

SLD #: 9995

From: 1860-

Penal Co

THE PAK

¹Act I

IN

[6th October, 1860]

Preamble. WHEREAS it is expedient to provide a general Penal Code for ²[Pakistan]; It is enacted as follows:

1. Title and extent of operation of the Code. This Act shall be called the ³[Pakistan] Penal Code, and shall take effect ⁴* * * through

2. Punishment of offences committed within Pakistan. Every person shall be liable to punishment under this Code and not otherwise

3. Punishment of offences committed beyond, but which by law may be tried within, Pakistan. Any persons liable, by any act committed beyond ¹⁰[Pakistan] in the same manner as if such act had been committed within ¹⁰[Pakistan].

¹The Pakistan Penal Code has been declared in force in—

It has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain other than Phulera by the N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950 and declared to be in force in that area, w.e.f. 14th October, 1955. It has been amended in its application to the N.W.F.P., see N.W.F.P. Acts 3 of 1941 and 26 of 1950.

It has also been extended to the Leased Areas of Baluchistan by the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950); and applied in the Leased Areas. It has also been extended by notification under Article 7 (1) (a) of the N.W.F.P. (Enlargement of the Area and Alteration of Boundary) Order, 1952, Pt. I, p. 70.

It has also been amended in its application to the Province of West Pakistan by the Pakistan Penal Code (West Pakistan Amdt.) Act, 1963

It has also been amended in its application to the Province of West Pakistan by the Pakistan Penal Code (West Pakistan Amdt.) Act, 1955, for "the Provinces and the Capital of the Federation" which had been substituted by A. O., 1949, Arts. 3(2) and 4,

³Subs. by A. O., 1949, Sch., for "Indian" .

⁴The words and figures "on and from the first day of May, 1861," rep. by the Amending Act, 1891 (12 of 1891).

⁵Certain words and figures which were previously amended by A. O., 1937, and A. O., 1949, Arts. 3(2) and 4, have now been substituted by C

⁶The original words "the said territories" which were previously amended by A. O., 1937, and A. O., 1949, Arts. 3(2) and 4, have now been substituted by

⁷The words and figures "on or after the said first day of May, 1861" rep. by Act 12 of 1891.

⁸The original words "Law passed by the G.G. of India in C." have successively been amended by A. O., 1937 and A. O., 1949, Sch., to read

⁹The original words "the limits of the said territories" have successively been amended by A. O., 1937, Sch., A. O., 1949, and the Central

¹⁰The original words "the said territories" previously amended by A. O., 1937 and A. O., 1949, Arts. 3(2) and 4, have now been substituted by

¹**[4. Extension of Code to extraterritorial offences.** The provisions of this Code apply also to any offence committed by

²[(1) any citizen of Pakistan or any person in the service of Pakistan in any place without and beyond Pakistan;];

3* * * * *

4* * * * *

⁵[(4) any person on any ship or aircraft registered in ⁶[Pakistan] wherever it may be.].

Explanation. In this section the word "offence" includes every act committed outside ⁶[Pakistan] which, if committed in ⁶[Pakistan], would be an offence.

Illustrations

(a) A ⁷[a Pakistan subject], commits a murder in Uganda. He can be tried and convicted of murder in any place in ⁸[Pakistan] in which the offence was committed.

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¹⁰[(c) C, a foreigner who is in the service of Pakistan commits a murder in London. He can be tried and convicted of murder at any place in Pakistan.]

(d) D, a British subject living in ¹¹[Junagadh], instigates E to commit a murder in ¹²[Lahore]. D is guilty of abetting murder.]

¹³**[5. Certain laws not to be affected by this Act.** Nothing in this Act is intended to repeal, vary, suspend or affect any of the provisions of any law in force in Pakistan at the commencement of this Act.]

CHAPTER II GENERAL EXPLANATIONS

¹Subs. by the Indian Penal Code Amdt. Act, 1898 (4 of 1898), s. 2, for the original section 4.

²Clause (1) which was amended by A. O., 1949, Ord. 21 of 1960 and A.O., 1961, have been subs. by Federal Laws (Revision and Declara

³Clause (2) as amended by A. O., 1949 Sch., has been omitted by A. O., 1961, Art. 2 and Sch., (w.e.f. 23rd March, 1956).

⁴Clause (3) as amended by A. O., 1949 and A. O., 1961, have been omitted by Ord. 27 of 1981, s. 3 and II Sch.

⁵Clause (4) ins. by the Offences on Ships and Aircraft Act, 1940 (4 of 1940), s. 2.

⁶Subs. by Ord. 21 of 1960, s. 3 and 2nd Sch., (w.e.f. 14101955), for "the Provinces and the Capital of the Federation" which had been s

⁷Subs. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 4 and III Sch., for "a coolie, who is a Native Indian sub

⁸Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch., (w.e.f. the 14th October, 1955), for "the

⁹Omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and II. Sch.

¹⁰Illustration (c) which was amended by Ord. 21 of 1960 and Act 26 of 1951, have been subs. *ibid*.

¹¹Subs. by Ord. 21 of 1960, s. 3 and 2nd Sch., (w.e.f. 14th October, 1955), for "Bahawalpur" which had been subs. by Act 26 of 1951, s

¹²Subs. by Act 26 of 1951, s. 4 and III Sch., for "Bombay" .

¹³Section 5 as amended by Act 14 of 1870, Act 10 of 1927, s. 2 and Sch. I, Act 35 of 1934. s. 2 and Sch., A. O., 1937, A. O., 1949, Arts

6. Definitions in the Code to be understood subject to exceptions. Throughout this Code every definition of an offence, every per entitled " General Exceptions," though those exceptions are not repeated in such definition, penal provision or illustration.

Illustrations

(a) The sections in this Code, which contain definitions of offences, do not express that a child under seven years of age cannot c which is done by a child under seven years of age.

(b) A, a police officer, without warrant, apprehends Z who has committed murder. Here A is not guilty of the offence of wrongful confin which is done by a person who is bound by law to do it".

7. Sense of expression once explained. Every expression which is explained in any part of this Code is used in every part of this Code

8. Gender. The pronoun "he" and its derivatives are used of any person, whether male or female.

9. Number. Unless the contrary appears from the context, words importing the singular number include the plural number, and words ir

10. "Man" " Woman". The word "man" denotes a male human being of any age: the word "woman" denotes a female human being of :

11. "Person". The word "person" includes any Company or Association, or body of persons, whether incorporated or not.

12. "Public". The word "public" includes any class of the public or any community.

13. [Definition of "Queen".] Omitted by A.O., 1961, Art. 2 and Sch. (w.e.f. the 23rd March, 1956).

¹[14. "Servant of the State". The words "servant of the State" denote all officers or servants continued, appointed or employed in Pak

15. [Definition of "British India".] Rep. by A. O., 1937.

16. [Definition of "Government of India".] Rep. by A.O., 1937.

¹The original section 14 has successively been amended by A.O., 1937, A. O., 1949, Sch. and A. O., 1961, Art. 2 and Sch., (w.e.f. 23rd I

²Subs. by the Federal Adaptation of Laws Order, 1975 (P. O. No.4 of 1975), Art. 2 and Table, for "Central Government".

17. "Government". The word "Government" denotes the person or persons authorized by law to administer executive Government in ¹

18. [Definition of "Presidency".] Rep. by A. O., 1937.

19. "Judge". The word "Judge" denotes not only every person who is official1y designated as a Judge, but also every person,-

who is empowered by law to give, in any legal proceeding, civil or criminal, a definitive judgment, or a judgment which, if not appealed a

who is one of a body of persons, which body of persons is empowered by law to give such a judgment.

Illustrations

2* * * * *

(b) A Magistrate exercising jurisdiction in respect of a charge on which he has power to sentence to fine or imprisonment with or without

3* * * * *

2* * * * *

20. "Court of Justice". The words "Court of Justice" denote a Judge who is empowered by law to act judicially alone, or a body of Judge

4* * * * *

21. "Public servant". The words "public servant" denote a person falling under any of the descriptions hereinafter following, namely:—

5* * * * *

Second.

Every Commissioned Officer in the Military ⁶[Naval or Air] Forces of ⁷[Pakistan]

while serving under ⁸[the ⁹Federal Government] or any Provincial Government];

¹The original words "any part of British India" have successively been amended by A. O., 1949, Sch., and the Central Laws (Statute Refo

²Illustrations (a) and (d) omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and II Sch.

³Illustration (c) rep. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 3 and II Sch.

⁴The original Illustration which was previously subs. by Act 26 of 1951 s. 4 and III Sch., has been omitted by A. O., 1961, Art. 2 and Sch.

⁵Clause First which was amended by A. O., 1961, have been omitted by Ordinance 27 of 1981, s. 3 and II Sch.

⁶Subs. by the Repealing and Amending Act, 1927 (10 of 1927), s. 2 and Sch. I, for "or Naval".

⁷Subs. by A. O., 1961, Art. 2 and Sch., for "the Queen" (w.e.f. 23rd March, 1956).

⁸Subs. by A.O., 1949, Sch., for "any Govt. in British India or the Crown Representative".

⁹Subs. by the Federal Adaptation of Laws Order, 1975 (P.O.4 of 1975), Act.2 and Table, for "Central Government".

Third.

Fourth.

Every Judge;

Every officers of a Court of Justice whose duty it is, as such officer, to investigate or

report on any matter of law or fact, or to make, authenticate, or keep any document, or to take charge or dispose of any property, or to Court of Justice to perform any of such duties;

Fifth. servant;

Sixth.

Every juryman, assessor, or member of a panchayat assisting a Court of Justice or public

Every arbitrator or other person to whom any cause or matter has been referred for

decision or report by any Court of Justice, or by any other competent public authority;

Seventh. Every person who holds any office by virtue of which he is empowered to place or keep any person in confinement;

Eighth.

Every officer of ¹[the Government] whose duty it is, as such officer, to prevent

offences, to give information of offences, to bring offenders to justice, or to protect the public health, safety or convenience;

Ninth. Every officer whose duty it is, as such officer, to take, receive, keep or expend any

property on behalf of ¹[the Government], or to make any survey, assessment or contract on behalf of ¹[the Government], or to execute or keep any document relating to the pecuniary interests of ¹[the Government], or to prevent the infraction of any law for the pro or commission for the performance of any public duty;

Tenth. Every officer whose duty it is, as such officer, to take, receive, keep or expend any

property, to make any survey or assessment or to levy any rate or tax for any secular common purpose of any village, town or district, o ²[*Eleventh.*

Every person who holds any office in virtue of which he is empowered to prepare,

publish, maintain or revise an electoral roll or to conduct an election or part of an election.]

Illustration A Municipal Commissioner is a public servant.

Explanation 1. Persons falling under any of the above descriptions are public servants, whether appointed by the Government or not.

¹The original word "Government" has successively been amended by A. O., 1937 and A. O., 1961, Art. 2 (w.e.f 23rd March, 1956), to read as follows:
²Ins. by the Elections Offences and Inquiries Act, 1920 (39 of 1920), section 2.

Explanation 2. Wherever the words "public servant" occur, they shall be understood of every person who is in actual possession of the situation.

¹[*Explanation 3.*

The word "election" denotes an election for the purpose of selecting members

of any legislative, municipal or other public authority, of whatever character, the method of selection to which is by, or under, any law or

22. "Moveable property". The words "Moveable property" are intended to include corporeal property of every description, except land

23. "Wrongful gain". "Wrongful gain" is gain by unlawful means of property to which the person gaining is not legally entitled.

"Wrongful loss". "Wrongful loss" is the loss by unlawful means of property to which the person losing it is legally entitled.

Gaining wrongfully. Losing wrongfully. A person is said to gain wrongfully when such person retains wrongfully, as well as when such person is wrongfully deprived of property.

24. "Dishonestly". Whoever does anything with the intention of causing wrongful gain to one person or wrongful loss to another person

25. "Fraudulently". A person is said to do a thing fraudulently if he does that thing with intent to defraud but not otherwise.

26. "Reason to believe". A person is said to have "reason to believe" a thing if he has sufficient cause to believe that thing but not otherwise.

27. Property in possession of wife, clerk or servant. When property is in the possession of a person's wife, clerk or servant, on account of

Explanation. A person employed temporarily or on a particular occasion in the capacity of a clerk, or servant, is a clerk or servant within the meaning of this section.

28. "Counterfeit". A person is said to "counterfeit" who causes one thing to resemble another thing, intending by means of that resemblance

¹Ins. by the Elections Offences and Inquiries Act, 1920 (39 of 1920), section 2.

¹[*Explanation 1.*

Explanation. 2.

It is not essential to counterfeiting that the imitation should be exact.

When a person causes one thing to resemble another thing, and the

resemblance is such that a person might be deceived thereby, it shall be presumed, until the contrary is proved, that the person so deceived would thereby be practised.]

29. "Document". The word "document" denotes any matter expressed or described upon any substance by means of letters, figures or

Explanation 1. It is immaterial by what means or upon what substance the letters, figures or marks are formed, or whether the evidence

Illustrations

A writing expressing the terms of a contract, which may be used as evidence of the contract, is a document.

A cheque upon a banker is a document. A Power of Attorney is a document.

A map or plan which is intended to be used or which may be used as evidence, is a document.

A writing containing directions or instructions is a document.

Explanation 2. Whatever is expressed by means of letters, figures or marks as explained by this section, shall be deemed to be expressed by such letters, figures or marks within the meaning of this section, although

Illustration

A writes his name on the back of a bill of exchange payable to his order. The meaning of the endorsement, as explained by mercantile usage, is "I, the holder" or words to that effect had been written over the signature.

30. "Valuable security". The words "valuable security" denote a document which is, or purports to be, a document whereby any legal right is transferred or is to be transferred, and which has not a certain legal right.

Illustration

"A writes his name on the back of a bill of exchange. As the effect of this endorsement is to transfer the right to the bill to any person who

31. "A will". The words "a will" denote any testamentary document.

¹Subs. by the Metal Tokens Act, 1889 (1 of 1889), s.9., for the original Explanations.

32. Words referring to acts include illegal omissions. In every part of this Code, except where a contrary intention appears from the context,

33. "Act." "Omission". The word "act" denotes as well a series of acts as a single act: the word "omission" denotes as well a series of omissions as a single omission.

¹**34. Acts done by several persons in furtherance of common intention.** When a criminal act is done by several persons, in furtherance of a common intention, every one of them is liable for the act in the same manner as if the act were done by him alone with that intention.

35. When such an act is criminal by reason of its being done with a criminal knowledge of intention. Whenever an act, which is criminal by reason of its being done with a criminal knowledge or intention is liable for the act in the same manner as if the act were done by him alone with that knowledge or intention.

36. Effect caused partly by act and partly by omission. Wherever the causing of a certain effect, or an attempt to cause that effect, is criminal, it is criminal whether the effect is caused wholly or partly by an act and partly by an omission.

Illustration

A intentionally causes Z's death, partly by illegally omitting to give Z food, and partly by beating Z. A has committed murder.

37. Cooperation by doing one of several acts constituting an offence. When an offence is committed by means of several acts, a person who, though he is one of the persons who do the acts, commits that offence.

Illustrations

(a) A and B agree to murder Z by severally and at different times giving him small doses of poison. A and B administer the poison accordingly. Z dies from the effects of the several doses of poison so administered to him. Here A and B intentionally cooperate in the commission of the offence.

(b) A and B are joint jailors, and as such, have the charge of Z, a prisoner, alternately for six hours at a time. A and B, intending to cause Z's death, supply Z with food supplied to them for that purpose. Z dies of hunger. Both A and B are guilty of the murder of Z.

¹Subs. by the Indian Penal Code Amdt. Act, 1870 (27 of 1870), s. 1, for the original section.

(c) A, a jailor, has the charge of Z, a prisoner. A intending to cause Z's death, illegally omits to supply Z with food; in consequence of such omission, Z dies. A is guilty of the murder of Z. If, without collusion or cooperation with A, another jailor omits to supply Z with food, knowing that he is likely thereby to cause Z's death, Z dies of hunger. Both A and B are guilty of the murder of Z.

38. Persons concerned in criminal act may be guilty of different offences. Where several persons are engaged or concerned in the commission of a criminal act, every one of them is liable for the act in the same manner as if he were alone.

Illustration

A attacks Z under such circumstances of grave provocation that his killing of Z would be only culpable homicide not amounting to murder. If both A and B are engaged in causing Z's death, B is guilty of murder, and A is guilty only of culpable homicide.

39. "Voluntarily". A person is said to cause an effect "voluntarily" when he causes it by means whereby he intended to cause it, or by means which he ought to have known would be likely to cause it.

Illustration

A sets fire, by night, to an inhabited house in a large town, for the purpose of facilitating robbery and thus causes the death of a person. A is guilty of murder. If, without collusion or cooperation with A, another person causes death, he has caused death voluntarily.

¹**40. "Offence."** Except in the ²[chapters] and sections mentioned in clauses 2 and 3 of this section, the word "offence" denotes a thing which is punishable under this Code, or under any law for the time being in force in India.

In Chapter IV, ³[Chapter VA] and in the following sections, namely, sections ⁴[64,] ⁴[65,] ⁴[66,] ⁵[67,] ⁴[71,] 109, 110, 112, 114, 115, 125, 327, 328, 329, 330, 331, 347, 348, 388, 389, and 445, the word "offence" denotes a thing punishable under this Code, or under any law for the time being in force in India.

And in sections 141, 176, 177, 201, 202, 212, 216 and 441 the word "offence" has the same meaning when the thing punishable under this Code is a thing which is punishable under any law for the time being in force in India.

¹Subs. by the Indian Penal Code Amdt. Act, 1870 (27 of 1870), s. 2, for the original section 40. ²Subs. by the Repealing and Amending Act, 1956 (34 of 1956), s. 2.

⁴Ins. by the Indian Penal Code Amdt. Act, 1882 (8 of 1882), s. 1.

⁵Ins. by the Indian Criminal Law Amdt. Act, 1886 (10 of 1886), section 21(l).

41. "Special law" A "special law" is a law applicable to a particular subject.

42. "Local Law". A "local law" is a law applicable only to a particular part of ¹[the territories comprised in ²[Pakistan]].

43. "Illegal." "Legally bound, to do." The word "illegal" is applicable to everything which is an offence or which is prohibited by law, or which is not sanctioned by law.

44. "Injury." The word "injury" denotes any harm whatever illegally caused to any person, in body, mind, reputation or property.

45. "Life." The word "life" denotes the life of a human being, unless the contrary appears from the context.

46. "Death." The word "death" denotes the death of a human being, unless the contrary appears from the context.

47. "Animal." The word "animal" denotes any living creature, other than a human being.

48. "Vessel." The word "vessel" denotes anything made for the conveyance by water of human beings or of property.

49. "Year." "Month." Wherever the word "year" or the word "month" is used, it is to be understood that the year or the month is to be reckoned from the date on which the offence was committed.

50. "Section." The word "section" denotes one of those portions of a chapter of this Code which are distinguished by prefixed numeral figures.

51. "Oath." The word "oath" includes a solemn affirmation substituted by law for an oath, and any declaration required or authorized by law to be made in lieu of an oath.

52. "Good faith." Nothing is said to be done or believed in "good faith" which is done or believed without due care and attention.

³**[52A. "Harbour."** Except in section 157, and in section 130 in the case in which the harbour is given by the wife or husband of the conveyance, or the assisting a person by any means, whether of the same kind as those enumerated in this section or not, to evade app

¹Subs. by A. O., 1949, Sch., for "British India".

²Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch., for "the Provinces" (w.e.f. 14th October,

³Ins. by the Indian Penal Code Amdt. Act, 1942 (8 of 1942), s. 2.

¹**[53.Punishments.** are,

CHAPTER III OF PUNISHMENTS

The punishments to which offenders are liable under the provisions of this Code

Firstly, *Qisas*; Secondly, *Diyat*; Thirdly, *Arsh*; Fourthly, *Daman*; Fifthly, *Ta'zir*; Sixthly, Death;

Seventhly, Imprisonment for life;

Eighthly, Imprisonment which is of two descriptions, namely:

(i) Rigorous *i.e.*, with hard labour;

(ii) Simple;

Ninthly, Forfeiture of property; Tenthly, Fine.]

54. Commutation of sentence of death. In every case in which sentence of death shall have been passed, ²[the ³[Federal Governm
commute the punishment for any other punishment provided by this Code [:]¹

¹[Provided that, in a case in which sentence of death shall have been passed against an offender convicted for an offence of *qatl*, such se

55. Commutation of sentence or imprisonment for life. In every case in which sentence of ⁴[imprisonment] for life shall have been
commute the punishment for imprisonment of either description for a term not exceeding fourteen years [:]¹

¹[Provided that, in a case in which sentence of imprisonment for life shall have been passed against an offender convicted for an offence

¹Subs. and added by Act II of 1997, ss. 25.

²Subs. by A.O., 1937, for "the G. of I. or the Government of the place",

³Subs. by the Federal Adoption of Laws Order, 1975, (P.O. No. 4 of 1975), Art. 2 and Table, for "Central Government".

⁴Subs. by Ord. 12 of 1972, s. 2 and Sch., for "transportation".

⁵Subs. and added by Act XLIV of 2016, s. 2.

¹["Provided further that in a case i which the sentence of imprisonment for life has been passed against an offender convicted for an
commuted."]

³**[55A. Saving for ⁴[President] prerogative.** Nothing in section fifty four or section fifty five shall derogate from the right of ⁵[the Pre

²[Provided that such right shall not, without the consent of the victim or, as the case may be, of the heirs of the victim, be exercised for

56. [Sentence of Europeans and Americans to penal servitude.] Rep. by the Criminal Law (Extinction of Discriminatory Privileges) Act, 19

57. Fractions of terms of punishment. In calculating fractions of terms of punishment, ¹[imprisonment for life] shall be reckoned as €

¹Subs. and added by Act XLIV of 2016, s. 2.

²Subs. and added by Act II of 1997, ss. 25.

³Ins. by A. O., 1937, cf. s. 295 of the G. of I. Act, 1935 (26 Geo. 5, ch. 2).

⁴Subs. by A. O., 1961, Art. 2 and Sch., for "Royal" (w.e.f. 14th October, 1955).

⁵Subs. by A.O., 1961, Art. 2 and Sch., for "His Majesty" , or of the GovernorGeneral if any such right is delegated to him by His Majesty"

⁶Subs. by Ord. 12 of 1972, s. 2 and Sch. for "twenty years".

58. [Offenders sentenced to transportation how dealt with until, transported.] Omitted by the Law Reforms Ordinance, 1972 (XII of 1972).

59. [Transportation instead of imprisonment.] Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.

60. Sentence may be (in certain cases of imprisonment) wholly or partly rigorous or simple. In every case in which an of direct in the sentence that such imprisonment shall be wholly rigorous, or that such imprisonment shall be wholly simple, or that any par

61. [Sentence of forfeiture of property.] Rep. by the India Penal Code (Amdt.) Act, 1921 (XVI of 1921), s. 4.

62. [Forfeiture of property, in respect of offenders punishable with death, transportation or imprisonment.] Rep. by the Indian Penal Coa

63. Amount of fine. Where no sum is expressed to which a fine may extend, the amount of fine to which the offender is liable is unlimit

64. Sentence of imprisonment for nonpayment of fine. ¹[In every case of an offence punishable with imprisonment as well as fine, and in every case of an offence punishable ²[with imprisonment or fine, or] with fine only, in which the offender is sentenced to a fine,]

it shall be competent to the Court which sentences such offender to direct by the sentence that, in default of payment of the fine, the sentenced or to which he may be liable under a commutation of a sentence.

65. Limit to imprisonment for nonpayment of fine, when imprisonment and fine awardable. The term for which the Court direc for the offence, if the offence be punishable with imprisonment as well as fine.

¹Subs. by the Indian Penal Code Amdt. Act, 1882 (8 of 1882), s. 2, for "in every case in which an offender is sentenced to a fine".

²Ins. by the Indian Criminal Law Amdt. Act, 1886 (10 of 1886), s. 21(2).

66. Description of imprisonment for nonpayment of fine. The imprisonment which the Court imposes in default of payment of a fin

67. Imprisonment for nonpayment of fine, when offence punishable with fine only. If the offence be punishable with fine only, to be imprisoned, in default of payment of fine, shall not exceed the following scale, that is to say, for any term not exceeding two moi hundred rupees, and for any term not exceeding six months in any other case.

68. Imprisonment to terminate on payment of fine. The imprisonment which is imposed in default of payment of a fine shall termin

69. Termination of imprisonment on payment of proportional part of fine. If, before the expiration of the term of impi payment is not less than proportional to the part of the fine still unpaid, the imprisonment shall terminate.

Illustration

A is sentenced to a fine of one hundred rupees and to four months' imprisonment in default of payment. Here, if seventy five rupees or seventy five rupees be paid or levied at the time of the expiration of the first month, or at any later time while A continues in imprisonm discharged as soon as the two months are completed. If fifty rupees be paid or levied at the time of the expiration to those two months,

70. Fine leviable within six years, or during imprisonment. Death not to discharge property from liability. The fine, or any offender be liable to imprisonment for a longer period than six years, then at any time previous to the expiration of that period; and the

71. Limit of punishment of offence made up of several offences. Where anything which is an offence is made up of parts, any expressly provided.

²[Where anything is an offence falling within two or more separate definitions of any law in force for the time being by which offences are

¹Ins. by the Indian Penal Code Amdt. Act, 1882 (8 of 1882), s. 3

²Added *ibid*, s. 4.

where several acts, of which one or more than one would by itself or themselves constitute an offence, constitute, when combined, a diff the offender shall not be punished with a more severe punishment than the Court which tries him could award for anyone of such offence

Illustrations

(a) A gives Z fifty strokes with a stick. Here A may have committed the offence of voluntarily causing hurt to Z by the whole beating, ar one for each blow. But he is liable only to one punishment for the whole beating.

(b) But if, while A is beating Z, Y interferes, and A intentionally strikes Y, here, as the blow given to Y is no part of the act whereby A vo

72. Punishment of person guilty of one of several offences, the judgment stating that it is doubtful of which. In all cases in he is guilty, the offender shall be punished for the offence for which the lowest punishment is provided if the same punishment is not pro

73. Solitary confinement. Whenever any person is convicted of an offence for which under this Code the Court has power to senter portions of the imprisonment to which he is sentenced, not exceeding three months in the whole, according to the following scale, that is to say

a time not exceeding one month if the term of imprisonment shall not exceed six months:

a time not exceeding two months if the term of imprisonment shall exceed six months and

¹[shall not exceed one] year:

a time not exceeding three months if the term of imprisonment shall exceed one year.

74. Limit of solitary confinement. In executing a sentence of solitary confinement, such confinement shall in no case exceed the imprisonment awarded shall exceed three months, the solitary confinement shall not exceed seven days in any one month of the whole term.

¹Subs. by the Indian Penal Code Amdt. Act, 1882 (8 of 1882), s. 5, for "be less than a".

75. Enhanced punishment for certain offences under Chapter XII or Chapter XVII after previous conviction. ¹[Whoever, having been convicted of an offence punishable with imprisonment for a term exceeding three months, shall be liable to be punished with imprisonment for a term which shall not be less than a] ²[Pakistan] of an offence punishable under Chapter XII or Chapter XVII of this Code with imprisonment of either description

3 * * * * *

shall be guilty of any offence punishable under either of those Chapters with like imprisonment for the like term, shall be subject for ever to the provisions of Chapter XVII of this Code.

CHAPTER IV GENERAL EXCEPTIONS

76. Act done by a person bound, or by mistake of fact believing himself bound, by law. Nothing is an offence which is done by a person who is bound by law to do it.

Illustrations

(a) A, a soldier, fires on a mob by the order of his superior officer, in conformity with the commands of the law. A has committed no offence.

(b) A, an officer of a Court of Justice, being ordered by that Court to arrest Y, and, after due enquiry, believing Z to be Y, arrests Z. A has committed no offence.

77. Act of Judge when acting judicially. Nothing is an offence which is done by a Judge when acting judicially in the exercise of any power conferred on him by law.

78. Act done pursuant to the judgment or order of Court. Nothing which is done in pursuance of, or which is warranted by the judgment or order of a Court of law, in good faith and in the exercise of the power conferred on the Court by law, is an offence, provided the person doing the act in good faith believes that the Court had such jurisdiction.

