

Name: Muhammad Shakir Khan Tanoli

Father Name: Muhammad Sabir Khan Tanoli

Subject: CRIMINAL PROCEDURE CODE –II

Registration No. BA.LLB/1-17/M006

TEACHER NAME: DR. RANA KHAN ADVOCATE

SUPREME COURT

ASSIGNMENT: FINAL EXAMS FALL 2020

DATE: 26/2/2021

Suspension of sentence pending appeal Release of appellant on bail

426.(1) Pending any appeal by a convicted person, the Appellate Court may, for reasons to be recorded by it in writing, order that the execution of the sentence or order appealed against be suspended and, also, if he is in confinement, that he be released on bail or on his own bond.

(2) The power conferred by this section on an Appellate Court may be exercised also by the High Court Division in the case of any appeal by a convicted person to a Court subordinate thereto.

(2A) When any person ¹[is sentenced to imprisonment for a term not exceeding one year] by a Court, and an appeal lies from that sentence, the Court may, if the convicted person satisfies the Court that he intends to present an appeal, order that he be released on bail for a period sufficient in the opinion of the Court to enable him to present the appeal and obtain the orders of the Appellate Court under sub-section (1) and the sentence of imprisonment shall, so long as he is so released on bail, be deemed to be suspended.

(2B) Where High Court Division is satisfied that a convicted person has been granted special leave to appeal to the ²[Appellate Division of the Supreme Court] against any sentence which it has imposed or maintained, it may if it so thinks fit order that pending the appeal the sentence or order appealed against be suspended, and also, if the said person is in confinement, that he be released on bail.

(3) When the appellant is ultimately sentenced to imprisonment, or transportation, the time during which he is so released shall be excluded in computing the term for which he is so sentenced.

Provisions under S.426 (1), Cr.P.C. are analogous to the one contained in S.497, Cr.P.C.; in both the cases the sentence or detention is to be suspended pending hearing of appeal/trial and the convict

2006 SCMR 1225

427. Arrest of accused in appeal from acquittal: When appeal is presented under Section 411-A, sub-section (2), or Section 417, the High Court may issue a warrant directing that the accused be arrested and brought before it or any subordinate Court, and the Court, before which he is brought may commit him to prison pending the disposal of the appeal, or admit him to bail.

428. Appellate Court may take further evidence or direct it to be taken : In dealing with any appeal under this Chapter, the Appellate Court, if it thinks additional evidence to be necessary, shall record its reasons, and may either take such evidence itself, or direct it to be taken by a Magistrate, or when the Appellate Court is a High Court, by a Court of Session or a Magistrate. (2) Where the additional evidence is taken by the Court of Session or the Magistrate, it or he shall certify such evidence to the Appellate Court, and Such Court shall thereupon proceed to dispose of the appeal.

(3) Unless the Appellate Court otherwise directs, the accused or his pleader shall be present when the additional evidence is taken.

20. Sub-sec. (2-B) inst. by the Code of Criminal Procedure (Second Amendment) Act, 4 of 1946, S. 2. (4) The taking of evidence under this section shall be subject to the provisions of Chapter XXV, as if it were an inquiry.

429. Procedure where Judges of Court of Appeal are equally divided : When the Judges composing the Court of Appeal are

equally divided in opinion, the case, with their opinions thereon, shall be laid before another Judge of the same Court and such Judge, after such hearing (if any) as he thinks fit, shall deliver his opinion, and the judgment or order shall follow such opinion. 430. Finality of orders on appeal: Judgments and orders passed by an Appellate Court upon appeal shall be final, except in the cases - provided for in Section 417 and Chapter XXXII.

431. Abatement of appeals: Every appeal under Section 411-A, sub-section (2), or Section 417 shall finally abate on the death of the accused, and every other appeal under this Chapter except an appeal from a sentence of fine shall finally abate on the death of the appellant.

Forensic accounting

Forensic accounting is a combination of **accounting** and investigative techniques used to discover financial crimes. One of the key functions of **forensic accounting** is to explain the nature of a financial crime to the courts. **Forensic accounting** is used by the insurance industry to establish damages from claims.

Forensic engineer

Forensic engineer applies the field of **engineering** to cases of the **law** when necessary. Generally, this means that a **forensic engineer** is called to a scene where a car, bridge, or piece of

machinery has malfunctioned in order to collect evidence, investigate the cause, and testify in court if needed.

