



# CRIMINAL PROCEDURE CODE

## CONTENTS

### **BOOK ONE**

#### **GENERAL PROVISIONS**

##### **PART I**

#### **PRELIMINARY PROVISIONS**

##### **CHAPTER I**

#### **Courts and Parties**

##### **Section I**

#### **THE COURTS**

Article	1. Criminal Jurisdiction . . . . .	Page	7
»	2. Jurisdiction and Composition of the Courts . . . . .	»	7
»	3. Definitions . . . . .	»	8
»	4. Subject Matter Jurisdiction . . . . .	»	8
»	5. Territorial Jurisdiction . . . . .	»	9
»	6. Joinder of Accused or Offences . . . . .	»	10
»	7. Effects of Joinder on Subject Matter Jurisdiction over the Offences . . . . .	»	10
»	8. Effect of Joinder on Territorial Jurisdiction . . . . .	»	11
»	9. Conflicts of Jurisdiction . . . . .	»	11
»	10. Disqualification of the Judge . . . . .	»	12
»	11. Transfer of Proceedings . . . . .	»	13

Section II

THE PARTIES

Article 12.	The Office of the Attorney General . . . . .	Page	13
»	13. The Accused . . . . .	»	14
»	14. The Injured Party . . . . .	»	15
»	15. The Defence . . . . .	»	15
»	16. Duties of the Defence Counsel towards the Accused . . . . .	»	16

CHAPTER II

**Information, Complaints and Reporting of Offences,  
Police Investigations, Suppression of Offences**

Section I

INFORMATION, COMPLAINTS AND REPORTING  
OF OFFENCES

Article 17.	Authorities to whom Complaints and Re- ports regarding Offences shall be made . . . . .	Page	16
»	18. Reporting of certain Classes of Offences . . . . .	»	17
»	19. Reports by Members of the Medical Pro- fession . . . . .	»	17
»	20. Reports by the Public . . . . .	»	17
»	21. Complaints . . . . .	»	17
»	22. Form of the Reports, Information and Complaints . . . . .	»	18

Section II

POLICE INVESTIGATIONS

Article 23.	Definitions . . . . .	Page	18
»	24. Investigations . . . . .	»	19
»	25. Diary of Investigation . . . . .	»	19
»	26. Closure of Investigation . . . . .	»	20

Section III

ASSISTANCE IN THE SUPPRESSION OF OFFENCES

Article 27. Assistance from Members of the Public . Page 20

PART II

**METHODS OF SECURING THE APPEARANCE OF ACCUSED  
PERSONS IN COURT**

CHAPTER I

**Arrest**

Section I

ARREST IN GENERAL

Article 28.	Arrest . . . . .	Page 21
» 29.	Execution of Arrests . . . . .	» 21
» 30.	Entry into private Places for the Purpose of Arrest . . . . .	» 21
» 31.	Search of Arrested Persons . . . . .	» 22
» 32.	Provisions relating to Arrest to be strictly Observed . . . . .	» 22
» 33.	Reporting of Arrests . . . . .	» 23

Section II

ARREST WITHOUT WARRANT

Article 34.	Persons who may arrest without a Warrant	Page 23
» 35.	Mandatory Arrest of Persons caught in the Act of committing a Crime ( <i>in Fla- grante Delicto</i> ) . . . . .	» 23
» 36.	Discretionary Arrest of Persons caught in <i>Flagrante Delicto</i> . . . . .	» 24
» 37.	Definition of <i>Flagrante Delicto</i> . . . . .	» 25
» 38.	Arrest of Persons Suspected of having committed an Offence . . . . .	» 25
» 39.	Person Arrested without Warrant to be taken before a Judge . . . . .	» 26

Section III

ARREST WITH WARRANT

Article 40.	Condition required for the Issue of a Warrant of Arrest and Authorities empowered to issue such Warrant . . . . .	Page 27
» 41.	Form of Warrant of Arrest . . . . .	» 28
» 42.	Cases in which the Issue of a Warrant of Arrest is mandatory . . . . .	» 28
» 43.	Cases in which the Issue of a Warrant of Arrest is discretionary . . . . .	» 28
» 44.	Execution of Warrant of Arrest . . . . .	» 29
» 45.	Person arrested on a Warrant of Arrest to be taken before a Judge . . . . .	» 29