¹Subs. by the Indian Penal Code Amdt. Act, 1910 (3 of 1910), for the original section.

²Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (w.e.f. 14th October, 1955), for "the Provisions of Chapter XVII of this Code".

³Clause (b) as amended by A. O., 1937, A. O., 1949, Ord. 21 of 1960, A.O., 1961 and F.A.O. 1975, have been omitted by the Federal Law Commission.

⁴Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

79. Act done by a person justified, or by mistake of fact believing himself justified, by law. Nothing is an offence which is done by a person who is justified by law, in doing it.

Illustration

A sees Z commit what appears to A to be a murder. A, in the exercise, to the best of his judgment, exerted in good faith of the power conferred on him by law, kills Z. A has committed no offence, though it may turn out that Z was acting in self defence.

80. Accident in doing a lawful act. Nothing is an offence which is done by accident or misfortune, and without any criminal intention or knowledge, in doing a lawful act which is justified by law.

Illustration

A is at work with a hatchet; the head flies off and kills a man who is standing by. Here if there was no want of proper caution on the part of A, A has committed no offence.

81. Act likely to cause harm, but done without criminal intent, and to prevent other harm. Nothing is an offence merely by reason of its being done with a criminal intention, if it is done in good faith to prevent other harm.

Explanation. It is a question of fact in such a case whether the harm to be prevented or avoided was of such a nature and so imminent a

Illustrations

a. A, the captain of a steam vessel, suddenly and without any fault or negligence on his part, finds himself in such a position that of his vessel, and that, by changing his course, he must incur risk of running down a boat C with only two passengers on board, wd danger to the passengers in the boat B, he is not guilty of an offence, though he may run down the boat C by doing an act excuse him in incurring the risk of running down C.

(b) A, in a great fire, pulls down houses in order to prevent the conflagration from spreading. He does this with the intention in excuse A's act, A is not guilty of the offence.

82. Act of child under seven years of age. Nothing is an offence which is done by a child under ¹[ten] years of age.

83. Act of a child above seven and under twelve of immature understanding. Nothing is an offence which is done by a child ab of his conduct on that occasion.

84. Act of a person of unsound mind. Nothing is an offence which is done by a person who, at the time of doing it, by reason of unso

85. Act of a person incapable of judgment by reason of in toxication caused against his will. Nothing is an offence which what is either wrong, or contrary to law: provided that the thing which intoxicated him was administered to him without his knowledge o

86. Offence requiring a particular intent or knowledge committed by one who is intoxicated. In cases where an act done dealt with as if he had the same knowledge as he would have had if he had not been intoxicated, unless the thing which intoxicated him

87. Act not intended and not known to be likely to cause death or grievous hurt, done by consent. Nothing which is not intenc harm which it may cause, or be intended by the doer to cause, to any person, above eighteen years of age, who has given consent, wh who has consented to take the risk of that harm.

Illustration

A and Z agree to fence with each other for amusement. This agreement implies the consent of each to suffer any harm which in the cour

88. Act not intended to cause death, done by consent in good faith for person's benefit. Nothing, which is not intended to caus to any person for whose benefit it is done in good faith, and who has given a consent, whether express or implied, to suffer that harm, o

Illustration

A, a surgeon, knowing that a particular operation is likely to cause the death of Z, who suffers under the painful complaint, but not inten

¹Subs. by Act X of 2016, s. 2 and 3.

89. Act done in good faith for benefit of child or insane person, by or by consent of guardian. Nothing which is done in good f person having lawful charge of that person, is an offence by reason of any harm which it may cause, or be intended by the doer to cause

Provisos. Provided—

First. That this exception shall not extend to the intentional causing of death, or to the attempting to cause death;

Secondly. That this exception shall not extend to the doing of anything which the person doing it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt; or the curing of any grievous dise

Thirdly. That this exception shall not extend to the voluntary causing of grievous hurt, or to the attempting to cause grievous hurt, unless it be for the purpose of preventing death or grievous hurt, or the curing of any grievous diseas

Fourthly. That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustration

A, in good faith, for his child's benefit without his child's consent, has his child cut for the stone by a surgeon, knowing it to be likely th cure of the child.

90. Consent known to be given under fear or misconception. A consent is not such a consent as is intended by any section of this to believe, that the consent was given in consequence of such fear or misconception; or

Consent of insane person. if the consent is given by a person who, from unsoundness of mind, or intoxication, is unable to understand

Consent of child. unless the contrary appears from the context, if the consent is given by a person who is under twelve years of age.

91. Exclusion of acts which are offences independently of harm caused. The exceptions in sections 87, 88 and 89 do not exter person giving the consent, or on whose behalf the consent is given.

Illustration

Causing miscarriage (unless caused in good faith for the purpose of saving the life of the woman) is an offence independently of any person or of her guardian to the causing of such miscarriage does not justify the act.

92. Act done in good faith for benefit of a person without consent. Nothing is an offence by reason of any harm which it may cause to a person to signify consent, or if that person is incapable of giving consent, and has no guardian or other person in lawful charge of him

Proviso. Provided—

First. That this exception shall not extend to the intentional causing of death, or the attempting to cause death;

Secondly.

That this exception shall not extend to the doing of anything which the person doing

it knows to be likely to cause death, for any purpose other than the preventing of death or grievous hurt, or the curing of any grievous

Thirdly. That this exception shall not extend to the voluntary causing of hurt, or to the attempting to cause hurt, for any purpose other than the preventing of death or hurt;

Fourthly. That this exception shall not extend to the abetment of any offence, to the committing of which offence it would not extend.

Illustrations

(a) Z is thrown from his horse, and is insensible. A, a surgeon, finds that Z requires to be trepanned. A not intending Z's death but in good

(b) Z is carried off by a tiger. A fires at the tiger knowing it to be likely that the shot may kill Z, but not intending to kill Z, and in good faith

(c) A, a surgeon, sees a child suffer an accident which is likely to prove fatal unless an operation be immediately performed. There is no offence if A has committed no offence.

(d) A is in a house which is on fire, with Z, a child. People below hold out a blanket. A drops the child from the housetop, knowing it to be killed by the fall, A has committed no offence.

92.

Explanation.

Mere pecuniary benefit is not benefit within the meaning of sections 88, 89 and

93. Communication made in good faith. No communication made in good faith is an offence by reason of any harm to the person to whom

Illustration

A, a surgeon, in good faith, communicates to a patient his opinion that he cannot live. The patient dies in consequence of the shock. A has

94. Act to which a person is compelled by threats. Except murder, and offences against the State punishable with death, nothing is an offence if it is done in good faith and instant death to that person will otherwise be the consequence: Provided the person doing the act did not do it of his own accord, or from a

Explanation 1. A person who, of his own accord, or by reason of a threat of being beaten, joins a gang of dacoits, knowing their character, is not entitled to the benefit of this exception, on the ground of his having been compelled by

Explanation 2. A person seized by a gang of dacoits, and forced by threat of instant death, to do a thing which is an offence by law; for example, a smith compelled to take his tools and to force the door of a house for the dacoits to

95. Act causing slight harm. Nothing is an offence by reason that it causes, or that it is intended to cause, or that it is known to be likely to

Of the Right of Private Defence

96. Things done in private defence. Nothing is an offence which is done in the exercise of the right of private defence.

97. Right of private defence of the body and of property. Every person has a right, subject to the restrictions contained in section 99

First. body;

His own body, and the body of any other person, against any offence affecting the human

Secondly. The property, whether moveable or immoveable, of himself or of any other person, against any act which is an offence falling under the definition of theft, robbery, mischief or criminal trespass, or which is an attempt to

98. Right of private defence against the act of a person of unsound mind, etc. When an act, which would otherwise be a certain

doing that act, or by reason of any misconception on the part of that person, every person has the same right of private defence against

Illustrations

(a) Z, under the influence of madness, attempts to kill A; Z is guilty of no offence. But A has the same right of private defence which he

(b) A enters by night a house which he is legally entitled to enter. Z, in good faith, taking A for a housebreaker, attacks A. Here Z, by acting under that misconception.

99. Acts against which there is no right of private defence. There is no right of private defence against an act which does not read of his office, though that act may not be strictly justifiable by law.

There is no right of private defence against an act which does not reasonably cause the apprehension of death or of grievous hurt, if it is strictly justifiable by law.

There is no right of private defence in cases in which there is time to have recourse to the protection of the public authorities.

Extent to which the right may be exercised. The right of private defence in no case extends to the inflicting of more harm than it is

Explanation 1.

A person is not deprived of the right of private defence against an act done, or attempted to be done, by a public servant, as such, unless he knows, or has reason to believe, that the person doing the act is such public

Explanation 2.

A person is not deprived of the right of private defence against an act done, or attempted to be done, by the direction of a public servant, unless he knows, or has reason to believe, that the person doing the act is authority, if demanded.

100. When the right of private defence of the body extends to causing death. The right of private defence of the body extends, which occasions the exercise of the right be of any of the descriptions hereinafter enumerated, namely:

First.— Such an assault as may reasonably cause the apprehension that death will otherwise be the consequence of such assault;

Secondly.— Such an assault as may reasonably cause the apprehension that grievous hurt will otherwise be the consequence of such assault;

Thirdly.— An assault with the intention of committing rape;

Fourthly.— An assault with the intention of gratifying unnatural lust;

Fifthly.

Sixthly.

An assault with the intention of kidnapping or abducting;

An assault with the intention of wrongfully confining a person, under circumstances

which may reasonably cause him to apprehend that he will be unable to have recourse to the public authorities for his release.

101. When such right extends to causing any harm other than death. If the offence be not of any of the descriptions enumerated extend, under the restrictions mentioned in section 99 to the voluntary causing to the assailant of any harm other than death.

102. Commencement and continuance of the right of private defence of the body. The right of private defence of the body commences when an offence has not been committed; and it continues as long as such, apprehension of danger to the body continues.

103. When the right of private defence of property extends to causing death. The right of private defence of property extends to the committing of which, or the attempting to commit which, occasions the exercise of the right, be an offence of any of the descriptions

First.— Robbery;

Secondly.— Housebreaking by night;

Thirdly.— Mischief by fire committed on any building, tent or vessel, which building, tent or vessel is used as a human dwelling or as a place

Fourthly.— Theft, mischief or house trespass, under such circumstances as may reasonably cause apprehension that death or grievous

104. When such right extends to causing any harm other than death. If the offence, the committing of which, or the attempting to commit which, is enumerated in the last preceding section, that right does not extend to the voluntary causing of death, but does extend, subject to the restrictions

105. Commencement and continuance of the right of private defence of property. The right of private defence of property commences when an offence has not been committed; and it continues as long as such, apprehension of danger to the property continues.

The right of private defence of property against theft continues till the offender has effected his retreat with the property or either the assailant or the offender has used deadly force against the other.

The right of private defence of property against robbery continues as long as the offender causes or attempts to cause to any person death or grievous hurt.

The right of private defence of property against criminal trespass or mischief continues as long as the offender continues in the commission of the offence.

The right of private defence of property against housebreaking by night continues as long as the house trespass which has been begun b

106. Right of private defence against deadly assault when there is risk of harm to innocent person. If in the exercise of the r exercise that right without risk of harm to an innocent person, his right of private defence extends to the running of that risk.

Illustration

A is attacked by a mob who attempt to murder him. He cannot effectually exercise his right of private defence without firing on the mot children.

CHAPTER V OF ABETMENT

107. Abetment of a thing. A person abets the doing of thing, who— *First.*— Instigates any person to do that thing; or,

Secondly. Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission ta

Thirdly. Intentionally aids, by any act or illegal omission, the doing of that thing.

Explanation 1.

A person who, by willful misrepresentation, or by willful concealment of a material fact which he is bound to disclose, voluntarily causes or procures, or attempts to cause or procure, a thing to be done, is said to

Illustration

A, a public officer, is authorized by a warrant from a Court of Justice to apprehend Z. B, knowing that fact and also that C is not Z, willfu

Explanation 2. Whoever, either prior to or at the time of the commission of an act, does anything in order to facilitate the commission of that act, and thereby facilitates the commission thereof is said to aid the doing of that ac

108. Abettor. A person abets an offence, who abets either the commission of an offence, or the commission of an act which would be a

Explanation 1. The abetment of the illegal omission of an act may amount to an offence although the abettor may not himself be bound to do that act.

Explanation 2.

To constitute the offence of abetment it is not necessary that the act abetted should be committed, or that the effect requisite to constitute the offence should be caused.

Illustrations

(a) A instigates B to murder C, B refuses to do so. A is guilty of abetting B to commit murder.

(b) A instigates B to murder D. B in pursuance of the instigation stabs D. D recovers from the wound. A is guilty of instigating B to comm

Explanation 3. It is not necessary that the person abetted should be capable by law of committing an offence, or that he should have the same guilty intention or knowledge as that of the abettor or any guilty intention or kn

Illustrations

(a) A, with a guilty intention, abets a child or a lunatic to commit an act which would be an offence, if committed by a person capable by

(b) A, with the intention of murdering Z, instigates B, a child under seven years of age, to do an act which causes Z's death. B, in cons offence, A is liable to be punished in the same manner as if B had been capable by law of committing an offence, and had committed mu

(c) A instigates B to set fire to a dwelling house. B, in consequence of the unsoundness of his mind, being incapable of knowing the n offence, but A is guilty of abetting the offence of setting fire to dwelling house, and is liable to the punishment provided for that offence.

(d) A intending to cause a theft to be committed, instigates B to take property belonging to Z out of Z's possession. A induces B to b misconception, does not take dishonestly, and therefore does not commit theft. But A is guilty of abetting theft, and is liable to the same

Explanation 4. is also an offence.

The abetment of an offence being an offence, the abetment of such an abetment

Illustration

A instigates B to instigate C to murder Z. B accordingly instigates C to murder Z, and C commits that offence in consequence of B's insti same punishment.

Explanation 5.

It is not necessary to the commission of the offence of abetment by conspiracy that the abettor should concert the offence with the person who commits it. It is sufficient if he engages in the conspiracy in pursuance of

Illustration

A conspires with B a plan for poisoning Z. It is agreed that A shall administer the poison. B then explains the plan to C mentioning that a purpose of its being used in the manner explained. A administers the poison; Z dies in consequence. Here, though A and C have not been defined in this section and is liable to the punishment for murder.

¹**108.A. Abetment in Pakistan of offences outside it.** A person abets an offence within the meaning of this Code who, in ²[Pakistan] **Illustration**

A, in ²[Pakistan], instigates B, a foreigner in Goa, to commit a murder in Goa. A is guilty of abetting murder.]

109. Punishment of abetment if the act abetted is committed in consequence and where no express provision is made for it by this Code for the punishment of such abetment, be punished with the punishment provided for the offence[:]³

⁴[Provided that, except in case of *Ikrahi Tam* the abettor of an offence referred to in Chapter XVI shall be liable to punishment of *ta'zir* sp

Explanation. An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment.

Illustrations

(a) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B accepts the bribe.

(b) A instigates B to give false evidence. B, in consequence of the instigation commits that offence. A is guilty of abetting that offence, and is liable to the punishment provided for that offence.

(c) A and B conspire to poison Z. A, in pursuance of the conspiracy, procures the poison and delivers it to B in order that he may administer it to Z. B is guilty of murder. A is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder.

110. Punishment of abetment if person abetted does act with different intention from that of abettor. Whoever abets the commission of an offence shall be liable to the punishment provided for the offence which would have been committed if the act had been done with the intention or knowledge of the abettor.

111. Liability of abettor when one act abetted and different act done. When an act is abetted and a different act is done, the abettor shall be liable to the punishment provided for the offence which would have been committed if the act had been done with the intention or knowledge of the abettor.

¹This Section was added by the Indian Penal Code Amdt. Act, 1898 (4 of 1898), s. 3.

²Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (w.e.f. 14th October, 1955), for "the Proviso".

³Subs. by the criminal law (Amdt.), Act, 1997 (II of 1997), s. 6 for "fullstop".

⁴Proviso added *ibid*.

Proviso. Provided the act done was a probable consequence of the abetment, and was committed under the influence of the instigation,

Illustrations

(a) A instigates a child to put poison into the food of Z, and gives him poison for that purpose. The child, in consequence of the instigation, and the act done was under the circumstances a probable consequence of the abetment A is liable in the same manner and to the same punishment as if he had committed the offence.

(b) A instigates B to burn Z's house. B sets fire to the house and at the same time commits theft of property there. A, though guilty of abetting the theft, is liable to the punishment provided for murder.

(c) A instigates B and C to break into an inhabited house at midnight for the purpose of robbery, and provides them with arms for that purpose. B and C, in consequence of the instigation, break into the house and commit robbery. A is liable to the punishment provided for murder.

112. Abettor when liable to cumulative punishment for act abetted and for act done. If the act for which the abettor is liable to punishment is committed in consequence of the abetment, and if the abettor is liable to punishment for each of the offences, he shall be liable to the cumulative punishment provided for the two offences.

Illustration

A instigates B to resist by force a distress made by a public servant. B, in consequence, resists that distress. In offering the resistance, B is liable to punishment for both these offences; and, if A knew that B was likely voluntarily to cause the offence, A is liable to the punishment provided for murder.

113. Liability of abettor for an effect caused by the act abetted different from that intended by the abettor. When an act is abetted, causes a different effect from that intended by the abettor, the abettor is liable for the effect caused, in the same manner and to the same punishment as if he had intended that effect.

Illustration

A instigates B to cause grievous hurt to Z, B, in consequence of the instigation, causes grievous hurt to Z. Z dies in consequence. Here, A is liable to the punishment provided for murder.

114. Abettor present when offence is committed. Whenever any person, who if absent would be liable to be punished as an abettor, is present when the offence is committed, he shall be liable to be punished as an abettor.

115. Abetment of offence punishable with death or imprisonment for life if offence not committed; Whoever abets the commission of an offence punishable with death or imprisonment for life, and the offence is not committed, shall be liable to be punished with imprisonment for life or with imprisonment for a term not exceeding ten years, and with fine, if no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of either description for a term not exceeding ten years, and with fine, if no express provision is made by this Code for the punishment of such abetment.

if act causing harm be done in consequence. and if any act for which the abettor is liable in consequence of the abetment, and which shall also be liable to fine.

Illustration

A instigates B to murder Z. The offence is not committed. If B had murdered Z, he would have been subject to the punishment of death done to Z in consequence of the abetment, he will be liable to imprisonment for a term which may extend to fourteen years, and to fine.

116. Abetment of offence punishable with imprisonment if offence be not committed; Whoever abets an offence punishable with imprisonment shall, if that offence be not committed in consequence of the abetment, be liable to imprisonment for a term which may extend to one fourth part of the longest term provided for that offence; or with such fine as is provided for that offence for a term which may extend to one fourth part of the longest term provided for that offence; or with such fine

if abettor or person abetted be a public servant whose duty it is to prevent offence. and if the abettor or the person abetted be a public servant whose duty it is to prevent the commission of an offence, he shall be liable to imprisonment for a term which may extend to one half of the longest term provided for that offence, or with such fine as is provided for that offence, or with such fine as is provided for that offence, or with such fine as is provided for that offence,

Illustrations

(a) A offers a bribe to B, a public servant, as a reward for showing A some favour in the exercise of B's official functions. B refuses to accept the bribe.

(b) A instigates B to give false evidence. Here, if B does not give false evidence, A has nevertheless committed the offence defined in this section.

¹Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s.2 and Sch., for "transportation for life".

(c) A, a police officer, whose duty it is to prevent robbery, abets the commission of robbery. Here, though the robbery be not committed, A shall be liable to imprisonment for a term which may extend to one half of the longest term provided for that offence, or with such fine as is provided for that offence, or with such fine as is provided for that offence.

(d) B abets the commission of a robbery by A, a police officer, whose duty it is to prevent that offence. Here though the robbery be not committed, B shall be liable to imprisonment for a term which may extend to one half of the longest term provided for that offence, or with such fine as is provided for that offence, or with such fine as is provided for that offence.

117. Abetting commission of offence by the public or by more than ten persons. Whoever abets the commission of an offence by a public servant or by more than ten persons, shall be liable to imprisonment for a term which may extend to three years, or with fine, or with both.

Illustration

A affixes in a public place a placard instigating a sect consisting of more than ten members to meet at a certain time and place, for the purpose of committing an offence.

118. Concealing design to commit offence punishable with death or imprisonment for life. Whoever intending to facilitate or knowingly abets the commission of an offence punishable with death or imprisonment for life, and who, with intent to facilitate or knowingly abet the commission of such offence, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence or make any representation which is likely to facilitate or knowingly abet the commission of such offence,

shall, if that offence be committed, be punished with imprisonment of either description for a term which may extend to ten years; and in either case shall also be liable to fine.

Illustration

A, knowing that dacoity is about to be committed at B, falsely informs the Magistrate that a dacoity is about to be committed at C, a place in pursuance of the design. A is punishable under this section.

119. Public servant concealing design to commit offence which it is his duty to prevent. Whoever, being a public servant intending to prevent the commission of an offence punishable with death or imprisonment for life, and who, with intent to facilitate or knowingly abet the commission of such offence, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which is likely to facilitate or knowingly abet the commission of such offence,

shall, if that offence be committed, be punished with imprisonment of either description for a term which may extend to ten years; and in either case shall also be liable to fine.

¹Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s.2 and Sch., for "transportation for life".

If offence be committed; shall, if the offence be committed, be punished with imprisonment of any description provided for the offence for a term which may extend to ten years; and in either case shall also be liable to fine.

if offence be punishable with death, etc.; or if the offence be punishable with death or ²[imprisonment for life], with imprisonment of any description provided for the offence for a term which may extend to ten years; and in either case shall also be liable to fine.

if offence be not committed. or, if the offence be not committed, shall be punished with imprisonment of any description provided for the offence for a term which may extend to ten years; and in either case shall also be liable to fine.

Illustration

A, an officer of police, being legally bound to give information of all designs to commit robbery which may come to his knowledge, and who, with intent to facilitate or knowingly abet the commission of such offence, voluntarily conceals the existence of B's design, and is liable to punishment according to the provision of this section.

120. Concealing design to commit offence punishable with imprisonment. Whoever, intending to facilitate or knowingly abet the commission of an offence punishable with imprisonment, and who, with intent to facilitate or knowingly abet the commission of such offence, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which is likely to facilitate or knowingly abet the commission of such offence,

shall, if the offence be committed, be punished with imprisonment of the description provided for the offence for a term which may extend to ten years; and in either case shall also be liable to fine.

¹[CHAPTER VA CRIMINAL CONSPIRACY

120A. Definition of criminal conspiracy. When two or more persons agree to do, or cause to be done,—

(1) an illegal act, or

¹Ch. VA ins. by the Indian Criminal Law Amdt. Act, 1913 (8 of 1913), s. 3.

²Subs. by the Law Reforms Ordinance, 1972 (12 of 1972),s.2 and Sch., for "transportation for life".

(2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy:

Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides th

Explanation. It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object.

120B. Punishment of criminal conspiracy.

(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, ⁷[imprisonment for life] or rigorous imprisonment for a term of two years or upwards, had abetted such offence.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be pu

CHAPTER VI OF OFFENCES AGAINST THE STATE

121. Waging or attempting to wage war or abetting waging of war against Pakistan. Whoever wages war against ¹[Pa shall also be liable to fine].

⁴[Illustration]

⁵*A joins an insurrection against ¹[Pakistan]. A has committed the offence defined in this section.

⁶* * * * *

¹Subs. by A. O., 1961, Art. 2 and Sch., for "the Queen" (w.e.f. 23rd March, 1956).

² Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s.2 and sch., for "transportation for life".

³Subs. by the Indian Penal Code (Amdt.) Act, 1921 (16 of 1921), s. 2, for "and shall forfeit all his property".

⁴Subs. by A. O., 1961, Art. 2 and Sch., for "Illustrations" (w.e.f. 23rd March, 1956).

⁵The brackets and letter "(a)" omitted ibid. (w.e.f. the 23rd March, 1956).

⁶Illustration (b) as amended by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 4 and III Sch., omitted by A. O.,

⁷Subs. by the Law Reforms Ordinance, 1972 (12 of 1972),s.2 and Sch., for "transportation for life".

¹**[121A. Conspiracy to commit offences punishable by section 121.** Whoever within or without ²[Pakistan] conspire * or of any part thereof, or conspires to overawe, by means of criminal force or the show of criminal force, ⁵[the ⁶[Feder description which may extend to ten years, ⁹[and shallalso be liable to fine].

Explanation. To constitute a conspiracy under this section, it is not necessary that any act or

illegal omission shall take place in pursuance thereof.]

122. Collecting arms, etc., with intention of waging war against Pakistan.

Whoever collects

men, arms or ammunition or otherwise prepares to wage war with the intention of either waging or being prepared to wage war against also be liable to fine].

123. Concealing with intent to facilities design to wage war. Whoever, by any act, or by any illegal omission, conceals i concealment will facilitate the waging of such war, shall be punished with imprisonment of either description for a term which may exten

¹⁴[123A. Condemnation of the creation of the State, and advocacy of abolition of its

sovereignty. (1) Whoever, within or without Pakistan, with intent to influence, or knowing it to be likely that he will influence, any person or the whole or any section of the public, in a manner likely to be prejudicial to the safety [or spoken or written, or by signs or visible representation,[abuse Pakistan or]¹⁵ condemn the creation of Pakistan by virtue of the partition all or any of the territories lying within its borders, whether by amalgamation with the territories of neighboring States or otherwise, shal

¹ S. 121A, ins. by the Indian Penal Code Amdt. Act, 1870 (27 of 1870), s.4,

²Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), section 3 and 2nd Sch., (w.e.f. 14th October, 1955), for "th

³The original words "the Queen of the sovereignty of British India" have successively been amended by A.O., 1949, Arts. 3(2) and 4, Orc

⁴The words "of British Burma" omitted by A.O., 1949, Sch.

⁵Subs. by A. O., 1937, for "the G. of I. or any L.G.".

⁶Subs. by the Federal Adaptation of Laws Order, 1975 (P.O.No.4 of 1975), Art.2 and Table for "Central Government".

⁷The words "or the Govt. of Burma" omitted by A. O., 1949, Sch.

⁸Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2, and Sch., for "transportation for life or any shorter term" ,

⁹These words were ins. by Act 16 of 1921, s. 3.

¹⁰ Subs. by A. O., 1961, Art. 2 and Sch., for the "the Queen" (w.e.f. 23rd March 1956).

¹¹ Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s.2 and Sch. for "transportation for life".

¹² Subs. by the Indian Penal Code (Amdt.) Act, 1921 (16 of 1921), s. 2, for "and shall forfeit all his property".

¹³ Subs. by A. O., 1961, Art. 2 and Sch., for "the Queen" (w.e.f. 23rd March 1956).

¹⁴ S. 123A ins. by the Pakistan Penal Code (Amdt.) Act, 1950 (71 of 1950), section 2.

¹⁵ Ins. by Act II of 1992, ss. 2 & 3.

(2) Notwithstanding anything contained in any other law for the time being in force, when any person is proceeded against under this think fit in respect of his movements, of his association or communication with other persons, and of his activities in regard to dissemina

(3) Any Court which is a Court of appeal or of revision in relation to the Court mentioned in sub section (2) may also make an order unde

¹[123B. Defiling or unauthorisedly removing the National Flag of Pakistan from Government building, etc.

Whoever deliberately defiles [or puts on fire]² the National Flag of Pakistan, or unauthorisedly removes it from any building, premises, with fine, or with both.]

124. Assaulting President, Governor, etc., with intent to compel or restrain the exercise of any lawful power. Whoever, wi refrain from exercising in any manner any of the lawful powers of ⁹[the President], ¹⁰[or Governor],

assaults, or wrongfully restrains, or attempts wrongfully to restrain, or overawes, by means of criminal force or the show of criminal forc shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

¹¹**[124A. Sedition.** Whoever by words, either spoken or written, or by signs, or by visible representation, or otherwise, brings or established by law shall] be punished with ¹⁴[imprisonment for life], to which fine may be added, or with imprisonment which may exten

Explanation 1.

Explanation 2.

