

Court shall record the grounds of such proof, and may call upon any person bound by such bond to pay the penalty thereof, or to show cause why it should not be paid.

(2) If sufficient cause is not shown and the penalty is not paid, the Court may proceed to recover the same by issuing a warrant for the attachment and sale of the movable property belonging to such person or his estate if he be dead.

(3) Such warrant may be executed within the local limits of the jurisdiction of the Court which issued it; and it shall authorize the attachment and sale of any movable property belonging to such person without such limits, when endorsed by the District Magistrate within the local limits of whose jurisdiction such property is found.

(4) If such penalty is not paid and cannot be recovered by such attachment and sale, the person so bound shall be liable, by order of the Court which Issued the warrant, to imprisonment in the civil jail for a term which may extend to six months.

(5) The Court may at its discretion, remit any portion of the penalty mentioned and enforce payment in part only.

(6) Where a surety to a bond dies before the bond is forfeited, his estate shall be discharged from all liability in respect of the bond.

(7) When any person who has furnished security under section 107 or section 118 ..... is convicted of an offence the commission of which constitutes a breach of the conditions of this bond, or of a bond executed in lieu of his bond under section 514B, a certified copy of the judgment of the Court by which he was convicted of such offence may be used as evidence in proceedings under this section against his surety, or sureties, and, if such certified copy is so used, the Court shall presume that such offence was committed by him unless the contrary is proved.

**514-A. Procedure in case of insolvency or death of surety or when a bond is forfeited.** When any surety to a bond under this Code becomes insolvent or dies, or when any bond is forfeited under the provisions of section 514, the Court by whose order such bond was taken or a Magistrate of the first class, may order the person from whom such security was demanded to furnish fresh security in accordance with the directions of the original order, and, if such security is not furnished, such Court of Magistrate may proceed as if there had been a default in complying with such original order.

**514-B. Bond required from a minor.** When the person required by any Court or officer to execute a bond is a minor, such Court or officer may accept, in lieu thereof, a bond executed by a surety or sureties only.

**[515. Appeal from, and revision of, orders under section 514.** All order passed under section 514 by a District Magistrate or a Judicial Magistrate, shall be appealable to Sessions Judge and all such orders passed by an Executive Magistrate other than a District Magistrate, shall be appealable to the District Magistrate, or, if no appeal is made against any such order, may be revised, in the case of an order passed by a District Magistrate or a Judicial Magistrate, by the Sessions Judge, and in the case of an order passed by an Executive Magistrate other than a District Magistrate, by the District Magistrate.]

**516. Power to direct levy of amount due on certain recognizances.** The High Court or Court of Session may direct any Magistrate to levy the amount due on a bond to appear and attend at such High Court or Court of Session.

## CHAPTER XLIII - OF THE DISPOSAL OF PROPERTY

**516-A. Order for custody and disposal of property pending trial in certain cases.** When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence is produced before any Criminal Court during any inquiry or trial, the Court may make such order as It thinks fit for the proper custody of such property pending the conclusion of the inquiry or trial, and, if the property is subject to speedy or natural decay, may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

[Provided that, if the property consists of explosive substances, the Court shall not order it to be sold or handed over to any person other than a Government Department or office dealing with, or to an authorized dealer in, such substances]

(Provided further that if the property is a dangerous drug, intoxicant, intoxicating liquor or any other narcotic substance seized or taken into custody under the Dangerous Drugs Act, 1930 (II of 1930), the Customs Act, 1969 (IV of 1969), the Prohibition (Enforcement of Hadd) Order, 1979 (P.O. 4 of 1979), or any other law for the time being in force, the Court may, either on an application or of its own motion and under its supervision and control obtain and prepare such number of samples of the property as it may deem fit for safe custody and production before it or any other Court and cause destruction of the remaining portion of the property under a certificate issued by it in that behalf:

Provided also that such samples shall be deemed to be whole of the property in an inquiry or proceeding in relation to such offence before any authority or Court.]

