CRPC NOTES-3  
POWER OF MAGISTRATE TO CONTROL DISPUTE OVER POSSESSION OF AN IMMOVEABLE PROPERTY  
When and what powers can be used by the magistrate to control dispute over possession of an immoveable property? Can possession be restored back to person dispossessed?  
What order can be passed by a magistrate if any apprehension of breach of peace is brought to his notice regarding immoveable property?  
INTRODUCTION  
RELEVANT PROVISIONS  
Section 145 of Cr.P.C  
POWER OF MAGISTRATE TO CONTROL DISPUTE OVER POSSESSION OF IMMOVEABLE PROPERTY UNDER SECTION 145  
A magistrate of first class can exercise powers to control dispute over possession of an immoveable property which is likely to cause breach of the peace in police report or other information.  
ESSENTIALS FOR EXERCISING POWERS BY MAGISTRATE  
I- EXISTENCE OF DISPUTE  
II- SATISFACTION OF MAGISTRATE  
III- DISPUTE CONCERNING LAND  
IV- DISPUTE LIKELY TO CAUSE BREACH OF PEACE  
V- LAND MUST BE WITHIN JURISDICTION  
MAKING OF ORDER  
After being satisfied from police report or other information that there is a dispute exists regarding land which is likely to cause breach of the peace, he shall make the order in writing.  
SERVICE OF ORDER  
An order shall be served in following manner;  
I- IN MANNER OF SUMMONS  
II- PUBLICATION OF ORDER NEAR DISPUTE  
POWERS OF MAGISTRATE  
A magistrate can exercise the following powers in respect of the disputed property.  
I- DETERMINE THE FACT OF ACTUAL POSSESSION  
II- HEAR THE PARTIES  
III- RECEIVING OF EVIDENCE  
IV- TAKES FURTHER EVIDENCE  
V- DECISION AS TO POSSESSION  
VI- ATTACHMENT OF PROPERTY  
VII- CANCELLATION OF ORDER OF ATTACHMENT  
VIII- APPOINTMENT OF RECEIVER  
IX- ADDITION AS TO PARTIES  
X- DECLARATION OF ENTITLEMENT OF POSSESSION  
XI- RESTORATION OF POSSESSION  
XII- ORDER FOR DISPOSAL OR SALE  
XIII- ISSUING SUMMONS TO ANY WITNESS  
XIV- REFERRING PARTIES TO COURT OF COMPETENT JURISDICTION  
The magistrate can refer the parties to a court of competent jurisdiction after attaching the property if  
i) More of the parties are found in possession. Or  
ii) The magistrate is unable to satisfy himself as to which of the parties were at the relevant time in possession.  
EFFECT OF ORDER MADE UNDER SECTION 145  
An order under section 145 is final and conclusive and is intended to be effective until the party in whose favour the order is made is evicted in due course of law.  
REMEDY AGAINST SUCH ORDER  
The remedy for the unsuccessful party is to file a civil suit.  
SUBORDINATION OF POWER OF MAGISTRATE  
Powers of criminal Courts in proceedings under section 145 Cr.P.C are subordinate to powers of civil courts which have dealt with the same property.  
ARREST WITHOUT WARRANT  
• State circumstances under which the police officer may arrest a person without obtaining a warrant from the court?  
• Can police arrest a person even if he has not committed any offence?  
• What is arrest without warrant? How and when it is made by whom under what pretext? What are the checks and balances to prevent misuse of this unlimited power? (PCS)  
• CAN POLICE ARREST A PERSON EVEN IF HE HAS NOT COMMITTED ANY OFFENCE?  
INTRODUCTION  
RELEVANT PROVISIONS  
Sections 54 to 59, 64, 65, and 151 of CrPC.  
