

[ ~~As~~ INTRODUCED IN THE NATIONAL ASSEMBLY ]

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 (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act 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, 2019.

(2) It shall come into force at once.

**2. Amendment of section 427, Act XLV of 1860.** - In the Pakistan Penal Code, 1860 (Act XLV of 1860), hereinafter referred to as the Penal Code, in section 427, for the words and commas "two years, or with fine" the words "five years, or with fine not exceeding ten thousand rupees" shall be substituted.

**3. Amendment in section 428, Act XLV of 1860.**- In the Penal Code, in section 428, for the words and commas, "two years, or with fine " the words "five years, or with fine not exceeding ten thousand rupees" shall be substituted.

**4. Amendment in section 429, Act XLV of 1860.** - In the Penal Code, in section 429, for the words and commas, "or with fine" the words "which may extend up to one million rupees" shall be substituted.

**5. Amendment in section 435, Act XLV of 1860.** - In the Penal Code, in section 435, after the words "shall also be liable to fine", occurring at the end of this section, the words "one million rupees" shall be added.

**6. Amendment in section 436, Act XLV of 1860.** - In the Penal Code, in section 436, after the words occurring at the end of this section, "and shall also be liable to fine", the words "one million rupees." Shall be added.

**7. Amendment in section 437, Act XLV of 1860.**- In the Penal Code, in section 437, after the words, "and shall also be liable to fine", occurring at the end, the words " up to one million rupees" shall be added.

**8. Amendment in section 438, Act XLV of 1860.** - In the Penal Code, in section 438, after the words, "and shall also be liable to fine" occurring at the end, the words "which may

extend up to one million rupees." shall be added.

9. **Amendment in section 439, Act XLV of 1860.** - In the Penal Code, in section 439, for the following words shall be added at the end after the words, "and shall also be liable to fine" which may extend up to one million rupees." shall be added.
10. **Amendment in section 440, Act XLV of 1860.**- In the Penal Code, in section 440, for the words, "and shall also be liable to fine" occurring at the end, "which may extend up to one million rupees." shall be added.
11. **Amendment in section 447, Act XLV of 1860.**- In the Penal Code, in section 447, for the words and comma, "three month", the words, "three years" and for the words "[one thousand five hundred rupees]", the words "[fifty thousand rupees]", or with both shall be substituted.
12. **Amendment in section 448, Act XLV of 1860.**- In the Penal Code, in section 448, for the words and comma, one year or with fine which may extend to ["three thousand rupees", the words "three years" or fine which may extend up to "[sixty thousand rupees]", shall be substituted.
13. **Amendment in section 449, Act XLV of 1860.** - In the Penal Code, in section 449, in the end, the words, "which may extend up to one million rupees" Shall added.
14. **Amendment in section 450, Act XLV of 1860.** - In the Penal Code, in section 450, in the end, the words "which may extend up to one hundred thousand rupees" shall be added.
15. **Amendment in section 451, Act XLV of 1860.**- In the Penal Code, in section 451, the words "two years" occurring at the end of third line, the words " five years" shall be substituted, and after the words "liable to fine" , the words "which may extend up to one hundred thousand rupees", shall be added."
16. **Amendment in section 452, Act XLV of 1860.** - In the Penal Code, in section 452, the words "liable to fine" occurring at the end, the words "Which may extend up to one hundred thousand rupees" shall be added.
17. **Amendment in section 453, Act XLV<sup>7</sup> of 1860.** - In the Penal Code, in section 453, the words "two years" occurring at the third line, the words " five years" shall be substituted, and after the words "liable to fine", the words "which may extend up to one hundred thousand rupees", shall be added.
18. **Amendment in section 454, Act XLV<sup>7</sup> of 1860.**- In the Penal Code, in section 454, for the words "three years" the words " five years" shall be substituted, and after the words "liable to fine", occurring in the end , the words "which may extend up to one hundred thousand rupees", shall be added.
19. **Amendment in section 455, Act XLV of 1860** - In the Penal Code, in section 455, after the words "liable to fine" occurring at the end, the words "which may extend up to one hundred

thousand rupees". shall be added.

**20. Amendment in section 456, Act XLV of 1860.-** In the Penal Code, in section 456, for the words "three years" the words " five years" shall be substituted, and after the words "liable to fine", occurring in the end , the words "which may extend up to one hundred thousand rupees", shall be added.

**21. Amendment in section 457, Act XLV of 1860. -** In the Penal Code, in section 457, after the words "liable to fine" the words, "which may extend up to one hundred thousand rupees", shall be added.

**22. Amendment in section 458, Act XLV of 1860. -** In the Penal Code, in section 458, after the words, "liable to fine" occurring at the end, the words "which may extend up to one hundred thousand rupees". shall be added.

**23. Amendment in section 461, Act XLV of 1860. -** In the Penal Code, in section 461, the words "two years", the words, "five years" shall be substituted, and the word, "fine" the words "which may extend up to one hundred thousand rupees" . shall be added.

**24. Amendment in section 462, Act XLV of 1860.-** In the Penal Code, in section 462, the words "three years" the words, "seven years " shall be substituted , and after the word "fine", the words "which may extend up to one hundred thousand rupees", shall be added.

