**Abstract**

This articles contains the law as to the constitution and powers of criminal courts in Pakistan.The general law as to constitution and powers of criminal courts and offices in Pakistan is given in Part II of the Code of Criminal Procedure, 1898 (Act V of 1898). There are also special laws on various subjects which have special provisions. Where there is conflict between a provision of the general law and the special law, the former shall yield before the later. Both the general and the special laws are subject to the Constitution as such where there is any conflict both are to yield before the Constitutional provision as contained in the Constitution of the Islamic Republic of Pakistan, 1973.

Part II of Cr. P.C. has two Chapters, namely,-

Chapter II (On the Constitution of Criminal Courts and offices) and

Chapter III (on power of courts).

Chapter II is further divided into six subjects, namely,- A.Classes of Criminal Courts. It has only one section i.e. section 6 which deals with Classes of Criminal Courts.

B.Territorial Divisions. It consists of two sections. i.e. sections 7 and 8. Section 7 speaks of three things, namely the Sessions Divisions and districts, powers to alter divisions and districts, and existing divisions and districts till altered. Section 8 speaks of the power to divide districts into sub-divisions and that the existing sub-divisions maintained.

C.Courts and Offices. It consists of ten sections, i.e. sections, 9 to 14 and Sections 14-A to section 17. Section 9 speaks of Court of Sessions. Section 10 speaksof District Magistrate. Section 11 speaks of officers temporarily succeeding to vacancies in office of District Magistrates. Section12 speaks of Subordinate magistrates and local units of their jurisdiction. Section 13 speaks of Power to put Magistrate incharge of sub-division and also delegation of power to District Magistrate. Section 14 is on the subject of Special Magistrates. Section 14-A deals with the appointment of Special magistrates. Section 15 deals with Benches of Magistrates and the Power exercisable by Bench in absence of special direction. Section 16 deals with Power to frame rules for guidance of Benches. Section 17 deals with Subordination of Magistrates and Benches to District Magistrate and Subordination of Assistant Sessions Judges to Sessions Judges

D.Courts of Presidency Magistrates [ was consisting four sections, namely, sections 18 to 21 which have since been Omitted by A.O. 1949].

E.Justice of the Peace. It has six sections. Section 22 which deals with Appointmentof Justice of the Peace. Section 22-A deals with the power of Justice of the Peace. Section 22-B deals with the duties of Justice of the Peace, Sections 23 and 24 have since been repealed by Act XII of 1923. Section 25 deals with Ex-officio Justice of the Peace,

F.Suspension and Removal [ contained sections 26 and 27 which have since been repealed by A.O. 1937]

Chapter III is divided into four is also further divided into four subjects, namely,- A.Description of Offences cognizable by each Court. It consists of five sections. Section 28 deals with offences under Penal Code. Section 29 deals with other laws. Section 29-A since omitted by Act II of 1950. Section 29-B deals with the jurisdiction in the case of juveniles. Section 30 deals with offences not punishable with death.

B.Sentences which may be passed by Courts of various Classes. It has six sections. Section 31 deals with the Sentences which High Court and Sessions Judges may pass. Section 32 deals with Sentences which Magistrates may pass. Section 33 deals with Powers of Magistrates to sentence to imprisonment in default of fine. Section 34 deals with the High Powers of certain District Magistrate. Section 34-A was omitted by Act II of 1950. Section 35 deals with Sentence in case of conviction of several offences at one trial and the maximum term of punishment.

C.Ordinary and Additional Powers.

It has three sections. Section 36 deals with the Ordinary Powers of Magistrates. Section 37 deals with Additional Powers conferrable on Magistrates. Section 38 deals with Control of District Magistrates investing power. D.Conferment, Continuance and Cancellation of Powers.

It has three sections. Section 39 which deals with the Mode of conferring powers. Section 40 which deals with Powers of officers appointed. Section 41 deals with “Powers may be cancelled”.