

the Name of Allah, the Gracious the Merciful

The Criminal Procedure Act, 1991

Part I

Preliminary Provisions

Title and commencement

1. This Act may be cited as the, "Criminal Procedure Act, 1991," and shall come into force, after one month, of the date of publication in the Gazette.

Repeal

2. The Criminal Procedure Act, 1983, shall be repealed.

Application

3. The provisions of this Act shall apply to the procedure of the criminal suit, inquiry, arrest, trial and sanction, relating to the offences, provided for in the Criminal Act, 1991, or any other law, subject to such special procedure, as may be provided for in any other law.

Principles to be regarded

4. In the application of the provisions of this Act, due regard shall be had to the following principles :-
 - (a) prevention of offences is a duty of all;
 - (b) no incrimination or sanction is made, save by an antecedent legislative provision;
 - (c) an accused is presumed innocent until his conviction is proved , and he is entitled to be subject to fair and prompt inquiry and trial;
 - (d) the life and property of the accused is inviolable, he shall neither be forced to incriminate himself, nor shall he be required to take the oath, save in otherwise than hudud offences to which a private right of a third party relates;
 - (e) prejudice to witnesses, in any way, is prohibited;
 - (f) due regard shall, as far as possible, be had to lenity in the procedure of inquiry, summons, and exercise of the powers of arrest shall not be resorted to save where necessary;
 - (f) the Criminal Prosecution Attorneys Burea is the guardian of a victim who has no next of kin;
 - (g) a private injury, resulting form the offence shall be compensated;
 - (h) conciliation or pardon may be made in every offence involving a private right, to the extent of such right, subject to the provisions of hudud offences;
 - (i) Arabic shall be used in all criminal procedure. Another language may be used upon necessity.

Interpretation

5. In this Act, unless the context otherwise requires, :-
- “People’s administrator”, means the person who assumes chairmanship in any native, people’s or local administration, having the function of preserving security and order;
- “Inquiry”, includes all the procedure adopted, before trial, for the detection of the facts relating to the criminal suit;
- “Preliminary inquiry”, means the inquiry which takes place, before the initiation of the criminal suit for ascertaining the truth as to suspicion of an offence;
- “Charge”, means accusation of the commission of an offence, and includes any of the heads of a compound charge;
- “Limits of jurisdiction”, mean the local limits, within which any criminal organ exercises its powers in the ordinary conditions;
- “Criminal suit”, means launching criminal proceedings, against any person, by reason of commission, by him, of an act, which may constitute an offence,
- “Suspicion”, means the suspicion of commission of an offence, before preferring to charge,
- “Policeman”, means any of the members of the police of any rank, or whoever may be charged with the duties thereof,
- “Complaint”, means an oral, or written allegation, presented by a person, against whom or within the limits of whose responsibility, the offence has been committed;
- “Officer in charge”, includes any policeman for the time being in charge of the police station;
- “Initiation of the criminal suit”, means recording the criminal suit and commencement of inquiry therein;
- “Magistrate”, means any Magistrate, in any competent criminal court;

- “Inquiror”, means the person charged with the enumeration, recording, and arrangement of particulars and executing the procedure and directions relating to inquiry;
- “Court”, means the criminal court, set forth this Act, and established in accordance with the provisions of the Judiciary Act, 1986, or any other law;
- “Prosecution Attorneys Bureau” means the Prosecution Attorneys Bureau, established, in accordance with the provisions of this Act, and the Attorney-General Act, 1983;
- “Prosecution Attorney”, means the legal counsel, charged with the Attorneys Bureau, and exercise of the powers of the Attorney-General in criminal affairs;
- “Superior Prosecution Attorney”, means the Prosecution Attorney of the superior post in the state, and where not available, the president of the Prosecution Attorneys Bureau in the state.

Part II

Criminal Organs and the Powers Thereof

Chapter I

Criminal Courts and the Powers Thereof

Types of criminal courts

6. Criminal courts shall be of the following eight types :-
- (a) the Supreme Court;
 - (b) Court of Appeal;
 - (c) General Criminal Court (Province Court);
 - (d) First Criminal Court (District Court);
 - (e) Second Criminal Court (District Court);
 - (f) Third Criminal Court (District Court);
 - (g) People’s Criminal Court (Town or Rural Court);
 - (h) any special criminal court, established by the Chief Justice, under the Judiciary Act, 1986, or any other law.

Powers of Criminal Courts and Magistrates

- 7.(1) Criminal Courts shall have the power to determine criminal suits.
- (2) Magistrates of Criminal Courts shall, as to inquiry, have the following powers, to :-
- (a) take confessions;

- (b) renew remand in custody, for more than three days;
- (c) conduct general search;
- (d) exercise all the powers of the Prosecution Attorney, in case of his absence, from the limits of jurisdiction concerned, until the Criminal Prosecution Bureau decides to assume inquiry in the criminal suit, or jurisdiction.

Power of supervision of Magistrates in inquiry

8. The power of supervision of Magistrates, in inquiry, shall be to :-
- (a) the president of the Court of Appeal, over the Magistrates, in the Courts which lie within the limits of his jurisdiction;
 - (b) the General Criminal Court Magistrate, over Magistrates of the 1^{st.}, 2^{nd.} and 3^{rd.} Criminal Courts, which lie within the limits of his jurisdiction;
 - (c) the 1^{st.} Criminal Court Magistrate, over the People's Criminal Courts, which lie within the limits of his jurisdiction;
 - (d) as the Chief Justice, or the law may prescribe, in respect of the Magistrates of Special Criminal Courts.

Powers of the General Criminal Court

- 9.(1) The General Criminal Court may inflict any penalty, or sanction provided for by the law.
- (2) Each Court of a Judge of the Supreme Court, or the Court of Appeal shall have the power of the General Criminal Court.

Powers of the 1st. Criminal Court

- 10.(1) The 1^{st.} Criminal Court, unless it considers the criminal suit summarily, may inflict any penalty, or sanction provided for by the law, other than death.
- (2) The 1^{st.} Criminal Court, where it considers the criminal suit summarily, may inflict any of the following penalties and sanctions :-
- (a) imprisonment, for a term, not exceeding one year;
 - (b) fine, not exceeding the amount, specified therefor, by the Chief Justice;
 - (c) whipping, not exceeding eighty lashes;
 - (d) destruction;
 - (e) compensation and care and reform measures.

Powers of the 2^{nd.} Criminal Court

- 11.(1) The 2^{nd.} Criminal Court, unless it considers the criminal suit summarily, may inflict any of the following penalties and sanctions :-
- (a) imprisonment, for a term, not exceeding seven years;

- (b) fine, not exceeding the amount, specified therefor, by the Chief Justice;
 - (c) whipping;
 - (d) confiscation;
 - (e) destruction;
 - (f) closure of the place;
 - (g) compensation and care and reform measures.
- (2) The 2nd. Criminal Court, where it considers the criminal suit summarily, may inflict any of the following penalties and sanctions :-
- (a) imprisonment, for a term, not exceeding six months;
 - (b) fine, not exceeding the amount, specified therefor, by the Chief Justice;
 - (c) whipping, not exceeding forty lashes;
 - (d) destruction;
 - (e) compensation and care and reform measures.

Powers of the 3rd. Criminal Court

12. The 3rd. Criminal Court shall not consider criminal suits, save summarily, and may inflict any of the following sanctions :-
- (a) imprisonment, for a term, not exceeding four months;
 - (b) fine, not exceeding the amount, specified therefor, by the Chief Justice;
 - (c) whipping, not exceeding forty lashes;
 - (d) destruction;
 - (e) compensation and care and reform measures .

Powers of the People's Criminal Court

13. The People's Criminal Court shall have the powers prescribed for the 1st. , 2nd. or 3rd. Criminal Court, in accordance with the warrant of establishment thereof.

Powers of the Special Criminal Court

14. The Special Criminal Court shall have the powers specified by the law, or the warrant of establishment thereof.

Temporary judicial powers

15. The Chief Justice may grant, temporarily, the powers of a criminal court, to any public servant, or any such person, as he may deem qualified, for the exercise of judicial business, subject to the provisions of the Judiciary Act, 1986.

Powers of the Court to inflict a number of sanctions

- 16.(1) The Court may inflict a number of the sanctions, which it is empowered to inflict, upon any person convicted, in one trial, or two, or more offences, subject to the provisions of section 33(5), of the Criminal Act, 1991.
- (2) In case of imprisonment sentence, in accordance with the provisions of sub-section (1), the penalties shall concurrently run, unless the Court decides otherwise.

Chapter II
The Prosecution Attorneys Bureau and Powers thereof
Formation of the Criminal Prosecution Bureau

- 17.(1) The Criminal Prosecution Bureau shall consist of :-
 (a) the Minister of Justice;
 (b) the Prosecution Attorneys.
- (2) Each of the Under-Secretary of the Ministry of Justice, the Prosecutor-General and the head of the Prosecution Attorneys Bureau, in the state, shall be an ex-officio Prosecution Attorney.

Establishment and organization of
Prosecution Attorneys Bureaux

- 18.(1) Prosecution Attorneys Bureaux shall be established, by warrants of establishment, to be made by the Minister of Justice. He shall specify the extent of venue of jurisdiction thereof, and may establish specialized Prosecution Attorneys Bureaux, for any of the types of offences .
- (2) The Minister of Justice shall make such regulations, as may organize the work of Prosecution Attorneys Bureaux, lay down the structures thereof, the grades of members of the same and their relations.

Powers of the Criminal Prosecution
Bureau to supervise the criminal suit

19. The Criminal Prosecution Bureau shall have the power to supervise the progress of the criminal suit, and direct the inquiry, and likewise shall have the function to prefer the charge, and exercise prosecution, before the criminal courts .

Powers of the Prosecution Attorneys
Bureau granted

20. The Minister of Justice may grant powers of the Prosecution Attorneys Bureau, in inquiry, to any person, or commission, whenever he deems that the same is in achievement of justice .

Confirmation and appeal of decisions of
the Prosecution Attorneys Bureau

- 21.(1) The Prosecution Attorney shall submit his decision of dismissal of the criminal suit to his direct superior. Where he confirms the same, it shall be submitted to the president of the Prosecution Attorneys Bureau in the state.
- (2) The decision of the Prosecution Attorney of refusing to initiate the criminal suit, or of refusing preference of charge and his decision of preferring the charge, or arrest, and seizure, which restricts freedom, as to life, or property shall be appealable to his direct superior.

- (3) The final decision of the Prosecution Attorneys Bureau, relating to attachment of property shall be appealable to the Judge of the Court of Appeal.

Chapter III
The General Crimes Police , the Judicial Police and
the Prisons Police and the Powers thereof
Formation of the Police Forces

22. The Police Forces shall be formed, as to such manner, as set out in the Police Forces Act, 1999.

The Judicial Police

- 23.(1) The Minister of Interior, after consultation with the Chief justice, shall allot a police force, for the Judiciary and specify the personnel and ranks thereof.
- (2) The Judicial Police shall have competence on the following matters, to :-
- (a) prepare for sittings ;
 - (b) control security and order in courts;
 - (c) execute such penalties, as may be assigned thereto by the courts;
 - (d) execute such orders and directions, as may be passed by the courts;
 - (e) any other legal tasks, as may be assigned thereto by the Chief Justice.
- (3) The Judicial Police shall exercise the functions thereof in subsection (2), under the command of the Chief Justice .

Functions of the General Crimes Police

- 24.(1) The General Crimes Police shall have the following criminal functions, to :-
- (a) receive informations, in the offences provided for in Schedule II , hereto ;
 - (b) conduct criminal inquiries, under the supervision and directions of the Criminal Prosecution Bureau, or Judges, as the case may be;
 - (c) execute the judicial judgements and orders, or any legal judgements, or decisions, as may be passed by the court, or the Prosecution Bureau, or any other competent authority;
 - (d) perform the business of technical criminal research;
 - (e) perform the business of prisons, care homes and sanatoriums, and keep the security and care for the inmates thereof;
 - (f) present criminal suits to criminal courts, in accordance with the directions of the Prosecution Bureau;
 - (g) release, in the offences, provided for in Schedule III, hereto.

Powers of the General Crimes Police

25. Subject to the provisions of sections 23 and 24 , and for the sake of implementing the provisions of this Act, the General Crimes Police shall have the following powers , to :-
- (a) inquire, in accordance with the provisions of this Act;
 - (b) arrest, in accordance with the provisions of this Act;
 - (c) close public roads and places, in accordance with the provisions of section 128;
 - (d) search, detect and seize, in accordance with the directions of the Prosecution Bureau, or Judges, as the case may be;
 - (e) take bonds and securities, in accordance with the provisions of this Act;
 - (f) issue summons, in accordance with the provisions of this Act;
 - (g) require aid from any person, to prevent the occurrence any offence, or detect the same.

