

**GOVT. OF THE PEOPLES REPUBLIC
OF BANGLADESH**

**HANDBOOK
ON
CRIMINAL LAW REFORMS**

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**HANDBOOK
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CRIMINAL LAW REFORMS**

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**GOVERNMENT OF THE PEOPLE'S REPUBLIC OF
BANGLADESH**

CHIEF MARTIAL LAW ADMINISTRATOR'S SECRETARIAT

Cabinet Division

FOREWORD

When the present Government assumed responsibility, the criminal cases pending with the Police for investigation and for trial with the Magistrates were about 18,000 and 1,50,000 respectively. There were a large number of under-trial prisoners in the Jail for as long as 10 years or more. Being very concerned about such an alarming situation, the Chief Martial Law Administrator appointed a Committee on the 20th of April, 1982 to suggest suitable amendments in the Criminal Procedure Code, 1898, to ensure expeditious disposal of criminal proceedings. The Committee submitted its report on the 31st of May, 1982. It made a number of recommendations involving legal as well as the administrative aspects of criminal justice. These were duly considered, and with some modifications, accepted by the Government.

2. Pursuant to the aforesaid decision of the Government, the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 was promulgated and a set of administrative measures were taken. This had a salutary effect upon the administration of criminal justice in the country. The number of cases pending for long either with the Police or in the courts of law was substantially reduced within a few months. In the period between September, 1982 and June, 1983 cases pending with the Magistrates have reduced from 1,24,011 to 82,125. It was however, noted that aforementioned legal as well as administrative measures did not have any significant impact upon the disposal of cases in the Courts of Sessions. This necessitated further enhancement of the powers of the District and Additional District Magistrates and, within 10 months 13,407 cases have been disposed of by the Additional District Magistrates. This has significantly lessened the burden upon the Courts of Sessions and the number of Sessions triable cases has come down from 24,826 cases to 18,411 cases within the span of 6 months ending June 30, 1983. By any yardstick it is indeed remarkable.

3. It will be seen that as many as four Amendment Ordinances were promulgated within a period of about one year. After the introduction of each set of amendments the impact thereof was very closely monitored and the desirability or otherwise of further changes carefully examined. It was only in the light of the actual experience and the need to further streamline the machinery of Justice that subsequent amendments were made.

4. Apart from ensuring expeditious dispensation of justice, the objectives behind the legal and administrative reforms are to restore people's trust and confidence in administration of criminal justice and to bring about an overall improvement in the quality of the Police and the Magistracy. It is hoped that with proper understanding and implementation of the reforms and measures these objectives will be achieved.

5. The performance of the Magistrates and the Police will be a very important factor in the success or otherwise of the legal and administrative measures undertaken by the Government. It is, therefore, imperative that they are fully conversant not only with the salient features of the amendments to the Code of Criminal Procedure but also with all other important provisions of the Code. With this object in view this booklet has been prepared. It contains the Report of the Criminal Law Reforms Committee and the Government decisions on its recommendations, the four Code of Criminal Procedure Amendment Ordinances and the amended Second Schedule of the Code, the village Court Ordinance, 1976 and a note explaining the salient aspects of the amendments as well as some other relevant and important provisions of the Code and the village Courts Ordinance. Relevant important executive orders have also been included in this booklet.

6. It is hoped that the Police officers, the Magistrates as well as the Judges will find this booklet helpful.



(M. M. ZAMAN)

Cabinet Secretary.

30th August, 1983

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A note on salient features of the recent amendments to the Code of Criminal Procedure and some other important Provisions of the Code and the Village Courts Ordinance 1976.

A NOTE ON THE SALIENT FEATURES OF THE RECENT AMENDMENTS TO THE CODE OF CRIMINAL PROCEDURE AND SOME OTHER IMPORTANT PROVISIONS OF THE CODE AND VILLAGE COURTS ORDINANCE, 1976.

Beside the study of the law itself, it is indeed essential that Magistrates must at all times apply their judicial mind in the exercise of their powers under the law and while disposing of a case in as expeditious a manner as possible, ensure that the principles of justice and equity are not ignored. They should bear in mind that the quantum of sentence should be commensurate with the gravity of the offence; it should neither be too harsh nor too lenient. The reason why a particular mention is being made of this aspect is that it has been noticed that in a number of cases the quantum and nature of sentence awarded bear no relationship with the nature and gravity of the offence of which an accused is found guilty. The manner in which a judicial officer conducts himself, the probity and wisdom he displays in his work, contribute in very great measure in establishing the fair image of the system of justice.

2. The amendments brought about in the Code of Criminal Procedure pursuant to the recommendations of the Criminal Law Reforms Committee will, it is believed, have a far reaching effect upon the administration of criminal justice in the country. In the following paragraphs the attention of the Magistrates is drawn to the salient features of these amendments as well as to some of the other important provisions of the Code so that they have a fairly comprehensive idea of the scheme and important aspects of the law. Attention of the Magistrates has also been drawn to some functions of the Village Courts Ordinance of 1976, which are of importance to them.

Powers of Courts:

3. Section 32 of the Code has been amended enhancing the powers of the Magistrates as follows :

Magistrate.	Present powers.	Enhanced power.
First class	3 years imprisonment and a fine of Tk. 5,000.	5 years imprisonment and a fine of Tk. 10,000.
Second class	2 years imprisonment and a fine of Tk. 2,000.	3 years imprisonment and a fine of Tk. 5,000.
Third class	1 year imprisonment and a fine of Tk. 1,000.	2 years imprisonment and a fine of Tk. 2,000.

Enhanced Powers of the Magistrates specially empowered :

4. A new Section 29C has been incorporated in the Code wherein power has been given to the Government to invest the District Magistrate the Chief Metropolitan Magistrate/the Additional District Magistrate or any Magistrate of the First Class with wide powers to try cases involving grave offences. The said section provides that the Government may:—

- a. invest the Chief Metropolitan Magistrate, the District Magistrates and the Additional District Magistrates with power to try all offences not punishable with death;
- b. invest any Magistrate of the First Class with power to try all offences not punishable with death or with transportation or with imprisonment for a term exceeding ten years.

Pursuant to the provisions of newly inserted Section 33A, the Chief Metropolitan Magistrate, the District and the Additional Magistrate or any Magistrate of the First Class especially empowered under Section 29C can, however, inflict punishment only up to seven years imprisonment.

Jurisdiction in Appeals :

5. Under Section 407 of the Code as amended the District and the Additional District Magistrates have been given the power to hear appeals arising out of the orders of the Magistrates of the Second and Third Class. Appeals from convictions on trial held by the District, Additional District and Magistrates of the First Class shall continue to be heard by the Sessions Judge. Clause (b) of Section 408 of the Code however provide that when sentence of imprisonment exceeds 5 years the appeal shall lie to the High Court Division.

Investigation of Cases :

6. To ensure that investigation of cases by the Police is completed within a reasonable time, Section 167 of the Code has been amended to provide for limitation of time for completing an investigation. It is expected that in most cases the Investigating Officer will be able to complete investigation of a case within the stipulated period of 60 days. In cases where he is unable to do so it will be mandatory for the Magistrate competent to take cognizance of the offence or making the order for investigation to make an order stopping further investigation into the case unless the Investigating Officer satisfies the Magistrate that for special reasons and in the interest of justice the continuation of investigation beyond the specified period is necessary in which case the Magistrate may extend the period up to a limit of thirty days. If the investigation is not completed even within the extended period it shall come to a stop and the accused person, if in custody, shall be released. Thereafter only the concerned Sessions Judge shall be competent to direct investigation into the offence

subject to such direction as to bail and other matters as he may specify. Although the law has not placed any restriction on the time that the Sessions Judge may allow for further investigation, it is expected that a period will be specified for its completion depending upon the circumstances of each case. It is pertinent to point out that whatever time the Sessions Court may allow there is no scope in the law for its extension. Pursuant to the proviso to sub-section (5) of this section the time taken for obtaining sanction of the appropriate authority in cases where such sanction is required by law, has been excluded from the time-limit provided for investigation of the case. In the explanation to this sub-section the manner of computation of the period required for obtaining sanction has been explained and there is no room for confusion or ambiguity.

7. A new sub-section (7A) has been added to section 167 whereunder a time limit of six months has been provided for revival of an investigation. Power has been given to the Chief Metropolitan Magistrate and the District Magistrate to order such revival. There is, however, no such limit for the exercise of the Power of the Government to order revival of investigation but such power can only be exercised in case of very grave offences that are exclusively triable by the Court of Sessions.

8. So far as the cases pending investigation as on August 21, 1982 are concerned, under clause (d) of section 35 of the Second Amendment Ordinance, 1982, as amended by the Third Amendment Ordinance, 1982 they have to be completed in 180 days. Thus, sufficient time has been allowed in the law to the investigating agencies for completion of investigation of all cases including complicated cases. Only the investigation of gang cases has been excluded from the purview of this provision. It is necessary to bear in mind that there is no provision in the law for extension of time for pending investigations. Therefore, the investigating agencies must ensure that all pending investigations are completed within the stipulated period.

9. Non-appearance of prosecution witnesses has been one of the major causes of delay in disposal of cases. To circumvent this difficulty a new sub-section has been added to section 171 of the Code which makes it the responsibility of the Police-Officer to ensure that the complainant or the witness appears before the Court at the time of hearing of the case.

Cognizance of cases and their transfer to competent Courts :

10. A number of amendments have been made in the relevant provisions of the Code to expedite and streamline the procedures relating to the taking of cognizance of cases as well as for discouraging institution of false and frivolous cases.

11. Section 200 of the Code has been amended so that it is no longer necessary for the Magistrate to examine the complainant and all the witnesses present in complaint cases. He may now examine such of the witnesses as he may consider necessary. Again, Section 202 has been amended to empower the Magistrate to postpone issue of process in complaint cases to make or cause to be made inquiry or investigation for ascertaining the truth or falsehood of the complaint. Under sub-section (1) of this section read with the proviso, as amended, the Magistrate is empowered to cause enquiry into complaints involving offences triable by the Session Judges, District and Additional District Magistrates and Magistrates of the First Class empowered under Section 29C of the Code. Full use should be made of the provision of this section since it not only enables the Court to ascertain the facts of the complaint through local enquiry but also gives the scope for settling the matter locally.

12. A new Section 205CC has been added in the Code which enables the Magistrate taking cognizance of a case triable by the Chief Metropolitan Magistrate, District or the Additional District Magistrate to transfer the same for trial to such Courts. Under sub-section (2) of the said section the District Magistrate is competent to direct that any case or class of cases received by him shall be heard by any Additional District Magistrate subordinate to him. Thus, where there are more than one Additional District Magistrate in a District, the District Magistrate must issue necessary directive regarding distribution of work among them.

Furnishing copies of documents :

13. Section 205A and 205B have been omitted from the Code. It is therefore no longer necessary for the Magistrate to furnish to the accused copies of the relevant documents free of cost. Should the accused require copies of any documents he can obtain the same in the usual manner on requisite payment.

Procedures for trial of cases :

14. Appropriate amendments have been made in the Code to provide for an uniform procedure of trial of cases by Magistrate which has replaced the summons and warrant procedures. Therefore, the distinction between the summons and warrant cases has disappeared. The provisions of Chapter-XX relate to trial of cases by Magistrates.

15. The new Section 241A of the Code enables the Magistrate to discharge the accused if upon consideration of all relevant documents and hearing the prosecution and the accused he considers the charge to be groundless. Under Section 242, as amended, the Magistrate shall frame a formal charge when, having complied with the provisions of Section 241A, he finds that there is ground for presuming that the accused has committed an offence. Thus, it is no longer necessary for the Magistrate to frame charge in all cases.

16. It is necessary here to refer to the provisions of Section 35 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 which provides that for all cases pending as on the date of coming into force of the said

Ordinance save those of Section 339B relating to trial in absentia, the provisions of the Code prior to the said amendment shall apply. This means that cases that were triable under warrant procedure shall continue to be tried accordingly.

Summary trial of cases :

17. The scope of sections 260 and 262 of the Code has been considerably widened. Compliance with the procedure provided in section 260 for cases falling within the purview of the said section has been made mandatory. All offences punishable with imprisonment up to two years have to be tried summarily by Magistrates having the requisite powers under section 260. The application of the summary procedure to offences mentioned in clause (d), (e), (f) and (g) of the said section has also been widened. The powers of Magistrates trying cases summarily regarding awarding of sentence has been enhanced from three months to two years under section 262 of the Code.

Award of Sentence :

18. Sub-section 2 of sec. 265 (K) has been omitted. A Magistrate is therefore not required to hear a convicted accused on the question of sentence before passing sentence on him.

Trial in absentia :

19. Newly inserted Section 339B of the Code provides for trial in absentia both for pending as well as fresh institution of cases. The provision of this section can only be availed of after the requirements of sections 87 and 88 of the Code relating to proclamation and attachment are fully complied with. It is expected that if the provisions of sections 87 and 88 are properly followed in very rare cases will it be necessary to apply section 339B. This section also provides for publication of notice in official Gazette and also in at least one Bengali daily newspaper by the court taking cognizance of the offence complained of. This formality should, therefore, be completed before a case is transferred to a Court for trial. The earlier provision made under the Code of Criminal Procedure (Second Amendment) Ordinance, 1982, for publication of the notice in two national dailies by the court competent to try the offence has been dispensed with. However, as per the provision of sub-section (2) of this section if an accused, after having once appeared before the Court, absconds or fails to appear, it is obligatory for the court to try such person in his absence after recording its decision so to do. This provision thus enables the Courts to smoothly conduct trial of a case without interruptions for reason of absence of the accused.

20. An amendment has been made in section 512 of the Code by omitting the words "on the arrest of such person" from sub-section (1). Thus, the depositions recorded under the said section may now be used in trials held in absentia if the deponent is dead or incapable of giving evidence or his attendance cannot be procured without an unreasonable amount of delay, expense or inconvenience.

Limitation of time for Trial of Criminal Cases :

21. Section 339C of the Code provides that a Magistrate shall dispose of a case within 60 days from the date on which he receives it for trial.

A Sessions, Additional Sessions or an Assistant Sessions Judge shall conclude the trial of a case within 120 days from the date he receives it for trial.

22. If any of the aforementioned courts are unable to conclude the trial of a case within the above stipulated period it shall, after recording the reasons in writing, conclude the said trial within the next 30 days. No such extension of time is however available in summary cases. With the expiry of the specified time, or the extended time as the case may be, if the trial of a case is not completed, further proceedings in respect of the trial shall stand stopped and the accused person released.

23. Sub-section (2A) of Section 339C provides that where there are more than one cases pending before a Magistrate or a Court of Session, the time limit for trial of such cases shall run consecutively. Thus, with the commencement of trial of a particular case, the time in respect of other cases shall remain suspended and start only upon conclusion of the previous case, and so on.

24. As sub-section (5) of Section 339C provides, the time limit for trial does not apply to gang cases under sections 400 and 401 of the Code.

25. Sub-section 6 has been added to Section 339C of the Code. It provides that only working days shall be counted for determining the time under the said section. It is, perhaps, necessary to point out that since the amendment has come with effect from 7th of August, 1983 the time, if any, that has already elapsed prior to this date shall not be computed on the basis of working days which will be applicable only to the remaining period and of course to the new cases.

26. Under section 8 of the Code of Criminal Procedure (Second Amendment) Ordinance 1983, the time specified under Section 339C for completion of trial of a case pending before a Magistrate or a Court of Sessions has been extended to December 31, 1983. It is therefore imperative that all pending cases be disposed of within this period. In view of this transitory provision the other provisions of Section 339C relating to completion of trial within the specified number of working days shall remain suspended till 31st of December, 1983.

27. Under clause (c) of section 35 of the Second Amendment Ordinance, as amended, the time for disposal of all cases including appeals and revision, pending in the courts as on August 21, 1982, has been extended from one hundred and eighty days to three hundred and sixty days.

Time for disposal of appeal and revision :

28. By further amendment of Section 442A of the Code the time for disposal of an appeal or revision has been extended from sixty to ninety days. In case of appeals time will now run with effect from the date of service of notice upon respondents, and in case of revision from the date of service of notice upon the parties. Thus, appreciably more time is available to the courts for disposal of appeals and revision petitions. By the Second Amendment Ordinance of 1983, with effect from 7th August, the time for disposal of appeal and revision shall be computed on the basis of working days.

False and frivolous cases :

29. A new sub-section (5) has been added to Section 250 of the Code which empowers the Magistrates to order that the person whose complaint or information is found to be false and either frivolous or vexatious shall, in

addition to payment of compensation, also suffer imprisonment for a period not exceeding six months or pay a fine not exceeding three thousand taka. This amendment has been made to effectively discourage lodging of false accusations should only be applied by a Magistrate when he is convinced that a false complaint or information has been lodged to harass or victimise an innocent person. Care must be taken that in such cases the complainant or the informant as the case may be, is given an opportunity to show cause against the action proposed to be taken.

Compounding of offences :

30. The scope of Section 345 of the Code has been widened considerably to enable the aggrieved person to compound the offences enumerated therein, with or without the Court's permission, as the case may be.

Special Rules of evidence :

31. A new Section 509A has been added in the Code which enables the Court to use the report of a postmortem examination as evidence when the Medical Officer who made the report is dead or is incapable of giving evidence or is beyond the limits of Bangladesh and his attendance cannot be procured without an unreasonable amount of delay, expense or inconvenience. The scope of Section 510 of the Code has also been considerably widened inasmuch as, beside the report of the Chemical Examiner, the report of serologist, hand-writing expert, finger-print expert and the fire-arm expert may be used as evidence without the requirement of formal proof. It is expected that these amendments will enable the courts to dispose of cases more expeditiously.

De novo trial in Court of Session :

32. Similar to the provision applicable to Magistrates under Section 350 of the Code, a new Section 349A has been added so that the Sessions Judge, Additional Sessions Judge etc., may act on the evidence recorded in a case by his predecessor.

Trial with aid of assessors :

33. Section 4 of the Law Reform Ordinance, 1978, has been amended so that now cases pending at the time the said Ordinance became effective will also be tried without the aid of assessors in Courts of Session.

Other important amendments :

34. Section 9 has been amended providing that in a district where the District Magistrate, Additional District Magistrate or any Magistrate of the First Class will be specially empowered under Section 29C to try any offence, all Assistant Sessions Judges of the sessions division within which the district is situated shall

be deemed to have been appointed as Additional Sessions Judges of that Division. But they will not have the power to award a sentence of death and Section 31 has been so amended.

35. A new Section 13A has been added to provide for Upazila Magistrate. A Upazila Magistrate has been given all the powers of a Subdivisional Magistrate.

36. The Schedule II of the Code was amended under Section 34 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 expanding widely the scope of trial by Magistrates consequent upon the enhancement of their powers. The schedule II the Code has further been amended under Section 21 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 making Section 307 (third paragraph) and 397 triable by the Court of Sessions and making Section 222 (first paragraph), 223 (fifth paragraph), 226, 232, 255, 307 (second paragraph), 311, 326, 376 (second and third paragraph) 377, 388 (second paragraph), 389 (second paragraph), 412, 413, 436, 438, 459, 467, 472, 474 (second paragraph), 475 and 477 exclusively triable by the Chief Metropolitan Magistrate, District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.

37. Schedule III of the Code has been amended by inserting a new item (12a) to empower the District Magistrate to report a case to the High Court Division.

Transitory Provisions :

38. Certain transitory provisions were made under Section 35 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982. These have been referred to in the relevant preceding paragraphs. The transitory provisions made under the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 are the following:

- (a) All cases pending in the court of a Magistrate and are now exclusively triable by a Court of Sessions shall stand transferred for disposal to the Court of Sessions having jurisdiction to try the cases.
- (b) All cases pending in the Court of Sessions and are now triable by the District Magistrate or Additional District Magistrate shall stand transferred for disposal to the District Magistrate having jurisdiction to try the case.

Other Important Provisions of Code of Criminal Procedure :

39. Careful study of the Code of Criminal Procedure, the Penal Code and the Evidence Act must be made by all Magistrates. Without this the quality of justice can never be improved. Here particular attention of the Magistrates is drawn to some of the other important provisions of the Code.

Offences triable under laws other than the Penal Code :

40. Section 29 of the Code provides that unless in any other law there is specific mention of the court competent to try offences thereunder they shall be tried by the courts competent to try such offences under the eighth column of the second schedule.

Sentence in case of conviction of several offences at one trial :

41. Section 35 of the Code provides that in such cases the Court will be competent to inflict separate sentence for each of such offence which shall run consecutively unless the Court orders that they shall run concurrently. This is of course subject to the conditions in the proviso to the said section. The provisions of Chapter IV of the Code relating to the obligations of every person regarding aid and information to the Magistrates and the Police should be read carefully. Similarly, the Magistrates must be thoroughly conversant with provisions of Chapter V relating to arrest etc. Of particular significance are the powers of the Police regarding arrest without warrant under Sections 54 and 55 of the Code.

42. Chapters VI and VII of the Code relate to various processes issued by the Courts. Needless to say, no Magistrate can function efficiently unless he has an adequate understanding of these provisions.

43. Chapter VIII of the Code relates to the prevention of offences. Sections 106, 107 empower the Magistrate to order a person to execute bonds for keeping the peace and under Sections 108, 109 and 110 the Magistrate may order a person to execute bonds for good behaviour. After enquiry into the matter if it is proved that it is necessary for keeping the peace or for maintaining good behaviour, as the case may be, the Magistrate shall make an order under Section 118 of the Code.

44. Under Chapter IX are provided the powers and responsibilities of the Magistrate to deal with unlawful assemblies. Careful study should be made of the provisions of Section 133 of the Code whereunder the Magistrate is empowered to make a conditional order to remove a public nuisance, as well as other sections of Chapter X. Sections 136 and 137 relate to making of the conditional order absolute and Section 140 provides the procedure to be followed thereafter. Under Section 142 the Magistrate may issue injunction in cases where immediate measures are necessary. Provisions of Chapter XI and XII of the Code relating to apprehended danger and disputes as to immovable property respectively are frequently invoked and hence a thorough knowledge thereof is absolutely necessary for any Magistrate. A fair and proper understanding of the functions and responsibilities of the Police relating to investigation thorough study of the provisions of Chapter XIV is necessary. Sections

161 to 164 of the Code shall be read along with related provisions of the Evidence Act.

45. It is essential that Magistrates must thoroughly acquaint themselves with the provisions of the Code regarding :

- a. framing of charge;
- b. recording and admission of evidence both oral and documentary;
- c. writing of judgement; and
- d. grant of bail.

Form of charges :

46. Chapter XIX of the Code relates to form of charges. Sections 221, 222, 223 and 224 set out the manner in which charge should be framed. Section 227 provides for alteration of or addition to any charge at any time before pronouncement of judgement and Sections 228, 229, 230 and 231 provide for the consequence thereof.

47. Sections 233 to 236 relate to joinder of charges and are of particular importance. Sections 236 and 237 have to be read together. The first relates to framing of charge in the alternative and the other to circumstances under which a person even if charged with one offence can be convicted of another. Section 238 provides for conviction of a person for a minor offence when he is charged with a major offence. Section 239 provides the circumstances in which several persons may be charged and tried together.

Recording and admission of evidence both oral and documentary :

48. Chapters XXV and XLI should be read together so that the mode of taking and recording evidence and the special rules of evidence as provided in the Code are fully understood.

Writing of judgement :

49. The provisions of Chapter XXVI and those of Section 367 of the Code in particular should be carefully read.

50. It is often noticed that judgements are not written in a proper manner in accordance with the provisions of law and that they are either too lengthy or very sketchy. While writing a judgement the following order should be maintained:—

- a. brief statement of the prosecution case;
- b. points for determination;
- c. discussion of evidence;
- d. findings;
- e. order.

51. The language of judgement should be simple and direct. It should be free from any ambiguity or vagueness.

Grant of bails :

52. The powers of Magistrates relating to the grant of bail are not unfettered. Section 496 of the Code provides that a person accused of a bailable offence shall be enlarged on bail. Section 497 provides that a person accused of a non-bailable offence may also be released on bail but he shall not be so released if there are reasonable grounds for believing that he has been guilty of an offence punishable with death or transportation for life. Such power is however available to the Court of Session and the High Court Division under section 498. The restriction upon the powers of the Magistrates with respect to grant of bail to an accused under section 497 of the Code should be clearly understood.

Irregularities :

53. Attention of the Magistrates is also drawn to the provisions of section 529 and 530 of the Code which relate to irregularities which vitiate and which do not vitiate trial or proceedings.

Some important provisions of the Village Court Ordinance, 1976 :

54. It is pertinent to refer here to some of the provisions of the Village Court Ordinance, 1976 which are of particular relevance to the Subdivisional Officers and the Upazila Magistrates.

55. As will appear from part-I of the Ordinance, the Criminal jurisdiction of a village court is fairly wide. When a criminal case is, under the Ordinance, triable by a village court, any party to the dispute may apply to the Chairman of the Union Parishad concerned for the constitution of a village court for the trial of the case whereupon the Chairman shall constitute the court (Sec 4). The composition and jurisdiction of the village court are provided in sections 5 and 6 of the Ordinance.

56. Except when a person wilfully disobeys the summons of the Village Court to appear as a witness or to produce any document or is found guilty of contempt, (sections 10 and 11 respectively), such court is not empowered to pass sentence of imprisonment or fine. It can award compensation of an amount not exceeding Taka 5,000 (section 7). Under sections 10 and 11 a village court is empowered to pass sentence of fine up to Taka 250 and Taka 500 respectively.

57. Section 8 of the Ordinance provides that when any decision of the village court is unanimous or by a majority of four to one, it shall be final and binding on the parties. No appeal lies from such a decision. Only when a

decision of the village court is by a majority of three to two, any party may within thirty days thereof apply to the Subdivisional Magistrate and if the Subdivisional Magistrate is satisfied that there has been a failure of justice he may either set aside or modify the impugned decision or may direct that the dispute be referred back to the village court for consideration. For the upgraded thanas such application shall lie with the Upazila Magistrates.

58. Under Section 15 of the Ordinance, if the circumstances of a case falling within the jurisdiction of a village court are such that public interest and ends of justice demand its trial in a criminal court, the Subdivisional Magistrate (and in upgraded thanas, the Upazila Magistrate) may withdraw the same from the village court and forward it to the Criminal Court for trial.

59. The fact that some offences are triable under the Ordinance by village courts does not however prevent the Police from investigating any such offence being a cognizable offence but the concerned criminal court is competent to direct that the same be tried by a village court (Section 16).

[Published in the Bangladesh Gazette, Extraordinary, dated the 3rd August, 1976.]

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF LAW AND PARLIAMENTARY AFFAIRS

NOTIFICATION

Dacca, the 3rd August, 1976.

No. 751-Pub.—The following Ordinance made by the President of the People's Republic of Bangladesh, on the 31st July, 1976 is hereby published for general information:—

THE VILLAGE COURTS ORDINANCE, 1976

Ordinance No. LXI of 1976

AN

ORDINANCE

to provide for the constitution of Village Courts.

WHEREAS it is expedient to provide for the constitution of Village Courts for trial of certain cases in rural areas, and for matters connected herewith;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and the 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. **Short title.**—This Ordinance may be called the Village Courts Ordinance, 1976.

(2) It shall come into force on such date¹ as the Government may, by notification in the official Gazette, appoint.

(3) It shall not apply to any areas which is not within the limits of a Union Parishad.

2. **Definitions.**—In this Ordinance, unless there is anything repugnant in the subject or context,—

(a) "cognizable offence" means a cognizable offence as defined in section 4 of the Code of Criminal Procedure, 1898 (Act V of 1898);

¹1st day of November, 1976 is the appointed day on which this ordinance shall come into force, see Notification No. S. R. O. 353-476, dt. pub. in the Bangladesh Gazette, Extra., dt. 20-10-76, P. 2993.

- (b) "decree" means a decree as defined in section 2 of the Code of Civil Procedure, 1908 (Act V of 1908);
- (c) "Munsif having jurisdiction" means a Munsif within the limits of whose territorial jurisdiction the union concerned is situated, and where more Munsifs than one have such jurisdiction, the most junior of such Munsifs;
- (d) "party" shall include any person whose presence as such is considered necessary for a proper decision of the dispute and whom the Village Court adds as a party to such dispute;
- *(e) "union" and "Union Parishad" have the same meanings as in the Local Government Ordinance, 1976 (XC of 1976);
- (f) "Village Court" means a Village Court constituted under this Ordinance.

3. **Cases triable by Village Court.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), or in the Code of Civil Procedure, 1908 (Act V of 1908), all cases relating to offences specified in Part I of the Schedule and to matters specified in Part II thereof shall, save as otherwise provided hereinafter, be triable by Village Courts, and no Civil or Criminal Court shall have jurisdiction to try any such case or suit.

(2) A Village Court shall not try a case relating to an offence specified in Part I of the Schedule if the accused had previously been convicted of a cognizable offence or a case relating to any matter specified in Part II of the Schedule if—

- (a) the interest of a minor is involved in the suit;
- (b) provision for arbitration has been made in a contract between the parties to the dispute;
- (c) the Government or a local authority or a public servant acting in the discharge of his duty is a party to the dispute.

(3) The provisions of sub-section (1) shall not apply to a suit or proceeding to establish a title to any immovable property in respect of which an order for delivery of possession has been made by a Village Court or to recover possession thereof.

4. **Application for constitution of a Village Court.**—(1) Where a case is, under this Ordinance, triable by a Village Court, any party to the dispute may, in the prescribed manner and on payment of the prescribed fee, apply to the Chairman of the Union Parishad concerned for the constitution of a Village Court for the trial of the case, and the Chairman shall, unless for reasons to be recorded in writing, he rejects the application, proceed to constitute, in the prescribed manner, a Village Court for the purpose :

*Clause (e) of section 2 was amended by Ordinance No. VIII of 1978.

Provided that no application under this section shall be made against a person of unsound mind.

(2) Any person aggrieved by an order of rejection under sub-section (1) may, on the ground that the order is *mala fide* or substantially unjust, prefer, in the prescribed manner and within the prescribed time, an application for revision to the Munsif having jurisdiction.

5. **Village Courts, their composition, etc.—**(1) A Village Court shall consist of a Chairman and two members to be nominated, in the prescribed manner, by each of the parties to the dispute:

Provided that one of the two members to be nominated by each party shall be a member of the Union Parishad concerned.

*(2) The Chairman of the Union Parishad shall be the Chairman of the Village Court, but where he is, for any reason, unable to act as Chairman or his impartiality is challenged by any party to the dispute, any member of the Union Parishad appointed in the prescribed manner shall be the Chairman of the Village Court.”.

(3) If either party to the dispute consists of more than one person, the Chairman shall call upon the persons constituting that party to nominate the two members on their behalf, and if they fail so to nominate, shall authorize anyone of such persons to do so, and thereupon the persons so authorised shall alone have the right to nominate such members.

(4) If any party to the dispute does not find any member of the Union Parishad to be impartial, he may seek the permission of the Chairman to nominate any other person to be a member of the Court in place of the member of the Union Parishad; and if the Chairman is satisfied that there are good grounds for giving such permission, he may permit the party to do so.