DOCUMENTS EXPERT

Forensic document examiners, also often referred to as questioned document examiners, are forensic scientists who are responsible for using a number of scientific processes and methods for examining documents—whether written, typed, or printed—related to a crime scene investigation.

Forensic document examiners should not to be confused with graphologists, who are handwriting analysis practitioners that claim to be able to discern personality characteristics based on handwriting features. Graphology is largely viewed as a pseudoscience in the eyes of the scientific community.

Forensic document examiners, on the other hand, are skilled forensics scientists with a demonstrated expertise in applied questioned document examination. They are handwriting experts, as well as experts in other areas of document examination, including machine printing processes; and obliterated, indented and erased entries.

The most common type of questioned document examination involves identifying the authorship of a written letter. It is also common for forensic document examiners to determine if an item originated from the same source as a known item, determine when a document was produced, and decipher information on a document that has been erased, hidden, or obscured.

Forensic document examiners may perform the following:

- Examine documents for signs that they have been forged or altered
- Compare signatures and handwriting through handwriting analysis to determine the authorship of documents
- Examine typed documents and link them to specific machines or computers (printing process examinations)
- Decipher the contents of documents that have been partially destroyed or altered

- Compare fractured or cut-edge comparisons on a variety of surfaces, including paper and tape
- Examine incidents of indented writing
- Perform alternate light source examinations to determine ink discrimination, alterations, and/or enhancements

Forensic document examiners commonly work in local, state or federal crime labs. A number of these professionals work through private investigative companies, although this type of work is generally geared toward civil cases. Forensic document examiners are also often called to testify as experts in criminal cases.

Medico legal Experts

The medical officers of these prisons have to deal with malingering of every shape and form. The art, in fact, is practiced among convicts with a refinement that baffles description, and seems attainable only by cunning thieves and lazy wretches, who prefer preying on society to earning an honest livelihood, and who for the most part occupy our prisons. All this adds considerably to the difficulties of their work, and if errors of diagnosis are made occasionally, they are generally in the prisoners' favour.

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Shajjah

“Whoever causes, on the head or face of any person, any hurt which does not amount to itlaf-i-udw or itlaf-i-salahiyat-i-udw is said to cause shajjah. (S. 337 PPC)

Following are the kinds of Shajjah:

a. Shajjah-i-Khafifa

Causing Shajjah without exposing bone of the victim

b. Shajjah-i-Mudihah

Causing Shajjah with exposing bone of the victim but without causing fracture

c. Shajjah-i-Hashimah

Causing Shajjah by fracturing the bone of the victim but without dislocating it

d. Shajjah-i-Munaqqilah

Causing Shajjah by both fracturing and dislocating the bone of the victim

e. Shajjah-i-Ammah

Causing Shajjah by causing fracture of the skull and the wound touches the membranes of the brain

f. Shajjah-i-Damighah

Causing Shajjah by causing fracture of the skull and the wound ruptures the membranes of the brain

“Causing hurt on any part of the body, other than the head or face, which leaves a temporary or permanent mark of the wound, is called Jurh. (S. 337 PPC)

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Jurh is of two kinds:

a. Jaifah

Causing Jurh in which the injury extends into the body cavity of the trunk.

b. Ghayr Jaifah

Causing Jurh, which does not amount to Jaifah, i.e. the injury does not extend to the body cavity.

There are six kinds of Ghayr Jaifah (S. 337 PPC):

i. Damiyah

Causing Ghayr Jaifah in which the skin ruptures with bleeding

ii. Badi'ah

Causing Ghayr Jaifah by cutting or incising the flesh without exposing the bone

iii. Mutalahimah

Causing Ghayr Jaifah by lacerating the flesh

iv. Mudihah

Causing Ghayr Jaifah by exposing the bone

v. Hashimah

Causing Ghayr Jaifah by causing fracture but without dislocation

vi. Munaqqilah

Causing Ghayr Jaifah by fracturing as well as dislocating it

Hurt by Means of a Poison

“Whoever administers to, or causes to be taken by any person, any poison or any stupefying, intoxicating or unwholesome drug, or such other thing, with intent to cause hurt to such person, or with the intent to commit or to facilitate the commission of an offense, or knowing it to be likely that he will thereby cause hurt, may in addition to the punishment of ‘arsh’ or ‘daman’ provided for the kind of hurt caused, be also punished”. (S. 337-J PPC)

