in respect or the enquiry or trial or its disclosure to the accused is not essential in the interest of justice and is expedient in the public interest, it shall record such opinion, but not the reasons thereof, and shall exclude such part from the copy of the statement furnished to the accused.</p> <p>(3) A statement made by any witness to a police officer in the course of investigation made under this chapter shall, if reduced into writing, be signed or thumb marked by the person making it, and when any witness is called for prosecution in an enquiry or trial whose statement has been reduced into writing as aforesaid, during his examination in chief, cross-examination, if duly proved, may be used by the prosecution with the permission of the court to contradict such witness in the manner provided for under Article 140 of the Qanun-e-Shahadat Order, 1984.</p> <p>(4) Nothing in this section shall apply to any statement falling within the provisions of clause (1) of Article 46 of Qanun-e-Shahadat Order, 1984 or to affect the provisions of Article 40 of that Order.</p>
<p>167</p> <p>Report No. 17 and 49</p>	<p>167. Procedure when investigation cannot be completed in twenty-four hours: (1) Whenever any person is arrested and detained in custody, and it appears that the investigation 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 incharge of the police-station or the police-officer making the investigation if he is not below the rank of the 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 to such Magistrate. Explanation : [Omitted by the Ordinance, XXXVII of 2001, dt. 13-8-2001.]</p> <p>(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 no jurisdiction to try the case or [send] it for trial, and considers further detention unnecessary, he may order the accused to be forwarded to a Magistrate having such jurisdiction; Provided that no Magistrate of the Third Class, and no Magistrate of the Second Class not</p>	<p>167. Procedure when investigation cannot be completed in twenty-four hours:</p> <p>No change</p> <p>No change</p>

	<p>especially empowered in this behalf by the Provincial Government shall authorise detention in the custody of the police.</p> <p>(3) A Magistrate authorizing under this section detention in the custody of the police shall record his reasons for so doing.</p> <p>[(4) The Magistrate, giving such order shall forward copy of his order, with his reasons for making it, to the Sessions Judge].</p> <p>[(5) Notwithstanding anything contained in Sections 60 and 61 or hereinbefore to the contrary, where the accused forwarded under subsection (2) is a female, the Magistrate shall not except—in the cases involving QatI 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 subsection (1) in the prison in the presence of an officer of jail and a female police officer.</p> <p>(6) The officer in-charge of the prison shall make appropriate arrangements the admission of the investigating police officer into the prison for the purpose of interrogating the accused.</p> <p>(7) If for the purpose of investigation, it is necessary that the accused referred to in subsection (1) be taken out of the prison, the officer in-charge 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].</p>	<p>No change.</p> <p>[(4) The Magistrate, giving such order shall within 24 hours forward copy of his order, with his reasons for making it, to the Sessions Judge].</p> <p>No change.</p> <p>No change</p> <p>No change</p>
<p>172</p> <p>Drafted by A.G Office</p>	<p>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 investigation. The place visited by him, and a statement of the circumstances ascertained through him investigation..</p> <p>(2) Any Criminal Court any 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 be 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</p>	<p>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 investigation. The place visited by him, and a statement of the circumstances ascertained through him investigation..</p> <p>(2) All pages diary shall be firmly bound and the police diary shall be printed, be serially numbered and in case any page of the case diary is missing its custodian shall be liable to disciplinary proceedings and imposition of one of the penalties provided for in the service laws applicable to him</p>

	<p>memory, or if the Court, uses them for the purpose of contradicting such police officer, the provisions of the Evidence Act, 1872, section 161 or section 145, as the case may be shall apply.</p>	<p>(3) Any criminal Court any 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 be 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 Qanoon-e-Shahdat Order, 1984, section 161 or section 145, as the case may be shall apply.</p>
<p>172 Report No. 102</p>	<p>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 investigation. The place visited by him, and a statement of the circumstances ascertained through him investigation..</p> <p>(2) Any Criminal Court any 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 be 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,section 161 or section 145, as the case may be shall apply.</p>	<p>Diary of proceedings in investigation.—(1)</p> <p>No Change</p> <p>(2) Any Criminal Court any 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 be 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 Qanun-e-Shahadat Order 1984 Article 140 or Article 155 as the case may be shall apply.</p>
<p>173 Drafted by A.G Office</p>	<p>Report of Police Officer.— in sub-section (1) proviso</p> <p>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 15, 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 .</p>	<p>Report of Police Officer.— in sub-section (1) proviso</p> <p>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 15, the officer in charge of the police station shall, within three days of the expiration of such period, forward to the Magistrate with the opinion of 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 provided further that if report is not submitted within the aforesaid period, the Court within next seven days shall pass an order directing that an entry of negligence and carelessness be made in the service record of the officer concerned.</p>

