

THE CODE OF CRIMINAL PROCEDURE (TEMPORARY PROVISIONS) ACT, 1957.

[Act No. XLIII of 1957.]

1. (1) This Act may be called the Code of Criminal Procedure (Temporary Provisions) Act, 1957.

(2) It shall remain in force until the President of the Union by notification declares that it shall cease to be operative ; and when it so ceases by virtue of any such notification, the provisions of section 5A of the Burma General Clauses Act shall not have any effect.

2. Section 497 of the Code of Criminal Procedure, hereinafter referred to as the Code, shall have effect as if *for* sub-section (1) thereof the following *were substituted*, namely :—

“(1) When any person accused of any non-bailable offence is arrested or detained without warrant by an officer in charge of a police station, or appears or is brought before a Court, he may be released on bail, but he shall not be so released if there appear reasonable grounds for believing that he has been guilty of an offence punishable with death or transportation for life or of an offence punishable with imprisonment under section 4 (2) of the Suppression of Corruption Act, 1948 :

Provided that the Court may direct that any person under the age of sixteen years or any woman or any sick or infirm person accused of such an offence be released on bail :

Provided also that where the trial of a person accused of any offence punishable under section 4 (2) of the Suppression of Corruption Act, 1948, is not concluded within a period of 12 months from the first day fixed for taking evidence in the case owing to any cause that is not attributable to the person accused of such offence, the Court may direct that such person be released on bail, if he has been in custody during the whole of the said period of 12 months, and if the Court does not release such person on bail it shall record its reasons in writing.”

3. Section 498 of the Code shall have effect as if *for* sub-section (1) thereof the following *were substituted*, namely :—

“(1) The High Court or a Court of Session may in any case, where the offence is not punishable with death or transportation for life or with imprisonment under section 4 (2) of the Suppression of Corruption Act, 1948, whether there be an appeal on conviction or not, direct that any person be admitted to bail, or that the bail required by a police officer or Magistrate be reduced :

Provided that where the trial of a person accused of any offence punishable under section 4 (2) of the Suppression of Corruption Act, 1948 is not concluded within a period

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of 12 months from the 1st day fixed for taking evidence in the case owing to any cause that is not attributable to the person accused of such offence, the High Court or the Court of Session may direct that such person be released on bail if he has been in custody during the whole of the said period of 12 months.”

4. The Code of Criminal Procedure (Temporary Provisions) Act, 1954, is hereby repealed.