**517. Order for disposal of property regarding which offence committed.** (1) When an Inquiry or a trial in any Criminal Court is concluded, the Court may make such order as it thinks fit for the disposal by destruction, confiscation or delivery to any person claiming to be entitled to possession thereof or otherwise of any property or document produced before it or in its custody or regarding which any offence appears to have been committed, or which has been used for the commission of any offence.

(2) When a High Court or a Court of Session makes such order and cannot through its own officers conveniently deliver the property to the person entitled thereto, such Court may direct that the order be carried effect by the District Magistrate.

(3) When an order is made under this section such order shall not, except, where the property is livestock or subject to speedy and natural decay, and save as provided by subsection (4), be carried out for one month, or, when an appeal is presented, until such appeal has been disposed of.

(4) Nothing in this section shall be deemed to prohibit any Court from delivering any property under the provisions of sub-section (1) to any person claiming to be entitled to the possession thereof, on his executing a bond with or without sureties to the satisfaction of the Court, engaging to restore such property to the Court if the order made under this section is modified or set aside on appeal.

**Explanation.** In this section the term 'property' includes in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange, whether immediately or otherwise.

**518. Order may take form of reference to District or Sub-Divisional Magistrate.** In lieu of itself passing an order under section 517 the Court may direct the property to be delivered to the district Magistrate or to a Sub Divisional Magistrate who shall in such case deal with it as if it had been seized by the police and the seizure had been reported to him in the manner hereinafter mentioned.

**519. Payment to innocent purchaser of money found on accused.** When any person is convicted of any offence which includes, or amounts to, theft or receiving stolen property, and, it is proved that any other person has bought the stolen property from him without knowing, or having reason to believe, that the same was stolen, and that any money has on his arrest been taken out of the possession of the convicted person, the Court may, on the application of such purchaser and on the restitution of the stolen property to the person entitled to the possession thereof, order that out of such money a sum not exceeding the price paid by such purchaser be delivered to him.

**520. Stay of order under sections 517, 518, or 519.** Any Court of appeal, confirmation, reference or revision may direct any order under section 517, section 518 or section 519 passed by a Court, subordinate thereto, to be stayed pending consideration by the former Court, and may modify, alter or annul such order and make any further orders that may be just

**521. Destruction of libelous and other matter.** (1) On a conviction under the Pakistan Penal Code, section 292 section 293, section 501 or section 502, the Court may order the destruction of all the copies of the thing in respect of which the conviction was had, and which are in the custody of the Court or remain in the possession or power of the person convicted.

(2) The Court may, in like manner on a conviction under the Pakistan Penal Code, section 272, section 273, section 274, section 275, order the food, drink, drug or medical preparation in respect of which the conviction was had to be destroyed.

**522. Power to restore possession of immovable property.** (1) Whenever a person is convicted of an offence [of cheating forgery or of an offence] attended by criminal force or show of force or by criminal intimidation and it appears to Court that by such [cheating forgery force] or show of force or criminal intimidation any person has been dispossessed of any immovable property, the Court may if it thinks fit, when convicting such person or at any time within one month from the date of the conviction order the person dispossessed to be restored to the possession of the same [whether such property is in the possession or under the control of the person convicted or of any other person to whom it may have been transferred for any consideration or otherwise'.]

(2) No such order shall prejudice any right or interest to or in such immovable property which any person may be able to establish in a civil suit.

(3) An order under this section may be made by any Court of appeal, confirmation, reference or revision.

**[522-A. Power to restore possession of movable property.-**(1) Whenever a person is convicted of an offence of criminal mis-appropriation of property or criminal breach of trust or cheating or forgery and it appears to the Court that, by such mis-appropriation, breach of trust, cheating or forgery, any person has been dispossessed or otherwise deprived of any movable property, the Court may, if it thinks fit, when convicting such person or at any time within one month from the date of the conviction, order the person dispossessed or deprived of the property, where such property can be identified, to be restored to the possession of such property, whether such property is in the possession or under the control of the person convicted or of any other person to whom it may have been transferred for any consideration or otherwise.

