

CHAPTER 5: THE SHARIA CRIMINAL PROCEDURE CODES

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| 122 | 121 | CPC: Case diary not to be evidence SCPC: Use of case diary |
| 123 | 122 | |

CONVERSION TABLE: CRIMINAL PROCEDURE CODE
TO HARMONISED SHARIA CRIMINAL PROCEDURE CODE

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| 128 | 127 | | 157 | 156 | |
| 129 | 128 | | 158 | 157 | |
| 130 | 129 | | 159 | 158 | |
| 131 | 130 | CPC: Procedure when police consider investigation should be terminated upon inquiry or trial SCPC: Procedure when police consider after investigation that accused be charged to court | 160 | 159 | |
| 132 | 131 | | 161 | 160 | |
| <i>B – Procedure in Cases where the Police may not Arrest without a Warrant</i> | | | 162 | 161 | |
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| 134 | 133 | Where CPC has ‘inquiry or trial’, SCPC has ‘trial’. | 165 | 164 | CPC: Absence of complainant SCPC: Absence of complainant or prosecutor |
| 135 | 134 | | 166 | 165 | |
| 136 | 135 | | CAP. XVII – PRELIMINARY INQUIRY AND COMMITMENT FOR TRIAL TO THE HIGH COURT | | |
| 137 | 136 | Where CPC has ‘inquiry or trial’, SCPC has ‘trial’. | 167 | omitted | The entire chapter on preliminary inquiry in the Magistrates’ Courts and commitment for trial to High Court was deleted from Kano State’s CPC in 1977, and from the CPCs of other States in 1989; the chapter is also omitted in SCPC. |
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| CAP. XIV – SANCTIONS NECESSARY FOR THE INITIATION OF CERTAIN PROCEEDINGS | | | | | |
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| 141 | 140 | CPC: Prosecution for breach of contract, defamation and offences against marriage SCPC: Prosecution for breach of contract, qadhaf and defamation | | | |
| 142 | 141 | CPC: Prosecution for adultery SCPC: Prosecution for <i>zina</i> | | | |
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| 147 | 146 | | | | |
| 148 | 147 | | | | |
| 149 | 148 | | | | |
| 150 | 149 | | | | |
| 151 | 150 | | | | |
| 152 | 151 | CPC: Inquiry or trial SCPC: Trial | | | |
| 153 | 152 | | 167 | | |
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| | | | CAP. XVIII – TRIALS BY THE HIGH COURT | | |
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| 196 | 168 | Announcement of findings |
| 197 | omitted | Procedure on finding of guilty |
| 198 | 169 | Sentence |
| 199 | omitted | Recommendation to mercy |
| CAP. XIX [XVII] – CHARGES | | |
| 200 | 173 | |
| 201 | 174 | |
| 202 | omitted | Particulars as to time, place and person |
| 203 | omitted | Charge of criminal breach of trust, etc. |
| 204 | omitted | Charge of falsification of accounts |
| 205 | omitted | When manner of committing offence must be stated |
| 206 | 175 | |
| 207 | 176 | CPC: Procedure on commitment without charge or with imperfect charge SCPC: Variation of charge |
| 208 | 177 | |
| 209 | 178 | |
| 210 | 179 | |
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| CAP. XX – PREVIOUS ACQUITTALS AND CONVICTIONS | | |
| [CAP. XVIII – PREVIOUS CONVICTIONS] | | |
| 223 | 192 | CPC: Person once convicted or acquitted not to be tried for same offence SCPC: Person once convicted not to be tried for same offence |
| 224 | 193 | CPC: Previous acquittal or conviction, when to be proved SCPC: Previous conviction when to be proved |
| CAP. XXI – GENERAL PROVISIONS AS TO INQUIRIES, TRIALS AND OTHER JUDICIAL PROCEEDINGS | | |
| [CAP. XIX – GENERAL PROVISIONS AS TO TRIALS AND OTHER JUDICIAL PROCEEDINGS IN SHARIA COURTS] | | |
| 225 | 194 | |
| 226 | 195 | |
| 227 | 196 | |
| 228 | 197 | |
| 229 | omitted | Oath |
| 230 | omitted | Witness not compelled to take oath or make affirmation |
| 231 | omitted | Manner of making oath or affirmation |
| 232 | 198 | CPC: Swearing of Moslems SCPC: Oath taking |
| 233 | 199 | |
| 234 | 200 | |
| 235 | 201 | |
| 236 | 202 | Evidence of accused: CPC: accused is a competent witness on his own behalf SCPC: accused is not a competent witness on his own behalf |
| 237 | 203 | |
| 238 | 204 | |
| 239 | 205 | CPC: When evidence given at preliminary inquiry admissible at trial SCPC: When evidence given at any judicial proceedings may be admissible |
| 240 | 206 | |
| 241 | 207 | |
| 242 | 208 | |
| 243 | 209 | CPC: View SCPC: View or visit to locus in quo |
| 243A | 210 | |
| 244 | 211 | |
| 245 | 212 | |
| 246 | 213 | |