ARREST WITHOUT WARRANT  
Following persons may arrest without warrant  
i- Any Police Officer  
ii- Officer-in-Charge of a Police Station  
iii- Private Person  
iv- Magistrate  
OBJECT TO ARREST A PERSON WITHOUT WARRANT  
ARREST BY ANY POLICE OFFICER  
i) PERSON CONCERNED IN COGNIZABLE OFFENCE  
ii) PERSON IN POSSESSION OF IMPLEMENT OF HOUSE BREAKING  
iii) PROCLAIMED OFFENDER  
iv) PERSON IN POSSESSION OF STALER PROPERTY  
v) PERSON OBSTRUCTING POLICE OFFICER  
vi) DESERTER FROM THE ARMED FORCES  
vii) PERSON APPREHENDED UNDER EXTRADITION LAW  
viii) RELEASED CONVICT  
ix) PERSON FOR WHOSE ARREST REQUISITION HAS RECEIVED  
x) PERSON COMMITTED NON-COGNIZABLE OFFENCE IN PRESENCE OF POLICE  
xi) PERSON DESIGNING TO COMMIT COGNIZABLE OFFENCE  
xii) PERSON WHOSE REMISSION OR SUSPENSION HAS CANCELLED  
ARREST BY OFFICER IN-CHARGE  
I- ANY PERSON TRYING TO CONCEAL HIMSELF  
II- PERSON WHO HAS NO OSTENSIBLE MEANS OF SUBSISTENCE  
III- HABITUAL OFFENDER  
ARREST BY PRIVATE PERSON U/SEC 59  
i) PERSON COMMITTED NON-BIALLABLE OFFENCE  
ii) PROCLAIMED OFFENDER  
ARREST BY A MAGISTRATE  
I) PERSON COMMITS AN OFFENCE IN HIS PRESENCE  
II) PERSON FOR WHOSE ARREST HE CAN ISSUE WARRANT  
ARREST TO PREVENT SUCH OFFENCES U/SEC 151 CrPC  
PERSON ARRESTED NOT BE DETAINED MORE THAN 24 HOURS U/SEC 61 CrPC FRAMING OF CHARGE  
What is charge? How it is framed and what are its contents?  
What is charge? How it is framed under Cr.P.C? Can it be amended during the trial?  
Can a person charged with one offence be convicted of another?  
Can a person charged with one offence? If so when?  
What is a charge? What are its objects? What particulars are required to be stated in the charge?  
What ate the essentials of a charge? Discuss effects of different types of errors in the charge.  
INTRODUCTION  
RELEVANT PROVISIONS  
Sections 221, 222, 223, 227, 228, 229, 230, 237, 238  
MEANING AND DEFINITION OF CHARGE  
Definition According To Section 4(c)  
OBJECTS OF FRAMING OF CHARGE  
PARTICULARS OF FRAMING OF CHARGE  
In framing of charge, following essentials must be fulfilled:  
I- STATE THE OFFENCE  
II- OFFENCE BY NAME  
III- LAW AND SECTION OF OFFENCE  
IV- LANGUAGE OF CHARGE  
V- REDUCED IN WRITING  
VI- PREVIOUS CONVICTION  
VII- PARTICULARS AS TO TIME PLACE AND PERSON  
It is necessary that charge should contain particulars as to;  
i) Time of Offence.  
ii) Place of Offence.  
iii) Person Against Whom Offence Was Committed.  
iv) Thing Against Whom Offence Was Committed.  
VIII- MANNER OF COMMITTING OFFENCE  
AMENDMENT OR ALTERATION IF CHARGE U/SEC 227  
CHARGE NOT PREJUDICE THE ACCUSED OR PROSECUTION U/SEC 228  
CHARGE PREJUDICE THE ACCUSED OR PROSECUTION U/SEC 229  
STAY OF PROCEEDINGS IF ALTERED CHARGE REQUIRES PREVIOUS SANCTION U/SEC 230  
PERSON CHARGED WITH ONE OFFENCE BE CONVICTED OF ANOTHER  
I- GENERAL RULE U/SEC 237  
II- EXCEPTIONS  
III- SUBSECTION 3 OF SECTION 238  
INQUIRY INVESTIGATION TRIAL  
Define and differentiate inquiry, investigation, and trial.  
INTRODUCTION  
INQUIRY  
I- DEFINITION OF INQUIRY ACCORDING TO SECTION 4(1)(K)  
II- AUTHORITY TO CONDUCT INQUIRY  
III- OBJECT OF INQUIRY  
IV- NOT AN EXHAUSTIVE DEFINITION  
INVESTIGATION  
I- DEFINITION U/SEC 4(1)(L)  
II- NATURE OF INVESTIGATION  
III- OBJECT OF INVESTIGATION  
IV- AUTHORITY TO INVESTIGATE  
V- COMMENCEMENT OF INVESTIGATION  
The investigation commences in the following two ways  
i) When FIR is lodged  
ii) When complaint is made to the magistrate then any person authorized by the magistrate can conduct the investigation.  
