

# THE RAJASTHAN PRISONERS RELEASE ON PAROLE RULES, 1958

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# THE RAJASTHAN PRISONERS RELEASE ON PAROLE RULES, 1958

In exercise of the powers conferred by sub-section (6) of section 401 of the Code of Criminal Procedure, 1898<sup>2</sup> (5 of 1898), the Government of Rajasthan is pleased to make the following rules, namely:-

1. Title, commencement and application.- (a) These rules will be called the Rajasthan Prisoners Release on Parole Rules, 1958.

(b) They shall come into force on the date of their publication in the Official Gazette.

(c) These rules shall not apply to persons under a sentence of imprisonment for an offence against any law relating to a matter to which the executive power of the Union of India extends and such persons shall be governed by the Central Rules made under Notification of the

1. Noti. No. F. 16(306) Home-2/54, dated 20.12.1958 (Pub. in Raj. Gaz. pt. IV-C, dated 23.7.1959).
2. Now see the Provision of Code of Criminal Procedure, 1973 (2 of 1974).



Government of India. Ministry of Home Affairs No. 40/32/55 Judl. I, dated the 9th November, 1955, reproduced in the Appendix to these rules.

2. **Definitions.**— In these rules unless there is anything repugnant in the subject or context,—

- (a) "*The Act*" means the Code of Criminal Procedure, 1973<sup>1</sup> (Act 2 of 1974);
- (b) "*Superintendent*" means the Superintendent of a Jail in which a convict to be released on parole under the Act is confined;
- (c) "*Government*" means the Government of Rajasthan;
- (d) "*Parole*" means conditional enlargement of a prisoners from the jail under these rules;
- (e) "*Probation Officer*" means any officer or a person so appointed by the Government for the purpose of looking after a prisoner who had been released on parole.

<sup>2</sup>[(f) "*Prisoners parole Advisory Committee*" (hereinafter referred to as "*State Government*") means a committee consisting of the following which will make recommendation to the Government for the release of those prisoners on parole whose cases do not fall within the purview of the District parole Advisory Committee and decided (i) as the release of those prisoners on parole in respect of whom the functions of the District Parole Advisory Committee have been assigned to the State Committee, (ii) revocation of the orders of prisoners released on parole and (iii) other like matters arising under the rules which State Committee is required to deal with:—

- |  |          |
|--|----------|
| 1. Inspector General of Prisons, Rajasthan             | Chairman |
| 2. Dy. Secretary to Government Home (Jails) Department | Member   |
| 3. <sup>1</sup> [DIG of Prisons (concerned zone)       | Member   |
| 4. Prison Psychologist                                 | Member   |
| 5. Chief Probation Officer                             | Member   |

The quorum for transaction the business of the Committee will be three including the Chairman].

<sup>3</sup>[(g) "*District parole Advisory Committee*" means a committee consisting of the following which will decide as to release of the prisoners on First, Second and Third parole revocation of the orders of Prisoners released on parole and other like matters

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- 1. Subs. by Noti. No. F. 4(2) Home 12/87, dated 15.10.1990 (Pub. in Raj. Gaz. pt. IV-C, dated 28.5.1992).
  - 2. Ins. vide Noti. No. F. 21(58) Gr. 8/78, date 20.5.1977 and Subs. by F. 21(58) Home-12/87 (Pub. in Raj. Gaz. pt. IV-C, dated 7.6.1979).
  - 3. Ins. vide Noti. No. F. 21(58) Home-12/87, dated 10.8.1978 (Pub. in Raj. Gaz. pt. IV-C, date 7.6.1979).



arising under the rules which the District Parole Advisory Committee (hereinafter be referred to as "District Committee" is required to deal with):-

- |  |          |
|--|----------|
| 1. District Magistrate                     | Chairman |
| 2. Superintendent of Police                | Member   |
| 3. Superintendent/Dy. Superintendent, Jail | Member   |
| 4. Probation Officer                       | Member   |

The quorum for transacting the business of the committee shall be two including the Chairman. Where the chairman is unable to attend the meeting of the Committee, the proceedings of the Committee shall be forwarded to the Chairman for his approval. In case the Chairman decides to consider in the next meeting of the Committee which shall be attended by the Chairman also.]