<p>195</p>	<p>Prosecution for contempt of lawful authority of public servants.—(1) No Court shall take cognizance :-</p> <p>(a) of any offence punishable under section 172 to 188 of the Pakistan Penal Code, except on the complaint in writing of the public servant concerned, or of some other public servant to whom he is subordinate;</p> <p>(b) 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 or of some other Court to which such Court is subordinate; or</p> <p>(c) 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 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.</p>	<p>Prosecution for contempt of lawful authority of public servants.—(1) No Court shall take cognizance :-</p> <p>(a) of any offence punishable under section 172, 173, 176 to 181 183 to 188 of the Pakistan Penal Code, except on the complaint in writing of the public servant concerned, or of some other public servant to whom he is subordinate or other public servant dully authorized by them.</p> <p>(b) of any offence punishable under any of the following sections of the same Code, namely sections 167A, 174 and 175, 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 or of some other Court to which such Court is subordinate; or</p>
<p>198</p> <p>Report NO. 63</p>	<p>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 or under sections 493 to 496 (both inclusive) or the same Code, except upon a complaint made by some person aggrieved by such offence:</p> <p>Provided that.....</p>	<p>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 or under sections 494 to 496 (both inclusive) or the same Code, except upon a complaint made by some person aggrieved by such offence:</p> <p style="text-align: center;">No Change</p>
<p>199</p> <p>Report NO. 63</p>	<p>Prosecution for adultery or enticing a married woman.— 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 this 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:]</p> <p>Provided that where such husband is under the age of eighteen years or is an idiot or is from sickness or infirmity unable to make complaint, some other person may with the leave of the Court make a complaint on his behalf:</p>	<p style="text-align: center;">Omitted</p>

	<p>Provided further that where such husband is serving in any of 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 authorized 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.</p>	
199A Report NO. 63	<p>Objection by lawful guardian to complaint by person other than person aggrieved.— When in any case falling under section 198 <u>or section 199</u>, 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.</p>	<p>Objection by lawful guardian to complaint by person other than person aggrieved.— When in any case falling under section 198 , * * * * * 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.</p>
199B Report NO. 63	<p>Form of authorization under second proviso to section 198 or 199.— (1) The authorization of a husband given to another person to make a complaint on his behalf under the second proviso to section 198 or the <u>second proviso to section 199</u> 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 allegation 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 the 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.</p> <p>(2) Any document purporting to be such an authorization 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.</p>	<p>Form of authorization under second proviso to section 198 or 199.— (1) The authorization of a husband given to another person to make a complaint on his behalf under the second proviso to section 198 * * * * * 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 allegation 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 the 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.</p> <p>(2) Any document purporting to be such an authorization 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.</p>
205 Drafted by A.G Office	<p>205. Magistrate may dispense with personal attendance of accused. (1) Whenever a magistrate issue 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.</p> <p>(2) But the Magistrate inquiring 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</p>	<p>Omitted</p>

