

REPORT NO. 17/2022-23

# SENATE OF PAKISTAN



## REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR

ON

**THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL, 2022  
(INSERTION OF SECTIONS 344B, 344C, 344D AND 344E)  
INTRODUCED BY SENATOR RANA MAQBOOL AHMED  
ON 23-05-2022**

**PRESENTED BY**

**SENATOR MOHSIN AZIZ  
CHAIRMAN SSC ON INTERIOR**

## SENATE SECRETARIAT

**SUBJECT: REPORT OF THE SENATE STANDING COMMITTEE ON INTERIOR ON THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL, 2022 (INSERTION OF SECTIONS 344B, 344C, 344D AND 344E)**

I, Senator Mohsin Aziz, Chairman Senate Standing Committee on Interior, have the honor to present report of the Committee on the Bill further to amend the Code of Criminal Procedure, 1898, the <sup>code</sup> Code of Criminal Procedure (Amendment) Bill, 2022 (Insertion of sections 344B, 344C, 344D and 344E). The Bill was introduced by Senator Rana Maqbool Ahmed in the Senate sitting held on 23<sup>rd</sup> May, 2022 whereupon, the Bill was referred to the SSC on Interior for consideration and report.

2. The composition of the Committee is as under: -

<b>Senator Mohsin Aziz</b>	<b>Chairman</b>
Senator Syed Yousuf Raza Gillani	Member
Senator Azam Nazeer Tarar	Member
Senator Samina Mumtaz Zehri	Member
Senator Moula Bux Chandio	Member
Senator Saifullah Abro	Member
Senator Rana Maqbool Ahmad	Member
Senator Faisal Saleem Rehman	Member
Senator Shahadat Awan	Member
Senator Faisal Subzwari	Member
Senator Fawzia Arshad	Member
Senator Sarfraz Ahmed Bugti	Member
Senator Dilawar Khan	Member
Senator Kamil Ali Agha	Member
<u>Minister for Interior</u>	<u>Ex-Officio Member</u>

3. The Committee considered the Bill in its meeting held on 9<sup>th</sup> September, 2022.

The meeting was attended by the following:-

1. Senator Mohsin Aziz	Chairman
2. Senator Shahadat Awan	Member
3. Senator Fawzia Arshad	Member
4. Senator Saifullah Abro	Member
5. Senator Moula Bux Chandio	Member
6. Senator Kamil Ali Agha	Member
7. Senator Dilawar Khan	Member
8. Senator Faisal Saleem Rehman	Member
9. Senator Rana Maqbool Ahmed	Member/Mover

4. The Mover briefed the Committee about the objects and reasons of the Bill. He was of the view that there is famous legal maxim "Justice delayed is justice denied", therefore, it is need of the time that there should be speedy dispensation of justice for the common man in the courts of law. He stated that providing of clear cut timelines at every stage of the case will make things clear. He requested the members to support his Bill.

5. Special Secretary, Ministry of Interior informed the Committee that the opinion of the provinces was sought on the instant Bill. The opinions of the Provinces of Punjab, Khyber Pakhtunkhwa, GB and ICT Administration have been received on the Bill which have supported the Bill in its present form. However, the opinion of Balochistan, Sindh and AJK are still awaited. The stance of the Ministry of Interior on the Bill was that the need for early completion of trial and appeals is well felt but before initiating any reform, it may be useful to first evaluate the reasons for delay. The Ministry was of the view that it may be impracticable to resolve the issue of delay by merely imposing uniform timeline for completion of trial and appeal proceedings. The Ministry was of the view that apart from many other accompanying circumstances, each case has a varying degree of complexity. Furthermore, experience has



shown that such timelines have not been adhered to even in cases of culmination of cases under ATA for which separate courts exist and the quantum of work is very low as compared to other courts. In addition, it may be inadvisable to take these amendments forward without an in-depth consultation with the judiciary and legal fraternity at large through of the Ministry of Law and Justice.

6. Senator Kamil Ali Agha was of the view that judiciary may have no objection on such timelines as there are number of judgments of superior courts suggesting the timelines for disposal of cases. Senator Moula Bux Chandio was of the view that real problem is implementation of laws. We will pass the law but what if it is not implemented in its true spirit. The Chairman Committee suggested that the Bill can be referred to Bar Councils for their opinion but the Members were of the view that Bar Councils are divided on political lines so they may not have a unanimous opinion on this issue so it would be a futile exercise.

7. The Bill was opposed by the Ministry of Interior and the Ministry of Law and Justice.

8. The Mover pressed his Bill, therefore, the Bill was put to the vote which was unanimously recommended by the Committee as introduced in the House. Consequently, the Committee recommended that the <sup>Code</sup> ~~Code~~ of Criminal Procedure (Amendment) Bill, 2022 (Insertion of sections 344B, 344C, 344D and 344E) introduced by Senator Rana Maqbool Ahmed on 23-05-2022 may be passed as introduced in the House. The Committee also gave approval of presentation of report of the Committee to the House.

