

Q what is the Process of Criminal Justice system in Pakistan?

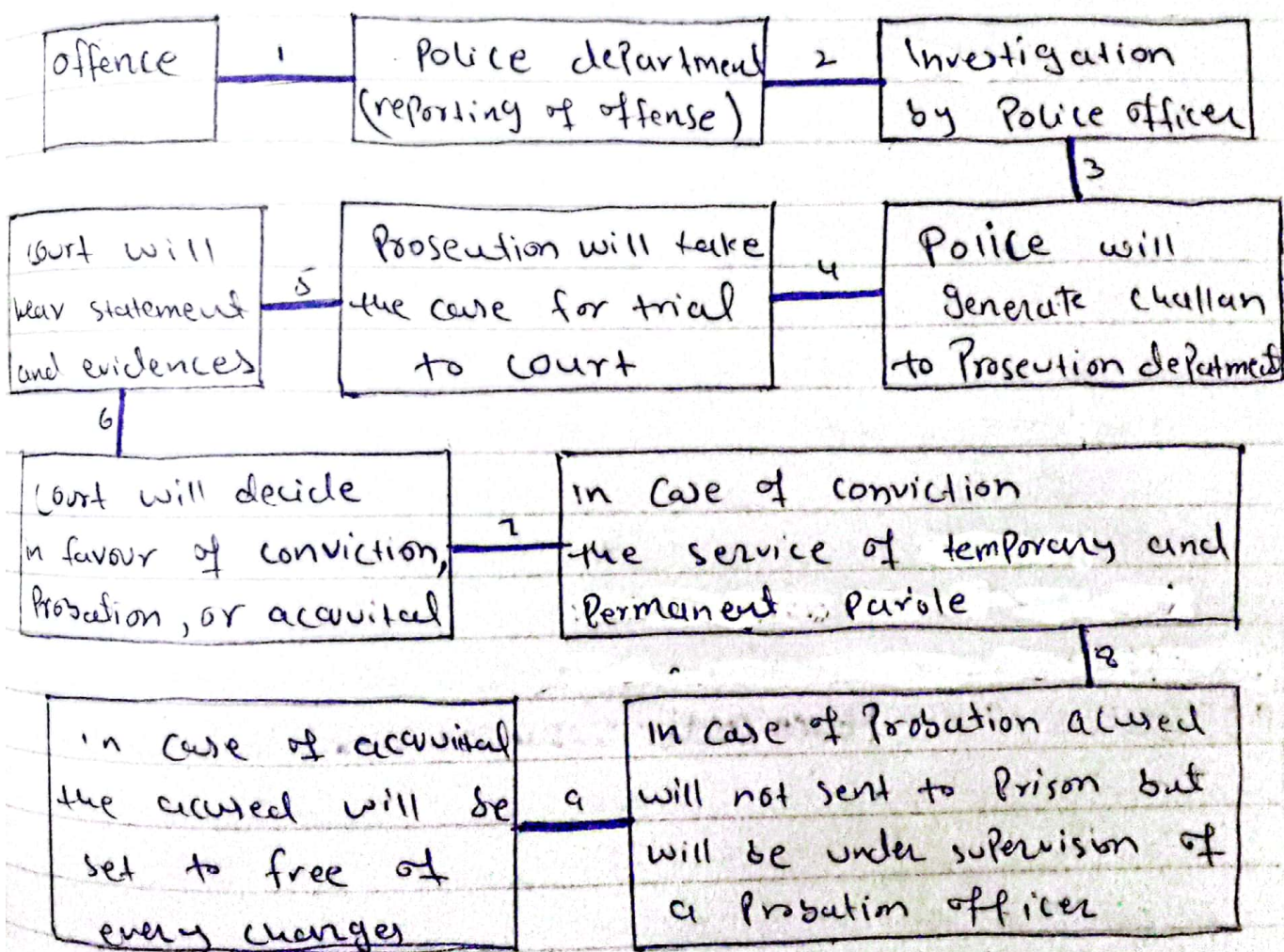
Introduction

The constitution of a country constitutes its basic organs i.e. the legislature, executive, and judiciary. As Pakistan is a federation, its constitution provides for executive, judiciary, and legislature. It provides for the separation of judiciary from the executive, though not realized until 2007 when judiciary has gained influence through its suo motu powers to uphold fundamental rights and punish contempt of its orders. Pakistan's constitution has provided for the establishment of a supreme court and high courts for each province so that the upholding of law can be assured. In Pakistan the procedure of the criminal trial is contained in the Code of Criminal Procedure 1984 (CrPC).

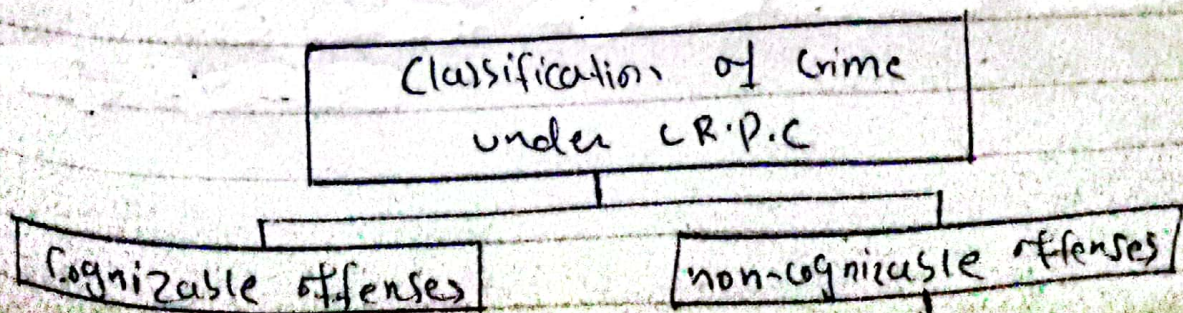
