



Dated the 1<sup>st</sup> September, 2017

**EXECUTIVE DIRECTIVE No.21/2017**

**Sub:-Procedure in UA(P)A Cases - Regarding.**

Certain deficiencies have come to our notice in relation to the Court handling UA(P)A Cases. UA(P)A is a Special Legislation and amendments were made in the year 2008 and in the year 2012 to handle terrorism related criminality.

02. In one of the cases after the Public Prosecutor filed an application to extend the time beyond 90 days of the arrest of the accused (which can be extended up to 180 days under Sec.43 of UA(P)A, 1967), the Court did not pass an Order. The Court has to pass an order for such extension. Similarly, the all also should understand the implications of the **review** of the evidences as contemplated in Sec.45(2) of UA(P)A and the constitution of the Review Authority, the methodology in according Sanction for Prosecution, etc.

03. It is highly desirable that the DGP (NZ)/ADGP (SZ)/IsGP (Ranges)/ All DPCs and Officers of CB CID must understand the procedure to be adopted in UA(P)A Cases, especially the procedural part as envisaged in Sec.43 and 45 of UA(P)A . Any procedural violation will be spoiling the cases and chances of successful Prosecution will be defeated.

The following points need to be kept in mind:

1. The **Police Remand** can be extended beyond 15 days only when the Investigating Officer files an explaining and convincing report before the Court to extend the period of Remand (which can be extended up to 30 days). Therefore, the Investigating Officer must prepare such a report to extend remand period and submit the same to the Court on the 13<sup>th</sup> day of Remand. Then only the Court can extend the period of Remand beyond 15 days and that too on time.

2. If in any event the investigation is not completed within 90 days of the arrest of the accused, the Public Prosecutor (PP) has to move a Petition before the Court - say 5 to 6 days prior to the completion of the 90 days - and convince the Court to extend the period up to 90 days. However, a Court can extend the period for a few days (say 10 or 20 or 30 days) after considering the arguments of the Public Prosecutor. The Court is not bound to extend 90 days.