

THE [KHYBER PAKHTUNKHWA] (DISPOSAL OF CRIMINAL CASES AND REMOVAL OF DOUBT) ACT, 1973.

21 KHYBER PAKHTUNKHWA ACT NO. XVI OF 1973.

[12th November, 1973]

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THE '[KHYBER PAKHTUNKHWA] (DISPOSAL OF CRIMINAL CASES AND REMOVAL OF DOUBT) ACT, 1973.

?[KHYBER PAKHTUNKHWA] ACT NO. XVI OF 1973.

[12th November, 1973]

(Received the assent of the Governor of the *[Khyber Pakhtunkhwa] on 11th November, 1973).

AN
ACT

to make provisions for the disposal of cases pending under the Criminal Law (Special Provisions) Ordinance, 1968, and for the removal of Doubt regarding application of the Code of Criminal Procedure, 1898, to certain areas in the [Khyber Pakhtunkhwa].

WHEREAS in consequence of Home Department's Notification No. SO (J- Preamble. I) HD/ 12-1/70, dated the 9th March, 1972, the Criminal Law (Special Provisions) Ordinance, 1968 (W. P. Ord. II of 1968) has ceased to operate in the areas to which it was applicable;

AND WHEREAS it is expedient to make provisions, in the manner hereinafter appearing, with respect to-

- (i) the disposal of cases pending under the said Ordinance; and
- (ii) the removal of doubt regarding application of the Code of Criminal Procedure, 1898 (Act V of 1898), to said areas in the *[Khyber Pakhtunkhwa];

It is hereby enacted as follows:-

1. (1) This Act may be called the *[Khyber Pakhtunkhwa] (Disposal of Short title and Criminal Cases and Removal of Doubt) Act, 1973. Commencement.

(2) It shall come into force at once.

Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

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2. All cases taken cognizance of under the Criminal Law (Special Provisions) Ordinance 1968 (W.P. Ord II of 1968), hereinafter referred to as the said Ordinance and all appeals relating thereto, which were pending before the Tribunal or any other authority at the time when the said Ordinance ceased to operate, shall stand transferred to respective Criminal Courts having Jurisdiction therein, for inquiry or trial, as the case may be, in accordance with the provisions of the law applicable to such cases.

3. For the removal of doubt, it is hereby declared that the Code of Criminal Procedure, 1898 (Act V of 1898), shall apply, and shall be deemed always to have been so applied to the areas specified in the Schedule to this Act, hereinafter referred to as the said areas.

4. Where any Court constituted under section 6 of the Code of Criminal Procedure, 1898 (Act V of 1898), has, after the cessation of the said Ordinance but before the commencement of this Act taken cognizance of any case arising in or relating to the said areas and has passed orders therein or given decision thereon, such cognizance shall be proper, and such orders or decisions shall subject to the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), be valid and enforced.

5. The North-West Frontier Province (Disposal of Criminal Cases and Removal of Doubt) Ordinance, 1973 (N.W.F.P Ordinance No. V of 1973), is hereby repealed.

Transfer of
pending cases.

Application of
Act V of 1898.

Validation.

Repeal.

SCHEDULE

(See-section —3)

1. The Added areas of Hazara District specified in the First Schedule to the
'/Khyber Pakhtunkhwa] (Enlargement) of the Area and Alteration of Boundary) Order,
1952 (G. G. O. No. 1 of 1952).

2. The Added Areas of Mardan District specified in Schedule A to the
"Khyber Pakhtunkhwa] (Increase of Area and Alteration of Boundary) Order, 1953
(G.G.O. No. 7 of 1953).

3. The Added Areas of Hazara District specified in the First Schedule to the
3[Khyber Pakhtunkhwa] (Enlargement of the Areas and Alteration of Boundary)
Order, 1955 (G.G.O No. 13 of 1955).

1, Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

2, Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.

3, Subs Vide the Khyber Pakhtunkhwa Act.IV of 2011.