

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

Dated 23rd July, 1995.

No. 576-83/LD/95. The following Act of the Assembly received the assent of the President on 19th July, 1995 is hereby published for general information:-

(ACT XIII OF 1995)

AN

ACT

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 Code of Criminal Procedure (Amendment) Act, 1995.
(2) It shall come into force at once.

2. Addition of Section 6-A, Act V of 1898:- In the Code of

Criminal Procedure, 1898 (Act V of 1898), hereinafter referred to as the said Code, after Section 6, the following new Section 6-A shall be added, namely:-

“6-A. District Criminal Court and Tehsil Criminal Court:- In addition to the Courts mentioned in Section 6 there shall be the following Courts, as provided in the Islami Tazirat Quwanin (Nafaz) Act, 1974,-

(i) District Criminal Court;

(ii) Additional District Criminal Court;

(iii) Tehsil Criminal Court; and

(iv) Additional Tehsil Criminal Court.

3. Amendment of Section 32, Act V of 1898:- In the Code of Criminal Procedure, 1898 (Act V of 1898), hereinafter referred to as the said Code, in Section 32, in sub-section (1), in clause (a), in the second column, after the word and semi-colon “rupees” the words and semi-colon “arsh; daman,” shall be inserted.

4. Amendment of Section 337, Act V of 1898:- In the said Code, in Section 337, in sub-section (1), for the full stop at the end a

colon shall be substituted and thereafter the following proviso shall be added, namely:-

“Provided that no person shall be tendered pardon who is

involved in an offence relating to hurt or qatl without permission of the victim or, as the case may be, of the heirs of the victim.”

Amendment of Section 338, Act V of 1898:- In the said Code in Section 338, for the full stop at the end a colon shall be substituted and thereafter the following proviso shall be added,

namely:-

“Provided that no person shall be tendered pardon who is involved in an offence relating to hurt or qatal without permission of the victim or, as the case may be, of the heirs of

the victim.”

Amendment of Section 345, Act V of 1898:- In the said Code,

in Section 345,-

(a) in sub-section (1), in the table, in the second column, the figures and comma “323, 334” and the entries relating thereto in the first and third columns shall be

omitted; and

(b) in subsection (2), in the table, in the second column, for the figures “302, 303, 304A, 305, 306, 307, 308, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 335, 337 and 338” and the entries relating thereto in the first and third columns the following shall be, substituted,

namely:-

“qatl-i-amd 302 By the heirs of the victim.

Qatl under ikrah-i-tam 303 Ditto.

Qatl-i-amd not liable to qisas 308 Ditto.

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

Qatl-i-khata. 319 Ditto.

Qatl-i-khata by rash or 320 Ditto.

negligent driving.

Qatl-bis-sabab. 322 Ditto.

Attempt to commit qatl-i- 324 The person against whom the amd. offence was committed.

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

Itlaf-i-salahiyyat-i-udw. 336 Ditto.

Shajjah of any kind. 337A Ditto.

Jaifah. 337D Ditto.

Ghayr-jaifah of any kind. 337F Ditto.

Hurt by rash or negligent 337G Ditto.

driving.

Hurt by rash or negligent 337H Ditto.

act.

Hurt by mistake. 337I Ditto.

Hurt by means of a poison 337J Ditto.

Hurt to extort confession or 337K Ditto.

to compel restoration of

property.

Other hurts. 337L Ditto.

Hurt not liable to qisas. 337M Ditto.

Cases in which qisas for hurt 337N Ditto.

cannot be enforced.

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

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

victim, as the case may be.”

Amendment of Section 381, Act V of 1898:- In the said Code, in Section 381, for the full stop at the end a colon shall be substitute and thereafter the following proviso shall be added, namely:-

“Provided that the sentence of death shall not be executed if the heirs of the deceased pardon the convict or enter into a compromise with him even at the last moment before execution of the sentence.”

Insertion of new Section 402C, Act V of 1898:-In the said Code, in Chapter XXIX, after Section 402B, the following new Section shall be added, namely:-

“402C. Remission or commutation of certain sentences not to be without consent:- Notwithstanding anything contained in Section 401, Section 402, Section 402A or Section 402B, the Government or the President shall not, without the consent of the victim or, as the case may be, of his heirs, suspend, remit or commute any sentence passed under any of the Sections in Chapter XVI of the Azad Penal Code.”

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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in entries relating to Section 459 in column 1,-

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

(ii) in column 7, for the words, "and 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 substituted.

in the entries relating to Section 460 in column 1,-

(6)) for the words "Death or Grievous" the words "Qatl or" shall be substituted; and

(ii) 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.

Sd/- (Syed Shakir Shah)
Deputy Secretary Law.