

500. Discharge from custody. (1) As soon as the bond has been executed, the person for whose appearance it has been executed shall be released ; and, when he is in jail, the Court admitting him to bail shall issue an order of release to the officer in charge of the jail, and such officer on receipt of the order shall release him.

(2) Nothing in this section, section 496 or section 497 shall be deemed to require the release of any person liable to be detained for some matter other than that in respect of which the bond was executed.

501. Power to order sufficient bail when that first taken is insufficient. If, through mistake, fraud or otherwise, insufficient sureties have been accepted, or if they afterwards become insufficient, the Court may issue a warrant of arrest directing that the person released on bail be brought before it and may order him to find sufficient sureties, and, on his failing so to do, may commit him to jail.

502. Discharge of sureties. (1) All or any sureties for the attendance and appearance of a person released on bail may at any time apply to a Magistrate to discharge the bond, either wholly or so far as relates to the applicants.

(2) On such application being made, the Magistrate shall issue his warrant of arrest directing that the persons so released be brought before him.

(3) On the appearance of such person pursuant to the warrant, or on his voluntary surrender, the Magistrate shall direct the bond to be discharged either wholly or so far as relates to the applicants, and shall call upon such person to find other sufficient sureties, and if he fails to do so, may commit him to custody.

CHAPTER XL - OF COMMISSIONS FOR THE EXAMINATION OF WITNESSES

503. When attendance of witness may be dispensed with. (1) Whenever, in the course of an inquiry, a trial or any other proceeding under this Code it appears to a District Magistrate, a Court of Sessions or the High Court that the examination of a witness is necessary for the ends of justice and the attendance of such a witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such Magistrate or Court may dispense with such attendance and may issue a commission to any District Magistrate or Magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

[(2) * * * * *]

[(2-A) When the witness resides in an area in or in relation to which the President has Extra-Provincial jurisdiction within the meaning of the Extra-Provincial Jurisdiction Order, 1949, (G.G.O. No. 5 of 1949) the commission may be issued to such Court or Officer, in the area as may be recognized by the President, by notification in the official Gazette as a Court or officer to which or to whom commission may be issued under this sub-section and within the local limits of whose jurisdiction the witness resides.]

(2-B) When the witness resides in the United Kingdom or any other country of the Commonwealth [...], or in the Union of Burma, or any other country in which reciprocal arrangement in this behalf exists, the commission may be issued to such Court or Judge having authority in this behalf in that country as may be specified by the Central Government by notification in the Official Gazette.

(3) The Magistrate or officer to whom the commission is issued, [x x x] shall proceed to the place where the witness is or shall summon the witness before him, and take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of [...] cases under this Code.

[(4) Where the commission is issued to an officer as is mentioned in sub-section (2A) he may in lieu of proceeding in the manner provided In sub-section (3), delegate his powers and duties under the

commission to any officer subordinate to him whose powers are not less than those of a Magistrate of the first class in Pakistan.]

504. [Commission in case of witness being within Presidency town.] Omitted by A.O., 1949, Schedule.

505. Parties may examine witnesses. (1) The parties to any proceeding under this Code in which a commission is issued, may respectively forward any interrogatories in writing which the Magistrate or Court directing the commission may think relevant to the issue and when the commission is directed to a Magistrate or officer mentioned in section 503, such Magistrate or the Officer to whom the duty of executing such commission has been delegated shall examine the witness upon such interrogatories.

(2) Any such party may appear before such Magistrate or officer by pleader, or if not in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

506. Power of [...] Magistrate to apply for issue of commission. Whenever, in the course of an inquiry or a trial or any other proceeding under this Code before any Magistrate other than a District Magistrate, it appears that a commission ought to be issued for the examination of a witness whose evidence is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, [such Magistrate if he is a judicial Magistrate, shall apply to the Sessions Judge and if he is an Executive Magistrate] shall apply to the District Magistrate, stating the reasons for the application; [and the Sessions Judge or the District Magistrate as the case may be], may either issue a commission in the manner herein before provided or reject the application.