Power of the officer in charge and superior officer

- 26.(1) The superior officer of Crimes Police, in any local limits of jurisdiction, may exercise the same powers, as the officer in charge of the police station may exercise in such local limits.
- (2) The officer in charge shall exercise the powers of supervision of inquiry, in pursuance of the provisions of section 19, in case of absence of the Presecution Attorney and the Judge, and may, in the same, exercise their powers, relating to initiation of the criminal suitd, dismiss the same, prefer charge and powers of detection . Absence of the Prosecution Attorney and the Judge means that no Prosecution Attorney, or Judge has been appointed in the first place, or that they are actually absent temporarily, by reason of leave, illness or any other reason, and no substitute has been appointed for any one of them.

Powers of Prisons Police

27. Subject to the provisions, pertaining to the execution of penalties provided for in this Act, the Prisons Police shall have functions, as to following matters :-
- (a) executing death, amputation, imprisonment sentences and any other penalty, the execution of which is entrusted thereto by the court;
 - (b) executing detention orders entrusted thereto by the court or the Criminal Prosecution Bureau.

Inspection of prisons

28. The Magistrate or the Prosecution Attorney, as may be competent, may enter the prison, inspect the same and get acquainted with the conditions of the inmates.

Chapter IV
Limits of Jurisdiction
Local jurisdiction

- 29.(1) Inquiries and trial, as to any offence, shall be conducted before the General Crimes Police, the Prosecution Attorneys Bureau or the court, within whose limits of jurisdiction the offence has taken place.
- (2) An offence shall be deemed to have taken place within the limits of jurisdiction, in any of the following cases :-
- (a) commission of the offence, wholly or partially, within the limits of jurisdiction ;
 - (b) existence of a clear trace of the offence in a place inside the limits of jurisdiction;
 - (c) the offence branching from a principal offence, committed within the limits of jurisdiction;
 - (d) any person against whom, or any property with respect to which the offence has been committed being transferred by the offender, or by any other person, who knows the offence, to the limits of jurisdiction;
 - (e) existence of the complainant, or the accused or any property, with respect to which the offence has been committed in the limits of jurisdiction, whenever the competent Prosecution Attorneys Bureau deems the same most appropriate that inquiry shall not be returned to the limits of jurisdiction wherein the offence has taken place.
- (3) Any Legal Counsel may exercise the powers of the Prosecution Attorney, and any Magistrate may exercise the powers entrusted to the Magistrate, as to inquiry, arrest and seizure, in any place wherein he may be present, while the competent Prosecution Attorney, or Magistrate is not present.

Powers of the Prosecution
Attorneys Bureau to transfer inquiry

- 30.(1) A Prosecution Attorney, whenever he takes cognizance of any offence, and deems it most appropriate in pursuance of the orders, regulating jurisdiction, or distribution of work, to conduct inquiry thereon, by any other Prosecution Attorneys Bureau, may transfer the inquiry thereto.
- (2) The president of the Prosecution Attorneys Bureau, in the state or, the Prosecutor-General may issue an order transferring any inquiry from a Prosecution Attorneys Bureau, to another, within the limits of his jurisdiction, whenever he deems that there is achievement of justice in the same.
- (3) The Minister of Justice may transfer any inquiry from a Prosecution Attorneys Bureau to another, within the Sudan, whenever he deems that there is achievement of justice in the same.

**Power of the court to
transfer criminal suits**

- 31.(1) The court, whenever a criminal suit has been transferred thereto, by the Prosecution Attorneys Bureau, and deems it most appropriate, in pursuance of the orders, regulating jurisdiction, or distribution of work, that trial is to be assumed by another court, may transfer the criminal suit thereto.
- (2) The president of the Court of Appeal, or Magistrate of the General Criminal Court, may issue an order transferring any criminal suit from one court to another, within the limits of his jurisdiction, whenever he deems that there is achievement of justice in the same.
- (3) The Chief Justice may transfer any criminal suit, from one court to another, within the Sudan, whenever he deems that there is achievement of justice in the same.

**Proceedings not void by reason
of lack of jurisdiction**

32. No criminal proceedings adopted, before a Prosecution Attorneys Bureau, or a court, shall be invalidated, for the fact that, in accordance with the rules, set forth in this Chapter, it should have been adopted by another Prosecution Attorneys Bureau, or court, whenever the same has been adopted in good faith.

Part III
The Criminal Suit and Inquiry Therein
Chapter I
The Criminal Suit
Initiation of the criminal suit

33. The criminal suit shall be initiated, upon taking cognizance by the General Criminals Police, or the Prosecution Attorney, or upon such information, or complaint, as may be presented to either of them.

The right to present information and complaint

- 34.(1) Information shall be presented, by any person entrusted with preserving security and public order; or any person, as to offences to which a public right relates.
- (2) A complaint shall be presented by the person, against whom, or within whose responsibility the offence has been committed, or by whoever deputises for him. Where the person, against whom the offence has been committed is a child, or suffering from mental infirmity, his guardian may present the complaint, on his behalf.

Initiation of the criminal suit restricted

35. No criminal suit shall be initiated :-
- (a) by the General Crimes Police, save upon permission from the Prosecution Attorney :-
 - (i) in offences, wherein no arrest without warrant shall be made;
 - (ii) in offences relating to a public servant;
 - (b) save upon permission of the competent body, where the same is from the following offences :-
 - (i) in breach of the conduct of justice, save upon permission of the court;
 - (ii) which are compoundable, save from the proprietor of the right, or whoever deputizes therefor;
 - (iii) wherein any law provides for the requirement of permission from such body, as the law may specify;
 - (c) against any person enjoying procedural, or substantive immunity, save in accordance with the provisions of such law, as may provide therefor.

Private relinquishment

- 36.(1) An injured, or interested party, or his guardian, where he is a child, or suffering from mental infirmity, may relinquish his private right in the criminal suit, by pardon, or conciliation at any time before passing a final judgement therein, without prejudice to the public right.
- (2) An injured party, or his guardian may relinquish the criminal suit, in case of the offences entered on Schedule I, hereto; on condition that the injury is confined to him.
- (3) The Criminal Prosecution Bureau shall stand in the place of the injured, or interested party whenever the same is inconsistent with the interest of his guardian.

Lapse of the criminal suit

- 37.(1) The criminal suit shall lapse for any of the following reasons :-
- (a) the issue of a decision ending the same, by the Prosecution Attorney, or the court, by reason of the death of the accused, or upon private relinquishment of the criminal suit;
 - (b) passing a final judgement therein of acquittal, or conviction;
 - (c) passing a grounded decision by the Prosecution Attorneys Bureau refusing preference of charge, or dismissal of the criminal suit;
 - (d) passing a grounded decision, by the Minister of Justice staying the criminal suit;
 - (e) passing a decision by the Court dismissing the criminal suit;
 - (f) passing a decision by the Head of State of general amnesty, which includes the criminal suit.

- (2) Where the criminal suit lapses, for any of the reasons mentioned in sub-section (1), no other criminal suit based, upon the same facts shall be initiated, save in case of non-preference of charge, or dismissal of the criminal suit.

Period of limitation of the criminal suit

- 38.(1) No criminal suit shall be initiated in offences having ta'zir penalties, where the period of limitation has elapsed, commencing from the date of occurrence of the offence, namely :-
- (a) ten years, in any offence, the commission of which is punishable with death, or imprisonment for ten years, or more ;
 - (b) five years, in any offence, the commission of which is punishable with imprisonment for more than one year;
 - (c) two years, in any other offence.
- (2) The running of the limitation period shall cease, whenever the criminal suit is initiated .

Chapter II

Inquiry

Branch I

General Provisions

Assumption of inquiry

- 39.(1) Inquiry shall be by the General Crimes Police, under the supervision and directions of the Prosecution Bureau, in accordance with the provisions of this Act.
- (2) The Prosecution Attorney may exercise inquiry, or complete the same, by himself, where necessity requires that, and he may, in the same, exercise the functions and powers of the inquiror.

Stepping aside from assuming inquiry

40. No officer in charge, or Prosecution Attorney shall assume inquiry, in any criminal suit, to which he is party, or he has a private interest.

Record of inquiry

41. Inquiry shall be in writing. It may, upon the approval of the Prosecution Attorneys Bureau, be recorded or photographed, by any means; provided that the same shall have a written summary.

Contents of record of inquiry

42. The record of inquiry shall contain the following :-
- (a) any preliminary inquiries;
 - (b) statements of the informant, or complainant;
 - (c) statements of witnesses;
 - (d) statements of the accused;
 - (e) any reports, relating to the criminal suit subject of inquiry;

- (f) the decision of preference of charge;
- (g) any proceedings, to be taken in the inquiry;
- (h) any decision of the Prosecution Attorneys Bureau, as to dismissal of the criminal suit;
- (i) summary of the inquiry and the decision of committal for trial.

Influence of inquiry prohibited

- 43.(1) A person, who delivers his statements in inquiry shall not be bound to take the oath; provided that the oath may be administered to whoever presents information, or complaint.
- (2) No inquiry authorities, or other person, shall influence any party to the inquiry, by enticement, coercion or hurt, to force him to deliver, or omit to deliver any statements or information.

Branch II

Procedure of Initiating The Criminal Suit

Initiating the criminal suit before the Police In offences wherein no arrest without warrant may be made

- 44.(1) Where any information is available to the officer in charge, as may cause him to suspect the commission of an offence, wherein arrest without warrant may be made, he shall initiate the criminal suit.
- (2) Where information, or complaint is presented to the officer in charge, about facts indicating the commission of an offence, wherein arrest without warrant may be made, he may conduct, a preliminary inquiry, to ascertain the facts, or suspicion, or initiate the criminal suit. Where the officer in charge is satisfied that the facts of the information, or complaint are not correct, or do not constitute suspicion of an offence, he may refuse to initiate the criminal suit; provided that he shall inform the informant, or complainant of his right to submit the matter to the Prosecution Attorneys Bureau.
- (3) Where the officer in charge decides to initiate the criminal suit, he shall record a summary of the criminal suit and the preliminary inquiry, in the inquiry record, and read it over, to the informant, or complainant, in order sign the same.

Initiating criminal suit before the Police In offences wherein no arrest without warrant may be made

- 45.(1) Where any information is available to the officer in charge, or information, or a complaint is presented to him, as may cause him to suspect the commission of an offence, wherein no arrest without warrant may be made, he shall record a summary of the same in a report, and transfer it, together with the informant, or the complainant, to the Prosecution Attorneys Bureau, to take such decision, as it may deem fit. Where he refuses recording the report and the transfer, he shall inform the informant, or

complainant of his right to submit the matter to the Prosecution Attorneys Bureau.

- (2) The officer in charge may, in the case mentioned in sub-section (1), initiate the criminal suit and take the immediate inquiry proceedings, with the exception of arrest, where it appears to him from the circumstances that delay in inquiry will result in a serious prejudice to the administration of justice; provided that he shall send a report, on the same, to the Prosecution Attorney, within twenty four hours, showing the reasons which led him to take such procedure.

Submission of the record of inquiry

- 46.(1) The officer in charge, after recording the criminal suit, shall submit the record of inquiry, through the superior officer, if any, to the Prosecution Attorney.
- (2) The superior officer may make such instructions, as he may deem appropriate, to the officer in charge, together with recording the same in the record of inquiry.

Initiating the criminal suit

47. Where any information is available to the Prosecution Attorney, as may cause him to suspect the commission of an offence, or information, or complaint is presented thereto, about facts indicating the commission of an offence, he may conduct a preliminary inquiry, to ascertain the facts of suspicion, or administer the oath to the informant, or the complainant. Where he is satisfied with the truth of the facts, or suspicion, he shall order the officer in charge to initiate the criminal suit record, and register the same.

Branch III

Procedure of Inquiry in Particular Cases

Immediate inquiry procedure

- 48.(1) The officer in charge, after submission of the record of inquiry, shall, where the nature of the offence so requires, take the following immediate procedure to :-
- (a) forthwith proceed to the place of the facts to inquire therein;
 - (b) take the necessary steps for search and arrest of the suspect;
 - (c) where the offence relates to death, or grievous hurt, take the necessary steps to call the competent physician, to examine the body, or the injured person, or transport the body, or injured person to the nearest hospital, where necessity so requires, and to inform the next of kin of the deceased, or injured person, and record any statements on their part in the record of inquiry.

- (2) No body, to which inquiry relates, shall be buried without licence, from the Prosecution Attorney, unless utmost necessity requires the same.

Medical examination of suspect

49. Where a person is arrested, upon suspicion of having a relation to an offence, the Prosecution Attorney, or the officer in charge may send him for medical examination by a physician, or medical assistant, whenever the same is necessary for ascertainment of commission of the offence.