Section IV

CUSTODY BEFORE TRIAL

Article 46.	Remand of Accused Person to Custody . . . . .	» 30
» 47.	Duration of Custody before Trial . . . . .	» 30

CHAPTER II

**Summons to Appear before a Court**

Article 48.	Conditions for the Issuance of a Summons and Authorities empowered to issue it . . . . .	» 31
» 49.	Form of Summons . . . . .	» 31
» 50.	Obligation to furnish Information regarding Identification . . . . .	» 32
» 51.	Service of Summons to appear . . . . .	» 32

CHAPTER III

**Miscellaneous Measures**

Section I

SEARCH AND SEIZURE

Article 52.	Search and Seizure . . . . .	Page	33
» 53.	Issue of Warrant of Search and Seizure . . . . .	»	34
» 54.	Form of Warrant of Search and Seizure . . . . .	»	34
» 55.	Cases in which Warrants to Search or Seize may be issued . . . . .	»	34
» 56.	Execution of Warrants of Search and of Seizure . . . . .	»	35
» 57.	Other Rules to be observed in Search and Seizure . . . . .	»	35
» 58.	Search and Seizure without Warrant — Confirmation by the Judge . . . . .	»	36

Section II

RELEASE ON BAIL

Article 59.	Bail . . . . .	Page	37
» 60.	Grant of Bail . . . . .	»	37
» 61.	Type and Amount of the Bond . . . . .	»	38
» 62.	Release dependent upon Fulfilment of Conditions . . . . .	»	38
» 63.	Revocation of Bail . . . . .	»	38
» 64.	Forfeit of Bond Money . . . . .	»	39

Section III

PROCEDURE FOR SAFEGUARDING PERSONAL LIBERTY

Article 65.	Search for Persons unlawfully deprived of personal Liberty . . . . .	Page	39
» 66.	Habeas Corpus . . . . .	»	40
» 67.	Order to produce a Person . . . . .	»	40

Section IV

RECORD OF CONFESSIONS

Article 68.	Rules to be observed by a Judge receiving a Confession . . . . .	Page 40
-------------	--	---------

PART III

**PRE-TRIAL PROCEDURE**

CHAPTER I

**Responsibilities of the Attorney General**

Article 69.	Duties of the Attorney General . . . . .	Page 41
» 70.	Responsibilities of the Attorney General before a Trial . . . . .	» 41
» 71.	Form of Charge . . . . .	» 43
» 72.	Closing of the Case . . . . .	» 44
» 73.	Time-limits for the Commencement of criminal Proceedings . . . . .	» 45
» 74.	Authorization to Prosecute . . . . .	» 46

CHAPTER II

**Responsibilities of the Courts**

Article 75.	Fixing Date of Trial and other related Measures . . . . .	Page 46
» 76.	Procedures relating to the Closing of the Case indicated by the Parties . . . . .	» 47
» 77.	Order for the Termination of Proceedings and related Measures . . . . .	» 48
» 78.	Provisional Application of Security Measures . . . . .	» 48
» 79.	Order to bring the Accused before the Court . . . . .	» 48
» 80.	Service of Summons on the injured Party and on Witnesses . . . . .	» 49

PART IV

**TRIAL PROCEDURE AND PENAL SANCTION**

CHAPTER I

**Trial Procedure**

Section I

GENERAL PROVISIONS

Article 81.	Signature of Records and Documents	Page	50
» 82.	Date of Records and Documents	»	51
» 83.	Presentation of Statements and Petitions	»	51

Section II

ACTS AND MEASURES OF A JUDICIAL NATURE

Article 84.	Form	Page	51
» 85.	Correction of Errors	»	52
» 86.	Procedures for Decision-making	»	52
» 87.	Coercive Powers	»	53

Section III

TIME-LIMIT

Article 88.	General Rules	Page	53
» 89.	Time of Appearance	»	54

Section IV

ACTS WHICH ARE NULL AND VOID

Article 90.	General Rule	Page	54
» 91.	Nullity of Proceedings in General	»	54
» 92.	Quashing to be ineffective in certain Cases	»	55
» 93.	Effects of a Declaration of Nullity	»	55