2) overview of the Code of Criminal Procedure 1998 (CrPC): The Code of Criminal Procedure 1998 (CrPC) is a legal document that governs the procedures of criminal trials in Pakistan. The process begins with filing an FIR (first information report), as per guidelines set out in section 154 of CrPC. This is followed by an investigation, after which an officer sends a report to the relevant magistrate and/or sessions judge (final report or challan). Following the final report, the court starts

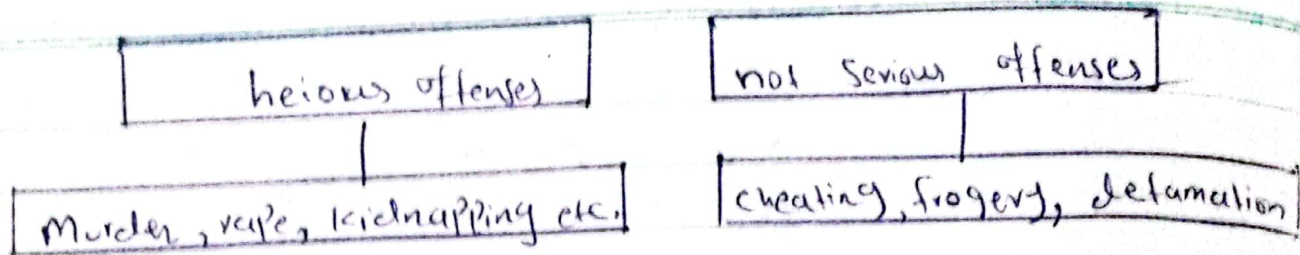
the proceedings of a trial, which includes the establishment of the charges and role of the prosecution. After the end of a trial, according to Pakistan Penal Code 1860 (PPC), the court will decide the subsequent punishment if there is need.

3) Taking a dig into Criminal Justice Process:



3.1) Crime under Cr.P.C. :





in case of cognizable offense the case will be went under the criminal justice procedure.