**3. Application for release on parole.-** A prisoner sentenced to imprisonment for not less than one year may, subject to exceptionally good behaviour, be allowed by the Superintendent jail, in which he is confined, to submit application for parole in triplicate in Form-I

**4. The Superintendent Jail to forward the application to the District Magistrate.-** The Superintendent of Jail concerned will enter the application in a register in Form-II and will put his remarks on the application regarding condition of release and the prisoner's conduct in the jail etc. on the application of the prisoner and would forward one copy of it in original to the District Magistrate of the District in whose jurisdiction the prisoner wants to spend his parole period and one copy of the application will be sent to the Probation Officer. The District Magistrate shall enter the application in a register in Form-III.

**5. District Magistrate may reject the application of forward the same to the <sup>1</sup>[Appropriate Committee].-** (a) After consulting the Probation Officer where appointed and if felt necessary the Superintendent of Police of the District or the District Magistrate concerned will give his remarks, whether the convict in question should be released on parole or not. In case the District Magistrate raises no objection to let off the prisoner on parole, he would send all the papers in original to the <sup>1</sup>[State Committee or District Committee on the case may be] for orders stating the conditions on which the prisoner may be released on parole. In case the District Magistrate dis-approves of the release, the application will be sent to the Superintendent Jail concerned stating the reasons of dis-approval.

(b) When the <sup>1</sup>[State Committee or District Committee] receives the recommendation of the District Magistrate, it may consult the presiding

1. Subs. by Noti. No. F. 21(58) Home 12/76, dated 10.8.1978 (Pub. in Raj. Gaz. pt. IV-C, dated 7.6.1979).



judge of the court before or by which the conviction was had or confirmed under [section 432]<sup>1</sup> of the Act, and may accept or reject the application.

<sup>1</sup>[(c) If a prisoner is not eligible for parole under the rules and the Committee keeping in view the condition and circumstances of the prisoner, thinks it proper to release the prisoner on parole on humanitarian grounds, it may recommend the case to the Government. The Government may grant parole to such prisoner as a special case in relaxation of rules. Decision taken in such cases by the Government shall be final.]

6. Conditions of release.- If the <sup>2</sup>[State Committee or District Committee] accepts the recommendation of the District Magistrate, the prisoner shall be released on parole on such conditions and for such period as the <sup>1</sup>[State Committee or District Committee] may direct. The order of release will be in Form-IV.

7. Release on Bond and Security.- The Superintendent of Jail will release the prisoner on parole when he has furnished personal bond and security to the District Magistrate and has thoroughly understood the conditions of his release while on parole or any other condition which the District Magistrate may like to impose on such prisoner.

8. Journey expenses on parole.- The prisoner shall bear the journey expenses from and to the Jail. In cases of destitute prisoners Government may bear the cost of the prisoner's journey from and to the Jail. This concession will only be granted when the prisoner's family is so poor that they cannot meet his travelling expenses which should be mentioned in their application for parole giving at the same time the reasons therefor. In such cases the District Magistrate may cause enquiries to be made as regards the prisoner's financial position and state whether the concession should be allowed or not.

9. Parole period.- A prisoner, who has completed with remission, if any, <sup>1</sup>[one-fourth] of his sentence and subject to good conduct in the Jail, may be released on 1st parole for 20 days including days of journey to home and back, and for 30 days on 2nd parole provided his behaviour has been good during the 1st parole and for 40 days on third parole provided his behaviour has been good during the second parole. If during the third parole also the prisoner has behaved well and his character has been exceedingly well and if the prisoner's conduct has been such that he is not likely to relapse into crime, his case may be recommended to the Government through the <sup>2</sup>[State Committee] for permanent release on parole on such conditions as deemed fit by the Superintendent Jail and the District Magistrate concerned; the chief condition among them

1. Ins. vide Noti. No. F. 2(58) Home-8/76, date 20.5.1977 (Pub. in Raj. Gaz. pt. IV-C, date 9.6.1977).
2. Subs. by Noti. No. F. 21(58) Home 12/76, dated 10.8.1978 (Pub. in Raj. Gaz. pt. IV-C, dated 7.6.1979).



being that if the prisoner while on parole commits any offence or abets, directly or indirectly, commission of any offence, he has to undergo the unexpired portion of the sentence in addition to any sentence imposed upon him by reason of such an offence. In cases the permanent release on parole is rejected the prisoner will be eligible for release on parole for 40 days every year subject to the same conditions for the remaining period of his sentence.

