

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

Dated the 1st February, 1992.

No. 126-30/LD/92. The following Ordinance made by the President on the 31st day of January, 1992, is hereby Published for general information:-

**(ORDINANCE XII OF 1992)**

**AN**

**ORDINANCE**

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 Legislative Assembly is not in session and 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, 1992.  
(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 enforced in Azad Jammu and Kashmir, hereinafter referred to as the said Code, 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 proviso shall be added, namely:-

"Provided further that the Court may except where it is of opinion that notwithstanding anything contained in section 27 of Azad Jammu and Kashmir Islami (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 may be released on bail:-

- (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."

3. **Amendment of Schedule II, Act V of 1898.-** In the said Code,

- (a) in Schedule II, in the entries relation to Section 295-A in column 1, in column 7, for the figure "2" the figure "10" shall be substituted.
- (b) in Schedule II, after the entries relating to Section 295-A, the following new entries shall be inserted, namely.-

1	2	3	4	5	6	7	8
295-B	Defiling etc., of copy of Holy Quran	May arrest without warrant.	Ditto	Ditto	Ditto	Imprisonment for life.	Court of Session
295-C	Use of derogatory marks, etc., in respect of the Holy Prophet.	Ditto	Ditto	Ditto	Ditto	Death or and fine.	Court of Session which shall be presided over by a Muslim."

Sd/-  
(Sardar Sikandar Hayat Khan)  
President  
Azad Jammu and Kashmir

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Sd/-  
(Syed Shakir Shah)  
Deputy Secretary Law