<p>250</p> <p>Report No. 92</p>	<p>250. False, frivolous or vexatious accusations: (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 Magistrate of any offence triable by a Magistrate, and the Magistrate by whom the case is heard 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 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.</p> <p>(2) The Magistrate shall record and consider any cause which such complainant or informant 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 twenty-five thousand rupees or, if the Magistrate is a Magistrate Of the Third Class not exceeding 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.</p> <p>(2-A) The compensation payable under sub-section (2) shall be recoverable as an arrear of land-revenue.</p> <p>(2-B) When any person is imprisoned under sub-section (2-A) the provisions of Sections 68 and 69 the Pakistan Penal Code shall, so far as may be, apply.</p> <p>(2-C) 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:</p> <p>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.</p> <p>(3) A complainant or informant who has been ordered under sub-section (2) by a Magistrate of the Second or Third Class to pay compensation 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</p>	<p>250. False, frivolous or vexatious accusations:</p> <p>It shall be governed by costs of litigation Bill.</p> <p>No Change</p> <p>(2) The Magistrate shall record and consider any cause which such complainant or informant 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 forty thousand rupees or, if the Magistrate is a Magistrate Of the Third Class not exceeding two thousand and Three thousand rupees as he may determine be paid, by such complainant or informant to the accused or to each or any of them.</p> <p>No Change</p> <p>No Change</p> <p>No Change</p> <p>No Change</p> <p>(3) A complainant or informant who has been ordered under sub-section (2) by a Magistrate of the Second or Third Class to pay compensation or has been so ordered by any other Magistrate to pay compensation exceeding five hundred rupees may appeal from the order, in so far as</p>
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	<p>relates to the payment of the compensation, as if such complainant or informant had been convicted on a trial held by such Magistrate.</p> <p>(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 appeal has been decided 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.</p>	<p>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.</p> <p style="text-align: center;">No Change</p>
<p>250-A</p> <p>Drafted by A.G Office</p>		<p>Awarding compensation.– In a case triable by a Court of Sessions or any other Judge exercising the powers of the Court of Sessions, the court may proceed in the manner set out in section 250 and award compensation up to one million rupees.</p>
<p>260</p> <p>Report No. 40</p>	<p>260. Power to try summarily. (1) Notwithstanding anything contained in this Code:</p> <p>(a) x x x x x x</p> <p>(b) any Magistrate of the first class specially empowered in this behalf by the Provincial Government, and</p> <p>(c) any Bench of Magistrate invested with the powers of a Magistrate of the first class and especially empowered in this behalf by the Provincial Government. may, if he or they think fit, try in a summary way all or any of the following offence:</p> <p>(a) offences not punishable with death, transportation or imprisonment for term exceeding six months;</p> <p>(b) offences relating to weights and measures under sections 264, 265 and 266 of the Pakistan Penal Code;</p> <p>(c) hurt, under section 323 of the same Code;</p> <p>(d) theft under sections 379, 380 or 381 of the same Code, where the value of the property stolen does not exceed [two thousand five hundred rupees]</p> <p>(e) dishonest misappropriation of property under section 403 of the same</p>	<p>260. Power to try summarily. (1) Notwithstanding anything contained in this Code:</p> <p>No change</p> <p>No change</p> <p>No change</p> <p>(c) hurt, under clause (i) of Section “337A”of the same Code;</p> <p>(d) theft under sections 379, 380 or 381 of the same Code, where the value of the property stolen does not exceed [ten thousand rupees]</p> <p>(e) dishonest misappropriation of property under section 403 of the same Code, where the value of the property misappropriated does not exceed</p>

