

¹THE LAW REFORMS ORDINANCE, 1978

ORDINANCE NO. XLIX OF 1978

[5th December, 1978]**An Ordinance to amend certain laws for purposes of law reform.**

WHEREAS the Government constituted a Law Committee to review the recommendations of Law Reforms Commissions of 1958 and 1967 and to make suggestions with respect thereto in the light of the changed circumstances;

AND WHEREAS the said Law Committee has made certain recommendations for reform with respect to certain laws;

AND WHEREAS it is expedient to amend certain laws for the purpose of law reform in the light of the recommendations of the said Law Committee;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and the 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

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| <p>1. (1) This Ordinance may be called the Law Reforms Ordinance, 1978.</p> <p>(2) It shall come into force on such date as the Government may, by notification in the <i>official Gazette</i>, appoint; and separate dates may be appointed with respect to different provisions thereof.</p> | <p>Short title and commencement</p> |
| <p>2. The laws specified in third column of the Schedule shall be amended in the manner set out in the fourth column thereof.</p> | <p>Amendment of certain laws</p> |
| <p>3. The Letters Patent in so far as they may have any application in relation to Bangladesh, or to, or in respect of jurisdiction, power and authority of, the Supreme Court of Bangladesh are hereby repealed.</p> | <p>Repeal of Letters Patent</p> |

¹ The Ordinance was declared void and non est by the Appellate Division of the Supreme Court of Bangladesh in Civil Petition for leave to Appeal Numbers 1044 and 1045 of 2009 and subsequently the Ordinance has been made effective as an Act of Parliament by section 4 and Schedule of ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন)।

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4. (1) Notwithstanding any amendment made by this Ordinance in the Code of Criminal Procedure, 1898 (Act V of 1898), hereinafter referred to as the said Code, any appeal, application, trial, inquiry or investigation which was pending immediately before such amendment takes effect shall be continued, held, made or disposed of in accordance with the provisions of the said Code as was in force before such amendment as if no such amendment had been made:

Provided that an inquiry under Chapter XVIII of the said Code which was so pending shall be held, conducted and disposed of in accordance with the provisions of the said Code as amended by this Ordinance ¹]:

Provided further that it shall not be necessary for a Court of Session to hold trials with the aid of assessors.]

(2) Notwithstanding any amendment made by this Ordinance in the Code of Civil Procedure, 1908 (Act V of 1908), an appeal from an appellate decree, or an application for revision under section 115, which was pending before the High Court Division immediately before such amendment takes effect shall be continued and disposed of in accordance with the provisions of that Code as was in force before such amendment, as if no such amendment had been made.

(3) Notwithstanding the repeal of the Letters Patent, all proceedings under the Letters Patent pending before the High Court Division immediately before such repeal shall be continued and disposed of, as if the repeal had not taken effect.

¹ The colon (:) was substituted for the full-stop (.) and the proviso was added thereafter by section 19 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

THE SCHEDULE
(See section 2)

Year. 1	No. 2	Short title. 3	Amendments. 4
1870	VII	The Court-fees Act, 1870.	In section 25, <i>after</i> the word “stamps”, the words and commas “or, when there is a scarcity of stamps, in cash” shall be <i>added</i> .
1887	IX	The Small Cause Courts Act, 1887.	In section 15,- (a) in sub-section (2), <i>for</i> the words “one thousand Taka” the words “two thousand five hundred Taka” shall be <i>substituted</i> ; and (b) in sub-section (3), <i>for</i> the words “two thousand Taka” the words “six thousand Taka” shall be <i>substituted</i> ;
1898	V	The Code of Criminal Procedure, 1898.	1. In section 28, in the Illustration, <i>for</i> the words “committed to” the words “tried by” shall be <i>substituted</i> . 2. Section 30 shall be <i>omitted</i> . 3. In section 32, in sub-section (1),- (a) <i>for</i> the words “two years” the words “three years” shall be <i>substituted</i> ; (b) <i>for</i> the words “one thousand Taka” the words “five thousand Taka” shall be <i>substituted</i> ;

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			(c) <i>for</i> the words “six months” the words “two years” shall be <i>substituted</i> ;
			(d) <i>for</i> the words “two hundred Taka” the words “two thousand Taka” shall be <i>substituted</i> ;
			(e) <i>for</i> the words “one month” the words “one year” shall be <i>substituted</i> ; and
			(f) <i>for</i> the words “fifty Taka” the words “one thousand Taka” shall be <i>substituted</i> .
			4. Section 34 shall be <i>omitted</i> .
			5. In section 35, in sub-section (2), in the proviso, in clause (b), the brackets, words and figure “(other than a Magistrate acting under section 34)” shall be <i>omitted</i> .
			6. In section 90, the words “other than a juror or assessor” shall be <i>omitted</i> .
			7. In section 135, <i>for</i> clause (b) the following shall be <i>substituted</i> , namely:- “(b) appear in accordance with such order and show cause against the same.”.
			8. In section 136, the words and figure “or apply for the appointment of a jury as required by section 135” shall be <i>omitted</i> .
			9. Sections 138 and 139 shall be <i>omitted</i> .

10. In section 139A,-
 - (a) in sub-section (2), the words and figure “or section 138” shall be *omitted*;
 - (b) in sub-section (2), the words, figure and comma “or section 138, as the case may require” shall be *omitted*; and
 - (c) in sub-section (3), the comma, words and figure “, nor shall any question in respect of the existence of any such public right be inquired into by any jury appointed under section 138” shall be *omitted*.
 11. In section 140, in sub-section (1), *for* the comma, words and figures “,section 137 or section 139” the words and figure “or section 137” shall be *substituted*.
 12. Section 141 shall be *omitted*.
 13. In section 142, in sub-section (1), the commas and words “, whether a jury to be, or has been, appointed or not,” shall be *omitted*.
 14. In section 155, in sub-section (2), *for* the word “commit” the word “send” shall be *substituted*.
 15. In section 167, in sub-section (2), *for* the word “commit” the word “send” shall be *substituted*.
 16. In section 169, *for* the word “commit” the word “send” shall be *substituted*.
 17. In section 170, in sub-section (1), *for* the word “commit” the word “send” shall be *substituted*.
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			18. In section 173, <i>after</i> sub-section (3), the following new sub-sections shall be <i>inserted</i> , namely:-
			“(3A) When such report is in respect of a case to which section 170 applies, the police officer shall forward to the Magistrate along with the report-
			(a) all documents or relevant extracts thereof on which the prosecution proposes to rely other than those already sent to the Magistrate during investigation;
			(b) the statements recorded under sub-section (3) of section 161 of all the persons whom the prosecution proposes to examine as its witnesses.
			(3B) Nothing in this section shall be deemed to preclude further investigation in respect of an offence after a report under sub-section (1) has been forwarded to the Magistrate and, where upon such investigation, the officer in charge of the police station obtains further evidence, oral or documentary, he shall forward to the Magistrate a further report or reports regarding such evidence in the form prescribed; and the provisions of sub-sections (1) to (3A) shall, as far as may be, apply in relation to such report or reports as they apply in relation to a report forwarded under sub-section (1).”.

