

THE AZAD KASHMIR CRIMINAL PROCEDURE
(AMENDMENT) ACT, 1958

(Passed under Council order No. 586/58 dated 19-12-1958)

Whereas it is necessary to provide short and speedy procedure for the trial of criminal cases, it is hereby enacted as follows :-

1. (i) This Act may be called the Azad Kashmir Criminal Procedure (Amendment) Act, 1958;

(ii) It shall extend to the whole of the Azad Kashmir Territory and shall come into force at once.

2. In this Act, unless there is anything repugnant to the subject or context, the expression:

(i) 'Code' shall mean the Pakistan Criminal Procedure Code as in force in the Azad Kashmir Territory.

(ii) 'Court' means Court of a Magistrate or Court of Sessions or the High Court.

3. (i) Notwithstanding anything contained to the contrary in the Code or in any other law for the time being in force and except in the case of summary trials, in all original criminal trials in the Courts of Magistrates, Sessions Judges and in the High Court the Procedure prescribed for the trial of summon-cases by Chapter XX of the Code shall be adopted;

(ii) All trials in the Courts of Sessions and in the High Court shall be without commitment and without the aid of assessors or jury;

(iii) All cases which are exclusively triable by a Court of Sessions shall be instituted direct in such Court.

4. (i) All cases pending in the Courts of Sessions before the coming into force of this Act shall continue to be tried according to the existing procedure;

(ii) All cases pending in the Courts of committing Magistrates and triable exclusively by the Courts of Sessions shall be submitted by such Magistrates to the Courts of Sessions. for trial according to the procedure prescribed by this Act;

(iii) All warrant-cases pending in the Courts of Magistrates shall be tried as warrant-cases if charges have been framed against the accused but if no charges have been framed the procedure prescribed for summons-cases trials shall be followed.

A Court shall not recall or re-hear any witness whose evidence has already been recorded by another Court of competent jurisdiction or to re-open proceedings already taken but it shall continue the trial from the stage which the case has reached.

Not more than one adjournment shall be granted to a party applying for stay of proceedings or to enable it to apply for transfer of a case provided that this section shall not apply to the High Court.