507. Return of commission. (1) After any commission issued under section 503 or section 506 has been duly executed it shall be returned, together with the exposition of the witness examined thereunder, to the Court out of which it issued; and the commission, the return thereto and the deposition shall be open at all reasonable times to inspection of the parties, and may, subject to all just exceptions, be read in evidence in the case by either party, and shall form part of the record.

(2) Any deposition so taken, if it satisfies the conditions prescribed by section 33 of the Evidence Act, 1872 may also be received in evidence at any subsequent stage of the case before another Court.

508. Adjournment of inquiry or trial. In every case in which a commission is issued under section 503 or section 506, the inquiry, trial or other proceeding may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

508-A. Application of this Chapter to commission issued in Burma. The provisions of sub-section (3) of section 503, and so much of sections 505 and 507 as relates to the execution of a commission and its return by the Magistrate or officer to whom the commission is directed shall apply in respect of commissions issued by any Court or Judge having authority in this behalf in the United Kingdom or in any other country of the Commonwealth or in the Union of Burma or any other country in which reciprocal arrangement in this behalf exists under the law in force in that country relating to commissions for the examination of witnesses as they apply commissions issued under section 503 or section 506.

CHAPTER XLI - SPECIAL RULES OF EVIDENCE

509. Deposition of medical witness. (1) The deposition of a Civil Surgeon or other medical witness taken and attested by a Magistrate in the presence of the accused, or taken on commission under Chapter XL, may be given in evidence in any inquiry, trial or other proceeding under this Code, although the deponent is not called as a witness.

(2) **Power to summon medical! witness.** The Court may, if it thinks fit, summon and examine such deponent as to the subject-matter of his deposition.

510. Report of Chemical Examiner, Serologist etc. Any document purporting to be a report, under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government [or of the Chief Chemist of Pakistan Security Printing Corporation, Limited] or any Serologist, finger print expert or fire-arm expert appointed by Government upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may without calling him as a witness, be used as evidence in any inquiry, trial or other proceeding under this Code:

Provided that the Court may [if it considers necessary in the interest of justice] summon and examine the person by whom such report has been made.]

511. Previous conviction or acquittal how proved. In any inquiry, trial or other proceeding under this Code, a previous conviction or acquittal may be proved, in addition to any other mode provided by any law for the time being in force.

(a) by an extract certified under the hand of the officer having the custody of the records of the Court in which such conviction or acquittal was had to be a copy of the sentence or order; or

(b) in case of conviction, either by a certificate signed by the officer in charge of the jail in which the punishment or any part thereof was inflicted, or by production of the warrant of commitment under which the punishment was suffered: together with, in each of such cases evidence as to the identity of the accused person with the person so convicted or acquitted.

512. Record of evidence in absence of accused. (1) If it is proved that an accused person has absconded, and that there is no immediate prospect of arresting him the Court competent to try or [send for trial to the Court of Session or High Court] such person for the offence complained of may, in his absence, examine the witnesses (if any) produced on behalf of the prosecution, and record their depositions. Any such deposition may, on the arrest of such person, be given in evidence against him on the inquiry into, of trial for the offence with which he is charged, if the dependant is dead or incapable of giving evidence or his attendance cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable.

(2) Record of evidence when offender unknown. If it appears that an offence punishable with death or 21 [imprisonment for life] has been committed by some person unknown, the High Court may direct that any Magistrate of the first class shall hold an inquiry and examine any witness who can give evidence concerning the offence. Any deposition so taken may be given in evidence against any person who is subsequently accused of the offence, if the deponent is dead or incapable of giving evidence or beyond the limits of Pakistan.

CHAPTER XLII - PROVISIONS AS TO BONDS

513. Deposit instead of recognizance. When any person is required by any Court or officer to execute a bond, with or without sureties such Court or officer may, except in the case of a bond for good behaviour, permit him to deposit a sum of money or Government promissory notes to such amount as the Court or officer may fix, in lieu of executing such bond.

514. Procedure on forfeiture of bond. (1) Whenever it is proved to the satisfaction of the Court by which a bond under this Code has been taken, or of the Court of a Magistrate of the first class, or when the bond is for appearance before a Court, to the satisfaction of such Court, that such bond has been forfeited, the