

(c) direct that the person liable to pay the fine shall be at liberty to give to the satisfaction of the court a bond, with or without a surety or sureties, for the payment of the fine or any instalment thereof.

(2) Where a fine is directed to be paid by instalments and default is made in the payment of any one instalment the same proceedings may be taken as if default had been made in the payment of all the instalments then remaining unpaid.

PART III

OF THE MODE OF INSTITUTION OF CRIMINAL PROSECUTIONS

Mode of
institution of
prosecution.

24. Every criminal prosecution or proceeding for an offence triable by a Primary Court shall be instituted in the Primary Court within the local limits of whose jurisdiction the offence was committed:

Provided that where an offence is committed partly within the local limits of a Primary Court and partly within the local limits of another Primary Court, a criminal prosecution or proceeding in respect of that offence may be instituted in any of such courts.

Institution of
proceedings in
Primary
Courts.

25. (1) A criminal prosecution or proceeding may be instituted in a Primary Court by presenting or transmitting a written complaint duly signed to the court by the complainant or the complainant may state his case orally to the Judge of such court who shall reduce it into writing and obtain the complainant's signature to it or cause it to be reduced into writing and signed and the statement so taken down in writing shall be the complaint in the case :

Provided that where the complainant is a local authority, the complaint may be signed by the chief executive officer of such local authority or by any officer of such local authority duly authorized to appear on behalf of such local authority. In this proviso " local authority " shall have the same meaning as in the Constitution.

(2) Every such complaint shall be dated and sealed with the seal of the court and

numbered in the order in which it was received, and shall form the commencement of the proceedings in respect thereof.

26. (1) Where proceedings have been instituted in a Primary Court, the court shall, if an offence is disclosed issue summons on the person or persons accused where such person or persons are not already before court.

Issue of
summons or
warrant.

(2) If the summons cannot be served or the accused person or persons are absconding or likely to abscond, the court may issue a warrant.

27. Every Primary Court shall for the purpose of the exercise of its jurisdiction have full power to issue summons, warrants and other processes on persons accused before it and on witnesses and other persons whose attendance the court considers necessary and to compel the production of documents as nearly as may be in the manner provided for in the Code of Criminal Procedure Act in respect of cases instituted in a Magistrate's Court.

Power of court
to issue process.

28. (1) When the accused appears, the Judge of the Primary Court shall-

Procedure
when accused
appears.

(a) on the basis of the particulars in the complaint frame a charge ; and

(b) read and explain the charge to him and ask him if he has cause to show against it and if he makes an unqualified admission of guilt, pass sentence or make other order according to law.

(2) If the accused does not make an unqualified admission of guilt or if he refuses to plead or if he pleads not guilty, the Judge shall proceed in the manner set out in section 31.

29. (1) It shall be lawful for the complainant at any time before the verdict is given to move to withdraw the complaint and thereupon the Judge shall allow the motion and acquit the accused.

Withdrawal of
charge.

(2) If the complainant is absent without excuse on any day the case is called in open court whether for the hearing or for any other

Absence of
complainant