3.2) Police will come next in the

Police are the most visible agent of the justice process. After information given to a police officer with regard to the commission of a cognizable crime should be in writing and in case it is given orally it should be reduced into writing and this report is called first information report. Section 4 of the Police Order 2002 aptly describe the duties of police officials. In the Code of Criminal Procedure 1898 the two most commonly terms used to refer the officials, include, 'officer in charge of a police station' and 'police officer'.

a) Objectives of the Police Order 2002 are stated in Preamble:

- 1) To ensure that the police performs its functions according to the constitution, law, and democratic aspirations of the people;
- 2) To ensure that in the performance of its function, it is professional, service-oriented, and accountable to the people;
- 3) To redefi redefine the police role its duties and responsibilities; and
- 4) To reconstruct the police for efficient prevention

and crime, and maintenance of law and order.

b) Under the Criminal Justice System the role of Police: Under the Criminal Justice System the Police perform following functions:

- 1) Prevention of crime;
- 2) Detection of criminal activity and identifying the culprits;
- 3) Apprehending criminal offenders;
- 4) charging, investigation, and completion of challans and submission in
- 5) protection of Constitutional guarantees;
- 6) Assisting those who can't care for themselves or who are in danger of physical harm;
- 7) Participating in court proceedings; and
- 8) Protection and after-care of victims.

3.3) After investigation the role of Prosecution

comes: As defined in Black's Law Dictionary, Prosecution is a proceeding instituted and carried on by due process of law, before a competent tribunal or court, for the purpose of determining the guilt or innocence of a person charged with a crime. As per Section 492 of the Cr.P.C a Public Prosecutor is any person appointed under and includes any person acting under the direction of Public Prosecutor. The officials working in the Prosecution department are known as District Attorneys, Government Pleaders, or Public defenders. The Police registers the case and then investigates, prepares and presents the case to the District

Prosecutor for Prosecution. Prosecution presents the case of victim to the court, questions witnesses and provides valid evidence to support prosecution. ~~Prosecu~~ Prosecutor is a liaison between police and court.

3.4) The role of Judiciary in final decision

Criminal court as subordinate judiciary in districts of Pakistan is considered to be the core element in the administration of justice. It is the judiciary that determines the criminal liability of criminal defendants and attaches sanctions. Court's duty is to recognize that the rights of the individuals are protected at all times. The job of the court is as follows:

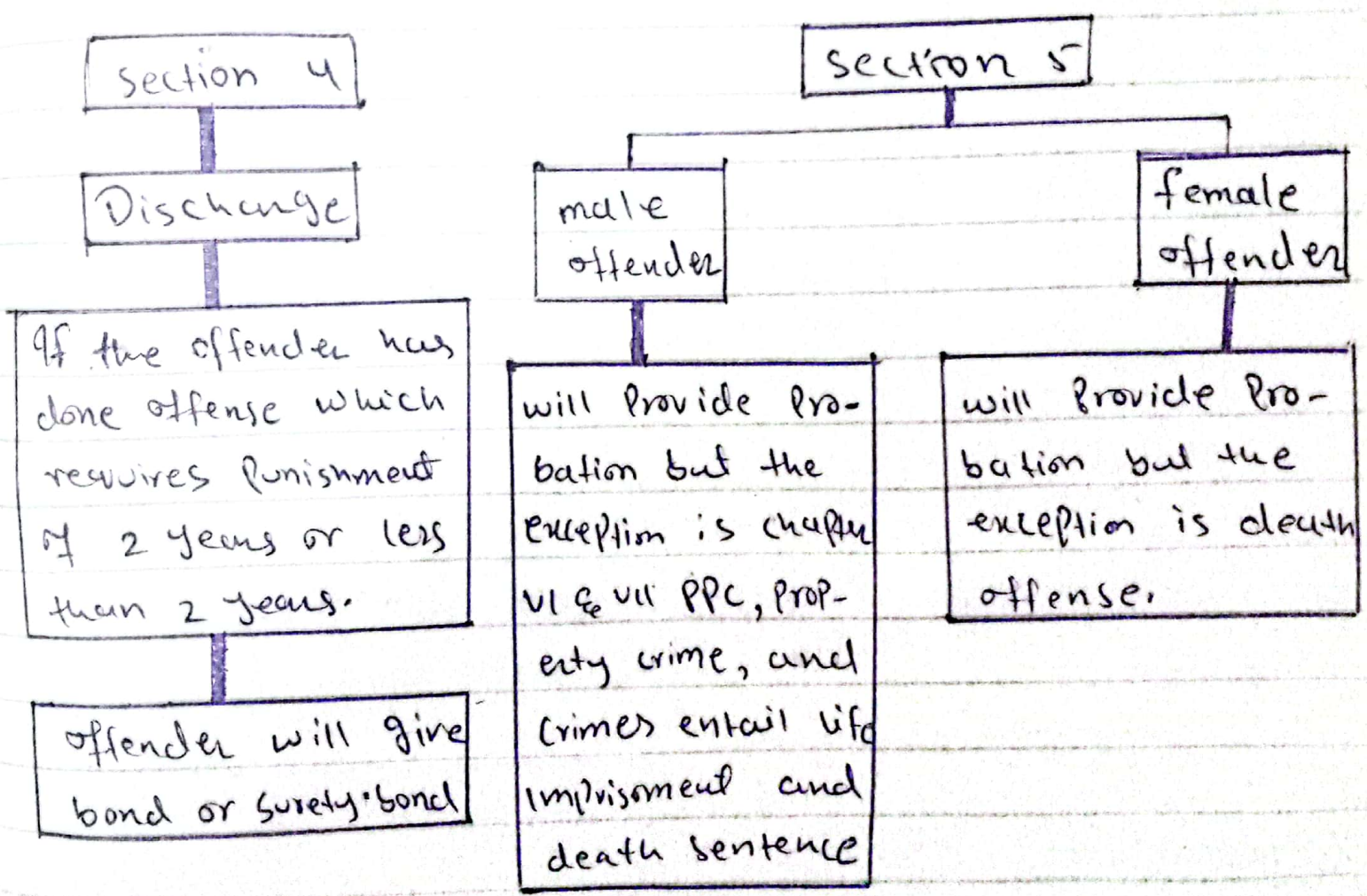
- 1) initiate proceedings after a charge have been drawn up;
- 2) give full information to the accused as to the offense he is charged with;
- 3) convict and accused if his guilt is proven and acquit him if any reasonable doubt is ~~creat~~ solved.

3.5) Probation of Offenders Ordinance 1960:

Although the probation system was developed long before in almost all advanced countries Pakistan did not have it until the promulgation of the Probation of Offenders Ordinance of 1960. ~~It~~

