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JAMMU AND KASHMIR

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AZAD GOVT. OF THE STATE OF JAMMU AND KASHMIR
Law, Justice, Parliamentary Affairs and Human Rights Department

“Muzaffarabad”
Dated: 07-04-2014.

No. LD/Legis-Act/289-300/2014. The following Act of Assembly received the assent of the President on the 1st day of April, 2014, is hereby published for general information.

[Act XVI of 2014]

**An
Act**

further to amend the Azad Penal Code, 1860 and the Code of Criminal Procedure, 1898

Whereas it is expedient further to amend the Azad Penal Code, 1860 (Act XLV of 1860) and the Code of Criminal Procedure, 1898 (Act V of 1898) for the purposes here-in-after appearing;

It is hereby enacted as follows:-

- 1. Short title and Commencement.**- (1) This Act may be called the Criminal Law (Amendment) Act, 2014.

(2) It shall come into force at once and shall be deemed to have taken effect from 05.03.2014.
- 2. Amendment of Azad Penal Code 1860 (Act XLV of 1860).**- In Azad Penal Code 1860 (Act XLV of 1860), hereinafter referred to as the Penal Code, following amendments shall be made:-

(i) **Amendment of Section 332, Act XLV of 1860.-** In the Penal Code, in Section 332, in sub-section (1),-

- (i) between the word “disables” and word “or”, the commas and words, “, disfigures, defaces” shall be inserted; and
- (ii) following explanation shall be added at the end, namely:-

“Explanation: Disfigure means disfigurement of face or disfigurement or dismemberment of any organ or any part of the organ of the human body which impairs or injures or corrodes or deforms symmetry or appearance of a person.”

(ii) **Insertion of new Sections 336-A and 336-B, Act XLV of 1860.-** In the Penal Code, after Section 336, the following new Sections shall be inserted, namely:-

“336-A. Hurt caused by Corrosive Substance.- Whoever with the intention or knowingly causes or attempts to cause hurt by means of a corrosive substance or any substance which is deleterious to human body when it is swallowed, inhaled, comes into contact or received into human body or otherwise shall be said to cause hurt by corrosive substances.

Explanation: In this sub-section, unless the context otherwise requires, “corrosive substance” means a substance which may destroy, cause hurt, deface or dismember any organ of the human body and includes every kind of acid, poison, explosive or explosive substance, heating substance, noxious thing, arsenic or any other chemical which has a corroding effect and which is deleterious to human body.

336-B. Punishment for Hurt by Corrosive Substance.- Whoever causes hurt by corrosive substance shall be punished with imprisonment for life or imprisonment of either description which shall not

be less than fourteen years and a minimum fine of one million rupees.”

3. Amendment of Code of Criminal Procedure 1898 (Act V of 1898).-

In the Code of Criminal Procedure 1898 (Act V of 1898), hereinafter referred to as the said Code, following amendments shall be made:-

- (i) **Insertion of Section 14-A, Act V of 1898.**- In the said Code, after Section 14, a new Section 14-A shall be inserted, namely:-

“14-A Appointment of Special Magistrate.-

(1) Notwithstanding anything contained in this Code or any other law for the time being in force or any judgment of any court including superior courts, the Government may appoint Special Magistrates with the powers of a Magistrate First Class exclusively for the trial of offences relating to price control under any law for the time being in force.

(2) The Government or any officer authorized by the Government in this behalf, may, from time to time, define local areas within which, such Magistrates may exercise all or any of the powers with which they may respectively be invested under any law relating to price control.”

- (ii) **Amendment of Section 22-A, Act V of 1898.**- In the said Code, in Section 22-A, after sub-section (5), the following new sub-section shall be added:-

“(6) An ex-officio Justice of the Peace may issue appropriate directions to the police authorities concerned on a complaint regarding,-

- (i) non-registration of a criminal case;
- (ii) transfer of investigation from one police officer to another; and
- (iii) neglect, failure or excess committed by a police authority in relation to its functions and duties.”

- (iii) **Amendment of Section 426, Act V of 1898.**- In the said Code, in Section 426, after sub-section (1), the following new sub-section (1-A) shall be inserted:-

“1-A) An Appellate Court shall, except where it is of the opinion that the delay in the decision of appeal has been occasioned by an act or omission of the appellant or any other person acting on his behalf, order a convicted person to be released on bail who has been sentenced to,-

- (a) imprisonment for a period not exceeding three years and whose appeal has not been decided within a period of six months of his conviction;

- (b) imprisonment for a period exceeding three years but not exceeding seven years and whose appeal has not been decided within a period of one year of his conviction; or
- (c) imprisonment for life or imprisonment exceeding seven years and whose appeal has not been decided within a period of two years of his conviction:

Provided that the provisions of the foregoing paragraphs shall not apply to a previously convicted offender for an offence punishable with death or imprisonment for life or to a person who, in the opinion of the Appellate Court, is a hardened, desperate or dangerous criminal or is accused of an act of terrorism punishable with death or imprisonment for life.”

(iv) **Amendment of Section 497, Act V of 1898.**- In the said Code, in Section 497, in sub-section (1),-

- (i) in the first proviso, after the word “years” the words “or any woman” shall be inserted;
- (ii) the second, third and fourth provisos shall be omitted; and
- (iii) in the fifth proviso, for the full stop at the end a colon shall be substituted and thereafter, the following provisos shall be added:

“Provided further that the Court shall, except when it is of the opinion that the delay in the trial of the accused has been occasioned by an act or omission of the accused or any other person acting on his behalf, direct that any person shall be released on bail,-

- (a) who, being accused of any offence not punishable with death, has been detained for such offence for a continuous period exceeding one year or in case of a woman exceeding six months and whose trial for such offence has not concluded; or
- (b) who, being accused of an offence punishable with death, has been detained for such offence for a continuous period exceeding two years and in case of a woman exceeding one year and whose trial for such offence has not concluded:

Provided further that the provisions of the foregoing proviso shall not apply to a previously convicted offender for an offence punishable with death or imprisonment for life or to a person who, in the

opinion of the Court, is a hardened, desperate, dangerous criminal or is accused of an act of terrorism punishable with death or imprisonment for life.”

(v) **Amendment of Schedule II, Act V of 1898.-** In the said Code, in schedule-II,-

(a) after Section 336 in column (1) and the corresponding entries relating thereto in columns (2) to (8), the following shall be added, namely:-

“1	2	3	4	5	6	7	8
336-B	Hurt caused by corrosive substance	Ditto	Ditto	Ditto	Not Compoundable	Life imprisonment or imprisonment of either description for not less than 14 years and a minimum fine of one million rupees.	District Criminal Court.”

(b) in Section 337-A in column (1), in the entries corresponding to clause (i) in column (2),-

(i) in column (6), for the ditto mark the words “Not Compoundable” shall be substituted by the word “Compoundable”;

(ii) in column (8), for the ditto mark the words “District Criminal Court” shall be substituted by the words “Tehsil Criminal Court”.

4. **Savings.-** Notwithstanding any judgment of Supreme Court or High Court, all actions taken, decisions made, orders passed, proceedings initiated, powers exercised, powers conferred etc. which have been visualized by this Act, shall be deemed to have been validly taken, made, passed, issued, initiated, exercised and conferred under this Act.

Sd/-(Ch. Muhammad Nawaz)
Section Officer Law

No.3900-4000/P&S/2014

Dated 24-04-2014

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