(5) Where members required under this section to be nominated are not nominated within the prescribed time, the Village Court shall without such members, be deemed to have been validly constituted for the purposes of this Ordinance, and trial shall proceed accordingly.

6. **Jurisdiction of Village Courts, etc.—(1) Subject to the provisions of sub-section (2), a Village Court shall be constituted and shall have jurisdiction to try a case when the parties to the dispute ordinarily reside within the limits of the union in which the offence has been committed or the cause of action has arisen.

*Sub-section (2) of section 5 was substituted by Ordinance No. VIII of 1978.

**Section 6 was substituted by ordinance No. VIII of 1978.

(2) Where one of the parties to a dispute ordinarily resides, and the offence has been committed or the cause of action has arisen, within the jurisdiction of one union, and the other party ordinarily resides within the jurisdiction of another union, then, a Village Court may be constituted in the union in which the offence has been committed, or, as the case may be, the cause of action has arisen, but each party shall have the right to nominate, if it so chooses, its representatives from its own union."

7. Powers of Village Court to award compensation.—*(1) Save as otherwise provided in this Ordinance, a Village Court shall have no powers to pass a sentence of imprisonment for fine, but if it holds a person guilty of an offence specified in Part I of the Schedule, it may order the accused to pay to the aggrieved person compensation of an amount not exceeding five thousand taka.

(2) In a suit relating to a matter specified in part II of the Schedule the Village Court shall have power to order payment of money up to the amount mentioned there in respect of such matter or delivery of property or possession to the person entitled thereto.

8. Finality of the decisions of Village Courts.—(1) If the decision of a Village Court is unanimous or by a majority of four to one, the decision shall be binding on the parties and shall be enforceable in accordance with the provisions on the Ordinance. .

(2) If the decision of a Village Court is by a majority of three to two, any party may, within thirty days of the decision, apply, in the prescribed manner,—

(a) if the case relates to an offence specified in Part I of the Schedule, to the Subdivisional Magistrate, and

(b) if the case relates to a matter specified in Part II of the Schedule, to the Munsif having jurisdiction ;

and the Subdivisional Magistrate, or as the case may be, the Munsif, if satisfied that there has been a failure of justice, may aside or modify the decision, or direct that the dispute be referred back to the Village Court for reconsideration.

(3) Notwithstanding anything contained in any other law for the time being in force, any matter decided by a Court in accordance with the provisions of this Ordinance shall not be tried in any Court, including a Village Court.

9. Enforcement of decrees.—(1) Where a Village Court decides to award compensation to a person or to order the delivery of property of possession it

*In Sub-section (1) of section 7 "the words" one thousand taka "were substituted by the words "five thousand taka" by Ordinance No. IV of 1979.

shall pass a decree in such form and in such manner as may be prescribed, and shall enter the particulars thereof in the prescribed register.

(2) If any money is paid or any property or possession is delivered in the presence of the Village Court in satisfaction of the decree, it shall enter the fact of payment or delivery, as the case may be, in the aforesaid register.

*(3) Where a decree relates to payment of compensation and the decretal amount is not paid within the prescribed time, the Chairman of the Village Court shall forward the same to the Union Parishad concerned which shall proceed to recover it in the same manner as a tax levied by a Union Parishad is recovered under the Local Government Ordinance, 1976 (XC of 1976), as if such compensation were a tax levied by the Union Parishad and shall be paid to the decree-holder.”.

(4) Where the satisfaction of a decree can be had otherwise than by payment of compensation, the decree may be presented for execution to the Court of the Munsif having jurisdiction and such court shall thereupon proceed to execute the decree as if it were a decree passed by itself.

(5) A Village Court may, if it thinks fit, direct that the amount of compensation be paid in such instalments as it may fix.

10. Power of Village Court to summon witnesses, etc.—(1) A Village Court may issue summons to any person to appear and give evidence, or to produce or cause the production of any document :

Provided that—

- (a) no person who is exempt from personal appearance in court under sub-section (1) of section 133 of the Code of Civil Procedure, 1908 (Act V of 1908), shall be required to appear in person;
- (b) a Village Court may refuse to summon a witness or to enforce a summons already issued against a witness when in the opinion of the Court the attendance of the witness cannot be procured without such delay, expense or inconvenience as in the circumstances would be unreasonable;
- (c) a Village Court shall not require any person living beyond its jurisdiction to give evidence or to produce or cause the production of a document unless such sum of money is deposited for payment to him as the Court would think sufficient for defraying his travelling and other expenses;

*Sub-section (3) of Section 9 was substituted by Ordinance No. IV of 1979.

- (d) a Village Court shall not require any person to produce any secret document or unpublished official record relating to any affairs of the State, or permit any person to give any evidence derived from such secret document or unpublished official record except with the permission of the officer at the head of the department concerned, who shall give or withhold such permission as he thinks fit.

*(2) If any person to whom a Village Court has issued summons to appear and give evidence or to produce or cause the production of any document before it wilfully disobeys such summons, the Court may take cognizance of such disobedience, and, after giving such person an opportunity to explain, sentence him to a fine not exceeding two hundred and fifty taka.

****11. Contempt of Village Courts.**—A person shall be guilty of contempt of a Village Court if he, without lawful excuse,—

- (a) offers any insult to the Court or any member thereof while the Court is functioning as such; or
- (b) causes any interruption in the work of the Court; or
- (c) fails to produce or deliver a document when ordered by the Court to do so; or
- (d) refuses to answer any question of the Court which he is bound to answer; or
- (e) refuses to take oath to state the truth or to sign any statement made by him when required by the Court to do so;

and the Court may, without any complaint having been made to it, forthwith try such person for such contempt and sentence him to a fine not exceeding five hundred taka.

*****12. Recovery of fine.**—(1) Where a Village Court imposes a fine under section 10 or section 11 and such fine is not immediately paid, it shall record an order stating the amount of fine imposed and the fact that it has not been paid, and shall forward the same to the Union Parishad concerned which shall proceed to recover it in the same manner as a tax levied by a Union Parishad is recovered under the Local Government Ordinance, 1976 (XC of 1976), as if such fine were a tax levied by the Union Parishad.

*In sub-section (2) of section 10 the words "twenty-five taka" were substituted by the words "two hundred fifty Taka" by Ordinance No. IV of 1979.

**In section 11 the words "fifty taka" were substituted for the words "five hundred taka" by Ordinance No. IV of 1979.

***Section 12 was substituted by Ordinance No. IV of 1979.

13. **Procedure.**—(1) Save as otherwise expressly provided by or under this Ordinance, the provisions of the Evidence Act, 1872 (I of 1872), the Code of Criminal Procedure, 1898 (Act V of 1898), and of the Code of Civil Procedure, 1908 (Act V of 1908), shall not apply to proceedings before any Village Court.

(2) Sections 8 to 11 of the Oaths Act, 1873 (X of 1873), shall apply to all proceedings before Village Courts.

(3) For the prosecution of a public servant for an offence triable under this Ordinance, previous sanction of the appointing authority shall be required if the public servant raises plea that the offence alleged to have been committed by him was committed while acting or purporting to act in the discharge of his official duties.

14. **No appearance through counsel.**—(1) Notwithstanding anything contained in the Bangladesh Legal Practitioners and Bar Council Order, 1972 (P.O. No. 46 of 1972), no legal practitioner shall be permitted to appear on behalf of any party to a dispute before any Village Court.

(2) If a person required under this Ordinance to appear before a Village Court is a *Purdanashin* lady, the Court may permit her to be represented by a duly authorised agent who shall in no case be a paid agent.

15. **Transfer of certain cases.**—(1) Where the Subdivisional Magistrate is of opinion that the circumstances of a case relating to matter falling under Part I of the Schedule and pending before a Village Court are such that the public interest and the ends of justice demand its trial in a Criminal Court, he may, notwithstanding anything contained in this Ordinance, withdraw the same from the Village Court and forward it to the Criminal Court for trial and disposal.

(2) A Village Court may, if it is of the opinion that in a case relating to a matter as aforesaid and pending before it the ends of justice demand a punishment for the accused, forward the case to the Criminal Court for trial and disposal.

16. **Investigation by police.**—Nothing in this Ordinance shall prevent the police from investigating a cognizable case by reason of the fact that the case relates to an offence specified in Part I of the Schedule, but if any such case is taken to a Criminal Court, such Court may, if it thinks fit, direct that it be referred to a Village Court under this Ordinance.

17. **Pending cases.**—This Ordinance shall not apply to cases triable under this Ordinance which, immediately before the coming into force of this Ordinance, are pending in any Civil or Criminal Court, and such cases shall be disposed of by such Court as if this Ordinance had not been promulgated.

18. **Power to exempt.**—The Government may, by notification in the official Gazette, exempt any area or areas, or any case or class of cases, or any community from the operation of all or any of the provisions of this Ordinance.

19. **Power to make rules.**—The Government may, by notification in the official Gazette, make rules to carry into effect the provisions of this Ordinance.

20. **Repeal.**—The Conciliation Courts Ordinance, 1961 (XLIV of 1961), is hereby repealed.

SCHEDULE

PART I

Criminal Cases

1. Sections 143 and 147 of the Penal Code (Act XLV of 1860), read with the Third or the Fourth clause of section 141 of the Code, when the common object of the unlawful assembly is to commit an offence under section 323 or 426 or 447 of that Code, and when not more than ten persons are involved in the unlawful assembly.

2. Sections 160, 323, 334, 341, 342, 352, 358, 426, 447, 504, 506 (first part), 508, 509 and 510 of the Penal Code (Act XLV of 1860).

*3. Sections 379, 380 and 381 of the Penal Code (Act XLV of 1860), when the offence committed is in respect of cattle.

*4. Section 379 of the Penal Code (Act XLV of 1860), when the offence committed is in respect of any property other than cattle, and the value of such property does not exceed five thousand taka.

*4A. Sections 380 and 381 of the Penal Code (Act XLV of 1860), when the offence committed is in respect of any property other than cattle, and the value of such property does not exceed five thousand taka.

*5. Sections 403, 406, 417 and 420 of the Penal Code (Act XLV of 1860), when the amount in respect of which the offence is committed does not exceed five thousand taka.

*6. Section 427 of the Penal Code (Act XLV of 1860), when the value of the property involved does not exceed five thousand taka.

*7. Sections 428 and 429 of the Penal Code (Act XLV of 1860), when the value of the animal does not exceed five thousand taka.

8. Sections 24, 26 and 27 of the Cattle-trespass Act, 1871 (I of 1871).

9. Attempts to commit or the abetment of the commission of any of the above offences.

*In part I of the schedule, for items 3 & 4, the items 3, 4 and 4A were substituted by Ordinance No. of 1978.

PART II

Civil Suits

- | | |
|--|---|
| 1. Suit for the recovery of money due on contracts, receipts of other documents. | } When the amount claimed or the price of movable property, or the value of immovable property involved does not [exceed five thousand Taka.] |
| 2. Suit for the recovery of movable property, or for the value thereof. | |
| 3. Suit for the recovery of possession of immovable property within one year of dispossession. | |
| 4. Suit for compensation for wrongfully taking or damaging movable property. | |
| 5. Suit for damages by cattle trespass. | |

ABUSADAT MOHAMMAD SAYEM

President.

DACCA ;
The 31st July, 1976.

A. K. TALUKDAR,
Deputy Secretary.

*In part 1,

- (a) in entry 4, for the words "one thousand taka" the words "five thousand taka";
- (b) in entry 4A, for the words "five hundred taka" the words "five thousand taka";
- (c) in entry 5, for the words "five hundred taka" the words "five thousand taka";
- (d) in entry 6, for the words "five hundred taka" the words "five thousand taka";
- (e) in entry 7, for the words "five hundred taka" the words "five thousand taka"; and
- (f) in Part II, for the words "one thousand taka" the words "five thousand taka" were substituted by Ordinance No. IV of 1979.

Report of the Law Reforms Committee

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
CHIEF MARTIAL LAW ADMINISTRATOR'S SECRETARIAT
Cabinet Division

No. CD/CS/13/82

May 31, 1982.

THE CHIEF MARTIAL LAW ADMINISTRATOR,
CMLA Secretariat,
Old Sangshad Bhaban,
Dhaka.

Sir,

I have the honour to submit herewith the report of the Criminal Law Reforms Committee.

The Committee trusts that on implementation of its recommendations involving both legal and administrative aspects of criminal justice, it should be possible to complete investigation as well trial of most of the cases within a period of 15 to 60 days respectively, depending upon the nature and gravity of the offence. This will be very considerably reduce the time being taken in investigation and trial at present.

The Committee is deeply grateful for the trust you reposed in it by giving it an opportunity of examining a problem of considerable complexity and having profound social and human content. The Committee has attempted to assimilate the major issues with a view to primarily mitigating the sufferings of the people by making dispensation of justice responsive to their needs. The Committee believes that its recommendations, legal and administrative, if implemented in the right spirit and with sincerity, will have far-reaching effect.

Your obedient servant,



(M. M. ZAMAN)

Cabinet Secretary

&

Chairman,

Criminal Law Reforms Committee.

PREFACE

The Chief Martial Law Administrator constituted a Committee on the 20th day of April, 1982 (Annexure I) to suggest suitable amendments in the Criminal Procedure Code, 1898 for expeditious disposal of criminal proceedings with the following members:

- (a) Secretary, Cabinet Division—*Chairman*.
- (b) Secretary, Ministry of Home Affairs—*Member*.
- (c) Secretary, Establishment Division—*Member*.
- (d) Joint Secretary-in charge, Law Division—*Member*.

Note.—Mr. Nuruzzaman Chowdhury, Joint Secretary-in-charge, Law Division was appointed as Additional Secretary-in-charge of same Division with effect from 28th April, 1982.

The terms of reference of the Committee were as follows:

- (a) to examine the existing provisions of the Criminal Procedure Code, 1898 with a view to making suitable amendments wherever deemed necessary for expeditious trial and disposal of criminal cases; and
- (b) to examine any other related matter.

The Committee was required to submit its report by the first week of May, 1982. The time was later extended by the CMLA. An interim report was placed before the CMLA by the Chairman of the Committee on 6th of May, 1982.

2. The Committee interviewed a number of people concerned with the subject (Annexure II). It also paid a visit to the District Court and had detail discussions and exchange of views with a few representatives of the District Bar (senior members of the District Bar also gave their suggestions in a paper submitted to the Chairman of the Committee as requested) and the Magistrates. The Members of the Committee held several meetings to discuss in depth the opinions expressed and suggestions made by the persons who had been interviewed. In these discussions the Deputy Commissioner,

Dhaka and the Chief Metropolitan Magistrate, Dhaka also participated, whenever possible. Mr. Nasimuddin Ahmed, Additional Secretary, Cabinet Division and Mr. Azimuddin Ahmed, Joint Secretary, Ministry of Home Affairs (who was co-opted as Member-Secretary of the Committee) participated in all meetings and discussions and assisted the Committee in its deliberations.

CHAPTER I

INTRODUCTION

3. In any civilised society, a system which cannot ensure punishment for the guilty and security for the innocent should be deemed to have failed. No system is perfect as all systems are after all human creations; but the degree of tolerance of this imperfection has limitation, depending upon the people's general awareness and the level of their development.

4. The failure of a system, whether legal or administrative, depends upon three broad contributory but interlinked factors; namely, the laws, the administrative procedures and the quality of the people involved, the last one perhaps being the most important. Criminal administration in Bangladesh or, for that matter anywhere in the world, constitutes all these three factors. The shortcomings, if any, have therefore to be found in these areas.

5. Expedition of investigation and trial is the very essence of criminal justice. Delay in either of them not only causes harassment but, on most occasions, failure of justice as well. Justice delayed is very often justice denied. Measured by this yardstick, it would not be unfair to say that criminal administration in Bangladesh has failed. The failure has been, in a very large measure, due to the apathy and callousness of the people and administrative shortcomings more than any other factor.

6. The huge accumulation of cases both for investigation (some 18,000) and trial (approximately 74,000 with the Magistrates and 24,000 at the Sessions), and the undue delay that most of the investigations and trials take to complete are a testimony to this failure. The Committee finds that immediate corrective measures are necessary to remove the shortcomings, both legal and administrative. It has, therefore, done in-depth examination of the provisions of the Criminal Procedure Code, 1898 (which is the basic law) and the administrative procedure and practice and has been able to identify the major areas where changes are required to substantially improve the situation. The Committee nonetheless feels very strongly that unless the attitude and the quality of the functionaries involved in the

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system undergo marked improvement, no modifications in the law or administrative procedure will be fruitful. To achieve this far stricter supervision and control are necessary.

7. While recommending changes in the law, the Committee has also suggested corrective administrative measures that are required to be taken in order to make the changes meaningful and effective. The legal and administrative aspects, though interlinked, have been dealt with separately for convenience.

CHAPTER II

LEGAL ASPECT

8. Dealing with the legal aspect first, the Committee has been able to identify the provisions of the Criminal Procedure Code, 1898 which require modification or amendment.

9. There are three procedures for disposal of cases in the court namely, warrant procedure, summons procedure and summary procedure. The shortest and the simplest procedure is the Summary procedure which has been provided under section 260, Cr.P.C. It has been seen that the Magistrates who are specially empowered to try cases summarily avoid doing so. Two slight amendments by replacing the word "may" with "shall" in sub-section 1 of section 260 and increasing the term of one year to two years in clause (a) of this sub-section will not only oblige the Magistrate to try these cases summarily but will also bring in more offences under the purview of this section, which will result in quicker disposal.

10. As simplification of procedure in the Court, without affecting the ends of justice or prejudicing the accused, is necessary, it is felt that there is no need for warrant procedure which is much more time consuming and unnecessarily prolongs trial and invariably delays dispensation of justice. The Committee feels that summons procedure as provided under Chapter XX of the Code sufficiently safeguards the interest of both prosecution and defence. It is, therefore, recommended that Chapter XXI be deleted from the Code.

11. It has been seen that one major cause of delay is the inability of the court to supply copies of the relevant documents such as the FIR, statements under section 161, Cr.P.C. and the charge sheet to each accused free of charge, which was introduced by amendment of the Code after Law Reforms Ordinance, 1978 (Section 205A). On most occasions two to three adjournments of a case become necessary on this account. The district offices lack the necessary resource and logistic support essential to the satisfactory working of this arrangement. Furthermore, the Committee noted that the said amendment which was introduced for the benefit of the accused in

actual practice has gone against his interest as it has opened the door for various forms of corrupt practices. The Committee, therefore, feels that it should not be made mandatory for the court to supply copies to the accused person, but instead they should be supplied to him on payment of a fee. This will certainly reduce the demand as the accused then will ask for as many copies as he really requires for his purpose. This was always the practice till the Law Reforms Ordinance changed it by amendment of the Cr.P.C. in 1978. Quite clearly the change has adversely affected disposal of cases by making the process more dilatory. Therefore, section 205A of Cr.P.C., should be amended to restore the previous position.

12. The Committee has found that another cause of delay is the mandatory examination of the complainant and the witnesses under section 200, Cr.P.C. The existing provision obliges the court to examine the complainant and all the witnesses that he chooses to produce, although it may appear to the court that such examination is not necessary. Therefore, by replacing the word "shall" by the word "may" in this section in so far as it relates to the examination of witnesses, the option should be left to the court as to whether it is necessary to examine the witnesses after the examination of the complainant. For example, the court may consider examination of the complainant, sufficient in one case and decide not to examine any witness at all, but may consider examination of a few witnesses necessary in another case. The suggested amendment will, therefore, save the court a good deal of unnecessary wastage of time.

13. One of the principal reasons for delay in the disposal of cases is non-appearance of the accused either from the initial stage or after getting bail from the court. Even issue of P&A (Proclamation and Attachment of Property) fails to compel him to appear as in a great number of cases it cannot be executed for the reason that either he does not have any property at all or that his property cannot be attached for being part of a joint property. Thus the whole process becomes an exercise in futility both for the court and the police. The Committee, therefore, feels very strongly that there should be a provision for trial in absentia of an accused. For an accused who has not appeared at any stage of the trial, notice in national newspapers in addition to P&A is necessary in order to

preclude any possibility of his not knowing about the trial at all. The existing provisions of sections 512 and 540A of Cr.P.C., are not adequate. Suitable amendment of section 512, Cr.P.C., is necessary to provide for trial in absentia, even without the defence counsel, except in cases involving offences punishable with death or transportation for life, where the State will arrange for his defence. With this amendment, considerable number of pending cases will be disposed of and no case in the future will be kept pending on this account.

14. In many instances disposal of a case is inordinately delayed for non-appearance of a formal witness (handwriting expert, for example). Section 510, Cr.P.C., only permits report of the Chemical Examiner to be used in evidence. In view of the difficulty which is faced in producing otherwise heavily engaged experts in the court for simple proof of a formal document, it has become necessary to widen the provisions of this section to bring within its purview the reports of all experts except the reports of post-mortem examination. The consensus of all those whom the Committee had time to examine and also of the members of the Committee itself is that appearance of the doctor who prepares the post-mortem report is necessary to enable the defence to cross-examine him in order to avoid causing miscarriage of justice. It has, however, come to the notice of the Committee that delay in submission of post-mortem report very often delays submission of Charge Sheet. The remedy for this lies in streamlining the administrative procedure. For submission of the post-mortem report a time limit must be stipulated which, in the opinion of the Committee, should not exceed seven days. The same applies to the I.O. whose appearance cannot be dispensed with for the same reasons.

15. On account of abolition of committal proceedings and of concurrent jurisdiction in the Schedule of the Code after the Law Reforms Ordinance, there has been very substantial increase in the number of cases in the Sessions Courts. This was one of the reasons for two subsequent amendments, one in 1979 and another in 1980 which brought back a number of sections of the Penal Code under the purview of the Magistrates and have thus made some improvement in the situation. Some offences have been made jointly triable

(approximately 12 sections) by the Sessions Courts and the Magistrates. In addition, about 24 sections of the Penal Code have been made exclusively triable by the Magistrates by amendment of Schedule II of Cr.P.C., although maximum punishments prescribed are considerably higher (even up to 7 years) for such offences. The result is that at present about 118 sections out of 511 sections of the Penal Code are exclusively triable by the Sessions Courts and the rest (apart from the 12 mentioned above) are being tried exclusively by the Magistrates.

16. Despite these amendments, the existing pressure on the Sessions Courts (some 24,000 cases are pending), is very great due to the fact that the number of Sessions Courts is far fewer compared to that of the Magistrates. It is, therefore, necessary that the number of cases going to the Sessions Courts should be further cut down by enhancing the powers of the Magistrates. It is proposed that the powers of the three categories of Magistrates be enhanced from 3 years and fine of Tk. 5,000 (Metropolitan Magistrates and Magistrate First Class), 2 years and fine of Tk. 2,000 (Magistrate Second Class) and 1 year and fine of Tk. 1,000 (Magistrate Third Class) to 5 (five), 3 (three) and 2 (two) years with enhanced fines of Tk. 10,000, Tk. 5,000 and Tk. 2,000 respectively. This will enable them to try more serious offences and ease the burden on the Sessions Courts. The proposed enhancement of powers will need amendment of section 32 of the Code. The Magistrates of the First Class and Metropolitan Magistrates may also be made competent to try offences punishable up to 7 years imprisonment. The rationale behind this is that seldom does a Magistrate award the maximum punishment in a case. However, should he feel the necessity to do so in any case he may refer it to a higher court.

17. To further improve the position and make even quicker disposal of cases possible, two proposals are worthy of consideration. It is proposed that provision be made by restoration of Section 30, Cr.P.C., to enable Magistrates (specially empowered) to try cases punishable up to 10 years imprisonment and award sentences up to 7 years R.I. With recent changes in the administrative set-up in the districts a number of ADCs will be available to serve as Additional District Magistrates exclusively for disposal of cases involving graver offences, hear appeals and also supervise the work of other Magistrates.

18. At present appeals against judgements of Magistrates Second Class and Third Class are being heard by the Sessions Courts. Although involving comparatively minor offences, these appeals have added to the burden of cases at the Sessions. It is, therefore, proposed that these appeals should be heard by the Additional District Magistrates instead of the Sessions Courts. An Additional District Magistrate should be considered competent, on the strength of his experience in criminal matters, to dispose of these appeals.

19. With implementation of amendments proposed at paragraphs 12, 13 and 14 all affected cases will be transferred back from the Sessions Courts to the Magistrates. This will very considerably reduce the number of approximately 24,000 cases pending with the Sessions Courts all over the country. This will, however, not apply to cases where trials have been started.

20. Section 345, Cr.P.C. provides for compounding of cases involving certain offences by the parties with or without permission of the court. These cases, if compounded, are not required to be tried by the Court. The Committee feels that by widening the scope of this section more cases can be made compoundable and, therefore, proposes that sections like 147, 148, 378, 380, 406, 336, 337, 347, 348, 356 (406, 407, 408, 411, all up to Tk. 5,000), 493 and 511 be made compoundable with permission of the Court.

21. The Committee, upon a close reading of the provisions of section 202 of the Code feels that they suffer from ambiguity inasmuch as considerable doubt exists on the point whether, in a Session triable case, the Magistrate has the power to refer the complaint for local enquiry for ascertainment of the truth or otherwise of the matter. What is, therefore, happening is that in a case instituted upon complaint, he is examining only the complainant and his witnesses and issuing either summons or warrant against the accused and then upon appearance of the accused sending the case to the Sessions Court. It can, therefore, be seen that a case is being sent for trial by a higher court without the accused having any opportunity of presenting his side of the story. In such an instance the Magistrate is not using a very useful and salutary procedure of ascertaining the truth or falsehood of the complainant's case by

instituting an inquiry (it has been generally found that local inquiries by and large bring out the truth) before burdening the Sessions Court with perhaps a false and vexatious case. The relevant provisions of the law have, therefore, to be suitably modified to enable him to do so. This will, the Committee feels, be a check against institution of frivolous cases and will also lessen the number of cases being sent over to the Sessions Courts.

22. The Committee has noted that there is some doubt as to whether a Magistrate can accept Final Report involving Sessions triable offences submitted by the police. It is, therefore, recommended that this doubt or confusion be removed by providing for the same under section 202 of Cr.P.C.

23. The Committee feels that there is a need for putting greater restraint, if possible, on the people's tendency to institute false and frivolous cases. In this connection the provisions of section 250, Cr.P.C. came in for discussion. It was generally agreed that mere payment of compensation by the complainant instituting false and frivolous or vexatious case was not enough deterrent and that there should be provision for fine as well as imprisonment. It is, therefore, suggested that this section be suitably amended for the purpose.

CHAPTER III

ADMINISTRATIVE ASPECT

24. Due to almost total absence of supervision and control, there has been a marked decline in the performance of all functionaries concerned with criminal administration. Both Magistracy and police have made their contribution in this failure. For example, police investigations very often take undue length of time to complete and instances are not few where charge sheets are submitted even after two to three years. Together with this, people have also lost confidence in the fairness and impartiality of police investigations. On many occasions they find themselves unnecessarily harassed and the guilty being protected by the law enforcing agencies. The courts, on the other hand, also fail to give prompt and effective relief and very seldom take appropriate measures to ensure expeditious trial. For example, the Magistrates seldom ensure that processes are served properly and that unnecessary adjournments are not given on flimsy grounds. Hardly any action is taken even after 6 or 7 adjournments for non-appearance of witnesses, the accused or even investigating officers. Almost no action is taken against the defaulting persons, even though their faults be glaring, even unbelievable.

25. The malaise has not remained confined to the police and the courts, but has percolated to other functionaries as well. Doctors, for example, who are supposed to be more conscientious on account of the nobility of their profession, display the same apathy. There are innumerable instances where post-mortem reports are not available even after 3 to 4 years. Such delays take place even where viscerae are not kept for chemical analysis which the Committee finds totally inexplicable. One very serious result of this is the consequential delay in the submission of charge sheet by the police, which cannot be done without the post-mortem report. Examples are not few where charge sheets have been held up for months, sometimes years for non-availability of post-mortem reports. These delays result in considerably weakening the prosecution evidence, often fatally. The Committee has noted many instances where even confessions of the accused could not be recorded for months due to non-availability of Magistrates.

26. From the above recital it is not difficult to see that administrative shortcomings have been mainly responsible for the sad state of affairs, and not so much on account of any defect in the law. No one functionary, as can be seen, has been responsible for this, but a combination of functionaries. Therefore, the Committee finds it pointless to apportion blame at this stage.

27. The instances cited above can be multiplied. They have gradually eroded people's confidence not only in the police, the Magistracy but perhaps in the judicial system itself. It is, therefore, essential that their confidence is restored.

28. The task before the Committee has, therefore, been to fully comprehend the present administrative malaise, identify the areas where shortcomings exist and suggest proper remedial measures.

29. The Committee has been able to identify the areas where immediate steps are needed to help ease the heavy burden of pending cases and investigations and to ensure more expeditious disposal in the future. The administrative measures suggested below will also ensure greater vigilance and control on the performance of Magistracy and the police.

30. In consonance with the enhancement of Magistrates' powers, introduction of specially empowered Magistrates and appellate powers to the Additional District Magistrates suggested earlier in the report, bifurcation of judicial and executive Magistrates will become essential. The judicial Magistrates will not be required to do any other work except trying cases and will be very closely assessed and judged on their performance. An Additional District Magistrate may be especially earmarked for supervising the work of all Magistrates in the district and on his assessment the future promotion of a particular Magistrate will depend.

31. It is, therefore, necessary that a Magistrate's performance be assessed properly. This can be achieved by introduction of a new method called the Unit System (*See Annexure III*) of assessment. According to this system, a Magistrate's performance will be assessed on a more comprehensive basis and not on simple examination of witnesses, which has been found to be very misleading. With the

introduction of this method and strict supervision and control, performance of Magistracy is bound to improve.

32. Keeping in view the fact that a judicial Magistrate's work is mentally more strenuous and less glamorous, effort may be made to make it more attractive. One suggestion is to grant Magistrates assigned judicial function one month's vacation, the same as is being enjoyed by the judges of the Sessions Courts. They may also during their tenure as judicial Magistrate be given special allowance.

33. In order to facilitate quicker disposal, the Committee feels that 'thanas' be assigned to Magistrates who will hear cases of their respective thanas only. It is necessary to increase the number of Magistrates. The Council Committee on law and order in its report submitted in August, 1979, recommended the appointment of adequate number of Magistrates. In its meetings held on the 11-2-80 and 23-6-80, it was decided that one Magistrate for every thana should be appointed for disposal of criminal cases. These Magistrates were all to be posted to the Subdivisional Headquarters. In addition, in order to fill up the existing vacancies another 200 Magistrates would be required. Thus, the total number of Magistrates to be appointed, in order to augment the existing strength for quicker disposal of the criminal cases, was estimated to be 650. For quick recruitment of 650 Magistrates, it was suggested that special recruitment examination might be held raising the upper age limit to 45 or 50 years with provision for granting of additional increments for higher age beyond 25 years. It was also suggested that while advertising for these posts, it might be declared that the Law Graduates would be given preference and would also be allowed additional increments for the same. Concrete steps may be taken to implement the above scheme. Once the Magistracy moves down to the thana level as per policy of the Government to take the administration closer to the people, the Magistrates will move over to their assigned thanas. This move will facilitate appearance of the witnesses in response to the issuance of summons/warrants, etc. It will also help the litigant, the witnesses and others to locate the trial court more easily. It is also suggested that Assistant Sessions Judges should be appointed in every Sub-division. The process has started. It should now be accelerated.