<p>Code, where the value of the property misappropriated does not exceed [two thousand five hundred rupees]</p> <p>(f) receiving or retaining stolen property under section 411 of the same Code, where the value of such property does not exceed [two thousand five hundred rupees]</p> <p>(g) assisting in the concealment or disposal of stolen property under S. 414 of the same code, where the value of such property does not exceed [two thousand and five hundred rupees]</p> <p>(h) mischief, under section 427, of the same Code;</p> <p>(i) house-trespass, under section 448, and offences under sections 451, 453, 454, 456 and 457 of the same Code.</p> <p>(j) insult with intent to provoke a breach of the peace, under section 504, and criminal intimidation, under section 506, of the same Code:</p> <p>(jj) offence of personating at an election under section 171 F of the same Code;</p> <p>(k) abetment of any of the forgoing offences;</p> <p>(l) an attempt to commit any of the foregoing offences, when such attempt is an offence;</p> <p>(m) offences under section 20 of the Cattle-trespass Act 1871: [x x x x x]</p> <p>(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 hear the case in manner provided by this Code.</p>	<p>[ten thousand rupees]</p> <p>(f) receiving or retaining stolen property under section 411 of the same Code, where the value of such property does not exceed [ten thousand rupees]</p> <p>(g) assisting in the concealment or disposal of stolen property under S. 414 of the same code, where the value of such property does not exceed [ten thousand rupees]</p>
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<p>261 Report No. 40</p>	<p>261. Power to invest Bench of Magistrates invested with less power. The Provincial Government may [on the recommendation of the High Court] confer on any Bench of Magistrate invested with the powers of a Magistrate of the second or third class power to try summarily all or any of the following offences:</p> <p>(a) offences against the Pakistan Penal Code, sections 277, 278, 279, 285, 286, 289, 290, 292, 293, 294, 323, 330, 336,341, 352, 426. 447, and 504;</p> <p>(6) 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 with or without fine:</p> <p>(c) abetment of any of the foregoing offences:</p> <p>(d) an attempt to commit any of the foregoing offences, when such attempt is an offence</p>	<p>261. Power to invest Bench of Magistrates invested with less power.</p> <p>No change</p> <p>(a) offences against the Pakistan Penal Code, sections 277, 278, 279, 285, 286, 289, 290, 292, 293, 294, 337A, 337H (2), 337L (2), 341, 352, 426. 447, and 504;</p> <p>No change</p> <p>No change</p>																												
<p>265-J Report No. 102</p>	<p>265-J. 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</p>	<p>265-J. 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 Qanun-e-Shahadat 1984.</p>																												
<p>345 Report No. 46</p>	<p>Compounding offences.– (1) The offences punishable under the sections of the Pakistan Penal Code 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:</p> <table border="1" data-bbox="384 1008 905 1474"> <thead> <tr> <th>Offence</th> <th>Sections of Pakistan Penal Code applicable.</th> <th>Persons by whom offence may be compounded</th> </tr> </thead> <tbody> <tr> <td>.....</td> <td>.....</td> <td>.....</td> </tr> <tr> <td>Criminal breach of contract of service.....</td> <td>490, 491, 492</td> <td>The person with whom the offender has contracted.</td> </tr> <tr> <td>Adultery</td> <td>497</td> <td>The husband of the woman.</td> </tr> </tbody> </table>	Offence	Sections of Pakistan Penal Code applicable.	Persons by whom offence may be compounded	Criminal breach of contract of service.....	490, 491, 492	The person with whom the offender has contracted.	Adultery	497	The husband of the woman.	<p>Compounding offences.– (1) The offences punishable under the sections of the Pakistan Penal Code 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:</p> <table border="1" data-bbox="1197 1008 1892 1474"> <thead> <tr> <th>Offence</th> <th>Sections of Pakistan Penal Code applicable.</th> <th>Persons by whom offence may be compounded</th> <th></th> </tr> </thead> <tbody> <tr> <td>.....</td> <td>.....</td> <td>.....</td> <td></td> </tr> <tr> <td>Criminal breach of contract of service.....</td> <td>491</td> <td>The person with whom the offender has contracted.</td> <td>Figure 490 and 492 omitted</td> </tr> <tr> <td>Adultery</td> <td>497</td> <td>The husband of the woman.</td> <td>Omitted</td> </tr> </tbody> </table>	Offence	Sections of Pakistan Penal Code applicable.	Persons by whom offence may be compounded			Criminal breach of contract of service.....	491	The person with whom the offender has contracted.	Figure 490 and 492 omitted	Adultery	497	The husband of the woman.	Omitted
Offence	Sections of Pakistan Penal Code applicable.	Persons by whom offence may be compounded																												
.....																												
Criminal breach of contract of service.....	490, 491, 492	The person with whom the offender has contracted.																												
Adultery	497	The husband of the woman.																												
Offence	Sections of Pakistan Penal Code applicable.	Persons by whom offence may be compounded																												
.....																												
Criminal breach of contract of service.....	491	The person with whom the offender has contracted.	Figure 490 and 492 omitted																											
Adultery	497	The husband of the woman.	Omitted																											

Enticing or taking away or detaining with criminal intent a married woman	498	The husband of the woman.
.....

(2) The offences punishable under the sections of the Pakistan Penal Code 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 Pakistan Penal Code applicable.	Persons by whom offence may be compounded.
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 along with another compoundable offence.
Rioting armed with deadly weapon	148	Ditto
.....

Enticing or taking away or detaining with criminal intent a married woman	498	The husband of the woman.	Omitted
.....	

(2) The offences punishable under the sections of the Pakistan Penal Code 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 Pakistan Penal Code applicable.	Persons by whom offence may be compounded
Rioting	147	.
Rioting armed with deadly weapon	148	Ditto
.....

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 after a trial has been begun the proceedings in respect of such person shall be commenced afresh, and the witnesses re-heard.

