

[AS PASSED BY THE NATIONAL ASSEMBLY]

A

Bill

further to amend the Code of Criminal Procedure, 1898

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

It is hereby enacted as follows: -

1. **Short title and commencement.**- (1) This Act may be called the Criminal Law (Amendment) Bill, 2018.

(2) It shall come into force at once.

2. **Amendment of section 173, Act V of 1898.**- In the Code of Criminal Procedure, 1898 (Act V of 1898), in section 173.-

(i) in sub-section (1), for clause (a), the following shall be substituted, namely:

“(a) forward to a Judicial Magistrate empowered to take cognizance a report in the form prescribed by the Provincial Government, setting forth the names of the parties, nature of the information, names of the persons who appear to be acquainted with the circumstances of the case, along with the statements of all witnesses recorded under section 161 and 164, all the documents where upon the prosecution intends to rely and articles of recovery if any, and stating whether the accused, if arrested, has been forwarded in custody or has been released on his bond, if so, whether with or without sureties, and”; and

(ii) for sub-section (4) the following shall be substituted, namely: -

“(4) A certified copy of any report, all such statements recorded under section 161 and 164 and all the documents forwarded under this section, shall on application be furnished to the accused within seven days from the date of such application:

Provided that if any part of a statement recorded under section 161 or section 164 is such that its disclosure to the accused would be inexpedient in the public interest and the court holds as such then such part of the statement shall be excluded from the copy of the statement furnished to the accused.”.

STATEMENT OF OBJECTS AND REASONS

After eighteen amendment in the Constitution of the Islamic Republic of Pakistan, 1973 as per Article 10-A fair trial is a fundamental right of the accused which cannot be achieved unless copies of material or evidence which the prosecution intends to produce during trial in court against the accused are not provided at the earliest opportunity and further to put check on fabrication of documents and foisting recovery upon the accused the proposed amendments are indispensable.

The Bill is designed to achieve the aforesaid objectives.

Sd/

**S.A Iqbal Quadri
Member National Assembly**