

CHAPTER II  
OF THE CONSTITUTION OF CRIMINAL COURTS AND OFFICES  
A.- Classes of Criminal Courts

<sup>4</sup>[6. Classes of Criminal Courts and Magistrates.-(1) Besides the High Court and the Courts constituted under any law other than this Code for the time being in force, there shall be two classes of Criminal Courts in Pakistan, namely:—

- I. Courts of Session;
- II. Courts of Magistrates.

<sup>1</sup>[(2) There shall be the following classes of Magistrate, namely:-

- (i) Magistrate of the first class;
- (ii) Magistrate of the second class; and
- (iii) Magistrate of the third class.]

B.-Territorial Divisions

7. Sessions divisions and districts.-(1) <sup>2</sup>[Each Province] shall consist of sessions divisions; and every sessions division shall, for the purposes of this Code, be a district or consist of districts.

(2) Power to alter divisions and districts. The <sup>3</sup>[Provincial Government] may alter <sup>4</sup>the limits or <sup>5</sup>\* \* \* the number of such divisions and districts.

(3) Existing divisions and districts maintained till altered. The sessions divisions and districts existing when this Code comes into force shall be sessions divisions and districts respectively, unless and until they are so altered.

6 \* \* \* \* \*

---

<sup>1</sup> Subs. by ord. 37 of 2001, s.4 (w.e.f. 14-8-2001).

<sup>2</sup> Subs. by Ordinance 21 of 1960, s.3 and 2<sup>nd</sup>. Sch., (with effect from the 14<sup>th</sup> October, 1955), for the words. Every province shall be a sessions division, or", as amended by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s.3 and Sch II.

<sup>3</sup> Subs. by A.O., 1937, for "L.G."

<sup>4</sup> For notifications, see the different local Rules and Orders.

<sup>5</sup> The words "with the previous sanction of the Governor General in Council" rep. by Devolution Act, 1920 (38 of 1920), s.2 and Sch. I. <sup>6</sup>Sub-section (4) rep. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 3 and Sch. II. <sup>7</sup>Subs. by A.O., 1937, for "L.G."

8. Power to divide districts into sub-divisions.-(1) The <sup>7</sup>[Provincial Government] may divide<sup>6</sup> any district <sup>9</sup>\* \* \* into sub-divisions, or make any portions of any such district a sub-division and may alter the limits of any sub-division.

<sup>10</sup>\* \* \*

#### C.- Courts and Offices <sup>9</sup>\* \* \*

9. Court of Session.-(1) The <sup>7</sup>[Provincial Government] shall establish a Court of Session for every sessions division, and appoint a Judge of such Court.

(2) The <sup>7</sup>[Provincial Government] may, by general or special order in the official Gazette, direct at what place or places the Court of Session shall hold its sitting; but, until such order is made, the Courts of Session shall hold their sittings as heretofore.

(3) The <sup>7</sup>[Provincial Government] may also appoint Additional Sessions Judges and Assistant Sessions Judges to exercise jurisdiction in one or more such Courts.

(4) A Sessions Judge of one sessions division may be appointed by the <sup>7</sup>[Provincial Government] to be also an Additional Sessions Judge of another division, and in such case he may sit for the disposal of cases at such place or places in either division as the <sup>1</sup>[Provincial Government] may direct.

(5) All Courts of Session existing when this Code comes into force shall be deemed to have been established under this Act.

<sup>8</sup>\* \* \* \* \*

<sup>2</sup>\* \* \* \* \*

<sup>9</sup>[12. Sub-ordinate Magistrates.-(1) The <sup>1</sup>Provincial Government may appoint as many persons as it thinks fit to be Magistrates of the first, second or third class in any district; and the Sessions

---

<sup>6</sup> For notifications, see the different local rules and Orders. For notification directing that—

(i) Phulera in the Area of the Upper Tanawal in the North West frontier Province, shall form part of the Mansehra Sub-Division in the Hazara District, see N.W.F.P. Govt. Gazette, 1952, Pt. I, p. 305; and  
(ii) the districts in the first column of the table therein shall be divided into the sub-division, see Gazette of Sindh, 1954, Pt. I, pp. 499 and 525. <sup>9</sup> The words "outside the presidency-towns" rep. by Act 26 of 1951, s. 3 and Sch. II. <sup>10</sup> Omitted by Ord. 37 of 2001, s. 5 (w.e.f 14-8-2001).

<sup>7</sup> Subs. by A.O., 1937, for "L.G."

<sup>8</sup> Omitted by Ord. 37 of 2001, ss 6-8 (w.e.f. 14-8-2001.).

<sup>9</sup> Subs. by Ord. VII of 2009, s. 2. (valid upto 26-06-2009).

Judge may, from time to time, define local areas within which such persons may exercise all or any of the powers with which they may respectively be invested; and shall direct one or more Magistrates of the first class to work as Mobile Court to try any offence or such offences as may be determined under this Code.

(2) Except as otherwise provided by such definition, the jurisdiction and powers of such persons shall extend throughout such district.

(3) Notwithstanding anything contained in the Code or in any other law for the time being in force; the Mobile Court shall try such offences, in summary way, as provided in Chapter XXII of the Code.

