



COMMITTEE
FOR THE
WELFARE OF
PRISONERS



Appeals and Petitions



01

How can I file a petition from prison? Is there any facility for prisoners to facilitate them filing petition?



The Deputy Superintendent shall inform every convicted prisoner, on first admission to prison, of the period within which an appeal from the order under which he has been committed to prison may be filed. If the prisoner desires to appeal, every facility shall be given to him for the purpose. A request for appeal, made within the period allowed, shall be attended to forthwith.

[Rule#462]

02

How can I file petition/application for special leave?

Appeals can only be preferred to the Supreme Court of Pakistan in pursuance of special leave to appeal granted by the Court upon a petition in that behalf presented by or on behalf of the intending appellant.

All petitions and applications for special leave to appeal shall ordinarily be lodged in the Supreme Court within thirty (30) days from the date of the judgment or order against which appeal is to be filed; provided that the Supreme Court may, for sufficient cause, extend the time.

For this purpose, an application for condonation of delay setting forth cogent reasons shall have to be filed along with the petition of appeal.

The petitioner, if he is in prison, may either direct his relatives to file a petition for special leave to appeal in the Supreme Court, through a properly constituted attorney enrolled in that court or present his petition for special leave to appeal and the following documents to the officer in charge who shall, after obtaining signature or thumb-impression of the petitioner thereon, forward the same to the Registrar Supreme Court of Pakistan for disposal.



03

01 A certified copy of the judgment of the High Court appealed against;

02 A certified copy of the judgment of the Lower Court in case of an appeal for a conviction by the High Court reversing an order of acquittal passed by the Lower Court; and

03 An application for condonation of delay if petition for special leave to appeal is preferred after the prescribed time.

04

What is the time limit to file an appeal?

01 The periods allowed for appealing are as follows:

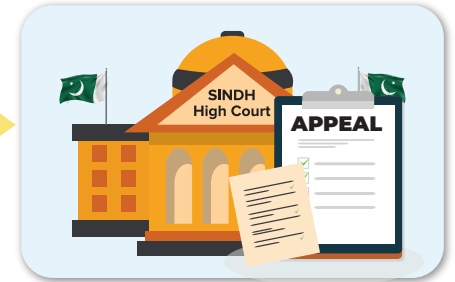
(a) Appeal from the decision of a Court of Magistrate 30 days

(b) Appeal to the Sessions Court 30 days

(c) Appeal to High Court against sentence of death 07 days

(d) Appeal to the High Court in all other cases 60 days

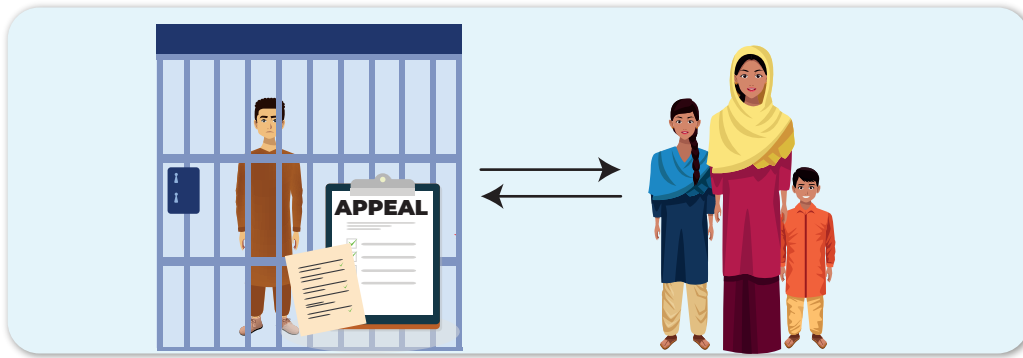
(e) Petition for special leave to an appeal to Supreme Court 30 days



02 The presentation of a petition of appeal by a convicted prisoner to the officer in charge shall, for the purpose of the Limitation Act, 1908, be equivalent to presentation to the Court. (Vide section 420 of the Code of Criminal Procedure).

03 The officer in charge shall not withhold the appeal of any convicted prisoner, even though it be apparently barred by limitation.

Shall I have opportunity to discuss my appeal related issues with family and friends?



Every convicted prisoner shall be allowed reasonable opportunity of interviewing his relatives, friends and legal advisers for the purpose of preparing his appeal. Every such interview shall be allowed within sight, but out of hearing of the prison officer supervising the interview.

If a relative or agent of the convicted prisoner undertakes to submit an appeal on his behalf, the arrangement must be authorized by a power of attorney to which the convicted prisoner shall affix his signature or thumb impression.

This shall be attested by the Deputy Superintendent or Assistant Superintendent.

What in case I don't have any family or friends?

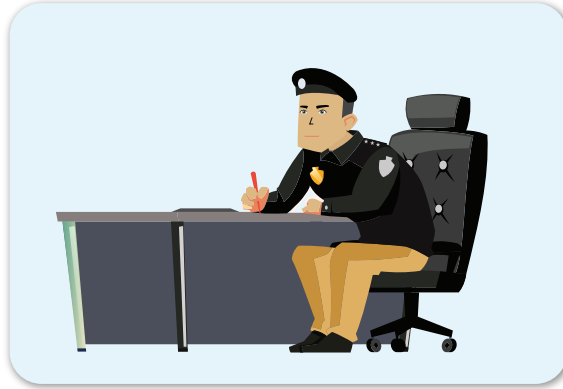
If a convicted prisoner without a friend, relative or counsel to act for him, elects to appeal, the officer in charge shall apply to the Court concerned for a copy of the judgment or order against which the appeal is to be filed. If several persons are sentenced in the same case, only one copy of judgment shall suffice for all the prisoners electing to appeal from the same prison.

On receipt of the copy of the judgment or order, a prisoner if literate shall be allowed to write his own appeal. If the prisoner is not able to write, the officer in charge shall cause his appeal to be written for him by another prisoner or a prison officer strictly in accordance with the dictation of the appellant.



An appeal preferred by a prisoner from the prison shall, before dispatch, be read over to him in the presence of the Deputy Superintendent. If the prisoner approves of the appeal, he shall affix his signature or thumb-impression on it.

07



The Deputy Superintendent shall sign the document and cause the official seal of the prison to be stamped on it.

The officer in charge shall forward the appeal, with a copy of the judgment or order appealed against, direct to the appellate court as required by section 420 of the Code of Criminal Procedure.

The appellate court will itself requisition the records from the Record Room.

If after the receipt of the copy of the judgment or order, a relative, friend or agent of the prisoner undertakes to file the appeal on his behalf and the prisoner is willing, a copy of the judgment shall be delivered to him and a proper receipt obtained for it.

The provisions of this rule shall also apply, mutatis mutandis, to petitions for revision or clemency and the like.

Can a condemn prisoner file a petition for mercy?

Immediately on receipt of intimation of the dismissal by the Supreme Court of his appeal or application for special leave to appeal or of the breaking down of his application for special leave to appeal, in case the condemned prisoner has made no previous petitions for mercy, the officer in charge shall inform the condemned prisoner concerned that if he desires to submit a petition for mercy, it shall be submitted in writing within seven days of the date of such intimation.



Immediately on receipt of intimation of the dismissal by the Supreme Court of his appeal or application for special leave to appeal or of the breaking down of his application for special leave to appeal, in case the condemned prisoner has made no previous petitions for mercy, the officer in charge shall inform the condemned prisoner concerned that if he desires to submit a petition for mercy, it shall be submitted in writing within seven days of the date of such intimation.

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