

## Chapter 5 Part VII

### Conversion Table: CILS Harmonised Sharia Criminal Procedure Code to Criminal Procedure Code of 1960

SCPC §	CPC §	Remarks
PART I – PRELIMINARY		
CAP. 1		
1	1	
2	2	
3	3	
PART II – THE CONSTITUTION AND POWERS OF [SHARIA] CRIMINAL COURTS		
CAP. II – THE CONSTITUTION OF [SHARIA] CRIMINAL COURTS		
4	4	
5	5	
6	6	
7	7	
8	8	
9	9	
10	10	
11	11	
CAP. III – THE POWERS OF [SHARIA] CRIMINAL COURTS		
12	12	
13	13	
14	14-18	SCPC §§14-16 on juris-diction of 3 grades of Sharia Court alkalis; CPC §§14-18 on jurisdiction of 5 grades of judges, from High Court to magistrate grade 2.
15		
16		
17	omitted	Powers of alkali to order restitution
18	omitted	Order to pay compensation
19	19	
20	21	
21	22	
22	23	
23	24	
24	25	
PART III – ARREST AND PROCESS		
CAP. IV – ARREST		
<i>A - Arrest</i>		
25	26	
26	27	
27	28	
28	29	
29	30	
30	31	
31	32	
32	33	
33	34	
34	35	
35	36	
36	37	
37	38	
<i>B – Procedure After Arrest</i>		
38	39	
39	40	
40	41	
41	42	
42	43	
43	44	
44	45	
45	46	
CAP. V – PROCESSES TO COMPEL APPEARANCE		
<i>A - Summons</i>		
46	47	
47	48	
48	49	
49	50	
50	51	
51	52	
52	53	
53	54	
54	55	
<i>B – Warrant of Arrest</i>		
55	56	
56	57	
57	58	
58	59	
59	60	
60	61	

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

61	62		92	93	
62	63		93	94	
63	64		<i>C – Proceedings in all Cases Subsequent to Order to Furnish Security</i>		
64	65		94	95	
65	66		95	96	
<i>C – Public Summons and Attachment</i>			96	97	
66	67		97	98	
67	68		98	99	
68	69		99	100	
<i>D – Other Rules Regarding Process</i>			CAP. VIII – UNLAWFUL ASSEMBLIES AND RIOTS		
69	70		100	101	
70	71		101	102	
71	72		102	103	
CAP. VI – MEANS TO SECURE THE PRODUCTION OR DISCOVERY OF DOCUMENTS OR OTHER THINGS AND FOR THE DISCOVERY AND LIBERATION OF PERSONS UNLAWFULLY CONFINED			CAP. IX – PUBLIC NUISANCES		
<i>A – Summons to Produce</i>			103	104	
72	73		104	105	
<i>B – Searches and Orders for Production and Liberation of Persons</i>			105	106	
73	74		106	107	
74	75		107	108	
75	76		108	109	
76	77		109	110	
77	78		110	111	
78	79		CAP. X – PREVENTIVE ACTION BY POLICE AND PUBLIC		
79	80		111	112	
80	81		112	113	
81	82		CAP. XI – DUTY OF PUBLIC AND OF AREA [CPC: SUB-AREA] HEADS TO GIVE INFORMATION		
82	83		113	114	
83	84		114	115	
84	85		115	116	
85	86		PART V – INFORMATION TO THE POLICE AND THEIR POWERS TO INVESTIGATE		
PART IV – THE PREVENTION OF CRIME			CAP. XII		
CAP. VII – SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR			<i>A – Procedure in Cases where the Police may Arrest without a Warrant</i>		
<i>A – Security for Keeping the Peace and for Good Behaviour on Conviction</i>			116	117	
86	87		117	118	
<i>B – Security for Keeping the Peace and for Good Behaviour in Other Cases</i>			118	119	
87	88		119	120	
88	89		120	121	
89	90		121	122	SCPC: Use of case diary CPC: Case diary not to be evidence
90	91		122	123	
91	92		123	124	