<sup>1</sup>[Provided the cases of prisoners who have been sentenced to imprisonment for life, for an offence for which death penalty is one of the punishments provided by law or who have been sentenced to death but this sentence has been commuted under section 433 of Code of Criminal Procedure into one of life imprisonment shall not be placed before the State Committee for permanent release on parole unless he has served 14 years of imprisonment excluding remission but including the period of detention passed during enquiry, investigation or trial. Such prisoners may be released on parole for 40 days every year for the remaining period of their sentence subject to the conditions stated above.]

<sup>2</sup>[9-A. In emergent cases the Superintendent of Jail shall grant parole upto a period of 7 days only subject to confirmation by the Inspector General of Prisons and for a period of not more than 15 days by the Inspector General of Prisons.]

10. No second and <sup>3</sup>[subsequent release on parole, except release on permanent parole, shall be made unless] eleven months have elapsed from the date of the expiry of the period of release on parole immediately preceding.

<sup>3</sup>[10-A. (i) Notwithstanding the provision of rule <sup>4</sup>[3, 4, 5], 9 and 10, in emergent cases, involving humanitarian consideration viz. (1) critical condition on account of illness of any close relations i.e. father, mother, wife, husband, children, brother or unmarried sister; (2) death of any such close relation; (3) serious damage to life or property from any natural calamity; and <sup>5</sup>[(4) married of a prisoner, his/her son or daughter of his/ or brothers/sisters in case his/her parents are not alive.]

A Prisoner <sup>6</sup>[.....] <sup>4</sup>[may] be released on parole for a period not exceeding 7 days by the Superintendent of the Jail and for a period not

● Subs. by Noti. No. F. 8(1) Home 12/Kara/2007 Part, dated 26.7.2013

1. Added vide Noti. No. 4(2) Home-12/Kara/37 dated 26.5.1994 (Pub. in Raj. Gaz. Ex. ord. 4(Ga)(1) dated 1.6.1994).
2. Ins. vide Noti. No. F. 4(17)(4) H.D./Gr.-II/63, dated 25.3.1966.
3. Ins. vide Noti. No. F. 4(17)(4) H.D./Gr.-II/Karagar/68, dated 29.5.1970.
4. Subs. by Noti. No. F. 21(58) Home 12/76, dated 10.8.1978 (Pub. in Raj. Gaz. pt. IV-C, dated 9.6.1979).
5. Ins. vide Noti. No. F. 18(14) Home/Gr.-12/Kara/82, dated 17.12.1982 (Pub. in Raj. Gaz. Pt. IV, dated 5.1.1983).
6. Deleted by Noti. No. F. 21(58) Home 12/76, dated 10.8.1978 (Pub. in Raj. Gaz. pt. IV-C, dated 7.6.1979).



exceeding 15 days by the Inspector General of Prisons <sup>4</sup>[District Magistrate] on such terms and conditions as they may consider necessary to impose for the security of the prisoner including a guarantee for his return to the jail, acceptance or execution whereof whold be a condition precedent to the release of such prisoner on parole.

<sup>1</sup>[(i-a) Notwithstanding anything contained in these rules, where a pregnant woman prisoner applies for parole to have her delivery outside the prison, the Director General-cum-Inspector General of Prisons may grant parole to such a woman prisoner for a period not exceeding forty five days on such terms or conditions as he may consider necessary to impose for the security of the prisoner including a guarantee for her return to Jail, acceptance or execution whereof shall be a condition precedent to the release of such prisoner on parole :

Provided that no prisoner shall be granted or relased on parole under this sub-rule, if, in the opinion of the Director General cum Inspector General of Prisons, the prisoner is under high security risk or is undergoing sentence for committing a grave offence.]

(ii) A copy of the order for release of prisoners on parole shall be endorsed to the next higher authority giving full circumstances under which the parole has been allowed.]

<sup>2</sup>[In case the next higher authority does not approve the grant of parole, he may ask the authority granting the parole to revoke the same who shall act accordingly.]

**11. Supervision of Probation Officer.-** (a) In course of release on parole except the permanent release, the prisoner shall remain under supervision of a guardian approved by the <sup>2</sup>[State Committee/District Committee] who shall report any breach of the conditions of parole to the District Magistrate concerned.