19. In section 178, *for* the word “committed” the word “sent” shall be *substituted*.
 20. In section 188, in the second proviso, *for* the words, comma and figure “the Extradition Act, 1903” the words, comma and figure “the Extradition Act, 1974” shall be *substituted*.
 21. In section 190, in sub-sections (2) and (3), *for* the word “commit” the word “send” shall be *substituted*.
 22. In section 191,-
 - (a) in the marginal heading, the words “or commitment” shall be *omitted*; and
 - (b) *for* the word “committed” the word “sent” shall be *substituted*.
 23. In section 192, in sub-section (2), *for* the word “commit” the word “send” shall be *substituted*.
 24. In section 193, in sub-section (1), *for* the word “committed” the word “sent” shall be *substituted*.
 25. Section 194 shall be *omitted*.
 26. In section 200,-
 - (a) *for* the words “complainant upon oath” the words and commas “complainant and the witnesses present, if any,” shall be *substituted*;
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			<p>(b) <i>for</i> the words “by the complainant” the words “by the complainant or witness so examined” shall be <i>substituted</i>.</p> <p>(c) in the proviso,-</p> <p>(i) in clause (a), <i>for</i> the words “a Magistrate to examine the complainant” the words “such examination” shall be <i>substituted</i>;</p> <p>(ii) in clause (aa), <i>for</i> the words “the examination of a complainant” the words “such examination” shall be <i>substituted</i>; and</p> <p>(iii) in clause (c),-</p> <p>(1) <i>for</i> the words “examined the complainant” the words and commas “examined the complainant and witness, if any,” shall be <i>substituted</i>; and</p> <p>(2) <i>for</i> the words “re-examine the complainant” the words “re-examine them” shall be <i>substituted</i>.</p> <p>27. In section 202,-</p> <p>(a) in sub-section (1),-</p> <p>(i) in the proviso, <i>for</i> the words and figure “complainant has been examined on oath under the provisions of section 200” the words and figure “provisions of section 200 have been complied with” shall be <i>substituted</i>;</p>

(ii) *for* the full stop at the end a colon shall be *substituted* and thereafter the following new proviso shall be *added*, namely:-

“Provided further that no such direction for inquiry or investigation shall be made where it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session.”;

(b) in sub-section (2A), *for* the full stop at the end of a colon shall be *substituted* and thereafter the following proviso shall be *added*, namely:-

“Provided that if it appears to the Magistrate that the offence complained of is triable exclusively by the Court of Session, he shall call upon the complainant to produce all his witnesses and examine them on oath.”.

28. In section 204, *after* sub-section (1), the following new sub-sections shall be *inserted*, namely:-

“(1A) No summons or warrant shall be issued against the accused under sub-section (1) until a list of the prosecution witnesses has been filed.

(1B) In a proceeding instituted upon a complaint made in writing, every summons or warrant issued under sub-section (1) shall be accompanied by a copy of such complaint.”.

29. In Chapter XVII, *after* section 205, the following new sections shall be *added*, namely:-

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“205A. Supply to the accused of copy of Police report and other documents.- In any case where the proceeding has been instituted on a police report, the Magistrate shall without delay furnish to the accused a copy of each of the following:-

- (a) the police report;
- (b) the first information report recorded under section 154;
- (c) the statements recorded under sub-section (3) of section 161 of all persons whom the prosecution proposes to examine as its witnesses;
- (d) the confessions and statements, if any, recorded under section 164.

205B. Supply of copies of statements and documents to accused in other cases triable by Court of Session.- Where, in a case instituted otherwise than on a police report, it appears to the Magistrate issuing process under section 204 that the offence is triable exclusively by the Court of Session, the Magistrate shall without delay furnish to the accused a copy of each of the following:-

- (a) the statements recorded under section 200 or section 202, of all persons examined by the Magistrate;

- (b) the statements and confessions, if any, recorded under section 161 or section 164;
- (c) any documents produced before the Magistrate on which the prosecution proposes to rely:

Provided that if the Magistrate is satisfied that any such document is voluminous, he shall, instead of furnishing the accused with a copy thereof, direct that he will only be allowed to inspect it either personally or through pleader in Court.

205C. Transfer of case of Court of Session when offence is triable exclusively by it.- When in a case instituted on a police report or otherwise, the accused appears or is brought before the Magistrate and it appears to the Magistrate that the offence is triable exclusively by the Court of Session, he shall-

- (a) send the case to the Court of Session;
- (b) subject to the provisions of this Code relating to bail, remand the accused to custody during, and until the conclusion of, the trial;
- (c) send to that Court the record of the case and the documents and articles, if any, which are to be produced in evidence;
- (d) notify the Public Prosecutor of the transfer of the case to the Court of Session.

205D. Procedure to be followed when there is a complaint case and police investigation in respect of the same offence.-

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(1) When in a case instituted otherwise than on a police report (hereinafter referred to as a complaint case), it is made to appear to the Magistrate, during the course of the inquiry or trial held by him, that an investigation by the police is in progress in relation to the offence which is the subject-matter of the inquiry or trial held by him, the Magistrate shall stay the proceedings of such inquiry or trial and call for a report on the matter from the police officer conducting the investigation.

(2) If a report is made by the investigating police officer under section 173 and on such report cognizance of any offence is taken by the Magistrate against any person who is an accused in the complaint case, the Magistrate shall inquire into or try together the complaint case and the case arising out of the police report as if both the cases were instituted on a police report.

(3) If the police report does not relate to any accused in the complaint case or if the Magistrate does not take cognizance of any offence on the police report, he shall proceed with the inquiry or trial, which was stayed by him, in accordance with the provisions of this Code.”

