

[250-A. Special summons in case of petty offences.]-(1) Any Magistrate of the first class specially empowered in this behalf by the Provincial Government taking cognizance of any offence punishable only with fine shall, except for reasons to be recorded in writing, issue summons to the accused requiring him either to appear before him on a specified date in person or by an advocate or, if he desires to plead guilty to the charge, without appearing before the Magistrate; to transmit to the before the specified date, by registered post or through a messenger, the said plea in writing and the amount of fine specified in the summons or, if he desires to appear by an advocate and to plead guilty to the charge, to authorize, in writing, such advocate to plead guilty to the charge, on his behalf and to pay the fine:

Provided that the amount of the fine specified in such summons shall not be less than twenty-five per cent nor more than fifty per cent of the maximum fine provided for such offence.

(2) Sub-section (1) shall not apply to an offence punishable under the Motor Vehicles Ordinance, 1965 (W.P. Ordinance XIX of 1965), or under any other law which provides (or the accused person being convicted in his absence on a plea of guilty.)

CHAPTER XXI - OF THE TRIAL OF WARRANT-CASES BY MAGISTRATES

251-259. [Omitted by Law Reforms Ordinance, 1972, item 99].

CHAPTER XXII - OF SUMMARY TRIALS

260. Power to try summarily. (1) Notwithstanding anything contained in this Code:

(a) x x x x x

(b) any Magistrate of the first class specially empowered in this behalf by the Provincial Government, and

(c) any Bench of Magistrate invested with the powers of a Magistrate of the first class and especially empowered in this behalf by the Provincial Government. may, if he or they think fit, try in a summary way all or any of the following offence:

(a) offences not punishable with death, transportation or imprisonment for term exceeding six months;

(b) offences relating to weights and measures under sections 264, 265 and 266 of the Pakistan Penal Code;

(c) hurt, under section 323 of the same Code;

(d) theft under sections 379, 380 or 381 of the same Code, where the value of the property stolen does not exceed [two thousand five hundred rupees]

(e) dishonest misappropriation of property under section 403 of the same Code, where the value of the property misappropriated does not exceed [two thousand five hundred rupees]

(f) receiving or retaining stolen property under section 411 of the same Code, where the value of such property does not exceed [two thousand five hundred rupees]

(g) assisting in the concealment or disposal of stolen property under S. 414 of the same code, where the value of such property does not exceed [two thousand and five hundred rupees]

(h) mischief, under section 427, of the same Code;

(i) house-trespass, under section 448, and offences under sections 451, 453, 454, 456 and 457 of the same Code.

(j) insult with intent to provoke a breach of the peace, under section 504, and criminal intimidation, under section 506, of the same Code:

(jj) offence of personating at an election under section 171 F of the same Code;

(k) abetment of any of the forgoing offences;

(l) an attempt to commit any of the foregoing offences, when such attempt is an offence;

(m) offences under section 20 of the Cattle-trespass Act 1871:

[x x x x x]

(2) When in the course of a summary trial it appears to the Magistrate or Bench that the case is one which is of a character which renders it undesirable that it should be tried summarily, the Magistrate or Bench shall recall any witnesses who may have been examined and proceed to hear the case in manner provided by this Code.

261. Power to invest Bench of Magistrates invested with less power. The Provincial Government may [on the recommendation of the High Court] confer on any Bench of Magistrate invested with the powers of a Magistrate of the second or third class power to try summarily all or any of the following offences:

(a) offences against the Pakistan Penal Code, sections 277, 278, 279, 285, 286, 289, 290, 292, 293, 294, 323, 330, 336, 341, 352, 426, 447, and 504;

(6) offences against Municipal Acts, and the conservancy clauses of Police Acts which are punishable only with fine or with imprisonment for a term not exceeding one month with or without fine:

(c) abetment of any of the foregoing offences:

(d) an attempt to commit any of the foregoing offences, when such attempt is an offence.

262. Procedure [prescribed in Chapter XX] applicable. [(1) In trials under this Chapter, the procedure prescribed in Chapter XX shall be followed except as hereinafter mentioned.]

(2) Limit of imprisonment. No sentence of Imprisonment for a term exceeding three months shall be passed in the case of any conviction under this Chapter.

263. Record in cases where there is no appeal. In cases where no appeal lies, the Magistrate or Bench of Magistrates need not record the evidence of the witnesses or frame a formal charge; but he or they shall enter in such form as the Provincial Government may direct the following particulars:

(a) the serial number,

(b) the date of the commission of the offence;

(c) the date of the report or complaint;

- (d) the name of the complainant (if any);
- (e) the name, parentage and residence of the accused;
- (f) the offence complained of and the offence (if any) proved, and in cases coming under clause (d), clause (e) clause (f) or clause (g) of sub-section (1) of section 260 the value of the property in respect of which the offence has been committed.
- (g) the plea of the accused and his examination (if any),
- (h) the finding, and, in the case of a conviction, a brief statement of the reason therefore,
- (i) the sentence or other final order, and
- (j) the date on which the proceedings terminated.

[264. Record in appealable cases. In every case tried summarily by a Magistrate or Bench in which an appeal lies, such Magistrate or Bench shall record the substance of the evidence and also the particulars mentioned in section 263 and shall, before passing any sentence, record a judgment in the case.]

265. Language of record and judgment. (1) Record made under section 263 and judgments recorded under section 264 shall be written by the presiding officer, either in English or in the language of the Court, or, if the Court to which such presiding officer is immediately subordinate so directs, in such officer's mother-tongue.

(2) Bench may be authorized to employ clerk. The Provincial Government may authorize any Bench of Magistrates empowered to try offences summarily to prepare the aforesaid record or judgment by means of an officer appointed in this behalf by the Court to which such Bench is immediately subordinate, and the record or judgment so prepared shall be signed by each member of such Bench present taking part in the proceedings.

(3) If no such authorization be given, the record prepared by a member of the Bench and signed as aforesaid shall be the proper record.

(4) If the Bench differ in opinion, any dissentient member may write a separate judgment.

CHAPTER XXII-A - TRIALS BEFORE HIGH COURTS AND COURTS OF SESSION

[265-A. Trial before Court of Session to be conducted by Public Prosecutor. In every trial before a Court of Session, initiated upon a police report, the prosecution shall be conducted by Public Prosecutor.

265-B. Procedure in cases triable by High Courts and Courts of Session. The following procedure shall be observed by the High Courts and the Courts of Session in the trial of cases triable by the said Courts.

265-C. Supply of statements and documents to accused. (1) In all cases instituted upon police report, copies of the following documents shall be supplied free of cost to the accused not later than seven days before the commencement of the trial, namely:

- (a) the first information report;