Taking fingerprints and photographs

50. Fingerprints and photographs may be taken of any person, or any thing, where the same is necessary for the purposes of inquiry.

Death in certain circumstances

- 51.(1) Where particulars, or information are received, as to finding a body of a human being, or the commission of suicide by a person, or his death in an accident, the officer in charge, even though he has no reason to suspect the commission of an offence, shall write a report of the particulars and present the same to the Prosecution Attorney, and forthwith proceed to the place of the body, and inquire, as to the cause of the death, in accordance with the procedure of inquiry in offences relating to death.
- (2) The officer in charge, upon completion of inquiry, shall present his report to the Prosecution Attorneys Bureau.
- (3) The Prosecution Attorney shall, whenever the grounds of inquiry enable him as to the same, take a decision to prefer charging, or a grounded decision that death does not result in a charge. He shall, in this case, submit his decision, accompanied by the inquiry report, to the president of the Prosecution Attorneys Bureau in the state.

Inquiry by the People's administrator as to death

52. Where particulars, or information are received, by the People's administrator as to finding the body of a human being, or the commission of suicide by a person, or his death in an accident, he shall immediately inform the officer in charge, and proceed to the place of the accident, and conduct, in the presence of two, or more witnesses, inquiry, in accordance with inquiry procedure in offences relating to death, and lay down a report on the inquiry procedure, and the apparent cause of death, a description of wounds, fractures on the body, a statement of the condition, and the surroundings thereof and mentioning any weapon, or instrument which is apparently used to effect death and such other information, relating to the death, as may have been discovered by him. He shall submit his report to the officer in charge and continue the inquiry until the same is assumed by the officer in charge.

Branch IV
Functions and Powers of an Inquiror

Functions of an inquiror

53. An inquiror shall have the following functions, to :-
- (a) conduct the preliminary inquiry, and initiate the criminal suit, or recommend initiation of the criminal suit ;
 - (b) record and keep the inquiry record;
 - (c) adopt the inquiry procedure;
 - (d) submit the record, during inquiry, to the competent bodies, and recommend, to the same, any procedure;
 - (e) submit , immediatly upon completion of inquiry, to the Prosecution Attorney, to summarise and submit the same, to the court.

Powers of an inquiror

54. An inquiror, or a supervisor of inquiry shall have, in accordance with the provisions of his Act , the following powers, to :-
- (a) summon such person, as he may deem to have a connection with the criminal suit;
 - (b) take the statements of the informant , or the complainant, the suspect, the accused, the witnesses and any other person having a connection with the criminal suit, and examine him;
 - (c) arrest any suspect, or accused person, and confine, or release him;
 - (d) refer for medical examination, take finger prints and photographs and conduct such technical and technological measures, as the inquiry may require, and assign any competent person to do the same;
 - (e) adopt detection procedure.

Branch V

Powers of the Prosecution Attorneys Bureau

Direction, exercise and perusal

of the record of inquiry

- 55.(1) The Prosecution Attorney shall have the right of supervision of inquiry and direction of the inquiror, through the officer in charge, and the issue of any directions, as may relate to the progress of the criminal suit.
- (2) The officer in charge shall inform the Prosecution Attorney of the progress of inquiry, and submit the record, to him, as to such directions, as may be issued thereto, with respect to inquiry.
 - (3) The Minister of Justice, and any higher legal counsel at the Criminal Prosecution Bureau shall have the right to require, at any

time during inquiry, the record to be placed before him, and issue any directions with respect thereto.

Preference of charge

- 56.(1) The Prosecution Attorney, after initiation of the criminal suit, and hearing of the suspect, where possible, and immediately after the availability of such preliminary evidence, as may be sufficient to be a basis for prosecution, as to appearances, shall decide to prefer to charge the person concerned of the offence, and record the same on the record of inquiry, and inform the accused personally, where he is present, of the charge, and of his right to appeal, against the decision.
- (2) Where the decision of preference of charge is appealed, the inquiror shall cease the inquiry procedure, save such as the delay of which may result in a serious prejudice to the administration of justice. Where the decision is confirmed, the inquiry shall be resumed, and where the decision is quashed, the same shall be deemed to be dismissal of the criminal suit.

Dismissal of charge

57. The Prosecution Attorney, at any time, after preference of charge, may where it transpires that there are no sufficient grounds for continuation of the criminal suit, decide to dismiss the same, and record a grounded decision thereof, and issue an order to release any accused, and dispose of any attached property, in accordance with the provisions of the law; provided that he shall submit his decision to the superior Prosecution Attorney.

Branch VI

The Criminal Prosecution Bureau Power of Staying the Criminal Suit and Tender of Pardon

Stay of criminal suit

- 58.(1) The Minister of Justice, at any time, after completion of inquiry, and before passing the preliminary judgement, in the criminal suit, may take a grounded decision, in his own hand, to stay the criminal suit, against any accused; and his decision shall be final, and shall not be contested. The court shall thereupon stay the proceedings, and pass the orders necessary for terminating the criminal suit.
- (2) No decision shall be issued, in accordance with sub-section (1), in the criminal suits, relating to hudud and retribution offences, or the offences, in which the criminal suit may be compounded.
- (3) The Minister of Justice, or whoever may represent him, may require perusal of the record of trial, to consider exercise thereby, of his power to stay the criminal suit, and the court shall thereupon stay proceeding with the trial, pending the issue of the decision of the Minister of Justice .

Tender of pardon

- 59.(1) The Superior Prosecution Attorney, in order to obtain the testimony of a person, accused with others, of an offence having ta'zir penalty, in which he has no major role, may take a grounded decision, before trial, to tender pardon to the accused concerned; on condition that the accused shall disclose the whole of such facts and circumstances, relating to such offence, and about any other person, who has relation thereto, as he has knowledge thereof.
- (2) The said accused shall be examined, as a witness, at the trial, and shall also be examined, addressed and tried thereat, as an accused. Where a decision of his conviction, and inflicting a penalty thereon, has been passed, the court shall ascertain, in a separate sitting, his compliance with all the conditions, upon which pardon has been tendered. Where it has been proved that he has complied, it shall pass an order of acquittal. Where it has been proved that he has not complied, by concealing an essential matter, or adducing false testimony, it shall pass an order of executing the sentence passed.

Branch VII

Power of the Magistrate to Receive Admissions

- 60.(1) Where any accused admits, during inquiry, and accepts trial, as to committing the offence, subject of inquiry, the inquiror shall take him, to the Magistrate, to take his admission, and record the same, on to the Case Diary.
- (2) The Magistrate shall ascertain that the accused admits voluntarily, and shall record the admission, in the presence of the accused, and read the same, to him, and require him, to sign it. Where the accused refuses to sign, the Magistrate shall enter the refusal into the Case Diary, and sign the admission himself.

Part IV

Summons, Detection and Security

Chapter I

Summonses

Summons

61. The General Crimes Police, of their own accord, or upon the order of the Prosecution Attorneys Bureau, or the court may summon any person, to appear, to present himself, or to produce any document, or other thing, whenever the same is necessary, for the purposes of inquiry, trial or execution of any order issued by the Prosecution Attorneys Bureau, or the court .

Manner of service of summons

- 62.(1) Summons shall be served by delivering, to the person summoned, one of the duplicates of the summons; and the person summoned shall sign the other duplicate, whenever required so to do.
- (2) Where the person is present, before the General Crimes Police, Prosecution Attorneys Bureau or the court, any of them may order him to attend at a particular time and place; provided that the same shall be recorded on the record.

Person not found

- 63.(1) Where the necessary search, for the summoned person, does not lead to finding him, the summons may be served by leaving one of the duplicates to the said person, with any adult person of the members of his family; and the receiving person shall sign the other duplicate, whenever required so to do. Service may also be made by affixing one of the duplicates, to a conspicuous place where the summoned person resides.
- (2) Where the place of the summoned person is unknown, the Prosecution Attorney, or the Magistrate may publish a proclamation, by the appropriate mass media, requiring therein the person to appear at a particular time and place, within a reasonable period, of the date of publishing the proclamation.

Service on corporate personality and associations

64. Summons of a corporate personality and associations shall be served by delivery of one of the duplicates of the summons, to the manager, the secretary or any responsible official, at any of the offices thereof.

Service of summons outside the limits of jurisdiction

- 65.(1) Where the condition requires service of summons outside the local limits of jurisdiction of the Police, the Prosecution Attorneys Bureau, or court, the summons shall be sent in duplicate to the body, within the limits of jurisdiction of whom the summoned person is found, to be served there.
- (2) Where the summoned person is not found in the Sudan, the Prosecution Attorney, or Magistrate may serve summons on him by any of the following ways :-
- (a) delivery of the summons through the Sudanese Embassy, or Consulate, in the country where he resides;
 - (b) affixing the summons on the notice board of the Sudanese Embassy, or Consulate, in the country where he resides;
 - (c) publication in newspapers and the appropriate mass media;
 - (d) notifying the embassy or consulate of the state, to which he belongs, in the Sudan.

Duplicates of the summons

- 66.(1) Summons shall be written in duplicate , contain the reason for summons, the place and time of appearance, and be signed and sealed by the Policeman, Prosecution Attorney or Magistrate, as the case may be .
- (2) Summons shall be served by a Policeman, or any competent official .

Chapter II

Seizure of Persons and Places

Branch I

Arrest

Arrest by the Prosecution Attorney, or Magistrate

67. The Prosecution Attorney, or Magistrate may arrest, or issue a warrant for the arrest of any person :-
- (a) who commits, in his presence, an act which may constitute an offence, or against whom a suit for commission of an offence has been instituted;
 - (b) who contravenes any summons, bond or bail executed by him, under the provisions of this Act;
 - (c) the order of whose release has been revoked.

Other cases of arrest

- 68.(1) The Policeman, or any other person, to whom an arrest warrant has been issued, by the Prosecution Attorney, or the Judge, shall arrest the person concerned .
- (2) The Policeman, or People's administrator may arrest, without warrant, any person :-
- (a) suspected, or accused of committing an offence, in which arrest without warrant may be made , in accordance with Schedule II, hereto;
 - (b) found in suspicious circumstances, and does not present reasonable grounds for his presence, or is unable to give satisfactory particulars in such circumstances;
 - (c) found in his possession property, suspected to be stolen, reasonable grounds suspected for reasonable grounds to have committed an offence relating to, or thereby; provided that he shall inform the Prosecution Attorney forthwith of the same;
 - (d) who has breached his bond executed under the provisions of sections 118 and 120 , hereof;
 - (e) who commits, in his presence, or is accused of committing an offence of the offences, in which no arrest without warrant may be made, where such person refuses to state his name, or address, when required so to do, or gives a name, or address he believes is not true; provided

that he shall be released forthwith giving the true name and address;

- (f) who actually obstructs him in the course of discharge of his duties;
- (g) who escapes, or attempts to escape from legal custody.

Form and validity of arrest warrant

- 69.(1) An arrest warrant shall be in writing, and contain the reason for arrest and particulars of the preferred charge, be signed and sealed by the Prosecution Attorney, or Magistrate.
- (2) An arrest warrant shall remain valid, until executed, or revoked by the body, who issued the same.

Bodies to whom arrest warrant is directed

- 70.(1) An arrest warrant shall be directed, to any Policeman, or People's administrator; in case of necessity, the same may be directed to any other person.
- (2) Any Policeman may execute the arrest warrant, directed to any other Policeman; provided that he shall endorse his name thereon.
- (3) Where the arrest warrant is directed, to more than one person, all, or any one of them, may execute the same.

Public bound to help in arrest

- 71. Every person shall help the Policeman, Prosecution Attorney, Magistrate or any other person empowered to arrest, where he seeks reasonable help therefrom, to arrest any person, or prevent his escape .

Substance of the arrest warrant notified

- 72. Whoever executes the arrest warrant shall notify the person required to be arrested of the substance of the warrant, and show the same thereto.

Use of force upon opposition of arrest

- 73. Whoever is empowered to arrest any person may use such force, as may be necessary, for executing the arrest, where the person opposes, or tries to escape; provided that death shall not intentionally be caused by use of such force, against a person, who is not accused of an offence, punishable with death, or imprisonment, for a term, exceeding seven years, or opposes arrest, and uses an arm, or tool, the use of which is likely to cause death, or grievous hurt.

Weapons with arrested persons seized

- 74 . Whoever effects arrest shall disarm the arrested person of any weapons, or dangerous tools found in his possession, and shall bring all such weapons and tools to the police station, the Prosecution Attorneys Bureau or court, before which the arrested person is required to be brought .