(2) Where the property referred to in sub-section (1) cannot be identified or has been disposed of by the accused so that it may not be identified, the Court may order such compensation to be paid to the person dispossessed or deprived of such property as it may determine in the circumstances of the case.

(3) No order referred to in sub-section (1) or sub-section (2) shall prejudice any right or interest in any movable property which any person may be able to establish in a civil suit'.]

**523. Procedure by police upon seizure of property taken under section 51 or stolen.** (1) The seizure by any police-officer of property taken under section 51, or alleged or suspected to have been stolen, or found under circumstances which create suspicion of the commission of any offence, shall be forthwith reported to a Magistrate, who shall make such order as he thinks fit respecting the disposal of such property to the person entitled to the possession thereof, or, if such person cannot be ascertained, respecting the custody and production of such property.

(2) Procedure where owner of property seized unknown. If the person so entitled is known, the Magistrate may order the property to be delivered to him on such condition (if any) as the Magistrate thinks fit. If such person is unknown, the Magistrate may detain it and shall, in such case, issue a proclamation specifying the articles of which such property consists, and requiring any person who may have a claim thereto, to appear before him and establish his claim within six months from the date of such proclamation.

**524. Procedure where no claimant appears within six months.** (1) If no person within such period establishes his claim to such property, and if the person in whose possession such property was found, is unable to show that it was legally acquired by him, such property shall be at the disposal of the Provincial Government and may be sold under the orders of the District Magistrate or Sub-divisional Magistrate or of [any other Executive Magistrate] empowered by the Provincial Government in this behalf.

(2) In the case of every order passed under this section an appeal shall lie to the Court to which appeal against sentences of the Court passing such order would lie.

**525. Power to sell perishable property.** If the person entitled to the possession of such property is unknown or absent and the property is subject to speedy and natural decay or if the Magistrate to whom its seizure is reported is of opinion that its sale would be for the benefit of the owner, or that the value of such property is less than ten rupees the Magistrate may at any time direct it to be sold; and the provisions of sections 523 and 524 shall, as nearly as may be practicable, apply to the net proceeds of such sale.

#### CHAPTER XLIV - OF THE TRANSFER OF CRIMINAL CASES

**526. High Court may transfer case or itself try it.** (1) Whenever it is made to appear to the High Court:-

- (a) that a fair and impartial inquiry or trial cannot be had in any Criminal Court subordinate thereto, or
- (b) that some question of law of unusual difficulty is likely to arise, or
- (c) that a view of the place in or near which any offence has been committed may be required for the satisfactory inquiry into or trial of the same, or
- (d) that an order under this section will tend to the general convenience of the parties or witnesses, or
- (e) that such an order is expedient for the ends of justice, or is required by any provision of this Code; it may order:
  - (i) that any offence be inquired into or tried by any Court not empowered under sections 177 to 184 (both inclusive), but in other respects competent to inquire into or try such offence.
  - (ii) that any particular case or appeal, or class of cases or appeals, be transferred from a Criminal Court subordinate to its authority to any other such Criminal Court of equal or superior jurisdiction;
  - (iii) that any particular case or appeal be transferred to and tried before itself; or

Provided that no case or appeal shall be transferred to a High Court or other Court in another Province without the consent of the Provincial Government of that Province.

(2) The Court to which such case or appeal is transferred shall deal with the same as if it had been originally instituted in, or presented to, such Court.

**528. Sessions Judge may withdraw cases from Assistant Sessions Judge.** (1) Any Sessions Judge may withdraw any case from, or recall any case which he has made over to, any Assistant Sessions Judge subordinate to him.

