

THE AZAD KASHMIR CRIMINAL PROCEDURE MODIFICATION ACT, 1951.

The Supreme Head of the Azad Kashmir Movement signified his assent on October 5, 1951 to the Azad Kashmir Criminal Procedure Modification Act IV of 1951 (annexed thereto) passed by the Azad Kashmir Council of Ministers on 10th September 1951.

The Act shall come into force from the date of its publication in the Government Gazette.

ACT IV OF 1951

Whereas it is expedient to dispense with the special procedure prescribed for the trial of offences and to bring the procedure into conformity with the ordinary law, it is hereby enacted as follows :-

1. (i) This Act may be called the Azad Kashmir Criminal Procedure Modification Act of 1951.

(ii) It shall extend to the whole of Azad Kashmir Territory and shall come into force on the date it is published in the official Gazette.

2. Notwithstanding anything contained to the contrary in the Criminal Procedure Code Amendment Act I of 1948 or any notification issued under Section 45 of the Courts and Laws of 1949 :-

(i) all warrant cases triable by Magistrates shall be tried in accordance with the procedure prescribed for the trial of warrant cases under Chapter XXI of the Criminal Procedure Code ;

(ii) the procedure prescribed by Chapter XVIII of the Criminal Procedure Code shall be followed in inquires preparatory to commitment ;

(iii) in cases triable exclusively by a court of Session or which in the opinion of the Magistrate, ought to be tried by such Court, the Court of Session shall adopt the procedure prescribed under Chapter XXIII of the Criminal Procedure Code ;

Provided that —

(i) all cases pending in the Courts of Session at the date of the coming into force of this Act shall continue to be tried in accordance with the procedure prescribed for summons cases with the aid of assessors ;

(ii) all warrant-cases pending in the courts of Magistrates at the date of the coming into force of this Act shall continue to be tried as summons-cases if part of the prosecution evidence has already been recorded.

3. Nothing in this Act shall affect the powers of the Government to confirm a sentence of death under the Criminal Procedure Code Amendment Act No. I of 1948.

4. (i) Notwithstanding anything contained in this Act Section 45 of the Azad Kashmir Courts and Laws Code of 1949 shall continue to remain in force ;

(ii) Nothing in this Act shall affect the powers of the Government to issue directions under the proviso to Section 45 of the Azad Kashmir Courts and Laws Code of 1949, with regard to procedure for the trial of offences if a necessity arises ;

(iii) The Notification dated 9th July, 1949 issued under the proviso to Section 45 of the Azad Kashmir Courts and Laws Code of 1949 is withdrawn subject to the provisions of proviso to Section 2 of this Act.