TRIAL  
I- DEFINITION  
“A formal examination of evidence in a court of law in order to decide if a person is guilty of a crime.”  
II- PRESUMPTION REGARDING TRIAL  
III- COMMENCEMENT OF TRIAL  
IV- PROCEDURE FOR TRIAL  
Procedure for trials has been provided by the different provisions of CrPC as under;  
i) Trials by magistrate section 241-250  
ii) Summary Trial section 260-265  
iii) Trial by High Court and Court of Session 265-A to 265-N  
V- END OF TRIAL  
DIFFERENCE BETWEEN INQUIRY, INVESTIGATION AND TRIAL  
I- AS TO COMMENCEMENT  
Inquiry It commences when complaint is field to the magistrate.  
Investigation It commences when FIR is lodges or complaint is made to the magistrate.  
Trial It starts either by framing of charge or arrangement of the accused.  
II- PRESUMPTION AS TO COMMISSION OF OFFENCE  
Inquiry There is no presumption as to commission of an offence.  
Investigation There is no presumption as to commission of an offence.  
Trial Trial pre-supposes the commission of an offence.  
III- AS TO DEFINITION  
Inquiry The term inquiry is defined by CrPC.  
Investigation Investigation has been defined by CrPC.  
Trial The expression trial has not been defined by CrPC.  
IV- END OF PROCEEDINGS  
Inquiry If evidence is not found then it can be discharged.  
Investigation If evidence is not found then it can be discharged.  
Trial it either ends in conviction or in acquittal.  
V- CONDUCTING AUTHORITY  
Inquiry It can be conducted by a magistrate or the court  
Investigation it can be conducted by a police officer or any person authorized by a magistrate.  
Trial it can be conducted by a magistrate or judge.  
VI- PURPOSE  
Inquiry its purpose is to ascertain the truth or falsity of facts of the case.  
Investigation its purpose is the collection of evidence regarding the guilt of the accused.  
Trial its purpose is to determine the guilt of the accused.  
VII- BAR TO SUBSEQUENT PROCEEDINGS  
Inquiry this can be conducted again.  
Investigation this can be conducted again.  
Trial trial barred the subsequent proceedings i.e. principal of double jeopardy.  
TRANSFER OF CASES  
• What are the powers of High Court to transfer cases from one criminal court to another?  
• On what grounds High Court can transfer any criminal case from its subordinate court to another court.  
INTRODUCTION  
RELEVANT PROVISIONS  
Following are the relevant provisions;  
Section 526 Cr.P.C  
Cross Reference  
Sections 527 and 528  
TYPES OF TRANSFER OF CRIMINAL CASES  
A criminal case may be transferred by the following authorities;  
i- High Court under section 526  
ii- Provincial Government under section 527  
iii- Session Judge under section 528  
TRANSFER OF CRIMINAL CASE BY HIGH COURT UNDER SECTION 526  
OBJECTS OF SECTION 526  
Section 526 has two-fold objects;  
i- To provide convenience to the parties and witnesses.  
ii- To ensure that justice should be done beyond all doubts.  
MODES OF TRANSFER  
I- APPLICATION BY PARTY INTERESTED  
II- APPLICATION BY LOWER COURT  
III- SUO MOTU ORDER  
GROUNDS FOR TRANSFER OF CASES UNDER SECTION 526  
I- FAIR AND IMPARTIAL TRIAL NOT POSSIBLE  
II- UNUSUAL DIFFICULTY IN QUESTION OF LAW  
III- WHERE SCENE OF OFFENCE IS NECESSARY  
IV- GENERAL CONVENIENCE TO PARTIES  
V- EXPEDIENT IN THE ENDS OF JUSTICE  
ORDER PASSED BY HIGH COURT UNDER SECTION 526  
EXCEPTION TO SECTION 526  
PROCLAMATION FOR PERSON ABSCONDING  
• What conditions is precedent for proclamation? What penalties in law can be imposed upon absconder?  
