

490. A copy of the order of maintenance shall be given without payment to the person in whose favour it is made, or to his guardian, if any, or to the person to whom the allowance is to be paid; and such order may be enforced by any Magistrate in any place where the person against whom it is made may be, on such Magistrate being satisfied as to the identity of the parties and the non-payment of the allowance due.

Enforcement of order of maintenance

CHAPTER XXXVII

DIRECTIONS OF THE NATURE OF A *Habeas Corpus*

491.(1) The High Court Division may, whenever it thinks fit, direct:—

Power to issue directions of the nature of a *habeas corpus*

- (a) that a person within the limits of its appellate criminal jurisdiction be brought up before the Court to be dealt with according to law;
- (b) that a person illegally or improperly detained in public or private custody with such limits be set at liberty;
- (c) that a prisoner detained in any jail situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such Court;
- (d) that a prisoner detained as aforesaid be brought before a Court-martial or any Commissioners for trial or to be examined touching any matter pending before such Court-martial or Commissioners respectively;
- (e) that a prisoner within such limits be removed from one custody to another for the purpose of trial ; and

¹[* * *]

(2) The ²[Supreme Court] may, from time to time, frame rules to regulate the procedure in cases under this section.

¹ Clause (f) was omitted by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words "Supreme Court" were substituted for the words "High Court" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

¹[(3) Nothing in this section applies to persons detained under any law for the time being in force providing for preventive detention.]

491A. [Omitted by Schedule of the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (Act No. II of 1950).]

PART IX

SUPPLEMENTARY PROVISIONS

CHAPTER XXXVIII

OF THE PUBLIC PROSECUTOR

Power to
appoint Public
Prosecutors

492.(1) The Government may appoint, generally, or in any case, or for any specified class of cases, in any local area, one or more officers to be called Public Prosecutors.

(2) ²[The Chief Metropolitan Magistrate or the] District Magistrate, or, subject to the control of the District Magistrate, the Sub-divisional Magistrate, may, in the absence or the Public Prosecutor, or where no Public Prosecutor has been appointed, appoint any other person, not being an officer of police below such ranks as the Government may prescribe in this behalf to be Public Prosecutor for the purpose of any case.

Public
Prosecutors may
plead in all
Courts in cases
under his
charge. Pleaders
privately
instructed to be
under his
direction

493. The Public Prosecutor may appear and plead without any written authority before any Court in which any case of which he has charge is under inquiry, trial or appeal, and if any private person instructs a pleader to prosecute in any Court any person in any such case, the Public Prosecutor shall conduct the prosecution, and the pleader so instructed shall act therein, under his directions.

¹ Sub-section (3) was substituted for sub-section (3) by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

² The words "The Chief Metropolitan Magistrate or the" were substituted for the comma and word ", the" by the Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976).