

Dr.Kalindri

Cr.P.C.

LL.B.Three years

Sixth sem.

General provisions as to enquiries and trials --- Part 2

7. Tender of pardon:

- If an accused person is ready to make a full and true disclosure of the whole of the circumstances which are within his knowledge related to an offence then CJM or Metropolitan Magistrate may tender pardon to him at any stage of the investigation, enquiry or trial of an offence provided that he should record his reasons for doing so and shall furnish a copy of such record to the accused free of cost.
- A person accepting a tender of pardon shall be examined as a witness in the court of the magistrate taking cognizance of the offence and the subsequent trial if any and shall be detained in custody, if not in bail until the termination of trial.
- If anything is concealed or false evidence is given then that person may be tried for the offence for which he was pardoned or for giving false evidence.
- Any statement made by the person accepting tender of pardon may be given in evidence against him.

8. In any enquiry or trial the proceedings shall not be adjourned or postponed except for necessary reasons.

9. Local inspection of any place can be done by any judge or magistrate after giving due notice to the parties.

10. Witnesses may be summoned, examined, recalled or re-examined by any court.

11. Personal examination of an accused person shall be done after the prosecution witnesses have been examined and before he enters for his defence. Sec 313 (1)(b). No oath is required.

12. An accused person shall be a competent witness for the defence and may give evidence on oath.

Note: The remaining portion will be discussed in next part.