(1A) At any time before the trial of the case or the hearing of the appeal has commenced before the Additional Sessions Judge, any Sessions Judge may recall any case or appeal which he has made over to any Additional Sessions Judge.

(1B) Where a Sessions Judge withdraws or recalls a case under sub-section (1) or recalls a case or appeal under sub section (1A), he may either try the case in his own Court or hear the appeal himself, or make it over in accordance with the provisions of this Code to another Court for trial or hearing, as the case may be.

(1C) Any Sessions Judge may withdraw any case from, or recall any case which he has made over to, any Magistrate subordinate to him, and may refer it for inquiry or trial to any other such Magistrate competent to inquire into or try the same.

**Explanation.** Omitted by Law Reforms Act 1997 (Act No. XXIII of 1997).

(2)&(3) [Omitted by Act XXI of 1976. ]

(4) Any Magistrate may recall any case made over by him under section 192, sub-section (2), to any other Magistrate and may inquire into or try such case himself.

(5) A Magistrate making an order under [preceding sub-section] shall record in writing his reasons for making the same.

**[528-A. Powers of District Magistrate for transfer of cases, etc.** (1) A District Magistrate may withdraw or recall any case which he has made over to a Magistrate subordinate to him.

(2) Where a District Magistrate withdraws or recalls a case under sub-section (1), he may either try the case himself or make it over in accordance with the provisions of this Code for trial to any other Magistrate subordinate to him.]

## CHAPTER XLV - OF IRREGULAR PROCEEDINGS

**529. Irregularities which do not vitiate proceedings.** If any Magistrate not empowered by law to do any of the following things, namely:-

(a) to issue a search-warrant under section 98;

(b) to order, under section 155, the police to investigate an offence:

(c) to hold an inquest under section 176:

(d) to issue process under section 186, for the apprehension of a person within the local limits of his jurisdiction who has committed an offence outside such limits;

(e) to take cognizance of an offence under section 190, sub-section (1), clause (a) or clause (b);

(f) to transfer a case under section 192;

(g) to tender a pardon under section 337 or section 338;

(h) to sell property under section 524 or section 525; or

(i) to withdraw a case and try it himself under section 528; erroneously in good faith does that thing, his proceedings shall not be set aside merely on the ground of his not being so empowered.

**530. Irregularities which vitiate proceedings.** If any Magistrate, not being empowered by law in this behalf, does any of the following things, namely:-

(a) attaches and sells property under section 88;

(b) issues a search-warrant for a letter, parcel or other thing in the Post Office, or a telegram in the Telegraph Department.

(c) demands security to keep the peace;

(d) demands security for good behaviour;

(e) discharges a person lawfully bound to be of good behaviour:

(f) cancels a bond to keep the peace;

(g) makes an order under section 133, as to a local nuisance;

(h) prohibits under section 143, the repetition or continuance of a public nuisance;

(i) issue an order under section 144;

(j) makes an order under Chapter XXII;

(k) takes cognizance under section 190, sub-section (1) clause (c), of an offence;

(l) passes a sentence, under section 349, on proceeding recorded by another Magistrate:

(m) calls under section 435, for proceedings.

(n) [ x x x x x ]

(o) revises, under section 515, an order passed under section 514:

(p) tries an offender;

(q) tries an offender summarily; or

(r) decides an appeal; his proceedings shall be void:

**531. Proceedings in wrong place.** No finding sentence or order of any criminal Court shall be set aside merely on the ground that the inquiry, trial or other proceedings in the course of which it was arrived at or passed, took place in a wrong sessions divisions, district, sub-division or other local area, unless it appears that such error has in fact occasioned a failure of justice.