Section 351 is substituted as follow:-

Power to proceed against other persons appearing to be guilty of offence.—

(1) Where, in the course of any inquiry into, or trial of, an offence, it appears for the evidence that any person not being the accused has committed any offence for which such person could be tried together with the accused, the Court may proceed against such person for the offence which he appears to have committed.

(2) Where such person is not attending the Court, he may be arrested or summoned, as the circumstances of the case may require, for the purpose aforesaid.

(3) Any person attending the Court although not under arrest or upon a summons may be detained by such Court for the purpose of the inquiry into, or trial of, the offence which he appears to have committed.

(4) Where the Court proceeds against any person under sub-section (1), then—

- (a) a notice shall be served upon such person calling upon to show cause as to why proceedings may not be initiated against him on the basis of evidence adduced during trial.
- (b) on receipt of reply to the show cause under clause (a) and if the Court is satisfied to do so, further proceedings against such person shall be initiated;
- (c) the proceedings in respect of such person shall be commenced afresh and the witnesses re-heard;
- (d) subject to the provisions of clause (c), the case may proceed as if such person had been an accused person when the Court took cognizance of the offence upon which the inquiry or trial was commenced.

<p>382-A Report No. 17</p>	<p>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—</p> <p>(a) is awarded any sentence of imprisonment under Section 476, or</p> <p>(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.</p>	<p>382-A. Postponement of execution of sentences of imprisonment under Section 476 or for a period of less than one year : No change.</p> <p>(a) Omitted</p> <p>(b) is sentenced in cases other than those provided for in Section 381, to imprisonment whether with or without fine 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.</p>
<p>431 Report No. 17</p>	<p>Abatement of appeals.— Every appeal under section 411A, 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.</p>	<p>Abatement of appeals.— Every appeal under section 411A, 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</p> <p>Provided an appeal against conviction shall not abate if any of legal heirs of the deceased appellant apply to the court for being pleaded as appellant for its judgment in such appeal within sixty days of death of the appellant.</p>
<p>431A Report No. 17</p>	<p>—</p>	<p>Right of appeal not to extinguish.— Where a convict dies before filing an appeal against his conviction, any of his legal heirs may prefer appeal against such conviction in the same manner as prescribed in the Code for appeal by such deceased convict.</p>
<p>471 Report No. 102</p>	<p>471 Person acquitted on such ground to be detained In safe custody: (1) Whenever 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 detained in safe Custody in such place and manner as the Magistrate or Court thinks fit, and shall report the action taken to the Provincial Government:</p> <p>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</p>	<p>471 Person acquitted on such ground to be detained In safe custody: (1) Whenever 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 detained in safe Custody in such place and manner as the Magistrate or Court thinks fit, and shall report the action taken to the Provincial Government:</p> <p>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</p>

	the Provincial Government may have made under the Lunacy Act, 1912.	the Provincial Government may have made under the Mental Health Ordinance, 2001.
<p>476</p> <p>Report No. 17</p>	<p>Procedure in cases mentioned in section 195. (1) When any offences 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.</p> <p>(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:</p> <p>(a) pass any sentence on the offender authorized 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;</p> <p>(b) sentence the offender to simple imprisonment for a term which may extend to three months, or to pay a fine not exceeding [one thousand rupees) or both, if such Court be a Court of 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 Revenue Court not inferior to the Court of Collector;</p> <p>(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 Revenue Court other than a Court referred to in clause (a) or clause (b).</p> <p>(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 to which such former Court is subordinate within the meaning of sub-section (3) of S. 195.</p> <p>(4) Any person sentenced by any Court, under this section may, notwithstanding anything hereinbefore contained, appeal;</p> <p>(a) in the case of a sentence by the High Court, to the Supreme Court; (b) in 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</p>	<p>Substitution of section 476.</p> <p>Section 476. Cognizance of false evidence. Procedure of trial.</p> <p>(1) Notwithstanding anything contained in this code where any offence has been committed during hearing or trial of a case in any civil, revenue or criminal Court, or in the course of investigation, or a proceeding in relation to such a case, by a Police officer , a witness including an expert who has tendered false opinion in a case relating to a matter covered by his specialty, whether he deposed in the court or not, or any other person, under section 176 to 182 of Chapter X Section 191 to 204, 211 to 223 and 223A of chapter XI of the Pakistan Penal Code (Act No. XLV of 1860) or under any other law relating to false evidence and offences against public justice, the court shall, at any time during such hearing or trial or on pronouncement of judgment have jurisdiction to take cognizance of the offence and to try the same in accordance with the procedure prescribed for summary trials in Chapter XXII.</p> <p>(2) The proceedings under sub-section (1) shall be initiated by the Court on its own accord or on an application made by any one of the parties to such hearing or trial, after the trial or hearing is accomplished</p>