34. One very serious reason for delay which the Committee has noted is non-appearance of witnesses and the countless number of adjournments which are being given by the courts on this account. For this the fault lies with the prosecution, the defence and also the courts. It has been noted that there are instances where although an order has been made by the Court for issuing process the same is not in fact issued due to the connivance of the bench clerk and the interested party. Magistrates must be very vigilant and take appropriate measures against this practice. One suggestion which has been made is to limit the number of adjournments for non-appearance of witnesses after which the accused should be discharged. The Committee finds it very difficult to suggest a rigid number, but feels that more than 2/3 adjournments should be avoided and drastic steps, depending on the nature of the case, should be taken if more time is asked for, whether by the prosecution or defence. In an apparently weak or doubtful case perhaps more than 2 adjournments will be totally uncalled for. Here the introduction of the proposed 'Unit System' will make the Magistrate more alert.

35. Some of Magistrates examined by the Committee complained that the police do not take enough interest in producing witnesses. Perhaps there is some truth in this. The police officers appearing before the Committee have stated that the police do not in fact have any control over the witnesses and have, in this regard, drawn attention of the Committee to the provision of section 171, Cr.P.C. which says that the witnesses shall not accompany any police officer on way to the Court. This Committee is however of the view that at least in some cases this provision of the law is observed more in the breach. It is, therefore, suggested that this provision, which is serving no useful purpose, may be deleted. The police side of the story is that the courts do not take notice of the fact that processes are almost never issued in time and very few of those shown to have been despatched by 'dak' are actually despatched. Besides, the Committee has reasons to believe that court officials such as 'peshkar', etc., deliberately cause delay to serve the interest of one party or the other and get away with it due to lack of sufficient interest or alertness on the part of the court. For example, process fees are seldom paid by the party in time but very few Magistrates act strictly as per provisions of law. All these need to be remedied by better supervision and control at all levels.

In this connection a suggestion has been made for appointing process servers at the thana. Here good elements from the V.D.P. (Village Defence Party) may also be engaged.

36. Insufficient number of police at the thana level and their multifarious duties (V.I.P. crime control, patrolling and investigation, etc.) have resulted in over 18,000 cases pending with them as of date for investigation. The Committee feels that no improvement in the situation is possible unless the investigation side is immediately bifurcated from crime control and the officers doing one kind of duty should not be obliged to perform other duties under any circumstances. The police officers examined by the Committee down to the level of the officers-in-charge of thanas have voiced the same opinion. Together with it, there is a need for augmentation of investigating staff. The Committee also feels that commensurate with the emphasis being given to expeditious and proper investigation and the added importance to the thana as unit of administration the post of the officer-in-charge of the thana should be upgraded to Inspector who will be responsible for the performance of both the branches, i.e., crime control and investigation.

37. If the above steps are taken and supervision is made more strict, a time-limit as indicated below may be given for investigation as well as disposal of criminal cases. In order to ensure compliance of this time-frame for completion of investigation, stringent measures by departmental proceedings will need to be taken against the defaulting investigating officers. At the same time the supervising officer will have to ensure that the number of FRTs does not increase as a result of the time-limitations indicated.

Investigations:

- | | | |
|--------------------|----|---|
| (1) Summary cases | .. | Maximum 15 days from the date of F.I.R. |
| (2) Summons cases | .. | Maximum 30 days from the date of F.I.R. |
| (3) Sessions cases | .. | Maximum 60 days from the date of F.I.R. |

Note:—Only in exceptional cases the court may grant further time for completion of investigation.

Trial :

- (a) Trial under Summary procedure within 15 days;
- (b) Trial under Summons procedure within 30 days;
- (c) Trial of Sessions cases within 60 days;

—all from the date of receipt of the case by the court.

38. The Committee has also noted that there is an acute shortage of prosecuting officers in the Magistrates' Courts and that their performance is often not up to the desired level. The Committee, therefore, strongly recommends that a separate cadre of prosecuting police officers headed by a D.I.G., should be created not only to meet the inadequate number of Court Inspectors and Sub-Inspectors but also with a view to improving their quality. These prosecuting police officers will eventually replace the P.Ps and A.P.Ps in the Sessions Courts as well.

39. The Committee is firmly of the view that training is essential for qualitative improvement both of Magistracy and the prosecuting police and that, for this reason, it should be made an intrinsic part of the system. There is a great need for better trained prosecutors and Magistrates. Arrangements may therefore be made to accomplish this in the shortest possible time. An elaborate training programme, which could be done by special arrangement with institutions such as Civil Officers Training Academy and Sardar Police Academy, is required to be drawn up quickly.

40. The Committee has examined the provisions of Chapter VIII of the Code for prevention of offences and has found them adequate. What is required is far greater vigilance over the activities of criminals and undesirable elements by the police. By strict supervision and control the police must be made to exercise their preventive powers and surveillance of offenders in their areas so as to ensure that crimes are not committed. The one dependable way of doing it is to make the Officer-in-Charge of the thana responsible for any serious crime committed in his area and to take disciplinary action against him for his failure. The police should be more alert and keep undesirable persons under very close

surveillance and take immediate preventive action to abort commission of crime. The Committee is convinced that the police can do so if they mean business.

41. Finally the Committee cannot but draw attention to the need for improvement of some basic facilities. For example, for want of sufficient number of courtrooms two or even more Magistrates are sharing the same courtroom with perhaps one stenographer for two or three Magistrates. One C.S.I. is being required to attend to a number of courts. There is also lack of jail 'hajat' facilities at some places. For example, there being no jail 'hajat' at Narsingdi, the accused have to be taken from Narayanganj Jail which is causing great deal of trouble and delay and unnecessary harassment to the accused. The Committee understands that steps are being taken to improve jail facilities everywhere and it is hoped that the abovementioned difficulties will be removed as soon as possible. Some improvements can also be made in regard to the TA and DA (Travelling Allowance and Daily Allowance) of witnesses. The present rates are not sufficient. As a result very often the witnesses have to spend from their own pockets, which is serving as a serious discouragement to them from appearing in court. It has been mentioned that a large number of witnesses do not even receive payment on account of the faulty procedure being followed at present. Improvement in the rates and also the system of payment is necessary. Our proposals in this regard are given in the following paragraphs.

42. Districtwise allocation of T.A. and D.A. for the prosecution witnesses is always inadequate. For months together, the Deputy Commissioners are left with no funds at all. As a result witnesses cannot be paid their T.A. and D.A. Naturally, they feel reluctant to appear in court.

(a) The present rates of T.A. and D.A. for the prosecution witnesses are as follows:—

- (i) **T.A.**—Actual cost both ways. The witnesses are invariably harassed in assessing the actual cost. Complaint is that they get nothing unless they pay a cut to the Nazareth staff of the District Office.

- (ii) **D.A.**—An amount of Tk. 10·00 is allowed as diet charge to the witnesses. The amount is meagre. This amount is also not paid unless a cut is paid to the District Nazareth staff.

(b) The following remedial measures are suggested:—

- (i) **Allocation of T.A. and D.A.**—Adequate allocation should be made to the Deputy Commissioners, whenever funds get exhausted, the Deputy Commissioners should be authorised to draw funds from the Treasury under T.R. 27 and claim reimbursement in due course.
- (ii) **Rate of T.A.**—In order to make assessment easy the following slab rate may be approved:
- (a) Within 5 miles—Tk. 5 for both ways.
 - (b) Above 5 but not more than 10 miles—Tk. 7·50 for both ways.
 - (c) Above 10 but not more than 20 miles—Tk. 12·50 for both ways.
 - (d) Beyond 20 miles—Tk. 15 for both ways.
- (iii) **D.A.**—The allowances for diet charges may be raised to Tk. 15·00 per day.
- (iv) **Mode of Payment**—In order to protect the witness from harassment payment may be made by the bench clerk in front of the Magistrate as soon as he completes his deposition in the court. For this purpose, the bench clerk should draw necessary funds from the Nazareth in advance on the basis of “hajirah” filed. Same procedure may be followed in the Sessions Court.

43. In the end, the Committee recommends that there is a need for monitoring the performance of the Magistracy and the police at the national level. There may, therefore, be a monitoring committee consisting of the followings:—

- (a) Secretary, Cabinet Division—*Chairman*.
- (b) Secretary, Ministry of Home Affairs—*Member*.

- (c) Secretary, Ministry of Law—*Member*.
- (d) Inspector-General of Police—*Member*.
- (e) Director-General, Bureau of Anti-Corruption—*Member*.

The primary function of the above Committee will be to periodically assess the performance of Magistracy and the law enforcing agencies and take or recommend appropriate remedial measures, when necessary.

CHAPTER IV

CONCLUSION

44. The Committee finds that the basic problem is one of attitude and commitment. Unfortunately, the approach not only of the Magistracy and the police but also of legal practitioners and the litigant public is negative. There is almost no effort on the part of anyone to come out of the morass of inefficiency and apathy which is noticeable in other spheres of society. It can be safely said that criminal administration has suffered more than any other sector on account of the general decline and deficiency in moral standards. Being concerned with human beings as actors in the drama, the outcome has been much more painful and therefore more tragic. By infusion of proper motivation and positive approach, which at first will need to be instilled by some degree of compulsion, the legal and administrative changes proposed are bound to produce the desired results. This, the Committee feels, is the heart of the matter.

45. The administrative and legal aspects of the problem of delay in the disposal of criminal cases are, as mentioned earlier in this report, interlinked and complement each other. The Committee is convinced that the proposed amendments will enable the courts to dispose of the cases more expeditiously, without compromising the interest either of the prosecution or defence. The changes are fundamental in nature but are, at the same time, in conformity with the scheme of the Code. If properly implemented, they will have far-reaching effect. The proposed administrative measures, if

implemented in the right spirit and with sincerity, will make the legal changes meaningful.



(M. M. ZAMAN)

Chairman.



(M. K. ANWAR)

Member.



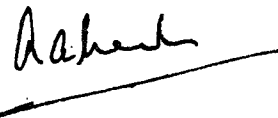
(FAYEZUDDIN AHMED)

Member.



(N. Z. CHOUDHURY)

Member.



(AZIMUDDIN AHMAD)

Member-Secretary.

ANNEXURE I

CMLA's Secretariat
Old Sangshad Bhaban
Tejgaon, Dhaka
Telephone : Civil 317112
No. 7005/1/Civ/CMLA
20 April 1982.

To Secretary
Cabinet Division
Secretary
Ministry of Home Affairs
Secretary
Establishment Division
Joint Secretary-in-Charge
Law Division.

SUBJECT : Constitution of a Committee to examine and suggest amendments in the Criminal Procedure Code, 1898.

1. The Chief Martial Law Administrator is pleased to appoint a Committee to examine the provisions of the Criminal Procedure Code, 1898 and to suggest suitable amendments for expeditious disposal of proceedings.

2. The Committee shall consist of the following members:—

- | | | | |
|--|----|----|----------|
| a. Secretary, Cabinet Division | .. | .. | Chairman |
| b. Secretary, Ministry of Home Affairs | .. | .. | Member |
| c. Secretary, Establishment Division | .. | .. | Member |
| d. Joint Secretary-in-Charge, Law Division | .. | .. | Member |

3. The terms of reference of the Committee shall be as follows:—

- (a) to examine the existing provisions of the Criminal Procedure Code, 1898 with a view to making suitable amendments wherever deemed necessary for expeditious trial and disposal of criminal cases; and
- (b) to examine any other related matter.

4. The Committee shall have power to co-opt any person as a member, if considered necessary.

5. Secretarial support to the Committee shall be provided by the Ministry of Home Affairs.

6. The Committee shall submit its report by the first week of May, 1982.

Major General
Principal Staff Officer
(Muzammel Hussain)

ANNEXURE II

PERSONS INTERVIEWED BY THE COMMITTEE

1. Inspector-General of Police.
2. Commissioner, Dhaka Metropolitan Police.
3. Deputy Commissioner, Dhaka.
4. Superintendent of Police, Dhaka.
5. District and Sessions Judge, Dhaka.
6. Chief Metropolitan Magistrate, Dhaka.
7. Chief Metropolitan Magistrate, Chittagong.
8. Public Prosecutor, Dhaka Court.
9. A.I.G., Crime, Police Directorate.
10. A.S.P., Prosecution, Dhaka Court.
11. Subdivisional Officer, Gazipur.
12. Magistrate of Dhaka District Court.
13. Mr. Mohiuddin Ahmed, Advocate and another Senior Member of Dhaka Bar.
14. Officer-in-Charge, Savar Police Station.
15. Officer-in-Charge, Sirajdikhan Police Station.

ANNEXURE III

Performance Appraisal System Prevailing at Present :

1. Difficulty, however, faced is gaining the efficiency of Magistrate. There is, unfortunately no workable yardstick to make a quantitative assessment of the performance of Magistrates. The standard laid down by the Government is to examine 8 (eight) witnesses, in full everyday. This is hardly achieved by the Magistrates because of (a) non-appearance of witnesses, (b) absconding of the accused person when witnesses are present, and (c) non-execution of processes, etc. Many Magistrates do not go through the case records carefully and unnecessarily drag cases which can be otherwise disposed of for default. They cut sorry figures both in examining witnesses and also in disposing of cases. Numerous adjournments given to either the prosecution or the defence or to both as a matter of routine speak of the negligence of the Magistrate.

2. The objective in court work is disposal of cases and not disposal of witnesses. To achieve this, there should be a method to judge the efficiency of a Magistrate and quantify his output from the number of cases he disposes of in a month. One such quantitative method is discussed below:

The "Unit System" :

1. This system was in practice at least in the Punjab, Pakistan till 1971. (It is not known whether it still exists). In this system, every Magistrate was required to achieve every month a certain number of points (called "units") computed on the basis of a given formula. The formula was like this:

- (i) For every case ending in discharge, then point ("unit") scored was 1.
- (ii) For a case tried (ending in acquittal or conviction), the point ("unit") was 2.
- (iii) For a proceeding disposed of by the Magistrate under Chapter XVIII, the point ("unit") was 3.

Thus, at the end of the month a Magistrate would secure "units" commensurate with his toil and sagacity during the month. His score-card to be forwarded to the District Magistrate for scrutiny in the monthly Police-Magistracy conference would show the number of various categories of cases disposed of during the month on the left hand side and the "units" obtained against them. It was the total "units" scored which mattered.

Based on experience and judging the abilities of the average trying Magistrate, minimum number of "units" to be secured in a month were set by the Government for various classes of Magistrates. Obviously, for the Magistrates

of the First Class it was the highest (perhaps 50 units per month). Every Magistrate was up and doing in achieving the target, or in default he was to suffer serious embarrassment for the rest of the month after the Police-Magistracy conference was over.

Merits of the "Unit" System :

- (a) A Magistrate would always remain alert about his work lest he should fail to reach the target.
- (b) He would not take the plea of non-appearance of witnesses as he would exercise his judicial discretion in curtailing adjournments.
- (c) He would chase the police for producing the accuse and the witnesses so that bottlenecks in disposing of the cases are removed.
- (d) The police would pursue cases and produce witnesses lest the Magistrate discharged the accused quickly.
- (e) The system worked as a deterrent for those Magistrates who would avoid court work.
- (f) It ensured proper and immediate accountability of the Magistrates.

The system is worth trying in Bangladesh with the co-operation of the police.

SUMMARY OF RECOMMENDATIONS

LEGAL ASPECT

The Committee in its report has dealt with the legal aspect first. Having identified the main causes of delay in the trial of criminal cases the Committee has suggested the following amendments in the Code:

- (i) The scope of summary procedure (section 260 Cr. P.C.), which is the simplest and the quickest, is to be widened to bring in more offences under its purview and the trial of cases under this provision to be mandatory. (Para 9).
- (ii) There are three procedures for the conduct of trial of cases, namely, summary procedure, summons procedure and warrant procedure, the latter being the most time-consuming of the three. The Committee has suggested abolition of the warrant procedure, the first two having been found adequate to ensure expeditious and fair trial. (Para 10)
- (iii) At present supply of copies of certain documents to each accused is mandatory which is delaying trial. Amendment has been suggested so that copies are supplied only on payment and that no case is held up on this account. (Para 11)
- (iv) One serious cause of unnecessary delay being mandatory examination of all witnesses brought by the complaint under section 200 Cr. P. C. amendment has been suggested to enable the court to examine only those who are considered necessary for the case. (Para 12)
- (v) Non-appearance of the accused being a serious problem, trial in absentia has been suggested by amendment of section 512 Cr. P. C. (Para 13)

- (vi) In order to do away with the necessity of calling formal witnesses for examination and thereby avoid consequential delays in disposed of cases amendment of section 510 Cr. P. C. is recommended, so that the reports of serologist, hand-writing and finger-print experts and ballistic experts are admitted in evidence without formal proof. (Para 14)
- (vii) Recommendation has been made to enhance the powers of Magistrates of all three Classes with provision for specially empowered Magistrates to try graver offences. For the first time amendment has been suggested to enable Additional District Magistrates to hear appeals against judgements of Magistrates 2nd and 3rd Class. These changes will very greatly reduce the burden of cases on the Sessions and ensure speedy trials by the Magistrates. (Paras 16, 17, 18)
- (viii) Cases of minor nature can be compromised or compounded by the parties with or without permission of the Court. These cases do not have to be tried in court. Recommendation has been made to substantially widen the scope of section 345 by making more offences compoundable. (Para 20)
- (ix) In order to enable a Magistrate to ascertain the truth by local inquiry before sending a case to the Court of Sessions, amendment of section 202 Cr. P. C. has been recommended. Since some doubt exists in this regard, this section may also be amended to empower the Magistrate to accept Final Reports in Session triable cases. (Paras 21 and 22)
- (x) In order to put a deterrent against frivolous cases, amendment of section 250 Cr. P. C. has been suggested to enable the court to impose fine as well as imprisonment. At present there is a provision for payment of compensation only. (Para 23)

The proposed legal changes in the Code are fundamental in nature. Together with the administrative changes being proposed, they will ensure fair and speedy disposal of criminal cases.

ADMINISTRATIVE ASPECT

- (i) There should be a bifurcation of Judicial and Executive Magistrates in every District and Subdivision. (Para 30)
The Additional District Magistrates may be especially earmarked for supervising the work of all Magistrates in the District and on this assessment future promotion of a particular Magistrate should depend. (Para 30)
- (ii) The performance of the Magistrates should be strictly and properly supervised. The proposed Unit System may be adopted for an objective and comprehensive assessment of their performance. (Para 31)
- (iii) Magistrates engaged full time in judicial work may be given 1 (one) month vacation every year plus an allowance. (Para 32)
- (iv) At least one Magistrate should be appointed for every thana. (Para 33)
While they may all be posted at the Subdivisional Headquarters to begin with they should move to thana when the Magistracy moves to that level. (Para 33)
Existing vacancies of Magistrates should be filled up immediately. (Para 33)
For this purpose Special Examinations may be conducted for recruitment with higher age limit and staggered system of salary, etc. (Para 33)
Process of posting of Assistant Sessions Judges to the Subdivisions should be completed expeditiously. (Para 33)
- (v) Magistrates should be very vigilant and strict in allowing adjournment. (Para 34)

- (vi) Normally no adjournment should be allowed. (Para 34)
- (vii) Appropriate amendment of Section 171 Cr.P.C. may be made so as to make production of witnesses as one of the main responsibilities of the Police in Police cases. (Para 35)
- (viii) Magistrates should be vigilant and watchful on the activities of their Court functionaries. (Para 35)
- (ix) Process Servers may also be appointed at the Thana level. (Para 35)
- (x) Investigative side should be separated from crime control at the Thana level. (Para 36)
The post of Officer-in-Charge of the Police Station may be upgraded to the rank of Inspector of Police making him responsible for supervision of both. (Para 36)
- (xi) Time limit may be fixed for completion of investigation and trial. Failure to maintain the time limit should lead to disciplinary action. (Para 37)
- (xii) Prosecution side of the Police should be strengthened. Establishment of a separate cadre of Police Prosecutors headed by a D.I.G. (Prosecution) may be considered. (Para 38)
- (xiii) Adequate steps should be taken for training of Prosecutors and Magistrates. (Para 39)
- (xiv) Prevention of crime should be the prime function of the Police. Police should do strict surveillance of criminals and undesirable elements. Officer-in-Charge of thana should be made responsible for any serious crimes committed in his area. (Para 40)
- (xv) Jail hayat should be improved. Adequate number of Jail Hayat and Court Room should be constructed. (Para 41)

- (xvi) Rates of T.A. and D.A. and their mode of allocation and payment should be streamlined and improved. [Para 42(a) and (b)]
- (xvii) A Committee headed by the Cabinet Secretary should be appointed to monitor disposal of investigation and trial of criminal cases. (Para 43)

**Government Decision on the Report
of the Committee**

GOVERNMENT DECISION ON THE REPORT OF THE COMMITTEE

Government has accepted the 10 recommendations regarding legal aspect and the 17 recommendations regarding administrative aspect made by the Criminal Law Reforms Committee with the following modifications:—

- (a) Magistrates engaged whole-time in judicial work will be granted one month's leave every year without any allowance in addition to usual leave entitlement.
- (b) The maximum time-limit for investigation of offences triable in a summary way will be 30 days and in respect of other offences 60 days. If it is not possible to complete the investigation within the specified period, prayer for extension of time may be submitted to the Magistrate concerned giving sufficient reasons. Concerned Magistrate may grant extension of time for a maximum of 30 days on satisfactory ground. If investigation cannot be completed within the specified time, the accused person if in custody will be released.
- (c) In view of the decision of restoring section 30 Cr.P.C. to enable the Magistrates to try cases under the provision of this section, Assistant Sessions Judges should be vested with the powers of Additional Sessions Judges but they will not have power to pass a sentence of death.
- (d) If for any reason, to be recorded in writing, a Magistrate or a Sessions Judge, or an Additional Sessions Judge or an Assistant Sessions Judge cannot conclude trial of a case within the specified time, he may, except in the cases triable in a summary way, extend the time by a maximum of 30 days.
- (e) If the accused person absconds or fails to appear after production or appearance in Court, the trial will proceed in his absence.
- (f) In police cases, it will be the responsibility of the police to produce the witnesses in the court.

- (g) There will be provision for only one Appeal/Reference/Revision limiting the period of disposal of the same within 60 days from the date of admission.
- (h) Though the provisions of these amendments will not be applicable in the cases pending for trial before the promulgation of the Ordinance but the provision of trial *in absentia* of accused will be applicable.
- (i) Trial will have to be completed within 180 days from the commencement of the Ordinance in respect of cases where charge-sheet has been submitted but trial has not started.
- (j) Pending investigation lying with the police will have to be completed with 90 days from the date of commencement of the Ordinance.
- (k) The provisions of the time-limit for completion of investigation and trial will not be applicable in Gang Cases (cases under section 400 or section 401 of the Penal Code).
- (l) All cases of unusual delay in submitting *post mortem* report should be enquired into. In future *post mortem* reports (except where examination of viscera is involved) shall have to be submitted within 48 hours.
- (m) It will be the responsibility of the Ministry of Law to procure statistics relating to judicial work of High Court Division of the Supreme Court, and its Subordinate Courts, and also to ensure expeditious disposal of cases by them. Steps should be taken for obtaining the report from the Chief Justice for this purpose.
- (n) An amount of Tk. 6.00 (Taka six only) per day will be allowed as feeding charges for an accused person in Police custody or in Court lockup.

Code of Criminal Procedure (2nd Amendment) Ordinance, 1982

{ Published in the Bangladesh Gazette, Extraordinary, dated the 21st August, 1982. }

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF LAW AND LAND REFORMS

(Law and Parliamentary Affairs Division)

NOTIFICATION

Dhaka, the 21st August, 1982

No. 489-Pub.—The following Ordinance made by the Chief Martial Law Administrator of the People's Republic of Bangladesh, on the 21st August, 1982, is hereby published for general information:—

**THE CODE OF CRIMINAL PROCEDURE (SECOND AMENDMENT)
ORDINANCE, 1982.**

Ordinance No. XXIV of 1982

AN

ORDINANCE

further to amend the Code of Criminal Procedure, 1898

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (Act V of 1898), for the purposes hereinafter appearing;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982; and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:—

1. **Short title.**—This Ordinance may be called the Code of Criminal Procedure (Second amendment) Ordinance, 1982.
2. **Amendment of section 4, Act V of 1898.**—In the Code of Criminal Procedure, 1898 (Act V of 1898), hereinafter referred to as the said Code, in section 4, in sub-section (1), clauses (v) and (w) shall be *omitted*.

3. **Amendment of section 9, Act V of 1898.**—In the said Code, in section 9, in sub-section (3), *for* the full-stop at the end a colon shall be *substituted* and thereafter the following proviso shall be *added*, namely:—

“Provided that where in a district, the District Magistrate, Additional District Magistrate or any Magistrate of the first class is specially empowered under section 29C to try any offence, all Assistant Sessions Judges of the sessions division within which the district is situate shall be deemed to have been appointed as Additional Sessions Judges of that division.”.

4. **Insertion of new section 29C, Act V of 1898.**—In the said Code, *after* section 29B, the following new section shall be *inserted*, namely:—

“29C. **Offences not punishable with death.**—Notwithstanding anything contained in section 29, the Government may invest the District Magistrate, Additional District Magistrate or any Magistrate of the first class with power to try as a Magistrate all offences not punishable with death or with transportation or with imprisonment for a term exceeding ten years.”.

5. **Amendment of section 31, Act V of 1898.**—In the said Code, in section 31,—

- (a) in sub-section (3), *for* the word “seven” occurring twice the word “ten” shall be *substituted* in both the places;
- (b) *after* sub-section (3) the following new sub-section shall be *added*, namely:—

“(4) An Assistant Sessions Judge deemed to have been appointed as Additional Sessions Judge under the proviso to sub-section (3) of section 9 may pass any sentence authorized by law except a sentence of death.”.

6. **Amendment of section 32, Act V of 1898.**—In the said Code, in section 32, in sub-section (1),—

- (a) *for* the words “three years” the words “five years” shall be *substituted*;
- (b) *for* the words “five thousand taka” the words “ten thousand Taka” shall be *substituted*;
- (c) *for* the words “two years” the words “three years” shall be *substituted*;
- (d) *for* the words “two thousand taka” the words “five thousand Taka” shall be *substituted*;
- (e) *for* the words “one year” the words “two years” shall be *substituted*; and
- (f) *for* the words “one thousand taka” the words “two thousand Taka” shall be *substituted*.

7. **Insertion of new section 33A, Act V of 1898.**—In the said Code, after section 33, the following new section shall be *inserted*, namely:—

“33A. **Higher powers of certain Magistrates.**—The Court of a Magistrate, specially empowered under section 29C, may pass any sentence authorised by law, except a sentence of death or of transportation or imprisonment for a term exceeding seven years.”.

8. **Amendment of section 137, Act V of 1898.**—In the said Code, in section 137, in sub-section (1), for the words “as in a summons-case” the words “in the manner provided in Chapter XX” shall be *substituted*.

9. **Amendment of section 167, Act V of 1898.**—In the said Code, in section 167, after sub-section (4), the following new sub-sections shall be *added*, namely:—

“(5) If investigation is not concluded—

(a) in respect of an offence triable in a summary way, within thirty days from the date of receipt of information relating to commission of the offence or the order of the Magistrate for such investigation; or

(b) in respect of any other offence, within sixty days from the date of receipt of such information or order,

the Magistrate empowered to take cognizance of such offence or making the order for investigation shall make an order stopping further investigation into the offence unless the officer making the investigation satisfies the Magistrate that for special reasons and in the interest of justice the continuation of the investigation beyond the specified period is necessary in which case the Magistrate may extend the period up to thirty days.

(6) Where further investigation into an offence is stopped on the expiry either of the specified time or of the extended time under sub-section (5), the Sessions Judge may, if he is satisfied, on an application made to him or otherwise, that further investigation into the offence ought to be made, direct further investigation to be made into the offence subject to such directions with regard to bail and other matters as he may specify.

(7) Where further investigation into an offence is stopped on the expiry either of the specified time or of the extended time under sub-section (5), the accused, if in custody, shall be released forthwith.

(8) The provisions of sub-section (5) shall not apply to the investigation of an offence under section 400 or section 401 of the Penal Code, 1860 (Act XLV of 1860).”.

10. **Amendment of section 171, Act V of 1898.**—In the said Code, section 171 shall be renumbered as sub-section (1) of that section and *after* sub-section (1) as so renumbered, the following new sub-section shall be *added*, namely:—

“(2) Notwithstanding anything contained in sub-section (1), it shall be the responsibility of the police-officer to ensure that the complainant or the witness appears before the Court at the time of hearing of the case.”.

11. **Amendment of section 200, Act V of 1898.**—In the said Code, in section 200, *for* the words and commas “the complainant and the witnesses present, if any, upon oath,” the words and commas “upon oath the complainant and such of the witnesses present, if any, as he may consider necessary,” shall be *substituted*.

12. **Amendment of section 202, Act V of 1898.**—In the said Code, in section 202,—

(a) in sub-section (1), *after* the proviso, the following new proviso shall be *added*, namely:—

“Provided further that where it appears to the Magistrate that the offence complained of is triable exclusively by a Court of Session, the Magistrate may postpone the issue of process for compelling the attendance of the person complained against and may make or cause to be made an inquiry or investigation as mentioned in this sub-section for the purpose of ascertaining the truth or falsehood of the complaint.”; and

(b) *after* sub-section (2A), the following new sub-section shall be *added*, namely:—

“(2B) Where the police submits the final report, the Magistrate shall be competent to accept such report and discharge the accused.”.

13. **Omission of sections 205A and 205B, Act V of 1898.**—In the said Code, sections 205A and 205B shall be *omitted*.

14. **Amendment of heading of Chapter XX, Act V of 1898.**—In the said Code, in Chapter XX, in the heading, *for* the word “SUMMONS-CASES” the word “CASES” shall be *substituted*.

15. **Amendment of section 241, Act V of 1898.**—In the said Code, in section 241, *for* the word “summons-cases” wherever occurring the word “cases” shall be *substituted*.

16. **Substitution of section 242, Act V of 1898.**—In the said Code, for section 242 the following shall be *substituted*, namely:—

“242. Charge to be framed.—When the accused appears or is brought before the Magistrate, a formal charge shall be framed relating to the offence of which he is accused and he shall be asked whether he admits that he has committed the offence with which he is charged.”.

17. **Amendment of section 243, Act V of 1898.**—In the said Code, in section 243, for the words “of which he is accused” the words “with which he is charged” shall be *substituted*.

18. **Omission of section 246, Act V of 1898.**—In the said Code, section 246 shall be *omitted*.

19. **Substitution of sub-heading above section 250, Act V of 1898.**—In the said Code, for the sub-heading above section 250, the following shall be *substituted*, namely:—

“Frivolous Accusations in Cases tried by Magistrates”.

