

## Chapter 5 Part IX

### Sections of the CILS Harmonised Sharia Criminal Procedure Code Omitted in the Criminal Procedure Code of 1960

1. Summary. The CILS Harmonised Sharia Criminal Procedure Code (HSCPC) is divided into 347 sections. Of these, only 3 are not in the Criminal Procedure Code of 1960 (CPC). By this calculation 344 out of 347, or 99.1% of HSCPC sections are included in the CPC.
2. HSCPC sections omitted outright from CPC.
  - A. Chapter III: The Powers of Sharia Criminal Courts.
    17. *Powers of alkali to order restitution.* All Sharia Court alkalis shall notwithstanding the limit of fine provided under this Code, order a complete restitution of any monies or properties criminally misappropriated, stolen, robbed, received by extortion, cheating, deceit, breach of trust, forgery, falsification of accounts or by any illegal means by any person.
    18. *Order to pay compensation.* Notwithstanding the limitation imposed on Sharia Court alkalis in their civil jurisdictions as Sharia Court alkalis under the Sharia Courts Law or any other written law, an alkali that tries an offence shall have powers and jurisdiction to make an order of compensation whether or not the money or money's worth of property exceeds his civil jurisdiction.
  - B. Chapter XX [CPC XXII]: The Judgment.
    242. *Sentence of retaliation for injuries.* When a person is sentenced to suffer *qisas* for injuries the sentence shall direct that the *qisas* be carried out in the like manner the offender inflicted such injury on the victim.
3. HSCPC sections omitted from CPC by virtue of collapsing of distinctions made in CPC but not HSCPC. None.