CHAPTER 5: THE SHARIA CRIMINAL PROCEDURE CODES

124	125		152	153	
125	126		153	154	
126	127		CAP. XVI – TRIALS AND OTHER JUDICIAL PROCEEDINGS BEFORE SHARIA COURTS [SUMMARY TRIALS IN MAGISTRATES’ COURTS]		
127	128		154	155	
128	129		155	156	
129	130		156	157	
130	131	SCPC: Procedure when police consider after investigation that accused be charged to court CPC: Procedure when police consider investigation should be terminated upon inquiry or trial	157	158	
131	132		158	159	
<i>B – Procedure in Cases where the Police may not Arrest without a Warrant</i>			159	160	
132	133		160	161	
PART VI – PROCEEDINGS IN PROSECUTIONS CAP. XIII – PLACE OF TRIAL [PLACE OF INQUIRY AND TRIAL]			161	162	
133	134	Where SCPC has ‘trial’, CPC has ‘inquiry or trial’.	162	163	
134	135		163	164	
135	136		164	165	SCPC: Absence of complainant or prosecutor CPC: Absence of complainant
136	137	Where SCPC has ‘trial’, CPC has ‘inquiry or trial’.	165	166	
137	138		166	391	Examination of witnesses
138	139		167	392	Making of findings
CAP. XIV – SANCTIONS NECESSARY FOR THE INITIATION OF CERTAIN PROCEEDINGS			168	196	Announcement of findings
139	140		169	198	Sentence
140	141	SCPC: Prosecution for breach of contract, qadhf and defamation CPC: Prosecution for breach of contract, defamation and offences against marriage	170	393	SCPC: Court to record wishes of complainant or deceased’s relatives in <i>qisas</i> cases CPC: Court to record wishes of deceased’s relatives in capital cases
141	142	SCPC: Prosecution for <i>zina</i> CPC: Prosecution for adultery			171
CAP. XV – INITIATION OF JUDICIAL PROCEEDINGS BEFORE A COURT			172	396	Duties of justice of the peace
142	143		CAP. XVII [XIX] – CHARGES		
143	144		173	200	
144	145		174	201	
145	146		175	206	
146	147		176	207	SCPC: Variation of charge CPC: Procedure on commitment without charge or with imperfect charge
147	148				177
148	149		178	209	
149	150		179	210	
150	151		180	211	
151	152	SCPC: Trial CPC: Inquiry or trial	181	212	
			182	213	
			183	214	
			184	215	

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

185	216		211	244	
186	217		212	245	
187	218		213	246	
188	219		214	247	
189	220		215	248	
190	221		216	249	
191	222		217	250	
CAP. XVIII – PREVIOUS CONVICTIONS			218	250A	
[XX – PREVIOUS ACQUITTALS AND CONVICTIONS]			219	251	
192	223	SCPC: Person once convicted not to be tried for same offence CPC: Person once convicted or acquitted not to be tried for same offence	220	252	
193	224	SCPC: Previous conviction when to be proved CPC: Previous acquittal or conviction, when to be proved	221	253	
CAP. XIX – GENERAL PROVISIONS AS TO TRIALS AND OTHER JUDICIAL PROCEEDINGS IN SHARIA COURTS			222	254	
[XXI – GENERAL PROVISIONS AS TO INQUIRIES, TRIALS AND OTHER JUDICIAL PROCEEDINGS]			223	255	
194	225		224	256	
195	226		225	257	
196	227		226	258	
197	228		227	259	
198	232	SCPC: Oath taking CPC: Swearing of Moslems	228	260	
199	233		229	261	
200	234		230	262	
201	235		231	263	
202	236	Evidence of accused: SCPC: accused is not a competent witness on his own behalf CPC: accused is a competent witness on his own behalf	232	264	
203	237		233	265	
204	238		234	266	
205	239	SCPC: When evidence given at preliminary inquiry admissible at trial CPC: When evidence given at any judicial proceedings may be admissible	CAP. XX [XXII] – THE JUDGMENT		
206	240		235	267	
207	241		236	268	
208	242		237	269	
209	243	SCPC: View or visit to locus in quo CPC: View	238	270	SCPC: <i>Hudud</i> and <i>qisas</i> penalties not imposed under the age of <i>taklif</i> CPC: Death sentence not imposed in certain circumstances
210	243A		239	272	SCPC: Procedure when person is convicted of <i>hadd</i> or <i>qisas</i> offence committed while under the age of <i>taklif</i> CPC: Procedure where person is convicted of a capital offence committed while under seventeen
			240	271	SCPC: Procedure when woman convicted of <i>hadd</i> or <i>qisas</i> offence alleged to be pregnant CPC: Procedure where woman convicted of capital offence alleged to be pregnant
			241	273	