20. **Amendment of section 250, Act V of 1898.**—In the said Code, in section 250, after sub-section (4), the following new sub-section shall be *added*, namely:—

“(5) Notwithstanding anything contained in this section, the Magistrate may, in addition to the order directing payment of the compensation under sub-section (2), further order that the person ordered to pay such compensation shall also suffer imprisonment for a period not exceeding six months or pay a fine not exceeding three thousand Taka.”.

21. **Omission of Chapter XXI, Act V of 1898.**—In the said Code, Chapter XXI shall be *omitted*.

22. **Amendment of section 260, Act V of 1898.**—In the said Code, in section 260,—

(a) in sub-section (1),—

(i) for the words and commas “*māy, if hō or they think fit,*” the word “shall” shall be *substituted*;

(ii) in clause (a), for the words “one year” the words “two years” shall be *substituted*; and

(iii) in the proviso, for the figure “34” the figure and letter “33A” shall be *substituted*; and

(b) sub-section (2) shall be *omitted*.

23. **Amendment of section 262, Act V of 1898.**—In the said Code, in section 262,—

- (a) in sub-section (1), for the words “for summons-cases” the words and figure “in Chapter XX” shall be *substituted*; and
- (b) in sub-section (2), for the words “three months” the words “two years” shall be *substituted*.

24. **Insertion of new sections 339B and 339C, Act V of 1898.**—In the said Code, after section 339A, the following new sections shall be *inserted*, namely:—

“339B. **Trial in absentia.**—(1) Where after the compliance with the requirements of section 87 and section 88, it is proved that an accused person has absconded or concealing himself so that he cannot be arrested and produced before it for trial and there is no immediate prospect of arresting him, the Court competent to try such person for the offence complained of shall, by order notified in the *official Gazette* and also published in two national daily newspapers, direct such person to appear before it within such period as may be specified in the order, and if such person fails to comply with such direction, he shall be tried in his absence.

(2) Where in a case after the production or appearance of an accused before the Court or his release on bail, the accused person absconds or fails to appear, the procedure as laid down in sub-section (1) shall not apply and the Court competent to try such person for the offence complained of shall, after recording its decision so to do, try such person in his absence.

339C. **Time for disposal of cases.**—(1) A Magistrate shall conclude the trial of a case within thirty days from the date on which the case is taken cognizance of, or received by him, for trial.

(2) A Sessions Judge, an Additional Sessions Judge or an Assistant Sessions Judge shall conclude the trial of a case within sixty days from the date on which the case is received by him for trial.

(3) If for any reason to be recorded in writing, a Magistrate or a Sessions Judge, Additional Sessions Judge or Assistant Sessions Judge is unable to conclude the trial of a case within the specified time, he shall conclude such trial within thirty days after the expiry of the specified time:

Provided that nothing in this sub-section shall apply to the summary trial of a case.

(4) If a trial cannot be concluded within the specified time or the extended time as mentioned in sub-section (3), further proceedings in respect of the trial shall stand stopped and the accused person released.

(5) Nothing in this section shall apply to a trial of a case under section 400 or 401 of the Penal Code, 1860 (Act XLV of 1860)."

25. Amendment of section 345, Act V of 1898.—In the said Code, in section 345, in sub-section (2) in the table,—

- (i) before section 324 in the second column and the entries relating thereto in the first and third columns, the following shall be *inserted*, namely:—

"Rioting. 147 The person against whom force or violence has been used.

Rioting armed with deadly weapon 148 Ditto.";

- (ii) after section 335 in the second column and the entries relating thereto in the first and third columns, the following shall be *added*, namely:—

"Act endangering human life 336 Ditto.";

or the personal safety of others.

- (iii) after section 346 in the second column and the entries relating thereto in the first and third columns, the following shall be *inserted*, namely:—

"Wrongful confinement to extort 347 The person wrongfully confined. property or constrain to illegal act.

Wrongful confinement to extort 384 Ditto.";
confession or compel restoration
of property.

- (iv) after section 354 in the second column and the entries relating thereto in the first and third columns, the following shall be *inserted*, namely:—

"Assault or criminal force in 356 The person assaulted or to attempt to commit theft of property whom criminal force is used.";
property worn or carried by a person.

- (v) after section 379 in the second column and the entries relating thereto in the first and third columns, the following shall be *inserted*, namely:—

"Theft in dwelling house. 380 The owner of the property stolen.";

- (vi) against sections 406, 407, 408 and 411 in the second column, in the first column, for the words "taka five hundred" the words "Taka five thousand" shall be *substituted*;

- (vii) *after* section 486 in the second column and the entries relating thereto in the first and third columns, the following shall be *inserted*, namely:—

"Cohabitation caused by a man 493 The woman with whom co-deceitfully including a belief of habitation was caused."; lawful marriage.

- (viii) *after* section 509 in the second column and the entries relating thereto in the first and third columns, the following shall be *added*, namely:—

"Attempting to commit offences 511 The person against whom punishable with transportation such attempt was made for or imprisonment. committing the offence."

26. Amendment of section 353, Act V of 1898.—In the said Code, in section 353, the figure and comma "XXI," shall be *omitted*.

27. Amendment of section 355, Act V of 1898.—In the said Code, in section 355,—

- (a) in the marginal heading, the words "in summons-cases and" shall be *omitted*; and

- (b) in sub-section (1), for the words, figures, brackets, letters and commas "In summons-cases tried before a Magistrate and in cases of the offences mentioned in sub-section (1) of section 260, clauses (b) to (m), both inclusive, when tried" the words and figures "In cases tried under Chapter XX or Chapter XXII" shall be *substituted*.

28. Amendment of section 371, Act V of 1898.—In the said Code, in section 371, in sub-section (1), for the word "summons-case" the words and figure "case under Chapter XX" shall be *substituted*.

29. Amendment of section 407, Act V of 1898.—In the said Code, in section 407,—

- (a) in sub-section (1) for the words "Sessions Judge" the words "the District Magistrate" shall be *substituted*; and

- (b) for sub-section (2) the following shall be *substituted*, namely:—

"(2) The District Magistrate may direct that any appeal under this section, or any class of such appeals, shall be heard by any Additional District Magistrate subordinate to him and empowered by the Government to hear such appeals, and thereupon such appeal or class of appeals may be presented to such Additional District Magistrate, or if already presented to the District Magistrate, may be transferred, to such Magistrate. The District Magistrate may withdraw from such Magistrate any appeal or class of appeals so presented or transferred."

30. Insertion of new Chapter XXXIIA, Act V of 1898.—In the said Code, after Chapter XXXII, the following new Chapter shall be *inserted*, namely:—

“CHAPTER XXXIIA

Time for Disposal of Appeal and Revision

442A. Time for disposal of appeals and revision.—(1) An Appellate Court shall dispose of an appeal filed before it within sixty days from the date of admission of the appeal.

(2) A Court having power of revision shall dispose of a proceeding in revision within sixty days from the date of calling for the records by it.”

31. Insertion of new section 509A, Act V of 1898.—In the said Code, after section 509, the following new section shall be *inserted*, namely:—

“509A. Report of post-mortem examination.—Where in any inquiry, trial or other proceeding under this Code the report of a *post mortem* examination is required to be used as evidence, and the Civil Surgeon or other medical officer who made the report is dead or is incapable of giving evidence or is beyond the limits of Bangladesh and his attendance cannot be procured without an amount of delay, expense or inconvenience which, under the circumstances of the case, would be unreasonable, such report may be used as evidence.”

32. Substitution of section 510, Act V of 1898.—In the said Code, for section 510 the following shall be *substituted*, namely:—

“510. Report of Chemical Examiner, serologist, etc.—Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government or any serologist, handwriting expert, finger print expert or fire arm expert appointed by the Government, upon any matter or thing duly submitted to him for examination or analysis and report in the course of any proceeding under this Code, may, without calling him as a witness, be used as evidence in any inquiry, trial or other proceeding under this Code.”

33. Amendment of section 512, Act V of 1898.—In the said Code, in section 512, in sub-section (1), the commas and words “, on the arrest of such person,” shall be *omitted*.

34. Amendment of Schedule II, Act V of 1898.—In the said Code, in Schedule II,—

(1) in the entries relating to offences under the Penal Code,—

(a) in column 6,—

- (i) for the entries relating to sections 147, 148, 336, 347, 348, 356, 380, 493 and 511 the following entry in each place shall be *substituted*, namely:—

“compoundable when permission is given by the Court before which the prosecution is pending.”;

- (ii) for the entry relating to section 149 the following entry shall be *substituted*, namely:—

“Not compoundable.”;

(b) in column 8,—

- (i) for the entries relating to sections 123, 123A, 235 (second paragraph), 240, 251, 306, 307 (first paragraph), 308 (second paragraph), 312 (second paragraph), 314 (first paragraph), 315, 327, 328, 331, 333, 366, 366A, 368, 371, 372, 386, 388 (first paragraph), 389 (first paragraph), 392 (first paragraph), 399, 437, 439, 450, 454 (second paragraph), 455, 493 and 495 the following entry in each place shall be *substituted*, namely:—

“Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.”;

- (ii) for the entries relating to sections 128, 225 (fifth paragraph), 232, 236, 307 (second paragraph), 313, 314 (second paragraph), 388 (second paragraph), 389 (second paragraph), 392 (second paragraph), 394, 438, 467 and 474 (second paragraph) the following entry in each place shall be *substituted*, namely:—

“Court of Session.”;

- (iii) for the entries relating to sections 124, 126, 134, 201 (first paragraph), 219, 220, 221 (first paragraph), 222 (second paragraph), 225 (third paragraph), 231, 234, 243, 244, 245, 247, 252, 256, 257, 281, 317, 330, 335, 338A, 363, 365, 369, 370, 387, 393, 397, 401, 402, 404 (second paragraph), 433, 435, 440, 451 (second paragraph), 466, 468, 473, 474 (first paragraph), 476, 477A, 489C, 494, 496 and 506 (second paragraph), the following entry in each place shall be *substituted*, namely:—

“Metropolitan Magistrate or Magistrate of the first class.”;

- (iv) for the entries relating to sections 148, 152, 161, 162, 164, 167, 181, 193 (second paragraph), 201 (second paragraph), 205, 212, (second paragraph), 213 (second paragraph), 218, 221 (second paragraph), 222 (third paragraph), 225 (second paragraph), 225A(a), 233, 235, 237, 242, 246, 248, 263, 292, 308, 312 (first paragraph), 324, 332, 344, 347, 348, 406, 411, 414, 418, 419, 454, 456, 462, 469, 484, 485, 487 and 488, the following entry in each place shall be *substituted*, namely:—

“Metropolitan Magistrate or Magistrate of the first or second class.”;

- (v) for the entries relating to sections 120B (second paragraph), 135, 137, 153A, 154, 163, 166, 168, 169, 171E, 173, 176, 182, 184, 188, 202, 204, 206, 208, 215, 217, 221 (third paragraph), 223, 225 (first paragraph), 225A(b), 229, 241, 254, 262, 263A, 264, 269, 282, 287, 291, 293, 295, 295A, 296, 297, 318, 337, 342, 345, 385, 421, 427, 428, 434, 453, 461, 465, 482, 486, 489, 491, 498, 500, 505, 506, 507, 508 and 509, the following entry in each place shall be *substituted*, namely:—

“Any Magistrate.”;

- (2) under the heading “OFFENCES AGAINST OTHER LAWS”, in column 2,—

- (a) in the first paragraph, for the words “three years” the words “five years” shall be *substituted*;
- (b) in the second paragraph, for the words “three years” the words “five years” shall be *substituted*.

35. **Transitory provisions.**—Notwithstanding anything contained in any other law for the time being in force or in any amendment made in the said Code by this Ordinance—

- (a) any case other than an appeal which, immediately before the commencement of this Ordinance, was pending in a Court of Session and is triable by a Metropolitan Magistrate or a Magistrate of the first class under the provisions of the said Code as amended by this Ordinance shall—
- (i) if trial of such case has already commenced, be disposed of by that Court as if no such amendment had been made;
- (ii) if trial of such case has not already commenced, on such commencement, stand transferred for disposal to the Metropolitan Magistrate or the Magistrate of the first class, as the case may be, having jurisdiction to try the case;

- (b) any appeal of a person convicted on a trial held by any Magistrate of the second or third class which, immediately before the commencement of this Ordinance, was pending before any Sessions Judge, Additional Sessions Judge or Assistant Sessions Judge shall, on such commencement, stand transferred for disposal to the District Magistrate having jurisdiction to hear the appeal;
- (c) any case, including an appeal, other than a case or appeal in respect of an offence under section 400 or section 401 of the Penal Code (Act XLV of 1860), which, immediately before the commencement of this Ordinance, was pending in any Court, including the Supreme Court, shall be disposed of within a period of one hundred and eighty days from the date of such commencement;
- (d) any investigation relating to an offence other than an offence under section 400 or section 401 of the Penal Code (Act XLV of 1860), which, immediately before the commencement of this Ordinance, was pending with any police-officer shall be concluded within a period of ninety days from the date of such commencement;
- (e) the provisions of sections 339B as inserted in the said Code by this Ordinance shall apply to the trial of a case, including a case mentioned in clause (a)(i), which was commenced, but could not be concluded, before the commencement of this Ordinance.

DHAKA;
The 21st August, 1982.

H M ERSHAD, ndc, psc
LIEUTENANT GENERAL
Chief Martial Law Administrator.

SHAMSUR RAHMAN
Deputy Secretary.

Code of Criminal Procedure (3rd Amendment) Ordinance, 1982

**GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAW AND LAND REFORMS**

(Law and Parliamentary Affairs Division)

NOTIFICATION

Dhaka, the 30th December, 1982

No. 769 Pub.—The following Ordinance made by the Chief Martial Law Administrator of the People's Republic of Bangladesh on the 30th December, 1982, is hereby published for general information:—

**THE CODE OF CRIMINAL PROCEDURE (THIRD AMENDMENT)
ORDINANCE, 1982**

Ordinance No. LX of 1982

AN

ORDINANCE

further to amend the Code of Criminal Procedure, 1898.

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (Act V of 1898) for the purposes hereinafter appearing;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982 and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:—

1. **Short title.**—This Ordinance may be called the Code of Criminal Procedure (Third Amendment) Ordinance, 1982.

2. **Insertion of a new section 13A, Act V of 1898.**—In the Code of Criminal Procedure, 1898 (Act V of 1898), hereinafter referred to as the said Code, after section 13, the following new section shall be *inserted*, namely:—

"13A. Thana Magistrate.—(1) The Government may place any Magistrate of the first or second class in a police-station and such Magistrate shall be called the Thana Magistrate.

(2) A Thana Magistrate shall have all the powers of a Subdivisional Magistrate under this Code."

3. **Substitution of section 29C, Act V of 1898.**—In the said Code, for section 29C, the following shall be *substituted*, namely:—

"29C. Offences not punishable with death.—Notwithstanding anything contained in section 29, the Government may—

(a) invest the District Magistrate or any Additional District Magistrate with power to try as a Magistrate all offences not punishable with death;

- (b) invest any Magistrate of the first class with power to try as a Magistrate all offences not punishable with death or with transportation or with imprisonment for a term exceeding ten years.”.

4. **Amendment of section 167, Act V of 1898.**—In the said Code in section 167,—

- (a) for sub-section (5), the following shall be *substituted*, namely:—

“(5) If investigation is not concluded within sixty days from the date of receipt of information relating to the commission of the offence or the order of the Magistrate for such investigation, the Magistrate empowered to take cognizance of such offence or making the order for investigation shall make an order stopping further investigation into the offence unless the officer making the investigation satisfies the Magistrate that for special reasons and in the interest of justice the continuation of the investigation beyond the specified period is necessary in which case the Magistrate may extend the period up to thirty-days:

Provided that in cases in which sanction of appropriate authority is required to be obtained under the provisions of the relevant law for prosecution of the accused, the time taken for obtaining such sanction shall be excluded from the limitation prescribed in this sub-section.

Explanation.—The time taken for obtaining sanction shall commence from the day the case, with all necessary documents, is submitted for consideration of the appropriate authority and be deemed to end on the day of the receipt of the sanction order of the authority.”;

- (b) after sub-section (7), the following new sub-section shall be *inserted*, namely:—

“(7A) where an accused has been released under sub-section (7), the case against him shall not be revived after the expiry of six months of the release and, for revival of the investigation within the said period of six months, specific order of the District Magistrate shall have to be obtained:

Provided that the Government may, by order, revive the case at any time if the case is triable exclusively by Court of Sessions.”.

5. **Amendment of section 178, Act V of 1898.**—In the said Code, in section 178, the proviso shall be *omitted*.

6. **Insertion of a new section 205CC, Act V of 1898.**—In the said Code, after section 205C, the following new section shall be *inserted*, namely:—

“205CC. **Transfer of case to District Magistrate, etc.**—(1) when in a case instituted on a police report or otherwise, the accused appears or is brought before the Magistrate and it appears to the Magistrate that the

offence is triable exclusively by the District Magistrate or the Additional District Magistrates, he shall—

- (a) send the case to the District Magistrate;
- (b) subject to the provisions of this Code relating to bail, remand the accused to custody during, and until the conclusion of, the trial;
- (c) send to the District Magistrate the record of the case and the documents and articles, if any, which are to be produced in evidence.

(2) The District Magistrate may direct that any case received by him under sub-section (1) or any class of such cases shall be heard by any Additional District Magistrate subordinate to him.”

7. **Insertion of a new section 241A, Act V of 1898.**—In the said Code, after section 241, the following new section shall be *inserted*, namely:—

“241A. **When accused shall be discharged.**—When the accused appears or is brought before the Magistrate, and if the Magistrate, upon consideration of the record of the case and the documents submitted therewith and making such examination, if any, of the accused as the Magistrate thinks necessary and after giving the prosecution and the accused an opportunity of being heard, considers the charge to be groundless, he shall discharge the accused and record his reasons for so doing.”

8. **Amendment of section 242, Act V of 1898.**—In the said Code, in section 242, for the words and comma “When the accused appears or is brought before the Magistrate, a formal charge shall be framed” the words and commas “If, after such consideration and hearing as aforesaid, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence, the Magistrate shall frame a formal charge” shall be *substituted*.

9. **Amendment of section 260, Act V of 1898.**—In the said Code, in section 260, in sub-section (1), in clauses (d), (e), (f) and (g), for the words “five hundred taka” the words “ten thousand taka” shall be *substituted*.

10. **Amendment of section 339B, Act V of 1898.**—In the said Code, in section 339B, for sub-section (1), the following shall be *substituted*, name:—

“(1) Where after the compliance with the requirements of section 87 and section 88, the Court has reason to believe that an accused person has absconded or concealing himself so that he cannot be arrested and produced for trial and there is no immediate prospect of arresting him, the Court taking cognizance of the offence complained of shall, by order notified in the *official Gazette*, and also published in at least one Bengali daily newspaper, direct such person to appear before it within such period as may be specified in the order, and if such person fails to comply with such direction, he shall be tried in his absence.”

11. **Amendment of section 339C, Act V of 1898.**—In the said Code, in section 339C,—

(a) in sub-section (1),—

(i) for the words “thirty days” the words “sixty days” shall be *substituted*; and

(ii) for the words and commas “taken cognizance of, or received by him,” the words “received by him” shall be *substituted*;

(b) in sub-section (2), for the words “sixty days” the words “one hundred and twenty days” shall be *substituted*; and

(c) after sub-section (2), the following new sub-section shall be *inserted*, namely:—

“(2A) Notwithstanding anything contained in sub-section (1) or sub-section (2), where a person is accused in several cases and such cases are brought for trial before a Magistrate or a Court of Session, the time limit specified in sub-section (1) or sub-section (2) for the trial of such cases shall run consecutively.”.

12. **Amendment of section 345, Act V of 1898.**—In the said Code, in section 345, in sub-section (2), in the table,—

(a) against sections 379 and 381 in the second column, in the first column, the comma and words “, where the value of the property stolen does not exceed taka five hundred” shall be *omitted*;

(b) against sections 406, 407, 408 and 411 in the second column, in the first column, the comma and words “, where the value of the property does not exceed taka five thousand” shall be *omitted*;

(c) against section 414 in the second column, in the first column, the comma and words “, where the value of the stolen property does not exceed taka five hundred” shall be *omitted*;

(d) against section 428 in the second column, in the first column, the words “of the value of taka ten or upwards” shall be *omitted*; and

(e) against section 429 in the second column, in the first column, the comma and words “, of any value or any other animal of the value of taka fifty or upwards” shall be *omitted*.

13. **Amendment of section 348, Act V of 1898.**—In the said Code, in section 348, in sub-section (2), for the words, figures, letters and comma “section 250B or section 250H, as the case may be” the word, figure and letter “section 241A” shall be *substituted*.

14. **Insertion of a new section 349A, Act V of 1898.**—In the said Code, *after* section 349, the following new section 349A shall be *inserted*, namely:—

“349A. Conviction on evidence partly recorded by one Sessions Judge, etc., and partly by another.—(1) Whenever any Sessions Judge, Additional Sessions Judge or Assistant Sessions Judge, after having heard and recorded the whole or any part of the evidence in a trial, ceases to exercise jurisdiction therein, and is succeeded by another Sessions Judge, Additional Sessions Judge or Assistant Sessions Judge, as the case may be, who has and who exercises such jurisdiction, the Judge so succeeding may act on the evidence so recorded by his predecessor, or partly recorded by his predecessor and partly recorded by himself; or he may re-summon the witnesses and recommence the trial:

Provided that if the succeeding Sessions Judge, Additional Sessions Judge or Assistant Sessions Judge, as the case may be, is of opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interest of justice, he may re-summon any such witness, and after such further examination, cross-examination and re-examination, if any, as he may permit, the witness shall be discharged.

(2) When a case is transferred under the provisions of this Code from one Court of Session to another, the former shall be deemed to cease to exercise jurisdiction therein, and to be succeeded by the latter within the meaning of sub-section (1).”.

15. **Amendment of section 408, Act V of 1898.**—In the said Code, in section 408, *after* the words “District Magistrate”, the comma and words “, an Additional District Magistrate” shall be *inserted*.

16. **Amendment of section 442A, Act V of 1898.**—In the said Code, in section 442A,—

(a) in sub-section (1),—

(i) *for* the words “sixty days” the words “ninety days” shall be *substituted*; and

(ii) *for* the words “admission of the appeal” the words “service of notice upon respondents” shall be *substituted*; and

(b) in sub-section (2),—

(i) *for* the words “sixty days” the words “ninety days” shall be *substituted*; and

(ii) *for* the words “calling for the record by it” the words “service of notice upon the parties” shall be *substituted*.

17. Amendment of Schedule II, Act V of 1898.—In the said Code, in Schedule II, in the entries relating to offences under the Penal Code, in column 8,—

(a) *for* the entries relating to sections 307 (third paragraph) and 397 the following shall be—
“Court of Session.”; and—

(b) *for* the entries relating to sections 222 (first paragraph), 223 (fifth paragraph), 226, 232, 255, 307 (second paragraph), 311, 326, 376 (second and third paragraphs), 377, 388 (second paragraph), 389 (second paragraph), 412, 413, 436, 438, 459, 467, 472, 474 (second paragraph), 475 and 477 the following entry in each place shall be *substituted*, namely:—

“District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.”.

18. Amendment of Schedule III, Act V of 1898.—In the said Code, in Schedule III, under the heading “Ordinary Powers of Magistrates”, under the sub-heading “V. Ordinary Powers of a District Magistrate”, *after* item (12), the following new item shall be *inserted*, namely:—

“(12a) Power to report case to the High Court Division, section 438.”.

19. Amendment of section 4, Ord. XLIX of 1978.—In the Law Reforms Ordinance, 1978 (Ord. XLIX of 1978), in section 4, in sub-section (1) in the proviso, *for* the full-stop at the end a colon shall be *substituted* and thereafter the following proviso shall be *added*, namely:—

“Provided further that it shall not be necessary for a Court of Session to hold trials with the aid of assessors.”.

20. Amendment of section 35, Ord. XXIV of 1982.—In the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ord. XXIV of 1982) in section 35,—

(a) in clause (c), *for* the words “one hundred and eighty days” the words “three hundred and sixty days” shall be *substituted*; and

(b) in clause (d), *for* the words “ninety days” the words “one hundred and eighty days” shall be *substituted* and shall be deemed to have been so *substituted* on the 15th November, 1982.

21. Transitory provision.—Notwithstanding anything contained in any other law for the time being in force,—

(a) any case which, immediately before the commencement of this Ordinance, was pending in a Court of Metropolitan Magistrate or Magistrate of the first class and is exclusively triable by a Court of Session

under the provisions of the said Code as amended by this Ordinance shall stand transferred for disposal to the Court of Session having jurisdiction to try the case;

- (b) any case which, immediately before the commencement of this Ordinance, was pending in a Court of Session and is triable by the District Magistrate or the Additional District Magistrate under the provision of the said Code as amended by this Ordinance shall stand transferred for disposal to the District Magistrate having jurisdiction to try the case.

DHAKA;

The 30th December, 1982.

H M ERSHAD, ndc, psc

LIEUTENANT GENERAL

Chief Martial Law Administrator

S. RAHMAN

Deputy Secretary

Code of Criminal Procedure (Amendment) Ordinance, 1983

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
 MINISTRY OF LAW AND LAND REFORMS
 Law and Parliamentary Affairs Division

**THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) ORDINANCE,
 1983.**

Ordinance No. IV of 1983

AN

ORDINANCE

further to amend the Code of Criminal Procedure, 1898

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (Act V of 1898), for the purposes hereinafter appearing;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:—

1. **Short title.**—This Ordinance may be called the Code of Criminal Procedure (Amendment) Ordinance, 1983.
2. **Amendment of section 29C, Act V of 1898.**—In the Code of Criminal Procedure, 1898 (Act V of 1898), hereinafter referred to as the said Code, in section 29C, in clause (a), *after* the words “invest the”, the words and comma “Chief Metropolitan Magistrate,” shall be *inserted*.
3. **Amendment of section 167, Act V of 1898.**—In the said Code, in section 167, in sub-section (7A), *for* the words “District Magistrate” the words and commas “Chief Metropolitan Magistrate or the District Magistrate, as the case may be,” shall be *substituted*.
4. **Amendment of section 205CC, Act V of 1898.**—In the said Code, in section 205CC, in sub-section (1),—
 - (a) *after* the words “exclusively by the”, the words and comma “Chief Metropolitan Magistrate,” shall be *inserted*;
 - (b) in clauses (a) and (c), *for* the words “District Magistrate” the words and commas “Chief Metropolitan Magistrate or, as the case may be, District Magistrate” shall be *substituted*.

5. **Amendment of Schedule II Act V of 1898.**—In the said Code, in Schedule II, in the entries relating to offences under the Penal Code, in column 8, in the entries relating to sections 222 (first paragraph), 225 (fifth paragraph), 226, 232, 255, 307 (second paragraph), 311, 326, 376 (second and third paragraphs), 377, 388 (second paragraph), 389 (second paragraph), 412, 413, 436, 438, 459, 467, 472, 474 (second paragraph), 475 and 477, *before* the words “District Magistrate”, the words and comma “Chief Metropolitan Magistrate,” shall be *inserted*.

DHAKA;

The 24th January 1983.

H. M. ERSHAD, ndc, psc

LIEUTENANT GENERAL

Chief Martial Law Administrator.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF LAW AND LAND REFORMS

Law and Parliamentary Affairs Division

**THE CODE OF CRIMINAL PROCEDURE (SECOND AMENDMENT)
ORDINANCE, 1983**

Ordinance No. XXXVII of 1983

AN

ORDINANCE

further to amend the Code of Criminal Procedure, 1898

WHEREAS it is expedient further to amend the Code of Criminal Procedure, 1898 (Act V of 1898), for the purposes hereinafter appearing;

NOW, THEREFORE, in pursuance of the Proclamation of the 24th March, 1982, and in exercise of all powers enabling him in that behalf, the Chief Martial Law Administrator is pleased to make and promulgate the following Ordinance:—

1. **Short title.**—This Ordinance may be called the Code of Criminal Procedure (Second Amendment) Ordinance, 1983.

2. **Substitution of section 13A, Act V of 1898.**—In the Code of Criminal Procedure, 1898 (Act V of 1898), hereinafter referred to as the said Code, *for* section 13A the following shall be *substituted*, namely:—

“13A. **Upazila Magistrate.**—(1) The Government may place any Magistrate of the first or second class in a Upazila and such Magistrate shall be called the Upazila Magistrate.

(2) A Upazila Magistrate shall have all the powers of a Subdivisional Magistrate under this Code.”

3. **Amendment of section 265K, Act V of 1898.**—In the said Code, in section 265K, sub-section (2) shall be *omitted*.

4. **Amendment of section 339C, Act V of 1898.**—In the said Code, in section 339C, *after* sub-section (5), the following new sub-section shall be *added*, namely:—

“(6) In this section, in determining the time, only the working days shall be counted.”.

5. **Amendment of section 417, Act V of 1898.**—In the said Code, in section 417, *for* sub-section (1) the following shall be *substituted*, namely:—

“(1) Subject to the provisions of sub-section (4), the Government may, in any case, direct the Public Prosecutor to present an appeal—

(a) to the High Court Division from an original or appellate Order of acquittal passed by any Court of Session,

(b) to the Court of Session from an original or appellate Order of acquittal passed by any Magistrate.”.

6. **Amendment of section 442A, Act V of 1898.**—In the said Code, in section 442A, *after* sub-section (2), the following new sub-section shall be *added*, namely:—

“(3) In this section, in determining the time, only the working days shall be counted.”.

7. **Insertion of a new section 525A, Act V of 1898.**—In the said Code, in CHAPTER XLIV, before section 526, the following new section 525A shall be *inserted*, namely:—

“525A. **Power of Appellate Division to transfer cases and appeals.**—

(1) The Appellate Division may direct the transfer of any particular case or appeal from one permanent Bench of the High Court Division to another permanent Bench of the High Court Division, or from any Criminal Court within the jurisdiction of one permanent Bench of the High Court Division to any other Criminal Court of equal or superior jurisdiction within the jurisdiction of another permanent Bench of the High Court Division, whenever it appears to it that such transfer will promote the ends of justice, or tend to the general convenience of parties or witnesses.

(2) The permanent Bench of the High Court Division or the Court, as the case may be, 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 Bench or Court, as the case may be.”.

8. **Special extension of time limit in certain cases.**—Notwithstanding the time specified in section 339C of the said Code, trial of any case pending, on the commencement of this Ordinance, before a Magistrate or a Sessions Judge, Additional Sessions Judge or Assistant Sessions Judge shall continue and be concluded before the 31st December, 1983; and if such trial cannot be concluded before that date, further proceedings in respect of the trial shall stand stopped and the accused person released.

DHAKA;
The 7th August, 1983.

H M ERSHAD, ndc, psc
LIEUTENANT GENERAL
Chief Martial Law Administrator.

Schedule—II of the Code of Criminal Procedure, 1898

SCHEDULE II TO THE CRIMINAL PROCEDURE CODE

TABULAR STATEMENT OF OFFENCES

EXPLANATORY NOTE—The entries in the second and seventh columns of this schedule, headed respectively "Offence" and "Punishment under the Penal Code", are not intended as definitions of the offences and punishment described in the several corresponding sections of the "Penal Code", or even as abstracts of those sections, but merely as references to the subject of the section, the number of which is given in the first column.

