

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW AND PARLIAMENTARY AFFAIRS SECRETARIAT,
MUZAFFARABAD**

Dated the 25th April, 1990.

No. 257-64/LD/90. The following Ordinance made by the President on the 25th day of April, 1990, is hereby published for general information:-

(ORDINANCE XXX OF 1990)

AN

ORDINANCE

further to amend the Code of Criminal Procedure, 1898

WHEREAS it is necessary to amend the Code of Criminal Procedure, 1898 (Act V of 1898), for the purposes hereinafter appearing;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of Section 41 of the Azad Jammu and Kashmir Interim Constitution Act, 1974, the President is pleased to make and promulgate the following Ordinance:-

1. **Short title and Commencement.**- (1) This Ordinance may be called the Code of Criminal Procedure (Amendment) Ordinance, 1990.
(2) It shall come into force at once.
2. **Amendment of Section 497, Act V of 1898.**- In the Code of Criminal Procedure 1898 (Act V of 1898), as enforce in Azad Jammu and Kashmir, in Section 497, in sub-section (1), in the second proviso, for the full stop at the end a colon shall be substituted and thereafter the following provisio shall be added, namely:-

“Provided further that the Court shall, except where it is of opinion that notwithstanding anything contained in Section 27 of the Azad Jammu and Kashmir Islamic (Tazeerati Qawanin Nafaz) Act, 1974, the delay in the trial of the accused has been occasioned by an act or omission of the accused or any other person acting on his behalf, direct that any person shall be released on bail:-

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- (a) who, being accused of any offence not punishable with death has been detained for such offence for a continuous period exceeding one year and whose trial for such offence has not concluded, or
- (b) who, being accused of an offence punishable with death has been detained for such offence for a continuous period exceeding two years and whose trial for such offence has not concluded.”

Sd/-

(Sardar Mohammad Abdul Qayyum Khan)
President
Azad Jammu and Kashmir

Sd/-

(Syed Shakir Shah)
Under Secretary Legislation
Law Department
Azad Government of the State of
Jammu and Kashmir