

- (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:]
- <sup>1</sup>[...]

(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 <sup>2</sup>[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, <sup>3</sup>[337-A(i), 337-L(2), 337-H(2).] 341, 352, 426, 447 and 504];
- (b) 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** <sup>4</sup>[prescribed in Chapter XX] applicable.--<sup>5</sup>[(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;

1. Proviso omitted by Ordinance, XII of 1972, *ibid*.

2. Inst. by *ibid* Item 1-01. Enforced in the Province of Punjab w.e.f. 21.3.1996.

3. Subs. by Ordinance, LXXXV of 2002, dated 25.10.2002. Before substitution the figures and commas ran as 323, 334, 336.

4. Subs. by Law Reforms Ordinance, 1972, Item 201.

5. Subs. by Law Reforms Ordinance, 1972, Item 102.