Section V

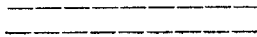
RECORD OF PROCEEDINGS

Article 94. Record of Proceedings . . . . . Page 56

Section VI

PENALTIES

Article 95. Failure to comply with Orders of a Judicial  
Authority . . . . . Page 56





**B O O K T W O**

**PROCEEDINGS OF FIRST INSTANCE**

**CHAPTER I**

**The Hearing**

Article 96.	Proceedings to be Public: Exceptions . . . . .	Page 59
» 97.	Rules for the Attendance of the Public . . . . .	» 59
» 98.	Duties of Persons attending a Hearing . . . . .	» 60
» 99.	Control of the Hearing . . . . .	» 60
» 100.	Accused in Custody . . . . .	» 60
» 101.	Adjournment of Trial . . . . .	» 60
» 102.	Compliance with the Rules of this Chapter . . . . .	» 61

**CHAPTER II**

**The Opening of the Trial**

**Section I**

**CHARGING THE ACCUSED**

Article 103.	The Opening of the Trial and the Charge against the Accused . . . . .	Page 61
» 104.	The Plea of the Accused . . . . .	» 62

**Section II**

**OBJECTIONS TO THE CHARGE**

Article 105.	The Nature of the Objections . . . . .	Page 62
» 106.	Decision of the Court Concerning Objections . . . . .	» 63
» 107.	Measures taken by the Court on its own Motion . . . . .	» 64

Section III

PLEA OF GUILTY

Article 108. Consequences of a Plea of Guilty . . . Page 65

Section IV

PLEA OF NOT GUILTY

Article 109. Effects of a Plea of not Guilty . . . Page 65

Section V

THE BURDEN OF PROOF  
ALTERATION OR WITHDRAWAL OF THE CHARGE

Article 110. Burden of Proof . . . . . Page 66  
» 111. Alteration of the Charge . . . . . » 66  
» 112. Withdrawal of the Charge . . . . . » 67

CHAPTER III

**Evidence and Summation**

Article 113. Applicable Provisions . . . . . Page 67  
» 114. Action of the Attorney General . . . . . » 67  
» 115. Order that Proceedings be Terminated for  
Lack of Evidence . . . . . » 68  
» 116. Action of the Defence . . . . . » 68  
» 117. Rebuttal of Evidence . . . . . » 69  
» 118. Evidence ordered by the Court on its own  
Motion . . . . . » 69  
» 119. Summations and Closure of the Hearing . . . . . » 69

**CHAPTER IV**

**The Judgment**

Article 120.	Deliberation of the Court and Pronouncement of the Judgment . . . . .	Page	70
»	121. Form of Judgment . . . . .	»	71
»	122. Acquittal of the Accused . . . . .	»	71
»	123. Conviction of the Accused . . . . .	»	72
»	124. Relationship between the Judgment and the Charge . . . . .	»	72
»	125. Fine in Place of Imprisonment . . . . .	»	73
»	126. Judicial Pardon . . . . .	»	74
»	127. Suspended Sentence . . . . .	»	74
»	128. Rules common to Judicial Pardon and Suspended Sentence . . . . .	»	75

**CHAPTER V**

**Procedure for Crimes Committed during Trial**

Article 129.	Cases in which the Court shall Proceed immediately . . . . .	Page	75
--------------	--	------	----

**CHAPTER VI**

**Decision of the Request of an Injured Party**

Article 130.	Admissibility of a Claim by the injured Party . . . . .	Page	76
»	131. Court Decisions regarding Claims for Damages . . . . .	»	77

**CHAPTER VII**

**Final Provisions**

Article 132.	Record of Hearings . . . . .	Page	77
»	133. The Court Case File . . . . .	»	79
»	134. Copies of the Judgment and of the Court Case File . . . . .	»	79

