

THE AZAD KASHMIR CRIMINAL PROCEDURE CODE
AMENDMENT ACT OF 1950.

(Cabinet Order No. 242/50)

Whereas it is expedient to amend the Criminal Procedure Code in force in Azad Kashmir, it is hereby enacted as follows :-

1. (i) This Act may be called the Azad Kashmir Criminal Procedure Code Amendment Act of 1950.

(ii) It applies to the whole of Azad Kashmir territory and shall come into force forthwith.

2. Insert the following as Section 108-A in the Code of Criminal Procedure as it is in force in Azad Kashmir :-

"(1) Whenever the District Magistrate or a Magistrate of the first class specially empowered in this behalf by the High Court is satisfied that there are reasonable grounds for believing that any person within his Jurisdiction has acted, is acting or is about to act in a manner prejudicial to the Public Safety or Public peace, he may by order in writing and stating such reason in the order give any one or more of the following directions :-

(a) that such person shall not enter, reside or remain in any area specified in the order ;

(b) shall reside or remain in any area specified in the order ;

(c) shall remove himself from and shall not return to any area specified in the order ;

(d) shall conduct himself in such manner, abstain from such acts or take such order with, any property in his possession or under his control, as may be specified in the order.

(2) An order under sub-section (1) of this section shall be served

on the person to whom it relates in the manner provided in this Code for service of a summons.

(3) Whoever disobeys or neglects to comply with any order made or directions given in accordance with the provisions of clause (1) of this section shall be deemed to have disobeyed an order duly promulgated by a public servant and such disobedience shall be deemed to cause or tend to cause riot or affray and shall be punishable accordingly under section 288 of the Azad Kashmir Penal Code.

(4) When the order is directed to a person to remove himself from the area comprising of the whole of Azad Kashmir Territory and such order is disobeyed, it will be open to a police officer not lower in rank than a sub-Inspector of Police to take the person against whom notice is issued in custody for the purpose of carrying out this order, to keep him in such custody until the order is carried out and to take the person directed to remove himself from Azad Kashmir Territory to a place outside the Territory and to leave him there.”

An offence under Section 188 of the Azad Kashmir Penal Code shall notwithstanding anything contained in the Criminal Procedure Code, subject to the provisions of Sections 497, 498 Criminal Procedure Code with regard to bail, be deemed to be cognisable, non-bailable and non-compoundable.