9. Hence, this report is presented to the House.

  
(MUHAMMAD AZAM)  
Secretary Committee

  
(SENATOR MOHSIN AZIZ)  
Chairman Committee

[TO BE INTRODUCED IN THE SENATE]

A  
BILL

*further to amend the Code of Criminal Procedure, 1898*

**WHEREAS** it is expedient further to amend the Code of Criminal Procedure, 1898 (V of 1898) for the purposes 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, 2022.

(2) It shall come into force at once.

**2. Insertion of new sections, Act V of 1898.** -In the Code of Criminal Procedure, 1898 (V of 1898), after section 344A, the following new sections shall be inserted, namely:-

**344B. Time period for concluding criminal proceedings.** - (1) Every criminal proceeding initiated under section 154 or section 200 or under any other provision of this Code, which culminates on conviction, acquittal, discharge or any other consequences, shall be concluded within a maximum period of one hundred and twenty days.

(2) If a criminal proceeding is not concluded within a maximum period of one hundred and twenty days, the concerned criminal court shall record reasons for its failure and forward those reasons with a request to the appellate court for granting extension for further period to conclude the criminal proceeding.

(3) The appellate court, if satisfied from the reasons recorded by the criminal court, may grant extension for such further period as it deems fit to conclude the criminal proceeding:

Provided that in no case the appellate court shall have powers to grant extension beyond a total period of sixty days:

Provided further that in case of failure of the criminal court, without just and plausible reasons, to conclude the criminal proceeding within the extended period of sixty days, the appellate court shall initiate or recommend a disciplinary action against the judge of the criminal court and other responsible persons according to law and shall issue appropriate directions for conclusion of the criminal proceeding.

**344C. Time period for concluding appeal and revision.-** (1) Every appeal preferred in a court shall be disposed of by that court within a period of sixty days from the date the appeal has been filed in that court:

Provided that an appeal from an order under section 405, 406 and 406A shall be decided within a period of fifteen days from date the appeal has been filed:

Provided further that in case of submission of proceedings under Chapter XXVII of this Code or an appeal to the High Court from such proceedings, the count of period shall start from the date either of the submission of proceedings or the date of appeal from such proceedings, whichever is earlier.

(2) Every revision petition preferred in a court shall be disposed of by that court within a period of thirty days from the date the revision petition has been filed in that court.

**344D. Time period for concluding leave to appeal, appeal and review in the Supreme Court.** - (1) Every petition for leave to appeal or appeal in the Supreme Court, arising from proceeding under this Code, shall be disposed of by the Supreme Court within a period of one hundred and twenty days from the date the petition for leave to appeal or appeal has been filed in the Supreme Court.

**Explanation:** The period of one hundred and twenty days is for both leave to appeal and appeal jointly.

(2) Every petition for review in the Supreme Court, arising from proceeding under this Code, shall be disposed of by the Supreme Court within a period of sixty days from the date the petition for review has been filed in the Supreme Court.

**344E. No delay in judgment or final order.-** No Court, including the Supreme Court of Pakistan, shall delay the pronouncement of Judgment or final order, and shall not keep reserved the detailed judgment beyond a period of fifteen days from the date the final hearing or arguments concluded."

**STATEMENT OF OBJECTS AND REASONS**

Right to inexpensive and expeditious justice and opportunity of fair trial is the fundamental right of every citizen of this country. Delayed justice is crueler than or to say the least equal to injustice as eloquently explained in the legal maxim "justice delayed is justice denied". In the legal and judicial system of Pakistan, the prevalent inordinately elongated delay causes huge frustration in the society and the victims. Due to this factor, people have almost lost confidence on the judicial system of Pakistan. The inordinately delayed and cumbersome criminal proceedings faced with innumerable unnecessary and unwarranted hurdles engulf the time, resources and temper of the victims.

In order to address this issue, this Bill has suggested certain amendments in the Code of Criminal Procedure, 1898 to prescribe a time frame for concluding a criminal proceeding. The Bill has provided a period of one hundred and twenty days from the date of registration of FIR or complaint for concluding the trial et cetera. Similarly for concluding the appeal, a period of sixty days has been given. For concluding appeal from order under sections 405, 406 and 406A, a period of fifteen days has been given. For concluding revision petitions, a period of thirty days has been given. For disposal of leave to appeal and appeals in the Supreme Court, one hundred and twenty days has been given. For review in the Supreme Court, sixty days has been given. Delay in pronouncement of Judgment or final order or keeping a judgment reserved for an unknown period has been abolished by providing a period of fifteen days for this. So in this way, the inexpensive and expeditious justice as required under Article 37 (d) of the Constitution will be ensured.

The Bill has been designed to achieve the aforesaid objectives.

**SENATOR RANA MAQBOOL AHMAD  
MEMBER-IN-CHARGE**