(b) In case of permanent release on parole the prisoner should be under the supervision of a probation officer, where appointed. The supervision of a probation officer will be for the unexpired period of sentence allowed to be spent on parole.

<sup>3</sup>[**12. Parole period regarded as imprisonment served.-** The period for which a prisoner stays on parole under rule 9, without violating the conditions laid down for the purpose, shall be treated as imprisonment served by him. All other kinds of parole shall be treated as sentence suspended.]

**13. Aim of parole to encourage good conduct.-** The grant of parole should be regarded as concession to encourage good conduct and it shall not be claimed by prisoners as a matter or right.

1. Ins. Noti. No. F. 8(1) Home-12/Kara/2006, G.S.R. 9, dated 29.1.2007 (Pub. in Raj. Gaz. 4(Ga)(1), dated 8.2.2007, at page 23). (w.e.f. 8.2.2007).
2. Subs. by Noti. No. F. 21(58) Home 12/76, dated 10.8.1978 (Pub. in Raj. Gaz. pt. IV-C, dated 9.6.1979).
3. Subs. by Noti. No. F. 4(2) Home 12/87, dated 15.10.1990 (Pub. in Raj. Gaz. pt. IV-C, dated 28.5.1992).



**14. Ineligibility for release.**— The following classes of prisoners will ordinarily not be eligible for release on parole:—

- (a) persons whose ordinary place of residence is outside the State of Rajasthan or who have been convicted by a Court Martial or a Court of another State;
- (b) Persons convicted under the Explosive Substances Act, 1908;
- (c) Prisoners who have escaped from the Jail or Police custody or attempted to escape;
- (d) Persons who have been convicted for offences under sections 121 to 140, 216A, 302, 303, 311, 328, 332, 364, 386, 387, 388, 389, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 413, 455, 458, 459 and 460 of the Indian Penal Code, 1860;

unless they have undergone <sup>1</sup>[one-fourth] of the sentence including remission and the Superintendent of Jail recommends the case in consultation with the District Magistrate with special reasons therefor. In granting parole to prisoners sentenced u/s. 302 I.P.C. the circumstances of the case under which the murder was committed, such as murder committed for possession of land or over honour of women or as a result of family feuds shall be kept in view and favorably considered for parole.

**15. Computation of sentences.**— For the purpose of these rules the following principles shall be observed in computing the period of sentence of imprisonment, namely:—

- (a) When a prisoner has been sentenced to several terms of imprisonment for several offences, and the sentences of imprisonment have been ordered to run concurrently, then the longest single sentence which the prisoner is undergoing shall be deemed to be the term of his imprisonment;
- (b) When a prisoner has been sentenced to several terms of imprisonment for several offences and the sentences of imprisonment have been ordered to run consecutively, the total period which the prisoner is to undergo shall be deemed to be the term of his imprisonment;
- (c) Remission already earned by the prisoner <sup>2</sup>[.....] shall be counted as imprisonment served by him; and
- (d) Life sentences <sup>3</sup>[for the purpose of these rules] be reckoned as 20 years.

1. Subs. vide Noti. No. F. 2(58) Home-8/76, date 20.5.1977 (Pub. in Raj. Gaz. pt. IV-C, dated 7.6.1977).

2. Omitted by Noti. No. F. 4(2) Home 12/87, dated 15.10.1990 (Pub. in Raj. Gaz. pt. IV(C), dated 28.5.1992).

3. Subs. by ibid.



**Explanation.**— The expression "*Sentence of imprisonment*" in these rules shall include imprisonment in default of payment of fine and imprisonment for failure to furnish security under Chapter VIII of the Act.

**16. Revocation.**— (i) The District Magistrate, on receiving information from the probation officer or any other source, of the breach by the prisoner of the conditions of parole, shall serve a notice on him, to show cause why his parole should not be revoked. If the prisoner present himself in response to the notice then, after hearing him and if he does not presents himself, then without hearing him, the District Magistrate may request the <sup>1</sup>[State Committee/District Committee] for revocation of the prisoner's parole.

(ii) In case the District Magistrate decides to recommend the revocation of the parole, he may, at the same time, if he considers that prisoner is unfit to be allowed to remain at large under parole, order his arrest and detention in the Jail from which he was released pending the receipt of the order of the <sup>1</sup>[State Committee/District Committee].

