

AS
[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, 2024.

(2) It shall come into force at once.

2. Insertion of new sections 344B, 344C, 344D and 344E, 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 person 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 sections 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 crueller 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 inordinate delay causes 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 victim.

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. 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.

2. The Bill has been designed to achieve the aforesaid objectives:

SENATOR FAWZIA ARSHAD
MEMBER IN CHARGE