

[AS INTRODUCED IN THE SENATE]

A

BILL

further to amend the Pakistan Penal Code, 1860 and the Code of Criminal Procedure, 1898

WHEREAS it is expedient further to amend the Pakistan Penal Code, 1860 (XLV of 1860) and the Code of Criminal Procedure, 1898 (V of 1898), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. Short title and commencement.- (1) This Act may be called the Criminal Laws (Amendment) Act, 2016.

(2) It shall come into force at once.

2. Amendment of section 161, Act V of 1898.- In the Code of Criminal Procedure, 1898 (V of 1898), hereinafter referred to as the said Code, in section 161, in sub-section (1), after the word "may", the words and commas ", as far as practical on the spot or without causing much delay," shall be inserted.

3. Amendment of section 173, Act V of 1898. In the said Code, in section 173, in sub-section (1),-

a) for the words "without unnecessary delay" the words "within a period of fourteen days from the date of recording of the first information report under section 154" shall be substituted.

b) in the proviso, after the words "made until then", the words "along-with the reasons for non-completion of investigation" shall be inserted.

4. Amendment of section 182, Act XLV of 1860. In the Pakistan Penal Code, 1860 (XLV of 1860), hereinafter referred to as the Code, in section 182, for the words and comma "six months, or with fine which may extend to three thousand rupees" the words and comma "three years, or with fine which may extend to two hundred thousand rupees" shall be substituted.

5. Insertion of new sections 182A and 182B, Act XLV of 1860. In the Code, after section 182, the following new sections 182A and 182B shall be inserted, namely,-

“182A. Registration of false information by a police officer.- A police officer who knowingly and falsely registers a first information report for some alleged offence reported to him wherein such officer has reason to believe that no such offence has been committed shall be punished with an imprisonment of either description which may extend to three years or with fine which may extend to two hundred thousand rupees or with both.

182B. Dishonest or false investigation, etc.- A police officer responsible for conduct of dishonest or false investigation of any offence shall be punished with an imprisonment of either description which may extend to three years or with fine which may extend to two hundred thousand rupees or with both.”

6. Insertion of section 249B, Act V of 1898. In the said Code, after section 249A, the following new section shall be added, namely,-

“249B. Adjournments and Period of trial.- (1) The trial shall be concluded within a period of six months.

(2) The trial shall be conducted on daily basis without unnecessary adjournments:

Provided that the Court may grant adjournment only in exceptional circumstances:

Provided further that not more than five adjournments shall be allowed during the whole period of trial:

Provided further that any party may not be granted more than three adjournments.”

7. Insertion of section 265 O, Act V of 1898. In the said Code, after section 265N, the following new section shall be added, namely,-

"265 O. Adjournments and Period of trial.- (1) The trial shall be concluded within a period of six months.

(2) The trial shall be conducted on daily basis without unnecessary adjournments:

Provided that the Court may grant adjournment only in exceptional circumstances:

Provided further that not more than five adjournments shall be allowed during the whole period of trial:

Provided further that any party may not be granted more than three adjournments."

8. Omission of sections 435 and 439, Act V of 1898.- In the said Code, sections 435 and 439 shall be omitted.

9. Amendment of Schedule II, Act V of 1898.- In the said Code, in Schedule II, after section 182, in column 1 and entries relating thereto in columns 2 to 8, the following new sections and the entries relating thereto shall be inserted, namely,-

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|------|--|----------------------------|---------|------------|-------|--|------------------|
| 182A | Registration of false information by a police officer | May arrest without warrant | Warrant | Notailable | Ditto | imprisonment of either description which may extend to three years or with fine which may extend to two hundred thousand rupees or with both | Court of Session |
|------|--|----------------------------|---------|------------|-------|--|------------------|

| | | | | | | | |
|------|--|-------|-------|-------|-------|--|-------|
| 182B | Dishonest or false investigation, etc | Ditto | Ditto | Ditto | Ditto | imprisonment of either description which may extend to three years or with fine which may extend to two hundred thousand rupees or with both | Ditto |
|------|--|-------|-------|-------|-------|--|-------|

STATEMENT OF OBJECTS AND REASONS

Through the instant Bill a long standing complaint of registration of false cases by the Police Authorities with malafide has been addressed and a penal provision has been inserted to take action against such police officers who with malafide intent registers false cases. Moreover, the sentence u/s 182 PPC has also been enhanced in order to discourage false registration of case on the part of the private parties. The police has also been bound to submit the final report u/s 173 within 14 days and the courts have also been bound to conduct day to day proceedings of the criminal trials and not to give more than five adjournment during the period of trial.

The proposed legislation will help in provision of speedy and inexpensive justice to the parties.

1. **SENATOR RAJA MUHAMMAD ZAFAR-UL-HAQ,**
 2. **SENATOR AITZAZ AHSAN,**
 3. **SENATOR COL. (R) SYED TAHIR HUSSAIN MASHHADI,**
 4. **SENATOR HASIL KHAN BIZENJO,**
 5. **SENATOR SAEED GHANI,**
 6. **SENATOR MUHAMMAD TALHA MEHMOOD,**
 7. **SENATOR MUSHAHID HUSSAIN SYED,**
 8. **SENATOR IQBAL ZAFAR JHAGRA,**
 9. **SENATOR MUHAMMAD USMAN KHAN KAKAR,**
 10. **SENATOR DR. JEHANZEB JAMALDINI,**
 11. **SENATOR BAZ MUHAMMAD KHAN,**
 12. **SENATOR HIDAYAT ULLAH,**
 13. **SENATOR NAUMAN WAZIR KHATTAK,**
 14. **SENATOR SIRAJUL HAQ AND**
 15. **SENATOR SYED MUZAFAR HUSSAIN SHAH**
- MEMBERS-IN-CHARGE**