

(a) any defect in the charge or complaint;

(b) the fact that a summons or warrant was issued without any complaint or charge or, in the case of a warrant, without a complaint on oath.

(3) A person other than a Public Prosecutor or a police officer, who has reasonable and probable cause to believe that an offence has been committed by any person under this Act, may make a complaint of the alleged offence to a Magistrate within the local limits of whose jurisdiction the accused person is alleged to reside or be.

(4) A complaint made under sub-section (3) may be made orally or in writing and signed by the complainant, and if made orally shall be reduced into writing by the Magistrate and signed by the complainant.

(5) After satisfying himself or herself that the commission of an offence has been disclosed and that the complaint is not frivolous or vexatious, the Magistrate shall draw up and shall sign a formal charge containing a statement of the offence or offences alleged to have been committed by the accused.

(6) Where a charge has been -

(a) laid under the provisions of sub-section (1)(b); or

(b) drawn up under the provisions of sub-section (9), the Magistrate shall issue either a summons or a warrant to compel the attendance of the accused person before the court.

(7) A warrant shall not be issued by a Magistrate in the first instance unless the charge is supported by evidence on oath, either oral or by affidavit.

(8) Notwithstanding sub-section (7), a Magistrate receiving any charge or complaint may, for reasons to be recorded in writing, postpone the issuing of a summons or warrant and direct an investigation to be made by the police into that charge or complaint;

(9) A police officer who receives such a direction shall investigate the charge or complaint and report to the court issuing the direction.

(10) Nothing in sub-section (7) shall authorise a police officer to make an arrest without a warrant for an offence other than a cognisable offence.

(11) A summons or warrant may be issued on a Sunday.

#### 14. Control over private prosecutions

(1) Where criminal proceedings have been instituted under this Act, the Director of Public Prosecutions may -

(a) take over and continue the conduct of those proceedings at any stage before the conclusion of the proceedings;

(b) discontinue the prosecution of the proceedings at any stage; and

(c) require the victim or the person reporting the offence—

(i) to give him or her all reasonable information and assistance, and

(ii) to furnish him or her with any documents or other matters.

(2) For the avoidance of doubt, a person other than a Public Prosecutor or a police officer, may institute criminal proceedings for any offence committed under this Act.

(3) This section shall not prejudice the mandate of the National Human Rights Commission to entertain and deal with matters under this Act as cases of human rights.

#### PART IV - USE OF INFORMATION OBTAINED BY TORTURE

##### 15. Inadmissibility of evidence obtained by torture

(1) Any information, confession or admission obtained from a person by means of torture is inadmissible in evidence against that person in any proceeding.

(2) Notwithstanding sub-section (1), such information, confession or admission may be admitted against a person accused of torture to prove that the information, confession or admission was obtained by torture.

##### 16. Prohibition on the use of information obtained by torture

A person who uses information which he or she knows or ought to have reasonably known to have been obtained by means of torture in the prosecution of the person tortured, commits an offence and is