30. Chapter XVIII shall be *omitted*.

31. Section 226 shall be *omitted*.

32. In section 227, in sub-section (1), the commas and words “, or, in the case of trials before the Court of Session or High Court Division, before the verdict of the jury is returned or the opinions of the assessors are expressed” shall be *omitted*.
33. In section 228, the words and figure “section 226 or” shall be *omitted*.
34. In section 250,-
- (a) in sub-section (2),-
 - (i) *for* the words “one hundred Taka” the words “one thousand Taka” shall be *substituted*; and
 - (ii) *for* the words “fifty Taka” the words “five hundred Taka” shall be *substituted*; and
 - (b) in sub-section (3), *for* the words “fifty Taka” the words “one hundred Taka” shall be *substituted*.
35. *For* CHAPTER XXI the following shall be *substituted*, namely:-

**“CHAPTER XXI
OF TRIAL OF WARRANT CASES BY MAGISTRATES**

A.- Cases instituted on a police report.

250A. Compliance with section 205A.- When, in any warrant-case instituted on a police report, the accused appears or is brought before a Magistrate at the commencement of the trial, the Magistrate shall satisfy himself that he has complied with the provisions of section 205A.

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250B. When accused shall be discharged.- If, upon considering the police report and the documents sent with it under section 173 and making such examination, if any, of the accused as the Magistrate thinks necessary and after giving the prosecution and the accused an opportunity of being heard, the Magistrate considers the charge against the accused to be groundless, he shall discharge the accused and record his reasons for so doing.

250C. Framing of charge.- (1) If, upon such consideration, examination, if any, and hearing, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this Chapter, which such Magistrate is competent to try and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused.

(2) The charge shall then be read and explained to the accused, and he shall be asked whether he pleads guilty of the offence charged or claims to be tried.

250D. Conviction on plea of guilty.- If the accused pleads guilty, the Magistrate shall record the plea and may, in his discretion, convict him thereon.

250E. Evidence for prosecution.- (1) If the accused refuses to plead or does not plead, or claims to be tried or the Magistrate does not convict the accused under section 250D, the Magistrate shall fix a date for the examination of witnesses.

(2) The Magistrate may, on the application of the prosecution, issue a summons to any of its witnesses directing him to attend or to produce any document or other thing.

(3) On the date so fixed, the Magistrate shall proceed to take all such evidence as may be produced in support of the prosecution:

Provided that the Magistrate may permit the cross-examination of any witness to be deferred until any other witness or witnesses have been examined or recall any witness for further cross-examination.

250F. Evidence for defence.- (1) The accused shall then be called upon to enter upon his defence and produce his evidence; and if the accused puts in any written statement, the Magistrate shall file it with the record.

(2) If the accused, after he has entered upon his defence, applies to the Magistrate to issue any process for compelling the attendance of any witness for the purpose of examination or cross-examination, or the production of any document or other thing, the Magistrate shall issue such process unless he considers that such application should be refused on the ground that it is made for the purpose of vexation or delay or for defeating the ends of justice and such ground shall be recorded by him in writing:

Provided that, when the accused has cross-examined or had the opportunity of cross-examining any witness before entering on his defence, the attendance of such witness shall not be compelled under this section, unless the Magistrate is satisfied that it is necessary for the ends of justice.

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(3) The Magistrate may, before summoning any witness on an application under sub-section (2), require that the reasonable expenses incurred by the witness in attending for the purposes of the trial be deposited in Court.

B. Cases instituted otherwise than on a police report

250G. Evidence for prosecution.- (1) When, in any warrant-case instituted otherwise than on a police report, the accused appears or is brought before a Magistrate, the Magistrate shall proceed to hear the prosecution and take all such evidence as may be produced in support of the prosecution.

(2) The Magistrate may, on the application of the prosecution, issue a summons to any of its witnesses directing him to attend or to produce any document or other thing.

250H. When accused shall be discharged.- (1) If, upon taking all the evidence referred to in section 250G, the Magistrate considers, for reasons to be recorded, that no case against the accused has been made out which, if unrebutted, would warrant his conviction, the Magistrate shall discharge him.

(2) Nothing in this section shall be deemed to prevent a Magistrate from discharging the accused at any previous stage of the case if, for reasons to be recorded by such Magistrate, he considers the charge to be groundless.

250-I. Procedure where accused is not discharged.- (1) If, when such evidence has been taken, or at any previous stage of the case, the Magistrate is of opinion that there is ground for presuming that the accused has committed an offence triable under this Chapter, which such Magistrate is competent to try and which, in his opinion, could be adequately punished by him, he shall frame in writing a charge against the accused.

(2) The charge shall then be read and explained to the accused, and he shall be asked whether he pleads guilty or has any defence to make.

(3) If the accused pleads guilty, the Magistrate shall record the plea, and may, in his discretion, convict him thereon.

(4) If the accused refuses to plead, or does not plead or claims to be tried or if the accused is not convicted under sub-section (3), he shall be required to state, at the commencement of the next hearing of the case, or, if the Magistrate for reasons to be recorded in writing so thinks fit, forthwith, whether he wishes to cross-examine any, and, if so, which, of the witnesses for the prosecution whose evidence has been taken.

(5) If he says he does so wish, the witnesses named by him shall be recalled and, after cross-examination and re-examination (if any), they shall be discharged.

(6) The evidence of any remaining witnesses for the prosecution shall next be taken, and after cross-examination and re-examination (if any), they shall be discharged.

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250J. Evidence for defence.- The accused shall then be called upon to enter upon his defence and produce his evidence; and the provisions of section 250F shall apply to the case.

C. Conclusion of trial

250K. Acquittal or conviction.- (1) If, in any case under this Chapter in which a charge has been framed, the Magistrate finds the accused not guilty, he shall record an order of acquittal.

(2) Where, in any case under this Chapter, the Magistrate finds the accused guilty, but does not proceed in accordance with the provisions of section 349 or section 562, he shall, after hearing the accused on the question of sentence, pass sentence upon him according to law.

(3) Where, in any case under this Chapter, a previous conviction is charged under the provisions of sub-section (7) of section 221 and the accused does not admit that he has been previously convicted as alleged in the charge, the Magistrate may, after he has convicted the said accused, take evidence in respect of the alleged previous conviction, and shall record a finding thereon:

Provided that no such charge shall be read out by the Magistrate nor shall the accused be asked to plead thereto nor shall the previous conviction be referred to by the prosecution or in any evidence adduced by it, unless and until the accused has been convicted under sub-section (2).