	<p>(c) in any other case, to the Session Judge.</p> <p>(5) The provisions of Chapter XXXI shall, so far as they are applicable, apply to appeal under this section and the Appellate Court may alter the finding or reduce or enhance the sentence appealed against.</p>	
<p>476A</p> <p>Report No. 17</p>	<p>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 offence 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.</p> <p>(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.</p>	<p>Omitted</p>
<p>486</p> <p>Report No. 114</p>	<p>Appeal from convictions in contempt cases.– (1) Any person sentenced by any Court under section 480 may, notwithstanding anything hereinbefore contained, appeal to the Court to which decrees or orders made in such Court are ordinarily appealable.</p> <p>(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.</p> <p>(3) An appeal from such conviction by a Court of Small Causes shall lie to the Court of Sessions for the sessions division within which such Court is situate.</p> <p>(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.</p>	<p>Appeal from convictions in contempt cases.–</p> <p>No Change</p> <p>No Change</p> <p>(3) An appeal from such conviction by a Court of Small Claims and Minor Offence Court shall lie to the Court of Sessions for the Sessions Division within which such Court is situate.</p> <p>No Change</p>

<p>491</p>	<p>491. Power to issue directions of the nature of a Habeas Corpus. Any High Court may, whenever it thinks fit, direct:</p> <p>(a) that a person within the limits of its appellate criminal jurisdiction be brought up before the Court to be dealt with according to law:</p> <p>(b) that a person illegally or improperly detained in public or private custody within such limits be set at liberty;</p> <p>(c) that a prisoner detained in any jail situate within such limits be brought before Court to be there examined as a witness in any matter pending or to be inquired into in such Court;</p> <p>(d) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners for trial or to be examined touching any matter pending before such Court-martial or Commissioners respectively.</p> <p>(e) that a prisoner within such limits be removed from one custody to another for the purpose of trial; and</p> <p>(f) that the body of defendant within such limits be brought in on the Sheriff's return of cepi corpus to a writ of attachment.</p> <p>(2) The High Court may, from time to time, frame rules to regulate the procedure in the cases under this section.</p> <p>(3) Nothing in this section applies to persons detained under [any other law providing for preventive detention.]</p>	<p>491. Power to issue directions of the nature of a Habeas Corpus.</p> <p>No Change</p> <p>No Change</p> <p>No Change</p> <p>No Change</p> <p>No Change</p> <p>No Change</p> <p>No change</p> <p>No change</p> <p>(4) The Sessions Judge may also exercise the power conferred under clauses (a) and (b) of sub-section (1), if the case falls within his territorial jurisdiction.</p> <p>(5) An Additional Sessions Judge shall have and may exercise all the powers of a Sessions Judge under sub-section (4) in respect of any case which may be transferred to him under any general or special order of the Sessions Judge.</p> <p>(6) A person aggrieved by an order or directions of the Sessions Judge or an Additional Sessions Judge may refer an appeal to High Court.</p>
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<p>497</p> <p>Drafted by A.G Office</p>	<p>When bail may be taken in cases of non-bailable offence. (1) When any person accused of 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 appears reasonable grounds for believing that he has been guilty of an offence punishable with death or [imprisonment for life or imprisonment for ten years</p> <p>Provided further that where a woman accused of an offence is refused bail under the foregoing proviso, she shall be released on bail if she has been detained for a continuous period of six months and whose trial for such offence has not been concluded, unless the court 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 her behalf.</p> <p>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.</p> <p>(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 two years and in case of a woman exceeding one year and whose trial for such offence has not concluded ; or</p> <p>(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 a woman exceeding one year and whose trial for such offence has not concluded.</p> <p>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.</p> <p>(2) If it appears to such officer or Court at any stage of the investigation,</p>	<p>No Change</p> <p>No Change</p> <p>Provided further that in non-bailable offence falling in the second category (punishment with imprisonment with less than ten years), the grant of bail shall be the rule and refusal an exception. The bail may not be refused merely on the ground that there appear to be reasonable grounds for believing that a person has been guilty of the offence, nor shall it be withheld by way of punishment or for pressurizing him but may be declined only in extraordinary exceptional cases</p> <p>No Change</p> <p>No Change</p> <p>No Change</p>
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	<p>inquiry or trial, as the case may be, that there are no reasonable grounds for believing that the accused has committed 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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>	<p>No Change</p> <p>No Change</p> <p>No Change</p> <p>No Change</p>
<p>513 Report No. 66</p>	<p>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.</p>	<p>Deposit instead of recognizance.—Except in case of bond for good behaviour, when any person is to be released on bail by any Court or officer, such Court or officer may require him to—</p> <p>(a) deposit a sum of money or Government promissory notes, or furnish bank guarantee to the satisfaction of Court or officer, to such amount; or</p> <p>(b) execute bail bond with or without surety.</p> <p>(Disagreed to amend the section by the LRC)</p>
<p>514 Report No. 66</p>	<p>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 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.</p> <p>(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 movable property belonging to such person or his estate if he be dead.</p>	<p>Procedure on forfeiture of bond.</p> <p>No Change</p> <p>(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 movable or immovable property belonging to such person or his estate if he be dead.</p>

