

CHAPTER XXVI - OF THE JUDGMENT

366. Mode of delivering judgment. (1) The judgment in every trial in any Criminal Court of original jurisdiction shall be pronounced on the substance of such judgment

(a) in open Court either immediately after the termination of the trial or at some subsequent time of which

notice shall be given to the parties or their pleaders, and

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ADB/OECD Anti-Corruption Initiative for Asia Pacific September 2007

www.oecd.org/corruption/asiapacific/mla asiapacific@oecd.org

(b) in the language of the Court, or in some other language which the accused or his pleader understands:

Provided that the whole judgment shall be read out by the presiding judge, if he is requested so to do either

by the prosecution or the defence.

(2) The accused shall, if in custody, be brought up, or, if not in custody, be required by the Court to attend,

to hear judgment delivered, except where his personal attendance during the trial has been dispensed with

and the sentence is one of the fine only or he is acquitted, in either of which cases it may be delivered in the presence of his pleader.

(3) No judgment delivered by any Criminal Court shall be deemed to be invalid by reason only of the absence of any party or his pleader on the day or from the place notified for the delivery thereof, or of any

omission to serve, or defect in serving, on the parties or their pleaders, or any of them, the notice of such

day and place.

(4) Nothing in this section shall be construed to limit in any way the extent of the provisions of section

537.

367. Language of judgment: Contents of judgment. (1) Every such judgment shall, except as otherwise expressly provided by this Code, be written by the presiding officer of the Court or from the dictation of such presiding officer in the language of the Court, or in English; and shall contain the points for determination, the decision thereon and the reasons for the decision; shall be dated and signed by the presiding officer in open Court at the time of pronouncing it and with his own hand, every page of such judgment shall be signed by him.

(2) It shall specify the offence (if any) of which, and the section of the Pakistan Penal Code or other law under which the accused is convicted, and the punishment to which he is sentenced.

(3) Judgment in alternative. When the conviction is under the Pakistan Penal Code and it is doubtful under which of two sections, or under which or two parts of the same section of that Code the offence falls, the Court shall distinctly express the same, and pass judgment in the alternative.

(4) If it be a judgment of acquittal, it shall state the offence of which the accused is acquitted and direct that he be set at liberty.

Proviso [x x x x x x x] Omitted by Law Reforms Ord. 1972, item 122. Enforced in the Province of Punjab w.e.f. 26.12.1975.

(5) If the accused is convicted of an offence punishable with death, and the Court sentences him to any punishment other than death, and Court shall in its judgment state the reason why sentence of death was not passed.

(6) For the purposes of this section, an order under section 118 or section 123, sub-section (3), shall be deemed to be a judgment.

368. Sentence of death. (1) When any person is sentenced to death, the sentence shall direct that he be hanged by the neck till he is dead.

(2) [Omitted by Act XXV of 1974, item 123. Enforced in the Province of Punjab w.e.f. 26.12.1975].

369. Court not to alter judgment. Save as otherwise provided by this Code or by any other law for the time being in force or, in case of a High Court by the Letters Patent of such High Court no Court when it has signed its judgment, shall alter or review the same, except to correct a clerical error.

370. [Presidency Magistrate judgment] Omitted by A.O.1949.

371. Copy of judgment, etc. to be given to accused [(I) In every case where the accused is convicted of an offence, a copy of the judgment shall be given to him at the time of pronouncing the judgment, or when the accused so desires, a translation of the judgment in his own language. If practicable, or in the language of the Court, shall be given to him without delay. Such copy or translation shall be given free of cost.

Provided that this sub-section shall not apply to cases tried summarily or where the accused is convicted of

an offence under any law other than the Pakistan Penal Code]

(2) [Omitted by Law Reforms Ordinance, 1972, item No. 124 (ii)].

(3) When the accused is sentenced to death by a Sessions Judge, such Judge shall further inform him of the

period within which, if he wishes to appeal, his appeal should be preferred.

372. Judgment when to be translated. The original judgment shall be filled with the record of proceedings, and, where the original is recorded in a different language from that of the Court and the accused so requires, a translation thereof into the language of the Court shall be added to such record.

373. Court of Session to send copy of finding and sentence to District Magistrate. In cases tried by the Court of Session, the Court shall forward a copy of its finding and sentence (if any) to the District Magistrate within the local limits of whose jurisdiction the trial was held.