• What is the legal procedure to be adopted for the surrender of an absconder? Can his property be attached? If so, what?  
• How and in what manner an absconder is declared a proclaimed offender? Quote the law.  
• How and under what circumstances orders for proclamation and attachment of the property of person absconding are issued?  
INTRODUCTION  
RELEVANT PROVISIONS  
Following are the relevant provisions of the concerned topic;  
Sections 87, 88, 89 of CrPC  
MEANING OF ABSCONDER  
Absconder is a person who intentionally avoids or conceals himself for the purpose of avoiding the execution of the warrant.  
PROCLAMATION FOR PERSON ABSCONDING U/SEC 87  
I- CONDITIONS FOR PROCLAMATION  
Before issuing proclamation, following conditions must be satisfied;  
I) ISSUANCE OF WARRANT  
II) ABSCONDANCE OF PERSON  
III) SATISFACTION OF COURT  
II- CONTENTS OF PUBLICATION  
i- Name and Address of Absconder  
ii- Offence in which he is required  
iii- Statement requiring that he must appear before the court  
iv- Specification of date not less than 30 days from the date of its publication for the appearance of the absconder.  
III- MANNER OF PROCLAMATION  
The proclamation shall be published in the following manner;  
I- Publicly read  
II- Affixation at some conspicuous part of home of accused  
III- Affixation of copy at the court  
IV- WRITTEN STATEMENT BY COURT U/SEC 87(3)  
ATTACHMENT OF PROPERTY OF PERSON ABSCONDING U/SEC 88  
I- TIME FOR ATTACHMENT  
II- JURISDICTION TO ORDER ATTACHMENT  
PROPERTY OUT SIDE JURISDICTION  
III- PROPERTY WHICH CAN BE ATTACHED  
IV- MODE OF MAKING ATTACHMENT  
V- SALE OF PROPERTY  
VI- CLAIM OR OBJECTION  
PROCEDURE WHEN ABSCONDER APPEARS BEFORE COURT  
WHEN ABSCONDER DOES NOT APPEAR BEFORE THE COURT  
RESTORATION OF ATTACHED PROPERTY U/SEC 89  
I- APPEARANCE OF PERSON IN COURT  
II- SATISFACTION OF COURT  
III- WHERE PROPERTY HAS BEEN SOLDTRIAL BY COURT OF SESSION  
• What procedure does the Court of Session follow in the trial of a murder case?  
• Describe briefly the procedure of trial of a case by Court of Session.  
INTRODUCTION  
RELEVANT PROVISIONS  
Following are the relevant provisions of CrPC regarding the topic.  
Sections 265-A to 265-N  
MEANING OF TRIAL  
The term trial has not been defined by CrPC. It may be defined as under:  
“A formal examination of evidence in a court of law in order to decide if a person is guilty of a crime.”  
PROCEDURE GIVEN IN CRPC FOR THE TRIALS BY HIGH COURT AND COURT OF SESSION  
The procedure for trials by the High Court and the Court of Session has been divided into two categories in CrPC.  
1- Challan Case  
2- Complaint Case.  
COGNIZANCE OF OFFENCES BY COURT OF SESSION U/SEC 193  
PROSECUTION WHERE TRIAL INITIATED UPON POLICE REPORT U/SEC 265-A  
PROCEDURE TO BE FOLLOWED BY COURT OF SESSION U/SEC 265-B  
Following procedure shall be followed in a trial by the Court of Session.  
I- SUPPLY OF STATEMENTS AND DOCUMENTS U/SEC 265-C  
CASES INSTITUTED UPON POLICE REPORT  
The following documents shall be supplied free of cost to the accused not later than 7 days before commencement of the trial;  
a) FIR  
b) POLICE REPORT  
c) STATEMENTS OF WITNESSES RECORDED U/SEC 161 AND 164 CrPC  
d) INSPECTION NOTES RECORDED BY IO  
e) RECOVERY NOTES  
CASES INSTITUTED UPON COMPLAINT  
The following documents shall be supplied free of cost to the accused not later than 7 days before commencement of the trial;  
a) COMPLAINT WHICH IS MADE  
b) ANY DOCUMENT ATTACHED WITH THE COMPLAINT  
c) STATEMENTS MADE UNDER SECTIONS 200 AND 202 OF CrPC  
II- FRAMING OF CHARGE U/SEC 265-D  
III- PLEA U/SEC 265-C  
IV- RECORDING OF EVIDENCE U/SEC 265-F  
If the accused does not plead guilty or the Court does not convict him guilty in its discretion, the court shall proceed to hear the complainant and take all evidence produced by the prosecution.  
i) Summoning Of Witnesses  
ii) Accused to Be Asked To Adduce Evidence  
iii) Evidence Adduced By the Accused  
iv) Issuing Of Process  
a) Compelling the attendance of any witness or  
b) Production of any document or  
c) Any other thing.  