The expression "disaffection" includes disloyalty and all feelings of enmity.

Comments expressing disapprobation of the measures of the Government with a view to obtain their alteration by lawful means, without exciting or attempting to excite hatred, contempt or disaffection, do not constitut

¹ Ins. by Ord. XLIII of 1984, s. 2.

² Ins. by Act II of 1992, ss. 2 & 3.

³ Subs. by A. O., 1961, Art. 2, for "GovernorGeneral" (w.e.f. 23rd March, 1956).

⁴ Subs. by A. O., 1949, Sch., for "India".

⁵ Subs. by A. O., 1937, for " Presidency".

⁶ The words "or a LieutenantGovernor" rep., ibid.

⁷ The words "or a Member of the Council of the GovernorGeneral of India" omitted by A. O., 1949, Sch.

⁸ The words "or of the Council of any Presidency" rep. by A. O., 1937.

⁹ Subs. by A. O., 1961, Art. 2 and Sch., for "such GovernorGeneral" (w.e.f. 23rd March, 1956).

¹⁰ The original words "Governor, LieutenantGovernor or Member of Council" have successively been amended by A. O., 1937, and A. O.,

¹¹ Subs. by the Indian Penal Code Amdt. Act, 1898 (4 of 1898), s. 4, for the original section 124A, which was ins. by the Indian Penal Co

¹² The original words "Her Majesty or the Government established by law in British India, shall" have successively been amended by A. (A. O., 1961, Art. 2 and Sch. (w.e.f 23rd March, 1956), to read as above.

¹³ Subs. by the Federal Adaptation of Laws Order, 1975 (P.O. No.4 of 1975), Art. 2 and Table for "Central".

¹⁴ Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life or any shorter term".

Explanation 3. Comments expressing disapprobation of the administrative or other action of the Government without exciting or attempting to excite hatred, contempt or disaffection, do not constitute an offence under this section.

125. Waging war against any ¹[* * *] Power in alliance with Pakistan. Whoever wages war against the Government be punished with ³[imprisonment for life], to which fine maybe added, or with imprisonment of either description for a term which may e

126. Committing depredation on territories of Power at peace with Pakistan. Whoever commits depredation, or makes prepara description for a term which may extend to seven years, and shall also be liable to fine and to forfeiture of any property used or intendec

127. Receiving property taken by war or depredation mentioned in sections 125 and 126. Whoever receives any be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine and to fo

128. Public servant voluntarily allowing prisoner of State or war to escape. Whoever, being a public servant and having the c be punished with ³[imprisonment for life], or imprisonment of either description for a term which may extend to ten years, and shall also

129. Public servant negligently suffering such prisoner to escape. Whoever, being a public servant and having the custody of any be punished with simple imprisonment for a term which may extend to three years, and shall also be liable to fine.

130. Aiding escape of, rescuing or harbouring such prisoner. Whoever knowingly aids or assists any State prisoner or prison of w from lawful custody, or offers or attempts to offer any resistance to the recapture of such prisoner shall be punished with ³[imprisonment

Explanation. A State prisoner or prisoner of war, who is permitted to be at large on his parole within certain limits in ⁴[Pakistan], is said to escape from lawful custody if he goes beyond the limits within which he is allowed to be at large.

¹Omitted by Act No. II of 1988, s. 2.

²Subs. by A.O., 1961, Art. 2 and Sch., for "the Queen" (w.e.f.23rd March, 1956).

³Subs. by the Law Reforms Ordinance, 1972 (12 of 1972),s.2 and Sch., for "transportation for life".

⁴Subs. by the Central Laws (Statute Reform) Ordinance, 1960(21 of 1960), section 3 and 2nd Sch. (w.e.f. 14th October, 1955), for "the

CHAPTER VII

OF OFFENCES RELATING TO THE ARMY, ¹[NAVY AND AIR FORCE]

131. Abetting mutiny, or attempting to seduce a soldier, sailor or airman from his duty. Whoever abets the committing of mutiny or airman] from his allegiance or his duty, shall be punished with ⁵[imprisonment for life] or with imprisonment of either description for a

⁶[*Explanation.*

In this section, the words "officer" , "soldier" , "sailor" or "airman" include any person subject to the Pakistan Army Act, 1952 (XXXIX of

132. Abetment of mutiny, if mutiny is committed in consequence thereof. Whoever abets the committing of mutiny by an officer punished with death or with ⁵[imprisonment for life] or imprisonment of either description for a term which may extend to ten years, and

133. Abetment of assault by soldier, sailor or airman on his superior officer, when in execution of his office. Whoever abets of his office, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable

134. Abetment of such assault, if the assault is committed. Whoever abets an assault by an officer, soldier, ²[sailor or airman] committed in consequence of that abetment be punished with imprisonment of either description for a term which may extend to seven years

135. Abetment of desertion of soldier, sailor or airman. Whoever abets the desertion of any officer, soldier, ²[sailor or airman], in or with fine, or with both.

¹Subs. by the Repealing and Amending Act, 1927 (10 of 1927), s. 2 and Sch., I, for "and Navy". ²Subs. by the Repealing and Amending

⁴Subs. by A. O., 1961, Art. 2 and Sch., for "the Queen" (w.e.f. 23rd March 1956.)

⁵Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and sch., for "Transportation for life".

⁶Explanation originally inserted by the Indian Penal Code Amdt. Act, 1870 (27 of 1870) and subsequently amended by Act 10 of 1927, : read as above.

136. Harboursing deserter. Whoever, except as hereinafter excepted, knowing or having reason to believe that an officer, soldier, punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Exception. her husband.

This provision does not extend to the case in which the harbour is given by a wife to

137. Deserter concealed on board merchant vessel through negligence of master. The master or person incharge of a merchant be liable to a penalty not exceeding ⁴[one thousand five hundred rupees], if he might have known of such concealment but for some negligence

138. Abetment of act of insubordination by soldier, sailor or airman. Whoever abets what he knows to be an act of insubordination committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to six months

138A. [Application of foregoing sections to the Indian Marine Service.] Rep. by the Amending Act, 1934 (XXXV of 1934), s. 2 and Sch.

⁵[**139. Persons subject to certain Acts.** No person subject to the Pakistan Army Act, 1952, (XXXIX of 1952) of the Pakistan Air Force defined in this Chapter.]

140. Wearing garb or carrying token used by soldier, sailor or airman. Whoever, not being a soldier, ¹[sailor or airman] in the airman] with the intention that it may be believed that he is such a soldier, ¹[sailor or airman], shall be punished with imprisonment of either

¹Subs. by the Repealing and Amending Act, 1927 (10 of 1927), s. 2 and Sch., I, for "or sailor".

²Subs, ibid., for "or Navy".

³Subs. by A. O., 1961, Art. 2 and Sch., for "the Queen" (w.e.f. 23rd March, 1956).

⁴Section 139 as amended by Act 10 of 1927, 35 of 1934, 39 of 1952, 14 of 1932, 6 of 1953 and Ordinance 21 of 1960 have been substituted.

⁵Subs. by ord. 86 of 2002, s. 2 and Sch. I, for "five hundred rupees".

CHAPTER VIII

(b) commits, or incites any other person to commit, any act which is prejudicial to the maintenance of harmony betw on any ground whatsoever and which disturbs or is likely to disturb public tranquility; or

(c) organizes, or incites any other person to organize, any exercise, movement, drill or other similar activity intending that the part activity will use or be trained to use criminal force or violence, or participates, or incites any other person to participate, in any such a be trained to use criminal force or violence, against any religious, racial, language or regional group or caste or community or any group or a feeling of insecurity amongst members of such religious, racial, language or regional group or caste or community,

shall be punished with imprisonment for a term which may extend to five years and with fine.

Explanation. It does not amount to an offence within the meaning of this section to point out, without malicious intention and with an t racial, language or regional groups or castes or communities].

¹[153B. **Inducing students, etc., to take part in political activity.** Whoever by wo or attempts to induce any student, or any class of students, or any institution interested in or connected with students, to take part i which may extend to two years or with fine or with both.]

154. Owner or occupier of land on which an unlawful assembly is held. Whenever any unlawful assembly or riot takes place the i such land, shall be punishable with fine not exceeding ³[three thousand rupees], if he or his agent or manager, knowing that such offenc to the principal officer at the nearest police station, and do not, in the case of his or their having reason to believe that it all lawful means in his or their power to disperse or suppress the riot or unlawful assembly.

155. Liability of person for whose benefit riot is committed. Whenever a riot is committed for the benefit or on behalf of any i of any dispute which gave rise to the riot, or

¹S. 153B was ins. by the Pakistan Penal Code (Second Amdt.) Ordinance, 1962 (70 of 1962), s. 2.

² Ins. by the Pakistan Penal Code (Amdt.) Act, 1965, (20 of 1965), s. 2.

³Subs. by Ord. 86 of 2002, s.2 and Sch. I, for " one Thousand rupees".

who has accepted or derived any benefit therefrom, such person shall be punishable with fine, if he or his agent or manager, hav be held, shall not respectively use all lawful means in his or their power to prevent such assembly or riot from taking place, and for supp

156. Liability of agent of owner or occupier for whose benefit riot is committed. Whenever a riot is committed for the benefit or in the subject of any dispute which gave rise to the riot, or who has accepted or derived any benefit therefrom, the agent c be committed, or that the unlawful assembly by which such riot was committed was likely to be held, shall not use all lawful means in his

157. Harbours persons hired for an unlawful assembly. Whoever harbours, receives or assembles, in any house or premises i be hired, engaged or employed, to join or become members of an unlawful assembly, shall be punished with imprisonment of either desc

158. Being hired to take part in an unlawful assembly or riot. Whoever is engaged or hired, or offers or attempts to be hire term which may extend to six months, or with fine, or with both,

Or to go armed. and whoever, being so engaged or hired as aforesaid, goes armed, or engages or offers to go armed, with any deadly term which may extend to two years, or with fine, or with both.

159. Affray. When two or more persons, by fighting in a public place, disturb the public peace, they are said to "commit an affray".

160. Punishment for committing affray. Whoever commits an affray, shall be punished with imprisonment of either description for a

CHAPTER IX OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS

161. Public servant taking gratification other than legal remuneration in respect of an official act. Whoever, being or other person, any gratification whatever, other than legal remuneration, as a motive or reward for doing or for bearing to do any official render any service or disservice to any person, ²[with the ³[Federal], or any Provincial Government or Legislature], or with any public se

¹Subs. by Ord. No. 86 of 2002, s. 2 and Sch. I, for "one Thousand rupees".

²Subs. by A. O., 1937, for "with the Legislative or Executive G. of I., or with the Government of any Presidency, or with any Lieutenant G

³Subs. by the Federal Adaptation of Laws Order, 1975 (P.O. No. 4 of 1975), Art. 2 and Table for "Central".

Explanation. "Expecting to be a public servant." If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office, and that he will then serve them, he may be guilty

"Gratification." The word "gratification" is not restricted to pecuniary gratifications, or to gratifications estimable in money.

"Legal remuneration." The words "legal remuneration" are not restricted to remuneration which a public servant can lawfully demand, bu "A motive or reward for doing." A person who receives a gratification as a motive for doing what he does not intend to do, or as a reward

²['Public servant'. In this section and in sections 162, 163, 164, 165, 166, 167, 168, 169 and 409, 'public servant' includes an employee

Illustrations

(a) A, a munsif, obtains from Z, a banker, a situation in Z's bank for A's brother, as a reward to A for deciding a cause in favour of Z. A I

(b) A, holding the office of ³[Consul] at the Court of a ⁴[Foreign] Power accepts a lakh of rupees from the Minister of that Power. It does render any particular service to that Power with the ⁵[Government of Pakistan]. But it does appear that A accepted the sum as a motive

(c) A, a public servant, induces Z erroneously to believe that A's influence with the Government has obtained a title for Z and thus induc

162. Taking gratification, in order, by corrupt or illegal means to influence public servant. Whoever accepts or obtains, or for inducing, by corrupt or illegal means, any public servant to do or to forbear to do any official act, or in the exercise of the official person ⁶[with the ⁷[Federal] or any Provincial Government or Legislature], or with any public servant, as such, shall be punished with im

¹Subs. by the Criminal Law Amdt. Act, 1953 (37 of 1953), s. 2, for "government, which he serves".

²Added by the Prevention of Corruption Laws (Amdt.) Act, 1977 (13 of 1977). s. 2 and Sch.

³Subs. by A. O., 1961 Art. 2 and Sch., for "Resident" (w.e.f. 23rd March, 1956).

⁴Subs. ibid., for "subsidiary" (w.e.f. 23rd March, 1956).

⁵Subs. ibid., for "British Government" (w.e.f. 23rd March, 1956).

⁶Subs. by A. O., 1937, for "with the Legislative or Executive G. of I., or with the Govt. of any Presidency, or with any Lieutenant Govern

⁷Subs. by the Federal Adaptation of Laws Order, 1975 (P.O. No. 4 of 1975), Art. 2 and Table for "Central".

163. Taking gratification, for exercise of personal influence with public servant. Whoever accepts or obtains, or agrees to accept exercise of personal influence, any public servant to do or to forbear to do any official act, or in the exercise of the official functions of the ²[Federal] or any Provincial Government or Legislature], or with any public servant, as such, shall be punished with simple imprisonment

Illustration

An advocate who receives a fee for arguing a case before a Judge; a person who receives pay for arranging and correcting a memorandum for the Government

statements tending to show that the condemnation was unjust, as they do not exercise or profess to exercise personal influence.

are not within this section, inasmuch

164. Punishment for abetment by public servant of offences defined in section 162 or 163. Whoever, being a public servant, abets the commission of an offence of either description for a term which may extend to three years, or with fine, or with both.

Illustration

A is a public servant. B, A's wife, receives a present as a motive for soliciting A to give an office to a particular person. A abets her doing so, which may extend to three years, or with fine, or with both.

165. Public servant obtaining valuable thing, without consideration from person concerned in proceeding or business transacted or from any other person, any valuable thing without consideration, or for a consideration which he knows to be inadequate,

from any person whom he knows to have been, or to be, or to be likely to be concerned in any proceeding or business transacted or from any subordinate,

or from any person whom he knows to be interested in or related to the person so concerned, shall be, punished with ³[imprisonment of

¹Subs. by A. O., 1937 for "with the Legislative or Executive G. of I., or with the Govt. of any Presidency, or with any Lieutenant Governor

²Subs. by the Federal Adaptation of Laws Order, 1975 (P.O. No. 4 of 1975), Art. 2 and Table for "Central".

³Subs. by the Criminal Law Amdt. Act, 1953 (37 of 1953), s. 2, for "simple Imprisonment for a term which may extend to two years."

Illustrations

(a) A, a Collector, hires a house of Z, who has a settlement case pending before him. It is agreed that A shall pay fifty rupees a month for the house, and A obtains from Z a valuable thing from Z without adequate consideration.

(b) A, a Judge, buys of Z, who has a case pending in A's Court, Government promissory notes at a discount, when they are selling in the

(c) Z's brother is apprehended and taken before A, a Magistrate, on a charge of perjury. A sells to Z shares in a bank at a premium, by him without adequate consideration.

¹[**165A. Punishment for abetment of offences defined in sections 161 and 165.** Whoever abets any offence punishable under section 161 or 163, shall be punished with the punishment provided for the offence.]

²[**165B. Certain abettors excepted.** A person shall be deemed not to abet an offence punishable under section 161 or 163, if he does so for any of the purposes mentioned therein, or any valuable thing without consideration, or for an inadequate consideration, to any such person.]

166. Public servant disobeying law, with intent to cause injury to any person.

[(1)]³ Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both.

³[(2) Whoever being a public servant entrusted with the investigation of a case fails to carry out the investigation properly or diligently term which may extend to three years or with fine or with both.].

Illustration

A, being an officer directed by law to take property in execution, in order to satisfy a decree pronounced in Z's favour by a Court of Just in this section.

167. Public servant framing an incorrect document with intent to cause injury. Whoever, being a public servant, and being, as s believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury to any person, shall be pu

¹S.165A was ins. by the Criminal Law Amdt. Act, 1953 (37 of 1953), s. 2.

²S.165B was ins. by the Pakistan Penal Code (Amdt.) Ordinance, 1962 (59 of 1962), s. 2.

³Renumber and added by Act XLIVof 2016, s. 3.

168. Public servant unlawfully engaging in trade. Whoever, being a public servant, and being legally bound as such public serva or with both.

169. Public servant unlawfully buying or bidding for property. Whoever, being a public servant, and being legally bound as such or jointly, or in shares with others, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, o
170. Personating a public servant. Whoever pretends to hold any particular office as a public servant, knowing that he does not hold such office, shall be punished with imprisonment of either description, for a term which may extend to two years, or with fine, or with bo

171. Wearing garb or carrying token used by public servant with fraudulent intent. Whoever, not belonging to a certain clas that it may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public servants, shall be rupees], or with both.

¹[**CHAPTER IXA
OF OFFENCES RELATING TO ELECTIONS**

171A. "Candidates" "Electoral right" defined. For the purposes of this Chapter

- (a) "candidate" means a person who has been nominated as a candidate at any election and includes a person who, when an election is
 (b) "electoral right" means the right of a person to stand, or not to stand as, or to withdraw from being, a candidate or to vote or refrain

171B. Bribery. (1) Whoever

- (i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding
 (ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempt

¹Chapter IXA ins. by the Elections Offences and Inquiries Act, 1920 (39 of 1920), s. 2.

²Subs.by ord.86 of 2002, s.2 and sch.I

Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.

(2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.

(3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person have accepted the gratification as a reward.

171C. Undue influence at elections. (1) Whoever voluntarily interferes or attempts to interfere with the free exercise of any electoral right commits the offence of undue influence at an election.

(2) Without prejudice to the generality of the provisions of subsection (1), whoever

- (a) threatens any candidate or voter, or any person in whom a candidate or voter is interested, with injury of any kind, or
 (b) induces or attempts to induce a candidate or voter to believe that he or any person in whom he is interested will become or will be re
 shall be deemed to interfere with the free exercise of the electoral right of such candidate or voter, within the meaning of subsection (1).

(3) A declaration of public policy or a promise of public action, or the mere exercise of a legal right without intent to interfere with an ele

171D. Personation at elections. Whoever at an election applies for a voting paper or votes in the name of any other person, whethe and whoever abets, procures or attempts to procure the voting by any person in any such way, commits the offence of personation at an

171E. Punishment for bribery. Whoever commits the offence of bribery shall be punished with imprisonment of either description for :

Provided that bribery by treating shall be punished with fine only.

Explanation. 'Treating' means that form of bribery where the gratification consists in food, drink, entertainment, or provision.

171F. Punishment for undue influence or personation at an election. Whoever commits the offence of undue influence or persona

171G. False statement in connection with an election. Whoever with intent to affect the result of an election makes or publishes true, in relation to the personal character or conduct of any candidate shall be punished with fine.

¹Subs. by Ord. 86 of 02, s.2 and sch. 1.

²Added by the Criminal Law Amdt. Act, 1939 (22 of 1939), s. 2.

Illustrations

(a) A, a landholder, knowing of the commission of a murder within the limits of his estate, willfully misinforms the Magistrate of the distr

(b) A, a village watchman, knowing that a considerable body of strangers has passed through his village in order to commit in the house to give early and punctual information of the above fact to the officer of the nearest police station, willfully misinforms the police officer t is guilty of the offence defined in the later part of this section.

²[*Explanation.*

In section 176 and in this section the word "offence" includes any act committed at any

place out of ³[Pakistan], which, if committed in ³[Pakistan], would be punishable under any of the following sections, namely, 302, 304, alleged to have guilty of any such act.]

178. Refusing oath or affirmation when duly required by public servant to make it. Whoever refuses to bind himself by an himself, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend ⁵[three t

179. Refusing to answer public servant authorised to question. Whoever, being legally bound to state the truth on any s of the legal powers of such public servant, shall be punished with simple imprisonment for a term which may extend to six months, or wi

180. Refusing to sign statement. Whoever, refuses to sign any statement made by him, when required to sign that statement by extend to three months, or with fine which may extend to ⁵[one thousand five hundred rupees], or with both.

181. False statement on oath or affirmation to public servant or person authorised to administer an oath or affirmation. V to administer such oath ⁴[or affirmation], makes, to such public servant or other person as aforesaid, touching that subject, any stater description for a terms which may extend to three years, and shall also be liable to fine.

¹Rep. by Act 17 of 1862.

²Explanations ins. by the Indian Criminal Law Amdt. Act, 1894 (3 of 1894), s. 5.

³Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (w.e.f. 14th October, 1955), for "the Provi

⁴Ins. by the Oaths Act, 1873 (10 of 1873), s. 15.

⁵ Subs. by Ord. 86 of 02, s.2 and sch. 1.

¹[**182. False information with intent to cause public servant to use his lawful power to the injury of another person.** likely that he will thereby cause, such public servant

(a) to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information

(b) to use the lawful power of such public servant to the injury or annoyance of any person, shall be punished with imprisonment of eith

(a) Seven years in case the offence in which false information is gives in punishable with death;

(b) five years in case the offence in which false information is given is punishable with inprisonment for life; or

(c) onefourth of the longest term of imprisonment or with fine as is provided for the offence in which false information is given and such

Illustrations

(a) A informs a Magistrate that Z, a police officer, subordinate to such Magistrate, has been guilty of neglect of duty or misco committed the offence defined in this section.

(b) A falsely informs a public servant that Z has contraband salt in a secret place, knowing such informatior attended with annoyance to Z. A has committed the offence defined in this section.

(c) A falsely informs a policeman that he has been assaulted and robbed in the neighbourhood of a particular village. information the police will make enquiries and institute searches in the village to the annoyance of the villagers or some of them. A has c

183. Resistance to the taking of property by the lawful authority of a public servant. Whoever offers any resistance to the be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to ²[thre

184. Obstructing sale of property offered for sale by authority of public servant. Whoever intentionally obstructs any sale of term which may extend to one month, or with fine which may extend to ²[one thousand five hundred rupees], or with both.

185. Illegal purchase or bid for property offered for sale by authority of public servant. Whoever, at any sale of property held t

¹Subs. by the Indian Criminal Law Amdt. Act, 1895 (3 of 1895), s. 1 for the original s. 182.

²Subs. by Ord. 86 of 02, s. 2 & Sch. I.

³Subs. by Act No. IV of 2017, s. 2.

whom he knows to be under a legal incapacity to purchase that property at that sale, or bids for such property not intending to perform extend to one month, or with fine which may extend to ¹[six hundred rupees], or with both.

186. Obstructing public servant in discharge of public functions.

²[(1)] Whoever voluntarily

obstructs any public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term

²["(2) Whoever intentionally hampers, misleads, jeopardizes or defeats an investigation, inquiry or prosecution or issues a false or def or with fine or with both."]

187. Omission to assist public servant when bound by law to give assistance. Whoever, being bound by law to be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to ¹[six hundred rupee and if such assistance be demanded of him by a public servant legally competent to make such demand for the purposes of execution of apprehending a person charged with or guilty of an offence, or of having escaped from lawful custody, shall be punished with simple imprisonment

188. Disobedience to order duly promulgated by public servant. Whoever, knowing that, by an order promulgated by a public servant in his possession or under his management, disobeys such direction,

shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, extend to ¹[six hundred rupees], or with both; and if such disobedience causes or tends to cause danger to human life, health or safety, or causes or tends to cause a riot extend to ¹[three thousand rupees], or with both.

Explanation. It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm

Illustration

An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not

¹Subs. by Ord. 86 of 02, s. 2 & Sch. I.

²Renumber, subs. and added by Act XLIV of 2016, s. 4.

189. Threat of injury to public servant. Whoever holds out any threat of injury to any public servant, or to any person in whom any act, connected with the exercise of the public functions of such public servant, shall be punished with imprisonment of either description

190. Threat of injury to induce person to refrain from applying for protection to public servant. Whoever holds out any threat to any public servant legally empowered as such to give such protection, or to cause such protection to be given, shall be punished with imprisonment

CHAPTER XI

OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

191. Giving false evidence. Whoever being legally bound by an oath or by an express provision of law to state the truth, or being bound to believe to be true, is said to give false evidence.

Explanation 1. otherwise.

Explanation 2.

A statement is within the meaning of this section, whether it is made verbally or

A false statement as to the belief of the person attesting is within the meaning of

this section, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as

Illustrations

(a) A, in support of a just claim which B has against Z for one thousand rupees, falsely swears on a trial that he heard Z admit the just claim

(b) A, being bound by an oath to state the truth, states that he believes a certain signature to be the handwriting of Z, when he does not

(c) A, knowing the general character of Z's handwriting, states that he believes a certain signature to be the handwriting of Z; A in good faith believes to be the handwriting of Z. A has not given false evidence.

(d) A, being bound by an oath to state the truth, states that he knows that Z was at a particular place on a particular day, not knowing that

(e) A, an interpreter or translator, gives or certifies as a true interpretation or translation of a statement or document, which he has given false evidence.

192. Fabricating false evidence. Whoever causes any circumstance to exist or makes any false entry in any book or appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before an arbitrator, an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding, is said "to

Illustrations

(a) A puts jewels into a box belonging to Z, with the intention that they may be found in that box, and that this circumstance may cause

(b) A makes a false entry in his shop book for the purpose of using it as corroborative evidence in a Court of Justice. A has fabricated fal

(c) A, with the intention of causing Z to be convicted of a criminal conspiracy, writes a letter in imitation of Z's handwriting, purporting t search. A has fabricated false evidence.

193. Punishment for false evidence. Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates fa which may extend to seven years, and shall also be liable to fine;

and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description

Explanation 1.

Explanation 2.

A trial before a Court martial ¹* * * is a judicial proceeding.

An investigation directed by law preliminary to a proceeding before a Court of

Justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

2* * * * *

¹The words "or before a Military Court of Request" were rep. by the Cantonments Act, 1889 (13 of 1889). Act 13 of 1889 was rep. by the

²Illustration omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and II Sch.

Explanation 3. An investigation directed by a Court of Justice according to law, and conducted under the authority of a Court of Justice, is

Illustration

A, in an enquiry before an officer deputed by a Court of Justice to ascertain on the spot the boundaries of land, makes on oath a stateme

194. Giving or fabricating false evidence with intent to procure conviction of capital offence; Whoever gives or fabricates fa capital ¹[by any law for the time being in force], shall be punished with ²[imprisonment for life], or with rigorous imprisonment for a term **if innocent person be thereby convicted and executed.** and if an innocent person be convicted and executed in consequence of such

195. Giving or fabricating false evidence with intent to procure conviction of offence punishable with. Whoever gives an offence which ¹[by any law for the time being in force] is not capital, but punishable with ²[imprisonment for life], or imprisonment for

Illustration

³**[Imprisonment for life or for a term of seven years or upwards].** A gives false evidence before a Court of Justice, intending the extend to ten years, with or without fine. A, therefore, is liable to ⁴[such imprisonment for life] or imprisonment, with or without fine.

196. Using evidence known to be false. Whoever corruptly uses or attempts to use as true or genuine evidence any evidence which is

197. Issuing or signing false certificate. Whoever issues or signs any certificate required by law to be given or signed, or relating be punished in the same manner as if he gave false evidence.

198. Using as true a certificate known to be false. Whoever corruptly uses or attempts to use any such certificate as a true certifica

¹The original words, "by this Code" have successively been amended by Act 27 of 1870, s. 7, Act 9 of 1890, s. 149, and A. O., 1949, Sch

² Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

³Subs. by the Law Reforms Ordinance. 1972 (12 of 1972), s. 2. and Sch., or "transportation or imprisonment" ,

⁴Subs. ibid.. for "such transportation".

199. False statement made in declaration which is by law receivable as evidence. Whoever in any declaration made or subscrib fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any

200. Using as true such declaration knowing it to be false. Whoever corruptly uses or attempts to use as true any such declaration

Explanation. A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of secti

201. Causing disappearance of evidence of offence, or giving false information to screen offender if a capital offence. Whoever, knowing or having reason to believe that an offence has been committed, causes any evidence or information respecting the offence which he knows or believes to be false,

shall, if the offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment of either

if punishable with ¹[imprisonment for life]; and if the offence is punishable with ²[imprisonment for life], or with imprisonment of either description for a term which may extend to five years, shall also be liable to fine;

if punishable with less than ten years imprisonment. and if the offence is punishable with imprisonment for any term not extending beyond the longest term of the imprisonment provided for the offence, or with fine, or with both.

