

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A

BILL

further to amend the Pakistan Penal Code, 1860, (Act No. XLV of 1860) and the Code of Criminal Procedure, 1898 (Act No. V of 1898).

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

It is hereby enacted as follows:-

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

(2) It shall come into force at once.

2. **Amendment of section 489F, Act XLV of 1860.**- In the Pakistan Penal Code, 1860 (Act XLV of 1860), in section 489F, for the words and comas "punishable with imprisonment which may extend to three years, or with fine, or with both", the words "punishable with the imprisonment of either description for a term which may extend to ten years but shall not be less than seven years with a fine which shall not be less than the amount of the dishonestly issued cheque and such amount of fine shall be paid to the complainant without prejudice to his civil remedies" shall be substituted.
3. **Insertion of new entry in Schedule II, Act V of 1898.**- In the Code of Criminal Procedure, 1898 (Act V of 1898) in Schedule II, for entries relating to section 489-F, in columns 1 to 8, the following shall be substituted, namely:-

"489F.	Dishonestly issuing a cheque	Ditto	Ditto	Ditto	Ditto	Imprisonment of either description for a term which shall extend to ten years but shall not be less than seven years with a fine which shall not be less than the amount of the dishonestly issued cheque and such amount of fine shall be paid to the complainant.	Court of Sessions".
--------	------------------------------	-------	-------	-------	-------	---	---------------------

STATEMENT OF OBJECTS AND REASONS

Section 489F was inserted to protect the innocent persons from fraudulent persons who are issuing cheques to defraud their creditors without making arrangements of sufficient funds in their bank accounts. However, the object of the amendment are purported being frustrated as in case of amounts in millions of rupees the fraudulent persons prefer to undergo the small fraction of imprisonment instead of making payments of such huge amounts and in this way their creditors are left on the mercy of rotten civil adjudication wherein recovery from such fraudulent person is practically impossible even after long protracted humiliation before civil courts. Therefore, it is expedient to enhance the punishment of the offence to ensure its compliance and protect business life from fraudulent persons who are cheating innocent person on the name of business.

2. The Bill seeks to achieve the above-said objectives.

Sd/-

MS. KISHWER ZEHRA,
MR. SUFUYAN YUSUF,
MR. SANJAY PERVANI,
MS. SAMAN SULTANA JAFRI,
Members, National Assembly.