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| 249 | 216 | |
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CONVERSION TABLE: CRIMINAL PROCEDURE CODE
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| 258 | 226 | |
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| 263 | 231 | |
| 264 | 232 | |
| 265 | 233 | |
| 266 | 234 | |
| CAP. XXII [XX] – THE JUDGMENT | | |
| 267 | 235 | |
| 268 | 236 | |
| 269 | 237 | |
| 270 | 238 | CPC: Death sentence not imposed in certain circumstances SCPC: <i>Hudud</i> and <i>qisas</i> penalties not imposed under the age of <i>taklif</i> |
| 271 | 240 | CPC: Procedure where woman convicted of capital offence alleged to be pregnant SCPC: Procedure when woman convicted of <i>hadd</i> or <i>qisas</i> offence alleged to be pregnant |
| 272 | 239 | CPC: Procedure where person is convicted of a capital offence committed while under seventeen SCPC: Procedure when person is convicted of <i>hadd</i> or <i>qisas</i> offence committed while under the age of <i>taklif</i> |
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| 279 | | SCPC: Appeals from Sharia Courts |
| 280 | 248 | |
| 281 | 249 | |
| 282 | 250 | |
| 283 | 251 | |
| 284 | omitted | Appeals from High Court |
| 285 | 252 | CPC: Power of Chief Judge to examine proceedings SCPC: Power of Grand Kadi to examine proceedings |
| 286 | 253 | |
| 287 | 254 | |
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| 289 | 256 | |
| 290 | 257 | |
| 291 | 258 | |
| CAP. XXIV [XXII] – EXECUTION | | |
| 292 | 259 | |
| 293 | omitted | Chapter not applicable to native courts |
| 294 | 260 | CPC: High Court to report death sentence to Minister SCPC: Upper Sharia Court to report death sentence to Governor |
| 295 | 261 | CPC: Recommendation of pardon or reprieve SCPC: Affirmation of sentence of death, <i>qisas</i> and amputation |
| 296 | 262 | |
| 297 | 263 | |
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| 300 | 266 | |
| 301 | 267 | |
| 302 | 268 | |
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| 304 | 270 | |
| 305 | 271 | |
| 306 | 272 | |
| 307 | 273 | CPC: Execution of sentence of <i>Haddi</i> lashing (§307) and of caning (§308) |
| 308 | | SCPC combines these in one section captioned Execution of sentence of caning |
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| 321 | 286 | |
| 322 | 287 | |
| 323 | 288 | |
| 324 | 289 | |
| 325 | omitted | When accused appears to have been of unsound mind |
| 326 | 290 | CPC: Judgment of acquittal on ground of mental disorder SCPC: Judgment of discharge on ground of mental disorder |
| 327 | 291 | CPC: Safe custody of person acquitted SCPC: Safe custody of person discharged |
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| CAP. XXVII [XXV] – PROCEEDINGS RELATING TO CORPORATIONS | | |
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| 365 | 329 | CPC: Power of court to pay expenses or compensation out of fine SCPC: Power of court to order payment of expenses or compensation in addition to fine |
| 366 | 330 | |
| 367 | 331 | |
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| 369 | 333 | |
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CONVERSION TABLE: CRIMINAL PROCEDURE CODE
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| 378 | omitted | Directions by native court to officer of Nigeria Police |
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| CAP. XXXIII – TRIALS IN NATIVE COURTS | | |
| 385 | omitted | Definitions for chapter XXXIII |
| 386 | omitted | Native courts to be guided by Criminal Procedure Code |
| 387 | omitted | Formal charge not necessary in native courts |
| 388 | omitted | Procedure on conviction in native courts when no formal charge made |
| 389 | 162 | CPC: Right of accused to state case and adduce evidence SCPC: Process for compelling production of evidence at instance of accused |
| 390 | omitted | Counsel not admitted to native court |
| 391 | 166 | Examination of witnesses |
| 392 | 167 | Making of findings |
| 393 | 170 | CPC: Court to record wishes of deceased's relatives in capital cases SCPC: Court to record wishes of complainant or deceased's relatives in <i>qisas</i> cases |
| 394 | omitted | Procedure in capital cases. Cf. CPC §§294-95, SCPC §§260-61 |
| 395 | 171 | CPC: Records in native courts SCPC: Records in Sharia Courts |
| 396 | 172 | Duties of justice of the peace |