The court shall issue such person  
V- SUMMING UP U/SEC 265-G  
Where Accused Adduce Evidence  
VI- JUDGMENT U/SEC 265-H  
WHERE ACCUSED IS GUILTY  
WHERE ACCUSED IS NOT GUILTY  
VII- POWER OF COURT TO ACQUIT ACCUSED AT ANY STAGE U/SEC 265-K  
SENTENCE WHICH REQUIRES CONFIRMATION  
• In what cases sentence awarded by courts always require confirmation in order to make at final? What court confirms it and what are the powers of appellate court in such cases?  
INTRODUCTION  
RELEVANT PROVISION  
Section 374 to 382 of CrPC.  
SENTENCE WHICH REQUIRES CONFIRMATION U/SEC 374  
When the Court of Session passes sentence of death the High Court confirms the sentence.  
SUBMISSION OF PROCEEDINGS BY THE COURT OF SESSION  
POWERS OF HIGH COURT U/Sec 375  
I- FURTHER INQUIRY  
II- TAKE ADDITIONAL EVIDENCE  
MODE OF MAKING INQUIRY OR TAKING EVIDENCE  
i- High Court may make inquiry or take additional evidence itself.  
ii- High court may direct to Court of Session to make inquiry or take additional evidence.  
PRESENCE OF CONVICTED PERSON IS NOT NECESSARY  
The presence of convicted person is not necessary.  
POWER OF HIGH COURT TO CONFIRM OR ANNUAL CONVICTION U/SEC 376  
I- CONFIRM THE SENTENCE  
II- PASS ANY OTHER SENTENCE  
III- ANNUAL THE CONVICTION  
IV- ORDER A NEW TRIAL  
V- ACQUIT THE ACCUSED  
CONFIRMATION OR NEW SENTENCE TO BE SIGNED BY TWO JUDGES U/SEC 377  
PROCEDURE IN CASE OF DIFFERENCE OF OPINION U/SEC 378  
PROCEDURE IN CASE SUBMITTED TO HIGH COURT FOR CONFIRMATION U/SEC 379  
EXECUTION OF ORDER PASSED U/SEC 376, U/SEC 381  
i- By issuing a warrant; or  
ii- Taking such other steps as may be necessary  
Exception  
POSTPONEMENT OF DEATH SENTENCE ON PREGNANT WOMAN U/SEC 382  
NHERENT POWER OF COURT  
• Discuss in detail with reference to law power of High Court by means of which relief can be granted although there is no provision in Cr.P.C.  
INTRODUCTION  
MEANING OF INHERENT POWER  
“An authority possessed without its being derived from another.”  
RELEVANT PROVISIONS  
Section 561-A Cr.P.C  
Section 151 C.P.C  
Section 16 General Clauses Act  
Article 183 and 199 of Constitution of Pakistan  
INHERENT POWER OF COURT UNDER SECTION 561-A  
NATURE OF INHERENT POWER  
BASIS OF INHERENT POWER  
The inherent powers of the court are based on the following maxim  
UBI JUS ABI REMEDIUM  
There is no wrong without remedy  
WHEN INHERENT POWER CAN BE USED UNDER SECTION 561-A  
High court can exercise inherent powers under section 561-A Cr.P.C in the following cases  
I- IN ABSENCE OF EXPRESS PROVISION OF LAW  
II- TO GIVE EFFECT TO ANY ORDER UNDER Cr.P.C  
III- TO PREVENT ABUSE OF PROCESS OF ANY COURT  
IV- TO SECURE ENDS OF JUSTICE  
SECTION 249-A, 265-K AND 561-A Cr.P.C  
LIMITATIONS OR RESTRICTIONS AGAINST THE ARBITRARY EXERCISE OF INHERENT POWER  
Following are the restrictions on the inherent powers of the courts;  
i) Inherent powers cannot be extended to make a new law on the subject  
ii) It cannot be used against the express intention of the legislature.  
iii) It cannot be used where there is other remedy is provided.  
iv) It cannot override the express provision of law.  
v) It should not be exercised to assist a party guilty of leaches or delay.  