250L. Absence of complainant.- When the proceedings have been instituted upon complaint, and on any day fixed for the hearing of the case, the complainant is absent, and the offence may be lawfully compounded or is not a cognizable offence, the Magistrate may, in his discretion notwithstanding anything hereinbefore contained, in his discretion, notwithstanding anything hereinbefore contained, at any time before the charge has been framed, discharge the accused.”.

36. In section 260, in sub-section (1),-

- (a) in clause (a) occurring for the second time, *for* the words “six months” the words “one year” shall be *substituted*;
- (b) in clauses (d), (e), (f) and (g), *for* the words “fifty Taka” the words “five hundred Taka” shall be *substituted*;
- (c) in clause (h), *for* the word and figure “section 427” the words and figures “sections 426 and 427” shall be *substituted*;
- (d) in clause (i), *before* the word “house-trespass”, the words and commas “criminal trespass, under section 447, and” shall be *inserted*;
- (e) in clause (j), *after* the figure and comma “506,”, the words and figures “and offences under sections 509 and 510” shall be *inserted*.

37. In section 262,-

- (a) *for* the marginal heading the following shall be *substituted*, namely:-
“Procedure for summary trials.”;

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			(b) in sub-section (1), the words and commas “in summons-cases, and the procedure prescribed for warrant-cases shall be followed in warrant-case,” shall be <i>omitted</i> .
			38. In section 264, in sub-section (2), <i>after</i> the word “judgment”, the words and figure “and memorandum of the substance of the evidence as required by section 355” shall be <i>inserted</i> .
			39. For CHAPTER XXIII the following shall be <i>substituted</i> , namely:-
			“CHAPTER XXIII OF TRIALS BEFORE COURTS OF SESSION
			265A. Trial to be conducted by Public Prosecutor.- In every trial before a Court of Session, the prosecution shall be conducted by a Public Prosecutor.
			265B. Opening case for prosecution.- When the accused appears or is brought before the Court in pursuance of section 205C, the prosecutor shall open his case by describing the charge brought against the accused and stating by what evidence he proposes to prove the guilt of the accused.
			265C. Discharge.- If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Court considers that there is no sufficient ground for proceeding against the accused, it shall discharge the accused and record the reasons for so doing.

265D. Framing charge.- (1) If, after such consideration and hearing as aforesaid, the Court is of opinion that there is ground for presuming that the accused has committed an offence, it shall frame in writing a charge against the accused.

(2) Where the Court frames a charge under sub-section (1), the charge shall be read and explained to the accused and the accused shall be asked whether he pleads guilty of the offence charged or claims to be tried.

265E. Conviction on plea of guilty- If the accused pleads guilty, the Court shall record the plea and may, in its discretion, convict him thereon.

265F. Date for prosecution evidence.- If the accused refuses to plead, or does not plead, or claims to be tried or is not convicted under section 265E, the Court shall fix a date for the examination of witnesses, and may, on the application of the prosecution, issue any process for compelling the attendance of any witness or the production of any document or other thing.

265G. Evidence for prosecution.- (1) On the date so fixed, the Court shall proceed to take all such evidence as may be produced in support of the prosecution.

(2) The Court may, in its discretion, permit the cross-examination of any witness to be deferred until any other witness or witnesses have been examined or recall any witness for further cross-examination.

265H. Acquittal.- If, after taking the evidence for the prosecution, examining the accused and hearing the prosecution and the defence on the point, the Court considers that there is no evidence that the accused committed the offence, the Court shall record an order of acquittal.

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265-I. Entering upon defence.- (1) Where the accused is not acquitted under section 265H, he shall be called upon to enter on his defence and adduce any evidence he may have in support thereof.

(2) If the accused puts in any written statement, the Court shall file it with the record.

(3) If the accused applies for the issue of any process for compelling the attendance of any witness or the production of any document or thing, the Court shall issue such process unless he considers, for reasons to be recorded, that such application should be refused on the ground that it is made for the purpose of vexation or delay or for defeating the ends of justice.

265J. Arguments.- When the examination of the witnesses (if any) for the defence is complete, the prosecutor shall sum up his case and the accused or his pleader shall be entitled to reply:

Provided that where any point of law is raised by the accused or his pleader, the prosecution may, with the permission of the Court, make his submissions with regard to such point of law.

265K. Judgment of acquittal or conviction.- (1) After hearing arguments and points of law (if any), the Court shall give a judgment in the case.

(2) If the accused is convicted, the Court shall, unless it proceeds in accordance with the provisions of section 562, hear the accused on the question of sentence, and then pass sentence on him according to law.

265L. Previous conviction.- In a case where a previous conviction is charged under the provisions of sub-section (7) of section 221, and the accused does not admit that he has been previously convicted as alleged in the charge, the Court may, after it has convicted the said accused under section 265E or section 265K, take evidence in respect of the alleged previous conviction, and shall record a finding thereon:

Provided that no such charge shall be read out by the Court nor shall the accused be asked to plead thereto shall the previous conviction be referred to by the prosecution or in any evidence adduced by it, unless and until the accused has been convicted under section 265E or section 265K.”.

40. In section 337,-

(a) in sub-section (1), the words “High Court Division or” shall be *omitted*; and

(b) in sub-section (2A),-

(i) *for* the word “commit” the word “send” shall be *substituted*; and

(ii) the words and comma “or High Court Division, as the case may be” shall be *omitted*.

41. In section 338,-

(a) *for* the words and commas “after commitment, but before judgment is passed, the Court to which the commitment is made” the words and comma “before the judgment is passed, the Court of Session trying the case” shall be *substituted*; and

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			(b) the words “the committing Magistrate or” shall be <i>omitted</i> .
			42. In section 339, in the marginal heading, <i>for</i> the word “commitment” the word “trial” shall be <i>substituted</i> .
			43. In section 339A,-
			(a) in sub-section (1), in clause (a),-
			(i) the words “High Court Division or” shall be <i>omitted</i> ; and
			(ii) <i>for</i> the words, figures, comma and brackets “section 271, sub-section (1)” the words, figures, comma and brackets “section 265D, sub-section (1)” shall be <i>substituted</i> ; and
			(b) in sub-section (2), the words and commas “the jury, or the Court with the aid of assessors, or the Magistrate, as the case may be,” shall be <i>omitted</i> .
			44. In section 340, <i>after</i> sub-section (2), the following new sub-section (3) shall be <i>added</i> , namely:-
			“(3)Any person accused of an offence before a Criminal Court shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person charged together with him at the same trial:
			Provided that-

- (a) he shall not be called as a witness except on his own request in writing; or
- (b) his failure to give evidence shall not be made the subject of any comment by any of the parties or the Court or give rise to any presumption against himself or any persons charged together with him at the same trial.”.

