

THE ¹[KHYBER PAKHTUNKHWA] (ADOLESCENT) PRISONER'S RELEASE ON PROBATION ACT, 1948.

(Act No. XXIII of 1948)

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¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

**THE ¹[KHYBER PAKHTUNKHWA] (ADOLESCENT) PRISONER'S
RELEASE ON PROBATION ACT, 1948.**

(Act No. XXIII of 1948)

(Received the assent of the Governor-General on the 3rd January, 1949).

**AN
ACT**

*to provide for the release of certain adolescent prisoners on conditions
prescribed by the Provincial Government.*

WHEREAS it is expedient to provide for the conditional release from prison of certain adolescent prisoners before the completion of the term of imprisonment to which they have been sentenced;

Preamble.

It is hereby enacted as follows:—

1. (1) This Act may be called the ²[Khyber Pakhtunkhwa] (Adolescent) Prisoner's Release on Probation Act, 1948.

Short title, extent and commencement.

(2) It extends to the whole of the ³[Province of the Khyber Pakhtunkhwa]

(3) It shall be deemed to have come into force on the 23rd day of May 1945.

2. Notwithstanding anything contained in Section 401 of the Code of Criminal Procedure, 1898, where an adolescent person is confined in prison under a sentence of imprisonment, and it appears to the Provincial Government from his antecedents and his outstandingly good conduct in the prison that he is likely to abstain from crime and lead a peaceful life if he is released from prison, the Provincial Government may, by license, permit him to be released on condition that he be placed under the supervision or authority of a Government Officer, or a person professing the same religion as the prisoner, or such secular institution or such society belonging to the same religion as the prisoner, as may be recognised by the Provincial Government for this purpose, provided such other person, institution or society is willing to take charge of him:

Power of Government to release by license on condition imposed by it.

Provided that a male adolescent prisoner shall not, and a female adolescent prisoner shall be placed under the supervision or authority of the parents or near relatives which terms shall mean brother, sister, paternal and maternal uncles and aunts and their sons and daughters, brother's wife, sister's husband and brother's and sister's children:

¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

² Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

³ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

Provided further that the term near relative in connection with a female adolescent prisoner shall also include her husband and in the case of a male adolescent prisoner, his wife and his wife's parents, brothers, brother's wife, sister, sister's husband and brother's and sister's children.

Explanation I. —The expression "sentence of imprisonment" in this section shall include imprisonment in fine and imprisonment for failure to furnish security under Chapter VIII, of the Code of Criminal Procedure, 1898.

Explanation II.—"Adolescent prisoner" means a prisoner under the age of 25 years and confined in the Adolescent Training Centre of a Prison in the ¹[Khyber Pakhtunkhwa] or in the case of a woman adolescent prisoner confined in a jail in the ²[Khyber Pakhtunkhwa].

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| <p>3. A license granted under the provisions of Section 2 shall be in force until the date on which the person released would in the execution of the order of warrant authorising his imprisonment have been discharged from prison had he not been released on license, or until the license is revoked whichever is earlier.</p> | <p>Period for which license is to be in force.</p> |
| <p>4. The period during which a person is absent from prison under the provisions of this Act on a license which is in force shall be reckoned as part of the period of imprisonment to which he was sentenced, for the purpose of computing the period of his sentence and for the purpose of computing the amount of remission of sentence which might be awarded to him under any rules in force relating to such remission.</p> | <p>Period of release to be reckoned as imprisonment for computing period of sentence served.</p> |
| <p>5. A license granted under the provisions of Section 2 shall be in such form and shall contain such conditions as the Provincial Government may, by general or special order or by rules made in this behalf, direct.</p> | <p>Form of license.</p> |
| <p>6. (1) The Provincial Government may, at any time for reasons to be recorded in writing, revoke a license granted under the provisions of Section 2:</p> | <p>Power to revoke license.</p> |

Provided that no license shall be revoked on the ground of the breach of a condition of the license without giving an opportunity to the person concerned to represent his case before the ³[District Coordination Officer] of the district in which he is residing at the time.

(2) An order of revocation passed under the provisions of sub-section (1) shall specify the date with effect from which the license shall ceased to

¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

² Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.

³ Substituted vide Khyber Pakhtunkhwa Ord. No XVIII of 2001.

be in force, and shall be served, in such manner as the Provincial Government may by rule prescribe, upon the person whose license has been revoked.

7. (1) If any person escapes from the supervision or authority of a Government Officer or secular institution or a person in whose charge he has been placed under the provisions of Section 2, or if any person whose license has been revoked under the provisions of Section 6, fails, without lawful excuse the burden of proving which shall be upon him to return to the prison from which he was released, or before the date specified in the order of revocation such person shall on conviction by a Magistrate, be liable to serve the unexpired portion of his original sentence and also be punishable with imprisonment for a further term which may extend to two years or with fine not exceeding two hundred rupees, or with both.

Released abaconcs who escape from supervision to be punishable.

(2) An offence punishable under sub-section (1) shall be deemed to be cognizable offence within the meaning of clause (f) of sub-section (1) of Section 4 of the Code of Criminal Procedure, 1898.

8. (1) The Provincial Government may remit the whole or a part of the sentence of an adolescent person sentenced to imprisonment for an offence under any Act, if such person entering into a bond, with one or more sureties, in such amount and for such period as the Provincial Government may direct, to be of good behaviour and to observe such conditions as to residence or otherwise as the Provincial Government may impose.

Power of Government to remit sentence.

(2) The provisions of Sections 126, 126-A, 514, 514-A, 514-B and 515 of the Code of Criminal Procedure, 1898, shall so far as they may be applicable, apply in the case of sureties offered and bonds given under this section as if they had been offered and given under Chapter VIII of the said Code:

Provided that if any person required under Section 126-A or 514-A of the said Code to furnish fresh security fails to furnish the same, the Provincial Government may cancel the order passed under sub-section (1) and order that such person shall serve the whole or so much of his unexpired sentence as the Provincial Government may direct.

(3) If any person released under sub-section (1) fails to observe the conditions of his bond the Provincial Government may direct that he be re-arrested and sent to prison to serve the whole or such part of his un-expired sentence as it may direct, in addition to any proceedings that may be taken against him or his surety or sureties in respect of such bond under the said Code.

9. The Provincial Government may make rules consistent with this Act—

Power to make rules.

(1) for the form and conditions of licenses on which prisoners may be released,

- (2) for the appointment of a Government officer, the recognition of institutions and societies referred to in Section 2,
- (3) for defining the powers and duties of Government Officers institutions or persons under whose authority or supervision, conditionally released persons may be kept,
- (4) for defining classes of offenders who may be conditionally released, and the periods of imprisonment after which they may be so released,
- (5) for prescribing the manner in which an order of revocation of a license shall be served on the person whose license is revoked, and,
- (6) generally for carrying into effect all the purposes of this Act.

10. All licenses granted, sentences remitted and orders passed under the ¹[Khyber Pakhtunkhwa] (Adolsetent) Prisoner's Release on Probation Act, 1940 (Governor's Act No. II of 1940) on and from the twenty-third day of May, 1945, on which date the said Act expired upto the enactment, of this Act shall be deemed to be as valid as if the said Act had not expired,

Validation of licenses granted sentences, remitted, an acts done.

¹ Substituted vide Khyber Pakhtunkhwa Act. No. IV of 2011.