**25. Amendment of Schedule II, Act V of 1898.-** In the Code of Criminal Procedure, 1898 (V of 1898), in schedule II, for the entries in column 1 and corresponding entries thereto in column 2 to 8 the following shall be substituted and added accordingly, namely;

### **SCHEDULE II**

1	2	3	4	5	6	7	8
Sec.	Offences.	Whether the Police may arrest without warrant or not.	Whether a warrant or summon shall ordinarily issue in the first instance.	Whether Bailable or not.	Whether Compoundable or not.	Punishment under the Pakistan Penal Code.	By what Court triable
427	Mischief, and Thereby causing damage to the amount of 50 rupees or up	Shall not arrest without warrant.	Warrant.	Bailable	Compoundable. When the only loss or damage caused is loss or damage to a	Imprisonment of either description for 5 years or fine up to 10,000 or both	Magistrate of the first or second class.

	wards.				private person.		
428	Mischief by killing, poisoning, maiming or rendering use less any animal of the value of 10 rupees or upwards.	May arrest without warrant.	Ditto.	Ditto.	Not Compoundable	Ditto.	Ditto.
429	Mischief by killing, poisoning, maiming or rendering useless any elephant, camel, horse, etc., whatever may be its value or any other animal of the value of 50 rupees	May arrest without warrant.	Warrant.	Bailable	Not Compoundable	Imprisonment of either description for 5 years or fine up to one million rupees, or both	Court of Session or Magistrate of the first or second class.

	or up wards.						
435	Mischief by fire or explosive substance with intent to cause damage to amount of 100 rupees or up wards, or, in case of agricultural produce, 10 rupees or up wards.	May arrest without warrant.	Warrant.	Bailable.	Ditto.	Imprisonment of either description for 7 years or fine up to one million rupees, or both	Court of Session or Magistrate of the first
436	Mischief by fire or explosive substance with intent to destroy, a house, etc	May arrest without warrant.	Warrant.	Bailable.	Compoundable	{Imprisonment for life], or imprisonment of either description for 10 years or fine up to one million rupees.	Court of Session
437	Mischief with intent to destroy or make unsafe a decked vessel or a vessel of 20 tons	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 10 years or fine up to one million rupees.	Ditto

	burden.						
438	The mischief described in the last section when committed by fire or any explosive substance.	Ditto.	Ditto.	Ditto.	Ditto.	{Imprisonment for life}, or imprisonment of either description for 10 years or fine up to one million rupees.	Ditto.
439	Running vessel ashore with intent to commit theft, etc.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 10 years or fine up to one million rupees.	Ditto.
440	Mischief committed after preparation made for causing death, or hurt, etc.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 5 years or fine up to one million rupees.	Ditto.
447	Criminal trespass.	May arrest without warrant.	Summons.	Bailable.	Compoundable	Imprisonment of either description for 3 Years, or fine of (ten thousand rupees), or both.	Any judicial Magistrate.

448	House trespass.	Ditto	Warrant	Ditto	Ditto.	Imprisonment of either description for one year, or fine up to (one hundred thousand)	Ditto.
449	House trespass in order to the commission of an offence punishable with death.	Ditto.	Ditto.	Not Bailable.	Not Compoundable	[Imprisonment for life]. or rigorous imprisonment for 10 years, and fine up to (one hundred thousand).	Court of Session
450	House trespass in order to the commission of an offence punishable with [Imprisonment for life.]	Ditto.	Ditto.	Ditto.	Ditto.	imprisonment for 10 years, and fine up to (one hundred thousand).	Ditto.
451	House trespass in order to the commission of an	Ditto.	Ditto.	Bailable.	Compoundable with permission of the concerned court.	imprisonment for 05 years, and fine up to (one hundred	Any judicial Magistrate.

	offence punishable with imprisonment					thousand).	
	If the offence is Theft.	May arrest without warrant.	Warrant	Not Bailable.	Not Compoundable	Imprisonment of either description for 7 years and fine up to (One hundred Thousand).	Court of Session. 2* * or Magistrate of the first or Second class.
452	House trespass, having made preparation for causing hurt, assault, etc.	Dito.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
453	Lurking house trespass or house-breaking.	Dito.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 5 years. and fine up to one hundred thousand only.	Magistrate of the first class or second class.
454	Lurking house trespass or house-breaking in order to the commission	Dito.	Ditto.	Ditto.	Ditto.	Ditto	Ditto.



	of an offence punishable with Imprisonment						
	If the offence is theft.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 10 years, and fine up to one hundred thousand only.	Ditto.
455	Lurking house trespass or housebreakin g after preparation made for causing hurt, assault, etc.,	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
456	Lurking house trespass house-breakin g by night.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description for 5 years, and fine up to one hundred thousand only.	Ditto.
457	Lurking house trespass or housebreakin	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment for either description for 5 Years, or fine up to	Court of Session or Magistrate of the First Class.

	g by night in order to the commission of an offence punishable With imprisonment					(One hundred Thousand).	
	if the offence is Theft.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment for either description for 14 Years, or fine up to (One hundred Thousand).	Ditto.
458	Lurking house trespass or house-breaking by night, after preparation for causing hurt, etc.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
461	Dishonestly breaking open or unfastening any closed receptacle containing or supposed to contain property.	Ditto.	Ditto.	Bailable.	Ditto.	Imprisonment for either description for 5 Years, or fine up to (One hundred Thousand), or Both.	Magistrate of First or second class.
462	Being	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment for either	Ditto.

	entrusted with any closed receptacle containing or supposed to contain any property, and fraudulently opening the Same.					description for 7 Years, or fine up to (One hundred Thousand), or Both.	
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**STATEMENT OF OBJECTS AND REASONS**

The Constitution of the Islamic Republic of Pakistan guarantees the fundamental rights of its citizens subject to law as the punishments prescribed in the law need to be enhanced, as a deterrent, therefore, the above amendments are necessary.

Sd/-  
**SHER AKBAR KHAN**  
Member National Assembly