Illustration

A, knowing that B has murdered Z, assists B to hide the body with the intention of screening B from punishment. A is liable to imprisonment of either description for a term which may extend to five years, or with fine, or with both.

¹Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "Transportation".

²Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

202. Intentional omission to give information of offence by person bound to inform. Whoever, knowing or having reason to believe that an offence has been committed, omits to give information of the offence to any person to whom he is bound to give information, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

203. Giving false information respecting an offence committed. Whoever, knowing or having reason to believe that an offence has been committed, gives false information respecting the offence to any person to whom he is bound to give information, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

¹[Explanation.

In sections 201 and 202 and in this section the word " offence" includes any act committed at any place out of 2[Pakistan], which, if committed in any of the following descriptions, shall be punishable with imprisonment of either description for a term which may extend to two years, or with fine, or with both:—

204. Destruction of document to prevent its production as evidence. Whoever secretes or destroys any document which he may be lawfully required to produce, or renders illegible the whole or any part of such document with the intention of preventing the same from being produced or used for that purpose, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

205. False personation for purpose of act or proceeding in suit or prosecution. Whoever falsely personates another, and in so doing does any other act in any suit or criminal prosecution, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

206. Fraudulent removal or concealment of property to prevent its seizure as forfeited or in execution. Whoever fraudulently removes or conceals any property which is liable to be seized as forfeited or in execution, or which he knows to be likely to be made by a Court of Justice in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

207. Fraudulent claim to property to prevent its seizure as forfeited or in execution. Whoever fraudulently accepts, practises any deception touching any right to any property or any interest therein, intending thereby to prevent that property or interest from being taken in execution of a decree or order which has been pronounced by a Court of Justice or other competent authority, or from being taken in execution of a decree or order which has been pronounced by a Court of Justice or other competent authority, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

¹Explanation ins. by the Indian Criminal Law Amendment Act, 1894 (3 of 1894), s. 7.

²Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960) s. 5 and 2nd Sch. (w.e.f. 14th October, 1955), for "the Provisions of the Indian Criminal Law Amendment Act, 1894 (3 of 1894), s. 7".

208. Fraudulently suffering decree for sum not due. Whoever fraudulently causes or suffers a decree or order to be passed against a person who is not entitled, or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied, or after the period of limitation prescribed by law for the execution of such decree or order has expired, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Illustration

A institutes a suit against Z. Z, knowing that A is likely to obtain a decree against him fraudulently suffers a judgment to pass against him, and Z has committed an offence under this section.

209. Dishonestly making false claim in Court. Whoever fraudulently or dishonestly, or with intent to injure or annoy any person, makes a false claim in any Court, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

210. Fraudulently obtaining decree for sum not due. Whoever fraudulently obtains a decree or order against any person for a sum of money or for any other thing, or for anything in respect of which it has been satisfied, or fraudulently obtains a decree or order against any person for a sum of money or for any other thing, or for anything in respect of which it has been satisfied, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

211. False charge of offence made with intent to injure. Whoever, with intent to cause injury to any person, institutes or causes to be instituted a criminal proceeding or charge against that person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

and if such criminal proceeding be instituted on a false charge of an offence punishable with death, ¹[imprisonment for life], or imprisonment of either description for a term which may extend to five years, shall also be liable to fine.

212. Harbours offender, if a capital offence; Whenever an offence has been committed, whoever harbours or conceals a person who is liable to be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both,

¹Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

If punishable with imprisonment for life, or with imprisonment. and if the offence is punishable with ¹[imprisonment for life] or imprisonment of either description for a term which may extend to five years, shall also be liable to fine.

years, and shall also be liable to fine;

and if the offence is punishable with imprisonment which may extend to one year, and not to ten years, shall be punished with imprisonment, or with fine, or with both.

²["Offence" in this section includes any act committed at any place out of ³[Pakistan], which, if committed in ³[Pakistan], would be punishable; and

every such act shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in ³[Pakistan].

Exception. This provision shall not extend to any case in which the harbour or concealment is by the husband or wife of the offender.

Illustration

A, knowing that B has committed dacoity, knowingly conceals B in order to screen him from legal punishment. Here, as B is liable to ¹[imprisonment for life],

213. Taking gift, etc., to screen an offender from punishment. Whoever accepts or attempts to obtain, or agrees to accept, any gift or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing

If a capital offence; shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which

If punishable with imprisonment for life, or with imprisonment. and if the offence is punishable with ¹[imprisonment for life], or years, and shall also be liable to fine;

and if the offence is punishable with imprisonment not extending to ten years, shall be punished with imprisonment of the description prescribed

¹Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

²Ins. by the Indian Criminal Law Amendment Act, 1894 (3 of 1894), s. 7.

³Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (w.e.f. 14th October, 1955), for "the provisions of the Code of Criminal Procedure, 1882 (X of 1882), for

one fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

214. Offering gift or restoration of property in consideration of screening offender Whoever gives or causes, or offers or agrees to give or causes to be given, or person's concealing an offence, or of his screening any person from legal punishment for any offence, or of his not proceeding against an

If a capital offence; shall, if the offence is punishable with death, be punished with imprisonment of either description for a term which

If punishable with imprisonment for life, or with imprisonment. and if the offence is punishable with ¹[imprisonment for life], or years, and shall also be liable to fine;

and if the offence is punishable with imprisonment not extending to ten years, shall be punished with imprisonment of the description prescribed with both.

²[*Exception.*

The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded.]

[*Illustrations.*]

Rep. by the Code of Criminal Procedure, 1882 (X of 1882).

215. Taking gift to help to recover stolen property, etc. Whoever takes or agrees or consents to take any gratification under the Code, shall, unless he uses all means in his power to cause the offender to be apprehended and convicted of the offence, be punished with

216. Harboursing offender who has escaped from custody or whose apprehension has been ordered Whenever any person conceals or

or whenever a public servant, in the exercise of the lawful powers of such public servant, orders a certain person to be apprehended for being apprehended, shall be punished in the manner following, that is to say,

if a capital offence; if the offence for which the person was in custody or is ordered to be apprehended is punishable with death, he shall be punished with

¹Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

²Subs. by the Indian Penal Code Amendment Act, 1882 (8 of 1882), s. 6, for the original Exception.

if punishable with imprisonment for life, or with imprisonment. if the offence is punishable with ¹[imprisonment for life], or without fine;

and if the offence is punishable with imprisonment which may extend to one year and not to ten years, he shall be punished with imprisonment for such offence or with fine, or with both.

²["Offence" in this section includes also any act or omission of which a person is alleged to have been guilty out of ³[Pakistan] which, if it

otherwise, liable to be apprehended or detained in custody in ³[Pakistan], and every such act or omission shall, for the purposes of this s

Exception. This provision does not extend to the case in which the harbour or concealment is by the husband or wife of the person to be

⁵**[216A. Penalty for harbouring robbers or dacoits.** Whoever, knowing or having reason to believe that any persons are about to co or dacoity, or of screening them or any of them from punishment, shall be punished with rigorous imprisonment for a term which may ex

Explanation. For the purposes of this section it is immaterial whether the robbery or dacoity is intended to be committed, or has been committed, within or without ³[Pakistan].

Exception. This provision does not extend to the case in which the harbour is by the husband or wife of the offender.

216B. [Definition of "harbour" in sections 212, 216 and 216 A.] Omitted by the Penal Code (Amdt.) Act, 1942 (VIII of 1942), s. 3.

217. Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture. A intending thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment, or subject him to a les charge to which it is liable by law, shall be punished with imprisonment of either description for a term which may extend to two years, o

¹Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

²Ins. by the Indian Criminal Law Amdt. Act, 1886 (10 of 1886), s. 23.

³Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960) s.3 and 2nd Sch. (w.e.f 14th October, 1955), for "the Provinc

⁴The words "or under the Fugitive Offenders Act, 1881," omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of

⁵Ss. 216A. and 216B were ins. by the Indian Criminal Law Arndt. Act 1894 (3 of 1894). s. 8.

218. Public servant framing incorrect record or writing with intent to save person from punishment or property from forfe record or writing in a manner which he knows to be incorrect, with intent to cause, or knowing it to be likely that he will thereby ca from legal punishment, or with intent to save, or knowing that he is likely thereby to save, any property from forfeiture or other char or with both.

219. Public servant in judicial proceeding corruptly making report, etc., contrary to law. Whoever, being a public servant, corr to law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

220. Commitment for trial or confinement by person having authority who knows that he is acting contrary to law. Whoev or maliciously commits any person for trial or confinement, or keeps any person in confinement, in the exercise of that authority, kno years, or with fine, or with both.

221. Intentional omission to apprehend on the part of public servant bound to apprehend. Whoever, being a public servant, intention ally omits to apprehend such person, or intentionally suffers such person to escape, or intentionally aids such person in escapin

with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, o

with imprisonment of either description for a term which may extend to three years, with or without fine, if the p punishable with ¹[imprisonment for life] or imprisonment for a term which may extend to ten years; or

with imprisonment of either description for a term which may extend to two years, with or without fine, if the person in confineme term less than ten years.

222. Intentional omission to apprehend on the part of public servant bound to apprehend person under sentence or law sentence of a Court of Justice for any offence ²[or lawfully committed to custody], intentionally omits to apprehend such person, or punished as follows that is to say:

with ¹[imprisonment for life] or with imprisonment of either description for a term which may extend to fourteen years, with or without f

with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confiner to ¹[imprisonment for life] ³* * * ⁴* * * ⁵* * * or imprisonment for a term of ten years or upwards; or

with imprisonment of either description for a term which may extend to three years, or with fine, or with both, if the person in confir years ²[or if the person was lawfully committed to custody].

223. Escape from confinement or custody negligently suffered by public servant. Whoever, being a public servant lega custody], negligently suffers such persons to escape from confinement, shall be punished with simple imprisonment for a term which ma

224. Resistance or obstruction by a person to his lawful apprehension. Whoever intentionally offers any resistance or illegal obs escape from any custody in which he is lawfully detained for any such offence, shall be punished with imprisonment of either description

Explanation. person

The punishment in this section is in addition to the punishment for which the to be apprehended or detained in custody was liable for the

¹ Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

²Ins. by the Indian Penal Code Amdt. Act, 1870 (27 of 1870), s. 8.

³The words "or penal servitude for life," omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (2 of 1950), Sch.

⁴The words "or to transportation" omitted by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch.

⁵The words "or penal servitude" omitted by Act 2 of 1950, Sch.

225. Resistance or obstruction to lawful apprehension of another person. Whoever intentionally offers any resistance or ill-custody in which that person is lawfully detained for an offence, shall be punished with imprisonment of either description for a term which

or, if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with or liable to be apprehended for : of either description for a term which may extend to three years, and shall also be liable to fine;

or, if the person to be apprehended or rescued, or attempted to be rescued, is charged with or liable to be apprehended for an shall also be liable to fine;

or, if the person to be apprehended or rescued, or attempted to be rescued, is liable under the sentence of a Court of Justice, or by punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

or, if the person to be apprehended or rescued, or attempted to be rescued, is under sentence of death, shall be punished with ¹[impriso

⁴**225A. Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise provided for.** Wh in section 221, section 222 or section 223, or in any other law for the time being in force, omits to apprehend that person or suffers him

(a) if he does so intentionally, with imprisonment of either description for a term which may extend to three years, or with fine, or with l

(b) if he does so negligently, with simple imprisonment for a term which may extend to two years, or with fine, or with both.

¹ Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

²The words "or to transportation" omitted by the Law Reforms Ordinance, 1972 (12 of 1972). s. 2 and Sch.

³The words "penal servitude," omitted by the Criminal Law (Extinction of Discriminatory Privileges) Act, 1949 (2 of 1950), Sch.

⁴Subs. by the Indian Criminal Law Amdt. Act, 1886 (10 of 1886), s. 24(1), for the original section 225A, which was previously ins. by Act

225B. Resistance or obstruction to lawful apprehension, or escape or rescue in cases not otherwise provided for. Whoev or illegal obstruction to the lawful apprehension of himself or of any other person, or escapes or attempts to escape from any custody in punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.]

226. [Unlawful return from transportation.] Omitted by the Law Reforms Ordinance, 1972 (XII of 1972), s. 2 and Sch.

227. Violation of condition of remission of punishment. Whoever, having accepted any conditional remission of punishment, know has already suffered no part of that punishment, and if he has suffered any part of that punishment, then with so much of that punishme

228. Intentional insult or interruption to public servant sitting in judicial proceeding. Whoever intentionally offers any punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to ³[three thousand rupe

229. Personation of a juror or assessor. Whoever, by personation or otherwise, shall intentionally cause, or knowingly suffer himse empanelled or sworn, or knowing himself to have been so returned, empanelled or sworn contrary to law, shall voluntarily serve on or with both.

CHAPTER XII OF OFFENCES RELATING TO COIN AND GOVERNMENT STAMPS

230. "Coin" defined. ¹[Coin is metal used for the time being as money, and stamped and issued by the authority of some State or Sov

"Pakistan Coin". ²[Pakistan coin is metal stamped and issued by the authority of the Government of Pakistan in order to be used as mc metal which has been so stamped and issued shall continue to be Pakistan coin for the purposes of this Chapter, notwithstanding that it i

¹Subs. by the Indian Penal Code Arndt. Act, 1872 (19 of 1872), for the original paragraph.

²The original paragraph has successively been amended by the Indian Penal Code (Arndt.) Act, 1896 (6 of 1896). s. 1(1), A. 0., 1937 an

³Subs. by Ord. 86 of 02, s. 2 and Sch. I.

Illustrations

(a) Cowries are not coin.

(b) Lumps of unstamped copper, though used as money, are not coin.

(c) Medals are not coin, inasmuch as they are not intended to be used as money.

1* * * * *

231. Counterfeiting coin. Whoever counterfeits or knowingly performs any part of the process of counterfeiting coin, shall be punished

Explanation. A person commits this offence who intending to practise deception, or knowing it to be likely that deception will thereby be

232. Counterfeiting Pakistan coin. Whoever counterfeits, or knowingly performs any part of the process of counterfeiting ²[Pakista shall also be liable to fine.

¹Illustrations (d) and (e) omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and II Sch.

²Subs. by A. O., 1961, Art. 2 and Sch., for "the Queen's coin" (w.e.f. 23rd March, 1956).

³ Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

233. Making or selling instrument for counterfeiting coin. Whoever makes or mends, or performs any part of the process of making an instrument which is intended to be used, for the purpose of counterfeiting coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

234. Making or selling instrument for counterfeiting Pakistan coin. Whoever makes or mends, or performs any part of the process of making an instrument which is intended to be used, for the purpose of counterfeiting ²[Pakistan coin], shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

235. Possession of instrument or material for the purpose of using the same for counterfeiting coin; if Pakistan coin. Whoever possesses any instrument or material which is intended to be used for that purpose, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine. and if the coin to be counterfeited is ¹[Pakistan coin], shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

236. Abetting in Pakistan the counterfeiting out of Pakistan of coin. Whoever, being within ²[Pakistan], abets the counterfeiting of any coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

237. Import or export of counterfeit coin. Whoever imports into ²[Pakistan], or exports there from, any counterfeit coin, knowingly or negligently, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

238. Import or export of counterfeits of Pakistan coin. Whoever imports into ²[Pakistan], or exports therefrom, any counterfeit coin, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

239. Delivery of coin, possessed with knowledge that it is counterfeit. Whoever, having any counterfeit coin, which at the time he delivers it, he knows to be counterfeit, or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

240. Delivery of Pakistan coin possessed with knowledge that it is counterfeit. Whoever, having any counterfeit coin, which is a coin of Pakistan, and with intent that fraud may be committed, delivers the same to any person, or attempts to induce any person to receive it, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

241. Delivery of coin as genuine, which, when first possessed, the deliverer did not know to be counterfeit. Whoever delivers any coin as genuine, which he knows to be counterfeit, but which he did not know to be counterfeit at the time when he took it into his possession, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

¹Subs. by A. O., 1961, Art. 2 and Sch., for "the Queen's coin" (w.e.f. 23rd March, 1956).

²Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (w.e.f. 14th October, 1955), for "the Province of West Bengal".

³Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

Illustration

A, a coiner, delivers counterfeit ¹* rupees to his accomplice B, for the purpose of uttering them. B sells the rupees to C, another, utterer of counterfeit rupees. After receiving the rupees, C discovers that they are counterfeit and pays them away as if they were good. Here C is punishable only under section 242.

242. Possession of counterfeit coin by person who knew it to be counterfeit when he became possessed thereof. Whoever possesses any counterfeit coin, which he knows to be counterfeit when he becomes possessed thereof, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

243. Possession of Pakistan coin by person who knew it to be counterfeit when he became possessed thereof. Whoever possesses any counterfeit coin of Pakistan, which he knows to be counterfeit when he becomes possessed thereof, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

244. Person employed in mint causing coin to be of different weight or composition from that fixed by law. Whoever, being employed in a mint, causes any coin issued from that mint to be of a different weight or composition from the weight or composition fixed by law, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

245. Unlawfully taking coining instrument from mint. Whoever, without lawful authority, takes out of any mint, any instrument used for coining, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

246. Fraudulently or dishonestly diminishing weight or altering composition of coin. Whoever fraudulently or dishonestly diminishes the weight or alters the composition of any coin, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

Explanation. A person who scoops out part of the coin and puts anything else into the cavity so formed, shall be deemed to have altered the composition of that coin.

¹The word "Company's" omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and II Sch.

²Subs. by A.O., 1961, Art. 2 and Sch., for "the Queen's coin" (w.e.f. 23rd March, 1956).

³Subs. by the Central Laws (Statute Reforms) Ordinance, 1960 (21 of 1960), s.3 and 2nd Sch. (w.e.f 14th October, 1955), for "the Province of West Bengal".

247. Fraudulently or dishonestly diminishing weight or altering composition of Pakistan coin. Whoever fraudulently or dishonestly diminishes the weight or alters the composition of any counterfeit coin of Pakistan, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

248. Altering appearance of coin with intent that it shall pass as coin of different description. Whoever performs on any coin any act which alters its appearance, with intent that it shall pass as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

249. Altering appearance of Pakistan coin with intent that it shall pass as coin of different description. Whoever performs on any counterfeit coin of Pakistan any act which alters its appearance, with intent that it shall pass as a coin of a different description, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

250. Delivery of coin, possessed with knowledge that it is altered. Whoever, having coin in his possession with respect to which offence had been committed with respect to it, fraudulently or with intent that fraud may be committed, delivers such coin to any other person, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

251. Delivery of Pakistan coin possessed with knowledge that it is altered. Whoever, having coin in his possession with respect to which offence had been committed with respect to it, fraudulently or with intent that fraud may be committed, delivers such coin to any other person, may extend to ten years, and shall also be liable to fine.

252. Possession of coin by who knew it to be altered when he became possessed thereof. Whoever fraudulently or with intent that fraud may be committed, having known at the time of becoming possessed thereof that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

253. Possession of Pakistan coin by person who knew it to be altered when he became possessed thereof. Whoever fraudulently or with intent that fraud may be committed, having known at the time of becoming possessed thereof, that such offence had been committed with respect to such coin, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

¹Subs. by A.O., 1961, Art. 2 and Sch., for "any of the Queen's coin" (w.e.f. 23rd March. 1956).

254. Delivery of coin as genuine which, when first possessed, the deliverer did not know to be altered. Whoever delivers to any person a different coin from what it is, any coin in respect of which he knows that any such operation as that mentioned in sections 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine to an amount which may extend to five hundred rupees, or with both.

255. Counterfeiting Government stamp. Whoever counterfeits, or knowingly performs any part of the process of counterfeiting, any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Explanation. A person commits this offence who counterfeits by causing a genuine stamp of one denomination to appear like a genuine stamp of another denomination.

256. Having possession of instrument or material for counterfeiting Government stamp. Whoever has in his possession any instrument or material for counterfeiting any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

257. Making or selling instrument for counterfeiting Government stamp. Whoever makes or performs any part of the process of counterfeiting any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

258. Sale of counterfeit Government stamp. Whoever sells, or offers for sale, any stamp which he knows or has reason to believe to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

259. Having possession of counterfeit Government stamp. Whoever has in his possession any stamp which he knows to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

¹ Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

260. Using as genuine a Government stamp known to be counterfeit. Whoever uses as genuine any stamp, knowing it to be counterfeit, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

261. Effacing writing from substance bearing Government stamp, or removing from document a stamp used for it, with intent to cause loss to Government. Whoever effaces or removes from any substance bearing any stamp issued by Government for the purpose of revenue, any writing or document for which such stamp has been used, or removes from any document any stamp issued by Government for the purpose of revenue, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

262. Using Government stamp known to have been before used. Whoever fraudulently or with intent to cause loss to the Government uses any stamp which he knows to have been before used, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

263. Erasure of mark denoting that stamp has been used. Whoever fraudulently or with intent to cause loss to Government, erases or removes from any stamp which he knows to have been before used, or knowingly has in his possession or sells or disposes of any such stamp from which such mark has been removed, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

¹[263A. Prohibition of fictitious stamps.

(1) Whoever

(a) makes, knowingly utters, deals in or sells any fictitious stamp, or knowingly uses for any postal purpose any fictitious stamp, or

(b) has in his possession, without lawful excuse, any fictitious stamp, or

(c) makes or, without lawful excuse, has in his possession any die, plate, instrument or materials for making any fictitious stamp, shall be punished with fine which may extend to ²[Six] hundred rupees.

¹S. 263A ins. by the Indian Criminal Law (Amdt.) Act, 1895 (3 of 1895), s.2.

²subs. by or. 86 of 02, s.2 and sch. I.

(2) Any such stamp, die, plate, instrument or materials in the possession of any person for making any fictitious stamp may be seized and destroyed.

(3) In this section "fictitious stamp" means any stamp falsely purporting to be issued by Government for the purpose of denoting a rate of postage.

(4) In this section and also in sections 255 to 263, both inclusive, the word "Government" when used in connection with, or in reference to, any stamp issued by Government for the purpose of revenue, shall mean the Government of India.

or persons authorised by law to administer executive government in any part of ¹[Pakistan], and also ²* * * in any foreign country.].

¹Subs. by A.O., 1949, Sch., for "India"..

²The words "in any part of Her Majesty's dominions or" omitted by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1

CHAPTER XIII OF OFFENCES RELATING TO WEIGHTS AND MEASURES

264. Fraudulent use of false instrument for weighing. Whoever fraudulently uses any instrument for weighing which he knows to be

265. Fraudulent use of false weight or measure. Whoever fraudulently uses any false weight or false measure of length or capacity, or of any description for a term which may extend to one year, or with fine, or with both.

266. Being in possession of false weight or measure. Whoever is in possession of any instrument for weighing, or of any weight, or of any measure of length or capacity, or of any description for a term which may extend to one year, or with fine, or with both.

267. Making or selling false weight or measure. Whoever makes, sells or disposes of any instrument for weighing, or any weight, or any measure of length or capacity, or of any description for a term which may extend to one year, or with fine, or with both.

CHAPTER XIV OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY AND MORALS

268. Public nuisance. A person is guilty of a public nuisance who does any act or is guilty of an illegal omission which causes any common nuisance which is such as to endanger health, obstruct traffic, or annoy persons who may have occasion to use any public right.

A common nuisance is not excused on the ground that it causes some convenience or advantage.

269. Negligent act likely to spread infection of disease dangerous to life. Whoever unlawfully or negligently does any act which is, and which is likely to be, a public nuisance for a term which may extend to six months, or with fine, or with both.

270. Malignant act likely to spread infection of disease dangerous to life. Whoever maliciously does any act which is, and which is likely to be, a public nuisance for a term which may extend to two years, or with fine, or with both.

271. Disobedience to quarantine rule. Whoever knowingly disobeys any rule made and promulgated ¹[by the ²[Federal] or any Government] for regulating the intercourse between places where an infectious disease prevails and

272. Adulteration of food or drink intended for sale. Whoever adulterates any article of food or drink, so as to make such article unfit for human consumption, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to ⁴[three] thousand rupees, or with both.

***273. Sale of noxious food or drink.** Whoever sells, or offers or exposes for sale, as food or drink, any article which has been rendered unfit for human consumption, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to ⁴[three] thousand rupees, or with both.

***274. Adulteration of drugs.** Whoever adulterates any drug or medical preparation in such a manner as to lessen the efficacy or to render it likely that it will be sold or used for, any medicinal purpose, as if it had not undergone such adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to ⁴[three] thousand rupees, or with both.

¹Subs A. O., 1937, for "by the G. of I or by any Govt.".

²Subs. by the Federal Adoption of Laws Order, 1975 (P.O. No. 4 of 1975), Art. 2 and Table for "Central".

³The words "or the Crown Representative" omitted by A.O., 1949, Sch.

⁴Subs by ord. 86 of 02, s.2 & sch.I.

* an offence punishable under sections 273, 274, 275 & 276 of the Pakistan Penal Code will be tried and punished by Military Court, See

***275. Sale of adulterated drugs.** Whoever, knowing any drug or medical preparation to have been adulterated in such a manner as to be unfit for medicinal purposes as unadulterated, or causes it to be used for medicinal purposes by any person not knowing of the adulteration, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to ¹[three] thousand rupees, or with both.

***276. Sale of drug as a different drug or preparation.** Whoever knowingly sells, or offers or exposes for sale, or issues from a dispensary, any drug or medical preparation which is, and which is likely to be, a public nuisance for a term which may extend to six months, or with fine which may extend to ¹[three] thousand rupees, or with both.

277. Fouling water of public spring or reservoir. Whoever voluntarily corrupts or fouls the water of any public spring or reservoir, so as to render it unfit for human consumption, shall be punished with imprisonment of either description for a term which may extend to ¹[one thousand and] five hundred rupees, or with both.

278. Making atmosphere noxious to health. Whoever voluntarily vitiates the atmosphere in any place so as to make it noxious to health, shall be punished with imprisonment of either description for a term which may extend to ¹[one thousand and] five hundred rupees.

279. Rash driving or riding on a public way. Whoever drives any vehicle, or rides, on any public way in a manner so rash or negligent as to endanger human life, or to be likely to do so, shall be punished with imprisonment of either description for a term which may extend to ²[two years] or with fine which may extend to ¹[three] thousand rupees, or with both.

280. Rash navigation of vessel. Whoever navigates any vessel in a manner so rash or negligent as to endanger human life, or to be likely to do so, shall be punished with imprisonment of either description for a term which may extend to ¹[three] thousand rupees, or with both.

281. Exhibition of false light, mark or buoy. Whoever exhibits any false light, mark or buoy, intending or knowing it to be likely that it will be used for, any purpose, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

282. Conveying person by water for hire in unsafe or overloaded vessel. Whoever knowingly or negligently conveys, or causes to be conveyed, any person by water for hire in a vessel which is, and which is likely to be, a public nuisance for a term which may extend to six months, or with fine which may extend to ¹[three] thousand rupees, or with both.

¹Subs. by ord. 86 of 02, s.2 & sch.I.

* an offence punishable under sections 273, 274, 275 & 276 of the Pakistan Penal Code will be tried and punished by a Military Court, Se

² Subs. by the Criminal Laws (Amdt.) Ordinance, 1980 (3 of 1980), s. 2, for "six months".

283. Danger or obstruction in public way or line of navigation. Whoever, by doing any act, or by omitting to take order with any ; be punished with fine which may extend to ¹[six] hundred rupees.