45. In section 341, *for* the words and comma “inquiry results in a commitment, or if such trial results” the words “proceedings result” shall be *substituted*.

46. In section 342, in sub-section (2), the words and brackets “and the jury (if any)” shall be *omitted*.

47. In section 345,-

(a) in sub-section (2), in the table,-

(i) *after* section 343 in the second column and the entries relating thereto in the first and third columns, the following shall be *inserted*, namely:-

“Wrongfully confining for ten or more days. 344 Ditto.”;

(ii) *after* section 346 in the second column and the entries relating thereto in the first and third columns, the following shall be *inserted*, namely:-

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		“Assault or criminal force to women with intent to outrage her modesty.	354 The women assaulted or to whom the criminal force was used.”;
		(iii) <i>after</i> section 357 in the second column and the entries relating thereto in the first and third columns, the following shall be <i>inserted</i> , namely:-	
		“Theft, where the value of the property stolen does not exceed Taka five hundred.	379 The owner of the property stolen.
		Theft by clerk or servant of property in possession of master, where the value of the property stolen does not exceed Taka five hundred.	381 Ditto.”;
		(iv) <i>after</i> section 403 in the second column and the entries relating thereto in the first and third columns, the following shall be <i>inserted</i> , namely:-	
		“Criminal breach of trust, where the value of the property does not exceed Taka five hundred.	406 The owner of the property in respect of which the breach of trust has been committed.
		Criminal breach of trust by a carrier, wharfinger, etc., where the value of the property does not exceed Taka five hundred.	407 Ditto.

Criminal breach of trust by a clerk or servant, where the value of the property does not exceed Taka five hundred.	408	Ditto.
Dishonestly receiving stolen property, knowing it to be stolen, where the value of the property does not exceed Taka five hundred.	411	The owner of the property stolen.
Assisting in the concealment or disposal of stolen property, knowing it to be stolen, where the value of the stolen property does not exceed Taka five hundred.	414	Ditto.”;
(v) <i>after</i> section 420 in the second column and the entries relating thereto in the first and third columns, the following shall be <i>inserted</i> , namely:-		
“Fraudulent removal or concealment of property, etc., to prevent distribution among creditors.	421	The creditors who are affected thereby.
Fraudulently preventing from being made available for his creditors a debt or demand due to the offender.	422	The creditors who are affected thereby.
Fraudulent execution of deed of transfer containing false statement of consideration.	423	The person affected thereby.
Fraudulent removal or concealment of property.	424	Ditto.

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			Mischief by killing or maiming animal of the value of Taka ten or upwards. 428
			Mischief by killing or maiming cattle, etc., of any value or any other animal of the value of Taka fifty or upwards. 429
			(b) in sub-section (5), <i>for</i> the word “committed” occurring twice the word “sent” shall be <i>substituted</i> in both the places;
			(c) in sub-section (5A), <i>after</i> the word and figure “section 439”, the commas, words and figure “, and a Court of Session so acting under section 439A,” shall be <i>inserted</i> .
			48. In section 346,-
			(a) in the marginal heading, the word “Provincial” shall be <i>omitted</i> ;
			(b) in sub-section (1), <i>for</i> the word “committed” the word “sent” shall be <i>substituted</i> ; and
			(c) in sub-section (2), <i>for</i> the word “commit” the word “send” shall be <i>substituted</i> .
			49. In section 347,-

- (a) in sub-section (1), *for* the words and commas “or High Court Division, and if he is empowered to commit for trial, he shall commit” the comma and words “, he shall send” shall be *substituted*; and
 - (b) sub-section (2) shall be *omitted*.
50. In section 348,-
- (a) in sub-section (1),-
 - (i) *for* the word “committing” the word “sending” shall be *substituted*;
 - (ii) *for* the word “committed” occurring twice the word “sent” shall be *substituted* in both the places;
 - (iii) the words and comma “or High Court Division, as the case may be” shall be *omitted*; and
 - (b) in sub-section (2),-
 - (i) *for* the word “committed” occurring twice the word “sent” shall be *substituted* in both the places;
 - (ii) the words “or High Court Division” shall be *omitted*; and
 - (iii) *for* the word and figure “section 209” the words, figures and comma “section 250B or section 250H, as the case may be” shall be *substituted*.
51. In section 350,-
- (a) in the marginal heading, the words “or commitment” shall be *omitted*; and
-

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			(b) in sub-section (1), for the proviso the following shall be <i>substituted</i> , namely:- “Provided that if the succeeding Magistrate is of opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, he may re-summon any such witness, and after such further examination, cross-examination and re-examination, if any, as he may permit, the witness shall be discharged.”.
			52. In section 351, in sub-section (2), the words and figure “in the course of an inquiry under Chapter XVIII or” shall be <i>omitted</i> .
			53. In section 353, the figure and comma “XVIII,” shall be <i>omitted</i> .
			54. In section 356, in sub-section (1), <i>for</i> the words and figures “Chapters XII and XVIII” the word and figure “Chapter XII” shall be <i>substituted</i> .
			55. In section 367, <i>for</i> sub-section (5) the following shall be <i>substituted</i> , namely:- “(5) If the accused is convicted of an offence punishable with death or, in the alternative, with transportation for life or imprisonment for a term of years, the Court shall in its judgment state the reasons for the sentence awarded.”.
			56. In section 369, the words and comma “or, in the case of the High Court Division, by the Letters Patent of such High Court Division” shall be <i>omitted</i> .
			57. In section 371, sub-section (2) shall be <i>omitted</i> .
			58. In section 375, <i>for</i> sub-section (2) the following shall be <i>substituted</i> , namely:-

- “(2) Unless the High Court Division otherwise directs, the presence of the convicted person may be dispensed with when such inquiry is made or such evidence is taken.”.
59. In section 376, the words and comma “whether tried with the aid of assessors or by jury,” shall be *omitted*.
60. In section 403, in the Explanation, *for* the commas, words and figure “, the discharge of the accused or any entry made upon a charge under section 273,” the words “or the discharge of the accused” shall be *substituted*.
61. In section 408, in the proviso, in clause (b),-
- (a) the words and figure “specially empowered under section 30” shall be *omitted*; and
- (b) *for* the word “four” the word “five” shall be *substituted*.
62. Section 411A shall be *omitted*.
63. In section 412, the words and comma “the High Court Division,” shall be *omitted*.
64. In section 413, the words “the High Court Division passes a sentence of imprisonment not exceeding six months only or of fine not exceeding two hundred Taka only or in which” shall be *omitted*.
65. *For* sections 417 and 418 the following shall be *substituted*, namely:-
-

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“417. Appeal in case of acquittal.- (1) Subject to the provisions of sub-section (4), the Government may, in any case, direct the Public Prosecutor to present an appeal to the High Court Division from an original or appellate order of acquittal passed by any Court.

