

**AZAD GOVERNMENT OF THE STATE OF JAMMU AND KASHMIR
LAW JUSTICE PARLIAMENTARY AFFAIRS AND HUMAN RIGHTS
DEPARTMENT MUZAFFARABAD**

Dated: 22nd December, 2011

No. LD/Legis/1056-66/ 2011. The following Act of Assembly received the assent of the President on 18th day of December, 2011, is hereby published for general information.

(ACT VIII OF 2011)

**An
Act**

further to amend the Azad Penal Code 1860.

WHEREAS, it is expedient further to amend the Azad Penal Code 1860. (Act XLV of 1860), for the purposes hereinafter appearing;

It is hereby enacted as follows:-

1. **Short title and Commencement.**-(1) This Act may be called the Azad Penal Code, (Amendment) Act, 2011.

(2) It shall come into force at once and shall be deemed to have taken effect from 07.08.2011.

2. **Substitution of Section 489-E, Act XLV of 1860.**- In the Azad Penal Code, 1860 (Act XLV of 1860), as adapted in Azad Jammu and Kashmir, hereinafter referred to as the said Code, the Section 489-E shall be substituted as under:-

“489-E. Making or using documents resembling currency-notes or bank-notes.- (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, or so nearly resembling as to be calculated to deceive, any currency-note or bank-note 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 disclose to a public-officer on being so required the name and address of the person by whom it was printed or otherwise made, he shall be punished with 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 sub-section (1) or on any other document used or distributed in connection with that document it may, until the contrary is proved, be presumed that person caused the document to be made.”

3. **Addition of Section 489-F, Act XLV of 1860.**- In the said Code, after Section 489-E, the following new Section 489-F shall be added, namely:-

“**489-F. Dishonestly issuing a cheque.**-Whoever dishonestly issues a cheque towards re-payment of a loan or fulfillment of an obligation which is dishonoured on presentation, shall be punishable with imprisonment which may extend to three years, or with fine, or with both, unless he can establish, for which the burden of proof shall rest on him, that he had made arrangements with his bank to ensure that the cheque would be honoured and that the bank was at fault in not honouring the cheque.”

4. **Saving.**- All cases already registered, actions taken, decisions made, orders passed , proceedings initiated etc., under the above section shall be deemed to have been validly registered, taken, made, passed, initiated under this Act.
5. **Repeal.**-The Azad Penal Code (Amendment) Ordinance, 2011 (Ordinance XL of 2011) is hereby repealed.

Sd/-
(Sardar Rashid Kaleem)
Section Officer Law