284. Negligent conduct with respect to poisonous substance. Whoever does, with any poisonous substance, any act in a manner s or knowingly or negligently omits to take such order with any poisonous substance in his possession as is sufficient to guard against prob

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, which may extend to

285. Negligent conduct with respect to fire or combustible matter. Whoever does, with fire or any combustible matter, any act so or knowingly or negligently omits to take such order with any fire or any combustible matter in his possession as is sufficient to guard ag

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to ¹

286. Negligent conduct with respect to explosive substance. Whoever does, with any explosive substance, any act so rashly or ne or knowingly or negligently omits to take such order with any explosive substance in his possession as is sufficient to guard against any ;

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to ¹

287. Negligent conduct with respect to machinery. Whoever does, with any machinery, any act so rashly or negligently as to endar or knowingly or negligently omits to take such order with any machinery in his possession or under his care as is sufficient to guard agai

¹Subs. By ord. 86 of 02, s.2 & sch. I.

shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to ¹
288. Negligent conduct with respect to pulling down or repairing buildings. Whoever, in pulling down or repairing any building, of that building, or of any part thereof, shall be punished with imprisonment of either description for a term which may extend to six mor

289. Negligent conduct with respect to animal. Whoever knowingly or negligently omits to take such order with any animal in his punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to ¹[three] ;

290. Punishment for public nuisance in cases not otherwise provided for. Whoever commits a public nuisance in any case not oth

291. Continuance of nuisance after injunction to discontinue. Whoever repeats or continues a public nuisance, having b punished with simple imprisonment for a term which may extend to six months, or with fine, or with both.

²[**292. Sale, etc., of obscene books, etc.** Whoever

(a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, or figure or any other obscene object whatsoever, or

(b) imports, exports or conveys any obscene object for any of the purposes aforesaid, or knowing or having reason to believe that such

(c) takes part in or receives profits from any business in the course of which he knows or has reason to believe that any such obscene, put into circulation, or

(d) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offend

¹Subs. by ord. 86 of 02, s.2 & sch.I.

²Subs. by the Obscene Publicatins Act, 1925 (8 of 1925), s.2, for the original section 292.

offers or attempts to do any act which is an offence under this section, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both.

Exception. This section does not extend to any book, pamphlet, writing, drawing or painting kept or used *bona fide* for religious purposes or any representation sculptured, engraved, painted or otherwise represented on or in any t

¹[**292A. Exposure to seduction.**— Whoever seduces a child by any means whatsoever with an intent to involve him in any sexual aforementioned act, shall be punished with imprisonment of either description for a term which shall not be less than one year and may or with both.

292B. Child pornography.— (1) whoever takes, permits to be taken, with or without the consent of the child or with or without the c made or produced by electronic, mechanical, or other means, of obscene or sexually explicit conduct, where.—

(a) the production of such visual depiction involves the use of a minor boy or girl engaging in obscene or sexually explicit conduct;

(b) such visual depiction is a digital image, computer image, or computergenerated image that is, or is indistinguishable from, that of a

(c) such visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in obscene or sexually e

(2) The preparation, possession or distribution of any data store on a computer disk or any other modern gadget, shall also be an offence

292C. Punishment for child pornography.— Whoever commits an offence of child pornography shall be punished with imprisonment two hundred thousand rupees, and may extend upto seven hundred thousand rupees, or with both.].

(c) punished with imprisonment of either description for a term which may extend to twenty five years, where according to the Injunction
¹[Provided that nothing in clause (c) shall apply where the principle of *fasad filariz* is attracted and in such cases only clause (a) or clause

303. Qatl committed under ikrahitam or ikrahinaqis. Whoever commits *qatl*,--

(a) under *ikrahitam* shall be punished with imprisonment for a term which may extend to twenty five years but shall not be less than ten

(b) under '*ikrahinaqis*' shall be punished for the kind of *qatl* committed by him and the person causing '*ikrahinaqis*' shall be punished with

304. Proof of qatliamd liable to qisas, etc. following forms, namely:

(1) Proof of *qatleamd* shall be in any of the

(a) the accused makes before a court competent to try the offence a voluntary and true confession of the commission of the offence; or

(b) by the evidence as provided in Article 17 of the Qanune Shahadat, 1984 (P.O. No. 10 of 1984).

(2) The provisions of subsection (1) shall, *mutatis mutandis*, apply to a hurt liable to *qisas*.

¹Added, Ins. by Act XLIII of 2016, s.3.

305. Wali. In case of a *qatl*, the *wali* shall be

(a) the heirs of the victim, according to his personal law ¹[but shall not include the accused or the convict in case of *qatliamd* if committed

(b) the Government, if there is no heir.

306. Qatliamd not liable to qisas. *Qatliamd* shall not be liable to *qisas* in the following cases, namely:

(a) when an offender is a minor or insane:

Provided that, where a person liable to *qisas* associates himself in the commission of the offence with a person not liable to *qisas* with the

(b) when an offender causes death of his child or grandchild, how lowsoever; and

(c) when any *wali* of the victim is a direct descendant, how lowsoever, of the offender.

307. Cases in which Qisas for qatleamd shall not be enforced. not be enforced in the following cases, namely:

(a) when the offender dies before the enforcement of *qisas*;

(1) *Qisas* for *qatliamd* shall

(b) when any *wali* voluntarily and without duress, to the satisfaction of the court, waives the right of *qisas* under section 309 or compounds

(c) when the right of *qisas* devolves on the offender as a result of the death of the *wali* of the victim, or on the person who has no right

(2) To satisfy itself that the *wali* has waived the right of *qisas* under section 309 or compounded the right of *qisas* under section 310, the court shall record an opinion that it is satisfied that the waiver or, as the case may be, the composition, was voluntary and not the result of any duress

Illustrations

(i) A kills Z, the maternal uncle of his son B. Z has no other *wali* except D, the wife of A. D has the right of *qisas* from A. But if D dies, the right of *qisas* shall not be enforced.

(ii) B kills Z, the brother of her husband A. Z has no heir except A. Here A can claim *qisas* from his wife B. But if A dies, the right of *qisas* shall not be enforced.

308. Punishment in qatleamd not liable to qisas, etc. (1): Where an offender guilty of *qatliamd* is not liable to *qisas* under section 307,

Provided that, where the offender is minor or insane, *diyat* shall be payable either from his property or, by such person as may be determined by the court

Provided further that where at the time of committing *qatleamd* the offender being a minor, had attained sufficient maturity or being in a state of insanity for a term which may extend twenty five years as *ta'zir*:

Provided further that, where the *qisas* is not enforceable under clause (c) of section 307, the offender shall be liable to *diyat* only if the term which may extend to twenty five years as *ta'zir*.

(2) Notwithstanding anything contained in subsection (1), the court, having regard to the facts and circumstances of the case in addition to the *ta'zir*.

309. Waiver of qisas in qatli'amd. (1) In the case of *qatli'amd*, an adult sane *wali* may, at any time and without any compensation, waive his right of *qisas*: Provided that the right of *qisas* shall not be waived

(a) where the Government is the *wali*; or

(b) where the right of *qisas* vests in a minor or ¹[;].

¹["Provided further that where the principle of *fasadfilarz* is attracted, waiver of *qisas* shall be subject of the provisions of section 311."]

(2) Where a victim has more than one wali, anyone of them may waive his right of *qisas*: Provided that the wali who does not waive the

(3) Where there are more than one victim, the waiver of the right of *qisas* by the wali of one victim shall not affect the right of *qisas* of tm

(4) Where there are more than one offenders, the waiver of the right of *qisas* against one offender shall not affect the right of *qisas* again

¹Ins. by Act XLV of 1860, s. 4.

310. Compounding of *qisas* (Sulh) in *qatli amd*. (1) In the case of *qatli 'amd*, an adult sane wali may, at any time on accepting *bad*:

¹["Provided that a female shall not be given in marriage or otherwise in *badalisulh*" ²[;] ²["Provided further that where the principle of *fas*"]

(2) Where a *wali* is a minor or an insane, the *wali* of such minor or insane *wali* may compound the right of *qisas* on behalf of such minor

Provided that the value of *badalisulh* shall not be less than the value of *diyat*.

(3) Where the Government is the wali, it may compound the right of *qisas*: Provided that the value of *badal-i-sulh* shall not be less than

(4) Where the *badal-i-sulh* is not determined or is a property or a right the value of which cannot be determined in terms of money unde

(5) *Badalisulh* may be paid or given on demand or on a deferred date as may be agreed upon between the offender and the *wali*.

Explanation. In this section, *Badalisulh* means the mutually agreed compensation according to *Shari'ah* to be paid or given by the offend

³**310A. Punishment for giving a female in marriage or otherwise in *badlaesulh*, *wanni* or**

***swara*.** Whoever gives a female in marriage or otherwise compels her to enter into marriage, as *badlaesulh*, *wanni*, or *swara* or any oth description for a term which may extend to seven years but shall not be less than three years and shall also be liable to fine of five hund

⁴**311. *Ta'zir* after waiver or compounding of right of *qisas* in *qatliamd*.**

Where all

the *wali* do not waive or compound the right of *qisas*, or if the principle of *fasadfilarz* is attracted, the court may, having regard to the fa for life or imprisonment of either description for a term of which may extend to fourteen years as *ta'zir*.

Provided that if the offence has been committed in the name of or on the pretext of honour, the punishment shall be imprisonment for lif

⁵["Provided that if the offence has been omitted in the name or on the pretext of honour, the imprisonment shall not be less than ten yea

¹Subs. by Act I of 2005, s. 6.

²Ins. by Act XLV of 1860, s. 4.

³Subs by Act 26 of 2011, s.2

⁴Subs by Act XLIII of 2016, s. 6.

⁵Ins, sub, omitted, added by Act 1 of 5, s.8

Explanation. For the purpose of this section, the expression *fasadfilarz* shall include the past conduct of the offender, or whether he has any previous convictions, or the brutal or shocking manner in which the offence has been c committed in the name or on the pretext of honour]

¹["Provided that if the offence has been committed in the name or on the pretext of honour, the imprisonment shall not be less than ten y

¹[or if the offence has been committed in the name or on the pretext of honour.]

312. *Qatli'amd* after waiver or compounding of *qisas*. Where a wali commits *qatli-i-amd* of a convict against whom the right of *qisas* compounded the right of *qisas* against the convict or had knowledge of such waiver of composition by another *wali*; or

(b) *diyat*, if he had no knowledge of such waiver or composition.

313. Right of *qisas* in *qatliamd*. (1) Where there is only one *wali*, he alone has the right of *qisas* in *qatliamd* but, if there are more than one, the right of *qisas* vests in each of them.

(2) If the victim

(a) has no *wali* the Government shall have the right of *qisas*; or

(b) has no *wali* other than a minor or insane or one of the *wali* is a minor or insane, the father or if he is not alive the paternal grandfath

Provided that, if the minor or insane *wali* has no father or paternal grandfather, how highsoever, alive and no guardian has been appoint

314. Execution of qisas in qatliamd. (1) *Qisas* in *qatliamd* shall be executed by a functionary of the Government by causing death of the convict as the court may direct.

(2) *Qisas* shall not be executed until all the *wali* are present at the time of execution, either personally or through their representatives a Provided that where a *wali* or his representative fails to present himself on the date, time and place of execution of *qisas* after havir of *qisas* and the Government shall cause execution of *qisas* in the absence of such *wali*.

¹Ins. sub, omitted, added by Act 1 of 5, s.8

(3) If the convict is a woman who is pregnant, the court may, in consultation with an authorised medical officer, postpone the executic satisfaction of the court or, if she is not so released she shall be dealtwith as if sentenced to simple imprisonment.

315. Qatl shibhi 'amd. Whoever, with intent to cause harm to the body or mind of any person causes the death of that or of any other

Illustration

A in order to cause hurt strikes Z with a stick or stone which in the ordinary course of nature is not likely to cause death. Z dies as a resu

316. Punishment for qatl shibh'amd. Whoever commits *qatl shibh'amd* shall be liable to *diyat* and may also be punished with imprisonment of either description for a term which may extend to ¹[twenty five years] as *ta'zir*.

317. Person committing qatl debarred from succession. Where a person committing *qatli 'amd* or *qatl shibhi'amd* is an heir or a beneficiary under a will, he shall be debarred from succeeding to the estate of the victim as an he

318. Qatlikhata. Whoever, without any intention to cause the death of, or cause harm to, a person causes death of such person, either by mistake of act or by mistake of fact, is said to commit *qatlikhata*.

Illustration

(a) A aims at a deer but misses the target and kills Z who is standing by A is guilty of *qatli khata*.

(b) A shoots at an object to be a boar but it turns out to be a human being. A is guilty of *qatl ikhata*.

319. Punishment for qatlikhata. Whoever commits *qatlikhata* shall be liable to *diyat*:

Provided that, where *qatlikhata* is committed by any rash or negligent act, other than rash or negligent driving, the offender may, in add

320. Punishment for qatlikhata by rash or negligent driving. Whoever commits *qatli khata* by rash or negligent driving shall, having regard to the facts and circumstances of the case, in addition to *diyat*, be punished with i

321. Qatlbissabab. Whoever, without any intention to cause death of, or cause harm to, any person, does any unlawful act which becomes a cause for the death of another person, is said to commit *qatlbissabab*.

¹Subs. by Act I of 2005, s. 9 for "Fourteen Years".

Illustration

A unlawfully digs a pit in the thoroughfare, but without any intention to cause death of, or harm to, any person. B while passing from the

322. Punishment for qatlbissabab. Whoever commits *qatlbissabab* shall be liable to *diyat*.

323. Value of diyat. (1) The court shall, subject to the Injunctions of Islam as laid down in the Holy Quran and Sunnah and keeping in view the financial position of the convict and the heirs of the victim, fix the value of *diyat* which shall r

(2) For the purpose of subsection (1), the Federal Government shall, by ²notification in the official Gazette, declare the value of silver, or

324. Attempt to commit qatliamd. Whoever does any act with such intention or knowledge, and under such circumstances, that, if h ten year ¹[but shall not be less than five years if the offence has been committed in the name or on the pretext of honour] and shall also to the punishment provided for the hurt caused:

Provided that, where the punishment for the hurt is *qisas* which is not executable, the offender shall be liable to *arsh* and may also be pu

325. Attempt to commit suicide. Whoever attempts to commit suicide and does any act towards the commission of such offence, shal

326. Thug. Whoever shall have been habitually associated with any other or others for the purpose of committing robbery or child steali

327. Punishment. liable to fine.

Whoever is a *thug*, shall be punished with imprisonment for life and shall also be

328. Exposure and abandonment of child under twelve years by parent or person having care of it. Whoever such child in any place with the intention of wholly abandoning such child, shall be punished with imprisonment of either description for a

Explanation.— This section is not intended to prevent the trial of the offender for *qatliamd* or *qatlishibhiamd* or *qatlbissabab*, as the case

³[**328A. Cruelty to a child.**— Whoever willfully assaults, illtreats, neglects, abandons or does an act of omission or commission, that re description for a term which shall not be less than one year and may extend upto three years, or with fine which shall not be less than tv

¹Ins. by Act, I of 2005, s. 10.

²For such Notification, Please see folder of S.R.O's u/s 323 of Act XXVof 1860.

³Ins. by Act X of 2016, s. 5.

329. Concealment of birth by secret disposal of dead body. Whoever, by secretly burying or otherwise disposing of the dead body imprisonment of either description for a term which may extend to two years, or with fine, or with both.

330. Disbursement of *diyat*. The *diyat* shall be disbursed among the heirs of the victim according to their respective shares in inheritance. Provided that, where an heir foregoes his share, the *diyat* shall not be recovered to the extent of his share.

331. Payment of *diyat*. (1) The *diyat* may be made payable in lumpsum or in instalments spread over a period of ¹[five years] from the (2) Where a convict fails to pay *diyat* or any part thereof within the period specified in sub section (1), the convict may be kept in jail security ¹[or surety] equivalent to the amount of *diyat* to the satisfaction of the court ¹[or may be released on parole as may be prescribed] (3) Where a convict dies before the payment of *diyat* or any part thereof, it shall be recovered from his estate.

332. Hurt. (1) Whoever causes pain, harm, disease, infirmity or injury to any person or impairs, disables ²[disfigures, defaces]or dismember

(2) The following are the kinds of hurt:

- (a) *Itlafiudw*;
- (b) *itlafisalahiyyatiudw*;
- (c) *shajjah*;
- (d) *jurh*; and;
- (e) all kinds of other hurts.

²[Explanation.

Disfigure means disfigurement of face or disfigurement or dismemberment of any organ or any part of the organ of the human body which

333. *Itlafiudw*. Whoever dismembers, amputates, severs any limb or organ of the body of another person is said to cause *Itlafiudw*.

¹Subs. Ins. & added by Act. XVof 2010, s. 2 (w.e.f. 3102007).

²Ins & added by Act XXVof 2011, s.2.

334. Punishment for *itlafiudw*. Whoever by doing any act with the intention of thereby causing hurt to any person, or with the aid of a medical officer, be punished with *qisas*, and if the *qisas* is not executable keeping in view the principles of equality in accordance with the law, it shall extend to ten years as *ta'zir*.

335. *Itlafisalahiyyatiudw*. Whoever destroys or permanently impairs the functioning, power or capacity of an organ of the body of another person

336. Punishment for *itlafisalahiyyatiudw*. Whoever, by doing any act with the intention of causing hurt to any person, or with the aid of a medical officer, be punished with *qisas* and if the *qisas* is not executable keeping in view the principles of equality in accordance with the law, it shall extend to ten years as *ta'zir*.

¹[**336A. Hurt caused by corrosive substance.**

whoever with the intention or knowingly causes or attempts to cause hurt by means of corrosive substance or any substance which is deemed to be a corrosive substance.

Explanation. In this subsection, unless the context otherwise requires, "corrosive substance" means a substance which may cause chemical burn, heating substance, noxious thing, arsenic or any other chemical which has a corroding effect and which is deleterious to human health.

336B. Punishment for hurt by corrosive substance. whoever causes hurt by corrosive substance shall be punished with imprisonment for a term which may extend to ten years or with fine, or with both.

337. *Shajjah*. (1) Whoever causes, on the head or face of any person, any hurt which does not amount to *itlafiudw* or *itlafisalahiyyatiudw*

(2) The following are the kinds of *shajjah*, namely:

- (a) *ShajjahiKhafifah*;
- (b) *Shajjahimudihah*;
- (c) *Shajjahihashimah*;
- (d) *Shajjahimunaqqilah*;

- (e) *Shajjahiammah*; and
- (f) *Shajjahidamighah*.

(3) Whoever causes *shajjah*,

- (i) without exposing bone of the victim, is said to cause *shajjahikhafifah*;
- (ii) by exposing any bone of the victim without causing fracture, is said to cause *shajjahimudihah*;
- (iii) by fracturing the bone of the victim, without dislocating it, is said to cause *shajjahihashimah*;

¹Ins by Act XXV of 2011, s.3

- (iv) by causing fracture of the bone of the victim and thereby bone is dislocated, is said to cause *shajjahimunaqqilah*;
- (v) by causing fracture of the skull of the victim so that the wound touches the membrane of the brain, is said to cause *shajjahiammah*;
- (vi) by causing fracture of the skull of the victim and the wound ruptures the membrane of the brain is said to cause *shajjahidamighah*.

337A. Punishment of *shajjah*. Whoever, by doing any act with the intention of thereby causing hurt to any person, or with the knowle

- (i) *shajjahikhafifah* to any person, shall be liable to *daman* and may also be punished with imprisonment of either description for a term
- (ii) *shajjahimudihah* to any person, shall, in consultation with the authorised medical officer, be punished with *qisas*, and if the *qisas* is r
- five per cent of the *diyat* and may also be punished with imprisonment of either description for a term which may extend to five years as
- (iii) *shajjahihashimah* to any person, shall be liable to *arsh* which shall be ten per cent of the *diyat* and may also be punished with impi:
- (iv) *shajjahimunaqqilah* to any person, shall be liable to *arsh* which shall be fifteen per cent of the *diyat* and may also be punished with i
- (v) *shajjahiammah* to any person, shall be liable to *arsh* which shall be onethird of the *diyat* and may also be punished with imprisonme
- (vi) *shajjahidamighah* to any person shall be liable to *arsh* which shall be onehalf of *diyat* and may also be punished with imprisonment

337B. *Jurh*. (1) Whoever causes on any part of the body of a person, other than the head or face, a hurt which leaves a mark of the wound, whether temporary or permanent, is said to cause *jurh*.

(2) *Jurh* is of two kinds, namely:

- (a) *Jaifah*; and
- (b) *Ghayrjaifah*

337C. *Jaifah*. Whoever causes *jurh* in which the injury extends to the body cavity of the trunk, is said to cause *jaifah*.

337D. Punishment for *jaifah*. Whoever by doing any act with the intention of causing hurt to a person, or with the knowledge that punished with imprisonment of either description for a term which may extend to ten years as *ta'zir*.

337E. *Ghayrjaifah*. *ghayrjaifah*.

(1) Whoever causes *jurh* which does not amount to *jaifah*, is said to cause

(2) The following are the kinds of *ghayrjaifah*, namely:

- (a) *Damiyah*;
- (b) *badi'ah*;
- (c) *mutalahimah*;
- (d) *mudihah*;
- (e) *hashimah*; and
- (f) *munaqqilah*.

(3) Whoever causes *ghayrjaifah*

- (i) in which the skin is ruptured and bleeding occurs, is said to cause *damiyah*;
- (ii) by cutting or incising the flesh without exposing the bone, is said to cause *badi'ah*;
- (iii) by lacerating the flesh, is said to cause *mutalahimah*;
- (iv) by exposing the bone, is said to cause *mudihah*;
- (v) by causing fracture of a bone without dislocating it, is said to cause *hashimah*; and
- (vi) by fracturing and dislocating the bone, is said to cause *munaqqilah*.

337F. Punishment of *ghayrjaifah*. Whoever by doing any act with the intention of causing hurt to any person, or with the knowledge i

- (i) *damiyah* to any person, shall be liable to *daman* and may also be punished with imprisonment of either description for a term which r
- (ii) *badi'ah* to any person, shall be liable to *daman* and may also be punished with imprisonment of either description for a term which r
- (iii) *mutalahimah* to any person, shall be liable to *daman* and may also be punished with imprisonment of either description for a term w
- (iv) *mudihah* to any person, shall be liable to *daman* and may also be punished with

imprisonment of either description for a term which may extend to five years as *ta'zir*;

(v) *hashimah* to any person, shall be liable to *daman* and may also be punished with imprisonment of either description for a term which

(vi) *munaqqilah* to any person, shall be liable to *daman* and may also be punished with imprisonment of either description for a term wh

337G. Punishment for hurt by rash or negligent driving. Whoever causes hurt by rash or negligent driving shall be liable to *arsh* or *daman* or imprisonment of either description for a term which may extend to three years as *ta'zir*.

337H. Punishment for hurt by rash or negligent act. (1) Whoever causes hurt by rash or negligent act, other than *rash* or *negligen* a term which may extend to three years as *ta'zir*.

(2) Whoever does any act so rashly or negligently as to endanger human life or the personal safety of others, shall be punished with imp

337I. Punishment for causing hurt by mistake (*khata*). Whoever causes hurt by mistake (*Khata*) shall be liable to *arsh* or *daman* s

337J. Causing hurt by means of a poison. Whoever administers to, or causes to be taken by, any person, any poison or any stu the commission of an offence, or knowing it to be likely that he will thereby cause hurt may, in addition to the punishment or *arsh* or *da* term which may extend to ten years.

337K. Causing hurt to extort confession, or to compel restoration of property. Whoever causes hurt for the purpose of extorting from the sufferer or any person interested in the sufferer any confession or any information whic restore, or to cause the restoration of, any property or valuable security or to satisfy any claim or demand, or to give information whicl provided for the kind of hurt caused, be punished, having regard to the nature of the hurt caused, with imprisonment of either descriptio

337L. Punishment for other hurt. (1) Whoever causes hurt, not mentioned hereinbefore, which endangers life or which causes the su liable to *daman* and also be punished with imprisonment of either description for a term which may extend to seven years.

(2) Whoever causes hurt not covered by subsection (1) shall be punished with imprisonment of either description for a term which may e

337M. Hurt not liable to *qisas*. namely:
Hurt shall not be liable to *qisas* in the following cases,

(a) when the offender is a minor or insane:

Provided that he shall be liable to *arsh* and also to *ta'zir* to be determined by the court having regard to the age of offender, circumstanc

(b) when an offender at the instance of the victim causes hurt to him:

Provided that the offender may be liable to *ta'zir* provided for the kind of hurt caused by him;

(c) when the offender has caused *itlafiw* of a physically imperfect organ of the victim and the convict does not suffer from similar phys

Provided that the offender shall be liable to *arsh* and may also be liable to *ta'zir* provided for the kind of hurt caused by him; and

(d) when the organ of the offender liable to *qisas* is missing:

Provided that the offender shall be liable to *arsh* and may also be liable to *ta'zir* provided for the kind of hurt caused by him.

Illustrations

(i) A amputates the right ear of Z, the half of which was already missing. If A's right ear is perfect, he shall be liable to *arsh* and not *qisas*

(ii) If in the above illustration Z's ear is physically perfect but without power of hearing, A shall be liable to *qisas* because the defect in Z

(iii) If in illustration (I) Z's ear is pierced. A shall be liable to *qisas* because such minor defect is not physical imperfection.

337N. Cases in which *qisas* for hurt shall not be enforced. be enforced in the following cases, namely:

(a) when the offender dies before execution of *qisas*:

(1) The *qisas* for a hurt shall not

(b) when the organ of the offender liable to *qisas* is lost before the execution of *qisas*:

Provided that offender shall be liable to *arsh*, and may also be liable to *ta'zir* provided for the kind of hurt caused by him;

(c) when the victim waives the *qisas* or compounds the offence with *badlisulh*; or

(d) when the right of *qisas* devolves on the person who cannot claim *qisas* against the offender under this Chapter:

Provided that the offender shall be liable to *arsh*, if then is any *wali* other than the offender and if there is no *wali* other than the offende

(2) Notwithstanding anything contained in this Chapter, in all cases of hurt, the court may, having regard to the kind of hurt caused by t the offence has been committed by him in the name or on the pretext of honour¹[::]

¹[Provided that the *ta'zir* shall not be less than onethird of the maximum imprisonment provided for the hurt caused if the offender is a honour.]

337O. Wali in case of hurt.

(a) the victim:

In the case of hurt the *wali* shall be--

Provided that, if the victim is a minor or insane, his right of *qisas* shall be exercised by his father or paternal grandfather, howhighsoever

(b) the heirs of the victim, if the later dies before the execution of *qisas*; and

(c) the Government, in the absence of the victim or the heirs of the victim.

337P. Execution of *qisas* for hurt. (1) *Qisas* shall be executed in the public by an authorized Medical officer who shall before such hurt caused by him to the victim.

(2) The *wali* shall be present at the time of execution and if the *wali* or his representative is not present, after having been informed of t

¹Added, Subs & Ins by Act I of 05, ss.10 &11.

(3) If the convict is a woman who is pregnant, the court may, in consultation with an authorised medical officer, postpone the executio satisfaction of the court or, if she is not so released, shall be dealt with as if sentenced to simple imprisonment.

337Q. Arsh for single organs. The *arsh* for causing *itlaf* of an organ which is found singly in a human body shall be equivalent to the v
Explanation. body.

Nose and tongue are included in the organs which are found singly in a human

337R. Arsh for organs in pairs. The *arsh* for causing *itlaf* of organs found in a human body in pairs shall be equivalent to the value of
Provided that, where the victim has only one such organ or his other organ is missing or has already become incapacitated the *arsh* for c
Explanation. Hands, feet, eyes, lips and breasts are included in the organs which are found in a human body in pairs.

337S. Arsh for the organs in quadruplicate. a human body in a set of four shall be equal to

(1) The *arsh* for causing *itlaf* or organs found in

(a) one fourth of the *diyat*, if the *itlaf* is one of such organs;

(b) one half of the *diyat*, if the *itlaf* is of two of such organs;

(c) three fourth of the *diyat*, if the *itlaf* is of three such organs; and

(d) full *diyat*, if the *itlaf* is of all the four organs.

Explanation. Eyelids are organs which are found in a human body in a set of four.

337T. Arsh for fingers. tenth of the *diyat*.

1. The *arsh* for causing *itlaf* of a finger of a hand or foot shall be one

(2) The *Arsh* for causing *itlaf* of a joint of a finger shall be onethirtieth of the *diyat*:

Provided that where the *itlaf* is of a joint of a thumb, the *arsh* shall be onetwentieth of the *diyat*.

337U. Arsh for teeth. onetwentieth of the *diyat*.

(1) The *arsh* for causing *itlaf* of a tooth, other than a milk tooth shall be

Explanation. of a tooth.