(2) Notwithstanding anything contained in section 418, if such an order of acquittal is passed in any case instituted upon complaint, the complainant may present an appeal to the High Court Division against such acquittal on any ground of appeal which involves a matter of law only.

(3) No appeal by the complainant from an order of acquittal shall be entertained by the High Court Division after the expiry of sixty days from the date of the order of acquittal.

(4) If, in any case, the admission of an appeal from an order of acquittal is refused, no appeal from that order of acquittal shall lie under sub-section (1).

417A. Appeal against inadequacy of sentence.- (1) The Government may, in any case of conviction on a trial held by any Court, direct the Public Prosecutor to present an appeal to the High Court Division against the sentence on the ground of its inadequacy.

(2) A complainant may, in any case of conviction on a trial held by any Court, present an appeal to the Appellate Court against the sentence on the ground of its inadequacy:

Provided that no appeal under this sub-section shall be entertained by the Appellate Court after the expiry of sixty days from the date of conviction.

(3) When an appeal has been filed against the sentence on the ground of its inadequacy, the Appellate Court shall not enhance the sentence except after giving to the accused a reasonable opportunity of showing cause against such enhancement and while showing cause, the accused may plead for his acquittal or for the reduction of the sentence.

418. Appeals on what matters admissible.- An appeal may lie on a matter of fact as well as a matter of law.

Explanation.- The alleged severity of a sentence shall, for the purposes of this section, be deemed to be a matter of law.”.

66. In section 419, the commas, words and figure “, and, in cases tried by a jury, a copy of the heads of the charge recorded under section 367” shall be *omitted*.

67. In section 422, the words, figures, brackets and comma “section 411A, sub-section (2) or” shall be *omitted*.

68. In section 423,-

(a) in sub-section (1),-

(i) the words, figures, comma and brackets “section 411A, sub-section (2) or” shall be *omitted*;

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			(ii) <i>for</i> the word “committed” occurring twice the word “sent” shall be <i>substituted</i> in both the places;
			(iii) <i>after</i> clause (b), the following new clause (bb) shall be <i>inserted</i> , namely:-
			“ <i>(bb)</i> in an appeal for enhancement of sentence, (1) reverse the finding and sentence and acquit or discharge the accused or order him to be retired by a Court competent to try the offence, or (2) alter the finding maintaining the sentence, or (3) with or without altering the finding, alter the nature or the extent, or the nature and extent, or the sentence, so as to enhance or reduce the same.”;
			(iv) in clause (d), <i>for</i> the full stop at the end a colon shall be <i>substituted</i> and thereafter the following provisos shall be <i>added</i> , namely:-
			“Provided that the sentence shall not be enhanced unless the accused has had an opportunity of showing cause against such enhancement:
			Provided further that the Appellate Court shall not inflict greater punishment for the offence which in its opinion the accused has committed than might have been inflicted for that offence by the Court passing the order or sentence under appeal.”;
			(b) sub-section (2) shall be <i>omitted</i> .

69. In section 426, in sub-section (2A), *for* the words “other than a person accused of a non-bailable offence is sentenced to imprisonment” the words “is sentenced to imprisonment for a term not exceeding one year” shall be *substituted*.
70. In section 427, *for* the words, figures, commas and brackets “section 411A, sub-section (2), or section 417, the High Court Division” the words, figures and commas “section 417 or section 417A, the High Court Division or any other Appellate Court, as the case may be,” shall be *substituted*.
71. In section 428, in sub-section (3), the semi-colon and words “; but such evidence shall not be taken in the presence of jurors or assessors” shall be *omitted*.
72. In section 430, *after* the figure “417”, the comma, word and figure “, section 417A” shall be *inserted*.
73. In section 431, *for* the words, figures, commas and brackets “section 411A, sub-section (2), or section 417” the words and figures “section 417 or section 417A” shall be *substituted*.
74. Section 437 shall be *omitted*.
75. In section 439,-
- (a) in sub-section (3), the words and figure “acting otherwise than under section 34” shall be *omitted*;
 - (b) *for* sub-section (4) the following shall be *substituted*, namely:-
-

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“(4) Nothing in this section shall be deemed to authorize the High Court Division to convert a finding of acquittal into one of conviction, or to entertain any proceedings in revision with respect to an order made by the Sessions Judge under section 439A.”.

76. *After* section 439, the following new section shall be *inserted*, namely:-

“439A. Sessions Judge’s powers of revision.- (1) In the case of any proceeding the record of which has been called for by himself or which otherwise comes to his knowledge, the Sessions Judge may exercise all or any of the powers which may be exercised by the High Court Division under section 439.

(2) Where any application for revision is made by or on behalf of any person before the Sessions Judge, the decision of the Sessions Judge thereon in relation to such person shall be final.

(3) An Additional Sessions Judge shall have and may exercise all powers of a Sessions Judge under this Chapter in respect of any case which may be transferred to him under any general or special order of the Sessions Judge.”.

77. *For* section 465 the following shall be *substituted*, namely:-

“465. Procedure in case of person being lunatic before Court of Sessions.- (1) If at the trial of any person before a Court of Session, it appears to the Court that such person is of unsound mind and consequently incapable of making his defence, the Court shall, in the first instance, try the fact of such unsoundness and incapacity, and if the Court is satisfied of the fact, it shall record a finding to that effect and shall postpone further proceedings in the case.

(2) The trial of the fact of the unsoundness of mind and incapacity of the accused shall be deemed to be part of his trial before the Court.”.

78. In section 469,-

(a) *for* the words “is satisfied from the evidence given before him” the words and commas “or, as the case may be, the Court is satisfied from the evidence given before him or it” shall be *substituted*; and

(b) *for* the words and commas “shall proceed with the case, and, if accused ought to be committed to the Court of Session or High Court Division, send him for trial before the Court of Session or High Court Division, as the case may be” the words and commas “or, as the case may be, the Court shall proceed with the case” shall be *substituted*.

