



CRIMINAL LAW (AMENDMENT) ORDINANCE, 2002

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CRIMINAL LAW (AMENDMENT) ORDINANCE, 2002
ORDINANCE LXXXV OF 2002

An
Ordinance

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

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

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of Proclamation of Emergency of the fourteenth day of October, 1999, and the Provisional Constitution Order No. 1 of 1999, read with the Provisional Constitution (Amendment) Order No.9 of 1999, and in exercise of all powers enabling him in that behalf, the President of the Islamic Republic of Pakistan is pleased to make and promulgate the following Ordinance:-

1. Short title and commencement.-(1) This Ordinance may be called the Criminal Law (Amendment) Ordinance, 2002.

(2) It shall come into force at once.

2. Insertion of new section 489F, Act XLV of 1860. In the Pakistan Penal Code (XLV of 1860), after section 489E, the following new section shall be inserted, namely:-

"489F. Dishonestly issuing a chepue. Whoever dishonestly issues a cheque towards re-payment of a loan or fulfillment of an obligation which is dishonoured on presentation, shall be punishable with imprisonment which may extend to three years, or with fine, or with both, unless he can establish, for which the burden of proof shall rest on him, that he had made arrangements with his bank to ensure that the cheque would be honoured and that the bank was at fault in not honouring the cheque."

3. Amendment of section 32, Act V of 1898. In the Code of Criminal Procedure, 1898 (V of 1898), hereinafter referred to as the Criminal Code, in section 32, in sub-section (1),-

- (i) in clause (a), for the words "fifteen thousand" the words "forty five thousand" shall be substituted;
- (ii) in clause (b), for the words "five thousand" the words "fifteen thousand" shall be substituted; and
- (iii) in clause (c), for the words "one thousand" the words "three thousand" shall be substituted,

4. Amendment of section 260, Act V of 1898.---In the Criminal Code, in section 260, in sub-section (1),-

- (i) in clause (c), for the figure "323" the words brackets, figures and letters "clause (i) of section 337A" shall be substituted; and

(ii) in clauses (d), (e), (t) and (g) each, for the words "two thousand and five hundred rupees" the words "ten thousand rupees" shall be substituted.

5. Amendment of section 261, Act V of 1898. In the Criminal Code, in section 261, in clause (a), for the figures and commas "323, 334, 336" the figures, letters, brackets and commas "337A (i), 337L(2), 337H(2)," shall be substituted.

6. Amendment of section 345, Act V of 1898. In the Criminal Code, in section 345, in subsection (1), in the table, after the entries relating to offence of "House-Trespass", the following entries shall be inserted, namely:-

"Dishonestly issuing a cheque for repayment of loan or fulfillment of an obligation.	489F	The person in whose favourcheque issued".
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7. Amendment of Schedule II, Act V of 1898. In the Criminal Code, in Schedule II, after the entries relating to section 489E, the following new entries shall be inserted, namely:--

1	2	3	4	5	6	7	8
"489F	Dishonestly issuing, acheque for repayment of loan etc.	Ditto	Ditto	Ditto	compoundable	Imprisonment of either description for 3 years or with fine, or with both	Magistrate of the First Cla