**B O O K T H R E E**

**EVIDENCE**

**PART I**

**RELEVANCY OF FACTS**

**CHAPTER I**

**Relevancy of Facts in General**

Article 135.	Facts in Issue and Relevant Facts . . .	Page 83
» 136.	Relevancy of Facts forming Part of the same Event . . . . .	» 83
» 137.	Facts which are the Occasion, Cause or Effect of Facts in Issue . . . . .	» 84
» 138.	Motive, Preparation and previous and subsequent Conduct . . . . .	» 84
» 139.	Facts necessary to explain or introduce Relevant Facts . . . . .	» 84
» 140.	Things said or done by Conspirator in Reference to common Design . . . . .	» 85

**CHAPTER II**

**Facts Relevant in certain Circumstances only**

Article 141.	When Facts not otherwise relevant become relevant . . . . .	Page 85
» 142.	Facts showing Existence of State of Mind or Body . . . . .	» 85
» 143.	Facts bearing on Question whether Act was Accidental or Intentional . . . . .	» 86
» 144.	Statement forming Part of longer Statement of Transaction . . . . .	» 86
» 145.	Previous Judgment . . . . .	» 86
» 146.	Consideration of proved Confession of Co-accused . . . . .	» 87

CHAPTER III

**Statements by the Accused**

Section I

ADMISSIONS

Article 147.	Definition of Admission . . . . .	Page 87
» 148.	Relevancy of Admission . . . . .	» 87

Section II

CONFESSIONS

Article 149.	Definition of Confession . . . . .	Page 88
» 150.	Confession caused by Inducement, Threat or Promise . . . . .	» 88
» 151.	Cases in which Confession is not admissible in Evidence . . . . .	» 88

CHAPTER IV

**Statement in Public Documents**

Article 152.	Relevancy of Entry in Public Record . . . . .	Page 88
» 153.	Statements as to Facts of a Public Nature . . . . .	» 89
» 154.	Relevancy of Statements in Charts and Maps . . . . .	» 89

CHAPTER V

**Statements by Persons who cannot be called as Witnesses**

Article 155.	Cases in which Statements by Persons who cannot be called as Witnesses are Relevant . . . . .	Page 89
» 156.	Relevancy of certain Evidence in subsequent Proceedings . . . . .	» 90

CHAPTER VI

**Opinions of Experts**

Article 157.	Opinions of Experts . . . . .	Page 91
» 158.	Opinions as to Handwriting . . . . .	» 91
» 159.	Opinions as to Usages . . . . .	» 92
» 160.	Grounds of Opinions . . . . .	» 92
» 161.	Form of Expert Opinion . . . . .	» 92

CHAPTER VII

**Relevancy of the Character of the Accused**

Article 162.	Character of the Accused . . . . .	Page 93
--------------	------------------------------------	---------

PART II

**PRODUCTION AND EFFECT OF EVIDENCE**

CHAPTER I

**The Burden of Proof**

Article 163.	Burden on Prosecution . . . . .	Page 93
» 164.	Burden of Proof as to particular Fact . . . . .	» 94
» 165.	Burden of proving that Case of Accused comes within Exceptions . . . . .	» 94

CHAPTER II

**Facts which need not be Proved**

Article 166.	Facts Judicially Noticed . . . . .	Page 94
» 167.	Facts of which Court shall take Judicial Notice . . . . .	» 94
» 168.	Facts of which Court may take Judicial Notice . . . . .	» 95
» 169.	Use of Reference Material in Taking Judicial Notice . . . . .	» 95

CHAPTER III

**Presumptions**

Article 170.	Presumptions as to Genuineness or Correctness . . . . .	Page 95
» 171.	Court may presume the Existence of certain Facts . . . . .	» 96

CHAPTER IV

**Production of Material Objects and other Matters**

Article 172.	Material Objects and other Matters which can be produced in Court . . . . .	Page 96
--------------	---	---------

CHAPTER V

**Evidence which may not or need not be given**

Article 173.	One spouse as Witness against the other	Page 97
» 174.	State Secrets . . . . .	» 97
» 175.	Judges as Witnesses . . . . .	» 98
» 176.	Information as to Commission of Offences	» 98
» 177.	Professional Secrets . . . . .	» 98
» 178.	Evidence Null and Void . . . . .	» 99