(4) The Provincial Government or any officer authorized by the Provincial Government in this behalf, from time to time, shall provide necessary facilities and the District Police Officer shall provide police force and security to such Mobile Courts for their smooth functioning within their territorial jurisdiction.

(5) The presiding officer of the Mobile Court shall send a daily return to the Sessions Judge containing the details of each case cognizance of which is taken by such court along with names of persons, addresses and offences with punishments imposed or such other details as may be prescribed by the Sessions Judge.]

<sup>10</sup>[14. Special Judicial <sup>11</sup>\* \* Magistrate.-(1) The Provincial Government may, on the recommendation of the High Court, confer upon any person <sup>5</sup>[including a former Executive Magistrate] all or any of the powers conferred or conferrable by or under this Code on a Judicial Magistrate in respect to particular cases or to a particular class or particular classes of cases, or in regard to cases generally in any local area.

(2) Such Magistrates shall be called Special Judicial Magistrates and shall be appointed for such term as the Provincial Government may, in consultation with the High Court, by general or special order, direct. <sup>12</sup>[14A. Appointment of Special Magistrates.-(1) Notwithstanding anything contained in this Code or any other law for the time being in force or any judgement of any court including superior courts, the Provincial Government may appoint Special Magistrates with the powers of a Magistrate First Class exclusively for the trial of offences relating to price control under any Provincial law or Federal law for the time being in force.

(2) The Provincial Government or any officer authorized by the Provincial Government in this behalf may, from time to time, define local areas within which such Magistrates may exercise all or any of the powers with which they may respectively be invested under any Provincial law or Federal law relating to price control.]

---

<sup>10</sup> Subs. by ord. 12 of 1972, s. 2 and Sch.

<sup>11</sup> Omitted & Ins. by Ord. 37 of 2001, ss. 9 -10 (w.e.f. 14.08.2001).

<sup>12</sup> Ins. by Act III of 2006, s. 21.

15. Benches of Magistrates.-(1) The <sup>13</sup>[Provincial Government] may direct any two or more <sup>14</sup>[Judicial Magistrates] in any place <sup>15</sup>\* \* \* to sit together as a Bench, and may by order invest such Bench with any of the powers conferred or conferrable by or under this Code on a Magistrate of the first, second or third class, and direct it to exercise such powers in such cases, or, such classes of cases only, and within such local limits, as the <sup>2</sup>[Provincial Government] thinks fit.

(2) Powers exercisable by Bench in absence of special direction. Except as otherwise provided by any order under this section, every such Bench shall have the powers conferred by this Code on a Magistrate of the highest class to which any one of its members, who is present taking part in the proceedings as a member of the Bench, belongs, and as far as practicable shall, for the purposes of this Code, be deemed to be a Magistrate of such class

16. Power to frame rules for guidance of <sup>16</sup>[Magistrates and] Benches. The <sup>17</sup>[Provincial Government] may <sup>18</sup>[:], from time to time, make rules<sup>8</sup> consistent with this Code for the guidance of Magistrates <sup>5</sup>[all Magistrates and] Benches in any district respecting the following subjects:—

- (a) the classes of cases to be tried;
- (b) the times and places of sitting;
- (c) the constitution of the Bench for conducting trials;
- (d) the mode of settling differences of opinion which may arise between the Magistrates in session[:]<sup>5</sup>
- (e) <sup>5</sup>[The mode and manner of conducting raids and trial on the spot.]

17. <sup>1</sup>[Subordination of <sup>2</sup>\* \* \* Magistrates and Benches to Sessions Judge.-(1) All <sup>2</sup>\* \* \* Magistrates appointed under sections 12 and [14A], and all Benches constituted under section 15, shall be subordinate to the Sessions Judge and he may, from time to time, make rules or give special orders consistent with this Code and any rules framed by the Provincial Government under Section 16, as to the distribution of business among such Magistrates and Benches.

---

<sup>13</sup> Subs. by A.O., 1937, for “L.G.”.

<sup>14</sup> Subs. by ord. 12 of 1972, s. 2 and Sch.

<sup>15</sup> The words “outside the presidency-towns” omitted by A.O., 1949, Sch.

<sup>16</sup> Ins., subs. and added by Act III of 2006, s. 21.

<sup>17</sup> Subs. by A.O., 1937, for “L.G.”.

<sup>18</sup> Omitted & Subs. by ord.

12 of 1972, s.2 & Sch. <sup>8</sup>For rules, see the different local Rules and Orders.

(2) Subordination of Assistant Sessions Judges to Sessions Judge. All Assistant Sessions Judges shall be subordinate to the Sessions Judge in whose Court they exercise jurisdiction, and he may, from time to time, make rules consistent with this Code as to the distribution of business among such, Assistant Sessions Judges.

(3) The Sessions Judge may also, when he himself is unavoidably absent or incapable of acting, make provision for the disposal of any urgent application by an Additional or Assistant Sessions Judge or, if there be no Additional or Assistant Judge, by [<sup>2</sup>\* \* \*] such Judge or Magistrate shall have jurisdiction to deal with any such application. <sup>2</sup>\* \* \*

#### D-Courts of Presidency Magistrates.

18 to 21. [Appointment of Presidency Magistrates. Benches, Local limits of Jurisdiction. Chief Presidency Magistrate.] Omitted by A.O., 1949, Sch.