(iii) The <sup>1</sup>[State Committee/District Committee] shall, on receipt of the District Magistrate's recommendation, pass such orders as it may deem proper. In case of revocation an order under section 401(3) of the Act shall be issued by the <sup>1</sup>[State Committee/District Committee] in Form V.

**17. Government and the <sup>1</sup>[State Committee/District Committee] have power to cancel.**—(a) The <sup>1</sup>[State Committee/District Committee] can cancel the grant of parole during the period of parole, whenever it thinks proper to do so.

(b) The government can also cancel the grant of parole during the period of parole, whenever it thinks proper to do so.

**18. Punishment for breach of conditions of Parole.**— The following punishments may be awarded to the prisoners for over staying their sanctioned parole period or for breach of any other condition laid down namely:—

- (i) He should not be let off on parole in future unless the Superintendent of Jail is fully satisfied that he will not commit any breach of conditions in future.
- (ii) In case the prisoner is released on parole on the recommendation of the Superintendent of Jail concerned after the breach of condition, the period of release on parole would be 7 days excluding days of journey to home and back. The next Parole will be 15 days (provided he has behaved himself well during the period) and 30 days in the fourth parole.

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1. Subs. by Noti. No. F. 21(58) Home 12/76, dated 10.8.1978 (Pub. in Raj. Gaz. pt. IV-C, dated 7.6.1979).



- (iii) If the prisoner again overstays or commits any breach of the terms of the parole, he shall be permanently debarred from the concession of release on parole.

19. **General.**— If a prisoner does not surrender himself on the expiry of the parole period without sufficient reasons therefore, he may be arrested by any police officer without a warrant and shall be remanded to undergo the unexpired portion of his sentence.

20. If the prisoner commits any fresh offence during his parole period, he shall be re-arrested and shall undergo the unexpired portion of his sentence besides any other sentence that may be awarded to him.

21. For the prompt disposal of applications regarding release of prisoners on parole on the ground of serious illness or death of their near relatives (Father, Mother, Daughter, Son, Husband or Wife), the District Magistrate will deal with the application expeditiously and cause immediate enquiries to be made and communicate his recommendation to the <sup>1</sup>[State Committee/District Committee] within four days of the date of receipt of the application for parole.

<sup>2</sup>[22. Where the State Government considers it expedient in the interest of effective and quick disposal of applications to release of prisoners on parole or it appears to the State Government that the District Committee is not able to function properly, it may assign the functions of the District Committee to the State Committee.

**FROM-I**  
(See Rule 3)

**Petition**

(To be filled in by the prisoner)

1. Name.....
2. Father's name and caste.....
3. Village, Tehsil, Sub-Division and District.....
4. Name of the guardian.....
5. Name of persons who are prepared to stand as sureties.....

**Declaration by the Prisoner**

I hereby declare that I desire to be released on Parole under section 401(1) of the Code of Criminal Procedure, 1898]<sup>3</sup> (Act 5 of 1898), and shall faithfully comply with the conditions of the parole, if released. I further agree to render myself liable to punishment for breaches of the

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1. Subs. by Noti. No. F. 21(58) Home 12/76, dated 10.8.1978 (Pub. in Raj. Gaz. pt. IV-C, dated 7.6.1979).
  2. Ins. by ibid.
  3. Now see the Provision of Code of Criminal Procedure, 1973 (2 of 1974).



conditions of parole under the Rajasthan Release of Parole Rules, 1958.

Dated .....20.....

Signature of the prisoner  
Convict Register No.....

(To be filled in by the prisoner)

1. Name and register No. of prisoner.....
  2. Name of prisoner's father.....
  3. Prisoner's residence, Mohalla and.....  
Village, Police Station, District.....
  4. Prisoner's age.....
  5. Sentencing authority with case No.....
  6. Law under which sentenced.....
  7. Sentence.....
  8. Date of sentence.....
  9. (a) if casual, whether "STAR"  
(b) If habitual, whether professional
  10. (a) Period spent in Jail up to the date of application  
(b) Period spent in Jail up to the date of re-admission after the  
last release on parole, if any.
  11. Conduct during the last release on parole.
  12. (a) Date of eligibility for release  
(b) Period of parole for which eligible.
  13. Physical and mental condition.
  14. Conduct in Jail.
  15. Is it advisable to release the prisoner on parole, if so, on  
what conditions.
  16. Any other remarks by the Superintendent.
- Date.....20.....