CHAPTER V.—ABETMENT

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
1	2	3	4	5	6	7	8
109	Abetment of any offence, if the act abetted is committed in consequence, and where no express provision is made for its punishment.	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	The same punishment as for the offence abetted.	The Court by which the offence abetted is triable.
110	Abetment of any offence, if the person abetted does the act with a different intention from that of the abettor.	May arrest without warrant if arrest for the offence abetted may be made without warrant but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence is bailable or not.	According as the offence abetted is compoundable or not.	The same punishment as for the offence abetted.	Ditto.
111	Abetment of any offence, when one act is abetted and a different act is done; subject to the proviso.	Ditto	Ditto	Ditto	Ditto	The same punishment as for the offence abetted.	Ditto.

113	Abetment of any offence, when an effect is caused by the act abetted different from that intended by the abettor.	Ditto	Ditto	Ditto	Ditto	The same punishment as for the offence committed.	Ditto.
114	Abetment of any offence, if abettor is present when offence is committed.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
115	Abetment of an offence, punishable with death or transportation for life, if the offence be not committed in consequence of the abetment.	Ditto	Ditto	Not bailable.	Ditto	Imprisonment of either description for 7 years, and fine.	Ditto.
If an act which causes harm be done in consequence of the abetment.		May arrest without warrant, if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	Not bailable.	According as the offence abetted is compoundable or not.	Imprisonment of either description for 14 years and fine.	Ditto.
116	Abetment of an offence, punishable with imprisonment, if the offence be not committed in consequence of the abetment.	Ditto	Ditto	According as the offence abetted is bailable or not.	Ditto	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
If the abettor or the person abetted be a public servant whose duty it is to prevent the offence.		Ditto	Ditto	Ditto	Ditto	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
1	2	3	4	5	6	7	8
117	Abetting the commission of an offence by the public, or by more than ten persons.	May arrest without warrant if arrest for the offence abetted may be made without warrant but not otherwise.	According as a warrant or summons may issue for the offence abetted.	According as the offence abetted is bailable or not.	According as the offence abetted is compoundable or not.	Imprisonment of either description for 3 years, or fine or both	The Court by which the offence abetted is triable
118	Concealing a design to commit an offence punishable with death or transportation for life, if the offence be committed.	Ditto	Ditto	Not bailable	Ditto	Imprisonment of either description for 7 years, and fine.	Ditto.
	If the offence be not committed.	Ditto	Ditto	Bailable	Ditto	Imprisonment of either description for 3 years, and fine.	Ditto.
119	A public servant concealing a design to commit an offence which it is his duty to prevent, if the offence be committed.	Ditto	Ditto	According as the offence abetted is bailable or not.	Ditto.	Imprisonment extending to half of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the offence be punishable with death or transportation for life.	Ditto	Ditto	Not bailable.	Ditto	Imprisonment of either description for 10 years.	Ditto.

	If the offence be not committed.	May arrest without warrant if arrest for the offence abetted may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence abetted.	Bailable.	According as the offence abetted is compoundable nor not.	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
12	Concealing a design to commit an offence and punishable with imprisonment, if the offence be committed.	Ditto	Ditto	According as the offence conceal is bailable or not.	Ditto	Imprisonment extending to a quarter part of the longest term, and of any description, provided for the offence, or fine, or both.	Ditto.
	If the offence be not committed.	Ditto	Ditto	Bailable	Ditto	Imprisonment extending to one-eighth part of the longest term, and of the description, provided for the offence, or fine, or both.	Ditto.

CHAPTER VA.—CRIMINAL CONSPIRACY

120B	Criminal conspiracy to commit an offence punishable with death, transportation or rigorous imprisonment for a term of two years or upwards.	May arrest without warrant if arrest for the offence which is the object of the conspiracy may be made without warrant, but not otherwise.	According as a warrant or summons may issue for the offence which is the object of the conspiracy.	According as the offence which is the object of the conspiracy is bailable or not.	Not compoundable.	The same punishment as that provided for the abetment of the offence which is the object of the conspiracy.	Court by which abetment of the offence which is an object of conspiracy is triable.
	Any other criminal conspiracy.	Shall not arrest without a warrant.	Summons	Bailable	Not compoundable.	Imprisonment of either description for six months or fine, or both.	Any Magistrate.

CHAPTER VI.—OFFENCES AGAINST THE STATE

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
1	2	3	4	5	6	7	8
121	Waging or attempting to wage war, or abetting the waging of war, against Bangladesh.	Shall not arrest without warrant.	Warrant	Not bailable.	Not compoundable.	Death, or transportation for life, and fine.	Court of Session.
121A	Conspiring to commit certain offences against the state.	Ditto.	Ditto.	Ditto.	Ditto.	Transportation for life or any shorter term, or imprisonment of either description for 10 years and fine.	Ditto.
122	Collecting arms, etc., with the intention of waging war against Bangladesh.	Ditto.	Ditto.	Ditto.	Ditto.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
123	Concealing with intent to facilitate a design to wage war.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 10 years, and fine.	Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.

123A	Condemnation of the state and advocacy of abolition of its sovereignty.	Ditto.	Ditto.
124	Assaulting President, Governor etc., with intent, to compel or restrain the exercise of any lawful power.	Ditto.	Ditto.
124A	Sedition	Ditto.	Ditto.
125	Waging war against any Asiatic power in alliance or at peace with Bangladesh, or abetting the waging of such war.	Ditto.	Ditto.
126	Committing depredation on the territories of any power in alliance or at peace with Bangladesh.	Ditto.	Ditto.

Ditto.	Ditto.	Rigorous imprisonment for 10 years, and fine.	Ditto.
Ditto.	Ditto.	Imprisonment of either description for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
Ditto.	Ditto.	Transportation for life or for any term and fine, or imprisonment of either description for 3 years and fine, or fine.	Court of Session, Chief Metropolitan Magistrate or District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.
Ditto.	Ditto.	Transportation for life and fine, or imprisonment of either description for 7 years and fine, or fine.	Court of Session.
Ditto.	Ditto.	Imprisonment of either description for 7 years and fine, and forfeiture of certain property.	Metropolitan Magistrate or Magistrate of the first class.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
127	Receiving property taken by war deprecation mentioned in section 125 and 126.	Shall not arrest without warrant.	Warrant
128	Public servant voluntarily allowing prisoner of state or war in his cus- tody to escape.	Ditto.	Ditto.
129	Public servant negligently suffering prisoner of State or war in his custody to escape.	Ditto.	Ditto.
130	Aiding escape of, rescuing or harboring, such prisoner or offering any resistance to the recapture of such prisoner.	Ditto.	Ditto.

CHAPTER VII.—OFFENCES

131	Abetting mutiny, or attempt- ing to seduce an officer, soldier, sailor or airman from his allegiance or duty.	Ditto.	Ditto.
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Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable
5	6	7	8
Not bailable.	Not compoundable.	Imprisonment of either description for 7 years and fine, and forfeiture of certain property.	Metropolitan Magistrate or Magistrate of the first class.
Ditto.	Ditto.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
Bailable.	Ditto.	Simple imprisonment for 3 years and fine.	Metropolitan Magistrate or Magistrate of the first class.
Ditto.	Ditto.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

RELATING TO THE ARMY AND NAVY

Not bailable	Ditto.	Ditto.	Ditto.
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132	Abetment of mutiny, if mutiny is committed in consequence thereof.	Ditto.	Ditto.	Ditto.
133	Abetment of an assault by an officer, soldier, sailor or airman on his superior officer, when in the execution of his office.	Ditto.	Ditto.	Ditto.
134	Abetment of such assault, if the assault is committed.	Ditto.	Ditto.	Ditto.
135	Abetment of the description of an officer, soldier, sailor or airman.	Ditto.	Ditto.	Bailable.
136	Harbouring such an officer, soldier, sailor or airman who has deserted.	Ditto.	Ditto.	Ditto.
137	Deserter concealed on board merchant-vessel, through negligence of master or person in charge thereof.	Ditto.	Summons.	Ditto.
138	Abetment of act of insubordination by an officer, soldier, sailor or airman if the offence be committed in consequence.	May arrest without warrant.	Warrant.	Ditto.
140	Wearing the dress or carrying any token used by a soldier, sailor or airman with intent that it may be believed that he is such a soldier, sailor, or airman.	Ditto.	Summons.	Bailable.

Ditto.	Death, or transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
Ditto.	Imprisonment of either description for 3 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
Ditto.	Imprisonment of either description for 3 years, and fine.	Ditto.
Ditto.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
Ditto.	Ditto.	Ditto.
Ditto.	Fine of 500 Taka.	Ditto.
Ditto.	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
Ditto.	Imprisonment of either description for 3 months, or fine of 500 Taka, or both.	Any Magistrate.

CHAPTER VIII.—OFFENCES AGAINST THE PUBLIC TRANQUILLITY.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
1	2	3	4	5	6	7	8
143	Being member of an unlawful assembly.	May arrest without warrant.	Summons.	Bailable.	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
144	Joining an unlawful assembly armed with any deadly weapon.	Ditto.	Warrant.	Ditto.	Ditto.	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
145	Joining or continuing in an unlawful assembly, knowing that it has been commanded to disperse.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
147	Rioting.	Ditto.	Ditto.	Ditto.	Compoundable when permission is given by the Court before which the prosecution is pending.	Ditto.	Ditto.
148	Rioting, armed with a deadly weapon.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first or second class.

149	If an offence be committed by any member of an unlawful assembly, every other member of such assembly shall be guilty of the offence.	According as arrest may be made without warrant for the offence or not.	According as a warrant or summons may issue for the offence.	According as the offence is bailable or not.	Not compoundable.	The same as for the offence.	The court by which the offence is triable.
150	Hiring, engaging or employing persons to take part in an unlawful assembly.	May arrest without warrant.	According to the offence committed by the person hired, engaged or employed.	Ditto.	Ditto.	The same as for a member of such assembly, and for any offence committed by any member of such assembly.	Ditto.
151	Knowingly joining or continuing in any assembly of five or more persons after it has been commanded to disperse.	Ditto.	Summons.	Bailable.	Ditto.	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
152	Assaulting or obstructing public servant when suppressing riot, etc.	Ditto.	Warrant.	Ditto.	Ditto.	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first or second class.
153	Wantonly giving provocation with intent to cause riot, if rioting be committed.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
	If not committed.	Ditto.	Summons.	Ditto.	Ditto.	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
153A	Promoting enmity between classes.	Shall not arrest without warrant.	Warrant.	Not bailable.	Ditto.	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
153B	Inducing students or institution interested in or connected with students to take part in any political activity.	May arrest without warrant.	Warrant.
154	Owner or occupier of land not giving information of riot, etc.	Shall not arrest without warrant.	Summons.
155	Person for whose benefit or on whose behalf a riot takes place not using all lawful means to prevent it.	Ditto.	Ditto.
156	Agent of owner or occupier for whose benefit a riot is committed not using all lawful means to prevent it.	Ditto.	Ditto.
157	Harbouring persons hired for an unlawful assembly.	May arrest without warrant.	Ditto.
158	Being hired to take part in an unlawful assembly or riot.	Ditto.	Ditto.
	Or to go armed.	Ditto.	Warrant.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Not bailable.	Not compoundable.	Imprisonment of either description for 2 years, or fines or both.	Any Magistrate.
Bailable.	Ditto.	Fine of Taka 1,000.	Ditto.
Ditto.	Ditto.	Fine	Ditto.
Ditto.	Ditto.	Ditto.	Ditto.
Ditto.	Ditto.	Imprisonment of either description for six months, or fine, or both.	Ditto.
Ditto.	Ditto.	Ditto.	Ditto.
Ditto.	Ditto.	Imprisonment of either description for 2 years, or fine, or both.	Ditto.

160	Committing affray.	Shall not arrest without warrant.	Summons.	Ditto.	Ditto.	Imprisonment of either description for one month, or fine of 100 Taka or both.	Any Magistrate.
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CHAPTER IX.—OFFENCES BY OR RELATING TO PUBLIC SERVANTS.

161	Being or expecting to be a public servant and taking a gratification other than legal remuneration in respect of an official act.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first or second class.
162	Taking a gratification in order by corrupt or illegal means to influence a public servant.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
163	Taking a gratification for the exercise of personal influence with a public servant.	Ditto.	Ditto.	Ditto.	Ditto.	Simple imprisonment for 1 year, or fine, or both.	Any Magistrate.
164	Abetment by public servant of the offences defined in the last two preceding clauses with reference to himself.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first or second class.
165	Public servant obtaining any valuable thing, without consideration, from a person concerned in any proceeding or business transacted by such public servant.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
165A	Abetment of offences under sections 161 and 165.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.

Section.	Offence.	Whether the police may arrest without warrant or not,	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
166	Public servant disobeying a direction of the law with intent to cause injury to any person.	Shall not arrest without warrant.	Summons.
167	Public servant framing an incorrect document with intent to cause injury.	Ditto.	Ditto.
168	Public servant unlawfully engaging in trade.	Ditto.	Ditto.
169	Public servant unlawfully buying or bidding for property.	Ditto.	Ditto.
170	Personating a public servant.	May arrest without warrant.	Warrant.
171	Wearing garb or carrying token used by public servant with fraudulent intent.	Ditto.	Summons.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Bailable.	Not compoundable.	Simple imprisonment for 1 year, or fine, or both.	Any Magistrate.
Ditto.	Ditto.	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first or second class.
Ditto.	Ditto.	Simple imprisonment for 1 year, or fine, or both.	Any Magistrate.
Ditto.	Ditto.	Simple imprisonment for 3 years, or fine, or both and confiscation of property, if purchased.	Ditto.
Ditto.	Ditto.	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
Ditto.	Ditto.	Imprisonment of either description for 3 months, or fine of Taka 200 or both.	Ditto.

CHAPTER IXA.—OFFENCES RELATING TO ELECTIONS.

171E	Bribery.	Shall not arrest without warrant.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for one year, or fine, or both or if treating only, fine only.	Any Magistrate.
171F	Undue influence and personation at an election.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for one year, or fine, or both.	Ditto.
171G	False statement in connection with an election.	Ditto.	Ditto.	Ditto.	Ditto.	Fine.	Ditto.
171H	Illegal payments in connection with elections.	Ditto.	Ditto.	Ditto.	Ditto.	Fine of 500 Taka	Ditto.
171I	Failure to keep election accounts.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.

CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.

172	Absconding to avoid service of summons or other proceeding for a public servant.	Ditto.	Ditto.	Ditto.	Ditto.	Simple imprisonment for 1 month, or fine of 500 Taka, or both.	Any Magistrate.
	If summons or notice require attendance in person, etc., in a Court of Justice.	Ditto.	Ditto.	Ditto.	Ditto.	Simple imprisonment for 6 months, or fine of 1,000 5 Taka, or both.	Ditto
173	Preventing the service or the affixing of any summons or notice, or the removal of it when it has been affixed, or preventing a proclamation.	Ditto.	Ditto.	Ditto.	Ditto.	Simple imprisonment for 1 month, or fine of 500 Taka, or both.	Any Magistrate

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
	If summons etc. require attendance in person, etc., in a Court of Justice.	Shall not arrest without warrant.	Summons.
174	Not obeying a legal order to attend at a certain place in person or by agent, or departing therefrom without au- thority.	Ditto	Ditto
	If the order require per- sonal attendance, etc., in a Court of Justice.	Ditto	Ditto
175	Intentionally omitting to produce a document to a public servant by a person legally bound to produce or deliver such document.	Ditto.	Ditto

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Bailable	Not compoundable.	Simple imprisonment for 6 months, or fine of 1,000 Taka, or both.	Any Magistrate.
Ditto	Ditto	Simple imprisonment for 1 month, or fine of 500, 5 Taka, or both.	Ditto.
Ditto	Ditto	Simple imprisonment for 6 months, or fine of 1,000 Taka, or both.	Ditto.
Ditto	Ditto	Simple imprisonment for 1 month, or fine of 500 Taka, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV; or, if not committed in a Court, a Metropolitan Magistrate or Magistrate of the first or second class.

If the document is required to be produced in or delivered to a Court of Justice.	Ditto.	Ditto.	Ditto.	Ditto.	Simple imprisonment for 6 months, or fine of 1,000 Taka, or both.	Ditto.
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CHAPTER X.—CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS

176 Intentionally omitting to give notice or information to a public servant by a person legally bound to give such notice or information.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 1 month, or fine of 500 Taka, or both.	Any Magistrate.
If the notice or information required respects the commission of an offence, etc.	Ditto	Ditto	Ditto	Ditto	Simple imprisonment for 6 months, or fine of 1,000 Taka, or both.	Ditto.
If the notice or information is required by an Order passed under sub-section (1) of Section 565 of this Code.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 6 months, or fine of 1,000 Taka, or both.	Ditto.
177 Knowingly furnishing false information to a public servant.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
	If the information required respects the commission of an offence etc.	Shall not arrest without warrant.	Summons.
178	Refusing oath when duly required to take oath by a public servant.	Ditto	Ditto
179	Being legally bound to state truth, and refusing to answer questions.	Ditto	Ditto
180	Refusing to sign a state- ment made to a public servant when legally re- quired to do so.	Ditto	Ditto

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Bailable.	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
Ditto	Ditto	Simple imprison- ment for 6 months, or fine of 1,000 Taka, or both.	The Court in which the offence is com- mitted subject to the provisions of Chapter XXXV; or, if not commit- ted in a Court a Metropolitan Magistrate or Magistrate of the first or second class.
Ditto	Ditto	Ditto.	Ditto
Ditto	Ditto	Simple imprisonment for 3 months or fine of 500 Taka, or both.	Ditto

181	Knowingly stating to a public servant on oath as true that which is false.	Ditto	Warrant
182	Giving false information to a public servant in order to cause him to use his lawful power to the injury or annoyance of any person.	Ditto	Summons
183	Resistance to the taking of property by the lawful authority of a public servant.	Ditto	Ditto
184	Obstructing sale of property offered for sale by authority of a public servant.	Ditto	Ditto
185	Bidding by a person under a legal incapacity to purchase it, for property at a lawfully authorized sale, or bidding without intending to perform the obligations incurred thereby.	Ditto	Ditto
186	Obstructing public servant in discharge of his public functions.	Ditto	Ditto
187	Omission to assist public servant when bound by law to give such assistance.	Ditto	Ditto

Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	Metropolitan Magistrate or Magistrate of the first or second class.
Ditto	Ditto	Imprisonment of either description for 6 months, or fine of 1,000 Taka, or both.	Any Magistrate.
Ditto	Ditto	Ditto	Ditto.
Ditto	Ditto	Imprisonment of either description for 1 month, or fine of 500 Taka, or both.	Ditto.
Ditto	Ditto	Imprisonment of either description for 1 month, or fine of 200 Taka, or both.	Ditto.
Ditto	Ditto	Imprisonment of either description for 3 months, or fine of 500 Taka, or both.	Ditto.
Ditto	Ditto	Simple imprisonment for 1 month or fine of 200 Taka, or both.	Ditto.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
	Wilfully neglecting to aid a public servant who demands aid in the exe- cution of process, the Prevention of offences, etc.	Shall not arrest without warrant.	Summons
188	Disobedience to an order lawfully promulgated by a public servant, if such disobedience causes obs- truction, annoyance or injury to persons law- fully employed.	Ditto	Ditto
	If such disobedience causes danger to human life, health or safety, etc.	Ditto	Ditto
189	Threatening a public servant with injury to him, or one in whom he is inter- ested, to induce him to do or forbear to do any official act.	Ditto	Ditto
190	Threatening any person to induce him to refrain from making a legal application for protection from injury.	Ditto	Ditto

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Bailable	Not compound- able.	Simple imprisonment for 6 months, or fine of 500 Taka, or both.	Ditto.
Ditto	Ditto	Simple imprisonment for 1 month, or fine of 200 Taka, or both.	Ditto.
Ditto	Ditto.	Imprisonment of ei- ther description for 6 months, or fine of 1,000 Taka, or both.	Ditto.
Ditto	Ditto.	Imprisonment of ei- ther description for 2 years, or fine, or both.	Ditto.
Ditto	Ditto.	Imprisonment of ei- ther description for 1 year, or fine, or both.	Ditto.

CHAPTER XL—FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

193	Giving or fabricating false evidence in a judicial proceeding.	Ditto	Warrant	Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
	Giving or fabricating false evidence in any other case.	Ditto	Ditto	Bailable	Ditto	Imprisonment of either description for 3 years, and fine.	Metropolitan Magistrate or Magistrate of the first or second class.
194	Giving or fabricating false evidence with intent to cause any person to be convicted of a capital offence.	Ditto	Ditto	Not bailable	Ditto	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Sessions.
	If innocent person be thereby convicted and executed.	Ditto	Ditto	Ditto.	Ditto	Death, or as above	Ditto.
195	Giving or fabricating false evidence with intent to procure conviction of an offence punishable with transportation for life or with imprisonment for 7 years or upwards.	Ditto	Ditto	Ditto	Ditto.	The same as for the office.	Ditto
196	Using in a judicial proceeding evidence known to be false or fabricated.	Ditto	Ditto	According as the offence of giving such evidence is bailable or not.	Ditto.	The same as for giving or fabricating false evidence.	Metropolitan Magistrate or Magistrate of the 1st class.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
197	Knowingly issuing or signing a false certificate relating to any fact of which such certificate is by law admissible in evidence.	Shall not arrest without warrant.	Warrant
198	Using as a true certificate one known to be false in a material point.	Ditto	Ditto
199	False statement made in any declaration which is by law receivable as evidence.	Ditto	Ditto
200	Using as true any such declaration known to be false.	Ditto	Ditto
201	Causing disappearance of evidence of an offence committed, or giving false information touching it to screen the offender, if a capital offence.	Ditto	Ditto
	If punishable with transportation for life or imprisonment for 10 years.	Ditto	Ditto

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Bailable	Not compound- able.	The same as for giving false evidence.	Metropolitan Ma- gistrate or Magis- trate of the first class.
Ditto	Ditto.	Ditto	Ditto.
Ditto	Ditto.	Ditto	Ditto.
Ditto	Ditto.	Ditto	Ditto.
Ditto	Ditto.	Imprisonment of either description for 7 years, and fine.	Metropolitan Ma- gistrate or Magis- trate of the first class.
Ditto	Ditto.	Imprisonment of either description for 3 years, and fine.	Metropolitan Ma- gistrate or Magis- trate of the first or second class.

If punishable with less than 10 years imprisonment.	Ditto	Ditto
202 Intentional omission to give information of an offence by a person legally bound to inform.	Ditto	Summons
203 Giving false information respecting an offence Committed.	Ditto	Warrant
204 Secreting or destroying any document to prevent its production as evidence.	Ditto	Ditto
205 False personation for the purpose of any act or proceeding in a suit or criminal prosecution, or for becoming bail or security.	Ditto	Ditto
206 Fraudulent removal or con- cealment, etc., of property to prevent its seizure as a forfeiture, or in satis- faction of a fine under sentence or in execution of a decree.	Ditto.	Ditto.

Ditto	Ditto.	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Metropolitan Magistrate or Magistrate of the first class of court by which the offence is triable.
Ditto	Ditto	Imprisonment of either description for 6 months, or fine or both.	Any Magistrate
Ditto	Ditto.	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
Ditto	Ditto.	Imprisonment of either description for 2 years, or fine, or both.	Ditto
Ditto	Ditto.	Imprisonment of either description for 3 years, or fine or both.	Metropolitan Magistrate or Magistrate of the first or second class.
Ditto.	Ditto.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
207	Claiming property without right, or practising deception touching any right to it, to prevent its being taken as a forfeiture, or in satisfaction of a fine under sentence, or in execution of a decree.	Shall not arrest without warrant.	warrant.
208	Fraudulently suffering a decree to pass for a sum not due, or suffering decree to be executed after it has been satisfied.	Ditto.	Ditto.
209	False claim in a Court of Justice.	Ditto.	Ditto.
210	Fraudulently obtaining a decree for a sum not due, or causing a decree to be executed after it has been satisfied.	Ditto.	Ditto.
211	False charge of offence made with intent to injure.	Ditto.	Ditto.
	If offence charged to be punishable with imprisonment for 7 years or upwards.	Ditto.	Ditto.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Bailable.	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
Ditto.	Ditto.	Ditto.	Ditto.
Ditto.	Ditto.	Imprisonment of either description for 2 years, and fine.	Ditto.
Ditto.	Ditto.	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
Ditto.	Ditto.	Ditto.	Ditto.
Ditto.	Ditto.	Imprisonment of either description for 7 years, and fine.	Metropolitan Magis- trate or Magis- trate of the first class.

	If offence charged be capital, or punishable with transportation for life.	Ditto.	Ditto.
212	Harbouring an offender, if the offence be capital.	May arrest without warrant.	Ditto.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto.	Ditto.
	If punishable with imprisonment for 1 year and not for 10 years.	Ditto.	Ditto.
213	Taking gift, etc., to screen an offender from punishment, if the offence be capital.	Ditto.	Ditto.
	If punishable with transportation for life or with imprisonment for 10 years.	Ditto.	Ditto.
	If with imprisonment for less than 10 years.	Ditto.	Ditto.

Ditto.	Ditto.	Imprisonment of either description for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
Ditto.	Ditto.	Imprisonment of either description for 5 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
Ditto.	Ditto.	Imprisonment of either description for 3 years, and fine.	Metropolitan Magistrate or Magistrate of the first or second class.
Ditto.	Ditto.	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Metropolitan Magistrate or Magistrate of the first class, or Court by which the offence is triable.
Ditto.	Ditto.	Imprisonment of either description for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
Ditto.	Ditto.	Imprisonment of either description for 3 years, and fine.	Metropolitan Magistrate or Magistrate of the first or second class.
Ditto.	Ditto.	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Metropolitan Magistrate or Magistrate of the first class, or Court by which the offence is triable.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
214	Offering gift or restoration of property in consideration of screening offender, if the offence be capital.	Shall not arrest without warrant.	Warrant.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto.	Ditto.
	If with imprisonment for less than 10 years.	Ditto.	Ditto.
215	Taking gift to help to recover movable property of which a person has been deprived by an offence, without causing apprehension of offender.	May arrest without warrant.	Ditto.
216	Harbouring an offender who has escaped from custody, or whose apprehension has been ordered, if the offence be capital.	Ditto.	Ditto.
	If punishable with transportation for life, or with imprisonment for 10 years.	Ditto.	Ditto.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Bailable.	Not compoundable.	Imprisonment of either description for 7 years, and fine.	Metropolitan Ma- gistrate or Ma- gistrate of the first class.
Ditto.	Ditto.	Imprisonment of either description for 3 years, and fine.	Ditto.
Ditto.	Ditto.	Imprisonment for a quarter of the lon- gest term, and of the description, provided for the offence, or fine, or both.	Metropolitan Ma- gistrate or Ma- gistrate of the first class or Court by which the offence is triable.
Ditto.	Ditto.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
Ditto.	Ditto.	Imprisonment of either description for 7 years, and fine.	Metropolitan Ma- gistrate or Ma- gistrate of the first class.
Ditto.	Ditto.	Imprisonment of either description for 3 years, with or without fine.	Ditto.

	If with imprisonment for 1 year and not for 10 years.	Ditto.	Ditto.	Ditto.
216A	Harbouring robbers or dacoits.	Ditto.	Ditto.	Ditto.
217	Public servant disobeying a direction of law with intent to save person from punishment, or property from forfeiture.	Shall not arrest without warrant.	Summons	Ditto.
218	Public servant framing an incorrect record or writing intent to save person from punishment, or property from forfeiture.	Ditto.	Warrant	Ditto.
219	Public servant in a judicial proceeding correctly making and pronouncing an order, report, verdict or decision which he knows to be contrary to law.	Ditto.	Ditto.	Ditto.
220	Commitment for trial or confinement by a person having authority, who knows that he is acting contrary to law.	Ditto.	Ditto.	Ditto.
221.	Intentional omission to apprehend on the part of a public servant bound by law to apprehend an offender, if the offence be capital.	Ditto.	Ditto.	Ditto.

Ditto.	Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both.	Metropolitan Magistrate or Magistrate of the first class, or Court by which the offence is triable.
Ditto.	Rigorous imprisonment for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
Ditto.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
Ditto.	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first or second class.
Ditto.	Imprisonment of either description for 7 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first class.
Ditto.	Imprisonment of either description for 7 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first class.
Ditto.	Imprisonment of either description for 7 years, with or without fine.	Metropolitan Magistrate or Magistrate of the first class.

Section	Offence.	Whether the police may arrest without warrant or not,	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
	If punishable with transportation for life, or imprisonment for 10 years.	Shall not arrest without warrant.	Warrant
	If with imprisonment for less than 10 years.	Ditto	Ditto.
222	Intentional omission to apprehend on the part of a public servant bound by law to apprehend person under sentence of a Court of justice if under sentence of death.	Ditto.	Ditto.
	If under sentence of transportation or transportation, imprisonment for 10 years or upwards.	Ditto.	Ditto.
	If under sentence of imprisonment for less than 10 years or lawfully committed to custody.	Ditto.	Ditto.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Bailable	Not compoundable	Imprisonment of either description for 3 years, with or without fine.	Metropolitan Ma- gistrate or Ma- gistrate of the first or second class.
Ditto.	Ditto.	Imprisonment of either description for 2 years, with or without fine.	Any Magistrate.
Not bailable	Ditto.	Transportation for life, or imprison- ment of either des- cription for 14 years, with or with- out fine.	Chief Metropoli- tan Magistrate, District Magis- trate or Addi- tional District Magistrate specially empow- ered by the Government in that behalf.
Ditto.	Ditto.	Imprisonment of either description for 7 years, with or without fine.	Metropolitan Ma- gistrate or Ma- gistrate of the first class.
Bailable	Ditto.	Imprisonment of either description for 3 years, or fine or both.	Metropolitan Ma- gistrate or Ma- gistrate of the first or second class.