Procedure after arrest

- 75.(1) Whoever executes the arrest warrant, shall forthwith bring the arrested person, before the Prosecution Attorney, or Magistrate, who issued the warrant, to take such measures, as he may deem fit.
- (2) any person, other than Policemen, Prosecution Attorneys or Magistrates, who effects arrest shall forthwith deliver the arrested person, to the nearest Policeman. Where it transpires that the arrested person is one of those who may be arrested by the Police, without warrant, the Policeman shall record the same on the register of arrests, and take the necessary procedure, or else he shall forthwith be released .
- (3)Where the arrest warrant contains the possibility of release of the arrested person, on condition of executing a bond of appearance, whoever executes the warrant shall release him, wherever he satisfies the said conditions.

Execution of arrest outside the limits of jurisdiction

- 76.(1) An arrest warrant shall be executed, in any place inside the Sudan, and a person required to be arrested may be pursued outside the limits of jurisdiction. In such case, whoever executes arrest shall inform the competent General Crimes Police, and he may take the arrested person directly to the authority, which issued the warrant.
- (2)Where circumstances require the execution of the arrest warrant outside the limits of jurisdiction , the same may be sent, by any way, to the Prosecution Attorney , or Magistrate, for executing it within the limits of his jurisdiction .
- (3)Where an arrest warrant has been sent outside the limits of jurisdiction, the arrested person shall be brought, before the Prosecution Attorney, within the limits of whose jurisdiction the warrant has been executed. Where he identifies the arrested person, he shall :-
- (a) take bond, by the arrested person, for appearance, and send the same, to the authority, which issued the warrant;
 - or
 - (b) order the removal of the arrested person, under custody of the Police, to the authority, which issued the warrant.

Prosecution Attorney or Magistrate informed of cases of arrest

77. The officer in charge shall, within a maximum period of twenty four hours, inform the Prosecution Attorney, or Magistrate of the cases of arrest, which occur within the limits of the jurisdiction thereof.

Proclamation for absconding person published

- 78.(1) Where the Superior Prosecution Attorney , or the Magistrate of the General Criminal Court has reason to believe that the person, against whom the arrest warrant has been issued has absconded, or is concealing himself, in order to evade execution of the warrant, he may publish a written proclamation, requiring him thereby to deliver himself, to the nearest police station, within a period, not exceeding one week, of the date of publishing the proclamation, and require thereby the public to help in arresting him.
- (2) The proclamation shall be published as follows :-
- (a) it shall be broadcasted, or published through the appropriate mass media; or
 - (b) it shall be affixed to some conspicuous part of the house, where he lives, or some conspicuous part of the town, or village where he resides; or
 - (c) a copy thereof shall be affixed to some conspicuous part of the Prosecution Attorneys Bureau, the court or the Sudanese Consulate, or Embassy in the country where he resides.

Detention for inquiry

- 79.(1) A person arrested for inquiry, by the Police, may remain in detention, for a period not exceeding twenty four hours, for the purposes of inquiry.
- (2) The Prosecution Attorney, where the matter requires the same, may renew detention of the arrested person, for a period, not exceeding three days, for the purposes of inquiry.
- (3) The Magistrate, under the report of the Prosecution Attorney, may order detention of the arrested person, for purposes of inquiry, every week, for a period, not exceeding, in total, two weeks, and he shall record the reasons on the Case Diary.
- (4) The Superior Magistrate, in case of the arrested person, who is charged, may order renewal of his detention, for the purposes of inquiry, every week; provided that the period of detention shall not, in total, exceed six months, save upon the approval of the competent Head of the Judicial Organ.

Detention for trial

- 80.(1) The court may order detention of the accused, for the purposes of trial, and may renew his detention weekly, for a period, not exceeding, in total, one month.
- (2) The Superior Magistrate may order monthly renewal of the detention of the accused, who is under trial; provided that the period of detention shall not, in total, exceed six months, save upon the approval of the competent Head of Judicial Organ.

Daily inspection of custodies

81. The Prosecution Attorney shall daily inspect custodies, and revise the arrests register, and verify the validity of procedure and abidance by treatment of the arrested persons, in accordance with the law.

Arrests register

82. There shall be kept, at every police station, an arrests register, in accordance with the prescribed form, and the officer in charge shall record thereon every case of arrest, within the limits of his jurisdiction.

Treatment of arrested persons

- 83.(1) An arrested person shall be treated in such way, as may preserve the dignity of the human being; he shall not be hurt physically, or mentally, and appropriate medical care shall be provided thereto .
- (2) An arrested person shall not be subjected, as restriction of his freedom, to more than may be necessary for preventing his escape.
- (3) An arrested person shall have the right to contact his advocate, and the right to meet the Prosecution Attorney, or the Magistrate.
- (4) An arrested person shall be placed into custody of the Police, which assumes arrest, or inquiry, and he shall not be transferred, or placed, in any other place, save upon the approval of the Prosecution Attorneys Bureau, or the court.
- (5) An arrested person shall have the right to inform his family, or the body to which he belongs, and contact the same, upon the approval of the Prosecution Attorneys Bureau, or the court . Where the arrested person is juvenile, or suffering from a mental infirmity, or any disease, in such way, as he may not be able to contact his family, or the body to which he belongs, the Criminal Police, the Prosecution Attorneys Bureau or the court shall, of its own accord, notify the family, or the body concerned.
- (6) An arrested person shall have the right to obtain a reasonable amount of food stuffs, clothing and cultural materials, at his own cost, subject to the conditions relating to security and public order.
- (7) An arrested person shall abide by the rules of public morals, and sound conduct; and any regulations organizing custodies.

Branch II

Supervision and Prohibition

Police supervision

84. The Prosecution Attorney, or Magistrate , whenever he may deem that fit , may order placing the arrested person, under Police supervision , instead of placing him in custody ; provided that he shall show the same, to the arrested person, and the reasons for the objection thereof, if any, shall be recorded.

Travel prohibited

85. The Prosecution Attorney, or Magistrate, whenever he may deem that necessary, for the purposes of inquiry, trial or execution, may issue an order prohibiting travel, outside the local limits of jurisdiction, save upon permission therefor, by any person, having connection with the criminal suit, subject of inquiry, trial or execution, as the case may be .

Branch III

Search

Power to issue search warrant

- 86.(1) The Prosecution Attorney, or the Magistrate, at any time, may of his own accord, or upon the request of the competent body, in any criminal suit, issue an order for conducting special search of any place, or person, whenever he deems that the same helps in the purposes of inquiry , trial or execution, as the case may be.
- (2) The Magistrate, at any time, may upon the request of the competent body, may issue an order for conducting general search of any places, or persons, whenever he deems that the same helps in the purposes of crime detection.

Form of search warrant

87. Search warrant of places shall be written and contain particulars of the purpose of search, and the place to be searched, and signed and sealed by the Prosecution Attorney, or the Magistrate, as the case may be.

Search in the presence of the Prosecution Attorney or Magistrate

88. The Prosecution Attorney, or the Magistrate may order, in his presence, conducting search of any place, or person, the search warrant of whom he is competent to issue.

Personal search

89. The Policeman, who arrests any person, or receives an arrested person, may conduct personal search, upon him, and seize all the things found with him, and keep the same, in a safe place, write a list thereof, and deliver a copy of the same, to the arrested person.

Entry for search

90. Whoever executes arrest may enter any place, he believes that the person required to be arrested is inside the same, where he has a warrant for his arrest, or where he pursues him, in case of arrest without warrant.

Use of force for entry

91. A person permitted to enter to execute arrest, or search may forcefully enter the place, and use appropriate force therefor, where his request to be allowed to enter is refused.

Search of suspected person

92. Where a reasonable suspicion arises that any person found in, or near the place, which is under search, conceals a thing of whatever search is conducted therefor, such person may be searched.

Search of women

93. Where the person intended to be searched is a woman, the person who is conducting the search shall depute a woman to conduct the same.

Experts deputed to attend search

94. The Prosecution Attorney, or Magistrate, as the case may be, may depute any expert, to attend search, to detect any evidence, or perform any other work.

Safeguards of conducting search

95. Search shall be conducted, in accordance with the following safeguards :-
- (a) it shall be conducted, in the presence of two witnesses, to be summoned by the person executing the search warrant. They shall, as far as possible, be relatives of the accused, or those who reside with him, in the house, or neighbours. The procedure shall be recorded, on the record, unless the Prosecution Attorney, or the Magistrate, as the case may be, orders otherwise, due to the urgent nature of search;
 - (b) the occupier of the place intended to be searched, or whoever may deputize therefor, shall be allowed to attend search;
 - (c) papers, weapons, tools and all such as may have possibly been used in committing the offence, or resulted from commission thereof, or whatever the same may have been committed thereon, and all such, as may be beneficial in detection thereof. Such seized things shall be shown, to the suspected person, or accused, and required to deliver his remarks, and a record of the same shall be written, signed by the accused, or there is mentioned therein, his refusal to sign;
 - (d) seals shall be placed, upon the places, on which there are traces, or things which are beneficial in crime detection, and custody of the same shall be established, whenever the same is necessary;
 - (e) things and papers, which have been seized, during search, shall be placed, into a locked container;

- (f) the person executing the search warrant shall instantly prepare a list of the things seized, and the places wherein the things have been found, signed by the witnesses, and a copy thereof shall be delivered, to the occupier of the place, or whoever deputizes therefor;
- (g) seized things, and the lists thereof, shall be shown to the Prosecution Attorney, or the Magistrate, as the case may be, to take the necessary measure, with respect thereto;
- (h) a copy of the papers , or documents authenticated, by the Prosecution Attorney, may be given, to the person from whom they have seized, where he has an urgent interest therein;
- (i) seized things shall be kept in a safe place, and entered into the Case Diary, or record of proceedings;
- (j) where search reveals an unlawfully detained person, whoever conducts the search shall forthwith bring him, before the Prosecution Attorney, to take such measure, as he may deem fit.

Chapter III
Seizure of Property and Things
Branch I
Attachment

Attachment of documents, property and things

96. The Prosecution Attorney, or the Magistrate, as the case may be, may attach any document, property or any thing found during search, or brought before him, or owned by any person, which has relation to inquiry, trial or execution, whenever he deems the same necessary.

Attachment of property of absconding person

97. The Superior Prosecution Attorney, or the Magistrate of the General Criminal Court, at any time, after publication of the proclamation, provided for in section 78, may order attachment of any property belonging to the person, in respect of whom the proclamation has been issued. Where the proclaimed person does not appear, at the date specified in the proclamation, the attached property shall be under the disposal of the body, which issued the attachment order , in accordance with the provisions of section 99.

Way of attachment

98. Attachment shall be executed by the way followed in the Civil Procedure Act, 1983, for attachment of property, or by any such way, as the Prosecution Attorney, or the Magistrate, as the case may be, may deem fit.

Branch II
Disposal of Property and Things
Safeguards of disposal of property

- 99.(1) Where during inquiry, or trial, there has been presented any property with respect to which the offence is believed to have been committed, the Prosecution Attorney, or the Magistrate, shall take the necessary measures to classify such property .
- (2) Harmful materials shall forthwith be destroyed, after taking samples thereof, and specifying the quantities, weights, descriptions and harms thereof, by the competent technical bodies.
- (3) Property liable to natural decay, or to termination of validity, shall be sold forthwith; likewise animals, where keeping and care, of the same, is not possible , or are feared to perish.
- (4) Where the Prosecution Attorney, or the Magistrate deems, upon the request of the competent public authority, that it is fit to sell any attached property, he may order sale of the same, and keep the value thereof.
- (5) Monetary property shall be kept in the treasury of the State, in accordance with the financial regulations.
- (6) Where the absconding person, whose property has been attached , under section 97, does not appear, his attached property may be sold, by the expiry of three months, of the date of attachment.
- (7) Where the absconding person, whose property has been attached, under section 97, appears, within one year, of the date of attachment, and his property is still under attachment, and delivers justification of his absence, or ignorance of the proclamation, published in his respect, the property , or the price of such, as has bee sold thereof, shall be delivered thereto, after deduction of expenses .
- (8) The attached property, or the price thereof, shall be a trust, with the competent authority, which ordered attachment thereof, and shall be responsible for keeping the same, in the appropriate manner, and the same shall not be disposed of, before the lapse of the criminal suit; and in this case, the decision of lapse of the criminal suit shall include the manner of disposal of the attached property.

Procedure upon seizure of suspicious
or stolen property

- 100.(1) Any Policeman, who seizes any stolen property, or property found in circumstances, which lead to suspicion of the commission of an offence, shall forthwith inform the Prosecution Attorney of the same.
- (2) Where the person , who has right to the said property is unknown, such property may be attached, and the Prosecution Attorney thereupon, shall issue a sufficient proclamation, in the

public mass media, showing therein items of the property, and require whoever alleges right therein, to prove his suit, within six months, of the date of publication of the proclamation.

- (3) When the period of six months elapses, without any person proving his right in the property, the Superior Prosecution Attorney may sell the same, and deposit the value thereof, as trust in the treasury of the State.
- (4) Where there comes later a person and proves his right in the property, the Superior Prosecution Attorney shall order delivery of such property thereto, where the same is found, or its value, after payment of expenses.