PART III

**EXAMINATION OF WITNESSES**

CHAPTER I

**General Provisions**

Article 179.	Examination of Witnesses . . . . .	Page 99
» 180.	Persons who may Testify . . . . .	» 99
» 181.	Oath and Affirmation . . . . .	» 100

Article 182.	Administration of Oath or Affirmation . . . . .	Page 100
» 183.	Deaf and Dumb Witnesses . . . . .	» 100
» 184.	Proof of Facts by oral Evidence . . . . .	» 101
» 185.	Examination of the Accused . . . . .	» 102
» 186.	Cases in which Evidence may be taken in a Place other than the Court . . . . .	» 102

## CHAPTER II

### Examination of Witnesses

#### Section I

##### GENERAL PROVISIONS

Article 187.	Definitions . . . . .	Page 103
» 188.	Order of Examination . . . . .	» 103
» 189.	Refreshing Memory . . . . .	» 104
» 190.	Production of Documents . . . . .	» 104

#### Section II

##### EXAMINATION OF A WITNESS BY THE PARTY CALLING HIM

Article 191.	Prohibition on leading Questions . . . . .	Page 105
» 192.	Examination of a hostile or unwilling Witness . . . . .	» 105

#### Section III

##### EXAMINATION OF A WITNESS BY THE OTHER PARTY

Article 193.	Admissibility of leading Questions . . . . .	Page 105
» 194.	Cross-Examination on a written State- ment . . . . .	» 105
» 195.	Questions lawful in Cross-Examination . . . . .	» 106
» 196.	Evidence to contradict Answers to Ques- tions testing Veracity . . . . .	» 107
» 197.	Impeaching the Credit of a Witness . . . . .	» 107



Section IV

EXAMINATION OF WITNESS BY COURT

Article 198. Discretion and Powers of the Court . . . Page 108

Section V

CORROBORATION

Article 199. Accomplices . . . . . Page 109

» 200. Questions tending to corroborate Evidence of Relevant Fact . . . . . » 109

» 201. Former Statement of Witness as Corroboration . . . . . » 109

Section VI

EVALUATION OF EVIDENCE AND DECISIONS ON  
ADMISSIBILITY OF EVIDENCE

Article 202. Court to decide on Weight of Evidence . . . Page 110

» 203. Admissibility of Evidence . . . . . » 110

» 204. Improper Admission or Rejection of Evidence . . . . . » 110

Section VII

GENERAL PROVISIONS

Article 205. Incriminating Answers . . . . . Page 111

» 206. Rules relating to Cross-Examination of an Accused . . . . . » 111

» 207. Interpreters . . . . . » 111

---

**BOOK FOUR**

**APPEALS AND EXECUTION**

**PART I**

**APPEALS**

**CHAPTER I**

**General Provisions**

Article 208.	General Rules . . . . .	Page 115
» 209.	Appeal by Accused . . . . .	» 116
» 210.	Appeals by the Attorney General . . . . .	» 116
» 211.	Appeal by the other Parties . . . . .	» 117
» 212.	Form of Appeal . . . . .	» 117
» 213.	Receipt of the Notice of Appeal . . . . .	» 117
» 214.	Time-limit for Notice of Appeal . . . . .	» 118
» 215.	Notification of Appeal by the Attorney General . . . . .	» 118
» 216.	Grounds of Appeal . . . . .	» 118
» 217.	Application of the Appeal to more than one Person . . . . .	» 119
» 218.	Appeal to Operate as Stay of Proceedings . . . . .	» 119
» 219.	Appeal against Orders and Decisions made before and during the Trial . . . . .	» 120
» 220.	Appeal with regard to Civil Damages . . . . .	» 120
» 221.	Withdrawal of Appeal . . . . .	» 121
» 222.	Transmission of Documents connected with Appeal . . . . .	» 121
» 223.	Inadmissibility of Appeal . . . . .	» 121
» 224.	Cognizance by the Court of the Notice of Appeal . . . . .	» 122
» 225.	Hearing of the Appeal . . . . .	» 123
» 226.	Renouncing the Right to be present at the Appeal Hearing . . . . .	» 123

