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PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 12th December, 1992

The following Acts of Majlis-e-Shoora (Parliament) received the assent of the President on the 9th December, 1992, and are hereby published for general information:—

An Act further to amend the Code of Criminal Procedure, 1898

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (Act V of 1898), for the purpose hereinafter appearing;

It is hereby enacted as follows:—

1. **Short title and commencement.**—(1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 1992.

(2) It shall come into force at once.

2. **Amendment of section 173, Act V of 1898.**—In the Code of Criminal Procedure, 1898 (Act V of 1898), in section 173, in sub-section (1),—

- (i) after the word “shall”, occurring for the second time, the commas and words “, through the Public Prosecutor,” be added; and
- (ii) in clause (b), for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely:

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

- (iii) after sub-section (4), the following new sub-section be added, namely:—

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

3. **Insertion of new section 250A, Act V of 1898.**—In the Code of Criminal Procedure, 1898 (Act V of 1898), after section 250, the following new section shall be inserted namely:—

“250A. *Special summons in case of petty offences.*—(1) Any Magistrate of the first class specially empowered in this behalf by the Provincial Government taking cognizance of any offence punishable only with fine shall, except for reasons to be recorded in writing, issue summons to the accused requiring him either to appear before him on a specified date in person or by an advocate or, if he desires to plead guilty to the charge, without appearing before the Magistrate, to transmit to the Magistrate before the specified date, by registered post or through a messenger, the said plea in writing and the amount of fine specified in the summons or, if he desires to appear by an advocate and to plead guilty to the charge, to authorise, in writing, such advocate to plead guilty to the charge on his behalf and to pay the fine:

Provided that the amount of the fine specified in such summons shall not be less than twenty-five per cent nor more than fifty per cent of the maximum fine provided for such offence.

(2) Sub-section (1) shall not apply to an offence punishable under the Motor Vehicles Ordinance, 1965 (W.P. Ordinance XIX of 1965), or under any other law which provides for the accused person being convicted in his absence on a plea of guilty.”