

¹[(5) Notwithstanding anything contained in this section, the Magistrate may, in addition to the order directing payment of the compensation under sub-section (2), further order that the person ordered to pay such compensation shall also suffer imprisonment for a period not exceeding six months or pay a fine not exceeding three thousand Taka.]

CHAPTER XXI. [Omitted by section 21 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).]

CHAPTER XXII

OF SUMMARY TRIALS

260.(1) Notwithstanding anything contained in this Code,-

Power to try summarily

- ²(a) the Metropolitan Magistrate or the District Magistrate,]
- (b) ³[any ⁴[***] Magistrate] of the first class specially empowered in this behalf by the Government, and
- (c) any Bench of Magistrates invested with the powers of a Magistrate of the first class and especially empowered in this behalf by the Government,

⁵[shall] try in a summary way all or any of the following offences:-

- (a) offences not punishable with death, transportation or imprisonment for a term exceeding ⁶[two years];

¹ Sub-section (5) was added by section 20 of the Code of Criminal Procedure (Second Amendment) Ordinance, (Ordinance No. XXIV of 1982).

² Clause (a) was substituted, for clause (a) by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980).

³ The words "any Metropolitan Magistrate or Magistrate" were substituted, for the words "any Magistrate" by section 2 and Schedule of the Code of Criminal Procedure (Amendment) Ordinance, 1976 (Ordinance No. LXXXVI of 1976).

⁴ The words "Metropolitan Magistrate or" were omitted by section 2 of the Code of Criminal Procedure (Amendment) Act, 1980 (Act No. IV of 1980).

⁵ The word "shall" was substituted, for the words and commas "may, if he or they think fit," by section 22 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

⁶ The words "two years" were substituted, for the words "one year" by section 22 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

- (b) offences relating to weights and measures under sections 264, 265 and 266 of the Penal Code;
- (c) hurt, under section 323 of the same Code;
- (d) theft, under section 379, 380 or 381 of the same Code, where the value of the property stolen does not exceed ¹[ten thousand taka];
- (e) dishonest misappropriation of property under section 403 of the same Code, where the value of the property misappropriated does not exceed ²[ten thousand taka];
- (f) receiving or retaining stolen property under section 411 of the same Code, where the value of such property does not exceed ³[ten thousand taka];
- (g) assisting in the concealment or disposal of stolen property, under section 414 of the same Code, where the value of such property does not exceed ⁴[ten thousand taka];
- (h) mischief, under ⁵[sections 426 and 427] of the same Code;
- (i) ⁶[criminal trespass, under section 447, and] house trespass, under section 448, and offences under sections 451, 453, 454, 456 and 457 or the same Code;

¹ The words "ten thousand taka" were substituted, for the words "five hundred taka" by section 9 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

² The words "ten thousand taka" were substituted, for the words "five hundred taka" by section 9 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

³ The words "ten thousand taka" were substituted, for the words "five hundred taka" by section 9 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

⁴ The words "ten thousand taka" were substituted, for the words "five hundred taka" by section 9 of the Code of Criminal Procedure (Third Amendment) Ordinance, 1982 (Ordinance No. LX of 1982).

⁵ The words and figures "section 426 and 427" were substituted, for the word and figure "section 427" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

⁶ The words, figure and commas "criminal trespass, under section 447, and" were inserted before the words "house-trespass" by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

- (j) insult with intent to provoke a breach of the peace, under section 504, and criminal intimidation, under section 506,¹[and offences under sections 509 and 510] of the same Code;
- ²[(jj) offence of bribery and personation at an election under sections 171E and 171F of the same Code;]
- (k) abetment of any of the foregoing offences;
- (l) an attempt to commit any of the foregoing offences, when such attempt is an offence;
- (m) offences under section 20 of the Cattle-trespass Act, 1871:

Provided that no case in which a Magistrate exercises the special powers conferred by section ³[33A] shall be tried in a summary way.

(2) [Omitted by section 22 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).]