INSTANCES OF INHERENT POWER  
Following are some of the instances of inherent powers of Court under section 561-A  
i- CORRECTION OF ERRORS  
ii- QUASHMENT OF PROCEEDINGS  
iii- STAY OF PROCEEDINGS  
CONCLUSIVENESS OF FINDINGS OF HIGH COURT UNDER SECTION 561-A  
COMPOUNDABLE OFFENCES  
• What is compoundable offence? What is the legal effect of a valid composition? How would you differentiate between withdrawal of a case and composition of an offence?  
• Which are compoundable offences? When and who can compound the offence of murder?  
INTRODUCTION  
RELEVANT PROVISIONS  
Section 345 is the relevant provision of the concerned topic.  
MEANING OF COMPOSITION  
“A composition is an agreement or settlement of difference between the injured party and against whom the complaint is made.”  
MEANING OF COMPOUNDABLE OFFENCE  
A offence which can be legally settled for consideration between the party against whom the offence is committed and by whom the offence is committed is said to be compoundable offence.  
SCOPE OF SECTION 345  
KINDS OF COMPOUNDABLE OFFENCES U/SEC 345  
Compoundable offences are of the following two kinds  
i- Offences compoundable without permission of the court.  
ii- Offences compoundable with the permission of the court.  
ESSENTIALS FOR COMPOUNDING U/SEC 345  
Following are the essentials for compounding as offence  
I- COMPOUNDABLE OFFENCE  
II- COMPROMISE BETWEEN PARTIES  
III- WITH OR WITHOUT CONSIDERATION  
IV- AGREEMENT FOR COMPROMISE  
V- FREE WILL OF PARTIES  
VI- COMPROMISE MUST BE MADE BY PERSON MENTIONED IN TABLE U/SEC 345  
VII- WITH OR WITHOUT PERMISSION OF COURT  
WHO CAN COMPOUND THE OFFENCE OF MURDER  
The following persons can compound the offence of murder;  
i- Qatal-i-amad under section 302  
ii- Qatal under ikrah-i-tam under section 303  
iii- Qatal-i-amad not liable to Qisas under section 308  
iv- Qatal-i-shibh-i-amad under section 316  
v- Qatal-i-khata by rash or negligent driving under section 320  
vi- Qatal-bis-sabab under section 322  
vii- Attempt to commit Qatal-i-amad under section 324  
PROCEDURE TO BE ADOPTED  
COMPROMISE IN ABETMENT OR IN ATTEMPT TO COMMIT AN OFFENCE U/SEC 345(3)  
PERSON COMPETENT TO COMPOUND IS MINOR, IDIOT OR LUNATIC  
COMPOSITION IN PENDING APPEAL U/SEC 345(5)  
COMPOSITION IN REVISION U/SEC 345(5)  
EFFECT OF COMPOSITION U/SEC 345(6)  
BAR ON COMPOSITION U/SEC 345(7)  
TIME FOR COMPOSITION  
DIFFERENCE BETWEEN WITHDRAWAL CASE AND COMPOSITION OF AN OFFENCE  
I- AS TO NATURE  
II- SATISFACTION OF MAGISTRATE  
III- AS TO DISCRETION  
IV- AS TO OFFENCE  
APPEAL AGAINST ACQUITTAL  
• Discuss in detail the procedure laid down in law to life an appeal from an order of acquittal.  
• Does an appeal lie from an order of acquittal?  
INTRODUCTION  
RELEVANT PROVISIONS  
Section 411-A, 417, 422, 423 of Cr.P.C  
APPEAL AGAINST ACQUITTAL  
It may be divided into categories  
i- Appeal against order of acquittal passed by high court.  
ii- Appeal against order of acquittal passed by any court other than high court.  
