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ORDINANCE No. V of 2010

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ORDINANCE

further to amend the Code of Criminal Procedure, 1898

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

AND WHEREAS, the National Assembly is not in session and the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 89 of the Constitution of the Islamic Republic of Pakistan, the President is pleased to make and promulgate the following Ordinance:

1. **Short title and commencement.**—(1) This Ordinance may be called the Code of Criminal Procedure (Amendment) Ordinance, 2010.

(2) It shall come into force at once and shall be deemed to have taken effect on the 26th March, 2010.

2. **Amendment of section 497, Act V of 1898.**—In the Code of Criminal Procedure, 1898 (V of 1898), in section 497, in sub-section (1), in the first proviso, the words "or any woman" shall be omitted and after the first proviso, amended as aforesaid, the following new provisos shall be inserted, namely:—

"Provided further that a woman accused of such an offence shall be released on bail, as if the offence is bailable, notwithstanding anything contained in Schedule-II to this Code or any other law for the time being in force:

Provided further that a woman may not be so released if there appear reasonable grounds for believing that she has been guilty of an offence relating to terrorism, financial corruption and murder and such offence is punishable with death or imprisonment for life or imprisonment for ten years, unless having regard to the facts and circumstances of the case, the court directs that she may be released on bail:

Provided further that where a woman accused of an offence is refused bail under the foregoing proviso, she shall be released on bail if she has been detained for a continuous period of six months and whose trial for such offence has not been concluded, unless the court is of the opinion that the delay in the trial of the accused has been occasioned by an act or omission of the accused or any other person acting on her behalf."

STATEMENT OF OBJECTS AND REASONS

In order to mitigate the hardships being faced by the woman folk, the Code of Criminal Procedure, 1988, is proposed to be amended so as to extend the concession of bail to the woman except in the cases of offences relating to terrorism, financial corruption, murder and such offences are punishable with death or imprisonment for life or imprisonment for ten years. However, the court having regard to the facts and circumstances of the case may release the accused woman on bail even in aforesaid cases.

The Bill is aimed at achieving the aforesaid objects.

DR. ZAHEERUDDIN BABAR AWAN,
Minister for Law, Justice and Parliamentary Affairs,
Member-in-Charge