

[AS REPORTED BY THE STANDING COMMITTEE]

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BILL

further to amend the Code of Criminal Procedure, 1898

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

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2008.

(2) It shall come into force at once.

2. Amendment of section 374, Act V of 1898.- In the Code of Criminal Procedure, 1898 (Act V of 1898), in section 374, after the full-stop at the end, the words and full-stop "The convict shall neither be treated as condemned prisoner nor shall be confined in death cell unless the sentence is confirmed by the High Court and in case of an appeal before the Supreme Court unless the sentence is upheld in appeal." shall be added.

STATEMENT OF OBJECTS AND REASONS

Section 374 of the Code of Criminal Procedure, 1898, provides that when the Court of Session passes sentence of death, the proceedings shall be submitted to the High Court and the sentence shall not be executed unless it is confirmed by the High Court. Although this section provides that death sentence shall not be executed unless it is confirmed by the High Court but the convict is treated condemned prisoner and confined in death cell till confirmation and disposal of the appeals. Thus the prisoners languish in the death cells for years and in some cases for decades. In view thereof an amendment is proposed in the Code to the effect that the convict shall neither be treated as condemned prisoner nor shall he be confined in death cell till confirmation of death sentence by the High Court and in case of appeal before the Supreme Court unless sentence is upheld in appeal.

2. The Bill is designed to achieve the aforesaid object.

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MINISTER-IN-CHARGE

**ORIGINAL SECTION OF THE CODE OF CRIMINAL PROCEDURE,
1898, WHICH THE CODE OF CRIMINAL PROCEDURE
(AMENDMENT) BILL, 2008, SEEKS TO AMEND.**

374. *Sentence of death to be submitted by the Court of Session.* When the Court of Session passes sentence of death, the proceedings shall be submitted to the High Court and the sentence shall not be executed unless it is confirmed by the High Court.