**532.** [Omitted by Law Reforms Ordinance, 1972, item 174 w.e.f 26.12.1975].

**533. Non-compliance with provisions of section 164 or 364.** (1) If any Court, before which a confession or other statement of an accused person recorded or purporting to be recorded under section 164 or section 364 is tendered or has been received in evidence, finds that any of the provisions of either of such sections have not been complied with by the Magistrate recording the statement, it shall take evidence that such person duly made the statement recorded; and notwithstanding anything contained in the Evidence Act, 1872, section 91, such statement shall be admitted if the error has not injured the accused as to his defence on the merits.

(2) The provisions of this section apply to Courts of Appeal, Reference and Revision.

**534.** [Omission to give information under section 447] Omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (II of 1950), Schedule.

**535. Effect of omission to prepare charge.** (1) No finding or sentence pronounced or passed shall be deemed invalid merely on the ground that no charge was framed unless, in the opinion of the Court of appeal or revision, a failure of justice has in fact been occasioned thereby.

(2) If the court of appeal or revision thinks that a failure of justice has been occasioned by an omission to frame a charge, it shall order that a charge be framed, and that the trial be recommenced from the point immediately after the framing of the charge.

**536.** [Omitted by Law Reforms Ordinance, 1972, item 174 w.e.f 26.12.1975].

**[537. Finding or sentence when reversible by reason of error or omission in charge or other proceedings.** Subject to the provisions hereinbefore contained, no finding, sentence order passed by a court of competent jurisdiction shall be reversed or altered under Chapter XXVII or on appeal or revision on account'

(a) of any error, omission or irregularity in the complaint, report by police-officer under section 173, summons, warrant, charge, proclamation, order, judgment or other proceedings before or during trial or in any inquiry or other proceedings under this Code, or

(b) of any error, omission or irregularity in the mode of trial, including any misjoinder of charges unless such error omission or irregularity has in fact occasioned a failure of justice.

**Explanation.** In determining whether any error, omission or irregularity in any proceeding under this Code has occasioned a failure of justice, the Court shall have regard to the fact whether the objection could and should have been raised at an earlier stage in the proceedings.]

**538. Attachment not illegal, person making same not trespasser for defect or want of form in proceedings.** No attachment made under this Code shall be deemed unlawful, nor shall any person making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, writ of attachment or other proceedings relating thereto.

## CHAPTER XLVI - MISCELLANEOUS

**539. Courts and persons before whom affidavits may be sworn.** Affidavits and affirmations to be used before any High court or any officer of such Court may be sworn and affirmed before such Court [...] or any Commissioner or other person appointed by such court for that purpose, or any Judge, or any Commissioner for taking affidavits in any Court of Record in Pakistan.

**539-A. Affidavits in proof of conduct of public servant.** (1) When any application is made to any Court in the course of any inquiry, trial or other proceeding under this Code, and allegations are made therein respecting any public servant, the applicant may give evidence of the facts alleged in the applications by affidavit, and Court may, if it thinks fit, order that evidence relating to such facts be so given.

An affidavit to be used before any Court other than a High court under this section may be sworn or affirmed in the manner prescribed in section 539, or before any Magistrate.

Affidavits under this section shall be confined to, and shall state separately, such facts as the deponent is able to prove from his own knowledge and such as he has reasonable grounds to believe to be true, and in the latter case, the deponent shall clearly state the grounds of such belief.

(2) The Court may order any scandalous and irrelevant matter in a affidavit to be struck out or amended.

**539-B. Local inspection.** (1) Any Judge or Magistrate may at any stage of any inquiry, trial or other proceeding, after due notice to the parties visit and inspect any place in which an offence is alleged to have been committed, or any other place which it is in his opinion necessary to view for the purpose of property appreciating the evidence given at such inquiry or trial, and shall without unnecessary delay record a memorandum of any relevant facts observed at such inspection.

(2) Such memorandum shall form part of the record of the case. If the Public Prosecutor complainant or accused so desires , a copy of the memorandum shall be furnished to him free of cost.

