


THE GAZETTE OF PAKISTAN EXTRA NOV. 14, 1994

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Amendment of section 497, Act V of 1892—in the Code of Criminal Procedure, 1892 (Act V of 1892), in 1977, in sub-section (1), in the second proviso for the full stop the word "and" shall be substituted and thereafter the word further shall be substituted for the word "and" in the first proviso that the delay in the trial of such cases shall not be deemed to be an occasion for the exercise of the power of the court to extend the time for the trial or to remit the trial to a later date or to adjourn the trial for a longer period than the period specified in the proviso.

# The Gazette of Pakistan



**EXTRAORDINARY  
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PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

*Islamabad, the 6th November, 1994*

The following Acts of Majlis-e-Shoora (Parliament) received the assent of the President on the 28th October, 1994 and are hereby published for general information:—

[AS PASSED BY THE MAJLIS-E-SHOORA (PARLIAMENT)]

*An Act 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 (Second Amendment) Act, 1994.

(2) It shall come into force at once.

2. **Amendment of section 167, Act V of 1898.**—In the Code of Criminal Procedure, 1898 (Act V of 1898), hereinafter referred to as the Criminal Code, in section 167, after sub-section (4), the following new sub-sections shall be added, namely :—

“(5) Notwithstanding anything contained in sections 60 and 61 or hereinbefore to the contrary, where the accused forwarded under sub-section (2) is a female, the Magistrate shall not, except in the cases

involving *qatl* or dacoity supported by reasons to be recorded in writing, authorise the detention of the accused in police custody, and the police officer making an investigation shall interrogate the accused referred to in sub-section (1) in the prison in the presence of an officer of jail and a female police-officer.

(6) The officer incharge of the prison shall make appropriate arrangements for the admission of the investigating police officer into the prison for the purpose of interrogating the accused.

(7) If for the purpose of investigation, it is necessary that the accused referred to in sub-section (1) be taken out of the prison, the officer incharge of the police station or the police officer making investigation, not below the rank of Sub-Inspector, shall apply to the Magistrate in that behalf and the Magistrate may, for the reasons to be recorded in writing, permit taking of accused out of the prison in the company of a female police officer appointed by the Magistrate :

Provided that the accused shall not be kept out of the prison while in the custody of the police between sunset and sunrise."

3. **Amendment of section 417, Act V of 1898.**—In the Criminal Code, in section 417, after sub-section (2), the following new sub-section shall be inserted, namely:—

"(2A) A person aggrieved by the order of acquittal passed by any court, other than a High Court, may, within thirty days, file an appeal against such order."

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ABDUL QAYYUM KAHN,  
*Secretary.*