#### E.-Justices of the Peace

<sup>3</sup>[22. Appointment of Justices of the Peace. The Provincial Government may, by notification in the official Gazette, appoint for such period as may be specified in the notification, and subject to such rules as may be made by it, any person who is a citizen of Pakistan and as to whose integrity and suitability it is satisfied to be a Justice of the Peace for a local area to be specified in the notification, and more than one Justice of the Peace may be appointed for the same local area.

22A. Powers of Justices of the Peace.-(1) A Justice of the Peace for any local area shall, for the purpose of making an arrest, have within such area all the powers of a police-officer referred to in section 54 and of an officer in charge of a police-station referred to in section 55.

(2) A Justice of the Peace making an arrest in exercise of any powers under sub-section (1) shall, forthwith, take or cause to be taken the person arrested before the officer in charge of the nearest police station and furnish such officer with a report as to the circumstances of the arrest and such officer shall thereupon re-arrest the person.

(3) A Justice of the Peace for any local area shall have powers, within such area, to call upon any member of the police force on duty to aid him—

---

<sup>1</sup>Omitted & Subs. by ord. 12 of 1972, s.2 & Sch.

<sup>2</sup>Omitted. by Ord. 37 of 2001, s. 11 (w.e.f. 14-8-2001).

<sup>3</sup>Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for section 22, which has previously been amended by various enactments.

Enforced in the Punjab w.e.f 20-12-82, see, Punjab Govt. Notification No. O.S. D(C)- Home 1-10-82 dated 12.12.82.

Enforced in Sind w.e.f. 21-12-80, see, Sind Govt. Notification No. VII (488) S.O.J/79, dated 21-12-80, Sind Gazette of 1980, Ext., Pt. I, p. 945-A, section 22, clauses (a), (b) and (c) of sub-section 5 of section 22 and clauses (a) and (b) of section 22-B have been enforced.

Enforced in Baluchistan w.e.f 1-2-83, see the Baluchistan Gazette, dated 6-2-83, Pt. I. p.2. Section 22, clauses (a), (b) and (c) of sub-section 5 of session 22-A and clauses (a) and (b) of section 22-B have been enforced.

(a) in taking or preventing the escape of any person who has participated in the commission of any cognizable offence or against whom a reasonable complaint has

been made or credible information has been received or a reasonable suspicion exists of his having so participated; and

(b) in the prevention of crime in general and, in particular, in the prevention of a breach of the peace or a disturbance of the public tranquillity.

(4) Where a member of the police force on duty has been called upon to render aid under sub-section

(3), such call shall be deemed to have been made by a competent authority.

(5) A Justice of the Peace for any local area may, in accordance with such rules as may be made by the

Provincial Government,—

(a) issue a certificate as to the identity of any person residing within such area, or

(b) verify any document brought before him by any such person, or

(c) attest any such document required by or under any law for the time being in force to be attested by a Magistrate,

and until the contrary is proved, any certificate so issued shall be presumed to be correct and any document so verified shall be deemed to be duly verified, and any document so attested shall be deemed to have been as fully attested as if he had been a Magistrate.

<sup>19</sup>[(6) An ex-officio Justice of the Peace may issue appropriate directions to the police authorities concerned on a complaint regarding—

(i) non-registration of a criminal case;

(ii) transfer of investigation from one police officer to another; and

(iii) neglect, failure or excess committed by a police authority in relation to its functions and duties.]

22B. Duties of Justices of the Peace. Subject to such rules as may be made by the Provincial Government, every Justice of the Peace for any local area shall—

(a) on receipt of information of the occurrence of any incident involving a breach of the peace, or of the commission of any offence within such local area, forthwith make inquiries into the matter and report in writing the result of his inquiries to the nearest Magistrate and to officer incharge of the nearest police station;

---

<sup>19</sup> Added & subs. by Ord. 131 of 02, s. 2.

- (b) if the offence referred to in clause (a) is a cognizable offence, also prevent the removal of anything from, or the interference in any way with, the place of occurrence of the offence;
- (c) when so requested in writing by a police-officer making an investigation under Chapter XIV in respect of any offence committed within such local area,—
  - (i) render all assistance to the police-officer in making such an investigation;
  - (ii) record any statement made under expectation of death by a person in respect of whom a crime is believed to have been committed.]

23 and 24. [Justices of the Peace for the Presidency-towns. Present Justices of Peace.] Rep. by the Criminal Law Amendment Act, 1923 (XII of 1923), s.4.

<sup>20</sup>[25. Ex-Officio Justices of the Peace. By virtue of their respective offices, the Sessions Judges and on nomination by them, the Additional Sessions Judges, are Justices of the Peace within and for whole of the District of the Province in which they are serving.]

#### F.—Suspension and Removal

26 and 27. [Suspension and removal of Judges and Magistrates. Suspension and removal of Justices of the Peace.] Rep. by A.O. 1937.