**540. Power to summon material witness or examine persons present.** Any Court may, at any stage of any inquiry, trial or other proceeding under this Code, summon any person as a witness, or examine any person in attendance, though not summoned as a witness, or recall and re-examine any person already examined; and the Court shall summon and examine or recall and re-examine any such person if his evidence appears to it essential to the just decision of the case.

**540-A. Provision for inquiries an trial being held in the absence of accused in certain cases.** (1) At any stage of an inquiry or trial under this Code, where two or more accused are before the court, if the Judge or Magistrate is satisfied for reason to be recorded, that any one or more of such accused is or incapable of remaining before the Court, he may, if such accused is represented by a pleader, dispense with his attendance and proceed with such inquiry or trial in his absence, and may, at any subsequent stage of the proceedings, direct the personal attendance of such accused.

(2) If the accused in any such case is not represented by a pleader, or if the Judge or Magistrate considers his personal attendance necessary, he may, if he thinks fit, and for reasons to be recorded by him either adjourn such inquiry or trial, or order that the case of such accused be taken up or tried separately.



**541. Power to appoint place of imprisonment.** (1) Unless when other-wise provided by any law for the time being in force, the Provincial Government may direct in what place any person liable to be imprisoned or committed to custody under this Code shall be confined.

(2) Removal to criminal pi! of accused or convicted person who are in confinement in civil jail, and their return to the civil jail. If any person liable to be imprisoned or committed to custody under this Code is in confinement in a civil jail, the Court or Magistrate ordering the imprisonment or committal may direct that the person be removed to a criminal jail.

(3) When a person is removed to a criminal jai! under sub-section (2) he shall, on being released therefrom, be sent back to the civil jail, unless either:

(a) three years have elapsed since he was removed to the criminal jail in which case he shall be deemed to have been discharged from the civil jail under (section 58 of the Code of Civil Procedure 1908); or

(b) the Court which ordered his imprisonment in the civil jail has certified to the officer in charge of the criminal jail that he is entitled to be discharged under [section 58 of the Code of Civil Procedure 1908].

**542. [Power of Presidency Magistrate to order prisoner in jail to be brought up for examination]:** Rep, by (he Federal Laws (Revision and Declaration Act. 1951), S. 3 and II Schedule.

**543. Interpreter to be bound to Interpret truthfully.** When the services of an Interpreter are required by any Criminal Court for She interpretation of any evidence or statement, he shall be bound to state the true interpretation of such evidence or statement.

**544. Expenses of complainants and witness.** Subject to any rules made by the Provincial Government any criminal! Court may, if it thinks fit, order payment, on the part of Government, of the reasonable expenses of any complainant or witness attending for the purposes of any inquiry, trial, or other proceeding before such Court under this Code.

**[544-A. Compensation to the heirs of the person killed, etc.** [(1) Whenever a person is convicted of an offence in the commission whereof the death of or hurt, injury, or mental anguish or psychological damage to, any person is caused or damage to or loss or destruction of any property is caused, the court shall when convicting such person, unless for reasons to be recorded in writing it otherwise directs, order the person convicted to pay to the heirs of the person whose death has been caused, or to the person hurt or injured, or to the person to whom mental anguish or psychological damage has been caused, or to the owner of the property damaged, lost or destroyed, as the case may be, such compensation as the court may determine having regard to the circumstances of the case';] and

(2) The compensation payable under sub-section (1) shall be recoverable as [an arrear of land revenue] and the court may further order that, in default of payment or of recovery as aforesaid the person ordered to pay such compensation shall suffer imprisonment for a period not exceeding six months, or if it be a Court of the Magistrate of the third class, for a period not exceeding thirty days.

(3) The compensation payable under sub-section (1) shall be in addition to any sentence which she court may impose for the offence of which the person directed to pay compensation has been convicted.

(4) The provisions of sub-sections (28), (2C), (3), and (4) of section 250, shall, as far as may be, apply to payment of compensation under this section.

