

AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW, JUSTICE AND PARLIAMENTARY AFFAIRS DEPARTMENT
MUZAFFARABAD

Dated 29-10-1997.

No. LD/Leg/633-642/97. The following Act of the Assembly received the

assent of the President on 25th October 1997, is hereby published for

general information:-

(ACT XIII OF 1997)

AN

ACT

further to amend the Code of Criminal Procedure, 1898

WHEREAS it is necessary further to amend the Code of Criminal

Procedure, 1898 (Act V of 1898), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement:- (1) This Act may be called the
Azad Jammu and Kashmir Code of Criminal Procedure
(Amendment) Act, 1997.

(2) It shall come into force at once.

2. Amendment of Section 345, Act V_of 1898:- In the Code of

Criminal Procedure, 1898 (Act V of 1898), hereinafter referred to
as the said Code in Section 345, for sub section (2) the following
shall be substituted:-

“(2) The offences punishable under the Sections of the Azad
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 the Azad Persons by whom
Penal Code applicable. | offence may be

compounded.

Qatl-i-amd 302 By the heirs of the
victim.

Qatl under ikrah-i- 303 Ditto.

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Qatl-i-amd not liable | 308 Ditto.

to qisas

Qatl-i-shibh-i-amd. 316 Ditto.

Qatl-i-Khata. 319 Ditto.

Qatl-i-khata by rash 320 Ditto.

or negligent driving.

Qatl-bis-sabab. 322 Ditto.

Attempt to commit 324 The person against

gatl-i-amd. whom the offence
was committed.

Itlaf-i-udw. 334 The person to whom
hurt is caused.

Itlaf-i-salahiyyat-i- 336 Ditto.

udw.

Shajjah of any kind. 337-A Ditto.

Jaifah 337-D Ditto.

Ghayr-jaifah of any 337-F Ditto.

kind.

Hurt by rash or 337-G Ditto.

negligent driving.

Hurt by rash or 337-H Ditto.

negligent act.

Hurt by mistake. 337-1 Ditto.

Hurt by means of a 337-J Ditto.

poison.

Hurt to extort 337-K Ditto.

confession or to
compel restoration of

property.

Other hurts. 337-L Ditto.

Hurt not liable to 337-M Ditto.

qisas.

Cases in which qisas | 337-N Ditto.

for hurt cannot be

enforced.

Isqat-i-haml. 338-A The victim or the
heirs of the victim, as
the case may be.

Isqat-i-janin. 338-C The victim or the

heirs of the victim, as
the case may be.”

Amendment of Section 497, Act V of 1898:- In the said Code, in sub-section (1) of Section 497, in the second proviso, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added, namely,-

“Provided further that notwithstanding anything contained in Section 27 of the Azad Jammu and Kashmir Islami Tazirati

Qawanin Nafaz Act, 1974 the Court may, 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 may be released on bail,-

(a) who, being accused of any offence not punishable with death, has been detained for such offence for a continuous period exceeding one year and whose trial for such offence has not concluded; or

(b) who, being accused of an offence punishable with death has been detained for such offence for a continuous period exceeding two years and whose trial for such offence has not concluded:

Provided further that the provisions of the third proviso to this Section shall not apply to a person who,-

(a) in the opinion of the Court, is a hardened desperate or dangerous criminal or involved in terrorism;

(b) is not a State Subject of Azad Jammu and Kashmir; or

(c) an accused residing in Pakistan."

Amendment of Section 514, Act V of 1898:- In the said Code, in sub-section (2) and (3) of Section 514, after the word "movable" wherever occurring, the words "Or immovable" shall respectively be inserted;

Amendment of Schedule II, Act V of 1898:- In the said Code, in Schedule II,-

(a) for the figures "302 to 338" occurring in column I and the entries relating thereto in columns 2 to 8 the following shall be substituted, namely:-

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(b) in entries relating to Section 459 in column 1:-

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(ii)

in column 2, for the words "Grievous hurt" the word "Hurt" shall be substituted;
and

in column 7, after the words "fine" the words, "and shall also be liable to the kind of qatl committed by him or hurt caused or attempted to cause" shall be added;

in the entries relating to Section 460 in column

1:-

(i)

(ii)

in column 2, for the words "Death or Grievous" the words "Qatl or" shall be substituted; and

in column 7, after the word "fine" the words "and shall also be liable to the kind of qatl committed by him or hurt caused or attempted to cause" shall be added; and

in entries relating to Section 511 in column 1, in column 7, after the word "fine", the word "daman" shall be inserted.

Repeal:- The Azad Jammu and Kashmir Code of Criminal Procedure (Amendment) Ordinance, 1997, (Ordinance XIV of 1997), the Azad Jammu and Kashmir Code of Criminal Procedure (Amendment) Ordinance, 1997, (Ordinance XVII of 1997) the Azad Jammu and Kashmir Code of Criminal Procedure (Amendment) Ordinance, 1997, (Ordinance XXVII of 1997), the Azad Jammu and Kashmir Code of Criminal Procedure (Amendment) Ordinance, 1997, (Ordinance XXXII of 1997), hereby repealed.

Sd/- (Justice Ifthikar Husnain Butt)
Secretary Law