223	Escape from confinement negligently suffered by a public servant.	Ditto.	Summons
224	Resistance or obstruction by a person to his lawful apprehension.	May arrest without warrant.	Warrant
225	Resistance or obstruction to the lawful apprehension of another person, or rescuing him from lawful custody.	Ditto.	Ditto.
	If charged with an offence punishable with transportation for life, or imprisonment for 10 years.	Ditto.	Ditto.
	If charged with a capital offence.	Ditto.	Ditto.
	If the person is sentenced to transportation for life, or to transportation, or imprisonment for 10 years or upwards.	Ditto.	Ditto.
	If under sentence of death.	Ditto.	Ditto

Ditto.	Ditto.	Simple imprisonment for 2 years, or fine, or both.	Chief Metropolitan Magistrate, District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.
Ditto.	Ditto.	Imprisonment of either description for 2 years, or fine or both.	Ditto.
Ditto.	Ditto.	Imprisonment of either description for 2 years, or fine or both.	Any Magistrate.
Not bailable.	Ditto.	Imprisonment of either description for 3 years, and fine.	Metropolitan Magistrate or Magistrate of the first or second class.
Ditto.	Ditto.	Imprisonment of either description for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
Ditto.	Ditto.	Ditto.	Ditto.
Ditto.	Ditto.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Chief Metropolitan Magistrate, District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
225A	Omission to apprehend, or suffarence of escape, on part of public servant, in cases not otherwise provi- ded for—		
	(a) in case of intentional omission or sufference;	Shall not arrest without warrant.	Warrant.
	(b) in case of negligent, omission or sufference.	Ditto.	Summons.
225B	Resistance or obstruction to lawful apprehension, or escape or rescue in cases not otherwise provided for.	May arrest without warrant.	Warrant.
226	Unlawful return from trans- portation.	Ditto.	Ditto.
227	Violation of condition of remission of punishment.	Shall not arrest with- out warrant.	Summons.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable
5	6	7	8
Bailable	Not compoundable	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Ma- gistrate or Magis- trate of the first or second class.
Ditto.	Ditto.	Simple imprison- ment for 2 years, or fine, or both.	Any Magistrate.
Ditto.	Ditto.	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
Not bailable	Ditto.	Transportation for life, and fine, and rigorous imprison- ment for 3 years before transporta- tion.	Chief Metropoli- tan Magistrate, District Magis- trate or Addi- tional District Magistrate spe- cially empowered by the Govern- ment in that behalf.
Ditto.	Ditto.	Punishment of origi- nal sentence, or, if part of the punish- ment has been undergone, the residue.	The Court by which the origi- nal offence was triable.

228	Intentional insult or interruption to a public servant sitting in any stage of a judicial proceeding.	Ditto.	Ditto.	Bailable
229	Personation of a juror or assessor.	Ditto.	Ditto.	Ditto.

CHAPTER XII.—OFFENCES RELATING TO C

231	Counterfeiting, or performing any part of the process of counterfeiting coin.	May arrest without warrant.	Warrant.	Not bailable
232	Counterfeiting, or performing any part of the process of counterfeiting Bangladesh coin.	Ditto	Ditto.	Ditto.
233	Making, buying or selling instrument for the purpose of counterfeiting coin.	Ditto.	Ditto.	Ditto.
234	Making, buying or selling instrument for the purpose of counterfeiting Bangladesh coin.	Ditto.	Ditto.	Ditto.
235	Possession of instrument or material for the purpose of using the same for counterfeiting coin.	Ditto.	Ditto.	Ditto.

Ditto.	Simple imprisonment for 6 months, or fine of 1,000 Taka, or both.	The Court in which the offence is committed, subject to the provisions of Chapter XXXV.
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Ditto.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
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COIN AND GOVERNMENT STAMPS

Not compoundable	Imprisonment of either description for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
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Ditto.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Chief Metropolitan Magistrate, District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.
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Ditto.	Imprisonment of either description for 3 years, and fine.	Metropolitan Magistrate or Magistrate of the first or second class.
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Ditto.	Imprisonment of either description for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
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Ditto.	Imprisonment of either description for 3 years, and fine.	Metropolitan Magistrate or Magistrate of the first or second class.
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Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
	If Bangladesh coin.	May arrest without warrant..	Warrant.
236	Abetting in Bangladesh the counterfeiting out of Bangladesh of coin.	Ditto.	Ditto.
237	Import or export of coun- terfeit coin, knowing the same to be counterfeit.	Ditto.	Ditto.
238	Import or export of coun- terfeit of Bangladesh coin, knowing the same to be counterfeit.	Ditto.	Ditto.
239	Having any counterfeit coin known to be such when it came into posi- tion, and delivering, etc, the same to any person.	Ditto.	Ditto.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Not bailable.	Not compoundable.	Imprisonment of either description for 10 years, and fine.	Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.
Ditto.	Ditto.	The punishment provided for abetting the counterfeiting of such coin within Bangladesh.	Court of Session.
Ditto.	Ditto.	Imprisonment of either description for 3 years, and fine.	Metropolitan Magistrate or Magistrate of the first or second class.
Ditto.	Ditto.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
Ditto.	Ditto.	Imprisonment of either description for 5 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.

2	40	The same with respect to Bangladesh Coin.	Ditto.	Ditto.
241		Knowingly delivering to another any counterfeit coin as genuine which, when first possessed, the deliverer did not know to be counterfeit.	Ditto.	Ditto.
242		Possession of counterfeit coin by a person who knew it to be counterfeit when he became possessed thereof.	Ditto.	Ditto.
243		Possession of Bangladesh coin by a person who knew it to be counterfeit when the became possessed thereof.	Ditto.	Ditto.
244		Person employed in a Mint causing coin to be of a different weight or composition from that fixed by law.	Ditto.	Ditto.
245		Unlawfully taking from a Mint any coining instrument.	Ditto.	Ditto.

Ditto.	Ditto.	Imprisonment of either description for 10 years, and fine.	Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.
Ditto.	Ditto.	Imprisonment of either description for 2 years, or fine of ten times the value of the coin counterfeited, or both.	Any Magistrate.
Ditto.	Ditto-	Imprisonment of either description for 3 years, and fine.	Metropolitan Magistrate or Magistrate of the first or second class.
Ditto.	Ditto.	Imprisonment of either description for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
Ditto.	Ditto.	Ditto.	Ditto.
Ditto.	Ditto.	Ditto.	Ditto.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.
1	2	3	4	5
246	Fraudulently diminishing the weight or altering the composition of any coin.	May arrest without warrant.	Warrant	Not bailable
247	Fraudulently diminishing the weight or altering the composition of Bangladesh coin.	Ditto.	Ditto.	Ditto.
248	Altering appearance of any coin with intent that it shall pass as a coin of a different description.	Ditto.	Ditto.	Ditto.
249	Altering appearance of Bangladesh coin with intent that it shall pass as a coin of a different description.	Ditto.	Ditto.	Ditto.
250	Delivery to another of coin possessed with the knowledge that it is altered.	Ditto.	Ditto.	Ditto.

Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
6	7	8
Not compoundable	Imprisonment of either description for 3 years, and fine.	Metropolitan Ma- gistrate or Ma- gistrate of the first or second class.
Ditto.	Imprisonment of either description for 7 years, and fine.	Metropolitan Ma- gistrate or Ma- gistrate of the first class.
Ditto.	Imprisonment of either description for 3 years, and fine.	Metropolitan Ma- gistrate or Ma- gistrate of the first or second class.
Ditto.	Imprisonment of either description for 7 years, and fine.	Ditto.
Ditto.	Imprisonment of either description for 5 years, and fine.	Ditto.

251	Delivery of Bangladesh coin possessed with the knowledge that it is altered.	Ditto.	Ditto.	Ditto.
252	Possession of altered coin by a person who knew it to be altered when he became possessed thereof.	Ditto.	Ditto.	Ditto.
253	Possession of Bangladesh coin by a person who knew it to be altered when became possessed thereof.	Ditto.	Ditto.	Ditto.
254	Delivery to another of coin as genuine which, when first possessed, the deliverer did know to be altered.	Ditto.	Ditto.	Ditto.
255	Counterfeiting a Government stamp.	Ditto.	Ditto.	Bailable.

Ditto.	Imprisonment of either description for 10 years, and fine.	Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.
Ditto.	Imprisonment of either description for 3 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
Ditto.	Imprisonment of either description for 5 years, and fine.	Ditto.
Ditto.	Imprisonment of either description for 2 years, or fine of ten times the value of the coin.	Any Magistrate.
Ditto.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Chief Metropolitan Magistrate, District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
256	Having possession of an instrument or material for the purpose of counterfeiting a Government stamp.	May arrest without warrant.	Warrant
257	Making, buying or selling instrument for the purpose of counterfeiting a Government stamp.	Ditto.	Ditto.
258	Sale of counterfeit Government stamp.	Ditto.	Ditto.
259	Having possession of counterfeit Government stamp.	Ditto.	Ditto.
260	Using as genuine a Government stamp known to be counterfeit.	Ditto.	Ditto.
261	Effacing any writing from a substance bearing a Government stamp, or removing from a document a stamp use for it with intent to cause loss to Government.	Ditto.	Ditto.
262	Using a Government stamp known to have been before used.	Ditto.	Ditto.

Whether
bailable or
not.

Whether
compoundable
or not.

Punishment under
the Penal Code.

By what Court
triable.

5

6

7

8

Bailable	Not compoundable	Imprisonment of either description for 7 years and fine.	Metropolitan Ma- gistrate or Ma- gistrate of the first class.
Ditto.	Ditto.	Imprisonment of either description for 7 years, and fine.	Ditto.
Ditto.	Ditto.	Ditto.	Ditto.
Ditto.	Ditto.	Ditto.	Ditto.
Ditto.	Ditto.	Imprisonment of either description for 7 years, or fine, or both.	Ditto.
Ditto.	Ditto.	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
Ditto.	Ditto.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.

263 Erasure of mark denoting that stamp has been used.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first or second class.
263A Fictitious stamps.	Ditto.	Ditto.	Ditto.	Ditto.	Fine of 200 Taka	Any Magistrate.

CHAPTER XIII.—OFFENCES RELATING TO WEIGHTS AND MEASURES

264 Fraudulent use of false instrument for weighting.	Shall not arrest without warrant.	Summons	Bailable	Not compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
265 Fraudulent use of false weight or measure.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
266 Being in possession of false weights or measures for fraudulent use.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
267 Making or selling false weights or measures for fraudulent use.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.

CHAPTER XIV.—OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS

269 Negligently doing any act known to be likely to spread infection of any disease dangerous to life.	May arrest without warrant.	Summons	Bailable	Not compoundable.	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
270 Malignantly doing any act known to be likely to spread infection of any disease dangerous to life.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
271 Knowingly disobeying any quarantine rule.	Shall not arrest without warrant.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 6 months, or fine, or both.	Ditto.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
272	Adulterating food or drink intended for sale, so as to make the same noxious.	Shall not arrest without warrant.	Summons.
273	Selling any food or drink as food and drink, knowing the same to be noxious.	Ditto.	Ditto.
274	Adulterating any drug or medical preparation intended for sale so as to lessen its efficiency, or to change its operation, or to make it noxious.	Ditto.	Ditto.
275	Offering for sale or issuing from a dispensary any drug or medical preparation known to have been adulterated.	Ditto.	Ditto.
276	Knowingly selling or issuing from a dispensary any drug or medical preparation as a different drug or medical preparation.	Ditto.	Ditto.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Bailable.	Not compound- able.	Imprisonment of either description for 6 months, or fine of 1,000 Taka, or both..	Any Magistrate.
Ditto.	Ditto.	Ditto.	Ditto.
Ditto.	Ditto.	Ditto.	Ditto.
Ditto.	Ditto.	Imprisonment of either description for 6 months, or fine of 1,000 Taka, or both.	Ditto.
Ditto.	Ditto.	Ditto.	Ditto.

277	Defiling the water of a public spring or reservoir.	May arrest without warrant.	Ditto.
278	Making atmosphere noxious to health.	Shall not arrest without warrant.	Ditto.
279	Driving or riding on a public way so rashly or negligently as to endanger human life, etc.	May arrest without warrant.	Ditto
280	Navigating any vessel so rashly or negligently as to endanger human life, etc.	Ditto	Ditto
281	Exhibition of a false light, mark or buoy.	Ditto.	Warrant.
282	Conveying for hire any person by water, in a vessel in such a state, or so loaded as to endanger his life.	Ditto.	Summons.
283	Causing danger, obstruction or injury in any public way or line of navigation.	Ditto.	Ditto.

Ditto.	Ditto.	Imprisonment of either description for 3 months, or fine of 500 Taka, or both.	Ditto
Ditto.	Ditto.	Fine of 500 Taka.	Ditto.
Ditto	Ditto	Imprisonment of either description for 3 years, or fine which may, subject to the minimum of 1,000 Taka, extend to 5,000 Taka, or both.	Ditto.
Ditto	Ditto	Imprisonment of either description for 3 years, or fine which may, subject to the minimum of 1,000 Taka, extend to 5,000 Taka, or both.	Metropolitan Magistrate or Magistrate of the first or second class.
Ditto.	Ditto.	Imprisonment of either description for 7 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first class.
Ditto.	Ditto.	Imprisonment of either description for 6 months, or fine of 1,000 Taka, or both.	Any Magistrate.
Ditto.	Ditto.	Fine of 200 Taka.	Ditto.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
284	Dealing with any poisonous substance so as to endanger human life, etc.	Shall not arrest without warrant.	Summons.
285	Dealing with fire or any combustible matter so as to endanger human life, etc.	May arrest without warrant.	Ditto.
286	So dealing with any explosive substance.	Ditto	Ditto.
287	So dealing with any machinery.	Shall not arrest without warrant.	Ditto.
288	A person omitting to guard against probable danger to human life by the fall of any building over which he has a right entitling him to pull it down or repair it.	Ditto.	Ditto.
289	A person omitting to take order with any animal in his possession, so as to guard against danger to human life, or of grievous hurt, from such animal.	May arrest without warrant.	Ditto.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Bailable.	Not compound- able.	Imprisonment of either description for 6 months, or fine of 1,000 Taka, or both.	Any Magistrate.
Ditto.	Ditto.	Ditto.	Ditto.
Ditto.	Ditto.	Imprisonment of either description for 6 months, or fine of 1,000 Taka, or both.	Ditto.
Ditto.	Ditto.	Ditto.	Ditto.
Ditto.	Ditto.	Ditto.	Ditto.
Ditto.	Ditto.	Ditto.	Ditto.

290	Committing a public nuisance.	Shall not arrest without warrant.	Ditto.	Ditto.
291	Continuance of nuisance after injunction to discontinue.	May arrest without warrant.	Ditto.	Ditto.
292	Sale, etc., of obscene books, etc.	Ditto.	Warrant.	Ditto.
293	Sale, etc., of obscene objects to young persons.	Ditto.	Ditto.	Ditto.
294	Obscene songs.	Ditto.	Ditto.	Ditto.
294A	Keeping a lottery office.	Shall not arrest without warrant.	Summons.	Ditto.
	Publishing proposals relating to lotteries.	Ditto.	Ditto.	Ditto.
294B	Offering of prize in connection with trade, etc.	Ditto.	Ditto.	Ditto.

CHAPTER XV.—OFFENCES RELATING

295	Destroying, damaging or defiling a place of worship or sacred object with intent to insult the religion of any class of persons.	May arrest without warrant.	Summons.	Bailable.
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Ditto.	Fine of 200 Taka.	Ditto.
Ditto	Simle imprisonment for 6 months, or fine, or both.	Ditto.
Ditto.	Imprisonment of either description for 3 months, or fine, or both.	Metropolitan Ma- gistrate or Ma- gistrate of the first or second class.
Ditto.	Imprisonment of either description for 6 months, or fine, or both.	Any Magistrate.
Ditto.	Imprisonment of either description for 3 months, or fine, or both.	Ditto
Ditto.	Imprisonment of either description for 6 months, or fine, or both.	Ditto.
Ditto.	Fine of 1,000 Taka.	Ditto.
Ditto.	Imprisonment of either description for 6 months, or fine, or both.	Ditto.

TO RELIGION

Not compound- able.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
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Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warant or a summons shall ordinarily issue in the first instance.
1	2	3	4
295A	Maliciously insulting the religion or the religious beliefs of any class.	Shall not arrest without warrant.	Warrant.
296	Causing a disturbance to an assembly engaged in religious worship.	May arrest without warrant.	Summons.
297	Trespassing in place of worship or sepulture, disturbing funeral with intention to wound the feelings or to insult the religion of any person, or offering indignity to a human corpse.	Ditto.	Ditto.
298	Uttering any word or making any sound in the hearing, or making any gesture, or placing any object in the sight, of any person, with intention to wound his religious feeling.	Shall not arrest without warrant.	Ditto.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Not Bailable.	Not able.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
Bailable.	Ditto.	Imprisonment of either description for 1 year, or fine, or both.	Ditto.
Ditto.	Ditto	Imprisonment of either description for 1 year, or fine, or both.	Ditto.
Ditto.	Compoundable.	Ditto.	Ditto.

[CHAPTER XVI.—OFFENCES AFFECTING THE HUMAN BODY—
OF OFFENCES AFFECTING LIFE.

302	Murder	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Death, or transportation for life, and fine.	Court of Session.
303	Murder by a person under sentence of transportation for life.	Ditto	Ditto	Ditto	Ditto	Death	Ditto.
304	Culpable homicide not amounting to murder, if act by which the death is caused is done with intention of causing death, etc.	Ditto	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for 10 years, and fine.	Ditto.
	If act is done with knowledge that it is likely to cause death, but without any intention to cause death, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, or fine, or both.	Ditto.
304A	Causing death by rash or negligent act.	Ditto	Ditto	Bailable	Ditto	Imprisonment of either description for 5 years, or fine, or both.	Ditto.
304B	Causing death by rash driving or riding on a public way.	Ditto	Ditto	Not bailable	Ditto	Imprisonment of either description for 14 years, or fine, or both.	Ditto.
305	Abetment of suicide committed by a child, or insane or delirious person or an idiot, or a person intoxicated.	Ditto	Ditto	Ditto.	Ditto	Death, or transportation for life, or imprisonment for 10 years, and fine.	Ditto.

section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4

306	Abetting the commission of suicide.	May arrest without warrant.	Warrant
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307	Attempt to murder	Ditto	Ditto
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	If such act cause hurt to any person.	Ditto	Ditto
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Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Not bailable	Not compoundable	Imprisonment of either description for 10 years, and fine.	Court of Session, Chief Metropolitan District Magistrate, Additional District Magistrate or Magis- trate of the first class specially empowered by the Government in that behalf.
Ditto	Ditto	Imprisonment of ei- ther description for 10 years, and fine.	Ditto.
Ditto	Ditto	Transportation for life, or as above.	Chief Metropolitan Magistrate, District Magis- trate or Addi- tional Dis- trict Magistrate specially empo- wered by the Government in that behalf.

308	Attempt by life convict to murder if hurt is caused.	Ditto	Ditto
	Attempt to commit culpable homicide.	Ditto	Ditto
	If such act cause hurt to any person.	Ditto	Ditto
309	Attempt to commit suicide.	Ditto	Ditto
311	Being a thug.	Ditto	Ditto

Of the causing of Miscarriage; of Injuries to Unborn Children,

312	Causing miscarriage.	Shall not arrest without warrant.	Warrant
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Ditto	Ditto	Death or as above.	Court of Session.
Bailable	Ditto	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first or second class.
Ditto	Ditto	Imprisonment of either description for 7 years, or fine, or both.	Court of Sessoin, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.
Ditto	Ditto	Simple imprisonment for one year, or fine, or both.	Metropolitan Magistrate or Magistrate of the first or second class.
Not bailable	Ditto	Transportation for life, and fine.	Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the government in that behalf.

of the Exposure of Infants and of the concealment of births.

Bailable	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first or second class.
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Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.
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1	2	3	4	5
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	If the woman be quick with child.	Shall not arrest without warrant.	Warrant.	Bailable.
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313	Causing miscarriage without woman's consent.	Ditto	Ditto	Not bailable
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Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
6	7	8

Not compoundable.	Imprisonment of either description for 7 years, and fine.	Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.
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Ditto	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
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314	Death caused by an act done with intent to cause mis- carriage.	Ditto	Ditto
	If act done without woman's consent.	Ditto	Ditto
315	Act done with intent to prevent a child being born alive, or to cause it to die after its birth.	Ditto	Ditto
316	Causing death of a quick unborn child by an act amounting to culpable homicide.	Ditto.	Ditto.
317	Exposure of a child under 12 years of age by parent or person having care of it with intention of wholly abandoning it.	May arrest without warrant.	Ditto
318	Concealment of birth by secret disposal of dead body.	Ditto.	Ditto.

Ditto	Ditto	Imprisonment of either description for 10 year, and fine.	Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.
Ditto	Ditto	Transportation for life, or as above.	Court of Session.
Bailable	Ditto	Imprisonment of either description for 10 years, or fine, or both.	Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.
Ditto.	Ditto.	Imprisonment of either description for 10 years, and fine.	Ditto.
Ditto	Ditto.	Imprisonment of either description for 7 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first class.
Ditto.	Ditto.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.

Section.	Offence.	Whether the police may arrest without warrant or not,	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.
1	2	3	4	5

Of Hurt

323	Voluntarily causing hurt.	Shall not arrest without warrant.	Summons	Bailable
324	Voluntarily causing hurt by dangerous weapons or means.	May arrest without warrant.	Ditto.	Ditto.
325	Voluntarily causing grievous hurt.	Ditto.	Ditto.	Ditto.
326	Voluntarily causing grievous hurt by dangerous weapons or means.	Ditto.	Ditto.	Not bailable.

Whether
compoundable
or not.

Punishment under
the Penal Code.

By what Court
triable.

6

7

8

Compoundable.

Imprisonment of
either description
for 1 year, or fine
of 1,000 Taka,
or both.

Any Magistrate.

Compoundable
when permission
is given by the
Court before
which a prosecu-
tion is pending.

Imprisonment of
either description
for 3 years, or
fine, or both.

Metropolitan Ma-
gistrate or Ma-
gistrate of the
first or second
class.

Ditto.

Imprisonment of
either description
for 7 years, and
fine.

Metropolitan Ma-
gistrate or Ma-
gistrate of the
first class.

Not compound-
able.

Transportation for
life, or imprison-
ment of either
description for 10
years, and fine.

Chief Metropolitan
Magistrate, Dis-
trict Magistrate
or Additional
District Magis-
trate specially
empowered by
the Government
in that behalf.

327	Voluntarily causing hurt to export property or a valuable security, or to constrain to do anything which is illegal or which may facilitate the commission of an offence.	Ditto.	Warrant.
328	Administering stupefying drug with intent to cause hurt, etc.	Ditto.	Ditto.
329	Voluntarily causing grievous hurt to extort property or a valuable security, or to constrain to do anything which is illegal, or which may facilitate the commission of an offence.	Ditto.	Warrant.
330	Voluntarily causing hurt to extort confession or information or to compel restoration of property, etc.	Ditto.	Ditto.

Ditto.	Ditto.	Imprisonment of either description for 10 years, and fine.	Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.
Ditto.	Ditto.	Ditto.	Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.
Ditto.	Ditto.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.
Bailable	Ditto.	Imprisonment of either description for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
1	2	3	4	5	6	7	8
331	Voluntarily causing grievous hurt to extort confession or information, or to compel restoration of property, etc.	May arrest without warrant.	Warrant.	Not bailable.	Not compoundable.	Imprisonment of either description for 10 years, and fine.	Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.
332	Voluntarily causing hurt to deter public servant from his duty.	Ditto.	Ditto.	Bailable.	Ditto.	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first or second class.
333	Voluntarily causing grievous hurt to deter public servant from his duty.	Ditto.	Ditto.	Not bailable.	Ditto.	Imprisonment of either description for 10 years, and fine.	Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.

334	Voluntarily causing hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	Shall not arrest without warrant.	Summons	Bailable	Compoundable	Imprisonment of either description for 1 month, or fine of 500 Taka, or both.	Any Magistrate.
335	Causing grievous hurt on grave and sudden provocation, not intending to hurt any other than the person who gave the provocation.	May arrest without warrant.	Ditto	Ditto	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 4 years, or fine of 2,000 Taka, or both.	Metropolitan Magistrate or Magistrate of the first class.
336	Doing any act which endangers human life or the personal safety of others.	Ditto	Ditto	Ditto	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 3 months, or fine of 250 Taka, or both.	Any Magistrate.
337	Causing hurt by an act which endangers human life, etc.	Ditto	Ditto	Ditto	Compoundable when permission is given by the Court before which a prosecution is pending.	Imprisonment of either description for 6 months, or fine of 500 Taka, or both.	Ditto.
338	Causing grievous hurt by an act which endangers human life, etc.	Ditto	Ditto	Ditto	Ditto.	Imprisonment of either description for 2 years, or fine of 5,000 Taka, or both.	Ditto.
338A	Causing grievous hurt by rash driving or riding on a public way.	Ditto	Warrant	Not Bailable	Not compoundable.	Imprisonment of either description for 7 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first class.

Of Wrongful Restraint and Wrongful Confinement

341	Wrongfully restraining any person.	May arrest without warrant.	Summons	Bailable	Compoundable	Simple imprisonment for 1 month, or fine of 500 Taka, or both.	Any Magistrate.
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Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
342	Wrongfully confining any person.	May arrest without warrant.	Summons.
343	Wrongfully confining for three or more days.	Ditto	Ditto
344	Wrongfully confining for 10 or more days.	Ditto	Ditto
345	Keeping any person in wrongful confinement, knowing that a writ has been issued for his liberation.	Shall not arrest without warrant.	Ditto
346	Wrongful confinement in secret.	May arrest without warrant.	Ditto

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Bailable.	Compoundable.	Imprisonment of either description for 1 year, or fine of 1,000 Taka, or both.	Any Magistrate.
Ditto	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
Ditto	Ditto	Imprisonment of either description for 3 years, and fine.	Metropolitan Magistrate or Magistrate of the first or second class.
Ditto	Not compoundable.	Imprisonment of either description for 2 years, in addition to imprisonment under any other section.	Any Magistrate.
Ditto	Compoundable when permission is given by the Court before which the prosecution is pending.	Ditto	Ditto.

347 Wrongful confinement for the purpose of extorting property, or constraining to an illegal act, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 3 years and fine.	Metropolitan Magistrate or Magistrate of the first or second class.
348 Wrongful confinement for the purpose of extorting confession or information, or of compelling restoration of property, etc.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 3 years, and fine.	Metropolitan Magistrate or Magistrate of the first or second class.

Of Criminal Force and Assault

352 Assault or use of criminal force otherwise than on grave provocation.	Shall not arrest without warrant.	Summons	Bailable	Compoundable.	Imprisonment of either description for 3 months, or fine of 500 Taka, or both.	Any Magistrate.
353 Assault or use of criminal force to deter a public servant from discharge of his duty.	May arrest without warrant.	Warrant	Not bailable	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first or second class.
354 Assault or use of criminal force to a woman with intent to outrage her modesty.	Ditto	Ditto	Bailable	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
355 Assault or criminal force with intent to dishonour a person, otherwise than on grave and sudden provocation.	Shall not arrest without warrant.	Summons	Ditto	Compoundable	Ditto	Ditto.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
1	2	3	4	5	6	7	8
356	Assault or criminal force in attempt to commit theft of property worn or carried by a person.	May arrest without warrant.	Warrant	Not bailable	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
357	Assault or use of criminal force in attempt wrongfully to confine a person.	Ditto	Ditto	Bailable	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 1 year, or fine of 1,000 Taka, or both.	Ditto.
358	Assault or use of criminal force on grave and sudden provocation.	Shall not arrest without warrant.	Summons	Bailable	Compoundable.	Simple imprisonment for 1 month, or fine of 200 Taka, or both.	Any Magistrate.

Of Kidnapping, Abduction, Slavery and Forced Labour

363	Kidnapping	May arrest without warrant.	Warrant	Bailable	Not compoundable.	Imprisonment of either description for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
364	Kidnapping or abducting in order to murder.	Ditto	Ditto	Not Bailable	Ditto.	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Sessions.

364A Kidnapping or abducting a person under the age of ten.	Ditto	Ditto
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365 Kidnapping or abducting with intent secretly and wrongfully to confine a person.	Ditto	Ditto
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366 Kidnapping or abducting a woman to compel her marriage or to cause her defilement, etc.	Ditto	Ditto
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366A Procuration of minor girl.	Ditto	Ditto
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366B Importation of girl from foreign country.	Ditto	Ditto
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367 Kidnapping or abducting in order to subject a person to grivous hurt, slavery, etc.	Ditto	Ditto
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Ditto	Ditto	Death, transportation for life, or rigorous imprisonment for 14 years, but not less than 7 years.	Ditto.
Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
Ditto	Ditto	Imprisonment of either description for 10 years, and fine.	Court of Sessions, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.
Ditto	Ditto	Ditto	Ditto.
Ditto	Ditto	Ditto	Ditto.
Ditto	Ditto	Ditto	Ditto.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
368	Concealing or keeping in confinement a kidnapped person.	May arrest without warrant.	Warrant.
369	Kidnapping or abducting a child with intent to take property from the person of such child.	Ditto	Ditto
370	Buying or disposing of any person as a slave.	Shall not arrest with- out warrant.	Ditto
371	Habitual dealing in slaves.	May arrest with- out warrant.	Ditto

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Not bailable.	Not compound- able.	Punishment for Kid- napping or abduction.	Court of Sessions, Chief Metropoli- tan Magistrate- District Magis- trate, Additional District Magis- trate or Magis- trate of the first class specially empowered by the Government in that behalf.
Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Metropolitan Ma- gistrate or Magis- trate of the first class.
Bailable	Ditto	Ditto	Ditto.
Not bailable	Ditto	Transportation for life, or imprison- ment of either des- cription for 10 years, and fine.	Court of Session, Chief Metropoli- tan Magistrate, District Magis- trate, Additional District Magistra- te or Magistrate of the first class specially empow- ered by the Go- vernment in that behalf.

372 Selling or letting to hire a minor for purposes of prostitution, etc.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 10 years, and fine.	Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.
373 Buying or obtaining possession of a minor for the same purpose.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
374 Unlawful compulsory labour	Shall not arrest without warrant.	Ditto	Bailable	Compoundable.	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate

Of Rape

376 Rape.

If the sexual intercourse was by a man with his own wife not being under 12 years of age.	Shall not arrest without warrant.	Summons	Bailable	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Chief Metropolitan Magistrate or District Magistrate.
If the sexual intercourse was by a man with his own wife being under 12 years of age.	Ditto	Ditto	Ditto	Ditto	Transportation for life, or imprisonment of either description for 10 years, and fine.	Chief Metropolitan Magistrate, District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.
In any other case.	May arrest without warrant.	Warrant	Not bailable	Not compoundable.	Ditto	Ditto.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
1	2	3	4	5	6	7	8

Of Unnatural Offences.

377 Unnatural offences.	May arrest without warrant.	Warrant	Not bailable	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Chief Metropolitan Magistrate, District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.
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CHAPTER XVII.—OFFENCES AGAINST PROPERTY

Of theft.

379 Theft	May arrest without warrant.	Warrant	Not bailable	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 3 years, or fine, or both.	Any Magistrate.
380 Theft in a building, tent or vessel.	Ditto	Ditto	Ditto	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 7 years, or fine, or both.	Ditto
381 Theft by clerk or servant of property in possession of master or employer.	Ditto	Ditto	Ditto	Compoundable when permission is given by the Court before which the prosecution is pending.	Ditto	Metropolitan Magistrate or Magistrate of the first class.

2	Theft, preparation having been made for causing death, or hurt, or restraint, or fear of death, or of hurt or of restraint, in order to the committing of such theft, or to retiring after committing it, or to retaining property taken by it.	Ditto	Ditto
384	Extortion	Shall not arrest without warrant.	Warrant
385	Putting or attempting to put in fear of injury, in order to commit extortion.	Ditto.	Ditto.
386	Extortion by putting a person in fear of death or grievous hurt.	Ditto.	Ditto.
387	Putting or attempting to put a person in fear of death or grievous hurt in order to commit extortion.	Ditto.	Ditto.

