

A

Bill

*further to amend the Code of Criminal Procedure, 1898*

**WHEREAS** it is expedient further to amend the Code of Criminal Procedure, 1898 (V of 1898) in its application to the Islamabad Capital Territory, for the purposes hereinafter appearing;

It is hereby enacted as follows: -

**1. Short title, extent and commencement.** - (1) This Act may be called the Code of Criminal Procedure (Amendment) Act, 2023.

(2) It shall extend to the Islamabad Capital Territory.

(3) It shall come into force at once.

**2. Insertion of new section 59A, Act V of 1898.**— In the Code of Criminal Procedure, 1898 (V of 1898), hereinafter referred to as the Code, after section 59, the following new section shall be inserted, namely:-

**"59A. Right to have someone informed when arrested.**— (1) Where a person is arrested and held in custody in a police station or other premises, he shall be entitled to have a family member, friend or relative or other person who is known to him or who is likely to take an interest in his welfare, told by officer in-charge of police station about his arrest.

(2) A police officer not below the rank of Superintendent of Police may only authorize delay where he has reasonable grounds of believing that telling to the named person of the arrest shall—

- (a) lead to interference with or harm to the evidence connected with a cognizable offence or interference with or physical injury to other person; or
- (b) lead to alerting of other person suspected of having committed such an offence but not yet arrested for it; or
- (c) hinder the recovery of any property obtained as a result of such offence."

**3. Amendment of section 154, Act V of 1898.**— In the Code, the existing section 154, shall be re-numbered as sub-section (1) and thereafter the following new sub-section shall be added, namely:-

"(2) Any information relating to the commission of cognizable offence not entered in the book by an officer in-charge of a police station, may be given to the magistrate having ordinary jurisdiction in cases coming up from such police station which shall be received in the manner given in sub-section (1)."

**4. Amendment of section 431, Act V of 1898.-** In the Code, in section 431, for the full stop "." occurring at the end, a colon ":" shall be substituted and thereafter the following proviso shall be added, namely:-

"Provided that an appeal against conviction shall not abate if anyone of legal heirs of the deceased appellant within thirty days of the death of appellant request the court for its judgment in such appeal."

**5. Insertion of new section 431A, Act V of 1898.-** In the Code, after section 431, the following new section shall be inserted, namely:-

**"431A. Right of appeal not to extinguish.—** Where a convict dies before filing an appeal against his conviction, anyone of his legal heirs may prefer an appeal against such conviction in the same manner as prescribed in the court for appeal by such deceased convict."

### **STATEMENT OF OBJECTS AND REASONS**

Insertion of new Section 59A in the Code of Criminal Procedure seeks to stop the abuse of process by the police officials who, in many cases, keep the accused in custody without formally arresting him. This amendment gives the right to the accused that persons having interest in his welfare be informed of his arrest.

2. Amendment of Section 154 in the said Code seeks to layoff burden from the Sessions Court where such courts are overburdened under their powers as ex-officio justice of peace when police fails to register the First Information Report the aggrieved has to move to the court/ex-officio Justice of peace for seeking direction for registration of FIR. Through this amendment it is proposed that magistrate having jurisdiction over the concerned police station may also receive and register the First Information Report.

3. Amendment in Section 431 and insertion of 431A aims to provide the right to legal heirs of the deceased appellant to get the stigma removed from the personality where they want to contest the case on behalf of the deceased convict.

4. The bill seeks to achieve the above said purpose.

**SENATOR SHAHADAT AWAN**  
Member-in-Charge