The impairment of the portion of a tooth outside the gum amounts to causing *itlaf*

(2) The *arsh* for causing *itlaf* of twenty or more teeth shall be equal to the value of *diyat*.

(3) Where the *itlaf* is of a milk tooth, the accused shall be liable to *daman* and may also be punished with imprisonment of either descrip

Provided that, where *itlaf* of a milk tooth impedes the growth of a new tooth, the accused shall be liable to *arsh* specified in subsection (1

337V. Arsh for hair. (1) Whoever uproots

- (a) all the hair of the head, beard, mustaches, eyebrow, eyelashes or any other part of the body shall be liable to *arsh* equal to *diyat* and
- (b) one eyebrow shall be liable to *arsh* equal to onehalf of the *diyat*; and
- (c) one eyelash, shall be liable to *arsh* equal to onefourth of the *diyat*.

(2) Where the hair of any part of the body of the victim are forcibly removed by any process not covered under subsection (1), the accus

337W. Merger of *arsh*. (1) Where an accused causes more than one hurt, he shall be liable to *arsh* specified for each hurt separately:

Provided that, where

- (a) hurt is caused to an organ, the accused shall be liable to *arsh* for causing hurt to such organ and not for *arsh* for causing hurt to any
- (b) the wounds join together and form a single wound, the accused shall be liable to *arsh* for one wound.

Illustrations

(i) A amputates Z's fingers of the right hand and then at the same time amputates that hand from the joint of his wrist. There is separat

(ii) A twice stabs Z on his thigh. Both the wounds are so close to each other that they form into one wound. A shall be liable to *arsh* for

(2) Where, after causing hurt to a person, the offender causes death of such person by committing *qatl* liable to *diyat*, *arsh* shall merge i

Provided that the death is caused before the healing of the wound caused by such hurt.

337X. Payment of *arsh*. (1) The *arsh* may be made payable in a lump sum or in instalments spread over a period of ¹[five] years from

(2) Where a convict fails to pay *arsh* or any part thereof within the period specified in subsection (1), the convict may be kept in jail and surety] equal to the amount of *arsh* to the satisfaction of the court ¹[or may be released on parole as may be prescribed ¹[by] the rules.

(3) Where a convict dies before the payment of *arsh* or any part thereof, it shall be recovered from his estate.

337Y. Value of *daman*. view

(1) The value of *daman* may be determined by the court keeping in

- (a) the expenses incurred on the treatment of victom;
- (b) loss or disability caused in the functioning or power of any organ; and
- (c) the compensation for the anguish suffered by the victim.

¹[(1a) the *daman* may be made payable in lump sum or in installments spread over a period of five years from the date of the final judg

¹[(2) where a convict fails to pay *daman* or any part thereof within the period specified in sub section (1a), the convict may be kept in security or surety equivalent to the amount of *daman* to the satisfaction of the court or may be released on parole as may be prescribed

337Z. Disbursement of *arsh* or *daman*. The *arsh* or *daman* shall be payable to the victim or, if the victim dies, to his heirs according t

338. *IsqatiHamal*. Whoever causes a woman with child whose organs have not been formed, to miscarry, if such miscarriage is not cau

Explanation. A women who causes herself to miscarry is within the meaning of this section.

¹Subs, ins & added by Act XVof 2010, Ss34 (w.e.f. 3102007).

338A. Punishment for *Isqatihaml*. punishment as *tazir*

Whoever causes *isqatihaml* shall be liable to

(a) with imprisonment of either description for a term which may extend to three years, if *isqatihaml* is caused with the consent of the w

(b) with imprisonment of either description for a term which may extend to ten years, if *isqat ihaml* is caused without the consent of the

Provided that, if as a result of *isqatihaml*, any hurt is caused to the woman or she dies, the convict shall also be liable to the punishment

338B. *Isqatijanin*. Whoever causes a woman with child some of whose limbs or organs have been formed, to miscarry, if such miscarriage is not caused in good faith for the purpose of saving the life of the woman, is said to cause

Explanation. A woman who causes hereself to miscarry is within the meaning of this section.

338C. Punishment for *Isqatijanin*. Whoever causes *Isqatijanin* shall be liable to

- (a) onetwentieth of the *diyat* if the child is born dead;
- (b) full *diyat* if the child is born alive but dies as a result of any act of the offender; and
- (c) imprisonment of either description for a term which may extend to seven years as *ta'zir*:

Provided that, if there are more than one child in the womb of the woman, the offender shall be liable to separate *diyat* or *ta'zir*, as the c

Provided further that if, as a result of *isqatijanin*, any hurt is caused to the woman or she dies, the offender shall also be liable to the pur

338D. Confirmation of sentence of death by way of *qisas* or *tazir*, etc. A sentence of death awarded by way of *qisas* or *tazir*, or a sentence of *qisas* awarded for causing hurt, shall not be executed, unless it is confirmed by the Hiq

338E. Waiver or compounding of offences. (1) Subject to the provisions of this Chapter and section 345 of the Code of Criminal shall, *mutatis mutandis*, apply to the waiver or compounding of such offences:

¹Subs. by Act XLIII of 2016, s. 7.

Provided that, where an offence has been waived or compounded, the court may, in its discretion having regard to the facts and circumst²[Provided further that where an offence under this Chapter has been committed and the principle of *fasadfilarz* is attracted, the court ha

¹[(2) All questions relating to waiver or compounding of an offence or awarding of punishment under section 310, whether before or afte

Provided that where the sentence of *qisas* or any other sentence is waived or compounded during the pendency of an appeal, such quest

338F. Interpretation. In the interpretation and application of the provisions of this Chapter, and in respect of matter ancillary or akin thereto, the court shall be guided by the Injunctions of Islam as laid down in the Holy Quran an

338G. Rules.

³[(1)] The Government may, in consultation with the Council of Islamic Ideology,

by notification in the official Gazette, make such rules as it may consider necessary for carrying out the purposes of this Chapter.

³[(2) Notwithstanding anything contained in subsection (1), the Federal Government may, by Notification in the official Gazette, make ru
(a) providing mechanism for creation of a fund, which shall be nonlapsable and exempted from taxes, for the purpose of making of making the said payment;

(b) facility of extending soft loans out of the said fund to the convicts enabling them to satisfy the claim of legal heirs of the deceased or

(c) in appropriate cases release of such prisoners on parole by the court who after having served out the substantive sentence of impris

(d) providing jobs to the said convicts, other than the Government department in the work places attached with the jails or through the

¹Subs & ins by Act I of 05, s.12.

²Subs. by Act XLIII of 2016, s. 7.

³Renumbered & added by Act XVof 2010, s.5 (w.e.f. 3102007)

(e) mechanism for protecting rights of the victims for the purpose of *diyat*, *arsh* and *daman*; and

(f) any other matter for which the rules may be necessary to carry out the aforesaid purpose.]

338H. Saving.

(1) Nothing in this Chapter, except sections 309, 310 and 338E, shall apply to cases pending before any court immediately before the co

¹[CHAPTER XVI A] OF WRONGFUL RESTRAINT AND WRONGFUL CONFINEMENT

339. Wrongful restraint. Whoever voluntarily obstructs any person so as to prevent that person from proceeding in any direction in wt
Exception. The obstruction of a private way over land or water which a person in good faith believes himself to have a lawful right to obs

Illustration

A obstructs a path along which Z has a right to pass, A not believing in good faith that he has a right to stop the path. Z is thereby preve

340. Wrongful confinement. Whoever wrongfully restrains any person in such a manner as to prevent that person from proceeding be

Illustrations

(a) A causes Z to go within a walled space, and locks Z in. Z is than prevented from proceeding in any direction beyond the circumscribi

¹Ins by Act No II of 1997, s.7.

(b) A places men with firearms at the outlets of a building, and tells Z that they will fire at Z if Z attempts to leave the building. A wrong

341. Punishment wrongfull restrains. Whoever wrongfully restrains any person, shall be punished with simple imprisonment for a ter

may amount to an assault.

352. Punishment for assault or criminal force otherwise than on grave provocation. Whoever assaults or uses criminal force to any person to the extent of causing to that person any hurt which may extend to three months, or with fine which may extend to ¹[one thousand five hundred rupees], or with both.

Explanation.— Grave and sudden provocation will not mitigate the punishment for an offence under this section, if the provocation is such as to be given by anything done in obedience to the law, or by a public servant, in the lawful exercise of the powers of such public servant, or if the provocation is given by anything done in the lawful exercise of the right of private defence. Whether the provocation was grave and sudden shall be a question of fact.

353. Assault or criminal force to deter public servant from discharge of his duty. Whoever assaults or uses criminal force to any person to the extent of causing to that person any hurt from discharging his duty as such public servant, or in consequence of anything done or attempted to be done by such person in the lawful exercise of the powers of such public servant, or with fine, or with both.

354. Assault or criminal force to woman with intent to outrage her modesty. Whoever assaults or uses criminal force to any person to the extent of causing to that person any hurt of any description for a term which may extend to two years, or with fine, or with both.

²**[354A. Assault or use of criminal force to woman and stripping her of her clothes.** Whoever assaults or uses criminal force to any person to the extent of causing to that person any hurt of any description for a term which may extend to two years, or with fine, or with both.]

355. Assault or criminal force with intent to dishonour person, otherwise than on grave provocation. Whoever assaults or uses criminal force to any person to the extent of causing to that person any hurt of any description for a term which may extend to two years, or with fine, or with both.

356. Assault or criminal force in attempt to commit theft of property carried by a person. Whoever assaults or uses criminal force to any person to the extent of causing to that person any hurt of any description for a term which may extend to two years, or with fine, or with both.

357. Assault or criminal force in attempt wrongfully to confine a person. Whoever assaults or uses criminal force to any person, to the extent of causing to that person any hurt of any description for a term which may extend to ³[three thousand rupees], or with both.

¹Subs. by ord. 86 of 02, S.2& Sch.I

²Ins. by Ord. XXIV of 1984, s.2.

³Subs. by Ord. No. 86 of 2002, s.2 and Sch.I.

358. Assault or criminal force on grave provocation. Whoever assaults or uses criminal force to any person to the extent of causing to that person any hurt of any description for a term which may extend to ¹[six hundred rupees], or with both.

Explanation. The last section is subject to the same Explanation as section 352.

359. Kidnapping. Kidnapping is of two kinds: kidnapping from ²[Pakistan], and kidnapping from lawful guardianship.

360. Kidnapping from Pakistan. Whoever conveys any person beyond the limits of ²[Pakistan] without the consent of that person, or **361. Kidnapping from lawful guardianship.** Whoever takes or entices any minor under fourteen years of age if a male, or under twelve years if a female, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship.

Explanation. The words "lawful guardian" in this section include any person lawfully entrusted with the care or custody of such minor or other person.

Exception. This section does not extend to the act of any person who in good faith believes himself to be the father of an illegitimate child, or who in good faith believes himself to be entitled to the lawful custody of such child, unless he has been convicted of an offence under this section.

362. Abduction. Whoever by force compels, or by any deceitful means induces, any person to go from any place, is said to abduct that person.

363. Punishments for kidnapping. Whoever kidnaps any person from ²[Pakistan] or from lawful guardianship, shall be punished with imprisonment for a term which may extend to ten years, or with fine, or with both.

364. Kidnapping or abducting in order to murder. Whoever kidnaps or abducts any person in order that such person may be murdered or for any other purpose which amounts to murder, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Illustrations

(a) A kidnaps Z from ²[Pakistan], intending or knowing it to be likely that Z may be sacrificed to an idol. A has committed the offence defined in this section.

¹Subs. by Ord. No. 86 of 2002, s.2 and Sch.I.

²Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (w.e.f. 14th October, 1955), for "the Province of West Pakistan".

³Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

(b) A forcibly carries or entices B away from his home in order that B may be murdered. A has committed the offence defined in this section.

¹**[364A. Kidnapping or abducting a person under the age of ²[fourteen].** Whoever kidnaps or abducts any person under the age of fourteen years to the extent of causing to that person any hurt of any description for a term which may extend to ten years, or with fine, or with both, or to the lust of any person shall be punished with imprisonment for a term which may extend to ten years, or with fine, or with both.

be less than seven years.]

365. Kidnapping or abducting with intent secretly and wrongfully to confine person. Whoever kidnaps or abducts any person may extend to seven years, and shall also be liable to fine.

²[**365A. Kidnapping or abducting for extorting property, valuable security, etc.**

Whoever

kidnaps or abducts any person for the purpose of extorting from the person kidnapped or abducted, or from any person interested in t other demand, whether in cash or otherwise, for obtaining release of the person kidnapped or abducted, shall be punished with ⁴[death c

⁵ [**365B. Kidnapping, abducting or inducing woman to compel for marriage etc.**

Whoever

kidnaps or abducts any woman with intent that she may be compelled, or knowing it to be likely that she will be compelled, to marry any to illicit intercourse, shall be punished with imprisonment for life, and shall also be liable to fine; and whoever by means of criminal intim she may be, or knowing that it is likely that she will be, forced or seduced to illicit intercourse with another person shall also be punished

⁶**366.** [*Kidnapping, abducting or inducing woman to compel her marriage, etc.*] Rep. by the Offences of Zina (Enforcement of Hudood) O

⁷[**366A. Procurement of minor girl.** Whoever, by any means whatsoever, induces any minor girl under the age of eighteen yea to illicit intercourse with another person shall be punishable with imprisonment which may extend to ten years and shall also be liable to

1S. 364A ins. by the Criminal Laws Amdt. Act, 1958 (34 of 1958), s. 2.

2Subs. & Ins. by Act III of 1990, s.3. 3See foot note 4 on page 93, supra. 4Ins. by Act II of 1991, s.2.

5Ins. by Act. VI of, ss. 2 & 3. 6This section was amended by the Indian Penal Code (Arndt.) Act, 1923 (20 of 1923), s. 2.

6ss. 366A and 366B were ins. *ibid*;, s. 3.

7The words "or to the unnatural lust of any person," omitted by the Offences of Zina (Enforcement of Hudood) Ordinance, 1979. (7 of.1979),s.19 (w.e.f. 10th Fehru

¹[**366B. Importation of girl from foreign country.** Whoever imports into Pakistan from any country outside Pakistan any girl unde another person, shall be punishable with imprisonment which may extend to ten years and shall also be liable to fine.]

367. Kidnapping or abducting in order to subject person to grievous hurt, slavery, etc. Whoever kidnaps or abducts any person or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description f

³[**367A. Kidnapping or abducting in order to subject person to unnatural lust.** Whoever kidnaps or abducts any person in orde knowing it to be likely that such person will be so subjected or disposed of, shall be punished with death or rigorous imprisonment for a t

368. Wrongfully concealing or keeping in confinement, kidnapped or abducted person. Whoever, knowing that any person has abducted such person with the same intention or knowledge, or for the same purpose as that with or for which he conceals or detains su

369. Kidnapping or abducting child under ten years with intent to steal from its persons. Whoever kidnaps or abducts any ch imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

⁴[**369A. Trafficking of human beings.**

Whoever involves himself in human trafficking shall be punished with imprisonment for a term which shall not be less than five years thousand rupees, or with both.

Explanation.— The word "human trafficking" in this section, shall have the same meaning as is assigned to it in the Prevention and Contr

370. Buying or disposing of any person as a slave. Whoever imports, exports, removes, buys, sells or disposes of any person as which may extend to seven years, and shall also be liable to fine.

371. Habitual dealing in slaves. Whoever habitually imports, exports, removes, buys, sells, traffics or deals in slaves, shall be p

¹Section 366B as amended by A. 0., 1949, Ord. 21 of 1960. Ord. 1 of 1961 have been subs. by the Federal Laws (Revision and Declarati

²The words "or to the unnatural lust of any person," omitted by the Offences of Zina (Enforcement of Hudood) Ordinance, 1979 (7 of 197

³ Ins. by Act VI of 06, ss. 2 & 3.

⁴Ins. by Act X of 2016, s. 6.

⁵Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

¹[**371A. Selling person for purpose of prostitution, etc.**

Whoever sells, lets to hire, or otherwise disposes of any person with intent that such person shall at any time be employed or used for the purpose of prostitution or illicit inter for any such purpose, shall be punished with imprisonment which may extend to twentyfive years, and shall also be liable to fine.]

Explanations. (a) When a female is sold, let for hire, or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, she shall be used for the purpose of prostitution.

(b) For the purposes of this section and section 371B, "illicit intercourse" means sexual intercourse between persons not united by marriage.

¹**[371B. Buying person for purpose of prostitution, etc.**

Whoever buys, hires or otherwise obtains possession of any person with intent that such person shall at any time be employed or used for any such purpose, shall be punished with imprisonment which may extend to twentyfive years.

Explanation. Any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female for the purpose of prostitution.]

²**[372. [Selling minor for purposes of prostitution, etc.] Rep. by the Offences of Zina (Enforcement of Hudood) Ordinance, 1979 (VII of 1979).**

²**[373. [Buying minor for purposes of prostitution, etc.] Rep. by the Offences of Zina (Enforcement of Hudood) Ordinance, 1979 (VII of 1979).**

³**[374.**

(1)] **Unlawful compulsory labour.** Whoever unlawfully compels any person to labour against the will of that person, shall be punished with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both.

⁴(2) Whoever compels a prisoner of war or a protected person to serve in the armed forces of Pakistan shall be punished with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both.

Explanation. In this section the expressions "prisoner of war" and "protected person" shall have the same meaning as have been assigned in the Geneva Convention Relative to the Protection of Civilian Persons in Time of War of August 12, 1949, ratified by Pakistan on the second day of October, 1949.

⁵**[375. Rape.
Of Rape**

A man is said to commit rape who has sexual intercourse with a woman under circumstances falling under any of the five following descriptions:

¹Ins. by Act VI of 06, s. 4.

²This section was amended by the Indian Penal Code (Amdt.) Act, 1924 (5 of 1924) s. 2 and the Indian Criminal Law (Amdt.) Act, 1924 (10 of 1924) s. 2.

³S. 374 was renumbered as subsection (1) of that section by the Pakistan Penal Code (Amdt.) Act, 1958 (36 of 1958), s. 2.

⁴Subsection (2) added by the Pakistan Penal Code (Amdt.) Act, 1958 (36 of 1958), s. 2.

⁵Ins. by Act VI of 06, s. 5.

(i) against her will;

(ii) without her consent;

(iii) with her consent, when the consent has been obtained by putting her in fear of death or of hurt;

(iv) with her consent, when the man knows that he is not married to her and that the consent is given because she believes that the man is married to her;

(v) with or without her consent when she is under sixteen years of age.

Explanation. offence of rape.

Penetration is sufficient to constitute the sexual intercourse necessary to the offence of rape.

376. Punishment for rape.

(1) Whoever commits rape shall be punished with death or imprisonment of either description for a term which shall not be less than ten years or with fine which may extend to five thousand rupees or with both.

¹[(1A) Whoever commits an offence punishable under subsection (1) or subsection (2) or section 377 or section 377B and in the course of committing such offence, commits any offence punishable under section 337, section 337C, clauses (v) and (vi) of section 337F shall be punished with death or imprisonment for life and fine.]

(2) When rape is committed by two or more persons in furtherance of common intention of all, each of such persons shall be punished with death or imprisonment for life or imprisonment for a term which shall not be less than ten years or with fine which may extend to five thousand rupees or with both.

¹[(3) Whoever commits rape of a minor or a person with mental or physical disability shall be punished with death or imprisonment for life or imprisonment for a term which shall not be less than ten years or with fine which may extend to five thousand rupees or with both.

(4) Whoever being a public servant including a police officer, medical officer or jailor, taking advantage of his official position, commits rape shall be punished with death or imprisonment for life or imprisonment for a term which shall not be less than ten years or with fine which may extend to five thousand rupees or with both.

¹**[376A. Disclosure of identity of victim of rape, etc.**

(1) Whoever prints or publishes name or any matter which may make known identity of victim, against whom an offence under sections 375, 376 or 376A has been committed, which may extend to three years and shall also be liable to fine.

(2) Nothing in subsection (1) extends to any printing or publication if it is for the purpose of a newspaper or magazine.

¹Ins. by Act XLIV of 2016, s.5 and 6.

- (a) by or under order in writing of officer in charge of the police station or police officer making investigation into such offence acting in good faith;
- (b) by or under order of Court; or
- (c) by or with authorization in writing of the victim; or
- (d) by or with the authorization in writing of natural or legal guardian of the victim where the victim is dead or a minor or of unsound mind.

Explanation. Printing or publication of judgment of any High Court, the Federal Shariat Court or the Supreme Court in law journals does not constitute an offence.

Of Unnatural Offences

377. Unnatural offences. Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

Explanation. Penetration is sufficient to constitute the carnal intercourse necessary to the offence described in this section.

³**377A. Sexual abuse.** Whoever employs, uses, forces, persuades, induces, entices, or coerces any person to engage in, or assist any person in, any conduct either independently or in conjunction with other acts, with or without consent where age of person is less than eighteen years, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine.

377B. Punishment. Whoever commits the offence of sexual abuse shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

CHAPTER XVII OF OFFENCES AGAINST PROPERTY Of Theft

378. Theft. Whoever, intending to take dishonestly any moveable property out of the possession of any person without that person's consent, moves that property in any manner, shall be deemed to have committed theft if he meets any of the following conditions:

¹Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

²Ins. by Act VI of 06, s. 5.

³Ins. by Act X of 2016, s. 7.

Explanation 1. A thing so long as it is attached to the earth, not being moveable property, is not the subject of theft; but it becomes capable of being the subject of theft when it is severed from the earth.

Explanation 2.

Explanation 3.

A moving object effected by the same act which effects the severance may be a theft.

A person is said to cause a thing to move by removing an obstacle which prevented it from moving or by separating it from any other thing.

Explanation 4.

A person, who by any means causes an animal to move, is said to move that animal, and to move everything which, in consequence of the motion so caused, is moved by that animal.

Explanation 5.

The consent mentioned in the definition may be expressed or implied, and may be given either by the person in possession, or by any person having for that purpose authority either express or implied.

Illustrations

(a) A cuts down a tree on Z's ground, with the intention of dishonestly taking the tree out of Z's possession without Z's consent. Here, A has committed theft.

(b) A puts a bait for dogs in his pocket, and thus induces Z's dog to follow it. Here, if A's intention be dishonestly to take the dog out of Z's possession, A has committed theft.

(c) A meets a bullock carrying a box of treasure. He drives the bullock in a certain direction, in order that he may dishonestly take the treasure. Here, A has committed theft.

(d) A being Z's servant, and entrusted by Z with the care of Z's plate, dishonestly runs away with the plate, without Z's consent. A has committed theft.

(e) Z, going on a journey, entrusts his plate to A, the keeper of a warehouse, till Z shall return. A carries the plate to a goldsmith and sells it. Here, A has committed criminal breach of trust.

(f) A finds a ring belonging to Z on a table in the house which Z occupies. Here the ring is in Z's possession, and if A dishonestly removes it, A has committed theft.

(g) A finds a ring lying on the highroad, not in the possession of any person. A, by taking it, commits no theft, though he may commit criminal breach of trust.

(h) A sees a ring belonging to Z lying on a table in Z's house. Not venturing to misappropriate the ring immediately for fear of search, he hides it in a safe. He later sells the ring to a friend. Here, A, at the time of first moving the ring, commits theft.

punishable with death, or with ¹[imprisonment for life], or with imprisonment for a term which may extend to ten years, or of having at to ten years, and shall also be liable to fine; and, if the offence be one punishable under section 377 of this Code, may be punished with¹

¹Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation".

²Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

389. Putting person in fear of accusation of offence, in order to commit extortion. Whoever, in order to the committing of extor offence punishable with death or with ¹[imprisonment for life], or with imprisonment for a term which may extend to ten years, shall be punishable under section 377 of this Code, may be punished with ¹[imprisonment for life.]

Of Robbery and Dacoity

390. Robbery. In all robbery there is either theft or extortion.

When theft is robbery. Theft is "robbery" if, in order to the committing of the theft, or in committing the theft, or in carrying away or hurt or wrongful restraint, or fear of instant death or of instant hurt, or of instant wrongful restraint.

When extortion is robbery. Extortion is "robbery" if the offender, at the time of committing the extortion, is in the presence of the p person, or to some other person, and, by so putting in fear, induces the person so put in fear then and there to deliver up the thing exto

Explanation. The offender is said to be present if he is sufficiently near to put the other person in fear of instant death, of instant hurt, or

Illustrations

(a) A holds Z down, and fraudulently takes Z's money and jewels from Z's clothes, without Z's consent. Here A has committed theft, and

(b) A meets Z on the highroad, shows a pistol, and demands Z's purse. Z, in consequence, surrenders his purse. Here A has extor committed robbery.

(c) A meets Z and Z's child on the highroad. A takes the child, and threatens to fling it down a precipice, unless Z deliver his purse. Z, i A has therefore committed robbery on Z.

(d) A obtains property from Z by saying "Your child is in the hands of my gang, and will be put to death unless you send us ten thousand

391. Dacoity. When five or more persons conjointly commit or attempt to commit a robbery, or where the whole number of persons cc person so committing, attempting or aiding, is said to commit "dacoity".

¹Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

392. Punishment for robbery. Whoever commits robbery shall be punished with rigorous imprisonment for a term which ¹[shall n the imprisonment may be extended to fourteen years.

393. Attempt to commit robbery. Whoever attempts to commit robbery shall be punished with rigorous imprisonment for a term whic

394. Voluntarily causing hurt in committing robbery. If any person, in committing or in attempting to commit robbery, v punished with ²[imprisonment for life], or with rigorous imprisonment for a term which ¹[shall not be less than four years nor more than

395. Punishment for dacoity. Whoever commits dacoity shall be punished with ²[imprisonment for life], or with rigorous imprisonmen

396. Dacoity with murder. If anyone of five or more persons, who are conjointly committing dacoity, commits murder in so committir be less than four years nor more than] ten years, and shall also be liable to fine.

397. Robbery or dacoity with attempt to cause death or grievous hurt. If, at the time of committing robbery or dacoity, the offe with which such offender shall be punished shall not be less than sevenyears.

398. Attempt to commit robbery or dacoity when armed with deadly weapon. If, at the time of attempting to commit robber seven years.

399. Making preparation to commit dacoity. Whoever makes any preparation for committing dacoity, shall be punished with rigorous:

400. Punishment for belonging to gang of dacoits. Whoever, at any time after the passing of this Act, shall belong to a gang of per term which may extend to ten years, and shall also be liable to fine.

¹Subs. by the Criminal Laws (Amdt.) Ordinance, 1980 (3 of 1980), ss.710, for "may extend to". ²Subs. by the Law Reforms Ordinance, 1

401. Punishment for belonging to gang of thieves. Whoever, at any time after the passing of this Act, shall belong to any wanderi punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

402. Assembling for purpose of committing dacoity. Whoever, at any time after the passing of this Act, shall be one of five or mc years, and shall also be liable to fine.

¹[OF HIJACKING

402A. Hijacking. Whoever unlawfully, by the use or show of force or by threats of any kind, seizes, or exercises control of, an aircraft is

402B. Punishment for hijacking. Whoever commits, or conspire or attempts to commit, or abets the commission of, hijacking shall be

402C. Punishment for harbouring hijacker, etc. Whoever knowingly harbours any person whom he knows or has reason to believe or assemble in any place or premises in his possession or under his control, shall be punished with death or imprisonment for life, and shall

²[402D. Provincial Government not to interfere in sentences of rape.

Notwithstanding anything contained in sections 401, 402 or 402B, the Provincial Government shall not suspend, remit or commute any s

Of Criminal Misappropriation of Property

403. Dishonest misappropriation of property. Whoever dishonestly misappropriates or converts to his own use any moveable property, shall be punished with imprisonment of either description for a term which may extend to

Illustrations

(a) A takes property belonging to Z out of Z's possession in good faith, believing, at the time when he takes it, that the property belongs to Z, and commits an offence under this section.

¹Ins. by the Pakistan Penal Code (Second Amendment) Ordinance, 1981 (30 of 1981), s. 2.

²Ins by Act 26 of 2011,s.4.

(b) A, being on friendly terms with Z, goes into Z's library in Z's absence and takes away a book without Z's express consent. Here, afterwards sells the book for his own benefit, he is guilty of an offence under this section.