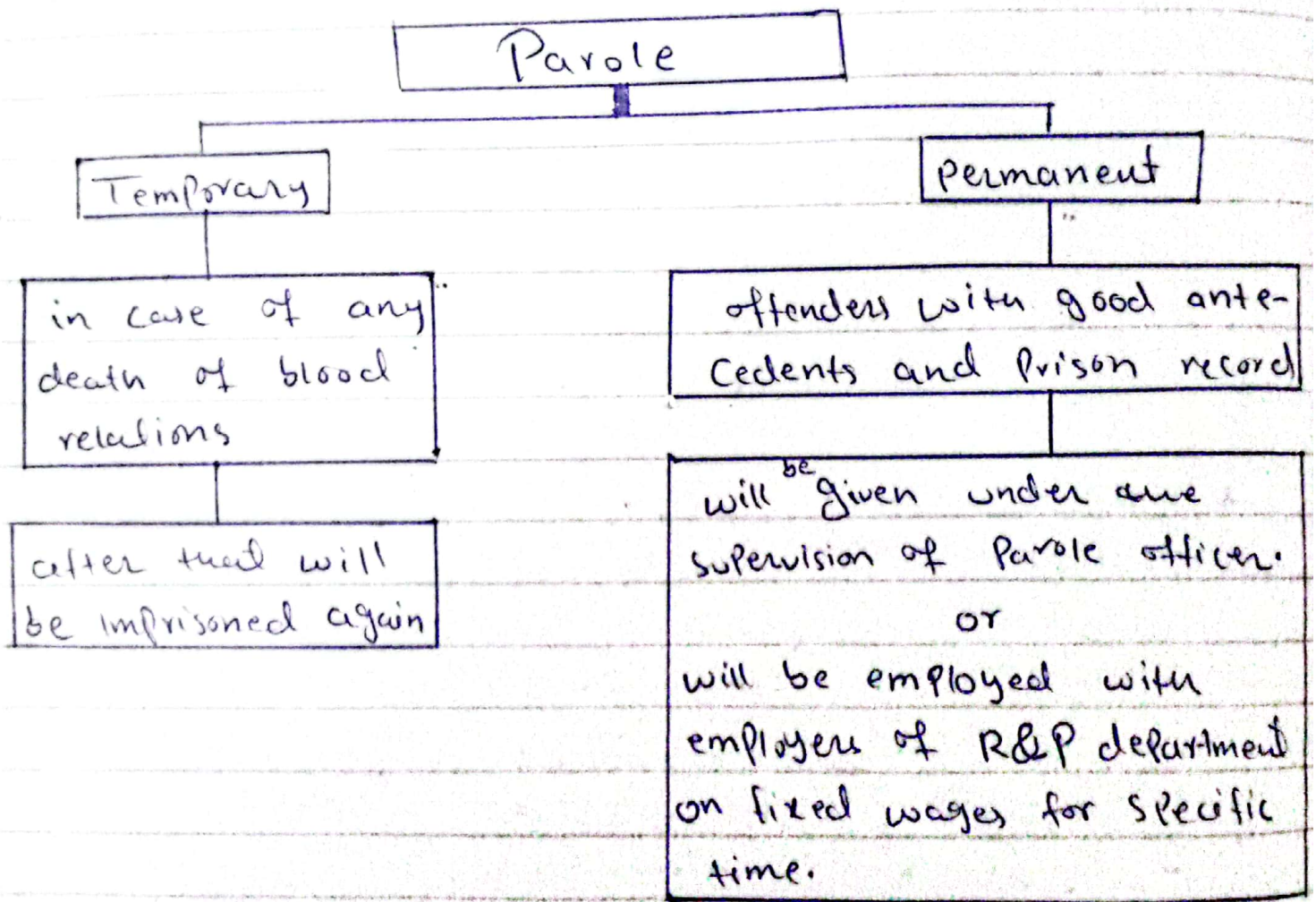
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The basic purpose behind this law was to protect those offenders who has not committed any crime before or the committed offend is not of that nature which receive hard Punishment and imprisonment that offenders are given under the supervision of Probation officer. There are two main sections of this ordinance.



Another important section is Section 11 which states that Probation is not a conviction and which not bring any hindrance in the way of civil service.

3.6) Good Conduct Prisoner's release Act, 1926 & Rules 1927: Parole refers to the early release of good conduct prisoners or offenders who have completed mandatory period of substantive sentence as required under the good conduct prisoner's release Act (1926) and Rules 1927 that provide for the release of good prisoners on conditions imposed by the government. This is commonly known as conditional release or parole release.



Conclusion

in Pakistan criminal justice system work according to Code of Criminal Procedure (CrPc) 1984 and Pakistan Penal Code (1860) PPC. Starting from FIR it ends on trial where decides whether there is a need of conviction, Probation

or acquittal. In case of Probation, offender has to give bond or surety bond to court or serve a specific period of time under the Probation officer under chapter 4 & 5 of Probation of offenders ordinance 1960. In case of conviction, offender can be provided with Parole if there is a need of it.