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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

Islamabad, the 30th April, 1974

The following Acts of Parliament received the assent of the President on the 24th April, 1974, and are hereby published for general information :—

ACT No. XXV OF 1974

An Act further to amend certain laws relating to criminal procedure

WHEREAS it is expedient to amend certain laws relating to criminal procedure for the purposes hereinafter appearing;

It is hereby enacted as follows :—

1. **Short title and commencement.**—(1) This Act may be called the Criminal Procedure (Amendment) Act, 1974.

(2) It shall come into force at once and shall, except item 7 and sub-item (ii) of item 18 and the items relating to amendments in the Law Reforms Ordinance, 1972 (XII of 1972), of the Schedule, be deemed to have taken effect on the 13th day of April, 1972.

2. **Amendment of certain laws.**—(1) The laws specified in the Schedule are hereby amended to the extent and in the manner specified in the fourth column thereof.

(2) Where this Act requires that in any specified law, or in any section or other portion thereof, certain words shall be substituted for certain other words, or that certain words shall be omitted, the substitution or omission, as the case

(155)

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may be, shall, except where it is otherwise expressly provided, be made wherever the words referred to occur in that law, or as the case may be, in that section or portion.

THE SCHEDULE

[See section 2 (1)]

Year of Statute	No. of Statute	Short title of Statute	Amendments made
1	2	3	4
1898	V	The Code of Criminal Procedure, 1898.	<ol style="list-style-type: none"> 1. In section 4, in sub-section (1), in clause (w), the comma and word “, transportation” shall be omitted. 2. In section 31, in sub-section (3), the words “transportation for a term exceeding seven years or of” shall be omitted. 3. In section 34, the words “transportation for a term exceeding seven years or” shall be omitted. 4. In section 35, in sub-section (1), the words “or transportation” shall be omitted. 5. In section 46, in sub-section (3) for the words “transportation for life” the words “imprisonment for life” shall be substituted. 6. In section 196A, in sub-section (2), for the word “transportation” the words “imprisonment for life” shall be substituted. 7. After section 198, the following new section 198A shall be inserted, namely :— “198A. <i>Prosecution for defamation against public servants in respect of their conduct in the discharge of public functions.</i>—(1) Notwithstanding anything contained in this Code, when any offence falling under Chapter XXI of the Pakistan Penal Code (Act XLV of 1860) is alleged to have been committed against the President, the Prime Minister, a Federal Minister, Minister of State, Governor, Chief Minister or Provincial Minister or any public servant employed in connection with the affairs of the Federation or of a Province, in respect of his conduct in the discharge of his public functions, a Court of Session may take cognizance of such offence, without the accused being committed to it for trial, upon a complaint in writing made by the Public Prosecutor.

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(2) Every such complaint shall set forth the facts which constitute the offence alleged, the nature of such offence and such other particulars as are reasonably sufficient to give notice to the accused of the offence alleged to have been committed by him.

(3) No complaint under sub-section (1) shall be made by the Public Prosecutor except with the previous sanction,—

- (a) in the case of the President or the Prime Minister or a Governor, of any Secretary to the Government authorised by him in this behalf;
- (b) in the case of a Federal Minister or Minister of State, Chief Minister or Provincial Minister, of any Secretary to the Government authorised in this behalf by the Government concerned;
- (c) in the case of any public servant employed in connection with the affairs of the Federation or of a Province, of the Government concerned.

(4) No Court of Session shall take cognizance of an offence under sub-section (1), unless the complaint is made within six months from the date on which the offence is alleged to have been committed.

(5) When the Court of Session takes cognizance of an offence under sub-section (1), then, notwithstanding anything contained in this Code, the Court of Session shall try the case without the aid of a jury or assessors and in trying the case shall follow the procedure prescribed for the trial by Magistrates of warrant cases instituted otherwise than on a police report.

(6) The provisions of this section shall be in addition to, and not in derogation of, those of section 198.”

- 8. In section 368, sub-section (2) shall be omitted.
- 9. In section 382, for the word “transportation” the word “imprisonment” shall be substituted.
- 10. In section 383, for the word “transportation” the words “imprisonment for life” shall be substituted.

11. In section 393, in clause (b), for the word "transportation" the words "imprisonment for life" shall be substituted.
12. In section 396,—
 - (i) in sub-section (1), for the word "transportation" the words "imprisonment for life" shall be substituted;
 - (ii) in sub-section (3), the words and commas "or transportation, as the case may be," shall be omitted; and
 - (iii) in the Explanation, clause (a) shall be omitted.
13. In section 397,—
 - (i) for the words "or transportation" the words "imprisonment for life" shall be substituted; and
 - (ii) the first proviso shall be omitted.
14. In section 398, in sub-section (2), for the word "transportation" the words "imprisonment for life" shall be substituted.
15. In section 402, in sub-section (1), for the word "transportation" the words "imprisonment for life" shall be substituted.
16. In section 408, in clause (b) of the proviso, the words and comma "or any sentence of transportation," shall be omitted.
17. In section 426, in sub-section (3), for the word "transportation" the words "imprisonment for life" shall be substituted.
18. In section 497, in sub-section (1),—
 - (i) for the words "transportation for life" the words "imprisonment for life or imprisonment for ten years" shall be substituted; and
 - (ii) in the existing proviso, for the full stop at the end a colon shall be substituted and thereafter the following second proviso shall be added, namely :—

"Provided further that, without prejudice to the provisions of section 498, a person accused of an offence as aforesaid shall not be released on bail unless the prosecution has been given notice to show cause why he should not be so released."

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19. In section 512, in sub-section (2), for the word "transportation" the words "imprisonment for life" shall be substituted.

20. In Schedule II,—

(1) in column 2,—

(i) for the words "transportation for life" the words "imprisonment for life" shall be substituted ;

(ii) for the word "transportation", if it means transportation for life, the words "imprisonment for life" shall be substituted ; and

(iii) the word "transportation", if it means transportation for a shorter term than life, shall be omitted ;
and

(2) in column 7,—

(i) for the words "transportation for life" the words "imprisonment for life" shall be substituted ;

(ii) for the word "transportation", if it means transportation for life, the words "imprisonment for life" shall be substituted ; and

(iii) the word "transportation", if it means transportation for a shorter term than life, shall be omitted.

1972 XII The Law Reforms Ordinance, 1972.

In the Schedule, in column 4, in the entries relating to the Code of Criminal Procedure, 1898 (Act V of 1898),—

1. item 14 shall be omitted ;

2. in item 17, sub-item (i) shall be omitted ;

3. items 24, 76, 123 and 127 shall be omitted ;

4. in item 129, sub-item (i) shall be omitted ;

5. items 131, 132, 133, 134 and 135 shall be omitted ;

6. in item 141, in sub-item (iii), clause (b) shall be omitted ;

7. in item 148, sub-item (iii) shall be omitted ;

8. item 163 shall be omitted ;

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9. in item 168, sub-item (ii) shall be omitted;

10. item 204 shall be omitted ; and

11. in item 210,—

(i) sub-item (iii) shall be omitted ; and

(ii) in sub-item (vi), clauses (a), (b) and (c) shall be omitted.

1973 LVII The Code of Criminal Procedure (Amendment) Act, 1973.

1. Section 3 shall be omitted.

2. In section 5, clause (b) shall be omitted.