(c) A and B, being joint owners of a horse, A takes the horse out of B's possession, intending to use it. Here, as A has a right to use it, he is not guilty of an offence under this section.

Explanation 1.

A dishonest misappropriation for a time only is a misappropriation within the meaning of this section.

Illustration

A finds a Government promissory note belonging to Z, bearing a blank endorsement. A, knowing that the note belongs to Z, pledges it with

Explanation 2.

A person who finds property not in the possession of any other person, and takes such property for the purpose of protecting it for, or of restoring it to, the owner, does not take or misappropriate it dishonestly, if he discovers the owner, or before he has used reasonable means to discover and give notice to the owner and has kept the property a reasonable time.

What are reasonable means or what is a reasonable time in such a case, is a question of fact.

It is not necessary that the finder should know who is the owner of the property, or that any particular person is the owner of it, it is sufficient if he knows that the property belongs to some person.

Illustrations

(a) A finds a rupee on the highroad, not knowing to whom the rupee belongs. A picks up the rupee. Here A has not committed the offence.

(b) A finds a letter on the road, containing a bank note. From the direction and contents of the letter he learns to whom the note belongs. He returns it to the owner.

(c) A finds a cheque payable to bearer. He can form no conjecture as to the person who has lost the cheque. But the name of the owner is written on the cheque. A appropriates the cheque without attempting to discover the owner. He is guilty of an offence under this section.

(d) A sees Z drop his purse with money in it. A picks up the purse with the intention of restoring it to Z, but afterwards appropriates it to himself.

(e) A finds a purse with money, not knowing to whom it belongs; he afterwards discovers that it belongs to Z, and appropriates it to himself.

(f) A finds a valuable ring, not knowing to whom it belongs. A sells it immediately without attempting to discover the owner. A is guilty of an offence under this section.

404. Dishonest misappropriation of property possessed by deceased person at the time of his death. Whoever dishonestly misappropriates or converts to his own use any moveable property which, at the time of the owner's death, was in the possession of the owner, and which, at the time of the owner's death, was employed by him as a clerk or servant, the imprisonment may extend to seven years.

Illustration

Z dies in possession of furniture and money. His servant A, before the money comes into the possession of any person entitled to such p

Of Criminal Breach of Trust

405. Criminal breach of trust. Whoever, being in any manner entrusted with property or with any dominion over property, dishonourably prescribes the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching th

Illustrations

(a) A, being executor to the will of a deceased person, dishonestly disobeys the law which directs him to divide the effects according to t

b. A is a warehousekeeper. Z, going on a journey, entrusts his furniture to A, under a contract that it shall be returned on payment of

(c) A, residing in ¹[Dacca], is agent for Z, residing at ²[Lahore]. There is an express or implied contract between A and Z, that the same in Company's paper. A dishonestly disobeys the directions and employs the money in his own business. A has committed crim

(d) But if A, in the last illustration, not dishonestly but in good faith, believing that it will be more for Z's advantage to hold shares Z should suffer loss, and should be entitled to bring a civil action against A, on account of that loss, yet A, not having acted dishonestly,

(e) A, a revenue officer, is entrusted with public money and is either directed by law, or bound by a contract, express or implied committed criminal breach of trust.

(f) A, a carrier, is entrusted by Z with property to be carried by land or by water. A dishonestly misappropriates the property. A has comr

406. Punishment for criminal breach of trust. Whoever commits criminal breach of trust shall be punished with imprisonment of eith

407. Criminal breach of trust by carrier, etc. Whoever, being entrusted with property as a carrier, wharfinger or warehousekeeper, to seven years, and shall also be liable to fine.

408. Criminal breach of trust by clerk or servant. Whoever, being a clerk or servant or employed as a clerk or servant, and being entrusted with property, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable

409. Criminal breach of trust by public servant, or by banker, merchant or agent. Whoever, being in any manner entrusted with property as attorney or agent, commits criminal breach of trust in respect of that property, shall be punished with ⁴[imprisonment for life], or with in

¹Subs. by the Federal Laws Revision and Declaration Act, 1951 (26 of 1951), s. 4 and III Sch., for "Calcutta".

²Subs. *ibid.*, for "Delhi".

³Subs. by Criminal Law (Amendment) Ordinance, 1981 (33 of 1981), s.2, for "three".

⁴Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

Of the Receiving of Stolen Property

410. Stolen property. Property, the possession whereof has been transferred by theft, or by extortion, or by robbery, and property which has been stolen, ²[whether the transfer has been made, or the misappropriation or breach of trust has been committed, within or without ³[Pakistan] stolen property.

411. Dishonestly receiving stolen property. Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe that it is stolen property, shall be punished with imprisonment for term which may extend to seven years, or with fine, or with both.

412. Dishonestly receiving property stolen in the commission of a dacoity. Whoever dishonestly receives or retains any stolen property from a person, whom he knows or has reason to believe to belong or to have belonged to a gang of dacoits, property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment for term which may extend to ten years, and shall also be liable to fine.

413. Habitually dealing in stolen property. Whoever habitually receives or deals in property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment for term which may extend to ten years, and shall also be liable to fine.

414. Assisting in concealment of stolen property. Whoever voluntarily assists in concealing or disposing of or making away with property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment for term which may extend to three years, or with fine, or with both.

Of Cheating

415. Cheating. Whoever, by deceiving any person, fraudulently or dishonestly induces the person so deceived to deliver any property or to do or omit to do or to do or omit to do any act which he would not do or omit if he were not so deceived, and which act or omission causes or is likely to cause damage or harm to that person, shall be punished with imprisonment for term which may extend to seven years, or with fine, or with both.

¹The word "the" before the words "offence of" was rep. by the Amending Act, 1891 (12 of 1891), and the words "offence of" were rep. by the

²Ins. by Act 8 of 1882, s. 9.

³Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch., (w.e.f. 14th October, 1955), for "the Provisional"

⁴Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

⁵Ins. by the Pakistan Penal Code (Amendment) Ordinance, 1980 (41 of 1980), s.2.

Explanation. section.

A dishonest concealment of facts is a deception within the meaning of this

Illustrations

- (a) A, by falsely pretending to be in the Civil Service, intentionally deceives Z, and thus dishonestly induces Z to let him have on credit g
- (b) A, by putting a counterfeit mark on an article, intentionally deceives Z into a belief that this article was made by a certain celebrated
- (c) A, by exhibiting to Z a false sample of an article, intentionally deceives Z into believing that the article corresponds with the sample,
- (d) A, by tendering in payment for an article a bill on a house with which A keeps no money, and by which A expects that the bill will be
- (e) A, by pleading as diamonds articles, which he knows are not diamonds intentionally deceives Z, and thereby dishonestly induces Z to t
- (f) A, intentionally deceives Z into a belief that A means to repay any money that Z may lend to him and thereby dishonestly induces Z t
- (g) A intentionally deceives Z into a belief that A means to deliver to Z a certain quantity of indigo plant which he does not inten the money, intends to deliver the indigo plant, and afterwards breaks his contract and does not deliver it, he does not cheat, but is liable
- (h) A intentionally deceives Z into a belief that A has performed A's part of a contract made with Z, which he has not performed, and the
- (i) A sells and conveys an estate to B. A, knowing that in consequence of such sale he has no right to the property, sells or mortgages t

416. Cheating by personation. A person is said to "cheat by personation" if he cheats by pretending to be some other person, or by k

Explanation. person.

The offence is committed whether the individual personated is a real or imaginary

Illustrations

- (a) A cheats by pretending to be a certain rich banker of the same name. A cheats by personation.
- (b) A cheats by pretending to be B, a person who is deceased. A cheats by personation.

417. Punishment for cheating. Whoever cheats shall be punished with imprisonment of either description for a term which may exten

418. Cheating with knowledge that wrongful loss may ensue to person whose interest offender is bound to protect. Whoe relates, he was bound either by law, or by legal contract, to protect, shall be punished with imprisonment of either description for a term

419. Punishment for cheating by personation. Whoever cheats by personation shall be punished with imprisonment of either descrip

420. Cheating and dishonestly inducing delivery of property. Whoever cheats and thereby dishonestly induces the person deceiv sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a t

Of Fraudulent Deeds and Dispositions of Property

421. Dishonest or fraudulent removal or concealment of property to prevent distribution among creditors. Whoever dist consideration, any property, intending thereby to prevent, or knowing it to be likely that he will thereby prevent, the distribution of tha term which may extend to two years, or with fine, or with both.

422. Dishonestly or fraudulently preventing debt being available for creditors. Whoever dishonestly or fraudulently prevents ar other person, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with b

¹Subs. by the Criminal Law (Amdt.) Ord. 1981 (33 of 1981), s. 2, for "three".

423. Dishonest or fraudulent execution of deed of transfer containing false statement of consideration. Whoever dishonestly any interest therein, and which contains any false statement relating to the consideration for such transfer or charge, or relating to the p may extend to two years, or with fine, or with both.

424. Dishonest or fraudulent removal or concealment of property. Whoever dishonestly or fraudulently conceals or removes any demand or claim to which he is entitled, shall be punished with imprisonment of either description for a term which may extend to two ye

Of Mischief

425. Mischief. Whoever, with intent to cause, or ,knowing that he is likely to cause, wrongful loss or damage to the public or to any or utility, or affects it injuriously, commits " mischief".

Explanation 1.

It is not essential to the offence of mischief that the offender should intend to cause loss or damage to the owner of the property injured or destroyed. It is sufficient if he intends to cause, or knows that he is likely to

Explanation 2. Mischief may be committed by an act affecting property belonging to the person who commits the act, or to that person a

Illustrations

- (a) A voluntarily burns a valuable security belonging to Z intending to cause wrongful loss to Z. A has committed mischief.
- (b) A introduces water into an icehouse belonging to Z and thus causes the ice to melt, intending wrongful loss to Z. A has committed m
- (c) A voluntarily throws into a river a ring belonging to Z, with the intention of thereby causing wrongful loss to Z. A has committed misc

- (d) A, knowing that his effects are about to be taken in execution in order to satisfy a debt due from him to Z, destroys those effects, wi
- (e) A having insured a ship, voluntarily causes the same to be cast away, with the intention of causing damage to the underwriters. A ha
- (f) A, causes a ship to be cast away, intending thereby to cause damage to Z who has lent money on bottomry on the ship. A has comm
- (g) A, having joint property with Z in a horse, shoots the horse, intending thereby to cause wrongful loss to Z. A has committed mischief
- (h) A causes cattle to enter upon a field belonging to Z, intending to cause and knowing that he is likely to cause damage to Z's crop. A

426. Punishment for mischief. Whoever commits mischief shall be punished with imprisonment of either description for a term which

427. Mischief causing damage to the amount of fifty rupees. Whoever commits mischief and thereby causes loss or damage 1 or with fine, or with both.

428. Mischief by killing or maiming animal of the value of ten rupees. Whoever commits mischief by killing, poisoning, maiming term which may extend to two years, or with fine, or with both.

429. Mischief by killing or maiming cattle, etc., of any value or any animal of the value of fifty rupees. Whoever commits mischief thereof, or any other animal of the value of fifty rupees or upwards, shall be punished with imprisonment of either description for a term

430. Mischief by injury to works of irrigation or by wrongfully diverting water. Whoever commits mischief by doing any act human beings or for animals which are property, or for cleanliness or for carrying on any manufacture, shall be punished with imprisonm

431. Mischief by injury to public road, bridge, river, or channel. Whoever commits mischief by doing any act which renders or v travelling or conveying property, shall be punished with imprisonment of either description for a term which may extend to five years, or

432. Mischief by causing inundation or obstruction to public drainage attended with damage. Whoever commits mischief by damage, shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

433. Mischief by destroying, moving or rendering less useful a lighthouse or seamark. Whoever commits mischief by destroyin which renders any such lighthouse, seamark, buoy or other such thing as aforesaid less useful as a guide for navigators, shall be punishe

434. Mischief by destroying or moving etc., a landmark fixed by public authority. Whoever commits mischief by destroying or m imprisonment of either description for a term which may extend to one year, or with fine, or with both.

435. Mischief by fire or explosive substance with intent to cause damage to amount of one hundred or (in case of agric he will thereby cause, damage to any property to the amount of one hundred rupees or upwards ¹[or (where the property is agricul tura more than] seven years and shall also be liable to fine.

436. Mischief by fire or explosive substance with intent to destroy house, etc. Whoever commits mischief by fire or any explos place of worship or as a human dwelling or as a place for the custody of property, shall be punished with ³[imprisonment for life], or witt

¹Ins. by the Penal Code Amdt. Act, 1882 (8 of 1882), s.10.

²Subs. by the Criminal Laws (Amdt.) Ord., 1980 (3 of 1980), ss. 11. and 12, for "may extend to". ³Subs. by the Law Reforms Ordinance,

437. Mischief with intent to destroy or make unsafe a decked vessel or one of twenty tons burden. Whoever commits misch he will thereby destroy or render unsafe, that vessel, shall be punished with imprisonment of either description for a term which may ext

438. Punishment for the mischief described in section 437 committed by fire or explosive substance. Whoever cor punished with ¹[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall als

¹Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

439. Punishment for intentionally running vessel a ground or ashore with intent to commit theft, etc. Whoever intentionally r or with intent that such theft or misappropriation of property may be committed, shall be punished with imprisonment of either descriptio

440. Mischief committed after preparation made causing death or hurt. Whoever commits mischief, having made preparatio imprisonment of either description for a term which may extend to five years, and shall also be liable to fine.

Of Criminal Trespass

441. Criminal trespass. Whoever enters into or upon property in the possession of another with intent to commit an offence or to intir or, having lawfully entered into or upon such property, unlawfully remains therewith intent thereby to intimidate, insult or annoy any suc

442. Housetrespass. Whoever commits criminal trespass by entering into or remaining in any building, tent or vessel used as a human

Explanation. The introduction of any part of the criminal trespasser's body is entering sufficient to constitute housetrespass.

443. Lurking housetrespass. Whoever commits housetrespass having taken precautions to conceal such housetrespass from some p lurking house trespass".

444. Lurking housetrespass by night. Whoever commits lurking housetrespass after sunset and before sunrise, is said to commit "lur

445. Housebreaking. A person is said to commit "housebreaking" who commits house trespass if he effects his entrance into the house, or, having committed an offence therein, he quits the house or any part of it in any of such six ways, that is to say:

Firstly. If he enters or quits through a passage made by himself, or by any abettor of the house trespass, in order to the committing of the offence.

Secondly. If he enters or quits through any passage not intended by any person, other than himself or an abettor of the offence, for human entrance; or through any passage to which he has obtained access by scaling or climbing.

Thirdly. If he enters or quits through any passage which he or any abettor of the house trespass has opened, in order to the committing of the offence.

Fourthly. If he enters or quits by opening any lock in order to the committing of the house trespass, or in order to the quitting of the house after a house trespass.

Fifthly. If he effects his entrance or departure by using criminal force or committing an assault, or by threatening any person with assault.

Sixthly. If he enters or quits by any passage which he knows to have been fastened against such entrance or departure, and to have been so fastened.

Explanation. Any out

house or building occupied with a house, and between which and such

house there is an immediate internal communication, is part of the house within the meaning of this section.

Illustrations

(a) A commits house trespass by making a hole through the wall of Z's house, and putting his hand through the aperture. This is house trespass.

(b) A commits house trespass by creeping into a ship at a porthole between decks. This is housebreaking.

(c) A commits house trespass by entering Z's house, through a window. This is house breaking.

(d) A commits house trespass by entering Z's house through the door, having opened a door which was fastened. This is housebreaking.

(e) A commits house trespass by entering Z's house through the door having lifted a latch by putting a wire through a hole in the door. This is housebreaking.

(f) A finds the key of Z's house door, which Z had lost, and commits house trespass by entering Z's house, having opened the door with the key.

(g) Z is standing in his doorway. A forces a passage by knocking Z down, and commits house trespass by entering the house. This is house trespass.

(h) Z, the doorkeeper of Y, is standing in Y's doorway. A commits house trespass by entering the house, having deterred Z from opposing.

446. Housebreaking by night. Whoever commits housebreaking after sunset and before sunrise, is said to commit "housebreaking by night".

447. Punishment for criminal trespass. Whoever commits criminal trespass shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

448. Punishment for house trespass. Whoever commits house trespass shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

449. House trespass in order to commit offence punishable with death. Whoever commits house trespass in order to the committing of an offence punishable with death, shall be punished with imprisonment for life, and shall also be liable to fine.

450. House trespass in order to commit offence punishable with imprisonment for life. Whoever commits house trespass in order to the committing of an offence punishable with imprisonment for life, shall be punished with imprisonment for life, and shall also be liable to fine.

451. House trespass in order to commit offence punishable with imprisonment. Whoever commits house trespass in order to the committing of an offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to three years.

452. House trespass after preparation for hurt, assault or wrongful restraint. Whoever commits house trespass, having made preparation for the committing of an offence of hurt, or of assault, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

¹Subs. by Ord. 86 of 2002, s. 2 and Sch., I, for "five hundred rupees and one thousand rupees".

²Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

453. Punishment for lurking house trespass or house breaking. Whoever commits lurking house trespass or housebreaking, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to five years.

454. Lurking house trespass or house breaking in order to commit offence punishable with imprisonment. Whoever commits lurking house trespass or housebreaking in order to the committing of an offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine; and if the offence intended to be committed is theft, the term of the imprisonment may be extended to five years.

455. Lurking house trespass or housebreaking after preparation for hurt, assault or wrongful restraint. Whoever commits lurking house trespass or housebreaking, having made preparation for the committing of an offence of hurt, or of assault, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

456. Punishment for lurking house trespass or house breaking by night. Whoever commits lurking house trespass or housebreaking by night, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

457. Lurking house trespass or housebreaking by night in order to commit offence punishable with imprisonment. Whoever commits lurking house trespass or housebreaking by night in order to the committing of an offence punishable with imprisonment, shall be punished with imprisonment of either description for a term which may extend to five years, and shall also be liable to fine; and, if the offence intended to be committed is theft, the term of the imprisonment may be extended to seven years.

458. Lurking house trespass or house breaking by night after preparation for hurt, assault or wrongful restraint. Whoever commits lurking house trespass or housebreaking by night, having made preparation for the committing of an offence of hurt, or of assault, or of wrongful restraint, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

¹**459. Hurt caused whilst committing lurking house trespass or housebreaking.** Whoever, whilst committing lurking house trespass or housebreaking, causes hurt to any person, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to the same punishment for committing the offence.

¹[460. Persons jointly concerned in lurking housetrespass or housebreaking by night punishable for qatl or hurt caused by

¹Subs. by Act II of 1997, Ss. 8 & 9.

If, at the time of the committing of lurking any person guilty of such offence shall voluntarily cause or attempt to commit *qatl*, of or hurt to, any person, every person jointly imprisonment of either description for a term which may extend to ten years and shall also be liable to the same punishment for committ

461. Dishonestlybreaking open receptacle containing property. Whoever dishonestly or with intent to commit mischief breaks description for a term which may extend to two years, or with fine, or withboth.

462. Punishment for same offence when committed by person entrusted with custody. Whoever, being entrusted with any c to commit mischief, breaks open or unfastens that receptacle, shall be punished with imprisonment of either description for a term which

**¹[CHAPTER XVII A]
OF OFFENCES RELATING TO OIL AND GAS ETC**

462A. Definition.— In this chapter, unless there is anything repugnant in the subject or context:

- (a) "distribution" means the activity of transporting petroleum through pipelines and associated facilities. In case of natural gas, distribi exceed three hundred per square inch gauge (psig) or such pressure as the relevant Regulatory Authority may prescribe from time to tiri
- (b) "facility" includes Liquefied Petroleum Gas (LPG) processing facility or compression facility, natural gas or LPG testing facility, na compression station other than compression system installed at Compressed Natural Gas (CNG) Station;
- (c) "gas meter" means an instrument which measures gas delivered to consumer for consumption;
- (d) "gas regulator" means a regulator to control the pressure of gas;
- (e) "installation" means all facilities used in loading, unloading, reloading, transmission and distribution of petroleum, including equipme
- (f) "meter index" means a "counter in" in a gas meter for recording the volume of gas passed through the gas meter at line condition;
- (g) "person" includes any individual or any company, firm or corporation whether incorporated or not, or a public servant or an employe

¹Ins. by Act XX of 2011, s. 2.

(h) "petroleum" means oil, crude oil, refined oil products, natural gas, LPG, Air Mix LPG, LNG and CNG;

(i) "pipeline" means any pipe or any system or arrangement of pipes wholly within Pakistan including offshore area which tran a pipeline in transporting or handling of petroleum;

(j) "tampering" includes interfering or creating hindrance in flow or metering of petroleum by unauthorized entry into metering system o interfering with its original condition;

(k) "transmission" means the activity of transporting natural gas through pipelines and other facilities at a pressure of not less than thre

(l) "transportation" means an activity of transporting oil through pipelines and associated facilities where the pipelines are an integral pa

462B. Tampering with petroleum pipelines, etc. (1) Any person who wilfully does tampering or attempts to do tampering or abet tampering with petroleum pipelines.

(2) Any person who commits or abets in tampering with petroleum pipelines for the purpose of,

(a) theft of petroleum; or

(b) disrupting supply of petroleum,

shall be punished with rigorous imprisonment which may extend to fourteen years but shall not be less than seven years and with fine w

462C. Tampering with auxiliary or distribution pipelines of petroleum.— (1) Any person who wilfully does tampering or transportation pipeline but includes a distribution system, distribution pipeline or any other related system and equipment, as the case r

(2) Any person who commits or abets in tampering with auxiliary or distribution pipeline or petroleum for the purpose of,

(a) theft of petroleum; or

(b) disrupting supply of petroleum,

shall be punished with rigorous imprisonment which may extend to ten years but shall not be less than five years and with fine which ma

462D. Tampering with gas meter by domestic consumer, etc. Any person or individual being the domestic consumer who does ta to commit theft of gas or for the purpose of unauthorized distribution or supply of gas shall be punished with imprisonment for a term w

462E. Tampering with gas meter by Industrial or commercial consumer, etc. Any person or individual being industrial or commercial consumer who does tampering or abets in tampering with any gas meter, regulator, meter in or supply of gas shall be punished with imprisonment which may extend to ten years but shall not be less than five years or fine which m

462F. Damaging or destructing the transmission or transportation lines, etc. Any person who damages or destructs any transmission or transportation lines by an act of subversion by explosive material or in another manner s seven years and with fine which shall not be less than one million rupees.

462G. Definitions. context,

**¹[CHAPTER XVII B
OF OFFENCES RELATING TO ELECTRICITY**

In this Chapter, unless there is anything repugnant in the subject or

- (a) "Court" means the court of sessions designated as Electricity Utilities Court empowered to take cognizance of an offence under this C
(b) "consumer" means a person or his successor in interest who purchases or receives electric power for consumption and not for delive

¹Ins. by Act No. VI of 2016, s.2.

(c) "distribution" means the ownership, operation, management or control of distribution facilities for the movement or delivery or sale property and used solely to move or deliver electric power to the person owning, operating, managing and controlling those facilities or t

(d) "distribution facilities"

means electrical facilities operating at the distribution voltage and used for the movement or delivery of electric power;

(e) "electric meter" means an instrument which measures electricity delivered to the consumer for consumption including transformers, maximum demand indicator or any other measuring apparatus;

(f) "electric supply line" means a wire, conductor or other means used for conveying, transmitting, or distributing energy together with a therewith for the purpose of so conveying, transmitting or distributing such energy;

(g) "electric power" means electrical energy or the capacity for the production of electrical power;

(h) "electric power services" means the generation, transmission or distribution of electric power and all other services incidental thereto

(i) "energy" means electrical energy when generated, transmitted, distributed, supplied or used for any purpose;

(j) "Government" means the Federal Government;

(k) "licence" means a licence issued for generation, transmission or distribution under the Regulation of Generation, Transmission and D

(l) "licence" means a holder of a licence;

(m) "person" includes any individual or any company, firm or cooperation whether incorporated or not, or public servant or an employee

(n) "service line" means any electric supply line through which energy is, or is intended to be, supplied by a licensee,—

(i) to a single consumer either from a distributing main or immediately from the licensee's premises; or

(ii) from a distributing main to a group of consumers on the same premises or on adjoining premises supplied from the same point of th

(o) "tampering" or "tamper" includes interfering or creating hindrance in flow or metering of electric power by unauthorized entry of ac interfering with the electric meter or transmission line or distribution line or interfering with its original condition;

(p) "tariff" means the rates, charges terms and condition for generation of electric power, transmission, interconnection, distribution ser

(q) "transmission" means the ownership, operation, management or control of transmission facilities;

(r) "transmission facilities" means electrical transmission facilities including electrical circuits, transformers and substations operating at

(s) "works" includes electric supplylines and any buildings, machinery or apparatus required to supply energy.

462H. Abstraction or tampering etc. with transmission.— (1) Any person who,—

(a) dishonestly taps, makes or causes to be made any connection with overhead, underground or under water lines or cables, or se equipment, as the case may be, so as to abstract, use or consume electricity without passing through the electric meter is said to cause

(b) willfully tampers or attempts to tamper with service line, electric supplyline or transmission facilities for transmission of electric powe

(2) Any person who causes or abets in causing abstraction or commits or abet in committing tampering with transmission of electric pow

(a) theft of electric power; or

(b) disrupting supply of electric power; or

(c) illegal transmission of electric power services,

shall be punishable with rigorous imprisonment which may extend to three years or with fine which may extend to ten million rupees or v

462I. Abstraction or tampering etc., with distribution or auxiliary. (1) Any person who,

(a) dishonestly taps, makes or causes to be made any connection with overhead, underground or under water lines or cables, or service without passing through the electric meter is said to cause abstraction; or

(b) willfully tampers or attempts to tamper with service line, electric supplyline or distribution facilities for distribution of electric tampering with auxiliary or distribution of electric power.

(2) Any person who causes or abets in causing abstraction or commits or abets in committing tampering with distribution of electric powe

- (a) theft of electric power; or
- (b) disrupting supply of electric power; or
- (c) illegal distribution of electric power services,

shall be punishable with rigorous imprisonment which may extend to three years or with fine which or may extend to three million rupee

462J. Interference, improper use or tampering with electric meter by domestic consumer, etc.

Any person being the domestic consumer who,

- (a) unauthorizedly connects any electric meter with any electric line through which electricity is supplied by a licensee or disconnects the
- (b) unauthorizedly reconnects any electric meter with any electric line or other works being the property of a licensee when the said elec
- (c) tampers with an electric meter, install or uses a tampered electric meter, current reversing transformer, loop connection or any othe otherwise results in a manner whereby electricity is stolen or wasted; or
- (d) uses the energy supplied by a licensee under one method of tariff in a manner for which higher tariff is in force; or
- (e) uses energy supplied by a licensee in a manner prejudicial to the safety or efficient working of the electric supplyline or deals with it
- (f) abets in the commission or any of the acts mentioned in clauses (a) to (e), in order to commit theft of electric power, or dishonestly abstract, consume or use electric power or unauthorized distribution or supply rupees or with both.

462K. Interference, improper use of tampering with electric meter by industrial or commercial, etc.— Any person being indus

- (a) unauthorizedly connects any electric meter with any electric line through which electricity its supplied by a licensee or disconnects th
- (b) unauthorizedly reconnects any electric meter with any electric line or other works being the property of a licensee when the said elec
- (c) tampers with an electric meter, installs or uses a tampered meter, current reversing transformer, loop connection or any other d otherwise results in a manner whereby electricity is stolen or wasted; or
- (d) uses the energy supplied by a licensee under one method of tariff in a manner for which higher tariff is in force; or
- (e) lays, or causes to be laid, or connects up any works for the purpose of communicating with any other works belonging to a licensee v
- (f) uses energy supplied by a licensee in a manner prejudicial to the safety or efficient working of the electric supplyline or deals with it i
- (g) abets in the commission of any of the acts mentioned in clauses (a) to (f),

in order to commit theft of electric power, or dishonestly abstract, consume or use electric power or unauthorized distribution or sup or with both.