Disposal of property after lapse of the criminal suit

- 101.(1) Where the criminal suit elapses, the decision, or judgement of lapse thereof shall include an order of the manner of disposal of attached property, to be issued in accordance with the provisions of this Act.
- (2) Where the criminal suit elapses, by the end of trial, the order of disposal of the attached property may be transferred to the superior Magistrate of the Criminal Court.
- (3) In decisions and judgements, which may be subject of appeal, the order of disposal of the attached property shall not be executed, save after the expiry of the period prescribed for appeal; provided that, in all cases, the Prosecution Attorneys Bureau, or the court may issue an order of delivery of the property, to the person it deems to have a right to receive the same, where he executes a bond, with, or without financial security, whereby he binds himself to restore the property, in case of modification of the judgement .

Compensating the injured person out of the attached property

102. Where the court orders compensating any injured person, in the criminal suit, it shall compensate him, out of any attached property, belonging to the offender.

Order to destroy exhibits and harmful materials

- 103.(1) The Court, upon termination of trial, may order the destruction of any exhibit, material or commodity, where the existence thereof causes damage.
- (2) The Magistrate himself shall assume supervision of destruction of exhibits, and he may seek the help of any technical body.

Order to restore possession of immovable property

- 104.(1) Where any person is convicted of an offence connected with use of criminal force, or intimidation, and the same has resulted in

deprivation of any person of the possession of any immovable property, the court may order restoration of the possession of the immovable property, to such person, or to whoever may have the right to possession.

- (2) The said order shall not result in depriving the person, against whom the order has been issued, of his right, in any civil suit, relating to the property subject of the criminal suit.

Chapter IV

Release on Bail

Cases of release on bail

105. Release, on bail, of the arrested person shall be as follows :-
- (a) by the arrested person personally executing a bond to appear, with, or without an assessed financial security;
 - (b) by another person executing a bail, to bring the arrested person, with, or without an assessed financial security;
 - (c) by deposit, with bond, or bail.

Release in an offence punishable with death, retribution or amputation

- 106.(1) An arrested person, in an offence punishable with death, or amputation, as a hud, shall not be released; provided that the Case Diary, or record of trial shall be submitted, to the competent head of the Judicial Organ, whenever detention continues to six months, and he may order such as he may deem fit.
- (2) The Prosecution Attorney, or the Magistrate, may release the arrested person, upon bail, in retribution offences, where release does not constitute a danger thereto, or contravention of public security and tranquility, and the victim, or his guardians consent, with, or without conditions.

Release on deposit

- 107.(1) No arrested person, in an offence relating to any public property, or dishonoured cheque, shall be released, save upon deposit of an amount of money, not less than the amount subject of the criminal suit, or by presenting a secured cheque, or letter of credit.
- (2) An arrested person, in an offence requiring dia, or compensation, shall not be released, where there has arisen against him a reasonable prima facie evidence, save upon the deposit of an amount of money equal to such, as may be adjudged against him by the court, or producing an insurance policy, a secured cheque, letter of credit or an estate mortgage, or attachment.

Release in other offences

- 108.(1) Subject to the provisions of sections 106 and 107, a person arrested in any other offence, shall be released, whenever he executes a bond, or presents a surety, unless the Prosecution Attorney, or the Judge, of his own accord, or upon the recommendation of the officer in charge, for reasons to be recorded, deems that release of the arrested person may lead to his escape, or prejudice the inquiry.
- (2) The Police Station Chief may release the accused, in the offences entisted in Schedule III, hereto, in case of absence of the Prosecution Attorney, and the Judge, after the twenty four hours of arrest; provided that the inquiry record shall be submitted, to the Prosecution Attorney, or the Judge, as the case may be; and the Prosecution Attorney, or the Judge may order re-arrest of the accused, where he deems there is ground therefor.
- (3) The Police Station Chief shall not release any accused arrested, or re-arrested by an order issued by the Prosecution Attorney, or the Judge, or the order of anyone of them, renewing his confinement.

Release of public servant

109. Deposit, or bail shall not be required for release of a public servant, who commits, in good faith, in the course of his official work, such an act, as may constitute an offence .

Conditions of bond

- 110.(1) The bond, executed by the arrested person, shall include a declaration to execute the conditions of appearance which are ordered by the Prosecution Attorneys Bureau, or court and specification of the amount of security, whenever required thereof.
- (2) Bail shall not be accepted, save from a known person, the satisfaction and sufficiency of whom is trusted.
- (3) The surety shall be bound to bring the arrested person, whenever required of him, and shall, likewise, be bound to pay the assessed security, upon his failure.
- (4) Regard, in assessment of the required security, shall be had to the nature of the offence, the injury resulting therefrom and the property the subject of the offence; and there shall be no exaggeration, in the assessment thereof.
- (5) The Prosecution Attorney, or the Magistrate, shall insure the security, by requiring an estate mortgage, or attachment, an insurance policy or any other means of security, as he may deem fit.

Bail of minor mandatory

111. Where the arrested person is a minor, bond for appearance shall not be accepted, and a surety shall be presented .

Discharge of surety

- 112.(1) A surety may request the Prosecution Attorney, or the Magistrate, to revoke the bail, at any time.
- (2) The Prosecution Attorney, or the Magistrate, shall, upon request of revocation of the bail, arrest the bailed person, and upon his being brought, the bail shall be revoked; provided that he shall require the bailed person to present another surety. Where he fails so to do, the Prosecution Attorney, or Magistrate, may issue the appropriate order in respect thereof.

Modification of the bond, bail or security

113. The Prosecution Attorney, or Magistrate, whenever he deems the same fit, may require the person released, on bond without security, to present an appropriate security , or surety, and may, as well, require him to alter the surety, or the amount of security.

Revocation of order of release

114. The Prosecution Attorney, or Magistrate, may, at any time, order revocation of the order of release, and re-arrest whoever has been released, under the provisions of this Chapter; provided that the reasons of the same shall be recorded, and the arrested person shall be informed thereof.

Procedure upon breach of bond, or bail

- 115.(1) Where any breach of the bond, or bail has been proved, to the court, the aspects of proof of breach shall be recorded, and the court shall require, from whoever executed the bond, or bail, to pay the assessed security, or to show the reason which exempts him from payment. Where he does not give sufficient reasons, for exemption, and does not pay, the amount may be collected from him, or from his estate, where he dies, by the ways provided for in this Act for collection of fine.
- (2) Where the person, who breaches the bond, or bail, does not pay the security, and the same could not be collected, the court may impose the penalty of imprisonment, in lieu thereof.

Appeal of decisions and orders

116. Every decision, or order issued, under the provisions of this Chapter, shall be appealed, by the ways of appeal, set forth in this Act.

Chapter V Preventive Procedure

Branch I
Prevention of Crime

Duty to inform of offences and help

- 117.(1) Every Policeman, People's administrator or person authorized by law, shall keep security, and public order, and exert the utmost of his effort, to prevent occurrence, or continuence of crime.
- (2) Every person shall help the Police, the Prosecution Attorney or Magistrate, whenever help is required reasonably thereof, to abate any breach of the public peace, prevent any damage, to property, and avoid the occurrence of any offence, in which force is used.
- (3) Every person shall, as soon as possible, inform the nearest Prosecution Attorney, Policeman or People's administrator, whenever he knows the danger of occurrences, or the occurrence of an offence, where the same is of the offences against the State, relating to the disciplined forces, opposition of the public authority, criminal and terrorist organizations, public safety and health, the offences of counterfeiting and forgery, homicide of the types thereof, miscarriage, kidnapping or abduction, unlawful confinement, haraba, or robbery, receiving stolen property or criminal mischief.

Power to issue precautionary orders

- 118.(1) Where report has been presented, to the Prosecution Attorneys Bureau, or the court, that a person is likely to commit whatever may disturb public peace, or tranquility, it may issue summons for such person.
- (2) The Prosecution Attorneys Bureau, or the court, upon bringing such person before it, shall forthwith interrogate him, and conduct any such inquiries, as it may deem necessary.
- (3) Where it transpires, from inquiry, that it is probable for keeping public peace and tranquility, that the person is to execute a bond with, or without security, or surety, the Prosecution Attorneys Bureau shall issue an order to such effect.
- (4) The court, where a report has been presented thereto, under sub-section (1), or the Prosecution Attorneys Bureau has submitted the matter thereto, after inquiry, may issue an arrest warrant for the person concerned, and detain him, or place him under police supervision, or to execute a bond, with, or without security, or surety.

Period of bond, police supervision and detention

- 119.(1) The prescribed period of bond, or police supervision, under the provisions of section 118, shall not exceed one year. Where the person has previously been convicted of more than one offence,

the period shall not exceed two years; provided that running of the period shall commence, as of the date of the issue of the order, or any subsequent time, as the Prosecution Attorneys Bureau, or the court may specify, for sufficient reasons.

- (2) The prescribed period of detention of any person, under the provisions of section 118(4), shall not exceed three days.

Bond upon conviction

120. The court may require any person convicted of an offence, in breach of public peace, or tranquility to execute a bond, with, or without security, to preserve public peace, and be of good reputation and behaviour, for any period not exceeding three years, and may also place such person, under police supervision, in addition to the said bond, or in lieu thereof; provided that such measures shall be after execution of the prescribed sentence, if any .

Breach of bond

121. Where the person breaches his bond, under any of sections 118 and 120, the court may order his confinement, for a period not exceeding one month, and may, as well, order confiscation of the amount of security.

Police supervision

122. A person, placed under police supervision, shall be subject to any of the following restrictions, as the court may order :-
- (a) residence, within the limits of any town, or region, selected thereby, and the authority which issued the restriction deems that execution of supervision therein is possible. The town, or area may be substituted by the order of such authority, upon the desire of the supervised person, or upon approval of the police, or the place to which he wants to move thereto;
 - (b) not to leave the limits of the town, or area where he resides, without the written permission of the officer in charge, at such town, or area;
 - (c) notifying the officer in charge, at any time, of the house, or place wherein he lives;
 - (d) presenting himself, to the nearest police station, whenever required so to do.

Appeal of orders issued under the provisions of this Branch

123. Orders issued under the provisions of this Branch, shall be appealed, by the ways of appeal, set forth in this Act.

Branch II **Prevention of Offences relating to**

Public Tranquility

Power to order the dispersal of unlawful assembly

124. Any officer in charge, or Prosecution Attorney, may order any unlawful assembly, or any assembly likely to commit the offence of rioting, or the offence of breach of public peace, to disperse, and members of such assembly shall thereupon disperse.

Use of necessary force to disperse the assembly

- 125.(1) Where the assembly, mentioned in section 124, does not disperse, upon the issue of the order, or acts in a manner inconsistent with the order, the officer in charge may order the dispersal of such assembly, by use of the least necessary force; provided that he shall not resort to use of fire arms, for dispersal of the assembly, save upon the permission of the Prosecution Attorney.
- (2) The officer in charge, or the Prosecution Attorney, may require the help of any person, for the purpose of dispersing the assembly.
- (3) The Police may arrest whoever participates in the said assembly.
- (4) The right to use force shall not warrant intentional causing of death.

Intervention of military force

126. Where the Superior Prosecution Attorney, or in case of his absence, the superior officer in charge deems that use of the force, provided for in section 125, does not suffice to disperse the assembly, he may require the help of any officer, or non-commissioned officer commanding any Armed Force, to disperse the assembly, by use of military force, to restore order, and preserve public peace.

Organizing processions and gatherings

127. Any Governor, or Commissioner, within the limits of his jurisdiction, may issue an order prohibiting, restricting or organizing thereunder any meeting, assembly or procession, in the public roads, or places, as may likely lead to breach of the public peace.

Closing public places

128. Where rioting, or breach of the public peace occurs, in an area, the officer in charge, or the Prosecution Attorney, may issue a temporary order, for closing cafes and other public places, frequented by the public, in such area.

Eviction and closure of shops

129. The Governor, or Commissioner, whenever it has been proved to him, after conducting the necessary inquiry, that any house, or shop is operated to deal in liquor, narcotics, psychotropics, gambling or prostitution, may order eviction and closure thereof, for a period, not exceeding one year.

Power of use of firearm

- 129A. The officer in charge, in case of absence of the Prosecution Attorney, or the Judge , shall have the power to order use of firearm , or any other force, in cases of armed engagements, for combating armed bands, for the purpose of robbery, house breaking, smuggling goods, narcotics or psychotropics, or dispersing an unlawful assembly, in which firearm is used, or any tool, as the use of which may likely result in causing death, or grievous hurt, whenever the conditions require the same, for the purpose of arresting offenders, or preventing the occurrence of any offence.