(5) An order under this section may also be made by an appellate Court or by a Court when exercising its powers of revision.

**545. Power of Court to pay expenses, compensation out of fine.** (1) Whenever under any law in force for the time being a Criminal Court imposes a fine or confirms in appeal, revision or otherwise a sentence of fine, or a sentence of which fine forms a part, the court may, when passing judgment, order the whole or any part of the fine recovered to be applied:

(a) in-defraying expenses properly incurred in the prosecution;

(b) in the payment of any person of compensation for any loss, [injury or mental anguish or psychological damage] caused by the offence, when substantial compensation is, in the opinion of the court, recoverable by such person in a Civil Court;

(c) when any person is convicted of any offence which includes theft, criminal misappropriation, breach of trust, or cheating or of having dishonestly received or retained or of having voluntarily assisted in disposing of, stolen property knowing or having reason to believe the same to be stolen, in compensating any bona fide purchaser, of such property for the loss of the same if such property is restored to the possession of the person entitled thereto.

(2) If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed or, if an appeal be presented, before the decision of the appeal.

**546. Payments to be taken into account in subsequent suit.** At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under section [544-A or section] 545.

**546-A. Order of payment of certain fees paid by complainant in non-cognizable cases.**

(1) Whenever any complaint of a non-cognizable offence is made to a Court, the Court, if it convicts the accused, may, in addition to the penalty imposed upon him, order him to pay to the complainant:

(a) the fee (if any) paid on the petition of complaint or the examination of the complainant, and

(b) any fees paid by the complainant for serving processes on his witnesses or on the accused, and may further order that, in default of payment, the accused shall suffer simple imprisonment for a period not exceeding thirty days.

(2) An order under this section may also be made by an Appellate Court, or by the High Court, when exercising its powers of revision.

**547. Money ordered to be paid recoverable as fines.** Any money (other than a fine) payable by virtue of any order made under this Code, and the method of recovery of which is not otherwise expressly provided for shall be recoverable as if it were a fine.

**548. Copies of proceeding.** If any person affected by a judgment or order passed by a Criminal Court desires to have a copy of ..... any order or deposition or other part of the record he shall, on applying for such copy, be furnished therewith:

Provided that he pays for the same unless the Court, for some special reason, thinks fit to furnish it free of cost.

**549. Delivery to military authorities of persons liable to be tried by Court martial.** (1) The Central Government may make rules consistent with this Code and the [Pakistan Army Act, 1952 (XXXIX of 1952), the Pakistan Air Force Act, 1953 (VI of 1953, and the Pakistan Navy Ordinance, 1961 (XXXV of 1961)] and any similar law for the time being in force as to the cases in which person subject to military naval or air force law shall be tried by a Court to which this Code applies, or by Court-martial, and when any person is brought before a Magistrate and charged with an offence for which he is liable to be tried either by a Court to which this Code applies or by a Court-martial, such Magistrate shall have regard to such rules and shall in proper cases deliver him together with a statement of the offence of which he is accused to the commanding officer of the regiment, corps, ship or detachment to which he belongs, or to the commanding officer of the nearest military, naval or air force station, as the case may be, for the purpose of being tried by Court-martial.

(2) Apprehension of such persons. Every Magistrate shall, on receiving a written application for that purpose by the commanding officer of any body of soldiers, sailors or airmen stationed or employed at any such place, use his utmost endeavour to apprehend and secure any person accused of such offence.

(3) Notwithstanding anything contained in this Code, if the person arrested by the Police is a person subject to the Pakistan Army Act, 1952 (XXXIX of 1952) and the offence for which he is accused is triable by a Court-martial, the custody of such person and the investigation of the offence of which he is accused may be taken over by the Commanding Officer of such person under the said Act.]

**550. Powers to Police to seize property suspected to be stolen.** Any police-officer may seize any property which may be alleged or suspected to have been stolen, or which may be found under circumstances which create suspicion of the commission of any offence. Such police-officer, if subordinate to the officer in charge of a police-station, shall forthwith report the seizure to that officer.