462L. Interference, improper use or tempering with electric meter by agricultural consumer, etc. Any person being agricultural consumer who,

- (a) unauthorizedly connects any electric meter with any electric line through which electricity is supplied by a licensee disconnects the se
- (b) unauthorizedly reconnects any electric meter with any electric line or other works being the property of a licensee when the said elec
- (c) tampers with an electric meter, install or uses a tampered meter, current reversing transformer, loop connection or any other d otherwise results in a manner whereby electricity is stolen or wasted; or
- (d) uses the energy supplied by a licensee under one method of tariff in a manner for which higher tariff is in force; or
- (e) lays, or causes to be laid, or connects up any works for the purpose of communicating with any other works belonging to a licensee v
- (f) uses energy supplied by a licensee in a manner prejudicial to the safety or efficient working of the electric supplyline or deals with in
- (g) abets in the commission of any of the act mentioned in clauses (a) to (f), in order to commit theft of electric power, or dishonest extend to two years or with fine which may extend to two and half million rupees or with both.

462M. Damaging or destroying or destructing the transmission lines, distribution lines, electric meter etc. Any perso allows any of them to be so damaged, destroyed or destructed by an act of subversion by explosive material or in any other manner s attempts to cut off or injure any transmission line or distribution line or a service line or electric supply line shall be punished with rigoroi

462N. Recovery of outstanding amounts from persons involved in section 462H to 462M offences. Any person said to commit 462M shall also be liable to pay an amount equivalent to the financial loss caused to the Government or the distribution companies conce

462O. Cognizance. (1) The Court shall try an offence punishable under this Chapter.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 or any other law for the time being in force, the Coi particulars of the offence committed under this Chapter, by duly authorized officer (not below Grade 17) of the Government or the distri

462P. Overriding effect.— The provisions of this Chapter shall have effect notwithstanding anything contained in any other law for the

**CHAPTER XVIII
OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY MARKS**

463. Forgery. Whoever makes any false document or part of a document, with intent to cause damage or injury, to the public or to : intent to commit fraud or that fraud may be committed, commits forgery.

464. Making a false document. A person is said to make a false document

Firstly. Who dishonestly or fraudulently makes, signs, seals or executes a document or part of a document, or makes any mark denoting executed by or by the authority of a person by whom or by whose authority he knows that it was not made, signed, sealed or executed,

Secondly. Who, without lawful authority, dishonestly or fraudulently, by cancellation or otherwise, alters a document in any material part thereof, after it has been made or executed either by himself or by any other person, whether such pers

Thirdly. Who dishonestly or fraudulently causes any person to sign, seal, execute or alter a document, knowin upon him he does not know the contents of the document or the nature of the alteration.

Illustrations

(a) A has a letter of credit upon B for rupees 10,000, written by Z. A, in order to defraud B, adds a cipher to the 10,000 and makes the :

(b) A, without Z's authority, affixes Z's seal to a document purporting to be a conveyance of an estate from Z to A, with the intention of

(c) A picks up a cheque on a banker signed by B, payable to bearer, but without any sum having been inserted in the cheque. A fraudule

(d) A leaves with B, his agent, a cheque on a banker, signed by A, without inserting the sum payable and authorizes B to fill up th by inserting the sum of twenty thousand rupees. B commits forgery.

(e) A draws a bill of exchange on himself in the name of B without B's authority, intending to discount it as a genuine bill wit suppose that he had the security of B, and thereby to discount the bill, A is guilty of forgery.

(f) Z's will contains these words "I direct that all my remaining property be equally divided between A, B and C." A dishonestly scratches

(g) A endorses a Government promissory note and makes it payable to Z or his order by writing on the bill the words "Pay to Z or his or endorsement. B commits forgery.

(h) A sells and conveys an estate to Z. A afterwards, in order to defraud Z of his estate executes a conveyance of the same before he conveyed it to Z. A has committed forgery.

(i) Z dictates his will to A. A intentionally writes down a different legatee from the legatee named by Z, and by representing to Z that he

(j) A writes a letter and signs it with B's name without B's authority, certifying that A is a man of good character and in distress false document in order to induce Z to part with property. A has committed forgery.

(k) A without B's authority writes a letter and signs it in B's name certifying to A's character, intending thereby to obtain employment or implied contract for service.

Explanation 1.

A man's signature of his own name may amount to forgery.

Illustrations

(a) A signs his own name to a bill of exchange, intending that it may be believed that the bill was drawn by another person of the same

(b) A writes the word "accepted" on a piece of paper and signs it with Z's name, in order that B may afterwards write on the pap the fact, draws the bill upon the paper pursuant to A's intention, B is also guilty of forgery.

(c) A picks up a bill of exchange payable to the order of a different person of the same name. A endorses the bill in his own name, inten

(d) A purchases an estate sold under execution of a decree against B. B after the seizure of the estate, in collusion with Z, executes a cause it to be believed that the lease was granted before the seizure. B, though he executes the lease in his own name, commits forgery

(e) A, a trader, in anticipation of insolvency, lodges effects with B for A's benefit, and with intent to defraud his cre received, and antedates the note, intending that it may be believed to have been made before A was on the point of insolvency. A has cc

Explanation 2. The making of a false document in the name of a fictitious person, intending it to be believed that the document was mac amount to forgery.

Illustration

A draws a bill of exchange upon a fictitious person, and fraudulently accepts the bill in the name of such fictitious person with intent to n

465. Punishment for forgery. Whoever commits forgery shall be punished with imprisonment of either description for a term which ma

466. Forgery of record of Court or of public register, etc. Whoever forges a document, purporting to be a record or proceeding of (

purporting to be made by a public servant in his official capacity, or an authority to institute or defend a suit, or to take any proceeding seven years, and shall also be liable to fine.

467. Forgery for valuable security will, etc. Whoever forges a document which purports to be a valuable security or a will, or an autograph or dividends thereon, or to receive or deliver any money, moveable property, or valuable security, or any document purporting to be a valuable security, shall be punished with ¹[imprisonment for life], or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

468. Forgery for purpose of cheating. Whoever commits forgery, intending that the document forged shall be used for the purpose of cheating, shall be punished with ¹[imprisonment for life], or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

469. Forgery for purpose of harming reputation. Whoever commits forgery, intending that the document forged shall harm the reputation of any person, or shall be liable to fine, or with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

470. Forged document. A false document made wholly or in part by forgery is designated "a forged document".

471. Using as genuine a forged document. Whoever fraudulently or dishonestly uses as genuine any document which he knows or has reason to believe is a forged document, shall be punished with ¹[imprisonment for life], or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

472. Making or possessing counterfeit seal, etc., with intent to commit forgery punishable under section 467. Whoever makes or possesses any counterfeit seal, or stamp, or dies, or any other thing, with intent to commit forgery punishable under section 467 of this Code, or, with such intent, has in his possession any such thing, shall be punished with ¹[imprisonment for life], or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

¹Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

473. Making or possessing counterfeit seal, etc., with intent to commit forgery punishable otherwise. Whoever makes or possesses any counterfeit seal, or stamp, or dies, or any other thing, with intent to commit forgery which would be punishable under any section of this chapter other than section 467, or, with such intent, has in his possession any such thing, shall be punished with ¹[imprisonment for life], or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

474. Having possession of document described in section 466 or 467, knowing it to be forged and intending to use it as genuine. Whoever has in his possession any document described in section 466 or 467, knowing it to be forged and intending to use it as genuine, shall, if the document is one of the descriptions mentioned in section 466 of this Code, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; if the document is one of the descriptions mentioned in section 467, shall be punished with ¹[imprisonment for life], or with imprisonment of either description, for a term which may extend to seven years, and shall also be liable to fine.

475. Counterfeiting device or mark used for authenticating documents described in section 467, or possessing counterfeit device or mark used for authenticating documents described in section 467. Whoever counterfeits any device or mark used for authenticating any document described in section 467 of this Code, intending that such device or mark shall be used for the purpose of giving the appearance of genuineness to any such document, or, with such intent, has in his possession any such device or mark, shall be punished with ¹[imprisonment for life], or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

476. Counterfeiting device or mark used for authenticating documents other than those described in section 467, or possessing counterfeit device or mark used for authenticating documents other than those described in section 467. Whoever counterfeits any device or mark used for authenticating any document other than the documents described in section 467 of this Code, intending that such device or mark shall be used for the purpose of giving the appearance of genuineness to any such document, or, with such intent, has in his possession any such device or mark, shall be punished with ¹[imprisonment for life], or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

477. Fraudulent cancellation, destruction, etc., of will, authority to adopt, or valuable security. Whoever fraudulently or dishonestly cancels, destroys, or attempts to cancel or destroy any document which is or purports to be a will, or an authority to adopt a son, or any valuable security, or, with such intent, has in his possession any such document, shall be punished with ¹[imprisonment for life], or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

¹Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

¹[**477A. Falsification of accounts.** Whoever, being a clerk, officer or servant, or employed or acting in the capacity of a clerk, officer or servant, or is in the possession of his employer, or has been received by him for or on behalf of his employer, or wilfully, and with intent to defraud, falsifies any book, paper, writing, valuable security or account, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.]

Explanation. It shall be sufficient in any charge under this section to allege a general intent to defraud without naming any particular person to whom an offence was committed.]

Of Trade, Property and Other Marks

²[³**478. Trade mark.** A mark used for denoting that goods are the manufacture or merchandise of a particular person is called a trade mark. A mark used for denoting that moveable property belongs to a particular person is called a property mark.]

479. Property mark. A mark used for denoting that moveable property belongs to a particular person is called a property mark.

480. Using a false trade mark. Whoever marks any goods or any case, package or other receptacle containing goods, or uses any such mark on any goods contained in any such receptacle so marked, are the manufacture or merchandise of a person whose manufacture or merchandise they are intended to denote, shall be punished with ¹[imprisonment for life], or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

481. Using a false property mark. Whoever marks any moveable property or goods or any case, package or other receptacle containing goods, or uses any such mark on any property or goods contained in any such receptacle so marked, below the value of the property or goods so marked, or any property or goods contained in any such receptacle so marked, below the value of the property or goods so marked, shall be punished with ¹[imprisonment for life], or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

482. Punishment for using a false trademark or property mark. Whoever uses any false trade mark or any false property mark so as to denote the manufacture or merchandise of a person, or the ownership of a person, shall be punished with ¹[imprisonment for life], or with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

483. Counterfeiting a trade mark or property mark used by another. Whoever counterfeits any trade mark or property mark used by another person, shall be punished with ¹[imprisonment for life], or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

¹S. 477A ins. by the Criminal Law Amendment Act, 1895 (3 of 1895), s. 4.

²Ss. 478 to 489 were subs. by the Indian Merchandise Marks Act, 1889 (4 of 1889), s. 3, for the original sections.

³Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and II Sch., for section 478.

484. Counterfeiting a mark used by a public servant. Whoever counterfeits any property mark used by a public servant, or any mark used by a public servant to denote the quality of any property, or any mark used by a public servant to denote the quality of any property, or any mark used by a public servant to denote the quality of any property, or any mark used by a public servant to denote the quality of any property, shall be punished with ¹[imprisonment for life], or with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

485. Making or possession of any instrument for counterfeiting a trade mark or property mark. Whoever makes or has in his or property mark for the purpose of denoting that any goods are the manufacture or merchandise of a person whose manufacture or mark term which may extend to three years, or with fine, or with both.

486. Selling goods marked with a counterfeit trade mark or property mark. Whoever sells, or exposes, or has in possession of the same or to or upon any case, package or other receptacle in which such goods are contained, shall, unless he proves

(a) that, having taken all reasonable precautions against committing an offence against this section, he had at the time of the commission

(b) that, on demand made by or on behalf of the prosecutor, he gave all the information in his power with respect to the persons from whom

(c) that otherwise he had acted innocently,

be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

487. Making a false mark upon any receptacle containing goods. Whoever makes any false mark upon any case, package or other receptacle which contains goods which it does not contain or that it does not contain goods which it does contain, or that the goods contained in such receptacle shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

488. Punishment for making use of any such false mark. Whoever makes use of any such false mark in any manner prohibited by this section shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.

489. Tampering with property mark with intent to cause injury. Whoever removes, destroys, defaces or adds to any property mark which is a term which may extend to one year, or with fine, or with both.]

Of Currency Notes and Bank Notes

¹[**489A. Counterfeiting currency notes or banknotes.** Whoever counterfeits, or knowingly performs any part of the process of counterfeiting, any currency note or banknote which may extend to ten years, and shall also be liable to fine.

Explanation. For the purposes of this section and of sections 489B, 489C and 489D, the expression "banknote" means a promissory note or engagement for the payment of money to bearer on demand issued by any person or institution used as equivalent to, or as a substitute for, money.

489B. Using as genuine forged or counterfeit currency notes or banknotes. Whoever sells to, or buys or receives from, any person the same to be forged or counterfeit, shall be punished with ³[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, or with fine, or with both.]

489C. Possession of forged or counterfeit currency notes or banknotes. Whoever has in his possession any ⁴forged or counterfeit currency note or banknote that it may be used as genuine, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.]

489D. Making or possessing instruments or materials for forging or counterfeiting currency notes or banknotes. Whoever makes or possesses any instrument or material for the purpose of being used, or knowing or having reason to believe that it is intended to be used, for forging or counterfeiting any currency note or banknote, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.]

¹Ss. 489A to 489D ins. by the Currency Notes Forgery Act, 1899 (12 of 1899), s. 2.

²For 'counterfeiting' and 'forging' of currency Notes and Bank Notes, see C.M.L.A. Secretariat Notification No. 57/24 (259) AJAG/CMLA/8;

³Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "transportation for life".

⁴For 'counterfeiting' and 'forging' of currency Notes and Bank Notes, see C.M.L.A. Secretariat Notification No. 57/24 (259) AJAG/CMLA/8;

¹[**489E. Making or using documents resembling currency notes or banknotes.**

(1) Whoever makes,

or causes to be made, or uses for any purpose whatsoever, or delivers to any person, any document purporting to be, or in any way resembling, any currency note or banknote, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both].

(2) If any person, whose name appears on a document the making of which is an offence under subsection (1), refuses, without lawful excuse, to furnish information as to the name of any person who made the document, he shall be punished with ²[imprisonment of either description for a term which may extend to one year, or with fine, or with both].

(3) Where the name of any person appears on any document in respect of which any person is charged with an offence under subsection (1), and it is proved that the document was made by or on behalf of that person, he shall be deemed to have made the document.]

³[**489F. Dishonestly issuing a cheque.**

Whoever dishonestly issues a cheque towards repayment of a loan or fulfillment of an obligation which is dishonoured on presentation, or towards the payment of any bill of exchange, or towards the payment of any other bill, or towards the payment of any other sum of money, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.]

⁴[**489G. Counterfeiting or using documents resembling Prize Bonds or unauthorized sale thereof.** Whoever counterfeits or knowingly uses any document in any manner resembling, the Prize Bond or the Serial Number of Prize Bonds, or sells or promotes the sale of Prize Bonds or any document in any manner resembling, the Prize Bond or the Serial Number of Prize Bonds, shall be punished with imprisonment of either description for a term which may extend to seven years and with fine."]

CHAPTER XIX OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE

490. [Breach of contract of service during voyage or journey.] Rep. by the Workmen's Breach of Contract (Repealing) Act, 1925 (III of 1925)

491. Breach of contract to attend on and supply wants of helpless person. Whoever, being bound by a lawful contract to attend on and supply wants of a person who is incapable of providing for his own safety or of supplying his own wants, voluntarily omits so to do, shall be punished with imprisonment

¹S.489E.ins. by the Indian Penal Code(Amdt.) Act, 1943(6 of 1943), s.2.

²Subs. by the Criminal Law (Amdt.) Act, 1976 (8 of 1976), s.2, for "fine which may extend to one hundred rupees".

³Ins. by Ord 85 of 2002, s.2,

⁴Ins. by Act. 23 of 2012, s.2.

⁵Sub.by ord.86 of 2002,S.2 and schI.

492. [Breach of contract to serve at distant place to which servant is conveyed at master's expense.] Rep. by the Workmen's Breach of Contract Act, 1948 (15 of 1948), s.2.

CHAPTER XX OF OFFENCES RELATING TO MARRIAGE

493. [Cohabitation caused by a man deceitfully inducing a belief of lawful marriage.] Rep. by the Offences of Zina (Enforcement of Hudood) Ordinance, 1979 (VII of 1979), s. 19 (w.e.f the 10th day of February 1980).

¹[**493A. Cohabitation caused by a man deceitfully inducing a belief of lawful marriage.**

Every man who deceitfully causes any woman who is not lawfully married to him to believe that she is lawfully married to him shall be liable to fine.]

494. Marrying again during lifetime of husband or wife. Whoever, having a husband or wife living, marries in any case in which such marriage is prohibited by law shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Exception. This section does not extend to any person whose marriage with such husband or wife has been declared void by a Court of competent jurisdiction, nor to any person who contracts a marriage during the life of a former husband or wife, if such husband or wife, at the time of the subsequent marriage, was not living as being alive within that time provided the person contracting such subsequent marriage shall, before such marriage takes place, inform the other party to the marriage of the existence of the former marriage.

495. Same offence with concealment of former marriage from person with whom subsequent marriage is contracted. Whoever, having a husband or wife living, contracts a marriage with another person, knowing that such other person is already married to another person, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

496. Marriage ceremony fraudulently gone through without lawful marriage. Whoever, dishonestly or with a fraudulent intent goes through a marriage ceremony without lawfully contracting a marriage, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

²[**496A. Enticing or taking away or detaining with criminal intent a woman.**

Whoever takes or entices away any woman with intent that she may have illicit intercourse with any person, or conceals or detains with that intent any woman, shall be punished with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

496B. Fornication. (1) A man, and woman not married to each other are said to commit fornication if they willfully have sexual intercourse.

¹Sub.by ord.86 of 2002,S.2 and schI.

²Ins by Act. VI of 2006,S.6

(2) Whoever commits fornication shall be punished with imprisonment for a term which may extend to five years and shall also be liable to fine.

496C. Punishment for false accusation of fornication. Whoever brings or levels or gives evidence of false charge of fornication against any person, shall be punished with imprisonment for a term which may extend to ten years, and shall also be liable to fine exceeding ten thousand rupees:

Provided that Presiding Officer of a Court dismissing a complaint under section 203C of the Code of Criminal Procedure, 1898 and a Magistrate shall forthwith proceed to pass the sentence.]

497. [Adultery.] Rep. by the Offences of Zina (Enforcement of Hudood) Ordinance, 1979 (VII of 1979), s. 19 (w.e.f the 10th day of February 1980).

498. [Enticing or taking away or detaining with criminal intent a married woman.] Rep. by the Offences of Zina (Enforcement of Hudood) Ordinance, 1979 (VII of 1979), s. 19 (w.e.f the 10th day of February 1980).

¹CHAPTER XXA OF OFFENCES AGAINST WOMEN

498A. Prohibition of depriving women form inheriting property.

whoever by deceitful or illegal means deprives any woman from inheriting any movable or immovable property at the time of opening or with a fine of one million rupees or both.

498B. Prohibition of forced marriage. whoever coerces or in any manner whatsoever compels a woman to enter into marriage s three years and shall also be liable to fine of five hundred thousand rupees.[:]²

²[Provided that in case of a female child as defined in the child as defined in the Child Marriage Restraint Act, 1929 (XIX of 1929), or a r less than five years and shall also be liable to fine which may extend to one million rupees.]

498C. Prohibition of marriage with the Holy Quran. whoever compels or arranges or facilitates the marriage of a woman with th and shall be liable to fine of five hundred thousand rupees.

Explanation. Oath by a woman on Holy Quran to remain unmarried for the rest of her life or, not to claim her share of inheritance shall b

¹Ins. by Act XXVI of 2011 s. 3.

²Sub. Ins by Act IV of 2017, s.2.

CHAPTER XXI OF DEFAMATION

499. Defamation. Whoever by words either spoken or intended to be read, or by signs or by visible representations, makes or publishe such person, is said, except in the cases hereinafter excepted, to defame that person[.]¹

1* * *

Explanation 1. It may amount to defamation to impute anything to a deceased person, if the imputation would harm the reputation of th

Explanation 2. It may amount to defamation to make and imputation concerning a company or an association or collection of persons as

Explanation 3. to defamation.

Explanation 4.

An imputation in the form of an alternative or expressed ironically, may amount No imputation is said to harm a persons' reputation, unlk directly or indirectly, in the estimation of others, lowers the moral or intellectual character of that person, or lowers the character of th loathsome state, or in a state generally considered as disgraceful.

Illustrations

(a) A says "Z is an honest man; he never stole B's watch"; intending to cause it to be believed that Z did steal B's watch. This is defama

(b) A is asked who stole B's watch. A points to Z, intending to cause it to be believed that Z stole B's watch. This is defamation, unless it

(c) A draws a picture of Z running away with B's watch, intending it to be believed that Z stole B's watch. This is defamation, unless it fa

First Exception. Imputation of truth which public good requires to be made or published.

It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be ma

¹Subs. and omitted by Act IV of 1986, s.2.

Second Exception. Public conduct of public servant. It is not defamation to express in good faith any opinion whatever respecting and no further.

Third Exception. Conduct of any person touching any public question. It is not defamation to express in good faith any opinion conduct, and no further.

Illustration

It is not defamation in A to express in good faith any opinion whatever respecting Z's conduct in petitioning Government on a public q invites the public support, in voting or canvassing for a particular candidate for any situation in the efficient discharge of the duties of wh

Fourth Exception. Publications of reports of proceedings of Courts. It is not defamation to publish a substantially true report of th

Explanation. A Justice of the Peace or other officer holding an enquiry in open Court preliminary to a trial in a Court of Justice, is a Court within the meaning of the above section.

Fifth Exception. Merits of case decided in Court or conduct of witnesses and other concerned. It is not defamation to express i conduct of any person as a party, witness or agent, in any such case, or respecting the character of such person, as far as his character

Illustrations

(a) A says "I think Z's evidence on that trial is so contradictory that he must be stupid or dishonest." A is within this exception if he says

(b) But if A says "I do not believe what Z asserted at that trial because I know him to be a man without veracity". A is not within this ex

Sixth Exception. Merits of public performance. It is not defamation to express in good faith any opinion respecting the merits of any

in such performance, and no further.

Explanation. A performance may be submitted to the judgment of the public expressly or by acts on the part of the author which imply s

Illustrations

(a) A person who publishes a book, submits that book to the judgment of the public.

(b) A person who makes a speech in public, submits that speech to the judgment of the public.

(c) An actor or singer who appears on a public stage, submits his acting or singing to the judgment of the public.

(d) A says of a book published by Z "Z's book is foolish: Z must be a weak man. Z's book is indecent; Z must be a man of impure r as it appear in Z's book, and no further.

(e) But if A says "I am not surprised that Z's book is foolish and indecent, for he is a weak man and a libertine." A is not within this exce

Seventh Exception. Censure passed in good faith by person having lawful authority over another. It is not defamation in a p censure on the conduct of that other in matters to which such lawful authority relates.

Illustration

A Judge censuring in good faith the conduct of a witness, or of an officer of the Court; a head of a department censuring in good faith tl from a parent, censuring in good faith a pupil in the presence of other pupils; a master censuring a servant in good faith for remissness i

Eighth Exception. Accusation preferred in good faith to authorized person. It is not defamation to prefer in good preferred in fait

Illustration

If A in good faith accuses Z before a Magistrate; if A in good faith complains of the conduct of Z, a servant, to Z,s master; if a in good fa

Ninth Exception. Imputation made in good faith by person for protection of his or other's

interest. It is not defamation to make an imputation on the character of another, provided that the imputation be made in good faith for the protection of the interest of the person making it, or of any other person, or for the public good

Illustrations

(a) A, a shopkeeper, says to B, who manages his Business "Sells nothing to Z unless he pays you ready money, for I have no opinion of

(b) A, a Magistrate, in making a report to his own superior officer, casts an imputation on the character of Z. Here, if the imputation is r

Tenth Exception. Caution intended for good or person to whom conveyed or for public

good. It is not defamation to convey a caution, in good faith, to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed, or of some person in whom that person is inte

1500. Punishment for defamation. Whoever defames another shall be punished with simple imprisonment for a term which may exte

³[Provided that the originator of the defamatory imputation shall be punished with imprisonment of either description for a term which m

Explanation. "Originator" means the initiator of a defamatory imputation.]

2* * * * *

1501. Printing or engraving matter known to be defamatory. Whoever prints or engraves any matter, knowing or having good rea or with fine, or with both.

502. Sale of printed or engraved substance containing defamatory matter. Whoever sells or offers for sale any printed or engrav extend to two years, or with fine, or with both.

³**502A. Trial of offences under this Chapter.**

Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), the Court of Session shall have the jurisdiction to try an offence under this Chapter and dec

¹In this section for the word "simple" the word "rigorous" has been subs. in its application to the Province of West Pakistan by (W. P. Act

²Subs. and omitted by Act, IV of 1986, s.2

³subs and Ins by Act IX of 04, ss.7,8.

CHAPTER XXII**OF CRIMINAL INTIMIDATION, INSULT AND ANNOYANCE**

503. Criminal intimidation. Whoever threatens another with any injury to his person, reputation or property, or to the person or he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution

Explanation. A threat to injure the reputation of any deceased person in whom the person threatened is interested, is within this section.

Illustration

A, for the purpose of inducing B to desist from prosecuting a civil suit, threatens to burn B's house. A is guilty of criminal intimidation.

504. Intentional insult with intent to provoke breach of the peace. Whoever intentionally insults, and thereby gives provocation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

¹**505. Statement conducing to public mischief.** any statement, rumour or report,
(1) Whoever makes, publishes or circulates

(a) with intent to cause or incite, or which is likely to cause or incite, any officer, soldier, sailor, or airman in the Army, Navy or Air Force

(b) with intent to cause, or which is likely to cause, fear or alarm to the public or to any section of the public whereby any person may be

(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community shall be punished with imprisonment for a term which may extend to seven years and with fine.

(2) Whoever makes, publishes or circulates any statement or report containing rumour or alarming news with intent to create or promote whatsoever, feelings of enmity, hatred or illwill between different religious, racial, language or regional groups or castes or communities,

¹The original s. 505 have successively been amended by the Indian Penal Code (Amdt.) Act, 1898 (4 of 1898), s. 6, the Repealing and Criminal Law (Amdt.) Act, 1973 (6 of 1973), s. 2 (w.e.f. 28th July, 1973), to read as above.

Explanation. It does not amount to an offence within the meaning of this section, when the person making, publishing or circulating any such statement, rumour or report has reasonable grounds for believing that such statement

506. Punishment for criminal intimidation. Whoever commits the offence of criminal intimidation shall be punished with imprisonment

If threat be to cause death or grievous hurt, etc. and if the threat be to cause death or grievous hurt, or to cause the destruction of seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend

507. Criminal intimidation by an anonymous communication. Whoever commits the offence of criminal intimidation by an anonymous communication shall be punished with imprisonment of either description for a term which may extend to two years, in addition to the punishment provided for the offence by this section

508. Act caused by inducing person to believe that he will be rendered an object of the Divine displeasure. Whoever induces any person to do, or he is legally entitled to do, by inducing or attempting to induce that person to believe that he or any person in whom he is interested is an offender to cause him to do, or if he does the thing which it is the object of the offender to cause him to omit shall be punished with imprisonment

Illustration

(a) A sits dhurna at Z's door with the intention of causing it to be believed that, by so sitting, he renders Z an object of Divine displeasure

(b) A threatens Z that, unless Z performs a certain act, A will kill one of A's own children, under such circumstances that the killing would be

²**509. Insulting modesty or causing sexual harassment.**
Whoever,

(i) intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such

¹Subs. by the Law Reforms Ordinance, 1972 (12 of 1972), s. 2 and Sch., for "Transportation".

²Subs. by Act I of 2010, s. 2.

(ii) conduct sexual advances, or demand sexual favors or uses verbal or nonverbal communication or physical conduct of a sexual nature, or such conduct either explicitly or implicitly a term or condition of an individual's employment, or makes submission to or rejection of such conduct a condition of such individual's employment, or such behaviour with the intention of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or

shall be punished with imprisonment which may extend to three years or with fine up to five hundred thousand rupees or with both.