261. The Government may confer on any Bench of Magistrates invested with the powers of a Magistrate of the second or third class power to try summarily all or any of the following offences:—

Power to invest Bench of Magistrates invested with less power

- (a) offences against the Penal Code, sections 277, 278, 279, 285, 286, 289, 290, 292, 293, 294, 323, 334, 336, 341, 352, 426, 447 and 504;
- (b) offences against Municipal Acts, and the conservancy clauses of Police Acts which are punishable only with fine or with imprisonment for a term not exceeding one month with or without fine;
- (c) abatement of any of the foregoing offences;
- (d) an attempt to commit any of the foregoing offences, when such attempt is an offence.

¹ The words and figure "and offences under sections 509 and 510" were inserted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

² Sub-clause (jj) was substituted, for sub-clause (jj) by section 2 of the Code of Criminal Procedure (Amendment) Act, 1992 (Act No. III of 1992).

³ The figure "33A" was substituted, for the figure "34" by section 22 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

¹[Procedure for summary trials] **262.**(1) In trials under this Chapter, the procedure prescribed ²[in Chapter XX] shall be followed ³[* * *] except as hereinafter mentioned.

Limit of imprisonment (2) No sentence of imprisonment for a term exceeding ⁴[two years] shall be passed in the case of any conviction under this Chapter.

Record in cases where there is no appeal **263.** In cases where no appeal lies, the Magistrate or Bench of Magistrates need not record the evidence of the witnesses or frame a formal charge; but he or they shall enter in such form as the Government may direct the following particulars:-

- (a) the serial number;
- (b) the date of the commission of the offence;
- (c) the date of the report or complaint;
- (d) the name of the complainant (if any);
- (e) the name, parentage and residence of the accused;
- (f) the offence complained of and the offence (if any) proved, and in cases coming under clause (d), clause (e), clause (f) or clause (g) of sub-section (1) of section 260 the value of the property in respect of which the offence has been committed;
- (g) the plea of the accused and his examination (if any);
- (h) the finding, and, in the case of a conviction, a brief statement of the reasons therefor;
- (i) the sentence or other final order; and
- (j) the date on which the proceedings terminated.

¹ The marginal heading was substituted, for the former marginal heading by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

² The words and figure "in Chapter XX" were substituted, for the words "or summons-cases" by section 23 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

³ The words and commas "in summons cases, and the procedure prescribed for warrant-cases shall be followed in warrant cases," were omitted by section 2, Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

⁴ The words "two years" were substituted, for the words "three months" by section 23 of the Code of Criminal Procedure (Second Amendment) Ordinance, 1982 (Ordinance No. XXIV of 1982).

264.(1) In every case tried summarily by a Magistrate or Bench in which an appeal lies, such Magistrate or Bench shall, before passing sentence, record judgment embodying the substance of the evidence and also the particulars mentioned in section 263.

Record in appealable cases

(2) Such judgment ¹[and memorandum of the substance of the evidence as required by section 355] shall be the only record in cases coming within this section.

265.(1) Records made under section 263 and judgments recorded under section 264 shall be written by the presiding officer, either in English or in the language of the Court, or, if the Court to which such presiding officer is immediately sub-ordinate so directs, in such officer's mother-tongue.

Language of record and judgment

(2) The Government may authorize any Bench of Magistrates empowered to try offences summarily to prepare the aforesaid record or judgment by means of an officer appointed in this behalf by the Court to which such Bench is immediately subordinate, and the record or judgment so prepared shall be signed by each member of such Bench present taking part in the proceedings.

Bench may be authorized to employ clerk

(3) If no such authorization be given, the record prepared by a member of the Bench and signed as aforesaid shall be the proper record.

(4) If the Bench differ in opinion, any dissentient member may write a separate judgment.

²[CHAPTER XXIII

OF TRIALS BEFORE COURTS OF SESSION

265A. In every trial before a Court of Session, the prosecution shall be conducted by a Public Prosecutor.

Trial to be conducted by Public Prosecutor

265B. When the accused appears or is brought before the Court in pursuance of section 205C, the prosecutor shall open his

Opening case for prosecution

¹ The words and figure "and memorandum of the substance of the evidence as required by section 355" were inserted by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).

² The CHAPTER XXIII was substituted, for CHAPTER XXIII by section 2 and Schedule of the Law Reforms Ordinance, 1978 (Ordinance No. XLIX of 1978).