CHAPTER II

**Appeals**

Section I

GENERAL PROVISIONS

Article 227.	Matters against which Appeal can be taken and Grounds for Appeal . . .	Page 124
» 228.	Courts which may Hear Appeals . . .	» 125
» 229.	Decisions of the Court of Appeal . . .	» 125

Section II

HEARING OF THE APPEAL

Article 230.	Procedure of Court of First Instance to apply to Court of Appeal. Preliminaries to Hearing of Appeal . . . . .	Page 126
» 231.	Hearing of the Appeal . . . . .	» 127

CHAPTER III

**Appeals to the Supreme Court**

Article 232.	Matters against which Appeal may be made to the Supreme Court . . . . .	Page 128
» 233.	Decision by the Supreme Court . . . . .	» 129
» 234.	Hearing of the Appeal in Open Court . . . . .	» 130
» 235.	Appeal against Decisions given by a Court re-hearing a Case remanded by the Supreme Court . . . . .	» 130
» 236.	No Appeal to lie against Decision of the Supreme Court . . . . .	» 130

**CHAPTER IV**

**Revision**

Article 237.	Cases Subject to Revision . . . . .	Page 131
» 238.	Instances in which a Case is subject to Revision . . . . .	» 131
» 239.	Persons who may seek Revision and Petitions for Revision . . . . .	» 132
» 240.	Preliminary Proceedings . . . . .	» 132
» 241.	Hearing in Open Court . . . . .	» 132
» 242.	Procedure when Conviction is set aside . . . . .	» 133
» 243.	Damages . . . . .	» 133
» 244.	Appeal against Judgment in a Remanded Proceedings . . . . .	» 133

**PART II**

**EXECUTION**

**CHAPTER I**

**General Provisions**

Article 245.	Territorial Enforcement of Sentence and other Measures passed by Courts . . . . .	Page 134
» 246.	Enforcement of Judgment and of an Order that Proceedings be Terminated . . . . .	» 134
» 247.	Rules governing Execution . . . . .	» 135

**CHAPTER II**

**Execution of Punishment**

Article 248.	Execution of Death Sentence . . . . .	Page 135
» 249.	Execution of Sentence of Imprisonment . . . . .	» 136
» 250.	Execution of Fines . . . . .	» 137

» 251.	Detention prior to Judgment . . . . .	» 137
» 252.	Execution of Accessory Penalties . . . . .	» 138
» 253.	Revocation of Conditional Suspended Sentence and of other Benefits . . . . .	» 138

### CHAPTER III

#### **Extinction of Offence and Punishment**

Article 254.	Declaration of Extinction of Offence or Punishment . . . . .	Page 139
» 255.	Measures relating to Pardon and Conditional Release . . . . .	» 139
» 256.	Rehabilitation after Conviction . . . . .	» 139

### CHAPTER IV

#### **Matter arising in Execution**

Article 257.	Competence in Matters arising in Execution . . . . .	Page 140
» 258.	Proceedings relating to Matters arising in Execution . . . . .	» 140

### CHAPTER V

#### **Execution of Security Measures**

Article 259.	Application, Modification, Substitution and Revocation of Security Measures . . . . .	Page 141
--------------	---	----------

### CHAPTER VI

#### **Criminal Records**

Article 260.	Criminal Records Office . . . . .	Page 141
» 261.	Orders relating to Criminal Proceedings to be recorded in the Criminal Records Office . . . . .	» 142
» 262.	Civil and Administrative Matters to be Recorded . . . . .	» 142

CHAPTER IV

**Recognition of foreign Criminal Judgments**

Article 282.	Request for Recognition of foreign Criminal Judgments made by the Attorney General . . . . .	Page 154
» 283.	Request for Recognition of foreign Criminal Judgments made by private Persons . . . . .	» 155
» 284.	Form of Application . . . . .	» 155
» 285.	Procedure for Recognition . . . . .	» 155
» 286.	Recognition of Civil Provisions contained in Criminal Judgment in foreign Countries . . . . .	» 156

PART II

**FINAL PROVISIONS**

Article 287.	Power to issue Regulations . . . . .	Page 157
» 288.	Abrogation . . . . .	» 157