79. In section 476, *for* sub-section (2) the following shall be *substituted*, namely:-

“(2) A Magistrate to whom a complaint is made under sub-section (1) or section 476A or section 476B shall, notwithstanding anything contained in Chapter XVI, proceed, as far as may be, to deal with the case as if it were instituted on a police report.”.

80. Sections 478 and 479 shall be *omitted*.

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81. *After* section 485, the following new section shall be *inserted*, namely:-

“485A. Summary procedure for punishment for non-attendance by a witness in obedience to summons.- (1) If any witness being summoned to appear before a Criminal Court is legally bound to appear at a certain place and time in obedience to the summons and without just excuse neglects or refuses to attend at that place or time or departs from the place where he has to attend before the time at which it is lawful for him to depart, and the Court before which the witness is to appear is satisfied that it is expedient in the interests of justice that such a witness should be tried summarily, the Court, may take cognizance of the offence and after giving the offender an opportunity of showing cause why he should not be punished under this section, sentence him to fine not exceeding Taka two hundred and fifty.

(2) In every such case the Court shall follow, as nearly as may be practicable, the procedure prescribed for summary trials.”.

82. In section 486, in sub-section (1), *after* the word and figure “section 485”, the words and figure “or section 485A” shall be *inserted*.

83. In section 487,-

(a) in sub-section (1), *for* the word and figure “and 485” the comma, figures and word”, 485 and 485A” shall be *substituted*;

(b) *for* the words “the High Court Division” the words “the Supreme Court” shall be *substituted*; and

(c) sub-section (2) shall be *omitted*.

84. In section 494, the words and comma “in cases tried by jury before the return of the verdict, and in other cases” shall be *omitted*.

85. *After* section 497, the following new section shall be *inserted*, namely:-

“497A. Direction for grant of bail to person apprehending arrest- (1) When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court Division or the Court of Session or the Sub-divisional Magistrate for a direction under this section; and that Court or the Magistrate may, if it or he thinks fit, direct that in the event of such arrest, he shall be released on bail.

(2) When the High Court Division or the Court of Session or the Sub-divisional Magistrate makes or gives a direction under sub-section (1), it or he may include such conditions in such directions in the light of the facts of the particular case, as it or he may think fit.

(3) If such person is thereafter arrested without warrant by an officer in charge of a police station on such accusation, and is prepared either at the time of arrest or at any time while in the custody of such officer to give bail, he shall be released on bail; and if a Magistrate taking cognizance of such offence decides that a warrant should issue in the first instance against that person, he shall issue a bailable warrant in conformity with the direction of the Court or the Sub-divisional Magistrate under sub-section (1).”.

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86. *After* section 510, the following new section shall be *inserted*, namely:-

“510A. Evidence of formal character on affidavit.- (1) The evidence of any person whose evidence is of a formal character may be given by affidavit and may, subject to all just exceptions, be read in evidence in any inquiry, trial or other proceeding under this Code.

(2) The Court may, if it thinks fit, and shall, on the application of the prosecution or the accused, summon and examine any such person as to the facts contained in his affidavit.”.

87. In section 512, in sub-section (1), the words “or commit for trial” shall be *omitted*.

88. In section 526,-

(a) in sub-section (1),-

(i) in paragraph (i), *for* the figure “184” the figure “183” shall be *substituted*;

(ii) in paragraph (iv), *for* the word “committed” the word “sent” shall be *substituted*;

(b) in sub-section (2), the commas, words and figure “, except as provided in section 267,” shall be *omitted*.

(c) in sub-section (3), *for* the full stop at the end a colon shall be *substituted* and thereafter the following proviso shall be *added*, namely:-

“Provided that no application shall lie to the High Court Division for transferring a case from one Criminal Court to another Criminal Court in the same sessions division, unless an application for such transfer has been made to the Sessions Judge and rejected by him.”;

(d) in sub-section (6A), *for* the words “two hundred and fifty Taka” the words “one thousand Taka” shall be *substituted*;

(e) in sub-section (8), the words and figure “or Chapter XVIII” shall be *omitted*.

89. *After* section 526, the following new section 526B shall be *inserted*, namely:-

“526B. Power of Sessions Judge to transfer cases.- (1) Whenever it is made to appear to a Sessions Judge that an order under this section is expedient for the ends of justice, he may order that any particular case be transferred from one Criminal Court to another Criminal Court in his sessions division.

(2) The Sessions Judge may act either on the report of the lower Court, or on the application of a party interested, or on his own initiative.

(3) The provisions of sub-sections (4) to (10) (both inclusive) of section 526 shall apply in relation to an application to the Sessions Judge for an order under sub-section (1) as they apply in relation to an application to the High Court Division for an order under sub-section (1) of section 526.”.

90. Section 532 and section 536 shall be *omitted*.

91. In section 537, clauses (c) and (d) shall be *omitted*.

92. In section 539B, in sub-section (2), the proviso shall be *omitted*.

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			93. In section 548, the words “the Judge’s charge to the jury or of” shall be <i>omitted</i> .
			94. In section 554, in sub-section (1), <i>for</i> the words and comma “Government, any High Court Division” the words and comma “Government, the Supreme Court” shall be <i>substituted</i> .
			95. In section 556, the words “or commit for trial” shall be <i>omitted</i> .
			96. In section 558, <i>for</i> the words and comma “it, other than the Supreme Court” the word “it” shall be <i>substituted</i> .
			97. In section 561, in sub-section (1), clause (b), <i>for</i> the word “commit” the word “send” shall be <i>substituted</i> .
			98. In Schedule II,-
			(1) in the entries relating to offences under the Penal Code,-
			(a) in column 6,-
			(i) <i>for</i> the entries relating to sections 344, 354, 379, 381, 406, 407, 408, 411, 414, 421, 428 and 429 the following entry shall in each place be <i>substituted</i> , namely:-
			“Compoundable when permission is given by the Court before which the prosecution is pending.”;