**551. Powers of superior officers of police.** Police officers superior in rank to an officer in charge of a police-station may exercise the same powers, throughout the local area to which they are appointed, as may be exercised by such officer within the limits of his station.

**552. Power to compel restoration of abducted females.** Upon complaint made to a District Magistrate on oath of the abduction or unlawful detention of a woman, or of a female child under the age of sixteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty or of such female child to her husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.

**553. [Compensation to persons groundlessly given in charge in presidency-town].** Rep. by the Federal Laws (Revision and Declaration Act, 1954 (XXVI of 1951) S. and II Schedule.

**554. Power of (x x) High courts to make rules for Inspection of records of subordinate courts.** (1) With the previous sanction of the Provincial Government, any High Court may from time to time, make rules for the inspection of the records of subordinate Courts.

(2) Power of other High Courts to make rules for other purposes. Every High Court may, from time to time, and with the previous sanction of Provincial Government:

(a) make rules for keeping all books, entries and accounts to be kept in all Criminal Courts subordinate to it and for the preparation and transmission of any returns or statements to be prepared and submitted by such Courts:

- (b) frame forms for every proceeding in the said Courts for which it thinks that a form should be provided:
- (c) make rules for regulating its own practice and proceedings and the practice and proceedings of all Criminal Courts subordinate to it; and
- (d) make rules for regulating the execution of warrants issued under this Code for the levy of fines:

Provided that the rules and forms made and framed under this section shall not be inconsistent with this Code or any other law in force for the time being.

(3) All rules made under this section shall be published in the official Gazette.

**555. Forms.** Subject to the power conferred by section 554 and by [Articles 202 and 203] of the Constitution, the forms set forth in the Fifth Schedule, with such variation as the circumstances of each require, may be used for the respective purposes therein mentioned, and if used shall be sufficient.

**556. Case in which Judge or Magistrate is personally interested.** No Judge or Magistrate shall, except with the permission of the Court to which an appeal lies from his Court, try ..... any case to or in which he is a party, or personally interested, and no Judge or Magistrate shall hear an appeal from an judgment or order passed or made by himself.

**Explanation.** A Judge or Magistrate shall not be deemed a party, or personally interested, within the meaning of this section, to or in any case by reason only that he is a Municipal Commissioner or otherwise concerned therein in a public capacity or by reason only that he has viewed the place in which an offence is alleged to have been committed, or any other place in which any other transaction material to the case is alleged to have occurred, and made an inquiry in connection with the case.

### Illustration

A., as Collector, upon consideration of information furnished to him, directs the prosecution of B for a breach of the Excise Laws A is disqualified for trying this case as a Magistrate.

**557. Practicing pleader not to sit as Magistrate in certain Courts.** No pleader who practises in the Court of any Magistrate in a district, shall sit as a Magistrate in such Court or in any Court within the jurisdiction of such Court,

**558. Power to decide language of Courts.** The Provincial Government may determine what for the purposes of this Code, shall be deemed to be the language of each Court within the territories administered by such Government, other than the High Courts.

**559. Provision for powers of Judges and Magistrate being exercised by their successors in office.** (1) Subject to the other provisions of the Code, the powers and duties of a Judge or Magistrate may be exercised or performed by his successor in office.

(2) When there is any doubt as to who is the successor in office of any Magistrate, [the Sessions Judge in the case of Judicial Magistrate, and the District Magistrate in the case of Executive Magistrate] shall determine by order in writing the Magistrate who shall, for the purposes of this Code or of any proceedings or order thereunder, be deemed to be the successor in office of such Magistrate.

(3) When there is any doubt as to who is the successor in office of any Additional or Assistant Sessions Judge, the Sessions Judge shall determine by order in writing the Judge who shall, for the purposes of this