Superintendent,  
Jail.....

(To be filled in by the Distt. Magistrate)

1. Date of receipt in the Distt. Magistrate' office.
2. Brief history of the case (nature of the crime, if determined by  
the court, should also be mentioned).
3. Is it advisable to release the prisoner on parole ?
4. Amount of personal bond and sureties to be furnished.
5. Having regard to the prisoners antecedents and his conduct in  
Jail, is he likely to abstain from crime and lead a peaceable life,  
if released on parole ?



<sup>1</sup>[The application is rejected.

### Recommendation

<sup>1</sup>[It is recommended that the prisoner named above may be released on parole for.....days on furnishing a personal bond of Rs..... and two sureties of Rs.....each.

Dated.....20.....

### Orders of the Government.

<sup>1</sup>[The recommendation of the District Magistrate is accepted/rejected.

Dated.....20.....

*Home Secretary to the  
Government of Rajasthan*

### FROM-II

#### Jail Register of Application for release on parole under rule 4

S.No.	Date of application	Name & No. of prisoner	Whether application rejected by Supdt.	Whether returned by supdt. to prisoner
1	2	3	4	5

Date of eligibility	Actual date of release	Date of expiry of parole	Date of re-admission to Jail	Date of revocation	Remarks if any
6	7	8	9	10	11

### FROM-III

#### Register of Application for release Rule 4 maintained in the office of the District Megistrate

S.No.	Date of receipt of application from Supdt.	Name & No. of prisoner	Whether recommended
1	2	3	4

1. to be struch off as the case may be.



Amount of sureties	Orders of Government	Date of revocation if any	Remarks, if any
5	6	7	8

## FROM-IV

**(Order of Release under Section 401(i) Cr.P.C., 1898)<sup>1</sup>**

In exercise of the power conferred by section 401(i) of the Code of Criminal Procedure, 1898]<sup>1</sup> (Act 5 of 1898) the Governor of Rajasthan is pleased, subject to the convict hereinafter described furnishing a personal bond and two sureties of Rs..... each for the observance of the conditions hereinafter set forth, to order the release on parole for a period of..... days of.....S/o.....age..... resident of village..... Police Station.....district..... at present confined in the Central/District Jail.....Jail Register No.....

The period of this parole shall expire on the.....day of the release of the convict who shall on such expiry return to the prison.

**Conditions to be observed by the convict**

The convict shall remain under the supervision and authority of the probation officer during the period of parole. He shall obey all the instructions of the said officer issued to him either verbally or in writing regarding his residence, movement, conduct, etc.

(2) He shall not proceed beyond the limits of the places within which his movements may be restricted by the Probation Officer without his permission and shall proceed to any place directed by the Probation Officer and by the route prescribed by him.

(3) He shall report himself at such times and places and to such persons as the Probation Officer may from time to time direct.

(4) He shall not commit within the Indian Union any criminal offence punishable by any law for the time being in force in the Union or any part thereof.

(5) He shall not in any way associate with persons known to be of bad character or lead desolute or evil life.

(6) If in the opinion of the State Government, he is found to have committed a breach of the above mentioned conditions, the State Government may, after the person concerned has been given an opportunity to represent

1. Now see the Provision of Code of Criminal Procedure, 1973 (2 of 1974).



his case before the District Magistrate, revoke the parole and direct his recommitment to the prison to serve the rest of the sentence.

*By Order of the Governor  
Secretary to the Government of Rajasthan*

**FROM-V**  
**(Order of Revocation of Parole under  
Section 401(3) Cr.P.C., 1898)<sup>1</sup>**

In exercise of the powers conferred by sub-section (3) of section 401 of the Code of Criminal Procedure, 1898<sup>1</sup> (Act 5 of 1898) the Governor of Rajasthan hereby revoke, with effect from.....

The parole sub-section (i) of the said section of the said Act, granted on..... s/o..... resident of..... convict No..... Central/District Jail..... and directs that he be re-admitted into the prison to serve out his sentence.

*By Order of the Governor,  
Secretary to Government of Rajasthan*

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1. Now see the Provision of Code of Criminal Procedure, 1973 (2 of 1974).