CHAPTER 5: THE SHARIA CRIMINAL PROCEDURE CODES

242	omitted	Sentence of retaliation for injuries	272	306	
PART VII – PROCEEDINGS SUBSEQUENT TO JUDGMENT			273	307, 308	SCPC: Execution of sentence of caning CPC: Execution of sentence of <i>Haddi</i> lashing (§307) and of caning (§308)
CAP. XXI [XXIII] – APPEAL AND REVIEW			274	309	
243	274		275	310	
244	275		276	311	
245	276		277	312	
246	277		278	313	
247	278, 279	SCPC: Appeals from Sharia Courts CPC: Appeals from Native Courts; Appeals from Magistrates' Courts	PART VIII – SPECIAL PROCEEDINGS		
248	280		CAP. XXIII [XXV] – PROCEEDINGS IN CASE OF CERTAIN OFFENCES AFFECTING THE ADMINISTRATION OF JUSTICE		
249	281		279	314	
250	282		280	315	
251	283		281	316	
252	285	SCPC: Power of Grand Kadi to examine proceedings CPC: Power of Chief Judge to examine proceedings	282	317	
253	286		283	318	
254	287		284	319	
255	288		CAP. XXIV [XXVI] – PERSONS OF UNSOUND MIND		
256	289		285	320	
257	290		286	321	
258	291		287	322	
CAP. XXII [XXIV] – EXECUTION			288	323	
259	292		289	324	
260	294	SCPC: Upper Sharia Court to report death sentence to Governor CPC: High Court to report death sentence to Minister	290	326	SCPC: Judgment of discharge on ground of mental disorder CPC: Judgment of acquittal on ground of mental disorder
261	295	SCPC: Affirmation of sentence of death, <i>qisas</i> and amputation CPC: Recommendation of pardon or reprieve	291	327	SCPC: Safe custody of person discharged CPC: Safe custody of person acquitted
262	296		292	328	
263	297		293	329	
264	298		294	330	
265	299		295	331	
266	300		CAP. XXV [XXVII] – PROCEEDINGS RELATING TO CORPORATIONS		
267	301		296	332	
268	302		297	333	
269	303		298	334	
270	304		299	335	
271	305		300	336	
			301	337	
			302	338	

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

PART IX – SUPPLEMENTARY PROVISIONS			327	363	
CAP. XXVI [XXVIII] – THE COMPOUNDING OF OFFENCES			CAP. XXIX [XXXI] - MISCELLANEOUS		
303	339		328	364	
CAP. XXVII [XXIX] – BAIL			329	365	SCPC: Power of court to order payment of expenses or compensation in addition to fine CPC: Power of court to pay expenses or compensation out of fine
304	340		330	366	
305	341		331	367	
306	342		332	368	
307	343		333	369	
308	344		334	370	
309	345		335	371	
310	346		336	372	
311	347		337	373	
312	348		338	374	
313	349		339	375	
314	350		340	376	
315	351		341	377	
316	352		CAP. XXX [XXXII] – IRREGULAR PROCEEDINGS		
317	353		342	379	
318	354		343	380	
319	355		344	381	
CAP. XXVIII [XXX] – THE DISPOSAL OF PROPERTY			345	382	
320	356		346	383	
321	357		347	384	
322	358				
323	359				
324	360				
325	361				
326	362				