	<p>(3) Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorize the attachment and sale of any movable property belonging to such person without such limits, when endorsed by the District Revenue Officer within the local limits of whose jurisdiction such property is found.</p> <p>(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.</p> <p>(5) The Court may at its discretion, remit any portion of the penalty mentioned and enforce payment in part only.</p> <p>(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.</p> <p>(7) When any person who has furnished security under section 107 or section 118 is convicted of an offence the commission of which constitutes a breach of the conditions of this 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.</p>	<p>No Change</p> <p>No Change</p> <p>No Change.</p> <p>No Change</p> <p>No Change</p> <p>No Change</p>
<p>516A</p> <p>Report No. 100</p>	<p>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:</p> <p>Provided that if the property consists of explosive substances, 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 authorized dealer in, such substances:</p> <p>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</p>	<p>Order for custody and disposal of property pending trial in certain cases.—</p> <p>No Change</p> <p>No Change</p> <p>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 control of Narcotics Substances Act, 1997 (XXV of</p>

	<p>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:</p> <p>Provided also that such samples shall be deemed to be whole of the property in an inquiry or proceeding in relation to such offence before any authority or Court.</p>	<p>1997, 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:</p> <p>No Change</p>
533 Report No. 102	<p>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, 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.</p>	<p>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 Qanun-e-Shahadat Order 1984 Article 102, 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.</p>
540 Drafted by A.G Office	<p>Provision for inquiries an 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 reason to be recorded, that any one or more of such accused is or 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.</p>	<p>Provision for inquiries an trial being held in the absence of accused in certain cases. (1) At any stage of an inquiry or trial under this Code, if the Judge or Magistrate is satisfied for reasons to be recorded, that any one or more of such accused is or 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.</p>

Insertion of New section 54A of the Code of Criminal Procedure.

54-A	<p>Insertion of new section</p> <p>54-A- Procedure in case of arrest.—(1) A person shall, at the time of his arrest, be informed of the grounds of his arrest by the Police Officer making the arrest;</p> <p>(2) Before commencing the investigation, Police Officer shall provide reasonable facilities to the arrested person:-</p> <p>(c) to inform his family of his whereabouts; and</p> <p>(d) to consult with a legal practitioner of his choice.”</p> <p>(Proposed by Private Member Bill)</p>	<p>54-A- Procedure in case of arrest.—(1) A person, as soon as may be after his arrest, and in any case immediately on his confinement in the police station;-</p> <p>(i) be informed in writing of the grounds of his arrest by the Police Officer on duty.</p> <p>(ii) be allowed to inform his family of his whereabouts; and</p> <p>(iii) be allowed to consult a legal practitioner of his choice.</p> <p>(2) where the arrested person desires to consult, and be defended by, a legal practitioner, he shall be allowed a period of twenty-four hours within which to engage services of the legal practitioner and he shall be provided with all facilities to contact such legal practitioner.</p> <p>(3) No person shall be permitted to overhear consultation between the arrested person and his legal practitioner.</p> <p>Referred by Attorney General Office</p> <p>Approved by the LRC</p>
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