Ditto	Not compound- able	Rigorous imprison- ment for 10 years, and fine.	Court of Session.
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Of Extortion.

Bailable	Not compound- able.	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Ma- gistrate or Ma- gistrate of the first or second class.
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Ditto.	Ditto.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
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Not bailable	Ditto.	Imprisonment of either description for 10 years, and fine.	Court of Session, Chief Metro- politan Magis- trate, District Magistrate, Addi- tional District Magistrate or Magistrate of the first class spe- cially empowered by the Govern- ment in that behalf.
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Ditto.	Ditto.	Imprisonment of either description for 7 years, and fine.	Metropolitan Ma- gistrate or Ma- gistrate of the first class.
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Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
388	Extortion by threat of accusation of an offence punishable with death, transportation for life, or imprisonment for 10 years.	Shall not arrest with- out warrant.	Warrant
	If the offence threatened be and unnatural offence.	Ditto.	Ditto.
389	Putting a person in fear of accusation of offence punishable with death, transportation for life, or with imprisonment for 10 years, in order to commit extortion.	Ditto.	Ditto.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Bailable	Not compoundable	Imprisonment of either description for 10 years, and fine.	Court of Session, Chief Metropolitan Magistrate, District Magis- trate, Additional District Magis- trate or Magis- trate of the first class specially empowered by the Government in that behalf.
Ditto.	Ditto.	Transportation for life.	Chief Metropolitan Magistrate, District Magis- trate or Addi- tional District Magistrate spe- cially empower- ed by the Gov- ernment in that behalf.
Ditto.	Ditto.	Imprisonment of either description for 10 years, and fine.	Court of Session, Chief Metro- politan Magis- trate, District Magistrate, Addi- tional District Magistrate or Magistrate of the first class specially em- powered by the Government in that behalf.

If the offence be an unnatural offence.

Ditto.

Ditto

Ditto.

Of Robbery and Dacoity

392	Robbery	.. May arrest without warrant.	Warrant	Not bailable
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If committed on the highway between sunset and sunrise.

Ditto.

Ditto.

Ditto.

393	Attempt to commit robbery.	Ditto.	Ditto.	Ditto.
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394 Person voluntarily causing hurt in committing or attempting to commit robbery, or any other person jointly concerned in such robbery.

Ditto.

Ditto.

Ditto.

395	Dacoity	..	Ditto.	Ditto.	Ditto.
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Ditto.	Transportation for life.	Chief Metropolitan Magistrate, District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.
Not compoundable.	Rigorous imprisonment for 10 years, and fine.	Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.
Ditto.	Rigorous imprisonment for 14 years, and fine.	Court of Session.
Ditto.	Rigorous imprisonment for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
Ditto.	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
Ditto.	Ditto.	Court of Session.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a wararnt or a summons shall ordinarily issue in the first instance.
1	2	3	4
396	Murder in dacoity.	.. May arrest without warrant.	Warrant
397	Robbery or dacoity, with attempt to cause death or grievous hurt.	Ditto.	Ditto.
398	Attempt to commit robbery or dacoity when armed with deadly weapon.	Ditto.	Ditto.
399	Making preparation to commit dacoity.	Ditto.	Ditto.
400	Belonging to a gang of persons associated for the purpose of habitually committing dacoity.	Ditto.	Ditto.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Not bailable	Not compoundable.	Death, transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.
Ditto.	Ditto.	Rigorous imprisonment for not less than 7 years.	Ditto.
Ditto.	Ditto.	Ditto.	Ditto.
Ditto.	Ditto.	Rigorous imprisonment for 10 years, and fine.	Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.
Ditto.	Ditto.	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Court of Session.

401	Belonging to a wandering gang of persons associated for the purpose of habitually committing theft.	Ditto.	Ditto.	Ditto.	Ditto.	Rigorous imprisonment for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
402	Being one of five or more persons assembled for the purpose of committing dacoity.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Metropolitan Magistrate or Magistrate of the first class.

Of Criminal Misappropriation of Property

403	Dishonest misappropriation of movable property, or converting it to one's own use.	Shall not arrest without warrant.	Warrant	Bailable	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
404	Dishonest misappropriation of property, knowing that it was in possession of a deceased person at his death, and that it has not since been in the possession of any person legally entitled to it.	Ditto.	Ditto.	Ditto.	Not compoundable.	Imprisonment of either description for 3 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
	If by clerk or person employed by deceased.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.

Of Criminal Breach of Trust

406	Criminal breach of trust	May arrest without warrant.	Warrant	Not bailable	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Magistrate of the first or second class.
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Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
1	2	3	4	5	6	7	8
407	Criminal breach of trust by a carrier, wharfinger, etc.	May arrest without warrant.	Warrant	Not bailable	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 7 years and fine.	Metropolitan Magistrate or Magistrate of the first class.
408	Criminal breach of trust by a clerk or servant.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
409	Criminal breach of trust by public servant or by banker, merchant or agent etc.	Ditto	Ditto	Ditto	Not compoundable	Transportation for life, or imprisonment of either description for 10 years, and fine.	Court of Session.

Of the Receiving of Stolen Property

411	Dishonestly receiving stolen property, knowing it to be stolen.	May arrest without warrant.	Warrant	Not bailable	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 3 years, or fine or both.	Metropolitan Magistrate or Magistrate of the first or second class.
412	Dishonestly receiving stolen property, knowing that it was obtained by dacoity.	Ditto.	Ditto.	Ditto.	Not compoundable.	Transportation for life, or rigorous imprisonment for 10 years, and fine.	Chief Metropolitan Magistrate, District Magistrate, or Additional District Magistrate specially empowered by the Government in that behalf.

413	Habitually dealing in stolen property.	Ditto.	Ditto.
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414	Assisting in concealment or disposal of stolen property, knowing it to be stolen.	Ditto.	Ditto.
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Of Cheating

417	Cheating	Shall not arrest without warrant.	Warrant
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418	Cheating a person whose interest the offender was bound, either by law or by legal contract, to protect.	Ditto.	Ditto.
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419	Cheating by personation.	May arrest without warrant.	Ditto.
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Ditto.	Ditto.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Chief Metropolitan Magistrate, District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.
Ditto.	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first or second class.
Bailable	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 1 year, or fine, or both.	Metropolitan Magistrate or Magistrate of the first or second class.
Ditto.	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first or second class.
Ditto.	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first or second class.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
1	2	3	4	5	6	7	8
420	Cheating and thereby dishonestly inducing delivery of property, or the making, alteration or destruction of a valuable security.	May arrest without warrant.	Warrant.	Bailable.	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
<i>Of Fraudulent Deeds and Disposition of Property</i>							
421	Fraudulent removal or concealment of property, etc., to prevent distribution among creditors.	Shall not arrest without warrant.	Warrant.	Bailable.	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
422	Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	Ditto	Ditto	Ditto	Ditto.	Ditto	Ditto.
423	Fraudulent execution of deed of transfer containing a false statement of consideration.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.

424	Fraudulent removal or concealment of property, of himself, or any other person, or assisting in the doing thereof, or dishonestly releasing any demand or claim to which he is entitled.	Shall not arrest without warrant.	Warrant
426	Mischief	Ditto	Summons
427	Mischief, and thereby causing damage to the amount of 50 Taka or upwards.	Ditto	Warrant
428	Mischief by killing, poisoning, maiming or rendering, useless any animal of the value of 10 Taka or upwards.	May arrest without warrant.	Ditto
429	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, etc., whatever may be its value or any other animal of the value of 50 Taka or upwards.	Ditto.	Ditto.
430	Mischief by causing diminution of supply of water for agricultural purposes, etc.	Ditto	Ditto.

Bailable	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate,
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Of Mischief

Bailable	Compoundable when the only loss or damage caused is loss or damage to a private person.	Imprisonment of either description 3 for months, or fine or both.	Any Magistrate.
Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
Ditto	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
Ditto.	Ditto.	Imprisonment of either description for 5 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first class.
Ditto.	Compoundable when permission is given by the Court before which the prosecution is pending.	Ditto.	Ditto.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
431	Mischief by injury to public road, bridge, navigable river, or navigable channel, and rendering it impassable or less safe for travelling or conveying property.	May arrest without warrant.	Warrant
432	Mischief by causing inundation or obstruction to public drainage, attended with damage.	Ditto.	Ditto.
433	Mischief by destroying or moving or rendering less useful a lighthouse or sea-mark, or by exhibiting false lights.	Ditto.	Ditto.
434	Mischief by destroying or moving, etc., a land-mark fixed by public authority.	Shall not arrest without warrant.	Ditto.
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 Taka or upwards, or, in case of agricultural produce, 10 2 Taka or upwards.	May arrest without warrant.	Ditto.

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Bailable	Not Compound- able.	Imprisonment of either description for 5 years, or fine, or both.	Metropolitan Ma- gistrate or Ma- gistrate of the first class.
Ditto.	Ditto.	Ditto.	Ditto.
Ditto.	Ditto.	Imprisonment of either description for 7 years, or fine, or both.	Metropolitan Ma- gistrate or Ma- gistrate of th first class.
Ditto.	Ditto.	Imprisonment of either description for 1 year or fine, or both.	Any Magistrate.
Ditto.	Ditto.	Imprisonment of either description for 7 years, and fine.	Metropolitan Ma- gistrate or Ma- gistrate of the first class.

436	Mischief by fire or explosive substance with intent to destroy, a house, etc.	Ditto.	Ditto.
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons burden.	Ditto.	Ditto.
438	The mischief described in the last section when committed by fire or any explosive substance.	Ditto.	Ditto.
439	Running vessel ashore with intent to commit theft, etc.	Ditto.	Ditto.

Not bailable	Ditto.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Chief Metropolitan Magistrate, District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.
Ditto.	Ditto.	Imprisonment of either description for 10 years, and fine.	Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.
Ditto.	Ditto.	Transportation for life or imprisonment of either description for 10 years, and fine.	Chief Metropolitan Magistrate, District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.
Ditto.	Ditto.	Imprisonment of either description for 10 years, and fine.	Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4

440	Mischief committed after preparation made for causing death, or hurt, etc.	May arrest without warrant.	Warrant.
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Of Criminal Trespass

447	Criminal trespass	May arrest without warrant.	Summons
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448	House-trespass	Ditto	Warrant
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449	House-trespass in order to the commission of an offence punishable with death.	Ditto	Ditto
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450	House-trespass in order to the commission of an offence punishable with transportation for life.	Ditto	Ditto
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Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Not bailable.	Not compound- able.	Imprisonment of either description for 5 years, and fine.	Metropolitan Ma- gistrate or Ma- gistrate of the first class.
Bailable	Compoundable	Imprisonment of ei- ther description for 3 months, or fine of 500 Taka, or both.	Any Magistrate.
Ditto	Ditto	Imprisonment of ei- ther description for one year, or fine of 1,000 Taka, or both.	Ditto.
Not bailable.	Not compound- able.	Transportation for life, or rigorous im- prisonment for 10 years, and fine.	Court of Session.
Ditto	Ditto	Imprisonment of ei- ther description for 10 years, and fine.	Court of Session, Chief Metropolitan Magistrate, Dis- trict Magistrate,- Additional District Magistrate or Ma- gistrate of the first class specially em- powered by the Government in that behalf.

451	House-trespass in order to the commission of an offence punishable with imprisonment.	Ditto	Ditto	Bailable
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	If the offence is theft.	Ditto	Ditto	Not bailable.
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452	House-trespass, having made preparation for causing hurt, assault, etc.	Ditto	Ditto	Ditto
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453	Lurking house-trespass or house-breaking.	Ditto	Ditto	Bailable
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454	Lurking house-trespass or house-breaking in order to the commission of an offence punishable with imprisonment.	Ditto	Ditto	Ditto
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	If the offence is theft.	Ditto	Ditto	Ditto
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Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 2 years, and fine.	Any Magistrate.
Not compoundable.	Imprisonment of either description for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
Ditto	Ditto	Ditto.
Ditto	Imprisonment of either description for 2 years, and fine.	Any Magistrate.
Ditto	Imprisonment of either description for 3 years, and fine.	Metropolitan Magistrate or Magistrate of the first or second class.
Ditto	Imprisonment of either description for 10 years, and fine.	Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
455	Lurking house-trespass or house-breaking after pre- paration made for causing hurt, assault, etc.	May arrest without Warrant.	Warrant.
456	Lurking house-trespass or house-breaking by night.	Ditto	Ditto
457	Lurking house-trespass or house-breaking by night in order to the commis- sion of an offence punishable with imprisonment.	Ditto	Ditto
	If the offence is theft	Ditto	Ditto
458	Lurking house-trespass or house-breaking by night, after preparation for causing hurt, etc.	Ditto	Ditto

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Bailable.	Not compound- able.	Imprisonment of either descrip- tion for 10 years, and fine.	Court of Session, Chief Metropoli- tan Magistrate, District Magis- trate, Additional District Magis- trate or Magis- trate of the first class specially empowered by the Government in that behalf.
Ditto	Ditto	Imprisonment of ei- ther description for 3 years, and fine.	Metropolitan Ma- gistrate or Magis- trate of the first or second class.
Ditto	Ditto	Imprisonment of either description for 5 years, and fine.	Metropolitan Ma- gistrate or Ma- gistrate of the first class.
Ditto	Ditto	Imprisonment of either description for 14 years, and fine.	Ditto.
Ditto	Ditto	Ditto	Court of Session.

459	Grievous hurt caused whilst committing lurking house-trespass or house-breaking.	Ditto	Ditto
460	Death or grievous hurt caused by one or several persons jointly concerned in house-breaking by night, etc.	Ditto	Ditto
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto	Ditto
462	Being entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the same.	Ditto	Ditto

CHAPTER XVIII.—OFFENCES RELATING TO DO

465	Forgery	Shall not arrest Warrant without warrant.	
466	Forgery of a record of a Court of Justice or of a Register of Births, etc., kept by a public servant.	Ditto	Ditto

Ditto	Ditto	Transportation for life, or imprisonment of either description for 10 years, and fine.	Chief Metropolitan Magistrate, District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.
Not bailable	Ditto	Ditto	Court of Session.
Bailable	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
Ditto	Ditto	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first or second class.

167

CUMENTS AND TO TRADE OR PROPERTY MARKS

Bailable	Not compoundable.	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.
Not bailable	Ditto	Imprisonment of either description for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
467	Forgery of a valuable security, will, or authority to make or transfer any valuable security, or to receive any money, etc.	Shall not arrest without warrant.	Warrant
	When the valuable security is a promissory note of the Government.	May arrest without warrant.	Ditto
468	Forgery for the purpose of cheating.	Shall not arrest without warrant.	Ditto
469	Forgery for the purpose of harming the reputation of any person, or knowing that it is likely to be used for that purpose.	Ditto	Ditto
471	Using as genuine a forged document which is known to be forged.	Ditto	Ditto

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Not bailable	Not compoundable.	Transportation for life, or imprisonment of either description for 10 years, and fine.	Chief Metropolitan Magistrate, District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.
Ditto	Ditto	Ditto	Ditto
Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
Bailable	Ditto	Imprisonment of either description for 3 years, and fine.	Metropolitan Magistrate or Magistrate of the first or second class.
Ditto	Ditto	• Punishment for forgery of such document.	Same Court as that by which the forgery is triable.

	When the forged document which is a promissory note of the Government.	May arrest without warrant.	Ditto
472	Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable under section 467 of the Penal Code or possessing with like intent any such seal, plate, etc. knowing the same to be counterfeit.	Shall not arrest without warrant.	Ditto
473	Making or counterfeiting a seal, plate, etc., with intent to commit a forgery punishable otherwise than under section 467 of the Penal Code or possessing with like intent any such seal, plate, etc., knowing the same to be counterfeit.	Ditto	Ditto
474	Having possession of a document knowing it to be forged, with intent to use it as genuine; if the document is one of the descriptions mentioned in section 466 of the Penal Code.	Ditto	Ditto
	If the document is one of the descriptions mentioned in section 467 of the Penal Code,	Ditto	Ditto

Ditto	Ditto	Ditto	Court of Session.
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Ditto	Ditto	Transportation for life, or imprisonment of either description for 7 years, and fine.	Chief Metropolitan Magistrate, District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.
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Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
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169

Ditto	Ditto	Ditto	Ditto
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Ditto	Ditto	Transportation for life, or imprisonment of either description for 7 years, and fine.	Chief Metropolitan Magistrate, District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.
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Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
475	Counterfeiting a device or mark used for authenticating documents described in section 467 of the Penal Code or possessing counterfeit marked material.	Shall not arrest without warrant.	Warrant.
476	Counterfeiting a device or mark used for authenticating documents other than those described in section 467 of the Penal Code or possessing counterfeit marked material.	Ditto	Ditto
477	Fraudulently destroying or defacing, or attempting to destroy or deface, or secreting, a will etc.	Ditto	Ditto
477-A	Falsification of accounts.	Ditto	Ditto

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Bailable	Not compoundable.	Transportation for life, or imprisonment of either description for 7 years, and fine.	Chief Metropolitan Magistrate, District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf,
Not bailable.	Ditto	Imprisonment of either description for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.
Ditto	Ditto	Transportation for life, or imprisonment of either description for 7 years, and fine.	Chief Metropolitan Magistrate, District Magistrate or Additional District Magistrate specially empowered by the Government in that behalf.
Bailable	Ditto	Imprisonment of either description for 7 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first class.

482	Using a false trade or property mark with intent to deceive or injure any person.	Shall not arrest without warrant.	Warrant
483	Counterfeiting a trade or property mark used by another, with intent to cause damage or injury.	Ditto	Ditto
484	Counterfeiting a property mark used by a public servant, or any mark used by him to denote the manufacture, quality, etc., of any property.	Ditto	Summons
485	Fraudulently making or having possession of any die, plate or other instrument for counterfeiting any public or private property or trade-mark.	Ditto	Ditto
486	Knowingly selling goods marked with a counterfeit property or trade-marked.	Ditto	Ditto
487	Fraudulently making a false make upon any package or receptacle containing goods, with intent to cause it to be believed that it contains goods, which it does not contain, etc.	Ditto	Ditto

Bailable	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Ditto.
Ditto	Not compoundable.	Imprisonment of either description for 3 years, and fine.	Metropolitan Magistrate or Magistrate of the first or second class.
Ditto	Ditto	Imprisonment of either description for 3 years, or fine, or both.	Ditto.
Ditto	Compoundable with permission of the Court before which the prosecution is pending.	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.
Ditto	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first or second class.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
1	2	3	4	5	6	7	8
488	Making use of any such false mark.	Shall not arrest without warrant.	Summons	Bailable	Not compoundable.	Imprisonment of either description for 3 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first or second class.
489	Removing, destroying or defacing any property mark with intent to cause injury.	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for 1 year, or fine, or both.	Any Magistrate.

Of Currency-Notes and Bank-Notes.

489A	Counterfeiting currency-notes or bank-notes.	May arrest without warrant.	Warrant	Not Bailable	Not compoundable.	Transportation for life or imprisonment of either description for 10 years, and fine.	Court of Session.
489B	Using as genuine forged or counterfeit currency-notes or bank-notes.	Ditto	Ditto	Ditto	Ditto	Ditto	Ditto.
489C	Possession of forged or counterfeit currency-notes or bank-notes.	Ditto	Ditto	Bailable	Ditto	Imprisonment of either description for 7 years, or fine, or both.	Metropolitan Magistrate or Magistrate of the first class.
489D	Making or possessing instruments or materials for forging or counterfeiting currency-notes or bank-notes.	Ditto	Ditto	Not bailable	Ditto	Transportation for life or imprisonment of either description for 10 years, and fine.	Court of Session.

CHAPTER XIX.—CRIMINAL BREACH OF CONTRACTS OF SERVICE.

491	Being bound to attend on or supply the wants of a person who is helpless from youth, unsoundness of mind or disease, and voluntarily omitting to do so.	Shall not arrest without warrant.	Summons	Bailable	Compoundable	Imprisonment of either description for 3 months, or fine of 200 Taka, or both.	Any Magistrate.
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CHAPTER XX.—OFFENCES RELATING TO MARRIAGE

493	A man by deceit causing a woman not lawfully married to him to believe that she is lawfully married to him and to cohabit with him in that belief.	Shall not arrest without warrant.	Warrant	Not bailable	Compoundable when permission is given by the Court before which the prosecution is pending.	Imprisonment of either description for 10 years, and fine.	Court of Session, Chief Metropolitan Magistrate, District Magistrate, Additional District Magistrate or Magistrate of the first class specially empowered by the Government in that behalf.
494	Marrying again during the lifetime of a husband or wife.	Ditto.	Ditto.	Bailable	Compoundable with permission of the Court before which the prosecution is pending.	Imprisonment of either description for 7 years, and fine.	Metropolitan Magistrate or Magistrate of the first class.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.
1	2	3	4
495	Same offence with concealment of the former marriage from the person with whom subsequent marriage is contracted.	Shall not arrest without warrant.	Warrant
496	A person with fraudulent intention going through the ceremony of being married, knowing that he is not thereby lawfully married.	Ditto	Ditto
497	Adultery	Ditto	Ditto
498	Enticing or taking away or detaining with a criminal intent a married woman.	Ditto	Ditto

Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
5	6	7	8
Bailable	Not compound- able.	Imprisonment of either description for 10 years, and fine.	Court of Session, Chief Metropoli- tan Magistrate, District Magis- trate, Additional District Magis- trate or Magis- trate of the first class specially empowered by the Government in that behalf.
Ditto	Ditto	Imprisonment of either description for 7 years, and fine.	Metropolitan Ma- gistrate or Ma- gistrate of the first class.
Ditto	Compoundable	Imprisonment of either description for 5 years, or fine, or both.	Metropolitan Ma- gistrate or Ma- gistrate of the first class.
Ditto	Ditto	Imprisonment of either description for 2 years, or fine, or both.	Any Magistrate.

CHAPTER XXL—DEFAMATION

500	Defamation	.. Shall not arrest without warrant.	Warrant	Bailable
501	Printing or engraving matter knowing it to be defamatory.	Ditto	Ditto	Ditto
502	Sale of printed or engraved substance containing defamatory matter, knowing it to contain such matter.	Ditto	Ditto	Ditto
504	Insult intended to provoke a breach of the peace.	Ditto	Ditto	Ditto
505	False statement, rumour, etc., circulated with intent to cause meeting or offence against the public peace.	Ditto	Ditto	Not bailable
506	Criminal intimidation	Ditto	Ditto	Bailable
	If threat be to cause death or grievous hurt, etc.	Ditto	Ditto	Ditto
507	Criminal intimidation by anonymous communication or having taken precaution to conceal whence the threat comes.	Ditto	Ditto	Ditto

Compoundable	Simple imprisonment for 2 years, or fine, or both.	Any Magistrate.
Ditto	Ditto	Ditto
Ditto	Ditto	Ditto
Ditto	Imprisonment of either description for 2 years, or fine, or both.	Ditto
Not compound- able.	Ditto	Ditto
Cumpoundable	Ditto	Ditto
Not compound- able.	Imprisonment of either description for 7 years, or fine, or both.	Metropolitan Ma- gistrate or Ma- gistrate of the first class.
Ditto	Imprisonment of either description for 2 years, in addition to the punishment under above section.	Any Magistrate.

Section.	Offence.	Whether the police may arrest without warrant or not.	Whether a warrant or a summons shall ordinarily issue in the first instance.	Whether bailable or not.	Whether compoundable or not.	Punishment under the Penal Code.	By what Court triable.
1	2	3	4	5	6	7	8
508	Act caused by inducing a person to believe that he will be rendered an object of Divine displeasure.	Shall not arrest without warrant.	Warrant	Bailable	Compoundable	Imprisonment of either description for 1 year, or fine, both.	Any Magistrate.
509	Uttering any word or making any gesture intended to insult the modesty of a women, etc.	Ditto	Ditto	Ditto	Compoundable when permission is given by the Court before which the prosecution is pending.	Simple imprisonment for 1 year, or fine, or both.	Ditto
510	Appearing in a public place etc., in a state of intoxication, and causing annoyance to any person.	Ditto	Ditto	Ditto	Not compoundable.	Simple imprisonment for 24 hours, or fine of 10 Taka or both.	Ditto

CHAPTER XXIII.—ATTEMPTS TO COMMIT OFFENCES.

511	Attempting to commit offences punishable with transportation or imprisonment, and in such attempt doing any act towards the commission of the offence.	According as the offence is one in respect of which the police may arrest without warrant or not.	According as the offence is one in respect of which a summons or warrant shall ordinarily issue.	According as the offence contemplated by the offender is bailable or not.	Compoundable when permission is given by the Court before which the prosecution is pending.	Transportation or imprisonment not exceeding half of the longest term, and of any description, provided for the offence, or fine, or both.	The Court by which the offence attested is triable.
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OFFENCES AGAINST OTHER LAWS

If punishable with death, transportation or imprisonment for more than five years.	May arrest without warrant.	Warrant	Not bailable	Not compoundable.	..	Court of Session.
If punishable with imprisonment for not less than two years and not more than five years.	Ditto	Ditto	Ditto. Except in cases under the Arms Act, 1878, Section 19, which shall be bailable.	Ditto	..	Metropolitan Magistrate or Magistrate of the first or second class.
If punishable with imprisonment for less than two years or with fine only.	Shall not arrest without warrant.	Summons	Bailable	Ditto	..	Any Magistrate.

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GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

CABINET SECRETARIAT

Establishment Division

Section-AD(VI)

Memo No. AD(VI)-25/81-7,

Dated Dacca, 6th January, 1982.

FROM : Md. Nurul Huque,
Section Officer,
Establishment Division.

TO : The Accountant General (Civil), Bangladesh, Dacca.

SUBJECT: **Enhancement of rates of diet allowance and hotel charges of witnesses appearing in the criminal courts of Bangladesh.**

SIR,

In supersession of this Division letter No. AD-VI-7/79-451, dated 20th July, 1979 on the above subject, I am directed to convey the sanction of the Government to the enhancement of rate of diet allowance and hotel charges of all categories of witnesses attending trials in the criminal courts of Bangladesh with effect from the 1st July, 1981 as detailed below:—

- (a) All categories of witnesses irrespective of their income be allowed diet charge @ Tk. 20 (Taka twenty) only per diem each.
 - (b) The existing hotel charges of the witnesses of all categories be enhanced to Taka 10 (Taka ten) only each for their night stay per day.
2. The charge will be met from the provision under the detailed head "Diet & T.A., to witnesses" subordinate to the head "25-General Administration—District Administration—General Establishment", for the current financial year (1981-82).
 3. This has the concurrence of the Ministry of Finance.

Your obedient servant,

Sd./ MD. NURUL HUQUE,
Section Officer.

Memo No. AD(VI)-25/81-7/1, dated the 6th January, 1982.

Copy forwarded to the Ministry of Finance, Finance Division for information and communication to the Accountant General (Civil), Bangladesh, Dacca.

2. This has a reference to their notes dated the 4-12-81 in their file No. TA-28/77.

Sd./- (MD. NURUL HUQUE)
Section Officer.

No. dated 1982.

Copy forwarded to the Accountant General (Civil), Bangladesh, Dacca for information and necessary action.

2. This has the concurrence of the Ministry of Finance.

Sd./- (K. MAHFUZUL KARIM)
Section Officer,
Ministry of Finance.

No. AD(VI)-25/81-7/2(49), dated the 6th January, 1982.

Copy forwarded for information and necessary action to:—

1. The President's Secretariat, Dacca.
2. The Cabinet Division, Dacca.
3. The Commissioner—Division—.
4. The Deputy Commissioner—.
5. The District Accounts Officer—.
6. Treasury Officer, Jamalpur.
7. The Ministry of Law and Parliamentary Affairs, Justice Branch, Section-VIII.
8. The Ministry of Home Affairs, Political Branch (Section-II).

Sd./- (MD. NURUL HUQUE)
Section Officer.

CONFIDENTIAL

**GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
CMLA'S SECRETARIAT**

Cabinet Division

Memō. No. CD/CJ/5(4)/81

Dated 18-8-82.

MEMORANDUM

SUBJECT : Progress in trial and disposal of pending cases.

I am directed to say that, it has been reported that, even after posting of two ADCs as ADMs in every district, the progress of trial and disposal of pending cases is not satisfactory.

2. The ADMs should take up their judicial work with more zeal and enthusiasm and dispose the pending cases at the quickest possible time. They should set examples of quick disposal of cases.

3. Deputy Commissioners are requested to see that the above instructions of the Government are followed in letter and spirit.

4. He is further requested to show the performance of ADMs henceforth in the quarterly/monthly statements on disposal of criminal cases which are being sent to this Division regularly.

Sd./- SYED MD. NURUL ISLAM
Section Officer.

To
Mr.....
Deputy Commissioner,
..... District.

No. CD/CJ/5(4)/81

Dated 18-8-82.

Copy forwarded to the P.S.O., CMLA's Secretariat, Old Sangshad Bhaban, Tejgaon, Dhaka, for information with reference to item No. 4 of the minutes of ZMLA's conference held in CMLA's Secretariat on the 20th July, 1982.

Sd./- SYED MD. NURUL ISLAM
Section Officer.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF HOME AFFAIRS

Jails Section I

No. 132/80-Mins/HA/(Jails-I)/442(25)

Dated the 25-8-1982.

From : Mr. Md. Nazrul Islam,
Section Officer.

To : The Deputy Commissioners

.....

(All).

SUBJECT : **Enhancement of charges payable to the U.T. Prisoners during Police Custody.**

Sir,

I am directed to say that Government have decided to enhance the charges payable to U. T. Prisoners during Police Custody from Taka 2.50 paisa to Tk. 6.00 per head per day with immediate effect and until further order. The U. T. Prisoners on Police custody will, henceforth get Tk. 3.00 (Taka three) per meal and Tk. 6.00 (Taka six) per day per head instead of Taka 1.25 (Taka one and paisa twenty-five) per meal and Tk. 2.50 (Taka two and paisa fifty) per day per head. This supersedes all previous orders on the subject. Necessary financial sanction to this effect is being issued in consultation with the Ministry of Finance.

2. Meanwhile you are requested to indicate the total requirement of your district on this account on the basis of the enhanced rate so as to enable this Ministry to submit the proposal for allotment of additional grant to the Ministry of Finance.

Your obedient servant,
Sd./- MD. NAZRUL ISLAM
Section Officer.

Nō. 132/80-Mins/HA/(Jails-I)/442/1

Dated the 25-8-1982.

Copy forwarded for information to :—

- (1) The Inspector-General of Police, Bangladesh, Dacca.
- (2) The Inspector-General of Prisons, Prisons Directorate, Dacca.

Sd./- MD. NAZRUL ISLAM
Section Officer.

No. 132/80-Mins/HA/(Jails-I)/442/1(2) Dated the 25-8-1982.

Copy forwarded for information to Mr. M. G. Quddus, Section Officer, Ministry of Home Affairs, Dhaka. He is requested to inform the Cabinet Division accordingly.

Sd/- MD. NAZRUL ISLAM
Section Officer,
Ministry of Home Affairs.

