

[TO BE INTRODUCED IN THE NATIONAL ASSEMBLY]

A BILL

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;

It is hereby enacted as follows:-

1. **Short title and commencement.**- (1) This Act may be called the Criminal Law (Amendment) Act, 2010.

It shall come into force at once.

2. **Amendment of section 411, Act XLV of 1860.**- In the Pakistan Penal Code, 1860 (Act XLV of 1860), hereinafter referred to as the said Code, in section 411,-

- (a) for the word “three”, the word “ten” shall be substituted; and
- (b) after the word “years”, for the commas and words “, or with fine, or with both” the words “and fine which shall not be less than the double of the value of the stolen property and shall be paid to the owner of such property” shall be substituted.

3. **Amendment of section 412, Act XLV of 1860.**- In the said Code, in section 412, the words “which shall not be less than the double of the value of the stolen property and shall be paid to the owner of such property” shall be added at the end.

4. **Amendment of section 413, Act XLV of 1860.**- In the said Code, in section 413, the words “which shall not be less than the double of the value of the stolen property found in his possession and shall be paid to the owners of such property” shall be added at the end.

5. **Amendment of section 414, Act XLV of 1860.**- In the said Code, in section 414,-

- (a) for the word “three”, the word “ten” shall be substituted; and
- (b) after the word “years”, for the commas and words “, or with fine, or with both” the words “and fine which shall not be less than the double of the value of the stolen property and shall be paid to the owner of such property” shall be substituted.

6. **Insertion of new section 414A, Act XLV of 1860.**- In the said Code, after section 414, the following new section 414A, shall be inserted, namely:-

“414A. Negligence by the Police Officer regarding tracing of stolen property.- Whoever, being an officer in-charge of a Police Station is negligent in recovery of stolen property or fails to trace out stolen property being hidden in the area of his jurisdiction shall be punished with imprisonment for not less than three years and with fine.

Note.- The Court shall order action under this section when it will be concluding during a judgment about transfer or recovery of stolen property for which an offender is punished.”.

7. **Amendment of Schedule II, Act V of 1898.**- In the Code of Criminal Procedure, 1898 (Act V of 1898), in Schedule II, the following amendments shall be made, namely:-

- (a) against the entry relating to section 411, in column 7, for existing provision, the words and commas, “Imprisonment of either description for ten years and fine” shall be substituted and in column 8, for the words “magistrate of the first or second class” the words “Court of Session” shall be substituted;
- (b) against the entry relating to section 414, in column 7, for the words and commas, “Imprisonment of either description for ten years and fine” and “Court of Session” shall respectively be substituted; and
- (c) after entry relating to section 414, the following new entry in column 1 and the entries relating thereto in columns 2 to 8 shall be inserted, namely:-

“414A.	Negligence by the Police Officer regarding tracing of stolen property.	May arrest without warrant	Warrant	Not bailable	Not compoundable	Imprisonment of either description not less than three years and fine.	Magistrate of First Class.”.
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STATEMENT OF OBJECTS AND REASONS

The business of selling and buying of stolen property which is transferred by theft, extortion, robbery or property which has been criminally misappropriated or in respect of which criminal breach of trust has been committed is booming in our society making it a highly profitable particularly for dealers or middlemen involved in this illegal business. Such business facilitators are buying the stolen property on throw away prices but selling it on very high prices and consequently making the procedure of crime a highly lucrative and attractive business for them in terms of profit or financial benefit. Law-enforcement agencies are sometimes beneficial of profits of such illegal business when they are performing their duty under the Code of Criminal Procedure, 1898, making the transaction of such business even more easier for such crime-mongers. Thus, it is necessary that there should strict legal remedial measures to punish the beneficiaries of such crime which are indirectly promoting the crime of theft, extortion, robbery and stolen property because the persons involved in such unlawful and criminal activities are easily able to sell such stolen goods to such dealers of stolen goods without any fear of legal action. Keeping in view the complicated nature of crime it is necessary that all possible means for disposal of stolen property may be closed down and checked properly because if there will be no buyer of stolen property, certainly there will be decrease in the original offences. Society will also be cleaned of new class of white-collar dealers of stolen goods who are indirectly promoting crime and criminal activities in the society. In the meantime the Police officials who will also be failing in performance of their duty relating checking the business of stolen goods may also get punishment when a Court will be finally able to adjudge that stolen property was disposed in a particular area which will be certainly falling in administrative jurisdiction of any Police Station.

2. The Bill seeks to achieve a high ideal of an honest and fair society without persons involved in misappropriation of property by different criminal means and their facilitators.

Sd/-

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