- (ii) for the entries relating to sections 345, 380 and 409 the following entry shall in each place be *substituted*, namely:-
- “Not compoundable.”;
- (b) in column 8,-
- (i) in the entries relating to section 120B, for the first paragraph the following shall be *substituted*, namely:-
- “Court by which abetment of the offence which is the object of conspiracy is triable.”;
- (ii) in the entries relating to sections 129, 133, 148, 152, 161, 162, 164, 167, 181, 201 (second paragraph), 205, 213 (second paragraph), 214 (second paragraph), 221 (second paragraph), 222 (third paragraph), 225 (second paragraph), 225A (a), 233, 235 (first paragraph), 237, 242, 246, 263, 304A, 318, 324, 332, 344, 347, 348, 376 (first paragraph), 384, 404 (first paragraph), 406, 411, 414, 418, 454 (first paragraph), 456, 462, 465, 484, 485, 487 and 500, the words and comma “Court of Session,” shall be *omitted*;
- (iii) in the entries relating to sections 193 (second paragraph), 212 (second paragraph), 216 (second paragraph), 248, 252, 261, 308 (first paragraph), 469 and 507, for the word “Ditto” the words “Magistrate of the first class” shall be *substituted*;
- (iv) in the entries relating to sections 218, 295A and 312 (first paragraph), for the words “Court of Session” the words “Magistrate of the first class” shall be *substituted*;
-

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(v) in the entries relating to sections 219, 243, 249, 253, 308 (second paragraph), 312 (second paragraph), 325, 380, 404 (second paragraph), 454 (second paragraph) and 457 (first paragraph), *for* the word “Ditto” the words “Court of Session” shall be *substituted*;

(vi) *for* the entries relating to sections 193 (first paragraph), 211 (second paragraph), 212 (first paragraph), 216 (first paragraph), 216A, 239, 247, 259, 317, 326, 327, 335, 363, 365, 368, 372, 377, 381, 382, 392, 407, 408, 409, 420, 429, 435, 440, 451 (second paragraph), 455, 458, 468, 494, 497 and 506 (second paragraph) the following entry shall in each place be *substituted*, namely:-

“Court of Session.”; and

(2) *for* the entries relating to offences against other laws the following shall be *substituted*, namely:-

“OFFENCES AGAINST OTHER LAWS.

1	2	3	4	5	6	7	8
If punishable with death, transportation or imprisonment for not less than three years.		May arrest without warrant.	Warrant.	Not bailable.	Not	..	Court of Session.
					compo-undable.		

If punishable with imprisonment for not less than two years and not more than three years.	Ditto.	Ditto.	Ditto Except in cases under the Arms Act, 1878, section 19, which shall be bailable.	Ditto.	..	Magistrate of the first class or second class.
If punishable with imprisonment for not more than two years or with fine only.	Shall not arrest without warrant	Summons	Bailable.	Ditto.	..	Any Magistrate.”.

99. In Schedule III,-

- (a) under the sub-heading “II.- Ordinary Powers of a Magistrate of the Second Class”, in item (2), *for* the word “commit” the word “send” shall be *substituted*;
- (b) under the sub-heading “III.- Ordinary Powers of a Magistrate of the First Class”, *for* item (8) the following shall be *substituted*, namely:-
“(8) Power to send for trial, section 205C.”;
- (c) under the sub-heading “V.- Ordinary Powers of a District Magistrate”, items (13) and (14) shall be *omitted*.

100. In Schedule IV, in the table, against the sub-heading “Powers with which a Magistrate of the Second Class may be invested” in the first column, in the third column, *for* item (8) the following shall be *substituted*, namely:-

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“(8) Power to send for trial, section 205C.”.

101. In Schedule V,-

(a) Form XVII shall be *omitted*;

(b) in Form XVIII,-

(i) in the heading, the words “AFTER THE FINDING BY A JURY” shall be *omitted*; and

(ii) in the first paragraph, *for* the words “the Jury duly appointed on the petition presented by you on the _____ day of _____ have” the words “it has been” shall be *substituted*;

(c) in Form XIX,-

(i) in the heading, the words “BY A JURY” shall be *omitted*; and

(ii) in the first paragraph,-

(A) *for* the words, figure and comma “by a Jury appointed to try whether my order issued on the _____ day of _____ 18 _____, is reasonable and proper” the words, figure and comma “into the conditional order issued by me on the _____ day of _____ 19_____,” shall be *substituted*; and

(B) the words “by the Jury” at the end shall be *omitted*;

(d) in Form XXVII,-

- (i) *for the heading the following shall be substituted, namely:-*
 “NOTICE TO PUBLIC PROSECUTOR BY MAGISTRATE.
 (See section 205C)”;
- (ii) in the first paragraph,-
 (A) *for the word “committed” the word “sent” shall be substituted; and*
 (B) *for the words “Government pleader” the words “Public Prosecutor” shall be substituted; and*
 (e) Forms XXXII and XXXIII shall be *omitted*.
- 1908 V The Code of Civil Procedure, 1908.
1. Sections 100, 101, 102 and 103 shall be *omitted*.
 2. In section (111), clause (b) shall be *omitted*.
 3. *For section 115 the following shall be substituted, namely:-*

“**115. Revision.-** (1) The High Court Division may call for the record of any case which has been decided by any Court subordinate to the High Court Division and in which no appeal lies thereto, and if such subordinate Court appears to have committed any error of law apparent on the face of the record in the decision, the High Court Division may make such order in the case as it thinks fit.

(2) The District Judge may call for the record of any case which has been decided by any Court subordinate to the District Court and in which no appeal lies thereto, and if such subordinate Court appears to have committed any error of law apparent on the face of the record in the decision, the District Judge may make such order in the case as he thinks fit.
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Year. 1	No. 2	Short title. 3	Amendments. 4
1940	X	The Arbitration Act, 1940.	<p>(3) An application to the High Court Division for revision of an order of the District Judge made under sub-section (2) shall lie where the High Court Division grants leave for revision on an error of an important question of law occasioning failure of justice, and the High Court Division may make such order in the case as it thinks fit.”.</p> <p>1. In section 20, <i>for</i> sub-section (2) the following shall be <i>substituted</i>, namely:-</p> <p>“(2) The application shall be in writing and shall be numbered and registered as a miscellaneous case between one or more of the parties interested or claiming to be interested as applicant or applicants and the remainder as opposite party or opposite parties, if the application has been presented by all the parties, or, if otherwise, between the applicant and other parties.</p> <p>(2A) A miscellaneous case registered under sub-section (2) shall, unless the Court considers it necessary to take any other evidence, ordinarily be disposed of on affidavit.”.</p> <p>2. In section 33, in the first proviso, <i>for</i> the full stop at the end a colon shall be <i>substituted</i> and thereafter the following new proviso shall be added, namely:-</p> <p>“Provided that no application challenging the existence or validity of an award or for having its effect determined shall be entertained by the Court unless the applicant has deposited in the Court the amount which he is required to pay under the award or has furnished security to the satisfaction of the Court for the payment of such sum or for the fulfilment of any other obligation by him under the award.”.</p>