

THE JAMMU & KASHMIR POLICE RULES OF THE OLD REGIME (ADAPTATION) RESOLUTION, 1948

Resolution was passed on 30-12-1948 :-

Resolution No. 638:- Resolved that the Jammu and Kashmir Police Rules of the Old Regime are adopted as the Azad Kashmir Police Rules and should be deemed to have been framed under the Azad Kashmir Police Act.

RULES OF PROCEDURE IN CRIMINAL CASE

1. Notwithstanding anything contained in any law or enactment the following procedure will be followed by all criminal courts except the Court of Sessions.

2 In cognizable cases the police officer submitting the challan will also submit a charge sheet against the accused, and as many copies of the statements of the witnesses or documentary evidence on which the charge is based as the number of the accused.

3. If the Magistrate, after going through the charge sheet and the record of evidence thinks there is ground for proceeding with the trial, he may summon the accused or issue a warrant of arrest against him, if he is not already present :

Provided that if the Magistrate is of opinion that any amendment in the charge sheet is necessary, such amendment shall be made by him.

4. In non-cognizable cases, the Magistrate taking cognizable of the case may send the complaint to any police office or other person for preliminary investigation.

5. In cases falling under Rule, 4, the police officer or person to whom the case was entrusted will after such notice, if any, as he may deem necessary to the accused and the complainant investigate the case and record the evidence against and for the accused, which may be relevant to the case.

6. The record of such investigation will be submitted to the Magistrate who entrusted the investigation with, if possible,. a

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charge sheet and as many copies of the statements of witnesses or of documentary evidence as the number of accused. On reading this report if the Magistrate considers that a trial is necessary, he will summon the accused by warrants or summons as he considers expedient.

It shall be competent for the Magistrate at any stage to dismiss the complaint or cancel the charge, for reasons to be recorded by him.

After the accused appears or is brought before him the Magistrate shall give him a copy of the charge sheet with the recorded evidence on which the charge is based and shall adjourn the case to enable the accused to prepare, his defence:

Provided that it shall be competent to the Magistrate to grant any number of adjournments as the interests of justice may require.

On the adjourned date the Magistrate shall call upon the accused to put in his plea and shall record such plea in the form of questions and answer, but the accused may put in his plea in writing:

Provided that if the accused refuses to put in his plea, a plea of not guilty shall be presented.

If the accused pleads guilty, the Magistrates will call upon the accused to make any statement, if he so desires or produce any evidence for the mitigation of punishment as the accused may desire to produce :

Provided that before the plea of guilty is recorded, the Magistrate will explain to the accused that the result of this plea is his conviction without any further proceedings :

Provided further that if his statement under this rule it appears to the Magistrate that inspite of the plea of guilty, the accused denies the charge, he shall alter the plea of guilty so that of not guilty and proceed with the trial as hereinafter stated.

If the accused pleads not guilty or is presumed to plead not guilty or his plea of guilty is altered to not guilty under the foregoing rule, the Magistrate shall examine such witnesses as may be produced for the prosecution the copies of whose statements

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have been given to the accused as laid down above or any other witnesses that he thinks necessary :

Provided that it will be competent for the Magistrate to refuse to examine any witness for the prosecution, if his evidence is unnecessary, unless the accused desires such witnesses to be examined in which was, he must be examined.

The substance of the statements of witnesses will be recorded by the Magistrate as their examination proceed but if the accused desires any part of the statement to be so recorded, it shall be recorded verbatim.

Any witness, whose statement has not already been furnished to the accused may be examined or any other documentary evidence may be produced only with the permission of the Magistrate and after notice to the accused who shall be entitled to an adjournment for meeting such new evidence unless the Magistrate is of opinion that such an adjournment is unnecessary.

After the close of the prosecution case, the accused shall be called upon to give evidence on his own behalf, if he so desires or produce his defence evidence.

On the date of hearing under rule, above, the accused may put in a list of his defence witnesses, when he desires to be summoned by the Magistrate and all such witnesses shall be summoned at the expense of the accused ;

Provided that the Magistrate may refuse to summon any witness whose evidence is unnecessary or for any other reason to be recorded in writing.

The complainant or the prosecution shall be similarly entitled to get the prosecution witnesses summoned at his expense.

After the close of the defence evidences, the accused and after him the prosecution may address the Magistrate.

On the same date on which the evidence is closed or on any other date to which the case may be adjourned, the magistrate may pronounce judgment, acquitting or convicting the accused and such judgment shall be announced in the open court.

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The judgment of the Magistrate will contain briefly the prosecution case the plea of the accused and such concise reasons for his conclusions as the Magistrate may deem necessary.

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