

Annexure A

**Kwara State Administration**

**of Criminal Justice Bill**

**ARRANGEMENT OF SECTIONS**

**SECTION**

Short Title  
Establishment of Kwara State Administration of Criminal Justice Bill

**Schedule**

*Criminal Procedure Code*

**Part 1**

**CHAPTER I**

Preliminary

**PART II**

*The Constitution and Powers of Criminal Courts*

**CHAPTER II**

*The Constitution of Criminal Courts*

Classes of Criminal Courts.  
Power to divide the State into districts.  
Establishment and jurisdiction of magistrate's court in each district.  
Presiding officer not to exceed powers  
Appointment of magistrates  
Territorial jurisdiction of magistrates  
Power of chief magistrate to direct a subordinate magistrate  
Appointment and removal of justices of the peace.

**CHAPTER III**

**POWER OF CRIMINAL COURTS**

Offences under Penal Code and jurisdiction of area courts.  
Offences under other laws.  
Jurisdiction of High Court.  
Jurisdiction of Chief Magistrates to pass sentence  
Jurisdiction of Senior Magistrates  
Jurisdiction of Magistrates of the first grade.  
Jurisdiction of Magistrates of the second grade.  
Power of House of Assembly to increase jurisdiction of magistrate  
Combination of sentences.  
Imprisonment in default of payment of fine  
Power to inflict fine in lieu of imprisonment.  
Sentences in case of convictions of several offences at one trial.  
Power to bind parties to be of good behavior.

**PART III**  
*Arrest and Process*

**CHAPTER IV**

*A – Arrest*

When police may arrest.  
Powers in regard to suspected persons.  
When private person may arrest.  
Arrest for offence committed in presence of justice of the peace.  
Arrest by or in presence of justice of the peace or superior police officer.  
Resisting endeavour to arrest.  
Power to seize offensive weapons.  
When public are bound to assist in arrest.  
Pursuit of offender into other jurisdictions.  
Power to break out of any place for purpose of liberation.  
No unnecessary restraint to arrested persons.  
Notification of cause of arrest.

*B – Procedure after Arrest*

Procedure after arrest by private person.  
Person arrested to be taken before a court or officer in charge of police station.  
Procedure when offender has refused to give his name and address.  
Person arrested without warrant not to be detained more than twenty-four hours.  
Police to report arrest.  
Search of arrested person.  
Discharge of arrested person.  
Register of arrests.

**CHAPTER V**  
*Processes to Compel Appearance*

*A – Summons*

Summons by whom served.  
Manner of serving summons.  
Service on corporation.  
Service on Local Government.  
Service when person summoned cannot be found.  
Inability of person served to sign or seal  
Service of summons outside local limits.  
Proof of service.

*B – Warrant of Arrest*

Form of warrant of arrest.  
Court may direct security to be taken.  
Warrant to whom directed.  
Re-direction of warrant.  
Notification of substance of warrant.  
Power to arrest without warrant.  
Person arrested to be brought before court without delay  
Where warrant may be executed.  
Warrant forwarded for execution outside jurisdiction.  
Procedure for arrest executed outside jurisdiction.  
Procedure on arrest under warrant outside jurisdiction.

*C – Public Summons and Attachment*

Public summons for person absconding  
Attachment of property of person  
Restoration of attached property.

*D – Other Rules regarding Process*

Issue of warrant in lieu of or in addition to summons.  
Power to take bond for appearance.  
Provisions of this chapter generally applicable to summons and warrant.

**CHAPTER VI**

MEANS TO SECURE THE PRODUCTION OR DISCOVERY OF DOCUMENTS OR OTHER THINGS AND FOR THE  
DISCOVERY AND LIBERATION OF PERSONS UNLAWFULLY CONFINED

**A – SUMMONS TO PRODUCE**

Summons to produce document or other thing.

**B – Searches and Orders for Production and Liberation of Persons**

Issue of search warrant by court or justice of the peace.  
Application for search warrant.  
Search for stolen property, etc.  
Search for person wrongfully confined.  
Search to be made in presence of witnesses.  
Searching of women's' quarters.  
Occupant of place searched may attend.  
Search of person found in place.  
Mode of searching woman.  
Execution of search warrant outside jurisdiction.  
Provisions as to warrants of arrest to apply to search warrants.  
Justice of the peace may direct search in his presence.  
Impounding of document, etc.

**PART IV**

*The Prevention of Crime*

**CHAPTER VII**

SECURITY FOR KEEPING THE PEACE AND FOR GOOD BEHAVIOUR

**A – Security for Keeping the Peace and for Good Behaviour on Conviction** Security on conviction.

**B – Security for Keeping the Peace and for Good Behaviour in Other Cases**

Security in other cases.

Security for good behavior from habitual offenders.

Warrant for arrest may issue if breach of peace likely.

Contents of summons or warrant under section 88, 89 or 90.

Inquiry as to truth of information.

Order to give security.

Discharge of person informed against.

*C – Proceedings in all Cases Subsequent to Order to Furnish Security*

Commencement of period for which security is required.

Contents of bond.

Imprisonment in default of security.  
Power to reject sureties.  
Power to release persons imprisoned for failure to give security.  
Power to cancel bond.

## **CHAPTER VIII**

### **UNLAWFUL ASSEMBLIES AND RIOTS**

Assembly to disperse on command of justice of the peace, police or commissioned officer,  
Use of civil force to disperse.  
Protection against prosecution for acts done under this chapter.

## **CHAPTER IX**

### **PUBLIC NUISANCES**

Conditional order for removal of nuisance.  
Service of order.  
Person to whom order is addressed to obey or appear before court.  
Consequences of failure to obey order or to appear.  
Procedure where person appears.  
Consequences of disobedience to order made absolute.  
Order pending inquiry.  
Prohibition of repetition or continuance of nuisance.

## **CHAPTER X**

### **PREVENTIVE ACTION BY POLICE AND PUBLIC**

Prevention by police and others of offences and injury to public property.  
Public to assist justice of the peace, etc.

## **CHAPTER XI**

### **DUTY OF PUBLIC AND OF AREA HEADS TO GIVE INFORMATION**

Public to give information of certain offences.  
Area head bound to report certain matters.  
Investigation by area head on receiving information Report.  
Power of court on receiving First Information Report.  
Case diary to be kept by police.  
Use of case diary.  
Power of police to summon and examine.  
No inducement to be offered.

## **CHAPTER IX**

### *Public Nuisances*

Conditional order for removal of nuisance.

Service of order. **CHAPTER VIII**

*Unlawful Assemblies and Riots*