No. 132/80-Mins/HA/(Jails-I)/466 Dated the 1-9-1982.
Copy forwarded for information to the Cabinet Secretary, Cabinet Division, Government of Bangladesh, Dhaka with reference to his endorsement No. সপট-32/82/476, dated the 18th August, 1982.

Sd/- MD. NAZRUL ISLAM
Section Officer.
Ministry of Home Affairs.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF HOME AFFAIRS

Jails Section—I

No. 132/80-Mins/HA/(Jails-I)/442(25)

Dated the 25-8-1982.

FROM : Mr. Md. Nazrul Islam,
Section Officer.

To : The Deputy Commissioners,

(All).

SUBJECT : Enhancement of charges payable to the U. T. Prisoners during Police Custody.

SIR,

I am directed to say that Government have decided to enhance the charges payable to U. T. Prisoners during Police Custody from Taka 2.50 paisa to Tk. 6.00 per head per day with immediate effect and until further order. The U. T. Prisoners on Police Custody will, henceforth get Tk. 3.00 (Taka three) per meal and Tk. 6.00 (Taka six) per day per head instead of Taka 1.25 (Taka one and paisa twenty-five) per meal and Tk. 2.50 (Taka two and paisa fifty) per day per head. This supersedes all previous orders on the subject. Necessary financial sanction to this effect is being issued in consultation with the Ministry of Finance.

2. Meanwhile you are requested to indicate the total requirement of your district on this account on the basis of the enhanced rate so as to enable this Ministry to submit the proposal for allotment of additional grant to the Ministry of Finance.

Your obedient servant,
MD. NAZRUL ISLAM,
Section Officer.

No. 132/80-Mins/HA/(Jails-I)/442/1, dated the 25-8-1982.

Copy forwarded for information to :—

- (1) The Inspector-General of Police, Bangladesh, Dhaka.
- (2) The Inspector-General of Prisons, Prisons Directorate, Dhaka.

MD. NAZRUL ISLAM,
Section Officer.

No. 132/80-Mins/HA(Jails I)/1442/1(2) dated, the 25-8-1982.

Copy forwarded for information to Mr. M. G. Quddus, Section Officer, Ministry of Home Affairs, Dacca. He is requested to inform the Cabinet Division accordingly.

MD. NAZRUL ISLAM,
Section Officer,
Ministry of Home Affairs.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

CHIEF MARTIAL LAW ADMINISTRATOR'S SECRETARIAT

Cabinet Division

Memo. No. CD/CJ/5(21)/82

dated 3-9-82.

MEMORANDUM

It is observed that major reasons for delay in the judicial proceedings is the non-appearance of witnesses and numerous adjournments given by the courts on flimsy grounds. The prosecution, the defence and also the courts are responsible for this. There are instances where although an order has been made by the court for issuing process the same is not in fact issued due to the connivance of the bench clerk and the interested party.

2. Considering the above matter, the Government has decided that the Magistrates should be very vigilant and strict in allowing adjournment. Normally, no adjournment should be allowed. The Magistrates should be also very vigilant and watchful regarding the activities of their court functionaries. Magistrates should also ensure that every witness is examined on the day he is summoned to appear.

3. I am directed to request the Deputy Commissioners to ensure that the abovementioned decisions of the Government are strictly followed by the Magistrates.

Sd./- SYED MD. NURUL ISLAM

Section Officer.

Criminal Justice Section.

To

Mr.
Deputy Commissioner,

.....

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
CHIEF MARTIAL LAW ADMINISTRATOR'S SECRETARIAT
Cabinet Division

Memo. No. CD/CJ/5(21)82

Dated 3-9-82.

MEMORANDUM

The undersigned is directed to draw his kind attention to newly inserted sections 339(C)(91) and (3) of Code of Criminal Procedure (Second Amendment) Ordinance, 1982. It is stated that a Magistrate conclude the trial of a case within 30 days from the date on which the case is taken cognizance of or received by him for trial. And if, for any reason to be recorded in writing, he is unable to conclude the trial of a case except cases triable in a summary way, within the specified time, he shall conclude such trial within 30th days after the expiry of the specified time. It is also provided in the transitory provisions of the said amendment that the trial of all cases including hearing of all appeals pending in any court will have to be completed within 180 days from the date of commencement of the Ordinance.

2. He is requested to alert the Magistrates accordingly with the caution that disciplinary action shall be taken against the Magistrate who fails to maintain the time limit,

Sd./- SYED MD. NURUL ISLAM
Section Officer,
Criminal Justice Section,

To
Mr.....
Deputy Commissioner,

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

CHIEF MARTIAL LAW ADMINISTRATOR'S SECRETARIAT

Cabinet Division

Memo. No. CD/CJ/3(21)/82-310

Dated 7-9-82.

MEMORANDUM

The undersigned is directed to draw his kind attention to Government decision that all cases of unusual delay in submitting post-mortem report should be enquired into. In future post-mortem reports (except where chemical examination of viscera is involved) shall have to be submitted within 48 hours.

2. He is requested to immediately instruct the medical officers concerned accordingly and to please ensure strict compliance of the aforesaid decision.

3. He is further requested that report on the action taken in the matter may kindly be sent to this Division as soon as possible.

Sd/S. A. K. M. ZIAUDDIN
Deputy Secretary.

Secretary,
Health Division,
Ministry of Health and Population Control.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

CMLA'S SECRETARIAT

Cabinet Division

Memo. No. CD/CJ/5(21)/82

Dated the 20th September, 1982.

MEMORANDUM

The undersigned is directed to convey the following instructions to all Deputy Commissioners :

- (a) It has been observed that the work-load of the trying Magistrates are not evenly distributed. The work-load should be rationally and equitably distributed among the trying Magistrates to avoid undue pressure on any particular Magistrate.
- (b) Some district/subdivisions are facing problem of shortage of trying Magistrates. If necessary a Deputy Commissioner may send proposal to the Establishment Division immediately for transferring Magistrate from one subdivision to another subdivision within his district.
- (c) When subdivisional Magistrates are not on tour they should do the General and Police files and also keep some cases for disposal in their own files.
- (d) It is observed that after attending the Court, witnesses are returned without examination. In future, no witness should be returned unexamined.
- (e) It is also observed that the Investigating Officers are required to attend in the Court frequently causing dislocation of their other official work. It is advisable to fix the date of cases thana-wise so that they are not required to come to Courts frequently.

Sd./- SYED MD. NURUL ISLAM
Section Officer.

Mr.....
Deputy Commissioner,

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF HEALTH AND POPULATION CONTROL

Health Division

ME & HA Section

No. MEH/IH-9/80/539

Dated 22-9-82.

FROM : Md. Firoze Kibria,
Section Officer.

To : The Director General of Health Services,
Bangladesh.

SUBJECT : Post Mortem Report.

Enclosed please find a copy of memorandum No. CD/DJ/5(21)/82-310, dated 7-9-82 received from the Cabinet Division which is self-explanatory.

The undersigned is, therefore directed to request him kindly to instruct all concerned to submit Post-mortem report (except where chemical examination of viscera is involved) within 48 hours and enquire into the unusual delay in submitting post-mortem reports.

The compliance report may kindly be sent to this Division for onward transmission to the Cabinet Division.

Sd. MD. FIROZE KIBRIA
Section Officer.

Memo No. HS/ME-II/1/82/24934(14), dated 7-10-1982.

Copy forwarded for information and necessary action to:—

1. The Civil Surgeon, Faridpur/Jamalpur/Tangail/Patuakhali/Kushtia/Dinajpur/Bogra/Pabna/Noakhali/Comilla/Ctg, Hill Tract/Bandar-bon/Jessore/Khulna, etc.

You are requested to instruct all concerned under your control accordingly. You are also requested to let the undersigned know the reasons for the unusual delay, if any, in submitting post-mortem reports.

Sd. (Prof. MD. ABUL HOSSAIN)
Director,

*Medical Education and Hospital,
Government of Bangladesh.*

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF HEALTH AND POPULATION CONTROL

Health Division

ME & HA Section

No. MEH/IH-9/80/539

Dated 22-9-82.

FROM : Md. Firoze Kibria,
Section Officer.

TO : The Director General of Health Services,
Bangladesh.

SUBJECT : Post Mortem Report.

Enclosed please find a copy of memorandum No. CD/DJ/5(21)/82-310, dated 7-9-82 received from the Cabinet Division which is self-explanatory

The undersigned is, therefore directed to request him kindly to instruct all concerned to submit Post-mortem report (except where chemical examination of viscera is involved) within 48 hours and enquire into the unusual delay in submitting post-mortem reports.

The compliance report may kindly be sent to this Division for onward transmission to the Cabinet Division.

Sd. MD. FIROZE KIBRIA
Section Officer.

No. HS/ME/82/24654(8), dated 5-10-1982.

Copy forwarded for information and necessary action to:—

1. The Principal,

—————(All) Medical Colleges.

You are requested to let the undersigned know the reasons for the unusual delay, if any, in submitting post-mortem reports.

Sd. (Prof. MD. ABUL HOSSAIN)
Director,
Medical Education and Hospital,
Government of Bangladesh.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

CHIEF MARTIAL LAW ADMINISTRATOR'S SECRETARIAT

Establishment Division

Section JAIV.

No. JAIV/134/82 Part-1-838 dated the 23rd September, 1982.

FROM : A. K. M. Serajul Islam;
Section Officer.

To : The Accountant-General (Civil), Bangladesh, Dacca.

SUBJECT: Authorising the Deputy Commissioners to draw Funds from the Treasury under T. R. 27 and propose additional allocation in due Course whenever funds for T.A. and D.A. for the prosecution witnesses get exhausted.

SIR,

I am directed to convey the sanction of Government authorising the Deputy Commissioners to draw funds from the Treasury under T.R. 27 and propose additional allocation in due course whenever funds for T.A. and D.A. for the prosecution witnesses get exhausted. Such expenditure should be debited under the relevant head of account and reported to the Government and the Accountant-General.

2. This has the concurrence of the Ministry of Finance and Planning (Finance Division).

Your obedient servant,
A. K. M. SERAJUL ISLAM,
Section Officer.

No. JAIV/134/82Part-I-838/1, dated the 23rd September, 1982.

Copy forwarded to the Ministry of Finance and Planning, Finance Division for information and for communication to the Accountant-General (Civil), Bangladesh, Dacca.

2. This has a reference to their notes, dated 23-9-82 in their file No. অঃপঃ/অবি/প্রঃ৬/৯-১০/৮২।

A. K. M. SERAJUL ISLAM,
Section Officer.

No.....

Copy forwarded to the Accountant-General (Civil), Bangladesh, Dhaka for information and necessary action.

2. This has the concurrence of the Finance Division, Ministry of Finance and Planning.

A. K. M. SERAJUL ISLAM
Finance Division.

No. JAIV/134/82Part-I-838/2(50), dated the 23rd September, 1982.

Copy forwarded for information & necessary action to:—

1. Secretary, Cabinet Division/Ministry of Home Affairs/Law & P.A. Division.
2. Commissioner, Dacca/Chittagong/Rajshahi/Khulna Division.
3. Deputy Commissioner, _____.
4. Treasury Officer/District Accounts Officer, _____.
5. Budget Officer, Finance Division.

A. K. M. SERAJUL ISLAM,
Section Officer.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

CMLA'S SECRETARIAT

Establishment Division

Section-AD (VI).

No. AD(IV)-25/81-277

Dated Dhaka, 27th September, 1982.

FORM : Md. Nurul Huque,
Section Officer,
Establishment Division.

To : The Accountant-General (Civil),
Bangladesh, Dhaka.

SUBJECT: **Enhancement of rates of diet allowance and hotel charges of witnesses
appearing in the criminal courts of Bangladesh.**

SIR,

I am directed to draw your attention to this Division letter No. AD(VI)-25/81-7, dated the 6-1-82 on the above subject (copy enclosed for ready reference) and to say that the enhanced rates of diet allowance of Tk. 20.00 (twenty) per day and hotel charges of Tk. 10.00 (ten) for each night halt as sanctioned for the prosecution witnesses attending trials in the criminal courts will continue to be paid until further orders.

Your obedient servant,
MD. NURUL HUQUE
Section Officer.

No. AD(VI)-25/81-277/1(54), dated the 27-9-82.

Copy forwarded for information and necessary action to :—

1. The President's Secretariat, Dhaka.
2. The CMLA's Secretariat, Old Sangshad Bhaban, Tejgaon, Dhaka.
3. The Cabinet Division, Bangladesh Secretariat.
4. The Deputy Secretary, JA Branch, Establishment Division.
5. The Section Officer, JA-IV/Reg-IV, Establishment Division.
6. The Commissioner—————Division—————(All).
7. The Deputy Commissioner—————(All),
8. The District Accounts Officer—————(All).
9. The Ministry of Land & L. R., Law & PA Division, Justice Branch, Section-VIII.
10. The Ministry of Home Affairs, Political Branch (Section-II).
11. The Ministry of Finance & Planning, Finance Division (Budget & Regulation Wing),

MD. NURUL HUQUE
Section Officer.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

CHIEF MARTIAL LAW ADMINISTRATOR'S SECRETARIAT

Establishment Division

Section-AD(VI).

Memo No. AD(VI)-25/81-280

Dated Dhaka, 6th October, 1982.

FROM : Md. Nurul Huque,
Section Officer,
Establishment Division.

TO : The Accountant-General (Civil),
Bangladesh, Dhaka.

SUBJECT : Enhancement of rate of T.A. for prosecution witnesses appearing
in the criminal courts of Bangladesh.

SIR,

I am directed to convey the sanction of Govt. to the enhancement of rate of T.A. of all categories of witnesses attending trials in the criminal courts of Bangladesh at the following slab rates:—

- (a) Within 5 miles—Tk. 5 for both ways.
 - (b) Above 5 but not more than 10 miles—Tk. 7.50 for both ways.
 - (c) Above 10 but not more than 20 miles—Tk. 12.50 for both ways.
 - (d) Beyond 20 miles—Tk. 15 for both ways.
2. The above rates will come into force with immediate effect.
 3. The charge will be met from the provision under the detailed head "Diet & T.A. to witnesses" subordinate to the head "25—General Administration—District Administration—General Establishment" for the current financial year (1982-83).
 4. This has the concurrence of the Ministry of Finance and Planning, Finance Division.

Your obedient servant,
MD. NURUL HUQUE
Section Officer.

Memo No. AD(VI)-25/81-280/1

Dated 6th October, 1982.

Copy forwarded to the Ministry of Finance & Planning, Finance Division, Regulation Wing for information and communication to the Accountant General (Civil), Bangladesh, Dhaka.

2. This has a reference to their notes, dated 22-9-82 in this Division File No. AD(VI)-25/81.

MD. NURUL HUQUE
Section Officer.

No.

Copy forwarded to the Accountant General (Civil), Bangladesh, Dhaka for information and necessary action.

2. This has the concurrence of the Ministry of Finance and Planning, Finance Division.

M. A. RAHIM MIA
Section Officer,
Ministry of Finance and Planning,
Finance Division.

Memo No. AD(VI)-25/81-280/2(53),

Dated 6th October, 1982.

Copy forwarded for information and necessary action to:—

1. The President's Secretariat, Dhaka.
2. The CMLA's Secretariat, Old Sangshad Bhaban, Tejgaon, Dhaka.
3. The Cabinet Division, Bangladesh Secretariat.
4. The Deputy Secretary, JA Branch, Establishment Division.
5. The Section Officer, JA-IV/Reg-IB, Establishment Division.
6. The Commissioner—Division—(All).
7. The Deputy Commissioner—(All).
8. The District Accounts Officer—(All).
9. The Ministry of Law & L.R., Law & PA Division, Justice Branch, Section-VIII.
10. The Ministry of Home Affairs, Political Branch (Section-II).

MD. NURUL HUQUE
Section Officer.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
DIRECTOR GENERAL OF HEALTH SERVICES
OFFICE OF THE DIRECTOR, MEDICAL EDUCATION AND HOSPITALS
DHAKA.

Memo. No. HS/ME/II/I/82/24933, dated 7-10-82.

To : The Secretary,
Ministry of Health and Population Control.

FROM : Prof. Md. Abul Hossain,
Director,
Medical Education and Hospitals,
Dhaka.

SUBJECT : **Post Mortem Report.**

REFERENCE : Health Ministry's memo No. MRH/IH-9/80/538, dated 22-9-82.

In response to the memo. under reference this is to state that all concerned have been instructed to submit Post Mortem reports within 48 hours and enquire into the unusual delay in submitting post mortem reports.

Sd./PROF. MD. ABUL HOSSAIN
Director
Medical Education and Hospitals.

Health Division

No. MEH/IH-9/80/590/1(I), dated 11-10-82.

Copy forwarded for information to the Cabinet Division with reference to this Division endorsement No. MEH/IH-9/80/539/1(I), dated 22-9-82.

Sd./- MD. FIROZE KIBRIA.
Section Officer.

No. MEH/IH-9/80/ , dated 9-1-83.

Copy forwarded for information to the Ministry of Home Affairs (complaints section) with reference to their O. M. No. 796-5/195/82-pt. (IV), dated 11-11-82.

MD. FIROZE KIBRIA
Section Officer.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

CMLA'S SECRETARIAT

Cabinet Division

No. CD/CJ/5(9)/81-337

Dated 12-10-82.

MEMORANDUM

SUBJECT : Court Inspection report of the Deputy Commissioners and Additional District Magistrates.

Deputy Commissioners have occasionally been sending their court inspection reports to this Division. It is desirable that appropriate necessary action is taken on these reports promptly.

2. The Code of Criminal Procedure (Second Amendment) Ordinance, 1982 gives a new thrust to criminal justice and various administrative steps have been taken to this effect. Regular inspection of courts is a time-honoured administrative tool which can be used effectively to improve upon the existing situation in this regard. With the posting of Additional District Magistrates exclusively for criminal justice, the scope for conducting inspection of courts frequently and regularly has widened.

3. In view of the above, it is requested that immediate steps should be taken to ensure regular and more frequent inspection of courts by the District Magistrate, Additional District Magistrates and Subdivisional Magistrates. Copies of inspection reports of DMs. and ADMs. should be sent to this Division promptly and in order to facilitate follow-up action an abstract of observations/ findings of the inspecting authority should invariably be sent alongwith the report.

Sd./- MOHAMMAD FAIZULLAH
Deputy Secretary.

Mr.....
Deputy Commissioner,
.....

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
CMLA'S SECRETARIAT

Cabinet Division

Memo. No. CD/CJ/5(21)82/2

Dated 2-11-82.

MEMORANDUM

SUBJECT : Clarification regarding cases pending with SDM in which C.S. has not yet been submitted in G.R. cases, and ni C.R. cases prior to issue of process, against the accused.

I am directed to refer to the above subject and clarify that (i) G.R. cases in which charge-sheet has not been submitted should be shown pending with the police, and (ii) C.R. cases in which process has not yet been issued, should be treated as mere petitions. No such cases should be treated pending with the SDM and hence, those should not be shown pending with the SDM in the new pro forma sent earlier *vide* this Division Memo. No. CD/CJ/5(4)/81/321, dated 19-9-82.

Sd./- SYED MD. NURUL ISLAM
Section Officer.

1. Janab A. T. M. Giasuddin Ahmed
 Deputy Commissioner,
 Jamalpur.

This has a reference to his telegram No. 2547/JM, dated 3-10-82.

2. Janab.....
 Deputy Commissioner,
District.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

CMLA'S SECRETARIAT

Cabinet Division

Memo. No. CD/CJ/5(21)/82-3

Dated 3-11-82.

OFFICE MEMORANDUM

SUBJECT : Notification u/s 333B in respect of absconders.

In continuation to this Division's Memo No. CD/CJ/5(21)/82-340, dated 17-10-82 it has been decided that the text of the notices u/s. 339B for the purpose of publication in the national dailies and official Gazette should be standardised. Accordingly it is stated that henceforward all notifications u/s. 339B should contain only the following particulars :

- (a) Name of the court
 - (b) Name and address of the accused persons
 - (c) Case number with sections
 - (d) Date and time of appearance of the accused.
2. A sample of notification is attached overleaf for guidance.
 3. He is requested to instruct all ADMs/SDMs and Magistrates under him including Thana Commissioners/Magistrates accordingly.

Sd./- SYED MD. NURUL ISLAM
Section Officer.

1. Janab.....
Deputy Commissioner/CMM
.....District.

2.....
(All Commissioners), for information please.

**GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
CMLA'S SECRETARIAT**

Cabinet Division

Memo. No. CD/CJ/5(4)/81-7

Dated 9-11-82.

MEMORANDUM

The undersigned is directed to communicate the following decisions of the Government regarding periodical magisterial reports:—

- (a) The fortnightly statement of criminal cases should be discontinued henceforward.
 - (b) The monthly statement of disposal of criminal cases (new pro forma) and also the monthly statement of disposal of cases under Customs and Special Powers Act should continue as before.
 - (c) In the new proforma for monthly statement of criminal cases a separate column should be inserted before the remarks column i.e., column 14 to be titled as "Proceedings stopped u/s. 339C(4)" and the relevant figures should be quoted thereunder accordingly. The new column should be numbered as 13A.
 - (d) The abovementioned statements should invariably be signed by the District or the Additional District Magistrate whose name should be legibly written quoting also his telephone numbers to facilitate reference.
 - (e) The monthly statement of criminal cases (new proforma) should be forwarded by the District Magistrate in confidential cover under his own signature with his specific observations on the following :
 - (i) Trend to institution and disposal of cases during the month, sub-divisionwise;
 - (ii) Performance of Magistrates particularly the ADMs, SDMs specially empowered Magistrates and the full time Magistrates;
 - (iii) Matters requiring urgent attention of the Government.
2. In the monthly statement of disposal of criminal cases (a) the status of Magistrates should be indicated by prefixing "F" for full-time and "P" for part-time magistrates and, (b) special power, if any, exercised by them should be indicated by mentioning along their names relevant sections of Cr. P. C., eg. 29C, 260, etc. 29C, 160 etc.
3. He is requested kindly to instruct all concerned accordingly and ensure strict compliance of the above decisions of the Government.

Sd./- SYED MD. NURUL ISLAM
Section Officer.

Mr.

Deputy Commissioner,

..... District.

2.

Commissioner,

..... Division, for information please.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

CMLA's SECRETARIAT

Cabinet Division

MEMORANDUM

No. CD/CJ/6(8)/82-2(300), dated 15-12-1982.

The undersigned is directed to say that in order to facilitate proper exercise of magisterial powers by the Thana Nirbahi Officers (TNOs), Thana Magistrates and the Assistant Commissioners posted at the upgraded thanas the following guidelines should be strictly adhered to by all concerned:

- i. Thana Nirbahi Officer will exercise powers under section 144, Cr. P.C. He will not try any case. However, when the Thana Magistrate is unable to attend the Court on any ground, the (TNO) will sit in Court and perform all other magisterial functions such as taking cognizance of cases, hearing bail matters, granting adjournments, etc. Powers under section 133 and 145, Cr. P.C., will normally be exercised by the Thana Magistrate.
- ii. The Thana Magistrate will be a whole-time Magistrate. He will not exercise powers under section 144, Cr. P.C., except when he is required to act in absence of Thana Nirbahi Officer.
- iii. Magisterial powers under Minor Acts like Customs Act, Food Ordinance, etc., will be exercised by the Thana Magistrate.
- iv. The Assistant Commissioners posted at the upgraded thana will function as a Magistrate and will exercise magisterial powers as vested in him. The Thana Magistrate will accordingly transfer to him all cases which he is competent to try. In addition to his duties of a Magistrate the Assistant Commissioner will act as Thana Planning and Finance Officer.

ABI ABDULLAH
Sr. Scale Section Officer.

DISTRIBUTION :

1. Principal Staff Officer to Chief Martial Law Administrator, Old Sangsad Bhaban, Dhaka.
2. Secretary, Establishment Division, CMLA's Secretariat.
3. Secretary, Ministry of Home Affairs.
4. Inspector General of Police.
5. Divisional Commissioners (All).
6. Deputy Commissioners (All).
7. Thana Nirbahi Officers (All).
8. Thana Magistrates (All).
9. Assistant Commissioners (upgraded Thana).

**GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
CMLA'S SECRETARIAT**

Cabinet Division

No. CD/CJ-III/6(8)/82-8(500)

Dated, January 2, 1983.

MEMORANDUM

SUBJECT : Investment of Powers to Magistrates.

The undersigned is directed to say that it has been decided by the Government that henceforward the following procedure should be followed for investment of powers under Criminal Procedure Code and various Minor Acts:

- (a) Proposals for investment of Magisterial powers should be submitted to the Cabinet Division who will examine and process the cases and forward the same to the Establishment Division to issue necessary orders.
 - (b) Proposals for investment of powers of second class, first class and powers under section 29C of Criminal Procedure Code shall contain information about (i) length of service of the concerned Magistrate, (ii) period of working as Magistrate of the relevant class, (iii) specific observation on the performance of the Magistrate, by the Subdivisional Magistrate in case of second class and first class powers and by the District Magistrate in case of powers under section 29C of Criminal Procedure Code and (iv) specific recommendation of the District Magistrate and Commissioner in each case.
 - (c) The practice of obtaining recommendation of District Judge has been discontinued.
2. This supersedes all previous instructions on the subject.

Sd/- ABI ABDULLAH
Sr. Scale Section Officer.

DISTRIBUTION:

1. Principal Staff Officer to CMLA.
2. Secretary/Addl. Secretary-in-charge/Joint Secretary-in-charge. (All Ministries/Divisions).
3. Inspector-General of Police.
4. Divisional Commissioners (all).
5. Deputy Commissioners (all).
6. Subdivisional Officers (all).
7. Thana Nirbahi Officers (all).
8. Section Officer (CJ-I & CJ-II) of this Division.
9. Section Officer JA-iv of the Establishment Division.

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

CMLA'S SECRETARIAT

Establishment Division

Section JAIII.

OFFICE MEMORANDUM

NO. ED/JA III/L-57/82-26

Dated Dhaka, the 19th January, 1983.

SUBJECT : One month's vacation every year for Judicial Magistrates.

The undersigned is directed to say that it has since been decided by the Government that Judicial Magistrates will be allowed one month's vacation every year in addition to their normal entitlement.

A.K.M. ABDUS SALAM

*Deputy Secretary,
Establishment Division.*

No. ED/JAIII/L-57/82-26/1(100), dated 19-1-1983.

Copy forwarded for information and necessary action to:—

- 1. Accountant General (Civil), Bangladesh, Dhaka.**
- 2. All Commissioners of Divisions.**
- 3. All Dy. Commissioners.**
- 4. All Subdivisional Officers.**

A.F.M. NOORUL ISLAM

Section Officer.

**GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
CHIEF MARTIAL LAW ADMINISTRATOR'S SECRETARIAT**

Cabinet Division

No. CD/CJI/IA-I/82-31(500)

Dated 2-3-83.

SUBJECT : Gazette Notification and Publication of notices in cases to be tried in absentia.

In partial modification of this Division memorandum No. CD/CJ/5(21), dated 14-10-82 on the above subject and consequent upon the Third Amendment of Cr. P. C., the following guidelines and instructions are issued to all concerned to avoid any anomaly in respect of Gazette Notification and publication of notices in the newspaper:—

- (i) All processes must be completed at the level of the Court taking cognizance of the offence. Hence, notices u/s 339B for publication in the Gazette or the newspaper should be issued only by the Court taking cognizance of the offences, and, not by the Court trying them.
- (ii) After compliance with requirements of sections 87 and 88 of the Code of Criminal Procedure, such notices should be published in one Bengali Daily Newspaper, whether local or regional.
- (iii) Notices for publication in the Bengali daily newspaper should be released through the District Public Relations Officer (DPRO) who should be advised to get them published as "Classified" advertisement.
- (iv) For facilitating publication and also for saving cost, the notices may be released by the relevant court in consolidated manner in a tabular form giving the case number, Section of Law, etc.
- (v) The communication for publication of notices in the Official Gazette should be addressed to Superintendent, Government Press, Tejgaon, Dhaka as usual.

2. It is further advised that henceforward copy of the notices need not be endorsed to this Division.

3. All concerned are requested to carefully follow the above instructions.

Sd/- MD. NURUL ISLAM
Deputy Secretary,
Cabinet Division.

DISTRIBUTION:

For Action :

1. Additional District Magistrate (all)
2. Subdivisional Magistrate (all)
3. Thana Magistrate (all)

For information :

1. Commissioner (all)
2. Deputy Commissioner (all)

GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
CMLA's SECRETARIAT

Establishment Division

Section-AD(VI)

Memo. No. AD(VI)-25/81-206

Dated Dhaka, the 17th May, 1983

From: Md. Nurul Huque,
Section Officer,
Establishment Division,

To : The Accountant-General (Civil),
Bangladesh, Dhaka.

Sub : Enhancement of rate of T. A. for prosecution witnesses appearing in the
Criminal Courts of Bangladesh.

Sir,

In partial modification of this Division G.O.No. AD(VI)-25/81-280, dated 6-10-82, I am directed to state that the Government have been pleased to make the following amendment with immediate effect.

The entries against item (d) of para 1 of the aforesaid G. O. shall be substituted by "Beyond 20 miles—Actual fares for both ways".

2. This has the concurrence of the Ministry of Finance and Planning, Finance Division.

Your obedient servant,
Sd/Md. NURUL HUQUE
Section Officer
Phone : 3841

Memo.No. AD(VI)-25/81-206/1

Dated Dhaka, the 17th May, 1983.

Copy forwarded to the Ministry of Finance and Planning, Finance Division, Regulation Wing for information and communication to the Accountant-General (Civil), Bangladesh, Dhaka.

2. This has a reference to their notes, dated 11-5-83 in their File No. TA-55/83.

Sd/Md. NURUL HUQUE
Section Officer
Phone : 3841

No.....Dated.....

Copy forwarded to the Accountant-General (Civil), Bangladesh, Dhaka for information and necessary action.

2. This has the concurrence of the Ministry of Finance and Planning, Finance Division.

Sd/K.M. KARIM
Section Officer
Ministry of Finance & Planning
Finance Division.

Memo. AD(VI)-25/81-206/2(NS)

Dated Dhaka, the 17th May, 1983.

Copy forwarded for information and necessary action to :—

1. The Principal Staff Officer to the CMLA, CMLA's Secretariat, Old Sangshad Bhaban, Tejgaon, Dhaka.
2. The Secretary to the President of Bangladesh, Bangabhaban, Dhaka.
3. The Secretary, Cabinet Division, Bangladesh Secretariat.
4. The Private Secretary to Secretary/PA to Addl. Secretary/Joint Secretary (Admn/APD/O&M), Establishment Division.
(For kind information of the Secy./Addl.Secy/Joint Secretaries.)
5. The Deputy Secretary, JA-Branch, Establishment Division.
6. The Section Officer, JA—IV/Reg-IV, Establishment Division.
7. The Commissioner,Division..... (All)
8. The Deputy Commissioner.....(All)
9. The District Accounts Officer (All).
10. The Ministry of Law & L. R., Law & PA Division, Justice Branch, Section-VIII.
11. The Ministry of Home Affairs, Political Branch (Section-II)

Sd/Md. NURUL HUQUE
Section Officer
Phone: 3841.