APPEAL AGAINST ORDER OF ACQUITTAL PASSED BY HIGH COURT UNDER SECTION 411-A  
I- FORUM OF APPEAL  
a) Shall be filled to the Division Bench of High Court composed of not less than two judges, other than the judges who heard the trial.  
b) If it is not possible to constitute the Division Bench than the appeal may be transferred by the Provincial Govt. under section 527 Cr.P.C to another High Court.  
II- GROUNDS OF APPEAL  
INST ORDER OF ACQUITTAL PASSED BY ANY COURT OTHER THAN HIGH COURT UNDER SECTION 417  
Appeal may lie to the high court against an order of acquittal passed by any court other than high court.  
I- FORUM OF APPEAL  
II- WHO MAY APPEAL UNDER SECTION 417  
a) Provincial Government  
b) Complaint  
c) Any Aggrieved Person  
A- PROVINCIAL GOVERNMENT  
Provincial government may file an appeal through the public prosecutor, against an order of acquittal, whether original or appellate, passed by any court other than a high court.  
B- COMPLAINT  
If an order of acquittal is passed in a case instituted upon a complaint, the complaint may file an appeal to the High Court after fulfilling following conditions  
i) Application for leave to appeal  
Complaint has to file an application to the High Court for the grant of special leave to appeal against an order of acquittal.  
ii) Limitation  
An application has to be made within a person of six months from the date of an order of acquittal.  
C- ANY AGGRIEVED PERSON  
By virtue of sub-section 2-A of section 417, any person aggrieved by an order of acquittal may file appeal against it.  
NOTICE TO ACCUSED UNDER SECTION 422  
POWERS OF APPELLATE COURT IN AN APPEAL AGAINST ACQUITTAL UNDER SECTION 423  
In disposing appeal against acquittal, appellate court may order the following  
i) Dismiss the appeal; or  
ii) Reserve such order and direct further inquiry be made; or  
iii) Direct the re-trial of the accused; or  
iv) Sent the accused for trial to the court of session or High court; or  
v) Finds him guilty and passed sentence according to law  
V- EFFECT  
JOINDER OF CHARGES  
• What persons may be charged jointly? Discuss in detail.  
• What are necessary elements of charge? How it is framed whether separate charge should be framed for every distinct offence?  
• Explain the term joinder of charge? Enumerate the provisions contained in Cr.P.C.  
• What is meant by joinder of charges? Discuss in detail the law on the subject.  
INTRODUCTION  
RELEVANT PROVISIONS  
Section 234, 235, 236 and 239  
SEPARATE CHARGES FOR DISTINCT OFFENCES UNDER SECTION 233  
For every distinct offence of which any person is accused, there shall be a separate charge and such charge shall be tried separately.  
JOINDER OF CHARGES--- EXCEPTIONS TO THE RULE MENTIONED IN SECTION 233  
Following are the exceptions to the rule mentioned in section 233  
I- MORE THAN ONE OFFENCES OF SAME KIND WITHIN A YEAR MAY BE CHARGED TOGETHER UNDER SECTION 234  
II- TRIAL FOR MORE THAN ONE OFFENCES UNDER SECTION 235  
III- OFFENCES FALLING WITHIN TWO DEFINITIONS UNDER SECTION 235  
IV- ACTS CONSTITUTING ONE OFFENCE BUT CONSTITUTES A DIFFERENT OFFENCE WHEN COMBINED  
V- OFFENCE FOR WHICH A PERSON MIGHT HAVE BEEN CHARGED UNDER SECTION 236  
VI- WHAT PERSONS MAY BE CHARGED JOINTLY UNDER SECTION 239  
Following persons may be charged jointly  
i) Persons accused of the same offence committed in the course of same transaction.  
ii) Persons accused of an offence and persons accused of any abetment or an attempt to commit it.  
iii) Persons accused of more than one offences of the same kind committed jointly within a year.  
iv) Persons accused of different offences committed in the course of same transaction.  
v) Persons accused of theft, extortion or criminal misappropriation and persons accused of receiving or retaining or assisting in the disposal or concealment of the property obtained in the commission of these offences.  
vi) Persons accused of an offence under chapter XII P.P.C relating to counterfeit coin and person accused of any other offence relating to the same coin, or of abetment or attempt to commit such offence.