

- (b) the times and places of sitting;
- (c) the constitution of the Bench for conducting trials;
- (d) the mode of settling differences of opinion which may arise between the Magistrates in session.

17. ['Subordination of Judicial Magistrates and Benches to Sessions Judge.

(1) All Judicial Magistrates appointed under sections 12 and 14 and all Benches constituted under section 15 shall be subordinate to the Sessions Judge, and he may from time to time, make rules or give special orders consistent with this Code and any rules framed by the Provincial Government under section 16, as to the distribution of business among such Magistrates and Benches,

(2) Subordination of Executive Magistrates to District Magistrate. All Executive Magistrates appointed under section 13 and 14 shall be subordinate to the District Magistrate and he may, from time to time, make rules or give special orders consistent with this Code and any rules framed by the Provincial Government under section 16, as to the distribution of business among such Magistrates.

(2-A) Subordination of Executive Magistrates to Sub-Divisional Magistrate.-Every Executive Magistrate (other than a Sub-Divisional Magistrate) in a sub-Division shall also be subordinate to the Sub-Divisional Magistrate, subject, however, to the general control of the District Magistrate',]

(3) Subordination of Assistant Sessions Judges to Sessions Judge. All Assistant Judges shall be subordinate to the Session Judge in whose Court they exercise jurisdiction, and he may, from time to time, make rules consistent with his Code as to the distribution of business among such, Assistant Sessions Judges.

(4) The Session Judge may also when he himself is unavoidably absent or incapable of acting, make provision for the disposal of any urgent application by an Additional or Assistant Sessions Judge and such Judge . . . shall have jurisdiction to deal with any such application.

D. Courts of Presidency Magistrates

18 to 21. Appointment of Presidency Magistrates. Benches Local limits of jurisdiction, Chief Presidency Magistrate. Omitted by A.O., 1949 Sch.

E-Justice of the Peace

[22. A Provincial Government so far as regards the territories subject to its administration may by notification in the official Gazette, appoint such persons resident within Pakistan and not being the subjects of any foreign State as it thinks fit to be justices of the Peace within and for the local area mentioned in such notification.]

Punjab Amendment

[22. **Appointment of Justices of the Peace.** The Provincial Government may, by notification in the official Gazette, appoint for such period as may be specified in the notification, and subject to such rules as may be made by it any person who is a citizen of Pakistan and as to whose integrity and suitability it is satisfied, to be a Justice of the Peace for a local area to be specified in the notification, and more than one Justice of the Peace may be appointed for the same local area.

22-A. Powers of Justice of the Peace. (1) A Justice of the Peace for any local area shall, for the purpose of making an arrest, have within such area all the powers of a Police Officer referred to in section 54 and an officer in-charge of a police-station referred to in section 55.

(2) A Justice of the Peace making an arrest in exercise of any powers under subsection (1) shall, forthwith, take or cause to be taken the person arrested before the officer in-charge of the nearest police-station and furnish such officer with a report as to the circumstances of the arrest and such officer shall thereupon re-arrest the person.

(3) A Justice of the Peace for any local area shall have powers, within such area, to call upon any member of the police force on duty to aid him:

(a) in taking or preventing the escape of any person who has participated in the commission of any cognizable offence or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having so participated; and

(b) in the prevention of crime in general and, in particular, in the prevention of a breach of the peace or a disturbance of the public tranquillity.

(4) Where a member of the police force on duty has been called upon to render aid under subsection (3), such call shall be deemed to have been made by a competent authority.

(5) A Justice of the Peace for any local area may, in accordance with such rules as may be made by the Provincial Government:

(a) issue a certificate as to the identity of any person residing within such area, or

(b) verify any document brought before him by any such person, or

(c) attest any such document required by or under any law for the time being in force to be attested by a Magistrate, and until the contrary is proved, any certificate so issued shall be presumed to be correct and any document so verified shall be deemed to be duly verified, and any document so attested shall be deemed to have been as fully attested as if he had been a Magistrate.

22-B. Duties of Justices of the Peace. Subject to such rules as may be made by the Provincial Government, every Justice of the peace for any local area shall,

(a) on receipt of information of the occurrence of any incident involving a breach of the peace, or of the commission of any offence within such local area, forthwith make inquiries into the matter and report in writing the result of his inquiries to the nearest Magistrate and to officer in charge of the nearest police-station.

(b) if the offence referred to in clause (a) is a cognizable offence, also prevent the removal of any thing from, or the interference in any way with, the place of occurrence of the offence;

(c) when so required in writing by a police-officer making an investigation under Chapter XIV in respect of any offence committed within such local area.

(i) render all assistance to the police-officer making such an investigation.

(ii) record any statement made under expectation of death by a person in respect of whom a crime is believed to have been committed'.]

23 & 24. Justice of the Peace for the Presidency-towns. Present Justices of the Peace. Rep. by the Criminal Law Amendment Act, 1923 (XII of 1923) S. 4.

25. Ex-officio Justice of the Peace. In virtue of their respective offices, the Judges of the High Courts are Justice of the Peace within and for the whole of Pakistan, Sessions Judges and District Magistrates are Justices of the Peace within and for the whole of the territories administered by the Provincial Government under which they are serving.

F. Suspension and Removal

26 & 27. Suspension and removal of Judges and Magistrates. Suspension and removal of Justices of the Peace. Rep. by A.O., 1937.

CHAPTER III

POWERS OF COURTS

A. Description of offences cognizable by each Court

28. Offences under Penal Code. Subject to the other provisions of this Code any offence under the Pakistan Penal Code may be tried:

(a) by the High Court; or

(b) by the Courts of Sessions; or

(c) by any other Court by which such offence is shown in the eighth column of the second schedule to be triable; [Provided that the offences falling under Chapters VIII, X, XIII and XIV of the Pakistan Penal Code (Act XLV of 1860), except offences specified in section 153A and section 281 of the said Code, shall be tried by the Executive Magistrates and the expression 'Magistrate' used in the said eighth column shall mean Executive Magistrate of the respective class.]

Illustration

A is [tried by] the Session Court on a charge of culpable homicide. He may be convicted of voluntarily causing hurt, an offence triable by a Magistrate.

29. Offences under other laws. (1) Subject to the other provisions of this Code, any offence under any other law shall when any Court is mentioned in this behalf in such law, be tried by such Court.

(2) **When no Court is so mentioned,** it may be tried by the High Court or subject as aforesaid by any Court constituted under this Code by which such offences shown in the eighth column of the second schedule to be triable; (Provided that the offences punishable with imprisonment for a term not exceeding three years, with or without any other punishment, shall be tried by the Executive Magistrates.)

29-A. Trial of European British subjects by second and third class Magistrates. Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (II of 1950).