Branch III

Prevention of Public Nuisance

- 130.(1) Where it has been reported, to the Prosecution Attorney, that any acts, as may constitute one of the offences, relating to peace and public health, are committed, he may issue an order requiring thereby the person concerned, at a fixed time, to cease committing such acts, or reform, or remove the effects thereof, in the manner, set forth in the order.
- (2) The said order shall be served upon the person, against whom it has been issued, by the ways of service, provided for in this Act.
- (3) Where the person concerned does not execute the order at once, or his immediate service is not possible, the Superior Prosecution Attorney, in case of imminent danger, or harm to the public, may order taking such means, as he may deem fit, for removal of the danger , or prevention of harm; provided that the person concerned shall be bound to pay any necessary expenses.

Part V

Trial
Chapter I
General Provisions

Stepping aside by the Magistrate from assuming trial

- 131.(1) No Magistrate shall assume trial of any criminal suit, in which he has previously conducted inquiry, been a party thereto or has a private interest therein.
- (2) The Magistrate, who passed the judgement shall not participate in considering any contest, confirmation or review of such judgement.

No retrial after acquittal or conviction

- 132.(1) No person shall be retried, for any offence, in which he has been finally adjudged as acquitted, or convicted, before a competent court.
- (2) Any person may be tried, for the results consequential to his act, which have not been known to the court, upon a previous trial, where such results constitute another offence independent of the offence, for which he has been tried.
- (3) Plea of final judgement may be made in the same offence, at any of the stages of the criminal suit, and the accused shall be released, whenever the same is proved.

Sittings to be open

133. Trial shall publicly be conducted, and the public may attend the same; provided that the court may, in its discretion, order at any of the stages of trial, exclusion of the public generally, or any person of those attending, or remaining at the sitting, whenever the nature of trial procedure, or order requires the same.

Trial in absentia

- 134.(1) An accused shall be tried in his presence, and shall not be tried, in absentia, save in the following cases :-
- (a) his being accused of any of the offences against the State;
- (b) the court deciding exempting him from appearance; on condition that he shall admit, in writing, that he is guilty, or an advocate, or agent appears, on his behalf;
- (c) the court deeming that proceeding with the procedure, in the absence of the accused does not prejudice the defence case in any way.
- (2) in all the cases, provided for in sub-section (1), summons shall be served by the way, provided for in this Act.

The right of the accused to be defended
by an advocate or pleader

- 135.(1) The accused shall have the right to be defended by an advocate, or pleader.

- (2) The court may permit any person to plead before it, where it deems him qualified therefor.
- (3) Where the accused is accused of an offence punishable with imprisonment, for the term of ten years, or more, amputation or death, is insolvent, the Ministry of Justice, upon the request of the accused, shall appoint a person to defend him, and the State shall bear all, or part of the expenses.

Assuming prosecution

- 136.(1) The Prosecution Attorneys Bureau, or the Criminal Police, in case of absence of the Prosecution Attorney, or any person appointed, or permitted, by the Criminal Prosecution Bureau, shall assume prosecution.
- (2) The person, against whom the offence has been committed, his guardian or agent, in offences of retribution, or the offences with respect to which a private interest relates, may assume prosecution alone, upon approval of the Criminal Prosecution Bureau , or participate in the same.

Statements and evidence translated to the language understood by the accused

- 137.(1) Where statements, or evidence, or any procedure has been taken, in which the accused is interested, in a language not understood by the accused, the same shall be translated to his understanding.
- (2) Where the court deems that the accused is unable to understand the procedure , for a defect in his senses, or for any other reason, it may order one to assist him to understand the procedure, or to address him in such way, as is understood by the likes of him.
- (3) Where the court needs to recall a translator, or assistant, it shall recall a translator, or assistant and pay any expenses therefor .

Control and management of the sitting and punishment of contemtor

- 138.(1) Control and management of the sitting are entrusted to the Magistrate, and he may evict, outside the sitting hall, whoever breaches the order thereof, and take any legal measure therefor.
- (2) Where a person commits an act deemed to be an offence, in accordance with the provisions of section 116, of the Criminal Act, 1991, during the convention of the sitting , the court, before which the offence has been committed, may punish him with fine, or commit him to another court.
- (3) Where the court adjudges, under the provisions of sub-section (2), conviction and punishment of the offender, it may whenever the offender submits, to the court's decision, or presents an apology acceptable thereby, pass an order pardoning him, and remitting the penalty.

Chapter II Progress of Trial

Sequence of the procedure of trial

- 139.(1) The court shall follow the trial procedure in the following sequence :-
- (a) verifying the basic evidence, about the accused, the witnesses and the suit;
 - (b) hearing the prosecution opening speech, statements of the inquiror and the complainant, if any, and discussion of the same;
 - (c) reply of the accused to the prosecution;
 - (d) evidence of the prosecution, and discussion of the same;
 - (e) examination of the accused;
 - (f) framing the charge, by drafting the charge sheet, where the court deems the same fit;
 - (g) addressing the accused, with the charge, and his reply thereto;
 - (h) hearing the evidence of defence, if any, and discussion of the same;
 - (i) any procedure in evidence, as the court may adopt;
 - (j) admission of final pleadings, if any, for the proprietor of private right, then the prosecution and then the defence;
 - (k) delivery of the decision of conviction, or acquittal;
 - (l) hearing reasons of mitigation , or aggravation of penalty;
 - (m) the final orders in the judgement.
- (2) Where the accused admits, upon his reply, to the prosecution, the court may frame the charge, without hearing the evidence of the prosecution.
- (3) Where the accused denies, or the court deems, notwithstanding his admission, that it is most appropriate to hear the evidence, it shall call for the prosecution evidence, and proceed with the rest of procedure.

Power of the court to arrange procedure

140. The court may advance, defer, or repeat any of the trial procedure, at any stage, where it deems that the same is necessary for achievement of justice.

Dismissal of criminal suit during trial

- 141.(1) Where it transpires, to the court, after hearing the prosecution evidence, and examination of the accused, that evidence does not lead to his conviction, it shall pass an order dismissing the criminal suit, and release the accused. Where a financial right of others relates to the criminal suit, the court shall, before releasing the accused, exercise the civil powers thereof, in accordance with section 204.
- (2) Where the criminal suit has been adopted, upon a complaint, in which private relinquishment may be made, and the complainant absents himself, on any day fixed for hearing the

same, notwithstanding his knowledge thereof, the court may, in its discretion, dismiss the criminal suit, and release the accused.

Reference of the criminal suit to a higher court

142. Where it transpires, to the court, after drafting the charge sheet, in a criminal suit, that it has to be, or it is appropriate to be heard before a higher court, by reason of lack of jurisdiction, or inflicting a penalty exceeding the powers thereof, or because the assessed compensation exceeds the power of the parallel civil court, the court shall refer the criminal suit to a competent higher court.

Recording the charge

143. Where it transpires, to the court, after hearing the prosecution evidence, and examining the accused, or at any prior stage, that there is a basis for his being charged of an offence it is competent to try the same, it may record the charge, by drafting the charge sheet, with the offence attributed to the accused.

Reply of the accused

- 144.(1) Subject to the provisions of section 143, the court shall address the accused with the charge, by reading and explaining it to him, and questioning him whether he is guilty, or innocent.
- (2) Where the reply of the accused is that he is guilty, the court shall record his admission of guilt, and it may decide his conviction, upon such admission.
- (3) Where the reply of the accused is that he is guilty of an offence punishable with death, amputation or whipping more than forty lashes, the court shall :-
- (a) hear any other evidence presented by the prosecution;
 - (b) caution the accused as to the seriousness of his admission, where admission is the only evidence against him;
 - (c) adjourn the decision of conviction, for a period, not exceeding one month.
- (4) The court, upon conclusion of trial, under paragraph (c), of sub-section (3), shall re-address the accused, with the charge, and hear his reply once more. Where his reply is that he is guilty, it shall pass its decision of conviction.
- (5) Where the reply of the accused is that he is not guilty, or refrains from reply, he shall be required to present his defense, and such evidence as he may have for rebutting the charge. The accused, or the defense representative shall thereupon present a list of the witnesses, and all the evidence he intends to adduce.

Chapter III **Procedure of Charging**

Charge sheet

- 145.(1) In order to record the charge and draft the charge sheet, the Magistrate shall ascertain the satisfaction of all the ingredients and conditions required by the law.
- (2) The charge sheet shall set forth the offence, attributed to the accused, by mentioning the essential elements, and name thereof, and the section and the provision of the law, which the offence is alleged to have been committed, in contravention thereof.
- (3) Where it transpires, from the nature of the criminal suit, that the details mentioned in sub-section (2), do not suffice to bring to the accused's knowledge of such charge, as may be attributed to him, the charge sheet shall contain, likewise, the details pertaining to the manner, in which the alleged offence has been committed, the time and place thereof, and the tool used therein and the victim.

Charge sheet dispensed with

146. The court may, where it deems that the charge preferred by the Prosecution is sufficient, dispense with drafting the charge sheet, and address the accused directly with the charge, to reply to the same.

Amendment of the charge sheet

- 147.(1) The court, whenever it deems the same fit, during the trial, may amend the charge sheet, by addition, or omission, or redraft the same afresh.
- (2) The court shall read the amended, or new charge sheet, to the accused, and take his reply thereto.
- (3) The court may, upon amendment, or redrafting the charge sheet, order new trial, adjourn the trial, to such period, as it may deem fit, or continue in the trial, where the same does not prejudice the prosecution, or defense case.
- (4) Whenever the court amends, or redrafts the charge sheet, it shall allow the representative of the prosecution, and the accused, to call any witness, who has previously been examined, where it deems the same necessary, for achievement of justice.

Similar offences

148. Whenever a person has been charged with several offences, having one characteristic, or similar characteristics, he may be charged, and tried in one trial, for any number thereof. Where the court deems that the accused may be unable to defend himself, by reason of such procedure, or that the same may lead to delaying the trial procedure, it may order a separate trial, for any of the said charges.

Connected acts

149. Where any person commits several acts, which are connected in such a way, as may make them constitute more than one offence, he may be charged, and tried, for them all in one trial.

Doubt as to determining the offence

150. Where the facts of one act, or connected acts are of such nature, as may lead to doubt, as to determining the offence, which may be constituted, by such acts, from among various offences, the charge of committing all, or any of such offences, may be addressed, to such person, and he may be tried therefor together, and he may, as well, be charged alternatively with committing any of them.

Conviction of an offence other than the subject of charge

- 151.(1) Where a person is charged, in the case mentioned in section 150, with committing a particular offence, then it appears, from evidence, that he has committed a different offence, with which he may have been charged, in pursuance of the provisions of such section, he may be convicted of the offence which it appears he has committed, although he is not charged therewith.
- (2) Where a person is charged with committing any offence, he may be convicted of attempt to commit such offence, although he is not charged with attempt, as a separate charge.
- (3) Where the accused is addressed, with a major offence, he may be convicted of a minor offence, where the same facts lead to proof of the minor charge, although he has not been addressed therewith.

Persons who may be charged together

- 152.(1) There may be charged and tried together persons accused with commission of :-
- (a) one, or more offences by joint criminal acts;
 - (b) one, or several offences, where they occur, as a result of rioting, fight or connected acts;
 - (c) an offence and whatever may branch therefrom of offences.
- (2) The court may, at any stage, order, together with mentioning the reasons, staying the joint trial of the accused persons, and try any one of them in a separate trial.

Chapter IV

Procedure of Taking Evidence Power to summon witnesses to appear and adduce testimony

- 153.(1) The court shall summon any witness required by the prosecution, or defense, to appear and adduce testimony, unless it deems, for reasons to be recorded thereby, that the request is intended to intrigue, delay or impede the progress of justice.
- (2) The court may, of its own accord, or upon request by the prosecution, or defense, summon, at any time, before announcing the judgement, whoever it may deem his testimony is essential to determine the criminal suit, even though he is not in the list of witnesses, and re-examine any witness, as it may deem the same necessary.

Witness taking the oath

154. The court may, of its own accord, or upon the desire of the person, against whom testimony is adduced, require any witness to take the oath, to tell the truth, the whole truth and nothing but the truth . The oath may be aggravated by the witness placing his hand, while ritually pure, on the Holy Quran, or the Bible, as the case may be, and may, likewise, be aggravated by form, time, or place as the court may deem fit.

Cross-examination of witnesses

- 155.(1) The court may examine, or cross-examine any witnesses .
- (2) Every party to the criminal suit may cross-examine the witnesses of the other party. Where he does so, the other party may re-examine them.

Protection of witnesses

156. The court shall forbid addressing any questions, to the witnesses, as may have no connection to criminal suit, and protect them, against such phrases and comments, as may intimidate, or injure them, and forbid the questions of obscene nature, or injurious to the feelings, unless they correspond to substantial facts, relating to the suit.

Hearing and recording testimony

- 157.(1) Testimony shall be taken, in the presence of representatives of the prosecution and defense, and in the presence of the accused, unless this Act provides otherwise.
- (2) Facts of testimony of every witness shall be recorded on the record .
- (3) The record shall be written in the form of narrative of facts of the testimony, or recording questions and answers, in full text.
- (4) The court shall read the testimony of the witness recorded, on the record, where the same has been requested by the accused, the witness or representative of the prosecution . Where any of them objects to what is recorded, the record shall be corrected, where a mistake is found, or record a note of the objection.

Viewing

- 158.(1) The Magistrate, during trial, may view the place wherein the offence is alleged to have been committed, or view any other place, where he deems the same necessary for completing the evidence.
- (2) Viewing shall be conducted, in the presence of the accused and the witnesses the attendance of whom the Magistrate deems fit . Any statements, or explanations, delivered by the accused, or the witnesses, shall be taken, in the viewed place. Representatives of the prosecution and defense may attend upon conducting viewing.

Commission to take evidence

- 159.(1) The court may dispense with attendance of any witness, by the referring hearing his evidence, to another Magistrate, within the limits of whose jurisdiction the witness resides, where the court deems that attendance of the witness is not possible, without delay, hardship or incurring of excessive expenses.
- (2) The court may refer hearing of testimony, by sending, to the other Magistrate, any written interrogatories, relating to the matters submitted before it, to be presented by the representative of prosecution, or defense, or prepared thereby , to be addressed to the witness.
- (3) The representative of the prosecution, the accused and his agent may attend, before the other Magistrate, and examine and cross-examine the witness.

Evidence taken abroad

160. Where attendance, by the witness, who is present outside the Sudan, is not possible, before the court, or where the court deems, for substantive reasons, that it is inappropriate to summon him, it may, after hearing the representatives of the prosecution and defense, dispense with attendance of such witness, and send, in lieu of the same, written interrogatories, for him to reply, and the witness shall answer the questions, in such manner, as the court may order.

Return of record of testimony

161. After executing the procedure issued under the provisions of sections 159 and 160, every record, or attestation of the testimony of the witness, who has been interrogated, shall be sent to the court, which shall allow the representatives of the prosecution and defense to peruse the same, and deem it as part of the record of trial, subject to any reasonable objection.

Testimony of a physician and an expert

162.(1) The court may summon any physician , scientific, or technical expert, to appear before it, as a witness, wherever it deems that appropriate.

(2) The court, in any procedure, or civil suit, may take the evidence of any report, or document issued by a physician, or expert. It shall read such evidence, before the prosecution and defense, and record any objection thereto. It may, in its discretion, dispense with the attendance of the physician, or expert, before it, unless the prosecution, or defense requests calling him, for such reasons, as it may deem just.

Recording testimony for absconding of the accused

163. Where it has been proved, to the court, that the accused has disappeared , and it not possible to arrest him, it may interrogate, in his absence, any prosecution witnesses, and record the testimony thereof on the record. Such testimony may be produced, as evidence against the accused, upon his being arrested, where the witness dies , is unable to adduce testimony or his appearance at the court is not possible.

Recording testimony where the accused is unknown

164. Where the person accused of the offence is unknown, the Magistrate may interrogate any witness, who adduces evidence thereon. Such testimony may be admitted, as evidence, against any person accused thereafter of committing the offence, where the witness dies, is unable to adduce testimony or his appearance at the court is not possible .

Expenses of witnesses

165. The court may order payment of such reasonable expenses, as may be required by attendance of the witness, before the court, in any procedure under the provisions of this Act, subject to any rules, as the Chief Justice may make .

Chapter V **Judgement**

Form of passing and time of judgement

166. Passing the judgement shall be at the earliest time, after termination of hearing and pleadings. Pronouncement of the same shall be in an open sitting, and in the presence of the accused, save in trial in absentia .

Contents of judgement

167.(1) Judgement shall include the charge, the decision determining the same, the grounds and final orders. Judgement shall be dated, and signed under the Magistrate's hand, upon pronouncing it.

- (2) Where judgement is of conviction, there shall be determined therein, the offence of which the accused has been convicted, the section of the law, under which he has been tried, and the sentence passed.
- (3) Where the judgement is of conviction of more than one offence, and penalties of imprisonment have been inflicted, the court shall show, in the judgement, the manner of running thereof, concurrently, or consecutively .
- (4) Where the judgement is of acquittal, the court shall mention therein the charge of which the accused has been acquitted, and order his release .
- (5) However the judgement may be, it shall include any other orders, as may be necessary, for termination of the criminal suit .

Grounds of sentence of alternative penalty in particular offences

168. Where an accused is convicted of an offence punishable with death, retribution or whipping , and the court has inflicted, upon the accused, any alternative penalty, it shall mention, in the judgement, the grounds, for which it has passed such sentence.

Death sentence

169. Where the accused is sentenced to death, the court shall show, in the judgement, the manner of adjudged death.

Sentence of suspended imprisonment

- 170.(1) The court, upon passing sentence other than in hudud and retribution offences, and offences punishable with death, or imprisonment for more than five years, may order suspension of execution of the sentence, and release the sentenced person, on probation period fixed thereby, not exceeding five years, as to such conditions, as it may deem fit, for good reputation and conduct, having due regard to the age of the sentenced person, his morals, previous convictions and nature and circumstances of the offence.
- (2) In case of breach, by the sentenced person, of the conditions during the probation period, the court shall order his arrest, and execution of the sentence passed against him thereupon .

Accused informed of his right to appeal

171. Where judgement of conviction has been passed, and the sentence is subject to appeal, the court shall inform the accused, and those having interest, that they have the right of appeal, and of the period within which appeal may be presented .

Sentence not subject to revision

172. Whenever judgement has been passed and signed, the court shall not , of its own accord , revise the same, by revision, or alteration, save as to correction of a clerical, or counting error.

Accused given copy of judgement

173. Where the accused requests a copy of the judgement, he shall be given the same; and where he desires it translation, to his language, and that is possible, his request shall be replied .

Copy of judgement attached to the record

174. A copy of the original judgement shall be attached to the record of the trial .

Chapter VI
Summary Trial

Offences which may be summarily tried

175. Summary trial may be in any offence :-
- (a) the commission of which is punishable with imprisonment, whipping, or fine, not exceeding the summary jurisdiction of the court concerned;
 - (b) which the court deems to try summarily, by reason of clearance of the evidence and simplicity thereof;
 - (c) in which composition, or pardon has been made, saving the offences the commission of which is punishable with death.

Procedure in summary trial

- 176.(1) The court, in the summary trial, shall follow the following procedure :-
- (a) hearing the statements of the prosecutor and the complainant;
 - (b) hearing the accused's reply;
 - (c) hearing the statements of the prosecution and defense witnesses;
 - (d) passing the decision of conviction, or acquittal, together with a summary statement of the grounds thereof;
 - (e) passing the final orders, in the judgement.
- (2) The court shall have due regard, to the procedure of trial, provided for in this Act, in such way, as may not be inconsistent with the summary nature of the trial.

Particulars recorded in the summary trial

177. A summary trial shall not require recording evidence, nor shall charge be written; however the court shall record the following particulars, on the form prepared therefor :-
- (a) the serial number;
 - (b) the name, nationality, place of residence, occupation and age of the accused;
 - (c) the name of complainant, if any, his nationality place of residence, occupation and age thereof;

- (d) the offence, subject of complaint, and value of property, with respect to which the offence has been committed;
- (e) the date, and place of committing the offence, and the date of arrest;
- (f) the date of instituting the criminal suit;
- (g) summary of statements of the prosecutor, complainant and the accused's reply;
- (h) names of prosecution and defense witnesses, and summary of statements of each of them;
- (i) the decision, together with a summary statement of the grounds thereof;
- (j) any final order in the judgement;
- (k) the date, at which the procedure are terminated;
- (l) the name of the Magistrate, his court and signature thereof.

**Summary procedure transferred
to non-summary ones**

178. Where it transpires, during the summary trial, that the offence subject of information, is one of the offences, trial in which shall not be summary, or where the summary penalty will not be suitable, the Magistrate shall transfer the criminal suit, to the competent body, or proceed with the trial, in a non-summary way, where he has jurisdiction.

Chapter VII
Ways of Contest, Confirmation and Execution
Branch I

Appeal, Confirmation, Cassation and Review
Judicial measures which may be appealed

179. The following judicial measures may be appealed :-
- (a) first instance judgements, and judgements which have not exhausted all the stages of appeal;
 - (b) orders restricting the freedoms of the appellant, in his self, or property; provided that every appealed order shall be recorded on a separate record, and the record shall be sent to the court, to which the appeal lies , without staying the progress of the criminal suit;
 - (c) decisions relating to matters of jurisdiction.

Ways of appeal

180. Judicial measures shall be appealed, as follows :-
- (a) the People's Criminal Court measures, before the criminal court, the warrant of establishment of which, or the regulations (as the case may be) specifies the same;
 - (b) the 3rd. Criminal Court and the 2nd. Criminal Court measures, before the General Criminal Court, whose judgement shall be final;

- (c) the 1st. Criminal Court and the General Criminal Court measures passed, as first instance, before the Court of Appeal, whose judgement shall be final.

Confirmation of judgements

181. Every death, amputation or life imprisonment sentence shall be submitted, to the Supreme Court, whenever becoming final, with intent of confirmation .

Cassation

182. The Supreme Court shall have competence to consider cassation of judicial measures, passed by the competent Court of Appeal, where the contested judicial measure is based upon contravention of the law, or error in application or interpretation thereof.

Who has the right of contest

183. There shall be required for contest, by appeal, or cassation , that it shall be presented by one of the parties, or any person having interest.

Time of contest

184. Contest by appeal, or cassation, shall be submitted, within a period, not exceeding fifteen days , of the date of declaration of the contested judicial measure.

Power of the higher court

- 185 The higher court, upon considering confirmation, or contest by appeal, or cassation, may exercise any of the following powers, to :-
- (a) confirm the judgement in whole;
 - (b) confirm the conviction decision, and alter the penalty, by remission, commutation or substituting the same, by any other penalty authorized by law;
 - (c) alter the conviction decision, of an offence, to a conviction decision of another offence, which the accused would have been convicted of committing the same, upon the charge, or evidence; on condition that the commission of the other offence shall not be punishable with a severer penalty, and alter the penalty accordingly;
 - (d) return the judgement, to the first instance court, to revise the same, as to such directions, as may be made; provided that the first instance court shall not admit any additional evidence, without the permission of the higher court;

- (e) quash the judgement and annul the procedure resulting therefrom, and the same shall be deemed as quashing the criminal suit, unless the higher court orders re-trial;
- (f) quash, or amend any subsidiary order.

Interlocutory order may be passed

186. The court having jurisdiction of confirmation, appeal or cassation, may pass an order releasing any person, who is detained in the criminal suit, considered before it , upon bond, or bail, or pass any other suitable orders, pending passing the final decision thereof, whenever it deems the same just, and may, likewise, pass an interlocutory order, to arrest whoever the first instance court has adjudged his release.

Hearing the accused upon appeal

187. The court having jurisdiction of confirmation, appeal or cassation, may hear the accused, the representative of the prosecution, or the complainant, whenever it deems that necessary; provided that the same shall be made in the presence of the parties.

Power of review

188. The Supreme Court, or the Court of Appeal, of its own accord, or upon petition, may require and review the record of any criminal suit, in which a judicial measure has been passed, before any court, within the limits of the jurisdiction thereof, for the purpose of ensuring soundness of procedure and achievement of justice, and order such as it may deem fit.

Revision

- 188A.(1)The Chief Justice may constitute a circuit of five judges of the Supreme Court, to revise any judgement passed thereby , where it transpires, to him, that such judgement may involve a contravention of the Islamic Sharia Ordinances, or mistake in law, the application or construction thereof. The decision of the circuit shall be passed by the majority of members.
- (2) The revision circuit shall be constituted of judges, the majority of whom have not participated in passing the judgement, which is the subject of revision.
 - (3) The time of revision shall be sixty days, commencing as of the day subsequent to announcement of the judgement, or notifying the applicant for revision thereof, where he is not present at the sitting of judgement.

Branch II

Execution

Execution being public

189. Sentences of whipping, retribution and death shall publicly be executed, such that they are attended by the first instance court

Magistrate, or whoever succeeds him, and a number of attendants.

Judgements executed promptly

- 190.(1) Judgements shall be executed, as soon as possible, and the sentenced person shall not be prejudiced by waiting, or lengthening the time of execution
- (2) A judgement shall forthwith be executed, notwithstanding appeal of the same, with the exception of sentences of death, retribution, hudud and whipping .

Assent, by the Head of State, to execution of death

- 191.(1) Death sentence shall not be executed, save after the assent of the Head of State, with the exception of hudud and retribution offences.
- (2) The Head of State, whenever he refuses to assent, to death sentence, may substitute the same, by any other penalty authorized by law .

Confinement of the sentenced person pending execution

- 192.(1) Where a person is sentenced to death, or amputation, the court shall pass an order of his confinement, until the sentence is confirmed, by the Supreme Court. Where the sentence is confirmed, or altered, the Supreme Court shall pass the necessary order of execution, after the assent of the Head of State, where the case so requires.
- (2) Where a person is sentenced to retribution, for wounds, or fine or whipping, the court may order his confinement, or release on bond, together with security, or bail.

**Suspension of executing death penalty
on the aged, a pregnant or suckling woman**

- 193.(1) Where it transpires, to the Prison Director, that the person sentenced to death, otherwise than in hudud and retribution offences, has attained seventy years of age, before executing the sentence, he shall suspend execution, and notify the same forthwith, to the Chief Justice, for submission thereof, to the Supreme Court, for considering substituting the sentence.
- (2) Where it transpires, to the Prison Director, before executing the death sentence, that the sentenced woman is pregnant, or suckling , he shall suspend executing the sentence and notify the same, to the Chief Justice, for postponing execution, until after delivery, or the lapse of two years, after lactation, where the baby is alive.

**Health condition of sentenced
person to be regarded**

- 194.(1) Regard, in executing hudud, retribution and whipping sentences, shall be had to the health condition of the sentenced person, and the time suitable for execution, in such way as the sentenced person shall not be prejudiced by more than is meant by the penalty.
- (2) Every sentence of amputation, as a hud, or retribution, shall be preceded by medical examination of the sentenced person, by a physician. Execution shall be made by a competent person, and the amputated person shall remain, under medical care, at the State's expence, until he is cured.
- (3) Where execution of the sentence is not possible, by reason of the heath condition of the sentenced person, the matter shall be submitted, to the court, which passed the sentence, to take such as it may deem fit.

Suspension of retribution sentence

- 195.(1) The guardians of the deceased, or the victim, shall be notified of the date fixed for executing the retribution sentence. Where they request, at any time, before conducting the execution, suspension thereof, the competent authority shall suspend the same.
- (2) The application, for suspending execution, shall be presented orally, or in writing, to the competent court, or the prison officer in charge, and, in this case, the officer shall submit the application, to the competent court .

**Executing the sentence of
imprisonment or estrangement**

- 196.(1) The person sentenced to imprisonment shall forthwith be sent to the particular prison. Where the same is not possible, he shall be kept in police custody, pending his delivery, to the prison officer in charge.
- (2) Running of the penalty of imprisonment shall begin, after the actual execution thereof, and after satisfaction of any imprisonment penalty, due in a previous trial.
- (3) Estrangement sentence shall be executed, at such place, as the court may specify, in accordance with the safeguards of supervision, provided for in this Act.

Executing whipping

197. Whipping shall, subject to the provisions of this Act, be executed, in accordance with the following conditions :-
- (a) a man shall, generally, be whipped, while standing, without binding, or tying; and a woman shall be whipped, while sitting, and execution shall be made, at such time, and place, as the court may specify;
 - (b) whipping shall be lump sum, temperate, moderate and non-cracking and non-breaking, distributed, otherwise than on the face, head and fatal places, by a moderate whip, and any other similar tool may be used;
 - (c) where it transpires, to the Magistrate, or whoever may succeed him, during executing the whipping sentence, that the health condition of the offender does no longer bear the remainder of the sentence, he shall suspend the whipping, and submit the matter to the competent court.

Order of collection of fine and compensation

- 198.(1) Where fine, or compensation is sentenced, the court, which passed the sentence, shall order the way of payment; and shall, in case of non-payment, pass an order for the collection of the amount, by any of the following ways :-
- (a) seizure of any movable property, owned by the offender, and selling the same;
 - (b) attachment, of any debt, due to the offender, and satisfaction of the same;
 - (c) attachment of any estate owned by the offender, and sale thereof.
- (2) The order of seizure and sale of the movable property shall be notified, to the Magistrate, within the limits of jurisdiction of whom execution lies.
 - (3) In case of execution, by way of attachment of debt, or estate, the court shall follow the civil procedure of execution, and pay the execution expenses, out of the collected amounts.
 - (4) Where collection of the amount of fine is not possible, by the aforesaid ways, the court may order execution of a substitute penalty of imprisonment, or release the sentenced person, at any time, by bond, or bail.
 - (5) Where collection of compensation is not possible, by the aforesaid ways, the court may follow the civil procedure, as to the same.

Order of executing sentences

- 199.(1) The court shall ensure the execution of the sentences passed thereby, whenever the same have become final.
- (2) The order of execution shall be passed, by the court which passed the sentence, or by a competent Magistrate. Where the same is not possible, or delay, or hardship is feared, the General Criminal Court may pass the order of execution.

Order returned after executing the same

200. Wherever the sentence has been fully executed, the official, who conducted its execution, shall return the execution order, after signature thereof, to the court which passed the same, together with showing the manner, in which the sentence has been executed.

Chapter VIII

Miscellaneous Provisions

Adjournment, or suspension of trial

201. The court may order the adjournment, or suspension of any trial, for any substantial reason, and shall, in such case, record the reason on the record, and order renewal of confinement of the accused, where necessary .

Suspension of trial by reason of mental infirmity

202. Where it transpires, during the trial, that the accused suffers such mental infirmity, as may make him unable to defend himself, the court shall suspend the trial, and transfer the accused to medical examination. Where his mental infirmity is proved, it shall adjourn the trial, until the accused regains his mental health, and order keeping him, in accordance with the provisions of the Criminal Act, 1991.

Succession of the Magistrate

- 203.(1) The Magistrate, who succeeds a Magistrate, who has been conducting the procedure of trial, shall begin, from where his predecessor ends, and shall not begin the procedure from the beginning thereof, save for necessary reasons, to be recorded thereby on the record.
- (2) Where the court, which has been conducting the procedure is constituted of more than one member, the substitution of any of the members thereof shall not annul the previous procedure .

Civil power of the court

204. Upon exercise by the court, of its powers in adjudgement of compensation, and without prejudice to dia provisions, the court shall have due regard to the following, that :-

- (a) no injured person, who instituted a civil suit, for compensation, for damage resulting out of the offence, shall claim compensation, for the same injury, before the court, unless he relinquishes such suit;
- (b) the court, of its own accord, or upon the application of the injured person, the accused or any person having an interest, may join, to the suit, any person having an interest, or under an obligation, in the compensation suit;
- (c) the court shall hear the evidence, relating to proof of the injury, resulting out of the criminal act, and assessment of compensation;
- (d) where the court deems there is ground, for instituting the compensation suit, the charge sheet shall include an allegation thereof, and shall hear the reply of the accused thereto;
- (e) the accused, or any person having interest, at the defense stage, may adduce such evidence, as he may deem necessary, for rebutting the compensation suit, or assessment thereof;
- (f) where the court decides to adjudge compensation, the judgement shall specify the amount of compensation, whether the same is independent, or part of any fine inflicted by the court.

Deliberation of the court

205. Where the court is constituted of more than one Magistrate, :-
- (a) members of the court shall deliberate, on the matters submitted for determination, and the majority opinion shall be adopted, upon difference;
 - (b) every member shall deliver his opinion, on each matter; provided the one having the least class of whom, shall begin, by delivering his opinion, then the one next thereto;
 - (c) every dissenting opinion, with the grounds thereof, shall be recorded, on the record, and the same shall not be mentioned in the judgement.

Formal errors and defects non-effective

206. No error, as to admitting evidence, nor the presence of formal defect in the procedure shall be ground for quashing any judicial measure, where the same is sound in substance, and no estimable injury results thereout, to any of the parties.

Delay in determining cases notified

207. An urgent report, of the reasons for delaying every first instance, or appellate criminal suit, in which passing judgement is delayed , for more than six months, shall be sent to the head of Judicial Organ, or the Chief Justice, as the case may be, to take such, as he may deem fit.

Part VI

Pardon and Remission of Conviction and Penalty

Power of the Head of State to remit

- 208.(1) The Head of State shall have the power to remit conviction, or penalty, in otherwise than hudud offences.
- (2) Notwithstanding the provisions of sub-section (1), the Head of State shall not issue an order remitting conviction, or penalty, in retribution offences and the offences in which the criminal suit is compoundable, save after the consent of the injured person, or his guardians, or after satisfying the adjudged right.

Procedure of remission

- 209.(1) Remission of conviction, or penalty shall be by a decision of the Head of State, to be issued with, or without conditions :-
- (a) after consulting the Minister of Justice;
- (b) upon an application, by the sentenced person, or his next-of-kin, to be presented to the Minister of Justice, to recommend with respect thereto, after consultation, with the Chief Justice.
- (2) Where the sentenced person breaches any of the conditions of remission, or where a condition which he has accepted is not satisfied, the Head of State may order revocation of the remission decision, and restitution of any remaining penalty.

Limitation of conviction

210. Conviction shall, automatically, lapse by the expiry of :-
- (a) five years, of the date of lapse of the penalty, where the penalty is of imprisonment, for a term, not exceeding one year, or any other penalty, otherwise than amputation, unless the sentenced person has subsequently been convicted of any offence, within such period;
- (b) seven years , of the date of lapse of any other penalty, unless the sentenced person has subsequently been convicted of any offence, within such period.

Power of the Head of State of general pardon

- 211.(1) The Head of State shall, in otherwise than hudud offences, have the power of general pardon, with, or without conditions, of any cases of suspicion, or charge of offences, in which final judgement has not been passed.

- (2) The power of general pardon shall be exercised, by a decision of the Head of State, to be issued after consulting the Minister of Justice.
- (3) No criminal suit shall be instituted, for any suspicion, or charge which has been covered by a general pardon, the conditions of which have been satisfied.

Part VII

Subordinate Legislations and Forms

Making rules and laying down forms

212. The Chief Justice, in the judicial matters, and the Minister of Justice, in otherwise than the same, may from time to time, make such rules, and lay down such forms, as may implement the provisions of this Act.

Regulations organizing custodies

213. The Minister of Interior, in consultation with the Minister of Justice, may make such regulations, as may organize custodies, and specify the duties and rights of persons remanded therein, and the disciplinary procedure, in respect thereof.

Schedule I
Offences in which the Criminal Suit
May be Compoundable
(See section 36(2))

The offences punishable, under the Criminal Act, 1991, and in which the criminal suit is compoundable are as follows :-

- (a) Part IX : sections 75, 76;
- (b) Part XI : sections 111, 112, 114, 116;
- (c) Part XIV: sections 139, 141, 140(1), 143, 144;
- (d) Part XV : sections 157, 159, 160;
- (e) Part XVI : sections 163, 164, 165, 166;
- (f) Part XVII: sections 177 (with the exception of the public servant) 178, 179, 180, 182(1), where the loss, or injury is otherwise than to public, 183(1).

Schedule II
Offences in which Arrest without
Warrant may be made
(see section 68(2)(a))

The offences punishable, under the Criminal Act, 1991, in which arrest without warrant, from the Prosecution Attorneys Bureau, or the court may be made, are as follows :-

- (a) Part V : sections 55 , 57;
- (b) Part VI : all sections;
- (c) Part VII: sections 63, 64, 65;
- (d) Part VIII: all sections;
- (e) Part IX:
 - Chapter I : all sections, saving section 73;
 - Chapter II : all sections, saving section 81;
 - Chapter III : all sections;
 - Chapter IV : section 87 ;
- (f) Part X : sections 93 , 94, 95, 96,99,100,101,102,103;
- (g) Part XI : sections 106,107,108,109,110,113;
- (h) Part XII : sections 117, 118,119,120,121;
- (i) Part XIII : sections 125, 127, 128;
- (j) Part XIV: all sections;
- (k) Part XV : sections 145, 148, 149, 150, 151, 152, 153, 154, 155, 156;
- (l) Part XVI : all sections, saving section 166;
- (m) Part XVII : sections 167, 170, 174, 175, 176, 181, 182(2) and (3) , 183(2), 184.

Schedule III
Offences wherein the Officer in Charge
may release the Accused by Bond or Bail
(See section 108)

Sections of the Criminal Act, 1991

- (a) Part VIII sections 68, 69
- (b) Part IX sections 70(2), 74 , 75, 76, 77, 80, 82, 83, 85 , 86 and 87.
- (c) Part X sections 93, 94, 95, 97, 98, 100 and 101
- (d) Part XI section 111
- (e) Part XIII sections 125 and 127
- (f) Part XIV sections 133 , 143 and 144
- (g) Part XV sections 159 and 160
- (h) Part XVI section 163
- (i) Part XVII sections 184 and 185